

An evidence review on youth diversion programmes

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About National Children's Bureau

This report has been produced in collaboration with the National Children's Bureau. The National Children's Bureau works collaboratively across the issues affecting children to influence policy and get services working together to deliver a better childhood. They were commissioned by the Youth Endowment Fund (YEF) to provide an evidence review on diversion programmes across England and Wales.

About Youth Endowment Fund

The Youth Endowment Fund's mission is to prevent children and young people becoming involved in violence. They do this by finding out what works and building a movement to put this knowledge into practice.

The fund was established in March 2019 by children's charity Impetus, with a £200m endowment and ten-year mandate from the Home Office. For more information, please visit www.youthendowmentfund.org.uk

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Terminology

Children and Young people (CYP) refer to the participants of diversion schemes, aged between 10-17 inclusive.

First time entrants (FTEs) is a term used in this report to describe CYP who enter the English or Welsh criminal justice system for a recordable offence and who receive their first reprimand, warning, caution or conviction.

Out-of-Court Disposals (OoCD) are methods used by police to resolve low-level, often first-time offences quickly and proportionately, without resorting to prosecution. Some have a statutory basis, others do not.

Youth offending teams (YOT)¹ are multi-agency teams made up of representatives of the Police, the Probation Service, Social Services, Education and the Health Service. They work with children aged 17 and below in contact with the criminal justice system to reduce risk of re-offending. YOTs will support positive behaviour and desistance and work to identify an appropriate service response. There are currently 157 YOTs in England and Wales.

The **Youth Justice Board (YJB)** is a public entity overseeing the youth justice system in England and Wales. Their mission is to treat children as individuals, fostering their strengths to contribute constructively to society and prevent reoffending. They advise on improvements, share best practices, commission research and amplify the voice of the child.

The **Youth Justice System (YJS)** in England and Wales, fundamentally reshaped by the 1998 Crime and Disorder Act, primarily aims to prevent youth offending. It advocates partnerships to ensure this aim, while maintaining child welfare as the primary concern. New approaches for first-time young offenders and rehabilitation orders were introduced to reinforce this goal.

¹ Although YOT is the term used in legislation and some of the research included in this report, we wish to acknowledge that many YOTs and the YJB prefer to use 'Youth Justice Services.'

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1. Background

Prior to 1998, the police held responsibility when deciding the appropriate responses to crimes committed by children across England and Wales (Crime and Disorder Act, 1998²). These choices included doing nothing, informal warnings, formal cautions, bringing charges or escalating the matter to court. A review of the YJS by the Audit Commission in 1996³ estimated that three out of five crimes committed by children were dealt with via caution, however, they suggested that “prosecution is more effective in reducing re-offending than a caution” (pg. 22). The creation of a white paper⁴ in 1997 spearheaded by the new Labour government stated “inconsistent, repeated and ineffective cautioning has allowed some CYP to feel that they can offend with impunity.” Therefore, an update to the Crime and Disorder Act 1998 required that police made decisions with less discretion and less flexibility than before and children aged 10-17 could either a) be reprimanded for a first offence or b) receive a final warning for a second offence, and that any further offending would result in prosecution.

Following the implementation of these measures, an increasing number of children involved in more ‘minor’ criminal activity were arriving in court and some researchers and practitioners argued that opportunities may have been lost for early prevention which may have directed some young people away from crime. In addition to this, the suggestion made by the white paper was at odds with emerging evidence from Northamptonshire collected between January 1999 to April 2000 that posited that informal action could be effective when dealing with children. This emerging evidence, alongside the stakeholders’ assertions led to several new approaches being introduced in 2008 including:

1. Youth Restorative Disposals (YRDs)
2. Triage schemes introduced by the Youth Crime Action Plan
3. Youth Justice Liaison and Diversion Schemes
4. ‘Children first’ models including The Swansea Bureau Model.

² Crime and Disorder Act 1998. Available at: <https://www.legislation.gov.uk/ukpga/1998/37/contents> (Accessed June 2023)

³ Audit Commission (1996) Misspent Youth: Young People and Crime. London: Audit Commission

⁴ Home Office (1997) No More Excuses: A New Approach to Tackling Youth Crime in England and Wales. London: Home Office

Following the rise and development of various diversionary programmes, not limited to the four listed above, a report by the Ministry of Justice in 2010⁵ cemented the growing belief that inflexible approaches when dealing with young people could prove detrimental and that a police officers' discretion should regain its position in the criminal justice process.

“Under the current system of out of court disposals, young offenders are automatically escalated to a more intensive disposal, regardless of the circumstances or severity of their offence. We believe that this rigid approach can needlessly draw young people into the criminal justice system, when an informal intervention could be more effective in making the young person face up to the consequences of their crime, provide reparation for victims and prevent further offending. To remedy this, we propose to simplify the current framework and allow police and prosecutors greater discretion in dealing with youth crime before it reaches court. We propose to end the current system of automatic escalation and instead put our trust in the professionals who are working with young people on the ground.”
(pg. 68-69)

When moving into the present context, new legislation has provided police with some alternatives to prosecution which include:

1. no further action
2. community resolution
3. youth caution
4. youth conditional caution

The YJS in England and Wales has seen a significant shift in the last decade, with a large increase in the number of young people diverted from formal processing and a corresponding decrease in the rate of FTEs. While there have been some efforts to increase diversion for children who are involved in the YJS and the alternatives presented in this report have reduced the number of FTEs, it is important to note that some researchers believe that the dominant approach for

⁵ Ministry of Justice (2010). *Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*. London: Ministry of Justice

those who receive formal sanctions is still punitive (Creaney, 2015) and the minimum age of criminal responsibility is unacceptably young (UN Committee on the Rights of Child). In addition to this, the evolution of youth justice in England and Wales appears hindered by conflicting policy goals and political agendas which has had a significant impact on policy development.

Doli incapax

The Latin term, 'doli incapax', refers to the legal presumption that a child cannot form the criminal intent to commit an offence. Previously, English law, through section 34 Crime and Disorder Act 1998⁶, assumed a child under 14 couldn't commit a crime, with exceptions for children aged 10–14 if it could be proven they knew their actions were seriously wrong. This has been abolished, and currently in England and Wales, the age of criminal responsibility is 10 years old. Thus, children aged 10 to 17 can be arrested and prosecuted if they commit a crime. The UK has the lowest age of criminal responsibility in Europe.

Recent advances in brain scanning technologies have revealed that the brain of a 10-year-old is still in a stage of developmental immaturity, undergoing considerable transformations throughout the adolescent years and the developmental view in youth justice indicates that most CYP grow out of criminal misbehaviour as it is a transient, normal part of adolescence. Adolescence signifies a phase between childhood and adulthood marked by experimentation and risk-taking behaviours, sensitivity to peers and other social influences, and the development of individual identity (Collins and Steinberg 2006⁷; Spear 2000⁸). For most young people, this phase of exploration halts as their individual identities are formed, and only a small percentage of young people persist in their offending behaviour into adulthood (Moffitt, 1993)⁹.

⁶ Crime and Disorder Act 1998, c 34. Available at: <https://www.legislation.gov.uk/ukpga/1998/37/contents> (Accessed June 2023)

⁷ Collins, W. A., and Steinberg, L. (2006). Adolescent Development in Interpersonal Context. In N. Eisenberg, W. Damon, and R. M. Lerner (Eds.), *Handbook of child psychology: Social, emotional, and personality development* (pp. 1003–1067). John Wiley & Sons, Inc..

⁸ Spear, L.P. (2000) The adolescent brain and age-related behavioral manifestations. *Neuroscience & Biobehavioral Reviews*, 24(4), pp. 417–463.

⁹ Moffitt, T. E., (1993). Adolescence-limited and life-course-persistent antisocial behavior: a developmental taxonomy. *Psychological review* 100 (4), p674.

Diversion programmes, centred on minimal intervention and diverting children from the formal justice system, are not only compatible with these developmental realities but also align with the goal of the YJS to facilitate a successful, prosocial transition into adulthood while holding young people accountable for their antisocial behaviour (National Research Council, 2013)¹⁰.

1.1 Typologies of Diversion programmes

There are a multitude of diversion strategies that may offer more than just 'diversion' from the system. As a result of this global ideation, evidence-based policy advancement and increased research, the categorisation of diversion programmes is diverse and reflects the variety in their purpose and formation. The myriad of existing programmes, together with inconsistent descriptions of their components has rendered current classifications rather vague and unhelpful.

Research by Deloitte (2015)¹¹ estimates that three quarters of YOTs in England and Wales offer a bespoke approach to diversion while operating in a multi-agency system. This diversity within countries further makes categorisation of diversion difficult. Kelly and Armitage (2015)¹² provide a useful typology and note that there are at least five types of diversion described across scholarly and political sources. These include:

- i) 'diversion from prosecution/court';**
- ii) 'diversion from custody';**
- iii) 'diversion from the youth justice system';**
- iv) 'diversion into alternative services';**
- v) 'diversion from crime' (pg. 119).**

The focus of this report is on **pre-court diversion programmes only**, which will typically include the first four types on the list. We will exclude programmes that

¹⁰ National Research Council (2013). *Reforming juvenile justice: A developmental approach*. National Academies Press.

¹¹ Deloitte (2015) Youth Offending Team Stocktake. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/445641/yot-stocktake-report.pdf (Accessed: June 2023)

¹² Kelly, L., and Armitage, V. (2015). *Diverse Diversions: Youth Justice Reform, Localized Practices, and a 'New Interventionist Diversion'?* Youth Justice, 15(2), 117–133.

are universal in their recruitment or are preventative in nature such as those programmes that are targeted at young people considered "at-risk" of offending due to factors such as homelessness or living in a deprived area. Although Kelly and Armitage's typology is useful, it is not, by its design, able to reflect the diversity of sub-categorisations that exist within each type.

The Youth Endowment Fund (YEF), via their toolkit, provide a further classification of pre-court diversion programmes in England and Wales which include:

1. **Point-of-arrest diversion:** Police can refer a child to the YOT or similar services instead of arresting them, bypassing formal justice processes.
2. **Out-of-court disposals:** These could include youth cautions or youth conditional cautions.

Similar to the Kelly and Armitage typology, the YEF classification masks the wide discrepancies across the programmes within each of these two types, which can lead to inconsistencies in both the application and understanding of diversion.

UNICEF, in their advocacy brief for diversion of CYP (UNICEF, 2022¹³) provide three broad descriptions of diversion which incorporate some of the conditions that are placed upon the child. These include:

1. **Diversion based on an assessment.** In this approach, the root causes of a child's offending behaviour are identified and tackled. The child is likely referred to suitable community-based organisations, services, or activities based on a thorough assessment. Programmes in this category should address the root causes of the child's offending behaviour and should also support their rehabilitation and reintegration process. To ensure procedural fairness, diversion programmes based on an assessment should be proportional to the offence and should not be more severe or restrictive than the sanction that would have been imposed through court proceedings.

¹³ UNICEF (2022). *Diversion of Children in Conflict with the Law from Formal Judicial Proceedings in Europe and Central Asia*. Available at: <https://www.unicef.org/eca/media/27691/file/Five%20Advocacy%20Briefs%20on%20Child%20Justice%20&%20Child%20Friendly%20Justice:%20Diversion%20measures.pdf> (Accessed June 2023)

- 2. Unconditional diversion at the police stage.** This type of pre-court diversion typically doesn't involve any further intervention. In this category are verbal warnings or cautions following initial police contact. Some consider this to be 'true diversion', minimising the criminal justice system's involvement completely. Police can use their discretion in this way when they believe it to be a non-serious offence or when it's believed that the child is unlikely to reoffend.
- 3. Constructive diversion conditions.** This approach promotes access to diversion interventions that aim to contribute positively to the child's development and help prevent future offending behaviour. These could include life skills or vocational training programmes, therapeutic treatments, peer mentoring programmes, restorative justice, among others. The child's family may also be involved in these supportive programmes.

Although the three typologies highlighted above are useful for broad categorisation of diversion programmes, the nature of each programme will also vary based on the active components and how they are implemented in practice. Without standardised models, it is challenging to compare different programmes or to measure progress and improvements over time. This could potentially hinder the effectiveness of such interventions and limit our understanding of what works best.

To aid standardisation of models, Wilson and Hoge (2013)¹⁴ highlight the importance of understanding components within each programme type and what the referral method in diversion initiatives is. For instance, diversion at the point of initial contact with the police (i.e., cautions, decisions of no further action) should remove CYP from the justice system with no subsequent action yet, Gaffney, Farrington and White (2021)¹⁵ note that in England and Wales, cautions do appear on criminal records (pg. 7). Formal diversion schemes, on the other hand, may entail engagement in a specific intervention programme (such as

¹⁴ Wilson, H.A. and Hoge, R.D., (2013). The effect of youth diversion programs on recidivism: A meta-analytic review. *Criminal justice and behavior*, 40(5), pp.497-518.

¹⁵ Gaffney, H., Farrington, D. P. and White, H., (2021). Pre-Court Diversion: Toolkit technical report. *Youth Endowment Fund*. Available at: <https://youthendowmentfund.org.uk/wp-content/uploads/2021/06/Pre-Court-Diversion-technical-report-.pdf> (Accessed June 2023)

counselling, mental health services, employment training or restorative justice) or ongoing monitoring of the child's behaviour. Oftentimes, diversion might also necessitate a guilt admission and could result in immediate sentencing if the child fails to partake in the diversion scheme. After a comprehensive review of diversion papers in England and Wales, the current review team have been able to identify and provide a simple component analysis to reduce a large number of related variables to seven meaningful components that exist across each model of intervention. These include:



- 1. Model of intervention.** The intervention can range from minimal (police providing a verbal warning and sending the child home) to intensive (such as longer lasting restorative justice or therapeutic programmes).
- 2. Informal or Formal processing.** Formal processing typically occurs post-arrest, involves a 'justice component', an assessment, and typically followed by an intervention including conditions (e.g., admission of guilt). Informal processing means the CYP are often dealt with outside of custody (e.g., point of arrest caution), and without any formal sanctions.
- 3. Selected participants.** Diversion programmes may vary based on who the intended target population is. Some will target CYP who have committed a first offence, and some will be targeted toward specific types of crime.
- 4. Intervention setting.** Some diversion programmes will happen where the crime has happened, in the YOT, in the police station or in a community setting.
- 5. Eligibility criteria.** Inclusion in a programme may depend on factors such as their status as an offender (first-time offence), their age, or the outcome of an assessment.
- 6. Points of referral.** Inclusion in a programme may happen at the point of contact, point of arrest, in the police station, or later.
- 7. Outcomes.** Diversion programmes will lead to both intended and unintended outcomes, even if they are not explicitly stated. Common outcomes may be to reduce repeat offending or improve children's opportunities.

1.2 Why it is important to do this review

Understanding the evolution and implementation of various responses to youth crime in England and Wales, including diversion programmes, is fundamental to formulating more effective strategies. The shift in the YJS, from the police holding the sole responsibility for youth crime responses to introducing multiple approaches like Youth Restorative Disposals, Triage schemes, Youth Justice Liaison and Diversion schemes, and 'Children first' models, underscores the complexity and nuances involved. In addition to examining the implementation of current diversionary strategies, this review seeks to clarify the range of categorisations of diversion programmes. Considering diverse international, policy, and scholarly views on diversion coupled with the diversity of

implementation across YOTs in England and Wales, which may present potential inconsistencies in their application and understanding, this review offers an opportunity to comprehensively understand diversionary practice. This knowledge can ultimately inform policy and practice that better supports young people's transitions away from crime. In addition, very little is known about the effect of the increasing use of diversionary practices in England and Wales. In ^{16[OBJ]}, the inspectorate comments on the lack of reliable national or local data on the number of CYP who complete (voluntary) interventions or on the number of CYP who reoffend following intervention. Given the "accelerated trend" of dealing with CYP who offend in an informal way (i.e., avoiding formal CJS processes), this review is of key significance.

¹⁶ HM Inspectorate of Probation (2023) 2022 Annual Report: inspections of youth offending services. Available at: <https://www.justiceinspectorates.gov.uk/hmiprobation/inspections/yar-2022/> (Accessed July 2023)

2. Objectives

In this comprehensive review our focus is exclusively on those CYP aged 10–17 being diverted from formal sanctions at the pre-court level via diversionary practices. This review will dissect key components of different models of intervention, from their level of intensity and formality to eligibility criteria and outcomes, all of which have important implications for a child's experience in the justice system.

The primary aim of this review is to identify and summarise relevant evidence regarding the delivery of pre-court diversion programmes in England and Wales to enhance our comprehension of effective diversion implementation. We present evidence responding to eight distinct research questions, each dedicated to a specific objective:

Research Question 1: What are young people's perspectives, experiences and engagement with diversion programmes?

Our first objective is to delve into children's perspectives and experiences of diversion and discern how practitioners can foster children's engagement in diversion programmes.

Research Question 2: Which strategies ensure the greatest level of procedural fairness for CYP?

Here we seek to understand how practitioners and key stakeholders guarantee equal access to diversion programmes.

Research Question 3: How should diversion schemes determine eligibility criteria to decide who is diverted?

This question addresses the diverse criteria that diversion schemes might use to decide whether a young person should be diverted from the criminal justice system, such as offence type, criminal history, and additional needs.

Research Question 4: What procedural processes can boost referral to diversion programmes?

Here, we investigate evidence associated with processes and strategies that might elevate the frequency of referrals of young people into diversion programmes.

Research Question 5: How can practitioners involve children's families effectively in diversion?

For this question, we seek to identify evidence demonstrating how practitioners involve young people's families in diversion programmes and how this collaboration might lead to better outcomes.

Research Question 6: How should practitioners decide to match interventions (including intensity) to specific referrals?

Our objective here is to understand the optimal intervention dosage for diverted CYP, and how practitioners ascertain the suitable level of intervention.

Research Question 7: What staff training is crucial for the successful implementation of diversion?

Recognising the importance of training for staff and practitioners in youth diversion, we examine evidence to understand the nature of available training and the features of effective staff training.

Research Question 8: What promotes multi-agency collaboration and the integration of services?

In our final objective, we strive to understand the elements that facilitate, as well as those that hinder, multi-agency and partnership operations within the YJS.

A systematic review methodology is the optimal approach for answering these research questions as it offers a structured, transparent, and replicable process for identifying, evaluating and synthesising the existing body of completed studies. A comprehensive overview of the review methodology, including search strategies, screening, and the PRISMA flow diagram are presented in [Appendix A](#) of this report.

3. Diversionary practices

3.1 Theoretical underpinnings of Diversion

The idea of diversion originally developed from two theoretical explanations, Labelling and Differential Association Theory. However, over time, a variety of other theoretical models have been incorporated that also support and contribute to the understanding of diversion. In this section, we will explore and summarise four key theoretical models that greatly influence our comprehension and development of diversion strategies.

3.1.1 Labelling Theory

Labelling theory (Becker 1963)¹⁷, argues that dealing with some CYP via the formal justice system may do more harm than good, as it unintentionally labels and alienates them for carrying out fairly minor acts that may have been more suitably managed outside the system (Lundman 1993¹⁸; Klein 1986¹⁹). Much evidence has now been published that asserts that CYP who become 'known' to the criminal justice system are less likely to refrain from crime than those who commit crimes but remain undetected. Many experts place the weight of this finding on the 'labelling' effect, meaning that those children who are caught for a crime will be subject to increased scrutiny and surveillance which could in turn reinforce a criminal pathway^{20,21,22}. Labelling theory also refers to the concept that classifying a child as an 'offender' can alter the way the child perceives themselves (and how others perceive them) potentially leading them to accept a "deviant identity" (Case, 2021, pg. 9) and encourage further criminal or antisocial behaviour. Additionally, labelling can perpetuate mistrust of young people, reinforcing the idea that children who offend should be seen solely as offenders,

¹⁷ Becker, H. S. (1963). *Outsiders: Studies in the sociology of deviance*. Free Press Glencoe.

¹⁸ Lundman, R. J. (1993). *Prevention and control of juvenile delinquency*. Oxford University Press.

¹⁹ Klein, M.W. (1986). Labeling theory and delinquency policy: An experimental test. *Criminal Justice and Behavior*, 13(1), pp.47-79.

²⁰ Adler, J. R., Edwards, S., Scally, M., Gill, D., Puniskis, M. J., Gekoski, A., & Horvath, M. A. (2016). What works in managing young people who offend? A summary of the international evidence.

²¹ Petrosino, A., Turpin-Petrosino, C., & Guckenburg, S. (2010). Formal system processing of juveniles: Effects on delinquency. *Campbell Systematic Reviews*, 6(1), pp.1-88.

²² McAra, L. and McVie, S. (2007). Youth justice? The impact of system contact on patterns of desistance from offending. *European journal of criminology*, 4(3), pp.315-345.

and so labels such as 'offenders' 'deviant', or 'delinquent' could increase the frequency of certain behaviours.

In a literature review, Case (2021) argues that formal intervention from the justice system can be ineffective and detrimental due to the stigmatising effect of labelling and so many scholars believe that minimising intervention and maximizing diversion is key to reducing reoffending in CYP. Goldson (2015) supports the idea that labelling is a consequence of "intervention activating a correctional spiral" (pg. 28). Both Goldson and Case suggest labelling the young person as an 'offender' may increase the risk of reoffending as they commit to taking part in criminal behaviour, and consequently will require further intervention within the justice system. Neither Goldson nor Case present empirical evidence to support these arguments, yet the impact of labelling on further offending has been evidenced elsewhere (McAra and McVie, 2007²³).

Hart (2014) identifies a particular challenge in offering support to CYP within the system without labelling the child as a criminal. The author claims there has been a substantial focus on the risk of reoffending and justice for the victim, with less consideration of the child's needs and the stigmatising impact of labelling the child as an offender. Robin-D'Cruz (2019) suggests that a solution to the problem of labelling could be offered via the voluntary nature of most diversion schemes. Robin-D'Cruz reports that 70% of schemes required the young person's consent for them to be diverted, with a small minority of schemes (7%) not requiring consent. The author highlights the importance of this: "Diversion is qualitatively different from statutory supervision in that it is by nature voluntary, a distinction that should be respected to avoid the damaging effects of labelling. That the consensual nature of diversion is reflected in a large number of schemes is promising, but there is room for improvement" (pg. 2).

3.1.2 Desistance theory

Desistance theory suggests that most CYP will undergo various changes during their lifespan that will stop them engaging in criminal behaviour. Desistance theory is widely supported by data that demonstrates that most children will

²³ McAra, L. and McVie, S. (2007). Youth justice? The impact of system contact on patterns of desistance from offending. *European journal of criminology*, 4(3), pp.315-345.

cease offending behaviour as they transition into adulthood (Maruna and Farrall, 2004²⁴). Many researchers agree that desistance occurs via a complex, social process involving personal growth, changing social roles and the subsequent shift in identity as children move into later teens and early adulthood. Many psychologists also point to evidence that children will naturally have better impulse control and increasing empathy as they age (Martinez et al., 2014²⁵). McAra and McVie (2010²⁶) provide evidence indicating that formal processes can disrupt desistance as it negatively impacts the child's access to other mainstream services, ultimately punishing children who are victims of social injustice.

The integration of desistance theory in contemporary youth justice is becoming increasingly evident despite certain challenges. Desistance theory has influenced policy and practice changes which offer better alternatives to punishment, and allowed many key stakeholders to make the argument for *Doli incapax* and that if most children will simply 'age out' of crime they should therefore receive minimum interventions that are tailored to their needs (Maruna and Roy, 2007²⁷). This theory can be seen embedded in contemporary frameworks like AssetPlus, an assessment tool designed to support the shift towards desistance-informed practice through balancing risk alongside considerations of CYP's needs, goals, and strengths (Hampson, 2018²⁸). Conversely, Hampson's research also demonstrates that this might not always be so straightforward in practice. The author identifies that YOT staff often neglected to record positive factors and strengths of CYP appropriately in the assessment. YOT staff were more likely to record 'factors against desistance' in the assessment than the 'factors for desistance', indicating an emphasis on risk of reoffending rather than focusing on the goals and needs of the CYP. Hampson claims this may result in "negative intervention plans, concentrating on offence-focused work" and a lack of focus

²⁴ Maruna, S. and Farrall, S. (2004) Desistance from crime: A theoretical reformulation. *Kolner Zeitschrift für Soziologie und Sozialpsychologie*, 43(2), pp.171-194

²⁵ Martinez, A. G., Stuewig, J., and Tangney, J. P. (2014). Can perspective-taking reduce crime? Examining a pathway through empathic-concern and guilt-proneness. *Personality and Social Psychology Bulletin*, 40(12), 1659-1667.

²⁶ McAra, L., and McVie, S. (2010). Youth crime and justice: Key messages from the Edinburgh Study of Youth Transitions and Crime. *Criminology & Criminal Justice*, 10(2), 179-209

²⁷ Maruna, S. and Roy, KM. (2007) 'Amputation or reconstruction? Notes on the concept of "knifing off" and desistance from crime' in *Journal of Contemporary Criminal Justice* 23(1):104-124

²⁸ Hampson, KS (2018) 'Desistance approaches to youth justice – the next passing fad or a sea change for the positive' in *Youth Justice* 18(1): 18-33

on CYP's personal goals and strengths (pg. 27), suggesting YOT staff may be reluctant to shift their focus away from a risk-based approach. Nevertheless, despite criticisms that AssetPlus remains primarily an offence-focused tool with an overemphasis on risk factors (Gray, 2019; Roberts, 2019), it represents a step towards a more balanced assessment methodology that is compatible with desistance theory.

Bateman (2020) discusses the integration of desistance theory within the new National Standards²⁹, identifying the term at least 14 times in the 2019 guidance, but not once in the 2013 guidance. It also influences the new principles, for example, the second principle reads: "Building on children's strengths through future-oriented interventions to facilitate the development of pro-social identities that promotes empowerment and encourages desistance" (pg. 4). Bateman also points to data from 2007 to 2018 showing that diverting CYP from the formal YJS promotes desistance from crime and supports their transition to becoming a non-offending adult. The author asserts that concerns about minimal responses to youth crime leading to further offending have proven unfounded.

Byrne (2016) also advocates for a desistance-aligned approach with 'Child First' principles of inclusion, participation, and engagement. These principles emphasise the importance of social relationships and the child's individual strengths rather than their risks or deficits. The notion of providing opportunities for skill development, employment, and education alongside non-offending peers, to promote desistance and reduce the labelling effect, further underscores the role of desistance theory in the contemporary youth justice landscape.

3.1.3 Differential Association Theory

Differential Association Theory (Cressy, 1952³⁰; Sutherland, 1974³¹) posits that CYP who become involved with the YJS may adopt antisocial attitudes and behaviours from those peers and adults they become exposed to through their interactions with the system. Research has found that exposure to, and

²⁹ Ministry of Justice / Youth Justice Board (2019) Standards for children in the youth justice system 2019. London: Youth Justice Board. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/780504/Standards_for_children_in_youth_justice_services_2019.doc.pdf

³⁰ Cressey, D.R. (1952). Application and verification of the differential association theory. *J. Crim. L. Criminology & Police Sci.*, 43, p.43.

³¹ Sutherland, E.H. and Cressey, D.R. (1974) *Criminology*. New York: J.B. Lippincott.

association with, more 'seasoned' criminals is considered to have a criminogenic impact that enhances the likelihood of young people reoffending (Loeb, Waung, and Sheeran, 2015³²; Tustin and Lutes 2005³³). Therefore, via decreasing CYP's exposure and interaction with the YJS, diversion programmes seek to lessen the effects of labelling them as offenders and reduces the risks of adopting antisocial behaviours. Although diversion developed primarily from labelling and Differential Association Theory, this theory did not appear to be prominent across contemporary diversion literature in England and Wales, suggesting its significance had been reduced and replaced with labelling and desistance theory.

3.1.4 Deterrence Theory

Deterrence theory, originating from the works of legal philosophers (Beccaria, 1764; Bentham, 1789), proposes that potential offenders consider the costs and benefits of criminal activity. Costs can encompass official sanctions like imprisonment, arrest, and fines, whereas benefits might be financial or intangible, such as enhancing reputation or thrill seeking (Nagin, 2013³⁴).

This theory centres around three main components of the deterrence process: the severity, certainty, and celerity (speed) of punishment. The theory stipulates that for a punishment to be a deterrent, it needs to be not only severe but also likely to be imposed. Thus, it's often argued that the certainty of punishment is more impactful than its severity in the deterrence process. The concept of 'celerity', referring to the promptness of punishment, is less researched and its effect on deterrence is less straightforward (Nagin, 2013).

In the context of diversion, deterrence theory can have implications on how sanctions are framed and implemented. Its emphasis on the severity, certainty, and celerity of punishment may shape diversion schemes' policies on responding

³² Loeb, R.C., Waung, M. and Sheeran, M. (2015) 'Individual and familial variables for predicting successful completion of a juvenile justice diversion program', *Journal of Offender Rehabilitation*, 54(3), pp. 212–237.

³³ Tustin, L. and Lutes, R.E. (2005) *A guide to the youth criminal justice act*. Markham, Ontario: Lexis Nexis Butterworths.

³⁴ Nagin, D.S., 2013. Deterrence in the twenty-first century. *Crime and justice*, 42(1), pp.199–263.

to non-compliance, setting conditions for participation, and handling reoffending during the diversion process. However, the complexities surrounding these aspects of the theory highlight the importance of considering it in conjunction with other theories such as labelling, desistance, and differential association, in creating a more comprehensive understanding of how best to discourage offending among CYP and encourage their successful diversion from the formal justice system.

3.2 Theoretical models of Diversion

As previously mentioned, Byrne made some links with desistance theory and principles of diversion programmes, namely the 'child first model'. In this section we will review child first as a theoretical model alongside two further models including The Swansea Tiered Approach and Restorative Justice:

The 'Children First' welfare orientated model

The 'Children First' model is a theoretical framework that positions young individuals in the justice system as children above all, as opposed to primarily viewing them as offenders. This model is designed to guide the creation and application of diversion interventions. Its foundations lie in international children's rights instruments, and it has been formalised within government strategy. The intention of the model is to steer young people away from traditional justice proceedings, prioritising instead their rights, wellbeing, and unique needs.

The model is structured around four key 'tenets':

1. Treating children as children: This principle acknowledges the developmental stage of the child, emphasising their capacity for change and growth, and focuses on acting in their best interests.
2. Promoting a pro-social identity: By concentrating on the positive aspects of a young person's identity, this tenet aims to encourage beneficial behaviour and outcomes.
3. Collaborating with children: This principle underscores the importance of involving the child in decisions about their own life, encouraging active and meaningful participation.

4. Promoting diversion: This tenet supports the use of interventions that divert young people away from formal legal proceedings, focusing instead on providing support and facilitating rehabilitation.

Proponents of the 'Children First' model believe that through prioritising the viewpoints and experiences of children, interventions can be more specifically tailored to be meaningful and effective for the young person, leading to more positive engagement. The stress on legitimacy (i.e., the perceived fairness of the justice system), can influence how children respond to the system, potentially leading to better compliance and engagement. Examples of the application of the 'Children First' model include the Swansea Bureau model and Surrey's youth support service. These initiatives demonstrate how the principles of the 'Children First' model are being utilised in practice. The approach focuses on relationship-based practices, the application of a child rights framework, and efforts to reconnect young people with the essential services and supports they require.

The Swansea Tiered Approach

The Swansea Tiered Approach is a decision-making model developed in Wales that aims to involve CYP in decisions that impact them. This method is grounded in principles of participation, empowerment, and co-production and is structured into three tiers:

Tier 1: Information-sharing – This involves providing CYP with information about the issue or decision at hand and allowing them to ask questions and provide feedback.

Tier 2: Consultation – This involves seeking input from CYP on the issue or decision through methods such as surveys, focus groups, or one-on-one interviews.

Tier 3: Co-production – This involves working with CYP as equal partners in the decision-making process and giving them a real say in the outcome.

The approach is flexible, adaptable, and has been used to tackle a range of issues, including health, education, housing, and social care across different settings such as schools, youth organisations, local governments, and community groups. This method was scrutinised by Hoffman and Macdonald (2011) who conducted interviews with various agencies to understand its use in addressing

youth anti-social behaviour. The interviewees highlighted that the objective of the tiered approach is to prevent young people from unnecessary involvement in the YJS. The approach strives to understand and address the root causes of anti-social behaviour rather than escalating the situation. Participation is voluntary and may reduce the effects of labelling.

Restorative Justice

Restorative Justice (RJ) and diversion are both approaches used within the JS, particularly in relation to youth justice, but they are based on different theoretical foundations.

RJ is based on a theoretical model of justice, not yet mentioned, that emphasises repairing the harm caused by criminal behaviour (Weitekamp and Kerner, 2012³⁵) and it is best accomplished through cooperative processes that include all stakeholders: victims, young people, and the community. The principles behind RJ include empathy, respect, responsibility, and reparation. It provides an opportunity for the young person to make amends to the victim and the community, and it encourages them to understand the impact of their actions and to take responsibility for them. Restorative justice models include victim-offender mediation, conferencing, and circle processes.

On the other hand, diversion is based on theoretical models of justice that aim to redirect CYP away from formal judicial proceedings to alternative programmes. The purpose is to prevent the negative effects of formal labelling and stigmatisation that may result from a criminal conviction and to provide interventions that are more appropriate and effective for the child.

While RJ and diversion both aim to reduce reoffending and improve outcomes for individuals and communities, they approach these aims from different theoretical standpoints. However, in practice, RJ can sometimes be used as a diversionary tactic, where participating in a RJ process diverts the CYP from formal YJ processes, hence its inclusion in this review. The use of RJ as a form of diversion can sometimes blend these distinct theoretical underpinnings.

³⁵ Weitekamp, E. G., and Kerner, H. J. (Eds.). (2012). *Restorative justice: theoretical foundations*. Hoboken: Taylor and Francis

3.3 Included interventions

This review, through a comprehensive and systematic search strategy and direct contact with all YOTs in England and Wales, provides a wide-ranging overview of both historical and contemporary pre-court diversionary practice described in the research literature. When describing these diversion programmes, we seek to incorporate the frameworks mentioned earlier in [Section 1.1](#). This is to ensure that; a) our descriptions of the programmes are consistent, and; b) to reuse classifications that are already known and understood in the field. Furthermore, this adapted typology will allow the reader to consider not just the programme's general goals and strategies, but also the specifics of their implementation. To do this, we describe diversion programmes in the following ways:

1. **Type of Diversion:** This would capture whether the programme is aimed at diversion from custody, the YJS, or into alternative services (Kelly and Armitage's classification).
2. **Stage of Diversion:** Whether the programme is a point-of-arrest diversion or OoCDs (YEF's classification).
3. **Conditions of Diversion:** This would consider whether the programme offers diversion based on an assessment, unconditional diversion at the police stage, or constructive diversion conditions (UNICEF's classification).
4. **Programme components:** Where possible we break down each programme into its individual components, including model of intervention, formal or informal processing, selected participants, intervention setting, eligibility criteria, points of referral, and outcomes (NCB's classification).

3.3.1 Triage Programmes

Box 1. Triage programmes

Type of Diversion: Triage programmes primarily aim at diverting young people away from the YJS and into appropriate alternative services, which could include mental health or social services.

Programme status: Active

Stage of Diversion: Triage programmes typically operate at the point of arrest or shortly afterwards. They aim to identify suitable candidates for diversion as early as possible to avoid any unnecessary contact with the criminal justice system.

Conditions of Diversion: Triage programmes usually offer diversion based on an assessment conducted soon after arrest. This assessment often looks at the individual's personal circumstances (e.g., their family situation, mental health, drug or alcohol use) and the nature of their alleged offence. It is designed to identify those who would be better served by intervention or support services rather than formal justice processes.

Programme components

Model of intervention: Triage programmes are typically based on a case management approach, where the individual's needs are identified, and a tailored support plan is developed. This could involve engagement with social services, mental health services, education providers, or other community resources.

Formal or informal processing: Triage usually involves a formalised process, with clear protocols for assessing individuals and determining their suitability for diversion. However, the interventions themselves may be more informal, focusing on support and engagement rather than formal justice outcomes.

Selected participants: Triage programmes typically target young people who are first-time or low-level offenders. They may also focus on individuals who are seen as at risk of future offending due to their personal circumstances.

Intervention setting: The setting for interventions can vary. Some may occur in police stations, others in community settings or even the individual's home. The setting is chosen based on its suitability for the intervention and the comfort and safety of the participant.

Eligibility criteria: This may vary between programmes, but often includes factors like age (e.g., under 18), offence type (usually low-level, non-violent offences), and willingness to engage with the programme.

Points of referral: Referral to the Triage programme typically comes from police officers or other frontline justice professionals. However, referrals can also come from other sources like schools or community services.

Outcomes: The main desired outcome of Triage programmes is to prevent future offending and avoid unnecessary contact with the YJS. Other outcomes could include improved engagement with education or social services, better mental health, and a reduction in risk factors for future offending.

The evidence base for Triage

Six research studies looked specifically at Triage programmes.

One qualitative research study was conducted across two locations in Wales (Forde, 2013), to understand the process and impact of Triage schemes from the perspectives of 10 young people aged 14-17. Participants included three females and seven males with a mean age of 16.2 years, whose crimes included theft, public disorder, and drug possession. Semi-structured interviews with thematic analysis captured how and why the young people engaged with the scheme, the relationships that promoted change and the processes that enabled them to move on without reoffending. The findings indicate that the relationships formed were critical to the programme's success, while the barriers to engagement included the initial daunting appearance of the process and the potential for lengthy engagements. Caution is suggested when generalising these findings, due to the small sample size and the location-specific nature of the study.

Soppitt's (2014) study focused on the implementation of the Triage scheme by a YOT in the North East of England. The study findings showed that children who were FTEs and had a gravity score³⁶ of 1 or 2 were more likely to receive Triage Level 1, leading primarily to a restorative justice intervention (e.g., writing letters of apology), unless other risk factors were identified. The primary aim of Triage Level

³⁶ Information on the Youth Gravity Matrix is available here:

<https://yjlc.uk/sites/default/files/ACPO%20Youth%20Gravity%20Matrix.pdf>

1 is to simply divert CYP out of the YJS. Those with a gravity score of 1-3 who admitted to the offence and had a previous reprimand or final warning were considered for Triage Level 2. In this circumstance, the disposal of the case would be a joint decision made by the police, CPS, and YOT staff. CYP receiving Triage Level 2 are not necessarily always diverted from the system, instead they receive access to services and supportive interventions they may require as identified during their assessment (Gyateng, 2012).

Taylor (2016) reviewed a Triage scheme in Cardiff where a local charity, Media Academy Cardiff (MAC), worked with the police to assess young people who committed low-level offences. Subsequently, the charity could offer access to one of their programmes as an alternative to formal proceedings. The research also included a recommendation that interventions following an offence should be minimal, suggesting proportionality in dealing with offences.

Cushing's thesis (2016) added a different perspective to the criteria for diversion eligibility within Triage schemes. Besides the severity of the offence, Cushing suggested considering factors such as the young person's social care, mental health, educational and housing needs.

Gyateng's Home Office report (2012) explored the operation of Triage schemes in seven areas across England. Although the study didn't evaluate the impact of the programmes on the offending behaviour of young people due to inadequate local monitoring data, it shed light on the strategies for detecting and recommending participants for Triage initiatives, and the diversity of eligibility criteria. This research also emphasised the importance of custody staff collaboration for suitable referrals to Triage teams and noted concerns about police's inadequate knowledge of these programmes in some regions. Approaches such as Triage training and feedback, and placing Triage workers within custody suites, were identified as facilitators for fostering strong working relationships.

Finally, Roberts' mixed-methods study (2019) identified Triage models developed in 69 local authorities as an essential facilitator in reducing custodial sentences in England. These models play a vital role in diverting first-time and lower-level offenders away from the formal justice system. The unique features of Triage schemes include the assessment of children within police suites and multi-agency collaboration to meet the holistic needs of the children.

Despite these findings, there are a few limitations associated with this evidence base, these include small sample sizes, limited monitoring and evaluation, lack of controlled trials, and implementation variability.

3.3.2 The Swansea Bureau

Box 2. The Swansea Bureau

Type of Diversion: The model diverts children and young people from formal youth justice processes, focusing on their needs and context, while allowing for parental engagement in decision-making.

Programme status: Active

Stage of Diversion: The model begins at the point of arrest and bail and continues through to the 'Bureau Clinic' where discussions and decisions regarding the child's offence take place.

Conditions of Diversion: The diversion is based on a comprehensive assessment of the young person and the needs of the victim(s). The personalised support package is determined through a multi-agency meeting, creating a unique 'constructive diversion' condition for each child.

Programme components

Model of intervention: The Bureau model adopts a restorative and child-centred intervention approach. The Bureau model is broken down into five key stages - arrest and bail, and assessment of the young person, the victim(s), the Bureau Panel, and the Bureau Clinic.

Formal or informal processing: The Bureau model represents an informal approach, striving to divert CYP from formal youth justice processes. The emphasis is on engaging parents or carers in decision-making, giving voice to the young person, and avoiding direct blame or responsibility for the offence.

Selected participants: The Bureau model is designed to target CYP who have committed a first offence. However, its implementation is not confined to this group, and the ultimate decision rests on a comprehensive multi-agency assessment.

Intervention setting: The Bureau model takes place in a community setting, involving various stakeholders such as the Police Sergeant, a Bureau Coordinator, and a community representative.

Eligibility criteria: The Bureau primarily targets CYP who are FTEs into the justice system. However, eligibility often extends beyond first-time offenders, considering assessments of the young person's needs and the needs of the victim(s).

Points of referral: The Bureau model is initiated at the point of arrest and bail, continuing through the assessment stages, the Bureau Panel, and finally, the Bureau Clinic.

Outcomes: The primary intended outcome of the Bureau model is to divert CYP from formal youth justice procedures, engaging them in a restorative and child-first approach. The model also aims to reduce the likelihood of repeat offending. An important feature of the model is the 'golden fortnight', a period allowing parents to react and address their child's offence, often resulting in no further action. The effectiveness of the Bureau model is supported by qualitative evidence showing a positive shaping of the child and parents' experience.

The evidence base for The Swansea Bureau

The 'Bureau' model, a key implementation of the Children First approach (Case and Haines, 2020) offers an evolved diversionary programme focusing on child-centred, multi-agency, and restorative strategies. Originating in Swansea, Wales, in 2007/2008, the Bureau model has since undergone national adoption due to its suggested effectiveness as indicated by the contribution to reductions in FTEs in Swansea across the first three years of the Bureau's implementation (Case and Haines, 2013).

Several studies, including qualitative research and literature reviews (Brown, 2019; Case, 2015; Haines, 2013), support the effectiveness of the Bureau model, which focuses on engaging parents or carers, prioritising the voices of young people, and decoupling victim needs from child responses. Despite this, there is a substantial lack of rigorous evaluation of the impact and effectiveness of the Bureau model, and thus its genuine effectiveness remains largely undetermined.

3.3.3 Youth Justice Liaison and Diversion (YJLD)

Box 3. Youth Justice Liaison and Diversion (YJLD)

Type of Diversion: The YJLD programme aims to divert young people with communication, learning or mental health challenges from the justice system and towards more appropriate services. This approach aims to provide support to CYP with additional needs rather than diversion from the system.

Programme status: Active

Stage of Diversion: The programme can be considered a point-of-arrest diversion, as it is implemented at initial contact with the YJ system with youth who have additional needs and vulnerabilities.

Conditions of Diversion: The programme is voluntary and offers diversion based on an assessment of the young person's needs and vulnerabilities. It emphasises the identification of relevant issues and ensures linkage to suitable services.

Programme components

Model of intervention: The scheme uses early intervention to identify CYP with additional needs and vulnerabilities to work with Youth Justice Liaison and Diversion (YJLD) teams.

Formal or informal processing: The scheme could be seen as informal due to its emphasis on service linkage. However, the processing is formal, involving police and YJLD teams.

Selected participants: Participants are young people with communication, learning, or mental health challenges, identified upon their first contact with the justice system.

Eligibility criteria: CYP with communication, learning, or mental health issues.

Points of referral: After an offence is committed and the youth is identified to have relevant vulnerabilities. The referral points are agencies within and beyond the YJS.

Outcomes: Reduced reoffending and increased length of desistance. Access to appropriate services, reduction in self-reported depression and self-harm, improvements in mental health and wellbeing.

The evidence base for Youth Justice Liaison and Diversion (YJLD).

This voluntary scheme was developed in 2008 to support young people who have communication, learning or mental health challenges to receive appropriate services. An important caveat to add here is that this approach aims to provide a child who has additional needs the support they require, rather than diversion from the system. Two studies have been conducted on the intervention: Haines (2012) and Whittington (2015).

Haines (2012) conducted a mixed-methods evaluation of Youth Justice Liaison and Diversion schemes across six areas of England. The aim of the evaluation was to enhance health provision via the identification of crime involved CYP with relevant vulnerabilities to facilitate linkage to key services and systems that were appropriate for them. Across the six pilot sites, 1,027 CYP were offered access to the scheme, and most of the young people were male (71%), white (67%), with an average age of 14.7 years. In relation to CYP's experiences of the scheme, quantitative findings demonstrate that those involved had reductions in self-reported depression and self-harm when compared to a matched comparison group. Although the findings of this study were broadly positive, it is important to note them in the context of their limitations. This study was based on a pilot scheme in its infancy and some of the processes described were still evolving at the time of data collection.

Whittington (2015) gathered data on self-reported mental health issues from 90 CYP across six different areas in England. Pre-post analyses suggested the mental health and well-being of young people improved in three out of the five pilot sites where data was available and there was a significant relationship between the amount of individual contact time with YJLD staff and the extent of change observed. Limitations included small sample sizes, a lack of data from key stakeholders such as parents or teachers, and a lack of a comparison group. As such, both studies recommend further controlled-experimental studies for more conclusive results.

3.3.4 Suffolk Youth Offending Service Diversion Programme

Box 4. Suffolk Youth Offending Service Diversion Programme

Type of Diversion: The Suffolk Youth Offending Service Diversion Programme focuses on diverting young first-time offenders from unnecessary involvement in the criminal justice system and towards early intervention.

Programme status: Inactive³⁷

Stage of Diversion: The Diversion Programme is an early-intervention point-of-arrest diversion scheme. It is designed to engage young people immediately after their initial encounter with the justice system.

Conditions of Diversion: Participation in the programme is voluntary, typically for first-time offenders who express a willingness to change their behaviour.

Programme components

Model of intervention: Restorative approach through the Diversion Programme.

Formal or Informal Processing: The process is formal, involving interaction with Youth Offending Services.

Selected Participants: CYP aged 10–17 years old and their parents or carers.

Eligibility Criteria: First-time offenders.

Points of Referral: Referral point is an initial offending incident.

Outcomes: Improved life prospects and ambitions and a reduction in further offending behaviour.

³⁷ This programme is no longer active; however, a new programme is in use, but has not yet been evaluated. For more information see <https://www.suffolk.gov.uk/community-and-safety/communities/community-safety/suffolk-youth-justice-service/diversion>

The evidence base for Suffolk Youth Offending Service Diversion Programme.

The Diversion Programme, which is similar to other triage schemes, has evolved over time from its earlier pilot versions, Challenge for Change (C4C) in 2013 and Enhanced Triage in 2015. Key features of the programme include: 1) a focus of resources on early intervention, to improve efficiency and effectiveness; 2) the programme seeks to prevent unnecessary involvement in the criminal justice system for young first-time offenders, while also improving the prospects of young people who engage in offending behaviour, and; 3) the programme aims to reduce repeat offending and conflict through the use of restorative approaches.

Only one research study evaluated the Suffolk Youth Offending Service Diversion Programme (Tyrrell, 2017) using a mixed-methods approach to understand its relative cost-efficiency, its impact on Suffolk Youth Offending Services' workload and capacity, and the programme's effective delivery. A total of 121 stakeholders participated in individual interviews, focus groups, and online surveys. The findings suggest that early intervention from the YOS was crucial in achieving positive outcomes for young people. Limitations associated with this evidence include a small sample size of stakeholders, particularly young people and parents. The evaluation was also conducted during the programme's initial year, thus the findings relating to the programme's effectiveness may be indicative of its infancy.

3.3.5 The Kent Youth Drug Intervention Scheme (KYDIS)

Box 5. The Kent Youth Drug Intervention Scheme (KYDIS)

Type of Diversion: KYDIS primarily aims to divert young people away from the justice system and into alternative educational interventions.

Programme status: Active

Stage of Diversion: KYDIS appears to be an OoCD.

Conditions of Diversion: KYDIS seems to offer conditional diversion at the point of identification or arrest. This is because the eligibility for diversion is determined by specific criteria: the individuals must be under 18, caught with

possession of Class B or C drugs for the first time, and have no prior history of drug use.

Programme components

Model of intervention: One-to-one intervention.

Formal or informal processing: The processing seems to be more formal, as it involves police records.

Selected participants: CYP under 18 years old in Kent who have been found in possession of a Class B or C drug for the first time and who have no prior history of drug use.

Eligibility criteria: CYP found with intent to supply class B or class C drugs are not eligible.

Points of referral: Typically comes from the police officer who found the child to be in possession of drugs.

Outcomes: Reductions in reoffending.

The evidence base for the Kent Youth Drug Intervention Scheme (KYDIS)

Only one research study (McCulloch, 2018) describes the Kent Youth Drug Intervention Scheme (KYDIS) which was made available to CYP in Kent who were under 18 years old; on the first occasion only; were found in possession of a class B or C drug; and had no prior history of drug use. KYDIS does not cover individuals caught in possession with the intent to supply or supply drugs such as cannabis. Those children who met the eligibility criteria were offered a one-to-one intervention which provided direct support in the form of education on drug and alcohol use, legal information, and guidance on preventing drug use and reducing harm. According to police records, 83.3% of young individuals who finished the programme did not commit another offence within the 5 to 12 months that followed. McCulloch discusses KYDIS in a Children's inquiry report and recommends that, although intent to supply crimes may not be considered low-level offences, policymakers and practitioners should consider whether the involvement of young people in such crimes should be viewed as a sign of vulnerability rather than criminality. Overall, this evidence base provides very little

detail concerning the delivery of the KYDIS. Whilst this evidence includes analysis of data from a range of sources (FOI requests, public datasets, national poll data, stakeholder consultations), there is a lack of data from CYP regarding their experience participating in the programme and outcomes beyond reoffending.

3.3.6 Final Warning Scheme

Box 6. Final warning scheme

Type of Diversion: The Final Warning Scheme was aimed at diversion from the formal justice system. The core goal of the scheme was to offer a last opportunity for CYP to avoid court proceedings by being redirected to a YOT following the issue of a final warning by the police.

Programme status: Inactive

Stage of Diversion: The diversion stage of the Final Warning Scheme occurred at the point of arrest. Upon identifying an eligible young person, the police issued a final warning and subsequently referred the young person to a YOT for an intervention.

Conditions of Diversion: The Final Warning Scheme offered diversion based on a police assessment at the point of arrest. This scheme required the young person to have had prior contact with the police and to have been issued a final warning before the commencement of the YOT intervention.

Programme components

Model of intervention: The scheme utilised a YOT intervention following the issuance of a final warning.

Formal or informal processing: The processing was formal, involving the police issuing a final warning and subsequent referral to a YOT.

Selected participants: Participants were young people aged 10–17 who have had prior police contact and have been issued a final warning.

Intervention setting: Police basic command units while a 'surgery' with a police inspector which may be held in a police station.

Points of referral: The referral point was the final warning issuance by the police.

Outcomes: Keeping CYP out of the court system.

The evidence base for the Final Warning Scheme

The final warning scheme was introduced in Newcastle in 2000 as a collaboration between YOT and Northumbria Police. Typically, the young person would have been asked to attend a surgery, and there the young person would be informed by an inspector that this was their last chance to avoid court. Following this, the young person was subsequently referred to a YOT. A 2009 doctoral dissertation from Northumbria University (Keightley-Smith, 2010) used in depth semi structured interviews and observational data to examine how the final warning scheme was being implemented with CYP in Newcastle. The study aimed to understand the evolution and local-level implementation of the final warning system, and the experiences and perspectives of practitioners and young participants. Limitations include the study's small size and its timing, as it was conducted during a significant transitional period in the justice system. The study's insights could be indicative of a temporary phase where procedures were still evolving, and practitioner skills were in the process of being developed.

3.3.7 Metropolitan Police's juvenile bureau scheme

Box 7. Metropolitan Police's juvenile bureau scheme

Type of Diversion: A pre-court diversionary initiative which can include formal cautioning or no further action.

Programme status: Inactive

Stage of Diversion: This diversion scheme takes place after an offence has been committed but before the initiation of formal proceedings.

Conditions of Diversion: The diversionary action, whether it be a formal caution or no further action, is determined by the Chief Inspector, who bases their decision on the interviews with the child and their parents, as well as any existing police records. However, in cases where the young person has admitted to committing the offence, they can only be cautioned if the parents agree.

Programme components:

Model of intervention: Interventions can take the form of parental interviews, formal cautioning, or a decision of no further action, based on the discretion of the Chief Inspector.

Formal or informal processing: The process includes both formal elements, such as police records checks and the issuance of formal cautions, and informal elements, like home visits and interviews by bureau officers.

Selected participants: The programme targets CYP within the Metropolitan Police's jurisdiction.

Intervention setting: The interventions take place at the police station and the child's home, involving direct interviews with both the young person and their parents.

Eligibility criteria: The scheme is available to CYP who have committed an offence, and whose parents agree to participate in the process. In cases where the child has admitted to the offence, the caution can only be given if the parents' consent.

Points of referral: The referral to this programme seems to be made by the police following the commitment of an offence.

Outcomes: The primary goal of the scheme is to divert CYP away from the YJS via formal cautioning or other measures, depending on the circumstances. The approach aims to strike a balance between holding the young person accountable and minimising the risk of further criminalising them.

The evidence base for Metropolitan Police's juvenile bureau scheme

Farrington (1981) carried out an analysis of police cautioning of juveniles in London. The authors discuss the process of the Metropolitan Police's historical juvenile bureau scheme, in which the child's parents attended the police station, and were subsequently visited by a bureau officer at their home. The child and their parents were interviewed by the officer and, following a check on any police records related to the child, the Chief Inspector was then able to make the decision to prosecute the child, issue a formal caution, or take no further action.

However, the authors specify that a young person would only be cautioned in instances where the young person's parents agreed that their child should be cautioned. Limitations of this evidence include the age of the study, the small sample size as well as the analysis of only a small number of variables available in the children's bureau files.

3.3.8 Interventions based on restorative justice

Restorative final warnings

Box 8.1. Restorative final warnings

Type of Diversion: Restorative Final Warnings were a type of restorative justice conference aimed at diverting CYP from the justice system.

Programme status: Inactive

Stage of Diversion: Restorative Final Warnings typically took place after an offence had been committed but before the CYP was subjected to more formal proceedings.

Conditions of Diversion: The young person was asked to acknowledge and accept responsibility for their offending behaviour.

Programme components

Model of intervention: The level of intervention through Restorative Final Warnings depended on the severity of the offence. In cases of low-level offences, a one-to-one restorative intervention was usually adopted, while for more serious offences, a broader restorative conference may have been appropriate. These interventions are incident-focused, aimed at repairing the damage caused by a specific offence.

Formal or informal processing: While the warning scheme itself was a formal process, the intervention was often more informal, focusing on dialogue, acceptance of responsibility, and the impact of the criminal behaviour.

Selected participants: The Restorative Final Warnings programme typically targeted young individuals who had committed low-level to moderate offences.

Intervention setting: The setting for the interventions ranged from an informal one-to-one setting to a more formal restorative conference, depending on the severity of the offence.

Eligibility criteria: Eligibility was largely determined by the nature and severity of the offence. Both the young person and their parent signed a final warning agreement, and the young person was asked to acknowledge and accept responsibility for their offending behaviour.

Outcomes: The main outcome desired from Restorative Final Warnings was for the young person to acknowledge their wrongdoing, understand the impact of their actions on others, and commit to avoiding future offending. By addressing these issues in a restorative manner, it is hoped that reoffending rates would decrease, and the harm caused by the offence will be repaired.

In an article exploring restorative final warnings, Fox (2006) discusses restorative justice conferences whereby the young person, their family, community members, and if applicable, the victim are interviewed by the YOT in order to establish their willingness to participate in the conference process and decided outcome. Fox and colleagues explain that the level of intervention is dependent on the severity of the offence committed by the young person. In cases of low-level offences, a "one-to-one restorative intervention" (pg. 132) is often prescribed which involves an interview with the police, the young person and their family whereby 1) the YOT officer discusses the final warning scheme; 2) the young person and their parent sign a final warning agreement; and 3) the young person is asked to acknowledge and accept responsibility for their offending behaviour, and consider how their behaviour has impacted others.

In cases involving more serious criminal behaviour, a restorative conference may be more appropriate. Restorative conferences often occur in the context of a meeting in which professionals from various backgrounds, community members, victims, and the young person and their family are present. The authors describe these conferences as "incident-focused, limited to repairing the damage caused by a specific offence" (pg. 132). The authors further explain that the "restorative intervention itself is traditionally based on a voluntary interaction requiring all those in attendance to undertake a process of healing" (pg. 137). Limitations of

this research include the absence of any data analysis, evaluation or implementation evidence.

Youth Restorative Disposal

Box 8.2. Youth Restorative Disposal

Type of Diversion: Youth Restorative Disposal (YRD) programmes focused on diverting young individuals from the criminal justice system.

Stage of Diversion: Out of court disposals. CYP involved in minor offences can be dealt with outside formal court proceedings, ensuring they avoid unnecessary exposure to the criminal justice system.

Programme status: Inactive

Conditions of Diversion: YRD programmes stipulated that young people could only access the disposal in cases where they had committed minor offences. The individual's accountability for their actions was an important condition for their diversion.

Programme components

Model of intervention: YRD interventions utilised principles of restorative justice. The programme encouraged a resolution process where offenders understand the impact of their actions and make amends where possible.

Formal or informal processing: While the YRD was a formal initiative by the Government, it implements informal processing of minor offences. This means that it bypassed the formal court procedures and instead uses alternative OoCDs.

Selected participants: YRD programmes typically targeted young individuals involved in low-level, anti-social or nuisance offences. The participants should not have previously received a reprimand, final warning, or caution.

Intervention setting: The included research does not provide specific details about the setting of the YRD interventions. However, as these are OoCDs, it's likely they occurred in community settings.

Outcomes: The main desired outcome of YRD programmes was to divert CYP from unnecessary contact with the justice system and address minor offences in a more restorative and impactful manner.

The evidence base for Youth Restorative Disposals

An article reviewing developments in OoCDs by Smith (2014) discusses the Youth Restorative Disposal (YRD), a diversionary initiative introduced by the Government. Smith specifies that diversionary practices often appear to be applied to minor offences, quoting an evaluation of the YRD indicating that young people could access a disposal only in cases of where they were responsible for “low-level, anti-social, and nuisance offending” (Rix et al., 2011, in Smith, 2014), the author stipulates that young people were only eligible for this particular initiative in cases where they “had not previously received a reprimand, final warning, or caution” (Smith, 2014, pg. 4). The evidence base for YRD is limited as Smith’s paper lacks any analysis of empirical data, nor any evaluation or implementation evidence.

Juvenile Liaison Bureaux (JLBx)

Box 8.3. Juvenile Liaison Bureaux (JLBx)

Type of Diversion: Diversion from custody and the justice system.

Programme status: Inactive

Stage of Diversion: The included research does not provide specifics on whether the programme is a point-of-arrest diversion or an OoCD. However, JLBx operate at an early stage in the justice system, responding to referrals from local police and making recommendations based on the responses of the young people involved and the wishes of victims.

Conditions of Diversion: The JLBx methodology is primarily based on assessment, also taking into account the responses of the young people involved and the wishes of the offence victims.

Programme components

Model of intervention: JLBx are based on restorative justice principles. The emphasis is on resolution and minimum intervention.

Formal or informal processing: The JLBx approach is less formal, as it involves collaboration between young people and key agencies.

Selected participants: JLBx target CYP who have been referred by local police for minor offences. The programmes aim to divert these individuals from YJ and avoid penalty where possible.

Intervention setting: Interventions occur within the community.

Points of referral: Referral to the triage programme typically comes from local police.

Outcomes: The main desired outcomes of JLBx programmes include the diversion of young people from the justice system, reduction in reoffending, and aiding CYP to becoming responsible adults. Further, these programmes aim to encourage society's constructive responses to adolescent behaviour.

The evidence base for Juvenile Liaison Bureaux (JLBx)

The first Juvenile Liaison Bureaux (JLBx) were established in Wellingborough and Corby in 1981, with a further JLB set up in Northampton in 1984. The goals of JLBx were to divert young people from the penal and welfare systems and into informal networks of control, support, and care; to avoid imposing penalties or welfare interventions that may exacerbate the problem; to reduce reoffending and help young people become responsible adults; and to encourage society's normal institutions to respond constructively to adolescent behaviour (Hinks and Sloper, 1984³⁸).

The JLBx were made up of representatives from five key agencies (police, social services, education, probation, and youth service) who were tasked with responding to referrals from the local police with recommendations for action. These recommendations were based on the responses of the young people

³⁸ Hinks, N. and Sloper, G. (1984). How to Divert in Practice. In H. Fox & B. Williams (Eds) *Diversion – Corporate Action with Juveniles* (pp. 30–34). Northampton: Northamptonshire County Council.



involved and the wishes of the offence victims. With hindsight, it is clear that JLBx programmes share distinct features with restorative practice, however this term was not in widespread use at that time.

Smith's (2011) review of JLBx focuses on the "enormous potential for communal benefit of informal offence resolution and minimum intervention, principles which are equally enshrined in the UN's sophisticated framework of underpinning principles for juvenile justice." However, more comprehensive and detailed evaluations would be necessary for a robust assessment of the effectiveness of JLBx programmes.

4. Findings

Following a rigorous systematic search and screening procedure, the review team included 102 papers. The included research used a qualitative (n=68, 66%), a quantitative (n=10, 11%), or a mixed methods (n=24; 23%) design and 56% of the research was unpublished (n=57). We appraised the quality of evidence using Gough's (2007) Weight of Evidence (WoE) framework (fuller methods in Appendix A) which assessed the suitability of method, quality of the evidence, and relevance of focus across each of the papers. From the outset we were interested in data from England or Wales only and have located a geographically representative body of evidence with 32% of studies from England (n=33), 12% from Wales (n=13), and 55% from both countries (n=57). All studies were published or written between the years 1970 – 2023 although some papers may present data from earlier data collection.

Appendix B provides individual study characteristics for all 102 papers.

Research Question 1: What are young people's perspectives, experiences and engagement with diversion programmes?

Exploring children's viewpoints and experiences of diversion provides insight to how professionals can facilitate their involvement in diversion programmes. This understanding is crucial for various reasons: it fosters trust, strengthens relationships, engenders fair outcomes, promotes skills development, and informs policies that truly resonate with their needs. By valuing their voices, we uphold their rights, as set out in Article 12 UNCRC³⁹, and empower them to be engaged, active members within their communities. Through placing children at the heart of the decision-making process, YJ experts and practitioners can foster a more efficacious system where CYP feel heard and acknowledged.

Findings

The review found 37 papers that provide information on the engagement, experiences and perspectives of CYP. The included research used a qualitative (n=27, 73%) or mixed methods (n=10; 27%) design and more than half of the

³⁹ United Nations Committee on the Rights of the Child (2009) General comment No. 12 The right of the child to be heard.

research was unpublished (n=23; 62%). The papers represented in this report were mixed in terms of their WoE score. 12 (32%) papers have scores of 3-4 which represent lower WoE, 21 (56%) have scores 5-7 which represents medium WoE, and 4 (11%) had a score of 8 representing the papers providing high WoE. No paper included in this report had a WoE of 9. In terms of location, 46% of the studies were from England (n=17), 16% were from Wales (n=6), and 38% were from both countries (n=14). All studies were published or written between the years 2010 and 2022.

When looking at the literature for this research question, five core themes related to young person's engagement, experiences and perspectives emerged. These themes include:

- Enhancing Children's Participation in Decision-making
- Cultivating Children's Aspirations and Goals
- Fostering Early Engagement and Clarity in Communication
- Ensuring Age and Developmentally Appropriate Programmes
- Personalising Programmes to Fit Individual Needs

Enhancing Children's Participation in Decision-making

In their critical discussion paper about the YJS, Case and Haines (2020) propose the 'Child First' model as a primary response to offending behaviour in children, drawing on its theoretical strengths and emerging evidence. The model varies in its approach, from addressing the underlying influences of the child's behaviours (the 'Promoting Positive Behaviour' programme – Haines and Case, 2003), to explicitly advocating for positive outcomes (the 'Positive Promotion Project – Case et al., 2005). Central to its philosophy is children's meaningful participation and engagement, where children are given opportunities to voice their concerns and needs over organisational or professional priorities (Case, 2015a; WoE 5).

Case and Haines (2020) indicate that the most developed example of the Children First model is the diversionary 'Bureau' model. Within this framework, the 'Bureau Clinic' stage allows the child, a family member, and relevant professionals to explore the circumstances surrounding the child's offending behaviour. This discussion helps to identify suitable support services, with decisions made collaboratively with the child and their family. The authors highlight qualitative evidence suggesting that the Children First aspects of the model positively influence the child and parents' experiences (Hoffman, 2011; WoE 5; see also Smith,

2016). The perceived success of this intervention led to its national implementation across all local areas in Wales.

It is clear that 'child first' principles emphasise a child centred approach. Case (2021b; WoE 6) conducted a series of online workshops with key stakeholders from different parts of the youth justice sector to better understand how Child First principles are applied in practice. Each workshop explored how Child First principles are understood and operationalised by practitioners, and what support is required to strengthen its development in practice. There were eleven online workshops in total (with 3-15 participants in each), a one-to-one interview and an email-mediated interview. A thematic analysis approach was then used to discuss the findings from the stakeholder discussions. Factors such as active listening, respect for children's views, and the cultivation of trustful relationships have been identified as key to increasing the likelihood of children engaging in interventions. All stakeholder groups agreed that a positive intervention focus, defined as minimum intervention, enabling desistance, and reducing stigmatising were important factors to help children progress with engaging in support after they had broken the law. It is important to note the limitations of this type of consultation, which did not investigate the perspectives and experiences of children directly and focused on professional experiences of stakeholders.

Evidence related to the significance of involving CYP in the decision-making process is presented in a thematic inspection of OoCDs (HM Inspectorate of Probation and HM Inspectorate of Constabulary and Fire & Rescue Service, 2018; WoE 4). With the aim of identifying themes of good practice to develop guidance for local areas, the inspectors reviewed 112 cases of OoCDs across 7 YOTs, and sought the views of case managers, parent/carers and the young people themselves through interviews and focus groups. The report highlighted that, except in the case of a Youth Conditional Caution (YCC), a young person's engagement in OoCD work was voluntary and so responding to children's views should be given priority. The report highlighted examples where the voice and/or view of the child was not considered and recommendations for intervention were made without their input. Other barriers include children not being asked about their aspirations, concerns, or what might reduce future offending. The report indicated that, where children had no influence on the plan that they were expected to adhere to, there was potential to confuse or disengage the child. When looking at good practice and how to engage a child, inspectors found that YOTs who met children in advance of the disposal decision and who made efforts

to make their language more accessible achieved much greater engagement. Children who had opportunities to engage with the YOT early in the process were positive in their reflection of the YOT's work and parents valued the support and positive difference made. Although this review of 112 cases lends important insight to understand strategies to improve CYPs engagement and experiences, the report is unclear on the proportion of young people lending data to the specific findings outlined above.

Creaney's (2019; WoE 7) thesis provides a unique window into the complex realities of children's participation and decision making within youth justice, specifically diversion programmes. As part of the thesis, Creaney conducted semi-structured interviews with young people and practitioners from a YOS. All of the young people who were interviewed were 13-17 years old, white, British, and predominantly male (n=17; 85%). The participants in the study had either completed a diversion programme or were under a referral order, Youth Rehabilitation Order (YRO), Intensive Supervision and Surveillance (ISS), or Detention and Training Order (DTO). The research found that the engagement of CYP in the process was facilitated by a sense of understanding of what was required and navigating systems to achieve desired outcomes. However, there was variation in the depth of participation and comprehension of the rules, with some reporting unclear or confusing expectations leading to minimal compliance. Despite children's reluctance to engage, practitioners demonstrated commitment to their success, employing strategies such as reminders, flexibility in meeting arrangements, and refraining from escalating warnings. Nevertheless, barriers to engagement persisted, including perceptions of unfair treatment and dismissive adult attitudes, leading to 'consultation fatigue'. Despite recognising the emotional vulnerability of young people, often presenting as anger and distress from adversities and trauma, some practitioners overlooked the potential of these young people and devalued their experiential knowledge, prioritising their professional expertise.

Cultivating Children's Aspirations and Goals

Brown's (2019; WoE 8) mixed-methods study, conducted in a Welsh youth justice region, explored the perspectives and experiences of 22 young people engaged with three different Welsh Bureau models of youth justice. Interviews revealed that young participants appreciated the opportunity to discuss the circumstances of their offences and their personal challenges. They welcomed focusing on future

aspirations rather than dwelling on the offence itself, indicating that this offered them a sense of a second chance.

An example of considering children's aspirations and goals is evidenced in Tyrrell's (2017; WoE 6) review of the Suffolk Youth Offending Service (SYOS) Diversion Programme. The evaluation team conducted individual interviews, focus groups, and online surveys with key stakeholders including YOS practitioners, young people, and their parents. Most of the young people and their families who were interviewed for this evaluation felt that they had been trying to find help for some time before they were offered the Diversion Programme, so they were keen to be engaged from the outset. Notably, parents and children felt that the early intervention from the YOS was crucial in improving their life prospects and ambitions and the dedication and support of the YOS practitioner played a key role in engaging the young people effectively in the programme. Some parents described the YOS practitioner as going above and beyond their expected duties, providing a reliable point of contact, involving other services, and helping with school arrangements. This individualised and child-centred support led to positive outcomes for many young people, some of whom said that working with the YOS helped them change their perceptions about their initial behaviour or crime and diverting themselves from further offending behaviour. Having a respectful and empathetic relationship between the practitioner and the young person, as well as positive relationships with family members, is deemed essential for successful participation and progress in the Diversion Programme.

It appears that these researchers made the decision to interview children and their parents together, which is a decision that is not without its limitations. For example, it is generally accepted that children may feel pressure to conform to their parents' expectations or views and may not feel comfortable expressing their own thoughts and feelings in front of their parents who may inadvertently influence the child's responses or recollection of events, leading to an unreliable or inaccurate account of the situation.

Fostering Early Engagement and Clarity in Communication

In the previously discussed study by Brown (2019; WoE 8), the author identifies that some CYP and their families were unclear about the procedures of the diversion programme and what was expected of them because the process had not been clearly explained. Brown suggests that this lack of clear communication caused

unnecessary stress and anxiety for the children and families, who often had to wait for extended periods of time between contact.

Broadening our understanding of young people's involvement in diversion programmes requires a closer examination of the role played by other theoretical models. The Swansea Tiered Approach, for instance, nurtures a sense of ownership and responsibility amongst young people by encouraging them to tackle the root causes of their antisocial behaviour (Safer Swansea Partnership). Hoffman (2011; WoE 5) investigates Swansea's Tiered Approach to addressing youth anti-social behaviour through interviews with agencies.

For this study, a qualitative research method was used. Interviews were conducted with individuals from different organisations, including the Safer Swansea Partnership, the police, the YOT, and the Anti-Social Behaviour Unit. These individuals held either strategic planning or operational casework roles within their respective organisations. According to those who were interviewed, the goal of the Swansea Bureau is to prevent young people from becoming involved in the YJS. As one interviewee stated, "The intention is to use it to ensure that young people do not unnecessarily get hoovered up into the criminal justice system" pg. 157.

Although all practitioners emphasised that participation is voluntary and that the possibility of escalation is never used as a threat, there appeared to be a lack of transparency in the approach and most believed that young people who do cooperate likely do not see their engagement as voluntary. For example, one interviewee commented, "I think they feel that they have to [sign up]", while another compared it to the decision to pay taxes, stating "I dare say the argument for participating is so strong it's almost involuntary". Some interviewees even admitted to downplaying the voluntary nature of Acceptable Behaviour Contracts (ABCs) to ensure that CYP agree to participate. One stated, "I don't think we bang on about it being voluntary to them because if they think 'I don't have to do this' they won't want to do it". This sentiment was echoed by another interviewee who said "We try not to give them that impression [that ABCs are voluntary]. It will be explained but it's mentioned at the end because we're trying to work with that young person, so we say, 'You need to do this' and a lot of them when they get to this stage they do knuckle down and work with us".

The potential consequences of non-compliance were cited as a factor that may discourage further anti-social behaviour in young people. For instance,

interviewees stated that "There comes a point where they start realizing there's going to be consequences", "Where they abide by [an ABC], I think the primary motivation is the understanding, perhaps for the first time, of the consequences", "I think it's the realisation of what they're doing and what can happen and the effect their behaviour is having", and "By the ABC stage, a young person realises we're really serious about sorting this behaviour out".

Some of the views expressed here are drawn from interviews with those who developed the approach (Safer Swansea Partnership). In addition to this potential bias, the views on why young people engage in ABCs in this study are based on the perspectives of practitioners, as the study did not include interviews with the young people themselves.

O'Brien (2019; WoE 7) explores the experiences of CYP involved in OoCDs, highlighting the complex and often opaque procedures that children can face. In a sample of 14 CYP aged 10-17 across one local authority in England, the author used visual methods and semi-structured interviews to understand the experiences and perspectives of the young people receiving OoCDs and "gain the voice of people who are little heard of in the existing literature" (pg. 99). O'Brien noted that procedures were sometimes inconsistent and young people who committed similar offences received different responses, and it was not always clear why. The author indicates that there seems to be an element of discretion involved in the decision-making process, as indicated through a focus group with staff, which focuses on whether the young person was willing to engage and make changes. There was some evidence that many young people had experienced contact with various social care and other services, but they often had little understanding of the differences between these services or why they were involved in them, potentially suggesting that some young people with complex needs are receiving OoCDs, which may not be effectively integrated with the rest of their lives.

Haines and colleagues (2012; WoE 8) collected CYPs views through a series of in-depth interviews with CYP and their families, key stakeholders, and funders. The interviewees were drawn from five of the six sites and two focus groups were held, one in Liverpool and one in London. In terms of barriers to engagement, some young people reported feeling confused, lacking understanding and uncertain when engaging with the pilot, e.g., "I don't really know how I ended up getting with this project... Erm it's like another thing like the YOT but it's different..." (pg.15) and

the justice system more generally, e.g., "I'm on my final warning... But I can't remember why" (pg.15).

Factors which helped young people engage with this approach included programme staff who listened to the needs of CYP, communicated clearly, and did so without judgement. The young people interviewed clearly expressed that their engagement with the programme was because they had their own desire to be helped and wanted to lead a 'normal' life. For these young people, when they felt that the person they had one-to-one contact with could understand and help them, they placed higher value in the scheme. It is important to note that most of the qualitative data described here was drawn from only 24 interviews which could indicate a lack of engagement from the outset.

Ensuring Age and Developmentally Appropriate Programmes

Boden (2019; WoE 7) conducted six interviews with practitioners from a Local Authority YOT to understand how they implement 'welfare-orientated' diversionary practice. Interview findings indicated that practitioners felt that barriers to engaging with diversionary practice included a lack of approaches to incorporate a young person's developmental needs (e.g., consideration of delays to speech, language and communication); the young person's ability to assess their own mental health, lack of trust in professionals and perceived perception of prejudice or stigma. Practitioners felt that strategies centred on community participation, as well as gradual relationship-building, are deemed effective in reintegrating young people. One limitation of this study is the lack of child's voice, and the gap in understanding on whether their experiences align with those reported by the practitioner.

Seeking to understand what makes final warnings effective, Keightley-Smith (2010; WoE 5) carried out semi-structured interviews with young people aged 10-17 who had received a final warning. The author found that the promise of court did act as a deterrent to many of the CYP and they mentioned that this was a significant worry to them. When the children were asked about why they participated with the YOT they said that it was a positive way to occupy their time. Discussing their experiences of the final warning scheme, some young people expressed a lack of trust in the justice system from the outset. The CYP also indicated that they felt that the final warning was not proportionate to how they perceived the crime severity. The interviews also highlighted specific barriers to the CYP where many could not differentiate between a misdemeanour and an

offence, and the language used to describe each was inaccessible to them. Some CYP also mentioned that they didn't like police attitudes to them and how they were treated at times. Although, conversely, two of the females who were interviewed reported fewer hostile interactions with the police during their final warning. Another barrier reported by this cohort of CYP was their inability to recollect what happened during the surgery, e.g., "all I remember was that he smiled" or as reported by a 10-year-old boy "You forget it straight away" (pg. 169). Keightley-Smith's research provided important qualitative insights which questioned the legitimacy of the final warning system for CYP. For example, many of the young people didn't accept responsibility for the crime, understand some of the key terminology used, or remember details about the surgery. It is important to note however that this is a relatively small qualitative study that obtained views from 20 CYP from one area of England. In addition to this, the research was conducted at a time of great political change "New Labour had just reformed the youth justice system and central to the restructuring was the abolition of the juvenile caution and the replacement FW scheme." (pg. 109) and so many of the barriers outlined here could also be indicative of a transitory period where procedures were evolving, and practitioner skills were still being developed.

Personalising Programmes to Fit Individual Needs

Some evidence highlights the importance of recognising the specific needs and circumstances of CYP to promote engagement. Forde (2013; WoE 8) used thematic analysis to explore young people's experiences of participating in Triage in Cardiff. Discussing barriers to engagement in semi-structured interviews, some young people mentioned that they were hesitant at first and thought the process appeared daunting, when engaged they said that having long meetings after attending college all day was difficult and sometimes the time needed to engage and remain on triage could be a lengthy process. Some participants also said that they were initially worried about who the facilitator would be, e.g., "[I] worried [at first] cos I didn't know if he was like another police officer. If I said something out of place, would I get re-locked up" (pg. 16.). Many of the young people retrospectively described the relationships they formed as being the key facilitator to the scheme's success and described this one-to-one support as 'therapeutic'. One participant also discussed the importance of collaborative approaches and feeling listened to, which allowed them to effectively engage. The majority of the participants (n=9) said that they first participated to avoid

having a criminal record and that triage was a better option than going to court, however, as the scheme progressed, they became motivated to remain engaged as they found the activities fun and saw the value in transforming their lives. A practical facilitator mentioned included meetings in neutral settings like a café' rather than in a police station.

Although useful to access detailed accounts of how YP experience such interventions, it is important to note the limitations that come with a study of this type. First, a small sample size lending subjective information can make generalisation difficult, and participants were drawn from only two locations in Wales, so caution should be employed when applying these findings to other contexts in England and Wales.

Moreover, there is a significant overrepresentation of Black and Minority Ethnic (BME) children in the YJS in England and Wales, more generally, including at the stages of remand and sentencing. Research has shown that BME children are disproportionately more likely to be detained on remand and receive harsher sentences while their white counterparts are offered diversion (Bateman, 2016; Youth Justice Board, 2021). In terms of engagement, there are several societal and historical reasons why BME children may be less likely to engage with the police. One reason may be due to negative experiences or perceptions of the police within their community. For example, research has shown that black communities are often subject to higher levels of policing and are more likely to experience police brutality and other forms of discrimination, which can lead to feelings of mistrust and resentment towards the police. Additionally, BME children may feel that the police do not treat them fairly or respect their rights, as evidenced by the overrepresentation described and may be more hesitant to interact with law enforcement as a result.

Hunter's (2019; WoE 6) doctoral research further examines this overrepresentation of BME children in secure settings. Institutional racialisation, policing practices, and broader socioeconomic disparities were found to contribute to this imbalance. Hunter's mixed-methods approach (including data analysis and interviews with youth justice and children's services) also notes that looked-after children are overrepresented, but to a less clear extent due to insufficient official data. BME looked-after children face compounded disadvantages due to intersections between ethnicity, looked-after status, and youth justice involvement.

RQ1 summary

The review found 37 papers that provide information on the engagement, experiences and perspectives of CYP. The papers represented in this report were mixed in terms of their WoE score. 32% have scores of 3-4 which represent lower WoE, 54% have scores 5-7 which represents medium WoE, and 11% had a score of 8 representing the papers providing high WoE.

The included research suggests that young people view their engagement with these programmes positively, particularly when they feel listened to, respected, and involved in the decision-making process. The desire to avoid formal court proceedings is a strong motivation for young people to participate in diversion programmes, allowing them to access support that they may not otherwise have had.

However, this positive engagement is contingent on a range of factors. Often, the language used by practitioners was found to be confusing, which can affect children's understanding and subsequent engagement with the programme. Furthermore, when children feel their views and aspirations are not considered, this can significantly hinder their engagement. A lack of clarity about the process and potential implications can lead to feelings of anxiety and apprehension amongst children and their families, potentially deterring engagement. Clear, accessible communication is crucial, with efforts made to actively involve the child in the decision-making process.

It is possible to improve children's experiences and engagement with diversion programmes by incorporating their perspectives, understanding their unique circumstances, and adapting the process to meet their needs. Such improvements could help programmes to achieve their objectives more effectively while also respecting the rights and dignity of the children involved. Future research could focus on validating these findings and investigating further avenues for improvement.

Research Question 2: Which strategies ensure the greatest level of procedural fairness for children and young people?

Despite the strong theoretical underpinnings and potential benefits of diversion programmes, they are not always made available or accessible to all CYP. There are various factors which may contribute to inequitable access including the discretionary nature of diversion programmes (Bateman, 2011); lack of consistency (Smith, 2020); limited funding or resource constraints (Clifton, 2016); disproportionality in the YJS (YJB, 2021); and compliance (Taylor, 2016).

Procedural justice has been positioned by Bottoms & Tankebe (2016) as one of the four tenets used to distinguish legitimate authorities from illegitimate ones, along with lawfulness, distributive justice, and effectiveness. In this research question, procedural fairness refers to the idea that all CYP who meet the YJS are treated fairly, consistently, and have equitable access to diversion programmes. In addition to mapping this evidence, we want to highlight which strategies might lead to the highest level of procedural fairness.

Findings

This report focuses on the 47 papers that provide information on procedural fairness and equitable access. All of the included research used a qualitative (n=31, 66%), a quantitative (n=7, 15%), or a mixed methods (n=9; 19%) design. More than half of the research was unpublished (n=27; 57%). The papers represented in this report were mixed in terms of their WoE score. 15 (31%) papers have scores of 3-4 which represent lower WoE, 19 (40%) have scores 5-6 which represents medium WoE, and 13 (27%) had scores 7-8 representing the papers providing highest WoE. No study included in this report had a WoE score of 9. In terms of location, 23% of studies from England (n=11), 8% from Wales (n=4), and 68% from both countries (n=32). All studies were published or written between the years 1970-2023.

When looking at the literature for this research question, seven core themes related to procedural fairness emerged. These themes include:

- Consistency
- Discretion
- Proportionality

- Admission of guilt or 'no comment'
- Problems with assessment
- Adequate funding and resource
- Role of Appropriate Adults and Timely Legal Advice in Youth Justice

Consistency

As highlighted by Smith (2020; WoE 5) "diversion is not by any means uniform, and the term itself is both definitionally problematic, and operationally imprecise" (pg. 21).

Bateman (2020, WoE 6) references an inspectorate report (Criminal Justice Joint Inspections, 2018, cited in Bateman 2020) indicating significant variation in policies and procedures implemented across different areas, and argues that this is due to the lack of a consistent and standardised national guidance and evaluation, leading to a "postcode lottery" in how less serious crimes are handled. Bateman reports that the inspection found no comprehensive tracking of community resolutions for children nationwide. However, in the areas studied, community resolutions made up 39% of cases referred to YOTs by the police. This lack of consistency suggests that the number of community resolutions that can be given to a single child varies depending on the area, with some places having no limit while others only allow one (Bateman 2021; WoE 5). This raises questions about whether it is appropriate to refer to a unified YJS for England and Wales, given the significant differences in local level practices, even when there is a high level of central government direction over policy (Case 2018; WoE 4). It should be noted that the findings presented in the inspectorate report are based on only 112 cases, with data collected from only 7 YOTs across England and Wales, representing a relatively small sample.

One practitioner interviewed by Hoffman (2011; WoE 5) explained the problem with inconsistencies in approach for children who have similar starting profiles:

"I've seen similar incidents with young people with similar backgrounds which have been dealt with one with anti-social behaviour where they attract no future record at all and one in the criminal justice system where they're on the police national computer, where they've been swabbed, their DNA has been taken and those things are retained forever. You can't have those

two operating... You shouldn't have a starting point where a similar profile leads to completely different outcomes." (pg. 157)

Discretion

Hart (2014; WoE 5) notes the potential for unfair practice due to the discretionary nature of some procedures: "Increased scope for discretion also means increased scope for unfairness" (pg. 10).

Fisher (1982; WoE 5) found that the determinants of discretion are based on the extent and quality of the information available to the police, and decisions to caution children were influenced by officers' assessments despite them not being ultimately responsible for the recommendation. For example, parental attitudes were identified as a factor in determining whether a caution is recommended, with approximately 80% of children (with no history of offending) whose parents were judged as having a 'favourable' attitude were cautioned, in contrast to 40% of those with parents with 'unfavourable' attitudes. Children's attitudes were also considered, with those who were considered to be sorry being cautioned more (82%) than those were 'not sorry' (58%). Finally, the study found that first offenders from homes with "favourable" conditions were much more likely to be cautioned (85%) than those from "unfavourable" homes (60%). However, Fisher does not provide any definition of what constitutes as 'favourable' or 'unfavourable' in this context, thus the specific qualities which distinguish these groups of children are unknown.

Although standardised assessment tools should, by their definition, provide a framework for fair decision making they are not without their issues. Palmer (2015; WoE 4) notes the subjective application with the Gravity Factor Score (Home Office, 2006) and finds that some police officers ignore the system completely, preferring instead to follow their 'common sense' and experience.

Stone's commentary (2009; WoE 3) presented a case study involving misapplication of a gravity score for criminal damage which meant that two young people were brought to court with a gravity score of 4, whereas the Final Warning Scheme recommended that police should 'normally reprimand for a first offence' (Home Office/Youth Justice Board, 2002⁴⁰). Another case presented

⁴⁰ Home Office/Youth Justice Board (2002) Final Warning Scheme: Guidance for the Police and Youth Offending Teams. London: Home Office.

related to 'abuse of process' as a 15-year-old with no prior offending had been told that they would be dealt with via an 'intervention clinic' rather than through the courts, however, the child was later instead charged as the case was deemed unsuitable for a final warning.

Proportionality related to ethnicity

Practitioners and scholars alike have raised concerns about the relationship between access to diversion and racial disparity (Landau & Nathan, 1983⁴¹; Mayor of London, 2021; WoE 7 Gray, 2019; WoE 5), and the issue seems to be worsening with one researcher identifying that the proportion of black children in the system doubled over the decade 2006–2016 (Hunter, 2019; WoE 8).

Ethnic minority CYP are more likely to be arrested, charged, and detained than white CYP, even when their behaviour is similar (Bateman, 2016a; WoE 5; YJB 2021; WoE 7). In England, more than half of all children currently detained are from minority ethnic groups, which is disproportionate to the population level of children from minority ethnic groups, which is roughly 18% (Smith, 2022). Additionally, the over-policing of minority communities leads to a higher rate of arrests among minority youth (Cushing, 2016; WoE 7; Lammy, 2017⁴²). In the UK, a black child is ten times more likely to be 'stopped and searched' than a white child (Bateman, 2020b; WoE 6).

Bateman discusses how the decline in FTEs has been met with a rise in minority group children in contact with YOTs, indicating that the FTE target is benefiting white children rather than their non-white peers (Bateman, 2011a, WoE 4, pg.11; Bateman, 2016b, WoE 3). These findings are not isolated; the YJB (2021; WoE 7) identified that compared to white children, children from minority ethnic groups received harsher sentences and were substantially less likely to receive an OoCD, even when demographic characteristics, offence-related factors, and the YOT were controlled for.

⁴¹ Landau, S.F. and Nathan, G., (1983). Selecting delinquents for cautioning in the London Metropolitan Area. *The British Journal of Criminology*, 23(2), pp.128–149.

⁴² Lammy, D. (2017). *The Lammy Review: An Independent Review into the Treatment of, and Outcomes for, Black, Asian and Minority Ethnic Individuals in the Criminal Justice System*.

Analysing YOS data from 2015 to 2021, Gleeson (2021, WoE 6) examined ethnic disparities in OoCDs and offence-related outcomes for CYP in the London Borough of Hackney. The author identified that black children consistently made up the largest proportion of referrals into YOTs in comparison to all other ethnic groups. Gleeson also reports that black children were more likely to be given a Youth Caution rather than referred into Triage than white children, with Triage being a non-statutory disposal categorised as 'No Further Action' in contrast to the more formal disposal option of a Youth Caution. However, Gleeson later presents results from regression analyses which show that, although white children were most likely to be referred into Triage (as opposed to YC or YCC), disposal type was only significantly influenced by the severity or type of the offence, and not by ethnicity. Whilst Gleeson's findings help to identify where disproportionality occurs in the YJS in Hackney, this study is somewhat limited in its method as it does not further explore reasons for disparities. Further exploration of young people's experiences of diversion within the Borough may be beneficial in supplementing these quantitative findings.

Admission of guilt or 'no comment'

Various papers describe how minority group children are less likely to admit guilt to a crime and are more likely to provide 'no comment' answers during interviews (Bhattacharya, 2021; WoE 7; Cushing, 2016; WoE 7). At least 44% of diversion programmes seek an admission of guilt as part of their eligibility criteria, as identified in a survey mapping informal diversion (Robin-D'Cruz, 2019; WoE 5), so children who do not admit guilt will not benefit either from the offer of a diversion programme or lesser sentences at court level. Although this statement is supported by court trial documentation on adults from 2019⁴³ (where 27% of white defendants pled not guilty compared to 37% ethnic minorities) it doesn't answer the question as to why that would be the case in the first place. However, a report by the Centre for Justice Innovation (2017)⁴⁴ indicates a 'trust deficit' where over half of the UK-born BAME population believe the criminal justice system is discriminatory, compared to 35% of the UK-born white population. There are also

⁴³ Yasin, B. and Sturge, G., (2020) Ethnicity and the criminal justice system: What does recent data say on over-representation? *House of Commons Library*.

⁴⁴ Centre for Justice Innovation (2017) *Building Trust: how our courts can improve the criminal court experience for Black, Asian, and Minority Ethnic defendants*. Available at: <https://justiceinnovation.org/publications/building-trust-how-our-courts-can-improve-criminal-court-experience-black-asian-and> (Accessed June 2023)

issues with access to appropriate legal advice and underrepresentation in legal professions.

A potential solution to the issues around admission of guilt may come in the form of "deferred prosecution" schemes, such as West Midlands Police's "Operation Turning Point" project (Neyroud, 2017⁴⁵), which eliminates the requirement of an admission of guilt to access an OoCD. Under this scheme, an individual under supervision meets with the offender management team before signing a "turning point contract" which includes a pledge not to reoffend and measures to address the root causes of reoffending, such as drug or alcohol treatment. These types of initiatives may reduce harm and reoffending compared to court prosecution, especially for CYP from minority ethnic backgrounds, and also provide victims with more satisfaction and confidence in the process (Neyroud, 2021⁴⁶). Some argue that the Police, Crime, Sentencing and Courts Bill currently being considered by parliament should include a provision that removes the requirement of a guilty plea to benefit from an OoCD. The government's stance is more cautious, allowing such measures, but not fully endorsing or requiring them. They claim to be supporting trials of schemes to encourage the use of OoCDs in order to review the evidence as it emerges (Bhattacharya, 2021; WoE 7).

Proportionality related to age

Researchers have noted that children younger than 14 are more likely to receive pre-court disposals compared to older children (aged 14-17) (Bateman 2020a; WoE 5). Farrington (1981; WoE 6) ran analyses on a sample of 907 children whose first offences were indictable. The author notes that cautions were effective at diverting children aged 10-13 away from court appearances, but diversion of children older than this group was less likely to happen. Rose (1970; WoE 6) also noted that older children were more likely to end up in court than younger children.

Proportionality related to looked after children

⁴⁵ Neyroud, P.W. (2017) Learning to Field Test in Policing: Using an analysis of completed randomised controlled trials involving the police to develop a grounded theory on the factors contributing to high levels of treatment integrity in Police Field Experiments. Unpublished PhD Thesis, Institute of Criminology, University of Cambridge.

⁴⁶ Neyroud, E. (2021) *First time offenders as once and future victims: Using police records to explore the victim-offender overlap in the Turning Point Project*. Unpublished PhD Thesis, Wolfson College, University of Cambridge.

Children who have been in care for at least 12 months are more likely to interact with the YJS compared to those not in care (Case, 2021; WoE 4). A 2021 study revealed that children who had been in care made up 21% of YOT caseloads in Wales (CJI, 2021⁴⁷).

Bond-Taylor's (2021; WoE 4) evaluation of Lincolnshire's Joint Diversionary Panel and Youth Restorative Intervention indicated that all of the CYP identified in case files as LAC (n=4) had committed offences within either the residential home or supported accommodation they were living in, and an additional 5 CYP were identified as having current or historic involvement with Children's Services. The author reports findings from case analyses, some of which revealed evidence of the Panel challenging Lincolnshire County Council for pursuing charges against CYP who had committed offences in their residential homes, which was reportedly against protocol. However, it was reported that the Panel have the power to make decisions of No Further Action in cases of vulnerable CYP (e.g., LAC, young children) and may help prevent the upscaling or criminalisation of LAC.

There may be various explanations as to why LAC are more likely to interact with the justice system. First, many LAC are exposed to various forms of trauma and negative childhood experiences, which can impact their emotional and behavioural development (e.g., Ford et al., 2007⁴⁸). This can result in challenging behaviour, potentially as a response to children's unmet needs and early system failure. Second, studies have found that children in local authority care may be more likely to be reported to the police than those living with family, for example, when a CYP goes 'missing' it raises a safeguarding issue and thus reported to police. There are also reports that calling the police is used as a form of control over a child's behaviour which can lead to higher numbers of reported offences among this group and the perception of the child as being 'risky' (NACRO, 2012; WoE 7).

⁴⁷ Centre for Justice Innovation (2021). Equal diversion? Racial disproportionality in youth diversion. Available at: https://justiceinnovation.org/sites/default/files/media/document/2021/CJI_Exploring-disproportionality_D%20%281%29.pdf (Accessed June 2023)

⁴⁸ Ford, T., Vostanis, P., Meltzer, H. and Goodman, R. (2007). Psychiatric disorder among British children looked after by local authorities: comparison with children living in private households. *The British Journal of Psychiatry*, 190(4), pp.319-325.

NACRO (2012; WoE 7) suggests involving senior representatives from children's services in the management board of YOTs and committing resources to ensure meaningful collaboration between services. It is important to differentiate between problematic behaviour and criminal behaviour when dealing with LAC. Providers of children's homes should aim to address problematic behaviour through professional help and support instead of resorting to the criminal justice system (unless absolutely necessary). Some local authorities have developed protocols to achieve this, and the effectiveness of these protocols can be increased through positive relationships with the police and training on restorative approaches to incidents in children's homes.

NACRO also provide some clear strategies that can be used, such as: a) establishing procedures and connections with law enforcement for reporting criminal behaviour; b) encouraging positive behaviour techniques in the living situation; and c) implementing restorative methods to assist staff in handling incidents.

Proportionality related to children with disabilities

The Youth Justice Review found that children who encounter the YJS in England and Wales often have complex needs (cited in Case, 2021; WoE 4).

Hobson (2017; WoE 7) attributes the disproportionate numbers of children with ADHD in the YJS to failures at multiple levels of the child's pathway including lack of early identification, inadequate intervention, and limited awareness and understanding of ADHD symptomology.

To effectively divert young people from the criminal justice system, police officers must recognise and understand the unique needs of each individual they encounter. Unfortunately, many officers are not adequately trained in identifying mental health and learning difficulties, making it difficult for them to accurately assess the support needs of the young people they encounter⁴⁹ (Bradley, 2009; WoE 7, pg. 38). Baldry (2017; WoE 5) determined that to facilitate diversion for children with disabilities, early diagnosis was key in order for the justice system to respond appropriately.

⁴⁹ Practitioner training will be covered in research question 8 titled "What staff training is important to successfully implement diversion?"

O'Brien (2019; WoE 6) notes the complexity and prior system involvement experienced by children with additional needs and suggests that diversion can offer very minimal interaction to children who might require maximum services and support. Bateman and others (Bateman 2014a; WoE 4; Hart, 2014; WoE 5) believe that the discretionary nature of informal pre-court measures can be positive in promoting the diversion of children with specific vulnerabilities into more appropriate services and provision. These measures included police-administered 'triage' arrangements and 'community resolutions' which provide children with an alternative pathway out of the YJS. Indeed, some researchers felt it was important that police retain discretion to assess whether a child with mental health needs intended to commit an offence (adequate proof of '*mens rea*'⁵⁰) as this would allow them to be diverted from prosecution and out of the "entrenched cycle of crisis, crime and mental illness." (pg. 36, Bhattacharya, 2021; WoE 7).

The availability of liaison and diversion services in police stations may help to improve the understanding of and support for children with mental health or learning disabilities. The Bradley report (2009; WoE 7) identifies a considerable difference between the cases handled by a specialist mental health solicitor and those that were not, as individuals without access to a specialist mental health solicitor were not given information on liaison and diversion services, suggesting a need for a resource to provide information and advice for a wide range of professionals working with justice-involved youth at this stage.

Powys Diversion Scheme aims to minimise the number of CYP with complex needs who are placed in the criminal justice system without adequate support by referring those individuals to community psychiatric nurses for assessment and recommendations. CYP can be diverted under this scheme to hospitals, housing schemes, bail hostels or support at home.

Adequate funding and resource

⁵⁰ *Mens rea* refers to the intent or knowledge of wrongdoing that an individual must have in order to be found guilty of a crime. It is often translated from Latin as "guilty mind." *Mens rea* is a fundamental principle in criminal law, as it requires that the individual not only committed the act but also had the intent or knowledge that the act was wrong.

The issue of adequate funding and resource allocation for diversionary programmes within the YJS has been highlighted in two papers. Robin-D'Cruz (2019; WoE 5) notes that despite an increased need and workload, 22% of diversion programmes in England and Wales experienced a funding cut compared to the previous year. Clifton (2016; WoE 5) further explains that with the bulk of the cost of prisons shouldered by central government agencies, the budget essentially remains "frozen" within the prison system. This results in local authorities lacking sufficient funds to invest in alternatives like community services. In addition, a recent YJB report⁵¹ identified a substantial amount of prevention and diversion work being carried out by YJSs across England and Wales that was not formally recognised or captured and thus not consistently funded.

However, a crucial concern remains unaddressed: despite the significant net cost benefit to the Criminal Justice System (CJS) resulting from the use of OoCDs, there is no mechanism to redistribute the gain to the front end, where the investment is most needed. The CJS budget tends to be ring-fenced by the Treasury, implying that any financial benefit experienced by the police or YOTs directly impacts the budgets for probation, CPS, and courts. With these sectors already struggling, there is no incentive for such investment, rendering this issue critical.

To counter these issues, the YJB launched a 'pathfinder' project in the early 2010s. The project aimed at devolving funding from central government to local authorities for investing in improved systems and activities to reduce the number of CYP ending up in prison. The pathfinder areas adopted a 'whole system' approach, with local authorities forming a consortium, pooling resources, sharing best practices, and fostering competition among YOTs. The programme incentivised local authorities by potentially withdrawing funding if they failed to meet targets for reducing the number of nights CYP spent in custody. This initiative successfully decreased the use of custody for young people.

In response, the government devolved the financial responsibility for secure youth remands to local authorities, thus providing a financial incentive to keep justice-involved youth out of custody by offering alternatives like foster placements and community supervision (cited in Clifton, 2016; WoE 5). However, the broader issue of a redistribution mechanism within the CJS remains unresolved.

⁵¹ Youth Justice Board for England and Wales (2023). Prevention and Diversion Project – final report. *Youth Justice Board for England and Wales*

Role of Appropriate Adults and Timely Legal Advice in Youth Justice

Children detained by police are protected under the Police and Criminal Evidence Act 1984 which ensures that all children are provided access to an appropriate adult (AA) (Taylor, 2016; WoE 7). AAs have a safeguarding role to perform but can also help to ensure that the procedures followed are fair. Cushing (2016; WoE 7) identified that young people are more likely to provide 'no comment' answers during the interview process when an AA has "a lengthy criminal record" (pg. 298) which may result in the young person forfeiting their chance to receive an OoCD. Similarly, five interviewees reported that young girls from an Asian background were less likely to admit wrongdoing when their father acts as the AA. The interviewees suspected this may be due to the fear of severe consequences by the family or community as a result of admission⁵².

Almost half of children who end up charged do not request a solicitor and younger children (aged 10-13) are the least likely to request legal advice (Kemp, 2011⁵³). Findings from a recent study by Kemp (2023, WoE 6) show that children who requested legal advice were more likely to receive a decision of no further action (57.1%) versus those who did not (49.1%). However, the author further identifies a significant difference in those receiving an OoCD based on their access to legal advice, with children requesting legal advice being less likely (12.4%) than those who did not (20.3%). Kemp suggests that an explanation for this difference may be that lawyers are less likely to advise children to accept an OoCD unless the police have sufficient evidence that the child is involved.

When children do avail of their right to access legal advice, there can be a delay to their legal representative attending, which has substantial influence over the child's access to diversionary schemes (Taylor, 2016; WoE 7). Hart (2014; WoE 5) indicates that although children are entitled to legal advice and AAs when receiving a caution, this does not extend to 'community resolutions' and there is a potential for children admitting to things they did not do, due to the perception that the matter needed to be resolved quickly.

⁵² It may be important to note that the five respondents who provided this insight did not describe an interview situation where the girl demonstrated fear of their father, nor did the girls object to their father acting as an appropriate adult.

⁵³ Kemp, V., Pleasence, P., and Balmer, N. J. (2011). Children, young people and requests for police station legal advice: 25 years on from PACE. *Youth Justice*, 11(1), 28-46

RQ2 summary

This report focuses on the 47 papers that provide information on procedural fairness and equitable access. The papers represented in this report were mixed in terms of their WoE score. 31% have scores of 3-4 which represent lower WoE, 40% have scores 5-6 which represents medium WoE, and 27% had scores 7-8 representing the papers providing highest WoE.

This research examined strategies for achieving procedural fairness for CYP within the YJS, specifically regarding access to diversion programmes. Several factors contribute to the inequitable access including discretionary nature of programmes, inconsistencies, limited funding, and racial disparity.

The uneven application of OoCDs and diversionary measures across regions and ethnic disproportionality in access to diversion are important concerns. The overrepresentation of minority ethnic children in the YJS requires the scrutiny of current protocols, particularly assessment tools, to locate and rectify any bias. Distinguishing between problematic and criminal behaviour could be important for in preventing unnecessary justice system interactions, particularly for LAC. A move towards redistributing resources for community-based diversionary programmes could facilitate this.

The review also highlighted the essential role of protecting children's legal rights, especially that of an appropriate adult (AA) in safeguarding children and ensuring fairness of procedures. Younger children may not request a solicitor or legal assistance, potentially impacting their access to diversion programmes. Further quality research is needed to fully understand children's experiences in the system and to develop strategies promoting fairness and equitable access.

Research Question 3: How should diversion schemes determine eligibility criteria to decide who is diverted?

Diversion schemes often impose restrictions on who can and cannot access these schemes in the form of eligibility criteria. Section 3.3 provides an overview of the included interventions and the research reviewed suggests that several factors contribute to the decision on whether a young person is eligible for diversion schemes, including the severity of the crime or type of offence, such as the Gravity score; the individual's criminal history, whether it is first-time versus multiple offences; the needs or vulnerabilities of the young person, encompassing social, mental, and educational aspects; the 'risk' associated with the child or young person, as indicated by the Asset score; and whether guilt has been admitted, as mandatory admission can often play a role.

In terms of current practice, some experts indicated that parental engagement and support can be an eligibility criterion, but that was not an explicit factor in the interventions or papers we reviewed.

Findings

This report focuses on the 30 papers that provide information on eligibility criteria to diversion programmes. The included research used a qualitative (n=13, 43%), a quantitative (n=3, 10%), or a mixed methods (n=14; 47%) design and 80% of the research was unpublished (n=24). The papers represented in this report were mixed in terms of their WoE score. 6 (20%) papers have a score of 3–4 which represents lower WoE, 16 (53%) have scores 5–6 which represents medium WoE, and 8 (27%) had scores 7–8 representing the papers providing highest WoE. No paper included in this report had a WoE score of 9. In terms of location, 33% of studies from England (n=10), 10% from Wales (n=3), and 57% from both countries (n=17). All studies were published or written between the years 2009–2023.

When looking at the literature for this research question, five core themes related to eligibility emerged. These themes include:

- Eligibility based on the severity or type of offence
- Eligibility based on the criminal history of the young person
- Eligibility based on the needs or vulnerabilities of the CYP
- Eligibility related to 'Risk' and CYP's assessment score
- Eligibility related to admission of guilt

Eligibility based on the severity or type of offence

A considerable number of justice experts, backed by psychological and sociological theories have proposed that minor, less serious offences should be addressed outside the formal parameters of the YJS. For example, Taylor (2016; WoE 6) recommends a series of principles which he believes should be operationalised within all local authorities. One recommendation is that intervention following an offence should represent the minimum appropriate response. This suggests that offences should be dealt with proportionately, and that CYP who commit minor offences should not be excessively reprimanded.

The eligibility for youth diversion schemes is largely determined by the seriousness of a young person's offence, quantified through a 'gravity score'. In a survey, over half (56%) of the schemes utilised these scores for eligibility criteria, with varying acceptance thresholds (Robin-D'Cruz, 2019, WoE 6). The majority of these schemes (60%) accept offences with a gravity score of three or below. In addition, some schemes exclude certain types of offences like indictable offences, serious sexual offences, serious violence, and motoring offences, among others. Nonetheless, 32% of schemes operate on a case-by-case basis without specific exclusions. Recommendations propose that discretion, acceptance of responsibility, and the possibility of multiple diversions should be factors in determining suitability for diversion.

Smith (2014; WoE 4) also agrees that most diversionary practices appear to be more accessible to children committing more minor offences, quoting an evaluation of the YRD indicating that CYP could access a disposal only in cases where they were responsible for "low-level, anti-social, and nuisance offending" (Rix et al., 2011, in Smith, 2014). Whereas in cases involving a serious offence, like "gang involvement or harmful sexual behaviour" (pg. 11), Tyrrell and colleagues (2017; WoE 8) identify that the young person requires a more detailed assessment to establish whether or not they are eligible for diversion.

One method of determining the severity of an offence is through the assignment of scores related to the type of crime committed. One example of this is the Youth Gravity Matrix, which has recently been updated with a 'child first' focus. The matrix assigns a gravity score to each offence, ranging from one (minor offences) to four (more serious offences). The matrix can be used to determine if a young person should be cautioned, conditionally cautioned, or charged for an offence,

and designed to align with the magistrates' court sentencing guidelines and the sentencing guidelines commission guidelines to aid consistency⁵⁴.

Evidence received from contact with YOSs indicate the use of Gravity scores in determining eligibility for various diversionary pathways. For example, the London Borough of Islington operates a pathway of OoCDs in which only children who have committed offences of Gravity 3 and below are considered eligible (Adamson, 2023; WoE 6). However, Adamson reports that there are occasionally exceptions to this rule whereby higher gravity scores are considered, typically when "the young person has exceptional circumstances and needs" (pg. 4).

Brown's thesis (2019; WoE 7) reveals that CYP participating in diversion programmes in Wales had committed offences rated at three or below on the Youth Gravity Matrix.⁵⁵ Those who were ineligible for these programmes and were required in court included individuals who received a score of four or more on the matrix (such as for murder, grievous bodily harm, or abduction), those arrested for a driving offence necessitating a court appearance due to points allocation, and those over the age of 16 apprehended for a second offence of domestic abuse.

In an evaluation of YOSs in Cardiff, Lane (2020; WoE 5) reports that officers considered diverting lower-level and lower-gravity offences to preventative services instead of through the formal bureau process. Except for serious offences referred to the Crown Prosecution Service, cases were likely to be referred to the YJS for a decision on the most appropriate outcome. Likewise, examining the results of a study on the implementation of Triage, Soppitt (2014; WoE 7) found that CYP who were FTEs and with a gravity score of 1 or 2 were more likely to be included as participants in Triage 1, which was most likely to lead to a restorative justice intervention, whereas CYP with gravity scores of 1-3; who admitted committing the offence; and had a previous reprimand or final warning were eligible to participate in Triage 2 in which the decision regarding the disposal of the case would be a collaborative effort between the police, CPS, and YOT staff. Likewise, Islington's Early Intervention and Diversion Protocol specifies that in

⁵⁴ Youth Justice Board (2017). Youth Out-of-Court Disposals. Guide for Police and Youth Offending Services. Youth Justice Board for England and Wales.

⁵⁵ The Youth Gravity Matrix discussed has been provided by ACPO and is available here: <https://yjlc.uk/sites/default/files/ACPO%20Youth%20Gravity%20Matrix.pdf>

cases of repeated offending, CYP may be referred into Triage 2 if the second offence is low-level (as determined by the gravity score) and is a different type of offence than the first (Shine, 2017; WoE 5).

McCulloch (2018; WoE 4) describes the Kent Youth Drug Intervention Scheme (KYDIS) which was made available to CYP in Kent who were under 18 years old; on the first occasion only; were found in possession of a class B or C drug; and had no prior history of drug use. KYDIS does not accept individuals caught in possession with the intent to supply or supply drugs such as cannabis. According to police records, 83.3% of CYP who finished the programme did not commit another offence within the following 5 to 12 months. McCulloch recommends that although intent to supply may not be considered a low-level offence, policymakers and practitioners should consider whether the involvement of CYP in such crimes should be viewed as a sign of vulnerability rather than criminality.

Finally, discussing the Turning Point Project, Neyroud (2021; WoE 6) specifies that in addition to previous offending history, the nature of the offence was also considered when determining eligibility. The severity of a potential entrants' offence was considered by a custody sergeant in order to establish the likelihood of the offence resulting in a custodial sentence. Individuals committing offences like those contributing to the death of another person, involving a weapon, any sexual offences or hate crimes, or terrorism-related offences, were excluded. However, Neyroud reports that the scheme enforced strict eligibility criteria, stating that the "sample is a very specific and limited group of offenders, that were carefully selected for eligibility for this specific trial" (pg. 269).

Overall, eligibility criteria may vary by scheme, but there is a tendency in the papers reviewed to offer diversion to children who commit minor offences in order to minimise their exposure to the formal criminal justice system.

Eligibility based on the criminal history of the young person

Decision makers may determine whether the young person is an FTE or someone who repeatedly or persistently commits crimes. This distinction allows an alternative way for someone accused of their first offence to avoid the full impact of a criminal prosecution or involvement with the justice system.

Robin-D'Cruz's (2019; WoE 6) findings show that 41% of schemes operate on a case-by-case basis when determining eligibility for diversion based on the

number of previous offences. 27% of schemes permit between 0 and 2 previous offences.

A case study presented by O'Brien (2019; WoE 5) included interviews with 14 CYP and 6 staff who had all been involved in delivery of diversion. The researcher notes that the formal definition of a FTE is based on the disposal a person receives, rather than on their experience of service contact. This overlooks the individual's own perception of whether they have entered the system. In fact, many of the young people had been in contact with multiple services, including social care and early help. For some of them, the notion that receiving a disposal automatically constitutes system entry did not match their experience of already being involved in complex service provision. This conclusion is based on a small sample size from one area of England, there were no minority ethnic group children included and the CYP were selected through a method of convenience sampling, which is prone to research bias.

Bateman (2020; WoE 5) presents a slight increase in diversion rate during 2013 and 2014, possibly resulting from statutory changes, including the removal of final warnings. However, Bateman suggests that the emphasis on first-time entrants (FTEs) and the ongoing use of offence gravity scores may discourage formal pre-court measures and that cautioning is being 'skipped' but could be used to divert more children from court. The study revealed a marked shift in outcomes for children entering the youth justice system for the first time over the decade between 2008 and 2019, for example in 2008, 91% of FTEs received pre-court disposals, dropping to 55% by 2019. Meanwhile, FTE convictions for children with no prior criminal record is increasing, with nearly half of children like this being subject to court proceedings in 2019 compared to 9% in 2008 (pg.85). The author describes scenarios where some children become FTEs by not confessing to low-level offences at the police station, thus making them ineligible for some diversion programmes.

Some programmes were clearer when stipulating eligibility related to number of previous offences, for example, Smith's (2014; WoE 4) identifies that young people were only eligible for a YRD in cases where they "had not previously received a reprimand, final warning, or caution" (pg. 4).

Brown (2019; WoE 7) described changes to eligibility related to number of previous offences: "Following on from the introduction of LASPOA⁵⁶ (2012) a child or young person does not now need to be an FTE to access Welsh Town's⁵⁷ three Youth Crime Diversion Models, as was previously the case. Therefore, the scope of the entrance criteria has been substantially broadened, meaning that CYP can now come back from court and under specific circumstances can receive multiple [YRDs]" (pg. 203).

The decision of whether a child or young person is a first-time offender or not can determine whether they face the full impact of criminal prosecution. The criteria for eligibility can vary and there is no consistent, or indeed evidence-based approach to this issue.

Eligibility based on the needs or vulnerabilities of the CYP

As discussed in Research Question 2, looked after children, children with disabilities and children in minority groups are more likely to be justice-involved, and the reviewed research advocates for better needs assessment and diversion into more appropriate support and services.

Case (2021; WoE 5) discusses the Pan-Dorset protocol, a national best practice guideline developed by the Department for Education, Home Office, and Ministry of Justice in the UK.⁵⁸ It seeks to minimise the criminalisation of LAC by diverting them away from the criminal justice system wherever possible. This protocol recognises the fact that interaction with the justice system tends to increase the chances of reoffending. The protocol outlines the policy that care setting staff should follow when considering contacting the police, specifically outlining which types of incidents should be reported. It also includes a dynamic risk assessment tool, developed in partnership with the National Centre for Excellence in Residential Child Care, to assist carers in their decision-making.

In Haines and colleagues' (2012; WoE 7) evaluation of YJLD pilot schemes across six areas of England, the authors assert that there was a lack of systematic efforts

⁵⁶ Legal Aid Sentencing and Punishment of Offenders Act

⁵⁷ Brown uses the term '*Welsh Town*' to refer to three separate areas which are encompassed within a single Welsh YOS region.

⁵⁸ Pan-Dorset protocol to reduce criminalisation of children and young people in care, Department for Education, Home Office and Ministry of Justice, 2018.

to identify the specific needs of CYP who were arrested and little to no measures were taken to address these needs when the pilots were initiated. However, this study was based on a pilot scheme in its infancy and some of the processes described were still evolving at the time of data collection, therefore it is important to acknowledge these findings in the context of this limitation.

Cushing's thesis (2016; WoE 8) presents findings from an evaluation of Triage schemes by the Home Office (Home Office, 2012, in Cushing, 2016). The author reports that the severity of the offence is not the only relevant factor in the determining eligibility for the scheme, but also the young person's "social care, mental health, and educational and housing needs" (pg. 131). Supporting this, Hart (2014; WoE 6) reports that assessments should consider "the extent to which the young person is able and willing to engage with restorative justice interventions, and the likelihood of the young person receiving support from their family/carers" (pg. 5). Hart advocates for practitioners to consider the needs and vulnerabilities of the young person, advocating for CYP to be diverted wherever possible to avoid "punishing disadvantage" (pg. 5), particularly in cases where young people encounter vulnerabilities like emotional issues, poor mental health and/or lack of familial support.

In the Turning Point Project, (Neyroud, 2021; WoE 6) Neyroud noted that, despite the victim-offender overlap being a significant risk factor for offending, no force considers prior victimisation as a criterion for diversion.

In summary, some researchers believe that eligibility criteria should consider not just the severity of offences but also the needs or vulnerabilities of young people, such as social care, mental health, educational, and housing needs. Guidance documents like the Pan-Dorset protocol, can help highlight best practices by offering access to more appropriate support and services.

Eligibility related to 'Risk' and CYP's assessment score

It appears that there is a considerable lack of evidence in this area as we identified little research concerning eligibility based on risk and assessment scores.

Some research has described eligibility to diversion programmes being related to the 'risk' of the child reoffending or harming themselves or others, as determined by an assessment tool. This eligibility was deemed by reviewers to be related to,

but conceptually distinct to the sections previously covered. In Research Question 2 we discussed some issues related to Asset scores⁵⁹ and how they may unfairly attribute risk based on factors such as ethnicity (Bateman, 2011a; WoE: 4; May, Gyateng and Bateman 2010). Critics argue it might inflate scores due to factors reflective of societal and community influences rather than true criminogenic factors. The tool's accuracy is further questioned as it may overpredict risk, triggering more intensive interventions and possibly hindering access to diversion schemes.

Highlighted in an inspection of Cardiff's YOS, Lane (2020; WoE 5) reports that the YOS provides a 'two-fold' out-of-court diversion offer based on risk, need, and previous service involvement. Cases suitable for a YRD were referred to the diversion team, who used a tailored 'brief assessment tool' for relevant lower-level cases and provided any necessary interventions. However, higher-risk cases required a full AssetPlus assessment. Lane's inspection of YOSs in Brighton and Hove (2021; WoE 4) found that assessments gathered information from various sources to obtain the "best understanding of a child's circumstances and history" before a joint decision-making panel determines the appropriate support and intervention needed (pg. 29).

Whilst some studies have shown that assessment scores can be influenced by demographic factors, decision makers still use these scores to determine the intensity of interventions needed. Inspection reports show that some YOSs use an assessment tool to determine if a child is suitable for a diversion programme, and detailed assessments are completed before making a decision. However, it appears that there is a considerable lack of evidence in this area as we identified little research concerning eligibility based on risk and assessment scores.

Eligibility related to admission of guilt

Many diversion programmes described in this report have listed the admission of guilt as part of their eligibility criteria (see Brown, 2019; WoE 7; Haines, 2013; WoE 7; Soppitt, 2014; WoE 7).

Robin-D'Cruz (2019, WoE 6) reports that 44% of responding diversion schemes required a young person to admit guilt to be eligible for diversion, and 24% of

⁵⁹ Assessment tools like AssetPlus and Asset will be covered more fully in the next research question titled "What are the procedural processes which improve referral to diversion programmes?"

schemes allowing a young person to “accept responsibility” (pg. 2) as an alternative to a guilty plea. The author advocates for a more flexible approach of allowing young people to forgo a formal admission, suggesting that this requirement may even “exacerbate racial disparities” (pg. 2) in the YJS, as non-white youth are less likely to admit guilt (Cushing, 2016) and are therefore less likely to benefit from the opportunity of diversion.

Bond-Taylor’s (2021; WoE 4) evaluation of Lincolnshire’s Joint Diversionary Panel and Youth Restorative Intervention indicates that a young person must have admitted the offence for referral to JDP. The author comments that this may be problematic particularly for children who have “learning disabilities, a history of trauma, those without a parent or carer to support them, or in relation to offences with more complex legal definitions” (pg. 33).

A review (HM Inspectorate, 2018; WoE 5) of 112 cases of OoCDs across 7 YOTs identified that to be considered eligible for an OoCD, three requirements must be met: 1) an offence must have occurred; 2) the young person must have been identified; and 3) the young person must have taken responsibility for the offence. The report highlighted a discrepancy between language used around eligibility criteria in the three main guidelines that are used by police officers considering OoCDs; and how those discrepancies could lead to inconsistencies. For example, ‘admission of guilt’ is the terminology used in guidelines by the College of Policing and the YJB whereas the Association of Chief Police Officers talk about ‘acceptance of responsibility’. Whilst clearly related, these concepts have some important differences with acceptance of responsibility representing a broader concept where the child is taking some accountability for their behaviours and consequences of it. In some cases, this will also include the child demonstrating remorse and a desire to make amends.

Cushing (2014; WoE 7) argues that the failure to admit guilt is an “immediate barrier” (Cushing, 2014, pg. 1) to diversion for young people who commit even the lowest level of offences. Cushing’s article discusses two cases of young people being denied a caution and instead prosecuted based on their failure to make a guilty plea. Despite evidence of the individuals’ otherwise good character and young age, the lack of admission was the decisive factor. Cushing concludes that the mandatory admission criterion can be obstructive and overly complicated, potentially denying many CYP the benefits of diversion. Cushing recommends that if a child has committed a low-level offence and is willing to accept an out-

of-court disposal, the necessity of an early admission is questionable. However, if admission remains a mandatory element of youth justice diversionary regimes, the author suggests considering replacing the existing stringent criteria with a lesser requirement for a young person to 'accept responsibility' for their offending.

In a later doctoral thesis, Cushing (2016; WoE 8) presents findings from interviews with civilian and police interviewers which indicate that young people and where applicable, their AAs, are often not aware of the mandatory admission criterion. Rather, there is the assumption that "eligibility for an out of court disposal [is] only dependent on age and gravity of the offence". One procedural change to facilitate diversionary outcomes suggested by many of the interviewers was to generate a "pro-forma document [...] which set[s] out in plain and easily understood language the criterion and procedures for a young person to gain eligibility for an out of court disposal" (pg. 292). This finding supports the argument in Cushing's (2014) previous article that young people should be provided with practical information ahead of being interviewed so that they are informed and aware of the consequences of choosing not to make an admission of guilt. Cushing also suggests that young people's failure to admit guilt during a police interview may be due to their negative perceptions of and relationship with the police, and that removing this criterion could improve this relationship as well as young people's engagement. Cushing's findings, however, are based on data collected from a small sample of police officers and civilian interviewers within one region who were selected by Case Directors. Considering the regional variation in diversionary practices and the potential bias in the sampling frame, these findings should not be viewed as nationally representative.

Bevan's (2019, WoE 5) thesis argues that when young people refuse to answer questions from the police or choose to 'no comment' in an interview, their options are "automatically narrowed, since an out of court disposal is ruled out" (pg. 266). Interview findings indicated that participants felt pressured to admit guilt during an interview in order to receive a caution or referral order. Bevan suggests that in the absence of legal support a young person may feel coerced into admitting guilt without recognising the potential consequences of doing so. One interviewee who did not receive any legal support or advice stated that "if I admit it in interview they would give me a caution and then they would take me home", further stating that "otherwise [the police] would have taken it further" (pg. 273). Bevan reports that whilst avoiding prosecution through diversionary practices, such as OoCDs, reduces police workload and is often favoured by solicitors and

parents, the requirement of an admission of guilt may increase the likelihood of CYP being prosecuted, particularly in cases where they do not provide an admission and the opportunity for an OoCD is ruled out.

Finally, Bhattacharya (2021; WoE 5) discusses 'Operation Turning Point', an initiative carried out by West Midlands Police which removed the mandatory admission of guilt criteria for participants – permitting them to be diverted from the formal prosecution system. Bhattacharya reports that the scheme was successful, indicated by reduced rates of reoffending in comparison to court prosecution, further arguing that the elimination of the requirement of a guilty plea will increase the uptake of OoCDs as well as reduce the level of ethnic disproportionality in the context of diversion. However, further examination of the Operation Turning Point⁶⁰ findings referenced by Bhattacharya did not reveal any evidence to suggest a significant difference in disposal outcome between young people who made an admission and those who did not.

Many diversion programmes in the justice system necessitate the admission of guilt or acceptance of responsibility as eligibility criteria. This requirement has the potential to exacerbate racial disparities and create barriers, particularly for young individuals with learning disabilities, trauma histories, or lacking familial support. Even with a requirement of taking responsibility, language discrepancies in guidelines can lead to inconsistencies. This requirement can obstruct many CYP from benefiting from diversion, especially for low-level offences.

RQ3 Summary

This report focuses on the 30 papers that provide information on eligibility criteria to diversion programmes. The papers represented in this report were mixed in terms of their WoE score. 20% papers have a score of 3-4 which represents lower WoE, 53% have scores 5-6 which represents medium WoE, and 27% had scores 7-8 representing the papers providing highest WoE.

Eligibility criteria for diversion can vary depending on the programme, but a large number of programmes seek to divert lower-level offences to minimise exposure

⁶⁰ Neyroud, P., (2018). Out of court disposals managed by the police: a review of the evidence. *The National Police Chief's Council of England and Wales. University of Cambridge*. Available at: <https://www.npcc.police.uk/SysSiteAssets/media/downloads/publications/publications-log/2018/out-of-court-disposals-managed-by-the-police--a-review-of-the-evidence.pdf> (Accessed June 2023)

to the YJS. Decisions can hinge on whether a child is a first-time offender, with some schemes, like the Welsh Models, not requiring first-time offender status. Some programmes seek to consider the needs and vulnerabilities of the child and prioritise providing access to more appropriate support. Assessment scores and admission of guilt, though often unfairly influenced by demographic factors like ethnicity, still play a crucial role in determining intervention intensity.

Research Question 4: What procedural processes can improve referral to diversion programmes?

There is a good deal of evidence which supports the implementation of diversion schemes as a method of reducing reoffending and promoting better outcomes for CYP. Within this context, there are certain processes and strategies which may improve referral into diversion programmes.

This research question considered any procedural processes or strategies which might improve referrals of young people into diversion programmes.

Findings

The review found 15 papers providing information on the procedural processes which improve the referral of CYP to diversion programmes. The included research used a qualitative (n=10, 67%), a quantitative (n=2, 13%), or a mixed methods (n=3; 20%) design and 60% of the research was unpublished (n=9). The papers included for this question were generally poor in terms of their WoE score. 5 (33 %) papers have scores of 3-4 which represent lower WoE, 10 (67 %) have scores 5-6 which represents medium WoE. No study included in this report had a WoE score of 7, 8, or 9. In terms of location 27% of studies were from England (n=4), 27% from Wales (n= 4), and 47% from both countries (n= 7). All studies were published or written between the years 2009-2022.

When looking at the literature for this research question, three core themes related to referral emerged. These themes include:

- Multiagency working
- speed of referral
- flexible responses

Multiagency collaboration

Multiagency (or interagency) collaboration involving police, YOTs, social services as well as non-statutory and voluntary agencies, is one way to improve referrals to diversion programmes. However, as we demonstrate later in research question 8, this approach often encounters implementation challenges such as poor inter-agency communication, differing organisational cultures, and resistance to collaboration.

Keightley-Smith's research (2010; WoE 6) found that poor cooperation and communication between police and YOTs resulted in low police referrals and poor enrolment in the Final Warning Scheme and 'Focus Caution Scheme'. Communication issues between agencies could also lead to a lack of awareness among young people about these programmes, reducing uptake; or by the time they were aware of the scheme many young people had lost interest in taking part.

Jones (2016; WoE 4) stressed the importance of cross-agency collaboration and joint risk assessments in referring adolescents to appropriate interventions. Jones indicated that professional groups can have "a risk averse or referral culture" and tend to refer adolescents to inappropriate higher-level interventions (pg. 14). Jones notes that professionals from different agencies, although having different goals and targets, may share the same intended outcomes for the young person, but communication difficulties and limited knowledge of what each agency can offer can hinder effective solutions.

Taylor (2016; WoE 4) highlighted the importance of local inter-disciplinary teams providing a "single local form of assessment" to improve referrals, as highlighted by Surrey's YOT's successful integration into the local authority's wider youth services. Similarly, embedding health professionals in police custody suites can support children's assessment and allows early identification of issues that inform decisions about appropriate referral and ensure that children get the right support at the right time. Likewise, Bateman (2020; WoE 4) identified liaison and diversion programmes, which were introduced in partnership with the NHS, as effective, with improved referral rates due to collaboration between police, social services, health, and education.

Bradley (2009; WoE 5) identified successful projects such as the Islington Neighbourhood Link pilot scheme and Rainer Rapid Action Project where police and community workers cooperate to support young people with mental health

problems. Crown Prosecution Service involvement in early decision-making is also key, particularly when dealing with young people with mental health problems or learning disabilities.

Haines and colleagues (2012; WoE 5) carried out an evaluation of Youth Justice Liaison and Diversion (YJLD) pilot schemes across six sites in England with the aim of establishing the effectiveness of the schemes. The authors emphasised the need for a referral system operating from and to multiple agencies, facilitating early identification and management of young people's mental health, learning and communication difficulties.

Finally, Roberts (2019; WoE 5) attributed the reduction of custodial sentences to the triage model developed as part of the 2008 Youth Crime Action Plan. Roberts claims that this approach, involving YOT workers assessing children within police suites, was effective in diverting first-time and low-level offenders away from the formal justice system. Staff from different partner agencies could also second their staff into the YOT, helping to promote multiagency working to meet the holistic needs of children and ensure they get the right support they need. However, Roberts does not present any empirical evidence in this paper to support the claim that multiagency working significantly influenced rates of diversion.

Speed of referral

Improving referrals to diversion programmes requires several procedural processes that need to be improved. A study by the Centre for Justice Innovation shows significant variations in referral times across different schemes, resulting in some children waiting longer than others to be referred (Ely, C, Robin-D'Cruz, C, Jolaoso, B., 2021). Robin-D'Cruz (2019; WoE 5), in a briefing report examining diversionary activities amongst YOTs in England and Wales, reported only a small proportion (11%) of responding YOTs had referral times of less than two weeks. A further 17% had referral times of between two and four weeks, and 15% averaged more than four weeks. YOTs identified lengthy referral periods as a key challenge alongside funding, staffing and issues around collaboration between partner organisations.

Delays are not only caused by time-consuming assessment tools but also by children being released under investigation (RUI) for lengthy periods while charging decisions are considered (Just for Kids Law, 2020⁶¹).

The HM Inspectorate of Probation and HM Inspectorate of Constabulary and Fire & Rescue Services (2018; WoE 6) have emphasised the importance of initiating OoCDs promptly to allow early intervention. However, these objectives are only met in roughly 40% of cases. Long periods of RUI and subsequent delays increase the likelihood of reoffending due to the absence of early intervention and risk disengaging the child post-offence.

A document produced by the Youth Justice Board for England and Wales (2013; WoE 4) details ten National Standards for the police and other stakeholders to work towards. National Standard 2 deals with OoCDs and outlines the standards expected for these – for example, that an assessment of the child or young person needs to be undertaken within 10 working days of referral using an appropriate assessment tool and accompanied by home visit where possible. In addition, at this stage, it is expected that appropriate interventions are offered, or the young person is supported in accessing universal or specialist services. National Standard 2 also states that all assessments and decisions made should be within 15 days of the date of police bail. Lastly, all OoCDs are expected to be issued within 20 working days of the date of police bail in the presence of the child or young person's parent/carers.

Existing assessment tools, such as AssetPlus, have been criticised for being cumbersome and slowing down the referral process (Deering and Evans, 2020; WoE 6). The authors report that AssetPlus was found to be “practitioner-unfriendly and unwieldy” (pg. 3178). The authors highlight the demanding and time-consuming nature of AssetPlus, reporting that many respondents reported the tool hindered their ability to review young people's cases quickly and thoroughly, in addition to limiting the amount of face-to-face contact with young people. In response, the new AssetPlus – Prevention and Diversion assessment tool is expected to help address these criticisms. The new tool, which is currently being

⁶¹ Just for Kids Law (2020). Timely Justice: Turning 18. Available at: <https://www.justforkidslaw.org/what-we-do/fighting-change/campaigning/youth-justice/timely-justice-turning-18>



piloted by three services across England and Wales, becomes a mandatory requirement for suitable cases from April 2024.

Finally, The Forensic Child and Adolescent Mental Health Service (FCAMHS) could also expedite referrals for children with additional needs, as it allows for referrals with lower threshold needs and maintains a three-week wait time for the first consultation (Smith, 2022; WoE 5). Enhanced collaboration between FCAMHS and criminal justice services is required to fully realise its potential.

Flexibility and practitioner discretion

The effectiveness of referral processes to diversion programmes often hinges on their adaptability to a child's unique needs. Flexibility and practitioner discretion feature prominently in research on this topic.

For example, Armitage, Kelly and Phoenix (2016; WoE 4) carried out qualitative interviews with 71 youth justice practitioners across two sites in England. Their findings indicate that practitioners consider pre-court diversion work to be more flexible and have fewer prescribed standards than post-court work. The absence of rigid deadlines and structures in pre-court diversion can foster strong relationships with young people. However, there is evidence that practitioners tend to import more standardised aspects of post-court work, such as timely paperwork completion, into the pre-court system.

Research by Hoffman and Macdonald (2011; WoE 5) discusses Swansea's tiered approach to tackling youth offending. The significance of avoiding escalation and ensuring CYP are kept out of the formal justice system emerged in interviews with practitioners involved in the Swansea scheme, including YOT workers. One interviewee expressed that the Swansea system offers a more flexible approach to decision making, reporting that if, for example, a young person who has already received a warning is caught offending again, the practitioner may decide to send another warning letter or visit the young person, rather than escalate the case by applying for an Antisocial Behaviour Order (ASBO). These findings suggest that practitioners who are able to make decisions on a case-by-case basis and schemes which offer a degree of flexibility may be more successful at referring CYP to diversion programmes.

Finally, Stone's (2011; WoE 3) commentary on the Breaking the Cycle blueprint for reforming the criminal justice system emphasises the need for professional autonomy in determining appropriate actions depending on the offence and the circumstances of the child or young person (CYP). This blueprint suggests reducing the number of diversionary tiers along with increased discretion.

RQ4 Summary

The research question being addressed asks, "What procedural processes can improve referral to diversion programmes?". The study involved a review of 15 papers focusing on procedural processes which enhance referral rates to diversion programmes for CYP.

The reviewed literature emphasised the significance of multi-agency collaboration, flexibility, and practitioner discretion in improving referrals to diversion programmes. Whilst structure and standards are important, inflexibility can hinder strong relationships with young people and affect the effectiveness of interventions. Nonetheless, challenges such as poor inter-agency communication, disparate organisational cultures, and resistance to collaboration can pose substantial impediments.

The evidence base for these findings, however, is relatively weak, and none of the studies had high WoE scores, indicating a generally low confidence in the validity of the findings. Thus, the conclusions drawn from these papers should be taken with a grain of scepticism and more rigorous research is needed to conclusively determine their effectiveness.

Research Question 5: How can practitioners involve children's families effectively in diversion?

The active involvement of a young person's family has the potential to help them successfully navigate the process of diversion. Families may be included in a young person's diversion journey through various ways, either as recipients of services themselves, or as 'service extenders', encouraging the young person to engage in intervention (Burke, 2014⁶²). In this research question, we are interested in understanding what familial involvement looks like, and the methods practitioners use to include families in the context of youth diversion. We looked for examples of how practitioners in England and Wales involve CYPs family in diversion programmes. Where the available information allows it, we highlight which strategies to involve families might lead to improved outcomes. In this context, improved outcomes may refer to reductions in reoffending or successfully accessing and completing an intervention, however, familial involvement may also have an impact on other outcomes such as young people's experiences of and satisfaction with the diversion process.

Findings

This review found 16 papers which provided information on family involvement in diversion programmes. The included research used a qualitative (n=7, 44%), a quantitative (n=2, 12%), or a mixed methods (n=7; 44%) design and 75% of the research was unpublished (n=12). The papers represented in this report were mixed in terms of their WoE score. 8 (50%) papers have a score 4 which represents lower WoE, 7 (44%) have scores 5-6 which represents medium WoE, and 1 paper (6%) have a score of 7 which represents higher WoE. No study included in this report had a WoE score of 3, 8 or 9. In terms of location, 31% of studies were from England (n=5), 18% from Wales (n=3), and 50% from both countries (n= 8). All studies were published or written between the years 1981-2023.

When looking at the literature for this research question, 4 core themes related to family involvement emerged:

⁶² Burke, J.D., Mulvey, E.P., Schubert, C.A. and Garbin, S.R., (2014). The challenge and opportunity of parental involvement in juvenile justice services. *Children and youth services review*, 39, pp.39-47.

1. Involvement in decisions
2. Involvement in assessment
3. Involvement as Appropriate Adults
4. Involvement as part of the intervention

Involvement in decisions

Case (2020, WoE 4) specifies that decisions regarding whether a young person is diverted should be made within a “partnership environment” (pg. 12). The author reports that involving parents and carers can provide information about the circumstances of the child’s life when the offending occurred, which may support panel members to make more suitable decisions.

One method of involving CYPs families in the decision-making process is through restorative justice conferences (RJC). RJC involve a meeting attended by the young person, their family, the victim (if applicable), as well as any other individuals impacted by the young person’s offence (e.g., community members). The primary aim of RJC is to provide an opportunity for those involved to discuss the offence, the consequences of the young person’s behaviour, and come to a joint decision on how the young person can “repair the harm a crime has caused” (Strang et al., 2013⁶³).

In an article on the use of restorative final warnings, which are now no longer in use, Fox (2006, WoE 4) explains that in cases of low-level offences, a “one-to-one restorative intervention” (pg. 132) was often prescribed. This involved an interview with the police, the young person and their family whereby:

- The YOT officer discussed the final warning scheme;
- The young person and their parent signed a final warning agreement; and
- The young person was asked to acknowledge and accept responsibility for their offending behaviour, and consider how their behaviour had impacted others.

⁶³ Strang, H. et al. (2013) ‘Restorative justice conferencing (RJC) using face-to-face meetings of offenders and victims: Effects on offender recidivism and victim satisfaction. A systematic review’, *Campbell Systematic Reviews*, 9(1), pp. 1–59.

The authors describe this type of intervention as “incident-focused, limited to repairing the damage caused by a specific offence” (pg. 132). Whereas, in cases involving more serious criminal behaviour, a more ‘formal’ RJC may be more appropriate, involving professionals from various agencies, community members, victims, and the young person and their family. Fox describes this type of intervention as “offender-family focused” (pg. 132) and emphasises the significance of the voluntary nature of RJCs, explaining that the “restorative intervention itself is traditionally based on a voluntary interaction requiring all those in attendance to undertake a process of healing” (pg. 137).

A similar method of involving families in the decision-making process is through Family Group Conferences (FGCs). FGCs have been used internationally to help families with various difficulties, such as child protection, youth justice, parental substance misuse, and domestic violence (Nurmatov, 2020⁶⁴). In the context of youth justice, the FGC brings together the young person and their family to participate in the decision-making process. FGCs are typically led by a neutral person and include representatives from the justice system. A core element of FGC is planning around the needs of the child, placing the child and their family at the centre of the decision-making process.

Hoffman (2010, WoE 5) discusses FGCs in an article on Swanssea’s tiered approach. In cases of persistent offending, the young person and their family may be referred to FGC whereby an ‘Action Plan’ is developed. The author describes the ‘Action Plan’ as including “a range of interventions aimed at stopping the antisocial behaviour” and these interventions are decided upon jointly by the young person, their family, the FGC team and the antisocial behaviour unit. Hoffman also advocates for the use of FGC to supplement Acceptable Behaviour Contracts (ABCs) in order to engage the whole family in supporting the young person.

Marshall (2012; WoE 5) examined the views of practitioners working with CYP in the YJS in England and Wales, with a focus on the Peterborough youth offending service. Practitioners strongly emphasised the importance of family support in

⁶⁴Nurmatov, U., Foster, C., Bezeczyk, Z., Owen, J., El-Banna, A., Mann, M., Petrou, S., Kemp, A., Scourfield, J., Forrester, D. and Turley, R., (2020). Impact of shared decision-making family meetings on children’s out-of-home care, family empowerment and satisfaction: a systematic review. *What Works for Children’s Social Care*

reinforcing positive behaviour, values, and beliefs in their children and believed that involving families was powerful and productive. Practitioners also agreed that it was really important to involve families to ensure that they share the same perspective, as explained by one practitioner: "I think quite often when we're working with young people here, if they're going back to a family environment where the belief and value system is actually contrary to what we're trying to do here, that just it takes away everything you've done, and the family is stronger than we are, so ya know I'd do an awful lot more with families" (pg. 198).

Another example of involving families in the decision-making process is presented in Haines and colleagues' (2013; WoE 6) review of the Swansea Bureau - Wales's initial Bureau Model of Youth Justice. The authors specify that the Bureau is intended to be "children first through its foci on: (re-) engaging parents/carers in the behaviour of their children" (pg. 171). Notably, the final stage of the model, (the 'Bureau Clinic') allows parents to share their views regarding their child's offence with the Bureau Panel members. The Clinic utilises a "restorative conferencing/partnership model" (Case & Haines, 2015, pg. 165) to establish the most appropriate outcome for the young person. Although parental participation is voluntary, the authors note that no parents have yet declined the opportunity to take part in the Bureau process with their child. The authors state that the Bureau "seeks to promote [a child first] approach in two key ways: by not usurping parental authority and by engaging parents in decision-making" (pg. 182). The Bureau deliberately delays formal youth justice processes which often revoke parents and carers of their responsibility to their child, and this has enabled parents to "re-assert their parental role" (pg. 184) and respond to their child's offending behaviour on their own. The authors report that key stakeholders reported that in many cases the extent of the parental response was sufficient that the outcome of the Bureau Clinic was a NCD with no further action/intervention required" (pg. 184). Based on this response from Bureau stakeholders, the authors suggest that involving parents in this process by allowing them to respond to their child's behaviour is key in reducing young people's reoffending. However, the authors do not provide any further evidence or data to support the claim that parental involvement in the Clinic lead to a decision of no intervention, but rather it is likely that there are a variety of factors which contribute to this decision.

Farrington (1981; WoE 4) discusses the process of the Metropolitan Police's historical juvenile bureau scheme, in which the child's parents attended the police

station, and were subsequently visited by a bureau officer at their home. In cases where the child had admitted to committing the offence, the author specifies that a child could only be cautioned in instances where their parents had agreed that their child should be cautioned.

Beyond providing the opportunity to participate in the decision-making process, involving a young person's family may provide meaningful support for the young person in helping them navigate the diversion process. Through interviews with parents and young people engaged in various Bureau programmes in Wales, Brown (2019; WoE 7) found that both parents and young people identified that having the young person's parent attend the Panel was valuable. CYP expressed that having their parent attend the Panel offered both emotional and tangible support, with one young person sharing that their parent being with them gave them more confidence, whilst another communicated that their parent was able to translate the questions from the panel members which were difficult to understand. The author suggests that parents may be more able to assist their child to engage in intervention if they participate in the Panel process. Likewise, parents of young people with complex needs expressed relief at the ability to accompany their child to the Panel as they could offer support and comfort, as well as ensuring that their child understood the process (pg. 331). Some parents expressed frustration at the lack of accessibility of the Panel, particularly because the Panels often occur during the day, clashing with work commitments.

Finally, Boden (2019; WoE: 4) conducted interviews with YOT practitioners and used realist synthesis⁶⁵ to seek understanding on how they implement 'welfare-orientated' diversionary practice. Boden claims that facilitators for better implementation of diversionary practice include: 1) that the intervention be delivered in a family and community context (pg. 91); 2) that practitioners seek to understand what the CYP values and through working with the family help the CYP achieve their individual needs and aspirations (pg. 119); working in environments familiar to the young person (pg.133) and keeping the CYP and family at the centre of the approach (pg. 79).

Involvement in assessment

⁶⁵ A realist synthesis is a method of examining evidence to understand why things happen and how they work in various situations. It aims to answer the question of "what works for whom under what circumstances?" rather than simply asking "what works?"

Some research presents evidence of the young person's family being involved in the assessment process prior to being diverted. The assessment process for Lincolnshire's Youth Restorative Intervention is reported to be "family focused" (Bond-Taylor, 2021; WoE 4, pg. 68) as the assessment is carried out with young people and their family. During the assessment, the young person's family are asked to sign the assessment, add any comments, and agree to work collaboratively with the practitioners and their child. Likewise, a review of Islington's YOS (Adamson, 2023; WoE 5) indicated that in the context of Triage, following a child's offence, the YOS will meet with the child's family where the family will contribute to the pre-screen assessment which ultimately informs the full Triage assessment.

Bradley (2009; WoE 4) identifies that, as part of the Rainer Rapid Action Project, which is co-delivered by Essex Police and Rainer (a National charity supporting young people) a home visit occurs where the young person is assessed after they have committed an offence. Bradley specifies that the assessment, and the intervention itself, are carried out in partnership with the family. However, Bradley's report offers no further detail on the ways in which the project involves the young person's family in either the assessment stage or intervention programme.

Involvement as Appropriate Adults

Familial involvement may also take the form of acting as a young person's Appropriate Adult (AA). Examining the role of parents as AAs, Cushing (2016, WoE 6) highlighted disagreement between police officers and legal representatives with regards to who is best suited to act as an AA. Police officers were likely to report parents as the most suitable to act as a young person's AA and expressed positive views about parents taking on the role of AA. However, these views were often expressed in relation to parents with 'good character', and those who had historic or no contact with the police themselves. Conversely, legal representatives were generally critical of parents acting as AAs, reporting that parents often attempted to influence their child's account of the offence and persuade them to make an admission. Cushing reports that parents are often unaware of the consequences of admitting guilt and do not assess what evidence there is against the child. Cushing suggests that parents may believe their role is to assist the police rather than their child and reported that young people often "appeared calmer and better behaved" during interviews when they were supported by a non-parent AA (pg. 305). Similarly, Hart (2014; WoE 4) claims

that parents often believe it best for their child to admit guilt even though they do not understand the implications of this on child's future.

A recent study by Kemp (2023, WoE 5), involving 32 observational case studies and interviews with children following arrest, comments on the role of familial AAs. The author reports that many parents lacked an understanding of their role as an AA and how to support the young person during the police interview, with one parent stating that they "didn't understand anything of the rights or the process" (pg. 75). The author reports that none of the familial AAs interviewed reported receiving any information from the police concerning their responsibility as an AA or what the role involved. Another parent expressed that acting as an AA was likely to hinder the process. Kemp further reports that although YOT AAs (provided directly by the YOT) welcomed the presence of the child's family to provide emotional support, they did not support the role of familial AAs, as "they don't know about their [child's] rights and entitlements" (pg. 75). Based on the study's findings Kemp sets out recommendations for ensuring a Child First approach. One recommendation is that untrained familial AAs should be provided with written information setting out the purpose of their role, with another recommendation advocating for a review of the AA safeguard with a particular consideration of challenges associated with familial AAs.

Involvement as part of the intervention

Some research has identified the involvement of the family in the intervention. For example, Hoffman (2010, WoE 6) identifies Parenting Contracts (PCs) as a method of giving families the opportunity to voluntarily work with agencies (e.g., YOT, local authority, education) to address their child's offending. PCs may include requirements for the family such as a parenting programme, in addition to being supplemented by other forms of support, like FGC or the provision of a key link worker. Parents agree to comply with the requirements of the intervention set out in the contract with the goal of preventing further offending. Hoffman found that in cases where parents are less willing to engage in helping reduce their child's offending, PCs are considered a useful method to encourage engagement. Practitioners stated that the YOT "try and put the onus on the parents to engage with us" (pg. 83) and expressed that without the engagement and support of parents, it is difficult to motivate young people to engage in any intervention.

Moreover, in their evaluation of the YJLD scheme, Haines and colleagues (2012; WoE 6) found that 26.8% of the 'YJLD actions' undertaken on behalf of the young

person involved their family. Family counselling, family intervention, and parenting programmes were also amongst the most linked support services. However, the authors state that as only half of the sites consistently input this data into the Webshare system, this data was too sparse to draw any formal conclusions. Despite this limitation, the authors suggest that diversion programmes which are “holistic, intensive, and family-focused” (pg. 23) are likely to be the most effective.

RQ5 Summary

This review found 16 papers which provided information on family involvement in diversion programmes. The papers represented in this report were particularly low quality in terms of their WoE score. 50% have a score 4 which represents lower WoE, 44% have scores 5-6 which represents medium WoE, and 1 paper had a score of 7 which represents higher WoE.

The included studies examined the role of parents as decision makers, as appropriate adults, as well as parents' participation in the assessment and intervention stages of the child's pathway. The primary issue with drawing conclusions from this research is the lack of robust evidence concerning how agencies and practitioners involve families of Children and Young People (CYP) in the process. Despite exploring the role of parents in various capacities, the studies fail to sufficiently detail family engagement strategies, creating a gap in understanding this crucial aspect of the child's pathway.

As indicated, the quality of the evidence provided is relatively weak, this weakness is further compounded by a scarcity of successful real-world implementations of family involvement, making it challenging to derive reliable and comprehensive conclusions from the present research.

Research Question 6: How should practitioners decide to match interventions (including intensity) to specific referrals?

As outlined in [Section 3.1](#), various papers have described the need for minimal intervention based on theoretical underpinnings that are well-supported across psychological and sociological research. The two main theories which emerged from included studies are labelling and desistance.

Determining the optimal dosage for a youth diversion programme likely involves assessing various factors (e.g., such as assessment scores or the necessity of immediate access to the scheme) or there may be specific interventions or intensities more effective for certain children, and these can be influenced by factors like the type of offence, the child's age, or their gender. These factors need to be considered when selecting the most suitable interventions.

Determining the most suitable interventions and the appropriate intensity for particular referrals likely falls to practitioners. This task may require aligning the offending behaviour with the right programme, with the goal of achieving the desired outcome with less intensive intervention.

Findings

The review found 19 papers providing information on optimal dosage in diversion programmes. The included research used a qualitative (n=13, 68%), a quantitative (n=1, 5%), or a mixed methods (n=5; 26%) design and 53% of the research was unpublished (n=10). Overall, the papers represented in this report were poor in terms of their WoE score. 12 (63%) papers have scores of 3-4 which represent lower WoE, 7 (37%) have scores 5-6 which represents medium WoE. No study included in this report had a high WoE score of 7, 8 or 9. In terms of location, 101% of studies from England (n=2), 21% from Wales (n=4), and 68% from both countries (n=13). All studies were published or written between the years 2006 – 2021.

When looking at the literature for this research question, two core themes related to the intensity of the intervention emerged. These themes include:

- Evidence supporting de-escalation and minimal interventions
- The methods and tools practitioners use to decide how much intervention to give

Evidence to support de-escalation or minimal interventions

Bateman (2011; WoE 3) presents data from the Ministry of Justice (MoJ) comparing reoffending rates for CYP who have received a pre-court disposal versus those who received alternative interventions. Only 25.2% of CYP who received a disposal came to the attention of the police within one year following their initial offence, in contrast to those who received a first-tier penalty (45.6%), community order (67.6%), or a custodial sentence (74.3%). The author further comments on findings from the Edinburgh Study of Youth Transitions and Crime, suggesting that forms of diversion which involve minimal intervention and contact with the justice system, essentially serving to caution young people, are associated with reduced reoffending. On more recent data from the MoJ which demonstrates that lower-level community sentences, versus high-intensity community-based disposals, are associated with better reoffending outcomes, with recidivism rates for the former type of intervention being 4% lower than the latter.

Haines and colleagues (2013; WoE 4) compare the various support services provided to CYP who are given a Non-Criminal Disposal (NCD) following an offence. The authors state that support services delivered by the YOS and community-based organisations often vary in nature, duration and intensity. Some young people may participate in long-term peer mentoring programmes, whilst others participate in organised recreational activities. The duration of these services can range from one individual meeting to long-term involvement, and the authors highlight that services are tailored to the needs of the young person to provide individualised support. Haines and colleagues emphasise the significance of providing a tailored service which supports the needs of each young person in upholding a key aim of the Bureau model, which aims to “avoid blaming/responsibilising young people and their parents” (pg. 174) and instead focus on preventing further offending.

Smith (2014; WoE 3) presents guidance for three types of disposals: Community Resolutions, Youth Cautions, and Youth Conditional Cautions, which can be tailored to the specific circumstances around the offence, considering the young person’s history and the victim's views. Although the disposals vary in content and intensity and they can be offered at any point; “the minimum appropriate disposal should be used and should include a restorative justice element” (Walker

and Harvey-Messina, 2012⁶⁶). The focus through this guidance seems to be on limiting the extent of intervention, intending to support the trend towards reduced use of formal disposals and escalation.

In a more recent article, Smith (2020; WoE 4) differentiates between proactive and minimalist approaches to diversion, with the former involving more support and intervention, while the latter focuses on minimum intervention. Most relevant to this report, Smith discusses the concept of "minimum intervention" in the context of diversion models within youth justice systems. The author argues that in these types of models, the main objective of diversion is to use limited resources like time and money efficiently by focusing on CYP with more severe problems. Smith believes that this assertion is supported by the commonly used concept of a tariff, which considers the gravity of the offence and the risk level associated with the youth. Consequently, the tariff may necessitate progressively more intense interventions or even legal proceedings. On the other hand, youth justice agencies employing a "targeted intervention" strategy generally concentrate on providing specialised assistance that is customised to the unique needs of the young person, rather than opting for minimal intervention. Smith concludes that diversion should be grounded in principles of rights and social justice and that diversion should take on a proactive role in reversing the exclusionary processes often associated with young people's criminalisation. The author believes that diversion should not only challenge the criminalising tendencies of the justice system but also advocate for young people's rights in general.

Moreover, Briggs (2017; WoE 5) interviewed practitioners from YOTs adopting a 'Panel Approach' whereby decisions to divert or charge CYP are not made at the police station, but instead at a panel attended by the YOT and the police. Briggs reports that a central tenet of this approach is its informality. One YOT manager said, "*We've introduced something called voluntary attendance now, which means young people can come to the Panel and then they are not going into the charge room and that has huge impact because not only are they not going onto the [PNC] they are not swabbed, fingerprinted, photographed [...]*" (pg. 185). Another YOT manager explained that the child has "*admitted committing an offence, but because we have had an assessment we are actually pushing [the child] out and de-labelling you completely*" (pg. 184). Comparing two YOT sites

⁶⁶ Walker, S. and Harvey-Messina, L. (2012) Implementation of the LASPO Act 2012 Key Stakeholder Information.

where this approach is operationalised, Briggs found that one site was reported to have an FTE rate “considerably higher than the national average”, suggesting fewer children were being diverted at this site. The author argues that uncertainty about adopting the approach was a key factor contributing to the frequency of diversion, and that differences in organisational culture appeared to impact uptake. Briggs’ findings may suggest that an approach whereby various agencies collaboratively consider the child’s circumstances in an informal setting can influence the frequency of diversion as well as avoiding the negative effects of labelling.

How do practitioners decide how much intervention to give?

Various tools exist to support practitioners to determine the amount or type of intervention required for each young person. Discussing AssetPlus, Creaney (2019; WoE 6) states that the tool was introduced with the intention that it would adopt a more “child-led” and “referral-orientated” approach to assessment than its predecessor, Asset (pg. 54). The author claims that AssetPlus was “intended to promote practitioner discretion, reduce forms of managerialism, and halt the continuation of an offender-first type of system” (pg. 55). However, the primary goal of AssetPlus is to determine the likelihood of reoffending. This focus on risk of reoffending has the potential to disengage CYP from the assessment and decision-making process, and potentially perpetuate a “mistrust of young people” (pg. 56), reinforcing the idea that CYP who offend should be perceived solely as offenders.

In support of this argument, Case (2014; WoE 3) claims that the method of preventing offending within the YJS is inherently driven by assessing risk for negative behaviours and outcomes. The author describes how YOT practitioners use Asset to determine the intensity, duration and frequency of the intervention a young person is assigned to based on their risk of reoffending. The authors critique the employment of this approach, suggesting that “excessive, prescriptive, coercive intervention” (pg. 228) may result in an increase in deviant, offending behaviour.

Morgan’s (2020, WoE 5) evaluation of four YOSs in Wales indicated that most services were mainly supporting young people either at high or medium risk of reoffending. Medium-risk young people received ‘enhanced’ supervision, which involved a minimum of 4 1-hour contact sessions in the first three months following the offence, whilst high-risk young people received ‘intensive’

supervision which involved a minimum of 12 1-hour sessions in the three months following their offence. However, the author states that this approach was inconsistent with the Correctional Programme Assessment Inventory 2010⁶⁷ (CPAI-2010) which recommends medium-risk young people to receive a minimum of 100 hours of intervention in the year following their offence, with high-risk young people receiving the highest intensity intervention possible. Morgan reports no documentation of contact or supervision with young people, nor was it evident how the specific needs of CYP were addressed during the intervention. Whilst Morgan acknowledges the discrepancy between practitioners' approach and that of the CPAI-2010, the author claims that imposing strict interventions involving excessive contact with the YJS may be detrimental for the young person. Furthermore, concerning the quality of the YOSs Asset assessments, Morgan concludes that the outcomes of the assessments were not consistently used to inform the intensity of the intervention provided.

RQ6 Summary

The review found 19 papers providing information on optimal dosage in diversion programmes. Overall, the papers represented in this report were poor in terms of their WoE score. 63% have scores of 3-4 which represent lower WoE, 37% have scores 5-6 which represents medium WoE. No study included in this report had a high WoE score.

In this research question, we attempted to understand the recommended dosage for youth diversion, taking into account factors such as the appropriate level of intervention, the speed of access, and the method for determining optimal duration. Much of the research presented appears to support the idea of minimal intervention, however it is important to acknowledge the quality of the evidence base, particularly regarding optimal dosage, with so few studies providing direct evidence to support minimal intervention. Some evidence regarding the assessment tools used to determine the most appropriate level of intervention was identified, yet the evidence base for their effectiveness is limited. Accordingly, there is a need for further research in this area.

⁶⁷ The Correctional Programme Assessment Inventory 2010 (CPAI-2010) is a tool designed to measure programme integrity and assesses the degree to which front-line practices are aligned with the Risk-Need-Responsivity (RNR) model. See: Gendreau, P., Andrews, D. and Thériault, Y. (2010) *The Correctional Program Assessment Inventory (CPAI-2010) Scoring Manual and Interview Guide*. Ottawa: Canada.

Research Question 7: What staff training is crucial for the successful implementation of diversion?

Provider training is crucial for the success of new programmes and adequate training can lead to effective implementation and delivery. This research question examines the nature and effectiveness of staff training in youth diversion programmes in England and Wales. Various training types, resources, time commitments, and selection of staff are considered, along with frequency, duration, and evaluations of training.

We anticipate forms of staff training to encompass understanding diversion, staff roles and responsibilities, implementation of the programme, relevant legal aspects, diversity and inclusion, and continuous professional development. The objective is to understand what effective staff training looks like for diversion programmes.

Findings

This review found 19 papers which provided information on staff training in diversion programmes. The included research used a qualitative (n=13, 68%), a quantitative (n=1, 5%), or a mixed methods (n=5; 26%) design and 68% of the research was unpublished (n=13). The papers represented in this report were mixed in terms of their WoE score. 12 (63%) papers have scores of 4 which represent lower WoE, 6 (32%) have scores 5-6 which represents medium WoE, and 1 paper (5%) had a score of 7 which represents higher WoE. No paper included in this report had a WoE score of 3, 8 or 9. In terms of location, 47% of studies were from England (n=9), 16% from Wales (n=3), and 37% from both countries (n=7). All studies were published or written between the years 2009-2023.

When looking at the literature for this research question, four core themes related to staff training emerged. These themes include:

1. Training related to CYP with mental health difficulties, disabilities, and vulnerabilities
2. Restorative justice training
3. Assessment training
4. Training to enhance staff skills.

Unfortunately, the evidence base lacked detail on implementation factors associated with training such as intensity of training (dosage, frequency), location of training, format (online, or face to face), training provider, or evaluations of the training.

Training related to children and young people with mental health difficulties, disabilities, and vulnerabilities

Staff training is important for the successful implementation of diversion, especially considering the complex needs of young people involved in the YJS. Many have mental health issues, disabilities, and vulnerabilities, which make tailored training a necessity.

Boden (2019, WoE 6) studied a Local Authority YOT in England who implemented 'welfare-orientated' diversionary practice to support young people's wellbeing. The training included therapeutic modalities, speech, language and communication, neurodevelopmental conditions, and protocols related to special educational needs and disabilities (SEND). An audit was also conducted to understand knowledge gaps amongst staff, pinpointing areas requiring targeted training. However, practitioners identified further training needs, particularly for working with young people with autism, communication issues, and trauma.

Porteous et al. (2015; WoE 4) surveyed professionals across ten Youth Offending Services (YOS) in London. Approximately 60% of respondents received training in assessing the emotional and mental health needs of young people. However, those who lacked confidence in their assessments generally lacked training, with trauma-informed practice and mental health being common areas where additional training was needed.

Baldry et al. (2017; WoE 4) noted police often struggled to identify and appropriately support young people with mental health problems and disabilities. Informal training with YOTs was found to be beneficial, leading to improved understanding of autistic young people among police officers. However, this study also pointed out that often young people with disabilities were exposed to "processes of undue criminalisation" (pg. 647) due to lack of adequate training.

Numerous researchers have identified the lack of training available to and accessed by practitioners in the YJS as a significant barrier to supporting vulnerable young people. Hobson's (2017, WoE 4) study highlighted how

inadequate training provision in the YJS could be a barrier to supporting vulnerable young people. A key concern raised by YOT staff was their limited training on disability awareness. The consequences of this lack of understanding can be significant, with behaviours associated with conditions like ADHD potentially being misinterpreted as defiance.

Bradley's (2009; WoE 4) report underscored the importance of training for police officers, particularly related to working with young people with mental health needs and learning disabilities. He advocated for joint training initiatives with liaison and diversion services, improving understanding and awareness of mental health problems and learning disabilities. This approach was echoed by Taylor (2016; WoE 4), who highlighted the lack of appropriate training for police officers could lead to misunderstandings and misjudgements of young people's needs.

Lastly, Nacro's (2012; WoE 4) guidance focused on reducing offending by looked after children (LAC) through training of YOTs on the needs of LAC. Nacro report that this approach, combined with restorative practices, was reportedly effective in significantly reducing the number of LAC involved in the justice system.

Adamson's (2023, WoE 5) report of the London Borough of Islington's YOS specifies that there has been ongoing work towards meeting recommendations regarding disproportionality in the area's YOS. The author described a collaborative training initiative undertaken with police colleagues aimed at reducing disproportionate outcomes for ethnic minority CYP regarding accessing OoCDs. The training initiative began in November 2021, with sessions running once every two months. As a restorative element of their disposal, CYP who have been subject to OoCDs in Islington participate in the training sessions, providing them with the opportunity to share their perspectives and personal experiences.

In summary, staff training on supporting young people with mental health difficulties, disabilities, and vulnerabilities is crucial for successful diversion implementation. Some training packages are available, but the literature frequently points to a significant gap in training provision. There's a need for more detailed and comprehensive training packages, addressing the distinct needs of this vulnerable population.

Restorative justice training

The successful implementation of restorative justice (RJ), relies on comprehensive staff training. Shapland et al. (2011⁶⁸) highlight that well-trained staff can yield better outcomes with RJ, fostering increased victim participation, reduced re-offending, and cost-savings.

Banwell-Moore's study (2019; WoE 7) underscores the need for rigorous RJ training, finding that many Victim and Witness Care Officers (VWCOs) deemed the initial training as inadequate and informal. Further, the lack of RJ awareness among police officers led to confusion between RJ and community resolutions. Despite limited formal training, the National Probation Service (NPS) staff recognised the RJ process, though its implementation was inconsistent, affected by staff shortages and funding problems. This research suggests that continuous training is vital to instil RJ as a routine practice. Group supervision for RJ facilitators can enhance skills and confidence, but more training in mediation and complex case management is necessary. The author recommends incorporating RJ training into all criminal justice agencies and victim service providers' routine training.

Hodgson (2022; WoE 4) investigates the role of stigma and shame in girls' participation in RJ conferencing within the justice system. The interviewed practitioners emphasised the value of training in RJ, stressing the importance of equality and diversity training, and best practice guidelines for handling complex, high-risk cases. Practitioners receive training from service providers such as the International Institute for Restorative Practices (IIRP) and undergo Assessment Intervention Moving On (AIM) training, equipping them with the skills to conduct risk assessments for RJ conferences and identify gender-specific issues.

Lastly, Hobson et al., (2022; WoE 4) discuss the development of 'Restorative Gloucestershire', an organisation which provides training and support to various member agencies, including youth justice services, the police, and local authorities, who have "integrated approaches based on restorative justice" (pg. 149). Beyond offering expertise to provide restorative interventions both pre- and post-conviction for young people, another benefit of the organisation for member agencies is the access to training and development resources. The authors report that Restorative Gloucestershire provide training to enable practitioners to undertake restorative processes themselves, initially training practitioners to take

⁶⁸ Shapland, J., Robinson, G. and Sorsby, A., (2011). *Restorative justice in practice: Evaluating what works for victims and offenders*. Taylor & Francis.

on cases involving low-level offending whilst the organisation remains responsible for more complex cases until practitioners develop their knowledge and capacity.

In conclusion, staff training is crucial for the successful implementation of diversion. It should be comprehensive, ongoing, and encompass diverse aspects such as equality, diversity, and the management of complex cases. Organisations like Restorative Gloucestershire can offer valuable resources for training and development.

Assessment training

Assessment training is a crucial component for the successful implementation of diversion in youth justice systems. Studies have underscored the importance of equipping practitioners with skills to conduct effective evaluations of CYP to determine their level of need and facilitate intervention planning.

Haines and colleagues (2012; WoE 5) emphasised the need for training in assessing young individuals involved in crime. The authors highlighted the significance of training police officers on mental health issues in young people, alongside preparing youth justice liaison and diversion (YJLD) staff to address adolescent mental health, developmental problems, learning disabilities, and communication difficulties. They discussed training initiatives like the HoNOSCA scale, an outcome measure for adolescent mental health, and the SQIfA, a screening questionnaire for mental health problems in adolescence.

In a study by Hampson (2018; WoE 6) concerning the efficacy of the AssetPlus assessment tool in applying desistance approaches to youth offending, the author draws upon evaluation data from YOT staff who attended training sessions as part of a desistance training package implemented throughout Wales. Hampson's research revealed that a training package on desistance theory and its application to AssetPlus significantly improved practitioners' understanding and competence in using the tool. The training resulted in a notable increase in practitioners' confidence in applying a desistance-informed approach.

Lastly, Morgan (2020; WoE 4) noted some challenges in the training of practitioners, including heavy caseloads, workforce shortages, and insufficient funding. Despite the commitment of some services to staff development, many

practitioners reported lacking sufficient training in using AssetPlus and developing intervention plans for young people.

In conclusion, to effectively implement diversion, youth justice services require robust training in assessment tools and techniques, notably in the use of AssetPlus and understanding of desistance theory. However, existing training opportunities must be enhanced, and challenges such as insufficient funding and staff shortages addressed to improve the quality and efficacy of these training initiatives.

Training to enhance staff skills

The success of diversion schemes is heavily dependent on staff, especially those who interact closely with the participating young individuals (CJI, 2016⁶⁹). Staff play an essential role in ensuring that diversion works for participants and their commitment to the diversion programme is important to gain in order for it to be implemented correctly. The previous section on CYP engagement and perspectives of diversion has demonstrated how important it is for the CYP to develop trust and relationships with skilled staff working with them. This section of the report includes research which has discussed enhancing staff skills.

Gyateng's Home Office report (2012; WoE 6) explored triage schemes, where staff detect and recommend youth for participation. Critical to this is collaboration with custody staff, identifying potential participants through conversations with police officers or searches of the police database. The report highlighted concerns about inadequate police knowledge of these programmes in some areas. Effective tactics to foster police cooperation included training, local advocacy for the schemes, and promoting their benefits through written materials. Training custody staff about the scheme's aims, and providing timely feedback on referred youths, enhanced understanding and trust. Similar findings were reported by Wood et al. (2011⁷⁰), noting that locating triage workers in the custody suite fostered stronger working relationships.

⁶⁹Centre for Justice Innovation (2016) Valuing youth diversion: A toolkit for practitioners. Available at: <https://justiceinnovation.org/publications/valuing-youth-diversion-toolkit-practitioners> (Accessed June 2023)

⁷⁰ Wood, S., Eckley, L., Stuart, J., Hughes, K., Kelly, D., Harrison, D. and Quigg, Z. (2011). *Evaluation of the Youth Crime Action Plan (YCAP) in Liverpool*. Liverpool: John Moores University.

Marshall (2012, WoE 5) focused on the Peterborough Youth Offending Service (PYOS), offering an inside look at the training provided to youth justice practitioners. PYOS practitioners had access to various training resources, including the Justice Interactive Learning Space (YJILS) run by the Open University, and other tools such as "the one tool; share stream; [and] skills for justice." Despite the available training opportunities, practitioners reported a reduction in training, leading to decreased confidence in delivering interventions to young people.

As part of an evaluation of youth offending services in Cardiff by HM Inspectorate of Probation (Lane, 2020; WoE 4), opportunities for learning and development for YJS staff were examined. Lane reports that various training opportunities were available to YJS staff, including "AssetPlus training, child sexual exploitation, adverse childhood experiences, the National Referral Mechanism (county lines), safeguarding and risk of harm training" (pg. 26). Results from a survey of YJS staff indicated that 25 out of 27 respondents reported that their training and development needs were either 'fully' or 'mostly' met. Similarly, in an evaluation of Brighton and Hove's youth offending services carried out by HM Inspectorate of Probation (Lane, 2021; WoE 4) it was established that a wide range of training opportunities were available to YJS staff, including "specialist assessment intervention moving-on 2 (AIM2) training, trauma-informed approaches, anti-racist practice, life story work, emotion coaching and risk assessment" (pg. 13). Additionally, the author notes that specialist structured assessment of violence and risk in youth (SAVRY) training was due to commence between May and June 2021, after the evaluation had been completed.

Finally, Case (2019; WoE 4), however, indicated a challenge: the shift from scaled approaches to giving practitioners more responsibility and autonomy was difficult for some staff, particularly those lacking confidence in their abilities. This, compounded by inadequate or ineffective training methods, could turn opportunities into barriers.

In summary, research has suggested beneficial training could include:

- understanding the aims and procedures of programmes like Triage
- enhancing skills for managing recent increases in autonomy in the YJS
- the application of tools like AssetPlus
- awareness of desistance theory
- practical skills in handling specialised cases.

RQ7 Summary

This review found 19 papers which provided information on staff training in diversion programmes. The papers represented in this report were mixed in terms of their WoE score. 63% have scores of 4 which represent lower WoE, 32% have scores 5-6 which represents medium WoE, and 1 paper (5%) had a score of 7 which represents higher WoE.

A theme that emerges across the studies in this section is that training often takes the form of briefings which share information about a new process. Although understanding programmes like Triage, using tools such as AssetPlus, and developing practical skills to manage specialised cases are vital components of training for successful diversion implementation, most outlined processes appear to prioritise information transmission over comprehensive training. There were few studies which described efforts at more intensive and holistic training which aimed to develop knowledge, skills, and new behaviours. Studies also reported challenges including reduced training opportunities and the need for training to manage growing levels of autonomy.

The lack of a well-defined, holistic training model can hinder effective cultivation and measurement of the necessary knowledge, skills, and behavioural changes required for the demanding autonomy in youth justice systems.

Research Question 8: What promotes multi-agency collaboration and the integration of services?

Multi-agency working involves various services, agencies, and professionals collaborating to provide comprehensive support to CYP within the YJS. Given the complex needs of CYP involved in the YJS, single-agency support is often insufficient. An analytical 'stocktake' of the actions of YOTs in England and Wales discovered that 75% provide a 'customised' array of preventative interventions beyond their principal statutory responsibilities in the community (Deloitte, 2015⁷¹). It also revealed that merely 15% of YOTs function as 'standalone' units, with the majority partaking in comprehensive multi-agency working.

This section will explore facilitators of multi-agency working, including strong leadership, data sharing, communication and co-location of agencies and staff, flexible structures, and experienced staff. In addition, this section will identify potential barriers to effective multi-agency working, such as conflicting organisational cultures, data sharing, differences in values and beliefs, resource competition, and power imbalances. Understanding these factors can help improve the integration of services required by CYP in the YJS.

Findings

This review found 16 papers which provided information on multi-agency working in diversion programmes. The included research used a qualitative (n=9, 56%) or a mixed methods (n=7; 44%) design and 81% of the research was unpublished (n=13). The papers included for this question were generally poor in terms of their WoE score. 14 (88%) papers have scores of 3-4 which represent low WoE, 2 (12%) have scores 5-6 which represents medium WoE. No study included in this report had a WoE score of 7, 8 or 9. In terms of location, 31% of studies were from England (n=5), 6% from Wales (n=1), and 63% from both countries (n=10). All studies were published or written between the years 2006-2021.

When looking at the literature for this research question, the following themes related to the facilitators and the barriers of multi-agency collaboration, and the integration of services emerged:

⁷¹ Deloitte., (2015) Youth Offending Team Stocktake. London: Deloitte.

- Facilitators: optimal positioning of environments; shared commitments; and information sharing
- Barriers: structural factors; organisational culture differences; communication and information exchange

Boden's (2019; WoE 6) mixed-methods thesis set out to understand how one Local Authority YOT in England implemented 'welfare-orientated' diversionary practice to support young people's wellbeing. The author summarises the various diversionary activities and priorities of the YOT and conducted six interviews with practitioners involved in diversionary activities.

Boden highlights some obstacles to effective multi-agency working which include structural factors (e.g., geographical distribution, resources, roles, and legislation) and socio-cultural tensions (e.g., professional status, beliefs, identity and expertise) as well as conflicts that can arise between partners due to power imbalance, competing for resources, or disparities around purposes and interests (Pgs. 95 & 164).

In response to these obstacles, Boden highlights key facilitators to multi-agency working. They include:

1. **Optimal Positioning of Environments:** Despite the complexities of establishing regularities within YOTs, there are consistencies in optimally positioning or structuring environments for multi-agency working. Co-located multi-agency practice, in particular, is effective at cutting across organisational barriers, leading to greater consistency, improved collaboration, and enhanced exchange of information and knowledge (pg. 103). "Alongside this, co-location of agencies on site was also validated as an affording factor to cut across logistical and socio-cultural barriers and facilitate the development of shared practices and goals" (pg. 142).
2. **Professional Discretion:** A certain degree of flexibility for professional discretion appeared to be useful in multi-agency working, particularly when tensions arise. This can necessitate 'rule breaking' or working outside typical organisational boundaries (pg. 103).
3. **Shared Commitments:** Research highlights the importance of structuring environments to foster shared commitments within the organisation, which aids in establishing common goals and working methods. Shared goals

and collective knowledge about the young person can also help integrate them better and provide adequate support.

4. **Information Sharing:** Sharing information between agencies allows for a better understanding of the young person's story and situation, which can foster better relationships and more effective support (pgs. 140 & 159).

Boden's thesis has several limitations, including its small scale, limited generalisability, absence of young people's involvement as stakeholders, and the lack of follow up on the long-term outcomes of young people, which hampers the ability to demonstrate the impact of welfare-orientated diversionary practice. Nonetheless, the thesis provided both the highest weight of evidence (6 out of a maximum score of 9) in this section of the review and contributes the most extensive information about the key facilitators and barriers to effective multi-agency working. By using Boden's thesis as a framework, this report can build upon the evidence base established in this work, ensuring that the subsequent discussion is grounded in comprehensive research. Furthermore, it allows for a coherent structure throughout the report, ensuring consistency in examining other sources and their alignment with the facilitators and barriers previously identified by Boden.

An additional facilitator, not strongly identified by Boden or the papers included in this review, but highlighted in a HM inspectorate report (HM Inspectorate of Probation, 2023⁷²), and therefore added to this multi-agency framework is the concept of strong leadership:

5. **Strong leadership:** A shared and well-communicated vision and values delivered by supportive, purposeful, value-led and knowledge-grounded leaders help staff to feel valued and safe and inspire confidence. There is evidence that compassionate leadership results in more engaged and motivated staff with high levels of wellbeing, which in turn results in high-quality delivery. Leaders should also be outward-facing, promoting the successful work of the youth offending service to other key agencies and the wider community, strengthening these wider relationships and creating a positive penal culture.

⁷² HM Inspectorate of Probation (2023) *Governance and leadership*. Available at: <https://www.justiceinspectorates.gov.uk/hmiprobation/research/the-evidence-base-youth-offending-services/organisational-delivery/governance-and-leadership/>. (Accessed June 2023)

Facilitators to multi-agency and collaborative working

Optimal Positioning of Environments

A report by Allen (2006; WoE 3) examines the UK's approach to CYP who have had contact with the justice system and argued for more closer integration between YOTs, children's services, and local authorities to better cater to the needs of CYP. The author cites an earlier review that found that YOTs generally are disconnected from other children's services and typically have weak links to child protection colleagues and child welfare issues (Bottoms and Dignan, 2004. Allen highlights a high percentage of children under YOT supervision who have significant additional needs, "including 13 per cent who were looked after by the local authority and 22 per cent who were likely to self-harm" (Pg. 31). The report, which appears to be based on the expert's opinion and critiqued publicly⁷³ proposes that YOTs be situated within Children's Trusts, which were anticipated to deliver local services from 2008 onwards. Allen suggests that this move could assign more statutory and financial responsibility to local authorities, thereby fostering better integration and collaboration. There has been a move towards this proposal with evidence of YOTs, such as North East Lincolnshire, relocating diversion provision to Early Help services. This relocation has the aim of separating OOCd provision from youth justice in order to avoid labelling CYP and improve access to other services⁷⁴.

Shared Commitments

The 2017 audit by the Ministry of Justice and Youth Justice Board⁷⁵ highlights the role of YOTs and lead caseworkers in preventing children from entering the formal criminal justice system, with joint decision-making and assessments playing a key part. The audit identified that, when assessing children considered for an OOCd, 40% of YOTs reported joint decision-making with the police via multi-agency panels. However, 12% of YOTs stated they never carry out assessments before a disposal (Pg. 81).

⁷³ Davies, Z., and McMahon, W. (2007). Debating youth justice: From punishment to problem solving? *Centre for Crime and Justice Studies*

⁷⁴ HM Inspectorate of Probation (2022). An inspection of youth offending services in North East Lincolnshire. Available at: <https://www.justiceinspectorates.gov.uk/hmiprobation/inspections/north-east-lincolnshire-yos/> (Accessed July 2023)

⁷⁵ Ministry of Justice / Youth Justice Board (2017) Summary of responses to the MOJ and YJB survey on youth justice: prevention of offending. London: Ministry of Justice

Likewise, Haines et al. (2013; WoE 3) reflect on the Swansea Bureau model, and the 'Bureau Panel' – a closed meeting, “not attended by children, parents/carers or victims” (Pg. 174) but includes members such as the Bureau Coordinator, a Police Sergeant, and a community representative, who collectively assess the child's offence. The Bureau Panel's decisions are based on a multi-agency discussion and are aimed at individualised support packages for young people and their parents or carers. The voluntary nature of the Bureau's interventions promotes ownership, which can enhance levels of compliance and participation.

Information Sharing

A recent study by the HM Inspectorate of Probation (2021; WoE 4) analysed multi-agency efforts across YOSs, based on 45 YOT inspections conducted between 2018 and 2020. The study evaluated nearly 2,000 individual cases, and reported high-quality multi-agency collaboration, highlighting the significance of information exchange between agencies like the YOT, police, social services, and education for a holistic understanding of CYP. The study also emphasised integrating multiple assessments for a comprehensive overview. Barriers like poor contingency planning were recognised as limiting effective collaboration. While the report identified facilitators and barriers, the findings were largely based on subjective inspector judgements, with limited exploration of factors influencing effective partnership working.

Similarly, Porteous et al. (2015; WoE 4) recommend creating a database to boost information sharing and collaborative work. Their report, which reviewed the development of specialist services for justice-involved youth and surveyed professionals across ten London YOSs, identifies effective inter-agency information sharing as vital for youth support. They acknowledge the difficulty in mapping existing services due to variability in practitioners' roles and experience. Hence, they propose a systematic, widely accessible database of services to enhance sector-wide cooperation.

The Bradley Report (2009; WoE 5) reviews Anti-Social Behaviour Orders and Penalty Notices for Disorder, particularly their impact on individuals with mental health challenges and learning disabilities. The report cites the Islington Neighbourhood Link pilot and Rainer Rapid Action Project as examples of good practice, where agencies collaboratively support young people with mental health issues. Bradley emphasises the need for early information sharing,

especially in police stations, to expedite decision-making and promote cautioning options for young people with vulnerabilities. The author concludes that effective inter-agency cooperation relies on agreed protocols and specific training for officers dealing with young people with mental health and learning disability needs, promoting awareness and role understanding.

Employing a mixed-methods design, Tyrrell and colleagues (2017; WoE 4) carried out an evaluation of the Suffolk Youth Offending Service (SYOS) Diversion Programme, which involved numerous types of intervention including diversion (crime and non-crime⁷⁶), community resolutions, and youth (and conditional) cautions. Whilst some of the literature in this report has identified a poor relationship between the police and YOSs/YOTs as a key barrier to multi-agency working, Tyrrell and colleagues report effective partnership working between these agencies within the SYOS scheme. For example, practitioners from Early Help teams expressed the significance of having links with both YOTs and police officers within their team as this improved their access to resources and specialist knowledge. Additionally, the authors report that police officers, especially those working within Safer Neighbourhood Teams, expressed the want to be informed about the outcomes of each young person following their involvement in the scheme. The authors recommend developing a strategy to provide feedback to the police in order to improve the positive relationship between these agencies.

It should be noted that, despite the finding of an established and positive relationship between the police and the YOT, this evaluation is based on a relatively small sample of stakeholders (YOS staff n= 45, police officers n= 38). Likewise, this evaluation only explored the police and YOS practitioners' views of one another, there could therefore be numerous additional factors at play which contribute to or impact effective multi-agency working which were not explored.

Finally, in an evaluation of Brighton and Hove's youth offending services, HM Inspectorate of Probation (Lane, 2021; WoE 4) rated their OoCD delivery as outstanding due to the use of the Adaptive Mentalization Based Integrative Treatment (AMBIT) model, which is aimed at adopting a whole-system approach.

⁷⁶ Diversion crime referrals aim to divert young people away from the statutory court process, whereas diversion non-crime referrals relate to children/young people who may either be at risk of offending, below the age of criminal responsibility, or not in the public interest to prosecute (Tyrrell et al., 2017; pg. 1).

Lane describes this relational approach as “team around the worker” (pg. 15), with the agency or individual with the best relationship with the young person undertaking the work, with other agencies supporting the ‘trusted’ worker.

Additionally, the report notes reliable ICT systems facilitated quality information exchange among agencies, with YOS staff and external agency workers able to facilitate high-quality information exchange between other agencies. YOS staff were able to access social care records, with staff from external agencies working within the YOS being able to access information from both YOS systems and their own system. Lane’s findings suggest that adopting an approach like the AMBIT model may promote effective multi-agency working through prioritising the relationship between the worker and the young person. Likewise, having reliable systems in place for exchanging information between agencies appears to be a key factor in facilitating partnership working.

Barriers to multiagency and collaborative working

Structural Factors

In a mixed methods study examining trends in the YJS, Roberts (2019; WoE 4) comments on findings from a YJB report investigating good practice across YOTs in England and Wales. Although the findings did indicate an overall positive view of multi-agency working from stakeholders, YOT staff also expressed concerns about the integration of YOTs with other local authority-delivered services. Specifically, staff reported concerns regarding the potential reduced capacity to deliver specialist services to high-risk young people with complex needs as a result of integrating youth justice services with wider children’s services. Roberts further reports that there is a lack of any central data collection on diversionary practices and, combined with the involvement of various agencies in diverting young people away from the justice system, this has resulted in “siloes data systems” (pg. 55) which limit understanding of how other relevant agencies are involved in supporting young people.

Organisational Culture Differences

In her doctoral thesis, Keightley-Smith (2010; WoE 4) employed a mixed-methods design to explore multi-agency working within the context of the ‘Final Warning Scheme’ (FWS)– a Labour government initiative in Newcastle which intended to “deflect young people from the criminal justice system and redirect them away

from crime" (pg. 13). The author cites organisational and cultural differences between the police and YOTs, and particularly conflict over roles and territory, as a key challenge in maintaining effective partnership working. Within the FWS, the police were responsible for administering warnings, following this the YOT delivered the intervention. Interviews with YOT staff indicated that communication between the police and YOT was often poor, with the police failing to share information on administered warnings, resulting in young people not being able to access any intervention.

Additionally, it was reported that there was a "culture of separateness" (pg. 204) as the police had no involvement in the assessment or intervention. Keightley-Smith advocates for practitioners and police to receive training in multi-agency working in order to develop a "harmonised and consistent approach to diversion" (pg. 241). Whilst this doctoral thesis benefits from considering the perspectives of YOT staff and the police through semi-structured interviews, the findings are somewhat limited in their application to the wider youth justice context as they are based only on those working within this particular diversion scheme in Newcastle.

The importance of effective communication and collaboration in multi-agency working is also highlighted in Flood's (2019; WoE 3) qualitative thesis exploring the factors associated with preventing long-term offending. In this thesis the author reports that a multi-agency response to young people was effective in addressing their criminogenic needs. Findings from interviews with practitioners suggest that multi-agency working is particularly effective when communication networks between partner agencies are maintained, as informed decisions regarding the best course of action for the young person can be made. However, some practitioners reported that working successfully with other agencies can be challenging, especially where there are conflicting organisational cultures or priorities. Flood reports that, as identified by one practitioner, some agencies "operate in performance driven environments" in which the core functions of that agency are prioritised over multi-agency working (pg. 26).

Communication and Information Exchange

Baldry and colleagues (2017; WoE 4) draw upon qualitative findings from semi-structured interviews with a range of youth justice practitioners collected as part of the Comparative Youth Penalty Project. Authors employed qualitative methods across settings in England and Wales and four Australian states with a diverse

group of 124 interviewees, including practitioners, managers, and experts who are directly engaged in or interested in youth justice services. Interviewees described a segmented and 'siloes' service provision and stressed the need for inter-departmental information exchange, given that CYP with additional needs frequently shift from one service to another without crucial diagnostic and assessment data accompanying them.

Similarly, Haines and colleagues (2012; WoE 4) identify the relationships between specialist teams and the police as a significant barrier to effective implementation. Haines and colleagues carried out an evaluation of Youth Justice Liaison and Diversion (YJLD) pilot schemes across six sites in England with the aim of establishing the effectiveness of the schemes. The authors identified the relationship between the YJLD team and the police to be one of the most substantial barriers to successfully implementing the scheme across the pilot sites. In particular, Haines and colleagues referred to a lack of information sharing between senior police stakeholders and those working on the frontline, meaning that very few police officers were aware of the YJLD scheme. In interviews, YJLD staff expressed a lack of trust on behalf of the police in allowing YJLD staff to influence disposal-related decisions, as well as unfamiliarity with the rationale behind the scheme. Haines and colleague's findings somewhat mirror those of Keightley-Smith who also identified conflict and poor communication between the police and other agencies (e.g., YOTs) to be a potential barrier to effective multi-agency working.

RQ8 Summary

This review found 16 papers which provided information on multi-agency working in diversion programmes. The papers included for this question were generally poor in terms of their WoE score. 14 (88%) papers have scores of 3-4 which represent low WoE, 2 (13%) have scores 5-6 which represents medium WoE. No study included in this report had a WoE score of 7, 8 or 9.

These studies collectively emphasise the importance of information sharing and effective communication, along with the adoption of collaborative strategies and the provision of necessary support and training, in promoting successful multi-agency working within the YJS. The studies also identify several key barriers to effective multi-agency working. These barriers include structural factors, organisational culture differences, and communication and information exchange challenges.



However, the security of the supporting evidence is low, relying too heavily on expert opinions rather than robust empirical research which weakens the reliability of the conclusions drawn. Those studies which are empirical in nature are based on small sample sizes, which limits the generalisability of the findings. Further research with larger sample sizes and more rigorous methodologies is needed to provide stronger evidence and enhance the understanding of effective multi-agency working in the YJS.

5. Conclusions and Limitations

Building on the gaps identified within previous reviews of diversion programmes, the current study embodies an extensive and comprehensive assortment of implementation evidence, aimed at understanding the facilitators and barriers to effective implementation of diversion programmes for English and Welsh CYP aged between 10 and 17 years old. Through a systematic search, robust screening processes, rigorous appraisals of research quality, and narrative synthesis and thematic analyses, the review team aimed to provide readers with a robust evidence base highlighting the role diversion plays in our youth justice service and which elements influence its effective implementation.

5.1 Contribution to Knowledge

The systematic methodology of this review is a key strength of the research. The review team, led by an experienced information retrieval specialist, implemented an exhaustive search strategy. As well as systematic searches across multiple electronic databases, we also contacted 155 YOTs directly and requested access to unpublished and available literature, and extensively searched grey literature sources. The team's wide-ranging search, particularly across these grey literature information sources, resulted in unpublished research making up 56% of the included research.. This is a significantly higher percentage when compared to other similar reviews.

The second notable strength is the substantial number of studies (n=102) included in the review. This large sample size boosts the knowledge and learning we can gather from these papers and allows us to consider a wider variety of evidence.

The third major strength is the application of the thematic analyses across each research question. This allowed the review team to develop new frameworks entirely from critical evaluation and deep analysis of the included literature. Such an approach led to the generation of ideas that are exclusively grounded in the relevant data. It further allowed the researchers to critique poor practices and make sense of the field. It is hoped (and intended) that readers will make use of these frameworks when describing the field.

The last strength worth emphasising is the review team's dedication to constant evaluation and improvement of their work. All research questions presented in this study were sequentially and individually presented to key experts in the field as drafts. The constructive feedback received on these reports allowed the research to be progressively refined and improved. Additionally, a member of the review team regularly attended advisory group meetings with experts in diversion work. This ensured the research remained up-to-date with the latest trends and emerging evidence in the field. Taken together, these strengths underscore the methodological rigour of the research, making it a valuable contribution to the field.

5.2 Limitations

This review allows interpretation of implementation evidence from multiple similar studies, which is more valuable than an individual study. Despite this fundamental strength, this work should also be interpreted in the context of its limitations.

The search was limited to diversion programmes for CYP in England and Wales only. Therefore, the findings' generalisability is limited and less useful for adults and countries with different cultural, social and legal contexts. Related to this, the included research was predominantly conducted on white CYP and so this demographic homogeneity will limit the relevance and applicability of the findings to other populations in England and Wales and the rest of the world.

The remaining limitations of this review concern the included studies themselves. Across all the research questions there was a distinct lack of rigorous empirical research and studies with a low weight of evidence was an issue across all questions. Studies typically had small sample sizes, or a lack of diversity in their participants. Alongside this, some areas of diversion practice and implementation seem driven by experts via opinion pieces. These commentaries are inherently shaped by personal viewpoints and experiences and therefore can carry an intrinsic bias.

In addition to this issue, the diversion literature seems to lack a comprehensive data-driven foundation and rigorous methodology, limiting their generalisability

and hindering development of strategies and interventions which could be universally applied.

We noted in the background of this report, that the evolution of youth justice in England and Wales has been obstructed by conflicting policy goals and political agendas. Such conflicts can lead to inconsistencies that confuse practitioners and undermine the effectiveness of the system. Political agendas often focus on short-term wins rather than long-term, sustainable solutions, which can result in a lack of sustainable funding and effective strategies in youth justice.

5.4 Authors Conclusion

In conclusion, this study contributes significantly to the body of knowledge surrounding diversion programmes for CYP in England and Wales, underscoring the effectiveness of these interventions and identifying key facilitators and barriers to their implementation. The rigorous methodology, comprehensive search strategy, large sample size and innovative thematic analyses mark this research as a robust contribution to the field, despite some limitations pertaining to generalisability and the quality of included studies.

However, our review also highlights the existing challenges in the current evidence landscape. Our findings echo the need for more rigorous empirical research in the field to ensure a comprehensive data-driven foundation for strategies and interventions. We also highlight the need for research that reflects the diverse demographic realities of CYP in England and Wales to ensure the relevance and applicability of findings.

In sum, we believe our research represents a valuable step towards a more nuanced understanding of diversion programmes and their implementation. However, our work also indicates that more robust empirical research and broader representation within study samples are needed to continue advancing the field. In alignment with YEF's objectives and NCB's mission, we remain dedicated to the use of evidence-based approaches in our pursuit of a better childhood for all.

Appendix A. Method

A1. Question prioritisation

A set of research questions were formulated and refined through consultation with the review team, internal and external experts, and YEF. This report contains eight of those questions.

A2. Search strategy

After reading 10 benchmark papers ([located here](#)), we created a long list of terms for three concepts of interest (intervention, context and population). These terms were then supplemented with the terminology used in a different set of key reference documents, including systematic reviews ([located here](#)) to ensure a search strategy that was as comprehensive as possible and inclusive of the widest range of terminology possible. These terms are presented in table A1. These lists of terms were then translated into a search strategy by an experienced information retrieval specialist making good use of Boolean operators, truncation and wildcards, and phrase and proximity searching. An example of this search strategy as used in PsycInfo (OVID) is presented below.

Pilot search conducted on 28th November 2022

1. exp diversion/
2. "decarceration*".mp.
3. ((diversion* or divert*) adj3 (programme* or approach* or arrangement* or measure* or scheme* or initiative* or practice* or process* or procedure* or decision* or principle* or action* or intervention* or activit* or tactic* or strateg* or alternat*)).mp.
4. (pre-court or precourt or pre-arrest).mp.
5. (disposal* adj3 (diversion* or restor* or practice* or court*)).mp.
6. (avoid* adj3 (entry or remand or conviction* or sentence or prison or jail or imprison*)).mp.
7. ((diversion* or divert*) adj3 (constructive or true or traditional or new or informal)).mp.
8. ("civil citation*" or "alternative to custody" or "process interruption").mp.
9. (desist* or liason or dispos* or deter* or diverg*).ti,ab.

10. ("risk-focused intervention*" or "restorative justice" or "pathway program*" or mediation or "correctional intervention" or "reduce recidivism").mp.
11. (communit* adj3 (correction* or supervis*)).mp.
12. or/ 1-11
13. adjudication/
14. exp Restorative Justice/ or exp Juvenile Justice/ or exp Social Justice/ or exp Justice/ or exp Procedural Justice/ or exp Distributive Justice/ or exp Criminal Justice/ or exp Racial Justice/
15. (youth* adj3 ("offending team*" or "justice system*" or "offending service*")).mp.
16. ("secure estate*" or institution* or "correctional facilit*" or prison* or jail*).mp.
17. (custod* or magistrate* or recidivism or delinquen* or criminal or police or crime or offen* or caution* or arrest* or charge* or law or incarceration or enforcement or convict* or remand or sentence* or bail or prosecution or probation* or judiciary or "Prison officers" or "prison governor" or "final warning" or reprimand* or offence* or offense* or apprehend* or "wrong-doing" or wrongdoing or adjudication* or adjudicated).mp.
18. or/13-17
19. (child* or young* or youth* or minor* or teen* or adoles* or kid* or girl* or boy* or juvenile* or "under 18*").mp.
20. (("first time" or potential* or "at risk" or persistent) adj3 (offender* or entrant*)).mp.
21. ((young* or youth*) adj4 (offender* or trouble* or crim* delinquent* or devian*)).mp.
22. (FTE* or "socially excluded").mp.
23. or/19-22
24. 12 and 18 and 23

Table A1. Key terms for Concept 1, 2 and 3

Concept 1. Intervention Terms used for diversion	Concept 2. Context Terms for justice system	Concept 3. Population Terms for people aged 10-17
TERMS from benchmark papers	TERMS from benchmark papers	TERMS from benchmark papers
Diversion/divert	Youth justice	"young people" / young person
'pre court programme'	Pre-court system	youth
"community resolutions"/"community-based"	"the court system"	teenager
"triage" arrangements	Youth justice site	adolescent/adolescence
"diversionary measure"	The secure estate	Children/child
"pre-court mechanisms"	Criminal justice system	teens
Liaison schemes	"youth offending teams" (YOT)	kid
Diversion schemes / diversionary scheme	"custodial institutions"	"young offenders"
"diversionary initiatives"	Young offender institutions	students
Decarceration	Secure training centres/accommodation/schools	Pupils
"constructive diversion"	Secure children's home provision	offenders
"re/connection to universal and specialist services"	"local penal cultures"	entrants

"diversionary juvenile justice practice"	"youth court"	"first time entrants" "FTEs"
"minimal necessary and non-intervention"	Youth service	"children in conflict with the law"
"diversionary disposals"	YJS (youth justice system)	"child custodial population"
"Youth Restorative Disposal" (YRD)	Youth offending services	"children in trouble"
Restorative practice	Youth justice provision	Boys/young men/males
Risk-focused intervention	Juvenile justice	Girls/young women/females
Diversionary approach	"juvenile justice agencies"	"young people in conflict with the law"
Diversionary programme(s)	Youth court/court/magistrates/Crown Court	"first time offenders"
Diversionary process(es)	"formal justice proceedings"	"lower-level young offenders"
Diversionary decisions	Restorative justice	"young people at risk of offending"
Youth justice intervention	Youth Justice Board	"young people in trouble"
Crime prevention	Youth justice services	"youngster"
"diversionary actions"	Prosecution/court	"vulnerable children and young people"
Diversionary principles	Custody	Service users
Diversionary practices	"youth justice work"	Individual participants
"youth justice diversion scheme"	Juvenile justice practice	"mentally vulnerable youths"
Diversionary activity	Criminal justice services	"young people who offend"
Young offender diversion schemes	Criminal justice agencies	"children at risk of offending"

Youth diversion schemes	Prosecution and court processes	minor
"the scheme"	Criminal process	"potential offenders"
Juvenile justice decision-making processes	Penal institutions	"at risk children"
"true diversion"	Terms from reference reviews	Youth offenders
"community alternatives"	Police /police encounters /police contact	"socially-excluded youths"
Diversionary tactics	"Offending behaviour"/"reoffending behaviour"	"young people suspected of crimes" "young people suspected of offending"
Entry avoidance	"crime victimisation"	Juvenile offender
Process interruption	"criminal offending"	"offending children"
Remand avoidance	"Police-led"	Under-18s
Conviction/sentence avoidance	"Youth caution"	"young law-breakers"
Imprisonment avoidance	arrest	Young people identified as 'serious' or 'prolific' offenders
Divergence	Charge	Persistent offenders
Restorative diversion	"law enforcement"	"the young"
Diversion into alternative services	"adolescent incarceration"	Terms from reference reviews
Diversion from crime	"conflict with the law"	Delinquent
Youth Restorative Disposal	"criminalising"/"criminalisation"	"out of control"
Interventionist diversion	"state control system"	"deviant"

'traditional', 'true', or 'new' diversion	"care-crime connection"	"youth justice cohort"
Rehabilitative programme	Convicted/conviction/re-conviction	"custody population"
Informal diversion	remand	"repeat offenders"
Diversionary restorative justice approaches	Sentenced	"prolific young offender"
Diversion non-crime intervention	prison	"commit offences"
Diversion crime intervention	bail	"criminal careers"
Terms from reference reviews	YOI (Young Offenders Institution)	"persistent offending"
"intervene early"	"juvenile recidivism"	student
"Early intervention"	delinquency	Youthful offender
"Pathway programs"/"programmes"	"correctional facilities"	bully
Pre-arrest	"Police station"	
"Alternative approaches"	CPS (Crown Prosecution Service)	
"supervision in the community"	JJC (Juvenile Justice Centre)	
"correctional intervention"	Probation staff/service	
"reduce recidivism"	judiciary	
Treatment	Prison officers/Governors	
"Diversion initiatives"	Final warning	
"community services"	Reprimand	
"preventative measures"	Offence/offense	

"add-on initiatives"	Apprehended	
Deterrence	"wrong doing"	
"Liaison scheme"	Adjudication/adjudicated	
"correctional diversion strategies"		
Mediation		
"community based correctional programs"		
"community based prevention programs"		
"avoid imprisonment"		
Triage		
"Alternative to custody"		
disposal/disposition		
"civil citation"		
Desist/desistance		
"out of court disposals"		

All searches were conducted using English language and were not limited by timeframe. Electronic databases were searched between 28.11.22 and 01.12.22 and resulted in 1,312 hits. The electronic databases searched included:

- PsycINFO (OVID)
- Child Development & Adolescent Studies (EBSCOhost)
- Web of Science (Clarivate) Core collection to include:
 - Science Citation Index Expanded (SCI-EXPANDED)--1970-present
 - Social Sciences Citation Index (SSCI)--1970-present
 - Arts & Humanities Citation Index (AHCI)--1975-present
 - Conference Proceedings Citation Index – Science (CPCI-S)--1990-present
 - Conference Proceedings Citation Index – Social Science & Humanities (CPCI-SSH)--1990-present
 - Emerging Sources Citation Index (ESCI)--2015-present
- Criminal Justice Abstracts (EBSCOhost)
- OpenDissertations (EBSCOhost)
- International Bibliography of the Social Sciences (ProQuest)
- Social Policy and Practice (OVID)

A comprehensive search of supplementary sources was conducted. Firstly, this involved several key journals using an adapted version of the search strategy. This resulted in 66 hits and the journals included:

- Crime & Delinquency
- Crime, Law and Social Change
- Crime, Media, Culture: An International Journal
- Crime Prevention and Community Safety
- Crime and Justice
- Global Crime

Secondly, this involved key information sources relevant to diversion programmes conducted in the UK, this resulted in 2,045 hits and these sources included:

- Centre for Justice innovation <https://justiceinnovation.org/areas-of-focus/youth-diversion>
- RAND Documents
- Google Scholar (searched using Harzing Publish or Perish software)
- Key experts Information gathering with key experts in field

- Automated search of reference lists of included research using SpiderCite <https://sr-accelerator.com/#/spidercite>
- Programmes Evidence and Gap Map – Youth Endowment Fund
- Systems Evidence and Gap Map – Youth Endowment Fund

Finally, via distribution in the Youth Justice Board's bimonthly newsletter, we invited all YOTs in England and Wales to submit relevant research directly to the review team. We also followed up with them directly using details available via a gov.uk webpage⁷⁷. This strategy resulted in 10 responses and a copy of this letter is available below:

The National Children's Bureau, working on behalf of the Youth Endowment Foundation, is conducting an extensive evidence review of implementation research on diversion programmes in England and Wales.

Our goal is to gather valuable insights into best practice to improve the effectiveness of programmes aimed at children aged 10–17. Your expertise and experience are invaluable to the success of this important project.

You can get involved by sharing documentation about diversion schemes that you have managed, participated in, or are currently running for children in the 10–17 age group. We are particularly interested in unpublished material, case studies, and reports that could supplement our findings and contribute to a better understanding of these programmes.

Please submit your contributions to NCB by **5th June 2023** to ensure they are included in our review.

Why are we asking for this information?

Diversion programmes can play a crucial role in preventing children from entering, or falling deeper into, the criminal justice system. By examining the implementation of these schemes, we hope to identify the most effective strategies and contribute to the development of best practice. Your experiences and insights will help us create a comprehensive and up-to-date understanding of the current landscape of diversion programmes in England and Wales and the type of interventions that work best.

⁷⁷ <https://www.gov.uk/government/collections/youth-offending-team-contact-details>

There are no date limitations in our review, so please share any relevant information regardless of when the programme took place.

Your collaboration and support are much appreciated, and we look forward to receiving your invaluable input.

Remember to submit your contributions to [NCB](#) by **5th June****. Thank you for your participation!**

Table A2. Searches

Source	Date searched	Number of hits
Electronic databases		
PsycINFO (OVID)	28.11.22	369
Child Development & Adolescent Studies (EBSCOhost)	30.11.22	170
Web of Science (Clarivate) Core collection to include: Science Citation Index Expanded (SCI-EXPANDED)--1970-present Social Sciences Citation Index (SSCI)--1970-present Arts & Humanities Citation Index (AHCI)--1975-present Conference Proceedings Citation Index – Science (CPCI-S)--1990-present Conference Proceedings Citation Index – Social Science & Humanities (CPCI-SSH)--1990-present Emerging Sources Citation Index (ESCI)--2015-present	30.11.22	127
Criminal Justice Abstracts (EBSCOhost)	30.11.22	110
OpenDissertations (EBSCOhost)	30.11.22	91
International Bibliography of the Social Sciences (ProQuest)	01.12.22	155
Social Policy and Practice (OVID)	30.11.22	290

Subtotal Electronic Databases		1312
Journals		
Crime & Delinquency	01.12.22	41
Crime, Law and Social Change	01.12.22	13
Crime, Media, Culture: An International Journal	01.12.22	5
Crime Prevention and Community Safety	01.12.22	4
Crime and Justice	01.12.22	2
Global Crime	01.12.22	1
Subtotal Journals	66	
Supplementary searches		
Centre for Justice innovation https://justiceinnovation.org/areas-of-focus/youth-diversion	22.11.22 to 01.11.22	0
RAND Documents	22.11.22 to 01.11.22	0
Google Scholar (searched using Harzing Publish or Perish software)	01.12.22	1,000 (MAX number possible)
Key experts Information gathering with key experts in field	22.11.22 to 01.11.22	0
SpiderCite https://sr-accelerator.com/#/spidercite	01.12.22	549
Automated search of reference lists of included research		
Programmes Evidence and Gap Map – Youth Endowment Fund	07.12.22	258
Systems Evidence and Gap Map – Youth Endowment Fund	07.12.22	238
YJB newsletter and direct contact with YOTs	02.06.23	10
Subtotal Supplementary searches		2055

TOTAL found	3433
DUPLICATES removed	484
TOTAL NUMBER TO BE SCREENED	2949

Screening

All screening was conducted using Eppi-Reviewer software by a team of trained reviewers. The review process included daily check-ins with the review lead and weekly training sessions for the entire team. The team first screened abstracts by title and abstract, and 20% of the papers excluded at this stage were checked for accuracy. Full-text versions of the remaining reports were obtained and uploaded to the software for final review. Reports that were deemed relevant were then categorised based on their relevance to specific research questions. Reviewers were able to assign multiple categories to each report as needed. For studies that caused review conflicts (e.g., one reviewer included, and a different reviewer excluded it), opinions from experts in the field were sought who made the final decision on eligibility.

Papers difficult to access

After screening at title and abstract, 168 papers were deemed as potentially relevant but were behind paywalls or not published in a final version. Where an author's email address was available, they were contacted requesting a copy of the research, four papers were obtained this way.

Dear <AUTHOR>,

We are working on a review of diversion programmes for young people across England and/or Wales.

The following paper on which you are listed as corresponding author has been returned by our search strategy, however we are unable to access a copy of this paper through our library subscriptions:

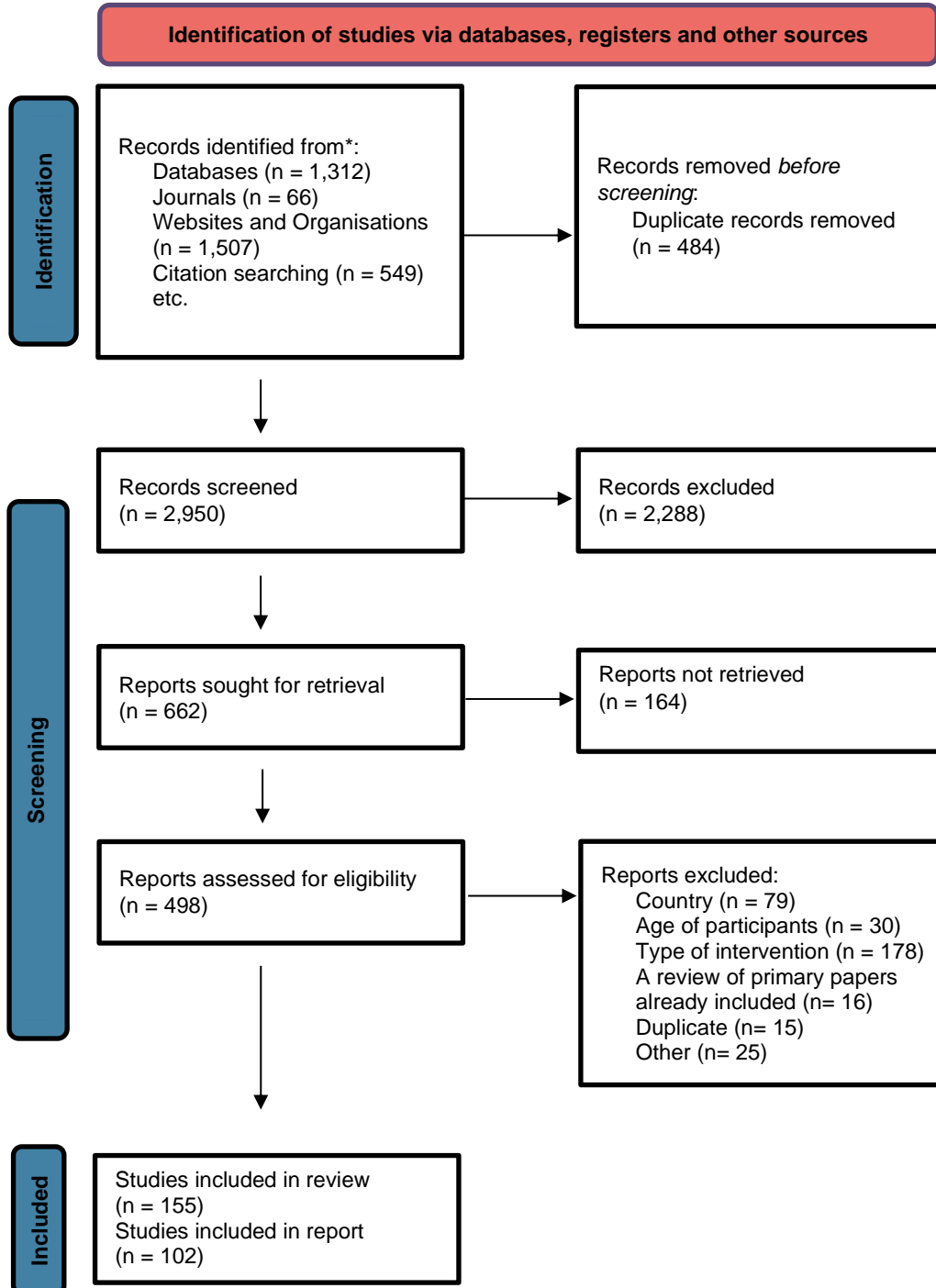
<INSERT TITLE OF MANUSCRIPT OR LINK TO PAPER>

Please could you provide us with a copy of this paper for inclusion in our review?

If you would like to learn more about NCB, you can visit our webpage [here](#).

Thank you so much for your careful consideration of this email.

PRISMA Flow Diagram



Quality appraisal

All relevant studies were evaluated for quality and relevance using Gough's (2007) Weight of Evidence (WoE) framework⁷⁸, which assesses the suitability of method, methodological standard and relevance of focus across each paper included in this review.

The WoE framework presents an innovative method to synthesise and evaluate research evidence. It proves especially valuable within social sciences due to its focus on transparency and diversity in knowledge creation, fostering a democratic approach to evidence synthesis. The foundation of this framework is based on three key dimensions:

1. **Generic methodological quality (WoE A)** assessed the rigour of the study design. This dimension ensures the inherent quality of a study regardless of whether it is of relevance to our review or its ability to answer our research questions. For example, a study was marked as three where authors described methods that were replicable, accurate, and appropriate to the aims of the study.
2. **Topic-specific methodological quality (WoE B)** determined the appropriateness of the study design to answer the specific research question under study. For example, a study was marked as three in this domain if the original authors wanted to gather children's experiences and engagement of diversion programmes and provided insights through interviews with the relevant child.
3. **Topic-specific relevance of the study (WoE C)** provided judgements on the relevance of the study, focussing on how applicable each study was to the context and focus of each research question. For example, a study might be marked as three in this domain if it were included in our report on staff training if its aims and objectives were to assess implementation of staff training in diversion programmes.

For each research question, we assigned each paper a rating of 1–3 for each of the above three review-specific criteria (WoE A–C) and combined these scores to provide a mean score per paper indicating an overall assessment of evidence

⁷⁸Gough, D. (2007) Weight of evidence: a framework for the appraisal of the quality and relevance of evidence. *Research Papers in Education*, 22(2) pp. 213–228

quality (WoE D). The highest combined **WoE D** score a paper could have is 9 (indicating high evidence quality) and the lowest is 3 (indicating low evidence quality). Where papers are reviewed across multiple research questions, the WoE D score is not consistent as the focus of each research question is distinct. For example, where one paper may have received a WoE D score of 7 in one research question, the same paper may have received a WoE D score of 5 in another research question, due to the varying relevance of the topic or methodological quality of a study.

It is important to acknowledge that these studies may have been methodologically rigorous in the context of their own research questions (and therefore received a score of 3 for domain B). However, our assessment of these works is also based on their relevance and applicability to the specific research questions underpinning this review (and so a study receiving a score of 3 on domain B could then receive a score of 1 on domain C). Therefore, comments on the lack of rigour are not an indictment on the quality of these studies per se, but rather an observation on their applicability to our specific research questions and this report.

The goal in applying this particular framework is to make the decision-making process more explicit and transparent, encouraging open debate regarding how evidence appraisal decisions are made. It helps to expose the underlying values and assumptions of the research and its appraisal, enabling them to be part of the discussion. Moreover, the WoE framework proves a useful tool for appraising the quality of evidence especially within the field of social sciences. It takes into consideration a wide range of perspectives, methodologies, and types of knowledge, whilst ensuring a rigorous examination of the quality and relevance of evidence. The framework promotes a democratic approach to knowledge synthesis, inviting a wider array of voices into the process. This inclusive approach can result in a plurality of knowledge, fostering participation from a more diverse range of users and potential beneficiaries. Thus, Gough's Weight of Evidence framework emerges as an effective instrument for evidence synthesis within the realm of social sciences.

Eligibility Criteria

As is typical with evidence synthesis, the team set review parameters in order to ensure the most relevant results. The only papers eligible for inclusion were those: 1) that were about pre-court diversion; 2) were about children and young people

aged between 10 and 17; and 3) had been conducted in or written about YJ in England or Wales.

We excluded research that was focused on preventing children encountering the criminal justice system in the first place and research on activities that took place during or after the child goes to court.

Participants

Included in this review are those CYP who have been involved in, or apprehended for, some form of criminal activity. At the time of data collection, they will be aged 10-17 years old. In research question one, when discussing young people's perspectives and experiences of a diversion programme, we will include only the voices of the CYP who are in receipt of the diversion scheme, rather than how other stakeholders perceive it. When discussing engagement, we will include data from both CYP and adults. CYP are those who have been involved in, or apprehended for, some form of criminal activity. At the time of data collection, they will be aged 10-17 years old.

The geographical location of studies. Only studies which included data from the English and Welsh context were considered for inclusion.

Appendix B. Study Characteristics

Table B1. Study Characteristics Table

Author (Year) Study Title (n= 102)	Study design; country	Research Question							
		1	2	3	4	5	6	7	8
Adamson (2023) Out of Court Disposals Annual Report Targeted Youth Support (TYS) and Youth Justice Service (YJS)	Quantitative – analysis of existing data; England			WoE 6		WoE 5		WoE 5	
Allen (2006) From punishment to problem solving: A new approach to children in trouble	Qualitative – literature review; England & Wales								WoE 3
Armitage (2016) Janus-Faced Youth Justice Work and the Transformation of Accountability	Qualitative – interviews; England				WoE 4				
Baldry (2017) 'Cruel and unusual punishment': an inter-jurisdictional study of the criminalisation of young people with complex support needs	Qualitative – interviews; England & Wales	WoE 5	WoE 5					WoE 4	WoE 4
Banwell-Moore (2019)								WoE 7	

Restorative justice: understanding the enablers and barriers to victim participation in England and Wales	Qualitative – observations, semi structured interviews, analyses of official documents; England & Wales								
Bateman (2011) Punishing Poverty: The 'Scaled Approach' and Youth Justice Practice	Qualitative – literature review; England & Wales		WoE 4						
Bateman (2011a) Child imprisonment: exploring 'injustice by geography'	Qualitative – interviews; case studies; literature review; England & Wales		WoE 4						
Bateman (2014) Where has all the Youth Crime Gone? Youth Justice in an Age of Austerity	Qualitative – literature review; England & Wales		WoE 4						
Bateman (2016) Criminalising children for no good purpose: The age of criminal responsibility in England and Wales	Qualitative – interviews; literature review; England & Wales		WoE 5				WoE 3		
Bateman (2016b) Having to (re)settle for second best? The gap between theory and practice in the resettlement of children.	Qualitative – literature review; England & Wales		WoE 3						
Bateman (2020) The state of youth justice 2020: An overview of trends and developments	Mixed methods – quantitative analysis of existing data; literature review; England & Wales	WoE 4	WoE 6	WoE 5			WoE 4		WoE 3
Bateman (2020a)			WoE 5						

Exploring Recent Trends in Youth Justice Reconvictions: A Challenge to the Complexity Thesis	Quantitative – analysis of existing data; England & Wales								
Bateman (2022) Youth Justice News	Qualitative – literature review; England & Wales		WoE 5						
Bevan (2019) Children and Young People in Police Custody. An exploration of the experience of children and young people detained in police custody following arrest, from the perspective of the young suspect.	Qualitative – literature review, interviews, observations; England & Wales			WoE 5					
Bhattacharya (2021) Earning trust: improving criminal justice outcomes for ethnic minorities	Qualitative – literature review; England & Wales		WoE 7	WoE 5					
Boden (2019) A realistic inquiry of welfare-orientated diversionary practice within a Youth Offending Team in supporting the wellbeing of young people within the community	Qualitative – Interviews; thematic analysis; England	WoE 7				WoE 4		WoE 6	WoE 6
Bond-Taylor (2021) Evaluation of the Joint Diversionary Panel and Youth Restorative Intervention	Mixed methods – case studies, quantitative analysis of existing data, interviews; England		WoE 4	WoE 4		WoE 4			
Bradley (2009) The Bradley report: Lord Bradley's review of people with mental health problems or learning disabilities in the criminal justice system	Qualitative – literature review, focus group; England & Wales		WoE 7		WoE 5	WoE 4		WoE 4	WoE 5

Briggs (2017) Youth Justice and Youth Penalty in England and Wales: A Theoretical and Empirical Exploration	Qualitative – interviews, literature review; England & Wales	WoE 5					WoE 5		
Brooks-Wilson (2019) Rethinking Youth Justice Journeys: Complex Needs, Impeded Capabilities and Criminalisation	Qualitative – focus groups; interviews; case studies; England	WoE 7							
Brown (2019) Dynamic diversion? : examining the multiple impacts of 'Welsh Town' Bureaux	Mixed methods – data analysis of existing data; observations; interviews; Wales	WoE 8		WoE 7		WoE 7			
Byrne (2015) Post-YOT Youth Justice	Qualitative – literature review; England	WoE 5							
Byrne (2016) Towards a positive youth justice	Qualitative – literature review; England & Wales						WoE 4		
Case (2014) Children First, Offenders Second Positive Promotion: Reframing the Prevention Debate	Qualitative – literature review; England & Wales						WoE 3		
Case (2015) Children First, Offenders Second: The Centrality of Engagement in Positive Youth Justice	Qualitative – literature review; England & Wales	WoE 5				WoE 4			
Case (2015a) Youth justice: past, present and future	Qualitative – literature review; England & Wales	WoE 5							
Case (2018a) The Future of Youth Justice	Qualitative – literature review; England & Wales		WoE 4						
Case (2019)								WoE 4	

Youth Justice Pathways to Change: Drivers, Challenges and Opportunities	Qualitative – literature review; England & Wales								
Case (2021) Abolishing Youth Justice Systems: Children First, Offenders Nowhere	Qualitative – literature review; England & Wales					WoE 4			
Case (2021a) Child First Justice: the research evidence-base: full report	Qualitative – literature review; England & Wales	WoE 5	WoE 4	WoE 5			WoE 3		
Case (2021b) The child first strategy implementation project: Realising the guiding principle for youth justice	Qualitative – interviews; workshops; thematic analyses; England & Wales	WoE 6							
Casey (2018) Spotlight on violence against women and girls: emerging good practice on tackling violence against women and girls commissioned by PCCs	Qualitative – case studies; England & Wales	WoE 3							
Chamberlain (2013) Sports-based intervention and the problem of youth offending: a diverse enough tool for a diverse society?	Qualitative –review; England & Wales	WoE 3							
Clifton (2016) Prisons and prevention: giving local areas the power to reduce offending	Qualitative – literature review; England & Wales		WoE 5						
Creaney (2014) Youth justice back at the crossroads	Qualitative – literature review; England & Wales		WoE 4						
Creaney (2015)		WoE 4							

Youth justice, participation and radical moral communitarianism.	Qualitative – review; England & Wales								
Creaney (2019) “Are we all playing an elaborate game?” A Bourdieusian analysis of children’s participation in decision making in youth justice	Qualitative – observations; interviews; literature review; England	WoE 7					WoE 6		
Cushing (2014) Diversion from Prosecution for Young People in England and Wales - Reconsidering the Mandatory Admission Criteria	Qualitative – literature review; England & Wales		WoE 6	WoE 7					
Cushing (2016) An analysis of the mandatory admission criterion within youth justice diversionary processes	Mixed methods – literature review; analysis of existing data; questionnaires; interviews; England & Wales		WoE 7	WoE 8		WoE 6			
Daykin (2017) Music-making for health and wellbeing in youth justice settings: mediated affordances and the impact of context and social relations.	Qualitative – observations; interviews; focus groups;; England & Wales	WoE 4							
Deering (2020) Lost in Translation or a Work in Progress? Developing Desistance-Informed Youth Justice Practice in the Welsh Context	Qualitative – case studies, interviews; focus groups, observations; Wales				WoE 6		WoE 5		
Durcan (2014) The Bradley Report five years on An independent review of progress to date and priorities for further development	Qualitative – literature review; England & Wales	WoE 5							

Evans (2020) The criminal justice system in Wales	Qualitative – literature review; Wales	WoE 3							
Farrington (1981) Police Cautioning of Juveniles in London	Quantitative – analysis of existing data; longitudinal follow up of existing sample; England		WoE 6			WoE 4			
Fisher (1982) Juvenile Delinquency and Police Discretion in an Inner-City Area	Quantitative – analysis of primary data; England		WoE 5						
Flacks (2012) Youth justice reform: redressing age discrimination against children?	Qualitative – literature review; England & Wales		WoE 5						
Flood (2019) What measures can be put in place to prevent juvenile offenders from becoming life-course- persistent offenders?	Qualitative – literature review, interviews; England								WoE 3
Forde (2013) A qualitative analysis of young people's experiences of triage as a restorative disposal in Youth Justice	Qualitative – interviews; Wales	WoE 8	WoE 4						
Fox (2006) Restorative Final Warnings: Policy and Practice.	Qualitative – literature review; England & Wales		WoE 4			WoE 4			
Goldson (2015) Child criminalisation and the mistake of early intervention.	Qualitative – literature review; England & Wales						WoE 3		
Gleeson (2021)			WoE 7						

Hackney Youth Offending Service: Out of court disposals and ethnic disproportionality	Quantitative – analysis of existing data; England								
Gray (2019) Governance Through Diversion in Neoliberal Times and the Possibilities for Transformative Social Justice	Qualitative – literature review; England & Wales		WoE 5	WoE 4					
Gyateng (2012) Assessing young people in police custody: an examination of the operation of Triage schemes	Mixed methods - case studies, interviews, analyses of monitoring data, process evaluation; England							WoE 6	
Haines (2012) Evaluation of the Youth Justice Liaison and Diversion (YJLD) Pilot Scheme	Mixed methods – quantitative analysis of existing data, thematic analysis of interview data, focus groups; England & Wales	WoE 8		WoE 7	WoE 6	WoE 6		WoE 5	WoE 4
Haines (2013) The Swansea Bureau: A model of diversion from the Youth Justice System	Mixed methods – process evaluation; Wales	WoE 5		WoE 7		WoE 6	WoE 4		WoE 3
Haines (2015) Offending outcomes of a mental health youth diversion pilot scheme in England	Quantitative – analysis of existing data; England			WoE 6					
Hampson (2018) Desistance Approaches in Youth Justice – The Next Passing Fad or a Sea-Change for the Positive?	Qualitative – questionnaire, literature review; Wales							WoE 6	
Hart (2014) Pre-court arrangements for children who offend	Qualitative – literature review; England & Wales		WoE 5	WoE 5		WoE 4	WoE 4		
HM Inspectorate of Probation (2021)									WoE 4

Multi-agency work in youth offending services	Mixed methods – case studies, interviews, quantitative analysis of primary data; England & Wales								
HM Inspectorate of Probation and HM Inspectorate of Constabulary and Fire & Rescue Service (2018) Out-of-court disposal work in youth offending teams	Qualitative – thematic inspection; England	WoE 4		WoE 5	WoE 6				
Hobson (2017) The Governance of Young Males with Attention Deficit Hyperactivity Disorder (ADHD) within the Youth Justice System	Qualitative – focus groups, interviews, literature review; England	WoE 7	WoE 7					WoE 4	
Hobson (2022) Spaces' for restorative development: international case studies on restorative services.	Qualitative – literature review, case study, interviews; England							WoE 4	
Hodgson (2022) Towards a 'Girl-Wise' Penology	Qualitative – literature review, case study, interviews; England	WoE 4	WoE 6					WoE 4	
Hoffman (2010) Evaluation of the Tiered Approach to Youth Anti-social Behaviour in Swansea	Mixed methods – interviews; literature review, quantitative analysis of existing data; Wales					WoE 5			
Hoffman (2011) Tackling Youth Anti-social Behaviour in Devolving Wales: A Study of the Tiered Approach in Swansea	Qualitative – literature review, interviews; Wales	WoE 5	WoE 5		WoE 5				
House of Commons (2013)	Qualitative – interviews; England	WoE 3							

<p>Youth justice: seventh report of session 2012-13 (HC 339)</p>									
<p>House of Commons. Justice Committee (2020) Children and young people in custody (Part 1): entry into the youth justice system: twelfth report of session 2019-21</p>	<p>Qualitative – Justice committee report; interviews; England & Wales</p>		<p>WoE 7</p>						
<p>Hunter (2019) Institutionalised criminalisation : black and minority ethnic children and looked after children in the youth justice system in England and Wales</p>	<p>Mixed methods – quantitative analysis of existing data; interviews; literature review; England & Wales</p>	<p>WoE 6</p>	<p>WoE 8</p>						
<p>Irwin-Rogers (2020) Youth Violence Commission: Final Report</p>	<p>Mixed methods – literature review; quantitative analysis of survey data; England & Wales</p>		<p>WoE 4</p>						
<p>Jones (2016) De-escalating interventions for troubled adolescents</p>	<p>Qualitative – focus groups; Wales</p>				<p>WoE 4</p>				
<p>Keightley-Smith (2010) The dynamics of multi-agency working in the Final Warning Scheme in the North East of England</p>	<p>Qualitative – literature review, interviews, observations; England</p>	<p>WoE 5</p>			<p>WoE 6</p>				<p>WoE 4</p>
<p>Kemp (2023) Examining the impact of PACE on the detention and questioning of child suspects</p>	<p>Mixed methods – quantitative analysis of existing data, case studies</p>		<p>WoE 6</p>			<p>WoE 5</p>			
<p>Lane (2020) An inspection of youth offending services in Cardiff</p>	<p>Qualitative – thematic inspection; Wales</p>	<p>WoE 4</p>	<p>WoE 4</p>	<p>WoE 5</p>				<p>WoE 4</p>	

Lane (2021) An inspection of youth offending services in Brighton and Hove	Qualitative – thematic inspection; England	WoE 4	WoE 4	WoE 4				WoE 4	WoE 4
Marshall (2012) Practitioners in the youth justice system: a case study of the youth offending service	Mixed methods – interviews; focus groups; visual research methods; analyses of secondary data; thematic analyses; England	WoE 6					WoE 5	WoE 5	
Mayor of London (2021) Reducing criminalisation of looked-after children and care leavers: a protocol for London	Qualitative – Guidelines; England		WoE 7						
McCarthy (2013) Gendering 'Soft' policing: Multi-agency working, female cops, and the fluidities of police culture/s.	Qualitative – literature review, interviews, observations; England & Wales								WoE 3
McCulloch (2018) The Children's Inquiry: how effectively are the UK's cannabis policies safeguarding young people?	Mixed Methods – interviews; questionnaires; Freedom of Information requests; analysis of existing data; England & Wales			WoE 4					
Ministry of Justice (2011) Statistics on race and the criminal justice system 2010: a Ministry of Justice publication under section 95 of the Criminal Justice Act 1991	Quantitative – statistical report; England & Wales		WoE 7						
Morgan (2020) A Multi-Dimensional Evaluation of Youth Justice Practices and Outcomes in Wales	Mixed methods – literature review, interviews, process evaluation; Wales						WoE 5	WoE 4	
NACRO (2012) Reducing offending by looked after children	Qualitative – literature review; England		WoE 7					WoE 4	

Neyroud (2021) First time offenders as once and future victims: Using police records to explore the victim-offender overlap in the Turning Point Project	Mixed Methods – literature review, quantitative analysis of secondary data; England				WoE 6				
Norris (2018) Validation of the Ceredigion Youth Screening Tool	Quantitative – analysis of primary data; Wales					WoE 6		WoE 6	
O'Brien (2019) Understanding extra-judicial responses to young people's offending : out of court disposals and 'diversion' in social context	Mixed methods – interviews; focus groups; visual research methods; analyses of secondary data; thematic analyses; England	WoE 7	WoE 6	WoE 5					
Palmer (2015) A critical approach towards the professionalisation of the youth justice workforce: a research-led design of a mental health module	Mixed methods – literature review; interviews; questionnaires; England & Wales		WoE 4						
Porteous (2015) The Development of Specialist Support Services for Young People who have Offended and who have also been Victims of Crime, Abuse and/or Violence: Final Report	Mixed methods – literature review, interviews, questionnaires; England & Wales				WoE 5			WoE 4	WoE 4
Roberts (2019) Examining the youth justice system: what drove the falls in first time entrants and custody, and what should we do as a result?	Mixed methods – literature review, interviews, analysis of existing data, analysis of primary data; England & Wales				WoE 7	WoE 5		WoE 5	WoE 4
Robin-D'Cruz (2019) Mapping youth diversion in England and Wales	Mixed methods – qualitative and quantitative analysis of primary data; England & Wales		WoE 5	WoE 6	WoE 5			WoE 5	

Rose (1970) Effects of a Juvenile liaison scheme	Quantitative – analysis of primary questionnaire data; England		WoE 6						
Shine (2017) Early Intervention and Diversion (EI&D) Protocol for Islington Targeted Youth Service (TYS) and Youth Justice Service (YJS)	Qualitative – protocol; England			WoE 5					
Smith (2011) Developing restorative practice: contemporary lessons from an English juvenile diversion project of the 1980s	Qualitative – literature review; England	WoE 4					WoE 3		
Smith (2014) Re-inventing Diversion	Qualitative – literature review; England & Wales			WoE 4	WoE 3		WoE 3		
Smith (2020) Diversion, Rights and Social Justice	Qualitative – literature review; England & Wales		WoE 5				WoE 4		
Smith (2022) Are we moving to an early intervention approach in forensic adolescent services?	Quantitative – analysis of existing data; England				WoE 5				
Soppitt (2014) Triage: line or nets? Early intervention and the youth justice system	Mixed methods – interviews, quantitative analysis of existing data; England	WoE 6		WoE 7					
Stone (2009) Raised expectations, flawed discretion and abuse of process in diversion and provision of accommodation	Qualitative – Legal commentary; England & Wales		WoE 3	WoE 3					

Taylor (2016) Review of the Youth Justice System in England and Wales	Qualitative – literature review; England & Wales		WoE 7	WoE 6	WoE 4		WoE 4	WoE 4	WoE 3
Tyrrell (2017) Diversion, Prevention and Youth Justice: A model of integrated decision making	Mixed methods – cost analysis; interviews; focus groups; surveys; analyses of secondary data; England	WoE 6		WoE 8					WoE 4
Walsh (2011) Perception of need and barriers to access: the mental health needs of young people attending a Youth Offending Team in the UK	Qualitative – questionnaires; interviews; thematic analyses; England	WoE 8							
Welsh Government (2022) All Wales protocol: reducing the criminalisation of care experienced children and young adults	Qualitative – guidelines; Wales		WoE 7						
Whittington (2015) Diversion in youth justice: A pilot study of effects on self-reported mental health problems.	Mixed methods – interviews, observations, quantitative analysis of existing data; England	WoE 6							
Youth Justice Board (2021) Ethnic disproportionality in remand and sentencing in the youth justice system: analysis of administrative data	Quantitative – analysis of existing data; England & Wales		WoE 7	WoE 5					
Youth Justice Board (2013) National standards for youth justice services	Qualitative – guidelines; England & Wales				WoE 4				
Total studies included per research question		37	47	30	15	16	19	19	16

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