



Simple Cautions Policy

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Status:	Published	Issue date:	14/04/2020	



1 Simple Cautions

- 1.1 Failure to comply with the requirements of Fire Safety Legislation results in criminal offences, punishable by summary conviction or conviction on indictment; However the Home Office has issued a revised circular no. 016/2008¹ regarding **Simple Cautioning of Adult Offenders**.
- 1.2 The circular was primarily intended for use by Chief Constables of Police as a means whereby offenders could in some instances be kept out of the court system, and in many circumstances reducing the risk of re-offending.

Simple Cautions may be used as a method of disposal in certain cases whenever it is considered appropriate to do so for alleged offences committed under fire safety legislation.

2 Background

- 2.1 A Simple Caution, (previously known as a **formal caution** referred to in Home Office Circular 30/2005) was renamed to distinguish it from a conditional caution. It is a non-statutory disposal for adult offenders. It may be used for disposing of offences when specified² public interest and eligibility criteria are met.
- 2.2 Simple Cautions are entirely distinct from the caution given under the Police and Criminal Evidence Act 1984 (PACE).
- 2.3 The current Home Office Circular 016/2008 (The Circular) refers to two types of Caution: the Simple Caution, and the Conditional Caution, which FRSs are not authorised to give. A Conditional Caution carries conditions that the offender must comply with.
- 2.4 The Circular is the latest guidance for police and prosecutors and is not totally appropriate for other enforcing agencies. The following guidance is based on the principles of The Circular and the Code for Crown Prosecutors and will be subject to the Department for Communities and Local Government (CLG)/ Home Office approval.

¹ Home Office Circular 016/2008 'Simple Cautioning-Adult Offenders'

² The Code: The Code for Crown Prosecutors (2010)



- 2.5 This document provides guidance to FRAs on the use of the Simple Caution and in particular reminds practitioners that Simple Cautions should generally be used as a method of disposal for offences other than the most serious cases. In determining and implementing a Simple Caution as a means of disposing of offences under the Order, it encourages greater consistency between FRAs in the determination and use of the Simple Caution in line with Better Regulation principles³ by providing a clear outline of the practical process. It emphasises the importance of accurate recording of Simple Cautions, because of the possible impact on the individual offender, to help maintain public confidence and for data collection purposes. A standard Simple Caution pro-forma is provided for operational use.

3 Aim

3.1 The aim of a Simple Caution should be to:

- deal quickly with offenders as a method of disposal where the offender has admitted the offence;
- divert offenders where appropriate from appearing in the criminal courts reducing the burden on court time;
- record an individual's criminal conduct for possible reference in future criminal proceedings; and
- reduce the likelihood of re-offending.

It must be understood that the decision to use a Simple Caution is made **after** all relevant enquiries and investigations have been conducted to determine whether there is a case to answer and that a realistic chance of conviction exists.

It is not to be used as a method of disposal **before** any investigation has been conducted, or to facilitate a lessening of investigation activity.

It must be remembered that a failure to obtain the required admission of guilt will mean that a caution cannot be used and action will require formal court proceedings to commence.

³ Better Regulation principles <http://news.bis.gov.uk/content/Detail.aspx?ReleaseID=423993&NewsAreaID=2>



4 Use of a Simple Caution as a method of disposal

4.1 The following criteria must be met for a Simple Caution to be considered:

- There is a realistic prospect of conviction if the accused were to be prosecuted in line with the principles set out in the Code for Crown Prosecutors⁴ (The Code), Under "The Full Code Test" (A clear, reliable admission of the offence, corroborated by some other material and significant evidential fact will be sufficient evidence to provide a realistic prospect of conviction).
- The accused has made a clear and reliable admission to all elements of the offence either verbally or in writing. An admission which may be qualified - where, for example, an offender commits an offence and cannot remember the full circumstances for whatever reason, but evidence of involvement is agreed either through supporting witness evidence or other evidence (such as CCTV) - may be considered a full and frank admission if all evidence is accepted by the offender.
- The accused must agree to accept the Caution.
- It is in the public interest and the interest of justice to use a Simple Caution as the means of disposal. This is in addition to the second stage of the "Full Code Test" (whether it is in the public interest to consider prosecution).
- The Simple Caution must be appropriate for the offence and the accused.

If all of the above requirements are met, the offence may be suitable for disposal by Simple Caution.

5 Decision to issue a Simple Caution

- 5.1 When deciding whether to issue a Simple Caution consideration should be given to the gravity of the offence and the circumstances of the case. (See Appendix A)
- 5.2 There are a range of strategic factors that may impact on the final decision to dispose of a case with a Simple Caution or to proceed to a prosecution. It will be for the case

⁴ The Code: The Code for Crown Prosecutors (2010)



manager and the inspecting officer(s) to ensure that the broader socio-political impact of the final decision is taken into account.

Notwithstanding the evidential test, a factor to be considered will be the public interest test which should have been considered at the outset of the investigation and at salient points throughout. A further factor to be considered should be whether the final decision would satisfy the interests of justice. (See Appendix B)

6 Circumstances where a Simple Caution cannot be considered

6.1 A Simple Caution will not be appropriate:

- Where a person has not made a clear and reliable admission of the offence or has otherwise raised a defence. This includes occasions where intent is denied, or where a statutory defence is offered.
- There are doubts about their mental health or intellectual capacity.
- Where the accused refuses to accept it.
- Incidents result in death; serious injury; multiple injuries; or rescues.
- The accused has any other cautions for similar offences. Local and national records must be checked. If there are such previous cautions, then a Simple Caution should not normally be considered, unless a two year⁵ period has passed with no further convictions or cautions, or unless the offence is trivial or unrelated.
- Incidents which have resulted in a significant loss (consider financial, environmental, heritage or community/national interest).
- The Code⁶ tests cannot be met.

⁵ Home Office Circular 016/2008 'Simple Cautioning-Adult Offenders' Para 23

⁶ The Code: The Code for Crown Prosecutors (2010) pages 7-15



7 Recording the admission of the offence

- 7.1 An admission of guilt is required before a person can be invited to accept a Simple Caution; an admission must not be sought as part of the cautioning process. The method for obtaining and recording the admission must be PACE compliant.
- 7.2 The circumstances under which the admission to the offence is obtained will determine the recording options. The following options are considered suitable under PACE:
- A letter inviting the offender to admit responsibility for the offence(s) by way of a signed declaration. (See Appendix C and D)
 - An admission made in response to questions asked in a formal interview which is conducted and recorded in accordance with the relevant provisions of the PACE Codes.
 - An unsolicited admission made without any inducement or invitation to comment at any time outside the context of an interview. A written record must be made and the suspect invited to sign the record to confirm its accuracy.
 - If a formal interview takes place after an unsolicited admission, the significant statement (admission) must be put to the suspect at the start of the interview and the suspect asked to confirm or deny their statements.
 - A formal written statement under caution made and recorded in accordance with PACE.

On receipt of a signed declaration, or admittance of guilt in accordance with the above, then a letter including caution (Appendix E) shall be completed and issued to the person.

Details should then be entered onto the Chief Fire Officers Association (CFOA) national database.



8 Other considerations

- 8.1 A Simple Caution will not be a form of sentence and it cannot be seen as a criminal offence. It may not be made conditional upon the satisfactory completion of specific works.
- 8.2 A caution will be kept on file for two years⁷ and if the recipient of the caution is convicted for a further offence, under Article 32 of the Fire Safety Order, in that period, it will be introduced to the court.

9 Recording the caution

- 9.1 The accurate recording of all Simple Cautions is essential in order to:
- ensure that the records of individual offenders are correct;
 - avoid multiple cautioning; and
 - ensure consistency.
- 9.2 Simple Cautions must be recorded on the CFOA national database as well as on local information systems. The offence(s) for which the Simple Caution was administered must be recorded. It should be noted that this may be different to the offence(s) originally reported or for which the offender was originally accused.
- 9.3 Both national and any locally held records must be checked before a Simple Caution is given to avoid inappropriate use of this out-of-court disposal.
- 9.4 If a person has a previous conviction, the current offence may still be considered for a Simple Caution as long as the current offence is not related to the offences for which the previous conviction was received. The decision to proceed with a Simple Caution in these circumstances remains at the discretion of a nominated officer, but there should have been a significant time lapse between the original conviction and any new offence before a Simple Caution will be appropriate.

⁷ Home Office Circular 016/2008 'Simple Cautioning – Adult Offenders'



10 Data Protection

Any personal information that is processed for the Simple Cautions process as per this Policy will be in accordance with current Data Protection Legislation. How the legislation will apply to Avon Fire Authority / Avon Fire & Rescue Service is set out within the Service's related Data Protection Policies, and there is information on the [Avon Fire & Rescue Service external website](#) for members of the public, which also sets out an individual's data rights.

The lawful basis for the Authority to process personal information for the purpose of administering and issuing a Simple Caution is for the Authority to meet its statutory obligation under the Regulatory Reform Fire Safety Order 2005 and to perform its function of a Fire & Rescue Service.

Any personal information supplied for the purpose of administering the Simple Cautions process will only be used for this purpose unless other legislation dictates or further processing is necessary for the performance of a task carried out in the public interest or for Avon Fire Authority to exercise its official duty as a public function.

Personal information in relation to this process is recorded within the Authority's Community Fire Risk Management System, which is subject to the organisation's information security controls. Simple Cautions information will be shared with the following (but is not limited to) : members of the Technical Fire Safety department, Police (in the event that information is required for criminal checks), local authorities and legal representatives

In the event of any investigation of fraud or other criminal activity, the Authority has a duty to disclose personal data to the relevant authorities and/or external providers (such as legal representatives) appointed by the Authority.

Any personal data held for the purpose of Simple Cautions will be retained by the Authority for 6 years in line with the Authorised Professional Practice (APP) management of police information guidelines and Criminal Procedure & Investigations Act (CPIA).

Any processing of personal data will be subject to existing Authority / AF&RS data security controls as set out within the [AF&RS Information Security Policy and Data Protection Policy on the AF&RS website](#).

The Station Manager for technical fire Safety is responsible for this Policy and the Simple Cautions process.

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11 Appendix A - Decision Matrices

When a case has been compiled and set against the code tests it will be necessary to decide on whether to proceed directly to prosecution or to administer a Simple Caution.

Review the consequences of contraventions of the Order relevant to (a) harm to persons; (b) potential harm to persons; and (c) impact on the ability of the FRS to enforce. The consequences of the most significant contravention(s) should be considered. The table can also be used to assist consideration (for contraventions of Article 8 to 22 and 38) whether contraventions should be included in summonses/bill of indictments.

The offences should be collated and the specific severity level be determined from Table 1 taking the most serious offence as an example (with the highest numerical factor)

Table 1 Decision Matrix

Confirmation of decision to issue simple caution Yes or No See table 2	Circumstances of the case level 1	Circumstances of the case level 2	Circumstances of the case level 3	Circumstances of the case level 4	Circumstances of the case level 5
Severity level 3	Consider caution/ Prosecution	Prosecute	Prosecute	Prosecute	Prosecute
Severity level 2	Consider caution	Consider caution/ Prosecution	Prosecute	Prosecute	Prosecute
Severity level 1	Consider caution	Consider caution	Consider caution/ Prosecution	Consider caution/ Prosecution	Prosecute

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Circumstances of the case Level 5

Very significant consequences arose directly from the contravention (or would have arisen if action had not been taken by the FRS – for example installation of single point detectors to avoid Article.31) or the contravention challenges the FRS as enforcing authority.

Examples include:

- Death.
- Serious injury.
- Multiple injuries.
- Rescue by fire and rescue service or members of the public (not 'led to safety').
- Service of Article 31 (not including prospective notice for example to ban a rave).
- Failure to comply with a prohibition notice.
- Failure to comply with risk critical significant elements of an enforcement notice.
- Previous formal enforcement action has been taken against the same responsible person (or other person covered by Article 5(3) for the same or very similar issues.
- Refusal to allow entry or provide information, where this appears to have been in an attempt to avoid detection of significant risks.
- Failure to comply with an alterations notice where the works have resulted in an increased risk and it appears the failure to comply was a deliberate act (for example to avoid FRS interference or reduce costs).

Circumstances of the case Level 4

Significant levels of risk arose from the contraventions (or would have if action had not been taken by the FRS) or the contravention if widely known would reduce the future effectiveness of the ability to enforce. Examples include:

- In case of fire it is clear that that one or more relevant persons would have been at risk of significant injury or required rescue as a result of the contraventions.

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- Failure to comply with significant requirements of an enforcement notice.
- Failure to comply with an enforcement notice due to unreasonable excuse (lost it; asked someone else to do it; was on holiday) and this allowed real risk to continue beyond a reasonable time.
- There was a reasonably foreseeable risk of death or serious injury but this had not (as yet) happened and could not be determined as 'imminent' (for example A.31 action not taken for reasons other than FRS intervention).
- Contravention(s) (and so risk of death or serious injury to relevant persons) arises from the actions of a 'professional' and charges against that professional are being considered (for example fire alarm engineer/installation company, builder, maintenance company).
- Refusal to allow entry or provide information where this appears to have been in an attempt to avoid detection of contraventions of the fire safety order.
- Failure to comply with an alterations notice where the result of the works carried out has significantly increased the risk and or negated risk critical general fire precautions or the engineered solution.

Circumstances of the case Level 3

Foreseeable risk of injury arose from the contraventions or the contravention if known in that business sector or locality may result in challenge to the ability of the FRS to enforce. Examples include:

- There was a reasonably foreseeable risk of death or serious injury but this had not (as yet) happened and could not be determined as 'imminent'.
- Failure to comply with an enforcement notice due to unreasonable excuse (lost it; asked someone else to do it; was on holiday. i.e. the responsible person was seriously misguided in their actions and did not pay due regard to the seriousness of the situation).
- Refusal to allow entry or provide information with unreasonable excuses (for example 'I'm too busy' or the door supervisor is simply being a 'jobs-worth') and the offender has been formally warned of the possible consequences.
- Failure to comply with an alterations notice which resulted in an increased risk to relevant persons when the works had been completed and some enforcement action is required to reduce the risk.

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Circumstances of the case Level 2

Possibility of risk of injury arose from the contraventions but the likelihood of actual harm is low. Examples include:

- Failure to comply with non-risk critical elements of an enforcement notice within the timescale set.
- Failure to comply with non-risk critical elements of an enforcement notice within the time scales set.
- Failure to comply with non-risk critical elements due to poor advice from a third party (for example from a nominated competent person (noting that consideration may be given to action against that third party)).
- The contraventions would require something unusual to happen or people to act in an unexpected way in order for harm to actually arise.
- Failure to comply with an alterations notice where the processes to achieve the alterations made resulted in temporary increase in risk that could readily have been avoided.

Circumstances of the case Level 1

The Fire Safety Order was contravened but the result of the contravention was unlikely to result in actual harm or was otherwise justifiable. Examples include:

- Failures to maintain 'unnecessary' general fire precautions (for example hose reels that staff have been instructed not to use; wrong emergency exit signage in place over the normal entrance to the premises; fire doors that were in place due to a different premises use and would not be needed for the current use).
- The results of adequate fire risk assessment are clear but the significant findings have not been recorded.
- Adequate fire safety management is in place but the arrangements have not been (or not adequately been) recorded.
- Failure to comply with an alterations notice where the works/alterations notice could have resulted in increased risk but the actual increase was minimal (for example the FRS should have been (but was not) notified of changes being

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made but the responsible person had in fact adequately risk assessed the alterations and the process to achieve them).

- The contravention occurred through a genuine attempt to comply with other legislation (for example health and safety).

Severity Level

The severity of the offences should be considered as part of a professional discussion with the Authority's legal advisors (if necessary). As a guide the following should be used as a basis for the discussions.

Severity Level Three

- Single or multiple failures of the Fire Safety Order Articles that are identified as 'risk critical' by CFOA audit process and places one or more persons at risk of death or serious injury.
- Failure to comply with a relevant Notice, where that failure places one or more persons at risk of death or serious injury.
- Failure to comply with Article 23 where that failure places one or more persons at risk of death or serious injury.

Severity Level Two

- Single or multiple failures of the Fire Safety Order Articles that are identified as 'risk critical' by the CFOA audit process.
- Multiple failures of the Fire Safety Order Articles that are not identified as 'risk critical' by the CFOA audit process, but in combination places one or more persons at risk of death or serious injury.
- Failure to comply with an enforcement notice, where that failure would lead to relevant persons being placed at risk of death or serious injury.

Severity Level One

- Offences covered by Article 32 (2) (b) – (g) inclusive.
- Failure to comply with a relevant Notice where the consequences are unlikely to result in a risk to relevant persons.

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It is intended that the decision matrix may be used against single or multiple offences of the Fire Safety Order and it will be the professional judgment to determine the extent of its application.

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12 Appendix B - Strategic Factors

The strategic factors to be applied are established in Table 2. The proposal to dispose of the case with a Simple Caution is tested against the strategic factors. The use of the table will lead to a confirmation that the issue of a caution is either appropriate or a prosecution via the courts system is warranted. There is no ranking or importance implied in the progression through the factors however the final question must be, does the proposed action meet the principles and expectations of the fire and rescue authority in meeting its statutory duty to enforce the order.

It should be borne in mind that application of the strategic factors should assist investigators to qualify the decision and not simply determine it.

Public interest. There are ever increasing and competing demands on the finite resources of a fire authority and a balance has to be achieved based on risk, potential outcomes and public expectations. The decision matrix will help officers to determine risk using both circumstances of the case and severity levels. The public interest test also assists investigators to ensure that the proposed action will bring a net benefit to the wider community in terms of reducing risk and in the costs of pursuing a particular course of action. This test can be a difficult issue to assess. In so doing investigators must ask themselves “what would a reasonable person expect from the FRA in the circumstances”. Certain issues may have a significant bearing on public expectation, for example fatal fires involving vulnerable groups. While public expectation should be carefully considered, it should not determine the action taken as members of the public will not have all the facts of the case, nor the training, experience and organisational support that investigators can draw upon when making a decision on the case.

Interests of justice. When investigators are considering whether the final decision is in the interests of justice, it should be remembered this term is not precisely defined however it should be understood that arriving at justice is not to be seen as an obstacle but should be a pre-condition to arriving at a meaningful decision and settlement of the case at hand. It must be stressed that it is an important factor to be considered so that those investigators involved in the case can clearly demonstrate that justice is being administered in an orderly way. This test can also be a difficult issue to assess and it may also overlap with matters under consideration for the public interest. Investigators should consider the gravity of the crime, the role played by the accused, and their attitude throughout the investigation, the impact or potential impact on any victims whether realised or not and the circumstances of the Responsible Person.

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Table 2 Confirmation of decision to issue a Simple Caution

Are vulnerable groups protected?		
Y	Will the issue of a Simple Caution be a sufficient sanction to control the risk to any vulnerable groups who may be affected by this decision?	N
What is the long term impact of issuing a Simple Caution?		
Y	Will the issue of a Simple Caution be sufficient to achieve sustained compliance in the affected premises?	N
Y	Will the issue of a Simple Caution lead to problems arising on subsequent visits?	N
What is the effect on other responsible persons?		
Y	If a caution is issued will it still broadcast a message that supports and confirms the perception of the enforcement policy of the Fire Authority and the wider appreciation and expectations of fire safety standards within the community?	N
What is the functional impact of the issue of a Simple Caution?		
Y	Risk in the premises is the over-riding concern. There are already situations where the issue of a caution would not be appropriate however if the strict application of the law and a prosecution would lead to wider issues such as business closure and subsequent job losses then a simple caution may be an appropriate sanction. It is for the case manager and inspecting officer(s) involved making a judgment on the balance of benefits to employees, relevant persons and the wider community if a caution were to be issued or if a prosecution were to be taken. Is a caution therefore appropriate?	N
Does the issue of a Simple Caution coincide with the public interest?		
Y	Will the issue of a caution result in a net benefit to the wider community in terms of addressing risk, encouraging compliance in similar premises and meeting public expectations of the Fire Authority?	N
Would it be in the interests of justice to proceed with a Simple Caution?		
Y	Will it be appropriate in the case at hand to dispose of the offence with a Simple Caution? This will keep the matter out of court, reducing the burden on the courts system or is it deemed necessary to seek justice via the courts system. It is for the case manager and the inspecting officer(s) to make a judgment on the seriousness of the risk presented at the time of the offence(s) being committed. In arriving at a decision officers may also wish to take into account	N

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	previous history relating to the responsible persons, the numbers of persons placed at risk and the attitude of the responsible persons.	
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Predominantly left sided answers should confirm that the issue of a Simple Caution is an appropriate sanction.

It should be remembered that the application of the strategic factors confirms the decision. It should not determine it.

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13 Appendix C (Letter 1)

Letter where guilt is already admitted in the course of investigation

Our Reference: PRO4/RB/hd/00012345/321654

Date

<<Provide name>>

<Address automatically from CFRMIS file>

10 Pretend Road

Temple Back

Bristol

BS1 6EU

Dear Sir/madam,

The Regulatory Reform (Fire Safety) Order 2005

<Address automatically from CFRMIS file>, Example Premises for Guidance Note, 10 Pretend Road, Temple Back, Bristol, BS1 6EU (“The Premises ”)

I refer to the evidence showing contraventions of The Regulatory Reform (Fire Safety) Order 2005 at The Premises on <<Provide date>> which you have indicated that << insert company name or ‘you’>> accept. The Avon Fire and Rescue Authority have carefully considered the circumstances of this case, and are proposing on this occasion to issue a Simple Caution in respect of matters in the attached list of contraventions found. It is a legal requirement that the Simple Caution once issued is accepted by << insert company name or ‘you’>>.

If << insert company name or ‘you’>> are in agreement with the proposed course of action and intend to accept a Simple Caution, please sign and complete the attached declaration form on behalf of << insert ‘the company’ or ‘yourself’>>. The form should then be returned to me, using the pre-addressed envelope provided, no later than 14 days from the receipt of this letter. Once the declaration form has been received we will then be in a position to proceed with the Simple caution.

I must advise you that should << insert company name or ‘you’>> agree to accept the proposed caution; a record will be kept which may subsequently influence a decision to institute proceedings should << insert company name or ‘you’>> be found to be infringing

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the law in the future. The proposed caution may also be cited should the company subsequently be found guilty of an offence by a Court of Law.

As a publicly funded organisation, the Authority also seeks payment of its costs.

The Service is a publicly funded organisation and if a prosecution was taken it would have been able to recover the costs of the investigation, and legal costs, under the principles in '**R. v. Octel Co. Ltd. (Costs) The Times, November 15 1996**'. Consequently, I have set out in an enclosed Schedule (not including V.A.T), the contribution to costs which << insert 'you' or 'your company'>> is asked to make. These costs will be requested if you accept a Simple caution, on the same principle.

Please read the declaration carefully before signing it and if << insert 'you' or 'your company'>> have instructed solicitors in this matter you should show this letter and its contents to them immediately.

Yours faithfully

<<Name of Clerk>>

Clerk to the Authority

Telephone 0117 9262061 Ext <<Ext>

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14 Appendix D (letter 2)

Letter declaration of offender's guilt

Our Reference: PRO4/RB/hd/00012345/321654

Date

<<Provide name>>

<Address automatically from CFRMIS file>

10 Pretend Road

Temple Back

Bristol

BS1 6EU

Dear Sir/madam,

The Regulatory Reform (Fire Safety) Order 2005

<Address automatically from CFRMIS file>, Example Premises for Guidance Note, 10 Pretend Road, Temple Back, Bristol, BS1 6EU

I refer to the evidence in respect of contraventions of The Regulatory Reform (Fire Safety) Order 2005 at <Address automatically from CFRMIS file>, Example Premises for Guidance Note, 10 Pretend Road, Temple Back, Bristol, BS1 6EU contained in the evidence being sent under cover of this letter on <<insert date/s of contraventions>>. Avon Fire and Rescue Authority has carefully considered the circumstances of this case, and has concluded that there are sufficient grounds to institute legal proceedings under the abovementioned legislation. An outline of the evidence is being sent under cover of this letter; and, in view of the weight of this evidence, you are invited to admit << insert 'your' or 'your company's'>> commission of the said offences.

Before that, you are cautioned as follows:

You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.

<< insert company name or 'you'>> are also entitled to legal advice it is recommended by the Authority that you seek such independent legal advice.

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Subsequent to any such admission that << insert company name or 'you'>> committed the said offences, the Authority will decide what course it will take; and it needs to be stressed that this letter should not be treated as indicating that an admission of guilt will necessarily be followed by a simple caution: that will just be one of the options considered by the Authority after the admission.

If << insert company name or 'you'>> are in agreement with the proposal that the offences are acknowledged at this point, please sign and complete the declaration on the attached form. The form should then be returned to me, using the pre-addressed envelope provided, no later than 14 days from the receipt of this letter.

As a publicly funded organisation, the Authority also seeks payment of its costs.

The Service is a publicly funded organisation and if a prosecution is taken it will be able to recover the costs of the investigation, and legal costs, under the principles in '**R. v. Octel Co. Ltd. (Costs) The Times, November 15 1996**'. Consequently, I have set out in an enclosed Schedule (not including V.A.T) the contribution to costs to date which << insert 'you' or 'your company'>> is asked to make. These costs will be requested if you accept a Simple caution, on the same principle.

Please read the declaration carefully before signing it and if << insert company name or 'you'>> have instructed solicitors in this matter you should show this letter and its contents to them immediately.

Yours faithfully

<<Name of Clerk>>

Clerk to the Authority

Telephone 0117 9262061 Ext <<Ext>

for Chief Officer

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Name: <<Prompt the offending company or individual>>
Offenders Address: <<Prompt address, registered/principal office of the company/body/person>>

1.	Date of Offence: << Prompt>> Place of Offence: << Prompt>> Outline of Offence: << Prompt>> In That: << Prompt>> Whereby: << Prompt>>
2.	

Declaration:

On behalf of << insert company name '>> and authorised to do so I hereby declare that << insert company name admit the offence(s) described above.

<< or '>>

I << insert Individual's name '>> admit the offence(s) described above

Signed:

Date:

Position In Company: (If applicable).....

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15 Appendix E (letter 3)

Letter Including caution

Our Reference: PRO4/RB/hd/00012345/321654

Date

<<Provide name>>

<Address automatically from CFRMIS file>

10 Pretend Road

Temple Back

Bristol

BS1 6EU

Dear Sir/madam,

The Regulatory Reform (Fire Safety) Order 2005

<Address automatically from CFRMIS file>, Example Premises for Guidance Note,
 10 Pretend Road, Temple Back, Bristol, BS1 6EU

I refer to the evidence in respect of contraventions of The Regulatory Reform (Fire Safety) Order 2005 at <Address automatically from CFRMIS file>, Example Premises for Guidance Note, 10 Pretend Road, Temple Back, Bristol, BS1 6EU and your declaration admitting the above offences under cover of your letter dated <<Provide date>>. I have carefully considered these facts and on this occasion I am proposing to issue a simple caution in respect of { ? } specimen matter(s) in the list of contraventions found.

I must advise that should << insert "you" or "your company" >> agree to accept the caution, a record will be kept which may subsequently influence a decision to institute proceedings should << insert 'you' or 'your company' >> be found to be infringing the law in the future. The caution may also be cited should << insert 'you' or 'your company' >> subsequently be found guilty of an offence by a Court of Law.

If << insert 'you' or 'your company' >> are in agreement with the proposed course of action please sign and complete both declarations on the two attached caution forms. The whole completed forms should then be returned to me, using the pre-address envelope provided, no later than 14 days from the receipt of this letter. << Insert 'you' or 'your company' >> will receive a countersigned copy of the caution in due course.

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As a publicly funded organisation, the Authority also seeks payment of its costs.

The Service is a publicly funded organisation and if a prosecution was taken it would be able to recover the costs of the investigation, and legal costs, under the principles in '**R. v. Octel Co. Ltd. (Costs) The Times, November 15 1996**'. Consequently, I have set out in an enclosed Schedule (including V.A.T) the contribution to costs which << insert 'you' or 'your company'>> is asked to make. These costs are requested if you accept a Simple Caution and an invoice including V.A.T is included.

Please read the caution carefully before signing it and if you have instructed solicitors in this matter you should show this letter and its contents to them immediately.

Yours faithfully

<<Name of Clerk>>

Clerk to the Authority

Telephone 0117 9262061 Ext <<Ext>

for Chief Officer

Enclosures: Simple Caution, pre-addressed envelope,

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RESTRICTED(when complete)

SIMPLE CAUTION

Ref. No. 000123456/321654

Offender's/or representative Forename(s).....

D.O.B..... Male / Female

Name of Company (If applicable).....

Address.....

Postcode.....

Occupation/ Position in Company (If applicable)

Details of the offence(s)

Sequential No	Offence
	<< Prompt full description of the offence – this must be detailed enough to record the offence accurately on databases>>

Please read the declaration below and make sure you understand it before you sign.

1. << Insert I or 'I have on behalf of the company'>> have admitted to committing the offence(s) shown above. A simple caution is not a criminal conviction, but I understand that details of the caution will be kept on a database.
2. If new evidence comes to light suggesting that the offence(s) << Insert 'I' or 'the company'>> have committed are more serious, you might still take legal action against << Insert 'me' or 'the company'>>
3. If there are any victims as a result of these offences, they might still take civil action against << me or 'the company'>> and you might give my name and address to the victims so they can do this.

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4. If << Insert 'I' or 'the company'>> are charged with another offence and I go to court, you will tell the court that << Insert 'I' or 'the company'>> I have received this simple caution.
5. If I already work in a job which is included in the list of notifiable occupations (these are jobs where you are in a position of trust or responsibility, for example, teachers, care workers, taxi drivers, soldiers and doctors), you might tell my employer about this simple caution. (I can ask you for a copy of the full list of notifiable occupations.) **(Where applicable)**
6. If I apply for certain jobs, either paid or unpaid, that need me to have a criminal records check (CRB check), you might give my new employer information about this simple caution. (CRB checks are needed for nearly all jobs where you work with children or vulnerable adults, as well as for other sensitive jobs involving a high level of trust.) **(Where applicable)**
7. If the offence I have admitted is included in the Education (Prohibition from Teaching or Working with Children) Regulations 2003 (as amended), accepting this simple caution means I will not be allowed to do certain jobs which involve working with children. You have told me if this is the case. I will be committing an offence if I carry out (or try to carry out) any of those jobs. My name might be added to List 99 which is a list kept by the Department for Children, Schools and Families of people who are not allowed to carry out certain jobs involving children and young people. It may also be taken into account by the Independent Safeguarding Authority in reaching decisions about the suitability of persons to work with children or vulnerable adults, once the new Authority commences its work under the Safeguarding Vulnerable Groups Act 2006. **(Where applicable)**
8. I understand that accepting this simple caution may mean that some countries will not allow me to live there permanently, and some may not allow me to visit (for example, on business, for a holiday or as a student). **(Where applicable)**

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RESTRICTED(when complete)

I have read and understand all this information.

I agree to accept a simple caution for the offence(s) shown above.

Signature of person/representative of company cautioned:

.....

Date:

Caution administered by (Assistant Chief Fire Officer)

Signature:

Date:

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16 Appendix F (Letter 4)

Letter acknowledgment of receipt of caution

Our Reference: PRO4/RB/hd/00012345/321654

Date

<<Provide name>>

<Address automatically from CFRMIS file>

10 Pretend Road

Temple Back

Bristol

BS1 6EU

Dear Sir/madam,

The Regulatory Reform (Fire Safety) Order 2005

<Address automatically from CFRMIS file>, Example Premises for Guidance Note,
 10 Pretend Road, Temple Back, Bristol, BS1 6EU

Thank you for returning the completed caution in respect of the above premises.

The caution has been countersigned and placed on file with the details kept on a database in accordance with the Data Protection Act 1998. A copy of the caution is enclosed for your records.

You will no doubt be considering the steps you need to take to avoid similar circumstances arising again and, if it would assist you, I am quite prepared for one of my inspectors to advise you on any proposals that you have.

If you would like any such advice, or have any queries concerning the above matters, please contact the inspector named above, but all correspondence should be addressed to me.

Yours faithfully

<<Name of Clerk>>

Clerk to the Authority

Telephone 0117 9262061 Ext <<Ext>>

for Chief Fire Officer

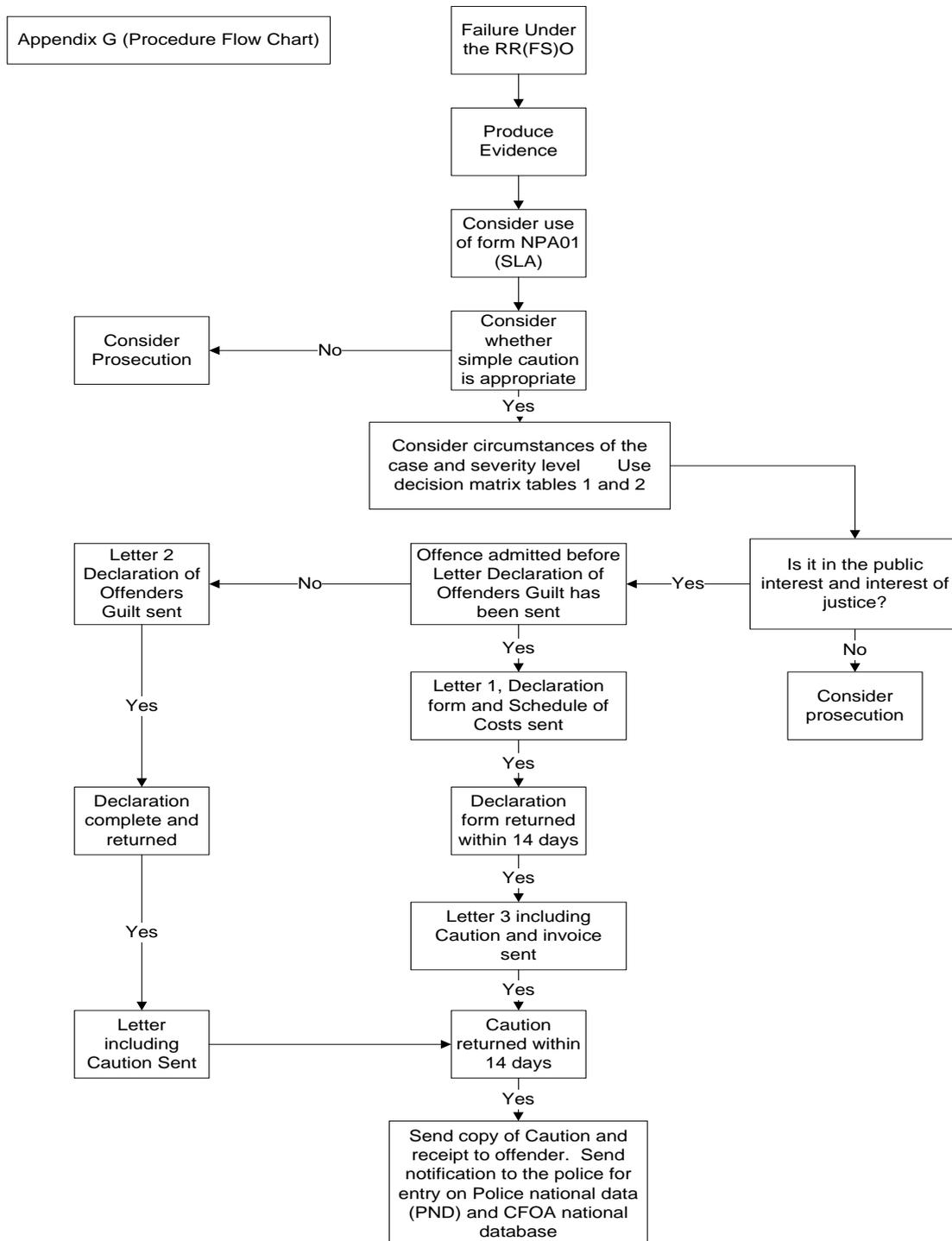
Enclosures:

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17 Appendix G (Procedure Flow Chart)



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Version:
Status:

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Published

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Simple Cautions Policy



This policy has been Equality Impact Assessed by policy holder on the 28th January 2013.

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Document Control Information:

Policy title:	Simple Cautions Policy
Policy owner: (role)	Group Manager Technical Fire Safety
Authoriser: (role)	DCFO Service Delivery
Issue status:	Published
Protective marking:	-
Issue date:	14/04/2020
Next review due:	14/04/2023
Audience:	For external publication
Version Number:	2.1

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Document History:

Review Date	Version No	Summary of Changes	Equality Impact Assessed (Y/N)
12/02/2013	0.1	New Policy	Y
28/03/2013	0.1	Policy agreed at Negotiating Committee, no amendments	No change to EIA
18/06/2013	1.0	Minor formatting amendments prior to publishing, no change to content	No change to EIA
17/07/2013	1.0	Final amendments made, no change to content	No change to EIA
23/07/2016	1.0	Document reviewed – no changes	No change to EIA
17/04/2018	2.0	Document Reviewed – Data Protection information added	No change to EIA
14/04/2020	2.1	Document Reviewed – no changes	No change to EIA

Distribution History:

Date	Version No	Distributed to: (role/s or group/s)
12/02/2013	0.1	Technical Fire Safety Manager, this policy still needs to go through negotiation stage
28/03/2013	0.1	Negotiating Committee
18/06/2013	1.0	Corporate Communications to proof read
17/07/2013	1.0	All Staff (intranet)
22/07/2014	1.0	Circulated to all staff by new intranet pages
17/04/2018	2.0	All Staff via Intranet
14/04/2020	2.1	All Staff via Intranet

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