1. **Introduction**

The principle aim of the youth justice system, established by section 37 of the Crime and Disorder Act 1998, is to prevent offending by children and young people. Out-of-court disposals (OOCDs) are designed to provide simple, swift, and proportionate responses to low-risk offending, and to reduce the amount of time courts spend listening to minor and undisputed matters. Additionally, if used correctly, they will be effective in reducing the risk of further offending.

Within the legal framework OOCDs fall into three distinct categories and provide a graduated response to take account of the seriousness of the offence and any previous offending history.

Community Resolution (CR) – Aimed primarily at young people who have committed low level offences or anti-social behaviour. Will usually involve some form of reparative and / or rehabilitative action(s) and is voluntary. A CR does not form part of a criminal record, but it may be disclosed in an enhanced Disclosure and Barring Service (DBS) check.

Youth Caution (YC) – A statutory disposal that aims to provide a simple and effective resolution to offending and used in circumstances where additional action(s) are not considered necessary or appropriate. May be cited in criminal proceedings or disclosed to employers in certain circumstances.

Youth Conditional Caution (YCC) – Has the same effect as a Youth Caution but with conditions attached that if not complied with can result in prosecution for the original offence. Conditions are likely to involve forms of reparative and /or rehabilitative action(s).

This operational policy should be read in conjunction with the Thames Valley Police Youth Justice Unit Guidance on the use of Out of Court Disposals, the [How To Use Out Of Court Disposals Section](https://www.gov.uk/government/publications/how-to-use-out-of-court-disposals/how-to-use-out-of-court-disposals-section-1-case-management-guidance) of the Youth Justice Board Case Management Guidance and the [National Protocol on Reducing Criminalisation of Looked After Children.](https://www.gov.uk/government/publications/national-protocol-on-reducing-criminalisation-of-looked-after-children)

1. **Aims and Objectives of Out of Court (OOC) Pre-Decision Screening Assessment Framework**

The aims of this OOC Pre-Decision Screening Policy are:

* To clarify roles, responsibilities, and accountability for all YJT staff and partner agencies.
* To provide clarity and rationale around joint decision making to ensure transparency.
* To ensure that practice is consistent.
* To define and promote best practice for out of court disposals within Bracknell Forest.
* To promote joint decision making for police and the YJT
* To give staff a clear framework within which to work with young people who are at risk of receiving an out of court disposal.
* Ensuring that children receive proportionate response from the YJ system, including the use of outcome 20 and 22 where this is being used by TVP.

The objectives of the OOC Screening Assessment are:

* To engage with young people and their families at the earliest available opportunity to provide holistic and appropriate support.
* To strengthen joint working decisions between the YJT and the Police to achieve better outcomes for families and young people through early intervention and preventative work.
* For communities and neighbourhoods in the local area to benefit from swift and effective intervention with those families in need.
* To deliver a means of providing reparation and a prompt resolution for victims.
* To provide an opportunity for young people to be directed into rehabilitative, supportive, or educational services and to tackle the causes of offending behaviour, reducing the likelihood of reoffending.
* To enable YJTs the opportunity to assess need and put in place bespoke interventions designed to prevent further offending.

**3. Out of Court Pre-Decision Screening Assessments.**

The Out of Court Pre-Decision Screening Assessment is undertaken by a Youth Justice Case Officer and quality assured by the Operational Manager or Senior Practitioner and provides information and analysis to assist joint decision making when agreeing an appropriate OOCD outcome.

The Pre-Decision Screening Assessment is based on the below principles:

* It is undertaken in a timely way so that children and any victims have access to support and criminal justice disposals / outcomes promptly.
* It is multi-agency, containing information from any relevant organisations working with the young person.
* It identifies any immediate or urgent welfare and safety needs for children and triggers action without delay.
* It is undertaken by skilled practitioners who have specific skills, understanding and knowledge about communicating with children and about the youth justice system.
* It identifies strengths and opportunities to support children to change, including an initial exploration of potential restorative approaches and reparation work.
* It recognises that children at risk of offending, and therefore more likely to be drawn into the youth justice system, often face wider forms of adversity and multiple disadvantages and that support and interventions which address and tackle this help support desistance.
* It develops recommendations which are proportionate and are linked to promoting desistence, increasing safety and wellbeing and reducing risk of harm to others.

1. **Timing**

Screening Assessments should be completed within 10 working days of referral and all assessments should be concluded, and the Police informed, within 15 working days to minimise delay in decision making. Where there is essential information outstanding, for example from another agency, which may materially impact upon the recommendations of the report, then a short delay may be negotiated by the Operational Manager with the Youth Justice Unit.

1. **Content**

The Screening Assessment Template is attached as appendix 1 and should be used to provide consistency of information gathering and reporting format to the Youth Justice Unit.

1. **Conducting the Screening Assessment with the child**

All young people should be informed of the purpose of the screening assessment, and information provided to them in ways they can access and understand. They (and / or their parent or carer) should also have access to the Children’s Social Care Complaints Process and be aware of their right to make a complaint.

The Youth Justice Practitioner may use a series of engagement and assessment tools to understand the child’s views of the situation and their own needs. Additional assessment tools may need to be completed depending on information which comes to light, for example the Integrated Child Exploitation Tool in instances where there are worries about exploitation. Where direct work tools such as surveys and self-questionnaires are used, Practitioners should plan sessions carefully, including:

* The timing of the session, ensuring that children have opportunity to talk about / follow up with any worries or questions
* That any direct work or content created by children is checked carefully and that any areas of further concern are picked up and talked through with the child
* That tools, surveys and questionnaires are appropriate for age, stage, ability and understanding, or, are adapted and supported where necessary
* That tools, survey’s and questionnaires are sensitively used and build on strengths

Engagement with children should be based on an understanding of their age, stage and ability. In order to tailor engagement to children’s individual needs, activity may include having prior consultation with external partners such as parents, carers, teachers, SEN Team, social workers and youth workers. Practitioners must identify if children have an Education, Health and Care Plan (EHCP) to inform their engagement strategies with children prior to completion of an Out of Court Screening Assessment.

**7. Roles and Responsibilities**

**Thames Valley Police (TVP)**

• To explain the out of court YJT referral process to the young person and their parent / carer prior to referral being made to the YJT.

• To gain consent from the family to share all relevant information with the YJT and accurately record this.

• To gain victim consent and details to share where appropriate and accurately record this.

• To notify the YJT of all Community Resolutions and requests for YJT pre-decision screening assessments.

**YJT Police Officer**

• To review all YJT referrals received from the police alongside the Operational Manager.

• To liaise with the referring police officer and challenge referrals from TVP where the OOCD criteria is not met in line with the guidance, policy, and legislation.

• To administer the OOCD Recommendation to young people following the agreed recommendation at the Joint Decision-Making Meeting.

• To notify YJT Practitioners and YJT Business Support when a Youth Caution and Youth Conditional Caution have been served for a young person and record this on Childview.

• To share relevant police information / intelligence with the allocated YJT Practitioner.

• To work alongside YJT Practitioners to deliver bespoke interventions with young people and families in an out of court capacity (joint home visits, educative work on legislation, knife crime awareness, police-based activities).

• To deliver briefings to TVP on Out of Court Disposals for young people on a regular basis to ensure police staff are aware of the OOCD and referral process.

**YJS Practitioner**

To carry out assessments of all young people and families referred to YJT using the Bracknell YJT OOCD Screening Assessment Tool or Asset Plus.

• Liaise with YJT Victim Worker

• Where assessment is requested by the police, make clear recommendations for OOCD within appropriate timescales.

• Present their completed assessment and recommendation to an OOCD Joint Decision-Making meeting attended by the Operational Manager and Youth Justice Unit. This meeting will consider whether there are any significant factors that would warrant a more thorough assessment using an Asset Plus assessment.

* Upload the completed OOCD Screening Assessment Tool to the child’s file and record child engagements / home visits etc on Childview
* Notify the YJT Police Officer when Youth Conditional Cautions are completed
* Notify the Business Support Officer that the closing recording has been completed so that the case can be closed on Childview

**Operational Manager**

• To allocate OOCD cases to YJT Practitioners in a timely manner after triage with the YJT police officer and to ensure practitioners are aware of timescales and working effectively to deadlines.

• To provide management oversight of all OOC cases including case discussions and consultation.

• Attend and chair the Joint-Decision Making Meetings and ensure that any other professional who can support informed decision-making is either consulted or invited to attend.

• To quality assure the OOCD pre-decision screening assessment tool or Asset Plus and agree proposed recommendation with the YJT Practitioner prior to the OOCD joint decision-making meeting.

• To carry out regular quality assurance and monitoring of OOCD cases.

**YJT Business Support**

• Sets up individual records for all new OOC cases on Childview following notification of allocation, including the victim screen.

• Sets up the appropriate intervention screen on Childview following notification from the YJT PC where a CR, YC or YCC has been agreed by Police following YJT assessment. This should be specific to disposal type.

• If the OOCD has not been agreed, then then the Business Support Officer sets up an OOCD assessment screen.

• Links the relevant offences to the disposal at both assessment and intervention stage.

• Creates the client file for each young person on the Sharepoint upon allocation.

• To ensure that accurate recording on all OOCD cases is recorded on the OOCD monitoring sheet and to keep track of all referrals.

• To close the case on Childview when the Case Manager notifies the case completion

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**Victim process for OOC cases:**

• The YJS Victim Liaison Officer will work alongside YJS Practitioners to provide support to the victims of young people open to YJS on OOCDs and to gather information to inform OOCD assessments in respect of young people from the point of referral/allocation.

• Victim Liaison Officer to consider and explore restorative processes with victim and young person where consent is given from both parties.

• Victim Officer will work alongside YJS Practitioners to deliver bespoke victim awareness sessions with young people where appropriate.

• Victim Officer will attend OOCD Panel meetings to contribute to a multi-agency approach.

1. **Processes working with children who have received Out of Court Disposals**

**Community Resolutions**

* Community Resolution Information received by Youth Justice Team
* Screening takes place each Monday between the Youth Justice Operational Manager & Prevention Case Worker
* Screening will take place and be recorded on Childview, considering:
  + Whether the child is previously known to Youth Justice and the nature of interventions previously provided
  + Checks on electronic databases in Children’s Social Care (Mosaic) and Schools (ONE) to identify other services already in place and any wider concerns
  + Gravity of the offence for which the CR has been issued
  + Timeline between the offence and the issuing of the CR and any periods of desistence from offending
* Outcomes of screening will be recorded on Childview:
  + Send an opt-in letter to families, making them aware of YJ services and other appropriate sources of support – for children in receipt of their first community resolution with no other identifiable concerns, or where services are already being offered to meet needs
  + Pro-active contact with families by the YJT – in the context of second CR or subsequent CR after a previous substantiative outcome to offer an assessment for support
  + Diversion to adolescent triage panel where targeted tier 2 services may be most suitable to make initial contact

**Youth Cautions & Youth Conditional Cautions**

* For children who receive a first Youth Caution from Police ad appointment will be made to see young people directly after the Police Officer delivers the Caution
  + Where possible, the YJT will attend the appointment where the Youth Caution is delivered, to offer an assessment and support straight away
  + Where the YJT is not present at the delivery of the Youth Caution, contact will be made with the young person and their family within 1 working day for a face-to-face appointment to be made within 5 working days
* For children who are at risk of receiving a second caution or a Youth Conditional Caution, or are otherwise to be discussed at a Joint Decision-Making Panel, the YJT will undertake a Pre-Decision Screening Assessment with the young person and their family to make recommendations about either outcome, and any appropriate Conditions within the YCC. This Pre-Decision Assessment will take place under the practice guidance and timescales in section 4 of this policy
  + Where possible the YJT will either attend with the Police Officer who delivers the Youth Conditional Caution or proactively make contact with the young person within 1 working day of the delivery of the YCC and visit the young person to commence an AssetPlus assessment within 5 working days

1. **Evaluation and Monitoring**

Out of Court Disposals managed by the Bracknell Youth Justice Team are subject to scrutiny by the Thames Valley Out of Court Disposal Scrutiny Panel which ensures accountability, proportionality, consistency and that the Out of Court Disposal Outcome is justified. The panel’s primary purposes are to independently assess, scrutinise and quality control the use of Out of Court Disposals administered by TVP to ensure public confidence in the Out of Court Disposal process. This panel is attended by one of the regional Youth Justice Heads of Service with feedback provided to each locality HOS lead. In turn this information is shared periodically with the Youth Justice Management Board.

Appendix 1 – YJU Pre-Decision Assessment Tool

**YJU Pre-Assessment**

**Name of young person:**  **D.O.B**

**Date of assessment:**

**Sources of Information:**

* Office visit by
* Access to YOT1
* Access to Children’s Social Care database, MOSAIC.
* Discussions with

**Previous Offences/disposals:**

**Offences in question:**

**YOT 1 states**:

**In Police interview**

**In YJT Interview**

**Young Person Profile:**

*(Age, stage, ability, diversity, adversity and current circumstances)*

**Factors For Desistance**: (*Case Manager to choose from Desistance Factors*)

**Factors Against Desistance:**

**Young person’s attitude to Interventions:** *(do they present as motivated to participate and engage with an intervention programme are there any barriers? How can these be addressed)*

**Is the young person willing and able to engage in Restorative Justice Interventions**

*(if applicable)*

**Based on the desistance factors above the following risk levels have been assessed**:

|  |  |
| --- | --- |
| Risk of Serious Harm Score |  |
| Safety & Wellbeing Score |  |
| Likelihood of Reoffending Score |  |

**Rationale for above scoring:**

**Other factors of Concern**:

**Views of Victim(s)**

**Professionals/Services Involved**

**Suggested Disposal**

**Suggested Requirements**.

Report Prepared by:

**Case Manager**

**Bracknell Youth Justice Team**