



### **About the Centre for Justice Innovation**

The Centre for Justice Innovation seeks to build a justice system which all of its citizens believe is fair and effective. We champion practice innovation and evidence-led policy reform in the UK's justice systems. We are a registered UK charity.

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**This publication has been made possible by the generous support of the Esmée Fairbairn Foundation and Hadley Trust.**

# Executive summary

**This toolkit is for any practitioner who is involved in, or considering creating, a diversion scheme for children in contact with the youth justice system.**

## What is youth diversion?

Youth diversion schemes are a way of addressing low-level criminal behaviour without putting children through the formal criminal justice processing (either through out of court disposals or prosecution) that can result in a criminal conviction and other negative consequences. These schemes operate for under-18s in a variety of different models across the country.

## The evidence base

For the majority of children involved in crime, formal criminal justice processing makes them more likely to commit crime again. There is a strong evidence base, nationally and internationally, that clearly shows that youth diversion is a better way of addressing low-level criminal behaviour— multiple studies show that youth diversion can reduce crime, cut costs, and create better outcomes for children.

## The policy and practice context

Youth diversion has been long recognised as a significant part of the youth justice system in England and Wales, and has also been used for a number of years across Scotland. It is specified in the Youth Justice Board's (YJB) National Standards, which Youth Justice Services (YJSs) are inspected against, that they should run diversion schemes. Over the last decade YJSs have seen a substantial reduction in the number of children coming into contact with the youth justice system, which can largely be attributed to the increased use of pre-court disposals and community diversion.

## Principles of effective practice

Our work with practitioners over the last 10 years has clearly indicated that there is not a settled consensus on which specific youth diversion models and strategies work best. This publication seeks to provide you with as clear a view as possible about what the evidence suggests effective practices are:

### Eligibility criteria

You should set eligibility criteria as broadly as possible. Specifically, children should be given more than one shot at succeeding. In doing so, you should avoid net-widening by only working with children who would otherwise receive a formal criminal justice disposal. You should therefore be empowered to turn down inappropriate police referrals. There are also grounds for believing that children should be accepted onto diversion schemes where they “accept responsibility” rather than specifically having to admit to an offence prior to participation.

### Referral into diversion

Speed of referral is important. Effective schemes ensure diversion happens as soon as possible after arrest occurs. Therefore, you should make the referral of children to a diversion scheme as simple and as straightforward for the police as possible. A good way of doing this could be to formalise the referral process into a shared protocol with the police. Diversion should be recognised by police as a “positive outcome” in their performance management schemes so that diversion activity does not get recorded as undetected.

### Induction into the diversion programme

Schemes should assess children's strengths and needs on induction, particularly to match them with appropriate interventions. You should also make the expectations of children clear, and ensure that children fully understand the consequences of non-compliance.

## Case Work

Where possible, you should separate youth diversion work from statutory operations by holding sessions physically off-site and by avoiding mixing diverted children with those under statutory supervision. There are reasonable evidence-based grounds for believing that dedicated diversion caseworkers may be preferable to statutory caseworkers. Diversion staff should also take care with their use of language to help avoid embedding negative perceptions.

## Programming

Rather than focusing on control or surveillance, the programmes you offer via youth diversion should be evidence-based and therapeutic. Use of the wrong programme modalities can make re-offending more likely. For most diverted children, interventions should be relatively light touch and informal, proportionate to the initial offending behaviour. It is vital that you guarantee that successful engagement means that children avoid a criminal record. Protocols should ensure that their participation should not be recorded in a disclosable manner in administrative databases.

## Outcomes and monitoring

You should regularly report back on youth engagement to the police and to referring officers. This underlines that the original case requires no further action, and ensure that frontline police are kept updated on the scheme's success. Schemes should also determine whether they are meeting their objectives through evaluation.

## Preparing your scheme for inspection

In July 2021, two new standards were introduced by HM Inspectorate of Probation to the inspection framework, including a specific standard on the policy and provision for out-of-court disposals (which includes diversion). It is important that your scheme meets these standards.

## What commissioners of youth diversion want

Youth diversion is not a statutory requirement of YJSs. A Ministry of Justice-commissioned stock take of YJSs reported that practitioners anticipate further budget reductions will result in YJSs “moving away from preventative work towards just fulfilling statutory commitments.” However, we strongly believe that you have the opportunity to demonstrate the value of diversion both to existing commissioners and potential new audiences. Our consultation with commissioners (and would be commissioners) of youth diversion suggested the following key things that mattered to them:

### **Commissioners want to see evidence of impact but maybe not always in the way you expect**

Commissioners want to know that services are seeing an impact as a result of your good use of their resources. But also commissioners recognised that being able to demonstrate clear, attributable outcomes is not straightforward. Qualitative information, case studies and stories all help to build a picture of what you are achieving. Growing recognition amongst commissioners that intermediate outcomes such as improving children's wellbeing, or increasing engagement with education, may be easier to demonstrate.

### **The complexity of the commissioning landscape provides opportunities for co-commissioning**

With limited resources, a key consideration for commissioners is how they can generate or contribute towards achieving a bigger impact than they would be able to gain solely from their own funds. Demonstrating impact around a variety of local priorities, showing added value, or securing matched financial/in-kind contributions from other commissioners could be a positive strategy.

## Valuing youth diversion: A toolkit for practitioners

### Help shape what is commissioned

All the commissioners we spoke with indicated that, when undertaking needs assessments and designing or reviewing strategies and priorities, they were keen to hear from you and your beneficiaries on what works and what is missing from local provision. They wanted to hear from the frontline, so organising regular forums to seek feedback from children and ensuring it reaches decision makers was seen as helpful.

### Making the case for youth diversion

We believe that you have the opportunity to make a strong case for continued investment. Therefore, in this toolkit, we include our cost avoidance tool, and guidance on how to use and present the data to commissioners, so you can better demonstrate the cost effectiveness of youth diversion through its local impact on justice system stakeholders.

The tool is intended to provide a framework for discussion, and to better inform you, your partners, and your funders about the financial implications of your work. It is freely available. We ask in return that you let us know about your findings and how you have used them.

### HOW WE CAN HELP

This publication is intended to help you to implement and improve diversion schemes in your area. If you would like more support, please free to contact us at [info@justiceinnovation.org](mailto:info@justiceinnovation.org)

## Contents

<b>Overview of the toolkit</b>	<b>5</b>
Who the toolkit is for	5
About this toolkit	5
About the Centre for Justice Innovation	5
<b>Section 1 :The evidence for youth diversion</b>	<b>6</b>
Understanding youth offending	6
What is youth diversion?	7
The evidence that diversion works	9
Why diversion works	10
What we don't know	11
<b>Section 2 :Policy and practice context</b>	<b>13</b>
Recent policy developments	13
Guidance for schemes	14
Selling youth diversion to commissioners	14
<b>Section 3 :Principles of effective practice</b>	<b>16</b>
Effective practice principles	16
<b>Section 4 :How can we help?</b>	<b>26</b>
Our Practice Support:	26

# Overview of the toolkit

## Who the toolkit is for

This toolkit is for any practitioner who is involved in, or considering creating, youth diversion scheme for children in contact with the criminal justice system.

## About this toolkit

This publication is a revised and enlarged edition of Valuing Youth Diversion: Making the Case, originally published in the autumn of 2015. In that publication, we laid out the current evidence on youth diversion. Accompanying the toolkit was an offer of one to one support practical support and to help you develop funding proposals to local commissioners to continue or commence investment in your youth diversion schemes. We have worked with over 30 youth diversion projects around the country, and have had informal conversations with many more.

As we worked with areas, we encountered an expressed demand for more detailed guidance on the particulars of how schemes should operate to maximise their efficacy. Many people told us that they were interested in learning more about what the research base says about more granular aspects of practice, such as which children does the evidence suggest should be eligible for diversion, or what sort of programming does the evidence suggest is effective.

This enlarged toolkit aims to fill some of these gaps. In writing it, we are aware that there are many ways to design and run a diversion scheme, and the wide array of projects encompassed by the term “diversion” makes it difficult to disentangle the evidence and to generalise about recommended practice. Although the research base does not allow us to make prescriptive recommendations, we believe that it can help you decide how to develop practice in your schemes.

Sections 1, 2 and 3 lay out the research case – for youth diversion generally, and for specific policy and practice considerations within youth diversion models. Lastly, our practice support offer is included on our ‘How we can help’ page.

## About the Centre for Justice Innovation

At the Centre for Justice Innovation, we seek to build a justice system which everyone believes is fair and effective.

We believe that the justice system should be focused on solving the issues that drive crime and social harm; that it should be fair in how it treats people; that it should be proportionate in the things it does; and that those on the front line should be given the freedom and support to come up with innovative solutions to the problems their communities face.

Our Youth Justice programme works with practitioners and policymakers who seek to create a youth justice system that works with children to prevent their future involvement in crime while pushing forward evidence-led best practice. If you would like to know more, please email [info@justiceinnovation.org](mailto:info@justiceinnovation.org)

This publication has been developed in collaboration with the Association of Youth Offending Team Managers.

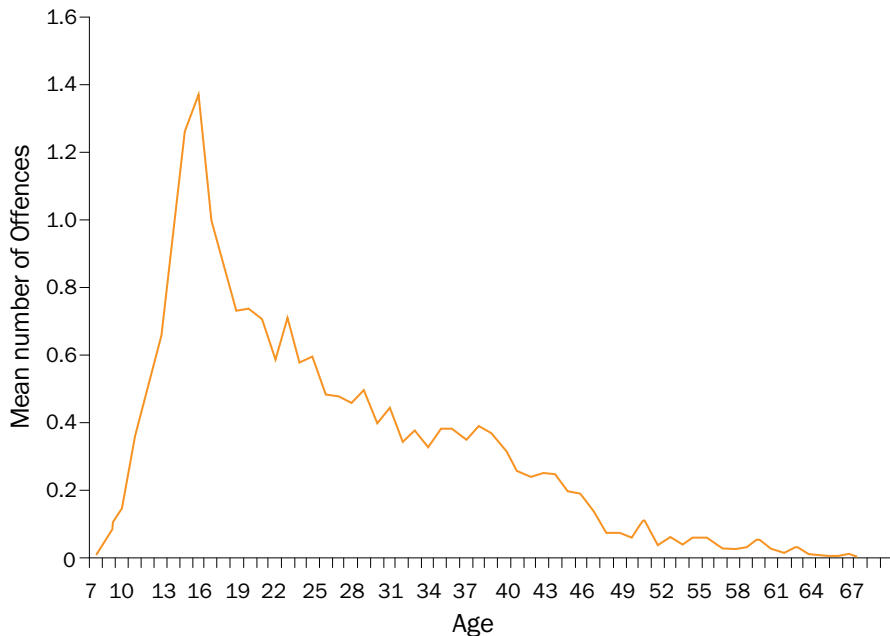
SECTION 1

# The evidence for youth diversion

## Understanding youth offending

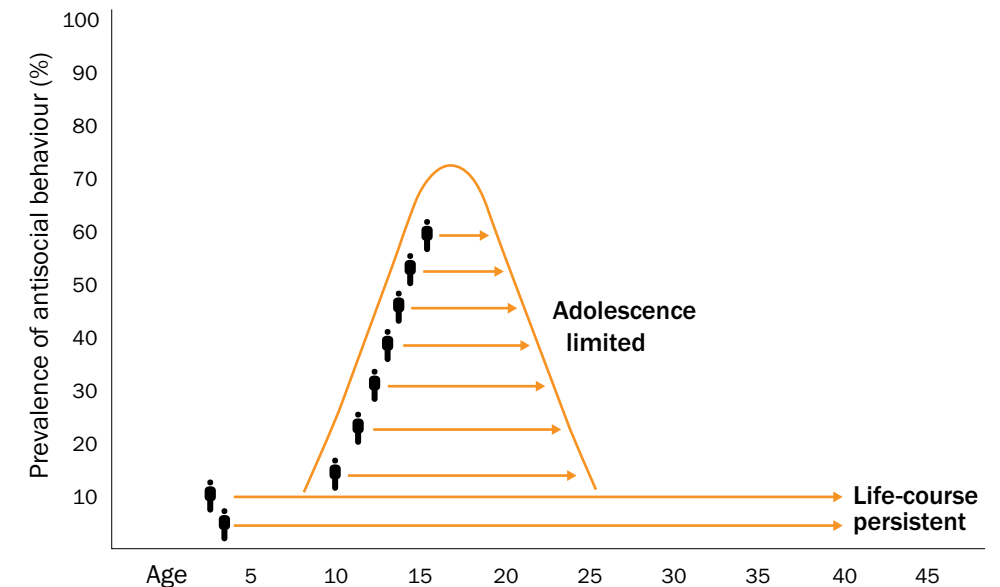
Many years of large scale criminological research have determined that there are clear patterns of offending tied to levels of maturity at a population level. This body of research has observed that, across a wide range of jurisdictions, offending behaviour (both detected and self-reported) peaks in the mid-teens before dropping steeply at the onset of young adulthood, then declines more slowly.<sup>1</sup> This phenomenon is known in the research literature as the age crime curve (see figure 1).

Figure 1: the age-crime curve<sup>2</sup>



The age-crime curve appears to be a durable empirical fact around the world.<sup>3</sup> Perhaps the dominant theoretical explanation of this phenomenon is that the curve masks two distinct categories: children who commit offences can largely be separated into two groups – adolescent-limited offenders and life-course persistent offenders. This explanation is known as Moffitt’s dual developmental taxonomy (figure 2).<sup>4,5</sup> Adolescent-limited offenders exhibit antisocial behaviour only during adolescence whereas life-course persistent offenders – a much smaller group that tends to begin antisocial behaviour early (before adolescent-limited offenders start) – continue their offending into adulthood.

Figure 2: adolescent-limited and life-course persistent offenders<sup>6</sup>





Adolescent-limited offenders are by far the most common category (ubiquitous, in light of the fact that nearly all children engage in some form of potentially criminal misbehaviour whether or not this is detected by authorities).<sup>7</sup> Crucially, adolescent-limited offenders quickly grow out of this phase as developmental maturity proceeds and self-control improves. They are essentially law-abiding children who are temporarily drawn into adolescent delinquency—the reason the age-crime curve peaks when it does.

In contrast, the second group, life-course persistent offenders, though dramatically smaller in volume, is much more problematic. While their particular offences change over time, their underlying behaviour appears consistent across time and situations. They are behind a large proportion of total offending.

The evidence is unclear on how the justice system can predict who the life-course persistent offenders of the future will be. Although life-course persistent offenders do exhibit a range of risk factors (impulsivity, impaired cognitive abilities, low self-control), these factors are not especially predictive of future criminal careers at the individual level – some persistent offenders with these factors desist; others without them do not. Findings of high risk during adolescence may be a strong indication of offending during adolescence, but they are weak predictors of longer-term offending.<sup>8</sup>

In England and Wales, a large-scale Home Office study of offending careers looked at whether first offences can be predictive of future criminal careers.<sup>9</sup> This study tracked 218,537 individuals who committed their first proven offence in 2001 (37% of this group was aged 10 to 17 at the time of their first offence). Those with a debut offence of robbery, burglary, or vehicle theft were three times more likely to go on to become chronic offenders (committing 15 or more offences) compared to the rest of the cohort. These chronic offenders made up 5% of the total cohort, but were responsible for nearly half of all proven re-offences committed by the cohort. But this is by no means a perfect forecast – in even the most heavily predictive category, robbery committed by boys, fewer than 1 in 5 children go on to become chronic offenders.<sup>10</sup>

## What is youth diversion?

Diversion is a set of informal, non-statutory practices which enable children to avoid formal criminal justice system processing – a statutory out of court disposal or a court prosecution – and the attendant negative consequences such as a criminal record, labelling, and interruption of education, training or employment. In order to access diversion, children usually receive a short assessment before being referred into light-touch supportive interventions. These schemes operate for under-18s in a variety of different models across the country.

The Youth Justice Board defines diversion as: ‘where children with a linked offence receive an alternative outcome that does not result in a criminal record, avoids escalation into the formal youth justice system and associated stigmatisation. This may involve the YJS delivering support / intervention that may or may not be voluntary and/or signposting children (and parent/carers) into relevant services. All support should be proportionate, aimed at addressing unmet needs and supporting prosocial life choices.’

Diversion is a central tenet of Child First, the Youth Justice Board’s strategic approach and central guiding principle for the youth justice sector. Child First means all youth justice services should: ‘Promote a childhood removed from the justice system, using pre-emptive prevention, diversion and minimal intervention. All work minimises criminogenic stigma from contact with the system.’

The Crime and Disorder Act of 1998 makes clear that it ‘shall be the principal aim of the youth justice system to prevent offending by children and young persons.’ Youth diversion schemes are a vital part of that effort. Although youth diversion is not a statutory requirement of any public body, it is increasingly well-embedded in England and Wales: our 2019 survey found that 88% of youth justice services offer some form of diversion, and the average caseload of youth justice services for prevention and diversion work has been reported as 52%. Indeed, youth diversion is now part of the Youth Justice Board’s National Standards, which require that ‘point-of-arrest diversion is evident as a distinct and substantially different response to formal out-of-court disposals’.



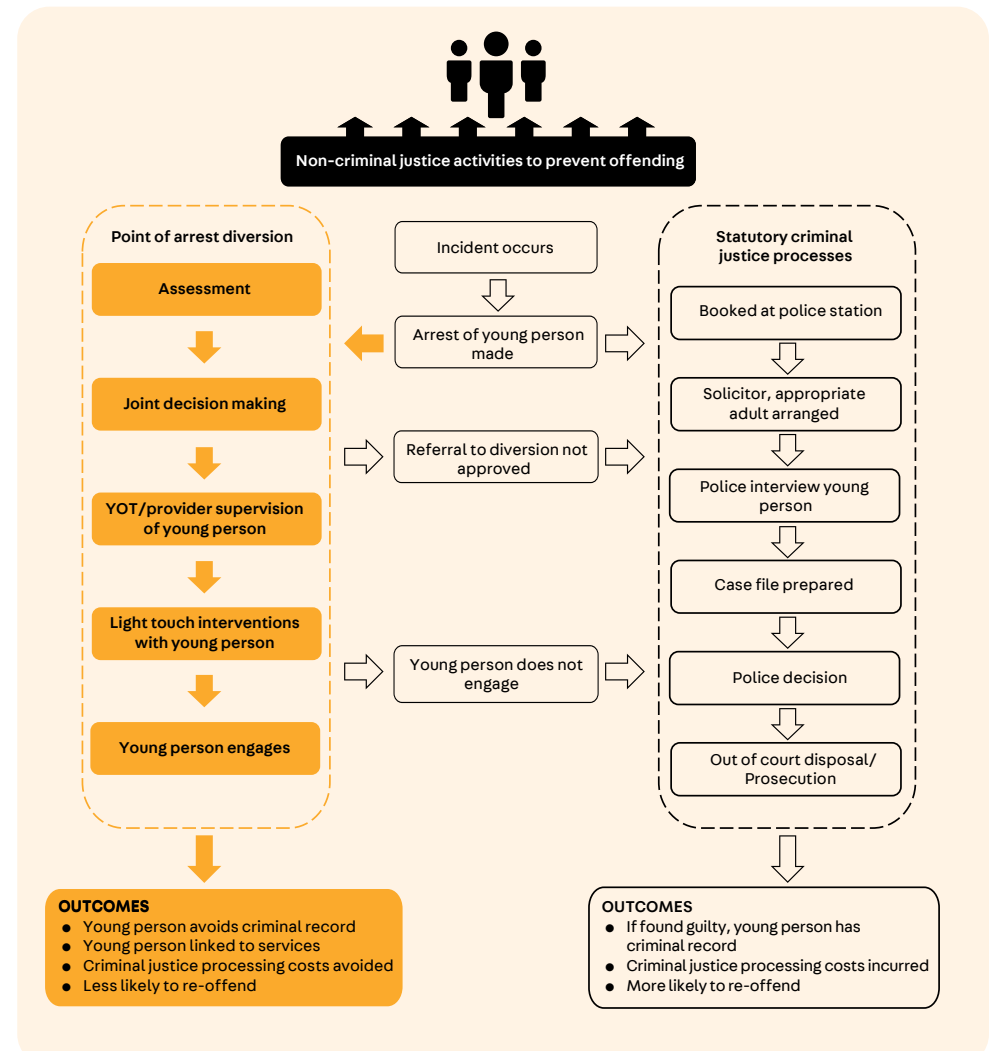
### WHAT ARE THE DIVERSION OPTIONS?

When dealing with offences committed by children the police have a range of outcomes available that avoid criminalising them, as per sections 135-138 of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012. Although there may be variation in local terms used by YJSs and police to describe these, available outcomes include:

- **Community Resolution (Out of Court Disposal):** A diversionary police outcome that can only be used when children have accepted responsibility for an offence. It is an outcome commonly delivered, but not limited to, using restorative approaches.
- **No Further Action:** An outcome used when the police decide not to pursue an offence for various reasons. This may be because there is not enough evidence, or it is not in the public interest. Voluntary support may be offered to children to address identified needs.
- **No Further Action – Outcome 22:** A diversionary police outcome that can be used when diversionary, educational or intervention activity has taken place or been offered, and it is not in the public interest to take any further action. An admission of guilt or acceptance of responsibility is not required for this outcome to be used.
- **No Further Action – Outcome 21:** A diversionary police outcome used when further investigation, that could provide sufficient evidence for charge, is not in the public interest. This includes dealing with sexting offences without criminalising children.

*Youth Justice Board (2021). Definitions for Prevention and Diversion*

Below is a process map for youth diversion; variations will exist locally:



## The evidence that diversion works

Youth diversion schemes operate across the country and for very good reason. Here is the evidence.

First, we know that criminal justice processing (either through formal out of court disposals or prosecution) makes children involved in crime more likely to commit crime again. Formal criminal justice processing extends and deepens children's criminal careers. Outcomes get worse the further they progress into the system. Of course, the interests of justice may make formal processing necessary for some children, but when we use it, we should be aware that it does not increase safety for the public.

The evidence strongly points in this direction. An international meta-analysis, based on a major systematic review of 29 outcomes studies involving more than 7,300 children over 35 years represents the most comprehensive analysis to date of the impact of formal justice system processing on young lives and future offending. This study concluded that formal processing 'appears to not have a crime control effect, and across all measures, appears to increase delinquency. This was true across measures of prevalence, incidence, severity, and self-report.'<sup>11</sup>

“ *Rather than providing a public safety benefit, processing a juvenile through the system appears to have a negative or backfire effect.*<sup>12</sup>

Turning to the British evidence base, The Edinburgh Study of Youth Transitions and Crime, an ongoing research programme involving more than 4,000 children in Scotland, found that those brought to a court hearing are nearly twice as likely to admit engaging in serious offending in the following year as those (with matched backgrounds and comparable prior self-reported offending behaviour) who did not face a court hearing.<sup>13</sup> This is complemented by a research study of youth offending in Northamptonshire which found that prosecution increased the likelihood of reoffending, even when controlling for personal and offence characteristics.<sup>14</sup>

Second, we know that youth diversion generates a range of positive outcomes for matched groups when compared to formal criminal justice processing. Some people, on hearing that justice system processing makes children's criminal careers longer and worse, may still not see this as evidence that youth diversion works. And they would be right not to. Just because system contact makes outcomes worse does not mean that your youth diversion scheme works.

However, the argument for youth diversion is also compelling. We consistently find in the evidence that when similar groups of children, comparable in demographics, offences and offending histories, are matched, and one group is formally processed while the other is diverted, the diversion groups do better. Systematic reviews have found that children who were processed had higher reoffending rates than those who were diverted, even after controlling for differences between these populations.<sup>15</sup> Petrosino et al (2019), for example, found that diversion schemes reduced the prevalence, severity, and frequency of both official offending and self-reported reoffending. This reduction in reoffending is seen in the UK evidence base too. The Edinburgh Study of Youth Transitions and Crime states that the best approach to reducing reoffending by children is a policy of 'maximum diversion' – an approach featuring the minimum possible formal intervention coupled with diversion to interventions outside the justice system.<sup>16</sup> Indeed, one of the 'key facts' about youth crime this landmark study demonstrates is that 'diversionary strategies facilitate the desistance process'.

“ *For the vast majority of young people who become involved in offending, maximum diversion...is the most effective course of action.*<sup>17</sup>

In England and Wales, though data are limited, available evidence suggests positive reoffending outcomes associated with pilot youth triage areas.<sup>18</sup> An evaluation of youth justice liaison and diversion schemes, though also hampered by available data, additionally found significant increases in elapsed time to reoffending, a key measure of desistance.<sup>19</sup> The Youth Restorative Intervention, a diversion scheme operating in Surrey, was found to produce lower reoffending than a historical control group.<sup>20</sup> A Welsh diversion programme, Bureau, also reported lower re-arrest and re-conviction rates for children receiving a non-criminalising disposal rather than a formal disposal.<sup>21</sup>

“ A growing body of evidence suggests that diverting children from formal criminal justice processes is ‘a protective factor against serious and prolonged offending,’ therefore diversion should have a long-term impact on youth crime levels.

House of Commons Justice Committee<sup>22</sup>

Third, youth diversion is more cost effective than standard system processing. There are at least three ways in which schemes can produce economic benefits.

First, through ‘immediate’ cost avoidance: Youth diversion schemes that avert formal justice system contact – whether it be an out of court disposal or a court case – avoid the costs associated with formal processing such as police, prosecution and court time.

Second, through reducing re-offending as compared to standard processing: Youth diversion has been shown to produce better long-term outcomes than standard justice system processing, including comparative reductions in recidivism. A Campbell Collaboration systematic review concluded that ‘the crime reduction benefit associated with the diversion programme would likely persuade any cost-benefit analysis to favour the implementation of diversion programmes.’<sup>23</sup>

“ Informality in responding to youth offending seems well placed to reduce subsequent offending by young people who come into contact with local youth justice officials, and to keep associated intervention costs down.<sup>24</sup>

Third, through facilitating earlier access to support for health, mental health, or other social service needs: Many youth diversion schemes include an assessment which may lead to earlier referrals to services to address unmet needs, including physical, emotional, and mental health needs, known to be both over-represented and under-addressed in youth justice-involved children.<sup>25</sup> Addressing these emergent needs earlier, before they develop further, is self-evidently preferable and also more cost-effective.<sup>26</sup>

## Why diversion works

Labelling theory has been central to the rationale for youth diversion for decades.<sup>27</sup> This holds that children who come into contact with the criminal justice system can adopt and internalise a ‘deviant’ identity. This identity is not generated by an initial act of offending, but rather from the justice system’s response to it, and, in turn, the young person’s response to the system. Externally, police and other authorities tend to focus their attentions on this labelled subset.<sup>28</sup> Evaluation evidence has demonstrated that the further a child or young person is processed, the greater the likelihood of reoffending, especially for lower-risk children where the detrimental effect of additional system contact is possibly more influential.<sup>29</sup>

This is compounded by a contagion effect when formal processing puts children in close contact with negative peers.<sup>30</sup> These contacts may imprint impressionable children with new negative attitudes and behaviours, and may increase the risk of continued offending.<sup>31</sup>

‘Re-integrative shaming’, whereby children are held to account for their actions without stigmatisation thus enabling their reintegration into the community, is another rationale for youth diversion.

Additionally, youth diversion avoids the collateral consequences of formal processing, such as interference with education, training and employment (including school exclusion, and future labour market consequences of carrying a criminal record). These collateral consequences can impede rehabilitation well beyond the end of the direct punishment imposed.

Finally, by facilitating access to interventions and support services designed to address the underlying reasons behind children’s offending, diversion can tackle reoffending.

## What we don't know

The four most clichéd words in academic literature are 'more research is needed.' Unfortunately, this doesn't mean that it's untrue. Indeed, until recent new data recording requirements, research on youth diversion in England and Wales has been hampered both by large differences in how schemes have been implemented in response to local contexts and by limited quantitative information – with even the total number of children diverted nationally unknown.<sup>32</sup> There are a number of important unanswered questions and caveats to keep in mind.

First, we don't currently know at what point the benefits of diversion diminish. From what we know of the age-crime curve and the propensity of most children to grow out of offending behaviour on their own, coupled with what we also know about the damaging effects of formal processing, one-time-only policies are likely to be too narrow. But it is unclear how far beyond this the benefits of diversion hold. A research study of youth offending in Northamptonshire found that diversion continued to outperform formal processing through at least a young person's fourth involvement with authorities,<sup>33</sup> but more research is needed.

Second, while we know that labelling and the collateral consequences of justice system involvement help explain why diversion outperforms formal processing, we are not certain how these mechanisms interact, or what other factors might be at play. To take full advantage of the benefits of diversion, we need a better understanding of how the process is experienced by children. More research is needed.

Third, while research strongly suggests that diversionary approaches generate better outcomes for children and their communities, there is not a settled consensus on which specific models and strategies work best. More research is necessary to determine which arrangements work best for whom, how to minimise the labelling effect, and to avoid the potential for net-widening. The Youth Endowment Fund, in its technical report on pre-court diversion, notes that '[m]ore studies are needed in the United Kingdom'. It called for more research on how to improve engagement (e.g. through peer workers and family involvement) and for more extensive cost-benefit analyses. The caveats we have made are important but it is our judgement that they do not significantly

detract from the overall message. While we need to know more, this should not be a barrier to implementing an approach with a strong overall evidence base. Diversion of children away from formal criminal justice processing works. Youth diversion is therefore in an enviable position compared to many other criminal justice interventions.

## THE CENTRE'S RESEARCH ON YOUTH DIVERSION

At the Centre, we work hard to contribute to the research base on youth diversion in England and Wales. We have conducted a number of original research projects on youth diversion, including:

- [Mapping youth diversion in England and Wales](#) - In 2019, we systematically mapped youth diversion across England and Wales to provide a clearer picture of the realities of, and gaps in, its provision.
- [Equal diversion? Racial disproportionality in youth diversion](#) - This 2021 research report explores the unequal playing field that exists for children in terms of access to, and engagement with, youth diversion.
- [Children and young people's voices on youth diversion and disparity](#) - This 2022 research report builds on the previous report, crucially centering the experiences of children and young people.
- [Exploring the responsiveness of youth diversion to children with special educational needs and disabilities \(SEND\)](#) - This literature review is the first publication from our research project seeking to improve diversion for those with SEND.
- [How is youth diversion working for children with special educational needs and disabilities?](#) – This report follows on from the literature review, exploring how diversion is working for children with SEND.

We also summarise diversion research in our evidence and practice briefings, including on: [minimising labelling](#), [eligibility criteria](#), [effective referral](#), and [understanding youth diversion in London](#), and have an evidence corner in our [quarterly youth diversion bulletin](#).

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## SECTION 2

## Policy and practice context

Community diversion has been long recognised as a significant part of the youth justice system in England and Wales, and has also been used for a number of years across Scotland. The Youth Justice Board's (YJB) National Standards, which Youth Justice Services (YJSs) are inspected against, specify that YJSs should run community diversion schemes. The 2017 Lammy Review recommendation to trial new forms of 'deferred prosecution' was deeply influential in developing schemes across the country, and was taken forward by the Ministry of Justice through their two Chance to Change pilots for under 18s in London and West Yorkshire.<sup>1</sup> Efforts to chart diversion activity by the YJB in 2021 found it to be available in almost every local authority in England and Wales, with 128 out of the 154 YOTs delivering a scheme.<sup>2</sup>

Over the last decade, youth justice agencies have seen a substantial reduction in the number of children coming into contact with the justice system, which can largely be attributed to the increased use of pre-court disposals and community diversion.<sup>3</sup> Ministry of Justice data shows that the number of First Time Entrants (FTEs) has reduced by 80% across the last twelve years,<sup>4</sup> particularly in areas where the YOT is resourced to provide diversion.<sup>5</sup> The statutory caseload of YOTs has also fallen dramatically; data from 2019 shows that the number of youth cautions has decreased by 90% since 2010, and 16% since 2018.<sup>6</sup> Despite this reduction in the number of children coming through the system, practitioners have observed that the children remaining in contact with justice services experience increasingly complex challenges and needs.<sup>7</sup>

Moreover, despite this widespread uptake in diversion, the approach taken by different schemes across the country varies significantly, which has led to a divergence in practice from the evidence base of 'what works' in certain areas. For example, different schemes have different eligibility requirements, including which offences are excluded, how children are assessed as eligible and whether they are required to admit guilt.<sup>8</sup> An additional issue is the

unequal access children from different ethnic backgrounds have to diversion schemes.<sup>9</sup>

A lack of sustained funding arrangements has presented the most significant challenge to the continued delivery of diversion. Schemes often rely on funding from Police and Crime Commissioners and existing YJS budgets, as the current funding formula does not incorporate their non-statutory caseload, despite demand rising for their prevention and diversion work in recent years. Over the last ten years, community diversion schemes have also been operating in an insecure financial environment, as a result of budget cuts to YJS's overall funding, and to surrounding youth services and justice agencies.<sup>10,11</sup> The Turnaround project has been a welcome boon for YJS's diversion and prevention work. Launched by the Ministry of Justice in 2022, it will distribute £300 million for their intervention work that supports children on the cusp of entering the justice system.<sup>12</sup> However, lasting just three years, it falls short of the necessary ring-fenced and long-term funding required to ensure there are effective diversion schemes operating in every region. To achieve this, the funding formula for the statutory funding contribution to YJSs would need to reflect the work done on youth diversion.<sup>13</sup>

### Recent policy developments

There have been a number of incremental but important policy changes taking place in the youth justice system, which we foresee to strengthen the delivery of diversion on a national level.

- 1. The YJB have developed a specific assessment tool for diversion and out of court cases** as part of their 'AssetPlus' framework for assessing and planning youth justice interventions.
- 2. The YJB have produced an official definition of diversion**, to support practitioners and policymakers working in a field that is full of often changing terminology.



3. **The YJB have rooted its vision for the youth justice system in a Child First approach**, which they define as treating children as children, and minimising contact with the youth justice system where possible.
  4. **The YJB have updated their data recording requirements for YOTs** to include diversionary outcomes when they submit data to the Youth Justice Board, and gain a more complete picture of YOT's diversionary work, including whether particular groups are being treated equitably and what a more effective funding system might look like.
  5. **The Ministry of Justice's Criminal Justice System Statistics Quarterly has separated out of court disposal data on adult and youth simple and conditional cautions**, in a step towards a more centralised approach to data collection.
4. The YJB published guidance to support youth justice services to complete their annual youth justice plans, to encourage the uptake of best practice, such as incorporating the voice of the child, tackling racial disproportionality and implementing a Child First approach.
  5. The YJB and NPCC developed guidance to support the police's use of the Child Gravity Matrix, a decision-making tool used to determine the seriousness of an offence. This is a significant step, as the matrix score determines whether a child is eligible for an out of court disposal, and therefore plays a crucial role as a gateway to diversion.
  6. The inspection report of youth offending services draws out some good practice principles from areas that performed well in delivering out of court disposals. Completing a thorough assessment of the child, involving them and their family or carers, and considering the perspective and needs of the victim, were identified as contributing factors to high- quality decision-making at the multi-agency panels, and delivering appropriate interventions.
  7. The YJB have updated the case management guidance for out of court disposals detailing the informal and formal options as well as the decision-making process. It also covers how to respond to issues such as non-engagement. It explains the Child Gravity Matrix and who to involve, including children, families and victims.

### Guidance for schemes

A range of new guidance has been published to support practitioners effectively deliver diversion and out of court disposals:

1. The National Police Chiefs' Council (NPCC) released a strategy for out of court disposals, which sets out their national vision and strategic direction in England and Wales, and their plan to achieve these aims, which covers the youth framework.
2. The NPCC released guidance on Community Resolutions, the non- statutory disposal which enables police to deal swiftly and proportionality with low level crime committed by both children and adults. By setting out a clear definition and guidance on some of the key considerations and restrictions, it aims to bring greater clarity and public confidence in its use.
3. The NPCC released guidance for the police on the use of Outcome 22, the Home Office code used in both adult and youth cases which have resulted in a No Further Action, to acknowledge that some form of diversionary intervention has taken place. The NPCC seek to address the inconsistent application of Outcome 22 in England and Wales by explaining when it should be used, how it should be recorded and pointing to some example cases.

### Selling youth diversion to commissioners

We strongly believe that youth justice services, and other operators of youth diversion schemes, have the opportunity to demonstrate the value of diversion both to existing commissioners and potential new audiences. In this regard, youth diversion is in a good position, with a strong evidence base, a compelling financial case, and, in many areas, years of successful operation.

Interviews that we conducted with commissioners (and would-be commissioners) of youth diversion revealed that that the clearest outcome to which youth diversion contributes is a reduction in first time entrants to the system, but other key priorities for local authorities and police and crime

commissioners include the prevention of offending, reducing reoffending, responding to issues around vulnerabilities, addressing health inequalities and improving the experience of crime victims.

Another important outcome worth highlighting is how diversion can build trust with minoritised communities, and prevent disproportionate outcomes in the justice system. Government data can be used to evidence how black children are twice as likely to receive a custodial sentence as a white child, and are more likely to be arrested and held on remand.<sup>14</sup> The findings of the 2017 Lammy Review<sup>15</sup> and the Government’s Commission for Race and Ethnic Disparities report<sup>16</sup> can be used to demonstrate how diversion can prevent these racial inequalities accumulating downstream, by minimising contact with the formal criminal justice system and the impact of a criminal record on future employment and education, see more in our [report on racial disproportionality](#).

There is strength in talking about your work locally, and how it fits with the evidence base, as messages specific to your scheme may be especially important to local audiences. The Youth Justice Board Guidance for youth justice services now requires a range of data on diversion interventions to be reported, “to provide formal evidence and recognition of the work taking place”, which will be of interest to commissioners.

In order to demonstrate cost effectiveness, we suggest that “Immediate” cost avoidance is easier to conceptualise and discuss with local partners, quicker to generate, and less abstract than claimed future benefits. For advice on demonstrating cost-avoidance please get in touch at [info@justiceinnovation.org](mailto:info@justiceinnovation.org).

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## SECTION 3

## Principles of effective practice

The evidence-based case for youth diversion – keeping people under the age of 18 away from formal processing through the criminal justice system where possible – is strong. But our work with practitioners over the last decade has clearly indicated that there is not a settled consensus on which specific youth diversion models and strategies work best. This section seeks to provide as clear a view as possible about what the evidence suggests effective practices are.

Here, we outline a set of effective practice principles based on our reading of research literature and our work with schemes. It is not exhaustive, and is not meant to be prescriptive. It reflects our interpretation of what research and practical experience suggest good diversion practice looks like. We hope that it may help to inform your thinking as you develop practice in your schemes.

### CORE PRINCIPLES OF YOUTH DIVERSION

- **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:** Ensure that the scheme operates 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.

- **Guard against disparities:** access to, and engagement with, youth diversion schemes should be facilitated in a way that ensures all those suitable can avail themselves of its benefits. Diversion should help address disparities, rather than exacerbate them.

### Effective practice principles

#### Eligibility criteria

- 1 You should set eligibility criteria for your scheme as broad as possible. Children should be given more than one opportunity to partake in diversion.**

In our experience, diversion schemes often have specified eligibility criteria to allow practitioners to determine which children are appropriate for diversion. The [Child Gravity Matrix](#)<sup>1</sup> is a triage tool to support the police in their decision-making regarding the most appropriate outcome or disposal for children who offend. The scoring system takes into account the offence seriousness, any aggravating and mitigating factors, and with consideration to previous offending history. Given the evidence outlined in section one, we know most children will grow out of offending (referred to in the research as ‘adolescent-limited offenders’), therefore your eligibility criteria should be broad to ensure as many children as possible are provided with the opportunity of diversion.

We recognise that many schemes specifically exclude children suspected of committing certain crime types (for example, those involving a weapon or suspected to be gang related), based on considerations around public safety and the interests of justice. We recognise the reality of this but suggest that where assessment has otherwise determined a low risk of future re-offending, you should exercise some degree of professional discretion.

We also know that some schemes use eligibility criteria to screen out children who may pose a higher risk of reoffending. However, at present, research in England and Wales has shown that while certain first offence types are associated with future chronic offending, there are 'limitations with predicting future criminality from past events.'<sup>2</sup> For example, even in the offence category most heavily associated with future chronic offending – robbery – only 19 per cent of young men aged 10 to 17 years at their first caution/conviction for this offence went on to a chronic criminal career; others who went on to commit further offences, of course, had different (and non-predictive) first offences.<sup>3</sup>

This suggests that setting eligibility criteria solely on the basis of offence type may be of limited validity.

Moving to the issue of how many times a child is offered diversion, we know there is a diversity of practice. Some schemes are strictly first-time only, while others allow second chances under limited circumstances (after a prescribed period of time has passed, or if a second offence is considerably less severe). Others seem to make this decision on the basis of professional judgement.

The evidence on this is broadly clear. A research study of youth offending in Northamptonshire found that diversion continued to outperform formal processing through at least a child's fourth involvement with authorities.<sup>4</sup> Research into recidivism probability – the likelihood of committing further offences based on the number of previous offences – has likewise found that after a fourth offence this probability becomes stable, signalling a small group of those engaged in persistent offending.<sup>5</sup> In contrast, many children who offend for the first time never repeat this behaviour. A large cohort study found that more than half of male child first time entrants, and 70% of female child first time entrants, had no further police-recorded offending.<sup>6</sup> It would seem that a strict one-time-only policy is likely to be too narrow.

However, the evidence is not clear on exactly how many chances to give an individual. And, in practice, we know eligibility for those who may have been involved in repeat offending is likely to be set by your comfort levels, the comfort levels of your partner agencies and what you think would be

acceptable publicly. While research does not prescribe a tipping point regarding the number of chances at diversion a child should have, the evidence base suggests that strict 'one and done' policies are likely to be unnecessarily restrictive.

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**2 There are grounds for believing that children should be accepted onto your scheme when they 'accept responsibility', rather than specifically having to admit to an offence prior to participation.**

Children are required to admit an offence prior to receiving a caution (this is required under the Legal Aid, Sentencing and Punishment of Offenders Act 2012), a requirement that is sometimes used in order for a child to participate in a scheme.<sup>7</sup> Children (especially those with a first time or low-level offence) should not be drawn into the justice system solely because they failed to make a mandatory admission. From what we know of the age-crime curve, and the propensity of most children to grow out of offending behaviour on their own, coupled with what we also know about the damaging effects of formal processing, there may be grounds to make this requirement somewhat more flexible.

Further, the requirement for an admission of guilt may contribute to racial disparities. Research shows that people from minoritised ethnic backgrounds have significantly lower trust in the justice system than their white counterparts, and that they are therefore less likely to admit an offence or plead guilty at court.<sup>8</sup> We suggest that the more flexible criterion of 'accepting responsibility' could be preferable to requiring a mandatory admission as some schemes have adopted.<sup>9</sup> This still safeguards against criminal justice interventions being undertaken with children who maintain their innocence, while helping address racial disparity and unnecessary escalation.

A Community Resolution requires acceptance of responsibility, whereas an Outcome 22 requires neither an acceptance of responsibility nor an admission of guilt.

**3 You should avoid net-widening by only working with children who would otherwise receive a formal criminal justice disposal. You should be empowered to turn down inappropriate police referrals.**

It is a priority for youth diversion schemes to avoid net-widening – inadvertently expanding the number of children involved in the justice system. Net-widening occurs when justice system initiatives are treated as supplements to existing practice rather than as true alternatives to system involvement. Specific to eligibility for diversion, this is a long-acknowledged risk: the mere existence of diversion may change practitioner behaviour and lead to children becoming involved with the scheme who otherwise might have avoided the system altogether.<sup>10</sup>

In response to this, we believe that diversion schemes of this type should only operate following arrest. While some schemes accept referrals prior to an arrest, this may represent a net-widening hazard. Requiring that a child be arrested has the virtue of limiting scheme participation to children whose behaviour has convinced police that there are reasonable grounds for deciding that an arrest is necessary.

Even with this safeguard, it is possible that the existence of a diversion scheme itself may change police behaviour toward low-level offending, especially if officers felt that the scheme may offer a route to support services. To minimise this risk, we believe that you should be able to turn down inappropriate police referrals, and should also maintain close connections to community-based service providers to help ensure that an arrest is never the only pathway to help for children. Further, as part of their monitoring processes, you should closely monitor data on arrest patterns to ensure that the existence of the scheme is not leading to more arrests of children, especially for low-level behaviour.

**4 Establishing protocols to facilitate cases which have reached court inappropriately.**

Given the difficulties which children and young people reported to us in navigating the diversion process, it is likely that a significant number of cases appropriate for diversion still reach the point of formal prosecution. We therefore recommend that youth justice services develop protocols to ensure that these cases, which reach court despite diversion being a suitable alternative, still have the option to deescalate to diversion where appropriate. This approach has been tried in Gloucestershire as part of their ‘Children First’ diversion scheme. They have developed a protocol where, with the approval of all parties, a child can be offered a diversion intervention scheme with the guarantee that the case will be dismissed by the court if the intervention is completed.

### Referral into diversion

**5 Speed of referral is important. Effective schemes ensure diversion happens as soon as possible after arrest occurs.**

Evaluation evidence has demonstrated that the further a youth is processed, the greater the likelihood of reoffending, especially for lower-risk children where the detrimental effect of additional system contact is possibly more influential.<sup>11</sup> This is consistent with what labelling theory would suggest and points toward a policy of initiating diversion as early as possible once it is established that a case is appropriate.

Research suggests that certainty and speed in responding to offending are more important determinants of desistance than severity.<sup>12</sup> The importance of speed in reducing reoffending is flagged in HMIP’s thematic inspection on Youth Justice Services’ (YJSs) ‘out-of-court disposal work: ‘It is important that children are assisted in moving on and the need for change reinforced as quickly as possible after their offending behaviour.’<sup>13</sup> ‘Timely referrals from the police’ are listed as an indicator of good quality out-of-court work, and YJSs are urged to deliver interventions when ‘the offending behaviour is still fresh in the mind of the child.’



Moreover, a lengthy, drawn out referral process may impede the scheme's ability to bypass the negative collateral consequences of formal criminal justice system processing, detracting from its very justification. A quick and straightforward referral process is also needed to leverage the cost avoidance potential of diversion. Police time savings come when diversion accelerates the time frame in which police can refer low-level cases to YJSs re-focus on dealing with more serious work.

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**6 Referral of children into a diversion scheme should be made as simple and straightforward for the police as possible.**

As we have seen, one of the advantages of having a youth diversion scheme is that it can make the job of criminal justice agencies easier, especially the police. It can lower their turnaround time, it can represent a better response to low-level offending, and it is very possibly more meaningful than delivery of a simple youth caution. But, to work effectively, it needs to be easy for hard pressed frontline officers to make a referral. Without that, diversion schemes can suffer from a lack of referrals, even in areas where there are eligible children.

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**7 You should formalise referral into a shared protocol with the police, and make this known to all involved officers.**

Maintaining an embedded protocol takes work. Several schemes have reported success with developing a simple visual representation of how schemes operate. This is shared with police, posted in offices, and refreshed via occasional sessions led by diversion staff (important as officers frequently rotate through posts in many areas).

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**8 Diversion should be recognised by police as a 'positive outcome' so that diversion activity does not get recorded as undetected.**

Implementing a diversion protocol can pose a challenge to police culture, especially where it may be in tension with sanctioned detection targets.

Several forces now recognise diversion as a 'positive outcome' such that it does not get recorded as undetected. It is worth taking the time to get this right with your police partners.

Guidance on Outcome 22 states: 'Whilst it is not currently measured as positive action taken by Forces, its use in terms of diverting offenders from future criminality cannot be over-stated. With consistent use of this outcome by forces it may change the position on how it is measured. Given the positive benefits derived from effective diversionary work, the lack of a positive detection should not deter you from using outcome 22.'<sup>14</sup>

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### Induction into the diversion programme

**9 Schemes should assess children's strengths and needs, particularly to match them with appropriate interventions.**

In its definition of diversion, the Youth Justice Board stresses that 'All support should be proportionate, aimed at addressing unmet needs and supporting prosocial life choices.'<sup>15</sup> Major systematic reviews have found strong support for calibrating interventions on the basis of assessed risk and especially for addressing criminogenic need (what is known in the literature as risk need responsiveness).<sup>16,17</sup> These three principles provide both a theoretical and an empirical basis for who should be treated (based on assessed risk level), what should be addressed (criminogenic need) and how treatment should be administered (in response to individuals' attributes and learning styles). In relation to assessment, risk need responsiveness underlines the importance of assessment in linking children to appropriate interventions.<sup>18</sup>

In England and Wales, incorporating risk need responsiveness into assessment has been reflected in the use of the Youth Justice Service assessment system, Asset (and now Asset Plus).<sup>19</sup> The Youth Justice Board have developed a specific Prevention and Diversion Assessment Tool. A draft version was piloted by three services across England and Wales and their feedback used to further refine and develop the tool. Use of the new assessment tool is a mandatory requirement, as part of the terms and conditions of the YJB grant, for suitable cases.



The principles of the new tool are:

- The assessment tool should be proportionate
- The tool should encapsulate the principles of Child First
- The tool should be 'linear'
- There should be capacity to be countersigned
- The tool should be able to be shared with the child and family
- The tool should take more consideration of the family context
- The tool should be able to provide the data for the key performance indicators (KPIs)

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**10** Where possible, youth diversion work should be physically separated from statutory operations by holding sessions off-site and avoiding mixing diverted children with those under statutory supervision.

In the interest of avoiding stigmatisation, you should try and ensure that all diversion work, including induction, takes place away from the youth justice service office, police station or other locations associated with the formal justice system. Maintaining physical separation from statutory operations (holding sessions off-site, avoidance of mixing diverted children with those under statutory supervision) is justified where practical. This can be seen in practice in, for example, North East Lincolnshire, as highlighted in our evidence and practice briefing on [minimising labelling](#).

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**11** Schemes should make their expectations of children clear, and ensure that they fully understand the consequences of non-compliance.

Understanding is a core component of procedural fairness – a model which emphasises the importance of feeling fairly treated in determining future trust in and compliance with the law. Ensuring children understand the expectations of diversion and the implications of non-compliance is therefore vital if the scheme is to be considered procedurally fair. Our video, [What is diversion?](#), has been created with children in mind, and details what diversion is, the benefits it offers and what the process involves.

Many schemes require children to agree to further conditions prior to acceptance. In some schemes, these are encompassed in a diversion agreement to be signed by the child. In other justice system settings, a clear and understood set of expectations with known consequences for non-compliance has been shown to improve compliance.<sup>20</sup> Expectations are likely to include no new arrests, attendance at and participation with programming, and appropriate behaviour with diversion staff.

### Case Work

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**12** There are reasonable evidence-based grounds for believing that dedicated diversion caseworkers may be preferable to statutory caseworkers.

Staff, particularly those in close contact with involved children, are clearly important to the success of diversion schemes. A major evidence review listed experienced caseworkers as important to the success of diversion projects.<sup>21</sup> A report from HM Inspectorate of Probation highlighted the importance of the working relationship between children and professional staff in moving them away from offending.<sup>22</sup> Children who had desisted from offending 'consistently identified having a trusted, open, and collaborative working relationship' with a professional staff member as 'the most important factor in helping them move away from offending.'<sup>23</sup> Evidence suggests that developing an effective relationship-based practice framework, which identifies the necessary practitioner values, skills and knowledge, can encourage and sustain engagement.<sup>24</sup> The integrated relationship-based practice framework of Stephenson and Dix (2017), developed specifically for youth justice practitioners, is a useful resource.<sup>25</sup>

We recognise having dedicated diversion caseworkers is not always possible given current resources but it may be an aspect of practice which you can seek investment.

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**13** Diversion casework should reflect the voluntary nature of engagement with diversion schemes and diversion staff should also take care with their use of language to help avoid embedding negative perceptions.

The voluntary nature of engagement with diversion schemes – unlike statutory supervision, children choose to be involved – makes casework qualitatively different. Diversion staff should also take care with their use of language to help avoid embedding negative perceptions.<sup>26</sup> Where possible, it may make sense to use dedicated diversion caseworkers for these reasons. Some diversion schemes now operate outside of the Youth Justice Service, for example in Early Help, which further helps underly diversion's separation from statutory services.

### Programming

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**14** Interventions offered via youth diversion should be evidence-based and therapeutic (rather than focusing on control or surveillance). Use of the wrong intervention modalities can make re-offending more likely. Interventions should be informed by the Child First approach.

A landmark international review of 548 studies of youth crime interventions delivered between 1958 and 2002 classified programmes into broad categories and weighed evidence of their effectiveness.<sup>27</sup> The overwhelming message is that 'therapeutic' interventions are more effective at reducing recidivism than interventions focused on punishment or control. This has been reiterated by subsequent meta-analyses.<sup>28</sup>

Lipsey (2010) identifies three broad categories of 'control' programmes:<sup>29</sup>

- Programmes oriented toward *discipline* (e.g. boot camps);
- Programmes aimed at *deterrence through fear* (e.g. Scared Straight); and
- Programmes emphasising *surveillance* (e.g. intensive supervision).

Across the available evidence, discipline and deterrence programmes had negative effects (they actively increased recidivism among participating children). Surveillance programmes showed positive results, but smaller than those found in therapeutic programmes (and many included surveillance programmes also contain therapeutic elements).

Therapeutic programming includes the following categories:

- *Restorative programmes* (e.g. restitution, victim-offender mediation);
- *Skill building programmes* (e.g. cognitive-behavioural techniques, social skills, academic and vocational skill building);
- *Counselling programmes* (e.g. individual, family, group; mentoring); and
- *Multiple coordinated services* (e.g. case management and connection to services).

Programme implementation is also independently important. Even for RNR-compliant interventions, incomplete service delivery, poor training, staff turnover, and high dropout rates are all associated with lower impact.<sup>30</sup>

Interventions should be informed by the Child First approach. This includes treating children as children (this tenet acknowledges the developmental stage of the child, emphasising their capacity for change and growth, and focuses on acting in their best interests), and promoting a pro-social identity (by concentrating on the positive aspects of a child's identity, this tenet aims to encourage beneficial behaviour and outcomes).<sup>31</sup>

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**15** Youth diversion programmes for first time and low-level offending with interventions including personal skills training, counselling (related to anger management, personal responsibility and decision making), some form of reparation to either the victim of the crime or the community at large, and family involvement have consistently led to less re-offending than ‘standard’ diversion without these features.

It is important to note that much of the evidence on programme effectiveness is predicated on the feasibility of relatively lengthy interventions. For many diverted children, the principle of proportionality precludes use of protracted interventions – their behaviour is too low-level to justify extended engagement (perhaps even if their assessed risk level would suggest that this is otherwise appropriate).

For low-risk offending this is not likely to be a problem (as the evidence suggests that only minimum intervention is warranted). But for children with low-level offending with medium to high assessed risk, there is a gap in evidence-based approaches. Research has suggested that some risk factors are capable of change more quickly than others (for example, acute anger reactions can change quickly, while stable ‘characterological’ anger seems to be much more persistent).<sup>32</sup>

There is some positive evidence for short-term programming. A systematic evidence review found that youth diversion programmes for first time and low-level offenders with interventions including personal skills training, counselling (related to anger management, personal responsibility and decision making), some form of reparation to either the victim of the crime or the community at large, and family involvement have consistently led to less re-offending than ‘standard’ diversion without these features.<sup>33</sup>

It’s also worth noting that researchers have not, and never will, establish a complete menu of model programmes that work to keep children out of the justice system.<sup>34</sup> You should not look to researchers for the last word on practice— improving the effectiveness of youth diversion also requires local innovation.

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**16** For most diverted children, interventions should be relatively light touch and informal. Participation requirements should not be disproportionate to the initial offending behaviour.

The majority of diverted children are likely to be involved with the scheme for relatively low-level offending. In accordance with the principle of proportionality, the requirements

of their participation should reflect this. It has been repeatedly demonstrated that employing intensive treatments intended for high-risk or persistent offenders on low-risk offenders (‘overdosing’) may backfire, leading to further offending. There exists a potentially damaging (and often well-meaning) tendency that diversion schemes could be used to extend criminal justice contact and enforceable requirements to meet a child’s welfare needs, when these are better addressed by welfare agencies.

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**17** Intervention plans should be co-produced with children.

One of the central tenets of the Child First approach is collaborating with children, meaning youth justice services should ‘Encourage children’s active participation, engagement and wider social inclusion. All work is a meaningful collaboration with children and their carers.’ As well as giving children a voice in the process, collaboratively agreeing on interventions may increase their sense of ownership in the process and therefore the chances of positive engagement. Collaboration may help manage some of the difficulties that children highlighted to us in ‘Children and young people’s voices on youth diversion and disparity’. These include issues with travel to their appointments, a lack of interventions which were appropriate to their circumstances and a sense that they had not learned anything in the process.

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**18 Successful engagement should mean that children avoid a criminal record. Protocols should ensure that children are aware of any criminal record implications diversion may have.**

Operational protocols should ensure that successfully engaged children avoid a criminal record and are aware that any disclosable information on the Police National Computer (PNC) can be shared by police discretion but only during enhanced checks.

We strongly recommend using Outcome 22 as it does not result in a criminal record and it is not disclosable, Where this is not possible, Community Resolution is an alternative option. A Community Resolution does not result in a criminal record and it is only recorded on the PNC if it relates to a recordable offence (this means it is only accessible for police information). As this is a major incentive for participation, you should clearly communicate this benefit, and use it to encourage engagement.

#### *Recommendations*

1. Children should know the implications in respect of their criminal record and future disclosure.
2. Children need to know what might be disclosed and when so that they can make informed decisions about applying for jobs, travel visas etc.

If you or someone you are supporting or advising needs to know more or you would like training on the issue, you can contact [Unlock](#).

For those children without a pre-existing criminal record, you may also wish to communicate the collateral consequences of carrying one, e.g. on employment and immigration status. This should be framed as a benefit and used to motivate compliance, rather than communicated as a threat.

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## Outcomes and monitoring

**19 Youth diversion schemes should formalise a process whereby scheme managers regularly report back on youth engagement to the police and to referring officers. This underlines that the original case requires no further action, and ensures that frontline police are kept updated on the scheme's success.**

Continued police cooperation depends on maintaining police confidence in the scheme. For this reason, a formalised process whereby scheme managers regularly report back on youth engagement is a good idea – both to underline that the original case requires no further action, and so that police are kept updated on the scheme's success. Some areas also include short narrative case studies as part of these updates.

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**20 For purposes of quality assurance, diversion schemes need both internal and external monitoring processes.**

In April 2021, the Youth Justice Board updated their data recording requirements, making it mandatory for Youth Justice Services to include diversionary outcomes when they submit their data. The YJB notes that this will provide 'formal evidence and recognition' of the diversionary work taking place and 'contribute to better consistency and research'.<sup>35</sup> Schemes should develop a data collection system capable of measuring project activities not only to fulfil the YJB's data requirements, but also for purposes of quality assurance. Exit surveys should therefore be a key source of information for this data collection system. The internal data collection system should be complemented by external monitoring, for example through the development of an independent advisory panel to scrutinise operations.

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**21** Projects should be alert to what they are learning through their operation, and should consider how they might develop further.

As they become embedded, and as stakeholders develop confidence in their operation, they should consider the potential for expanding their eligibility (especially if initial criteria are conservative).

Data capture and analysis is crucial to addressing disparities. Indeed, HMIP highlighted ‘the effective use of data is reflected in better quality service delivery’ as an area of practice that enhanced the quality of work delivered to black and mixed heritage boys.<sup>36</sup> Youth Justice Services should therefore take advantage of their locally collected data to assess the nature and extent of racial and other disparities in accessing diversion in their area.

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**22** Diversion schemes should be able to determine whether they are meeting their objectives.

In order to justify their continued existence, they need to be able to show that they are generating better outcomes for children, for justice system agencies, and for the public. While recidivism will always be an outcome of interest, schemes should additionally consider other measures of success, including improvements to children’s well-being, educational attainment, and changes in attitudes and values. In the guidance for drafting youth justice plans the YJB notes that the section on diversion must include ‘how success is evaluated’.<sup>37</sup>

We recognise that evaluation is not easy. Schemes might explore the possibility of partnering with an experienced research organisation or academic institution to help develop and carry out an evaluation plan.

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**23** Preparing your scheme for inspection

In 2021, two new standards were introduced by HM Inspectorate of Probation to the inspection framework, including; a specific standard on the policy and provision for out-of-court disposals (which includes diversion). It is important that your scheme meets these standards. Below are some tips for effective practice taken from a report by HMIP looking at the quality of OOCs (including diversion) delivery:<sup>38</sup>

- YJSs should seek to be involved early so that they could inform panel decisions, utilising a suitable assessment and making sure that the disposal is appropriate
- YJS staff should use multiple techniques to connect with and engage children at the assessment and planning stages
- Multiple sources of information should be gleaned upon to build a more complete picture of the factors influencing the child’s offending and relevant safety concerns
- Consider the work of other agencies engaged with the child to better coordinate and compliment delivery, and identify potential post-disposal work
- Ensure plans are proportionate to the needs of the child and to the disposal, and build sufficiently upon the child’s strengths
- Ensure flexibility in the delivery of interventions, assisting with engagement and compliance.

You can learn more about how to ensure your scheme rates highly by learning from other YJSs who have received ‘good’ and ‘outstanding’ ratings in their recent inspections for their OOC and diversion work, including [Hammersmith and Fulham](#), [North East Lincolnshire](#) and [Swindon](#).



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## SECTION 4

## How can we help?

Since 2014, the Centre has offered support to police and youth justice practitioners involved in, or considering creating, youth diversion schemes. We have worked successfully with more than 60 individual schemes to develop what they do and secure additional resource for expansion, as well as supporting the development of new schemes. We have also run a number of well-received workshops for frontline practitioners to come together and share practice.

### Our Practice Support:

We provide **free basic support to all** and **free enhanced support to a limited number of schemes**. This can include:

- Multi-agency workshops: Facilitating a range of practitioners to come together and share practice and expertise;
- Engaging partners: Helping to identify and facilitate conversations with relevant partners and organisations;
- Explaining the evidence: Talking you through the research and what it tells us about the benefits of pre-court diversion;
- Identifying criteria: providing local analytical support to work out which young people could benefit from the scheme;
- Reviewing protocols and documents: Helping you to formalise procedures and paperwork for your scheme according to best practice;
- Data collection and analysis: Support with analysing your existing data and developing your data collection and reporting approach;

- Preparing communications: Guidance on how to use your results to develop appropriate messages for internal and external communications;
- Preparing to evaluate: Support with identifying outcomes and activities, devising a theory of change, and advice on how to set up an evaluation;
- Implementing a scheme with a specific focus: Working with you to implement and deliver schemes with a specific focus such as racial disproportionality or diversion schemes for children with Special Education Needs and Disabilities.
- Cost avoidance tool: Providing a way of demonstrating the cost effectiveness of youth diversion through immediate cost avoidance – primarily avoided costs to the police and court system.

For further information about our practice support offer, please contact Bami, our Senior Innovative Practice Officer, at [bjolaoso@justiceinnovation.org](mailto:bjolaoso@justiceinnovation.org)

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