

Open Report on behalf of Debbie Barnes OBE, Executive Director of Children's Services

Report to:	Children and Young People Scrutiny Committee
Date:	20 July 2018
Subject:	Restorative Practice - Lincolnshire Joint Diversionary Panels (JDP)

Summary:

This report provides members of the Children and Young People Scrutiny Committee with an update and overview of the impact of the Lincolnshire Joint Diversionary Panel since it was introduced in June 2017.

Actions Required:

The Committee is invited to seek assurance regarding the impact of the Lincolnshire Joint Diversionary Panel on offending behaviour by children and young people.

1. Background

The Lincolnshire Youth Offending Service is a multi-agency service (established under the Crime and Disorder Act 1998) with a statutory duty to address offending behaviour by children and young people. As well as a responsibility to reduce re-offending, a key performance measure for the service is reducing the number of children each year who enter the criminal justice system by receiving a formal sanction of a Youth Caution or through being charged to Court. Those young people entering the criminal justice within this report are termed First Time Entrants (FTE).

On the 8th April 2013 the legal provisions regarding the delivery of reprimand and final Warnings under the Crime and Disorder Act 1998 were repealed and a new framework for Out of Court disposals was introduced under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO). Under this act, in dealing with any offence committed by a person under the age of 18, the Police have a range of options including No Further Action (NFA), Community Resolution (CR), Youth Caution (YC), Youth Conditional Caution (YCC) and charge.

Crucially the change in legislation provided agencies with greater scope to introduce the most appropriate outcome for criminal offences which could be based on the seriousness and circumstances of the offence but also consider the background of the child or young person. In addition, the Taylor Report (2016) set

out a new vision for youth justice delivery and outlined a clear expectation that every area should move to establish a practice model that diverts young people away from the formal criminal justice system wherever possible.

Recent research has shown that a young person is actually more likely to reoffend if they have been to court and receive a formal sanction. Restorative disposals have been shown to demonstrate better outcomes and reduced reoffending rates for children and young people. A cohort tracked in Leicestershire who received out of court disposals returned a 9% re-offending rate compared to a national average of 36% re-offending rate and a national re-offending rate following custody of more than 70%.

Joint Diversionary Panels in Lincolnshire were primarily established following detailed analysis of criminal justice disposals for children and young people. This analysis resulted in a shared acknowledgement that there was evidence of inappropriate use of Police cautions against children and young people. Lincolnshire Police data suggests that between 01/09/2015 and 31/08/2016 approximately 330 Youth Cautions were issued. As a direct consequence this practice had then resulted in a much higher number of first time entrants for Lincolnshire in comparison to our statistical neighbours.

Critically without a significant change in practice, there was a clear potential for the increased criminalisation of children in Lincolnshire, especially Looked After Children. It is essential that Looked After Children (LAC) are afforded a distinct and appropriate consideration within the panels due to the increased potential to be criminalised by their often complex behaviour and interaction with Police. The work of the panel is supported by the new Lincolnshire Safeguarding Children Board (LSCB) protocol to reduce criminalisation of children in residential care which serves as an additional safeguard for the most vulnerable children.

The use of Youth Cautions without any meaningful support or intervention can often represent an essentially administrative process and achieve limited impact. More importantly they have the potential to unnecessarily criminalise children and also have far reaching implications for their future education and employment prospects. However from a community safety and victim perspective it was apparent that the application of a caution does not adequately address the underlying factors which are influencing the young person's behaviour.

Prior to the introduction of the Joint Diversionary Panel the vast majority of decisions relating to sanctions and disposals following criminal behaviour by children and young people were the sole and primary responsibility of Lincolnshire Police. Where the gravity and seriousness of offending is very high these decisions are still directed to the Crown Prosecution Service (CPS).

1.1 - Panel Process

Since its establishment in June 2017 the Joint Diversionary Panel (JDP) now meets on a weekly basis to review the cases of children and young people in Lincolnshire who have committed and admitted a criminal offence. Prior to the panel sitting all relevant information will be obtained regarding the child or young

person in respect of their social care involvement, health, and education and family circumstances. The voice of the young person and views of victims and crime are also sought to generate a full understanding and picture to inform holistic decision making.

The panel is chaired by the Youth Offending Service (YOS) but has standing representation from Lincolnshire Police, Early Help and Team Around the Child (TAC) Co-ordinators to provide a partnership approach and specialist input.

The panel may choose one of the following **formal** outcomes:

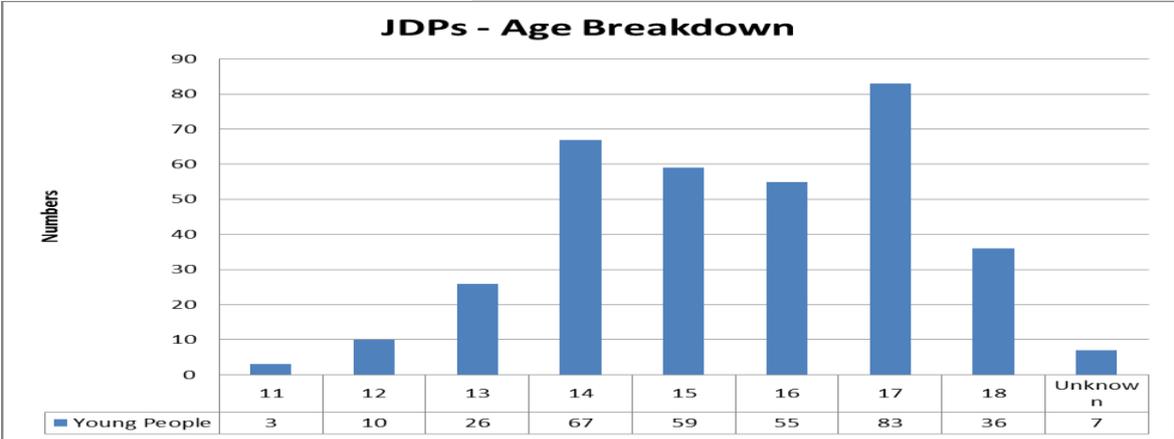
- Youth Caution
- Youth Conditional Caution
- Charge to Court

However since the commencement of the diversionary panel there is far greater use of non-statutory restorative outcomes - Youth Restorative Intervention (YRI). The YRI represents a new intervention established specifically for the joint diversionary panel. These disposals do not criminalise and have a restorative focus for both the victim and young person.

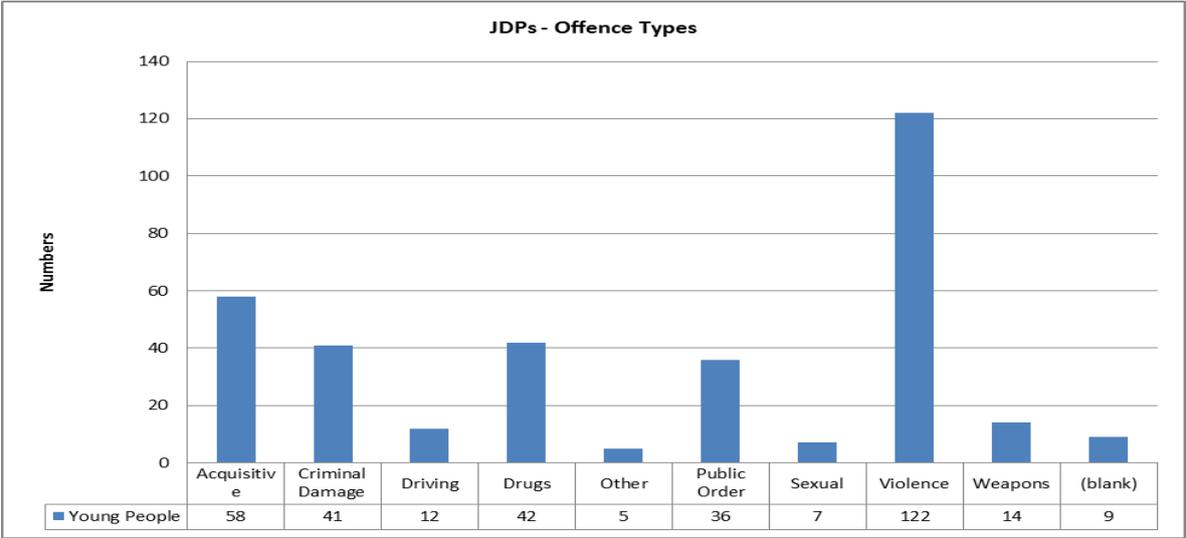
Example Youth Restorative Intervention Outcomes

<u>Tier 1</u>	<u>Tier 2</u>	<u>Tier 3</u>
Possession of cannabis	Shoplifting/Common Assault	Threats to Kill, grievous bodily harm, sexual offences
Referral to Addaction for substance misuse education/support	Attendance on 'RESTORE' group work programme to understand impact of offending. Victim Restorative Conference and Community Reparation	These cases will be allocated to a YOS caseworker to undertake and assessment and plan of intervention over a three month period.

1.2 - Cohort Profile and Offences



The JDP currently reviews cases of children and young people aged between 10 and 18 if still working with the Youth Offending Service. The above data indicates that the predominant age profile is within the 14 -17 year old age range. The identification of offending behaviour at a younger age represents a better opportunity to intervene earlier before it becomes embedded. The gender analysis highlights that 25% of cases reviewed by the panel are female which represents a significantly higher proportion than those who appear before the court.



The above table highlights the range of offences committed by young people which have been reviewed by the panel since June 2017. Whilst theft and criminal damage feature frequently there are a greater proportion of violent offences. It should be noted that many of the violent offences are often against peers and at the lower threshold to enable a restorative outcome to be considered. This also provides opportunities to introduce restorative conferences with victims and utilise the 'Status' programme as an intervention to promote healthy relationships and address attitudes which may support violence.

2. Conclusion

The Joint Diversionary Panel (JDP) exemplifies excellent partnership and commitment from all key stakeholders (YOS, Lincolnshire Police, Early Help and TAC Leads) to promote the very best outcomes for vulnerable children and young people in Lincolnshire. It should be highlighted that officers from Lincolnshire Police have also been instrumental in driving forward the change in practice and ensuring it is embedded within the force. The implementation of the panel framework has been overseen and scrutinised by the Youth Offending Service Strategic Management Board with partnership oversight.

Lincolnshire Children's Services has an overarching belief in utilising restorative principles and approaches within all areas of practice. National research within criminal justice has demonstrated the effectiveness in restorative justice in respect of the longer term benefits for young people, victims of crime and their communities. The Joint Diversionary Panel is demonstrating how restorative

practice can minimise the potential for children to become involved in the formal criminal justice system whilst still being supported with effective intervention.

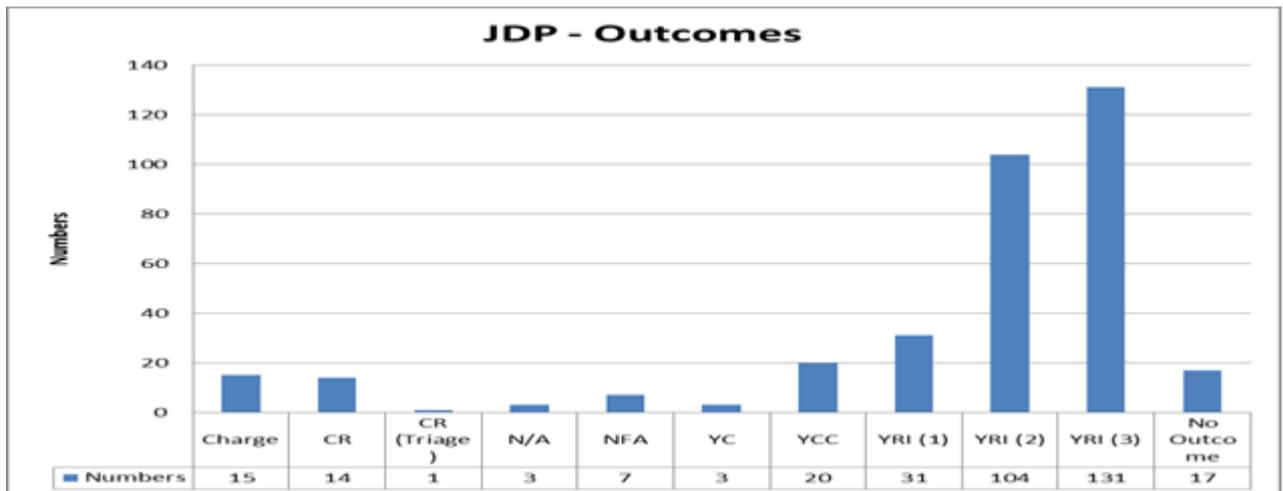
This JDP has undoubtedly contributed to improved and proportionate decision making that reflects the best interests of the child and young person and their families. However the duty to victims of crime and victims has not been diluted or overlooked as the panel seeks to provide a robust and credible alternative to conventional and formal criminal justice outcomes. Consultation with key stakeholders has been critical throughout and the panel has received the backing of the Youth Court User Group, Youth Magistrates and defence solicitors.

The new HMIP Inspection framework now includes an additional domain that will focus on out of court work. This work now represents half of the Youth Offending Service caseload and ensures that diversion and early intervention are prioritised. The national, regional and local trends reflect a falling statutory workload for youth offending teams. The number of Police arrests is continuing to fall and the changes to the Bail Act have altered Police behaviour in how they investigate crime. The number of young people coming to court has shown a considerable decrease as the panel are now acting as gatekeepers for a significant number of offences.

2.1 Performance and Impact

It is highly encouraging that the most recent national performance data indicates that the rate of first time entrants (FTE) in Lincolnshire has dropped by approximately **22%** since the diversionary panels came into operation. It will take further time to reflect the full impact of the panels, however all indications suggest there is the potential to continue an on-going reduction in the first time entrant rate.

Since the introduction of the Joint Diversionary Panels in Lincolnshire more than **350** cases have been reviewed by the panel (see table below). The panel has been able to utilise a youth restorative option (Tier 1, 2 and 3) in **82%** of all cases. This has clearly resulted in numerous children being offered timely support without acquiring a formal criminal conviction and managing the associated negative impact into adulthood. In addition, as a direct result of the creation of the panels, the use of Youth Cautions within Lincolnshire has decreased by over **90%**. This represents a substantial reduction which should be welcomed and demonstrates the genuine commitment across agencies to restorative outcomes.



2.3 - Evaluation

Performance reporting in respect of youth justice is submitted on a quarterly basis to the Youth Justice Board and published by the Ministry of Justice. The work of the diversionary panel is monitored by the Performance and Partnership Manager within Lincolnshire Youth Offending Service. A key measure relating to the success of the panels is the impact that this has upon re-offending. The JDP cohort will be tracked to firstly determine if the intervention and support provided has made a meaningful impact in addressing re-offending. Early indications suggest a positive impact both in respect of young people not returning to the panel but also the absence of further offences post panel intervention. The work of the Joint Diversionary Panel is also contained within the Partners in Practice (DFE) work stream and a formal evaluation is being scoped. Furthermore discussions have been undertaken with the University of Lincoln to secure funding to complete a longitudinal academic evaluation to understand the longer term impact of diversion for children and young people and also the quality of interventions they receive.

3. Consultation

a) Have Risks and Impact Analysis been carried out?

No

b) Risks and Impact Analysis

Monitoring and evaluation of the panel is provided through the Lincolnshire Out of Court Scrutiny Panel.

4. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Andy Cook, who can be contacted on 01522 552367 or andy.cook@lincolnshire.gov.uk.