Manchester Metropolitan University

e-space

Manchester Metropolitan University's Research Repository

Please cite the Published Version

Marshall, Daniel, Nisbet, Andrea and Gray, Paul (2023) The implementation and delivery of community resolutions: the role of youth offending services. In: Research & Analysis Bulletins. Research Report. HM Inspectorate of Probation.

Publisher: HM Inspectorate of Probation

Version: Published Version

Downloaded from: https://e-space.mmu.ac.uk/631643/

Usage rights: © In Copyright

Enquiries:
If you have questions about this document, contact openresearch@mmu.ac.uk. Please include the URL of the record in e-space. If you believe that your, or a third party's rights have been compromised through this document please see our Take Down policy (available from https://www.mmu.ac.uk/library/using-the-library/policies-and-guidelines)

HM Inspectorate of Probation

The implementation and delivery of community resolutions: the role of youth offending services

HM Inspectorate of Probation

Research & Analysis Bulletin 2023/01

MARCH 2023

HM Inspectorate of Probation is committed to reviewing, developing and promoting the evidence base for high-quality probation and youth offending services. Our *Research & Analysis Bulletins* are aimed at all those with an interest in the quality of these services, presenting key findings to assist with informed debate and help drive improvement where it is required. The findings are used within HM Inspectorate of Probation to develop our inspection programmes, guidance and position statements.

This bulletin was prepared by Dr Daniel Marshall, Andrea Nisbet, and Dr Paul Gray of the Manchester Centre for Youth Studies at Manchester Metropolitan University.

We would like to thank all those who participated in interviews and focus groups and responded to the survey. Without their help and cooperation, this research project would not have been possible.

© Crown copyright 2023

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence or email psi@nationalarchives.gsi.gov.uk.

Where we have identified any third-party copyright information, you will need to obtain permission from the copyright holders concerned.

This publication is available for download at:

www.justiceinspectorates.gov.uk/hmiprobation

ISBN: 978-1-915468-72-7

Published by:

HM Inspectorate of Probation
1st Floor Civil Justice Centre
1 Bridge Street West
Manchester
M3 3FX

The HM Inspectorate of Probation Research Team can be contacted via HMIProbationResearch@hmiprobation.gov.uk

Contents

Executive summary 4
1. Introduction 7
2. Findings 10
    2.1 Strategy and guidance 12
    2.2 Police decision-making and practice 14
    2.3 YOT decision-making and practice 21
    2.4 Monitoring and evaluation 30
3. Conclusion 33
References 36
Annex A: Methodology 39

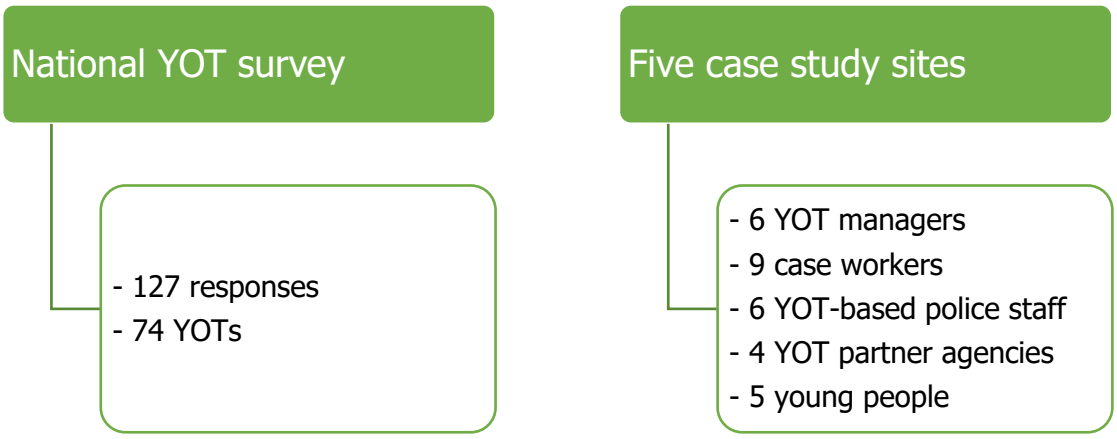
Executive summary

Context

The use of out-of-court disposals (OOCDs) with young people who break the law is increasing. One OOCD is a community resolution (CR) which allows the police to deal with less serious offences in an informal way, providing a diversionary approach without formal court proceedings. This can allow young people to avoid having a criminal conviction on their record, give victims the opportunity to have their say, and provide a more efficient resolution than pursuing a criminal conviction. Youth Offending Teams (YOTs) perform a key role in the delivery of CRs, yet there remains a significant gap in knowledge about how CRs are delivered with young people. This bulletin focuses on findings from research which explored how youth offending services implement and deliver CRs in England and Wales, documenting working practices as well as key enablers and barriers to effective practice.

Approach

Interviews were conducted with CR-focused managers, case workers, and partner agencies in five YOTs; these provided good insights to CR implementation and delivery but are not taken to be representative of *all* YOT practice across England and Wales. Supplementing this data, a survey of CR-focused YOT staff across England and Wales was undertaken to provide a wider snapshot of YOT practice. A small number of focus groups with justice-involved young people were also conducted.



The research was driven by a 2021 HM Inspectorate of Probation (HMI Probation) report that found that the overall quality of casework for OOCDs was below that of court disposals, with an absence of standardisation of planning and delivery which resulted in inconsistencies between YOTs. Through this research, we have identified several key areas for the potential enhancement of the delivery of CRs.

Key findings

- Participants suggested that most CRs were referred to the YOT. Nonetheless, there were examples given of police delivering CRs independently, despite local guidance and flowcharts detailing the CR (and broader OOCD) process.
- In some YOTs there was a clear policy that the police could deliver up to two CRs without YOT referral, but in these cases, it was common practice for YOT management and YOT police staff to be informed.

- There was national variation in the implementation and delivery of CRs. The types of offences eligible for a CR, the types of interventions delivered, and the length of the CRs differed across and within local authority areas.
- Local guidance worked best when co-developed by YOTs, the police, and other relevant agencies.
- Participants suggested that there remained some ambiguity around the initial police communication about CRs to young people, parents, and victims.
- YOT police officers were the key stakeholders in liaising between the police and YOT workers. Where the referral practice was reported as good or improving (i.e. where all or most CRs were being referred into the YOT), it was typically the YOT police officer who was connecting and delivering the knowledge exchange between the YOT and the police constabulary.
- Participants highlighted the increased use of Outcome 22 as an alternative police option to CRs. It was described as a preferred option in some cases due to its flexibility as a less formal outcome.
- Participants highlighted that YOT caseloads increasingly included young people who presented more complex needs and higher risks of harm. This presented a key barrier to the effective implementation and delivery of CRs, and their ability to fully address the underpinning principles guiding the CR process of 'child first', 'trauma-informed', and 'restorative' practice.
- Each YOT had developed its own approach to making decisions and delivering CRs. Screening and assessment were key parts of the process for all teams, and many had developed their own screening tools, which included the key elements of risk, safeguarding, wellbeing, and desistance.
- All five of the YOTs held weekly panels to discuss cases, involving a range of relevant partner agencies, which then informed outcome decisions and intervention planning.
- Participants suggested that the motivation of the young person to comply with the CR was key when it came to engagement. Additionally, concerns were raised regarding the voluntary nature of CRs, as well as the impact they have, particularly in cases where multiple CRs were given to an individual.
- The young people themselves spoke positively about the impact of CRs on their thinking and behaviour, but also raised feelings of frustration with what they perceived as repetitive sessions.
- The lack of published data on CRs remains a significant gap to understanding their use and effectiveness.

Based upon the findings in this bulletin, we make the following recommendations:

Relationship with Outcome 22	• Recently published guidance for police and other practitioners on the use of Outcome 22 (NPCC, 2022a) provides helpful clarity regarding the use of different disposals. This should be considered as part of local OOCD policy and guidance to inform decision making. The volume of available options can add to local confusion and may hinder delivery of appropriate work with young people. The forthcoming revised Youth Gravity Matrix (NPCC, 2023) may provide additional clarity of options to support decision making and consistency.
Guidance	• There is a need for national and local consistency in implementing and delivering CRs. Recently published CR guidance (NPCC, 2022b) provides improved clarity of the CR process. A cautionary note is that staff reported high volumes of work alongside the CR caseloads, so any policy development should also encourage reduced caseloads, enhanced screening and assessment practice, while allowing youth justice staff more time and space to plan and deliver CR interventions. Forthcoming Youth Justice Board OOCD case management guidance in 2023 may begin to address this.
YOT involvement	• YOTs should be informed of all CRs and be involved in the process, with police and relevant agencies, at the earliest possible point. Although YOT referral for intervention is not always necessary, they should be aware of every CR issued by the police to ensure that any risk and safeguarding issues are identified as early as possible. Since this research was undertaken, it is helpful that revised guidance now includes a requirement for YOTs to be notified within 24 hours (NPCC, 2022b); how this is applied in practice will need further exploration.
Use of CRs	• A key enabler of local delivery was the development, and consistent use, of screening tools and assessment with all CRs. This practice should be embedded in all CRs to ensure appropriate referral and intervention based on the needs of the young person. Most participants indicated that they would not give multiple CRs, but it was evident that some young people were receiving more than one CR. Careful consideration should always be given to the merit of issuing multiple CRs, as participants suggested that this could undermine the disposal and its ability to engage young people, parents, and victims in the process.
Monitoring and evaluation	• There remains no national data published on the use of CRs with young people – this should be addressed. Clear CR monitoring and evaluation processes should also be developed, which go beyond short-term reoffending rates, and are linked to local guidance and policy, with a focus on the views and experiences of CR-involved young people.

1. Introduction

Community resolutions (CRs) are a discretionary police outcome to deal proportionately with low-level crime. The Youth Justice Board (YJB, 2021:2) define CRs as '[a] diversionary police outcome that can only be used when children have accepted responsibility for an offence. It is an outcome commonly delivered, but not limited to, using restorative approaches'. Following a pilot in four police forces in 2008/09, CRs were rolled out nationally in 2009 (West Midlands Police, 2009). Formally implemented in April 2013, the 2012 *Legal Aid, Sentencing and Punishment of Offenders Act* (LASPO) introduced CRs as part of an OOCD package. CRs do not result in a criminal record but may be disclosed as part of an enhanced check by the Disclosure and Barring Service (DBS). The requirement was for YOTs and the police to have a joint decision-making process in place for assessing young people aged 10-17 years of age, and for determining appropriate OOCDs. The Association of Chief Police Officers (ACPO, 2012) and the YJB (2013) published national guidance for CRs. ACPO (2012:4) defined them as follows:

> 'A Community Resolution is the nationally recognised term for the resolution of a less serious offence or anti-social behaviour incident, where an offender has been identified, through informal agreement between the parties involved as opposed to progression through the traditional criminal justice process'.

The YJB (2013:6) summarised CRs as having the following components:

- non-statutory
- local discretion on implementation, following ACPO guidance and Home Office counting rules
- victim's wishes to be taken into account
- young person's agreement required in order to participate and accept CR
- best practice is for police to notify YOTs of all CRs.

The ACPO (2012) definition stated that a CR is a 'nationally recognised term'. However, this may not be the case, with research identifying a lack of understanding about diversion schemes, including CRs (see Taylor, 2016; Shapland, 2017; O'Brien 2019). Police services referred to CRs interchangeably with restorative justice (RJ) practices, whether they required an apology or making good the harm caused (Cutress, 2015). A Criminal Justice Joint Inspection (2012) found that police services were using the term 'informal resolutions' as well as a variety of other names to cover diversionary practices.

The YJB guidance (2013) highlighted CRs non-statutory nature and local discretion on implementation which, although encouraging locally-focused decision-making, conversely supported the development of divergence which has sometimes led to confusing models of service planning and delivery. The Youth Justice National Standards (YJB, 2019) relating to OOCDs do not specifically mention CRs, thus informal processes appear to have developed, and without national data on CRs, significant variations in practice appear to have occurred (Acton, 2015; see also the Centre for Justice Innovation, 2022). It has thus been highlighted that there is a need for clarity for police officers, YOT practitioners, and service users as 'there remains a great deal of ambiguity surrounding diversionary practice models including community resolutions' (O'Brien, 2019:87). Smith (2020:1) has argued along the same lines, stating that although diversionary interventions have reduced first time entrants (FTEs), this 'has largely been achieved pragmatically, by way of an accommodation with the prevailing logic of penal practices'.

The limited research and literature on CRs is situated within a wider debate regarding OOCDs and notions of diversion and prevention (see Bateman, 2012; Kelly and Armitage, 2015; Pitts 2001; Shapland et al., 2017; Smith, 2020). It is evident that some young people diverted from formal sanctions, such as with CRs, have received similar offending behaviour interventions to those not diverted (Kelly and Armitage, 2015). With any justice-involved intervention, there is always the potential for 'net-widening' (see Kelly, 2008) and drawing more young people into a justice system which purports to divert them (Kelly, 2012).

There has been much focus on YOTs meeting their target for reducing FTEs (MoJ, 2010, 2017; Bateman, 2009, 2012; Smith, 2020) by monitoring first-time statutory disposals and reporting from the official quarterly statistical bulletins (MoJ, 2022). More recently, the emphasis has shifted to police and YOT informal models of non-statutory disposals such as CRs (HMI Probation, 2020), but no official national statistics for youth CRs are available, including how many young people go onto receive further disposals following receipt of a CR (Shapland et al., 2017; Criminal Justice Joint Inspection, 2018; O'Brien, 2019). The growth of CRs – and OOCDs – has coincided with a reduction in FTEs to youth justice (Bateman, 2015). It is possible that CRs contributed to this reduction, but without comparison group data to test what would have happened otherwise, it is difficult to draw definitive conclusions (Sutherland et al., 2017).

Smith (2020:21) suggests that the 'political sensitivities associated with young people's problematic behaviour, and … the economics of law and order, are highly influential in shaping policy and practice in the field of diversion'. This adds support to the argument that diversionary policies, such as CRs, may reflect pragmatic solutions to austerity politics, as budgets in YOTs were cut and work was directed to high-risk young people (Bateman, 2017). Smith (2020:19) argues for 'transformative models of practice' grounded in social justice and children's rights, to look at diversion differently and not just as an addition to the justice system.

Quality assurance processes are lacking in some cases (Criminal Justice Joint Inspection, 2018). A Criminal Justice Joint Inspection (2012) of six police forces found there had been an increase in the use of 'informal resolutions' between 2008 and 2011. However, no collated outcome performance data was available, including data relating to further offending behaviour and other welfare outcomes. Shapland et al. (2017) found that police-led Scrutiny Panels, held every quarter to assess the appropriateness of a sample of CRs (given the severity of the offence), provided a means of quality assurance and compliance. Yet, feedback was informal and lacked authority to influence practice. A further Criminal Justice Joint Inspection (2018:10) indicated that 'short-term reoffending rates following a community resolution that involved YOT intervention were lower than those that follow a caution or conditional caution'. The inspection recommended including CRs in official statistics to evaluate their effectiveness in reducing reoffending and improving outcomes for young people.

O'Brien (2019) found CRs offering minimal service responses were mismatched with experiences and needs, as well as police offering CRs without any involvement from children's services, including YOTs; a practice sometimes referred to as 'Street RJ' (Criminal Justice Joint Inspection, 2018). Furthermore, Shapland et al. (2017) found that although YOTs should be informed of all CRs, this was not always the case and contrary to local police policy, young people received repeat CRs, which some YOT staff felt undermined their role in managing youth crime. They also found that, despite guidance and flowcharts being produced for practitioners to explain the process, there was a lack of inter-agency co-ordination and information sharing between YOTs and police, with police officers undertaking CR interventions independently. The Criminal Justice Joint Inspection (2018:27) reported that 81 per cent of YOTs undertook assessments 'on some or all CRs' to inform decision-making, but it also stated how 'in one area, we found evidence that some children

had received up to four community resolutions before a referral was made to the YOT' and called for *all* CRs to be reported YOTs. HMI Probation (2020:35) have also highlighted the lack of national data on completion rates for OOCDs as 'a serious gap in our knowledge of their effectiveness'.

Despite the YJB (2020) now requiring YOTs to report on CR data, no national statistics have yet been published. Since 2018, HMI Probation have collected CR statistics during their inspections of YOTs. They found that the majority (83 per cent) of young people receiving a CR had no previous sanctions. The most common offending behaviours were low-level drug (usually cannabis) offences and violence; and they were mostly assessed as 'low risk' in relation to their own safety and wellbeing, as well as 'low risk' of harm to others. Poor recording was, however, indicated in some circumstances (HMI Probation, 2020; 2021). They further reported that, although YOTs had assessments and screening mechanisms in place, their inspection 'scores for the quality of work with out of-court cases were often pulled down significantly by poorer quality supervision of informal CR cases, particularly in relation to the safety and wellbeing of the child and the risks they posed to others' (HMI Probation, 2020:37). In a more recent report, HMI Probation (2022a:5) found that 'particularly for community resolutions – there were instances of assessments not being completed at all, assessments being completed by unqualified or untrained staff, and the use of tools which did not sufficiently consider all relevant circumstances and the full context, hindering a whole-child approach'.

While there is limited knowledge on the delivery of CRs, diversity in local practice is evident. The police are the gatekeepers of CRs, making the initial decision on progressing an OOCD. However, there are unclear decision-making processes beyond the point of arrest, which may or may not involve YOT input and/or intervention. There is also a lack of clarity regarding the appropriateness and effectiveness of issuing and delivering multiple CRs as a way of diverting young people away from the more formal youth justice system. There is further divergence in the quality of CR assessments and service response.

2. Findings

In the context of the current literature, the research addressed the following questions:

Strategy and guidance

1. Do YOTs have distinct delivery models for CRs, including a clear strategy and vision, and, if so, to what extent is this reflected in the actual delivery of CRs?

Police and YOT decision making

2. How is desistance-based work balanced with work to manage any safety concerns in relation to the young person and/or others?
3. What types of interventions, including those with restorative justice elements, are being used to deliver CRs?
4. Do YOTs sufficiently involve young people, their parents/carers, and victims in any decision-making processes, paying attention to the voices of both young people and victims?
5. What are the key enablers and barriers to the successful delivery of CRs?
6. Are there any examples of good/innovative practice in relation to the use and delivery of CRs that can be shared with other YOTs in England and Wales?

Monitoring and evaluation

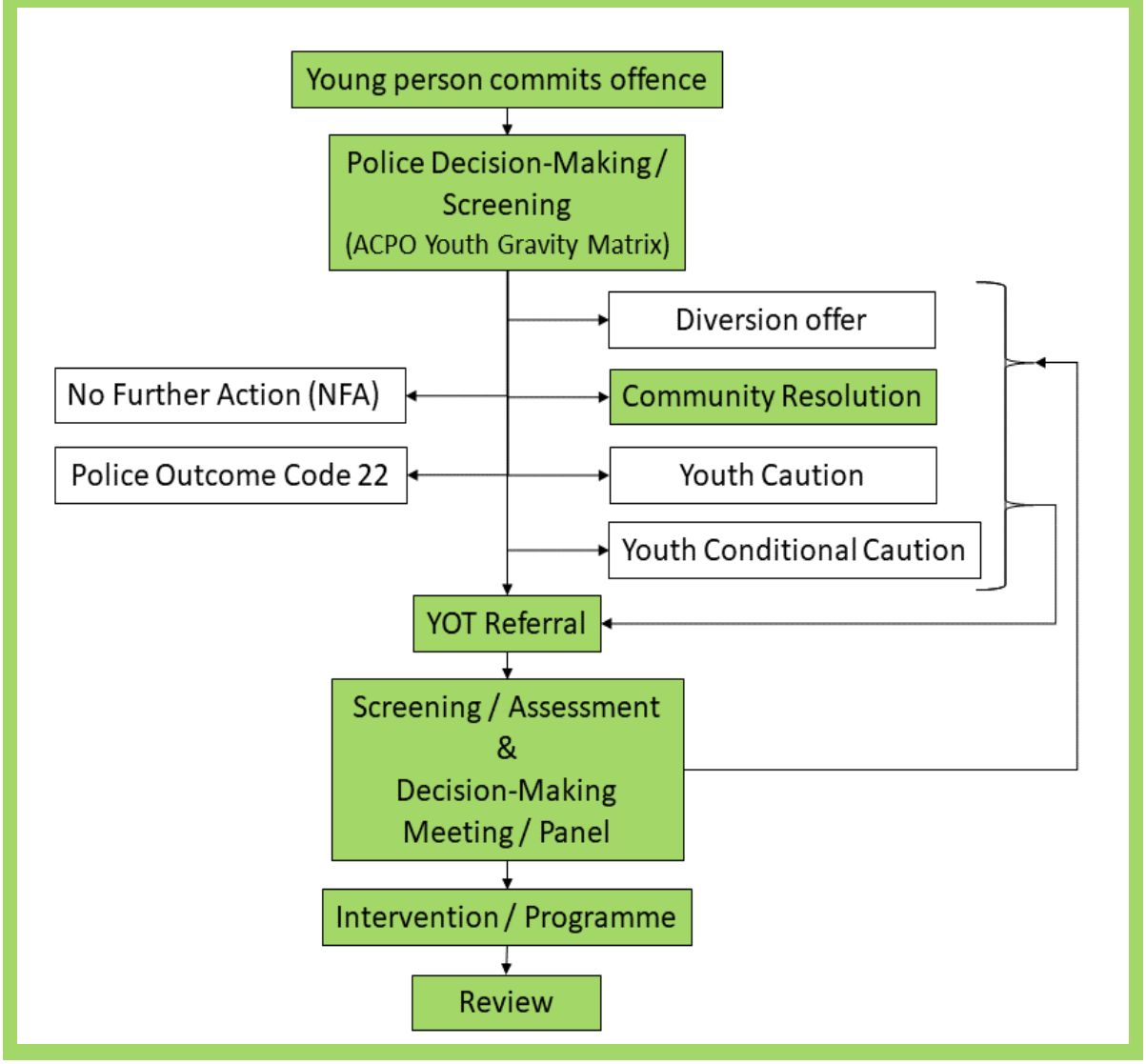
7. How do YOTs monitor their use and delivery of CRs, and how do they evaluate the performance of their delivery model and interventions?

The findings are based on semi-structured interviews with CR-focused YOT managers (n=6) and case workers (n=9), YOT-based police staff (n=6), and YOT partner agencies (n=4). The findings also draw on focus groups with justice-involved young people (n=5; all male) and a survey of CR-focused workers (n=127) from YOTs (n=74) across England and Wales.

The interviews and focus groups were undertaken at five YOTs in England. The selected case study sites were based across the North West and West Midlands regions of England, serving a range of inner-city, suburban, and rural areas, with relatively high levels of inequality and deprivation. Both the interviews and the survey focused on CR processes and delivery, as well as the key enablers and challenges to delivering CRs. The focus groups with young people explored their experience of CRs. Further details on the methodology can be found in Annex A.

The flow chart below (Figure 1) has been put together from the data collected in this research. It is not intended as a one-size-fits-all illustration. Rather it is intended to provide a visual overview of the typical CR process (highlighted in green) and some connected/ alternative outcomes.

Figure 1: A flow chart of the typical CR process



The CR process is complex but includes similar elements across YOTs. A young person commits an offence, and the police decide the next steps which can include a range of options including OOCDs. This may or may not include a YOT referral. If referred, a YOT screening process and/or assessment is undertaken followed by a decision-making meeting and/or panel. This may include additional assessment and/or screening. If a CR is the outcome, a case manager oversees the delivery of an intervention, which can include any relevant partner agencies. The process typically takes 12 weeks but can be shortened or extended in some cases. Each of these areas is explored further in the following sections of this report. These sections are organised thematically, according to the broad key themes which emerged during the analysis. It became clear that organising the findings around the overall CR process was most appropriate:

1) strategy and guidance
2) police decision-making and practice
3) YOT decision-making and practice
4) monitoring and evaluation.

2.1 Strategy and guidance

We asked people in interviews about the typical implementation and delivery of CRs in their YOT area and if there was a strategy or formal procedure which informed this. None of the five case study YOTs had a specific CR strategy. However, for two of the areas, the CR strategy was situated within a broader OOCD, diversion and/or prevention strategy.

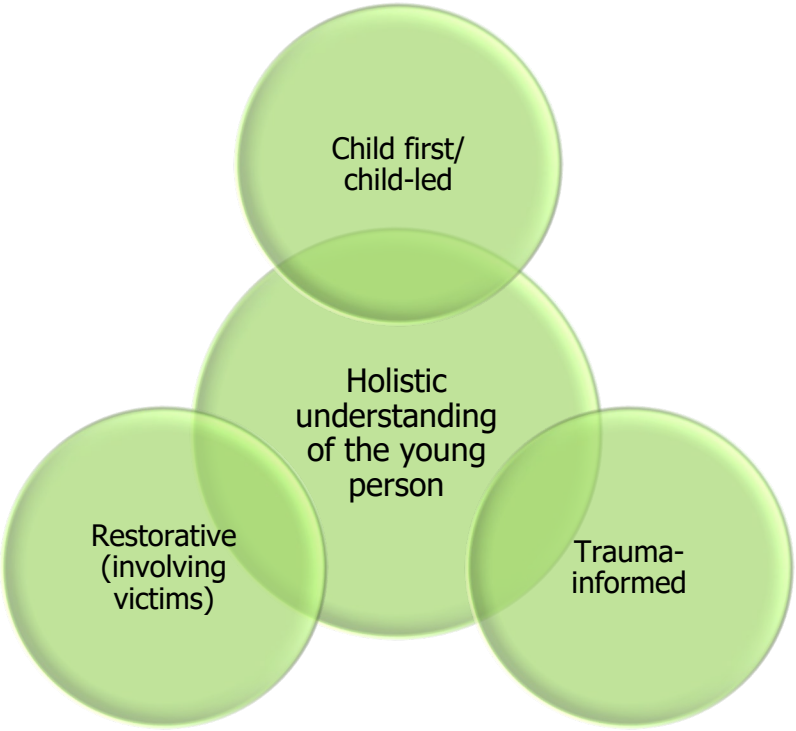
2.1.1 Guidance and policy

All five YOTs had CR guidance and/or a CR policy, and each team had a flowchart of the broader OOCD process which informed their delivery of CRs. From the survey of YOTs in England and Wales, 52 YOTs (out of the 74 that responded) indicated they also had a CR strategy which was situated within a broader OOCD, diversion and/or prevention strategy. Where YOT staff indicated there was no CR strategy, they stated this was being developed as part of a broader OOCD strategy. All YOTs had some form of local CR policy and guidance which directly informed their delivery of CRs:

> *"It's all under our prevention strategy really. I would say all of the pre-court work, it gets all of the same service apart from obviously the cautions, they would get a caution delivered by our police officers. But all of the young people, we do all the same assessments, we would deliver the same level of work."* (SYJ4, I)[1]

2.1.2 Underpinning principles

The underpinning principles guiding the CR process were described across the YOTs as 'child first' (sometimes referred to as 'child-led'), 'trauma-informed', and 'restorative', in line with the recommendation of the Taylor Review (2016) that the youth justice system treats young people as children first and offenders second.



[1] All participant information is anonymised. SYJ = Senior Youth Justice staff, YJ = Youth Justice staff, YJP = Youth Justice Police Officer, PA = Partner Agency, YP = Young Person. The letter following: I = Interview respondent, S = Survey respondent, FG = Focus Group.

This was a recurring theme throughout the interviews:

> *"The three principles that we kind of work with, so it's not like we either do one, two or three, we take on all three together and work in those ways. We've got trauma-informed, restorative and child first. Those are the three principles we adopt within our approach."* (YJ9, I)

> *"Child first basically, that's what it's underpinned by. … So, the offence is important but we're looking at that young person first and foremost. … All of our staff are trauma trained, trauma-informed, so they're looking at the child and their lived experience of what's happening for them at that minute, and that is what our policy is based on."* (SYJ5, I)

Whilst the young people receiving CRs had committed relatively low-level offences, their lived experience was similar to those receiving other OOCDs or court-ordered disposals. This typically included needs around education, health, speech and language, family-based difficulties, and peer influence. One interviewee described *'the biggest common denominator amongst the cohort, is that the vast majority of them have got issues around trauma or adverse childhood experiences.'* (PA3, I). This led to a recurring theme throughout interviews around the complexity of managing risk, safeguarding, and achieving desistance, whilst maintaining child-led, trauma-informed, restorative approaches in working with young people, which are also victim led:

> *"Risk could outweigh the child first approach. I think we as a service, particularly, are very much trying to tip the scale because there's often evidence to show that if you keep going then you'll get the right outcomes, or the better outcomes, which then reduces the risk as time goes by. … It's about trying to see what is in place, what's missing, what can be built in, what can be further encouraged, and supported around. It is a risk led assessment, as a youth justice service, it is child led and it is trauma informed practice, but we also are victim led, and we should also be inclusive of public protection, and risk to the public with everything we do. So, for me, sometimes I feel like it's a bit of a contradiction, but we've got to get that balance right."* (YJ2, I)

> *"It's a continuum. … Some think we can't do child first and talk about risk in the same sentence but my view is that we can and we should because actually the best way to respond to risk, risk to children, risk in communities is by putting the child at the centre, is by hearing their voice, is by taking a strength-based approach to supporting them and to increasing their participation because if we can then plug them into communities, back into society, back into education, back into the structures and systems that they've not been able to be in, that's when desistance is much more likely. So, for me they're not mutually exclusive."* (SYJ2, I)

There were further perceived obstacles to delivering the underpinning principles when working with multiple agencies that may have competing objectives or purposes to the YOT, although in some areas there were broader local authority approaches which involved all services working with young people and families adopting the same principled approach:

> *"We are very much trauma-led in our service, and we have been for several years now. … We do try and do a child first approach [but] that can be difficult, obviously when you're working with agencies that aren't necessarily on the same page as you. But from our perspective, we do look at the child's needs first and foremost."* (YJ6, I)

> *"As an authority, not just in the Youth Offending Service, … we've invested in restorative practice as a model of working with children and families."* (YJ1, I)

Across the five case study YOT areas, local CR policies included flowcharts and guidance to varying levels of detail. Bearing in mind the evident complexity of the CR process, policies

were most useful where the guidance was detailed and linked to national guidance, with a flowchart providing a visual layout of the CR (and OOCD) process. Consistent across all YOTs was the underpinning 'child first', 'trauma-informed' approach to practice, placing the young person, and a holistic view of their lived experience, at the centre of CR delivery. These principles were useful to guide practice, although somewhat ambiguous in how they were implemented and delivered. The key barrier was the increased complex needs young people presented in the CR caseload.

Practice example: CR guidance

One YOT had developed detailed OOCD guidance for YOT staff accompanied by a flowchart of the process. This referred to national legislation and ACPO guidance, with clear overviews of OOCD outcomes. The police and the YOT had an agreed protocol around sharing information. The YOT received a daily email of all youth arrest information from the police, which was compared to current cases for information and retained for use with future OOCD decisions and screening. The local area police had a police officer who specifically liaised on OOCDs with the YOT police officer and YOT management (including other YOTs in the local authority area). YOT management had weekly meetings with YOT police officers to consider referrals to diversion. This information was shared with Children's Services on internal systems to reduce duplication of work and consideration of youth justice intervention.

The OOCD referrals were screened by the YOT police officer according to the following criteria:

- *crime status – is there an open crime*
- *suitability – admission in interview, any previous disposals*
- *ACPO Youth Gravity Matrix score*
- *evidence enough to progress crime*
- *victim's views*
- *any information from recent/previous daily arrest emails.*

If a referral to an OOCD was appropriate, the YOT police officer would send the screening form to the YOT admin for allocation to a case manager and specialist staff.

The guidance further outlines case management expectations (including timeframes), organisation of the weekly decision-making panel (including relevant partner agencies), and the management oversight process.

2.2 Police decision-making and practice

Although we did not interview police officers who were not based within YOTs – with the exception of one officer who was focused on liaising with YOTs – police decision-making emerged quickly in interviews as a key part of the CR process, particularly the referral mechanisms in place between YOTs and the police for CR screening, alternative outcomes, offence types, and repeat cases.

2.2.1 Screening

The CR process was complex but included similar elements across YOTs (see Figure 1) with an initial police screening using the ACPO Youth Gravity Matrix (YJLC, 2022a) which identified the severity of the offence committed. The police then decided what action to take, which could include a range of options including OOCDs. Where a CR was considered most appropriate, there were different local policies informing delivery of the CR. A common

approach was that police officers had discretion in the initial CR decision where certain conditions existed:

> *"We allow officers to make a decision about first-time community resolutions but only that hit certain criteria. It has to be a first-time community resolution or there has to be a gap of at least a year. … We expect them to refer into the youth justice service where the young person lives as soon as it hits certain triggers. So, … a second occasion within a year automatically triggers a referral. Any domestic abuse element triggers a referral. Knife crime and drugs trigger a referral. But then we also add a rider to that in terms of it might be a first occasion but if there are any concerns about the offence or the offender then they should at least speak to the Youth Justice PC to gain advice about whether the Youth Justice [Service] want to be involved in the joint decision-making or whether it's something that stands as a [police area] alone decision."* (PA4, I)

There was, however, some flexibility in how the gravity matrix score could be applied if mitigating factors were present and a clear rationale for considering a CR was provided:

> *"[The] youth gravity matrix is very handy because it basically lists the offence … [with] a base score between 1 and 4, and then it would have a column for any factors which can aggravate the offence and any factors which would mitigate the offence. So, for example a theft, it might have an aggravating factor of a group action pre-planned, or it might have a mitigating factor of very low value items stolen for example. … The mitigating factors take a point off the score [while] any aggravating factors add a point on to the score. You can only add one or take one off. … Then depending on how the final score is, that's our guide to say what options are available to deal with the offence. So, if it comes out as a 1 or a 2, we tend to say that a community resolution is an option that can be considered. 2, 3 and 4 you're looking at cautions, conditional cautions or even charge if it's up at 4."* (YJP2, I)

In the geographic areas covered for this research, several YOTs were operating under one police area. It was common for police to have centralised guidance, with individual YOTs developing their own strategies and responses. For example, one police area had developed CR and decision-making guidance for police officers which took the Youth Gravity Matrix as a starting point, and then considered the following:

1) evidential test (a crime has been committed)
2) is a CR in the public interest
3) level of authority (is a referral or higher ranked officer decision needed)
4) the views of victims, parents/guardians, or other interested parties – which highlight loss, harm, and vulnerability
5) wider impact (local considerations regarding offence type)
6) offender admission of guilt and previous offending history
7) recording rationale: suitability of a CR based on the above criteria with agreed proportionate and realistic activities and timescales.

Interviewees also spoke of the training on adverse childhood experiences (ACEs) and trauma-informed responses across agencies, including the police, to inform guidance and practice:

> *"We do very much encourage … looking out [for] those ACEs and the trauma-informed responses. And we certainly direct people to all the guidance and anything that comes through in relation to that. I know our Violence Reduction Unit*

quite regularly put on training which is across different agencies, so it's not just policing related, it's a much wider scope. … But yes, it's down to the individual YOTs really. Like I say, we provide the national guidance centrally about what those minimum expectations would be and the kind of approaches we expect them [OOCDs] to take. But then each YOT will develop their own strategies and responses really." (PA4, I)

Similar to the finding from the Criminal Justice Joint Inspection (2018), it was common for police officers to deliver CRs 'on the street' without YOT referral, or in some cases without any notification of the CR (see Shapland et al. (2017) for similar findings). There are now moves away from this practice with the aim that YOTs should be notified of all CRs delivered by police; indeed, the Criminal Justice Joint Inspection (2018) called for this to be standard practice. For example, one YOT indicated that they screened all CRs which were issued on the street:

"We screen all CR's issued on the street and offer an intervention service to those children where they consent and it is assessed as beneficial for YOS intervention. … We also receive a weekly list from the [police area] Project [diversion programme] of all children who receive a street-based CR for low level drugs possession so we can ensure we do not "miss" any children." (SYJ5, S)

In some cases, the youth gravity matrix was viewed as a barrier to making decisions about CRs due to it being too rigid and somewhat out of date, with updated guidance for police which may prevent CRs being given for some offences, in particular knife-related ones, forthcoming (NPCC, 2023).

2.2.2 Outcome 22

Police Outcome Code 22 (hereafter referred to as Outcome 22) was highlighted as an alternative option to CRs for police officers. Introduced by the National Police Chiefs' Council (NPCC) in 2019, in response to the Lammy Report, Outcome 22 is a 'police outcome code that can be used when the police have decided to defer prosecution until the accused has been given the opportunity to engage with an intervention activity.' (YJLC, 2022b). The following is recorded on the Police National Computer (PNC): a "[d]iversionary, educational or intervention activity, resulting from the crime report, has been undertaken and it is not in the public interest to take any further action" (NPCC, 2019:1).

In interviews, Outcome 22 was described as an additional, and in some instances preferred, out-of-court option to consider which was less formal and more flexible than a CR and used on occasions when a young person had committed a low-level offence, victims did not wish to prosecute, or the police considered it not to be in the public interest to pursue. It enabled the police to record the incident as 'no further action':

"Since the recent push for Outcome 22s, they are, to an extent, the preferred option to a CR now. It's all down to the engagement levels of the young person, really. If it's a low-level enough offence, and if they're looking likely that they're going to be motivated and engaged and look for the support, then we think, "Okay, well, is a CR necessary in this instance or not?", so we'll look at Outcome 22 in that [instance] instead. … It [an Outcome 22] is not a formal resolution. … It's essentially a police filing mechanism. It's basically the police saying, "We do not believe it is in the public interest to proceed". … Whereas, a CR is recorded as, this person did this on this date, and this is the paperwork signed to that effect. It [a CR] is a more formal outcome." (YJP1, I)

"We are starting now to really look at how Outcome 22 fits in around that world where perhaps actually some of the things that we've given a community resolution might

have been better as an Outcome 22. ... Because there's such an overlap between the two, we're trying to very much look at what the appropriate guidance is. … Some areas are using Outcome 22 quite effectively [whereas] other areas are a little bit more kind of worried about it. … My priority at the moment is figuring out what sits properly where and what the best guidance is around repeat use et cetera. Is there an escalation? Is it a lower-level community resolution? We're just trying to unpick all that at the moment." (PA4, I)

It is typical in a substantial portion of CR cases for the offence to be drug possession related (see, for example, HMI Probation, 2021). Agreements were in place in some areas between the YOT and the police to consider Outcome 22 as an alternative to CRs for specific offences, such as low-level drug possession, which would typically score low on the youth gravity matrix:

"Possession of cannabis is the one that used to get a lot of CRs. We've now got an agreement with the police that they will consider Outcome 22s as well. … If the gravity score is two or below, we can consider Outcome 22." (SYJ1, I)

Linked to the underpinning principles of YOT practice outlined earlier in this report, Outcome 22 was seen as helpful to address the increased awareness in YOT working practice of the young person as a victim and perpetrator, and may even be an improved alternative to CRs:

"I think the perception of Outcome 22 is a bit more like, actually, some of these children are being exploited, that seems too much, they shouldn't be on that ladder at all. And I think that's where the idea of using this No Further Action, from a criminal point of view, comes from. But still there is intervention delivered. … I'd like to think that they [CRs] probably could go, because we're pushing on Outcome 22. And I think the difference between the two is minimal. There's a need for an out-of-court disposal process, absolutely. What sits within that could, potentially, be up for discussion. But certainly, I think the emergence of Outcome 22 is really helpful." (PA1, I)

The use of Outcome 22 appeared to be an increasingly preferred option due to its less formal nature compared to a CR, although how it fits in to the OOCD offer and its application in practice remained somewhat ambiguous. For example, some areas had the infrastructure and processes in place to accommodate Outcome 22s as an option alongside OOCDs, but did not use the deferred prosecution element of the Outcome:

"What's nice about the way our diversion service is set up is that bit around it's no further action with diversion to other services. … Our diversion model … has already been set up. So, they can either come to us, they could go to the early help services, [or] they could go into children's social care. So that's already been set up for the constabulary to access. What we don't do, which some areas do, is [use] deferred prosecution with it [Outcome 22]. So, some areas say, "No further action with diversion however, if you then don't engage with that diversion, we'll bring you back". We don't do that because we say, "Actually the decision is the decision, it's a voluntary engagement decision. The relationships that we build with children are usually strong enough to encourage that engagement but if we can't, we don't then prosecute you." (SYJ2, I)

2.2.3 Offence types

The most cited offence types receiving CRs were common across all YOTs. Typically, they were those which would receive a score of one or two on the youth gravity matrix:

- low-level assaults
- criminal damage
- knife/weapon-related crime (typically possession offences)
- drugs (typically possession of cannabis)
- sexual offences (mostly malicious communications through mobile phones and social media)
- theft (typically shoplifting)
- anti-social behaviour.

The young people we spoke to in focus groups said their offences were for assault, fighting, drug possession, and criminal damage. CRs delivered for knife-related offences were considered contentious by some (see HMI Probation, 2022b for insight to promising approaches to knife crime), but in many cases, the context – and mitigating factors – of the case provided justification for the CR:

> *"We do occasionally use it [a CR] for knife crime, but it would have to be something very low-level, no kind of aggravating factors at all. And again, we would expect that to go through the Youth Offending Team and a really good rationale as to why we think it's appropriate. … We had one ten-year-old girl who'd taken a knife into school that was part of a wood whittling set … to show it to her friends. But it was something that she'd been given as a Christmas present. Her parents were split up but had joint custody. She'd been given it by one parent and was taking it in to school to take to show the other parent when she was staying there overnight. But unfortunately, [she] was obviously seen with this knife in the classroom and all hell broke loose really. But that was dealt with by means of a community resolution."* (PA4, I)

In other cases, though, police decisions were challenged and amended by YOT staff where they perceived the police decision did not consider the relevant guidance or legislation on giving a CR for knife-related offences. This further highlighted the importance of the YOT police officer in the process as an initial screening to offering CRs, and the YOT-held (multi-agency) meetings with police officers to discuss cases before a final decision on the outcome is agreed:

> *"Sometimes we'll be up tariffing because the officer in the case has perhaps not got a handle on the process. So, they're asking for a community resolution for a knife crime in a school which isn't appropriate [and] doesn't follow national guidelines."* (YJP4, I)

> *"[The police will say], "Based on our police assessment, we think it's a community resolution". We will then listen to all the background checks and everything and the Youth Justice Service management will … have an initial discussion about it before it goes for an assessment because we found this important to have that initial, almost like, triage allocations meeting because sometimes a referral will come in that it might be, for example, a knife crime and the officer is asking for a community resolution. … But they might not be aware of the legislation that prevents that from happening."* (YJP2, I)

While some YOTs considered CRs for lower-level knife-related offences, others took a clear stance that any offence committed which involved a knife cannot be dealt with by CRs:

> *"They will come through from the police as CR, but we don't deal with knife offences as CR. Our service, [YOT area] have taken the stand that CR is not appropriate for anybody with a knife offence. We begin at youth caution and youth conditional caution, [and they] are the only options that we offer young people with knife offences."* (YJ3, I)

The forthcoming revised Youth Gravity Matrix (NPCC, 2023) may provide additional clarity of options to support decision making and consistency with regard to knife-related offences.

2.2.4 Increase of CRs and repeat cases

We were not able to obtain reliable figures as part of this research on how YOTs are using CRs, and there remains no national published data on how many young people are receiving them. However, all case study YOTs reported an increase in numbers of CRs in recent years, and that CRs made up the majority of OOCDs. For example, one YOT reported that CRs made up 40 per cent of their OOCD caseload, while others reported CRs making up between 60 and 80 per cent of their OOCDs. A prominent issue raised across interviews was that CRs have increased and so too have the complex needs of young people receiving CRs:

> *"I think the numbers have increased, but I think the complexity of the cases has definitely increased and that's been a massive issue. … You're [now] getting a caseload of young people that are just so very complex and … you're dealing with stuff that previously you would have dealt with at statutory level, rather than at [an] out-of-court level."* (YJ6, I)

It was also common for young people to receive more than one CR. Many YOT staff felt that this undermined the credibility of CRs, potentially leading to a decrease in public confidence. Interviewees raised frustration with repeated cases; on the one hand it was viewed as good practice to keep young people away from the youth justice system, but on the other it was seen an indicator of underlying complex needs which were not being addressed:

> *"We do see that sometimes people do get multiple community resolutions for the same sort of offence. … Often that's because it might be that they commit an offence in the home. For example, they might damage a door within the home, the police attend, speak to the victim, who is often the family, and they say, "Well we don't want to prosecute, and we don't want to provide a statement to the police, but we would like you to offer him some intervention in order to try and address his behaviour."* (YJP2, I)

> *"You could have a 10-year-old who gets a CR, and then you could have that same 10-year-old in a couple of years' time getting another one, and so on. But you have to … try and apply a bit of common sense to it when you see the same person coming through again and again. … [So] we wouldn't necessarily [give a] CR for a like offence twice. So [for example], if someone came through for a common assault for a CR, and then a couple of years' time came through for another common assault for a CR, we'd have the discussion. And if there was some real decent reasoning behind giving them that second CR then that would be taken on board, and consideration given to it. …. But normally speaking, you're probably looking at escalating, if the same person is doing the same offence time and time again."* (YJP1, I)

Some young people who participated in focus groups had one CR with additional court ordered disposals running concurrently or had upcoming court dates for further sanctions. One of the young people highlighted that he had received three CRs which were being completed consecutively, which was a frustration for him:

"I've just finished the first one, now I'm doing this one, then I've got another one. It's just shit innit." (YP1, FG)

2.2.5 YOT referral mechanism

CRs come into YOTs via the police service. It is the seconded police officer based at the YOT who receives the notification from the local police area, which outlines the young person's details including name, age, address, and offence type. In most cases, the seconded police officer then carries out additional checks in relation to the young person, including whether there are others known to the police at the same address, previous offences, and any known risk or welfare issues. The YOT police officers act as a key liaison between the police and the YOT, and are central to the successful implementation of CRs, including delivering training to police officers in the YOT area:

"We have some disagreements around outcomes but generally, our relationships with the police are really, really good. Our police officers in-house have been really good in terms of supporting that relationship between our service and the constabulary, so that's probably a barrier that we've needed to overcome along the way, but we've done [it] quite successfully." (SYJ2, I)

Typically, interviewees stated that it was increasingly becoming standard practice to refer all CRs to YOTs as local policies and links between YOTs and the police were strengthened – usually through the YOT police officer(s). Nonetheless, there were barriers identified regarding police understanding of CRs and subsequent decision-making without YOT involvement. While this appeared to be improving, it remained a frustration for some YOT workers:

"There are some barriers with the police because some of the police don't understand why we're doing what we're doing, and why we want to do what we're doing, and why we want to keep these children out of court." (YJ3, I)

"Many [CRs are] delivered without our knowledge by a police officer not attached to the youth justice service. [So, we] do not know how it was delivered, [what] advice [was] given, [the] police officer's knowledge of young people's services, signposting etc." (SYJ43, S)

Some YOT staff suggested that the name 'community resolution' should be changed on the basis that it is misleading and adds to the confusion of frontline police officers:

"There were years of bad CRs given, not just by [police in the YOT area], but by the police all over the country who didn't understand it. … It was badly worded. Community resolution sounds like it's just resolved in the community. Whereas that's not really what it is. … Personally, I'd change the name of it." (YJP6, I)

In some instances, police referral of CRs (and OOCDs more broadly) to YOTs was seen as an easy way out and the information provided was not always clear. But as the CR was referred into the YOT or the case was discussed to decide an outcome, screening mechanisms and multi-agency meetings allowed for the decision to be discussed and challenged, often with success:

"The police don't always explain it. An example would be we recently had a case where the police searched a home and they found a load of cannabis plants. There was one cannabis plant in this child's bedroom. So, when he came through triage, he was charged with cultivation of cannabis. I said to … our [YOT] police officer, "If that charge comes through, then that's a YCC. … Is that what we want?" Eventually he went back [to the police] and we got it [a CR] for possession of cannabis. … [But] if

we hadn't questioned it, … he would have had a YCC because … cultivation of cannabis is normally court." (SYJ1, I)

In areas where police were delivering CRs without YOT involvement, there was a strong sense of "*aspiration to refer all OOCD decisions to panel so we as a multi-agency make decisions rather than the police autonomously*" (SYJ33, S).

YOT police officers were the key individuals in liaising between the police and YOT workers. It is important that the policies and procedures of issuing, referring, and/or delivering CRs is clear to all stakeholders, YOT workers, police officers, and any other involved agency. While it is beyond the scope of this research to assess frontline police officer's decision-making (see Shapland et al., 2017 for insights), where the referral practice was reported as good or improving (i.e. where all or most CRs were being referred into the YOT), it was typically the YOT police officer who was connecting and delivering that knowledge exchange between the YOT and the police constabulary.

2.3 YOT decision-making and practice

We asked interviewees about the CR decision-making process after police referral to the YOT. There were differing approaches to the initial referral: some YOTs carried out an assessment/screening prior to an OOCD multi-agency decision-making meeting/panel; while others undertook some additional checks prior to the meeting, conducting a more thorough assessment/screening after the meeting. Assessments/initial screenings took place over a short period of time, typically between one to three weeks post-referral. While panel members differed in each of the YOTs, they were generally chaired by a YOT manager and comprised a range of professionals including seconded police officers, case practitioners and other relevant partners such as children's social care, drugs and alcohol services, restorative justice and victim support workers, education practitioners, and health specialists. All YOTs had weekly multi-agency meetings/panels to discuss CR cases.

2.3.1 Initial screening/assessment

One of the case study YOTs used a pre-meeting screening tool which included information about reasons for the referral, strengths-focused questions about the young person, the context of the young person's lived experience including living arrangements, parents, the local neighbourhood, and considerations of risk, safety, and wellbeing. The YOT only used a full assessment (AssetPlus) if necessary and appropriate to the case, based on the initial screening:

> *"The process is that our … [YOT-based] police officers will receive a referral from any of the officers in [police area]. They have an initial look at it just to make sure that the form's filled correctly and that there's information on the form, and then they send it through to us. We then do a screening form, which includes information about the young person and the family, information about any risks that we know of, if they've been involved before, if they've had an out-of-court disposal before, [and] the offence. Then there's a section regarding the young person, if they're known with children's services and what involvement children's services has had, education information. We have access to [YOT area] education system, [YOT area] children's services system, and any other information that we've got, it then goes to our dedicated victim worker. She gets in touch with the victim prior to our panel. … We have a panel every [week and] … it shouldn't be more than a week from it coming in, to panel. We then have a multi-agency panel where we've got youth justice, our youth justice police officers, education, [substance use worker], social services, [victim] mentors."* (YJ3, I)

Another YOT had a service-level agreement with the police about CR referrals and access to the police information system to support their information gathering process. The type of assessment tool used was based upon the level of risk of reoffending *and* safety and wellbeing need:

> *"We have got a service level agreement now with [police area], where … any time they speak to a young person about an offence, whatever their outcome is, … they send that through to us on a referral. … If a case is for consideration of a community resolution … then that is always allocated to one of our workers for an assessment. … We've got the benefit of the police system and obviously all the information that's on there."* (SYJ3, I)

> *"The ones that get referred into us, every single young person would get an assessment. … If they are a low risk of reoffending, … low risk of harm, and also low risk of safety and wellbeing, … [then] we would complete the out-of-court framework. However, if they are medium or above in any of those areas, we'd do the full AssetPlus."* (SYJ4, I)

A full AssetPlus assessment was completed by one YOT on *all* OOCD cases before the multi-agency panel meeting, and this was agreed in partnership with the police. This was implemented to provide consistency across OOCDs, taking into consideration factors linked to a young person's desistance, safety and wellbeing and harm to others for full analysis at the earliest opportunity to prevent future involvement with the YOT:

> *"We have a weekly [multi-agency panel] meeting which I sit on with the police to discuss those [OOCD] cases. … Each week, they [the police] will send their cases through [and] we'll book them into an out-of-court disposal panel. … By the time the case comes to the panel, our case managers will have completed a full assessment [AssetPlus]. … All the agencies have an input so that we can really look at this young person in terms of what's working well, what we're worried about, and any risk factors surrounding them, and I [as chair of the panel] will then sort of guide that conversation really around a start point for consideration linked to risk and gravity score, and we'll make a decision about what's best to do."* (SYJ5, I)

One of the YOTs had co-developed an area-wide police approach for referrals, which was localised, child-led and provided diversion and prevention pathways, using an in-house OOCD screening tool based upon AssetPlus:

Practice example: Area-wide police policy with child-centred YOT approach

The model was designed in partnership between the police constabulary and YOTs within the police area, providing one approach for the police and a flexible approach for each YOT to offer responses as needed.

The police have three options:

1) *for young people that receive either their first or second CR and/or gravity factor matrix score of one or two, the police can access a range of community-based support services (that the YOTs have access to) and can signpost directly to them to keep those young people out of the youth justice system*
2) *if a young person is given a third CR and/or a score of three on the gravity factor matrix the police will refer into the local YOT*

3) *if the police don't feel that the incident can be dealt with as a true community-based resolution and it needs specialist youth justice support, they refer to the local YOT, and it goes to the seconded YOT police officer.*

If referred into the YOT, the YOT police officer can decide at the point of referral to:

- *continue as a single agency decision (i.e. the police) with access to the above diversion services*
- *refer into the YOT diversion service:*
  - *a screening exercise is completed. This is an in-house-designed OOCD assessment based on AssetPlus, which pulls together information about that young person: factors around their background and information held on YOT systems, views of victim/s, education need, health need, risk and safety factors. The aim is to guide young people to the correct support and services. The YOT early help model has community-based activities and support to refer families*
- *refer into the YOT prevention service:*
  - *the starting point is referral to a multi-agency joint decision-making panel, where in advance, an assessment is completed, a report written, and a recommendation made to the panel (which could include a CR).*

Another YOT used a triage process for OOCDs (see YJLC, 2022c for information on triage), and the Teen Outcomes Star assessment tool was used for all OOCDs to provide a consistent approach to delivery. The initial referral from the police outlined the offence and background information the police held on the young person. This was received by YOT admin staff who completed checks with children's services and education, which was then sent on to YOT management for allocation to a triage meeting, which included the YOT police, allocated case worker, the health team, and the education to employment (E-to-E) worker. The meeting took place no less than two weeks after the initial triage referral form was received, but no later than three weeks:

> "*The perk of that is that it gives at least two weeks for the allocated YOT worker to that young person to go out and do a needs assessment [Outcome Star] with them. Ideally, there'll be other professionals who will have been involved as well, such as health and education, with a view to everyone presenting what they've found to the triage meeting in that two weeks' slot. We all then have a joined-up decision-making process in that meeting, which is chaired by the YOT manager, and we all have an opportunity to have a say. And then a decision is made as to what we think is the most appropriate outcome*." (YJP1, I)

2.3.2 Risk, safeguarding and desistance work

We asked interview participants about the role of risk, safeguarding, and desistance in their CR decision-making and intervention planning. They highlighted that assessments and work with young people was risk-led, with offence-based work and safeguarding taking priority. Desistance from offending and participation in learning and positive activities was considered an important part of the CR work with young people, but a difficult and fluid balancing act in the context of risk and safeguarding. To increase safeguarding and risk-based consistency across caseloads, it was apparent that the assessment process was standardised for OOCDs for most YOTs (as highlighted above). As cannabis possession was a common offence that received a CR, some YOT areas were concerned this could be linked to criminal exploitation of young people and as result a full AssetPlus was used on all

OOCDs. In some cases, where assessment was not automatic as part of the CR process, there were some concerns raised about the ability of the CR to fully address the needs of the young person:

> *"It doesn't always allow us to address the needs of a child in full. By giving a CR we would not have that multi-agency approach of identifying what is going on with the child that we would have through the out-of-court panel. This may lead to missed opportunities to identify hidden harm etc. Furthermore, with having no obligation to complete intervention work it appears that a CR is to 'clear up" incidents rather than actually focusing on the needs of the child."* (YJP7, S)

It was suggested that the voluntary nature of CRs could also lead to reduced victim satisfaction, due to some violent offences being reduced in gravity score, and an inability to enforce compliance. There was further suggestion that a CR lacked credibility as an outcome:

> *"That's probably one of the biggest challenges. … CRs and other out-of-court disposals, they're just not seen as anything to people around them. Even some parents, they're just like, "Well, they've only been given a CR", which they know is not anything really, it's just a bit of a few words. … [While] it's seen as enough by the child, obviously, who doesn't want anything more, … the parents, or the family, or the residential home, or the community, or neighbours aren't seeing it as anything."* (YJ9, I)

There were suggestions that young people may be accepting CRs as they view them as a lenient option. Further barriers were raised linked to the voluntary nature of CRs and their ability to appropriately address the behaviours of young people:

> *"The disablers are really, the barriers, that the young person is only really participating because they're told they have to. Any apology or anything they say is a half-hearted thing with no real meaning and that they're only doing it because they know that if they hadn't agreed to it then the officers might have considered that a caution or a conditional caution was more appropriate to address their behaviour."* (YJP2, I)

> *"There appears to be a … drive from YOS attempting to deliver the lowest possible outcome for our young people meaning that agreed outcomes are often too lenient. … I worry that we as a service will see the effect of this approach with much higher rates of serious youth crime in the coming years."* (Anon, S)

> *"As an intervention, I find them [CRs] ineffective for two main reasons. Children don't seem to see them as a serious outcome for commission of offences, … and the time between … receipt [of the referral] by the YOS to work[ing] with children often means they feel the matter has been dealt with and therefore easy to refuse an offer of intervention. Our job … engaging children in early intervention and preventative work was easier prior to the mass rollout of CRs in youth justice. They have complicated our landscape more than simplified and improved it."* (SYJ31, S)

2.3.3 Young people, parent, victim involvement

In interviews we asked how young people, parents and victims typically contribute to the CR process. Two key themes to emerge were:

(i) assessment as a pivotal point for engaging young people and parents in the process
(ii) dedicated victim support workers obtaining the victim's input into decision-making panels.

The use of assessment tools was a key part of including young people and parents' voices, informed by a child first approach and paying attention to the language used:

> *"You do it [the assessment] together [with the young person]. … It's just usually a conversation to come to an agreement with them about where they are. … They're involved in reviews and stuff, so they rescore things as time goes on. They're involved in the plan, … We're very much child first in the way we're trying to work. … [For example] we've looked at all the language that we use and things like that to try and help the way we assess and implement and involve the children in looking at their experiences as well and some of the things that they've been through … in order to understand their journey and why they've perhaps got to this situation where they're getting into trouble."* (YJ8, I)

The use of self-assessment and feedback was also used to capture the voice of young people and parents:

> *"We do … self-assessments at the start and end to capture the voice of children, families, and their experiences of the work that we do. … We try to make sure that any feedback that we get from children, families, victims, they know what we're doing with that information and where we're taking it. So, … it's not just that we're taking the feedback and going off with it, … there is then that feedback back to the person that's given us their views as to the next step."* (SYJ2, I)

A barrier to engaging young people in completing assessments and delivering interventions was the settings in which they were delivered. Finding a location in the community could be difficult, with many organisations, such as libraries, not allowing youth offending-related services to use their space. YOT workers tried where possible not to bring young people completing CRs into YOT buildings, which were mostly described as 'not child friendly', and used alternative locations which assisted with engagement and to avoid distraction:

> *"A lot of the time what I'll do is go out to meet the young person with a parent or carer. Then I find it quite helpful sometimes to actually follow on doing the assessment with the young person [separately] in somewhere like school or somewhere a bit quieter where you're not going to be distracted. Then I'll say, "I'll share this assessment with your mum or your dad and then they can read it and tell me if they're happy with it and if they're in agreement with what we're proposing in the plan."* (YJ1, I)

Some of the CR work delivered by YOT staff and partner agencies could be sensitive, such as health-related work, which young people may not want to discuss in front of parents or carers. The YOTs engaged with a range of specialist support, such as speech and language therapists, to allow young people to communicate their needs, thoughts, and feelings in a variety of ways including through tools such as language maps. Engaging parents in the process can be difficult, as they sometimes think that their child does not need support, and this lack of parental engagement can be a block to engaging young people in CRs:

> *"Parents of young people can be a bit. … I've had a couple in my history where the young person is willing to engage but mum and dad are saying, "No, screw the police, screw the YOT" kind of thing. That puts that young person not getting the help that they could quite potentially need. … It is voluntary so if their parents are saying no, obviously we need consent, we hit against a brick wall then trying to get them engaging."* (YJP3, I)

Dedicated victim support workers were evident in each YOT area and part of the CR process, particularly at the multi-agency panel stage. Giving victims a voice, empowering them, and paying attention to the restoration of harm were viewed as key enabling elements of the CR process. Typically, victims did not want the young person to be criminalised, and the young person did not want a criminal record, so compliance was good and restorative justice work could be completed. The inclusion of the victim in the process

allowed for a restorative justice approach to be incorporated, which was described as key enabler to deliver effective CRs:

> *"I think community resolution works best when we can incorporate a restorative justice element into it. Where the victim is happy to be involved in that process, and the young person is, … I think you get a really fuller community resolution. Where both the victim and the young person feel like they've got something out of it, and the wrong has been made right … and there's some closure."* (YJP2, I)

There were strong feelings about putting the victim as much in the centre of CR work as the young person. Sometimes they were reluctant to get involved in face-to-face work, but YOT staff would strive to offer space for victims to express their views and to keep them informed of decisions. Most YOTs partnered with organisations who specialised in victim-centred work. The communication of CRs to victims was highlighted as a key factor in their engagement, which sometimes was miscommunicated early in the CR process by the police:

> *"Voluntary intervention works well when seen as 'requirements' which have been signed and agreed to be completed by the child. [It] helps victim's understanding too. General understanding of what a YJS-led CR can involve is important, as it can differ to depth of police-led CRs. So, police and also victim view may be different unless properly explained."* (SYJ64, S)

Poor communication, a lack of clear guidance, and initial screening and support without a dedicated focus upon liaising with victims could lead to reduced victim satisfaction:

> *"Police-only decisions to issue a CR often include phrases such as 'young person to write letter of apology to the victim'. There is no mechanism to ensure this happens or any consequences if it doesn't happen. In our experience, when we have contacted victims, it has not happened and they feel let down by the system."* (SYJ44, S)

Practice example: CR interventions including restorative justice

A group of young people had caused damage to a storage facility which contained motor vehicles. They were caught on CCTV and identified, and all admitted that they were involved in the incident. They were all then referred into the YOT and because the victim wanted the matter to be dealt with in this way, it was dealt with by a CR with a restorative justice element. All the young people involved realised what they'd done was wrong and they agreed, as per the YOT suggestion and assessment, that they would go and make right the damage. They worked with the victim to repair the damage, supervised by some members of YOT staff. They all did their bit to repair the damage. The victim was really happy about that, and everybody got something out of it. It was considered a very good outcome on the part of the YOT, the victim, and the young people involved.

2.3.4 Types of intervention

We asked interview participants about the resources and types of intervention which were available to them and used for CRs. Across all YOTs, interviewees described interventions as child led and offence focused, which were typically agreed between the young person, parents/guardians and the youth justice worker. YOTs had access to a broad range of interventions for young people receiving CRs to address offending behaviour and identified needs from the assessment/screening:

> *"We try to stick away from things like, "You'll do six sessions on consequences of offending" and stuff like that. That doesn't mean anything to children. We try and*

pitch it very much at what is it that they can access, work with their own needs, make sure that it's very much led by the child's own view of what they need to move forward and very much relationship based." (SYJ2, I)

"Every young person … that comes through has to have a victim session with [victim support], whether it's to do with a specific victim or it's a generic … session. Then when we do the self-assessment, you draw out of them any other support [needs] and then we offer support. … We try to address anything … that might put them at risk of offending. … It's not just direct to that specific offence, it's maybe the behaviours surrounding that offence as well." (YJ4, I)

One YOT had a dedicated interventions team that developed programmes of interventions which could be used with CR cases:

"Our interventions team have a programme of interventions around peer pressure, consequential thinking, violent crime, … knife crime awareness programme, … that obviously will feed into people's plans, … so community resolutions will make use of it. We've [also] got a partner from [third-sector service] … that sits on the panel, and that mentor works particularly with the violent offences, and they will offer an additional programme to those young people. So, they'll look at the victim awareness, the offending behaviour, violent crime, and then they'll offer some more positive activities on the back of that." (SYJ5, I)

Access to interventions to allow for the needs of the young person to be met, including referrals to internal and external agencies, was the same as for young people on other types of OOCDs or court orders:

"[What is offered] could be anything. It could be referral to external services, a referral to internal services … like speech and language, mental health. It could be to do with education, it could be around consequences, moral decision-making, emotional regulation. So, it covers a wide spectrum. … [Our] interventions team … have adapted some of the standard interventions that we would use for statutory cases to apply to young people. … It's very bespoke, it depends on that young person, and we've got access to reams and reams, … [and] we just pull from that whatever's appropriate. … If it needs adapting depending on that young person, then that's what we'll do." (YJ6, I)

There was recognition that young people receiving CRs may be involved with the YOT for the first time, but the way of working was not impacted; whatever was considered appropriate to the needs of the young person was used. There was a wide range of intervention types and resources available at each YOT, but the most cited were:

- victim awareness sessions/support, which appeared to be built-in to most CR interventions, closely aligned to the YOTs working practice of seeing the young person as a victim themselves
- involving victims in CRs to deliver restorative justice work, which YOTs were further developing:

  "I've been working as well with [organisation], the [young] victims of crime service available in [YOT area]. … There's a couple of cases that I've got where they've worked with the young people around the fathers being in prison for offending behaviours. So, they've worked with the young people who've been ultimately, victims of their parent's crimes, so that's been a useful service and support." (YJ7, I)

  "If there's a victim of a crime, and the victim does want to engage, we do look at some things as standard, like impact, and our victim liaison officer would do that

where it's appropriate. Some of our children are involved in writing letters of apology or typing letter of apology or engaging." (YJ2, I)

Practice example: CR intervention

Abigail[2] was referred to the YOT for a CR by the police for taking a knife into school. She was 10 years of age and still in Primary School. She was unknown to the police and the YOT prior to this incident.

Upon completion of an out-of-court framework assessment, it was very clear that Abigail was aware she had made a mistake, but that she has done so as a misconstrued way of trying to "protect her friend from a bully". She described being a victim of the bully herself, but felt she had to do what she could to protect her friend. She did not threaten anyone with the knife, and actually showed it to her friend once she realised the mistake she had made.

Abigail completed an intervention on 'WHY a knife?' and an intervention on self-esteem, positive peers and thinking things through. The YOT case manager saw her in school on a weekly basis and Abigail attended every session and engaged very well.

Upon closure, she said she was "really sad" that the sessions had come to a close, and her Mum also thanked the YOT case manager for supporting Abigail stating, "I don't know what you've done, but she is now much more confident".

Abigail was able to clearly identify why she put herself in possession of a knife, and then learnt the dangers of this including for herself and those around her. She is now able to recognise the importance of positive friends, the qualities she needs in friends, and how she can be a good friend to others. Abigail is now feeling more confident in herself after engaging in 'retraining the brain' sessions to focus on mindfulness and positivity. She is now much more confident in being able to weigh up the pros and cons of situations and to think before she acts. She is assured that she can always turn to others for advice and guidance and that it is OK to make mistakes if we learn from them.

2.3.5 Young people's views on CRs

The young people we spoke to in focus groups described the types of work they had completed on the CR. Their explanations and expressions of the work they were completing with their YOT caseworkers matched the types of work described by YOT staff. For some it was consequential thinking focused:

> *"She's [case worker] just shown me like, there's this thing and she's shown me people that are in jail and they're saying how they regret everything and that, and it just makes me think that I wouldn't want to do that [end up in jail], … it's not a nice place."* (YP4, FG)

> *"They just showed me a video and that's it basically. … Do you know those YouTube videos about kids selling drugs and things like that, and at the end they get fucked over for it."* (YP1, FG)

For others, it was more focused on getting a job:

> *"He's [case worker] trying to help me get a job. … He's took me to places where, oh I don't know, I've been to a [job support] centre. Speak to this guy about jobs and*

[2] A pseudonym

stuff. Just talking about what jobs I'd like. I liked joinery, bricklaying as well I was going to do. My dream one is to be an electrical engineer." (YP5, FG)

Other types of work completed involved discussions, sometimes written work, and were delivered in different settings, typically away from the YOT offices:

> *"We just used to go out and have a chat in [the] car and he [my case worker] gave me something to eat. Sometimes we'd talk about when I used to get arrested and stuff ages ago."* (YP5, FG)
>
> *"Just like written work, mostly like queries, asking questions about what went on."* (YP3, FG)
>
> *"That's basically what I do innit, [my case worker] just asks me questions about the community resolution. Just tells me how it actually is, how it would be if I did something else, a different view innit… just give you more understanding of the work that you've done, try fixing."* (YP1, FG)
>
> *"It's been like what we're doing here [in this focus group], just sat down and talking."* (YP4, FG)

These pieces of work were then attributed to reduced feelings of anger and behaviour change:

> *"It's just made me think. … It's changed my mind, I'm just more chilled out and that, because I used to be angry all the time, it's just chilled me out. And I know that like if I'm angry and something bad happens and I make the wrong decision, it's just not good."* (YP4, FG)

There were also physical activity focused interventions:

> *"They're getting me to do challenges and stuff like going back to boxing, doing a bit of rugby and all that. So far just keeping my mind off fighting and going out on Saturday and getting drunk and all that. … I think it is [helping] yeah. I'm starting to do … MMA … because all the adrenaline of fighting I might as well do it legally."* (YP2, FG)

Using the Ketso Kits (see Annex A), the young people expressed that the CRs had contributed to them feeling

- *"better in myself"*
- *"more of a positive mindset"*
- *"less angry"*
- *"good"*
- *"confident"*, having previously been *"nervous".*

The young people described their case workers as being a positive part of the CR:

- *"[name of case worker] and her attitude"*
- *"[name of case worker] in general"*
- *"conversations with staff"*
- *"friendly workers".*

However, there were also expressions of being *"bored of it"* [the CR] and *"bored of the meetings".* In the case of multiple CRs, the work was described as *"repetitive".* The most negative aspects for young people centred on their perceived treatment by the police: *"How the police acted unfair"* and *"How police treat me".*

> *"I just don't like the police. … There's some alright ones innit, and then there's just some just like having the power to … just terrorise like me and my mates, you know what I mean. Always whenever just searching us and arresting us for anything and taking us home and that, it's just annoying."* (YP4, FG)

2.3.6 Summary

A key part of the YOT decision-making process is the application of a clearly defined and consistent referral mechanism from the police to the YOT. All YOTs taking part in this research had examples of good practice in the initial screening and referral process, but the best examples were those which were developed in partnership with the police and/or provided one approach for the police in relation to CRs, with YOTs then able to make their own locally informed decisions on how best to proceed with implementing and delivering CRs.

Assessment is a further important piece of the process. AssetPlus was generally described as a cumbersome tool, considered too big for CRs. One team had taken an approach to using AssetPlus with *all* OOCDs, whereas most YOTs had developed a shorter assessment framework based on AssetPlus or were using a different assessment tool which included many of the key elements covering risk, safeguarding, wellbeing, and desistance, which were more manageable to complete for OOCDs, especially CRs.

YOTs were working in diverse ways to include and engage young people, parents, and victims in the CR process; the main obstacle to effective implementation and delivery of CRs appeared to be a lack of engagement of any, or all, of these parties. The young people we spoke to were engaged, they attended, they completed the work in front of them, but this likely does not represent the full range of experiences of CR-involved young people, which remains a key area of exploration for further research.

2.4 Monitoring and evaluation

We asked interviewees about how they evaluate their performance in relation to planning and delivering CRs. Three key areas emerged:

1) scrutiny panels
2) management oversight
3) reoffending rates.

2.4.1 Scrutiny panels

OOCD scrutiny panels were evident across YOTs. These covered all OOCDs and involved multi-agency representation, such as the YJB, Crown Prosecution Service, the judiciary, police, and senior children's social care partners, to sample and assess CR decision-making:

> *"We've got things like out-of-court disposal scrutiny panels with the police and things like that to check out our decision-making and make sure that we're making correct decisions."* (SYJ2, I)

Information gathering and recording throughout the CR process – from initial screening through to exit planning – was seen as key for scrutiny panels, providing clarity, context, and strong rationales for decision-making:

> *"What they've set up at [police area] … is an out-of-court scrutiny panel. … They will pick, say four or five cases from each [area] and they will decide whether the process was fully followed, whether it wasn't, do we agree that that was a community resolution, do we agree that that was a caution. … It's just about discussing, was the*

process correct, was the disposal correct, was part of it correct but other parts weren't. … What we tried to do is provide a full narrative of decision-making and we've had some really good feedback in [police area] at the scrutiny panel about how we dealt with things. … I think it's because we've got the screening in place … [and] we can make defensible decisions because there is a lot of information gathered." (SYJ3, I)

"We always make sure that any decision that we put on a crime report, me and [colleague's name] put a full rationale about the decision and a write-up because we have these scrutiny panels which the crimes go to every quarter. We want to make sure that anybody reading our crime report understands how that decision has been made." (YJP2, I)

Practice example: YOT-led scrutiny panels

Although not yet implemented, some YOTs were in the process of setting up a promising area-wide, YOT-led initiative which would allow them to scrutinise each other's implementation and delivery of OOCDs and evaluate each other's performance. A motivator for setting this up is to have a YOT-led scrutiny panel alongside the police-led scrutiny panel. The intended process will include a review of each YOT's policies and a sample of cases to share practice, reflect, and learn from each other. This will help to ensure that OOCD's were delivered as intended, and according to the YOT OOCD policy and guidance. It will further review consistency of decision-making throughout the OOCD process, to improve local support for young people.

2.4.2 Management oversight

In interviews, senior youth justice staff indicated that management oversight of the CR process was a key part of monitoring and evaluating performance. This included countersigning assessments, checking intervention plans, and ensuring that they were delivered as planned. Management oversight of the CR process was considered to be the same as for statutory orders to enhance consistency for young people and the YOT:

"We've got timeframes around when we want the assessments completed by, so they have 20 days to complete an assessment. … We get weekly updates from our data analyst … who just tells us how long assessments have been open for, and we keep a track on that because we want to make sure that we get decisions, obviously, in a timely manner. … [And] all of the assessments are QA'd by a manager, so we're making sure that we've got a good assessment to start with. Obviously, everybody has supervision, so we're making sure that … anybody who's opened on a community resolution is offered the same kind of service and the same expectations from a case manager as if they were on a statutory court order, so in terms of contacts and visits and things like that." (SYJ5, I)

YOT management also oversaw the process of exit panels at the end of a CR, which provided an extra layer of reflection and reviewing of the overall CR:

"At the end of the community resolution, when everything's been delivered, it comes to an exit panel. … The case manager comes, and anybody else who's been involved with that case, and we have a look at what we looked at in the [original] decision meeting, and we have a look at has actually been delivered. [For example], how they've engaged, … whether they've taken on board what we've done, has [there been] any change in risk or safeguarding and what action have we taken. … We [also] look at what do we need to do in terms of referrals to make sure the plan is complete if we've not managed to complete it, or what do we need to do in terms of keeping

people safe or them safe in terms of onward referrals. So, we try and have a bit of a robust exit plan. … We make sure that it comes back to the panel and we evaluate what has happened with that young person throughout their intervention." (SYJ5, I)

2.4.3 Reoffending rates

Although it was unclear how the reoffending rates of young people who had received a CR were being measured, it was highlighted across YOTs as a key measure of success (a key performance indicator for YOTs). Some YOTs conducted evaluations of reoffending rates, tracking young people who came to the service. This was being developed to provide continued evidence to support the YOTs work:

> *"We measure success based on if they don't reoffend during that time that they're on that [CR] and if they engage with the intervention plan. We [also] measure success in terms of our quality assurance, so obviously we have audit tools to gatekeep assessments and obviously cross reference against national standards and things like that, in terms of a scaled approach. … We also would measure success based on the timeliness of the implementation of the plan."* (SYJ3, I)

2.4.4 Summary

Monitoring and evaluating CRs was a fluid process, which incorporated management oversight of casework, checking, verifying, and signing off on assessments and intervention plans. The more focused CR review mechanism appeared to be police-led scrutiny panels, which took place quarterly or annually depending on the YOT area. These provided dedicated space to review a sample of OOCDs in detail. A collaborative YOT initiative to scrutinise each other's OOCDs was a promising development in monitoring and evaluating of the work.

Reoffending rates were most commonly described as a key measure of success, but it was not clear what data was being used for their measurement or how it was being used. One of the key barriers to understanding how many CRs are delivered with young people and what the reoffending rates are, is the continued lack of published data – locally and nationally.

3. Conclusion

The focus in this bulletin has been upon the implementation and delivery of CRs by YOTs, building upon and confirming much of the limited previous research into CR delivery. Participants were mostly positive about CRs and their aim to keep young people away from the more formal justice system as much as possible. Nevertheless, key barriers to implementing and delivering CRs were highlighted. The CR process is complex, with YOTs, alongside other agencies, working in somewhat ambiguous arrangements and challenging circumstances.

There are key barriers rooted in the initial decision-making processes. The police retain legal authority on the administration of CRs, and significant challenges emerge to ensure consistent application of CRs by frontline police officers. In the first instance, the ACPO Youth Gravity Matrix provides a consistent approach to assessing the severity of an offence. The next steps rely on clear information about referral options and mechanisms. The national guidance suggests that best practice is for police to notify YOTs of all CRs, although it does allow for 'local discretion on implementation' (YJB, 2013:6). Participants suggested that most CRs were referred to the YOT, and instances of police independently delivering them was less likely now than in previous years. Nonetheless, specific examples were given, despite local guidance and flowcharts having been produced which clearly detailed the CR (and broader OOCD) process. It would thus seem that there remained some limits to the inter-agency coordination (Shapland et al., 2017).

Local guidance worked best when developed in collaboration between YOTs and the police, and when involving other relevant agencies. In some YOTs, there was a clear policy that the police could deliver up to two CRs without YOT referral, but in these cases, it was common practice for YOT management and YOT police staff to be informed. There were further good examples of the police having access to diversion services which did not require the formal involvement of YOTs.

The importance of clear communication to the young person, their parent/carer, and the victim, of the decision to give a CR was also highlighted, helping to avoid confusion about what a CR involves and what it aims to achieve. Participants suggested that there remained some ambiguity around these initial police communications, supporting previous findings of the need for clarity (O'Brien, 2019). YOT police officers were the key stakeholders in liaising between the police and YOT workers. Where the referral practice was reported as good or improving (i.e. where all or most CRs were being referred into the YOT), it was typically the YOT police officer who was connecting and delivering the knowledge exchange between the YOT and the police constabulary.

The increasingly complex needs of justice-involved young people presented a key barrier to the effective implementation and delivery of CRs. Participants highlighted the increased use of the enforceable Outcome 22 as an alternative police option, and it was described as a preferred option in some cases due to its flexibility as a less formal outcome. It was viewed as a useful way of meeting the underpinning principles guiding YOT work of 'child first', 'trauma-informed', and 'restorative', placing the young person at the centre of delivery; viewing them as both a victim and perpetrator. Collaborative agreements between YOTs and the police had been developed to consider Outcome 22 as an option for specific offence types, such as possession of cannabis, which participants highlighted had been a common offence receiving CRs. However, there remained confusion in some cases around the application of Outcome 22 where the deferred prosecution element was not used.

Each YOT had developed its own approach to making decisions and delivering CRs. Screening and assessment were key parts of the process for all teams, and many had developed their own screening tools, which included key elements covering risk, safeguarding, wellbeing, and desistance. Furthermore, YOTs were working in diverse ways to overcome barriers to engaging young people, parents, and victims in CRs. Multi-agency arrangements for CRs were generally reported as positive, and all YOTs held weekly panels involving a range of partner agencies – such as children's social care, drugs and alcohol services, restorative justice and victim support workers, education practitioners, and health specialists – to discuss cases and inform outcome decisions and intervention planning.

Participants suggested that the motivation of the young person to comply with the CR could be the primary barrier to successful delivery. Although their engagement was reported as high, there was concern regarding the voluntary nature of CRs and the impact that this could have, particularly in cases where multiple CRs were given to an individual (Shapland et al., 2017; Criminal Justice Joint Inspection, 2018). The young people themselves spoke positively about the impact of CRs on their thinking and behaviour, but also raised feelings of frustration with what they perceived as repetitive sessions. A key limitation of this research was the low number of young people involved, and it would be beneficial to further explore the views and experiences of a larger sample of CR-involved young people.

As reported elsewhere, the lack of published data on CRs remains a significant gap to understanding their use and effectiveness (Acton, 2015; Shapland et al., 2017; Criminal Justice Joint Inspection, 2018; HMI Probation, 2020). Reoffending rates were most commonly described as a key measure of success, but it was not clear what data was being used. The prominent CR review mechanism were police-led scrutiny panels, which provided space for OOCD-involved agencies to reflect on a sample of cases (including CRs). Management oversight was another review process, through which YOT managers could oversee casework; checking, verifying, and signing off on assessments and intervention plans.

The five YOT sites provided good insights to CR implementation and delivery but are not taken to be representative of *all* YOT practice; supplementing this data, the survey provided a useful snapshot of YOT CR practice across England and Wales. Future research on CRs should consider detailed case study approaches to specific aspects of CR delivery including a more in-depth, perhaps longitudinal, survey approach. Included within this future research it would be useful to undertake an in-depth analysis of the CR statistics that are being collected from YOTs, considering the ongoing relationship and use of CRs and Outcome 22 in light of new guidance set to be published on both disposals. It is also important that the views and experiences of CR-involved young people are a key part of future research.

Based upon the findings in this bulletin, we make the following recommendations:

- Recently published guidance for police and other practitioners on the use of Outcome 22 (NPCC, 2022a) provides helpful clarity regarding the use of different disposals. This should be considered as part of local OOCD policy and guidance to inform decision making. The volume of available options can add to local confusion and may hinder delivery of appropriate work with young people. The forthcoming revised Youth Gravity Matrix (NPCC, 2023) may provide additional clarity of options to support decision making and consistency.
- There is a need for national and local consistency in implementing and delivering CRs. Recently published CR guidance (NPCC, 2022b) provides improved clarity of the CR process. A cautionary note is that staff reported high volumes of work alongside the CR caseloads, so any policy development should also encourage reduced caseloads, enhanced screening and assessment practice, while allowing youth justice

staff more time and space to plan and deliver CR interventions. Forthcoming YJB OOCD case management guidance in 2023 may begin to address this.

- YOTs should be informed of all CRs and be involved in the process, with police and relevant agencies, at the earliest possible point. Although YOT referral for intervention is not always necessary, they should be aware of every CR issued by the police to ensure that any risk and safeguarding issues are identified as early as possible. Since this research was undertaken, it is helpful that revised guidance now includes a requirement for YOTs to be notified within 24 hours (NPCC, 2022b); how this is applied in practice will need further exploration.
- A key enabler of local delivery was the development, and consistent use, of screening tools and assessment with all CRs. This practice should be embedded in all CRs to ensure appropriate referral and intervention based on the needs of the young person. Most participants indicated that they would not give multiple CRs, but it was evident that some young people were receiving more than one CR. Careful consideration should always be given to the merit of issuing multiple CRs, as participants suggested that this could undermine the disposal and its ability to engage young people, parents, and victims in the process.
- There remains no national data published on the use of CRs with young people – this should be addressed. Clear CR monitoring and evaluation processes should also be developed, which go beyond short-term reoffending rates, and are linked to local guidance and policy, with a focus on the views and experiences of CR-involved young people.

References

Acton, E. (2015). 'Restorative justice a postcode lottery? – availability and quality of Service', *Safer Communities*, 14(3), pp. 120-125.

Association of Chief Police Officers (2012). *Guidelines on the use of Community Resolutions incorporating restorative justic*e. Available at: https://library.college.police.uk/docs/appref/Community-Resolutions-Incorporating-RJ-Final-Aug-2012-2.pdf [Accessed: 30 June 2022].

Bateman, T. (2009). Figures show a fall in the number of 'first time entrants' to the youth justice system in England and Wales, *Youth Justice*, 9(1), pp. 87-88.

Bateman, T. (2012). 'Who Pulled the Plug? Towards an Explanation of the Fall in Child Imprisonment in England and Wales'*, Youth Justice,* 12, pp. 36-52.

Bateman, T. (2015). *The state of youth justice 2015: An overview of trends and developments.* National Association for Youth Justice.

Bateman, T. (2017). *The State of Youth Justice 2017*. London: National Association for Youth Justice.

Centre for Justice Innovation (2022). *Effective point-of-arrest diversion for children and young people*. Mildenhall: Clinks.

Criminal Justice Joint Inspection (2012). *Facing Up To Offending: Use of restorative justice in the criminal justice system, A joint thematic inspection by HMIC, HMI Probation, HMI Prisons and the HMCPS*. Available at: https://www.justiceinspectorates.gov.uk/hmicfrs/media/facing-up-to-offending-20120918.pdf [Accessed: 30 June 2022].

Criminal Justice Joint Inspection (2018). *Out of Court Disposal Work in Youth Offending Teams, A Joint inspection by HM Inspectorate of Probation and HM Inspectorate of Constabulary and Fire & Rescue Services*. Available at: *https://www.justiceinspectorates.gov.uk/cjji/wp-content/uploads/sites/2/2018/03/Out-of-court-disposal-work-in-youth-offending-teams-reportb.pdf* [Accessed: 30 June 2022].

Cutress, L.R. (2015). *The Use of Restorative Justice by Police in England and Wales*. University of Sheffield, Dept of Law.

HMI Probation (2020). *Annual Report: Inspection of Youth Offending Services*. Available at: https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2020/11/HMI-Probation-Youth-Annual-Report-2020.pdf [Accessed: 30 June 2022].

HMI Probation (2021). *The quality of delivery of out-of-court disposals in youth justice*, Research and Analysis Bulletin 2021/05. Available at: https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2021/09/final-Quality-of-OOCDs-RAB.pdf [Accessed: 30 June 2022].

HMI Probation (2022a). *The identification of safety concerns relating to children*, Research & Analysis Bulletin 2022/05. Available at: Identifying-safety-concerns-RAB-1-2.pdf (justiceinspectorates.gov.uk) [Accessed: 30 October 2022].

HMI Probation (2022b). *Promising approaches to knife crime: an exploratory study*, Research & Analysis Bulletin 2022/03. Available at: https://www.justiceinspectorates.gov.uk/hmiprobation/wp-

content/uploads/sites/5/2022/05/RAB-2022-03-Promising-approaches-to-knife-crime-v1.1.pdf [Accessed 7: November 2022].

Kelly, P. (2008). 'Net-widening', in Goldson, B. (ed.) *Dictionary of youth justice*. Cullompton: Willan, pp. 244-245.

Kelly, L. (2012). 'Representing and preventing youth crime: intended and unintended consequences of targeted youth programmes in England', *Youth Justice*, 12(2), pp. 101-117.

Kelly, L. and Armitage, V. (2015). 'Diverse diversions: youth justice reform, localised practice and a 'new interventionist diversion'', *Youth Justice*, 15(2), pp. 117-133.

Ministry of Justice (2010). *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*. London, The Stationery Office.

Ministry of Justice (2017). *An Analysis of Trends in First Time Entrants to the Youth Justice System*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/653182/trends-in-fte-to-the-youth-justice-system.pdf [Accessed: 30 June 2022].

Ministry of Justice (2022). *First Time Entrants into the Youth Justice System Q3, 2022*. Available at: https://www.gov.uk/government/statistics/first-time-entrants-fte-into-the-criminal-justice-system-q3-2021 [Accessed: 30 June 2022].

National Police Chiefs' Council (2019). *Outcome 22 – NPCC Briefing note (v1 March 2019),* accessed on 7 November 2022. Available at: https://justiceinnovation.org/sites/default/files/media/document/2021/outcome_22_-_npcc_briefing_note_v1_march_2019.pdf [Accessed: 30 June 2022].

National Police Chiefs' Council (2022a). *Outcome 22 (O22) Guidance 2022.*

National Police Chiefs' Council (2022b). *Community Resolutions (CR) Guidance 2022.*

National Police Chiefs' Council (2023) *Youth Gravity Matrix.*

O'Brien, K. (2019). '*Understanding extra-judicial responses to young people's offending; out of court disposals and 'diversion' in social context*'. PhD thesis. University of Bedfordshire. Available at: https://uobrep.openrepository.com/bitstream/handle/10547/623296/obrien.pdf?sequence=6&isAllowed=y [Accessed: 30 June 2022].

Pitts, J. (2001). *The new politics of youth crime: discipline or solidarity?* Lyme Regis: Russell House Publishing.

Shapland, J., Crawford, A., Gray, E. and Burn, D. (2017). *Developing restorative policing in Humberside, South Yorkshire and West Yorkshire*. Available at: https://www.sheffield.ac.uk/ccr/home/publications [Accessed: 30 June 2022].

Smith, R. (2020). Diversion, Rights and Social Justice, *Youth Justice*, 21(1), pp. 18 – 32. Available at: https://journals.sagepub.com/doi/10.1177/1473225420902845 [Accessed: 30 June 2022].

Sutherland, A., Disley, E., Cattell, J. and Bauchowitz, S. (2017). *An analysis of trends in first time entrants to the youth justice system,* Ministry of Justice Analytical Series. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/653182/trends-in-fte-to-the-youth-justice-system.pdf [Accessed: 30 June 2022].

Taylor, C. (2016). *Review of the Youth Justice System in England and Wales,* Ministry of Justice. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/577103/youth-justice-review-final-report.pdf [Accessed: 30 June 2022].

West Midlands Police (2009). *'Doing the right thing – community resolutions and professional judgement'*. Birmingham: West Midlands Police.

Wolcott, H.F. (1994). *Transforming Qualitative Data: Description, Analysis and Interpretation.* London: Sage.

Youth Justice Board (2013). *Youth Out of Court Disposals Guide for Police and Youth Offending Service*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/438139/out-court-disposal-guide.pdf [Accessed: 30 June 2022].

Youth Justice Board (2019). *National Standards for Youth Justice Services*. London: Youth Justice Board. Available at: https://www.gov.uk/government/publications/national-standards-for-youth-justice-services [Accessed: 30 June 2022].

Youth Justice Board Resource Hub (2017). *Enhanced Triage*. Available at: https://yjresourcehub.uk/effective-practice/practice-examples/item/274-enhanced-triage.html [Accessed: 30 June 2022].

Youth Justice Board. (2020*). Data Recording Requirements for Youth Offending Teams (April 2020 to March 2021)*. Available at: file:///C:/Users/55141220/Downloads/Data_Recording_Requirements_2021-22_v1.0%20(1).pdf [Accessed: 30 June 2022].

Youth Justice Legal Centre (2022a). *ACPO Gravity Matrix*. Available at: https://yjlc.uk/resources/legal-terms-z/acpo-gravity-matrix [Accessed: 7 November 2022].

Youth Justice Legal Centre (2022b). *Deferred prosecution – Outcome 22*. Available at: https://yjlc.uk/resources/legal-updates/deferred-prosecution-outcome-22 [Accessed: 7 November 2022].

Youth Justice Legal Centre (2022c). *Triage*. Available at: https://yjlc.uk/resources/legal-terms-z/triage [Accessed: 7 November 2022].

Annex A: Methodology

The design of this exploratory research was intended to include a wide range of stakeholders involved in YOT delivery of CRs, highlighting the processes involved. Five YOTs were selected, reflecting a range of inner-city, suburban, and rural areas. While these sites provide good insights to CR implementation and delivery, they should not be taken to be representative of *all* YOT practice across England and Wales. Future research on CRs should consider detailed case study approaches to specific aspects of CR delivery.

YOT managers provided initial access as key stakeholders and identified relevant staff and partner agencies. Semi-structured interviews were used with YOT staff and partner agencies to provide a consistent structure while allowing flexibility for interviewees to guide the interview as relevant and necessary to explore their practice in relation to CRs. YOT staff assisted in identifying young people to take part in small focus groups, which we undertook in person at the YOT locations.

A national survey was also developed and sent to all 155 YOTs in England and Wales between 21st September and 18th October 2022. The survey was completed by 68 (out of 137) YOTs in England and 6 (out 18) YOTs in Wales, equating to about half (48 per cent) of all the YOTs. There were 127 survey respondents in total, with 121 from England and six from Wales. The survey provided a useful snapshot of YOT CR practice across England and Wales to supplement the five YOT areas explored. Future research should consider a more in-depth, perhaps longitudinal, survey approach with YOTs regarding CR implementation and delivery.

In interviews, we asked about strategy, guidance, and policy which guided CR delivery, what assessment/screening was used, how decisions were made in relation to guidance and assessment, what enablers and barriers were present, and examples of effective practice. Interviews were conducted over Microsoft Teams, recorded, and transcribed. The survey asked similar questions, but was reduced in size to enhance response rates. We administered the survey using Qualtrics Analytical Software and sent it to YOT managers via email asking for it to be sent on to relevant staff and partner agencies involved in CRs.

In the focus groups with young people, we used Ketso Kits:

> 'Ketso is a portable kit you can lay out on a table at group meetings and in workshops. Participants are asked key questions, and write their ideas on specially made 'leaves', before placing them on a central felt to create clusters of ideas.' (See https://ketso.com/).

These were split into sections and young people were asked to discuss and/or write down on the Ketso Kits what they 'liked', 'disliked', how they 'felt', and what they 'would change' about their CR experience. This allowed for the young people to express their experience in verbal or written/visual format. The sessions were audio recorded and transcribed. We had hoped for higher numbers of young people to be included in the research, but unfortunately, some young people did not turn up to the focus groups and, due to workload demands, some YOTs were unable to facilitate these. This is a key limitation of this research; young people's views and experiences should be a key focus of future research.

We analysed the data using thematic content analysis, with the computer software package NVivo being used to organise the data. This approach followed the principles of description, analysis, and interpretation (Wolcott, 1994). Through the coding process, themes were explored in the data. The coding categories were developed through the two phases of: (1) open coding of interviews, focus group, and survey data through which prominent themes,

with subcategories, emerged; and (2) re-examination of previous categories and the merging of sub-categories, considering the networks created in NVivo. Two researchers undertook the coding and the team met to discuss and agree the themes to include in the final report.