

2023

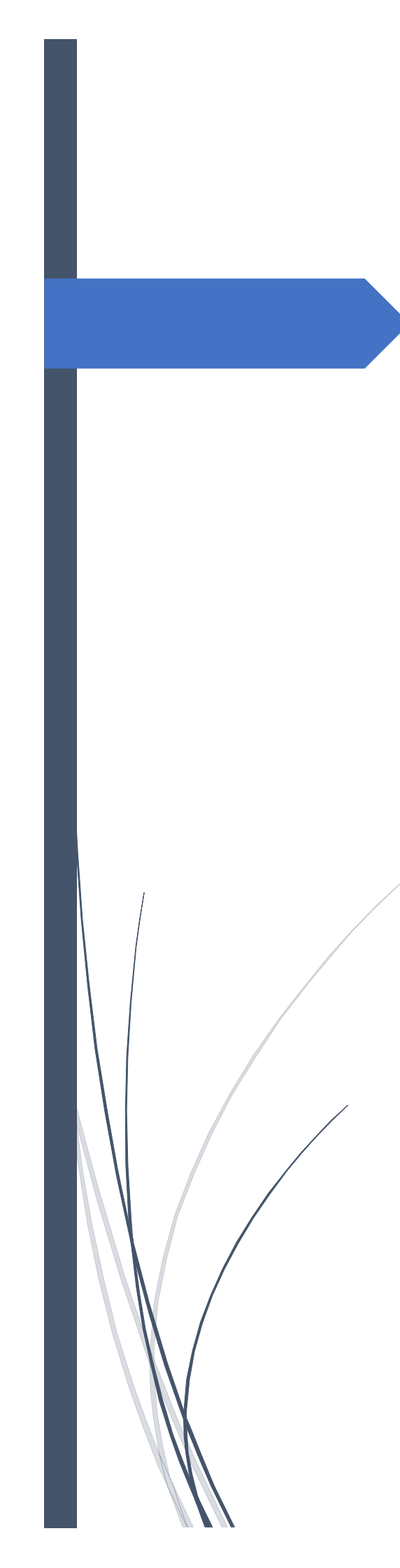
# Evaluating the implementation of a 'Child First' approach within Plymouth's Youth Justice multi-agency diversion scheme.

Taylor, E

<https://pearl.plymouth.ac.uk/handle/10026.1/22233>

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# Evaluating the implementation of a 'Child First' approach within Plymouth's Youth Justice multi-agency diversion scheme.

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## **Introduction**

This is the final report from the evaluation of the Plymouth Youth Justice Service (PYJS) multi-agency ‘child first’ diversion scheme, known as Outcome 22. Baseline<sup>1</sup> and first-year interim reports<sup>2</sup> have also been produced, with this final evaluation aiming to examine the effectiveness of this diversion scheme in reducing first time entrants and recidivism in the city of Plymouth, whilst adhering to a Child First approach.<sup>3</sup>

## **About Outcome 22**

In a bid to improve the Youth Justice System (YJS), in 2016 the ‘Youth Justice Review’ proposed implementing a new approach, one which emphasised viewing children as ‘children first and offenders second’ (Taylor, 2016). This approach is in high contrast to the dominating risk-focussed, deficit led agenda which has previously been applied to prevent child offending and reoffending (Case and Hampson, 2019). In addition, it is this risk-focussed approach which has been found to be highly harmful to children who are in the YJS (McAra and McVie, 2010). Subsequently, this transition into ‘Child First’ as a guiding principle and strategic approach aims to provide children with the opportunity to make positive changes (Case et al., 2023). The Child First agenda is comprised of 4 key Tenets, and these are, to see children as children, develop pro-social identity for positive child outcomes, collaboration with children, and promote diversion (Case and Browning, 2021). Furthermore, the ‘Child First’ Youth Justice approach represents a paradigm shift in the field of juvenile justice. It centres on the well-being of young offenders, emphasizing rehabilitation and support over punitive measures. This innovative approach recognizes that children involved in the justice system often have complex needs, and addressing these needs is essential to prevent reoffending and ensure their successful reintegration into society. One of the key principles of ‘Child First’ Youth Justice is diversion, which seeks to keep young offenders out of the formal justice system whenever possible (Case and Browning, 2021). Diversion programs aim to provide early

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<sup>1</sup> Tinmouth, C. (2022). *Baseline Report, Evaluation of the Outcome 22 Diversion Scheme*. University of Plymouth: Unpublished.

<sup>2</sup> Tinmouth, C. (2022). *First Year Interim Report, Evaluation of the Outcome 22 Diversion Scheme*. University of Plymouth: Unpublished.

<sup>3</sup> The research was initially undertaken by a different researcher, however as of March 2023 the research and subsequent evaluation has been conducted and produced by the current researcher and author, with the support of Dr Patricia Gray, Dr Katie McBride, and Professor Zoé James from the University of Plymouth.

intervention and support to address the root causes of a child's behaviour, such as trauma, substance abuse, or mental health issues. By diverting young offenders away from the traditional court system, the focus shifts from punishment to addressing the underlying issues that contribute to their involvement in criminal activities (Smith, 2020).

### **National Practice**

Defined by the police as a 'diversionary, educational or intervention activity' which has been undertaken as a result of a crime report where it is not in the public interest to take further action (GOV.UK, 2023a), Outcome 22 was set up by the National Police Chief's Council in 2019 to acknowledge situations where the police have worked with an individual to address their offending behaviour (NPCC, 2019). Its use is within the local Out of Court Disposal (OCD) panels and is implemented under the Youth Justice Board's (YJB) developing narrative of a 'Child First, Offender Second' approach, which recognises *'that treating children as children, rather than as potential offenders, is the best way to achieve sustained desistance'* (YJB, 2019 P:7). As a result, they aim to look beyond the prevention of youth offending, towards a more constructive approach to generate positive developments for youth offenders to tackle crime, prevent the unnecessary criminalisation of young people, and to encourage positive societal relationships between the community and the young person (YJB,2019).

### **Use of Outcome 22 in Plymouth**

The Outcome 22 <sup>4</sup>Diversion scheme was established on the 1<sup>st</sup> of June 2021 by the Plymouth Youth Justice Service (known at the time as the Youth Offending Team), with the intention of reducing the rate of both first-time entrants (FTEs) and recidivism in Plymouth. Both projects are run under the guidelines of a Child First approach to align with the new direction the Youth Justice Board took in 2019, which highlighted the effectiveness of a child centred approach to tackling youth crime in a way that does not unnecessarily criminalise and harm young people (YJB, 2019). The project was initially established to operate on a two-year trial period, ending on the 31<sup>st</sup> of May 2023.

### **Eligibility**

The Out of Court Youth Offending teamwork with young people aged between 10 and 17 who have been referred to the panel due to their offending behaviour yet have not been charged to court (HMIP, 2022). Currently, Outcome 22 diversion is offered to young people who are deemed eligible, with national guidance often aiding in the decision making. This guidance and eligibility is based

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<sup>4</sup> Nationally, these panels are termed as Out of Court Diversion panels, however Plymouth have decided to name theirs an 'Outcome 22' Panel.

upon a 'Gravity Factor Matrix' whereby offences are placed on a scale of 1 to 4, with 1 being an offence of low seriousness and 4 being an offence of high seriousness. The gravity score for an offence may also be raised or lowered depending on any aggravating or mitigating factors which are also set out in the Matrix. It is this ACPO Gravity Matrix which is therefore used to determine whether a young person should be considered for an out of court disposal, and thus their recommendation to the OOC panel. Within this guidance offences with a high Gravity Factor score (usually 4) often result in a charge (ACPO, 2013; NPCC, 2023). It should be noted that offences with this score are still eligible for an Outcome 22 (YJRH, 2023), however these criteria often get agreed within local panels. Therefore, within the Plymouth Youth Justice Service (YJS), these types of offences will often result in the guiding outcome, such as an offense with a score of 4 resulting in a formal out of court disposal such as a Youth Conditional Caution (YCC) or a charge and will often not be considered for Outcome 22. Furthermore, as indicated above, although nationally admission of guilt or acceptance is not required for an Outcome 22 (NPCC, 2019) the local Plymouth OOC panel have stated that they will only consider cases where admissions are made, thus deviating from national guidance.

### **Plymouth's Practice**

This direction towards a Child First approach has been reaffirmed in both 2021 and 2022 by the Youth Justice Board (YJB, 2021; 2022), with the intention of reducing the rate of both first-time entrants (FTEs) and recidivism nationally and within Plymouth. The use of Outcome 22 begins by utilising police '370 forms' which are populated with information of the incident, followed by any previous incidents that the young person may have been involved in, and finally a recommended outcome from the Officer in Charge (OIC). A PYJS worker will then be allocated to the 'case' and will discuss the incident and concerns, or difficulties that the young person or family may be experiencing, before discussing this with other partner agencies at an OOC Panel.

As a diversionary outcome, Outcome 22 is recommended by a collaborative multi-agency panel which incorporates several agencies from across the city of Plymouth. This includes the following agencies:

- Youth Justice Service Plymouth
- Child Centred Policing Team
- Community Connections (Housing)
- Education Welfare
- Social Work

- SHARP (Harbour’s Drug and Alcohol Young People’s Service)
- SALT (Speech and language Therapy)
- CAMHS (Children Adolescent Mental Health Service)
- Livewell Southwest (Speech and Language)
- Make Amends (Victim Care)
- Street Games

During the panel process, partner agencies will state whether they have had contact with the young person and are also able to give further information about them and their experiences before the panel discuss the level of appropriate intervention, support and finally outcome for the individual.<sup>5</sup> If Outcome 22 is recommended by the panel and agreed by the OIC then the young person is offered a place on the diversion scheme.<sup>6</sup> Once this decision has been made, it is then decided by the panel and the Youth Justice Worker what the young person’s individual diversionary journey will be. This personalisation further allows the panel to support any difficulties the young person may have, such as drug and alcohol abuse, mental health, or educational needs and provide the best intervention possible.

### **About the evaluation**

This evaluation was made in collaboration with the PYJS, the Office for the Police Crime Commissioner of Devon and Cornwall (OPCC), and the University of Plymouth. The aim of this evaluation is to examine PYJS use of ‘Child First’, how it is implemented and what constraints or challenges may be being faced when applying this approach. Evaluation measures have been designed to establish the success of Outcome 22<sup>78</sup>. Both quantitative and qualitative data will be used throughout this report, with <sup>9</sup>the quantitative data being provided through national statistics, and by the Plymouth Youth Justice Service (PYJS). Both national and local data will be utilised in order to compare Plymouth’s positionality within wider statistical trends surrounding the Youth Justice Service (YJS). This includes data about First Time Entrants (FTE) and their proven reoffending

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<sup>5</sup> It is important to reiterate that the local Plymouth panel do require an admission of guilt in order to recommend Outcome 22

<sup>6</sup> It should be noted that in the future the OICD Panel are changing from a recommendation panel to a decision panel, and therefore the OIC will no longer have the final decision on the outcome.

<sup>7</sup> Tinmouth, C. (2022). *Baseline Report, Evaluation of the Outcome 22 Diversion Scheme*. University of Plymouth: Unpublished.

<sup>8</sup> Tinmouth, C. (2022). *First Year Interim Report, Evaluation of the Outcome 22 Diversion Scheme*. University of Plymouth: Unpublished.

<sup>9</sup> Within the interim report, it was noted that a new data collection spreadsheet would be created and used by panel members, and thus be utilised for this evaluation. However, this was not completed and therefore supplementary data requested by the new researcher has been used.

rate (recidivism). Furthermore, the qualitative data has been produced from a series of in-depth interviews conducted with 12 members of the PYJS and the OOC Panel by the researcher. The qualitative data has subsequently been inductively and deductively thematised and reviewed alongside Child First literature.

### **First Time Entrants**

The FTE rate establishes how many children and young people in the city are being brought into the criminal justice system for the first time. This is vital information as it marks the first time a child or young person is classified as an offender which can lead to criminalisation and may have a negative impact on their future attainment. A young person is classed as an offender if they have been issued with either a caution, conditional caution, or if a young person is convicted in court. To prevent this, as part of the diversion scheme, the PYJS would intervene and offer a Community Resolution, or Outcome 22, which aids the young person without criminalising them, thus diverting them away from the criminal justice system. The desired outcome would be to have a significant reduction to the number of FTEs in Plymouth.

It is important to note that data from the years 2020 and 2021 will not be used due to the impact of Covid-19 upon Youth Justice Service trends.

**Table 1: First Time Entrants 2012-2022: National Statistics**

<b>Date</b>	<b>FTE's</b>	<b>Compared to previous year</b>
<b>2012</b>	<b>29,813</b>	<b>-</b>
<b>2013</b>	<b>23,614</b>	<b>-20.79%</b>
<b>2014</b>	<b>21,240</b>	<b>-10.05%</b>
<b>2015</b>	<b>19,203</b>	<b>-9.59%</b>
<b>2016</b>	<b>16,982</b>	<b>-11.56%</b>
<b>2017</b>	<b>15,407</b>	<b>-9.27%</b>
<b>2018</b>	<b>12,715</b>	<b>-17.47%</b>
<b>2019</b>	<b>11,485</b>	<b>-9.67%</b>
<b>2022</b>	<b>8,395</b>	<b>-26.9% (from 2019)</b>

(Ministry of Justice, 2023a)



**Table 2: First Time Entrants 2012-2022: Plymouth Statistics**

Date	FTE's	Compared to previous year
2012	152	--
2013	112	-26.31%
2014	112	0%
2015	93	-16.96%
2016	64	-31.18%
2017	73	+14.06%
2018	64	-12.32%
2019	73	+14.06%
2022	32	-56.16% (from 2019)

(Ministry of Justice, 2023a)

It is evident that as with national statistics, Plymouth's FTE's have reduced over the past 10yrs, with 2 increases in 2016-2017 and 2018-2019. Since 2012 the rate of FTE's has reduced by 71.84% nationally, and 78.94% locally clearly illustrating positive developments across the YJS in preventing the criminalisation of young people. Some of these developments include the Youth Justice Reinvestment Custody Pathfinder (Pathfinder) which hoped to discourage local authorities from using custody for 10–17-year-olds. Some of the provisions in this scheme included 'Multi-Systemic Therapy provision (i.e., intensive family- and community-based treatment programme for young chronic and violent offenders) to help reduce re-offending; and extending post-custody support, for example provision of employment, training, and education to reduce re-offending and breaches' (Wong et al., 2013). It is these provisions which emulate some of the aims of Outcome 22 through support, diversionary, educational or intervention activity following first time entry.

### **Recidivism**

The rate of recidivism is defined as the number of young people who continue to offend and are issued a further caution, conditional caution, or court conviction within 12 months, following entry into the criminal justice system (CJS) (MOJ, 2011). As previously stated, a young person becomes an FTE once they are issued a caution, conditional caution, or have been convicted in court. A high recidivism rate would indicate that there is a failure within the youth justice system to prevent

young people from re-entering the CJS. It is the aim of the current diversion scheme to reduce both youth offending and recidivism across the city, and it is hoped that by utilising a Child First approach that this can be achieved. It is important to note that children who offend and receive an outcome 22 are not an FTE, and if they continue to offend and receive further outcome 22 disposals, they are also not counted as repeat offenders. Therefore, there is a risk that outcome 22 becomes a means for reducing the figures around offending and repeat offending. Additionally, it should also be acknowledged that although the recidivism rate is reducing, there is no way to make a causative connection with the diversion programme and other factors may have been influential. Below, national juvenile reoffending rates can be seen, with Plymouth recidivism rates being discussed later in the evaluation.<sup>10 11</sup>

**Table 3: Recidivism rate: National Statistics**

<b>Date</b>	<b>Number of reoffenders</b>	<b>Average number of reoffences per reoffender</b>	<b>Reoffending %</b>
<b>2012</b>	<b>27,888</b>	<b>3.22</b>	<b>40.5%</b>
<b>2013</b>	<b>23,254</b>	<b>3.37</b>	<b>42.8%</b>
<b>2014</b>	<b>20,000</b>	<b>3.57</b>	<b>42.7%</b>
<b>2015</b>	<b>16,978</b>	<b>3.73</b>	<b>42.5%</b>
<b>2016</b>	<b>14,206</b>	<b>3.90</b>	<b>41.5%</b>
<b>2017</b>	<b>11,545</b>	<b>4.02</b>	<b>38.6%</b>
<b>2018</b>	<b>9446</b>	<b>3.94</b>	<b>38.5%</b>
<b>2019</b>	<b>7,484</b>	<b>3.71</b>	<b>34.7%</b>
<b>2022</b>	<b>unavailable</b>	<b>unavailable</b>	<b>unavailable</b>

(Ministry of Justice, 2023b)

**Plymouth Outcome 22 panel statistics**

It should be noted that due to a variety of data collection constraints, the evaluation team were not provided, as requested, with a comprehensive set of panel data about entry, characteristics of

<sup>10</sup> Currently the national reoffending statistics show that 31.2% of children and young people have reoffended in the year ending March 2022 (GOV.UK, 2023b), however the ‘proven reoffending’ data is yet to be published.

<sup>11</sup> This is likely to have been impacted by periods of restrictions during the first year of the Covid-19 pandemic.

entrants and decision-making outcomes that covered the entire period of the evaluation. Therefore, given these constraints it should be acknowledged that this evaluation is utilising limited statistical data and has had to rely on qualitative data gathered by the researcher. As part of this evaluation, the team were only given data about panel entrants between the 1<sup>st</sup> of April 2023 and the 30<sup>th</sup> of June 2023, therefore allowing limited insight into the demographics of the children.<sup>12</sup>

Plymouth (76.9%) appears to replicate a similar trend to national statistics (86%) with the highest number of offences being perpetrated by boys (GOV.UK, 2023b).

**Table 4: Gender of entrants into the project between 01<sup>st</sup> of April and 30<sup>th</sup> of June 2023**

Gender	Number of Entrants	Percentage
Male	20	76.9%
Female	6	23.1%
Non-Binary	0	0%
Transgender	0	0%

(PYJS 2023a)

Similarly, Plymouth also evidences that those who identified as White (88.45%) were more likely to offend with a statistic that exceeds national representation (72%) (GOV.UK, 2023b).

**Table 5: Ethnicity of entrants into the project between 01<sup>st</sup> of April and 30<sup>th</sup> of June 2023**

Ethnicity	Number of Entrants	Percentage
Asian-British Chinese	0	0
Asian-British Other Asian	2	7.7%
Black British African	0	0
Black British Other Black	1	3.85%
Mixed Other	0	0
White British	22	84.6%
White Other	1	3.85%

<sup>12</sup> The evaluation team received 2 sets of data for this period, one from the Practice Manager and the other from the Business Manager. It should be acknowledged that these two data sets did not correlate, with the first set of data accounting for 26 children, and the second for 57 children during the same period. However, the first data set has been utilised due to the addition of more in-depth information.

(PYJS, 2023a)

Nationally, it has been shown that those between the ages of 15-17<sup>13</sup> are responsible for 83% of proven youth offences (GOV.UK, 2023b). Surprisingly, Plymouth evidence that those between the ages of 10-14 (57.7%) were responsible for more offences than those aged between 15-17 (42.3%).

**Table 6: Age of entrants into the project between 01<sup>st</sup> of April and 30<sup>th</sup> of June 2023**

Age	Number	Percent
10	0	0
11	1	3.9%
12	5	19.2%
13	4	15.4%
14	5	19.2%
15	3	11.5%
16	4	15.4%
17	4	15.4%

(PYJS, 2023a)

Within this sample of 26 children, 32 offences were committed:

**Table 7: Offences committed by entrants into the project between 01<sup>st</sup> of April and 30<sup>th</sup> of June 2023**

Offence	Number	Percentage
Assault	12	37.5%
Criminal Damage	6	18.75%
Drugs	4	12.5%
Public Order	2	6.25%
Sexual offences	5	15.6%
Theft	3	9.4%

<sup>13</sup> National statistics group age ranges as 10-14 and 15-17.

(PYJS, 2023a)

As with other areas, Plymouth's offence types do seem to correlate with national trends, which state that 'violence against the person' made up the largest share of offences in the year ending 2022 (GOV.UK, 2023b). It has been noted that Plymouth have opted not to make recommendations for offences with the Gravity score of 4, and also require the child to admit the offence before offering diversionary work. It is important that this is considered when viewing the outcome of these decisions. Below is a table which illustrates the Officer in Charge's (OIC) recommended outcome, the OOC Panel's recommended outcome and the final decision. Again, it is worth acknowledging that at the time of these panel hearings the OIC held governance over the final decision, although as stated the OOC panel is transitioning to become a decision-making panel.

**Table 8: Recommended outcomes for entrants into the project between 01<sup>st</sup> of April and 30<sup>th</sup> of June 2023**

	YCC	YC	CR	O22	NFA	RUI	Pathfinder	Total
<b>OIC Recommendation</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>18</b>
<b>Panel Recommendation</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>20</b>
<b>Final Outcome</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>17</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>21</b>

It is evident that there are discrepancies with the data here, with 26 children going through the panel process (as declared), yet only 18 OIC recommendations, and 20 panel recommendations and final outcomes. Furthermore, it appears that there is a reluctance to use Community Resolutions, an outcome which is also able to prevent the criminalisation of a child. It should be noted that the evaluation team have unsuccessfully attempted to contact PYJS to further explore these discrepancies.

### **Recidivism in Plymouth**

Within a previous interim report<sup>14</sup> it was stated that Plymouth's reoffending rate had fallen below the national average, with local PYJS reoffending statistics illustrated below:

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<sup>14</sup> Tinmouth, C. (2022). *First Year Interim Report, Evaluation of the Outcome 22 Diversion Scheme*. Unpublished

**Table 10: Recidivism rates for Plymouth Youth justice service Oct 2014 – Sept 2019:**

Date	Number in Cohort	Reoffenders	Reoffences	Reoffences per Reoffender	Reoffending %
Oct 14 – Sept 15	181	63	158	2.51	34.8%
Oct 15 – Sept 16	151	37	137	3.70	24.5%
Oct 16 – Sept 17	125	43	180	4.19	34.4%
Oct 17 – Sept 18	103	36	153	4.25	35%
Oct 18 – Sept 19	135	42	156	3.71	31.1%

(PYJS, 2023)

For this evaluation, reoffending statistics were requested from PYJS for the years 2019 and 2022<sup>1516</sup>, but were not provided despite repeated requests. It can be seen that the number of reoffenders has continued to decline, as has the number of reoffences per reoffender, evidencing continued positive developments for PYJS. However, it can be seen that the percentage of reoffenders, although still below the national average (31.2%) has increased following the pandemic.

**Table 11: Recidivism rates for Plymouth Youth justice service Jan 2019 – Dec 2022:**

Date	Number in cohort	Reoffender	Reoffences per reoffender	Reoffending %
Jan 2019 – Dec 2019	131	26	3.58	19.85%
Jan 2022 – Dec 2022	51	14	3.36	27.45%

(PYJS, 2023)

<sup>15</sup> This is due to the Covid-19 pandemic, and its effects on youth offending statistics.

<sup>16</sup> It should be acknowledged that national recidivism statistics are collected April-March, whereas PYJS reported statistics run January-December.

However, it is imperative to further analyse the implementation of a Child First approach in order to examine its influence on the diversionary process.

### **Multi agency partnerships**

One of the many benefits within a local Out of Court Disposal Panel, is the use of multi-agency partnerships. As previously noted, Plymouths OOC panel is comprised of several organisations who work together in order to ensure the most appropriate and effective support is given to young people who have committed an offence. Throughout the interviews with the local Plymouth OOC Panel, and members of the YOT discussion around the use of multi-agency practice held a lot of positivity, with many highlighting it's benefits.

### **Assessment of young person**

One of the initial steps within the OOC process is assessing the young person who has committed an offence. The decision on whether to assess an individual sits with the practice manager and the youth justice service police officer once the case is referred to the YOT. This assessment process has been deemed invaluable by the YOT and OOC panel who believe that it is this which can determine the best outcome and support needed to help divert a young person from the CJS.

*'So, when a referral comes through, meeting the young person, going up and meeting the young person in the family and getting an understanding of what the child's lived experience is, what the child's life's like and then really looking in what ways you can support this child for the child to have the best outcomes in life, like meeting their ultimate needs and also to divert them away from crime.'*

YOT Worker 4

For those conducting the assessments, it became evident that there was a need to gain a comprehensive understanding of what is happening in that young person's life, as well as their understanding of the offence. It was also noted that it is this process that can help to develop a positive relationship between a young person and members of the YOT.

*'Ok. So, if a young person is going to the panel, for me personally, I would do my best to get as big an understanding as I can of how much trauma the child's experienced and I'll approach it in a trauma informed way. Like from the first meeting of the child, I really try and work and that with that trauma informed approach.'*

YOT Worker 4

It is this assessment process which is vital within a Child First approach as it provides a 'holistic' understanding of the child's psychosocial situation Case and Browning, (2021). It was within the development of the youth justice's 'child first' narrative that 'youth offenders' are redefined as individuals with unmet needs, which are thus manifesting into offending behaviour, rather than viewing the offending as their defining identity (Case and Haines, 2020). Furthermore, it is this concern over the young person's welfare which has further developed throughout the Youth Justice system, as noted by Smith and Gray (2018: p559), who state that although 'the young people entering the youth justice system has been substantially reduced, the needs of those that remain have increased and become more complex.' Additionally, it has been found that to experience complex psychosocial situations, then the occurrence of systemic discrimination (such as defining a young person as solely an offender), can further prevent them from managing conflict scenarios, communicating, and regulating their emotions (Rich et al., 2009). Therefore, emphasising the need to have a holistic understanding of the young person's experience, as well as the creation of a trustworthy and stable relationship between an individual and a professional. It is then that the more positive behaviours can develop, such as self-determination (Elliott et al, 2005) and new skills (Levenson, 2017). For YOT worker 2 the importance of relationship development was paramount to the implementation of positive interactions with the children, however, they did acknowledge that this could be difficult due to the 'short term nature' of their role.

*'Building a relationship sometimes can be quite difficult and it does take time. So, if you've only got 6-8 weeks to do something, you're really limited to the time you have to build that relationship and to do effective work.'*

YOT worker 2

Furthermore, it has been noted that previous risk paradigm and risk-based assessments have often marginalised and excluded the voices of young people, placed responsibility and adulterisation upon them, and therefore de-emphasised any welfare needs that may arise (Briggs, 2013; Case and Browning, 2021; Day, 2021; Drake et al., 2014; Haines and Case, 2015). It is the labelling of 'risk' which is often synonymised with connotations of chaotic, dysfunctional, and anti-social young people as well as perpetuating negative stereotypes which can drive disadvantage in a young person's life (Deakin et al., 2020).

This need to acknowledge wider events and influences surrounding a young person also arose in discussion, further evidencing the YOT's focus upon 'prioritising the best interests of children, recognising their particular needs, capacities, rights, and potential' (Case and Browning, 2021: p5).



*'Yes. From my side, if the young person and the family are working with us and that engagement is making some progress ... yes, there may be a relapse, why should we criminalise a young person or their family if progress is being made. Children make mistakes. I made mistakes when I was a child. Did I need to be criminalised for it? No, I just needed a bit of guidance, putting on the right track and a bit of support, off we go, if you know what I mean, and if they're really engaged in that process and they're willing to continue, agree a new plan, whatever and so forth, what's criminalising them going to achieve?'*

YOT Worker 1

*'Actually, we go right, we need to do something with this kid ... actually if you look at it deeper it's all social care issues, it's about the home environment ... should we be criminalising that kid?'*

OOCD Panel member 7

It is this focus upon the experiences of a young person which also adheres to the ideology of trauma-informed practice by changing the current paradigm of practitioners from questioning 'what's wrong with' to 'what's happened to' individuals (Elliot et al., 2005). However, it was also highlighted that the assessment process had been met with some negativity due to the decision to assess the majority of young people who are referred to the O OCD panel. It is this reliance and regular use of the assessment process which has the ability to increase the risk of net-widening, and the criminogenic stigma of a child. Additionally, it is these assessments which have adhered to previous risk-based paradigms (Case and Browning, 2021; Day, 2021; Drake et al., 2014; Haines and Case, 2015), yet are still regularly used within the diversionary process.

*'Well in theory it does. I mean, you know, I've been hauled over the coals a bit for assessing most children that come through, but again, you can only plan and work with children if you've got the information that's relevant, and not all social care assessments are looking at the kind of criminogenic needs of kids and why they've got to the position they've got to, and the crime.'*

OOCD Panel member 4

As noted, the Child First approach highly emphasises the importance of a holistic assessment, one which moves beyond the idea of risk, in order to build upon a young person's strengths, establish a reason for their behaviour, and whether additional support and intervention may be an effective method of desistance (Case and Browning, 2021). The importance of the assessment process was further highlighted in discussion.

*'We need to decide whether they need to actually go to have an assessment or if we can deal with them in some other way and we're both very reluctant to deal with them in some other way other than with an assessment because we like to know what's going on for our own sake, you know, if they're not known, we'd like to do an assessment to find out what's going on and why they're not known, and then if they're really known we want to do an assessment to find out well, if someone's working with you and everything's going that way, why isn't it working? So, in a world where we shouldn't assess everybody, we generally tend to assess everybody.'*

OOCD Panel member 4

It has been acknowledged that with the elevated use of assessments, there may be an increased risk of net-widening. This risk has been shown to occur within early intervention and diversionary programs, increasing a young person's contact with the CJS through formal justice system intervention, further problematising the individual in the future (Smith, 2019).

Additionally, it is this process which also risks the depletion of the system's resources by shifting them from the young people who are most in need to those who are least in need, or do not need intervention (Prichard, 2010).

### **Information sharing**

As with the work of Case and Browning (2021) it was found that an additional benefit of the OOCD diversion scheme is the process of information sharing and dissemination between the organisations that are present at the panels. It was noted that communication and information sharing both during and following a panel session, allowed the creation of an evidence-base for those who had been referred for the OOCD panel. For the participants this communication was deemed fundamental when considering the best support for the young person. As stated by Case and Browning (2021), it is this knowledge exchange which allows for the creation of cognisance, and a comprehensive 'evidence-base' of the young person's experiences.

*'Information is key, so you're relying on the outside agencies to give you the right information and everybody just communicating openly, which is a massive improvement to years gone by.'*

YOT Worker 5

*'For me, what works best is all the different professionals that we have sitting around panel ... the substance misuse, assault, CAMHS, all these amazing professionals that can look at all*

*specific areas for them and we've got like easy and fast access to them whilst we're working with them, so it's not a really delayed process. We can meet their needs really quickly.'*

YOT Worker 4

*'I've got quite good relationships with all of that panel now so, it's that point of contact which I think is really, really good and breaks down the barriers between other services and things as well, especially that information sharing process.'*

OOCD Panel member 7

An additional benefit that arose also came from the ease of access to one another through a shared working environment. This further allowed for individuals to gain additional knowledge from each other in a short amount of time, with the ability for an open conversation about any concerns that they may have about a young person

*'A lot of them as well, before they come to out of court meeting, a lot of the youth justice workers will email us all to say is this person known to you before, so like they're already getting that information. I've done quite a lot of training with the staff here so like they'll often come to me and be like can we just have a quick discussion about this kid and then I'll be like yeah, actually that is one for me and stuff. So, I think their knowledge is there and they are definitely putting in the referrals and saying their concerns.'*

OOCD Panel member 6

### **Decision making**

Throughout discussion, all participants were highly positive about the relationships between the YJS and wider partner agencies. It was highlighted that a mutual knowledge exchange often occurred, and it was felt that professionalism, child centricism and cognisance was evident throughout the panel process. The OOCD process, currently aims to make a recommended outcome to the police and officer in charge (OIC). Throughout this process, all voices of the panel are heard, with all having 'equal' weight in the recommendation process. Throughout discussion, it was stated that all panel members felt comfortable to raise concerns, share their opinions and discuss the young person and their actions openly.

*'Yes. So sometimes it's not always easy to come to a decision. We don't have it a lot. Most of the time, I think, we're on the same page but occasionally there's a few young people who we're, you know ... yeah, you've got to treat everybody on an individual basis, and it is a*

*forum where you can say no, actually I don't agree, and it should be something more formal or less. So yeah, we're definitely comfortable to do that'.*

OOCD Panel member 2

However, it has been noted that the final recommendation, if there is no agreement, comes from the police and the youth justice service manager, whilst the final outcome is the responsibility of the OIC.<sup>17</sup>

*'It is hard and ... so we have ... obviously people like youth workers are very passionate about the children they work with and what they've got, and then we've got the police coming from a different angle, so like yesterday we did meet in the middle. Sometimes we don't meet in the middle and the worker just has to deal with whatever the police kind of want doing'.*

OOCD Panel member 4

*'We had one recently where a couple of us were wanting more of a formal route and a couple of us weren't wanting ... and they're really hard then. At the end of the day, it's still a police decision, so we can only just make a recommendation, but everyone's views are heard so everyone's thoughts are put in and then it's like a majority kind of vote really, but even whatever we put in, the police could still change their mind, so it is just a recommendation'.*

OOCD Panel member 6

This highlights that although the OOCd process aims to prevent the criminalisation of young people and utilise organisations that can offer further support and guidance, their expertise can be dismissed should the OIC deem necessary<sup>18</sup>. It is important to acknowledge that the process of an OOCd remains embedded within the criminal justice process rather than separate from it, with the implications of the police having the final outcome decision potentially evidencing resistance to the move from a risk-based approach towards a more child centred one (Case and Haines, 2020; Day, 2021). This consideration of risk, and public image from the police have further been illustrated by panel member 2 who utilised a recent panel case, and although the young person had no previous contact with the police the need to consider risk had an evident influence upon the panel's decision.

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<sup>17</sup> As noted above, the OOCd panel is currently being transitioned to a decision panel, rather than solely recommendation. Therefore, the OIC will no longer hold the final outcome decision.

<sup>18</sup> As aforementioned, this will change as the OOCd panel transition to a decision panel.

*'You need to look at what that offence is. I think that's what the panel affords us, is the time to be able to look at what that is and pick a little bit of what's already gone on. You know, some of those No Further Action crimes, they might literally be no further action. They might not have been a complaint so there would've been no further actions, so they might not have had that opportunity or any diversion. So sometimes an Outcome 22 is still appropriate. But like the other day, we had that young lad who had been driving his dad's car ... he's come from nowhere, but he done it again and he done it again, so looking at that risk it was appropriate for a YCC for him. So yeah, you do have to weigh up the risk factors as well, yeah, and you kind of have to have one sort of little thought about sort of the public confidence part. The police are getting absolutely slammed every day for public confidence, so imagine if, you know, it got it out into the press or whatever ... we say like the Daily Mail test ... this 11-year-old is nicking his dad's car, driving around, has crashed it once already and we just let him ... NFA, you know'.*

OOCD Panel Member 2

Furthermore, it has also been acknowledged, that a lack of awareness surrounding Child First practice may present amongst the police, particularly surrounding the complexity of experiences for youth offenders. This could be due to a lack of adequate training, confusion surrounding key terminology and current practice, particularly the use of risk-based assessments, as well as potentially mixed messages from both meso and macro levels (Bateman, 2020; Day, 2021).

*'We're in a position at the moment where probably 70% of the cases we get come through, come through from the actual Child Centred Policing team. So, they made a really good move earlier last year to make one of their officers an investigating officer and then he does all the, in theory, a lot of the child crimes. So, between the officer and the sergeant, what was there yesterday, the sergeant, they kind of know how we work, we know how they work, and they know the options that are available to children for out of court because still, across the whole police force, not all police officers are, you know, aware of what's going on'..... I think if the police were being honest, a lot of the officers who are out on response and stuff wouldn't understand why we're doing what we're doing. I think there's a certain amount of reputational bias that goes along with children.'*

OOCD Panel member 4

As previously stated, it has been decided by the Plymouth Youth Justice team that an admission of guilt is needed for the panel to consider a person eligible for Outcome 22, as well as offences with a Youth Gravity Matrix of level 4 being deemed ineligible for a diversionary programme.<sup>19</sup>

*'To be fair we tend to agree with what's recommended. So, there's some circumstances we have to agree. So, if a crime is on the Youth Gravity Matrix level four, so that's like your serious sexual assaults, your attempted murders, GBHs, things like that, we don't really have an option with that one. That one has to be given a charge to court so that can be dealt with'.*

OOCD Panel member 4

As noted, these decisions do not correlate with national guidance, and have been solely structured within the local YJS. It is the combination of the police being the decisionmaker, and the decision to not include higher severity offences and those who have not admitted guilt that evidences an inclusion of risk-based decision making. It is this risk factor paradigm which has received mass scrutiny (Case and Hampson, 2019), being deemed 'at worst, a contempt for children in trouble with the law; and at best, a disregard for their needs (Day, 2021).' This appeared evident throughout discussion and has also been seen within panel sessions, particularly with young people who commit multiple offences, irrespective of the low severity and their continued positive developments whilst working with the youth offending team.

*'It happened to me the other day when I had a young person who had committed a very small crime, it was just sort of a public order for sort of shouting at the police, so my thing in that was that this young person probably doesn't need to be receiving any large punishment for this. However, there's a policing view that because he had had previous and he'd previously done youth conditional caution and an Outcome 22 that he's not learning, and I think my debate on that was actually well the two things that he was caught for before were possession of an offensive weapon and also theft, shoplifting, and those two crimes have not come up again, he's learnt a lot about that, and what good are we going to get out of, you know, giving this person another youth conditional caution when he's worked with me for overall probably about 30 weeks amount of time, so what more work can we do, and actually since this happened, which was in December, and only went to panel last month for it, it's been five months without hearing a peep out of him, so you know, what good are we gonna do by doing that? But then they won't come away from we were recommending a charge.*

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<sup>19</sup> This is a decision made by the local YJS and is not a part of national guidance which states that no admission of guilt is necessary, and that there is no restriction due to the Gravity Matrix of an offence.

*So, we ended up on a youth caution which to me, I still think it quite harsh for the crime that he committed, but you know, they sort of couldn't come away from it, but they were looking at youth conditional caution, it did come down from there'.*

YOT Worker 3

*'We don't want to go all the way up to youth conditional caution because that is going to have an impact, but actually doing another Outcome 22 when they've had one recently and they've not changed their behaviour, you know, they need to have something that's gonna say actually you need to stop doing this now.'*

OOCD Panel member 4

Case and Browning (2021) note that it is due to a lack of comprehensive training and guidance that an 'inevitable regression' has occurred whereby risk-informed practices are continuing to be utilised alongside positive rights-based ones, thus directly opposing the Child First narrative.

It is evident that the OOCD panel process, although primarily positive, has evidenced some risk-based practices. However, it remains imperative to further evaluate individual understanding of Child First practice and to explore how or if it is implemented in OOCD panels.

### **Children as children**

Within the first tenet, it states that seeing children as children includes 'prioritising the best interests of children, recognising their particular needs, capacities, rights, and potential. All work is child-focused, developmentally informed, acknowledges structural barriers and meets responsibilities towards children' (Case and Browning, 2021). The Child First, Offender Second model states that youth justice practice should be child-friendly, child-appropriate, and child-focused, aiming to consider the full complexity of a child's lived experiences, perspectives and needs. This approach further requires the child to be viewed as part of the solution, utilising their strengths and interests, and keeping their rights and needs at the forefront of the youth justice process (Case and Haines, 2015). Throughout discussion, it became apparent that all participants acknowledged the need to place the child's interest at the forefront of any outcome or diversionary intervention.

*'So, if you're thinking Child First and you're taking into account their experiences or what's going on in their life at the time, I think an Outcome 22 is a step in a way from the escalation process, as such, to give them that opportunity to unpick what's going on, I think is really good.'*

OOCD Panel member 2

*'Yeah. I think everybody that goes there goes with the best interest of the young person, you know, it's forefront of their mind when they go in. I certainly get that feeling when I'm in the room.'*

OOCD Panel member 5

*'Like the other day, I sat in ... it wasn't really an out of court side of it, but an enhanced case management, and it was the timeline of the kid's life from start to now and all the key events in his life that's happened and it wasn't until you physically see all the trauma and stuff that they've gone through that you realise actually that's why they are the way they are.'*

OOCD Panel Member 6

This was particularly evident when discussing work that has been undertaken with some of the children, such as Restorative Justice work, an area of the CJS which is traditionally victim led and offence focused.

*'A lot of my referrals come from the out of court panels, and I had a young person who'd been caught doing anti-social behaviour in the city recently, him and some friends had gone into a boat yard and ruined a load of boats and we managed to get a letter out of that. Another recent case is I had 2 lads that had broken into Argyle football grounds, stole the tractor and did a load of damage to the field. We managed to do 1 face to face conference, and 1 lad did shuttle mediation and the reason why we had to differ was because it was clear that 1 of them wouldn't be able to do a face to face, or even write a letter because of his learning needs. Argyle was happy with that and just wanted some answers, so they were happy with how it was managed overall.'*

OOCD Panel member 1

It is this consideration of a child's experience, and maturity to facilitate desistance which aims to further prevent them from being treated as criminals within the criminal justice system. Additionally, this paradigmatic, academically motivated shift away from the previous deficit-focused risk agenda, towards a strength-based approach further aims to remove the label of 'criminal' placed upon youth offenders, and thus eliminate the synonymous stigmas (Case and Hampson, 2019). This labelling was acknowledged by OECD panel member 5, with OECD panel member 7 recognising the importance of engagement and development for the child.



*'I think it's to view that young person that's come to the attention of the police in a multi-agency sort of manner, gain as much information as we can about the young person from all agencies and then explore the best outcome for them and try and keep them out of the justice system because do you want, you know, young people to have a label at such a young age.'*

OOCD Panel member 5

*'I always find the panel really kind of useful because it gives different peoples perspectives and I think the assessment as well, completed by YOT, is really beneficial because it helps to support the justification of why we're recommending what we're recommending and actually putting the child first really and to identify actually why little Johnny's doing what little Johnny's doing, and what the likelihood of them engaging, developing and everything like that is.'*

OOCD Panel member 7

Being developmentally informed is a key facet within the first tenet (see children as children) of the Child First agenda and is inclusive of 'taking into account levels of maturity and the potential effects of trauma upon healthy development' (Case and Browning, 2021: P45). This acknowledgment of child development and the impact of the CJS upon an individual's future was further recognised by all participants and has been exemplified by OOC Panel members 2.

*'Yeah, and that's the other thing isn't it, about if you're criminalising them, it might have an impact on the rest of their life. They've got those aspirations to do a job where they're potentially going to need to have quite a high level of vetting or DBS checks or whatever and some of this stuff will appear on it. So, I think it's being mindful of the future for them as well and giving them that opportunity to ... we all make mistakes don't we, you know, and not letting it ruin their potential future.'*

OOCD Panel member 2

In addition, to be developmentally informed also incorporates the need to acknowledge 'individual obstacles to progress' and responding with 'bespoke interventions' (Case and Browning, 2021: P45). This 'bespoke' approach was highlighted by many who acknowledged that the individuality of a child's experience also needs tailored intervention in order to provide the best and most appropriate support. This has been exemplified in discussion with OOC Panel member 6 and YOT Worker 4, identifying the panels approach to children who present additional needs:

*'What I think we're really good at is if they've got additional needs, identifying like if somebody's gone to like say a special school because they've got learning needs. Like we had one case and he kept coming in and coming in and coming in and we kept him out of the court arena for years because it just didn't seem fair given all his diagnoses and his needs, so I do think we're quite good at seeing the young person as a whole and not trying to criminalise if we know that actually it might be more alongside their additional needs is the issue. So, I think ... yeah, so I do think it is kind of ... each child is different isn't it and it's kind of tapered towards everything and I think that's where it is really important to kind of have an idea of where they're at and what is going on for them.*

OOCD Panel member 6

*'I look at all aspects of the child's life and then when I attend the out of court panel hearing I'm still with this child. So for instance, just as an example, one child that was an out of court panel, it was for stealing and he stole a chocolate bar, and a drink because he was hungry and he was thirsty, so when I explored this, the school ... there was recordings from the school, several recordings to social care that he was attending school without uniform, without a packed lunch, without food, that he was hungry and they were trying to care for him and trying to feed him, and then when I met with mum, understanding she had severe mental health problems where she would like just almost close all the windows, close the curtains, she wouldn't let anyone in the home, she wouldn't leave the home. So, this little boy, he was trying to feed and water himself, that's why he stole. So then do we look at him as an offender or as a child with a huge need that's had a traumatic background and is still living in trauma.'*

YOY Worker 4

This was also further highlighted by YOT Worker 2 and Panel member 6 who were able to illustrate some of the ways that their process and materials may be adapted to suit the needs of the child:

*'Well, we did agree eventually 12 weeks, so we could take into consideration those additional needs and exactly the fact that actually it's going to take a little bit longer to build that relationship, if we accomplish that relationship earlier than anticipated and we are really successful in kind of meeting those unmet needs, we can bring it forward and that's something to kind of ... it's strengths led'*

YOT Worker 2

*'I've done some training with just to highlight sort of what is communication needs, what it might look like but also how we could adapt our language to make it more accessible for them and support them. Yeah, I do a lot of alterations of the resources they use here to make them a bit more child friendly and accessible.'*

OOCD Panel member 6

The final aspect of the first tenet is to recognise any potential structural barriers that may appear for the child, and them receiving appropriate help and support. Within this, participants noted that the education system, and social work often proved difficult to engage with and therefore prevented an entire interagency partnership which is pivotal to the operationalisation of the Child First approach (Case and Browning, 2021).

*'Social care is another one. As you could tell yesterday, not a lot of social workers turn up to the meeting which again I need to raise with our service manager, because again, how are we supposed to work with these children if they're not ... it's 10 minutes. Do you know what I mean? It's not a massive commitment, I don't think. But that might be down to us inviting them too late or they don't have enough time or something. I don't know'*

OOCD Panel member 4

*'I would like to think that social care would contribute a lot more and I think that is my ... because you can send invites and they don't even respond and I think well actually ... particularly if there's a looked after child, it's our council that has got the responsibility, so they do need to be represented. So yeah, I think social care should be presented a lot more than what it is or at least be asked to send a report in.'*

YOT Worker 5

*'I think the only one missing yesterday was education welfare because we normally have education welfare there, but she wasn't there yesterday. So yeah, that's another bit of an issue actually, is the education welfare side. So, we have got to have a school there as such, but now because we've got so many academies, they don't buy into the education welfare service, so you've got an education welfare officer there who kind of goes can't do anything there, they're an academy, they don't give us any information. So that's why the EWO was there originally, I think, because they should have all that information, but because whatever's changed, we don't necessarily get all that information as well.'*

OOCD Panel member 7

It is due to these barriers that the team may be unable to gain insight into the experiences of the child in their entirety, potentially missing additional opportunities to provide support and guidance in pivotal areas for the individual.

### **Develop pro-social identity for positive child outcomes**

The second tenet of the Child First approach is to develop pro-social identity for positive child outcomes. This includes promoting a child's individual strengths and capacities in order to develop sustainable desistance, therefore generating safer communities and fewer victims (Case and Browning, 2021). It was in discussion with the YOT that this strength-based approach was at its most apparent. Many discussed focusing their support and intervention work around the interests and aspirations of the child, and this included their inclusion within community groups.

*'So yeah, I tend to try and look at that positive activity that goes on most interventions ... what can we do to try and build that, and then if they're busy in the community playing basketball, they're not in the community breaking the bus-shelter.'*

YOT Worker 1

*'Yeah, definitely. So, we look at sort of the assistance factors, obviously looking at what things are going to support them to stay away from crime, sort of for the positive ones, and we're going to be looking at strength based. It's always brilliant if you go into an assessment and mum or family, whoever's sort of supporting them, are really sort of onboard with it, they're happy to support this child in any way, happy to get them into clubs, happy for the worker to come around, that sort of good connection is always very strength-based focusing on what they like doing because if there's positive things that they like doing, then that's going to make your job easier as a worker ... I really like boxing ... well can I get you into a boxing club? What I like to do a lot of the time is take my kids out on like activity sessions where I can then talk. So, is it kicking a football around? Is it getting the pads and gloves out? Is it going to the gym? Those are the strengths of the child which is then going to help to engage them. So yeah, I do think we work on a good strength-based approach, and it does really support any work we've got to complete.'*

YOT Worker 3

It has been suggested that the formation of pro-social identity is pivotal in driving positive outcomes (Hazel and Bateman, 2021), and that it is the child-centric understanding of Child First and its focus

upon engagement, effective communication, and the establishment of supportive and trusting relationships which allows children to feel empowered, be heard and feel valued (Case et al., 2023). YOT Worker 2 further emphasised the desire to understand the child and tailor the work to their own strengths and interests:

*'I think everyone tailors their work to the child they're working with, but we also play to our own strengths. We all obviously come from different backgrounds, and we like to utilise that, so things like sport and the gym, there's someone who's good with arts and crafts and sort of the reparation work. We want the children to be working with someone who is also passion about what they're passionate about because it really is a good way of helping and role modelling that for them. For me, my background is in psychology, so I like to do stuff around positive social and mental wellbeing, self-identity, and self-concept. I like doing that sort of work with them because it lets me see what they think of themselves through their own eyes...I really do like to put a lot of the onus on understanding how the child has felt in certain situations rather than the typical 'victim work' and that's well reciprocated because I get to know them better and understand their point of view.'*

YOT Worker 2

Therefore, it is by adhering to the processes that it is hoped children will be able to fulfil their potential and thus make positive contributions to society (Case and Browning, 2021). It is these supportive and trusting relationships which can aid communication with a child and therefore allow collaboration with them. Collaboration with children is the third tenet of the Child First approach, and notes that 'all work is a meaningful collaboration with children and their carers' and includes engagement and wider social inclusion (Case and Browning, 2021 p:45).

### **Collaboration with children**

When discussing collaboration, many referenced this through engagement with the child, in particular YOT staff. The need for engagement is crucial for collaboration and implementing appropriate diversionary measures and was highlighted by all participants in discussion. This engagement/collaboration included prioritising the child's voice (as seen above through their experiences, understanding and needs) and implementing a strengths-based approach built upon this. It has been noted that all diversionary work is voluntary and requires willingness and engagement from the child in order to proceed, an element which all of the YOT workers stated could be challenging, yet they prioritise gaining this engagement through the creation of a trusting

and supportive relationships. These efforts were acknowledged particularly by Panel member 6 who stated:

*'I think the YOT staff here, in particular, they're very good. They will persevere. It's not like a one call and that's it. They would try and make a few attempts to kind of build-up that relationship. So, I do think they would try quite hard to build up that relationship to start with to work it, get them to engage, it wouldn't just be a write-off straightaway.'*

OOCD Panel member 6

This was further emphasised by YOT worker 2:

*'Engagement for me is all purely focused on the relationship. You need to have that relationship with the child because there's kind of ... you can obviously get kind of attendance but not engagement and I think the two are very separate. So, you know, they might still turn up week-in week-out but if they're simply attending and it's just because they feel that they need to, you're not really ... you're just changing or you're trying to change a behaviour in that respect, you're not really trying to change the attitude behind the behaviour. So, if you can kind of get that relationship on track and they're engaging and they're coming because they actually enjoy seeing you and actually, they feel like they're gaining something from this, they're working with us, I think then we are doing our job.'*

YOT worker 2

The emphasis and targeting of the child strengths is regularly used to promote Child First practice and are seen as 'protective factors' which are often used synonymously with 'desistance factors' (risk based) for inspecting/evaluating 'organisational delivery' (Marder, 2020). The Child First approach was originally designed to oppose the previously favoured risk management approach and therefore the simultaneous use of both of these practices can appear contradictory and confusing (Case and Browning, 2021). This can be seen in conversation with Panel member 5.

*'I think there is, you know, if we get a feeling they're going to engage, that's fine, but if you also know ... so we had a few through recently where we've tried to work with them on a voluntary basis because their anti-social behaviour's been quite high, so we've been trying to engage them on a low kind of voluntary level and they haven't engaged and then they've come through for a crime, we're almost like well there's no point ... there's not no point*

*trying, but we have tried for a long time to engage that child and they don't want to engage, so the options are youth conditional caution or we send them to court because there's no other way they're going to engage with us because they're not taking it serious, the family's not taking it serious. '*

OOCD Panel member 5

This evidences that although a child who has demonstrated antisocial behaviour and is yet to commit a criminal offence, their history of non-engagement can be viewed as a 'risk factor' and therefor impact the decision made at panel should they come through that process, and their opportunity for diversion.

### **Promote diversion**

The final tenet of Child First is to 'Promote a childhood removed from the justice system, using pre-emptive prevention, diversion, and minimal intervention. All work minimises criminogenic stigma from contact with the system' (Case and Browning, 2021 P:45). This promotion from diversion was acknowledged as being implemented throughout every stage and interaction with a child, particularly through the recognition of unmet needs and individual experiences. Goldson and Muncie (2015) note that diversion can be prioritised by viewing children as vulnerable, in need of guidance, help, support and protection. These potential vulnerabilities have been highlighted by YOT worker 4 and Panel member 7:

*'So, my main role is to divert them away from crime, but you're not going to be able to divert from crime unless you can look at the ultimate needs and try and help with them. So, if they're struggling in school and it's not recognised as a learning need, then that's not going to help them with themselves is it. Like one family I was working with, they didn't even have any hot water or working boilers, so it was important to look at that before we moved on to look at other things really ... let's at least meet the main needs.'*

YOT Worker 4

*'Actually, we do a bit more digging, and we see what's going on in that child's life and to me, again, that's a lot more beneficial because we get a holistic view of what's going on for that child and a lot of the times, it can be the first time that professionals have been into that family home as well. So, it can bring up other, you know, other safeguarding concerns or other intervention support to be put in place at an earlier date. So yeah, I think if we didn't*

*have a thing such as the panel, I think there could be lots of missed opportunities to probably divert children away from court and actually see that we can work with a child via an out of court disposal and give them that opportunity.'*

Panel Member 7

### **Constraints and challenges**

Although it has been evidenced that the PYJS are aiming to adopt a Child First approach, those who participated in this work highlighted some pertinent constraints and challenges for implementing it and supporting diversion. In addition to the previously acknowledged frustrations surrounding panel attendance by organisations such as social services, additional difficulties were noted with other agencies who may potentially be in contact with an offending child. Within a panel session attended by the evaluator a discussion surrounding a child's mental health and potential learning needs arose. It was highlighted that the child had been referred to the Child Development Centre (CDC) as he/she had previously been declined an assessment with CAMHS. This appeared to be because it was unclear whether the child was experiencing mental health difficulties, or expressing additional learning needs, or both.

*'Sometimes there's a conversation around why, what's their mental health need, why CAMHS, and then from that we'll take them on, put them on a waiting list and then give them an assessment. There's some discrepancy sometimes around is it CAMHS or is it CDC. Child Development Centre do a lot of the screening for like the autism and neuro developmental difficulties. So sometimes you want to advise, or they might be waiting for an appointment with CDC, so we say no, it's not us. So, there is a bit of that but generally if they're discussed at panel and they think it's appropriate for us, then we'll take them on.'*

O OCD Panel Member 5

This has the potential to delay a child from being appropriately assessed in a timely manner and therefore receive support which is adequately tailored to address their needs and so help to promote diversion. Although it should be noted that a key benefit of the panel process as highlighted by panel members is the potential to have children referred and assessed quicker than the current referral process. This is due to the appropriate practitioners working as a close team with PYJS. One panel member from Speech and Language Therapy (SALT), commented that whereas a community referral can take as long as a year, a panel referral may take only a few months.

The success of the referral and assessment process is also dependant on the composition of panels because they allow for a diverse range of expertise, encourage effective communication between



panel members, and facilitate better understanding of the key aims and principles of diversionary intervention. However, there may also be difficulties if panel members are absent.

*'So, the person who was covering me was only doing a day-and-a-half, so there's been lots of things. So my waiting list isn't where I want it to be, I would rather be able to see them like a week or two in, especially once they've ... like before the YOT staff start working with them, ideally I wanted to see them first so then they've already got their identified needs and then all the work they're doing is targeted, whereas it's not always working to that and that's more just because ... even though they've already bought more time for me here, which is brilliant, there's still such a demand.'*

OOCD Panel member 6

### **Conclusion and Key Findings**

This report has aimed to evaluate the effectiveness of the Outcome 22 diversionary scheme in reducing first time entrants and recidivism in the city of Plymouth, as well as whether the process adhered to the YJB's 'Child First, Offender Second' narrative. This was done through a mixed methods approach in order to holistically evaluate the process, utilising one to one in-depth interviews and statistical data provided by PYJS.

### **Child First themes identified**

Throughout this evaluation process several Child First themes were identified, including the continual acknowledgement from participants that children were likely to make mistakes, and that their role and the aim of the OOCD panel was to avoid the unnecessary criminalisation of children. In addition, there is clear evidence of positive multi-agency partnership work, with panel members having a shared vision to promote prevention and diversion by providing holistic and tailored support at an early stage of intervention.

Furthermore, all interviewees emphasised the importance of giving children a voice, and to recognise their experiences, point of view and needs. This is especially pertinent when considering a child's communication needs, with YOT workers showing particular sensitivity when developing their intervention work in this area. Often, this intervention work appeared to be focused upon a child's 'strengths and interests, thus encouraging engagement and the development of a positive pro-social identity. This was frequently achieved through the use of YOT workers' experience and expertise or the use of broader community organisations (such as Street Games and Argyle Community Trust). Additionally, it is due to the recognition of the child's experiences that intervention work appeared

to align with Child First principles, rather than emphasising and focusing on the child's offence, thus adhering to the 'Child First, Offender Second' narrative.

### **Challenges to adopting a fully Child First approach**

Whilst intervention work appeared to align with the Child First principles, diversionary decisions and practice sometimes varied when cogitation of a child's offending history, and their willingness to engage or admit guilt was considered. The infiltration of such risk-based thinking into the panel process therefore opposes the key principles of the Child First agenda, drawing attention to the offence rather than the child and their experiences. In addition, given the child is referred to the OOC panel via the police, the process is already embedded within the CJS process. The implication of this is that the police have the final outcome decision which appears to suggest resistance to the move from a risk-based approach towards a more child centred one.

The high use of assessments increases the risk of net-widening and therefore can emphasise a criminogenic image, and external criminalisation of the child. This is done by exacerbating their contact with other organisations and imposing further restrictions, observations, and controls upon the child. All in all, it is difficult for the panel to implement a purely Child First approach as decision making and intervention plans are based on a 'dual image' of the child, that is the 'child as offender' and the 'child as child' (Day, 2021). This is further exacerbated with the OOC panel working 'collaboratively' with the police and considering their recommendation before making their own recommended outcome. Arguably it is the OIC administering the final decision which can be problematic due to their lack of knowledge surrounding 'Child First'.<sup>20</sup>

As noted by the Youth Justice Board (YJB) (2023), diversionary practices remain 'varied and inconsistent'. It is the local PYJS decision not to deal with offences with a Gravity Matrix of 4 and requiring a child to admit guilt. This has the potential for children to be unnecessarily criminalised and have varied opportunities to access support services, including the varied application of the use of Outcome 22.<sup>21</sup> There is clear evidence of the use of Child First principles throughout the out of court process in the Plymouth OOC panel, however, there are no official guidelines about how to consistently implement and maintain this approach. This is evident in the way risk-based principles and Child First tenets are used simultaneously, demonstrating a state of incongruence between policy and practice (Case et al, 2023).

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<sup>20</sup> It has been noted that this is changing with PYJS OOC panel becoming a decision-making panel.

<sup>21</sup> It is apparent in the data received that PYJS opt to use Outcome 22 rather than other No Further Action outcomes such as Community Resolutions. The evaluation team have requested further information on this, however, were unsuccessful.

The local PYJS currently has no evidence base surrounding the intervention work being undertaken in its diversionary project, and there are inconsistencies with the data already collected. This includes the documentation of referrals and work undertaken, therefore making it difficult to verify whether the positive developments (reduction in FTE's and recidivism) are due to the implementation of diversionary measures. This is due to a lack of administrative accountability/responsibility for shared record keeping, and as with the YJB (2023) these data recording difficulties are impacted by no definitive assessment tool or data recording standards. The Plymouth Youth Justice Service (PYJS) multi-agency 'child first' diversion scheme, known as Outcome 22 must place greater importance on collecting relevant statistical data, so that the quality and effectiveness of its programme can be more rigorously evaluated.

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