



# **Arrested children:** **How to keep children safe and reduce reoffending**

December 2023

## **About the Youth Endowment Fund**

The Youth Endowment Fund (YEF) is a charity with a mission that matters. We exist to prevent children and young people becoming involved in violence. We do this by finding out what works and building a movement to put this knowledge into practice.

The charity was established in 2019 with a ten-year £200 million endowment from the Home Office.

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## **Acknowledgements**

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Lead contributors from the Youth Endowment Fund were Peter Henderson, Jo Reilly and Caleb Jackson.

All views expressed in this report are those of the Youth Endowment Fund.

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## Executive summary

The Youth Endowment Fund exists to prevent children from becoming involved in violence. One of the ways we seek to achieve this mission is improving support for children when they are arrested. This includes diverting them from formal youth justice processes like appearing at court. This is a critical moment where effective support can change a child's life and keep them safe. There are five reasons why we have decided to focus on arrested children and how they are diverted:

### **1. Improving the way we support arrested children means less victims and better lives for children**

At least one in three children who are arrested and then convicted or cautioned go on to commit further offences. There is clear evidence that improving the way we respond to these children can reduce crime – this means less victims, more people feeling safe and better lives for children.

### **2. Diverting children who have committed low-level offences away from the criminal justice system means less victims in future**

There is strong evidence that diverting children who have committed low-level or first-time offences away from the criminal justice system, rather than taking them to court, can protect them from future involvement in crime. It can also lower the severity of any crimes children do later commit. This is crucial for victims, for children themselves, and for wider society.

### **3. Better evidence-based support to children who are diverted means less victims in future**

Diverting children to effective services, such as mentoring and therapy is a big opportunity to reduce re-offending. Evidence from a large number of rigorous reviews, summarised in the YEF Toolkit, shows that approaches such as cognitive behavioural therapy can reduce offending. Conversely, approaches such as prison awareness programmes are known to be ineffective, or can even *increase* the chances of re-offending. Faster referrals to more effective services has the potential to improve outcomes for children.

### **4. Improvements can be made to the way we respond to arrested children**

Although the use of diversion has increased over the last 20 years, there is insufficient awareness of what effective diversion looks like, especially in the police. The funding formula for youth justice services does not reflect local levels of need or properly recognise diversionary work. Vulnerabilities such as child sexual exploitation and criminal exploitation are too often missed at the point of arrest. Referrals to support can be slow, particularly for key therapeutic interventions.

### **5. How we treat arrested children matters for race equity**

There are clear inequities in the demographics of which children are diverted and which children progress through the criminal justice system. While the number of children entering the youth justice system has fallen dramatically over recent years, this fall has been much more pronounced for white children. Asian, Black and mixed heritage children are less likely to be diverted and more likely to be charged than white children. A type of diversion called deferred prosecution, which doesn't require children to admit guilt, could help to address this disparity.

## What needs to happen? What will we do?

The YEF recommends seven changes for improving support for arrested children. Over the next 5 years we'll work with key partners and invest our own funding to support these changes:

- 1 Police have the incentives to use diversion.** The crime outcomes reporting framework currently discourages police from diverting children to positive activities that could reduce re-offending. We will work with the Home Office to update the framework so that Outcome 22 is recorded as a successful outcome when applied to children.
- 2 Police are confident to respond to vulnerable children.** Each arrest of a child should be treated as a safeguarding opportunity as well as a public safety opportunity; it is a moment to identify children who are vulnerable or being exploited. We will work with partners to ensure police are supported to identify and refer vulnerable children, to address this underlying cause of crime.
- 3 Funding reflects needs.** The current funding formula for youth justice services is out-of-date and does not properly reflect informal diversionary work to reduce re-offending, or target it in the most important areas. We will work with the Ministry of Justice to review funding to better support diversion where it can have the biggest impact.
- 4 Fast and effective referrals.** Research suggests that speed of referral is important and should happen soon after an arrest occurs. We will work with police, youth justice services and other partners involved in diversion so that referrals can be made as simple and straightforward as possible, usually within 4 weeks of arrest.
- 5 Prioritise what works.** Not all support is effective: some approaches can reduce re-offending; others can make things worse. We will work to ensure that youth justice services, policing staff, and other partners are confident on the evidence base of what approach is most likely to help a child stay safe.
- 6 Access to therapy.** Large numbers of arrested children have unmet mental health needs. But very few receive any therapy to address this, even though we know it is effective. We propose an audit of access to evidence-based interventions, especially therapeutic support, and reliable access is provided for priority needs.
- 7 Better data.** We know surprisingly little on who is diverted, what they receive, and what happens to them next. We will work with the Youth Justice Board to embed systems for capturing this data so that there's a better national picture of diversion, and how it can be improved.

## Introduction

This report makes several recommendations for improving support for children when they are arrested. It is particularly focused on the system for diverting children from formal criminal processes and outcomes. It is informed by the best available research and consultation with experts.

### Why focus on arrested children?

There is strong evidence that diverting children who have committed low-level or first-time offences, rather than taking them to court, can protect them from future involvement in crime and violence. It can also lower the severity of any crimes they do later commit.<sup>1</sup> Diverting children is also likely to achieve these results for a lower cost than processing through the formal justice system.<sup>2</sup> Diversion is one of the four tenets of the Youth Justice Board's (YJB) Child First approach to the youth justice system.<sup>3</sup> The research on the impact of diversion is summarised in the [YEF Toolkit](#):

<b>Pre-court diversion</b> Diverting children who have committed first-time or low level offences away from the formal youth justice system	<b>COST</b> £ £ £	<b>EVIDENCE QUALITY</b> Q Q Q Q Q	<b>ESTIMATED IMPACT ON VIOLENT CRIME</b> <b>MODERATE</b>
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Researchers have suggested several reasons why diverting children could protect them against future involvement in crime and violence.

- **Preventing labelling**  
Charging a child with a criminal offence could lead them to identify as a 'delinquent' or 'criminal' which may mean they are more likely to offend in the future. Prosecuting a child could also affect how the child is treated by other people: creating difficulties at school or with their friends, making it harder to get a job, or making re-arrest more likely.
- **Avoiding experience of the criminal justice system**  
If children progress through the system, they are likely to meet other people who have been involved in crime. This might expose them to criminal exploitation and violence or to negative values and attitudes.
- **Developing pro-social behaviours**  
Diversion schemes will often refer children to some form of positive activity. This could involve the child developing a trusting relationship with an adult or taking part in some sport or arts. The child could develop new skills, values and behaviours that protect them from future involvement in crime.

<sup>1</sup> Wilson D B, Brennan I, and Olaghery A, 'Police-initiated Diversion for Youth to Prevent Future Delinquent Behavior: A Systematic Review', *Campbell Systematic Reviews*, 14.1 (2018), 1–88 <<https://doi.org/10.4073/csr.2018.5>>; Anthony Petrosino and others, 'The Effects of Juvenile System Processing on Subsequent Delinquency Outcomes', in *The Oxford Handbook of Developmental and Life-Course Criminology*, ed. by David P. Farrington, Lila Kazemian, and Alex R. Piquero (Oxford University Press, 2019), p. 0 <<https://doi.org/10.1093/oxfordhb/9780190201371.013.27>>.

<sup>2</sup> Wilson D B, Brennan I, and Olaghery A. (2018)

<sup>3</sup> Youth Justice Board, 'A Guide to Child First', 2022 <[https://yjresourcehub.uk/images/YJB/Child\\_First\\_Overview\\_and\\_Guide\\_April\\_2022\\_YJB.pdf](https://yjresourcehub.uk/images/YJB/Child_First_Overview_and_Guide_April_2022_YJB.pdf)> [accessed 9 November 2023].

We know that providing the most effective support can reduce reoffending. There is a strong evidence base on the types of activity, such as restorative justice and positive activities, that children should be diverted to. This research is summarised in the [YEF Toolkit](#).

## What is the evidence base?

The best available evidence shows that diverting children from the criminal justice system – on average – reduces reoffending and violence.

There are two key studies that provide the evidence for the impact of diverting children.<sup>4</sup> Both studies are systematic reviews. A systematic review is a type of research that rigorously summarises all the existing research on a topic. When researchers conduct a systematic review they follow rigorous processes to ensure that their work is unbiased and provides a comprehensive summary of the available evidence.

Like all research, the research on diversion has some limitations. Many of the studies are quite old and from different contexts. More research is needed to explain why diversion works. It's important to acknowledge the limitations of this research but they shouldn't prevent us from acting to keep children safe. Although there is some uncertainty, diverting children is a useful tool for keeping them safe.

The YEF is committed to improving the evidence base for diverting children. You can read more about this work on our [website](#).

## 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.<sup>6</sup>
- **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 be used to 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

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<sup>4</sup> Petrosino et al (2019); Wilson D B, Brennan I, and Olaghery A. (2028)

<sup>5</sup> Youth Justice Board, 'Definitions for Prevention and Diversion' (2021)

<[https://yjresourcehub.uk/images/YJB/Definitions\\_for\\_Prevention\\_and\\_Diversion\\_YJB\\_2021.pdf](https://yjresourcehub.uk/images/YJB/Definitions_for_Prevention_and_Diversion_YJB_2021.pdf)> [accessed 18 March 2022].

<sup>6</sup> Community Resolution: 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.

children from court. This suggests that, when cautions are used as a true alternative to prosecution, they are an important tool for diverting children.

This report won't discuss preventative work prior to arrest, or any diversionary work that happens after an appearance at court.

**Figure 1. What's in and out of scope**



## How did we write this report?

This report draws on the best available evidence regarding pre-court diversion. We considered a range of research, including:

- Research on the impact of pre-court diversion, summarised in the [YEF Toolkit](#).
- Research on the impact of interventions delivered to children who've been arrested, summarised in the [YEF Toolkit](#).
- A new systematic review, commissioned by the YEF, on how diversion is implemented in the UK.
- New research, supported by the YEF, into the impact of deferred prosecution.
- [Research](#) conducted by the Centre for Justice Innovation on youth diversion, including new work supported by the YEF on data and inspection.

We also conducted a stakeholder consultation to collect expert insights. This included consultation with three key groups: our Strategic Advisory Group, Expert Panel and Service Leaders Group.



## Our Strategic Advisory Group



**Claire Parmenter**  
Deputy Chief Constable,  
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**Festus Akinbusoye**  
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## Our Expert Panel

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- Charlie Spencer (Surrey County Council)
- Claire Ely (Centre for Justice Innovation)
- Iain Brennan (University of Hull)
- Katie Harper (Metropolitan Police)
- Kieran Glidea (HMIP)
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## Our Service Leaders Group

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- Hannah Blower (Lancashire Youth Offending Service)
- Joanne Taylor (Newcastle local authority)
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## **Our recommendations**

# Recommendation 1: Police have the incentives to use diversion

## YEF will ...

Encourage the Home Office to update the Crime Outcomes Framework so that **Outcome 22 is recorded as a successful outcome.**

## Why?

At present, when the police give a child the opportunity to complete positive activity that could reduce future reoffending, instead of proceeding with formal sanctions, this is not recorded as a positive outcome. This disincentivises police from taking an approach which the evidence suggests could lead to less reoffending.

## More detail

### What is the issue?

Outcome 22 is an outcome code the police can use when an arrested child has completed diversionary, educational or intervention activity and it is not in the public interest to take any further action. Outcome 22 enables the police to divert children who have committed offences to positive support that could protect them against future involvement in crime.<sup>7</sup>

An important feature of this outcome is that an admission of guilt is not required for it to be used. There is some evidence that requiring an admission of guilt to access diversion options is contributing to racial disproportionality in the youth justice system.<sup>8</sup> Giving the police an option to divert children without this requirement may help to address racial disproportionality.

Outcome 22 is commonly used in a type of diversion called deferred prosecution. In deferred prosecution, the child who committed an offence agrees to comply with certain conditions and complete activities that support them to not offend in the future. If they complete these activities, then the case is recorded as an outcome 22 and they don't receive a criminal record. However, if they fail to complete the conditions, they can receive a formal sanction or prosecution. Evaluation of deferred prosecution is ongoing but the current evidence suggests that it can have promising effects on reducing reoffending.

However, Outcome 22 is currently not seen as a positive outcome in the crime reporting outcomes framework, which means that police can be disincentivised from using it. This is leading to a likely underuse of an effective way of reducing crime and violence and also regional variation in the use of Outcome 22: some police forces appear to be using it more than others and forces are using it in different ways. Data collected from the four largest police forces over 2021 and 2022 demonstrates

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<sup>7</sup> Currently Outcome 22 can be used with children in two different scenarios: as an alternative to a Community Resolution, or as a Deferred Prosecution Scheme (DPS).

<sup>8</sup> Centre for Justice Innovation, *Equal Diversion? Racial Disproportionality in Youth Diversion* <[https://justiceinnovation.org/sites/default/files/media/document/2021/CJI\\_Exploring-disproportionality.pdf](https://justiceinnovation.org/sites/default/files/media/document/2021/CJI_Exploring-disproportionality.pdf)> [accessed 15 July 2022].

this variation. Outcome 22 was used only 37 times by the Metropolitan Police Service over this period compared to 930 times in West Yorkshire.<sup>9</sup>

### **What changes would we like to see?**

The Home Office should update the crime outcomes framework so that Outcome 22 is recorded as a successful outcome when applied to children. This would encourage all forces to use Outcome 22 where appropriate to divert children from formal criminal justice outcomes to positive support, and thereby reduce offending and help address the regional inequity in children's access to diversion.

Steps should also be taken to ensure frontline police staff across the country have an accurate understanding of when it is appropriate to offer Outcome 22 to children. A recent inspection found that "officers' flawed understanding of outcome 22 may disproportionately affect children from ethnic minority backgrounds and contribute to these children being more likely to be prosecuted than their white counterparts."<sup>10</sup> Making clear to officers across all forces that Outcome 22 does not require a child to admit guilt for the offence may help to reduce disparities in access to diversion. Changes to the outcomes framework should allow analysis to distinguish between instances where Outcome 22 is used in deferred prosecution or another type of scheme. This would make it easier to properly understand how Outcome 22 is being used nationally.

### **What is the evidence?**

There is strong evidence that diverting children who have committed low-level or first-time offences from formal criminal justice processes and outcomes can protect them from future involvement in crime. It can also lower the severity of any crimes they do later commit.<sup>11</sup> There is some evidence that diverting children to positive activities can achieve greater impacts than diversion alone.<sup>12</sup>

There is also emerging evidence about the positive impact of deferred prosecution specifically. An evaluation of a deferred prosecution approach in Birmingham found it led to 36% less harmful crimes and had larger effects for people from ethnic minority backgrounds.<sup>13</sup> This suggests that the programme can reduce the number of victims in the future. Interim findings from a more recent trial in North West London also found desirable effects.<sup>14</sup> These results have not yet been published in full, and the evidence is stronger for adults than children, but the emerging evidence is promising.

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<sup>9</sup> Maeve Keenan, 'Outcome 22: Is the Use of This Outcome a "Postcode Lottery" for Children in the UK Criminal Justice System?', *Kingsley Napley Criminal Law Blog*, 2022 <<https://www.kingsleynapley.co.uk/insights/blogs/criminal-law-blog/outcome-22-is-the-use-of-this-outcome-a-postcode-lottery-for-children-in-the-uk-criminal-justice-system>> [accessed 25 August 2023].

<sup>10</sup> HMICFRS, 'An Inspection of How Well the Police Tackle Serious Youth Violence', *His Majesty's Inspectorate of Constabulary and Fire & Rescue Services*, 2023 <<https://hmicfrs.justiceinspectorates.gov.uk/publication-html/inspection-of-how-well-the-police-tackle-serious-youth-violence/>> [accessed 10 November 2023].

<sup>11</sup> Wilson D B, Brennan I, and Olaghere A (2018); Petrosino et al (2019).

<sup>12</sup> Petrosino et al (2019)

<sup>13</sup> Evaluation of Operation Turning Point, forthcoming.

<sup>14</sup> Harber, K., Replication of Operation Turning Point, forthcoming.

## Recommendation 2: Police are confident to respond to vulnerable children

### YEF will ...

Work with partners to ensure that **all officers are confident on how to treat each arrest of a child as a safeguarding opportunity** as a well as a public safety opportunity.

### Why?

Children are more likely to commit an offence if they lack support from family or wider society or if they are being exploited. If children come into contact with the police, this is an opportunity to identify children who are lacking support or being exploited and to address these underlying causes of crime.

### More detail

#### What is the issue?

Children who enter the criminal justice system are some of the most vulnerable children in society. Their offending will often mask underlying vulnerabilities including early childhood trauma and neglect, poor mental health and growing up in poverty.<sup>15</sup>

A recent analysis of cases where a child has come to serious harm found that the police were missing opportunities to identify vulnerabilities and keep children safe.<sup>16</sup> The most common types of vulnerability to be missed included child sexual exploitation and criminal exploitation. The analysis also found that preconceptions or negative attitudes sometimes prevented police officers from identifying vulnerability that may increase a child's risk of harm. This was particularly noted in a context of repeat incidents, and across a range of vulnerabilities including child sexual and criminal exploitation and missing children.<sup>17</sup>

Inspection reports suggest that, while police are improving at identifying and responding to signs of vulnerability in children, too many exploited children are criminalised. Too little consideration is given to the reasons why children commit crime when decisions are made about the appropriate response. Recognising these root causes could enable the police to consider different, and more appropriate, resolutions when crimes occur.<sup>18</sup>

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<sup>15</sup> House of Commons Justice Committee (2020), 'Children and young people in custody', [https://publications.parliament.uk/pa/cm5801/cmselect/cmjust/306/30606.htm#\\_idTextAnchor006](https://publications.parliament.uk/pa/cm5801/cmselect/cmjust/306/30606.htm#_idTextAnchor006); HMIP, 'The Work of Youth Offending Teams to Protect the Public', 2017.

<sup>16</sup> D Allnock, J Dawson, and H Rawden, 'The Role of Police in Responding to Child and Adult Vulnerability: A Meta-Analysis of 126 Reviews of Death and Serious Harm' (Vulnerability Knowledge and Practice Programme, 2020) <[https://www.vkpp.org.uk/assets/Files/Publications/VKPP\\_police\\_response\\_MetaAnalysis.pdf](https://www.vkpp.org.uk/assets/Files/Publications/VKPP_police_response_MetaAnalysis.pdf)> [accessed 25 August 2023].

<sup>17</sup> Allnock, Dawson, and Rawden. (2020)

<sup>18</sup> HMICFRS, 'National Child Protection Inspections 2019 thematic report', 2019, <https://assets-hmicfrs.justiceinspectorates.gov.uk/uploads/national-child-protection-inspections-2019-thematic-report.pdf>; HMIP, 'Exploring Contextual Safeguarding in youth justice services', 2023, <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2023/06/Exploring-Contextual-Safeguarding-in-youth-justice-services-1.pdf>

## **What changes would we like to see?**

Any time a child is arrested, police officers should consider whether the child's behaviour or the context of their arrest might indicate cause for safeguarding concerns. This lens should be consistently applied regardless of the age, background or location of the child, their previous encounters with police, or the nature of the behaviour which resulted in their arrest. If there are signs pointing to safeguarding concerns, police officers should be aware of service availability and referral pathways in their area (including for example how to refer into a Multi-Agency Safeguarding Hub, the National Referral Mechanism, and the local diversionary services). These referral pathways should be consistently implemented when there are signs of safeguarding concerns. Strong leadership, supporting and embedding a curious and concerned mindset across operational frontline staff, is required to do this well.

We would like the police inspectorate (HMICFRS) to update the Police Effectiveness, Efficiency and Legitimacy (PEEL) criteria used to inspect police forces, to include treatment of children in contact with the police. This could incentivise forces to improve where needed. We would also like to see a joint inspection, including HMIP and HMICFRS on the policing of children.

The YEF will look to invest in research to better understand the current systems for safeguarding children and how well they are operating.

## **What is the evidence?**

Children who commit acts of violence are disproportionately likely to be lacking support from adults and experiencing serious distress or exploitation.<sup>19</sup> Arrest is a moment where vulnerable children encounter adults who can help them get support but there is evidence that the police are missing opportunities to do so. Ensuring that vulnerable children get access to the support they need is likely to keep them safe from offending in the future. This is a logical approach but there are relatively few rigorous evaluations of attempts to safeguard children at the point of arrest. Changes should be closely monitored and evaluated to check that they improve outcomes.

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<sup>19</sup> House of Commons Justice Committee (2020), 'Children and young people in custody', [https://publications.parliament.uk/pa/cm5801/cmselect/cmjust/306/30606.htm#\\_idTextAnchor006](https://publications.parliament.uk/pa/cm5801/cmselect/cmjust/306/30606.htm#_idTextAnchor006); HMIP, 'The Work of Youth Offending Teams to Protect the Public', 2017.

## Recommendation 3: Funding review

### YEF will...

Encourage the Ministry of Justice to **review the allocation of Youth Justice Services' funding** to reflect local need.

### Why?

Most youth justice service caseloads today include a large amount of informal support for arrested children. This is important work that could reduce re-offending. However, the current funding formula is 20 years old and does not dedicate adequate or predictable budget for this work. Evidence-based interventions for reducing violence require funding. Providing these interventions is hard to do efficiently when funding is not based on up-to-date need.

### More detail

#### What is the issue?

The allocation of funding for Youth Justice Services has not been reviewed for almost 20 years. Currently, the funding arrangements for Youth Justice Services do not recognise all the work they are doing on informal prevention and diversion, which half of services in England report is over half of their caseload.<sup>20</sup> Services can secure funding from local sources to fill the gap, but these arrangements are often changeable and short-term.

#### What changes would we like to see?

The Ministry of Justice should review the funding formula for Youth Justice Services. This would mean resource is allocated to where it is most needed for preventing violence. All children, regardless of where they are located, ought to have equal access to diversion schemes and support. To ensure parity of access, all Youth Justice Services should be appropriately funded according to need and caseload across both formal and informal diversion. In assessing need, consideration ought to be given not only to volume of demand for diversionary activity but also complexity and diversity of need. Accurate funding formulas will likely need to consider known drivers of offending by children, such as population and deprivation rates, in addition to youth justice service caseloads.

The Ministry of Justice should consider two additional steps to securing funding for diversion:

- It could make funding for the Turnaround programme permanent by incorporating it into the core youth justice grant for Youth Justice Services. The Turnaround programme provides a multi-year grant from the MOJ to youth justices services for supporting children at the early stages of the youth justice system.
- It could address some of the challenges youth justice services face with short-term and unreliable funding by providing multi-year grants. This would allow Youth Justice Services to do longer-term financial planning.

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<sup>20</sup> House of Commons Justice Committee, 'Children and Young People in Custody', 2020.

## **What is the evidence?**

Several reports have documented the challenges with predictable and sustainable funding for diversion including a House of Commons Justice Committee report and joint recommendations from the Youth Justice Board, Probation Service and Association of YOT managers.<sup>21</sup>

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<sup>21</sup> House of Commons Justice Committee (2020); Youth Justice Board, 'Definitions for Prevention and Diversion'.



## Recommendation 4: Fast and effective referrals

### YEF will...

Work with the police and diversion services to ensure that **an arrested child receives the recommended support quickly** – normally within 4 weeks of arrest.

### Why?

Providing support quickly following the original offence is likely to mean it is much more effective. At present, children in a third of youth justice service areas can wait over four weeks for the support to be delivered. This can be speeded up by making sure that the referral process from police to youth justice service and other partners is simple and clear.

### More detail

#### What is the issue?

The faster that support is provided following the original offence, the more effective it is likely to be in reducing a child's likelihood of reoffending.<sup>22</sup> Unreliable or unclear referral pipelines slow down the process of a child getting the recommended support. A survey of youth justice services in 2019 found that referral times in a third of youth justice services that responded were over four weeks.<sup>23</sup>

Effective diversion requires clear, simple and well-understood processes that help a child move from initial arrest to support from within the youth justice service, education, health and voluntary organisations. Research suggests that this complexity can be an important barrier to effective diversion: the challenge of getting different agencies to work together across a complex set of activities is a common theme in why diversion sometimes fails to meet its potential and keep children safe.<sup>24</sup> There is a risk that referrals aren't made when they should be and children don't get the support they need.

Our evidence review found emerging evidence from qualitative research into children's experience of diversion that a lack of understanding of processes and options can be a barrier to access.<sup>25</sup> This finding has been replicated in other reviews of the research.<sup>26</sup>

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<sup>22</sup> Centre for Justice Innovation, *Ensuring Effective Referral into Youth Diversion*, 2021  
<[https://justiceinnovation.org/sites/default/files/media/document/2021/effective\\_referrals.pdf](https://justiceinnovation.org/sites/default/files/media/document/2021/effective_referrals.pdf)> [accessed 15 July 2022].

<sup>23</sup> Centre for Justice Innovation, *Mapping Youth Diversion in England and Wales*, 2019  
<<https://justiceinnovation.org/sites/default/files/media/documents/2019-02/mapping-youth-diversion-in-england-and-wales-final.pdf>> [accessed 15 July 2022].

<sup>24</sup> National Children's Bureau, 'Evidence review on youth diversion programmes', 2023

<sup>25</sup> National Children's Bureau, 'Evidence review on youth diversion programmes', 2023

<sup>26</sup> Tim Bateman and others, '"Race", Disproportionality and Diversion from the Youth Justice System: A Review of the Literature'.

## What changes would we like to see?

The Centre for Justice Innovation recommends that no referral process should take longer than four weeks.<sup>27</sup> Each local area should establish and embed a joint working agreement clearly setting out multi-agency diversion processes, including specifying referral processes, eligibility criteria (referring to the Child Gravity Matrix<sup>28</sup>), information sharing processes, and the roles and responsibilities of various professionals involved.<sup>29</sup> All partners involved should sign the document and make a commitment to implementing it. This has already been found to be feasible and useful in some areas, and could ensure that the correct referrals are made promptly. The YJB's upcoming case management guidance also promotes this practice and the YJB will be monitoring how local areas conduct it.

### **Case study, from the Centre for Justice Innovation's report on ensuring effective referral into youth diversion**

One scheme has structured their referral process to ensure that no referral takes longer than four weeks (most are resolved much sooner). They hold their joint decision panel once a week. Once a decision is made, YOT staff have 5 working days to contact the young person and their parent/carers. Where there is a delay in decision making, their aim is that the delay should not hold up interventions to prevent further offending. As a result, delays in decision-making do not exceed three weeks or three panels. Allowing for a speedy decision-making process enables swift justice for the victim and keeps the integrity of the scheme. Some schemes have included another layer of scrutiny: a staff member will act as 'gatekeeper' and will review all referrals for suitability. It is important that these gatekeepers are empowered not just to reject referrals deemed too high risk, but also those that do not meet the threshold.

Source: [Ensuring effective referral into youth diversion, Centre for Justice Innovation](#)

Some Youth Justice Services report that they find it difficult to have consistent engagement with senior levels of the education and health provision locally, despite them being statutory partners in the service. This leads to less access to support for arrested children (whether a health intervention or support in getting the child fully engaged in education). We want to see senior staff members from education and health services attending Youth Justice Service management board meetings as standard. The YJB provides clear guidance on the membership and functioning of management boards.<sup>30</sup>

We would like to see support for local areas to communicate with children in their care. Our evidence review found many examples of professionals communicating effectively with children and their carers, to ensure they have a good understanding.<sup>31</sup> Children reported greater understanding when working with practitioners who adopted a clear and compassionate approach,

<sup>27</sup> Centre for Justice Innovation, *Ensuring Effective Referral into Youth Diversion*, 2021 <[https://justiceinnovation.org/sites/default/files/media/document/2021/effective\\_referrals.pdf](https://justiceinnovation.org/sites/default/files/media/document/2021/effective_referrals.pdf)> [accessed 15 July 2022].

<sup>28</sup> The NPCC published a revised Child Gravity Matrix in 2023. This includes helpful guidance about the relationship between police and youth justice services, and when and how decisions should be made jointly between them. Across all forces officers should be aware of and referring to the revised Child Gravity Matrix. Forces should be expected to introduce some kind of scrutiny mechanism to ensure it is consistently and properly used.

<sup>29</sup> This should be informed by the YJB's upcoming Out of Court Disposals Case Management Guidance

<sup>30</sup> YJB, 'Youth Justice Service Governance and Leadership', GOV.UK, 2023 <<https://www.gov.uk/government/publications/youth-justice-service-governance-and-leadership/youth-justice-service-governance-and-leadership>> [accessed 10 November 2023].

<sup>31</sup> National Children's Bureau, 'Evidence review on youth diversion programmes', 2023

that is thoughtful about the different communication needs that a child might have. This included practitioners meeting children in advance of decisions and explaining processes in accessible language. Some services have also worked with children with relevant lived experience to develop an accessible leaflet or video that explains the process. We support the CPS's plans to scale up these leaflets nationally.

The YEF will look to fund further research into local referral systems, the variation in models that exists, and how well they are operating.

### **What is the evidence?**

There is emerging qualitative research into the implementation of diversion programmes which suggests that referral into schemes is a point in the system where they can commonly fail.<sup>32</sup> Speed of referral is likely to be an important aspect of successful schemes: reducing the time that children lack the support they need and the possible negative impact of 'labelling'.<sup>33</sup>

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<sup>32</sup> Centre for Justice Innovation, *Ensuring Effective Referral into Youth Diversion*.

<sup>33</sup> Wilson et al (2018)

## Recommendation 5: Prioritising what works best

### YEF will...

Work to ensure that **local commissioners, youth justice services and relevant policing staff are confident on the evidence base** about support for children who've been arrested.

### Why?

Not all support helps children. Some types of support are more likely to be effective than others. It is therefore important that local commissioners and youth justice services understand the evidence on the impact of different approaches.

### More detail

#### What is the issue?

Although diverting children from formal criminal justice outcomes is itself likely to reduce reoffending, diverting children to effective interventions and support can increase its impact.<sup>34</sup> This decision should be informed by both an understanding of the individual child's needs, including their context and the drivers of their behaviour<sup>35</sup>, and of the evidence about what types of interventions and approaches have tended to be more effective.

We have heard that local areas can struggle to access and use this evidence. At the commissioning level, service leaders report challenges in accessing research on the impact of various interventions and activities. There is still uncertainty about where to find the best available information. At the individual level, practitioners sometimes struggle to access sufficient information to ensure that the diversion offer is properly tailored to the needs of the child.

#### What changes would we like to see?

Commissioners, police, youth justice services and other local authority staff should receive training and support in how to best use the available evidence, including the [YEF Toolkit](#), when designing services and commissioning interventions for children.<sup>36</sup> We would also like to see an audit of the interventions and support available for children when they are arrested.

#### What is the evidence?

There is now a sizeable evidence base, summarised in the YEF Toolkit, on what works to keep children safe from involvement in further offending and violence. Each approach summary in the YEF Toolkit is based on a systematic review. Systematic reviews find all of the research on a topic and then summarise it using a systematic process with the aim of producing findings that are unbiased. You can read more about the research on every topic in the Toolkit by downloading a

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<sup>34</sup> Wilson et al (2018)

<sup>35</sup> Through our work on this project we have heard of children being referred into interventions which they don't consider in any way relevant to their needs or offending behaviours, which is not just ineffective but could potentially be actively harmful.

<sup>36</sup> The YEF developed the Toolkit to summarise existing research in a way that's easy to access and understand. It summarises research on 27 approaches to keeping children safe from crime and violence. It is based on real life data about what has happened when these approaches have been used before. For each approach it explains what it is, how effective it's likely to be, how confident you can be in the evidence of its impact, as well as indicative costs and links to related resources and programmes.

technical report from the bottom of the topic summary page. You can see a summary of the relevant section of the Toolkit below, highlighting that certain support to children is more effective in keeping them safe from becoming involved in offending. Interventions at the top of the image are more effective, those at the bottom – labelled harmful – make matters worse.

**Figure 2. Relevant interventions in the YEF Toolkit**

ESTIMATED IMPACT	APPROACHES	EVIDENCE QUALITY
<b>HIGH</b>	Social skills training	QQQQQ
	Cognitive Behavioural Therapy	QQQ
	Sports programmes	QQQQQ
	Trauma-specific therapies	QQQQQ
<b>MODERATE</b>	Mentoring	QQQ
	Restorative justice	QQQ
	Multi-Systemic Therapy	QQQ
<b>LOW EFFECT</b>	Parenting programmes	QQQQ
	Adventure and Wilderness Therapy	QQQQ
<b>NO CLEAR EVIDENCE</b>	Knife crime education programmes	QQQQ
<b>HARMFUL</b> (increased violence)	Boot camps	QQQQ
	Prison awareness programmes	QQQQ

## Recommendation 6: Access to therapy

### YEF will ...

Work to ensure that **Youth Justice Services and partners are able to get children access to therapy when they need it.**

### Why?

Partner organisations involved in diversion do not always find it possible to access therapy when children need it. Changing this will increase the quality of support that children get, reducing victims, crime and reoffending.

### More detail

#### What is the issue?

It is likely that a significant proportion of children in contact with the criminal justice system have unmet mental health needs.<sup>37</sup> There is also strong evidence that psychological therapies can be effective in keeping children safe from involvement in crime and violence. However, demand for psychological therapies outstrips supply in most areas across England and Wales. The Children's Commissioner's report on Children's Mental Health Services 2021-22 estimated that only 48% of children in need were able to access mental health services in 2021-22.<sup>38</sup> Youth justice services report that they can struggle to get access to therapy when children need it.

#### What changes would we like to see?

We would like to see arrested children from all backgrounds have reliable access to clinical therapy when they need it.<sup>39 40</sup> YEF will begin by arranging for a clear audit of access to evidence-based interventions for arrested children, including therapy. YEF is also working to improve the supply of therapy by testing innovative models. For example, we are currently testing the effectiveness of training youth workers to deliver CBT in a large trial across London, and we will be funding and evaluating a range of promising approaches to therapy over the next few years. YEF will continue to monitor and report on access to therapeutic services as we work to deliver these recommendations.

#### What is the evidence?

There is strong evidence that psychological therapies can prevent offending. For example, the YEF toolkit strand on Cognitive Behavioural Therapy found that it is an effective intervention approach to reduce youth reoffending and behavioural difficulties.<sup>41</sup> The largest effects of CBT are demonstrated

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<sup>37</sup> Chitsabesan, P. et al (2018), 'Mental health needs of young offenders in custody and in the community', *The British Journal of Psychiatry*.

<sup>38</sup> Children's Commissioner (2023), 'Children's Mental Health Services 2021-22', [Childrens-Mental-Health-Services-2021-2022-2.pdf \(childrenscommissioner.gov.uk\)](https://childrenscommissioner.gov.uk/publications/childrens-mental-health-services-2021-22/)

<sup>39</sup> In situations where there is uncertainty as to whether a child might benefit from access to a psychological therapy, CYPMHS (or FCAMHS where available for the most complex cases) should be consulted for advice on the appropriateness of a referral.

<sup>40</sup> To ensure parity of access for all those considered likely to benefit from a psychological therapy, all Youth Justice Services (or whoever it is that delivers diversion interventions – in some areas this might be the local authority's targeted early help team or outsourced to a local voluntary, community or faith organisation) should have clearly defined referral processes and established working relationships with CYPMHS and FCAMHS where available.

<sup>41</sup> Youth Endowment Fund, YEF Toolkit: Cognitive Behavioural Therapy, 2023, <https://youthendowmentfund.org.uk/toolkit/cognitive-behavioural-therapy/>

amongst children with the highest level of need, and those most at risk of involvement in crime. We currently lack evidence on whether therapies delivered by trained youth workers (and overseen by clinicians) are as effective as clinician-administered therapy; YEF is funding the evaluation of such models to fill this gap.

Trauma-specific therapies (such as trauma-focused CBT and Cognitive Processing Therapy) have also shown an impact on reducing offending amongst children at risk of involvement in the criminal justice system (albeit based on very limited evidence), and on reducing externalising behaviours such as aggression.<sup>42</sup>

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<sup>42</sup> Youth Endowment Fund, YEF Toolkit: Trauma-specific therapies, 2023, <https://youthendowmentfund.org.uk/toolkit/trauma-specific-therapies/>

## Recommendation 7: Clear data

### YEF will ...

Work with the Youth Justice Board to ensure that there is **clear data on how many children receive support after arrest and what sort of support they receive.**

### Why?

There is a lack of data on how many children receive diversionary support and what support they receive, particularly for informal diversion outcomes such as community resolutions and no further action. Collecting this data is important to better understand how and when diversion works.

### More detail

#### What is the issue?

Historically there has been no requirement for youth justice services to report when they are working with children who received certain outcomes (no further action or community resolutions), the needs and demographics of the children they work with, and what type of support is provided. Although youth justice services often collect this data at a local level, they don't use consistent processes so it is impossible to understand the national picture.<sup>43</sup> Collecting this data nationally would inform debates about effective diversion, whether it is offered equitably, and what the funding system should look like. Better data would allow researchers to start to learn systematically about the ingredients of effective diversion.

#### What changes would we like to see?

We want to see all Youth Justice Services providing data to the Youth Justice Board (YJB) on their diversion work, including data from police colleagues where necessary. This will allow the YJB to develop a coherent national overview of current practice and outcomes. A successful attempt to collect better data would allow the YJB to publish clear national summaries of:

- The number of children diverted to different outcomes
- The demographics of children who receive different diversion outcomes
- The support that children are offered and receive
- The length of time from arrest to receipt of support
- Re-offending rates associated with different types of diversionary activity

The YJB has recently taken important steps to collect better data.

- It has created a new prevention and diversion tool – a digital tool which supports youth justice services to assess children and plan support for them. Previously services reported that ASSET PLUS was too long for informal diversion cases and they had started to use different tools instead. This meant that the case management system couldn't be used to collect consistent data across different areas. The YJB is developing and piloting a new,

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<sup>43</sup> HMIP, 2022 Annual Report: inspections of youth offending services, 2022, <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2023/06/Youth-annual-report-2022-v1.0.pdf>



shorter version for use across services. This should provide the consistent data required to create a national overview of the state of the system.

- In April 2023 it introduced a new Data Recording Requirement which states that ‘the recording of all YJS diversion work is mandatory.’ It explains that services should be reporting on two types of informal diversion disposals for which they were previously not providing data: Community Resolutions and No Further Action.<sup>44</sup>
- The MOJ introduced new Key Performance Indicators to be used by the YJB to monitor performance of youth justice services. These will require youth justice services to report on all Out of Court Disposals and whether they were successfully completed or not.
- The new Out of Court Disposal case management guidance will provide guidance on what data local partnerships should be collecting and analysing to better understand and improve diversion.

These steps should allow YJB to publish national statistics on the use of diversion by 2026. YEF will continue to monitor and report on the availability of good data as we pursue the recommendations in this report.

## **What is the evidence?**

YEF commissioned the Centre for Justice Innovation (CJI) to conduct a short review of data collection practices to inform this recommendation. This highlighted the lack of data at present and the existing plans from the Youth Justice Board to address this. The CJI spoke with a range of experts and conducted a search of existing documents.

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<sup>44</sup> [https://yjresourcehub.uk/images/YJB/YJB\\_Data\\_Recording\\_Requirements\\_YJS\\_2023\\_2024.pdf](https://yjresourcehub.uk/images/YJB/YJB_Data_Recording_Requirements_YJS_2023_2024.pdf)



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