

## Youth justice - Frequently Asked Questions

### Getting the terminology right

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We know that the terminology frequently used on the frontline of the justice system is often complex, full of jargon and acronyms, and can change in meaning when used by different agencies, areas and individuals.

*We spoke with Dr Ashley Kilgallon, a former project manager of Turning Point, a police led deferred prosecution scheme, about the importance of using clear and concise language.*

I am used to getting to grips with the fluid and often changing terminology that are used to describe the mechanics of the justice system. Deferred prosecution, diversion, out of court disposals – these terms make up the system of effective alternatives to prosecution for young people who have committed a low-level offence.

Part of my role involves working closely with police officers to ensure that eligible people, who have been arrested or attended a voluntary interview, are referred onto the scheme. I have learnt through working with front line officers who are not embedded in the world of diversion, that this terminology doesn't always filter down into the everyday work of a busy officer on the frontline. I have learnt that keeping language simple is the most effective approach to getting officers onside with diversion. I don't assume they have had the time to look up the latest acronym or definition, I make sure I am straightforward with my language, and I explain clearly and precisely what I need from them, to make sure we get the crucial referrals that Turning Point need to operate.

**To help practitioners combat confusion, we have compiled a list of definitions of some commonly used terms:**

#### Prevention

Prevention programmes work with children (and their parents or carers) who may have had some contact with criminal justice services, or who have been involved in offending or antisocial behaviour.<sup>1</sup> Prevention seeks to address the unmet needs or welfare concerns of a child, to keep them away from crime and out of the criminal justice system.<sup>2</sup> While multi-agency preventative work can be undertaken by a local council, prevention programmes are offered by Youth Offending Teams or a third sector organisation, such as a youth charity (or by a combination of all three). As a result, prevention initiatives vary between areas, and may consist of providing family support, engaging the child in youth work and mentoring, or sports, arts, music and gardening.<sup>3</sup>

## Diversion

Diversion schemes are a programme of interventions that a child who has committed an offence can voluntarily participate in, as an alternative to being formally processed through the justice system.<sup>4</sup> These programmes operate in a variety of different models, but share the aim of addressing the underlying issues behind the child's actions or behaviour, and avoiding damaging and disruptive contact with the justice system. Interventions aim to provide holistic support to children (and their parents or carers), and can range from attending drug and alcohol counselling, engaging in mentoring and participating in restorative justice.<sup>5</sup> Nationally, diversion can be referred to by different terms, such as triage or a community intervention, and covers a variety of diversionary activity such as informal out of court disposals (via a community resolution), pre-arrest diversion and diversion from court.

## Out of court disposals

Out of court disposals refers to a range of ways the police can respond to non-serious offences without pursuing prosecution through the courts. Possible responses range from issuing a No Further Action, an informal disposal which avoids the child entering the formal youth justice system (a community resolution), or a formal, criminal disposal (either a youth caution or conditional caution).<sup>6</sup> These alternative approaches aim to reduce reoffending and pressures on the court, and to deal with less serious offences in a way that is more proportionate and rehabilitative, while addressing any harm caused to the victim or community.<sup>7</sup>

## Deferred prosecution

Deferred prosecution refers to a programme of rehabilitative interventions that a child can opt to participate in when they have committed a low-level offence, subject to the acceptance criteria, which differs between each scheme. Enrolling in the programme pauses the prosecution of the offence, and depending on the scheme, the offence is either revoked, or the child receives a less serious disposal, such as a youth caution or conditional caution.<sup>8</sup> If the scheme is not completed, they are charged in court. Unlike most diversion schemes, the child does not have to have admitted guilt in order to participate. This definition is taken from the 2017 Lammy Review; an official definition is not available elsewhere.<sup>9</sup> The Ministry of Justice are piloting a deferred prosecution scheme, Chance to Change, in North West London and West Yorkshire.

## Liaison and Diversion

Liaison and Diversion is an NHS service that makes referrals for vulnerable people in the justice system into more appropriate support services, that are delivered by health and social care professionals. Referrals are often made for people with a learning disability, or those who are experiencing difficulties with their mental health or drug and alcohol misuse. The service seeks to facilitate access to early interventions of support to prevent the individual reaching a point of crisis. Engagement with the service occurs alongside the criminal justice process, and does not change the individual's justice outcome.<sup>10</sup>

## Community resolution

A community resolution is a possible action that the police can take in response to a child committing a minor offence, or being involved in an anti-social behaviour incident, without bringing the child into the formal youth justice system.<sup>11</sup> The child is offered an alternative course of action to being processed through the court system. This could be participating in a diversion scheme or simply apologising to the victim. If the child decides not to engage with the community resolution, they will not be penalised. It can be issued on the street as a quick way to resolve an incident, and is designed to enable the police to deal with non-serious crime or anti-social behaviour committed by young people more proportionately.<sup>12</sup> It is non-statutory, private agreement that relies on trust and agreement between the police and the individual. In our experience working with practitioners delivering diversion, a community resolution is often the preferred outcome upon the completion of a scheme.

## Outcome 22

Outcome 22 is one of Home Office administration codes that the police use to indicate that no further action has been taken in response to an offence, but some form of diversionary or educational activity has taken place. A number of deferred prosecution schemes are using Outcome 22, such as the Chance to Change pilot in North West London and West Yorkshire. Outcome 22 was set up by the National Police Chief's Council in 2019 to acknowledge situations where the police have worked with an individual to address their offending behaviour, only for a no further action to be the appropriate final outcome, which doesn't fall into an out of court disposal or other appropriate outcome within the current Home Office outcomes framework. The individual does not have to admit guilt to the offence, which differs from formal actions and community resolutions.<sup>13</sup> In the youth justice framework, it is not a criminal justice disposal, but is simply a No Further Action.

*Dr Ashley Kilgallon praises the introduction of Outcome 22, and calls for it to be recognised by police performance data as a positive outcome.*

The introduction of Outcome 22 is a much needed addition to the police tool box, as not all 'No Further Actions' (NFA) are equal. Someone can receive an NFA for a multitude of reasons. In the example of Turning Point, four-months of dedicated work has been undertaken with our referred offenders and the Outcome 22 allows for evidence of that hard work by the organisation and by the referred offender being recognised. This is in contrast to – for example – Outcome 21, which simply states not in the public interest. The introduction of Outcome 22 facilitates a practice that has long taken place within the police, but has previously not been formally recognised in an Outcome Code.

A frustration I have with Outcome 22 is that although it is a positive move in terms of recognising work, it does not count as a sanctioned detection (SD) rate. Most police teams are performance managed, with their SD rates monitored. As Outcome 22 does not count as an SD it can discourage those teams under particular pressure around performance to send someone to Turning Point. However, this change is not something the police can implement, but instead is a Home Office counting tool, so it would require change at government. Given Government commitment to challenges within the CJS around factors such as disproportionality, it would make a massive positive change to perceptions of schemes like Turning Point if police teams were able to receive performative 'credit' for referring to us.

## Endnotes

1. Youth Justice Board (2021), Definitions for prevention and diversion. Available at: [https://yjresourcehub.uk/images/YJB/Definitions\\_for\\_Prevention\\_and\\_Diversion\\_YJB\\_2021.pdf](https://yjresourcehub.uk/images/YJB/Definitions_for_Prevention_and_Diversion_YJB_2021.pdf)
2. Ibid
3. Youth Justice Board, (2017). Prevention in youth justice. Available at: [https://justiceinnovation.org/sites/default/files/media/document/2021/prevention-ep-briefing-2\\_1.pdf](https://justiceinnovation.org/sites/default/files/media/document/2021/prevention-ep-briefing-2_1.pdf)
4. Youth Justice Board (2021), Definitions for prevention and diversion. Available at: [https://yjresourcehub.uk/images/YJB/Definitions\\_for\\_Prevention\\_and\\_Diversion\\_YJB\\_2021.pdf](https://yjresourcehub.uk/images/YJB/Definitions_for_Prevention_and_Diversion_YJB_2021.pdf)
5. Ibid
6. Youth Justice Resource Hub (2021), Out of court disposals and prevention. Available at: <https://yjresourcehub.uk/out-of-court-disposals-and-prevention.html>
7. The Office of the Police and Crime Commissioner for Leicestershire, (2021). Out of court disposals. Available at: <https://www.leics.pcc.police.uk/Transparency/Meetings/Out-of-Court-Disposals/Out-of-Court-Disposals.aspx>
8. The Ministry of Justice are in the process of undertaking a landscape view of current deferred prosecution schemes.
9. David Lammy (2017), The Lammy Review. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/643001/lammy-review-final-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf)
10. NHS England, About liaison and diversion. Available at: <https://www.england.nhs.uk/commissioning/health-just/liaison-and-diversion/about/>
11. Youth Justice Resource Hub (2021), Out of court disposals and prevention. Available at: <https://yjresourcehub.uk/out-of-court-disposals-and-prevention.html>
12. Youth Justice Board, Ministry of Justice, (2013). Youth out-of-court disposals: guide for police and youth offending services. Available at: <https://www.yjlc.uk/wp-content/uploads/2015/03/Youth-Out-of-Court-Disposals-Guide-for-Police-and-Youth-Offending-Services.pdf>
13. NPCC, (2019). Outcome 22 – NPCC briefing note. Available at: [https://justiceinnovation.org/sites/default/files/media/document/2021/outcome\\_22\\_-\\_npcc\\_briefing\\_note\\_v1\\_march\\_2019.pdf](https://justiceinnovation.org/sites/default/files/media/document/2021/outcome_22_-_npcc_briefing_note_v1_march_2019.pdf)