

MVRP & YJS Youth Out of Court Disposal Deferred Prosecution Programme (Operation Inclusion)

Aims:

- 1) Reduce the risks that lead to and are associated with children carrying knives and weapons.
- 2) Provide focussed support to improve family relationships, school attendance and achievement, alongside improving children's and parent/carers knowledge of knife crime.
- 3) Prevent any unnecessary criminalisation of children.

Eligible Considerable Offences (Full list of offences is listed in Appendix 3).

The selected offence criteria can be applied to a one-off act, or to a child demonstrating a rapid escalation of offending. Which could lead to an increase from minor risk/vulnerability, to behaviour reflecting a propensity to commit acts of violence and or of potential exploitation.

Operation Inclusion will consider offences of the following nature, possession of offensive weapon/bladed article; possession of drugs with intent to supply; public order offences, assaults, criminal damage and or a rapid escalation of minor offences.

Eligibility for Operation Inclusion requires an admission of guilt from each child regarding their offence.

Project format:

The project requires a two-part arrangement between Merseyside Police and the 5 Local Authority Youth Offending Services within Merseyside. This will use the learning from the interrupted Wirral Operation Inclusion pilot which offered an alternative to prosecution for drug and violent offences. All 5 Merseyside YJS's to trial Operation Inclusion for a minimum 3-month period.

Candidate Selection

Based on previous and pending criminal charges, linked to community intelligence around the potential for violent behaviour, exploitation, or re-offending. Child looked after status will also be a consideration for selection. The targeted age group is from 13 to 17 arrested by Merseyside Police and will be at a stage where they meet the charge threshold for Court or a Youth Conditional Caution (YCC).

Selection will start following notification of a suitable child from the police or following identification via individual YJS 'Out of Court Disposal' (OCD) processes. YJS Police Officers will then discuss the suitability of each child with their local YJS Team Leader/Manager ensuring that if the offence committed involved a weapon or bladed article:

- a) It was a first offence involving an offensive weapon or bladed article.
- b) The offence did not involve the use of the weapon or bladed article causing harm.
- c) Based on the information available at the time, all risk factors relating to the offence/s have been given due consideration.

If deemed suitable for Operation Inclusion each child will be allocated to a YJS Case Manager who will initiate contact with the child and family as per the Joint YJS Merseyside Protocol for OCD. (This can be undertaken following local procedures and working practises.)

Decision to commence 'Op Inclusion'

Each YJS will follow standard OCD case allocation and assessment procedure, allowing up to four weeks for an Operation Inclusion Panel event.

Non-Engagement

If the child does not engage to a satisfactory level following their OOCd allocation, the home YJS will follow their normal OOCd procedure of sharing this information with relevant service partners and the police. The police will then decide if that matter reverts to being charged to court or for the Child to receive a YCC.

Engagement

Satisfactory engagement with the normal OOCd process, will result in each child's allocated case manager, confirming suitability for operation inclusion with YJS police officers and OOCd leads.

The option of engaging in the Operation Inclusion programme and attending the Operation Inclusion panel will then be discussed with the child and their family, as well as the potential outcome of the matter being returned to the police should they decline to engage. i.e. The Police will decide if the matter reverts to being charged to court or for the Child to receive a YCC.

If they choose to attend, they will be provided with a date/time to attend their 'Inclusion' panel, if they choose not to attend, that the matter will be referred to the police.

Through Police & YJS agreement, each identified child's charging decision for Court or Youth Conditional Caution will be paused. From then on, they will be classed as an Operation Inclusion participant.

YJS Police Officers will notify Merseyside Police Decision Makers (PDM's) and flag on Niche when each child has started on Operation Inclusion Programme. At this point the YJS Police Officer will become the point of contact between the Police and the relevant YJS for each child on the Operation Inclusion programme.

Child Criminal Exploitation

Any practitioner working with a child who they think may be at risk of county lines exploitation/child criminal exploitation should follow their local safeguarding guidance and the Merseyside CE process.

Operation Inclusion Panels

Each YJS has the freedom to implement their version of its Inclusion Panel, whether it is a standalone panel or an addendum to an already running YJS panel.

It is envisaged that each panel regardless of format be made up of 3 core agency representatives consisting of a chair from YJS; Community Volunteer and YJS Police Officer. Alternative participants may include Anti-Social Behaviour Teams; Youth Workers, Education Welfare Officers and Early Help/Targeted Services Representative dependent on the local arrangements.

Each child will attend the Inclusion Panel on the time/date specified with their parent/guardian, their YJS case manager, In some cases children may also bring additional positive support such as a school teacher, mentor, sports coach etc,

A report will be produced for each child by their case manager based on information from their Assessment, this will be shared with Panel members prior to the panel meeting date. It will include information gathered from partners and recommendations for an intervention plan. It will focus on needs and strengths to ensure effective interventions are effective in diverting the child away from future youth justice involvement.

The panel must agree that the child is suitable for Operation Inclusion before a formal offer of a place on the programme is made to the child and parent/guardian. If the offer is declined, they will be referred back to the Police for consideration of a charging process and court or for Youth Conditional Caution.

If the child and their parent/guardian accept the Operation Inclusion diversion offer, a panel agreement will be signed by those in attendance. Explaining that a decision has been made to defer the outcome of the offence and that they have accepted the opportunity to engage in an Operation Inclusion programme with their YJS over a 3 to 6-month period, as determined by the assessment and Panel report recommendations.

If the child successfully completes the Operation Inclusion intervention this will result with the matter being resolved via receipt of a Community Resolution, instead of receipt of a criminal conviction.

Panel Agreement – The Operation Inclusion agreement will consider a range of support and intervention based on each child's needs and may include:

- YJS Offence focused intervention
- Parenting Support
- Mentoring
- Health & Wellbeing Support.
- Educational Services
- Referrals to wider services such as Early Help/Family Support
- Voluntary BUDDI Tag (Police funded)
- Any other wider community support or services

YJS Intervention – Each child's case manager will be responsible for assessing and implementing individual intervention plans. The frequency of contacts will be determined by the scaled approach identified within the assessment.

Review & End Panels

Review is an essential phase of the process and will be assessed based on the following perspectives. (1) Child's progress. (2) Have they altered their behaviour? (3) Are they engaging in opportunities? (4) How successful have the partner pathways been in supporting the child's development?

Inclusion Panels will run on a timetable following individual YJS operating models; however, it is expected that each child has a minimum of an initial, review, and final panel for programmes 5-6 months long. For programmes between 3-4 months each child will have an initial and a final Panel, unless there are concerns that require an additional panel sitting.

For Review and Final panels, the case manager will produce a summary of progress against the Initial Panel agreement, including positive achievements and developments.

Each child and parent/guardian will attend each panel at the time/date specified with their parent/guardian and their YJS case managers.

Panel Consensus

If on any occasion when the Inclusion panel cannot decide on a consensus in regards a child remaining on the programme a final decision will be referred the YJS Head of Service.

Incidents of re-offending

Re-offending will be addressed at Review panels and decisions made regarding whether child remain on the Operation Inclusion Programme will be based on Case managers recommendations, but it will be a joint panel decision.

Each YJS Police Officer will maintain responsibility to update their home YJS with any relevant offending; intelligence or incidents recorded by the Police. All such matters will be referred to the Case Manager who will report back to the YJS Team Manager/Leader and panel with recommendations. A decision will then be ratified by all panel members. Further charges or offending does not automatically preclude the child from continuing the programme.

Assessment/Information sharing

Case Managers have responsibility for the recording of information on YJS systems (Childview) regarding and undertake standard YJS case management roles and responsibilities. Depending on assessment each child's Risk, Re-offending and Safety & Wellbeing will be determined and follow local YJS Risk & Vulnerability Policies.

Intervention Completion/closing panel

Successful engagement over the three to six-month period will be determined by the case manager and reflected in their end panel report. This will then be endorsed by the Inclusion panel members at each child's closing panel.

Children who have successfully completed their programme, will be notified that the original matter has now been resolved via receipt of a Community Resolution, instead of receipt of a criminal conviction. In this regard case managers will complete a 'Closing Letter/Summary' to be shared with Police.

Police Crime Closure – Each YJS Police Officer will update the Niche OEL with full details including the letter/closing summary and will finalise the case themselves following their own case closing process. The Niche Crime record will be finalised as Outcome 22 classification (Appendix 4). No further action will then be taken against the child regarding this matter.

Knife related offences completed via the Operation Inclusion Programme, will include an additional note stating completed under 'exceptional circumstances' in line with the National Police Chiefs' Council (NPCC) Guidelines on the Investigation, Cautioning and Charging of Knife Crime Offences 2015 (Section 2) – Guidance, advice and procedure Police Action Youths (Appendix 5).

Evaluation Six-month review post completion – This will be required to assess the effectiveness of the programme in terms of risk reduction and reduced offending. Each YJS will have pre and post feedback from the completion of individual Asset+ assessments and follow on collation of data from service partners (Police, ASB Team, Education Early Help and CAHMS) will provide additional data in regards to engagement and re-offending.

Programme Sustainability – As part of the pilot learning each YJS will Identify programme strengths, areas for development and consideration for ongoing service delivery.

Communication & Marketing Strategy – Potential for negative community reaction and press coverage on any deferred prosecution scheme where offenders have the potential to have No Further Action recorded against them. A clear understanding from both partner agencies and the community is paramount for this programme to work. The success of existing diversion services should support the Operation Inclusion programme as evidence of successful diversion and low re-offending rates. All partners should promote the benefits of this programme to alleviate community uncertainty and confidence in effective interventions

Appendix 1

VRP Problem Profile 2020 factors found to be most strongly associated with serious violence are: Gender, number of siblings in the household, having experienced child maltreatment, lack of self-control, early puberty, experience of victimisation, frequency of truanting, bullying, self-harm, risk taking/gambling, feeling isolated, and having previously committed minor violence, theft, public disorder and/or cybercrime.

Appendix 2 The Director's Guidance on Charging", 5th Edition: May 2013

dpp-charging-v5.pdf

9. Diversion from prosecution – dealing with cases out of court

When considering the Public Interest in any case, consideration will be given as to whether the matter can be appropriately dealt with out of court.

Appendix 3

Eligible Offence criteria,
 Possession of Offensive Weapon
 Possession of a Bladed Article (subject to consultation between Local YJS and Police).
 Possession with Intent to Supply
 Assault section 39/47
 Public Order Offences
 Criminal Damage
 Rapid escalation of minor offences: Possession of a controlled, Theft Shop etc
 (All eligible offences are subject to consultation between YJS police officer/YJS OOC lead)

Appendix 4

Police Community First Newsletter October 2020 "Introduction of Outcome type 22"



Outcome 22 on
 Niche October 20 (0)

Appendix 5

National Police Chiefs' Council (NPCC) Guidelines on the Investigation, Cautioning and Charging of Knife Crime Offences 2015 (Section 2) – Guidance, advice, and procedure Police Action Youths



knife-crime-offence
 s-2015.doc

*(Extract Section 2)***2.1 POLICE ACTION – YOUTHS**

2.1.1 *The Starting point for police will be an expectation to charge 16- and 17-year olds (unless there are exceptional circumstances) in all cases.*

2.1.3 *In the case of any young person aged 15 or under in the cases of simple possession with no aggravating factors, the starting point will be the issuing of a Youth Caution or Youth Conditional*

Caution. Forces should ensure that, in relation to offences involving a knife, a second caution is not issued to a young person. Forces should also ensure compliance with the most up to date version of the ACPO Youth Gravity Score Matrix when considering the disposal of knife related offences.

2.1.5 Discretion does exist to deviate from the normal response, as set out above, but only if the circumstances justify this, and the reasons for such action would need to be fully recorded by the decision maker. It is recommended that forces consider delegating this decision to the rank of at least an Inspector.