

Mapping youth diversion in England and Wales

Background to the briefing

The value of diversion for children

Prosecuting or using out-of-court disposals for children committing first-time and low-level offences makes them more, not less, likely to reoffend. Formal criminal justice system processing can produce a range of negative collateral consequences, including interruption of education and a criminal record. Moreover, such processing is likely to negatively label children and can put them in close contact with those more entrenched in the system. Evaluation evidence has demonstrated that the further a child is processed in the formal criminal justice system for low-level offences, the greater the likelihood of reoffending, especially for lower-risk children.

Point-of-arrest youth diversion offers an effective alternative, addressing low-level criminal behaviour while avoiding these negative outcomes. Though practice is variable, youth diversion tends to involve short assessments with arrested children and quick referrals into light-touch, voluntary programming. Crucially, diversion should not result in a criminal record. There is a strong evidence base, nationally and internationally, clearly showing that youth diversion can reduce crime, cut costs, and create better outcomes for children.

Mapping diversion for children

Despite the evident advantages of youth diversion, there is a lack of information nationally about basic aspects of its provision, perhaps because diversion is not a statutory requirement of Youth Offending Teams (YOTs). We know little about where youth diversion operates, how many (and which) children are diverted, and its impact on outcomes such as reoffending. This Centre for Justice Innovation research project seeks to address this gap by systematically mapping youth diversion across England and Wales to provide a clearer picture of the realities of, and gaps in, its provision.

To gain the most detailed picture, we distributed a questionnaire to YOTs across England and Wales, capturing both quantitative and qualitative data. The questionnaire was supplemented, where appropriate, with brief interviews with YOT practitioners and managers.

Of all 152 YOTs we have contacted, 115 confirmed they operate a point-of-arrest diversion scheme and have responded to our questionnaire (or been interviewed). 18 indicated that they do operate point-of-arrest diversion but have not yet responded to our questionnaire. 19 informed us that they do not have a point-of-arrest diversion scheme. For ease, we will refer to the 115 schemes who have responded as 'the responding schemes'. Not all questions were answered by all respondents.

Core principles

Minimise labelling: Youth diversion schemes should take all reasonable steps to avoid stigmatising the children they work with, and to prevent them from forming deviant or delinquent identities that may interfere with their development.

Avoid net-widening: Youth diversion schemes, should ensure that they operate as an alternative to the formal justice system, rather than as a supplement to it. Diversion should only be for children who would otherwise be dealt with formally in the criminal justice system.

Do not overdose children: Programming offered through diversion should be therapeutic and targeted. For most diverted children, this will generally be light touch and informal.

We would like to thank everyone who took part in the research and we look forward to working with you all in the future.

Findings

Eligibility criteria

Admitting guilt

44% of the responding schemes require the child to admit guilt to be eligible for diversion and 31% do not. 25% did not answer the question.

24% of the responding schemes allow the lesser requirement of 'accepts responsibility' and 51% do not. 25% did not answer the question.

The evidence base suggests that denying access to diversion solely because the child failed to make a formal admission of guilt is counter-productive and may even exacerbate racial disparities. We would therefore encourage more schemes to adopt the flexible requirement of 'accept responsibility'.

Consent

70% of the responding schemes require the child's consent for the diversion to take place and 7% do not require this. 23% did not answer the question.

Diversion is qualitatively different from statutory supervision in that it is by nature voluntary, a distinction that should be respected to avoid the damaging effects of labelling. That the consensual nature of diversion is reflected in a large number of schemes is promising, but there is room for improvement.

Number of previous offences

41% of the responding schemes work on a case-by-case basis when judging eligibility for diversion based on the number of previous offences. 27% permit between zero and two previous offences. 32% did not answer this question.

Given the evidence that the vast majority of 10 to 17 year olds will not go on to become chronic offenders, it is encouraging to see a good number of schemes employ professional discretion for this criterion.¹

Index offences

32% of the responding schemes work on a case-by-case basis when judging eligibility based on the index offence (the offence for which the child was arrested). 39% divert for low-level offences only. 29% did not answer the question.

At the Centre, we recognise that certain crime types (for example, those involving a weapon) are specifically excluded based on considerations around public safety and the interests of justice. That said, the evidence base suggests that where assessment has otherwise determined a low risk of reoffending, some degree of professional discretion should be exercised.

Referral into diversion

11% of the responding schemes have an average referral time of less than two weeks, 17% average between 2 and 4 weeks, and 15% average more than 4 weeks. 57% did not answer.

¹ Moffitt, T (1993). Adolescent-Limited and Life-Course-Persistent Antisocial Behavior: A Developmental Taxonomy, *Psychological Review*, 100 (4), 674- 701

Labelling theory points toward a policy of initiating diversion as early as possible once it is established that it is appropriate in a given case. Having a speedy process immediately following arrest also has the benefit of saving police and CPS time by shortening processing and accelerating turnaround time. We would therefore like to see shorter referral times in future and more schemes collecting data on this.

Programming

Intervention length

25% of the responding schemes run diversion interventions for less than 3 months, 35% run them for 3 months or more, and 10% decide on a case-by-case basis. 30% did not answer the question.

For most diverted children, interventions should be relatively light touch and informal; participation requirements should not be disproportionate to the initial offending behaviour. We would therefore expect to see fewer long interventions in future.

Interventions on offer

There is an impressive range of interventions on offer among schemes, with some offering up to 12 different programmes. 68% of the responding schemes run substance abuse counselling. 64% of the responding schemes run victim awareness classes.

In qualitative parts of the survey, we were pleased to find that many schemes have extensive in-house expertise and the ability to tailor interventions to the initial offending behaviour, i.e. they have the targeted, proportionate approach effective diversion demands.

Victim involvement

66% of the responding schemes involve victims and 8% do not. 26% did not answer this question.

55% keep victims involved throughout diversion interventions and 19% do not. 26% did not answer the question.

56% enable victim participation in restorative approaches and 18% do not. 26% did not answer the question.

It is encouraging to see so many schemes harnessing the restorative potential of diversion, but there remains room for improvement.

Outcomes and monitoring

54% of the responding schemes answered the set of questions around outcomes and monitoring. Of these, virtually all said they collect data about the age, sex and ethnicity of children diverted.

45% of the responding schemes said they collect data on reoffending rates of diverted children. 39% of the responding schemes said they collect data on the number of previous offences.

From supplementary interviews, it is clear that so many schemes skipped these questions because they were not aware of the monitoring processes around diversion, suggesting that the data is not collected and analysed or perhaps that the findings are not shared with operational staff. Other questions, notably average referral time, were also skipped due to lack of information.

For the purposes of quality assurance, enabling a culture of continuous improvement, and securing funding, diversion schemes should have robust monitoring processes in place.

Workload

25% of the responding schemes have a higher number of diversion cases than the previous year, 20% have roughly the same number, and 11% have fewer. 44% did not answer the question.

15% of the responding schemes said diversionary work accounts for less than 25% of their YOT's overall workload, 24% said between 25% and 50%, and 17% said more than 50%. 44% did not answer the question.

It is clear that youth diversion is a significant tool in YOTs' arsenals despite it not being a statutory requirement.

Funding

21% of the responding schemes have fewer diversion staff than the previous year, 30% have roughly the same number, and 9% have more. 40% did not answer the question.

22% have less funding than the previous year, 34% have roughly the same, and 2% have more. 42% did not answer the question.

It appears staff and funding may not always keep pace with increased workload.

Challenges and exciting developments

When asked the biggest challenge facing their scheme, respondents most commonly cited: funding cuts, staff shortages, increased demand, joint working with police, securing buy-in from all partners, and lengthy referral periods.

Exciting developments included: joint commitment of partners not to criminalise children unnecessarily, better outcomes for children, ongoing reductions in first time entrants, and developing effective restorative approaches.

Conclusions

Our vision is that every police area operates an effective youth diversion scheme. Our mapping research has provided a wealth of, until now, largely untapped information.

The general picture is that youth diversion is widely but variably practised. It is fantastic to see so many YOTs offering diversion and in doing so likely generating fewer crimes, lower costs, and better outcomes for children than formal criminal justice processing would. There appears to be widespread commitment to diversion in many areas and impressive in-house expertise. It is additionally encouraging to see the extent of victim involvement.

That said, there is clearly work to be done. In many areas, it appears eligibility criteria are unduly strict, referral processes are slow, and interventions are too long, meaning the benefits of diversion are not fully leveraged in all appropriate cases. Moreover, there appears to be a gap in the capacity of YOTs to capture and analyse the data on diversion. As a result, we are still not in a position to confidently state the number or profile of children being diverted. This is not a criticism of YOTs; they are hard pressed and as diversion is not a statutory requirement, it is understandable that this area of practice is not subject to robust data analysis. This is even more the case when many YOTs are reporting that staff and funding may not always keep pace with increased workload. There is clearly a funding gap that requires urgent attention.

With a better understanding of the realities of, and gaps in, current provision, we aim to better support areas to set up and run youth diversion schemes going forward. We will ensure: the impact of diversion is better understood; schemes are better informed about what works; and youth diversion is better and more widely practised.

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