

**Open Report on behalf of Heather Sandy, Executive Director –  
Children's Services**

Report to:	<b>Children and Young People Scrutiny Committee</b>
Date:	<b>04 September 2020</b>
Subject:	<b>Restorative Practice - Lincolnshire Joint Diversionary Panels (JDP) – Position Report and Evaluation Report from the University of Lincoln</b>

**Summary:**

This report provides members of the Children and Young People Scrutiny Committee with an update of the impact and performance around the Joint Diversionary Panel following the report presented in September 2019.

**Actions Required:**

The Committee is invited to review and comment on

1. the impact of the Lincolnshire Joint Diversionary Panel on offending behaviour by children and young people.
2. the initial findings from the evaluation of the JDP and Youth Restorative Interviews as undertaken by The University of Lincoln.

## **1. Background**

In September 2019, a report on Lincolnshire's Joint Diversionary Panel (JDP) was presented to the Scrutiny Committee. This provided an explanation of the key aims, principles and objectives of JDP, in addition to performance data and case studies, to demonstrate the impact to date of JDP. The Scrutiny Committee requested that a report on JDP was brought back once the independent evaluation by The University of Lincoln was completed and to provide any further updates, including performance data, in regards to JDP.

The Joint Diversionary Panel was established in 2017 in response to detailed analysis of criminal justice disposals which evidenced the 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 of this practice there was a much higher number of First Time Entrants (FTE) into the criminal justice system in Lincolnshire, in comparison to our statistical neighbours. The implications of acquiring a criminal conviction for a child or young person can have potentially long term negative impacts upon their future.

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. JDP seeks to understand the underlying causes of children and young people's behaviour and offer timely and effective intervention to minimise the potential for children and young people to become involved in the formal justice system. 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. Research has demonstrated the effects of Restorative Practice (RP) in respect of longer term benefits for children and young people, victims of their crime and their communities. RP is a fundamental principle of JDP and Lincolnshire Children's Services.

### Key Developments

Since the previous Scrutiny Committee in September 2019 there have been a number of key developments regarding JDP.

### Core Panel Members

There is now representation at the weekly Panel meetings from Education (Pupil Reintegration Team) and Health (Trainee Clinical Psychologist), which has increased the quality and quantity of the updates in regards to the child / young person's health and education and also provided specialist knowledge and understanding in regards to these key areas, to enable a more holistic understanding of the young person's situation and needs.

### Criminal Justice Liaison and Diversion Service (CJL&D)

The new service launched on the 1<sup>st</sup> April 2020. This is a partnership between LPFT (Lincolnshire Partnership NHS Foundation Trust) and LAT (Lincolnshire Action Trust) that aims to provide early assessment and intervention for people aged 10+ presenting with a range of vulnerabilities, including mental health issues, learning disabilities, autism, housing or substance misuse issues etc. at the earliest point in the criminal justice system. CJL&D staff are now placed within all the Lincolnshire Custody Suites. The assessments that CJL&D complete for those children / young people who are referred to JDP are shared with the Panel and have provided additional information for the Panel to consider as part of their decision making, which has been particularly beneficial in regards to providing the voice of the child in relation to their understanding, attitudes and motivations in relation to the offending.

### JDP Leaflet

A leaflet for children / young people has been produced, shared with the police and made available at Lincolnshire Police custody suites. The leaflet is aimed at ensuring that the child / young person and their parents / carers understand the process in regards to JDP and the potential outcomes. It was recognised that although this was being explained by police at interview, due to the potential for this to be a highly emotive and stressful situation, there was a need to provide information that the child / young person and their parents / carers could refer to at a more appropriate time.

### Non Engagement and further offending

Whilst there is a commitment from all Panel members to work with a child / young person to divert where possible them from the formal criminal justice system, it is recognised that a small percentage of young people may not engage with the outcome agreed at Panel. In addition to this there are also a small number of young people who will continue to be involved in offending despite the restorative intervention alternative offered. The Joint Working Protocol (April 2020) includes guidance on both these areas and recognises that in some circumstances either due to evidenced non engagement or repeat offending, the proportionate and appropriate response to this may result in the criminalisation of the child / young person.

### The impact of COVID-19

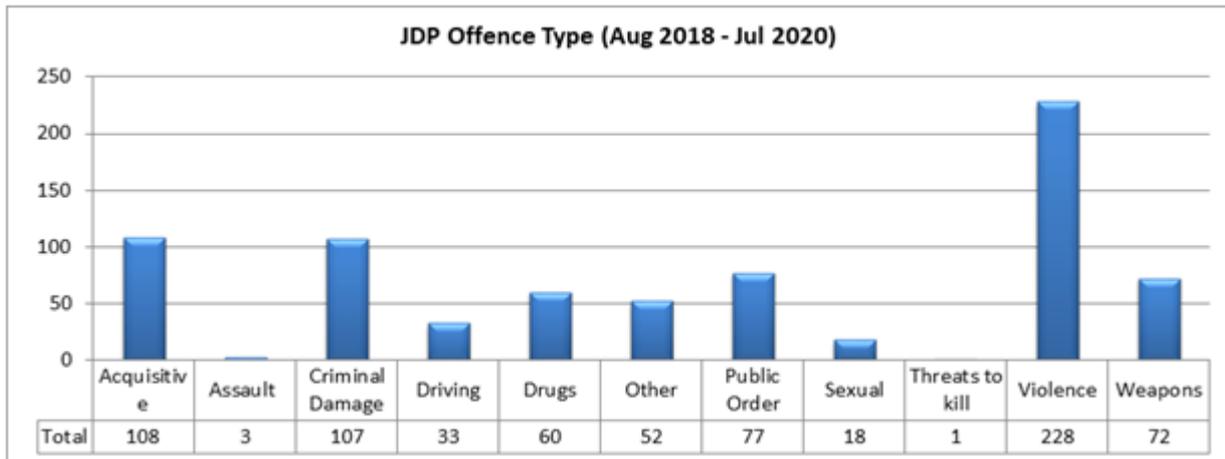
The last four months have been extremely difficult for all sectors and the impact of COVID-19 on the Panel process has been significant. However, this has also afforded us the opportunity to work with Lincolnshire Police to ensure a cohesive and multi-agency strategy is in place. We have maintained the weekly Panel meeting and have moved to video conferencing in order to facilitate this. This has led to us being able to continue to make timely decisions for both young people and victims. The new ways of working are also providing opportunities for increased efficiency both in terms of travelling time and mileage costs for all of those partners engaged in the Panel process.

Our frontline staff have all had to work innovatively to engage young people remotely. However, all cases are risk assessed to determine the need for face to face contact and this has been consistent throughout the lockdown period. Our Panel disposal options have in the main remained the same, although due to the restrictions in place, Community Reparation has not been possible. We have regular liaised with Lincolnshire Police colleagues and have agreed circumstances in relation to seriousness and circumstances of the offence, where a young person could be given a further, second, Community Resolution by the Police without needing to come to Panel.

### 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. Offences which are indictable only (where the defendant has a right to trial by jury) are not admissible to the JDP.

To date the Panel has dealt with 1183 youth cases. The average age of a young person dealt with by the Panel is 15.5 years. This identification of offending behaviour at a younger age represents a better opportunity to intervene earlier before the behaviour becomes embedded.



The Panel deals with a wide range of offence types with violent, acquisitive and damage type offences representing the offending most seen within the youth cohort. However the seriousness of these offences means that they are still able to be dealt with outside the formal court process. 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. An example of this are the 'Status' and '#Filter' group-work programs we now offer around aggression, healthy relationships and self-identity. These have been crafted to meet the needs of the young people we are dealing with in Lincolnshire rather than generic national programmes which do not take into account geographic or local socio-dynamic factors.

#### Evaluation of the JDP and Youth Restorative Interventions(YRI)

In partnership with the Office of the Police and Crime Commissioner and the Community Safety Partnership, Future4Me commissioned an in depth evaluation of the JDP and the YRI through The University of Lincoln.

The research utilises different methodologies to evaluate the impact of the JDP:

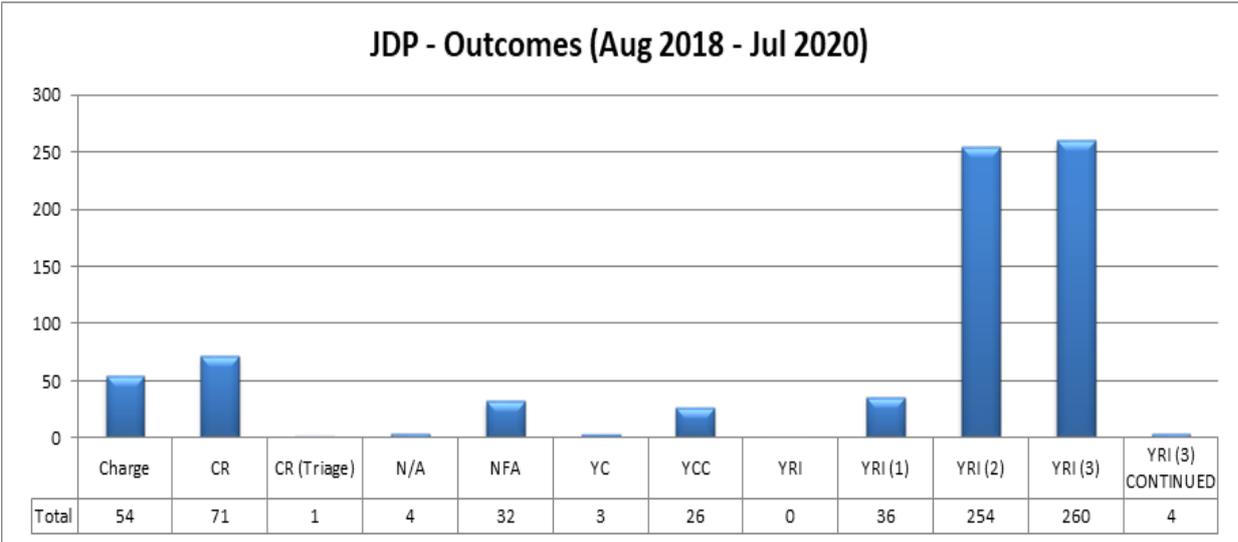
- **A Literature Review** – the literature review is being updated as new literature is published and will continue to evolve.
- **Victim Survey Case File Analysis**
- **Stakeholder Interviews** – 15 interviews with professionals and 2 with victims have been completed. Professional interviews have also been revisited for updates and reviews around the impact of the Covid-19 restrictions. A further victim interview is required.
- **Interviews with young people** – 3 of the 12 desired interviews with young people have taken place. These have been impacted by engagement and now lockdown restrictions. A further 5 young people have initially agreed for interview in August.
- **Analysis of Service Case statistics** – data exchange is on-going with our Performance Officer.

Whilst the evaluation is still in progress, the Scrutiny Committee is invited to review and comment on the findings to date.

## 2. Conclusion

### Performance and Impact

National data published by the Youth Justice Board indicates that the rate of first time entrants (FTE) in Lincolnshire was 335 during January to December 2017 (Panel came into effect at the end of 2017). The latest 12 month figure stands at 106 which reflects a 68% decrease in the number of Lincolnshire young people formally entering the criminal justice system.



The above graphic shows the Panel has been able to utilise a non-criminalising Youth Restorative Intervention outcome in the vast majority of 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. 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.

The Joint Diversionary Panel continues to demonstrate the commitment of the key stakeholders to multi-agency decision making in regards to children / young people's offending behaviours. The Panel ensures that there is an informed and proportionate response to their behaviours, diverting young people away and supporting them to avoid the longer term implications of acquiring a criminal conviction, where it is safe and appropriate to do so. This has positive implications at an individual level for that child / young person and their family, the victim and the community and in regards to continuing to contribute to the picture to reduced numbers of arrests and FTE in Lincolnshire.

The Panel recognises the need for continuous reflection and review, working collaboratively with key stakeholders to identify opportunities for development and improvement.

**Preliminary Findings from the Case File Analysis:**

**Holistic Decision Making** – there is clear evidence that the JDP provides a process for making more holistic and informed decisions about young people who have admitted an offence. The multi-agency nature of the Panel and the use of information from various sources feeds into this. The analysis will explore this process in more detail, identifying good practice and potential gaps in the information considered at JDP.

**Problem Solving Approach** – The analysis is exploring how the Panel takes a problem-solving approach which attempts to maximise positive outcomes whilst minimising harmful consequences. There is evidence of the Panel's awareness that some outcomes have the potential to do more harm than good. The case file analysis identified 43 different factors considered within the sample of 12 cases.

**Non-Escalation** – the JDP is emerging as an important non-escalatory approach to youth justice, which helps to divert young people away from criminalisation where possible and thus to minimise the long-term impact of their actions. The analysis has uncovered how non-escalation is facilitated in different aspects of the decision making, including critical use of intelligence, responses to breach and considerations of proportionality.

**Interventionist Diversion** – the research provides evidence that the YRI enables young people to receive positive support without being criminalised – thus filling an important gap in the services available for young people in conflict with the law, and reflecting a form of interventionist diversion.

**Allocation and Relationships** - there is evidence of flexible allocations to staff from a range of agencies, based on a number of factors specific to the young person's life. The analysis is exploring how this reflects a relational approach and helps to support the young person's engagement.

**Restorative Interventions** – the emphasis on high support and intervention alongside a reduction in criminalisation reflects the aims of a *restorative practice* approach which is promoted across Lincolnshire County Council's Children's Services more broadly.

**Multi-agency Working and Changing Cultures** – the interviews have revealed the JDP process as a conduit or mechanism for shifting wider organisational cultures. Changing police attitudes and responses to young people in conflict with the law has emerged as a particular theme which is being explored in the analysis.

**Communication** – an important theme is emerging around communication within the context of multi-agency decision making, and the extent of individuals' understanding of the JDP process. The analysis will consider how this has improved and developed during the two years JDP has operated and also identify possible areas for improved communication.

**Victim and Young Person Views** – the analysis has raised questions about the challenges of including the views and voices of the parties to the offence within the Panel process. The analysis will consider whether these are appropriately considered at Panel, and how to overcome some of the challenges. Further detail from the case files is needed to conclude on this.

**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.

Quality Audits are completed annually on Youth Restorative Interventions (YRI) disposals from Panel, to identify areas of good practice and learning.

Evaluation of the JDP and Youth Restorative Interventions - The contract timeframes for the deliverables have been extended to accommodate the difficulties in engaging with young people and also the impact of the pandemic. Adoption of a more flexible approach in the engagement of young people has started to yield some success and it is expected that a completion date within the next two months is achievable.

There have been no financial implications to this extension and it has provided a rare and unique opportunity to report on the impact of the lockdown on the delivery of the Service and the young people we support.

**4. Appendices**

These are listed below and attached at the back of the report	
Appendix A	JDP 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.

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