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# Lincolnshire Children and Young People Out of Court Disposal Policy



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**'Out-of-court disposal work in youth offending teams.'**

*'Preventing children from starting to offend, or their offending behaviour becoming entrenched, is good for potential victims, good for the children themselves, and saves the considerable costs incurred if further offences happen. In this inspection report we provide a set of indicators of good quality out-of-court disposal work, and hope it proves useful to individual YOT teams and their leaders as they evaluate their own work.'*

*We understand this work is a priority for the government, as it has been for previous administrations. Making sure that it is as effective as it can be, that it improves the life chances of the children involved, and that it is sustained should be good for all of us'.*

**HM Inspectorate of Probation – 2019**



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## **SECTION 1: AN OVERVIEW OF THE IMPORTANCE OF PROMOTING APPROPRIATE DIVERSION AND SUPPORTING SUSTAINABLE DESISTANCE WITHIN YOUTH JUSTICE.**

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 sets out the requirement for YOTs to provide assessment and intervention for Youth Cautions and Youth Conditional Cautions (the two statutory out of court disposals for young people). There is also a non-statutory option commonly referred to as a Community Resolution. The term out-of-court disposal includes all three of these. An out of court disposal does not involve trial or sentencing in a court. Instead, the aim is to divert the child from future involvement in the criminal justice system which is in the best interests of both the child and justice.

There is now a body of evidence that supports the view that identifying a child known to the Criminal Justice system as early as possible, and providing services to meet their identified needs, is successful at delaying or halting a child's criminal behaviour. Multiple studies show that youth diversion can reduce crime, cut costs, and create better outcomes for young people. Alongside this focus on early intervention and diversion approaches in youth justice have transitioned from a purely risk-based approach to a desistance-based model. This reflects the growing recognition that to effectively impact a young person's likelihood of reoffending we must seek to reduce factors of concern whilst also supporting and re-enforcing positives/strengths within that young person's life.

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 to achieve long term positive outcomes. It is this understanding which underpins our approach towards appropriate diversion, early intervention and aiding desistance and which drives us to ensure we have a holistic, thorough, multi-agency understanding of each young person who comes before our Out of Court Disposal panels.

The Youth Justice Board support the development of non-statutory disposals for low-level offending, as a child is not recorded as a first-time entrant to the Criminal Justice system for the non-statutory disposals.



## **SECTION 2 – OUT OF COURT DISPOSALS IN LINCOLNSHIRE**

Youth Offending Teams are required to:

- Undertake a timely and accurate, suitable and sufficient assessment of risk and of need for all children referred to the Youth Offending Team.
- Formulate all intervention plans based on that assessment with a focus on promoting a pro-social identity and aiding desistance from crime.
- Involve children and their parents/carers in assessment, planning and reviewing of individual programmes.
- Ensure specific attention is given to protecting the child and others from harm.
- Make sure that they work closely with the Police (and Crown Prosecution Service where relevant) for the out-of-court disposal system to be effective.
- Build supportive relationships and deliver prompt, proportionate and effective interventions.

### **Lincolnshire standards for children in the youth justice system:**

These standards define the minimum expectation for all agencies that provide statutory services to ensure good outcomes for children in the Youth Justice system. With regard to out of court disposals Youth Offending teams are required to have mechanisms in place which provide assurance that:

- Local strategies and services are in place to ensure positive outcomes for children, including sustainable desistance from crime and to prevent children from becoming involved in crime and/or anti-social behaviour.
- Point of arrest diversion is evident as a distinct and substantially different response to formal out-of-court disposals.
- There is effective multi-agency partnership working arrangements for timely information-sharing, planning, decision making and monitoring with key agencies. Actions happen within agreed timescales and help and protection is provided to reduce risk and meet need.
- Out of court disposals are prompt, robust and deliver targeted and tailored interventions for sustainable desistance.
- Action should be taken to promote diversion into more suitable child-focused systems, and the promotion of positive constructive behaviour.
- Police services and YOT's have a joint protocol setting out locally agreed practice for out-of-court disposals and a suitable means of joint decision-making.
- Quality assurance is evident and all decisions are recorded and reviewed.
- Analysis and action planning is in place to tackle any disproportionality.
- Improvement is achieved in the quality of pre-court work.

Lincolnshire's Out of Court disposal decision making processes seek, in partnership, to ensure that children and young people are offered quality assessment and timely intervention and support to meet their individual needs. The duty to victims is embedded within the panel processes and seeks to



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ensure that it provides support to victims, that the victim's voice is heard and to create positive opportunities for Restorative Justice. Lincolnshire Police and Lincolnshire Children Services have an overarching belief in utilising restorative principles within Out of Court disposals to underpin this aim.

**Within Lincolnshire our Out of Court disposal decision making processes are the Joint Diversionary Panel (JDP) and the Harmful Sexual Behaviour (HSB) Panel.** Through these parallel panel processes we seek:

- To increase transparency, consistency and proportionality in the use of Out of Court Disposals through a holistic multi-agency approach.
- To develop the commitment of partners to dealing with children at the lowest appropriate level, and to diverting them from formal involvement in the Criminal Justice system at the earliest appropriate opportunity.
- To ensure that through robust oversight children and young people are not unnecessarily criminalised.
- To reassure the public and stakeholders that the use of Out of Court Disposals for under 18s are robust and proportionate to crime.
- To empower victims by giving them a voice; both through having their views fed into the decision-making process and providing them with the opportunity to engage in a range of restorative opportunities.
- To facilitate a reduction in offending by providing a platform through which appropriate and early intervention is identified and delivered to young people.
- To introduce joint decision making, for all but initial police-led community resolutions, which considers both offence circumstances and victim wishes, and gives priority to what is most likely to cause the child/young person to desist from offending.
- To support child safeguarding by seeking to improve wellbeing, empower and protect all children.

**The core principles of Lincolnshire's JDP and HSB Panels are:**

**Timeliness:** We recognise that there is a clear need to avoid unnecessary delays, to provide victims with some form of resolution and to put support in place for young people at the earliest appropriate opportunity. To this end the longest a matter will take to be heard at Panel from point of referral is 19 days.

**Keeping young people and victims informed:** young people will be informed about the Panel process by the Police Officer dealing with the matter. In addition to this they will receive a JDP leaflet which further explains the process and provides contact details for the JDP team. Each young person will be contacted by their involved Children's Services worker or a newly allocated F4Me worker prior to panel to gather their views and discuss potential Panel outcomes including the criminalising/non-criminalising nature of potential outcomes and the consequences of non-engagement.



The specific outcome received at Panel would then be relayed to the young person by the Police Officer and further discussed with the young person at the initial session. Victims will be updated in the first instance by the Police Officer; if they have consented to contact from a F4Me Victim Officer then they will receive contact pre-Panel where they will have the opportunity to ask any questions as well as speak about the impact of the offence and their willingness to engage in restorative outcomes. Victims will be informed of outcomes post-Panel and will have the option of receiving updates on young person's progress.

**Voice of The Child:** Comments made by young people in interview, and in the Liaison and Diversion assessments undertaken with young people who are arrested, will be captured on the JDP case sheet. Young people will be seen face-to-face prior to Panel by their involved Children's Services worker or a newly allocated F4Me worker where their views will be captured – these views will then be heard at Panel alongside the case sheet information.

**Holistic assessment:** There is a recognition that to effectively assess young people and their offending behaviour we need to have a holistic overview of the young person. The following range of information is gathered prior to a young person being heard at Panel: referral offence details, previous Police involvement (including intelligence, safeguarding matters and non-progresses matters), current/previous offence focussed intervention, previous/current Childrens Services involvement, ASB team involvement, education history (including current attendance and overview of exclusion history), previous/current CAMHS/Community Paediatrics involvement, views of parent/carer. To ensure consistency and full assessment each case will be assessed at Panel in terms of Risk of Serious Harm to Others, Safety and Wellbeing relating to the young person themselves and Likelihood of re-offending.

**Proportionality and Discretion – Avoiding the Unnecessary Criminalisation of Young People:** The Panel process prompts Panel members to consider the proportionality of any outcome being put in place; this also applies to cases being returned to Panel for non-engagement. There is a significant amount of discretion built into the decision-making process in that the available outcomes are not used in an escalatory, 'ladder' type manner. There are no overarching restrictions directing Panel members to certain outcomes based solely on offence type, number of previous outcomes or in cases of non-engagement.

**Acknowledging Diversity and Challenging Discrimination:** In each case the Panel will explore how diversity factors (including the nine protected characteristics: sex, age, race, religion or belief, disability, pregnancy or maternity, sexual orientation, gender reassignment and marriage or civil partnership) have impacted the young person and potentially their offending behaviour. Panel will also seek to ensure any outcome given takes both the young person's protected characteristics and any identified additional needs into account.

**Range of Out of Court Disposals:** The following Out of Court Disposals are used within Lincolnshire.



- **Community Resolution:** Defined as an alternative way of dealing with less serious crimes which allows the Police to use their professional judgement when dealing with a child who has committed an offence. A Community Resolution would normally seek to resolve the offence in an informal way that brings closure for the victim, where one is identified, in a timely manner. It may involve the offender doing something that 'puts right' the offending to the satisfaction of the victim and should take account of the victim's views. Initial Community Resolutions can be delivered directly by the investigating Police Officer without the child having been arrested. Within Lincolnshire there is an agreement that a Police Officer can issue a Community Resolution in instances where the young person has not had a Community Resolution previously; if the child has had a previous Community Resolution then the matter must be referred to the Joint Diversionary Panel (where a Community Resolution outcome could still be given). Receipt of a Community Resolution is recorded in local police systems but is not recorded on the Police National Computer (PNC) system and does not form part of a formal criminal record. Community Resolutions may include any of the following elements: up to six 1:1 offence focussed intervention sessions, community reparation, victim conferencing, completion of apology letter, referral to other services.
- **Youth Restorative Intervention (YRI):** Lincolnshire has developed the Youth Restorative Intervention disposal which is a form of **Community Resolution**. The YRI is a disposal that can be given by the Joint Diversionary Panel and can be adapted to meet the needs of the young person and offence at hand. The Youth Restorative Intervention has a great deal of flexibility in terms of the elements it may contain but at its core will consist of up to 12 weeks of 1:1 offence focussed intervention (duration may be extended for Harmful Sexual Behaviour matters – please see Terms of Reference). A Youth Restorative Intervention may also contain any number of the following elements: referral to universal services such as We Are With You (substance misuse), direct victim conferencing, community reparation work, writing an apology letter and attendance at offence-focussed group work sessions. All YRI outcomes must have a restorative element whether this is direct or indirect to the victim.
- **Youth Caution (YC):** A youth caution is a formal notice, issued by a Police Officer and accepted by the child, once a child has admitted an offence, which cautions them not to reoffend and warns them of the potential consequences of doing so. A youth caution does not contain any element of intervention for the young person to undertake and does not have any restorative element. A youth caution is recorded on the Police National Computer and forms part of the child's criminal record.
- **Youth Conditional Caution (YCC):** A YCC is similar to a YC but in addition has specific conditions attached that the child is required to adhere to for a period of up to three months. If the child does not comply with the conditions then the police may choose to recommend prosecution. Often one of these conditions will be to work with the Future4Me team who will deliver





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offence-focussed intervention. Again, a Youth Conditional Caution is recorded on the Police National Computer and forms part of the child's criminal record.

**Criminal Records:** There is a stark difference between some of the disposals given at Panel in relation to whether these criminalise the young person. These implications are explained to the young person at the time the disposal is given by the Police Officer and by the allocated worker in cases where the young person is engaged in 1:1 offence focussed intervention work.

Receipt of a Community Resolution does not lead to a formal criminal record. Details are, however, recorded in local Police systems and may be disclosed at the Police's discretion – for example, in response to an Enhanced Disclosure and Barring Service (DBS) check linked to a job application for which the behaviour is considered relevant. Youth Cautions and Youth Conditional Cautions are also recorded on the Police National Computer and thus criminalise the young person. Out of Court Disposals aim to divert children from the Criminal Justice system; but, in view of the potential for disclosure, it is important to remember that they could have future consequences, nevertheless.

### **SECTION 3 – JDP / HSB PANEL CRITERIA and REFERRAL PROCESS**



**Referral Criteria:** Any Lincolnshire offence committed by a child/young person must be referred into the Joint Diversionary Panel if there is an admission of guilt from the young person and if the young person hasn't since turned 18 (youth disposals would no longer be applicable). The only exceptions to this are:

- Incidents where the Police are not looking to take any further action.
- Incidents where the Police feel the matter could be dealt with by Community Resolution **and** the young person committing the offence has not previously had a Community Resolution.
- Sexual offences – these are dealt with via the specialist Sexually Harmful Behaviour Panel.
- Where the offence is Indictable-Only.

JDP cases are referred via the Police case management system, NICHE. Referral forms are completed by the investigating Officer before being passed to a supervisor for endorsement and referral. The Police supervisor has responsibility for validating that both the Public Interest and Evidential criteria have been met.

The JDP co-ordinator checks the NICHE referral pot every Thursday, and referrals are listed for the JDP Panel to be held 13 days later.

**Referrals which have previously been heard at Panel** – There is no restriction on the number of times that a youth can be referred into the Joint Diversionary Panel. The Legal Aid Sentencing and Punishment of Offenders Act (LASPO) 2012 does not place any limits on the number of community resolutions a young person can have. However, Lincolnshire Future4Me team and Lincolnshire Police fully understand that each and every decision to give a community resolution must be robust, carefully considered and defensible. To this end, any referrals to the Joint Diversionary Panel will be screened to see if they meet the trigger point of having had two Lincolnshire Community Resolutions containing an element of 1:1 intervention work within the previous 24 months. If this trigger point is met then the matter will still be listed at Panel but this will necessitate the following key points being discussed at Panel:

- Has the young person gone on to commit an offence of similar type even though they have already had a Community Resolution for the previous behaviour?
- Has the young person received offence focussed intervention relevant to the offence?
- Has the young person committed a further offence against a previous victim?
- Given these, and other, factors – is it appropriate and defensible for the young person to be issued with a further Community Resolution?
- Has there been any significant change regarding the young person's personal/home environment?
- Is there current intervention in place which addresses the offending concerns?



**Cases incorrectly charged to court** – The JDP Coordinator will review the youth court listings each week to ensure that any cases which should have been referred to JDP are flagged with the F4Me Court Officer. Representations will be made to the court for the matter to be adjourned so that it can be heard at JDP and suitability for diversion considered. The JDP Coordinator will liaise with CPS and defence solicitors as appropriate to facilitate this.

**Knife offences:** NPCC (National Police Chiefs' Council) guidance released in November 2023 defines how youth knife offences should be outcomed. This guidance applies to both knives and other bladed or pointed articles. Admitted knife offences will continue to be referred to JDP but prior to listing they will be gatekept to see if one of several pre-determined outcomes needs to be applied.

Any matter referred will need to be outcomed via a Report for Summons decision (without progressing to JDP) if any of the following criteria apply:

- The referral is for a knife-enabled offence other than simple possession.
- Young person has any previous violent offences (proven and progressed to point of positive disposal).
- Young person has any previous weapons or knife offences (proven and progressed to point of positive disposal).

If the above automatic charge criteria do not apply then the progression pathway will be determined by the young person's age:

For young people aged 10-15:

Outcome will be a Youth Conditional Caution (without progressing to JDP) **unless both** of the below apply, if they do both apply the matter will progress to JDP for decision making.

*\*Knife was not brandished.*

*\*There are no previous weapons concerns on the young person's police record (Validated by NICHE and PNC checks, PND will also be checked where there are indications that young person has spent time out of one of the counties where NICHE is used).*

For young people aged 16-17:

Outcome will still be charge **unless both** of the following apply; if they do both apply the outcome will be a Youth Conditional Caution.

*Offences of having a corrosive substance in a public place will be treated in the same way.*



**Harmful Sexual Behaviour Offences and the HSB Panel:** Within Lincolnshire there is a recognition that in Harmful Sexual Behaviour offences there is a need for Panel members with specialist expertise, training and/or experience. Following consultation with regional Crown Prosecution Service colleagues it was identified that the expertise of the Panel could be used to make recommendations in certain cases as well as decisions in others. The Harmful Sexual Behaviour Panel still requires an admission in order to consider any offence but operates in two distinctly different ways depending on the final (after aggravating/mitigating factors have been applied) ACPO gravity score of the Harmful Sexual Behaviour Offence being referred:

For any HSB offence with a final Gravity Matrix score of less than 5 The Panel will function as a decision-making Panel (i.e., as the JDP Panel operates for all cases).

For any HSB offence with a final Gravity Matrix score of 5 the Panel will function as a means by which a recommendation re: suitability for Out of Court disposal can be made. This recommendation will be fed back to the Police Officer in Case who will add this to the file which is then passed to the Crown Prosecution Service who will decide as to how the matter is progressed.

The Out of Court Disposal outcomes available to the HSB Panel are as detailed albeit with the caveat that a case may be deferred for decision so that a specialist Harmful Sexual Behaviour assessment can be undertaken. In addition to this the Youth Restorative Intervention can be extended beyond the standard 12 weeks where it is considered, appropriate and defensible to do so.

#### **SECTION 4 – THE PANEL PROCESS**

**Panel members:** All Joint Diversionary Panels have the following core attendees:

- JDP Chair (Oversees discussions and facilitates analysis and assessment discussions, key role to play when Panel members are split in terms or a disposal decision).
- JDP Co-Ordinator (Presents cases to the Panel, advises on points of policy/procedure as needed).
- Lincolnshire Police – Police Sergeant.
- Early Help/Childrens Services Practice Supervisor.
- Future4Me Victim Liaison Officer (only in attendance for non-Crown offences).

In addition to this Panel will be supported by representation from the following teams:

- Education representative (at present this could be from the Inclusion and Attendance, LAC, SEND or Pupil Re-integration team).
- Specialist Clinical Psychologist input from the CYP Complex Needs Service.



*Please note that the Harmful Sexual Behaviour Panel Police attendance will be a specialist Sgt from the Police Safeguarding hub.*

**Information presented to Panel(s):** Prior to a matter being heard at Panel the JDP co-ordinator will have undertaken a holistic range of information gathering so that the following pieces of information are included in Panel analysis and assessment:

- Details of the referral offence.
- Voice of the child – to include the young person's views on the offence, support they feel they may require and the factors which they feel may enable them to avoid further offending.
- Details of previous convictions and Out of Court Disposals that the young person has had. Checks will be undertaken using the local Police system (NICHE) and the national system PNC. The only information Panel would not have sight of would be any Community Resolutions issued out of area.
- An overview (from Police systems) of any non-progressed offences and safeguarding issues.
- The views of the victim in relation to impact of the offence and how they feel the matter could be resolved (to include whether they would be willing to engage in any form of restorative outcome).
- Any current or previous Childrens Services involvement either with the young person or family.
- Any offence-focussed intervention undertaken with the Youth Offending Service.
- An update from the local ASB and/or Neighbourhood Policing Team regarding any local issues pertaining to ASB.
- A health validation confirming any involvement with either CAMHS (Child and Adolescent Mental Health Services) or Community Paediatrics.
- An update from the current educational placement regarding attendance as well as details of any input from the SED, LAC or Pupil Re-integration teams.

All the above information is populated on the JDP case sheets and is then used in the Panel assessment process to enable a holistic understanding of offending, support needs and safeguarding concerns which may need to be addressed. Strict information governance protocols are in place to limit the further sharing of this information and Panel will specify in each case whether there are named organisations who information should be shared with (either to reduce the risk of further offending or to address safeguarding concerns).

#### **Analysis and Assessment of cases:**

Both Panel processes serve as joint-decision making forums. For these decisions to be holistic, considered and defensible it is vital that the information presented is analysed and assessed by the Panel as part of the decision-making process.

The Panel assessment process is based around three core realms which are each rated as Low/Medium/High/Very High (the rating guidance then asks Panel members to consider whether



further assessment, 1:1 intervention and/or risk management measures should be included in the outcome.

**(i) Risk of Serious Harm posed to others.** Lincolnshire F4Me team's Assessment and Management of Risk of Harm Policy states that:

***"Making judgements about future risks and a young person's needs is one of the primary aims of assessment in Youth Justice. Future4Me promotes a culture of risk led decision making and a risk management policy enables practitioners and managers to make 'defensible' decisions which provide clarity, confidence, and consistency and promote effective practice."***

There is an absolute responsibility to ensure that the decision-making process factors in the need to keep others safe. The Panel will assess the level, nature and potential victims associated with any risk of future seriously harmful behaviour. Panel will analyse all incidents where the young person has caused (through intent or recklessness) serious harm or where they could have caused serious harm. The impact of the young person's current and previous harmful behaviour on victims will be explored.

The Assessment and Management of Risk of Harm Policy also states:

***When assessing risk of harm/serious harm posed by a young person it is important that Case Managers secure relevant information from all known sources to verify the issues and concerns presented.***

This again re-enforces the validity of obtaining a holistic overview of the young person as this is essential if we are to make accurate assessments and thus ensure intervention is appropriately targeted.

In terms of attributing a level to Risk of Serious Harm the Policy states:

***The final assessment of the level of risk of harm should be explicitly stated, using all the evidence available. Overall assessments of the level of risk presented must be based on the definition of risk of serious harm judgements detailed (Low/Medium/High/Very High).***

Panel will identify indicators of serious harm as well as any indications of how future harmful behaviour may be caused and who may be subject to this. Outcome decisions will rationalise how the risk of serious harm will be managed and in cases where the risk of serious harm is assessed as being significant Panel would have to rationalise any outcome which did not feature further assessment and 1:1 intervention work. Panel will also identify any immediate actions necessary to safeguard others from serious harm.

**(ii) Safety & Wellbeing.** Lincolnshire F4Me team's Assessment and Management of Safety and Wellbeing Policy states that:



***“When assessing safety and wellbeing concerns presented by a young person it is important that Case Managers secure relevant information from all known sources in order to verify the issues and concerns presented.”***

The Panel assessment processes provide a unique opportunity to take a multi-agency overview of the young person’s safety and wellbeing. The assessment process focusses on identifying concerns, whether these be historic or current, and identifying strengths and support in place. The wide range of information sources consulted gives an opportunity for patterns of concern to be identified and analysed and for targeted actions to be put in place as needed. The core Panel membership of an Early Help/Childrens Services Practice Supervisor ensures that any identified safeguarding issues can be effectively escalated.

The Policy also lays out a clear duty for assessment to, having considered all information available, attribute a rating to a young person’s Safety and Wellbeing:

***“The final assessment of the level of safety and wellbeing should be explicitly stated in assessments, using all the evidence available. Overall assessments of the level of safety and wellbeing presented must be based on the definition judgements detailed (Low/Medium/High/Very High).”***

The Safety and Wellbeing section of the Panel assessment process is underpinned by the identification of both protective factors and concerns, current and historic, from across a holistic range of information sources. The young person’s Safety and Wellbeing is rated as Low/Medium/High/Very High accordingly and Panel are then asked to rationalise the rating and identify any immediate safeguarding actions necessary.

Any out of court disposal given will have an impact on the young person; the Safety and Wellbeing section will also be used to consider any characteristics or needs that may need to be considered in delivery of the intervention.

**(iii) Likelihood of Reoffending.** The Panel assessment processes provide a complete overview of the young person’s offending history as well as identifying problematic or negative behaviour in other environments (such as education) which may not have progressed criminally. Through this overview the Panel can identify underlying triggers and causality behind offending behaviour; often by being able to cross reference periods of offending with other incidents within that young person’s life. Alongside identifying periods of desistance the Panel assessment allows the identification of positive, supporting, ‘for desistance’ factors as well as ‘against desistance’ factors which increase the likelihood of reoffending. These factors can then be factored into any outcome given.

Across each of the above realms the Panel seeks to employ a child-first, trauma informed approach. The Panel process (and accompanying case sheet) ensure that there is an informed, multi-disciplinary understanding of the young person and their needs. The case outcome sheet for each case will document the full range of discussion and exploration of each if these core areas.

#### **Range of Panel Outcomes:**





There are a number of disposal outcomes which can be given at Panel:

- NFA (No Further Action) – Most likely to be given if offence is not considered to be made out or if it is not considered to be in the Public Interest to pursue the matter.
- Community Resolution – Any combination of other agency referrals, up to six sessions of 1:1 offence focussed intervention and a restorative element (i.e. apology letter, restorative conferencing, community reparation hours).
- Youth Restorative Intervention (still falls under Community Resolution banner). Any combination of other agency referrals, up to twelve sessions of 1:1 offence focussed intervention and a restorative element (i.e. apology letter, restorative conferencing, community reparation hours). Commences with a further offence-focussed assessment. Duration can be extended for HSB matters.
- Youth Caution. This is used as a 'last resort' within Lincolnshire as it offers no intervention/restorative elements whilst at the same time criminalising the young person. Proposed changes will mean that as of April 2023 the simple Youth Caution will be removed as a disposal option.
- Youth Conditional Caution.
- Charge to Court.

All disposals from JDP other than Charge and simple Youth Caution will commence with an intervention plan being drawn up with the young person. The Youth Restorative Intervention and Youth Conditional Caution outcomes will commence with a further offence focussed assessment as well as an intervention plan.

**Restorative element of disposal:** Any Community Resolution, Youth Restorative Intervention or Youth Conditional Caution must contain a restorative element. The restorative element given as part of any disposal will depend upon the nature of the offence and the views of the victim towards direct reparation. Following analysis and assessment of the information at hand the Panel may decide to give more than one option of methods in which the restorative element could be fulfilled; this is particularly likely if there is lack of clarity as to whether the victim wishes for anything directly restorative to be put in place.

**Other actions arising from Panel:** Due to the holistic nature of information which is analysed and assessed at Panel there will often be additional needs or concerns identified which will not necessarily be addressed by the offence disposal given. However, the Panel have a clear and recognised responsibility to ensure that any further needs or concerns are addressed. As appropriate the Panel Chair and Panel Co-Ordinator may be tasked with actions to carry forward; these may include liaising with other services, feeding information into other forums such as MACE (Multi Agency Child Exploitation) or identifying challenges that need to be made to schools or other agencies. Such actions will be fully documented within the case sheets to ensure accountability.

**Voice of The Child** – We believe that capturing and hearing the voice of the child is fundamental to the process of fully analysing offending behaviour. Through doing this we can further understand





offending related motivation and intent which are both hugely significant factors when seeking to define Risk of Serious Harm and Likelihood of Reoffending. Having the young person's views allows us to validate perceived strengths/concerns and opens up the chance of identifying any potential 'for desistance' factors which we can support and supplement.

View of The Child are captured in the following ways:

- Any views given by the young person during Police interview will be recorded on the case sheet.
- Any young person who is arrested will be offered a Liaison & Diversion assessment in custody; copies of these assessments are added to the Panel case sheet.
- The Future4Me team will endeavour to gather views of the young person via Face-to-Face contact before the case is heard at Panel. For cases already open to Future4Me, Early Help or Childrens Services this will be undertaken by their current worker rather than being allocated to an individual not known to the young person.

**Victim Engagement** – The views of the victim are captured by the referring Police Officer who will ask their views about the incident and a potential restorative outcome and ask if they are happy to be contacted by the Youth Offending Service. Prior to Panel a YOS Victim Liaison Officer will contact the victim to thoroughly explore their views on the offence, the impact it has had and their willingness to engage in any potential restorative outcome. All of this information will be relayed to the Panel so that they can ensure any disposal made is victim focussed; the views of the victim will always be taken into consideration but are not binding. Following Panel the Victim Liaison Officer will contact the victim to relay the decision of the Panel. If the offence is a crown offence with no direct victim then the Panel will seek to explore the likely community impact of such offences and will factor this into any decision-making process.

**Lincolnshire Looked After Child (LAC) Protocol:** Within Lincolnshire there is a joint protocol between Lincolnshire Police, Lincolnshire Childrens Services and the Youth Offending Team which states that in all encounters with children in care their complex needs should be recognised, given due consideration and that they should be treated as children first. The protocol aims to strike a proportionate balance between the rights and needs of the young people, the rights of victims, staff and carers and the decision to involve the Police in such incidents. The overarching aim of the protocol is to reduce the prosecution and potential for unnecessary criminalisation of children in care wherever possible. The protocol seeks to reinforce a tiered approach towards negative behaviours within care settings:

- Tier 1 incidents – It is an expectation that relatively minor incidents will be addressed by using routine internal policies and procedures, such as the residential unit behavioural policy.
- Tier 2 incidents – Such incidents may include those where no immediate Police response is required, for example, where assault or damage has occurred and there is no risk of reoccurrence/significant harm to people, or incidents of theft. The children's homes should follow the internal policies and procedures to notify the appropriate management with



responsibility of identifying the appropriate course of action. It is important to consider if it is appropriate to involve the Police (consulting the standard list of aggravating and mitigating factors specifically created for such cases) which may influence the decision. If following consideration of this the appropriate manager decides and/or the victim wishes that formal Police involvement is necessary, where possible this should be through ongoing liaison with local Neighbourhood Policing Teams and the identified Police link Officer. Restorative approaches can range from internal mediation within the children's homes between young people and staff without involving the Police, to Community Resolution which does involve the Police but does not require a formal criminal sanction (if young person has already had an initial Community Resolution then the matter would come to JDP).

- Tier 3 incidents – Incidents requiring an immediate Police response where children, young persons or staff are at risk of (a) immediate serious physical harm, (b) substantial damage to property or (c) significant disorder within the home or placement. In such situations the staff should call 999.

When dealing with a case involving a Looked After Child the Panel will review whether the protocol has been adhered to; if it is identified that this is not the case then these will be raised with the Police SPOC for the placement concerned. In such cases the Panel may decide to defer the matter or to NFA the matter if it is apparent that the protocol has not been adhered to. If the panel are still required to make a disposal decision they will proceed with a clear recognition of the complex needs of this cohort and of the overarching need to avoid the unnecessary criminalisation of all young people in Lincolnshire; particularly those who are Looked After.

### **SECTION 5 – NON-ENGAGEMENT**

All disposal outcomes given are mandatory, the F4Me Out of Court disposal team will retain oversight to ensure that all required aspects of an outcome are completed. If a young person does not engage with a Panel outcome then the matter will be referred back to Panel (this differs for Youth Conditional Cautions where guidance dictates that non-engagement must be reported back to the Police resulting in a charge to court). Panel will consider the nature of the non-engagement alongside any new offending and will decide if an alternate outcome needs to be put in place. Panel processes are not governed by an escalatory approach and thus decisions re: alternate outcomes for cases of non-engagement will be made on a case-by-case basis and must remain proportionate to the original offence.

### **SECTION 6 – PANEL SCRUTINY AND DEVELOPMENT**

**Police Single Points of Contact** – The JDP Coordinator will regularly consult with the two designated divisional Police SPOC's. The aim of this relationship is to continually develop practice and procedure within both the Future4Me team and within Lincolnshire Police. In addition to this any cases where procedure has not been followed (i.e. not referred into JDP by the Officer) will be flagged for further analysis and re-routing as appropriate.



Lincolnshire  
Police



**Quarterly Review Meetings** – All core Panel agencies will meet on a quarterly basis to explore trends and themes, address any issues in terms of process/procedure and seek to continually develop the JDP process. At each review meeting we will explore the most recent data regarding referrals and outcomes, share positive case examples, and explore opportunities to improve both process and awareness.

**Scrutiny panels** – JDP outcomes are scrutinised at the Out of Court Scrutiny Panel; this is a multi-agency forum that meets on a quarterly basis and seeks to review a sample of out of court disposals to ensure that decisions are appropriate and defensible. At least five JDP outcomes will be discussed at each meeting with the Panel including representatives from Future4Me, Lincolnshire Police, the Crown Prosecution Service, Probation and Magistrates.

**Case Audits** – Case audits will be undertaken on at least a quarterly basis; these will be undertaken by members of the Future4Me leadership Team and will review the decision-making process and the assessment, planning and intervention elements of any work done by the Future4Me team. The Panel Coordinator will then analyse these audits to identify any development opportunities in terms of both procedure and staff training.

**SECTION 7 – AUTHORISATION**

This protocol has been authorised by each of the participating agencies as set out below.

DCI David Mckean .....Signed on behalf of Lincolnshire Police

Date:

Print Name & Role:

..... Signed on behalf of Lincolnshire County Council Children Services

Date:

Print Name & Role – Tracey Evans, Head of Service, Future4Me and Youth Offending.