

## Out of Court Disposals Policy

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### 1. Introduction and Purpose

The principle aims 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 (OOCs) 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.

This policy sets out Somerset Council Youth Justice Team's (YJT) policy and procedures on Out of Court Disposals for children involved with the YJT.

### 2. Context

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

**No Further Action (NFA)** – does not form part of a criminal record, but it may be disclosed in an enhanced Disclosure and Barring Service (DBS) check. It can be used for several reasons but may be used in situations when the complainant/victim no longer wants to progress the matter or instances where it would not be considered in the best interests of the child, or it is considered not in the public interest.

**Deferred Youth Caution (DYC)** - will always include some form of intervention, rehabilitation or education which, if successfully completed will be recorded as No Further Action on the police system. Should the agreed interventions not be completed, the child will receive a Youth Caution (YC). It does not form part of a criminal record, but it may be disclosed in an enhanced Disclosure and Barring Service (DBS) check.

**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:

Guidance on the use of Out of Court Disposals - [Case management guidance - How to use out-of-court disposals - Guidance - GOV.UK \(www.gov.uk\)](#)

The Youth Justice Board Case Management Guidance - [National Protocol on Reducing Criminalisation of Looked After Children.](#)

National Police Chief's Council Child Gravity Matrix (children under 18) - [Child Gravity Matrix v2.2---september-2023.pdf \(npcc.police.uk\)](#)

[Somerset's Out of Court Disposal Panel Terms of Reference](#)

### 3. Aims and Objectives of Out of Court (OOC) Process

The aims of this OOC Disposals Process Policy are:

- To provide a service that prioritises the best interests of children by offering a 'Child First' approach that recognises the individual needs and rights of each child, which promotes inclusivity.
- 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 Somerset.
- 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.
- Ensure that children receive proportionate response from the YJ system, including the use of outcome 20, 21 and 22 where this is being used by A&SP.

The objectives of the OOC Screening Assessment are:

- We aim to achieve active participation and co-creation with children to increase resilience and desistance, by challenging and addressing disproportionality where identified.
- 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 meaningfully engage in supportive, or educational services that will improve long term outcomes for children and divert them from the causes of offending behaviour.
- To enable YJTs to assess need and put in place bespoke and creative interventions designed to increase desistance.

#### 4. Out of Court Pre-Decision Prevention and Diversion Assessments.

The Out of Court Prevention and Diversion Assessment is undertaken by a Youth Justice Practitioner and quality assured by the Youth Justice Team Leaders and provides information and analysis to assist joint decision making when agreeing an appropriate OOCDD 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 achieve their potential, including an initial exploration of restorative approaches and reparation work.
- It recognises that structural inequalities may place children at risk of offending, and therefore more likely to come into contact with the youth justice system. Children who face these wider forms of adversity and disadvantages will benefit from support and interventions which address disproportionality and therefore increase desistance.
- It develops recommendations which are proportionate and are linked to promoting desistance, increasing safety and wellbeing for the child and reducing risk of harm to others.

## 5. Timing

All cases are discussed at OOC Panel within 10 working days from referral to the YJT, Where there is essential information outstanding, for example from another agency or victim, which may materially impact upon the recommendations of the report, a further 10 working days may be agreed by the Panel leads.

## 6. Content

The Prevention and Diversion Assessment Tool is attached as appendix 1 and should be used to provide consistency of information gathering and reporting format to the Out of Court Disposal Panel.

## 7. Conducting the Prevention and Diversion 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.

Information gathered during the assessment process may identify additional specific needs which could prompt further screening to better understand the need and or a referral to further in-house Specialist Teams/Staff members as below, for example;

Clinical Psychologist, Speech & Language and Communication Needs Specialist (SLCN).

When working directly with the child and parent/carers 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.

The assessment will provide opportunity to identify the skills and strengths as well as any difficulties or challenges for the child. This will then inform a co-created intervention plan.

Engagement with children is in line with their age, and ability. In order to tailor engagement to children's individual needs, activities 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 Assessment.

## 8. Administration of Disposals

- Decisions made at the OOC Panel are shared with the core panel, the YJT and the respective Police Officer in the case.
- Information around outcomes is uploaded onto relevant case management systems by respective YJT and Police personnel.
- The officer in the case administers the OOC to the child following the agreed decision at OOC Panel.

## 9. Roles and Responsibilities

Avon and Somerset Police

(Further information is available within Avon and Somerset Panel Rep Guidance).

- Consistent, comprehensive completion of police referral documentation (document 143) for children whose offending behaviour can be progressed through the OOC process. – (Only when offence/s is admitted, and is a Gravity Matrix 4 or less offence and a police interview has taken place)

- To explain the out of court panel referral process to the child and their parent / carer prior to referral being made to the YJT.
- To identify any known vulnerabilities that the child may have.
- To enquire if the victim consents to their details being shared with the YJT. This is to enable the YJT to understand the impact that the offence has had on them and seek their wishes with regards to any future participation in restorative justice and/or if they would like to be kept informed of the panel decision and progress.
- To notify the YJT of any previous police outcomes relevant to the child.
- The OOC Panel challenge referrals from A&SP where the OOC criteria is not met in line with the guidance, policy, and legislation.

#### YJT Seconded Police Staff

- To share relevant police information / intelligence with the allocated YJT Practitioner and Team Leaders.
- To work alongside YJT Practitioners to deliver bespoke interventions with young people and families in an out of court capacity (e.g. joint home visits, educative work on legislation, substance related offending, knife crime awareness, the role of police/emergency services).

#### YJT Practitioner

- To complete assessments of children allocated to them from the OOC Panel, using the Youth Justice Board (YJB) Prevention and Diversion Assessment Tool (PAD) and use findings to propose a suitable disposal to the panel, within appropriate timescales.
- Liaise with YJT Restorative Justice Worker to gain views and any victim feedback, which will be taken into consideration with regards to their proposal.

- Share the completed PAD with OOCB administrator to upload into the OOCB folder for the panel meeting.
- Share with the YJT Police PCSO as appropriate:
  - The signed Young Person Agreement - Deferred Caution
  - The signed Completion of Intervention – DYC
  - The signed MG14 (completion of Youth Conditional Caution)
- Share with the respective Team Leader:
  - The completed case closure summary document. This is when YJT involvement has ended in relation to an Out of Court Disposal.

#### Team Leader

- To allocate OOCB cases to YJT Practitioners in a timely manner after OOCB Panel and ensure practitioners are aware of timescales and work to timescales.
- To provide management oversight of all OOC cases including case discussions and supervisions.
- Chair the Out of Court Disposal Panel (alongside the police representative) and ensure that representation from other agencies including a community representative, attends panel to support informed decision-making. If a representative is unavailable, a request is made for information to be made available to the panel.
- To have oversight of the completed assessment and proposal prior to OOCB Panel.
- Following the decision at OOCB panel, to complete the decision-making section in the PAD, to reflect outcome, rationale and agencies involved in the decision making.
- To send updated PAD to YJT police staff, OOCB administrator, case holder and RJ worker. The PAD will be uploaded onto the documents tab by the OOCB administrator.



- To carry out regular quality assurance and monitoring of OOC cases through involvement in quarterly Avon and Somerset Scrutiny Panel and additionally, Somerset biannual reviews (with Police OOC chairs).

#### YJT Business Support

- To set up individual records for all new OOC cases on Pathways YOT following referral from the police, including linking offences and updating the victim screen.
- Forward referrals to YJT panel chair, seconded police staff and RJ worker
- Update OOC list and add relevant documents ready for out of court panels.
- Where out of court assessment is required, business support create an intervention programme on Pathways YOT.
- Record the outcome on the individual record and create an intervention programme where required on Pathways YOT.
- Add YOS lozenge and involvement to LCS (Childrens Social Care system) at start of programme when required.
- Close the case on Pathways YOT and LCS when the Team leader notifies of the case completion (when administrator receives the completed case closure form).
- Updates individual records in line with the decision-making section of the PAD and add to the documents tab on Pathways YOT.

#### 10. Restorative Justice process for OOC cases:

Restorative Justice will underpin all decisions made at the OOC Panel Meetings.

- For any offence with an identified victim at the OOCB Panel, decision making will be deferred to provide an opportunity for the Restorative Justice Worker to obtain feedback from the victim. The Restorative Justice Worker will attend OOCB Panel meetings to ensure that the victim's views and wishes are shared with the multi-agency panel, to inform any decision making.
- The Restorative Justice Worker will explore restorative approaches with the victim and if they would like to engage, they will work alongside the YJT Practitioner to explore whether this is appropriate. This can include the delivery of bespoke victim awareness intervention.
- Alongside this the Restorative Justice worker can signpost victims into other relevant support services as appropriate.

## 11. Evaluation and Monitoring

Out of Court Disposals managed by the Somerset Youth Justice Team are subject to scrutiny by the Avon and Somerset Out of Court Disposal Scrutiny Panel which ensures accountability, proportionality, consistency and that the Out of Court Disposal Outcome is appropriate. The panel's primary purposes are to independently assess, scrutinise and quality control the use of Out of Court Disposals administered by Avon and Somerset Constabulary. This is to ensure public confidence in the Out of Court Disposal process, whilst providing opportunity for continued shared learning and improving practice. This panel is attended by a YJT representative from each county within the force area and feedback is consistently received and shared. Feedback from the quarterly scrutiny panel is also shared with the Somerset Youth Justice Partnership Board.