

Knowledge Exchange Network: meeting five

The [Knowledge Exchange Network](#) held its fifth meeting on 1 June. This session focused on out of court disposals and assessed the challenges and opportunities of using OOCs for young adults.

Inspector Jamie Hobday, West Midlands Police, shared the learnings from their OOC, [Turning Point](#). They created this model by working with Cambridge University on what works at reducing reoffending as well as supporting victims.

The diversion scheme is offered to those who have not previously been convicted at court, but who the police are likely to charge for prosecution. Those that choose to participate enter into a tailor-made plan of action that they must take to avoid prosecution. If at any time they breach their contract, then the prosecution will be reinstated.

Plans can include rehabilitative actions such as support for substance misuse; restrictive actions such as curfews; restorative conferencing; direct reparative work for victims; and more recently 'Community Payback', provided by the probation service. Police Offender Managers and Birmingham Youth Offending Service staff oversee these plans.

Network members were then separated into workshop groups to discuss the following:

- Does your force currently have a two-tier out of court disposals framework and how does this work?
- How do you currently 'blend' rehabilitative, reparative, and punitive options in your out of court disposal, and do you feel you are able to deliver to all three elements?
- Should the police use community resolutions for people presenting with repeat low-level offenders with complex needs?
- Would changing 'admission of guilt' to 'admission of responsibility' help increase the number of young adults diverted away from the criminal justice system?

Members were also given polls to answer via zoom in order for us to better understand their police force's use of OOCs and the challenges they face. Results to these polls are found on pages 5 and 6.

Adopting the two-tier framework

There was a general agreement that the quality of the two-tier approach was important moving forward, with many forces keen to strike the balance between getting it right for both offenders and victims. Members shared where their force was at in developing a two-tier process:

- West Yorkshire have a two-tier pilot, which is believed to have been used to good effect and is liked by police colleagues, but there are some geographical exceptions.
- Devon and Cornwall have adopted the two-tier process to a degree – the model is 90% there but still needs to be tweaked depending on national recommendations and guidance. They are also looking to invest in a child centred policing inspector.
- [Turning Point in North-West London](#) is being delivered as a randomised control trial. It is compulsory to have restorative justice on part of the conditions and the victim dictates how that takes place. Offence types vary – drug offences are most common (and have massively increased over pandemic), other offences include criminal damage, ABH, harassment, public orders. They have a full-time team working on this programme (including a part-time data

analyst), rather than sat in IOM and YOS, so they have specific resource of police staff rather than police officers to deliver.

- Derbyshire are looking at doing a phased route to the two-tier model and are currently working with organisations to put services in place.
- South Wales are about to go live with their two-tier process. This is alongside an established [18-25 year old diversion scheme](#) and their [Women's Whole System Approach](#) scheme.
- Sussex are working with the Police Foundation to research how OOCd decisions are made and what impacts this decision. They are still on the six-tier framework but are looking to move to the two-tier soon.
- Northumberland do not currently have this but are moving towards it and are keen to see diversionary work locally. They are trying to build upon bespoke package, based on individual needs.

Blending rehabilitative, reparative, and punitive options in OOCds

Members described this as “*the nub of the issue*” as there is “*very little provision which would actually satisfy these conditions*”. OOCds need to be meaningful but there is a lack of access and funding which means forces are struggling to blend these approaches.

South Wales described how they blended these options in their [18-25-year-old](#) and [women's diversion schemes](#), which are paid for and supported by their PCC. Participants are supported for 3-6 months but they can be involved on a voluntary basis afterwards if they need to. However, where participants do not respond to the intervention, they are given a conditional caution. Even where people aren't available for the intervention, they can offer the schemes as a voluntary service.

Turning Point in North-West London estimated that 74% of cases are rehabilitative, 20% are reparative and the rest are restrictive. They will try and avoid restrictive options unless they can address safeguarding issues and enhance the contract. For example, when working with a young person who has a child protection plan and is at risk of exploitation, they can ensure that someone is notified if the young person chooses to leave London.

Members cited the government's evaluation of the two-tier system where the conditional caution was effective in reducing recidivism, but no more so than the simple caution. Some members argued that cautions with conditions attached are more expensive to administer and monitor than disposals with no conditions attached. Attaching conditions also risks labelling and stigma, which can be more counterproductive to reducing reoffending than a lighter touch disposal with no conditions.

Another member raised the issue of neurodiversity and the importance of framing the different OOCd approaches to people who have neurodevelopmental conditions.

Reducing the burden of admission from 'guilt' to 'responsibility'

Members discussed how currently, community resolutions and conditional cautions need an admission of guilt. Members felt that for young adults, changing this to 'responsibility' won't mean much to them and they will still hold the same reservations about admitting responsibility. It was also highlighted that admission of guilt is viewed a positive outcome by solicitors in the Home Office.

Furthermore, members explained that it can be challenging to work with individuals who clearly need support but don't comment in interviews or who do not admit guilt. Members described this as "moral conundrum". Linked to this, members felt that buy in from solicitors was important because if not, young adults will continue to be advised to answer 'no comment' in interviews and therefore not be directed towards support.

When it came to delivery of interventions, members felt it was helpful for the intervention to be separated from the police and highlighted the use of community navigators used as part of Checkpoint Durham. However, members said it was beneficial for the process to be police-led as this helped with public buy-in and the perception of police action being taken once an offence has been committed.

Members also discussed how people with autism are going to be more likely to admit because it is a logical answer. This means they may not be given the most helpful outcome which targets their needs. In addition, it was recognised that many young adults in contact with the criminal justice system have 'complicated and complex lives' and that having flexibility around engagement was likely to yield better results in the long-term.

Sussex shared their new community resolution where the young adult does not have to admit to the offence in order to be referred to the youth offending team. The thinking behind this was that they had lots of young adults not admitting fault, ending up in court where they wouldn't receive any meaningful support and then leaving court with no further action. This has been tricky to implement and is currently still in the trial phase.

[The Chance to Change pilot in West Yorkshire](#) requires young adults to engage and accept some responsibility but do not need admission of guilt to participate, as the aim of the programme is to avoid criminalising young people.

The disproportional impact of the need for admission of guilt on Black, Asian and ethnic minority young adults was also discussed. Turning Point in North West London is monitoring this. Turning Point in the West Midlands did not have issues when working with individuals who did not make admission. The Lammy Report came out after the pilot in the Midlands so they had to do retrospective work, but found less disparity than normal.

Overall, it was considered important that young adults can make informed decisions and that they know what support options are available to them, even if they do not take this up immediately.

Promoting diversion for young adults

Revolving Doors Agency highlighted their evidence review on what works for young adults and diversion. This will be published by the end of July and looks at where good practice around diverting young adults should be implemented.

Members said that often, police officers' focal point is on the offence being committed, rather than the person who committed it and their maturity or needs. This may prevent them from recognising the benefit of an intervention.

South Wales are currently focusing on this work. The general risk assessment team attend the incident and give an in-depth assessment to understand what intervention may be useful. This means the young adult does not need to repeat or share personal details with the police officer at the scene.

Funding

Member's discussed issues around people paying for their own intervention and how they dealt with people who were unable to afford this. Derbyshire were looking to work with their PCC and with other local agencies to secure funding for those living in poverty and unable to afford support.

Funding for support services was described as being on a 'cliff-edge' and members discussed the limitations of short-term funding contracts when putting diversion pathways in place. Adequate funding for services and Violence Reduction Unit's was seen as important in being able to divert people and prevent reoffending and/or escalation of offence type.

"It's a horrendous challenge...it's about giving people choices but it's difficult to do that based on a spending regime based on 12 months – by the time that comes through and get started its 8-9 months – money we're saving the criminal justice system is phenomenal."

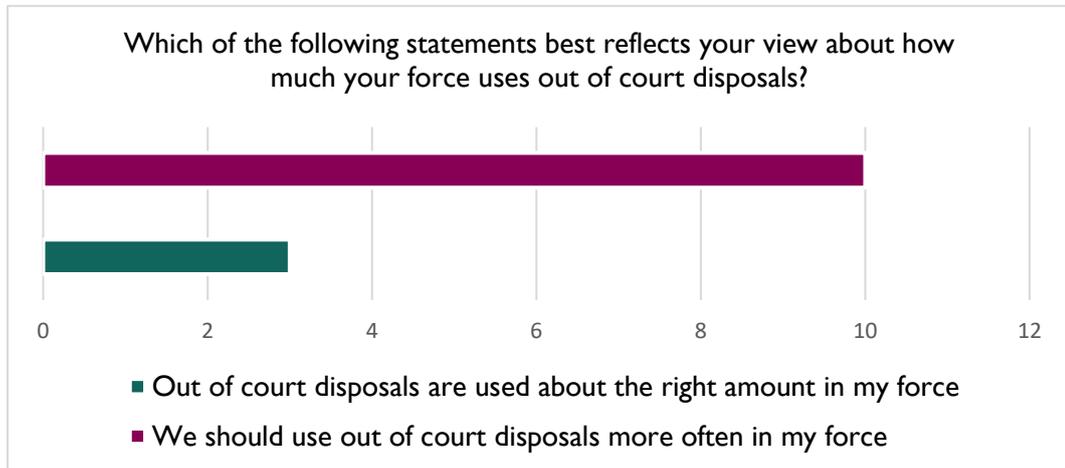
The restructure of probation services was also seen as an opportunity for joint working and different approaches to diversion/rehabilitation being explored.

The next Knowledge Exchange Network meeting will take place on Tuesday 13th July at 3-5pm. [Click here to join the meeting.](#)

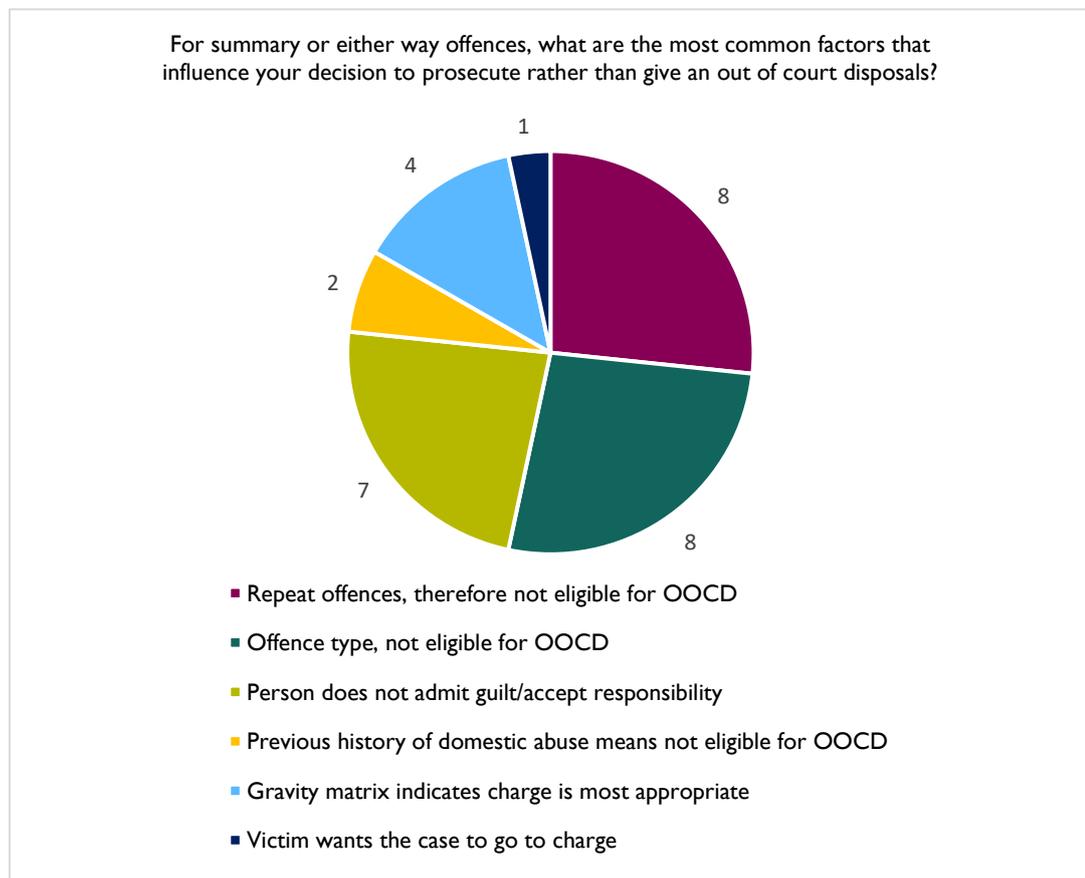
This session will focus on how youth voice can enhance policing, increase trust, and solve problems. Please contact Stephen Walcott for more information: stephen.walcott@policefoundation.org.uk

Poll results

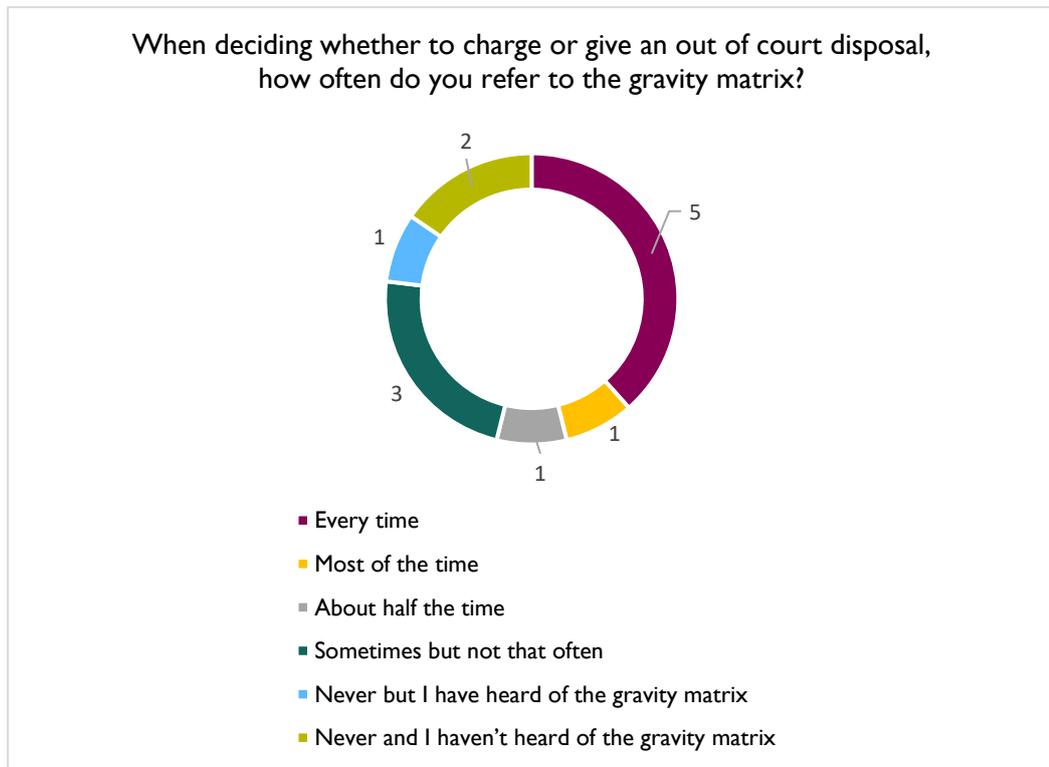
Poll 1. Which of the following statements best reflects your view about how much your force uses out of court disposals?



Poll 2. For summary or either way offences, what are the most common factors that influence your decision to prosecute rather than give an out of court disposals? (Please select three)



Poll 3. When deciding whether to charge or give an out of court disposal, how often do you refer to the gravity matrix?



Poll 4. What would support you to use conditional cautions more often instead of prosecuting? (Select up to two)

