

# **Diversion Practice Guidance**

**Guidance on how to deliver diversion  
effectively for children and young people**

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# Acknowledgements

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# Introduction

The best available evidence shows that, on average, diverting children from the criminal justice system reduces reoffending and violence.<sup>1</sup> It can also lower the severity of any crimes they do later commit. The greatest impacts are seen when diversion is early (pre-charge) and on children who are younger (12–14). Diverting children is also likely to achieve these results for a lower cost than processing them through the formal justice system.

This is why the increased adoption of diversion over the past decade – as shown by the falling rates in first-time entrants into the criminal justice system – was a positive step.<sup>2</sup> However, research also shows that diversion practice can vary significantly from officer to officer and force to force.<sup>3</sup> This means that, depending on where a child lives and who they come into contact with, they are likely to experience different consequences and different support opportunities.<sup>4</sup> This guidance provides police officers and staff – both frontline and senior leaders – with seven evidence-based recommendations on how to divert children away from the criminal justice system effectively, consistently and equitably – when appropriate to do so. It will also be of relevance to the other partners, including youth justice services (YJS) (sometimes referred to as youth offending teams), and police and crime commissioners.

There is no one-size-fits-all solution when responding to arrested children. There is inherent complexity in ensuring that a child receives the most appropriate outcome, considering the severity of the offence, aggravating and mitigating factors, the views of victims, and whether diversionary activities can address a child's needs. We've produced this guidance to support police forces – and other partners – in navigating this complexity by embedding robust and transparent decision-making, effective partnership working and evidence-based support.

The guidance should be read in conjunction with national guidance, including the Youth Justice Board's (YJB's) [Case Management Guidance](#), the National Police Chief Council's (NPCC) [Child Gravity Matrix](#), and the [Children and Young Persons Policing Strategy \(2024–2027\)](#), and the YJB and NPCC's [YJS Police Officer Guidance](#).

## What does this report cover?

This report focuses on what happens to children at the early stages of the youth justice system when they first encounter the police. This includes both informal diversion schemes that divert children from all formal outcomes and formal out-of-court disposals, which can involve a formal caution but still divert the child away from court.

- **Informal diversion schemes:** This is when children receive an alternative outcome that does not result in a criminal record.<sup>5</sup> Most local areas have now developed a scheme to divert children to these alternative outcomes. In formal policing outcome terms, these alternative outcomes could include community resolutions and no further action.
- **Formal out-of-court disposals:** These include youth cautions and youth conditional cautions. A youth caution is a formal warning issued by the police when it is not in the public interest to prosecute. When used appropriately, cautions can divert children from court and further experience of the youth justice system. If a child receives a youth conditional caution, they undergo a compulsory assessment and package of interventions. If they fail to comply, they can be prosecuted for the original offence. Cautions and conditional cautions remain on the child's criminal record and can appear on an enhanced criminal record check. We have decided to include cautions in the scope of this report because much of the best available research focuses specifically on the impact of diverting children from court. This suggests that when cautions are used as a true alternative to prosecution, they are an important tool for diverting children.

## What evidence underpins this guidance?

This guidance report draws upon the best available global evidence on diversion for children and young people. This includes the Youth Endowment Fund (YEF) Toolkit strand on pre-court diversion, which is based on three systematic reviews,<sup>6</sup> a study that analysed seven years worth of police data on diversion<sup>7</sup> and a research project examining how effectively the system supports arrested children in five police force areas.

Like all research, the research on diversion has some limitations. Many of the studies are quite old (e.g. Wilson et al.'s 2018 systematic review analysed studies conducted between 1973 and 2011), are from different contexts and focus mainly on formal out-of-court disposals. More research is needed to explain why diversion works. While it is important to acknowledge the limitations, they shouldn't prevent us from acting to keep children safe, and diversion is a useful tool for doing this.

This guidance was jointly produced by the Centre for Justice Innovation. For more than 10 years, the Centre has provided national expertise on quality youth diversion practice within England and Wales. It has worked with over 70 YJS and police forces to develop their diversion schemes, produced resources, undertaken innovative research projects to better understand how diversion can support all children and been at the forefront of developing national policy and guidance.

# Summary of recommendations

## 1 Encourage a pro-diversion culture among all officers and staff for low-level offending.

**Why?** When delivered correctly, diversion can play a key role in preventing children from reoffending in the future.

**Recommended actions:**

- a. Include diversion in police training
- b. Formalise a process whereby officers overseeing diversion report back on engagement and outcomes
- c. Provide a dedicated police officer to each YJS and co-locate the officer within the YJS

## 2 Develop clear eligibility criteria and ensure equitable access to diversion.

**Why?** Unclear, narrow or inconsistent eligibility criteria can impede access to and engagement with diversion.

**Recommended actions:**

- a. Avoid criteria that are based solely on offence type or previous offending
- b. Use the Child Gravity Matrix to inform decision-making
- c. Avoid criminalising children for low-level offences
- d. Avoid net-widening
- e. Tackle disparities
- f. Ensure appropriate adults and solicitors are aware of the diversion offer to address inequity

## 3 Reduce the use of police custody for children.

**Why?** Police custody is experienced by children as harsh and punitive, fostering resentment and undermining trust.

**Recommended actions:**

- a. Use custody for children only when necessary
- b. Prioritise interviewing children outside of police custody

## 4 Develop a robust decision-making process with your partners.

**Why?** Combining information from multiple agencies means that a child is more likely to receive the most appropriate outcome.

**Recommended actions:**

- a. Convene a joint decision-making panel and secure appropriate membership
- b. Bring all relevant information to the panel to inform decision-making
- c. Focus on swift administration and a transparent decision-making process

## 5 Ensure swift access to evidence-based support.

**Why?** Providing support quickly following the original offence is likely to mean it is more effective.

**Recommended actions:**

- a. Make the referral process as simple and straightforward as possible
- b. Facilitate access to support within four weeks of referral and regularly review average wait times
- c. Work with YJS and other relevant stakeholders to connect children to evidence-based support

## 6 Agree a process for reviewing and closing diversion cases.

**Why?** Transparent and fair decision-making can increase compliance and reduce reoffending.

**Recommended actions:**

- a. Make expectations clear and ensure the consequences of non-engagement are understood
- b. Take a multi-agency approach to dealing with non-engagement
- c. Develop a clear process for victim engagement and updates

## 7 Maintain high standards of diversion delivery.

**Why?** How you do diversion (e.g. speed, quality and appropriateness of support) really matters to reducing reoffending.

**Recommended actions:**

- a. Operate a robust scrutiny panel for reviewing diversion and share recommendations with everyone involved in its delivery
- b. Ensure a police representative of the rank of chief inspector or above attends YJS management boards

# Recommendation 1

**Encourage a pro-diversion culture among all officers and staff for low-level offending**



## Encourage a pro-diversion culture among all officers and staff for low-level offending

**Why?** A criticism of diversion is that it is soft on crime, and justice is better served by taking all children to court. However, when delivered correctly, diversion can play a key role in preventing children from committing serious offences in the future. It is crucial that officers and staff – both frontline and senior leaders – are equipped with the knowledge, motivation and resources to deliver diversion effectively.

### Recommended actions

- a. Include diversion in police training.
- b. Formalise a process whereby those overseeing diversion report back on engagement and outcomes.
- c. Provide a dedicated police officer to each YJS and co-locate the officer within the YJS.

### 1a. Include diversion in police training

Training content should be adapted for three different staff groups.

- 1 New recruits and frontline officers require an understanding of:
  - the evidence base (this is key to countering misunderstandings officers may have about the effectiveness of diversion);
  - your local policy and procedures (perhaps in the form of a process map that they can refer back to);
  - your eligibility criteria (see Recommendation 2 for more details);
  - how they refer children to your diversion scheme (which must be simple; see Recommendation 5); and
  - how to talk about diversion with victims and the public (this is crucial to building trust and confidence in your scheme).
- 2 For all staff, refresher training should be delivered at least twice a year and could be delivered via short videos hosted on the intranet or in morning briefings.
- 3 Specialist roles, such as YJS police officers, victim leads and senior staff with responsibility for prevention and diversion, require more comprehensive training. This should include a more in-depth version of the points above, along with information about the children they will be working with, covering subjects such as:
  - being child-centred (see the NPCC's [best practice framework](#) for examples) and prioritising a child's welfare, rights and best interests through police interactions;
  - identifying and supporting children with special educational needs and disabilities (SEND);
  - understanding drivers of disproportionality and how to tackle this issue; and
  - working with the YJS and other relevant services.

Developing and delivering new training can be resource-heavy; however, there is a wealth of support and information available to guide forces. Statutory organisations, such as the [NPCC](#), [YJB](#) and [College of Policing](#), have produced a number of national guidance documents on this subject. The Centre for Justice Innovation also has [resources](#) available and can offer [training and support](#) to police forces and their local YJS.

### **1b. Formalise a process whereby officers overseeing diversion report back on engagement and outcomes**

Continued police cooperation depends on maintaining police confidence in the scheme. For this reason, a formalised process where children and young people's engagement and outcomes are regularly fed back is a good idea. Diversion scheme managers or allocated YJS police officers should lead this. Those involved in overseeing officer decision-making (such as sergeants, inspectors or team leaders) should be provided with case updates, given the important role they play in assuring the quality and consistency of

decision-making. This could be done by introducing new templates that are added to crime reports, allowing for updates to be shared on specific children (e.g. what outcome they received and why). Other areas have produced short case studies that can be shared across the force via the intranet. Engagement and outcomes should also be reviewed at the local Youth Justice Management Board, which should be attended by a senior police leader (see 7b).

### **1c. Provide a dedicated police officer to each YJS and co-locate the officer within the YJS**

The Crime and Disorder Act 1998 places a duty on every chief officer of police to cooperate with the local authority to establish a YJS. The Act also specifies that a YJS should include at least one police officer.<sup>8</sup> In a recent YEF-funded survey of YJS on youth diversion, more than one in ten YJS reported not having a dedicated police officer assigned to their diversion scheme.<sup>9</sup> If your force does not have one, this should be rectified as soon as possible. In December 2023, the NPCC and YJB jointly published [guidance on the role of a YJS police officer](#). This guidance includes a section on diversion.

YJS officers can play a crucial role in diversion, as they should have a good understanding of out-of-court disposals, referral pathways and local services. They can, therefore, be a source of support to frontline officers. By physically basing YJS officers within the YJS offices – as recommended by the NPCC and YJB – the benefits can be maximised. For example, co-location in the local authority can facilitate more integrated work between children's services, health and education (which all play a role in keeping children safe) and can support effective sharing of information.<sup>10</sup>

## Recommendation 2

**Develop clear eligibility criteria and ensure equitable access to diversion**

## Develop clear eligibility criteria and ensure equitable access to diversion

**Why? Access to and engagement with your local diversion scheme should be facilitated in a way that ensures all suitable children can benefit from diversion. Diversion should help address disparities rather than exacerbate them.**

### Recommended actions

- a. Avoid criteria that are based solely on offence type or previous offending.
- b. Avoid criminalising children for low-level offences.
- c. Avoid net-widening.
- d. Tackle disparities.
- e. Ensure appropriate adults and solicitors are aware of the diversion offer to address inequity.

### 2a. Avoid criteria that are based solely on offence type or previous offending

Eligibility for diversion should combine clear eligibility rules with professional judgement. Eligibility criteria should not operate on a blanket policy based on gravity score, offence type (excluding indictable-only offences and terrorism offences) or offending history.<sup>11</sup> Research has consistently suggested that some Black or other minority ethnic groups in England and Wales are more tightly surveilled than their White counterparts, increasing the chance of detection and arrest; they are more likely to be arrested in situations and for behaviour that White people would not.<sup>12</sup> Including criteria that restrict opportunities for children with previous offending may continue to exacerbate disparities in your community.

The circumstances of each offence and its mitigating and aggravating factors will be different. Each child will also be different, and their vulnerabilities should be taken into consideration. Decision-makers should be informed by the evidence base and relevant NPCC guidance (see 4b) and allow for decision-making on a case-by-case basis using professional discretion.

### 2b. Avoid criminalising children for low-level offences

Protocols should ensure that children are aware of any criminal record implications diversion may have and, where appropriate, should minimise children getting criminal records to avoid potential negative consequences (e.g. labelling). Using Outcome 22, if appropriate, can prevent children from receiving a criminal record, and it is not disclosable. Where this is not possible, a community resolution is an alternative option, as it also doesn't result in a criminal record and is only recorded on the Police National Computer if it relates to a recordable offence (this means it is only accessible for police information).

## 2c. Avoid net-widening

It is a priority for youth diversion schemes to avoid net-widening – inadvertently expanding the number of children involved in the youth justice system. Diversion schemes should limit participation to children who have been involved in offending and where police believe intervention is necessary. Schemes should also be able to turn down inappropriate referrals and maintain close connections with community-based service providers to ensure that an arrest is never the only pathway to help. Closely monitor data on arrest patterns (see 7a) to ensure that the existence of the scheme does not lead to more arrests of children, especially for low-level behaviours.

## 2d. Tackle disparities

The over-policing of minority communities leads to a higher rate of arrests among certain groups, particularly Black children.<sup>13</sup> Research shows that children from some minority ethnic backgrounds are less likely to be diverted when compared to White children, even when individual-level differences (e.g. nature and number of offences) are accounted for.<sup>14</sup>

Ensure that you are not restricting access for certain groups by routinely analysing relevant data about child arrests and outcomes (see 7a). If you find disparities in access to or engagement with your diversion scheme, you should take immediate action to explain it or make changes.

Another disparity occurs when eligibility criteria and referral pathways are not consistent across all YJS in your force area. To mitigate against a 'postcode lottery' (where someone's access to services is determined by the area in the country where they live), standardise your diversion eligibility across the force area.

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## 2e. Ensure appropriate adults and solicitors are aware of the diversion offer to address inequity

Appropriate adults perform a safeguarding role and can also help to ensure that the procedures followed during a child's detention are fair.<sup>15</sup> Alongside this, they also play a part in facilitating access to diversion, where appropriate. Providing information or local training will ensure appropriate adults and solicitors are better equipped to inform children about their options. Research shows that there is lack of awareness amongst appropriate adults and solicitors about diversion opportunities and the impact of non-admissions on a child's pathway beyond the police station.<sup>16</sup>

Good practice can include providing leaflets at police stations and to the YJS court staff to share with solicitors at youth court, posting leaflets to local law centres and law firms known to represent children, and sharing information at your local criminal justice board where a legal representative should be in attendance.

## **Recommendation 3**

**Reduce the use of police custody for children**

## Reduce the use of police custody for children

**Why?** Diversion is thought to be effective because it protects children from experiencing the formal criminal justice system.<sup>17</sup> Police custody is part of this system and can be experienced by children as anxiety-inducing, harsh and punitive, fostering resentment and undermining trust in the police.<sup>18, 19</sup> The use of detention should be minimised wherever possible.

### Recommended actions

- a. Use custody for children only when necessary.
- b. Prioritise interviewing children outside of police custody.

### 3a. Use custody for children only when necessary

More than half of children brought into police custody are released without charge.<sup>20</sup> Being in police custody could result in children identifying with the label of being criminal, which can increase the risk of reoffending, which diversion seeks to avoid.

There are a number of actions that the police can take to reduce the use of custody when appropriate, including ensuring:

- Police and Criminal Evidence Act 1984 (PACE) inspectors (the officers responsible for ensuring compliance with the PACE) and custody sergeants are trained in and committed to being child-centred and prioritising a child's welfare, rights and best interests.
- The PACE inspector and custody sergeant triage children quickly following arrest.
- The triage process adequately assesses the appropriateness and necessity for the arrest and robustly considers alternatives to custody.
- The force has clear criteria for when it is absolutely necessary to bring a child into custody and guidance for doing this in the most child-centred and trauma-informed way.

These steps align with the NPCC's (2024:24) guidance on voluntary interviews in that children 'should only enter custody when necessary and for the minimum time necessary. Even where the Code G test for arrest is met, officers should appropriately consider alternatives, including voluntary interview'.<sup>21</sup>

### 3b. Prioritise interviewing children outside of police custody

The police should arrange for a child to be interviewed on a voluntary basis to avoid bringing them into custody, and they should work with partners (e.g. Children's Social Care) to make this happen. The [NPCC guidance](#) linked above outlines the steps and considerations that must be taken when arranging a voluntary interview with a child, such as the following:

- **How to determine an appropriate location** – the location should be free from distractions, comfortable and safe. This could include a dedicated room in a YJS, a school or a youth club.
- **How to identify vulnerabilities** – all children are vulnerable due to their age, and officers should follow the College of Policing's [guidance on vulnerability-related risk](#) as early as possible to identify a child's needs.
- **How to ensure voluntary interviews have equal safeguards to those of an interview in police custody** – children should have the right to legal advice and access to an appropriate adult. Pre- and post-interview risk assessments should be conducted, and interviews must be recorded in compliance with PACE Codes E and F.



## **Recommendation 4**

**Develop a robust decision-making process with your partners**

## Develop a robust decision-making process with your partners

**Why?** Primarily, decisions about which disposal or outcome a child receives are made by the local police force in which the child commits the offence. However, the YJS plays an important role in understanding the circumstances of the child, including any vulnerability factors and potential harms that should be considered when deciding the most appropriate outcome or disposal.

### Recommended actions

- a. Convene a joint decision-making panel and secure appropriate membership.
- b. Bring all relevant information to the panel to inform decision-making.
- c. Use the Child Gravity Matrix to inform decisions.
- d. Focus on swift administration and a transparent decision-making process.

### 4a. Convene a joint decision-making panel and secure appropriate membership

Joint decision-making panels provide a multi-agency forum for decision-making. They bring together key partners to consider information about the offence, the child's circumstances and needs, and the victims' views (if available) to determine the most appropriate outcome. The YJB's [case management guidance](#) and the NPCC's [guidance on the role of a YJS police officer](#) provide helpful advice on how to do this. As a minimum, the panel should comprise:

- a police decision-maker (usually the YJS police officer);
- a YJS team manager; and
- representatives from children's social care and education.

It is good practice to include a range of partners, such as health services, early help services and a victim representative. Other professionals (e.g. from community organisations) might add value to the discussion, either on a one-off basis or as a standing member of the panel.

#### 4b. Bring all relevant information to the panel to inform decision-making

YJS police officers should complete comprehensive information-gathering on all children who are referred to the YJS. This should include interrogating police systems to identify:

- any history of involvement in the justice system or relevant intelligence that can both support assessment and decision-making; and
- any relevant information about the child and their family, such as parental offending or domestic abuse.

A child's background, including past trauma, can affect their behaviour. Understanding this helps in making fair decisions and offering the right support. All panel members should contribute relevant information about the child and their family, as well as about the local support on offer (e.g. through the YJS and voluntary and community organisations) to aid decision-making.

It is the responsibility of the YJS to speak with the child and their carers before the panel to ensure that their needs are fully understood and that they are engaged in the process.

#### 4c. Use the Child Gravity Matrix to inform decisions

The NPCC's [Child Gravity Matrix](#) is a triage tool to support decision-making regarding the most appropriate outcome or disposal for children who offend. The scoring system considers the seriousness of the offence, any aggravating and mitigating factors, and previous offending history.

The NPCC's guidance can assist in effective decision-making because it:

- highlights that decisions should be made based on the offence, considering any aggravating or mitigating factors and the victim's views, where available;
- emphasises that you're dealing with a child, and, therefore, adult standards should not be applied;
- encourages the consideration of whether a child's needs can be met through diversionary activity and whether safety can be achieved for the child and others; and
- stipulates that there should be a clear rationale for all decisions, which should be recorded on police and YJS systems.

#### 4d. Focus on swift administration and a transparent decision-making process

Joint decision-making panels should not become overly bureaucratic and should remain mindful of the need for swift administration.

While all panel members will have a view on the most appropriate disposal, the final decision sits with the police.<sup>22</sup> There should be a clear escalation process when an agreement between the YJS and the police cannot be reached as to the most appropriate outcome for the child. Some decisions may require more senior oversight from both YJS and police, particularly when considering more serious offences and the use of a Deferred Prosecution Scheme.

The YJS should discuss the panel decision with the child and their parent/carer to ensure they understand the outcome and what is expected of them. The victim lead should ensure the outcome of the panel is communicated to the victim at the earliest opportunity.

## Recommendation 5

**Ensure swift access to evidence-based support**

## Ensure swift access to evidence-based support

**Why? Providing support quickly following the original offence can make it more effective.<sup>23</sup> At present, children in a third of YJS areas can wait over four weeks for support to be delivered.<sup>24</sup> This can be sped up by making sure that the referral process from police to YJS and other partners is simple and clear.**

### Recommended actions

- a. Make the referral process as simple and straightforward as possible.
- b. Facilitate access to support within four weeks of referral and regularly review average wait times.
- c. Work with YJS and other relevant stakeholders to make evidence-based support available.

### 5a. Make the referral process as simple and straightforward as possible.

One of the advantages of diverting children is that it can make the job of criminal justice agencies, especially the police, easier. It can shorten turnaround times and represent a better response to low-level offending. 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.

You should formalise referral pathways through a shared protocol which sets out how the process should be carried out to ensure

consistency and efficiency. The protocol should be reviewed by the joint decision-making panel on an annual basis to ensure it remains fit for purpose. Embedding and maintaining the protocol takes work. Several areas have reported success with developing a simple visual representation of how their schemes operate. This is shared across different areas of policing (e.g. neighbourhood teams and response), posted in offices or offered as refresher training via briefings led by diversion staff (which is important as officers and senior staff frequently rotate through posts).

### 5b. Facilitate access to support within four weeks of referral and regularly review average wait times

There are good reasons for prioritising swift access to support:

- Certainty and speed in responding to offending are more important determinants of desistance than severity.<sup>25</sup>
- A quick and straightforward referral process maximises the cost-effectiveness of diversion.

Every child should be accessing the support that they require within four weeks of a referral being made. The joint decision-making panel should review on a quarterly basis the average time it takes for children to be offered support and take action to overcome any blockers to meeting this target.

## 5c. Work with YJS and other relevant stakeholders to connect children to evidence-based support available

It's important that the police are aware of the 'best bets' for preventing crime and violence and who delivers these types of interventions locally. For example, prioritise making referrals to YJS and voluntary and community organisations who are delivering evidence-based approaches as shown in YEF's [Toolkit](#), such as the following:

- **Cognitive Behavioural Therapy:** This is a type of talking therapy which aims to help children become more aware of negative thoughts and learn how to change them. On average, Cognitive Behavioural Therapy is likely to have a high impact on crime, reducing it by 27%.
- **Sports programmes:** These programmes can be delivered universally or as targeted interventions (e.g. with children who have committed an offence), involve both individual or team sports, and often use sports as a 'hook' to engage children in other activities, such as mentoring or counselling. On average, sports programmes are likely to have a high impact on crime and violence. They also have desirable impacts on reducing aggression, promoting mental health and responding to other behavioural difficulties.
- **Mentoring:** These programmes aim to connect children with positive role models who support them in developing social skills, constructive relationships with others or positive behaviours and aspirations. On average, mentoring is likely to have a moderate impact, reducing violence by 21%, all offending by 14% and reoffending by 19%. It's also likely to have a desirable impact on substance misuse, behavioural difficulties, educational outcomes and self-esteem.
- **Restorative justice:** This is a process which supports someone who has committed a crime in communicating with the victim, understanding the impact of their actions and finding a positive way forward. On average, restorative justice is likely to have a moderate impact on crime and violence, reducing reoffending by 13%.

Be cautious about using approaches which are not proven to be effective at preventing children from becoming involved in crime and violence, such as the following:

- **Knife crime education programmes:** These programmes aim to prevent knife crime by educating children about the risks and harms caused by carrying a knife. The research on knife crime education programmes is very weak, and we are unable to make an assessment of the impact they have on violent crime.
- **Interventions using scare tactics:** Prison awareness programmes or boot camps that treat children harshly and focus on fear have been proven to be harmful to children. In fact, the research suggests that they could increase the likelihood that children become involved in crime.

Decisions around interventions should be informed by both an understanding of the child's needs, including their context and the drivers of their behaviour, and of the evidence about what types of approaches are likely to be effective. Not all intervention support is effective; some approaches can reduce reoffending, and others can make things worse.

## Recommendation 6

**Agree a process for reviewing and closing diversion cases**

## Agree a process for reviewing and closing diversion cases

**Why?** Being treated fairly by the police and having transparent decision-making improves trust in the police and compliance with the law, which, in turn, can reduce reoffending.<sup>26</sup> This is why it's important that all children being diverted – and victims (where there is one) – understand the process, expectations and consequences for non-engagement.<sup>27</sup>

### Recommended actions

- a. Make expectations clear and ensure the consequences of non-engagement are understood.
- b. Take a multi-agency approach to dealing with non-engagement.
- c. Develop a clear process for victim engagement and updates.

### 6a. Make expectations clear and ensure the consequences of non-engagement are understood

Understanding is a core component of procedural fairness – the idea that people are more likely to trust and comply with the law when they feel fairly treated.<sup>28</sup> Ensuring children understand the expectations of diversion and the implications of non-engagement is vital if the scheme is to be considered procedurally fair. In some areas, diversion agreements – which include expectations and potential consequences of non-engagement – are signed by children.

Most importantly, children should know the implications of the outcome for their criminal record. Children need to know what might be

disclosed and when so that they can make informed decisions about applying for jobs, travel visas, etc. For those children without a pre-existing criminal record, you may also wish to communicate the consequences of having one (e.g. on employment and immigration status). This should be used to motivate compliance rather than communicated as a threat. Information about whether outcomes are disclosable can be found in the NPCC's [Child Gravity Matrix](#). If you would like training on criminal records, you can contact [Unlock](#), a charity which specialises in this subject.

### 6b. Take a multi-agency approach to dealing with non-engagement

It is the responsibility of YJS to make every effort to engage children in completing their diversions. It is also the responsibility of YJS to monitor engagement and share this with members of its joint decision-making panel. While each decision must be made on a case-by-case basis, as a multi-agency partnership, you should consider developing criteria or a process for dealing with non-engagement. For instance, you may agree an approach whereby no decisions are made about how to deal with a child's non-engagement without being discussed by the joint decision-making panel. This ensures that key agencies, such as the police, youth justice, children's social care and education, all have input in determining what action should be taken in the event of non-engagement by a child.



## 6c. Develop a clear process for victim engagement and updates

The Victims' Code of Practice sets out the minimum standard for services that must be provided to victims of crime by organisations in England and Wales. Police and YJS have a statutory duty to provide support for victims and to ensure compliance with the code. Both the NPCC's and the YJB's guidance state that there needs to be a joint approach to ensuring that all victims are included and their needs met. While not all victims will want to be involved, attempts should be made to engage, explain the youth justice process and gather their views, which should be considered during decision-making.

YJS will need to be provided with a victim's details by the police to enable them to meet their responsibilities under the Victims Code. Victims should be contacted before outcome decisions are made at the joint decision-making panel and then again to inform them of the outcome. The victim's views and what they want to happen should be understood, recorded and shared with decision-makers; however, it should be clearly communicated that it will not always be possible to dispose of a case the way a victim would like. In these cases, victims should still feel listened to, and the reasons why it is not possible should be explained, along with what decision-makers intend to do.

Data should be collected, analysed and shared to ensure you are meeting the requirements of the Victim's Code of Practice. Police training on diversion should include guidance (perhaps even a script they can refer back to) which outlines how diversion should be explained and communicated to victims.

## Recommendation 7

**Maintain high standards of diversion delivery**

## Maintain high standards of diversion delivery

**Why?** Diversion schemes need to be able to show that they are generating better outcomes for children, victims, justice system agencies and the public. Continued police cooperation and public trust depend on building and maintaining confidence in diversion.

### Recommended actions

- a. Operate a robust scrutiny panel for reviewing diversion and share recommendations with everyone involved in its delivery.
- b. Ensure a police representative of the rank of chief inspector or above attends YJS management boards.

### 7a. Operate a robust scrutiny panel for reviewing diversion and share recommendations with everyone involved in its delivery

The scrutiny panel should review diversion processes, decisions and outcomes. A detailed overview of how a scrutiny panel should work in your area can be found in the [YJB's case management guidance](#). Key activity includes:

- having a separate and distinct scrutiny panel for out-of-court disposals involving children;
- reviewing data on who is being diverted, for what, how they're supported and what happens next (e.g. reoffending rates);
- considering the appropriateness of decision-making;
- reviewing cases in relation to disproportionality in the use of outcomes and identifying ways to address this;
- identifying learning or good practices which can be shared with decision-makers and more widely; and
- sharing insights with YJS management boards to support their understanding of the effectiveness of diversion in their area.

Information to help you – and the scrutiny panel – develop and review the effectiveness of your diversion scheme can come from a variety of sources. We suggest collecting and analysing local data on the following as a minimum:

- Types of crimes children are committing in your local area and the scale of the problem
- Characteristics of the children committing crimes in your local area (e.g. age, ethnicity, gender, care experience and SEND), children being diverted and children being charged
- Outcomes received by children involved in crime (e.g. no further action, out of court resolutions, and court)
- First-time entrants and reoffending rates

Police should have access to most of this data on their systems; however, you will find your local YJS has a wealth of data which is collected and analysed as part of their responsibility for the local YJS management boards, of which the police are also statutory members.<sup>29</sup>

For national data sets, there are several resources available that police can access:

- The Home Office's [police powers and procedures England and Wales statistics](#)
- The YJB's [annual youth justice statistics](#)
- The Department for Education and the Ministry of Justice's [local authority-level dashboard for education, children's social care and offending](#)

## **7b. Ensure a police representative of the rank of chief inspector or above attends YJS management boards**

Effective partnerships between the police and YJS should be established at both a strategic and operational level. This can be achieved through consistent senior police [representation at YJS management boards](#). An appropriate level of seniority is needed to make strategic decisions and to prevent delays in committing both staffing and financial resources – the police representative should be the rank of chief inspector or equivalent. They should provide the board with data on local police matters – such

as exploitation, children released under investigation and with no further action, stop and search, and disparities across these areas.

It is the responsibility of YJS management boards to ensure the quality of diversion and to develop and deliver improvements where required. YJS management boards should be provided with regular, comprehensive data and information regarding the use and effectiveness of all out-of-court disposals, both informal and formal, including those issued by the police without the involvement of YJS.<sup>30</sup>

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