

**University of Lincoln**

**Evaluation of the Joint Diversionary Panel  
and Youth Restorative Intervention**

**On behalf of Lincolnshire County Council**

**Final Report**

**July 2021**

**Dr. Sue Bond-Taylor**



#### About the Evaluation:

This evaluation was commissioned and funded by Lincolnshire County Council and the Office of the Lincolnshire Police and Crime Commissioner and carried out between January 2018 and April 2021.

#### Research Team:

Principal Investigator: Dr Sue Bond-Taylor, School of Social and Political Sciences, University of Lincoln  
Research Assistant: Hollie Skipp, Undergraduate Student at the University of Lincoln

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#### Enquiries:

For further information please contact Dr Sue Bond-Taylor at [sbtaylor@lincoln.ac.uk](mailto:sbtaylor@lincoln.ac.uk).

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# Executive Summary

## Overview

Lincolnshire Youth Offending Service (LYOS) have been working collaboratively with Lincolnshire Police to develop a new way of responding to young people who come to the attention of the police as a result of their behaviour. In September 2017 they launched the Joint Diversionary Panel (JDP) as an out of court decision-making forum, and the new Youth Restorative Intervention (YRI) as a non-statutory disposal within the county.

The University of Lincoln was commissioned to provide an evaluation of these two elements of the initiative. The evaluation was conducted between January 2018 and April 2021, and was impacted by the Covid-19 pandemic. The evaluation was therefore adapted to be able to consider directly the impact of the pandemic on service delivery.

## Conclusions

**The overall findings of the evaluation are that:**

**Lincolnshire's Joint Diversionary Panel has provided a robust and effective process for making informed decisions about young people in conflict with the law, which:**

- a) **prevents their unnecessary criminalisation; and**
- b) **diverts them into supportive and preventative interventions.**

**The introduction of the Youth Restorative Intervention for use by the panel has significantly improved outcomes for young people in the county whilst maintaining community safety.**

## Strengths and Successes

The following strengths of the service were identified from the evidence gathered within the evaluation, relating to eight key outcomes

### **Victim confidence and satisfaction:**

- Victim satisfaction with the JDP is good and victims want to engage with the process.
- The Victim Liaison Officers (VLO) play a pivotal role in supporting victims.

### **Community safety and reduced reoffending**

- JDP decisions focus explicitly on Likelihood of Offending and Risk of Serious Harm.
- Reoffending rates for cases at JDP are lower than the national reoffending rate.
- Only a very small minority of young people return repeatedly to JDP.

### **Stakeholder confidence that the CJS is fair and proportionate**

- JDP has led changes in organisational cultures of multi-agency partnerships in Lincolnshire.
- The professionals interviewed showed high levels of confidence in JDP.
- Professional stakeholder understanding and confidence in JDP has improved over time.
- There is evidence of ongoing service development in response to feedback from stakeholders.
- Young people in the service express their satisfaction with the diversionary outcome.
- Their confidence in the system comes from their relationship with their allocated worker.

### **Ensuring that young people are not criminalised unnecessarily**

- JDP is the primary response to young people's offending, not just first / low level offences.
- JDP takes a non-escalatory approach which reduces the formal criminalisation of children.
- Non-escalation is facilitated by critical reflection on intelligence, breach and proportionality.
- The panel are not afraid to use the No Further Action outcome for vulnerable children.

### **Increasing the range of interventions available for those young people that engage in ASB and offending behaviour with the aid of Early Help/YOS and other agencies**

- The introduction of JDP and YRI has increased the range of disposals available.
- The YRI fills an important gap by delivering interventions without criminal charge.
- JDP has almost entirely removed the use of the Youth Caution in Lincolnshire.
- The YRI has increased the welfare support available to young people in conflict with the law.
- The YRI has restorative *justice* elements and Covid-19 has led to more creative thinking.

### **Diverting young people and their families away from statutory involvement with Children's Services by adapting a needs focussed holistic approach**

- JDP takes a holistic approach to decision-making, supported by multi-agency membership.
- JDP decision-making is evidence-informed and considers the full context of the child's life.
- The YRI model reflects the restorative *practice* approach used within LCC Children's Services.
- Robust assessment alongside allocation to Early Help supports non-statutory family support.

### **Supporting children to be ready for adult life**

- The YRI provides a bespoke package supporting the young person's needs and aspirations.
- Interventions are asset-based and engage young people through their strengths / interests.
- Young people express confidence and optimism in their futures, self-esteem and life-choices.
- The holistic, multi-agency approach supports vulnerable young people to succeed.
- JDP take a 'problem solving' approach which supports young people with complex lives.

### **Supporting children to be safe and healthy**

- JDP provides a mechanism for ensuring children are safe and protected from harm.
- The YRI as 'interventionist diversion' enables early support before behaviours escalate.
- Safety and Wellbeing concerns are of equal consideration at JDP as the risk of reoffending.
- The allocated worker supports the young person's physical and mental health needs.
- Young people said they were likely to avoid risky situations, to stay safe and out of trouble.

## Recommendations

Whilst acknowledging the valuable contribution and success of the JDP and YRI initiative, this evaluation has also identified the potential for further service development and improvements in a number of areas:

**Develop a young person participation strategy:** There is scope for developing a more participatory approach in which young people's views and contributions are embedded more systematically into the process, and which collaboratively address the issues impacting other young people in their community.

**Expand the Future4Me offer:** Building upon the creative emergency approaches which the Covid-19 pandemic and lockdown prompted, the Future4Me team could broaden and enhance the offer of positive diversionary activities, promoting social inclusion and citizenship, and restorative work with young people.

**Increase victim participation:** Whilst it is important to separate victim needs from the outcome for the young person, so as not to undermine the non-escalatory approach, there is scope for enhancing victim inclusion, information and communication. The design and distribution of the Victim Survey needs rethinking to provide more reliable data.

**Undertake enhanced data analysis:** The opportunity for quantitative data analysis has been limited within this evaluation. It would be useful to engage in a more systematic collection and analysis of service data in key areas.

**Improve communications and share success stories more widely:** There is scope for further public relations work to share the purpose and successes of the JDP and YRI, e.g. a public information event.

## The Evidence Base

The evidence supporting these conclusions has been generated through a number of research processes:

**Background Review** – Including review of key literature, service documents and data

**Case File Analysis** - Detailed document analysis of 12 cases heard at JDP

**Victim Survey Analysis** - Analysis of 53 completed Victim Liaison Officer Surveys

**Interviews** – Semi-structured interviews with 24 key stakeholders including:

- 15 professionals within LCC or partner agencies
- 3 victims of young people's offences heard at JDP
- 6 young people who had been heard at JDP and given a YRI outcome

The synthesis of these diverse data sources supports the validity of the conclusions drawn.

# 1. Introduction to the Evaluation

## 1.1. Objectives

Lincolnshire Youth Offending Service (LYOS) have been working collaboratively with Lincolnshire Police to develop a new way of responding to young people who come to the attention of the police as a result of their behaviour. In September 2017 they launched the Joint Diversionary Panel (JDP) and the new Youth Restorative Intervention (YRI) in the county, with the aims of:

- reducing the number of first-time entrants into the youth justice system
- intervening early with young people
- reducing and preventing their offending.

The JDP response to young people in conflict with the law ensures that decisions are informed by the full range of information about the young person's situation, and aims to generate outcomes that are proportionate and effective.

The Youth Restorative Intervention (YRI) is an alternative to formal disposals such as the youth caution, youth conditional caution and prosecution. It works alongside the JDP by offering a range of interventions that can be delivered with the young person without resorting to their formal criminalisation, and it is therefore a means to divert young people away from the youth justice system.

The objectives of this evaluation are therefore twofold:

1. Evaluate the appropriateness and effectiveness of the Joint Diversionary Panel process for making decisions about outcomes for young people who have admitted an offence
2. Review the effectiveness and suitability of any subsequent Youth Restorative Interventions being delivered as out of court disposals.

The evaluation was designed to identify evidence of 6 key local outcomes listed within the Joint Diversionary Panel Terms of Reference:

- 1. Improve victim confidence and satisfaction.**
- 2. Enhance community safety and reduce reoffending.**
- 3. Improve confidence of stakeholders that the CJS is fair and proportionate.**
- 4. Ensure Young People are not criminalised unnecessarily.**
- 5. Increase the range of interventions available for those Young People that engage in ASB and offending behaviour with the aid of Early Help/YOS and other agencies**
- 6. Divert young people and their families away from statutory involvement with Children's Services by adapting a needs focussed holistic approach**

In addition to this a further set of key outcomes were added that underpin the wider work of Lincolnshire County Council's Children's Services:

### **Children are Ready for Adult Life**

- Young people are supported to reach their potential
- Vulnerable young people are appropriately supported to be as able to succeed as their peers

## **Children are Safe and Healthy**

- Children are safe and protected from harm
- Children and families are supported as soon as problems emerge
- Children are at reduced likelihood of repeat criminal activity and interactions with the Police

## 1.2. Methods

The evaluation is informed by elements of an appreciative inquiry approach, in the context of a longer standing reciprocal relationship of partnership working. The researcher acts as a 'critical friend' to Lincolnshire County Council in highlighting what is already working, developing 'provocative propositions' that stretch and challenge the service, and generating practical recommendations to help direct future practice and achieve improved outcomes for children and young people in the county.

In addition to a review of the literature and service data and documents, there are three elements of data analysis conducted for this evaluation:

**Case File Analysis:** Detailed document analysis of 12 cases heard at JDP.

**Victim Survey Analysis:** Analysis of 53 completed Victim Liaison Officer Surveys.

**Interviews:** Interviews with key stakeholders to include:

- 6 Lincolnshire YOS staff in a range of roles
- 2 Youth Court Magistrates
- 1 Independent lay member of JDP
- 2 Early Help professionals
- 2 Police Officers
- 1 We Are With You<sup>i</sup> worker
- 1 Restorative Solutions worker
- 3 Victims of young people's offences
- 12 Young people (see note re impact of Covid on this sample size)

The research for this evaluation was led by Dr Sue Bond-Taylor, Senior Lecturer in Criminology at the University of Lincoln. The analysis of the victim interview survey was undertaken by an undergraduate research assistant, Hollie Skipp.

## **Impact of the Covid-19 Pandemic and Lockdown**

During the course of the evaluation, the UK experienced the Covid-19 pandemic and subsequent national lockdown in March 2020. This interrupted the work to incorporate the voice of young people into the evaluation, and the planned interviews with young people who had experienced the JDP process were put on hold. Given the duration of social distancing requirements and the subsequent lockdown periods, the planned face to face interviews with young people were replaced by remote methods.

Young people were encouraged to select their preferred method of engagement from a suite of options, including:

- Video call (in WhatsApp, Zoom or MS Teams)
- Phone Call (to mobile, landline or parent/carer’s phone)
- Typed conversation (via WhatsApp or email)

Even with this choice, engaging young people with these remote methods was challenging, and the sample is smaller than originally anticipated (just 6 rather than 12 young people).

Furthermore, whilst remote methods enabled the young people’s voices to be heard, they prevented some of the more creative and ‘child friendly’ research activity that was planned for the face-to-face interviews, and the resulting data may be more limited as a consequence. The young people interviewed also tended to have experienced the interventions being delivered remotely and therefore were unable to comment on how this might have looked before the pandemic.

To ensure that the report could reflect the impact of Covid on the service, a further round of shorter, catch up interviews was conducted with the professional participants, to explore their experiences of the adaptations made by the service in response to the pandemic. 12 out of the original 15 participants took part in these Covid catch up interviews, which were all conducted remotely via Microsoft Teams.

### Overview of Final Interview Methods Used

	Face to Face	Video Call	Phone	Typed	Total
Professionals	15				15
Professionals (Covid catch up)		12			12
Victims	1		2		3
Young People		3	1	2	6

## 1.3. Policy Contexts

The introduction of the Joint Diversionary Panel must be understood in the context of significant changes within the Youth Justice System in England and Wales, following a number of developments over at least the last decade. These include:

1. **The reduction in centralised Ministry of Justice performance targets to just three key measures:** Reducing First Time Entrants, Reducing Use of Custody, and Reducing Reoffending.
2. **The removal of police detection targets:** The kinds of low-level offences committed by young people, and their tendency to admit their involvement meant that this had been an easy way for police to achieve targets.
3. **The financial constraints of austerity:** Led to a growing expectation that youth justice spending could be reduced through system contraction. Cuts to local authority budgets also saw a reduction in spending on universal youth services and preventative work.

4. **Introduction of the Legal Aid, Sentencing and Punishment of Offenders Act 2012:** This allowed for more localised approaches to delivering youth offending services. It also encouraged more flexibility in offering out of court disposals, and reformed the cautioning system to permit repeat cautioning in place of the more restrictive Reprimand and Final Warning scheme.
5. **A growing movement in developing 'Child First' approaches to youth justice:** Child First perspectives (Haines and Case, 2015) prioritising children's rights have been influential within local youth justice teams, and more recently have been adopted as a guiding principle underpinning the standards for children in the youth justice system (Youth Justice Board / Ministry of Justice, 2019) and the latest Youth Justice Board Strategy (Youth Justice Board, 2021). A children's rights approach to youth justice requires children in conflict with the law to be treated as both competent and in need of protection from harm and abuse, so that their citizenship can be recognised alongside their right to remain children (Arthur, 2015).

At the national level, there is clear evidence of significant changes to the processing of young people as a result of this new youth justice climate. Across England and Wales, the number of first-time entrants fell by 85% over the decade from the year ending March 2009 to March 2019, with an 18% fall since the previous year ending March 2018. The number of arrests of under 18s has fallen by 77% since the year ending March 2009, and use of the Youth Caution has seen a 91% reduction in this period (Youth Justice Board/Ministry of Justice, 2020)

There has also been a significant reduction in the use of custodial sentences for under 18s. The number of occasions upon which under 18s were sentenced to immediate custody has reduced by 76% since 2009 (from 5450 to 1287), and by 19% in the twelve months since March 2018. In the year ending March 2019, there were approximately 860 children in custody at any one time, a reduction of 70% from ten years ago, when there was an average of around 2,900 children in custody. There is however evidence that some children have may benefitted less than others from these diversionary trends, most notably for BAME children, who saw a 37% reduction in use of custody, compared to 60% for White children in the five years since March 2014 (Youth Justice Board/Ministry of Justice, 2020).

Given the widespread changes in the processing of children within the youth justice system, with first time and less serious offences being subject to diversionary strategies, with criminalisation reserved for more persistent and serious offenders, it is unsurprising that this will have impacted on the reoffending rates of those remaining in the system. At 38% and with 4.05 reoffences per reoffender, this is the highest frequency rate seen in the last decade (Youth Justice Board/Ministry of Justice, 2020)

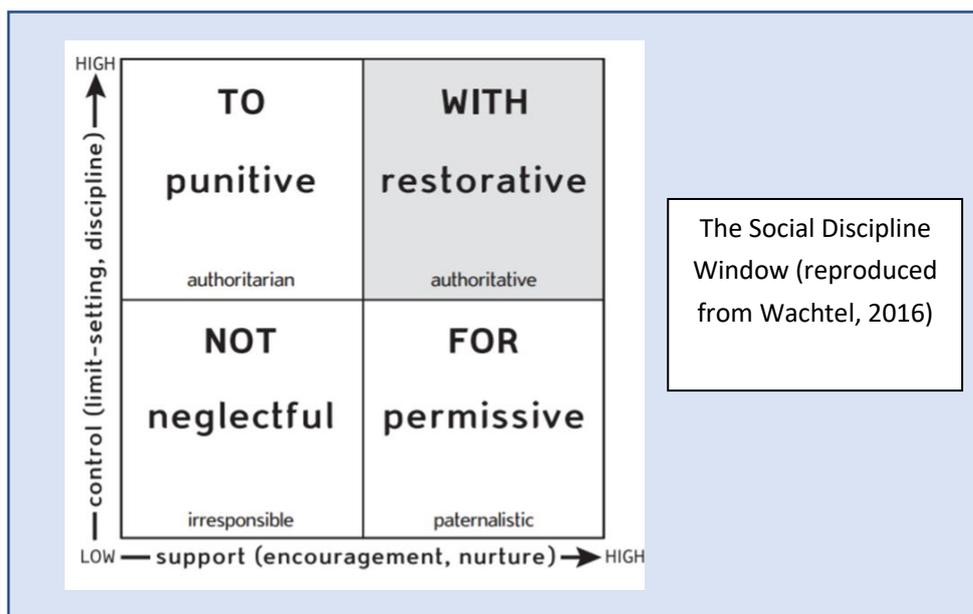
At a local level, across England and Wales, Youth Offending Teams have taken the opportunity presented by these concurrent contexts to redesign their services for young people who come into conflict with the criminal law. This has led to a period of increasing diversity and creativity of responses reflecting local priorities, politics and needs of the community, but it has also been described as producing a lack of consistency across the jurisdiction, and a postcode lottery for young people who come into contact with youth justice services. There is therefore a pressing need to understand and share effective practice within local developments.

## 1.4. Key Literature

This evaluation engages with the latest academic research in the field in order to generate a theoretically informed evaluation that can be situated within existing the knowledge and evidence base. A literature review was conducted to identify key trends, contemporary practices and critical concerns, so as to better understand the initiatives being evaluated. The following table provides a brief summary of some of the literature used to inform analysis. A full literature review report is available separately.

Source	Key issues discussed
Smith and Gray (2019)	<ul style="list-style-type: none"> <li>- Non-criminalising system contact can still be oppressive.</li> <li>- Reference to restorative justice appear in most youth justice plans but may be operationalised differently, e.g.:               <ul style="list-style-type: none"> <li>• Responsibilising focus, e.g. reparation or apology; or</li> <li>• Emphasis on conflict resolution, social inclusion.</li> </ul> </li> </ul>
Gray and Smith (2019)	<ul style="list-style-type: none"> <li>- Identify a typology of 3 trends in YOT service delivery:               <ul style="list-style-type: none"> <li>• Offender Management – emphasis on responses to offending, risk management and statutory case load.</li> <li>• Targeted Intervention – priority working with those who offend but with wider prevention partnerships in place.</li> <li>• Children &amp; Young People First – prioritises wellbeing and de-emphasises offending within holistic universal services.</li> </ul> </li> </ul>
Kelly and Armitage (2014)	<ul style="list-style-type: none"> <li>- Identify a recent trend in ‘interventionist diversion’ which diverts from prosecution into alternative services which closely resemble formal interventions. Key concerns:               <ul style="list-style-type: none"> <li>• More limited time period can reduce effectiveness of intervention.</li> <li>• Transfer of practice and programme sharing risks stigmatising the child.</li> <li>• Continued reliance upon ‘risk’ can lead to escalatory approaches.</li> <li>• Confusion when court ordered and out of court disposals run concurrently.</li> <li>• Distinction between formal/informal system contact is blurred.</li> </ul> </li> </ul>
Soppitt and Irving (2014)	<ul style="list-style-type: none"> <li>- Limited impact of formal criminal justice responses which are not needs driven.</li> <li>- Account of Triage diversion scheme identifies some features limiting success:               <ul style="list-style-type: none"> <li>• Lack of police understanding about referral criteria or intervention delivered.</li> <li>• Lack of information sharing and input from other agencies.</li> <li>• Signposting to other forms of support not available.</li> <li>• Lack of case management after completion.</li> </ul> </li> <li>- Restorative justice necessitates a two-way offender/victim interaction.</li> <li>- Young people often lack the literacy skills to write letters of apology.</li> </ul>
Newbury (2011)	<ul style="list-style-type: none"> <li>- Restorative justice must prioritise healing of harm over attribution of blame. Identifies some of the limitations of what can be achieved:               <ul style="list-style-type: none"> <li>• Time periods for intervention can limit options for a restorative approach.</li> <li>• Apologies don’t acknowledge ‘grey’ areas around peer-to-peer violence.</li> </ul> </li> </ul>
Case et al (2020)	<ul style="list-style-type: none"> <li>- Promoting Inclusive Youth Justice study promotes participatory methods by:               <ul style="list-style-type: none"> <li>• Developing non-hierarchical relationships of trust.</li> <li>• Strengthening the child’s involvement in processes.</li> <li>• Facilitating opportunities for the child to negotiate content and form of intervention and supervision arrangements.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Accepting the validity of children’s experiential knowledge.</li> </ul>
Haines and Case	- The primary text on the development of a ‘Child First’ model of youth justice, underpinned by children’s rights principles.
Haines at al (2013)	- Account of the Swansea Bureau which: <ul style="list-style-type: none"> <li>• ‘slows down’ rather than fast tracks youth justice.</li> <li>• diverts through interventions promoting children’s entitlements.</li> <li>• Re-engages parents/carers.</li> <li>• Gives voice to the young person.</li> <li>• Decouples victim needs from the response to the child.</li> </ul>
Wachtel (2016)	- International Institute for Restorative Practices distinguishes between the terms restorative justice and restorative practice. <ul style="list-style-type: none"> <li>- Restorative justice responds to wrongdoing after the event.</li> <li>- Restorative practice proactively prevents conflict and wrongdoing by building relationships and community.</li> <li>- The Social Discipline Window (see below) is widely used to inform restorative practice: <ul style="list-style-type: none"> <li>• a matrix of four different combinations of high or low control and high or low support.</li> <li>• the restorative domain combines both high control and high support, which reflects an authoritative approach.</li> <li>• This is characterised by doing <i>with</i>, rather than doing to or for.</li> </ul> </li> </ul>
White (2003)	- The structural, systemic and environmental contexts of youth offending are often ignored within criminal justice responses. <ul style="list-style-type: none"> <li>- Calls for a model of ‘restorative social justice’ which address the - community-level reasons for young people’s offending.</li> <li>- Youth justice institutions should take a greater role in forming communities of support and enhancing community resources.</li> </ul>



## 1.5. About the Service

JDP membership is made up of a number of professionals representing different agencies or services. At the outset of the evaluation, core members included:

- JDP Chair
- JDP Co-ordinator
- 4 Children's Social Care Practice Supervisors rotate
- 10 Neighbourhood Policing Team Police Sergeants rotate<sup>ii</sup>

The JDP sit every week to consider the cases referred from Lincolnshire Police, and to consider the information about the offence and the young person before deciding on the outcome. The available outcomes are:

- Charge to Court
- Youth Conditional Caution
- Youth Caution
- Youth Restorative Intervention
- Community Resolution
- No Further Action

Initially, the YRI was established with three tiers:

**Tier 1:** Referral to service only (e.g. to substance misuse service)

**Tier 2:** Low level intervention without assessment or allocation

**Tier 3:** Full intervention, with allocation to worker, assessment and 12 weeks of 1:1 offence focused work, alongside a combination of other elements including:

- Referral to other service
- Referral to positive diversionary activity
- Reparation
- Apology or restorative justice conference
- Group work

The service has continued to develop during the course of the evaluation. Most notably, the tiered system has been removed, and all YRIs now require allocation of worker and assessment. Lower levels of intervention are provided under the Community Resolution banner. This report frequently refers to the tier structure as this was in place during the evaluation process. Where the interventions associated with the YRI are referred to, this most commonly refers to the YRI Tier 3.

In addition, during this period, Lincolnshire Youth Offending Service became part of a new, multi-agency youth adolescent risk-taking hub, known as Future4Me. Whilst this evaluation is not primarily designed to investigate the Future4Me service, it will inevitably consider the impact this has had where relevant to the objectives of the study.

Analysis of service data for the 2 year period January 2018 to December 2019 reveals that **867** cases were heard at JDP.

## Characteristics of Young People in the Service

- 78% were male and 22% were female.
- 20% were aged 10-13, 78% were aged 14-17, and 2% were aged 18.
- 13% were Looked After Children.

Age	Number	Percentage
10	9	1%
11	21	2%
12	54	6%
13	94	11%
14	156	18%
15	164	19%
16	187	22%
17	166	19%
18	16	2%
Total	867	100%

## Number of Occasions at Panel

- 75% of cases heard involved a young person brought to panel for the first occasion.
- 25% of hearings involved young people who were being heard for a second or subsequent occasion.

Attendance at JDP	Proportion of cases at JDP
1 <sup>st</sup> Occasion	75%
2 <sup>nd</sup> Occasion	18%
3 <sup>rd</sup> Occasion	6%
4 <sup>th</sup> Occasion	1%
5 <sup>th</sup> Occasion	<1%
6 <sup>th</sup> Occasion	<1%
7 <sup>th</sup> Occasion	<1%

## Offence Classification

The three most common offences were Violence (34%), Acquisitive (14%) and Criminal Damage (13%).

Offence Classification	Number	Percentage
Violence	296	34%
Acquisitive	119	14%
Criminal Damage	112	13%
Public Order	96	11%
Drugs	76	9%
Weapons	67	8%
Other	42	5%
Driving	37	4%
Sexual	21	2%
Threats to Kill	1	<1%
Total	867	100%

## Case Outcomes

The most common outcomes were YRI 2 and 3, which accounted for 75% of cases. Only 6% resulted in charge, and there were only 3 Youth Cautions, accounting for less than 1% of the total cases in this period.

Outcome	Number	Percentage
Charge	54	6%
Community Resolution	38	4%
Not Applicable	4	<1%
No Further Action	30	3%
Youth Caution	3	<1%
Youth Conditional Caution	36	4%
Youth Restorative Intervention 1	54	6%
Youth Restorative Intervention 2	293	34%
Youth Restorative Intervention 3	355	41%
Total	867	100%

Service data reveals that the reoffending rates for the young people appearing at JDP are 24%. For those young people who do reoffend, the average number of reoffences within 12 months of first JDP appearance is 4, with violence against the person being the most common offence type for reoffences.

## 1.6. Structure of the Report

The following chapters will provide an account and analysis of the data used within this evaluation.

Chapter 2 will evaluate the data from the case file analysis, offering an overview of the cases reviewed, comparing the police recommendations to the outcomes decided at panel, and identifying the process of JDP decision-making as a 'problem solving' approach.

Chapter 3 considers the data from the Victim Surveys in three ways. It provides a quantitative account of victim responses to the survey questions, a quantitative analysis and suggested interpretations of the relationships between these responses, and discussion of the additional qualitative comments made by the victims within the survey. This analysis will highlight levels of victim satisfaction and factors which might impact this.

Chapter 4 provides a detailed account of the rich, qualitative data resulting from the interviews conducted with professionals, victims and young people in the service. The analysis is structured around 4 themes, exploring the effectiveness of the decision-making dimensions of JDP, the suitability of the resulting interventions, the support for young people to reach their potential, and stakeholder confidence in the process.

Chapter 5 returns to the objectives of the evaluation and key local outcomes identified in this chapter, in order to provide the conclusions of the evaluation, as well as key recommendations for further service development and improvements.

## 2. Case File Analysis

A sample of 12 cases heard at JDP between Sept 2018 and Nov 2019 was selected for detailed documentary analysis. The purpose of the case file analysis was to facilitate a more in-depth exploration of the processes and outcomes at JDP, reviewing the detailed accounts of the young people's lives, the offences they have admitted and the deliberations about the appropriate outcome in each case.

### 2.1. Case Information

#### Gender and Age

The cases included 7 males & 5 females.

They varied in age from 10-17 years at the time of offence. This included 1 aged 10, 4 aged 14, 1 aged 15, 2 aged 16, and 4 aged 17.

#### Offences

The sample included cases falling within 4 broad offence types: 6 cases of violence, 3 cases of possession of cannabis, 2 cases of racially aggravated public order, and 1 case of arson. However, it is worth noting that these broad classifications mask the variety of actions within these categories, as well as the locations and contexts of the offences. And indeed, one of the cases classified as a violent offence actually related to a hearing for a number of offences together, including assault, criminal damage, possession of a bladed article, handling stolen goods, and possession of cannabis.

#### Recommendation

The case files note the recommendation given to JDP by the Police Officer in Charge. The most common recommendation was for a Youth Caution (6 cases), whilst a further 2 cases were recommended for Charge to Court, 1 for a Youth Conditional Caution, and 1 for a Youth Restorative Intervention. In 2 cases no recommendation was made.<sup>iii</sup>

#### Case Outcome

A range of outcomes were given by JDP in these 12 cases, including 2 Charges to Court, 1 Youth Conditional Caution, 6 YRI Tier 3, 1 YRI Tier 2, 1 YRI Tier 1, and 1 No Further Action.

Despite the most common police recommendation being for a Youth Caution, not one was given, and these 6 cases saw JDP use the full range of alternative outcomes, from Charge to a YRI Tier 1.

Of these outcomes, 8 required allocation to a worker for one-to-one interventions with the young person. 6 cases were allocated to a YOS worker and just 2 to an Early Help Worker. Outcomes which did not require allocation were Charge to Court (2), No Further Action (1) and YRI Tier 1 which requires a referral only (in this case to We Are With You) (1).

#### Looked After Children & Children's Services Involvement

Many of the children in the sample have either current or historic experience of Children's Services interventions. 4 of the young people are identified in the case files as Looked After Children, of which 3

live in residential children's homes and 1 in supported accommodation. All 4 of these cases included offences within their accommodation.

In a further 5 cases, the case files note some level of current or historic Children's Services involvement including having an Early Help Worker allocated, being subject to Team Around the Child or Child Protection, or broader statements about Children's Services concerns about the child's home environment. Only 3 case files do not mention any issues at home.

## Education

6 of the 12 young people are noted as being on register in some kind of education, of which 4 are described as being in Alternative Provision, and 1 is described as attending a College Course. 3 young people are described as not currently in education or NEET. For 4 young people their education status is unknown (2 of these are 17 years old, 1 has moved out of area). 3 young people from the sample have an Education Health Care Plan (including 2 of those whose educational status is currently unknown).

## Health Needs

Half of the young people in the sample were known to CAMHS. 4 had been diagnosed or were awaiting diagnosis of ADHD, and 1 was described as having Asperger's. Only 2 young people in the sample were not known to child health services and there were no concerns about their mental health or developmental needs identified.

## Childview YOS database

The case files note that 10 out of the 12 young people had previous contact with the Youth Offending Service recorded in the Childview database, including 4 with previous convictions and related court orders, and 5 having received previous out of court disposals. 1 young person was noted in the files as being known by another YOS as they had come from out of area. Their file did not contain any information about whether they had received a court order or out of court disposal.

## NICHE Police Database

All but 1 of the JDP Hearings referred to NICHE police intelligence. 9 cases made specific reference to previous allegations or intelligence about offending behaviours, including one not progressed for lack of evidence. In 3 cases the NICHE data related to safeguarding concerns about the young person or risks within their household.

## Young Person's Views

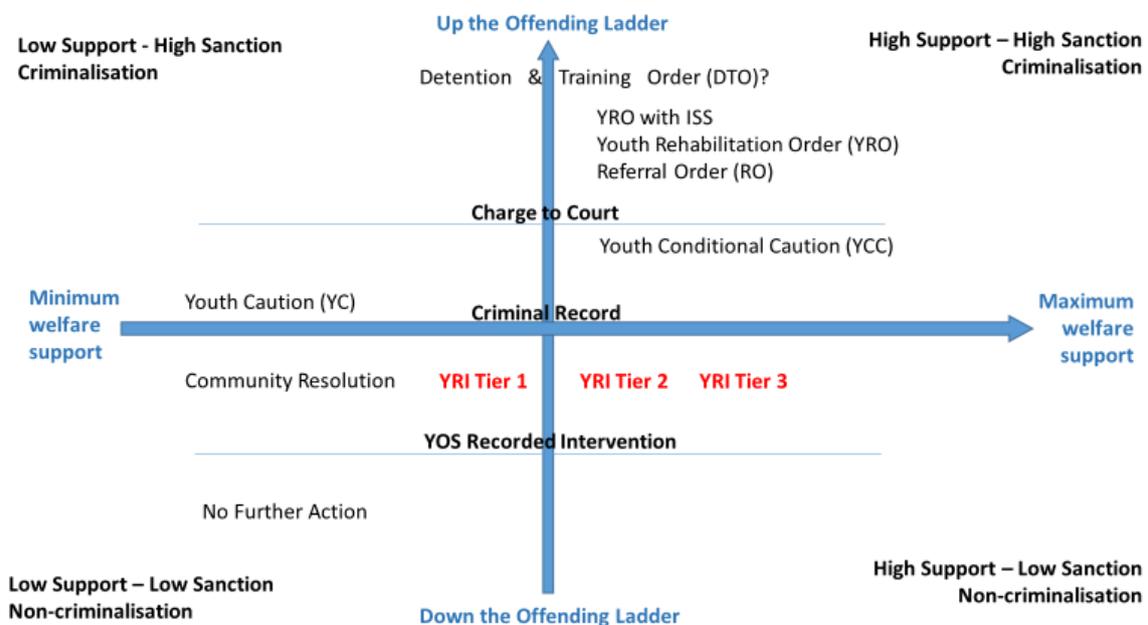
There was clear evidence of the young person being able to feed their views into the panel hearing in just 4 cases, and even here this appeared to be just to give their account of the events, or to note that they 'lacked remorse' rather than including their views on what should happen. In a further 2 cases, the files show that a social worker was asked to contribute the views of the young person, but it is unclear whether this was provided or discussed at panel. Contact had been attempted with a further 4 young people, but with no response or engagement. In 1 case the young person was not contacted due to their age as they were 10 years old. In the final remaining case, there is no information available about the inclusion of the young person's views.

## Victim's Views

7 JDP hearings clearly included the views of the victim. 3 cases were crown offences and therefore there was no direct victim involved. In 1 case contact with the victim had been attempted but they did not return contact therefore their views could not be included at panel. In 1 final case it was unclear whether victim views were included at the time of the panel, although the case file noted that the victim had been informed and was satisfied with the outcome of JDP.

## 2.2. Comparison of Recommendation and Case Outcome

It is possible to make a crude comparison of the recommendations and outcomes by noting their location on the Offending Ladder, working with the assumption that each step up the ladder represents one point on an escalating scale of penalty. In just 2 cases was the outcome the same as the recommendation. In 2 cases the outcome was higher up the Offending Ladder. Of these, 1 outcome was 1 point higher, and 1 was 2 points higher. In 6 cases the outcome was lower. Of these outcomes, 2 were 1 point lower, 1 was 2 points lower, 2 were 3 points lower, and 1 represented a reduction of 5 points on the Offending Ladder, being reduced to a No Further Action. However, by focusing only on the vertical movement up the offending ladder, this fails to account for the *horizontal* movements along a corresponding axis of low to high degree of welfare support (reflecting restorative practices outlined in the literature review). By plotting the movement of each outcome in both directions from the recommendation, we see a fuller picture of the impact of JDP decision making on the outcomes for young people.

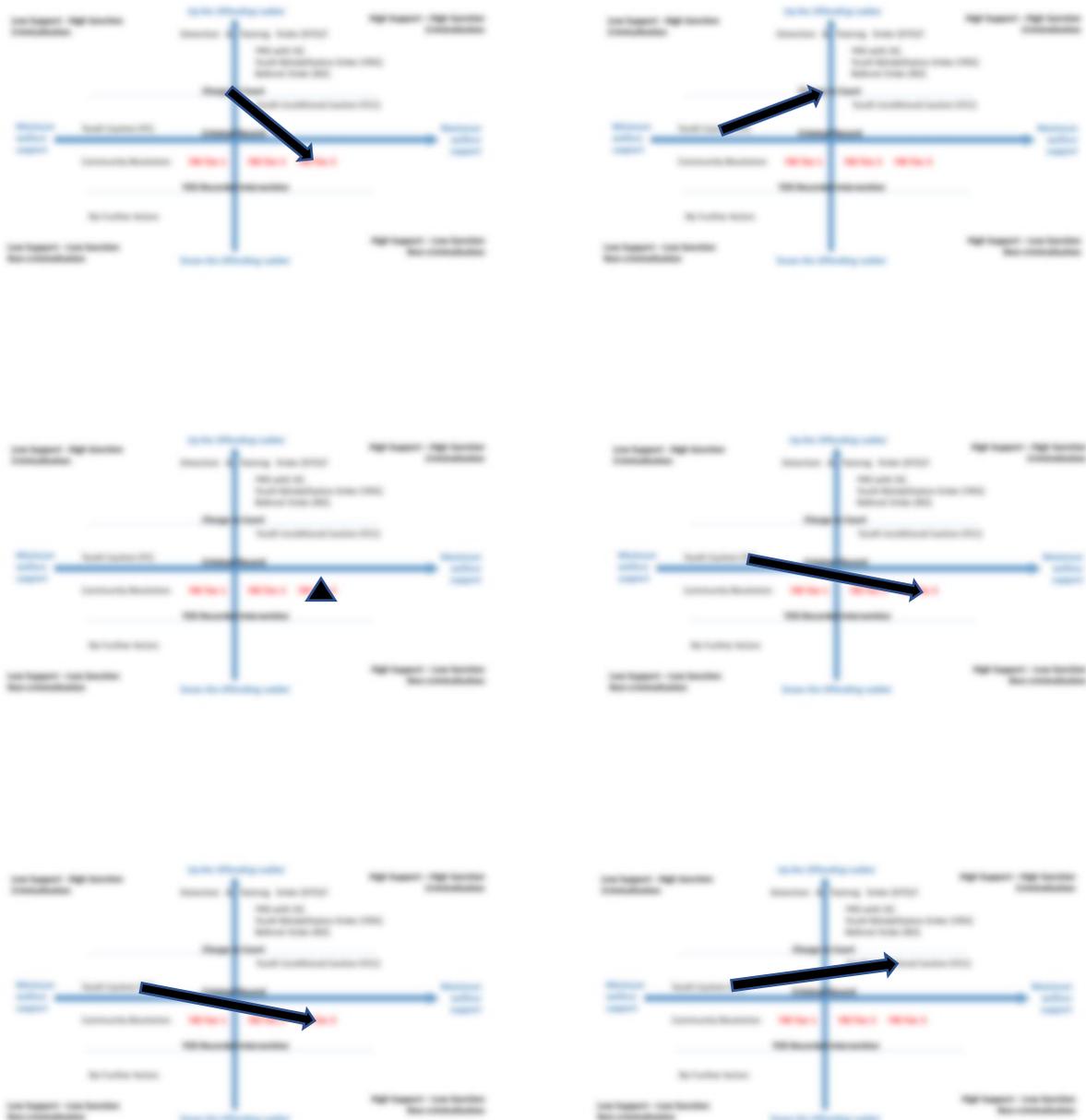


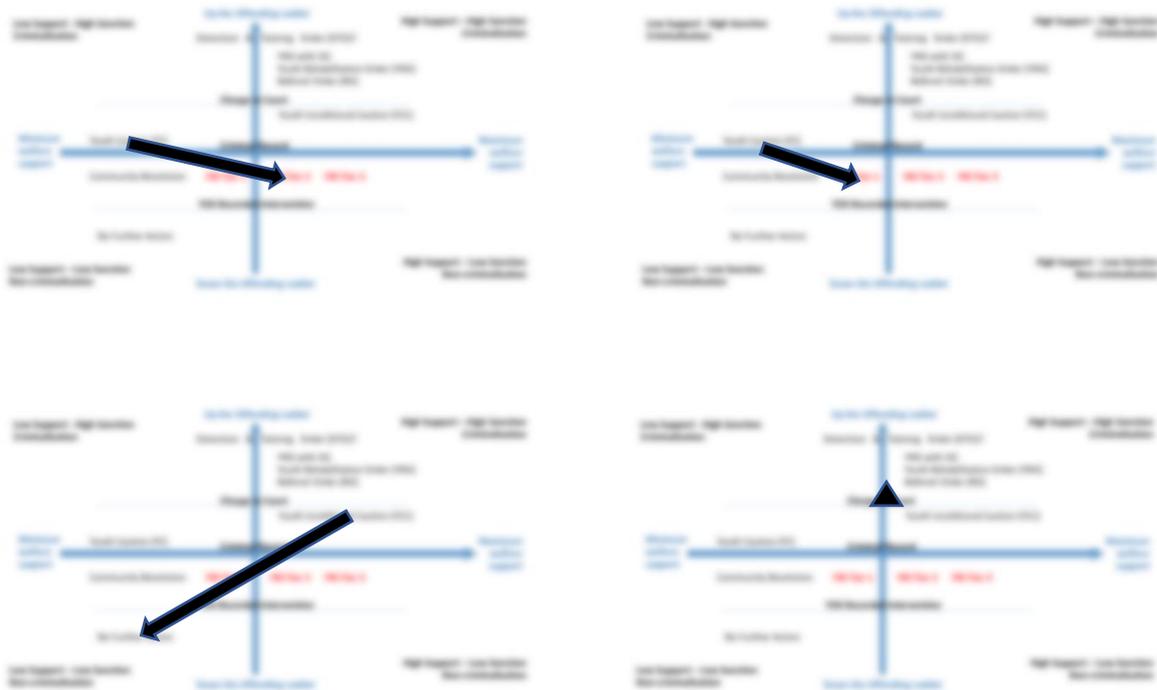
## 2.3. Visualisations of the Difference between Police Recommendation and Case Outcome

The following images provide visualisations of the difference between the police recommendation and the case outcome, as mapped onto the Offending Ladder matrix provided above. The text from the matrix is blurred in the images as the key point of interest here is the direction and distance of travel as represented by the arrows.

Horizontal Axis: Travel to the right indicates higher level of welfare support. Travel to the left indicates lower level of welfare support.

Vertical Axis: Travel upwards indicates higher level of criminalisation and sanction. Travel downwards indicates lower level of criminalisation and sanction.





## Summary

- Of the 12 cases, 10 had a recommendation made by the police.
- In 2 of these cases the outcome at JDP was the same as the recommendation (depicted above by a triangle).
- Of the remaining 8, the direction of change is depicted above by an arrow.
- Of the 8 cases where the outcome was different to the recommendation, 6 cases moved down the vertical axis (i.e. from higher to lower sanction) and 2 moved up (i.e. from lower to higher sanction). 7 cases moved from left to right on the axis (i.e. from lower support to higher support). The only case which moved from right to left (from higher to lower support) was the NFA'd case.

The evidence from this small case file sample is therefore that the introduction of JDP as a decision-making body has impacted outcomes in three key ways:

1. It has removed the use of the Youth Caution in these cases, because it gives the young person a criminal record, but does not offer any support or intervention.
2. It has led to outcomes that reduce the formal criminalisation of young people and prevent their escalation up the offending ladder.
3. It has led to outcomes with an increased level of intervention and welfare support for the young person.

This direction reflects the Child First Offender Second model of justice, and suggests an emphasis on interventionist diversion within youth justice in Lincolnshire. It also echoes restorative practice approaches that prioritise high support and challenge in order to work *with* young people rather than doing to or for. This is indicative that the model is working effectively and meeting its objectives.

## 2.4. Decision making process as ‘problem solving’

The case file analysis explored in depth the information considered at panel and the deliberations recorded within each case. 43 different factors affecting decision making were identified in total across the 12 cases heard at JDP. These can be loosely grouped into 12 themes:

1. **Nature of the offence:** The panel considered the nature of the offence in a number of ways, including considerations of risk to the public, the seriousness and potential for harm if it should recur, and whether any victimisation appeared to unprovoked or random. They discussed the fact that more serious offending needed to be marked by clear consequences, as a signal to the young person, and to act as a deterrent to the perpetrator and others around them. They considered the need for proportionality and consistency, reflecting upon what the usual outcome would be for such an offence, as well as mitigating circumstances such as minimal involvement in the offence, or a lack of evidence.
2. **Previous behaviours and patterns:** The panel looked back at wider evidence about the behaviours of the young person as they pertain to the offence being heard. They were interested in any evidence of patterns of behaviour, and particularly escalation of behaviours, which might justify intervention at that point. They considered the need for due process and proportionality here, by excluding consideration of entirely irrelevant offences, but contrary to this, they were happy to include police intelligence from NICHE, even where that had not led to any action against the young person and there did not constitute proven offences.
3. **Victim views, preferences and impact:** The panel considered any statement made by the victim or feedback from the Victim Liaison Officer, and reflected upon their views and preferences about the outcome, although the wishes of the victim alone were not a strong determinant of the outcome. More importance was given however to the impact on the victim and their needs moving forward, for example the need for more formal action to prevent contact with the victim, to protect them from further victimisation, or to promote reparative or restorative outcomes such as an apology.
4. **Previous responses and engagement:** The panel considered any interventions previously given to the young person, primarily to reflect upon what has worked to date, and the extent to which the young person might engage with any intervention offered. The existence of a previous order (even if currently open) did not inevitably necessitate escalation on the grounds that it signalled a need for a tougher response. It may be that if the young person is engaging well with the intervention, and has made some progress to date, then a similar rather than escalated response is more appropriate. New elements of work could be tied in with orders running concurrently, where these elements were not included in the original order. These decisions were complicated by the complex chronologies of offending, and the timing at which they reached the panel. It was common for offences to come to panel which had been committed prior to an offence heard at an earlier panel, and in these circumstances it would make no sense to escalate the response based on an offence committed before any support or intervention was put in place for the young person, if that now appeared to be working.
5. **Vulnerability, victimisation & safeguarding:** The young people whose actions are considered at the panel are frequently also victims in their own right, and the panel importantly acknowledge this, whether that relates to children’s vulnerability in the domestic space, specific incidents

where they have been victims of crime, or their vulnerability to sexual or criminal exploitation. The case file analysis revealed examples of the panel considering how such victimisation might have contributed to the offence (e.g. a young person committing a racially aggravated offence following their own victimisation by perpetrators from that ethnic background) and what specific work might need to be done with the young person (e.g. to recognise themselves as sexually exploited and to keep themselves safe).

6. **Family home, parental support, accommodation:** Given the holistic focus of the JDP, it is well placed to be able to consider the wider contexts of the young person's life, and to put in place support where this is not already provided, for example by allocating to an Early Help Worker who can support within the family, by noting the inadequacy of current accommodation arrangements and action the appropriate professional to address this.
7. **Education, work & positive activities:** The panel considered the young person's engagement in education, work or other positive activities in a number of ways. Firstly, where the offence took place within a school environment, or where the young person's behaviours appeared to be related to their educational placement, they could consider whether an alternative might be more suitable. Secondly, they acknowledged the relationship between school exclusions and offending, and worked to support the young person into education wherever possible. Thirdly, they considered the potential impact of the outcome upon the young person's education placement or employment aspirations, particularly where considering a Charge to Court.
8. **Services already involved and services available:** The panel sought to understand the support services young people already engaged with, including social work and Early Help, CAMHS, community paediatrics, CSE worker<sup>iv</sup>, positive futures etc. and looked to fill gaps in provision where needed. They reflected upon what other opportunities for support were available, what services existed locally, and which outcome would enable the young person to receive that support. They also considered how allocation to a professional already working with the young person, with whom they had built a productive, trusting relationship, could secure engagement with further interventions, rather than allocating yet another professional to this young person.
9. **Young person's attitudes & influence of peer group:** The young person's views are considered in so far as they have offered an explanation of the incident, which may help the panel to understand why it occurred and the young person's role within an incident. The panel also consider any evidence which may demonstrate the young person's attitude to the offence being heard and how that pertains to their future behaviour. This may include reports of their lack of remorse, bragging, disregard for the law, not wanting to change, attitudes to risk taking, and the attitudes and influence of their peer group. However, given the challenges of promoting young people's participation and voice within the panel process, some of this information is obtained from NICHE or from police reporting on the case. Some care is therefore needed here because there is a risk of uncorroborated intelligence being used in ways detrimental to the young person's rights and welfare.
10. **Age, development & impact thresholds:** The panel took into consideration the biological age of the young person, in order to consider their level of understanding and their responsibility for their behaviours, particularly for the youngest person in the sample, who was aged just 10, and therefore seen as particularly vulnerable within the process. The panel considered the impact of any outcome in relation to age, in terms of the potential harm of early criminalisation, and they tried to minimise the risk to young people where they sat at the threshold of adulthood. In such cases, higher level intervention could be justified as a last-ditch attempt to prevent the young person being pulled into the adult courts system. It should also be noted that in hearing from the Clinical Psychologist, and

sometimes standing down the case until after the young person could receive an assessment, the panel also considered where a young person's biological age may not be matched by their development, and how this might impact both their behaviour and their potential engagement with interventions.

11. **Looked After Children:** A number of issues were considered regarding young people with Looked After Child status, including consideration of the adequacy of the placement and the impact on their behaviour. The panel actively tried to prevent the unnecessary criminalisation of LAC and adherence to the Lincolnshire Safeguarding Children Board Joint Lincolnshire Protocol to Reduce Offending and the Criminalisation of Children in Care. In one case it was specifically noted that it was inappropriate for LCC as the 'corporate parent' to pursue charges against the young person for an offence committed in their residential care home, which was not responded to in line with the protocol. The panel also challenged the police to provide greater consistency in response to offending by this cohort of young people, in adherence to the agreed protocol. A further complication relating to decisions made about Looked After Children concerns those who are moved to a placement out of area, and the panel then need to ascertain whether any out of court disposal given (e.g. a YRI Tier 3) could be delivered in their home YOS.
12. **Impact of criminalisation, intervention and assessment:** As has been noted in some of the points above, the panel were clearly aware of the potentially harmful long-term consequences of criminalisation and having a formal criminal record. However, they also discussed the impact of interventions delivered through supposedly non-criminalising out of court disposals, as well as the impact of assessment processes themselves. Any of these interventions may still impact upon the young person's sense of self-identity and there is evidence that this was taken into consideration by the panel.

## 2.5. What Does This Tell Us?

**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 take 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. Victim Survey Analysis

### 3.1. About the Survey Data

The data used in this section of the report has been drawn from analysis of a sample of Victim Satisfaction Surveys designed and conducted by Lincolnshire Youth Offending Service Victim Liaison Officers following the introduction of JDP. A sample of 53 surveys were analysed, relating to JDP hearings between 29<sup>th</sup> November 2017 and 29th May 2019. The survey was not designed specifically for this evaluation, but provides a useful source of data.

#### Coding and Analysis

The responses to all of the questions except for Question 7 have been coded into quantitative data by assigning each response to one of four categories:

- Positive Responses: 'Yes' for Questions 1-6, 'Satisfied' for Question 8
- Negative Responses: 'No' for Questions 1-6, 'Dissatisfied' for Question 8
- Mixed Responses: Where the survey records qualitative comments that reflect BOTH positive and negative responses, for example "Yes, but on the other hand...".
- Unsure Responses: Where the survey records NEITHER positive nor negative responses for example, simply noting that the respondent didn't know or was undecided.

By coding the data in this way, these qualitatively recorded comments could be converted into quantitative data. Qualitative data from the open-ended Question 7 and other questions was analysed thematically.

#### Limitations of the data

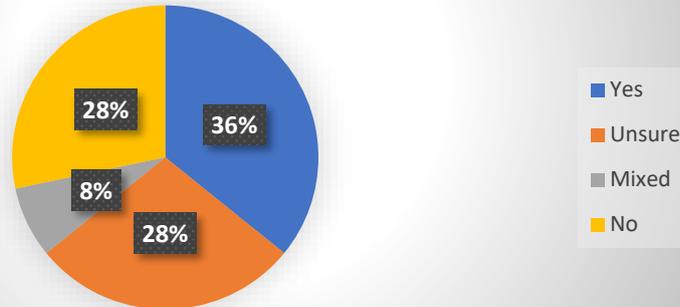
Given the contexts in which this survey was designed and undertaken, there are a number of limitations to the data, which impact the reliability and usefulness of the findings.

- The questions on the survey were not designed specifically for this study.
- The language used in the questions may be ambiguous or confusing for respondents, eg the use of 'community resolution process' in some questions but 'restorative justice process' elsewhere.
- The absence of a Likert Scale allowing respondents to express the extent of their satisfaction makes it difficult to assess *levels* of satisfaction.
- Lack of anonymity may have impacted upon respondents' confidence to share their views in full.
- The data may be affected by differences in approach to conducting the survey between the two VLOs.
- The data is dependent upon the capacity of the VLO to accurately and faithfully record the qualitative comments provided whilst in conversation with the respondent.

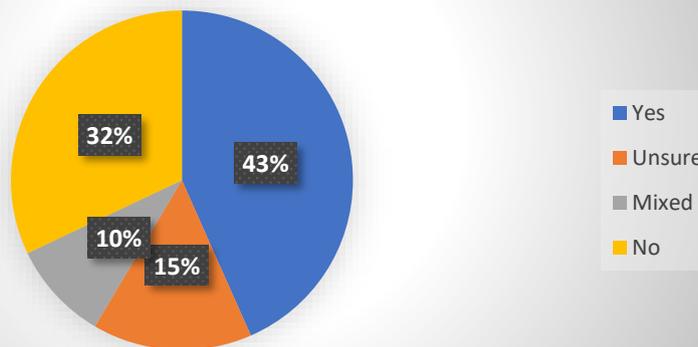
However, it is also recognised that the telephone survey may well yield a higher response rate than other survey strategies such as online or postal surveys which are frequently left uncompleted or unreturned.

### 3.2. Summary of Responses to the Survey Questions

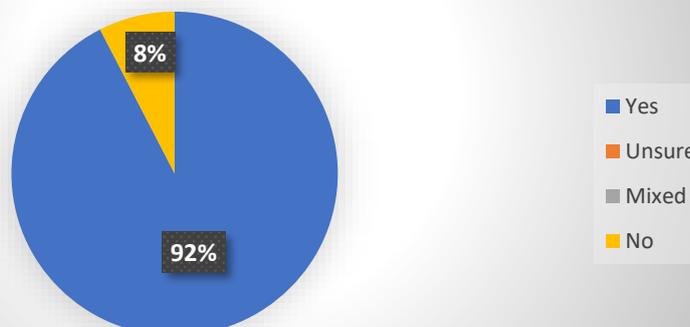
**Q1: Did you understand the police officer's explanation of the Community Resolution process?**



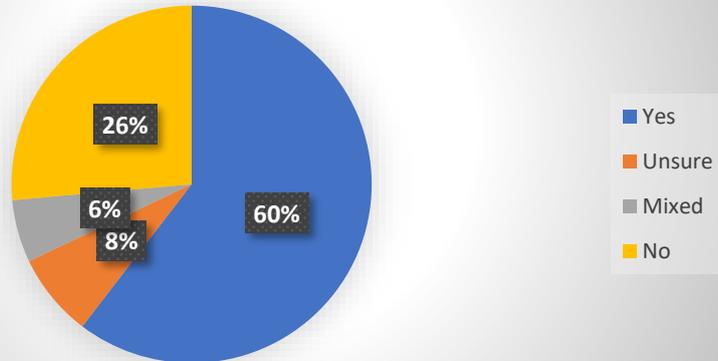
**Q2: Were you involved in the decision of how to try to put things right and resolve this offence?**



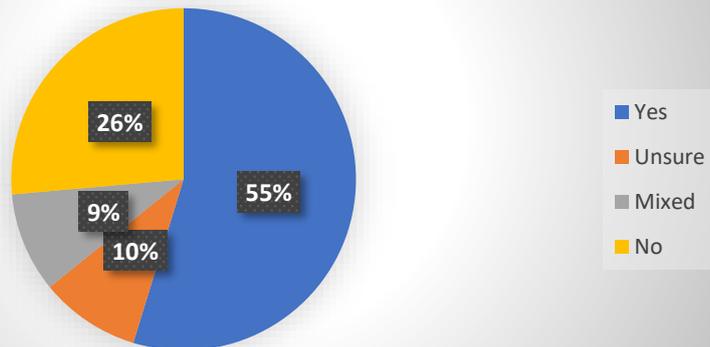
**Q3: Were you informed about the decision that was made at panel of how to resolve this offence?**



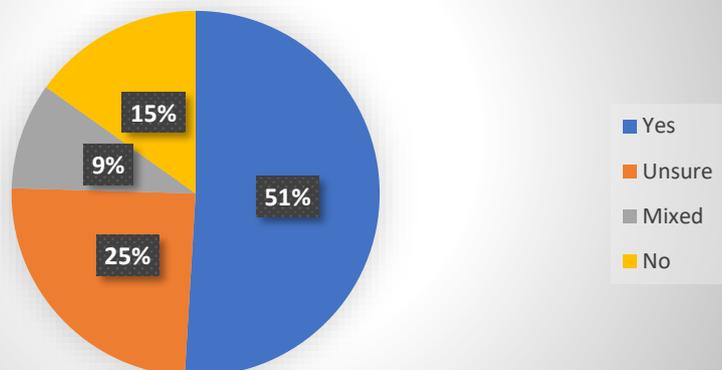
**Q4: Were you happy with the decision that was made?**

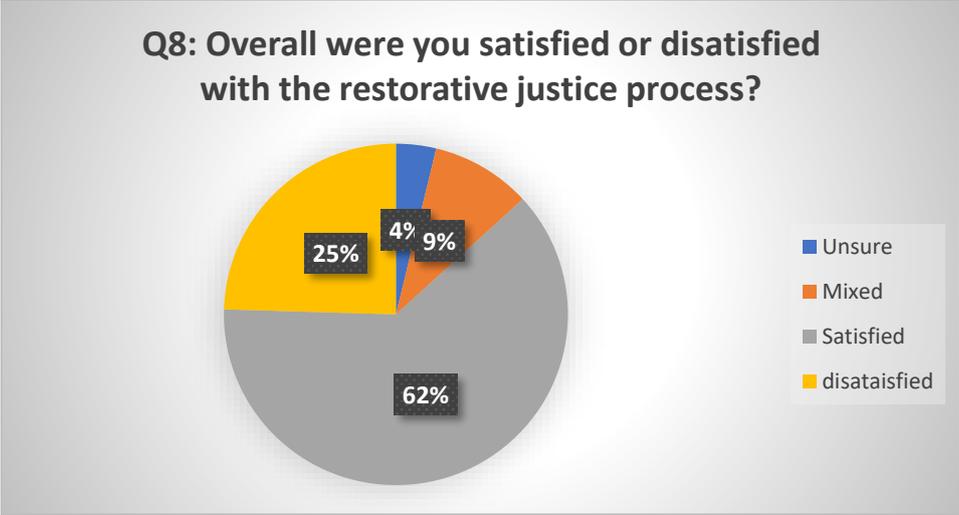


**Q5: Do you think the outcome was proportionate and appropriate in your case?**



**Q6: Would you recommend a community resolution process to others?**

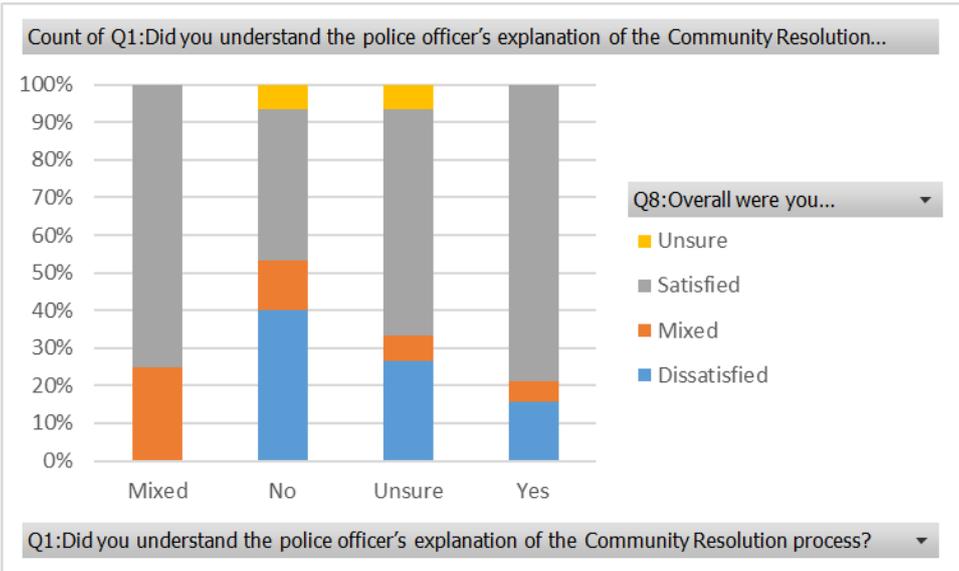




### 3.3. Analysis of Relationships Between the Responses

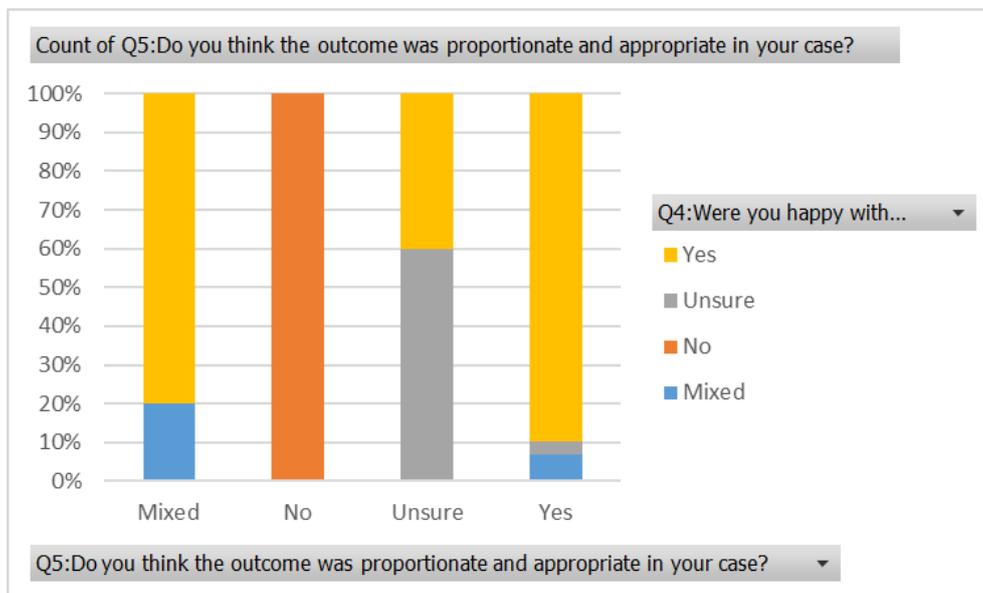
In this section, the relationships between some key questions from the survey are considered. Stacked bar charts are used to visualise the breakdown of the responses, before analysis and interpretation of the data is provided.

- a) Relationship between understanding the police officer’s explanation (Q1) and overall satisfaction (Q8)



This chart represents the relationship between understanding the police officer’s explanation of the process and overall victim satisfaction. 79% of the participants who answered ‘yes’ to understanding the process explained to them were satisfied overall with the restorative justice process, in comparison to 40% of those who answered ‘no’. This data suggests that providing a clear explanation of the process to the victim can help improve levels of victim satisfaction, regardless of outcome.

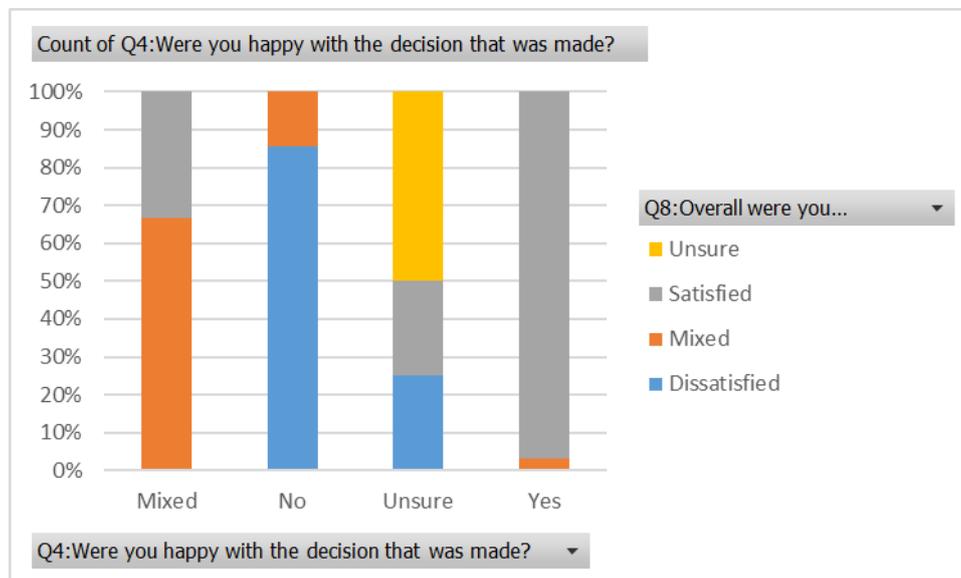
b) Relationship between the victim being happy with the decision made (Q4) and the outcome being seen as proportionate and appropriate (Q5)



The data above shows the relationship between the victim’s perception of the proportionality and appropriateness of the outcome of the JDP and whether they were happy with the decision that was made. 100% of the participants who said the outcome was not proportionate or appropriate responded that they were not happy with the decision that was made at the JDP.

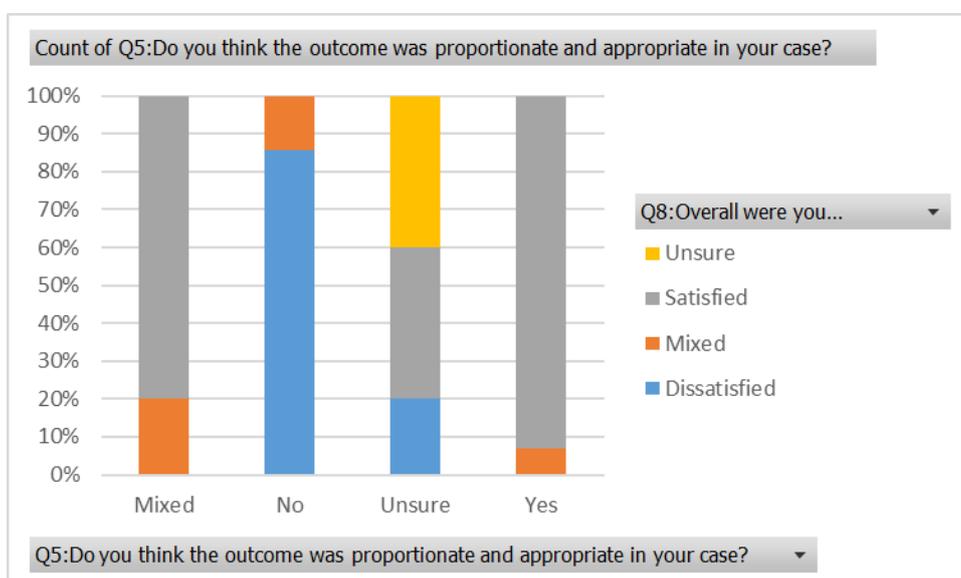
In comparison, 90% of those who believed the outcome was proportionate or appropriate responded that they were happy with the outcome, with the remaining 10% giving mixed or unsure responses. The proportionality and appropriateness of the outcome therefore appears to be very important in the victim’s feelings about the panel’s decision, and a perception of disproportionality may be seen in particular to prevent victims from being happy with the outcome.

c) Relationship between the victim being happy with the decision that was made (Q4) and overall satisfaction (Q8)



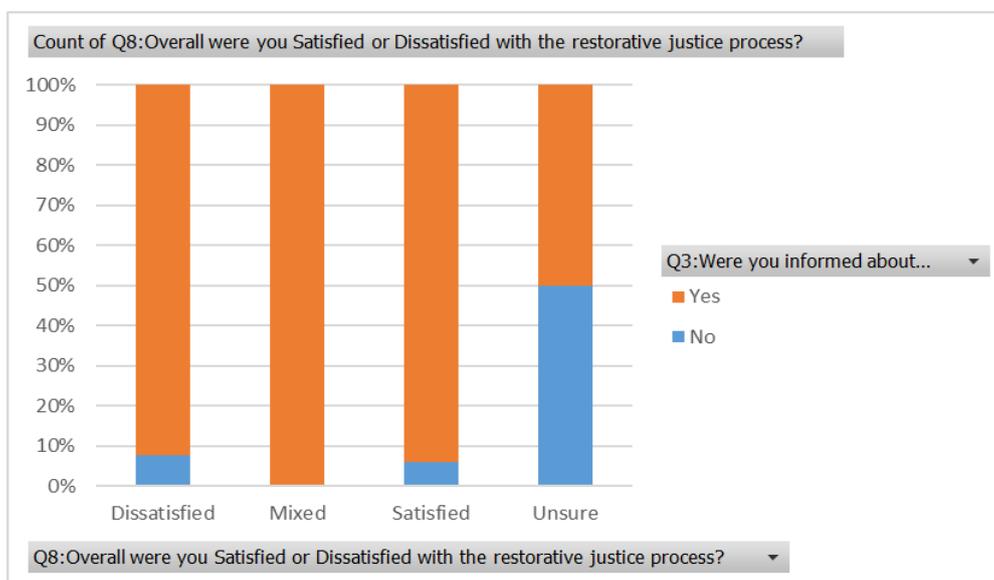
This chart suggests that 97% of victims that were happy with the decision that was made were also satisfied with the restorative justice process overall. Similarly, 86% of victims who were not happy with the decision made at panel were dissatisfied with the restorative justice process. An important factor affecting victim satisfaction with the process *overall* therefore appears to be their feelings about the decision made by the panel more specifically.

d) Relationship between the outcome being seen as proportionate and appropriate (Q5) and overall satisfaction (Q8)



95% of those who answered 'yes' to the outcome being proportionate and appropriate were also satisfied with the outcome from the JDP with none wholly unhappy with the level of proportionality. 82% of the participants answering 'no' to the question about proportionality were dissatisfied overall, with the remaining 18% giving mixed responses. Some of the respondents who were unsure (40%) or had mixed responses (80%) about the proportionality of the outcome still expressed satisfaction with the restorative justice process, perceived disproportionality does not inevitably prevent victim satisfaction.

e) Relationship between the victim being informed about the decision of how to resolve this offence (Q3) and overall satisfaction (Q8)



This stacked column represents the relationship between being informed about the decision at panel and victim satisfaction with the process overall. The proportion of victims who were informed about the process was high and largely similar in both the satisfied group (94%) and dissatisfied group (92%). Being informed therefore does not appear to affect satisfaction in itself, perhaps because it does not equate to the victim having a say in the decision about the outcome.

However, those who felt *unsure* about whether they were satisfied with the process (i.e. did not express an opinion either way) were more likely to respond that they had *not* been informed about the decision. As might be expected, if the victim of an offence is not kept informed about their case as it progresses through the panel, they may well lack the information needed to draw a conclusion on whether they were satisfied with the process overall, and therefore feel unable to comment.

### 3.4. Analysis of the Qualitative Comments from the Surveys

A number of key themes emerged in the open-ended responses to Question 7: **What are your views around how you were involved in the decision-making process and of the outcome. Is there anything you feel could have been done better?** These are described further below along with other qualitative responses added to the surveys.

#### Victim Informed About the Process

21 of the survey respondents made reference to the Victim Liaison Officer updating the victim or having some input, most commonly just stating VLO updated (a stock phrase used by VLOs in completing this survey), with occasional other reference to the VLO's input.

#### Disappointed with the process

However, there was also a lack of victim satisfaction with the process itself, and feelings of being "let down" by the system. These include being unhappy about the communication within the process, for example having to "chase up several times" and being "notified of the outcome from police via text message".

#### Timeliness of the Process

A further theme related to respondents' perception of the process was around the timeliness of the response. Even where victims were generally happy with the outcome, they sometimes felt it should have been dealt with sooner, for example saying, "it was too late and too much time had passed". This highlights the need for victims to hear back from the panel more quickly, to be kept fully informed, and to reassure them the incident is being dealt with immediately. Additionally, one respondent noted the impact of delays on the young person as it "Would not benefit the young person to revisit the incident when it took place a while ago".

#### Proportionality and Perceptions of Leniency

Some of the responses emphasised the victim's feelings around the need for proportionality in the outcome, and how this was not always achieved. They felt that the outcome was too lenient and did not reflect the seriousness of the offence or the impact upon the victim (financial or physical). One victim described the outcome as a "travesty" as the perpetrator had been "let off with a slap on the wrist". Perceptions of fairness and proportionality impact upon overall satisfaction levels (as demonstrated above), so these comments give further insight into how victims understand this.

#### Satisfaction with the Outcome and Non-Criminalisation

Not all of the victims wanted a tougher response to the young person's behaviour. Others said that they were happy with the outcome, and there was an acknowledgement by some victims that criminalising the young person would not help. Some of these appear to be cases where the young person has committed an offence against a family member, and their relative expressed a desire for the young person to receive help without being criminalised. Others are not noted to be family members, but still show wider concern for the wellbeing of the child, including one case where questions were raised about the wider structural processes that may have led to the incident, as the victim "Felt that the whole situation could have been avoided and that the young person had been let down by children's services as a whole".

### 3.5. What Does This Tell Us?

**The design of the victim survey was problematic:** improvements could be made to support better understanding of the experiences and views of victims within the service.

**Victims are kept informed about the process:** there is evidence that victims are updated on what is happening in the case, and that this is usually via the Victim Liaison Officer.

**Fewer victims feel involved in the process:** there is a clear difference between the numbers of victims who felt informed and who felt involved in the decision-making. There is scope for improvement in this aspect.

**Victims do not understand the explanation of the process:** they need to receive better information about the process from the Police at the outset so that they know what will happen and what to expect.

**Victim satisfaction is fairly good:** almost two thirds of victims expressed overall satisfaction and just over half would recommend the process. However, there may be opportunities to improve victim satisfaction based on some of the factors below.

**Factors affecting victim satisfaction:**

- **Information** - Lack of information inhibits victim's ability to state with confidence their satisfaction. There is the potential to improve victim satisfaction, regardless of the outcome, by providing more information about the process, decision-making and longer-term outcomes.
- **Timeliness** - Victim satisfaction with the process can be impacted by perceptions of timeliness, and there is therefore a need to avoid undue delays, and to ensure that victims do not miss out on receiving any updates over long periods of time.
- **Outcome** – Victims tend to focus on the outcome as more influential than other aspects of the experience, such as restoration or reparation, or the communication process. Increasing victim involvement in the process itself may help to de-emphasise the outcome.
- **Proportionality** - Victim satisfaction with the decision is determined primarily by their perception of the degree of proportionality. When dissatisfied they tend to emphasise the leniency of the outcome in relation to the harm caused.
- **Understanding of the impact on the young person** - Victims can show compassion and consideration for what the young person needs to avoid future offending. Providing further information about this might help to improve satisfaction in some cases.

## 4. Interview Analysis

This chapter of the report provides detailed thematic analysis of the interviews conducted for the evaluation. The interviews with professional participants (including the Covid update interviews), young people whose cases were heard at JDP, and victims of young people's offences are considered together so as to connect these different experiences and perspectives.

Analysis is presented around 4 key themes:

1. Whether the JDP is effective in making decisions about outcomes for young people.
2. Whether the interventions provided by the panel are suitable and effective.
3. The extent to which the JDP and the YRI support young people to reach their potential.
4. The confidence of stakeholders in the JDP process and outcomes.

The voices of the participants are used extensively within the analysis to illustrate the points made, with the participants anonymised through the provision of their unique participant identification number.

### 4.1. Effectiveness of JDP Decision-Making

Interview findings indicate that the effectiveness of the JDP process in making decisions about outcomes for young people who have admitted an offence must be understood in terms of a range of inter-related factors described in more detail below:

- Suitability of cases for referral to JDP
- Multi-agency nature of the panel
- Evidence presented at JDP
- Holistic view of young people
- Principles of decision-making
- (Non) escalation
- (In)consistencies
- Victims' role in JDP
- Voice of the young person at JDP

#### Suitability of Cases for Referral to JDP

One of the core issues that the interview participants discussed was whether the appropriate cases were being diverted to JDP and the YRI, rather than going to court, and what level of offence seriousness might be deemed suitable for diversion. As the process has bedded in, the seriousness of the offences heard at JDP seems to have increased, with the participants discussing cases including knife possession, burglary, GBH, and serious sexual assaults.

“My initial thinking when it first started, or even before, was that JDP will be with thefts of bicycles, yeah, and theft of a sandwich from a shop, or girls that had had a scuffle because they love the same boy in school; but I couldn’t have been...I was wrong because there are all sorts of offences.” (115)

“When it was first rolled out, it was kind of low-level offences; kind of first-time entry offences: shoplifting, or maybe...just some low level offences; maybe low gravity scores for the police. What we tend to have found, just recently, is those offences have risen; the gravity level of the offence has risen, which is difficult to justify to victims” (108)

There were some mixed feelings expressed about whether this is the appropriate forum for such cases to be heard, and in particular concerns about how this might be received by victims. Eight out of the 12 participants expressed some concern, surprise or discomfort about some cases they had seen come through JDP, even whilst they acknowledged that such decisions might be appropriate in terms of considering the welfare of the child. Some of these comments may reflect the fact that the interviews were conducted early in the evaluation period, with the JDP still undergoing further refinement of processes as it bedded in. It may therefore be timely to undertake a review of current practice around seriousness and thresholds to reflect upon whether the balance is appropriate.

Harmful sexual behaviours created particular challenges because of the limited time available to complete the AIM risk assessment within the YRI. Consequently, a new process was being developed during the research, to extend the YRI period for sexual offences from 12 to 18 weeks. This would allow a further 6 weeks for the AIM assessment to be conducted to decide whether the interventions needed could appropriately be delivered within a YRI or would require a court order, thereby adding in further protections to manage the risk of serious harm<sup>4</sup>.

As the degree of seriousness of cases referred to JDP has increased, and as a result of de-escalation processes, this has changed the nature of the work in the Youth Court. Lower-level cases with an admission of guilt, which previously would have received a Referral Order, are being diverted from the Youth Court. Magistrates have therefore noted that the bulk of the cases they hear are now the most serious and complex, which would probably have been heard at the Crown Court previously. This provides good anecdotal evidence that the diversionary aims of JDP are indeed working, but also evidences new challenges for magistrates.

“It’s very distressing, the cases we are starting to get because everything we are seeing is at the higher end of the scale, where perhaps it would have gone to the Crown Court at one time. Some of the lengthier reports - 12 pages to go through, you know, when we want to report for sentencing. They are really, really distressing crimes” (109)

One of the magistrates explained the impact of this on their mental wellbeing, as they tended to take these case details home with them and found it more difficult to switch off from what they had heard in court. This is an important finding which suggests that the provision of further support or supervision by Her Majesty’s Courts and Tribunals Service for these community volunteers may be beneficial.

One of the interview participants noted that some cases were being brought to JDP because the police did not have sufficient evidence to charge a young person, for example where they may have issued a partial or limited admission of guilt, and there is a risk that cases of this nature could undermine

confidence in the JDP process. It is important that this out of court process does not become a means to circumvent young people's legal rights, and that cases where there is any doubt about the young person's responsibility are heard at court, e.g. "had there been no JDP, he wouldn't have gone through. CPS would have thrown it out" (101).

A further concern relating to this was connected to the requirement that a young person must have admitted the offence for referral to JDP. This may be particularly problematic in the case of young people with learning disabilities, a history of trauma, those without a parent or carer to support them, or in relation to offences with more complex legal definitions. One participant in particular was concerned that this could be open to abuse or that young people might feel pressure to admit guilt so as to avoid the charge to court.

"I guess my concern is that sometimes it's sold as an alternative to court, and it's a bit like that pressure to kind of... If you admit your guilt, then you can have an out of court disposal. And sometimes I have questioned whether that negates actual guilt; that idea of, you know, – It's better to say I'm guilty and go through this process than fight my innocence, and potentially face court" (101).

By contrast, in the early days of the introduction of JDP, it seems that a significant number of young people were also being denied the opportunity for referral to JDP due to solicitors advising them to say 'No comment' in police interview. However, this appears to have been resolved as the process has become embedded and solicitors more familiar with it:

"solicitors are definitely more on board...so we've definitely seen a big decline in no comment interviews; which I think in terms of advice given to young people was one of the big kind of tripping points that we were experiencing." (102)

Five of the interview participants (103, 106, 110, 113, 114) referred to a recent trend in cases being bounced back from court to JDP, where the court felt that the police decision to charge was not appropriate and it could be better dealt with as an out of court case (e.g. an incident in a children's home), or where the young person has decided to put in a guilty plea that had not been given earlier (perhaps as a result of new legal advice). The JDP Co-ordinator also plays an active role in checking the court lists to see whether there are any cases that should have come to JDP, and where necessary liaising with the Youth Offending Service Court Officer so that they can pull cases back from court as a further safety net.

This jurisdictional ambiguity can be frustrating as it causes delays to being able to start working with the young person. However, these efforts to ensure that all young people who are entitled to benefit from an out of court disposal are enabled to do so indicates a 'child friendly' approach which prioritises children's rights and welfare over more rigid and restrictive interpretations of due process. Further clarity of processes within the joint protocol may nonetheless be useful in ensuring delays are minimised, which is in the interest of both children and victims of crime.

In addition, where a single incident involves a young person committing two different offences, with one more serious than the other, it is possible to separate these offences so that for example regulatory motoring offences may be dealt with at court so that points could be added to the licence, whilst related offences e.g. an assault could still be heard at JDP. There is therefore evidence that the JDP process has

been integrated into the broader youth criminal justice processes with care and deliberation rather than simplistically tacked on as a largely disconnected 'alternative' system.

## Multi-agency Nature of the Panel

For all the interview participants, the most central feature of JDP is the multi-agency nature of the panel. JDP membership is made up of a number of different professionals representing different agencies or services, and as with any new collaborative working initiatives, it took time for these relationships to become established. Participants indicated that in the early days of its introduction, the panel discussions often reflected the different perspectives that these roles bring, with the police/children's social care relationship being described as "a bit them and us" with the police acting as a victims' service and children's social care acting as a children's service. In part this reflected different understandings and terminology which sometimes caused confusion, for example where a victim's request for 'positive action' was interpreted by police as a preference for charge to court, but others on the panel understood it to mean doing something positive with the young person (111).

However, as the panel process bedded in, the research participants commented on how this relationship became more collaborative, wanting to work to the same aims and being "on the same page now" (106). This has created a better understanding of and respect for each other's roles: "I don't step into the police role. They don't step into our role, in terms of every day; but actually through the JDP process, you just naturally have a better understanding of things from sharing information" (103).

The establishment of trust within the professional relationships built within the panel have also supported "healthy discussion" and "professional challenge" (103). By having conversations in which the panel members must evidence and justify their claims or assumptions in the face of challenge from colleagues in services that do things differently, this makes for more effective decision-making in complex cases than if a single individual were to make the decision alone (101). The value in having multiple experienced professionals involved in the decision was highlighted by one of the youth court magistrates who expressed confidence in the panel as an alternative decision-making forum. Both of the magistrates interviewed considered this to be a more appropriate way of responding to young people with complex health and social care needs and looked after children in particular, because it prevented their unnecessary criminalisation.

The multi-agency make-up of the panel was seen as especially important, so that each member of the panel brings their own expertise to the table whilst appreciating the importance of others' expertise: "I don't necessarily need to know all the stuff from the police from a legal point of view because I will never be an expert in that. I know the bit from the Children's Services end, but they've got that bit. So I think that's a complementary bit" (106). This was seen as a way of "creating a big picture, and putting the best things in place for [the young person]" (111), reflecting the emphasis on holistic approaches discussed below.

In response to the Covid-19 pandemic, JDP swiftly moved to an online video conferencing format, something they had previously mooted but always rejected as too problematic. Whilst this experience has been a learning curve, with different platforms tested, there was confidence amongst the

participants that this had not impacted their ability to maintain the same multi-agency decision-making approach or the regularity of the meetings (102, 103, 106). The participants noted the levels of staff enthusiasm for this new way of working, with everybody “trying to do the best they can in such difficult times” (109.) Three of the participants (102, 106, 108) described how the pandemic, and subsequent need to adapt has “forced our hand” and prompted change within the service, which was seen as too difficult previously. However, the outcomes have been such that there is an appetite to retain some of the changes on a more permanent basis.

One of the pre-Covid challenges of this multi-agency approach had been the logistical implications of bringing everybody together in the same room, given that they might work within different locations across the county of Lincolnshire, leading to high travel expenses, the loss of the professional’s time whilst travelling, and the risks of panel members being delayed due to traffic incidents. As a result of the move to video conferencing, staff travel time had been “cut to zero” with the resulting savings roughly calculated to be around “£3000 in petrol money over 14 weeks” and “over 122 hours travelling to and from the meetings” (103). These are significant cost savings for Lincolnshire County Council, Lincolnshire Police and other partner organisations, and staff are freed up for other valuable activity, including time for a longer panel meeting (103) and to develop practice, as one panel member said, it had given them “more time to plan what I want to do with the young people” (112). There was therefore strong support for retaining this remote panel format even when face to face meetings will be permitted (102, 103, 106, 111).

## Evidence Presented at JDP

The principle of JDP decision making is that it should be evidence based and informed by the full range of information about that young person, the offence and the impact on the victim. This includes information from:

- Police (NICHE / PNC database)
- Children’s Social Care and Early Help (Mosaic database)
- Youth Offending Service (Child View database)
- Early Help
- CAMHS
- Community Paediatrics
- ASB Team
- Education

Over time, participants noted that the amount of information being heard at JDP has increased. They further noted that whilst JDP relies upon effective information exchange, it has also promoted such practices, through building relationships and developing processes for sharing information. One clear benefit of this is that the different panel members come to understand each other’s roles better, and the different points of view that come with those roles.

The participants highlighted the importance of this evidence-based, informed decision making as a more appropriate approach than the previous police led decisions which were made solely in response to the information held by the police.

“actually, when you make the decision, you’ve made it on a good solid bank of information... and that for me is the comforting side of it. I haven’t just got details of that offence, and that’s what they did. What I’ve got is a sense of that young person, and what they’ve said, and what’s going on in their life; and all the other sorts of things, you know?” (106)

According to one of the participants “The real value of the JDP is the discussion around the case, not the reading of the case” (116), because this allows the panel to consider context, circumstances and culpability in what are inevitably complex situations. It can lead to heated debate, and different opinions, but allows opportunity for all of those perspectives to be considered before a collective decision is reached (106). The decision is therefore not only informed by evidence but also debated within an arena that promotes professional challenge and justification of decisions made.

This process of gathering and dissecting information was described by one participant as a form of assessment, which legitimises the decisions taken:

“I think criticism could be raised that actually, some young people are being given outcomes without assessment; and we would say that actually, that information needs to be kind of broken down, discussed, digested, analysed, rated in a way that actually, you know, your panel discussions *are* an assessment.” (102)

This assessment facilitates considerations of proportionality of outcome, and the needs of the young person, in a way which was not possible under the previous police led decision-making. There are of course some challenges in gathering and collating this information. It can be difficult to obtain the same detailed information about all young people. Particular challenges reported were for evidence about young people from out of the Local Authority area, and missing information from schools. Indeed, one participant commented on the need for more partnership working with schools (114). Whilst the panel can defer the hearing until the information is received, there was also an awareness that delaying the outcome is not beneficial to the young person or the victim.

However, the recent introduction of video conferencing for the panel hearings has facilitated the engagement of busy professionals in information gathering and supporting outcomes (106). One of the panel members interviewed discussed the future possibility of workers involved with cases being able to contribute to the panel via video call, where their written report has prompted further questions (102). This new technology could therefore improve the range and accuracy of information considered at JDP.

The amount of information considered at JDP presented challenges for the running of the panel, with all the details being read out in the panel. This was very time consuming and not seen by all as the best use of time. A further innovation resulting from the pandemic is that in order to facilitate a remote, digital panel hearing, the documents are shared in advance with ‘pre-read’ time built into the schedule for the panel. By allowing everyone to work through the material at their own pace, this has helped the panel members “get a real sense of it” and subsequently improved the quality of the panel discussions and use of the information (102).

Use of intelligence from the police database was seen to be a double-edged sword. For whilst it was seen as useful in ‘building up a picture’ or ‘giving you a flavour’ of that young person’s wider behaviours, which may identify safeguarding concerns (for example indicating potential criminal exploitation), there is also a

clear risk here that this might lead to an escalation of disposal based on unsubstantiated claims which have not been proven in court, because of a perception that “this person is prolific!” (106) . One of the participants noted the ambiguity in the entries on NICHE, for example when NFA is identified, since this is rarely accompanied by sufficient information or context to understand the decision. Similar ‘intelligence’ can also arise through other services, in addition to their more formal records of service involvement. For example, support staff in We Are With You often received information from their young service users, about their peers and other young people in the community. There is a clear need to be cautious and measured in the use of intelligence, to reflect upon the credibility of the information and to consider the impact of its inclusion on the young person in terms of proportionality: “Intelligence is what it is, isn’t it? It’s not evidence” (106). The critical discussion and professional challenge evidenced at JDP meetings provide an important means of moderating this.

## Holistic View of Young People’s Lives

The breadth of the information presented at JDP, alongside the multi-agency collaboration inherent in the panel can be seen as an effective way of promoting holistic ways of thinking for young people with complex needs. Eight of the 12 professional participants used the language of ‘complexity’ to describe the young people that came to JDP, their background, behaviours and their needs. As set out in the section above, the information that needs to be discussed at the panel for such complex young people can therefore be extensive and time-consuming to work through. However, it was seen as providing a broad overview of the young person’s life, described by one participant as “a good gateway into what’s going on for that young person.” (114)

Within half of the interviews, across a range of different agencies, the term ‘holistic’ was used to describe the approach taken within JDP. This involved moving away from a narrow focus on the gravity of the offence. This holistic perspective is an attempt to understand the behaviour within the wider context of the young person’s current situation, to see “the bigger picture”, and to get “a better understanding of that young person’s world at the time of the offence” (103). One of the participants described it as trying to understand what “the true story” is for that young person and see beyond the story they might initially present, “what they are just telling you to get out the door as fast as they possibly can”. (108) There is an emphasis on the young person as an individual, understanding their lived experience, focusing on their needs, and what needs to happen next. The multi-agency nature of the panel, as described above, facilitates this holistic understanding of the young person’s life.

Two of the participants noted that taking a holistic approach to the young person tends to reduce the level of punitiveness, and that this had been similarly experienced with the volunteers at Referral Order Panels. Seeing the surrounding circumstances of the young person’s life leads to a different understanding of the young person’s behaviour, its causes, and the potential solutions, which often require multi-agency responses.

More recently as the JDP processes have developed, the panel have started to focus their discussions around three realms: Safety and Wellbeing Concerns, Risk of Serious Harm and Risk of Reoffending. This requires the same information to be gathered but collates it into relevant concerns, which echo other

assessment processes used within Future4Me. This was seen as ensuring that the focus is on the most significant issues, provides clarity around the rationale for the outcome selected, and supports the panel's confidence in their decision making.

Engaging in a comprehensive and holistic assessment as part of the YRI also ensures that the interventions are able to address the full range of issues affecting that young person, including safeguarding and wellbeing issues that may be unrelated to the offence itself (102). This supports the development of young people more broadly.

## Principles of decision making

The interviews with the professional participants revealed a number of different principles that impact panel decision-making.

**Balance:** A common theme within the participants' accounts of the JDP decision making process was that it involved 'balancing' (102, 108, 103) often competing agendas, pressures and information, and trying to find the best outcome in light of them all. In particular, the challenge of balancing the needs of the victim against the needs of the young perpetrator seemed to be at the heart of this problem-solving approach, but some participants noted that this balance wasn't always achieved, and that the outcomes tended to tip towards the young person more than the victim at times. Similarly, there was seen to be an inherent task in negotiating between trauma informed and child first approaches, and the societal pressures around criminal justice and "what's expected" (101).

**Consequences:** As part of this balancing act, it was noted that there needed to be consequences for the young person resulting from their actions, such that, "We can't let him get away with nothing" (101), although these consequences were not perceived as inevitably being punitive in nature.

**Circumstances:** Whilst consequences are important, the underlying problems in the young person's life must be addressed via the provision of support, "because for me it's all about dealing with that child's personal circumstances. The offence, and I don't mean it to sound wrong, but it's kind of a side issue" (113).

**Flexibility:** The JDP allows for greater 'flexibility' around young people (105) in comparison to both the police response and statutory court ordered interventions which supports the panel to make the most appropriate decision for the young person.

**Justice:** Principles of justice were seen as important although the contested nature of 'justice' was acknowledged by some, e.g. "the victims, they are just wanting justice; but what justice looks like obviously is different to everybody" (108)

**Defensible decisions:** Given the complexity of the decision-making process, and the contested nature of 'justice', it was seen as important to be able to justify the outcomes: "it is about you being defensible in the decisions you make" (115).

**Prevention of reoffending:** In line with the statutory aim of the youth justice system, this was clearly important, such that "if support is put in place, it might end up that that person can actually not reoffend

again; and that's it; that's less work for us to do in the long term" (113). Whilst this would include offence specific decision-making, it could also reflect opportunities to further motivate young people to realise their potential (116).

**Proportionality:** "I don't think it's about soft or hard options, I think it's about what's proportionate" (103). Proportionality is often seen from a victim's perspective, as a reflection of 'justice' being done, however this can be very emotive and lead to escalation. For the JDP, proportionality was especially important to consider in terms of community resolutions. There is a need to separate out safeguarding need from seriousness of the offence in order to protect children's rights. Where safeguarding needs are high, but the offence is less serious, there is a need to remain proportionate to the offence and not escalate the response based on need – that can be done through signposting and support.

**Value judgements:** The panel acknowledge that the decision making is not an objective and precise science. There are judgements to be made in trying to find the most appropriate outcome. "Because very few of these cases are straightforward, they are all value judgements in the end, in terms of what is the most appropriate outcome that is going to serve the interests of the community, the legal system; also the young person and the victims." (116)

**Rehabilitation:** There is a growing recognition that "actually punitive responses don't necessarily work in order to reduce reoffending or kind of reduce risk" (101) and there is a need for rehabilitation instead: "probably the rehabilitation thing is important as well: how do we prevent this young person from doing something like this again, and help them recognise what it is they do, the consequences of what they do, both personally and on others; and why it is perhaps worth their while, beginning to think about how they can pursue another direction in their life. That's what all of this should be about" (116).

**Public Safety:** "At the end of the day. You have to be protecting the public." (109). The panel therefore consider the impact of young people's actions on community safety and how to reduce risks to the public. One PS identified a specific concern around young people committing driving offences, and consideration of whether they needed endorsements on their driving licence which can only be imposed by the court: "for me it's about that public safety element, that we are kind of forgetting that" (113).

**Reducing risks to YP:** Whilst the path to desistance may be non-linear for many young people, working with them to reduce risks to which they are exposed is a priority. "Although we'd rather they didn't do cannabis as well, at least in comparison to the risks that they were at, they minimalised significantly." (107)

**Child First Understanding:** Some of the participants made reference to a 'child first' approach as a guiding principle of JDP: "I would hope that they are trying to understand the child first, and then think about the offence that has been committed in relation to the child and the childhood experiences, and the background, and understand the offence in relation to the holistic presentation of a child" (101). This was expressed by others as requiring an understanding that children are different from adults, and consciously recognising that we have all made silly mistakes as we are growing up (110, 113, 115) and many will grow out of it "with or without us" (115).

**Best Interests of the Child:** The overall intentions of the panel are therefore to make the most suitable decision in the interests of that young person: "I think the test that I think for ourselves is ... when you

walk out that door, hand on heart, do you think you've done as much as you can, to try and support that young person; to kind of have the best outcomes" (106).

## (Non) escalation

The professional interview participants described the pre-JDP system as being escalatory, and commented on how JDP had moved away from that approach (102, 106, 113). This escalatory approach was recognised as embedded within traditional policing practices and their subsequent decision making about young people, in which there is a ladder of resolutions that are moved through depending on the number of times the young person has come to the attention of the police, with a feeling that "actually police officers were looking to escalate young people up a ladder" (102).

One of the central goals of JDP was therefore to move away this escalatory system and change police practice. Initial engagement of police within the JDP process continued to replicate escalatory thinking, with the assumption that the YRI being developed as Community Resolution was inherently low level on the offending ladder. However, by separating the level of support and intervention from the level of criminalisation and offence outcome, this removed the need to escalate the outcome in order to be seen to be tackling the behaviours of concern, promoting the use of the YRI.

When initially introduced, the JDP decision took victim views into account in deciding the outcome, but that frequently led to further escalation and the panel quickly realised this and moved away from that approach. Ironically, there is evidence that in some cases where victims were unhappy with a Community Resolution and wanted a more formal outcome, the YRI was 'escalated' to a caution, even though that demanded less of the young person in terms of intervention or reparation.

The panel were also attentive to the potential for escalation of Looked After Children, and subsequently created processes to allocate cases to social workers to avoid upscaling these vulnerable young people.

The principles of non-escalation are particularly important where a young person appears at panel for a further offence. This means that the panel are not automatically obligated to escalate the response up the 'offending ladder'. Rather they can take a more rounded and nuanced approach to deciding what response would be most appropriate in this case.

"I guess a big consideration that we would look at when we have cases that have already had intervention previously, or are in receipt of intervention, is actually, what intervention was delivered prior to the re-offending ... Is this a new offence, or actually is this a continued pattern of behaviour that we could satisfy ourselves that yes, the appropriate support is in place, and actually it's a - Fingers up, I'm going to carry on doing it regardless?" (102)

The panel therefore consider the support already in place, whether the offence type is similar or unrelated, and whether the new offence is less serious and therefore represents a step towards desistance (rather than evidence of entrenched behaviours). These are pragmatic decisions about how to most effectively work to reduce the young person's offending. For young people who are already on a Court Order, the ramifications of a formal charge for a minor offence are significant, including as one of

the interview participants described, being recalled to custody for a trivial offence (eg stealing a packet of crisps) committed whilst serving a DTO on licence (112). Return to court also means disrupting the package of work being delivered by the YOS officer, and the relationship being developed with the young person.

Similarly, some young people may be returned to panel for non-engagement with their YRI. An escalatory approach might seek to enforce engagement by pushing the young person further up the ladder and escalating the response. Whilst this may be considered for cases interpreted as 'wilful non-compliance', this is by no means inevitable. The principles of non-escalation at JDP mean that decisions about consequences of non-engagement are made on a case-by-case basis, so as to avoid where possible the final option of progressing the young person through the criminal justice system. Before escalating to court, a Youth Caution or Conditional Caution may be offered, with the latter having a legal requirement to engage with the conditions attached.

There seemed to be some uncertainty and ambiguity around whether the YRI is a voluntary intervention, and which therefore cannot carry consequences for non-engagement, or whether engagement is required as this was a condition of the decision not to criminalise, for example:

"Well, it's not voluntary because if it's a JDP, they are sent to court if they don't comply with it; ... but with JDP, it's a bit more like what do I do here? How long do I try to pursue this young person until I send him back to JDP? And sometimes, it's the experience of my colleague, and she sent somebody back, and they said – Oh, keep trying. So that's the thing: it's a bit boundary wise, it's looser than a Court Order... But you lose valuable time; and that's a bit of a grey area." (115)

This ambiguity is more pronounced at the lower Tiers of the YRI, especially the Tier 1 referral into services such as We Are With You or Early Help. If the response is the referral itself, this does not inevitably necessitate engagement (107, 114).

By contrast, a number of the participants noted that the voluntary nature of the YRI, coupled with the panel's requirement of an admission of the offence, means that the YRI cases are often easier to engage than those a Court Order, with one participant noting that only around 4% of cases are returned to JDP for non-engagement (102).

The interview participants showed awareness of a range of different issues that may lead to non-engagement where it may not be appropriate to escalate the young person and further criminalise them, for example where their engagement is dependent upon parental support or co-operation (106), where there are financial or transport barriers to engagement (106), or communication and technology barriers (102), or where the intervention may not be suitable for that young person's needs (114). Young people living in children's homes were also seen as potentially finding engagement more difficult, and it was seen as particularly important to try to prevent escalation of these young people (114). In each case, the panel explore the circumstances of the non-engagement before making any decision about response:

"I think what we have got better at doing is, if a case comes back, like today actually, we will look at – Let's just not take it on face value that they haven't engaged, what does that non-engagement look like? What's going on with other services? What can we do differently? So we do try and do that; which has been really positive. So for the first

question – What could we do differently, what have we done? Why is it not working? Have we given every opportunity?” (102)

## (In)consistencies

The professional interview participants discussed the existence of inconsistencies within the previous system, and there is evidence that the JDP has **improved levels of consistency in decision making**, although this has not led to a corresponding consistency of outcomes. Prior to the establishment of JDP, decisions about whether to charge a young person to court or to issue a community resolution were taken by individual Police Sergeants, and it was difficult to ensure that decisions were being made with any degree of consistency (102).

Whilst some of the participants noted that consistency has improved, others described their concerns about remaining inconsistencies between some cases. However, this apparent discrepancy can be explained through a distinction between consistency of *process* and consistency of *outcomes*. Those who noted cases which appeared inconsistent tended to refer to inconsistency of outcome, for example, where two young people committed the offence jointly but only one was charged to court: “Even I couldn’t explain to the victim why that was!” (114).

Yet as discussed above the rationale for decision making at JDP considers much more than the offence alone, and tries to respond in a more holistic way that considers the full context of the case and the young person’s life. Some participants did show an awareness that ‘consistency’ of approach or process might not be the same as consistency in outcome, and that this is quite complex to achieve:

“that’s the difficulty because we are looking at that individual young person, we’re tailoring that outcome for that young person, and that’s the difficulty about getting the consistency, because it could be right for that young person: two hours reparation, and maybe ten hours is right for these young people, but when you are looking at it, you think – well, there’s no rhyme or reason to this” (108)

There was some discussion in the interviews about whether the membership of the JDP affects consistency of decision making. Whilst one participant described the consistent panel membership as a strength of the JDP, others noted the practice of rotating members, particularly from a large pool of Police Sergeants. There appeared to be some agreement that a smaller pool of panel members was most effective and supported consistency of decision making, in that a) they are more invested in the process, b) they have more experience and understanding of the panel, and c) they become more familiar with how/why decisions are made (114, 113, 106). Who takes the role of Chair was also seen as potentially impacting consistency: “... some of them are more leaning towards not punishing them at all, you know, the softly, softly approach. And some of them are quite, you know, direct.” (111 PS).

Of course, it is worth noting that formal court processes are not immune from inconsistencies in decision making due to the inevitable human element, and within the Youth Court setting, this is further illustrated by the difference between those court sessions held by a district judge and a youth magistrates’ bench.

## Victims Role in JDP

Processes for including the views of the victim at the panel have been improved since first introduced. Initially, this included only the victim information provided by the police which was recorded at the time of the offence, which was quite generic, often lacked detail and could be as little as “four/five words” (102). Within the new process, Victim Liaison Officers contact the victims directly to gather their views for the panel. “They’ll speak to them around their feelings; views around the offence, the impact etc; but more importantly, they’ll also speak to them about potential outcomes; so they will speak to them about, you know, potentially if we were to explore a Restorative Outcome, would you be prepared to engage in anything directly?” (102). Information about the victim is then included in the papers prepared for consideration at panel by the JDP co-ordinator (111).

Some participants described occasions where the victim’s views had not been included and it wasn’t always clear whether that was because they did not want to contribute their views or had not had the opportunity to do so:

“So, I’ve been on it a few times where I’ve not had the victim’s views, and it’s been relatively serious enough to think actually this needs to go back, and the officer needs to get those views. If they don’t want to provide those views, and they say – I’m not bothered. That’s fine, but it needs to be on there; it needs to be presented, really. Because otherwise we are becoming completely focussed on the perpetrator, and forgetting about the victim; and that happens a bit too much, really” (113)

A victim of offences against their personal property described how they had been contacted by the VLO, to give them the opportunity to express their views and say what outcome they would like to see from JDP. However, they felt that they were asked to give this information without sufficient time to think it through, as they were contacted by phone for an immediate response for the panel hearing the following day:

“it just caught me by the hop, because I was driving down from my house to go to a meal. So I couldn’t really say too much. They hadn’t given me time to think really. So I’m a little bit disappointed with that” (202)

In one of the victim interviews, they described how the detailed victim statement that they had written had not been fully shared at JDP, with selected sections not read out because the panel “didn’t need to know that information” (203). They felt strongly that this undermined their statement about the life-changing impact on the victim and their family:

“I was asked to write an impact statement, and that impact statement was what I wrote. Why didn’t they read it? I’m not interested in them picking bits out of it. That’s not making it *my* impact statement, is it?” (203).

One of the victims interviewed, who described the experiences from the retail perspective, felt excluded from the process on a number of levels, “because I’ve not been involved in it, and we don’t find out really what happens in these meetings; they are a bit behind closed doors for us” (201). Their main channel of communication was the police rather than VLO, who “don’t normally get involved” (201). They felt that

they had never had an opportunity to feed their views into JDP, even when they were a victim of a physical assault whilst at work, and had never been asked to complete a victim satisfaction survey. They felt that “the process should be the same no matter who you are going through it. I might be an employee in security, but I’m not paid enough to be spat at, punched and kicked” (201).

The panel can sometimes delay discussing a particular case if it is felt that there is insufficient detail from the victims, especially where the victim is another young person, or there are allegations of further victimisation taking place (103).

Whilst some of the participants described the victim views as being put forward “in order to kind of guide the intervention” and taken into account in the decision making process (101), others noted the limits to this, for example: “Certainly there would be instances where victims haven’t been happy, erm, but they are few and far between; erm, and I think, yeah, the difference is we are not bound by that now” (102).

The panel members interviewed saw a clear distinction between the *views* of the victim and the *impact* on the victim in terms of what should be taken into account within the decision-making process:

“We are looking at, in terms of, of taking into account, you know, in terms of, impacts on victim; and the victim isn’t lost in sight of that, but actually the victim’s views or thoughts may not influence our decision: we will take that into account but may not be the deciding factor.” (106)

There was an awareness that victims can often have quite punitive attitudes, reflecting the broader punitive views of society (101). Whilst these views are heard at JDP, it would not be appropriate to always take these into consideration, “because we’ve got to be realistic, some people want people hung, drawn and quartered, you know?” (113). There was the perception that older victims in particular could be more punitive, and want the young person to go through the court process: “it’s like they have forgotten that they had a childhood, or anything; and that kids do make mistakes and stuff; so you can generally tell when you get somebody’s date of birth, you kind of get an idea of how the conversations going to go” (114). However, there were examples of victims being sympathetic to the needs of the young person, particularly where they already knew the young person’s circumstances (108). Because of issues of confidentiality and data protection, very limited information about the wider contexts of the young person’s life can be shared with the victim. This can limit opportunities for the victim to fully understand what might have led the young person to behave in this way and to perceive the incident differently to the reality (101). However effective communication regarding the impact of JDP in reducing offending may provide assurance that this form of intervention is more effective than traditional, ‘justice’ oriented outcomes. Victims tend to favour punitive interventions as they perceive them as an effective deterrent but ultimately, they want to prevent future offending within the community and especially further offences against themselves (201, 202, 203).

One participant described how there are some victims who do not want to be involved in the process and “just want to move on” (116). Commercial victims eg of shoplifting may want it to be dealt with, so it doesn’t happen again but have no personal interest in the case. By contrast victims of assault might be more personally invested but wish to avoid another confrontation and are worried it may increase the likelihood of further victimisation “because they are seen as being part of the process” (116).

There are of course cases where the victimisation continues even after the perpetrator is given a YRI or court order, which leaves victims dissatisfied with the process. Racially aggravated offences in particular were noted as an example of this that was difficult to manage, with Victim Liaison Officers often getting called by the victim to address further victimisation incidents (108, 203). This can be one of the reasons for a victim's preference for a Court Order or YCC, rather than just to be 'punitive' because these can impose restrictions on contact and exclusions from certain locations which might make them feel safer (114).

The Victim Liaison Officer performs an important role sitting in between the panel and the victim, managing victim expectations around outcomes, and trying to "get them on board". Whilst asking the victim to share their views, they also have to be very clear about the fact that "the panel won't change their intervention based on what they say" (114) and thereby avoid any misinformation or disappointment. An important part of managing expectations is providing clarity about the likelihood (or otherwise) of a formal conviction, addressing the victim's understanding of the work that will be done, and reassuring them that a "Community Resolution isn't a soft touch" (102). The perception seemed to be that "generally, when you have explained the process and you explain about cautions and reprimands, and low level of intervention ... most of them are ok about it" (114) and they "just want the kids to get help" (114).

There is some evidence of a process to ensure that victims are kept informed about the panel hearing and the outcome. This is usually done through the Future4Me Victim Liaison Officers, and also sometimes via the police. However, in the victim interviews, they all shared their experiences of not feeling fully informed and a lack of clarity about the process, for example:

"I just thought they were going to court, and nobody informed me that they wasn't going to court... so I had no information at all; nobody corresponded with me, what's going to happen; only got that call from [the VLO] the night before – They're going to panel tomorrow. I said – They are not going to court? She said – No they are going to panel. So that's all I know; nobody briefed me about that at all." (201)

It can sometimes be difficult for the VLO to justify the outcome to the victim (108), although the VLO can also advocate for the victim where they feel that the decision taken in JDP is inappropriate and doesn't consider the needs of the victim. The victim might also feel differently about the outcome decided at JDP if they had more detail, but "it is a very fine line to tread sometimes about how much information you do disclose" (108).

Four of the professional participants described how they have sometimes felt that the victim has been "forgotten" or overlooked in the JDP process (108, 111, 113, 114), and even that they seem to sometimes be an "inconvenience" (108) in what is a child-focused approach. Victims are not usually informed about the longer-term outcomes for that young person, such as whether they completed their community resolution. The limited number of VLOs in the service means they sometimes lack capacity to work as closely with victims as they might want to, and therefore tend to prioritise supporting individual and young victims over and above retail and commercial victims. Whilst one of the three victims interviewed appeared to have been fully informed about the outcome, the other two felt that they had not been given sufficient information about the kinds of interventions that the young person might need to engage with, how long the YRI would last, or whether it was completed. For one of the victims, where the harm

was of a more significant and personal nature, it was felt to be important to know this, so as to achieve some “closure” (203).

This was particularly challenging for commercial/retail victims as they might have had multiple incidents at their premises, and would receive an outcome letter identifying the incident by a case number which does not correspond to the police incident number previously received and was therefore difficult to interpret: “For them to go through JDP, and me never know what happens, that does get to a point where you have to kind of say that – This isn’t right.” (201). They attributed these problems to the fact that the police act as the main conduit for communication, but that they are not good at passing information on, in part because “they’re obviously busy, and they don’t really have the time to be coming back to us constantly” (201).

The Covid-19 pandemic and subsequent lockdown did not change the Victim Liaison Officer’s work with victims greatly as much of the contact was conducted by phone in any case. However, it may have potentially created new opportunities for working with victims remotely, via video conferencing. The Future4Me participants described using Zoom to support a restorative justice meeting between an elderly victim and the young perpetrator who was serving a custodial sentence (105), and how victims were more willing to speak to the Referral Order panel members now that they could do so remotely (114). There was also some interest in whether video conferencing might be used to facilitate a verbal apology from a young person, as preferable to an in-person meeting (114). There was however an awareness of how video calls can lose some of the body language that might affect the success of the restorative encounter, and this can make it more difficult for professionals working with victims to get across levels of empathy (108).

## Voice of the Young Person at JDP

As the JDP has developed, it is clear that the process incorporates some attempt to include the voice and views of the young person at the panel hearing. This is seen as valuable in providing “another piece of the jigsaw” (106), helping to understand the offence and also the wider circumstances of the young person’s life. The JDP co-ordinator tries to contact the young person pre-panel by phone, however a number of the panel members described how this was not always successful in practice, for example noting: “we just really struggle to get young people to answer, to talk to us” (102) and only achieve this in somewhere between a third and half of cases. In addition to any general reluctance to talk to a stranger about the offence, this may be the result of young people changing their number or losing their phones, and can also be due to cognitive, speech and communication difficulties, which are common across this group of young people (108).

During the Covid-19 pandemic and lockdown, it was noted that communication with young people became easier as they tended to be at home rather than out with friends. Therefore even those young people who don’t have their own phone or chose not to share their number, could be contacted via the landline or by phoning the parent’s phone (102).

Where young people don’t have direct contact numbers, or have chosen not to share them, contact is attempted through parents. However, frequently the young person is not at home, and this sometimes

provides an opportunity to speak to the parent instead. Whilst this may be helpful, it should not be considered as equivalent to gathering the views of the child.

Sometimes, it seemed that the panel might still hear a case without the voice of the child if that was the only missing piece of information. Including the voice for the child is consequently described as “a bit hit and miss... definitely the most difficult one to try and crack” (102). There is clearly an appetite for improving the extent of the participation of the child within the process, as one participant described:

“you know it’s a little bit of a flaw in the process because ... professionals are sitting round the table, making the decision, on behalf of that young person, and yes, we can say that we’ve had a conversation with the young person or bits and pieces like that, but I think it would make it ...I don’t think I would particularly like to know that a group of professionals have sat in a room somewhere and decided my outcome without any conversation with me whatsoever. I think that wouldn’t sit well with me whatsoever.” (108)

There were some interesting ideas proposed in the interviews, to move away from contact via phone, and make use of alternative communications preferred by young people, such as social media or an app. Conversations have already begun with the Children’s Services Participation Team to explore how they might support alternative strategies to promote young people’s participation. This is important work to develop, reflecting a Child First approach underpinned by the right to participation in the UNCRC.

Some participants also expressed a view that young people should play a more central role in the panel itself, “because until they start talking to the young person, they don’t quite know where they are or what intervention they are going to have” (109). This is seen as an advantage of the Referral Order panels in comparison to JDP: “I think there’s always value in having a young person there as part of a proceeding. That’s because they have a right... it’s a process that’s about them” (116). Otherwise it becomes a process which is done to the young person, that happened at a distance, rather than one in which they had a role to play. This does not sit easily alongside the restorative approach advocated within the service.

After the panel, the outcome is fed back to the young person, and initially this was the responsibility of the arresting officer<sup>vi</sup>, however some logistical challenges arising out of the officers’ shift patterns meant that this was not always effective or timely. This process is reported to have improved as JDP has bedded in, and furthermore an outcomes letter is sent from the panel to the young person as an additional feedback mechanism, although this can sometimes sit unopened, so the police contact remains crucial. There is scope here also to embed a more participatory approach to engage young people with the outcome of the panel.

After the outcome is completed, there is a process for obtaining feedback from the young person about their experiences of the interventions and service delivered, although as one participant noted “I’m not sure it’s at the right time, with the right person, in the right environment, and the right questions” (108).

Of the five young people who responded to this question, three said that they had had the process explained to them. Two of the young people could not recall having had the process explained to them, but said that it has been explained to a parent instead (302, 304). For example one young person recalled their mother receiving letters but said “I didn’t really read any of them” (302). Some of these recollections appeared to be more relating to the explanation of the YRI outcome than of the JDP panel

process and there seemed to be differences in who delivered that explanation, with young people referring to both the police (304) and allocated worker (303, 305). They also received the information through different mechanisms, including by both letter and phone call (301), in person with the worker (303, 305) and with one describing how the worker was “explaining it whilst writing it down so it’s easier for me to understand” (303).

None of the young people described being asked for their views to feed into the panel. For one young person, there was confusion about which panel was being referred to during the interview as they responded “I’ve sat in front of two panels... I don’t understand which one you mean” (302).

## 4.2. Effectiveness and Suitability of Interventions

### Intervention

#### **Allocation of worker**

There is evidence of a good deal of thought being put into the process of allocating a worker to deliver the intervention, based on a number of factors which all cohere around the needs of the young person, namely to minimise the number of different workers, reduce complexity, and to support a relational approach: “why introduce a new person when you already have that relationship?” (114). The panel will therefore consider positive relationships that are already in place, e.g. where a young person is already open to Early Help or has been allocated a Child Sexual Exploitation worker, “we’d look at that probably and say – what’s their relationship like with [the young person]?” (103).

Where a worker has already been working effectively with a sibling and is therefore familiar with the family, they might be seen as a suitable allocation, and similarly, if the worker knows the local community well, and is familiar with the problems experienced there, as well as the potential services and support.

Alongside this, the panel consider whether an identified worker is able to deliver the specified package of interventions and whether they have any specialist knowledge required, e.g. having undertaken training to deliver the AIM assessment for harmful sexual behaviours, or the Beyond the Blade knife crime awareness programme (103). However, a primary logistical consideration is also simply the capacity of the workers within their caseload (115). Within the integrated Future4Me team, there was a feeling that the workers, regardless of whether their background was Early Help or Youth Offending, should all be capable of delivering the outcomes of JDP, with additional training being put in place across the whole team e.g. around Beyond the Blade. Where the allocated worker was identified as not being the most suitable person to deliver a particular element of the package, consideration was then given to who could be brought in to do so (102).

Bringing together the YOS and EH workers within the F4M team has raised some potential issues around allocation. YOS Officers in particular were concerned that their specific expertise and offending behaviour knowledge is being undermined and watered down, as even fairly high-level cases can be allocated to an Early Help worker. Early Help workers were seen as being less experienced in working to deadlines

around completion of interventions and identifying when to return a young person to panel for non-compliance, because they operate within a voluntary rather than statutory part of children's services (112). There were also concerns about workers with lower levels of qualifications being allocated to work with young people with high levels of safety and wellbeing concerns: "I feel a bit confused when you've got unqualified workers working with them and they are at a high safety and wellbeing; So I don't know, I don't know whether that's right. I think it maybe should be with a social worker or officer" (112). However, there is evidence that this allocation process has now been developed to consider more explicitly issues around risk and safety and wellbeing.<sup>vii</sup>

By contrast, one of the participants felt strongly that there needed to be some flexibility around allocations, potentially allocating to a wider range of services beyond the Future4Me team, so as to best meet the needs of the child, particularly where they are health related:

"I think we need to get better at...erm, working out what is useful, and who it's useful to be delivered by. I think some people kind of think offending behaviour comes through to YOS, and actually a child engaging in offending behaviour doesn't always necessarily sit with YOS. I think we need to...my view is we need to get more partner agencies involved to kind of support the outcome of the JDP, and really think about what these children need to desist from that type of behaviour; and I don't think that automatically sits within an offending arena" (101)

The young people spoke largely positively about the productive relationships they had built with their allocated workers, for example, "I enjoyed it, because you can get to know a person when it's one to one" (305). This clearly supported their engagement and participation within the interventions:

"I'm one of those people that if someone's not nice to me, then I don't want to do anything. I'm like – No, I'm not going to talk to you if you are being horrible" (308).

In interviews, young people used words like "nice" (302, 304, 305, 308), "kind" (304, 308) and "super friendly and are willing to help" (301) to describe their allocated worker. One worker was seen as "respectful" because "she listened to me. She understood everything. She listened to my point of view" (305). This feeling of being listened to was echoed by another young person who said, "she listens and she cares what you've got to say" (302). Open channels of communication were seen as central to this as these two young people describe:

"If you did not understand anything or had any problems, you were able to contact them and ask for help which was good. Communication is really important and the staff really demonstrates it." (301)

"We get on. I ring [allocated worker] quite often, like it's never like a problem for me to do it." (308)

One young person (308) described how their worker achieved the perfect balance between care and control:

"she is still hard like, still doing what she was doing; if that makes sense. Like she got the point across; and got me to do the work, and did everything; but she was kind about it." (308)

This was achieved by trying to accommodate the young person's other time commitments and routines and to deliver it in an accessible way: "she like splits it up so it doesn't take too long. She engages you in it, even if it's like boring" (308). The workers were therefore praised for their "help and encouragement" (301) and for explaining things in ways that the young person could understand (301, 303, 304, 308).

### **Nature of the intervention and comparison with Youth Conditional Caution / Referral Order**

As part of the overall holistic approach, there was an emphasis on putting in place interventions which support positive outcomes for young people: "the offence itself is why, you know, they are receiving intervention and support, but the support and intervention just doesn't focus on the offence, it recognises that we need to be dealing with wider issues, and look at those" (103). The participants described young people from challenging backgrounds in which they engage in anti-social and offending behaviours because "there isn't actually anything else in their life, or they don't see that they have anywhere positive to go" (106). For many of the young people they just need to have somebody to talk to and actually feel that they are being listened to, and treated with respect: "they feel like they are treated like an adult, and not like a child; so that makes a big difference to how they feel" (112).

It was seen as important that the interventions are meaningful (102) to the young person, and that this is what makes it more beneficial than a mere caution (108). This includes ensuring that the outcomes are "direct and relevant" (102) rather than more generic, and that they have a positive impact on both the young person and the victims/wider community (103).

The interviews revealed the overlap between the interventions/access to specialist services that can be offered on the YRI and those attached to the Referral Order, or indeed the Youth Conditional Caution. Access to the groupwork programmes, Status and #Filter, Attendance Centre requirements, health involvement from the Future4Me Clinical Psychologist or Speech and Language Specialist, and outreach work with Positive Futures and Youth Community Development, are offered across the spectrum (101). The same opportunities for victim work are also given (114). Some of the participants therefore likened the YRI to a mini-RO as it mirrored the work done without criminalising the young person (112, 113, 114), and for a potentially more limited period (3 months rather than a maximum of 12 months for the RO) although this period could be extended where necessary (114).

Some differences were highlighted, however. For example, a Tier 3 YRI could not include an Exclusion Requirement, which was open to both the YCC and RO (102). There is also guidance on the differing number of reparation hours for each of the interventions to reflect the different positions on the 'offending ladder' and the consequences of the offence (101, 116). It was further noted that whilst the interventions offered are very similar, there is more flexibility with the YRI: "we're not so prescriptive" (101). This led to one Future4Me colleague to describe how this led to some inconsistency and lack of clarity around the interventions being delivered as it "depends on the worker really, and what intervention, what work they do with them... there doesn't seem to be any kind of standard approach as to what intervention is given" (114). The YOS officers described working in very similar ways on a YRI and RO, in terms of way they provide the intervention, but that a different way of ensuring compliance is required (115). With the Referral Order, there is a contract signed, and if they don't comply with it, then it can be taken back to the panel, whereas "with the JDP, it's a lot more voluntary based" (114).

The YRI Tier 3 was delivered within a maximum 12 week time period, although this could be extended voluntarily after that had ended but support was still needed (101). For some of the interview participants, this period of time had huge potential for getting to know a young person, and addressing the issues affecting their behaviours, and therefore should be offered to all young people, who under the Tiered system may have only received a Tier 1 or 2 outcome:

“I think potentially, you know, we’re missing the trick really when it is just reparation they give. You know, the rep workers are great, but when they’ve only got a small amount of hours, they can’t build any relationship up, you know, and I think if you’ve got somebody working with that person for three months, you can find out a lot about what’s going on, for that young person.” (114)

Some of the participants felt that 3 months was not a long time to work with a young person, particularly if you need to build a relationship of trust from scratch with them first, and there was therefore a limit to what could be achieved (101). Yet in other cases, the allocated worker might look at the assessment and consider whether it could be delivered in a shorter period, for example between 4 to 8 weeks (103). There appeared to be some flexibility here in relation to the nominal period of intervention, with an underlying principle of “minimum intervention from a criminal point of view, or disposal point of view, for the maximum impact” (106).

One of the young people interviewed explained why they thought the 12 week period of intervention was appropriate:

“I’ve had [allocated worker] for 12 weeks, which I think is a good amount of time, because it’s like two and a half months isn’t it, 12 weeks? So then obviously 12 weeks is like...I don’t know, if it was only a month, it wouldn’t have really done anything. If it was a bit longer, it would have been just dragging on...Because if someone is trying to tell me something, like teach me something, I’ve got to properly go through it for like an amount of time, otherwise it doesn’t stay in my head, really.” (308)

### **Impact of Covid-19 on intervention**

During the Covid-19 pandemic and lockdown, there was an inevitable shift to remote, online delivery of interventions and support, with face-to-face contact reserved only for those children deemed as critical cases with high safeguarding concerns (103). The interview participants described both “successes and failures” (106) in relation to this delivery model.

In terms of engagement, some young people responded better to the remote delivery, because of the reduced proximity of the worker, where they would feel uncomfortable having someone visit them at home and sit close to them (106). It was seen as being less intrusive than a home visit (112) and less intimidating than it is face to face (108), and therefore easier for a young person to open up and discuss issues they would have previously been willing to do so: “we’ve had some real interesting insights, some safeguarding things, that have been flagged up that probably we would have never known about in the past” (108). These successes have led some of the participants to express their view that remote video conferencing should continue as part of the suite of tools and approaches that can be used to help support engagement (103, 106, 108), not to replace face to face, but to “supplement and compliment what we do” (106).

But for others, there were too many distractions to fully concentrate, with young people described as “looking around their bedroom” (108), “wandering around the house” (116) and sometimes with disruption in the background such as shouting (108). For some young people, especially those in a residential care home setting, their home environment meant that they struggled to get the necessary privacy, and didn’t feel comfortable talking with others around. Their bed sometimes appeared to be the only private space, which was described as “awkward” and raised concerns about how appropriate that was for such interactions, and the need for pre-planning “and just really doing that groundwork before you have the meeting, because you just do not know what’s going to happen when that young person comes to the other end of the phone, or on the screen, because it maybe bedlam going on behind them.” (108)

The quality of Broadband speed and coverage in rural Lincolnshire can often be poor, and the limitations of the young person’s Wi-Fi access added to the challenges of engagement, as one participant said: “There’s a few guidelines: when you are doing this, sit still, so we don’t lose the signal!” (116). Staff working from home were also affected by this, as well as finding it challenging to develop new digital skills in a very short pace of time (106, 108). There was often an assumption that young people were usually more tech savvy and inherently more comfortable using digital technologies than the adults working with them (103, 106, 108 116)

Some participants expressed their view that engagement was made easier where the worker had already met and built a relationship with the young person before the move to remote delivery because, as this worker notes: “unless you’ve got that relationship, it can be quite awkward; it can be quite impersonal” (112). There was some evidence when taking on new cases, of workers making an initial face to face visit before then delivering the work remotely, in order to support that relationship (102, 106, 112). However, in one interview it was suggested that the more impersonal remote contact might help to build the confidence to meet face to face.

There was a strong emphasis on the need to be more “creative” (103, 106, 108, 112, 114), to “think outside the box” (106) in order to consider how best to engage with that young person (103). Whilst some adapted the more traditional printed worksheets, eg by emailing to the young person in advance, there was also an appetite to utilise digital tools, eg by creating interactive quizzes, asking the young person to do some research online, and to produce an information poster or a PowerPoint to show their learning and develop new skills (103). The staff who were involved in this remote delivery of interventions were thankful for the support provided to develop new resources suitable for delivering in that context, noting that there were people in the team who were dedicated to “actively looking at resources, and compiling them, and sharing them; and putting a summary together” (103) as they would not have had time to do so themselves.

Five of the six young people interviewed had experienced these remote intervention contexts, either exclusively or alongside some face-to-face meetings, and they were largely happy with how they had been delivered. They described a range of formats including phone and voice calling, video calls, use of email to share materials, and they had not experienced any particular problems with technology preventing them from engaging. For this young person, the remote engagement did not impact the value of the intervention and support provided:

“I think [online working] was easier for both of us because...especially her obviously, didn’t have to come out, and for some teenagers, you feel it’s up to date because it’s online. When we met she could give me things to do, but when it was online she had to just write it down for me, but it didn’t change anything, it still was helpful.” (308)

Another young person explained that, whilst their worker did pay them a visit during the period between lockdowns, they would have liked to meet their worker face to face more, because “when you talk to people you see their facial expression; it helps; it makes me focus a bit more, than over the phone” (305). However, they had declined the offer of using video calls because “I always look a mess” (305).

Two of the young people noted the positive impact of Covid on their ability to comply with the requirements of their YRI, because “there was no way to go outside so not much social life” which helped them to stay out of trouble (301) and because, “It gave me something to do and made me think about it, because I didn’t have to go out, and I could think about it a bit more” (305).

### **Group work**

Requirements to attend group work sessions can be attached to the YRI outcome, with three primary group programmes discussed by the participants: ReStore, Status and #Filter. The delivery and integration of these programmes into the YRI has evolved following reflections on experience and the responses of the young people attending them.

ReStore is the dedicated programme delivered by external partner Restorative Solutions in response to shop theft. This was initially delivered in a groupwork format, but it became evident in the interviews that this hadn’t always been helpful: “we increasingly found that actually the dynamics between those young people became the overriding factor; rather than the reason they were there. So that’s why we’ve taken it back down to one young person per session” (105). There had also been discussion around whether the allocated YOS officer could complete the workbook activities with the young person following the session delivered by Restorative Solutions, in order to integrate it further (105).

Status is a groupwork programme specifically for young men, encouraging self-reflection about “that identity of who they are as young men in society, who they want to be” (106). This programme was seen as having had some very positive outcomes, and therefore a similar groupwork programme for girls had been developed - #Filter. There was an awareness that young people respond differently to different settings, and therefore “with some it needs the one-to-one work, and that’s the best way to do it. For some others, the best learning is through a group activity; it’s about being with others to kind of learn” (106). One of the young people interviewed discussed their experiences of the #Filter programme, although it was running in a one-to-one video call format due to Covid 19. In particular they appreciated the duration of 6 sessions: “that’s helped as well because any less than 6 would be – What’s the point? But any more than 6 would be – Is this still going on?” (308).

In the early days of JDP, when the YRIs were tiered, a Tier 2 YRI could include a referral to a groupwork programme, but without a worker being allocated. The learning within the service about how effective this was led to some changes in respect of this: “that was relooked at to say essentially if we think someone needs groups work, do we not think that they need some intervention about how they’re actually embedding those learning into life other than attending the group work sessions?” (103)

The Covid-19 pandemic and lockdown presented challenges to the delivery of the Status and #Filter groupwork programmes. They were initially suspended and then moved online, with the co-ordinators having to rewrite the programme for an online delivery format (112). It appears that whilst the intention was to continue to deliver them as groupwork, they have also been delivered on a one-to-one basis, for example one of the young people interviewed described their attendance at a one-to-one version of #Filter via Zoom (308). This individual session retained the important learning content, but delivered without the group interaction. One of the professional participants felt that a valuable opportunity was lost through this move:

“for a lot of them, it is their social skills, and their social interaction, and in some instances they’re really reluctant to engage with any of them outside of their closest, best mate or whatever, and so that side of the order I think is hugely important in developing a social awareness, social skills and an appreciation, you know, developing empathy for others, and understanding of others having different perceptions and views” (116)

### **Out of Area Cases**

One of the challenges in the delivery of interventions relates to cases where the young person moves out of area, and the postcode “lottery” (102) which characterises the out of court disposals having been developed following the LASPO Act 2012. Whilst Lincolnshire has developed a flexible suite of Community Resolutions that permit different levels of support and intervention, other areas do not have the same options open to them and it could sometimes be complicated to align the elements of the work required by the YRI to the services offered in the new host YOT, and discuss with them what would be appropriate as “every area has its own interpretation” (112). In particular, problems occurred where the YRI package of interventions could not be delivered without criminalising the young person, for example:

“We could say – This feels suitable for Community Resolution Tier 3 one to one work. Young person then moves to Nottingham, who say - Actually we don’t deliver one to one work under the Community Resolution banner - We can do something holistic like this or this; actually the only way we can deliver it, intervention work, would be a Youth Conditional Caution.” (102)

Whilst this only affected a small number of young people, it seems that Looked After Children were more likely to be impacted (102, 103, 106). However, one of the participants described how the YRI period was sometimes cut short where the young person had engaged well, rather than start from scratch with a new worker in a new service (114), revealing some useful flexibility in the response.

### **Package of Support**

There was a clear emphasis on the provision of a “package of support” (103, 106) within the interventions delivered. This is seen as a holistic, “wraparound” (113) package which can address all of the areas of the young person’s life that are impacting their behaviour and future outcomes, and which is multi-agency in nature (116). This was also seen as being able to “join up the dots” between the services surrounding a young person, for example addressing their housing needs. There were some comments about the lack of

variety of elements within the YRI, and it was suggested that a broader offer of activities and responses would be beneficial in building bespoke packages of tailored support (103).

Some of the issues that need addressing may be seen as potential “quick wins” or “quick fixes” (108) that can be resolved fairly straightforwardly. For many young people, however, alongside these quick wins are a range of much more complex problems that need untangling and addressing, because “You can’t deal with somebody’s offending in isolation. It’s usually the result of something” (115). These might appear to sit outside the traditional remit of youth offending work, for example school attendance and exclusions (109), but are seen as important to JDP: “I think sometimes like you are trying to almost solve some other problems that are outside; but very much that is what we should be doing; because that’s what everybody should be doing.” (103).

In particular, health needs are investigated as a matter of routine within the assessment process (115). This could include first and foremost ensuring that the young person is registered with a GP, as well as addressing physical, emotional and mental health issues, smoking and substance misuse, diet and healthy eating, sleeping patterns, and specific needs related to conditions such as ASD, ADHD, and Tourette’s Syndrome (115). Referrals to specialist services may be required, e.g. to CAMHS or We Are With You, and this can be further supported by sports interventions delivered via Positive Futures workers (108).

Another important part of this holistic package of support is support for the family. One of the Youth Court magistrates interviewed noted that whilst the young people they see in court are increasingly complex and vulnerable, the JDP has much more capacity than the Youth Court to address the issues affecting young people within the home environment: “we [youth court] can’t really do anything on the social side to keep them safe and healthy. It sounds really sad to say that, but we have no real powers to say we should have social services intervention... So it’s a hell of a responsibility these panels are doing really” (109).

Through the multi-agency information gathering, JDP are well placed to identify where young people may need further support from their families, and to be able to see the risks involved where the young person may be seeking that support from elsewhere:

“The aim is that families will step up and be supportive and all the things that, you know, children and young people need, for them to kind of nature and develop; and to come out as healthy, rounded adults in life; and to meet their expectations, you know, have positive aspirations; but we know that isn’t always the case; and I think it’s looking at how do we, you know, sometimes, how do you try and make sure that young person’s got that around them, because without it, what happens is you know that actually they will find someone who fills some of those gaps; and that person who fills that gap, might not be the most positive influence, but they’re the person that shows them attention, that makes them feel good, that make them feel part of something.” (106)

The approach taken by JDP where a worker is allocated to engage with the family, is to recognise the “shared responsibility” for supporting the child, saying to parents/carers, “We would like to work with and support you and the family to try and look at how we can address this and stop this happening in the future” (103). This is not always easy, and some families may have previously rejected offers of support or be disinclined to see the behaviour as problematic (106, 111).

For one young person interviewed, she felt that the support provided for her mother had been beneficial, although she didn't know exactly what that had entailed as "that stays with my mum" (305). However, she described how the worker helps the family understand the intervention that's being delivered and that as a consequence "it means my mum understands me a lot more". Similarly, another young person noted that "I think my mum and dad trust me more since it happened, because I've got someone like [allocated worker] working with me" (308).

One of the Youth Offending workers also identified a potential conflict within their roles where they are both working with a young person on a court order and providing more welfare focused support via JDP. Whilst the Court Order is statutory and breach can lead to return to court, the social support side is voluntary. Furthermore, returning breaches of an order to the court could lead the young person to be returned to custody, which is clearly in conflict with their welfare needs. It was therefore felt that "there needs to be some separation in roles, because then it kind of gets a bit muddy, in terms of what your aim is" (112).

An integral part of the package of support is an appropriate exit strategy, to ensure that the support doesn't just stop where there are remaining needs for that young person. There is evidence that this aspect of the package has improved as the service has developed: "I think previously, it kind of got to the three months and it was more sort of closed off, but I think now there's just a lot more thought about what happens at the end of that, and what other services could pick them up. So I think people are working closer together to make a difference" (114). One of the participants advocated for a much more systematic, integrated "end to end" approach to thinking about the next steps for each young person, and developing pathways of support.

"there needs to be an end-to-end framework for young offenders, in exactly the same way that there is an end to end framework for children who are motivated and go to school, college, university, apprentices; exactly the same. There needs to be a vision. There needs to be a staircase. There needs to be a pathway. I don't care what you call it. There needs to be something where these children have a path to follow. They might not all follow it, and I know that there are agencies that do their bit, all the way along, what could be a path; but I'm not seeing a cohesion, in all of this, I'm seeing the few bodies that I've been engaged with, operating in isolation of each other" (116)

One of the participants also highlighted their uncertainty as to whether all of the issues highlighted within the assessment are followed through fully "because of how disjointed that system is... you've got to accept that organisations will take that on, and see it through; but I do wonder what happens – are all those needs met or addressed?" (113).

## Restorative elements

### **Restorative justice or practice?**

For the JDP panel, "every outcome would need to be restorative" (102), however there were different ways of understanding what 'restorative' might mean. For some participants it reflected notions of restorative *justice*, in terms of a form of 'payback' (102, 111, 115), to "put right the wrong" (109), an

“opportunity to make good, or apologise for the harm caused” (102). At the heart of that was “putting the person who has been harmed in contact with the person who has caused that harm” (105), either through a letter of apology, mediation, restorative conferencing etc.

By comparison, for others there was a broader understanding of restorative *practice* as an alternative to a solely punitive response which involved working with the young person “to help them to look at how they do things, and actually to look at how they can do things differently” (106) rather than just telling them that what they did was wrong. A restorative practice approach also emphasises the importance of relationships in young people’s lives (106, 108) in order to help young people to “see the bigger picture” (111) and consider other people’s feelings. Some participants also described how a restorative approach needs to also help change the way others understand and respond to the young person, eg “for the police officer to be able to also understand the young person’s perspective” (115).

One of the participants was clearly aware of this potential difference in terminology, but was loathe to see them as incompatible approaches:

“whether it’s restorative practice or restorative justice, from my point of view, is, the overarching thing over both of them is just a restorative approach. We’re aware of both, and the debates that go on between those two kind of fields, but for me, and I think hopefully what I put across to staff, I’m not really bothered about if it’s restorative practice or restorative justice, are we working in a restorative way with this young person and the victim and the family, whatever.” (108)

Another participant shared this view on the integration of these different elements of restoration, which he attributed to the fact that ‘victims’ and ‘offenders’ are also difficult to separate: “it is a restoration across the board, right from the victim perspective, and the offender’s perspective, I would say. This comes back to my perhaps naïve view that the offender often, maybe always, is a victim as well; certainly for youngsters” (116)

It was seen as important that the views of the victim were considered when deciding on the restorative or reparative activity planned. Where the victim has said that they would like a letter of apology, then this would be facilitated where possible (114). Even in cases where the victim does not want to receive the letter, the young person may be asked to write one as part of the victim empathy work set (103). However, not all young people might be capable of writing this letter or reflecting upon the feelings of the victim, especially those young people with more complex lives: “particularly if you’ve been through sort of through trauma, then actually survival is all you are thinking about; and thinking and feeling, well, you know, what’s that about?” (105). Therefore, the victim’s preferences cannot always be accommodated, and it may not be in the interests of either party to pursue this.

Two of the participants identified concerns about the Panel formally recommending a restorative conference, even where the victim has said that they would not want to participate in that or have any further interaction with the young person (108, 114). Victims may not support a restorative justice conference in part because “they don’t realise how powerful a conference is” and see it as a soft option (108). Equally, for some victims they don’t want to have further contact, and it may be sufficient for them to simply have their voice heard and their views fed back to the panel via the VLO, for example, “often they’ll say – I just want them to understand how they’ve hurt my child, and I don’t want them to do it

again. So, I think that is often the restorative part for the victim" (114). Conferences can also be logistically difficult to organise, to get everyone around the table together, and involves considerable preparation work to assess risks and ensure that all parties are appropriately prepared (108, 114, 115).

Four of the young people who were interviewed said that they had been asked to write a letter of apology to the victim(s) of their offence. Two of these young people had already done so, with one saying that they had found the process "really easy to be honest. I'm a nice person" (305). One young person couldn't remember if they had in fact written the letter, and the final one said this aspect of the intervention seemed to have been forgotten about. Whilst they expressed regret for what they did, they were not keen to send a written apology to the victim because of a longer history of dispute and a perception of their own victimisation during that period:

"I knew her, before this she's always been horrible to me, for a few years before this; obviously, I was just lashing out, but I don't know if I'd want her to read it, or anything, because I never really liked her anyway! That sounds so bad!" (308)

A letter of apology can therefore be seen as an oversimplification of the complexity of some cases.

Of the three victim interviews, the two who had been victimised in a more personal capacity (rather than the retail context) both discussed the value of letters of apology, however only one of them had received such a letter. The victim who had not received it had requested one, and felt that it was important in showing that the perpetrator had "learned the error of their ways" (203) so as to support the victim to move on. Having had no update, they were "left wondering" (203) whether this had been forgotten about (as described by the young person above), written but not shared with them, whether the young person had refused to write a letter or written a letter that was insincere or inappropriate for sharing, or whether a decision had been taken that this should not be required of the young person as part of their YRI. Where a victim has requested a letter, it is therefore crucial that they are kept updated about whether / when they are likely to receive this.

For the victim who had received letters of apology from the young people responsible for the damage to their property, this appeared to be a valuable opportunity to learn more about the young people, their feelings about the offence, and their aspirations for the future. This therefore seemed to contribute to greater confidence in the decision-making and outcomes:

"Based on the letters from each of them, they seemed to have got their lives sorted out, and I wish them all the best, and I hope they do what they said they were going to do, and get their lives sorted, because it's hard for kids if [they] have not come from a nice background; they've had a bad start to life, and I accept that it's not their fault." (202)

The victim had not been given an opportunity to respond to the letters, but equally did not feel that they would have wanted to do so in any case, as the apology had put an end to matters.

## **Reparation**

A key part of the restorative approach within JDP was seen to be reparation, "to see that they are giving something back, it's acknowledging that they've done wrong" (106) and is an opportunity to repair the harm that has been caused to the victim and the community (112, 114). In some cases, this was seen as

being quick and easy to organise so that the young person could make a link between their offence and the reparation activity: "You're doing these six hours next weekend because of that" (102).

Reparation can be direct or indirect, depending on what is appropriate in the context of that case. Direct reparation is seen as preferable where possible (108), particularly where it literally repairs the harm caused to the victim, e.g. repairing damage to property or gardening work (101). Some victims are keen for this to happen and the VLOs try to facilitate this where possible (114). Furthermore, there was also some discussion about how this direct reparation could be further used as an opportunity to facilitate a conversation between the young person and the victim (where appropriate and with risk assessments undertaken). This can be beneficial for the victim to see the young person as "just a young lad who's done something daft" (108) and also for the young person in supporting the development of victim empathy and this preventing future offending. However, victim empathy work may need to be put in before the encounter and reparation activity in itself is unlikely to make a difference: "I think it's got to be a whole package and I don't think three hours of rep or a letter of apology alone can do that; I think it's wrong, and I think it's letting them down. I do think it's got to be a bigger picture" (114).

Direct reparation may not be appropriate for all types of offence or for young people with more complex needs (101). The majority of reparation activity is indirect and is making reparation to the wider community rather than the individual victim. This was described by the retail security victim that was interviewed as a form of "community payback" (201). This could be at the request of the victim, for example where the reparation contributes to a local project or charity the victim supports, which maintains the relevance of the reparation to the victim. Alternatively, it could be doing some work within the local community where the offence took place (101). For some young people who are very disengaged, it was described as unrealistic to assume that they are going to work well within a community setting without a lot of preliminary work being done with them first (108) so there are important questions about the timing of the reparation and this may be difficult to achieve within a three month YRI and provides added pressure on the reparations team to deliver within the time frame (108).

The number of reparation hours allocated seemed to vary and did not always clearly relate to the severity of the offence, for example 10 hours reparation for malicious communication, compared to 2 hours for arson. Decisions about reparation were also made in different settings, with the JDP setting the hours in some cases, and then the case manager doing so in others. There may be scope for developing a clearer protocol on the allocation of reparation hours, in order to ensure proportionality alongside child first approaches to justice.

There is the perception for some that generic reparation requirements can just become a formality, a 'tick box exercise' (102, 114) to complete the intervention, rather than a meaningful activity with real benefits and genuinely restorative outcomes (102): "they were given three hours reparation; and I didn't feel that did repair any harm; it didn't do any work with the young people, and it certainly didn't tell the victim that there's justice there" (114).

One participant identified some lack of clarity around what is delivered as reparation where the case is allocated to Early Help staff: "their interpretation of what reparation is, I've no idea! So it could be anything, I don't know. I don't see those outcomes" (108). Whilst it was acknowledged that there "may be some excellent pieces of work there" (108) the participant was also aware of activity that did not on the face of it appear to be reparative or restorative: "you said you are going to bake some cookies, but

can you explain to me, where are we repairing?" (108). Some of this ambiguity may relate to the different interpretations of 'restorative' in the contexts of restorative *justice* and restorative *practice*, and these may to some extent align with the two arms of the Future4Me service, YOS and Early Help. However, activities such as baking can also provide opportunities to talk more informally, and can be an opportunity for victim awareness work for example. Flexibility of approach and responsiveness to the needs of the individual are important features of the service which support positive outcomes for young people. Closer integration of staff from the two arms of the service, so as to de-emphasise some of their more traditional rigid distinctions, may be of value in further developing this approach.

Reparation and restorative work with victims appears to be more difficult where the victim is a commercial or retail organisation, and this may be due to the fact that it is a less personal form of victimisation, that the company can't spare the staff time to get involved, or that it goes against company policy to do so. Use of a dedicated restorative justice organisation to deliver the ReStore programme in partnership with Shop Watch, on their behalf was a potentially useful way to overcome some of these challenges, and to help young people see the bigger picture around shop theft (105, 114). However, there still appear to have been some problems in engaging the representative of Shop Watch with the process and with communication difficulties (114). The retail victim interviewed described how they had been involved in restorative justice projects on a number of occasions, including both through the ReStore scheme, and also on a more informal community resolution basis with the local PCSO, working with the young people and their parents or carers to avoid formal processing. The aim was on "mentor[ing] kids to teach them how their behaviour is affecting people" (201).

The Covid-19 pandemic posed a significant challenge to reparation opportunities organised by the Future4Me team as a result of both social distancing requirements and the redeployment of staff to pandemic responses, with reparation initially being withdrawn in most cases.

"So at present we've essentially lost the ability to factor community reparation hours into any outcome. Our community rep team, a lot of them have been re-deployed. At present they are, it's changing by the week, but certainly up to this point, they've not been able go out and deliver face to face community reparation out with young people." (102)

Flexibility was seen as key so as not to penalise young people for failing to undertake the necessary reparation hours where opportunities were not available:

"if they've got 30 hours reparation, it doesn't all have to be 30 hours face to face now; it might be 10 hours face to face, and the rest of the time, the young person's taken it on their own initiative, or there's some guidance, some help to complete tasks at home; but it's making sure that we do it in a way that victims feel as though they are not getting away with whatever they've done; so it is kind of making sure that it is kind of robust, and ticking those boxes as well; so yeah, I think there's...it's opened up new avenues that I think were already kind of there, but it's kind of forced out hands a little bit; in a good way." (108)

Where the offence was committed within the home environment, and where appropriate and the parents agreed, the young person could be asked to undertake reparation hours within the home, for example decorating jobs, painting the garage, mowing the lawn, or helping to feel trees, with the parents providing photographs to evidence the reparation has been completed (103, 108, 114). Reparation

activities were also developed that could be completed at home, even though the reparation was being made to the victim or community beyond the family. Examples of this included:

- Arranging flowers to be delivered to a care home where they engaged in ASB
- Building and filling planters for the local railway station
- Construction of a bird box for the victim
- Building a bench for the residential children's home in which they live

### **Being more creative**

There were concerns that the restorative elements of the YRI were really limited to reparation. And that this was problematic because "restorative doesn't mean reparation" (108). There was certainly an appetite for thinking more "creatively" (101, 108) about what might be possible as restorative activity, that might go beyond reparation as merely 'unpaid work', and support the young person's engagement and aspirations too, as illustrated in this example:

"we had a young lad that refused to do any reparation, that desperately wanted to be a boxer, and it was about how we be creative around telling him that actually we will do a boxing session with him, if he completed his reparation within a boxing club, by doing things like collecting up and washing up all the towels. You know can we be a bit more...and then we've got a child not only doing a restorative element of their order, or their intervention, but also giving that person the kind of...enhancing that person's ability to divert themselves away from young behaviour." (101)

It was noted that it's difficult to be creative in this way when you don't have that thinking space within your work (101). There is evidence that the Covid-19 pandemic and lockdown may have not only created space for thinking but also necessitated more creativity in how restorative and reparative work might be undertaken. For example, for some young people who had caused damage to a model railway, and whose community reparation had been halted due to Covid, the victims requested that they use the reparation hours to build a model railway of their own, in order to better understand the harm they had caused and the impact on the victims (112, 114). This activity emphasises the restorative elements over and above reparation.

There was also discussion of how the allocated worker could play more of a role within that restorative activity, rather than passing it over to the reparations team, with evidence of good practice described by one of the YOS officers working in partnership with the VLO:

"I believe in joint work. So if I've got a good idea about something, and the restorative bit, I try to implement in every order I deal with; not only my advice. It's always...the best pieces of work we've had, we've done in liaison with the victim liaison officers. They do their bit. I do my bit, and hopefully we can come together, and achieve something for both parties; because victims should be the focus of YOS; well one of them; but equally the victim should then understand a bit about what's happened to these young people. So many of them have so much happening in their lives, and on many occasions, it's not good stuff." (115)

### 4.3. Supporting Young People to Reach their Potential

#### Between prevention and intervention

One issue emerging from the interviews was the fact that the Lincolnshire YOS had previously had a youth crime prevention service, to step in early and support young people 'at risk' of offending. In the absence of such a pre-offence prevention service, JDP offers an opportunity to deliver interventions to young people at the earliest stage, when they are "on the cusp of criminality or anti-social behaviour" (106) and therefore was seen by some of the participants as "bordering between prevention and intervention" (101). This is particularly so for the youngest children they work with, for example: "this was like an 11 year old boy; had no formal experience of the criminal justice system. So it was really difficult from my perspective because I had to kind of look at it as a 'prevention' kind of case" (112). As part of the non-escalatory model, the service may need to consider the extent of the prevention offer for young people prior to their first offence. However, this may best be delivered through a partner agency and wider youth service provision, that is not directly connected to youth justice to avoid net-widening effects and protect the rights of children.

Early intervention is advocated in order to steer a young person in the right direction (111), to avoid the escalation of behaviour, before it "becomes out of hand" (107). It is also seen as a valuable opportunity to ensure a child's needs are being met (101), and to identify risk of exploitation and "get a grip of it earlier" (114), rather than picking it up further down the line. The participants described the focus of JDP as going beyond the offending behaviour to "change somebody's life" (114), "get their lives in order" (113) and get them "back on track again". Some of this was simply about educating young people (111), through providing information to help them stay safe (107), helping them to understand their actions and their consequences (111), and looking at alternative decision-making strategies (106). It therefore provides an opportunity to "make a difference" (114) and was described by three participants as giving young people "a chance" (110, 114, 115, 116).

The young people interviewed, described these kinds of education and information elements of their intervention package, in terms of the completion of worksheets, for example:

"they decided for me that I should complete 4 written tasks. Which were aimed for me to see what could have happened due to my actions, reflect on my group of friends and do they influence me, consider the effects on local community, my family and the other person's family." (301)

The young people talked about how they better understood how and why the incident happened, the impact on other people (305, 308), and how to avoid this happening in future because it "makes you think twice before...and you put yourself in different situations, and you think before you do it" (308).

## Preventing criminalisation of the young person

One of the most important elements of the JDP that came through in almost all of the interviews was the fact that it avoids the criminalisation of young people. This was described as the “guiding principal” (101), and the development of JDP was identified as a response to the “high level of young people going to court for quite minor offences” (112) and the increasing number of FTEs within the county (102, 103, 115).

In the immediate short term this was described by two participants as important to avoid subjecting the young person to the traumatic experience of attending court: “you know, it is very difficult to have a child go through a court case and have to stand up in court. Sometimes I think that does lasting damage to a child” (101). By diverting them and avoiding court, it was seen as having “a big impact on the young person’s emotional wellbeing, if they don’t have to experience that process unnecessarily” (112).

For the young people interviewed, one of the most important elements of the JDP/YRI process was the fact that it had enabled them to avoid engagement with the formal criminal justice system. Two of the young people talked about the anxiety that they had felt around the prospect of going to court and their relief at hearing they were not required to do so, as one young person said, “when I heard that, I calmed down a little” (303). The intervention was described as “less stressful than going to court, going through all that” (305). For one young person, they associated court with custodial sentencing, which added to their concerns, and they saw the advantage of JDP being that “you don’t go to jail” (301). The fact that JDP prevented the delays of waiting for a court hearing was also seen as important, so that they could move forward and put these events behind them:

“For me it about 1-2 weeks, and personally for me it was real quick, because I wanted to finish it as fast as I could and forget about it.” (301)

Five of the six young people interviewed felt that the decision was made fairly quickly and they had not had to wait too long. However, for the young person who had a longer wait for their JDP hearing (described as a few months), this was a difficult waiting period:

“I was actually very nervous, because I didn’t know what was going to happen, and I was worried that I might be put to court.” (304)

For most of the professional participants at the heart of this desire to avoid criminalisation was the recognition of the long-term impact of the criminalisation process “because it can affect their whole life, can’t it” (111). There was an awareness that for many young people they had simply made a “silly mistake” (111) and would be unlikely to offend again regardless of outcome (102) but needed the opportunity to put things right.

The core concern was therefore to prevent the longer-term impact of labelling as a result of the criminal record (102) because “once somebody already has a criminal record, even though some of them are kind of quashed at 18, it’s still that idea that they’ve been through that process and there is still an element of labelling; there may be further impacts of being excluded from school” (101). The impact on their career was also seen as important: “Getting a job, earning, it’s going to defer them working in certain types of careers” (109). This is especially pertinent for certain offences where the name of the offence might be

perceived as particularly serious, even where the specific incident might have been lower level, e.g. burglary (111) or sexual offences (101). The impact of diverting these is therefore significant.

For one participant who worked with both children and adults, they could see the long term impacts clearly: "You know, I've worked with numerous kind of adults as well, who have ended up with criminal records, as young people, and that criminal record still follows hem, although often convictions are spent, that criminal record can follow that person, throughout life, and put obstacles in their way." (107)

One of the most problematic aspects of the criminalisation of young people was seen to be where this accrual of a criminal record was not accompanied by any intervention or support, notably in the form of the Youth Caution (102, 103, 106, 113, 114):

"sometimes they'd have just a caution for an offence; so equally, they could go out and commit the same offence again, and there'd be no level of work or erm, not necessarily just intervention, somebody working with the young person to find out what else is going on in their life. It could be that Early Help is needed to try and put things right, for that young person." (114)

The JDP was seen as an explicit attempt therefore to replace the Youth Caution with a more appropriate form of community resolution that could addresses young people's behaviours and their underlying causes.

One of the young people interviewed discussed how JDP had de-escalated their outcome to a YRI rather than a caution: "I was meant to get a caution, and then it got brought down...I can't even remember what it was, one below a caution. That's what the panel decided, I think" (308). She clearly understood the implications of that and why it might be beneficial to her in the future:

"I think she said [the caution] stays on [your record] for five years, till I'm 18, so obviously mum was quite worried, because obviously the assault and everything, but she got it brought down, and that's it, so now there's nothing like that; so if there's anything in the future that I want to do, I won't be able to not do it" (308)

This justification for non-criminalisation was also therefore underpinned by emphasis on the welfare of the child: "I mean the whole Youth Court is the welfare of the child; and not to criminalise. That's what we are thinking about, every time we do anything. Every sentence we are considering, it's always the welfare of the child" (109).

## Supporting aspirations

There is evidence that the JDP work to support young people's aspirations, and this starts at the point of assessment:

"When we're considering assessments, that's a really thorough assessment, in terms of you know, it's not just looking at the offence, it's looking at what that kind of support work is, what that aspiration for that young person is, and whether we can support that." (103)

Two participants (112, 115) focused on the way that supporting young people's aspirations was embedded in their short period of intervention, through supporting their education, developing life-skills and networks, building their self-esteem, and believing in them to improve their confidence: "So it's... about prioritising what the needs are and trying to help as much as you can within that short space in time" (112).

The interventions focused on education, training and careers, for example through support for college applications, building a portfolio or CV, providing a mock job interview, and building their network of support (106, 112, 115). More than that, however, it was seen as being about the need to help the young person to think about what kind of person they want to be, support them to see that they have more options open to them, and empower them to make positive choices about their life:

"So all the time, it is around trying to look at, their aspirations, and for them to achieve positive outcomes as they can do; because what we are wanting them to do, is we're not just wanting them to not engage in criminal activity, we want them to have the best chance they possibly can in life" (106)

There was an emphasis on a strengths-based approach to find out what the young person enjoys and what their talents are, because: "I've never met somebody that don't have potential for something" (115). One of the participants, whilst agreeing with the sentiment, was less confident that this was an effective element of JDP:

"Is this process, the JDP, giving that child, that young person a greater sense of self-worth and recognition of what they can achieve? Why it might be worth the while doing something different with their lives? Some, yeah; but how many I don't know." (116)

It was seen as important by some to give young people new opportunities that may not have been open to them previously, and to refer them into positive activity which does not form part of the formal offence outcome. The development of the Future4Me service with its Communities and Interventions team supports this by bringing together in a single hub a range of positive activity opportunities, including Positive Futures sports outreach, and education mentors, with 'match meeting' opportunities to connect young people with the right services and provide positive role modelling opportunities (103).

"what we are trying to do is look at how that young person might turn a corner, might change their behaviour, might make different decisions, might engage in a more positive peer groups; or whatever, because that actually, their choices going forward will be more positive, and so the opportunities they have access to, are greater." (106)

Five of the young people interviewed described how they had received support for their aspirations, and were looking towards the future in a positive way. They identified that they had been supported to access college courses (301, 305), to find an apprenticeship (304) and they could see how getting into further trouble with the police would impact their hopes and aspirations for the future: "Well, I think I'll have a good life without any crime anymore. And I'll just have a happy life" (304). Another young person described a feeling of optimism for the future "because she made me see a bit more clearly" (305).

## Vulnerable young people are supported

The development of the JDP as an alternative decision-making forum has enabled more detailed consideration of vulnerability in young people that come to the attention of the police, in order to offer them appropriate support: “that’s something that we are really mindful of” (103).

### **Looked After Children**

Looked After Children, in particular those whose offences take place within residential homes, were identified by the interview participants (103, 109, 110, 12, 113, 114) as a group who have benefited from the panel, as they see “quite a lot of people come through JDP that are looked after” (103). By looking in detail at the circumstances of the offence, this has brought to attention the fact that the protocol in place to prevent the unnecessary criminalisation of LAC is not always being followed, and raised questions about the suitability of the behaviour management policies and practices within the residential homes in the county.

“we’ve got some single point of contacts within the police for the care homes; so I think we should need to look at what support we are potentially offering the care homes, in terms of, are we confident about their behaviour management policy? What do they do when new bank staff comes in? How are those messages reiterated in terms of what safety plans can be in place before they need to even call the police; I’m not saying for them not to call the police; it just for me just seems that...more so than young people that aren’t LAC, we get criminal damage for the LAC.” (103)

This in part is because of the fact that the ‘victim’ in these cases is the residential home or other accommodation provider, and they therefore have an interest in pursuing a case against the young person (103) and the victim liaison officer has a role to play in managing this tension. However, it was also noted by one of the participants that staff within these settings are not always best suited to the job of working with such vulnerable children (114), and there is scope for wider support by JDP to help the providers understanding of the processes and the impact on children (103). Improving the visibility of the protocol with accommodation providers may ensure it is applied correctly and consequently have the potential to prevent cases coming to JDP.

One of the Youth Court magistrates was clear that “We don’t think it’s necessarily their place to come to court, definitely” and was therefore supportive of out of court resolutions that avoid criminalisation, but equally wasn’t entirely sure that JDP was the right forum either, doubts echoed by other participants. These are behaviours that would be dealt with informally within a family home environment, often involving kicking doors or breaking things as a result of anger and frustration. One of the roles of JDP has therefore been to reflect upon whether this case should have been dealt with within the residential home, in line with the protocol, and how appropriate it was to call the police out to deal with it. There were also questions raised about what kind of intervention JDP could put in place for a LAC that should not already be there for them in view of their looked after status (106).

It is worth noting that these concerns about the appropriateness of a JDP outcome were echoed in one of the interviews in relation to a young person on a Child Protection Order but who remained within the family home, asking, “how do we best support him; because actually, kind of, this route doesn’t feel...this

route doesn't feel appropriate, to kind of give this person an order that we complete through the JDP" (101). The value of JDP is that it at least provides a forum for these questions to be raised, in a way that was not possible when these decisions were police led.

### **No Further Action**

For these cases that come to JDP involving a looked after child whose offending behaviours were within the residential home, and the panel feel that the protocol was not adhered to, they have the power to make a No Further Action (NFA) decision. This outcome appears to be used rarely but predominantly for younger children (114) and LAC cases (103, 106, 113) where there seemed to be little action that could be taken further than what was already in place, (106) and it was seen as not being in the public interest to pursue the case (113). One of the Police Sergeants interviewed did express some concerns regarding the procedural inconsistency in allowing JDP to make an NFA decision on public interest grounds, as policy within Lincolnshire Police is that this would usually need the consent of a Police Inspector: "I do think that undermines the responsibility of the supervision that's already in place".

Some questions were also raised about the recording of NFA decisions on the police database without an adequate explanation for why that decision as taken, as NFA outcomes can still be used in future assessments and are included in the information brought to the JDP (113). It needs to be remembered therefore that this is not an entirely benign outcome which raises two points for consideration. Firstly, it is crucial that the residential homes and Lincolnshire police follow the protocol to prevent the criminalisation of LAC, in order to avoid JDP having to take NFA decisions at all. JDP have a role to play in holding accommodation providers to account for incidents that have not followed policy, but also supporting them to understand the processes more fully (103). Secondly, where JDP do make a NFA decision, a full explanation of that needs to be provided to prevent ambiguous police jargon being misconstrued at a later date.

### **Exploitation and safeguarding**

JDP play an important role in preventing and tackling child exploitation, because of the wide-ranging information they receive about each young person even before they have received a court outcome: "it is really an opportunity to find out what's going on with that person, and try and get in there and make a difference. You know, not just to stop them reoffending, but stop them becoming victims of exploitation" (114). Whereas initially, the panel might have relied upon information from other agencies to highlight to JDP any concerns around exploitation, there was a growing recognition that the panel might in fact be best placed to identify exploitation: "so we are relying on being told whether this person's a concern in terms of child exploitation, if that's something that need to be considered... but actually there's those bits that we might be the people that identify; or we should be at least looking out for those indicators" (103). This may require further training for panel members in understanding indicators of exploitation and new processes to ensure this is considered "in a more analytical way" in each case (103).

The key partner agency which referrals are made to for substance misuse is We Are With You and they share a clear emphasis on safeguarding. All staff at WAWY are fully trained in safeguarding and in using child exploitation screening tools. They complete safeguarding referrals if they have concerns regarding child exploitation, and will share intelligence about child exploitation with the police. They are also represented on the multi-agency child exploitation meetings alongside the Future 4 Me team, providing

effective information sharing and partnership working to tackle the exploitation of young people (107). A simple Tier 1 YRI which involves a referral only, therefore still provides safeguarding opportunities for vulnerable young people.

For one of the participants, there was a clear concern that young people had to be caught up within the criminal justice system in order for their safeguarding interests to be monitored, and that this led to a perverse situation that those children outside the system were also out of sight of services and therefore open to exploitation or neglect: “when they are out of the system, they are out of the system” (116). However, there is evidence that the introduction of JDP has allowed for new opportunities to identify, assess, and support children without subjecting them to formal criminal justice processing. The panel has a strong emphasis on keeping children safe at all levels (106) and escalating safeguarding concerns to the relevant agencies (108), although there is an acknowledgement that it is easier to pick up the critical, high level cases than to identify lower-level safeguarding concerns (102). Future4Me staff working to deliver YRI interventions also focus on safeguarding work, producing safety plans in the same way that they would for their statutory caseload (112). The development of ‘trauma-informed’ thinking and practice within Lincolnshire Children’s Services and the Future4Me team is also noted as an important response to these vulnerable young people (101, 103, 105), who are often ‘victims’ in their own right (116).

Three of the young people interviewed discussed the ways that they felt that the interventions received had helped them to stay safe. These included building self-esteem, healthy relationships and staying safe online (308), preventing further bullying (304), thinking before you act (305, 308) and how to avoid dangerous situations, as this young person explains:

“She just made me understand like, who to hang around with, who not to hang around with. What dangers to put myself into, what dangers not to put myself into. Like when I went into town, she told me what dangers there were out there; keep myself out of them. Because I used to hang out with drug dealers, and people that used to fight; and I got myself into so much trouble.” (305)

### **Assessment and support**

There is a robust assessment process in place for those young people who are given a YRI and opened to the service, which focuses not only on the offence, but also what support is required, and the aspirations of the young person (103). This is a bespoke, locally produced assessment form, rather than the Youth Justice Board’s AssetPlus which was used for statutory cases. This assessment is seen as being more family focused as it is undertaken with the young person’s family and they are asked sign the assessment and agree to the work: “it was obviously a lot shorter than Asset. So I’d write it up, take it to the family, they’d read it, and then they’d sign it if they were happy with it; and then just annotate any comments that they had” (112).

Understanding young people’s behaviour in order to put the offence in context was seen as crucial within both the informal assessments at JDP and the more rigorous assessment process, to “get to the crux of the matter” (106), avoid making your own assumptions about the behaviours (105), and to arrive at the best solution for the young person (116). The young person’s actions were often seen as the result of something else that was happening in their life (103), for example as this professional described, “they might have gone out, they might have got drunk, and they might of kind of, you know, kicked somebody’s

fence; whatever it is, but actually Mum might have died yesterday; and actually that...it's about the context as well, I think is important; and I think we get that, it's one of the strengths through the JDP" (106).

JDP and the allocated YRI workers in the Future4Me team look to identify additional and unmet needs (102), and to put appropriate support in place (102). This can include early help within the home (114), supporting the family and building stronger family relationships (101, 102), education mentors for young people who are NEET (102), issues around inter-personal relationships (101), or addressing needs around their medical conditions (106). These can be seen as preventative strategies that seek to address their needs whilst "not allowing them to fester" (101).

It is worth noting concern from one participant about the potential impact of conducting an AIM assessment, because simply having been assessed for harmful sexual behaviours in this way can sit on the young person's records and "mar him for the rest of their life". In one case discussed, this could have had particular ramifications for the young person given his other vulnerabilities and needs, and the housing and special placements he will require in the future. JDP, through being able to have this discussion and hear from the professional advocating on his behalf, were able to take the decision not to complete the assessment and thereby support this young person's future.

#### 4.4. Stakeholder Confidence in the Process

##### Professional Understanding of JDP

There is evidence that confidence in the process has grown as the JDP panel has bedded in and developed. At the outset there was a lack of understanding with other agencies, and there was therefore a need for further training (115). A number of respondents reported that early in the introduction of the JDP process, there was a lack of understanding by solicitors in particular, which impacted upon their ability to advise the young person they were representing. They often recommended a no comment response, which prevented the case being referred to JDP. However, this has improved as JDP has bedded in and there is much better knowledge and awareness amongst the legal profession: "solicitors are definitely more on board...so we've definitely seen a big decline in no comment interviews" (102).

At the time that the interviews were being undertaken, 6 out of the 15 professional respondents did not feel that they had a full understanding of the JDP process, including who was involved in decision making, how those decisions were arrived at, or what principles were considered. These included staff working within the YOS, youth court magistrates, and representatives of partner organisations into which young people might be referred for interventions. There was a perception of a siloed approach where "we've got all these separate agencies, and they are all so...well we are not encouraged to really get together and liaise... We sort of, you know, are in our own little tunnel, if you like; just in our own little bit; not fully understanding the other side of what happened" (109 JP).

They felt it would be useful to be provided with more information on JDP and the opportunity to attend a panel as an observer: "I've never attended one ... probably we should all attend one, you know, to know

what happens.” (115 YOS). There is evidence that some attempts were being made to provide more information and training; the magistrates in particular were expecting this to take place soon. However, in terms of the opportunity to attend the panel, there seemed to be some logistical challenges in achieving that: “I’ve never even been to a panel. You know, when they first set up, we were invited along, and it was one of those things that we could never quite sort of coordinate the dates, and then it sort of disappeared into the ether” (105 Partner). The follow up interviews in response to the Covid-19 pandemic suggest that the move to video conferencing has actually facilitated this happening for some people, overcoming logistical barriers to attending (103, 109). It was also noted that schools were not initially aware of JDP, but the police have been involved in providing information and talks to teachers to explain the new processes and support understanding (111).

## Public attitudes to Youth Justice

“I don’t think it’s about soft or hard options, I think it’s about what’s proportionate, and what’s going to make a difference and an impact; and I don’t believe it’s a soft option for a young person to have to do rep hours, or to have intervention that they’ve not necessarily asked for before.” (103 JDP)

There is an awareness of the potential tensions between the historically dominant political and criminal justice agendas that guide youth justice services, and the more recent movement towards more child first approaches. There are challenges in developing responses that meet public and victim expectations around proportionality, retribution and deterrence, whilst also acting in the best interests of the child with a longer view on supporting their development towards adulthood. One of the interview participants described having to “negotiate between the kind of trauma informed and child first and holistic developmental needs of a child, and the kind of societal pressures of criminal justice, and what’s expected.” (101 YOS)

Five of the professionals interviewed referred to JDP, the YRI and even the change of name from YOS to F4M as being perceived as somehow ‘soft’ or ‘lightweight’, by the police, YOS staff, victims, and even sometimes by the young person and their family. They shared some concerns about the perceived credibility of the service, including from within partner services, including the police and accommodation providers, and the criticism that the focus on the young person has led to a lack of support for victims.

However, the YOS staff were quick to refute such claims and to assert the robustness of the response. This has included building relationships, and clarifying the alternative interventions attached to the disposal. There is also evidence that such concerns from partner agencies have reduced as the service has bedded in, especially from the police (see section 5.3). But more work may be needed to share more widely the success stories and positive data around outcomes and interventions.

## Police Engagement with JDP

The interview participants reported that when JDP was first introduced, there was some lack of understanding and engagement from within the police. This resulted in officers sending cases through to court when they could have been heard at JDP and even for those cases coming to JDP, there was a tendency to recommend caution or charge without suggesting YRI, as one of the Police Sergeants described:

“I think when it first came in, we have to put a recommendation on what’s going to happen: probably caution, charge or whatever, but now I know there’s things like the Status Program, and there’s other things we can do, then my officers, we will discuss what the best outcome is, and recommend those things; whereas at the beginning, we didn’t: it would be like the old fashioned way of caution, charge; and not knowing.” (111 PS)

There was an emphasis on escalatory approaches based on the ‘offending ladder’ and community resolutions were considered to be very low level, with some confusion around the language of community resolution and what that might include:

“I think early days, we were probably fighting against a lack of understanding from police officers then when they heard the term Community Resolution, that was a very fixed image of a very simplistic outcome; but actually, now, what we are saying is actually, you know, we could send a young person to court and give them a three month order. It’s going to look exactly the same. The work’s is going to be the same” (102 JDP)

There were also concerns from one of the participants that in some cases, young people were coming through who had admitted guilt, but there was not enough evidence to criminally convict them (101).

However, the panel members described how the willingness of the police to overcome these issues and make the JDP work was always there, and could be seen both from the commitment of senior managers and sergeants engaged in decision making at panel (103). This has strengthened as the process has become further embedded, and the outcomes have become more evident, so that the officer in charge has more confidence in the process (102, 103), as described by this Sergeant who had witnessed these shifting police attitudes:

“I think at first, we were all a bit, police side, was that – Oh, it’s a bit wishy-washy. But I think the more that you see, it does work, and it’s definitely worth, you know, I think kids should be given a chance really, and you know, that opportunity.” (111)

One panel member described a change towards a more ‘realistic’ approach, and improved police understanding that ‘throwing the book at them’ doesn’t necessarily reap (106 JDP EH). Indeed, confidence in the JDP and YRI has now reached levels where some officers are referring to JDP even where a community resolution could be given by the police.

“a lot of police officers now; they’ll send them to us just to check. So we weren’t getting them in our door to start with, now we are getting the ones even when we have given them the freedom to give them the CR. But that’s nice.” (102 JDP)

Therefore, whilst early on after the introduction of JDP there was a desire to move away from problematic police discretion in decision making, due to the use of Youth Cautions In particular, now there are some attempts to reassert the value of discretion in appropriate cases, and to feed back about the quality of decision making so as to empower officers to take those decisions themselves without feeling they need to have them double checked and approved. This also prevents delays where JDP would give a police led community resolution in any case.

There is evidence that JDP has enabled more effective multi-agency working focused on the child: “So I think from a police point of view...we used to do a lot of silo work, and it’s changing massively now, and quite rightly that, you know, we deal with a child and that’s it: job done.” (113 PS) and as a result the thinking of everyone on the panel has developed along more of a holistic, trauma informed approach (101).

There were at the time of interviewing still some cases going to court which should not have done so, and some residual issues around officer recommendations reflecting an enforcement attitude, but that this was part of a process of “winning police officers over one at a time, as we were dealing with them” (102). The participants highlighted the need for the Sergeants who sit on the panel to ensure they feed down their understanding to police constables, response officers and PCSOs (111), so that the officers have a good awareness not just of the JDP panel itself, but also the interventions delivered and the wider work of the Future4Me team (113, 114). According to one of the Sergeants:

“I don’t know an awful lot about what goes into the packages; that’s something that would probably be quite useful, really, having that; because we get, on the table, you’ve got the tiered outcomes for the Community Resolution, but it would be quite useful to have that; like a document to say this is what could be put in place. So I think that would be quite useful.” (113)

Nonetheless the respondents discussed the considerable journey that the police went on to facilitate such changes in their practices, identifying not just the scale of the change, but also the speed and smoothness with which this had happened (106), which was in part attributed to the strong leadership and involvement of the police at a high level in developing the approach.

## Young People’s Confidence in the Process

The young people interviewed found it difficult to express what they thought the purpose of JDP might be. They were aware that they made the decision but not how the panel might be different from court, other than them not having to attend. One young person when asked what they knew about JDP simply replied “I don’t know what it is” (303), and another said, “I know what it is, but I don’t know what it means” (304). They had little understanding of how decisions were made, what kinds of people might be involved in making them, or what might be discussed about their lives at panel, although they were sometimes happy to speculate, for example:

“I have no clue, but if I had to guess I would suppose it depends. If it is not a major instance they may not need an extreme action to help the person, but if it was a major crime and they believe the person can change that’s then they decide.” (301)

“they try to assess whether they are going to commit another crime again, I do believe, and if there is a high chance that they will, they will go to court. But if there is a medium or low chance, then they have a chance to get the intervention.” (304)

They also tended to conflate the different elements, including the decision-making panel, the assessment process, and the intervention delivered by their allocated worker. One young person was under the impression that their worker sat on the JDP panel and made the decision not to send them to court, whilst another thought that the panel decide what should happen after they receive the plan from the allocated worker.

However, they were mostly satisfied with the outcome from the panel. Five of the six young people responded to the question about whether they felt the outcome was fair, with four of them agreeing that it was fair. Just one young person disagreed:

“I felt the outcome was not fair but was not fully disappointed because it did not involve the court” (301)

For this young person, they did not perceive it as fair because they felt that they were “only acting in self-defence” (301) and yet received the same outcome as everyone else involved in the incident. However, they still acknowledged that the intervention had helped them to see what could have happened and the effects on other people. With the benefit of hindsight, some of the young people at the end of their intervention were able to see its value more clearly:

“I think it’s worked better because I think I’ve understood like different things... [it’s been] helpful and supportive. Obviously, it’s taken out my time, and I’ve got to do it, but it’s been helpful.” (308)

“I don’t think I need any more help currently. She did an amazing job with what she had to do... and she really did help.” (304)

The young people’s confidence in the process is perhaps best illustrated in their advice to other young people:

“I would tell them they are really lucky; it may seem boring or involve many tasks but it is much better than ending up with a criminal record and getting fined which would not help their family. My advice would be to do what they say and reflect on what they did, because if they do not change they will ruin their future” (301)

“I would tell them that all of the people there will be nice and helping you get through what’s happened.” (304)

“[I would tell them] to listen. Because people that are in trouble think they are like big and hard. They don’t want to listen to anyone. But listen. The way isn’t going to court. Listen.” (305)

“[I would tell them] that it is beneficial, and don’t try to act like you don’t need it, or that you’re too cool for it; and it’s not as bad as it sounds; and it works.” (308)

## Victim Confidence in the Process

For all three of the victims interviewed, there was limited understanding of what JDP is, who sits on the panel, and how decisions are made, although one of the participants did identify that there are multi-agency professionals sitting on the panel (203). Whilst the retail victim showed some support for the introduction of JDP in principle, describing its aims as “very noble”, they felt that knowing more about how decisions were being made at JDP could potentially change the way they think about the numerous cases they had involvement with (201).

One of the victims who had a less clear understanding of the panel make up and process had consequently started to speculate about this and built their own narrative about why JDP might have been created:

“I don’t know anything about the panel; nobody has explained how it works, who’s on the panel. Are they ex police officers? Are they probation officers? I haven’t got a clue. Nobody told me anything about the panel. And that’s the disappointing thing; not knowing about it at all.” (202)

“I think it must be either trying to save on money, and at the same time, it’s employing somebody to sit on panels. I don’t know if these people get paid to sit on panels? What kind of people sit on panels? Tell me that.” (202)

There is a clear danger where victims have not received sufficient explanation about the panel, that they might fill in the gaps themselves, and there is therefore a potential opportunity to improve victim confidence in the process by providing more detailed information to them about it.

The retail victim described the high volume of incidents they had dealt with for their employers, saying “I’ve probably had the best part of a hundred cases go through JDP” (201). As a consequence, they characterised JDP as an “always refer service” (201) and that the only outcome they had experienced was the Youth Restorative Intervention.

For this victim, when they were subject to a personal assault in the course of their employment, they felt that they did not receive the same support because of the employment context:

“as soon as you have the security tag onto it, people see it in a different light: as if it’s more part of the job than actually dealing with it as a victim; so normally the level of support you get as somebody in security, than a general person, will be very different.” (201)

There was a lack of satisfaction and confidence in the police identified by all of the victims who shared their experiences, with the most explicit expression of this here: “I don’t have any confidence in any of them. There was only one police officer that came round, and that was the last police officer; he was decent.” (203).

One of the victims received a letter from the police explaining the outcome which was phrased in such a way to make assumptions about victim punitiveness and their likely response to the outcome, and to distance the police from the decision-making (in spite of police representation at panel): “this is probably not the result that you are hoping for. The decision was decided by the JDP, not by the police”. This framing of the outcome seems to be unhelpful in promoting victim confidence and it would be more beneficial to help the victim understand how that decision had been arrived at. In fact, this individual was more disappointed by the delay and lack of communication, rather than about the outcome of the panel itself.

There was a perception amongst the victims interviewed that JDP and the YRI outcome was more lenient than court, with one saying that “JDP do like to ‘baby’ people” (201) and the other: “I don’t know because I’ve never been told any of the outcomes, but I do feel, that it’s all about restorative and – Poor little angels. Just give them a course, you know?” (203). They expressed the need for more emphasis on punishment to reflect the harm caused (203) and the risk to the public (201). However, these perceptions lack appreciation for the fact that there is little by way of punishment that could be meted out by a court in a Referral Order that could not be integrated into a YRI, as unpaid work/reparation is the core element of both. There was also some anger expressed when the young person responsible repeated the behaviour but did not appear to have been escalated to court so it felt like they had “got away with it” (203). The victims certainly tended to have more confidence in the use of JDP and the YRI outcome for younger people and first time offences, but had alongside this an expectation of a tiered or escalatory approach for future or more serious behaviours: “there has to be a point where you draw the line, and unfortunately, we’ve not experienced that line ever been drawn, when it’s come to JDP” (201).

Whilst the retail security victim described having had very little contact with the VLO, for one of the other victims interviewed, the VLO contact had been experienced as a supportive process, with the VLO in this case being described as having “done an immense job- I can’t fault her” (203). In this case, the VLO seemed to have opened good channels of communication with the victim, who noted with confidence that “if I was to text her to ring me, she will ring me” (203). However they explained that receiving communication from both the police and VLO was confusing, with conflicting information offered from each. They called for the VLO to act as a single point of contact to provide greater continuity, because “emotions are high as it is” (203). Another issue raised by this was the need for more effective multi-agency support processes, including establishing a Team Around the Child response for young victims (203).

Two of the victims interviewed explained how they felt about the fact that the young people responsible for the offences against them remained in their local area (in both cases living in the same small villages as the perpetrators), with fears that further offences might be committed against them. There was a sense of powerlessness to take action to prevent this, with one of the victims saying, “whatever I do, I’m wrong; that’s my opinion” (202) and that the police didn’t seem concerned or take it seriously, even where the victimisation was ongoing (203). One of the participants also noted that they would have liked the young person responsible for the offence to have to read (or be read) their victim impact statement so that they understood the harm they had caused. They were not aware of whether that had happened. The victim interviews therefore highlighted the need for increased support, because “nobody actually champions the victim within the process” (201).

## 4.5. What Does This Tell Us?

**JDP has improved consistency in decision-making:** the panel balance a range of principles and concerns in their decision making, reflecting a problem-solving approach, and justifying the outcome.

**JDP is explicitly non-escalatory and prevents the criminalisation of children:** successfully implemented as the primary response to young people's offending and is not limited to first time or low-level offences.

**JDP takes a holistic and evidence-informed approach:** it sees the full context of the child's life, rather than the narrow view of the offence only that the previous police led decisions were based in.

**JDP has strengthened multi-agency approaches to supporting young people:** including effective information sharing procedures, and improved understanding of other services.

**JDP has led changes in organisational thinking and culture:** police, courts and the legal profession have followed this lead and developed new ways of working as their understanding of JDP has grown.

**There are robust assessment processes in place:** these consider safety and wellbeing issues as well as offence analysis.

**YRI increases the range of disposals available:** it provides an opportunity for the delivery of interventions which largely mirror the RO, but without charge to court.

**YRI puts together a package of support:** offence focused work is embedded within a wider multi-agency intervention package to address the needs of the young person, and support aspirations.

**YRI includes restorative justice approaches:** some elements of restorative justice are included, e.g. apology and reparation, but are not required of the young person solely upon the request of the victim.

**YRI includes restorative practice:** the YRI may be seen as a form of restorative practice in that it reflects a high support, high challenge approach of working with, rather than doing to.

**The Covid-19 pandemic led to some creative developments:** this should be further encouraged so as to make the reparation opportunities meaningful and restorative, and to expand the offer.

**The panel are not afraid to use the NFA outcome:** this is an important backstop measure to protect vulnerable children, especially younger and looked after children, and to review adherence to protocols.

**Victims do not understand or feel included in the process:** they lack understanding of how decisions are made and feel that their voice is not always heard. There may be scope for using technology to support victims to contribute.

**Commercial victims feel particularly excluded:** this is especially problematic where there is an individual victimised in the course of their employment role, and they may need more support.

**Victims can receive contradictory support and information from police and VLO:** they would prefer a single point of contact with the VLO.

**Young people are largely happy with the outcome:** they are relieved to have avoided court and a criminal record, although their understanding of JDP is poor, and their views not always included.

**Young people express satisfaction with the YRI:** they see the value in the interventions and support provided and think their worker has done a good job in delivering it.

**Young people engage with the relationship:** there is evidence of effective relationships being built between the worker and the young person, with trust and communication promoting engagement.

**Young people express confidence and optimism in their own futures:** they highlight the changes in their attitudes and thinking, and the growth of their self-esteem.

# 5. Conclusions and Recommendations

## 5.1. Conclusions

The objectives of this evaluation were to

1. Evaluate the appropriateness and effectiveness of the Joint Diversionary Panel process for making decisions about outcomes for young people who have admitted an offence
2. Review the effectiveness and suitability of any subsequent Youth Restorative Interventions being delivered as out of court disposals.

The conclusions of the evaluation can be best summarised by returning to the key local outcomes set out in Chapter 1, as the anticipated benefits of the introduction of the JDP and YRI.

### **Has JDP improved victim confidence and satisfaction?**

Whilst this evaluation has been unable to make comparisons with victim satisfaction levels prior to the introduction of JDP, there is clear evidence that:

- Victim satisfaction with the JDP is good (62% were satisfied overall), but may be impacted by a lack of information, timeliness of responses, perceived proportionality of the outcome, and their understanding of the impact on the young person.
- Victims don't always fully understand what JDP do, and they would like more involvement in the process.
- Victims sometimes feel their voice is not heard and the impact of the offence not considered in the panel's decision.
- The Victim Liaison Officers play a pivotal role in communication with and support for victims, and are victims preferred choice as a single point of contact.
- Commercial victims receive less support even where there is an offence against an individual member of staff.

### **Has JDP enhanced community safety and reduced reoffending?**

It is beyond the scope of the data within this evaluation to offer comparisons about reoffending rates over time, however the following observations can be made:

- JDP do consider issues of community safety in their decision-making, and have developed their case analysis to focus explicitly on Likelihood of Offending and Risk of Serious Harm.
- Reoffending rates for young people appearing at JDP (receiving any outcome) are 24% which is lower than the 38% national reoffending rate for young people in the criminal justice system.
- 75% of the JDP hearings are a young person's first appearance, and 93% of hearings are for a first or second appearance. It is a very small minority therefore that return repeatedly to JDP, suggesting that the majority are supported to grow out of offending.

### **Has JDP improved confidence of stakeholders that the CJS is fair and proportionate?**

It is beyond the scope of this evaluation to make comparisons with confidence levels prior to the introduction of JDP, however, the following observations can be made:

- JDP has led changes in organisational cultures and enhanced multi-agency partnerships in Lincolnshire, resulting in changed working practices, enhanced information sharing, and improved understanding of other services.
- The professionals interviewed from a range of agencies showed high levels of confidence in JDP as an alternative to formal criminal justice responses.
- Professional stakeholder understanding of and confidence in the panel has improved over time since the introduction of JDP, as a result of improved communication and awareness-raising.
- There is evidence of ongoing service development in response to feedback from service users and partners on what works, with improvements made to the model.
- The young people in the service are key stakeholders and they express their satisfaction with the outcome, especially the diversion from court and a criminal record.
- Young people's confidence in the system is largely derived from the relationship of trust built with their allocated worker, who they perceive as supportive, kind and approachable.

### **Has JDP ensured that young people are not criminalised unnecessarily?**

- JDP has been successfully implemented as the primary response to young people's offending behaviour and is not limited to first time and low-level offences.
- JDP takes an explicitly non-escalatory approach which reduces the formal criminalisation of children and prevents their escalation up the offending ladder.
- Non-escalation is facilitated in different aspects of the decision-making, including critical use of intelligence, careful responses to breach, and considerations of proportionality.
- The panel are not afraid to use the No Further Action outcome to prevent the criminalisation of the most vulnerable children, including the youngest and looked after children.

### **Has JDP increased the range of interventions available for those young people that engage in ASB and offending behaviour with the aid of Early Help/YOS and other agencies?**

- The introduction of JDP has increased the range of disposals available through the creation of the Youth Restorative Intervention (YRI).
- The YRI fills an important gap in existing responses by delivering a wide range of interventions that might be attached to a Referral Order, but without criminal charge.
- JDP has almost entirely removed the use of the Youth Caution in Lincolnshire, because this gives the young person a criminal record but does not offer any support or intervention.
- By working in partnership with Early Help and other partner agencies, the YRI has increased the level of welfare support available to young people in conflict with the law.
- There is some good use of restorative *justice* elements within the interventions, and these have become more creative as a result of the Covid-19 pandemic.

### **Have young people and their families been diverted away from statutory involvement with Children's Services by adapting a needs focussed holistic approach?**

- JDP takes a holistic approach to decision-making, supported by the multi-agency membership of the panel, including both criminal justice and children's services representation.

- JDP decision-making is evidence-informed and considers the full context of the child's life, rather than a narrow offence focus.
- The emphasis on high support and intervention alongside a reduction in criminalisation reflects the restorative *practice* approach used within LCC Children's Services.
- Robust assessment processes, alongside the potential allocation of the intervention to an Early Help worker supports non-statutory family support from LCC where needed.

**Does JDP support children to be ready for adult life?**

- The YRI provides a bespoke package of support for the young person which goes beyond offence focused work and looks to support their longer-term potential and aspirations.
- Interventions are asset-based and seek to engage young people through their own strengths and interests.
- Young people express confidence and optimism in their futures, discussing their plans for future work and study, and noting improvements in their self-esteem and life-choices.
- The holistic, multi-agency approach ensures that vulnerable young people are appropriately supported to be as able to succeed as their peers.
- JDP take a 'problem solving' approach which is particularly suitable for supporting vulnerable young people with complex lives as it considers whether some outcomes might do more harm than good and further entrench disadvantage.

**Does JDP support children to be safe and healthy?**

- JDP provides an important mechanism for ensuring children are safe and protected from harm and exploitation, by drawing together information from multiple sources and seeing the full picture.
- The introduction of the YRI as a form of 'interventionist diversion' has allowed children and families to be supported as soon as problems emerge, without having to wait for the young person's behaviour to escalate.
- Safety and Wellbeing concerns are of equal consideration at JDP as the risk of reoffending.
- The allocated worker considers the young person's broad needs, including their physical and mental health, and supports them to access relevant services.
- Young people described how they were now likely to avoid risky situations and had been supported to stay safe and out of trouble.

**The overall findings of the evaluation are that:**

**Lincolnshire's Joint Diversionary Panel has provided a robust and effective process for making informed decisions about young people in conflict with the law, which:**

- a) **prevents their unnecessary criminalisation; and**
- b) **diverts them into supportive and preventative interventions.**

**The introduction of the Youth Restorative Intervention for use by the panel has significantly improved outcomes for young people in the county whilst maintaining community safety.**

## 5.2. Recommendations

Whilst acknowledging the valuable contribution and success of the JDP and YRI initiative, this evaluation has also identified the potential for further service development and improvements in a number of areas.

### **Develop a young person participation strategy**

The evaluation has revealed significant challenges in including the voice of young people at panel hearings, reflected in the difficulties engaging young people in the research interviews. Young people's understanding of and participation in the JDP process is limited. There is scope for developing a more participatory approach in which young people's views and contributions are embedded more systematically into the process. This could be extended to include a restorative social justice which supports the young person to address the issues impacting other young people in their community.

### **Expand the Future4Me offer**

There is evidence of a wide range of practices and interventions delivered via the YRI, but there was also an appetite amongst the professional participants for developing more creative and meaningful activities that draw upon the strengths and interests of young people. Building upon the creative emergency approaches which the Covid-19 pandemic and lockdown prompted, the Future4Me team could broaden and enhance the offer of positive diversionary activities and opportunities for young people's social inclusion and citizenship, in partnership with other agencies. These could be used to support restorative work with young people, but might also generate opportunities for pre-offence prevention and diversion work.

### **Increase victim participation**

Victims would like further involvement in the process and support to have their voice heard. Whilst it is important to separate victim needs from the outcome for the young person, so as not to undermine the non-escalatory approach, there is scope for enhancing victim inclusion, information and communication. Victim satisfaction is strongly correlated with their understanding of the process and being informed about the outcome, and it is therefore crucial that they receive clear information about:

- Whether their case is going to court or to the JDP and why
- What JDP is, who sits on it and the rationale for diversion from court
- The disposals available and how they compare to those at Youth Court
- Latest updates on their case, whether it has been heard at panel, the outcome and whether any intervention was completed

The victim survey analysed in this report was a useful tool in gathering victim views, but the design and distribution of the survey needs rethinking to provide more reliable data.

### **Undertake enhanced data analysis**

The opportunity for quantitative data analysis has been limited within this evaluation. It would be useful to engage in a more systematic collection and analysis of service data, in particular focusing on:

- Thresholds for cases coming to JDP, and for subsequent decisions to charge to court
- The outcomes and longer-term impact for more serious offences with higher gravity scores.
- The comparison of data for young people charged to court against those receiving a YRI.
- The differences in outcomes based on age, gender and LAC, as well as inclusion of data on ethnicity and nationality which is not currently routinely analysed.

### **Improve communications and share success stories more widely**

Confidence in JDP amongst professional stakeholders has improved through communication, but wider public lack of information may impact their confidence in the panel and contribute to more punitive views. There is scope for further public relations work to share the purpose and successes of the JDP and YRI, e.g. by holding a public information event.

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## Notes: Changes to the Service in the Evaluation Period

<sup>i</sup> We Are With You is the new name for the charity previously known as Addaction and Young Addaction. This name change occurred in February 2020 during the evaluation period but We Are With You is used throughout the report for consistency. The new name was chosen to reflect the ethos of the organisation, working with people as equal partners in their recovery.

<sup>ii</sup> Changes have been made to the core membership of the JDP during the evaluation period. Core Panel members now include representatives from LCC Children's Education, with 3 colleagues rotating attendance at panel. This was piloted from October 2019, and they became permanent panel members in January 2020.

Victim Liaison Officers have also been added to the Core Panel membership, with the 2 VLOs from the Youth Offending Service rotating attendance at panel, becoming permanent panel members in February 2021. This change was made to increase the focus and consideration of the victim views within panel discussions and decision making. VLO's have an up to date and informed understanding of the JDP process which supports the communication with VLO's prior to and post panel and improve the timeliness of the outcomes from JDP being shared with victims by the VLO's.

The number of Neighbourhood Policing Team Police Sergeants acting as rotating panel members has been reduced from 10 to 6.

<sup>iii</sup> The JDP referral form was updated during the evaluation period and the section in which the Police Officer in Charge recommendation had been previously requested was removed. As demonstrated in the evaluation this recommendation was not something that was taken into account in the panel decision making, was not aligned with the panels final decision and did not take into account the additional information that panel considered as this was not available to the Officer in Charge at the time of recommendation.

<sup>iv</sup> There are no longer specialist CSE workers within LCC. These roles were ended when the Future4Me team was established

<sup>v</sup> During the evaluation period a separate Harmful Sexual Behaviour Panel has been established. The format and function is the same as JDP but it deals specifically with sexual offences. The core panel membership is different and includes JDP Chair and Coordinator, Police Sergeant from Police Safeguarding Hub, CAMHS HSB Specialist, Youth Offending Officer experienced in working with young people displaying HSB and Victim Liaison Officer. The panel has been in place since April 2021.

<sup>vi</sup> An outcome letter is no longer posted to the young person following panel. This decision was taken following concerns about the confidential nature of the contents of the letter. The JDP Coordinator has continued to reinforce with police colleagues, through training events, updates etc the need for the outcomes to be shared with young people in a timely manner.

<sup>vii</sup> The allocation process has been revised during the evaluation period. Since the end of 2019, when an offence focused assessment is completed as part of an outcome from JDP and the safety and wellbeing and / or risk of serious harm is high then a Youth Offending Officer will case manage these.