

Chapter 12

Prosecution of Criminal Offences



12.2 FCA cautions

12.2.1 In some cases, the *FCA* may decide to issue a formal caution rather than to prosecute an offender. In these cases the *FCA* will follow the Home Office Guidance on the cautioning of offenders, currently contained in the Home Office Circular 16/2008.

12.2.2 Where the *FCA* decides to administer a formal caution, a record of the caution will be kept by the *FCA* and on the Police National Computer. The *FCA* will not publish the caution, but it will be available to parties with access to the Police National Computer. The issue of a caution may influence the *FCA* and other prosecutors in their decision whether or not to prosecute the offender if they offend again. A caution given by the *FCA* will form part of the *person's* regulatory record for the purposes of ■ DEPP 6.2.1 G (3). If relevant, the *FCA* will take the caution into account in deciding whether to take action for subsequent misconduct by the *person*. The *FCA* may also take a caution into account when considering a *person's* honesty, integrity and reputation and their fitness or propriety to perform controlled or other functions in relation to *regulated activities* (see ■ FIT 2.1.3G).