

**Open Report on behalf of Janice Spencer OBE,
Interim Director - Children's Services**

Report to:	Children and Young People Scrutiny Committee
Date:	06 September 2019
Subject:	Restorative Practice - Lincolnshire Joint Diversionary Panels (JDP)

Summary:

This report provides members of the Children and Young People Scrutiny Committee with an update of the impact and performance round the Joint Diversionary Panel following the report presented in July 2018.

Actions Required:

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

1. Background

Preventing children and young people from formally entering the Youth Justice System is central to Lincolnshire's approach to tackling youth crime; with a strong emphasis on understanding the underlying causes of behaviour in order to achieve positive outcomes. 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 timely and effective intervention.

In January 2019 Lincolnshire Youth Offending Service was amalgamated within the new Future4Me service to ensure a co-ordinated response to working with young people with complex needs and those engaging in risk taking behaviour.

Youth justice services are formed under a multi-agency working framework. They were established under the Crime and Disorder Act 1998 with a statutory duty to address offending behaviour by children and young people and oversight of this work is provided by the Lincolnshire Youth Offending Service Strategic

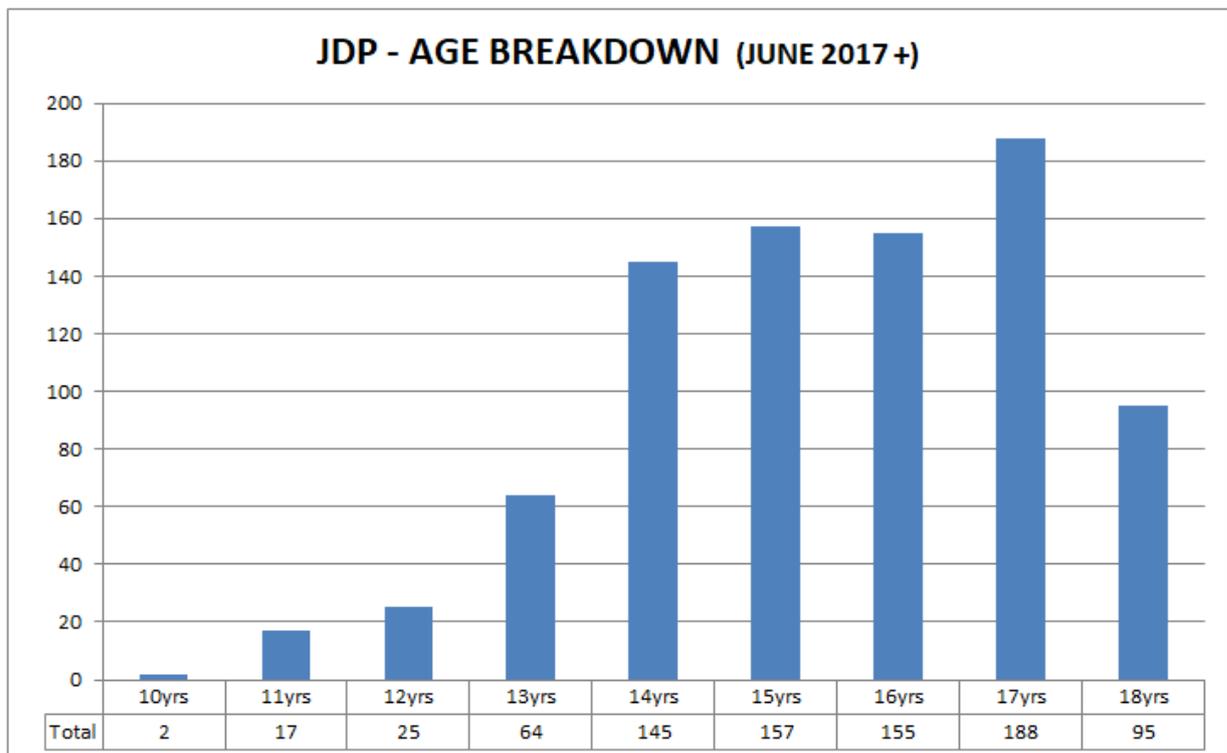
Management Board.

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).

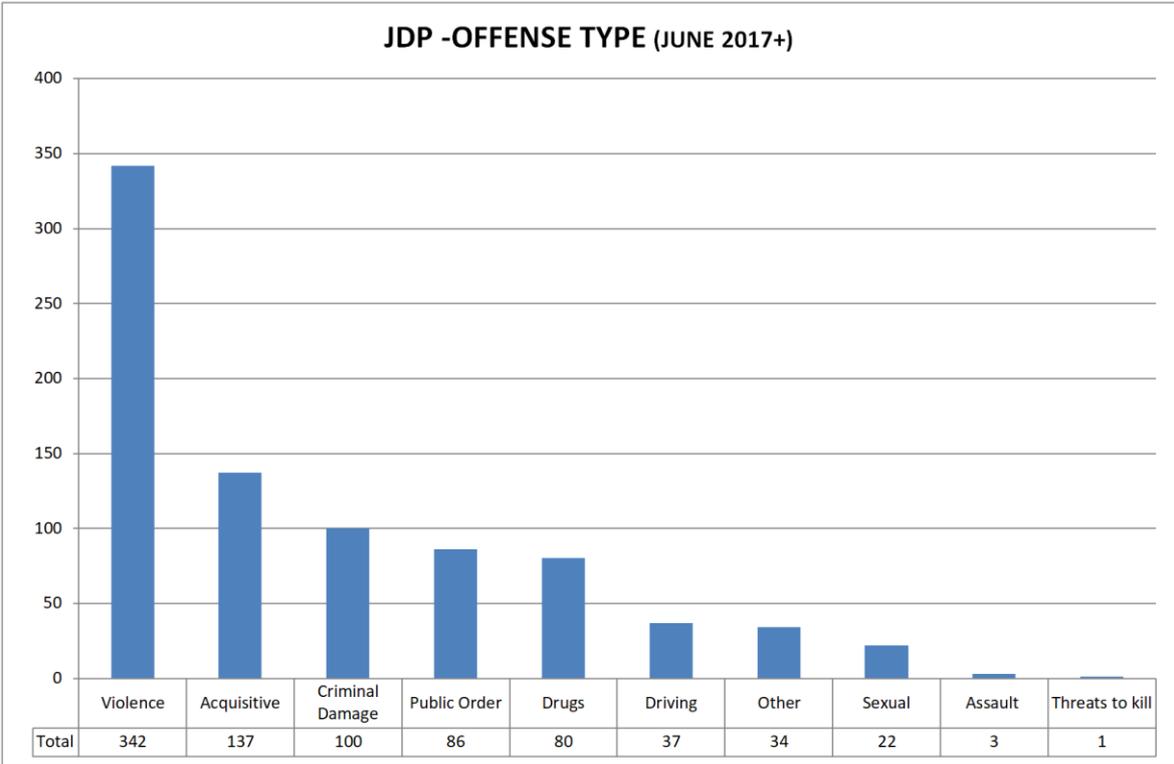
Joint Diversionary Panels in Lincolnshire were primarily established following detailed analysis of criminal justice disposals for children and young people. This analysis resulted in a shared acknowledgement that there was evidence of inappropriate use of Police cautions against children and young people. 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.

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). The panel now ensures that children and young people are offered timely intervention and support to meet their individual needs and also provides support to victims and create positive opportunities for restorative justice.

Cohort Profile and Offences



The JDP currently reviews cases of children and young people aged between 10 and 18 where there is an admission of responsibility for the offence. The above data indicates that the predominant age profile remains 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 24.1% of cases reviewed by the panel are female which represents a significantly higher proportion than those who appear before the court. The primary offence linked to females appearing at the panel is that of violence at approximately 54%. For males appearing at the panel there is a wider spread of offence types whereby violence represents 27% of all offences. The analysis of the offence types and the understanding of the cohort needs are directly linked to ensuring that appropriate interventions are available to children and young people to reduce the likelihood of further offences. The views of victims are critical and are gathered within the panel process to highlight the impact of the offence but this also brings a restorative focus which is also demonstrated to reduce the potential for re-offending.



The above table highlights the range of offences committed by young people which have been reviewed by the panel since June 2017 to the current day. Whilst theft and criminal damage continue to feature frequently, there is a clear disparity in the number of violent offences being brought before the panel.

Whilst not minimising the number of violent offences, this must also be considered in the context that they were not charged to Court. Therefore it evidences that many violent offences were at a threshold which merited a restorative outcome which does indicate that they did not involve serious harm. The panel has a comprehensive range of interventions available which include supervision, reparation, restorative conferences, group work sessions and positive activities. It

also provides access to specialist support in areas such as substance misuse, emotional health and well-being and wider support to families.

It is also not unsurprising that many such offences are within peer groups and also highlights that many children and young people have a dual vulnerability as often being both victims and perpetrators of criminal offences. 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) continues to demonstrate excellent partnership and commitment from all key stakeholders has been maintained over the last year. It is evident that we are working collaboratively with key stakeholders (including Lincolnshire Police) to promote the very best outcomes for vulnerable children and young people in Lincolnshire. The panel is underpinned by the principles of restorative practice and ensuring that victims of crime have their voices heard within the panel.

There is a critical need to ensure there is on-going confidence in the decision making of the panel. A number of observations have been undertaken of the panel process by key stakeholders to provide challenge and feedback. Further analysis is also needed to ensure that re-offending is also reduced through the use of the panel and to ensure children and young people do not continually return to the panel because of non-compliance.

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 Joint Diversionary Panel has since its operation undoubtedly contributed to improved and proportionate decision making that reflects the best interests of the child and young person and their families. In addition when this work is effective it also ensures community safety and reduces the public concerns and fears around crime and increases confidence in how it is tackled.

Joint Diversionary Panel and Anti-Social Behaviour

Whilst the JDP was proving to deliver successful outcomes around criminal outcomes, the existing process did not reflect the links between anti-social behaviour and crime or that the two acts can occur simultaneously. Young people who engage in anti-social behaviour at present are taken through an incremental approach, involving a series of stages that can result in civil action if there is a continuation or escalation of behaviour. This is done via the Youth Court and could

result in a supervision order with a supervision, curfew or activity requirement or in the most severe cases a detention order for a maximum of 3 months.

In response, a revised process has been agreed with both Police and District Councils to meet the needs of young people and provides agencies with the support required to help deter young people from persistently engaging in anti-social behaviour. It continues to form part of the incremental approach and work within the parameters of current anti-social behaviour policies and procedures. This also reflects a multi-agency shift in the response to youth crime and anti-social behaviour across the county, which can also be seen in the recent Joint Lincolnshire Protocol to reduce offending and the criminalisation of children in care.

Following agreement through engagement with the district councils, a countywide pilot has commenced which incorporates a period of review. This will be followed by a formal evaluation to assess its effectiveness against the following aims:

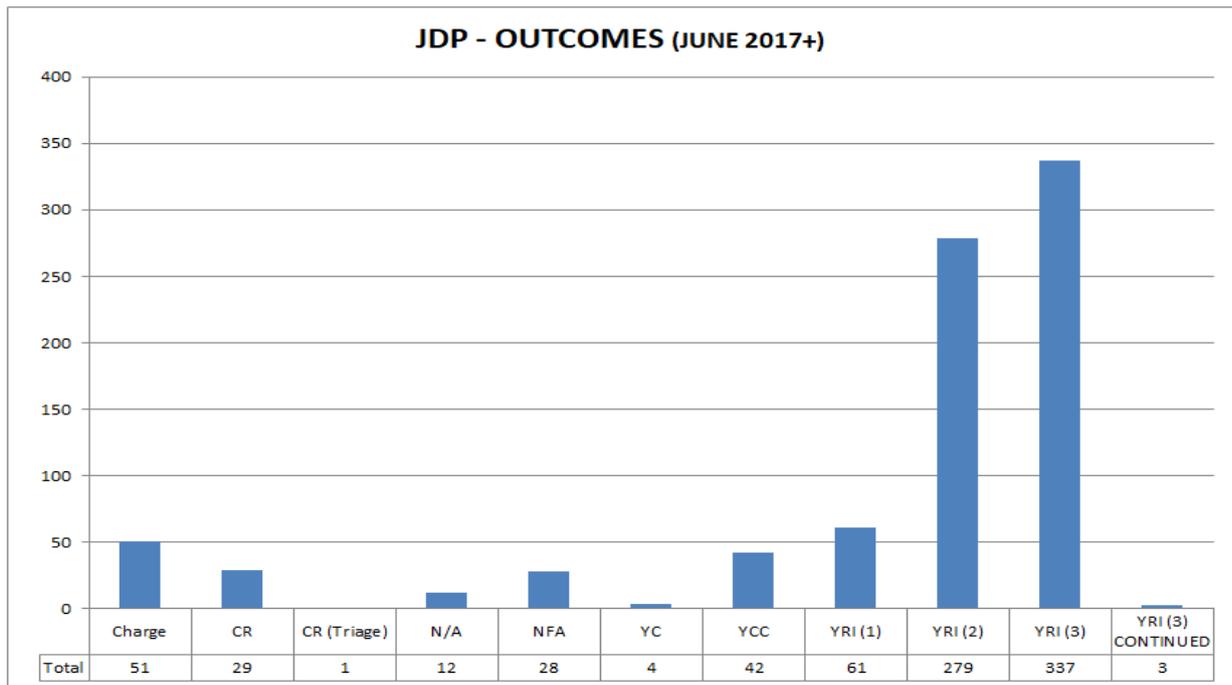
- To provide a consistent approach to tackling youth related anti-social behaviour across Lincolnshire.
- To support partnership working between District Councils, Police and youth support agencies (allowing for effective joint working and discussion).
- To provide a response that considers the needs of victims and communities.
- To provide interventions and support for young people and their families to address the behaviours.
- A decrease in escalation from Stage 1 and 2 Warnings compared to the existing base line.
- To reduce the need for formal enforcement (civil injunctions and Criminal Behaviour Orders).

Performance and Impact

The latest national data published by the Youth Justice Board in June 2019 indicates that the rate of first time entrants (FTE) in Lincolnshire has dropped by approximately 76% since the diversionary panels came into operation in June 2017.

In terms of volume and throughput since the panel became operational 699 cases have been reviewed (see table below). The panel have been able to utilise a youth restorative option (Tier 1, 2 and 3) in 80.3% of all cases. This has clearly resulted in numerous children being offered timely support without acquiring a formal criminal conviction. The implications of acquiring a criminal conviction for a child or young person can have potentially long term negative impacts upon their future. As a direct result of the creation of the panels, the use of Youth Cautions within Lincolnshire has resulted in only seventeen being issued in the full 2018 year compared to 330 Youth Cautions in 2015-16.

Of far greater significance is the ability now to provide individual interventions, at a much earlier juncture, to children and young people which were not previously available through the use of youth cautions.



Evaluation

As part of the partnership that has developed between Children's Services in Lincolnshire and the University of Lincoln's School of Social & Political Sciences, the University of Lincoln has now commenced a formal evaluation of the Joint Diversionary Panel initiative. The research will be comprehensive and include consideration of:

- The appropriateness and effectiveness of the JDP process for making decisions about outcomes for young people who have admitted an offence.
- The effectiveness and suitability of any subsequent Youth Restorative Interventions being delivered as out of court disposals.

The research activity is being led by Dr. Sue Bond-Taylor, with support from an undergraduate student research assistant. The funding for the research has been provided through the Safer Lincolnshire Partnership and the Office of the Police and Crime Commissioner.

The aims of this evaluation of the Joint Diversionary Panel (JDP) and the new Youth Restorative Intervention (YRI) are to:

- Share best practice across services that support children and young people and also support service improvements in other local authorities.
- Contribute to academic debates and inform future youth justice research in this field.
- Raise the profile of work with young people in Lincolnshire within the Youth Justice system to demonstrate innovative and evidence-based practice.
- Provide opportunity for staff development (both within the County Council and the University of Lincoln).

3. Consultation

a) Have Risks and Impact Analysis been carried out?

No

b) Risks and Impact Analysis

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

A quarterly partnership meeting reviews the panel process and looks to mitigate and address any operational concerns or risks.

A wide ranging evaluation will be undertaken in collaboration with the University of Lincoln.

4. Appendices

These are listed below and attached at the back of the report	
Appendix A	Joint Diversionary Panel - Case Studies

5. 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.

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