

# **Bolton Council**

**Youth Justice Service**

**Out of Court Disposals**

**Policy and Procedure.**

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## Introduction

1. The principal 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 (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.
2. Within the legal framework they fall into three distinct categories and provide a graduated response to take account of the seriousness of the offence and any previous offending history.
3. **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.
4. **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.
5. **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).

## Aims and Objectives of Out of Court (OOC) Assessment.

6. The **aims** of the OOC Framework are:
  - To engage with young people and their families at the earliest available opportunity to provide holistic and appropriate support.
  - To strengthen joint working between YJS and the Police to achieve better outcomes for families and young people through 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 YJSs the opportunity to assess need and put in place bespoke interventions designed to prevent further offending.

7. The **objectives** of the OOC Assessment are:
- To clarify roles, responsibilities, and accountability for all YJS staff and partner agencies.
  - To provide clarity and rationale around joint decision making to ensure transparency.
  - To ensure that practice throughout Bolton is consistent.
  - To define and promote best practice for out of court disposals within Bolton.
  - To promote joint decision making for police and YJSs where appropriate.
  - To give staff a clear framework within which to work with young people who receive an out of court disposal.

### **Out Of Court Disposal Panel Meetings.**

8. The OOC Panel meeting, chaired by an Operational Manager, provides a forum for joint decision making when agreeing an appropriate OOC recommendation. The panel is made up of staff from various disciplines who can assist with the decision-making process. This includes the VLO to represent the voice of the victim, YJS Police Officer to provide a community safety perspective, YJS ETE Officer to provide information on the young person's education and training status, YJS Emotional and Mental Health Worker and the YJS Health Worker to provide information on the young person's physical or emotional and mental health. This multi-disciplinary approach along with input from the Officer who has met the child/young person and undertaken the assessment ensures a level of consistency is applied and that the appropriate disposal is recommended based on the needs of the child/young person & victim, offence, previous offending, compliance to previous disposals etc.

### **Roles and Responsibilities**

9. **Greater Manchester Police (GMP)**
- To explain the out of court YJS referral process to the young person and their parent / carer prior to referral being made to the YJS.
  - To gain consent from the family to share all relevant information with the YJS and accurately record this.
  - To gain victim consent and details to share where appropriate and accurately record this.
  - To notify the YJS of all Community Resolutions and requests for YJS diversion / assessment via standard referral form.

## 10. **YJS Police Officer**

- To review all YJS referrals received from the police alongside the Operational Manager.
- To liaise with the referring police officer and challenge referrals from GMP where the OOC criteria is not met in line with the guidance, policy, and legislation.
- To liaise and notify GMP of YJS recommendations once YJS assessment recommendation is completed to gain agreement.
- To attend the OOC Panel meeting to ensure a joint YJS and Police approach is in place.
- To administer the OOC Recommendation to young people following the agreed recommendation at the OOC Panel Meeting.
- To notify YJS Practitioner and YJS Business Support when a Youth Caution and Youth Conditional Caution have been served for a young person and record this on IYSS.
- To share relevant police information / intelligence with the allocated YJS Practitioner.
- To work alongside YJS 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 GMP on Out of Court Disposals for young people on a regular basis to ensure police staff are aware of the OOC and referral process.

## 11. **YJS Practitioner**

- To carry out assessments of all young people and families referred to YJS using the Bolton YJS OOC Assessment tool or Asset Plus.
- Liaise with YJS Victim Worker (see Appendix 1).
- Where assessment is requested by the police, make clear recommendations for OOC disposal within appropriate timescales. Practitioners should aim to complete these assessments within 15 working days of allocation date and should ensure that they advise the Operational Manager if they are unable to meet this timeframe (e.g., awaiting significant information from school or health that would impact on the recommendations).
- Bring the completed assessment and recommendation to an OOC Panel meeting attended by the Operational Manager, YJS Police Officer, YJS Education Worker, YJS Emotional Health Practitioner and Victim Liaison Worker for management oversight and multi-agency agreement. 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 OOC Assessment Tool to multimedia on IYSS and save in the young person's Client Case File.
- When young people receive a YCC, or the offence is either knife crime related or a case with significant CSC history an Asset Plus assessment is to be started straight away
- To monitor and ensure compliance with the conditions of the YCC
- To report any cases of non-engagement from young people and families to the Operational Manager for further decision making.  
To report non-compliance of the OOC to the YJS based police officer to record on police records.
- To plan and deliver bespoke interventions and support to young people on OOC in a timely and proportionate manner
- To ensure a multi-agency approach is supported and attend all relevant meetings for the young person and family (CAM, CP, strategy, risk management, CLA) □ To take responsibility for a young person's case record on IYSS, ensuring records are accurate and up to date
- Review the plan of work with the young person and their family at the end of any intervention
- To provide a case closure summary for all young people and families on IYSS prior to case closure
- To discuss all case closures with Operational Line Manager before closing to ensure management oversight.

**NOTE: Interventions will only be carried out prior to the disposal being formally delivered by Police with the young person's and their families' agreement**

## 12. Operational Manager

- To allocate OOC cases to YJS Practitioners in a timely manner after triage with the YJS police officer and discussion with other managers and to arrange the date of the panel meeting for each case.
- Inform Business Support, the YJS based Police Officer, SALT, YJS nurse, Emotional Mental health Practitioner and YJS Education Worker of allocation so that the relevant assessment and support can be offered.
- To provide management oversight of all OOC cases including case discussions and consultation.
- Attend and chair the OOC Panel Meetings.
- To quality assure the OOC Assessment tool or Asset Plus and agree proposed recommendation with the YJS Practitioner prior to the OOC Panel meeting.
- To carry out regular quality assurance and monitoring of OOC cases.
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### 13. **YJS Business Support**

- Share requests received for a Community Resolution or OOC assessment with the YJS Police Officer, YJS Duty Worker and Operational Manager via email.
- Set up individual records for all new OOC cases on IYSS following notification of allocation, including the victim screen.
- Set up the appropriate intervention screen on IYSS following notification from the YJS PC where a CR, YC or YCC has been agreed by Police following YJS assessment. This should be specific to disposal type.
- If the OOC has not been agreed admin to set up an OOC assessment screen.
- To link the relevant offences to the disposal at both assessment and intervention stage.
- Client file to be created for each young person on the shared (G) drive upon allocation.
- To attend the OOC Panel meeting, record the meeting on the OOC Gatekeeping form and to send appropriate documentation to the police following that meeting.
- To ensure that accurate recording on all OOC cases is recorded on the OOC monitoring sheet and to keep track of all referrals.
- To close the case on IYSS when the case closure form, countersigned by a manager has been completed.
- To send final confirmation that the OOC intervention has been completed to the police.

### **Victims**

#### 14. **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 OOCs and to gather information to inform OOC 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 OOC Panel meetings to contribute to a multi-agency approach.

## **Evaluation**

15. Out of Court Disposals managed by Bolton Youth Justice Services are subject to scrutiny by the Greater Manchester Out of Court Disposal Scrutiny Panel.
16. Out of Court Disposals are subject to evaluation and scrutiny by the Greater Manchester Combined Authority Out of Court Disposal Scrutiny Panel, which ensures accountability, 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 Greater Manchester Police to ensure public confidence in the Out of Court Disposal process.

## Appendix 1 – Out of Court Disposal Procedure.

**Purpose of this Guidance** is to advise Youth Justice Service admin, workers and managers of their roles and responsibilities for OOCB. The process covers tasks to be undertaken and agreed timeframes for completion.

### **1. Initial Referral Response**

Referral is received from the police into the Youth Justice admin inbox – [grpbolton-yot@bolton.gov.uk](mailto:grpbolton-yot@bolton.gov.uk)

- Should be sent to the YJS admin and YJS based Police Officer

#### **1.1. Admin**

Check all the following

- Referral is on the correct form
- Young person is under 18
- Young person has admitted the offence
- Young person has a Bolton post code.
- The Disposal has not already been issued.

Check on IYSS under name AND date of birth to see if young person is already known to us (Young people often give the police a different name than what we already have on the system)

Check the Client case file AND archived client case files to see if a folder has previously been created –

- if yes - transfer to the current client case folder.
- If not - create new folder

In client case file create folder called **OOCB – offence - month/year** (Referral date not offence)

In the folder, save the **email** and **attachments** separately.

Save a copy of the OOCB Gatekeeping Panel Record Form as (e.g., *John Smith – OOCB Gatekeeping Panel Record*) . (If not already saved in template folder).

Open the OOCB spreadsheet – complete the following sections:

Young Person	Date Referral received	Bail back date (If one given)	Admin Actioned	NOTES
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**Young Person** – name of the young person on the referral form

**Date Referral Received** – Date email was received by admin

**Bail back date** – if provided (rarely)

**Admin Actioned** – date admin forward and printed email referral to YJS Operational Managers & YJS based Police Officer

**Note** – any specific notes needed (i.e., Sent back to police)

**Admin will forward the referral email to YJS Operational Managers, the Duty worker and YJS based Police Officer** (refer to *Out of Court Disposal Process flowchart – Appendix 2*)

## 1.2 Duty Worker

When the duty worker receives the OOCB Referral from Admin, they will undertake the required checks as outlined in the Referral Screening form and return this and the OOCB Referral from to the Operational Managers for allocation the same day.

## 1.3 Operational Managers – Allocating Worker

The Operational Manager will discuss referral and allocate case to a Case Worker via email and cc the YJS Admin – [yot.admin2@bolton.gov.uk](mailto:yot.admin2@bolton.gov.uk).

Manager to inform worker and admin date to attend Panel.

The Panel should be arranged for the Thursday, three weeks from manager allocating to case worker.

Panel meetings are held every Thursday between 1pm and 3:30pm (ending at 4pm)

If the police have already issued an OOCB, the young person will be allocated to a YJS Practitioner who will complete the OOCB Assessment or Asset Plus to identify any needs/risks and to formulate a plan of intervention.

## 2. Arranging Panel

### 2.1. Admin

- Open YP on IYSS and create intervention screen – refer to **How to Open Intervention Screen** process (open as either decision given by police or prevention – OOCB Assessment)
- Allocate the case on IYSS to Case worker – refer to **How to Allocate Worker** Process
- Arrange OOCB Panel via MS Teams meeting and allocate a slot of 30mins per case. Send invite from the Chairs calendar and invite (see Appendix 1):
  - Allocated Case Worker
  - Emotional and Mental Health Worker,
  - YJS based Police Officer.
  - Victim Worker
  - Speech and Language Therapist
  - Education Co-ordinator
  - YJS Nurse (Health Worker)
- Update the following sections on the OOCB Spreadsheet

Case allocated to	OOCB Panel date (Thursday PM)	Time slot (e.g 14:00)
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### **3. Prior to Panel**

#### **3.1. YJS Officer**

From the point of allocation, the YJS Officer will have a 3-week period in which to undertake their assessment and prepare their recommendation for panel. In certain cases where this is not practical the panel date may be moved by agreement of all parties.

The YJS Officer will contact the young person and arrange to see them within 5 working days. A phone call to the young person or his/her guardian is the preferred method of contact to ensure that swift contact is made.

The YJS Officer will complete an appropriate assessment, the OOCB Recommendation Proforma and present to their Line Manager for quality assurance (QA) at least 3 working days prior to panel to allow for feedback, amendments and sign off.

In cases where a Youth Conditional Caution is a likely outcome, for offences such as sexual offences, knife crime offences, and where there are significant risk factors or safety and well-being concerns, the YJS Officer will complete an Asset Plus in the first instance.

The OOCB Assessment and Recommendation Page or OOCB Recommendation Report should be saved as: **name – OOCB Report – date of Panel.**

e.g., John Smith – OOCB Report – 01.01.2001

Save in Client case file OOCB folder (previously set up by admin) and inform admin via email to [yot.admin2@bolton.gov.uk](mailto:yot.admin2@bolton.gov.uk) advising the report is ready to format. This needs to be completed by the **Monday** prior to Thursdays Panel.

#### **3.2. Admin – Formatting Report**

On notification from case worker, format OOCB Assessment or Recommendation Panel report before end of the working day on the **Tuesday** prior to Panel. Notify via email Case Worker and YJS Operation Manager when this has been actioned and is ready to QA. Clarify date and time of Panel.

#### **3.3. YJS Operation Manager**

Will quality assure the OOCB Assessment and recommendation or Asset Plus and Recommendation Report for YCCs and inform the Case worker of any required changes.

#### **3.4 Case Worker**

Confirms changes have been made (if needed) to Op Manager and admin by 2.00pm

Completed documents need to be with admin by 2.00pm the day prior to panel.

#### **3.5 Admin – Panel report distribution**

**To be completed by 3.00pm on the Wednesday prior to Panel on the following day.**

Upload the relevant quality assured OOCB Assessment and Recommendation or Recommendation Report for the young person to the calendar invite set up in the Chair's calendar (e.g., *Calendar invite for John Smith set for 13:30 - open the invite and attach the quality assured OOCB report for John to the meeting.*)

Remember to send update.

Repeat for each young person booked into Panel in the Chair's calendar.

## 4. Panel Meeting

### 4.1. Admin

Attend the panel meeting to record the main points.

Prior to the meeting add the Panel date to the O OCD Panel Record Form previously saved in the young person's O OCD folder and complete beginning section. Details are copied from the YJS Referral Form – see below guidance.

Name	<a href="#">Section 1 – offender details</a>
D.O.B.	<a href="#">Section 1 – dob</a>
O OCD Panel Members Present	<a href="#">Note in the meeting</a>
Date	<a href="#">Date of Panel</a>
Offence	<a href="#">Section 2 – offence details</a>
Brief Details: <a href="#">Section 2 – summary of offence</a>	

During the panel, complete the relevant sections of the form as directed by Chair. Below section will be used to update the YJS Referral form once the O OCD Panel Record form has been checked by the case worker.

YOT outcome recommendation	CRD <input type="checkbox"/>	Youth Caution <input type="checkbox"/>	Youth Conditional Caution <input type="checkbox"/>
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## 5. Post Panel

### 5.1. Admin

Complete below sections on the O OCD monitoring sheet.

YOT recommendation <input type="checkbox"/>	Date YOT recommendation emailed to OIC <input type="checkbox"/>	Email sent by (initials) <input type="checkbox"/>	7-day reminder (date will calculate) <input type="checkbox"/>	Panel Discussion Notes sent to Worker to Q&A <input type="checkbox"/>	Panel Notes up loaded to IYSS (Circulate if their actions) <input type="checkbox"/>
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Check formatting and correct any typo's, spelling, grammar etc on O OCD Panel Record Form and inform case worker once ready for checking.

Record the YJS Outcome Recommendation of the panel on the YJS Referral Form see below example (remember to ensure the correct disposal/recommendation is added)

<b>**For YOS officer completion ONLY**</b>	
Allocated YOS officer <input type="checkbox"/>	Case Worker <input type="checkbox"/>
Final disposal of the crime <input type="checkbox"/>	<p>Discussed at YOT O OCD Panel on (insert date of Panel). YOT recommendation is a (Insert Recommendation) <input type="checkbox"/></p> <p>¶</p> <p>The YOT cannot work with this young person until we know what is going to happen to them in terms of outcome. <input type="checkbox"/></p> <p>¶</p> <p>Please reply within 7 days to state your intention in the case. <input type="checkbox"/></p>

By 4pm Friday following the meeting email the YJS Referral form and OOC Recommendation Proforma to the Officer in Charge (OIC).

Navigate to the original email from the OIC in the YP case file. Click on the email document to open it and copy and paste the below narrative and attach the updated YJS Referral Form.

*Please find the attached YJS Recommendation report and updated referral form.*

*The YJS cannot work with this young person until the recommendation has been administered. The YJS based Police Officer will arrange for the defendant to attend the police station to administer the disposal within the next 7 days.*

*When this is completed the YJS based Police Officer will send a copy of the Youth Conditional Caution / Youth Caution form into the YJS for our records.*

*Please respond to all at the above email addresses.*

## 5.2. YJS Officer

Will confirm the minutes are an accurate record of the meeting or inform admin of any changes to the record that are required.

Record the Panel meeting and the outcome on IYSS within 24 hours of the Panel taking place.

Once confirmation of the disposal has been administered is received, YJS officer will then commence with the YP to complete the identified work.

## 5.3 Admin

Complete below sections on OOC Monitoring Spreadsheet:

Date YOT recommendation emailed to OIC	Email sent by (initials)	7 day reminder (date will calculate)
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## 6. Nil Returns

### 6.1. Admin

Every Friday checks the spreadsheet for any nil response from OIC and resend email for confirmation that work can begin with YP.

CC in the email the Case Worker, Operational manager, and Police Officer.

## 7. Notification of Recommendation administered

### 7.1. Admin

Complete below sections on OOC Monitoring Spreadsheet:

Date Police administer recommendation	Date YOT Notified	Date Admin resulted on IYSS
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Update IYSS. Close the Prevention – OOCB Assessment screen down and open a new intervention screen with decision given by police (*i.e.*, YC, YCC, CRD)

Inform Case Worker Intervention screen has been opened for caution given.

Upload YJS Referral Form (with Panel's recommendation) to YP IYSS case.

## **8. Closure of Case**

### **8.1. Case Worker**

Complete work with YP and agree closure with Line Manager and complete Closure Form.

At the end of the order the YJS worker will review the plan with the YP and their family and update this to show that the work has been completed.

Worker and Line Manager to sign Closure form and forward to admin.

### **8.2. Admin**

Close case on IYSS and upload closure form to YP Case file Multimedia.

Email OIC to inform work has been completed successfully with YP.

Complete below sections on OOCB Monitoring Spreadsheet

closure date	Date Police notified of Closure
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## Appendix 2 – Out of Court Disposal Procedure Flowchart

