

**Report:** Out of Court Disposal Report

**For:** Children and Families Scrutiny Committee

**Date:** 9<sup>th</sup> December 2020

**Report of:** Youth Justice & Targeted Youth Support

### Definition:

Out of Court Disposals were introduced under 135–138 of the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012.

Broadly speaking the term ‘Out of Court Disposals’ (OCD) refers to a range of options available to the Police to use in certain cases as an alternative to a prosecution. They are available to both adults and youths.

The following sets out the Ministry of Justice (MoJ) and the Youth Justice Board’s (YJB) guidance to ‘youth’ Out of Court Disposals.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/438139/out-court-disposal-guide.pdf#:~:text=The%20Youth%20Caution%20is%20a%20formal%20out-of-court%20disposal,is%20not%20in%20the%20public%20interest%20to%20prosecute](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/438139/out-court-disposal-guide.pdf#:~:text=The%20Youth%20Caution%20is%20a%20formal%20out-of-court%20disposal,is%20not%20in%20the%20public%20interest%20to%20prosecute)

There are several different interventions that can be delivered through the Youth Justice Service (YOS) and therefore some young people may have already been known to the service prior to them receiving an ‘Out of Court disposal’ (OCD). However, for some children and young people this could be the first time that they have any contact with the criminal justice system.

### Out of Court Disposals (options):

Pre-Court work for young people can take the following forms:

- **Community Resolution:** Brief intervention for a low-level offence
- **Youth Caution:** 3-month period of intervention undertaken on a voluntary basis
- **Youth Conditional Caution:** 3-month period of intervention undertaken on a statutory basis

Every child and young person who receives an intervention has an assessment undertaken by a specialist Youth Justice Officer to ensure that the programme offered is bespoke and offers the opportunity to prevent further offending. Engagement is voluntary and only the Youth Conditional Caution is a statutory function.

## Youth Diversion Panel:

The Youth Diversion Panel is a multi-agency panel which meets weekly to discuss new referrals in from the Police for consideration of an Out of Court Disposal. The panel consists of the Youth Justice Police Officer, Victim Officer, Education Officer, Mental Health Practitioner and is chaired by a Youth Justice Team Leader. The purpose of this panel is to effectively Triage cases based on known information and suggest the most suitable intervention, which could include returning to the Police for charge.

## Scrutiny of Pre-Court Cases:

In order to ensure that the Pre-Court processes are effective there are a number of scrutiny processes which take place.

The Greater Manchester OOC Scrutiny Panel is chaired by the Deputy Leader of Manchester CC and made up of strategic officers from the police, Youth Justice, Magistracy, CPS and GMCA to review the decision-making in a random sample of OOC cases delivered across Greater Manchester, to assess whether the appropriate decisions have been made and correct processes followed. This leads to feedback and training for all agencies involved, as relevant.

Within Stockport we are in the process of setting up a local Scrutiny Panel with an Inspector from GMP (Stockport Division). This will allow us to scrutinise the decision-making processes and identify challenges from either side. Part of this scrutiny will also look at children and young people who are currently 'Released Under Investigation' for offences which are waiting on a charging decision, to ensure that children and young people are dealt with as swiftly as possible and not waiting 'under investigation' for months at a time. We are aware that across Greater Manchester the number of RUI case has gone up significantly during the Covid-19 crisis and this has been escalated through to the GM Deputy Mayor (Police & Crime Commissioner) and actioned as a priority accordingly.

## Quality Assurance:

A snapshot of youth OOC cases open to Stockport between April – June 2020 shows that 77% of cases were male, 92% were White British and 46% were Looked After Children. The ages of the young people subject to Out of Court disposals was between 14-17 with the dominant ages being 14 or 15.

In terms of the type of offences that were committed within this quarter, the majority of the young people who were Looked After were referred in due to offences of assault and criminal damage committed within the Care Home. Other offences included possession of an offensive weapon, possession of indecent images and arson. Whilst some of these offences may, on the surface, seem too serious to be dealt with by means of an Out of Court Disposal it must be acknowledged that these decisions are taken at the Youth Diversion Panel, which is a multi-agency forum, which also includes the voice of the victim.

In cases where there was a victim, all but one was contacted. The reason for one victim not being contacted was due to inaccurate contact details being recorded in the first instance.

In 100% of cases where there was a victim involved in the offence, the young person undertook victim awareness sessions with the Youth Justice Victim Officer. This intervention included the victim impact statement being shared with the young person, a letter of apology being written and a face-to-face (socially distanced) meeting being held.

For victims who were involved in the Restorative Justice process 100% reported being satisfied with the outcome.

In terms of re-offending no-one, to date, from this cohort has been convicted of further offences however, 44% are currently 'under investigation' for further offences and waiting to find out if they will be charged. A function of the local Scrutiny panel will be to develop a longitudinal analysis of the cohort to give a more comprehensive picture, with a particular focus on re-offending.

### Victim Feedback:

It may seem as if some offences are too serious to be dealt with by way of a pre-court intervention, but often the victim themselves state that they do not want the young person to be criminalised but want them to understand that their actions were wrong, so that they learn from it and do not behave in this way in the future. Feedback below is from the young person and victim of the arson offence and demonstrates the positive impact these interventions can have.

**The Victim** was satisfied, she said it had improved her sense of safety, reduced feelings of fear and increased satisfaction with the criminal justice system, she felt more informed about the offence/offender and would recommend RJ (Restorative Justice) to others. She said she took part because *"I want to do everything I can to help the family"* and commented *"My satisfaction with the criminal justice system has improved a lot. I feel my views have been taken into account and that you've really listened to me."*

**The Young Person** took part *"To make sure they're not scared of me and because I can't apologise in person"* and added *"I won't do anything like that again."* They have an increased understanding of the offence upon the victim, an increased motivation not to offend and they would recommend it to others.

### Feedback from young people and parents/carers (post-intervention):

**Young Person:** *"I was educated me on the affects and consequences of knife crime, I learnt about the law on knife crime and how I could have gone to jail – I learnt about the effect that it has on the victim's and their families and I learnt how to control my feelings when I need to."*

**Young Person:** *"My YOS worker was very supportive and always listened to me – he was very good at making sure I understood every step of the way, of what was happening to me and why."*

**Parent:** *"Yes my son no longer smashes the house up anymore, and I believe that is because YOS have done so much work with him, to help him understand and manage his feelings"*

*much better. He still has good days and bad days – and I think it is amazing that we can still call his YOS worker if we need too.”*

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