

Somerset Youth Justice Prevention and Diversion Policy

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1. Introduction and Purpose

Prevention and Diversion are important strategies aimed at addressing children's involvement in harmful/criminal behaviour.

Prevention refers to strategies and interventions designed to stop children from engaging in harmful or criminal activities in the first place. It focuses on identifying and addressing risk factors and implementing protective factors to reduce the likelihood of youth offending.

Diversion aims to keep children out of the formal criminal justice process (such as court proceedings) by offering alternative routes. It recognises that not all children who offend need to go through the court system and can benefit from community-based interventions.

2. Scope of Policy

The aim of this policy is to provide an overview of the prevention and diversion offers provided by Somerset Youth Justice Team, to the children of Somerset who are involved with the YJT or at risk of becoming involved with criminality.

3. Legal Context

[Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(legislation.gov.uk\) sections 135-138](#)

This document should be read in conjunction with:

[Somerset Youth Justice Team Restorative Justice Policy and Procedure](#)

[Out of Court Disposals Policy](#)

[YJB Case Management Guidance 'How to use out-of-court disposals'](#)

[NPCC Child Gravity Matrix](#)

[NPCC Out of Court Disposal National Strategy 2022-27](#)

[NPCC Guidance Community Resolutions](#)

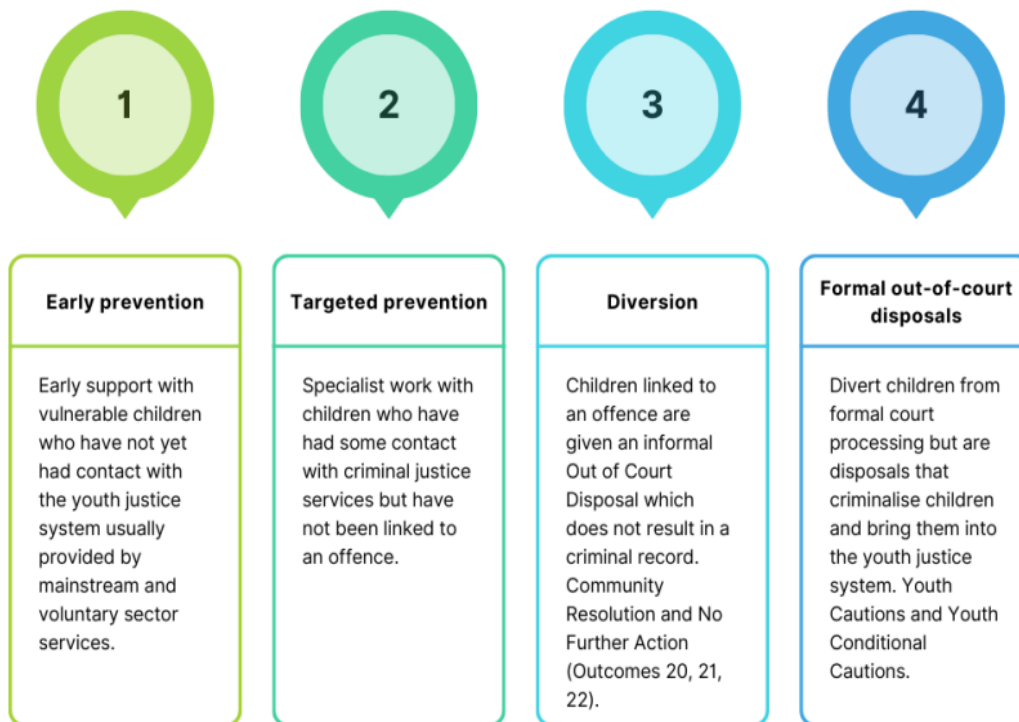
[DPP Guidance: Conditional Cautioning Youths](#)

[YJB Prevention & Diversion Project 2023](#)

[Lammy Review 2017](#)

[YEF Pre-Court Diversion Toolkit](#)

4. Youth Justice Board (YJB) Definitions of Prevention and Diversion



The above diagram is taken from the YJB Prevention & Diversion Project to explain the different pathways that have developed in Youth Justice practice pre-court. This practice is fundamental to the YJB's 'Child First' approach. It is recognised that all stakeholders should collaborate as children should not need to enter the youth justice system to have their needs met. However, once the threshold is reached for youth justice services, the evidence base for 'Child First' indicates that diverting children away from the formal criminal justice system delivers better outcomes for the child, victims, and the community. The national aim is to build more consistent practice as it is recognised that there are currently local variations in practice, differences in delivery in conjunction with the way universal services and Early Help are structured, and short-term impact from grant-funded projects.

One of the key drivers, both nationally and locally, has also been to tackle disproportionality within the youth justice system. The Lammy Review in 2017 found that disproportionality was endemic within the youth justice system and this part of the system represented his 'biggest concern'. He called on every criminal justice agency to 'explain or reform'. The HMIP Thematic Inspection into the Experiences of Black and Mixed Heritage Boys in the Youth System 2021 also documented the need for the experiences of these particular groups of boys to be recognised, particularly in terms of trust in the system and professionals, and the need to ensure efforts to engage which were not tokenistic. The thematic report found that these boys and their families were less likely to be referred into Early Help to have their welfare

needs met. There was a pattern of unmet need that was seen to emerge when formally involved with the youth justice service at a later date, to a more disproportionate level than their white peers.

In Somerset, one of the key responses has been the Somerset Turnaround project, (see below) with a key emphasis on trying to address these issues around unmet needs for certain children and families in Somerset who are facing additional structural barriers. Performance data will be provided quarterly to the Youth Justice Partnership Board to evaluate the impact of these initiatives.

These are the associated YJB definitions in relation to all activity pre-court to aid the reader:

Prevention: support and intervention with children (and their parents/carers) who may be displaying factors associated with offending, antisocial behaviour and vulnerability. In practice this involves a tiered approach of **pre-emptive** and **targeted prevention** aimed at safeguarding and promoting positive outcomes to prevent children from entering the formal youth justice system.

Pre-emptive Prevention: support for children to stop the onset of offending or anti-social behaviour through the provision of universal services and/or YJT support which seeks to improve outcomes and minimise harmful experiences for the child.

Targeted Prevention: specialist support for children who have had some contact with the Police but are not currently being supported through diversion, an Out of Court Disposal or statutory order (this could include children who have had previous youth justice intervention). The aim is to improve outcomes through positive interaction while minimising harmful experiences for the child.

Prevention Scheme: a local partnership approach developed between services aimed at providing pre-emptive and/or targeted prevention support to children (and their parents/carers) who may be displaying factors associated with offending, antisocial behaviour and vulnerability. Intervention aims to safeguard and promote positive outcomes to stop children entering the formal youth justice system and should be provided by the service(s) within the partnership most suitable of meeting the child's individual needs. **Please see section 2 for more information about the Somerset YJT prevention offer.**

Diversion: where children that have committed an offence receive an alternative outcome (Informal Out of Court Disposal) that does not result in a criminal record and avoids escalation into the formal youth justice system. This may involve the child (and their parent/carer) accessing voluntary intervention proportionate to the needs of the child aimed at supporting desistance.

Diversion Scheme: a local approach developed between the Police, youth justice services and other partners aimed at supporting children who have committed offences to avoid a criminal record and escalation into the formal youth justice system. This involves multi-agency decision-making processes to support the consideration of referrals and determine the outcome for the child, this may or may

not include intervention to support desistance, depending on the assessed level of need and due consideration to proportionality.

Informal Out of Court Disposals: when dealing with an offence committed by a child the police have a range of informal diversionary outcomes available that avoid a criminal record and escalation into the formal youth justice system. These include:

- **Community Resolution:** An informal diversionary police outcome that can only be used when a child has made an admission in relation to an offence. It is an outcome commonly delivered, but not limited to, using restorative approaches.
- **No Further Action:** An outcome used when the police decide not to charge a child with an offence. This may be because there is not enough evidence, or it is not in the public interest. Intervention may be considered on a need's basis unrelated to an offence.
- **No Further Action – Outcome 22 [in Somerset this is used to deliver the Turnaround Project as a diversion offer]:** “diversionary, educational or intervention activity, resulting from the crime report, has been undertaken and it is not in the public interest to take any further [legal] action”. It is an informal diversionary police outcome that can be used when the police decide to defer prosecution until the child has been given the opportunity to engage with an intervention. This is an outcome commonly used in non-admittance schemes as an admission of guilt or responsibility is not required from the child. In terms of practice, Outcome 22 can be used to address a lack of trust of the police and the criminal justice system, by some ethnic minorities. This distrust, along with potential biases within the system has been shown to lead to a greater number of ethnic minority children receiving formal criminal justice outcomes, where an informal diversionary outcome may have been more appropriate and would have done more to divert them away from criminality and change the offending behaviour.
- **No Further Action – Outcome 22 (Deferred Youth Caution):** This outcome offers diversionary, educational or intervention activity for children who have admitted to offences which are less serious (gravity matrix 4 or less). Following the completion the intervention(s) linked with a Deferred Youth Caution, the child's police record will be updated as 'No Further Action'. This disposal is used within Somerset as an option at the Out of Court Disposal panel and provides opportunity to meet the assessed needs of the child whilst not criminalising them. Non-compliance with the agreed interventions can result in the child receiving a Youth Caution.
- **No Further Action – Outcome 21:** “further investigation, resulting from the crime report that could provide evidence sufficient to support formal action being taken against the suspect, is not in the public interest”. An informal diversionary police outcome that can be used to deal with 'sexting' offences without criminalising children.

Please note: there may be variation in local terms used by youth justice services and Police to describe these outcomes

5. Formal Out of Court Disposals:

- **Youth Caution:** A Youth Caution may be given by the police for any offence where the child makes a full admission, there is sufficient evidence for a realistic prospect of conviction, but it is not in the public interest to prosecute. Youth Cautions aim to provide a proportionate and effective resolution to offending and support the principle statutory aim of the youth justice system of preventing offending by children. Youth Caution use should be minimal and likely to be in exceptional circumstances. In Somerset, voluntary interventions can be included within a Youth Caution.
- **Youth Conditional Caution:** The eligibility criteria for a Youth Conditional Caution is the same as for a Youth Caution, with a full admission of guilt being required. In the case of Youth Conditional Cautions however, the Youth Justice Practitioner and the police should agree on a compulsory assessment and package of interventions necessary to support desistance. The child must agree to accept the Youth Conditional Caution and completion of the conditions linked to this. Non-compliance can result in the YCC being returned to the OOCDC panel for review. The review will consider proportionate response to support the completion of the conditions, which can include the case being progressed to the CPS for consideration of prosecution.

6. Key Themes of Prevention and Diversion

The below graphic is taken from the YJB Prevention and Diversion Project to explain the different key themes of prevention and diversion.

Key themes
Surrounding prevention and diversion practice



7. Other partner agencies/services/teams involved with prevention and diversion:

- Wider Education Inclusion Services within Somerset Council – e.g. the virtual school, education engagement & safeguarding, SEND, allocated school and training providers.
- Designated Safeguarding Leads (DSL).
- Family Intervention Service and or child's social worker if allocated.
- Preventing Missing and Exploitation teams.

- Reactive and Harmful Sexual Behaviours (RaHSB) Forum – monthly multi-agency forum that aims to address the needs of children and young people who have/are displaying reactive and/or harmful sexual behaviour. The forum will consider and discuss relevant referrals and make recommendations for appropriate assessment and interventions.
- MAETE panel (The purpose of Somerset YJT Multi-agency ETE Panel is to address the ETE inclusion and engagement barriers faced by children and young people ages 10 years and over - up to 18 years). Fortnightly MAETE meetings take place, alternating between EHCP and non-EHCP cohorts. The meetings are chaired by Somerset Youth Justice Team Leaders. Other Somerset Council professionals in attendance include: Educations Inclusion services, Virtual School – Advisory Teacher, SEND - Service Manager (EHCP Panels), Somerset Works Transition College Head – (council funded provision for children of school leaver age, who have no provision post 16).

8. Somerset YJT Prevention Offer

Turnaround Project

The Turnaround Project is funded by the Ministry of Justice with a recognition that many children's underlying needs are not being met at an early enough stage and this is leading them into more formalised elements of the criminal justice system, sometimes due to a very serious offence at a later stage. There is also the recognition that this can be exacerbated for some ethnic minority groups due to additional structural barriers and inequalities, as mentioned in Section 1. Evidence has found this impacts black and mixed heritage boys the most of all, due to factors fully explored by [David Lammy in 2017](#).

This project has therefore been funded with the overall aims:

- Achieve positive outcomes for children with the ultimate aim of preventing the risk of them reoffending.
- Build on work already done to ensure all children on the cusp of the youth justice system are consistently offered a needs assessment and the opportunity for support.
- Improve the socio-emotional, mental health and wellbeing of children; and
- Improve the integration and partnership working together between YOTs and other statutory services to support children.

Within Somerset, the Turnaround team have been set up to provide strengths-focused service to meet the child and family's underlying needs that have contributed to the criminal or anti-social behaviour that has led to the referral. As per the [YJB Case Management Guidance](#), interventions should be proportionate, focus upon the underlying causes of the offending behaviour by being trauma informed, consider the

safety of others, be timely, evidence based, and regularly reviewed. Where there is the opportunity to take a restorative approach, this will also be embedded.

At the time of writing (January 2024), the Prevention Offer is largely delivered through the Turnaround Project. The Turnaround team are seconded into this project as a grant-funded service until March 2025. Turnaround can offer interventions to children who are on the cusp of offending behaviour if they meet the following criteria within a 3-month window:

Interviewed under caution following arrest / subject to criminal investigation	Released under investigation or subject to pre-charge bail
Subject to No Further Action police decision (including Outcome 22)	Discharged by Court
Subject to Youth Community Resolution	Fined by Court
Subject to first time Youth Caution	In receipt of CPO, Civil Order and/or ABC for anti-social behaviour

- Children referred to Turnaround are not eligible if they have an open Early Help plan with a package of co-ordinated multi-agency whole family support.
- Children with multiple and/or complex needs may have support from several agencies and be an open case to Early Help/another existing multi-agency services.

The child should be 17 or under at the point of referral onto the Programme.

Referrals are currently being received by Community Policing, Education Inclusion engagement officers, the Violence Reduction Partnership, Out of Court Panel, Family Intervention Service and Children's Social Care.

Should an EHA not be in place, the Turnaround team will complete a Prevention & Diversion Tool and consider how other family members are also impacting the child's risk of (re)offending.

The intervention type will typically be focused upon underlying need and will address the right educational support for the child, parenting strategies, social and emotional support, and positive activities. There is a Family Support Practitioner within the team whose role it is to support parents to increase protective factors in the child's life. Where appropriate, there will also be direct work around certain types of offending behaviour with a view to desistance, and efforts to implement restorative justice. The intervention could last for one or two sessions, or up to a year in exceptional circumstances.

9. Teachable Moments

A teachable moment is defined by the Home Office as “the moment when a young person may be most willing to listen and engage” (source: HM government (2018) *Serious Violence Strategy*).

<https://assets.publishing.service.gov.uk/government/serious-violence-strategy.pdf>

The Teachable Moments Project has been implemented across five sites in Avon and Somerset: Bath and Northeast Somerset (BANES), Bristol, North Somerset, Somerset, and South Gloucestershire. It aims to reduce permanent exclusions (PEX) and managed moves associated with serious youth violence (SYV), CCE or CSE for young people aged 11-16 by providing a targeted intervention and support package at the point at which a child or young person is at risk of exclusion. It draws on the concept of intervening at a “teachable moment”, i.e. a moment at which services might be better able to engage children and young people in interventions focused on changing their behaviours and circumstances. In Somerset the project started September 2022 and is currently funded until December 2024.

Teachable Moments staff work with education providers and other professionals to manage the risk and build confidence in responding to the needs of the child or young person. Support workers work with young people to address risk factors and motivations that led to their situation.

Somerset Schools were invited to the project using exclusion data showing medium/high risk behaviours in school leading to exclusions within the following areas:

- Sexual misconduct
- Theft
- Use or threat of use of offensive weapons
- Verbal abuse towards adults
- Physical assault against other pupils or adults
- Racist abuse
- Damage
- Substance use or alcohol related.
- Inappropriate use of social media.

Having reviewed exclusion data within all Somerset Schools, 12 were identified as having a higher number of medium/high risk exclusions, and as such were highlighted as a priority within the project.

Following a successful bid for additional funds for the project, we were able to offer a transition support programme for Primary schools for one day per week, supporting identified year 6 students using the same significant behaviour criteria as above. These intervention sessions are differentiated to suit the age of young person and their need. For each primary school the project will support for a 6–8-week period before moving on to the next identified school, with the understanding of returning should the need arise.

Referrals are received from the identified schools, using a referral form where a young person's need, past trauma and individual circumstances are considered before an intervention plan is put in place. Interventions match area of need using the significant behaviour criteria as listed above. Interventions are trauma-informed and based upon research in best practice. Interventions and engagement are recorded, with progress reviewed termly with; the Teachable Moments coordinator, Intervention worker and school staff to review intervention package and need of the young person.

Teachable Moments is now in the third and final year of the project and will be reviewed July 2024 where applications to the [Police and crime commissioners - GOV.UK \(www.gov.uk\)](https://www.gov.uk) (PCC) for funding will be submitted.

10. Choice and Consequences

The Choice and Consequence workshop (previously known as Anti-Social Behaviour (ASB) Choice and Consequences (C&C) workshop) is an Avon and Somerset Police intervention, run by Somerset's YJT Seconded PCSO.

Young people are offered the opportunity to engage in this workshop on a one-time only basis, and referrals are made through Police staff and officers or via the Out of Court Panels chaired by Police and YJT.

A consent form is obtained for all young people who complete the workshop, and this is completed by parents or carers; young people are unable to complete the intervention without this form being completed (see appendix A).

The workshop is run across the County on a four-week programme cycle, with one workshop in Taunton, Bridgwater, Yeovil and Wells per month. The YJT Seconded PCSO also visits young people at school, or in their home to deliver the intervention if assessed that this will meet a specific individual need for a young person and the type of offence.

The format of the workshop consists of a one-hour intervention containing:

- Information about the Law including criminal age of responsibility.
- Overview and examples of ASB and consequences.
- A brief look at perception of offending behaviour, understanding of this and how it can change.
- Examples of different types of ASB and offences.
- The definitions of certain offences to expand on discussion including the difference between theft, burglary, and robbery.
- Since 2016, the workshop has also included offences relating to the use of the internet including the use of social media and malicious communication.
- In 2017, the workshop was updated to include the offences of production, possession, and distribution of indecent images and how these relate to young people using modern technology.

- At the end of the workshop, there is a knowledge check and feedback form.

In 2019, after consultation and collaboration with the YJT Speech, language and communication (SL&C) the interventions were updated to allow young people with SL&C needs to be able to fully engage.

Each workshop is tailored to focus on particular areas of identified need dependant on presenting age, ASB or offences.

This is an interactive programme, with discussions, activity, and learning from peers.

Once a young person has completed the workshop, the YJT Seconded PCSO tracks their Police record for seven months to see if they are charged with any new offences. This tracking helps to assess the impact that the Choice and Consequence workshop may have on their offending behaviour.

11. Youth Alcohol and Drug Diversion (YADD)

The YADD is delivered by Somerset's Youth Justice YJT Seconded PCSO, on behalf of Avon and Somerset Police. The YJT Seconded PCSO has received Tier 2 Intervention training in alcohol and substance misuse, via the Somerset Drug and Alcohol Service (SDAS).

The intervention allows children to engage with the scheme for a first possession offence. Referrals can be received from the police directly or via the Out of Court Disposal Panel.

Once a referral is received, the YJT Seconded PCSO will:

- Contact the child's parent/carer.
- Arrange to meet the child at either home address or Police station.
- Complete a SDAS Tier 2 assessment booklet including CUPIT and alcohol scores.
- Identify child's current drug/alcohol use and motivation to stop or reduce use.
- Tailor education depending on answers provided - harm reduction and the law and consequences.
- Discuss referral to Tier 2/3 service if required.
- After initial meeting attempt follow up phone call after 2 months to monitor use and offer further advice/referral if required.
- Close contact/case
- Recording: Child's case is opened to the YJT Seconded PCSO on Youth Justice case management system (Pathways). A referral task will then be open on the NICHE police system, so that the YJT Seconded PCSO can monitor.

Each participant is tracked through Avon and Somerset's Police records management system (NICHE) for a seven-month period following the intervention in relation to their offending behaviour.

Following completion of the intervention, each participant is asked to provide feedback and to rate the intervention on a scale between 0 and 10, with 10 indicating that the intervention has been the most effective. If parents/carers are present, feedback is also requested from them.

If further needs are identified through discussion during or after the intervention with the child or parents/carers, the YJT Seconded PCSO will complete referrals to appropriate support agencies.

12. Restorative Justice Approaches

The requirement to undertake a Restorative Justice approach can be part of an out-of-court disposal, a Referral Order or Youth Rehabilitation Order and can be a significantly helpful tool in YJT prevention and diversion.

Restorative justice requires the child to think things through, reflect on personal behaviour and understand the consequences of their actions and the impact of the offence on the victim, their family and wider community.

Through restorative approaches the child acknowledges the extent of the harm caused to the victim, their family and the wider community and takes responsibility for their own actions. This can support the development of a 'pro-social' identity and helps them to make a positive contribution to their community. This can be achieved by helping children to engage in constructive activities for the benefit of the victim or wider community, and to develop valuable interactions with others. The focus of reparative activity should be to help the child to move forward by understanding and learning from the impact of their actions on the victim and community.

Restorative justice approaches can take many forms and therefore can be tailored to the individual's understanding, ability, situation and circumstances. The reparation activity should be relatable to the offence committed and there should be consideration of whether it should directly or indirectly involve the victim. Reparation activity should:

- support children to recognise the positive contribution any reparative activity can have for themselves and others (e.g. community service).
- help develop the child's sense of self-worth by identifying something they would be good at.
- recognise and acknowledge the child's skills, qualities, attributes and talents.
- help them to reflect on their behaviour and understand that their actions have consequences for others.
- be an opportunity to help the child to develop life skills and productive interests.
- step out of their comfort zone and explore new opportunities.

- be a focussed activity which helps them to learn from their mistakes and make better choices for the future.
- provide the opportunity to do something for the victim or the community, which allows the child to gain something positive from the process, encourages desistance and builds a sense of community. Reparative activity should not be stigmatising, punitive or harmful. It should be a safe and beneficial process for all concerned.

For more detailed information on the processes involved in Restorative Justice and how it benefits the victim, please see Somerset Youth Justice Team's Restorative Justice Policy.

13. Out of Court Disposal Panel

Please refer to the Out of Court Disposals policy which is integrated into this wider Prevention and Diversion Policy.

14. Looked After and Care-Experienced Children

It is important to note that Somerset has now adopted this as a protected characteristic.

'In Somerset 'care-experienced' refers to anyone who has been or is currently in care or from a looked after background at any stage of their life, no matter how short, including adopted children who were previously looked after. Care may have been provided in one of many different settings, such as in residential care, foster care, kinship care or through being looked after at home with a supervision requirement'.

Children who are looked after or care-experienced are at high risk of offending behaviors due to several factors:

- They may be living in accommodation far from their home, so may lack support from friends and family.
- Many looked after children or those who are care-experienced may display challenging behaviour, which may be a reaction to past experiences of trauma, abuse, and neglect.
- Their behaviour might be more challenging and demanding because of their family experience, the potential breakdown of placements and frequent placement moves from foster care and/or residential homes.
- Living in a group with other children of a similar age with challenging and demanding behaviour gives rise to the greater potential for conflict, bullying and peer group pressure, and they may be susceptible to group offending behaviour.

The police should ensure that they take account of the Crown Prosecution Service (CPS) guidance for the prosecution of offending behaviour in

residential homes and foster care. A 10-point plan must be completed by police prior to referral to the Out of Court Disposal panel. In the absence of a 10-point plan, this is completed by the YJT as part of their assessment to ensure that the information is taken into consideration when making decisions with regards to disposals.

The Out of Court Disposal Panel's response to offending behavior should be proportionate and effective in dealing with the behavior, and both the victim and child's needs. It should consider the additional complexities in life faced by a looked after or care-experienced child. The Panel should specifically consider factors such as the rules and routine within placement, any informal/disciplinary action already taken, any apology/ reparation, the views of the victim, social worker, YJT or CAMHS workers, the Care Plan for the child, recent behavior, and information from the child through the police interview.

15 Eligible cases that are charged to court

There are many reasons why cases potentially appropriate for diversion still reach the point of formal prosecution. However, this usually applies to children who give 'no comment' interviews or where charging decisions have not considered all relevant information about the child.

Somerset YJT have a dedicated Court team who have mechanisms in place to identify children who may be otherwise eligible for Out of Court Disposals and attempt to divert all such cases. The Court team seek to analyse the Court listings in advance (see Appendix 3) and have contact with the CPS in Court for consideration of potential diversion.