



Children & young person's Out of Court Resolution scrutiny panel

Annual Report 2025/2026



Working in partnership to improve the efficiency and effectiveness of the criminal justice system

Introduction

This report has been produced because of an action from the Thames Valley Children & Young person's (CYP) Out of Court resolution (OoCR) Scrutiny Panel

There are obvious advantages to the use of OoCRs:

- They can help reduce demand by diverting lower-level offenders away from prosecution and court.
- They can be quicker and more cost effective than prosecutions,
- Success depends on appropriate and consistent use, availability of supporting interventions and effective oversight,
- Reductions in reoffending or demand are most evident where robust structures and support services are in place.
- Qualitative evidence highlights the need for strong partnership working, dedicated teams, and data collection to ensure OoCR effectiveness.
- Using out of court resolutions to divert children to the right services cuts reoffending. Acting quickly to connect children with effective support makes all the difference.
- Diverting children away from the formal criminal justice system minimises stigma.
- Diversion contributes to better outcomes for children and consequently reduced crime and creates safer communities.

Police legitimacy, public trust and confidence are fundamental for the effectiveness of the police. The purpose of the CYP OoCR Panel is to independently review a selection of cases resolved by way of OoCR to facilitate continuous learning, improvement of services and identification of good practice.

The purpose of this Panel is to:

- Independently and objectively review a selection of criminal cases that have been resolved by use of an out of court resolution or no further action that is not subject to charging advice.
- Ensure alignment to national policies/ adherence to legislation.
- Determine whether the application is considered appropriate, based on the information and evidence available to the decision maker at the time.
- Examine disproportionality, notably on grounds of protected characteristics.
- Recognise and promote good practice and robustly challenge areas for improvement so that the public can be assured and confident in their local criminal justice system.
- Make observations and recommendations to all Criminal Justice Partners (CJS) to drive change and improvements in Thames Valley Police (TVP) policies and processes and strategic decision-making.
- Increase public understanding, confidence and trust in the use of Out of Court Resolutions as a method of case disposal.

The group is aligned to the TVP Values: We treat everyone with fairness and respect, we are courageous and do the right thing, we strive to improve every day, and we are proud to be TVP.

Types of Out of Court Resolution

Out of Court Resolutions currently available for young people are Community Resolutions (CR's), Youth Cautions (YC's), Youth Conditional Cautions (YCC's) and Youth Diversion program (YDP).

Community Resolution

A community resolution is an informal outcome; the agreed conditions are not enforceable by the police. If a child has no prior disposals a first time CR decision can be made. Generally, these are low level offences and for first time offending. A second CR may be used in certain circumstance but must be submitted to YJU for consideration, (E.G. time between offences, different crime types). To issue a CR it must be clear that a crime has occurred and there should be reasonable suspicion that the offender is responsible. The offender must have accepted responsibility for it and be able to understand the situation and processes.

Youth Caution

A caution is a formal out of court resolution. A Youth Caution may be given for any summary or either Way offence where the offender makes a clear and unambiguous, PACE (Police and Criminal Evidence Act) compliant admission to the offence, there is sufficient evidence to prosecute, but where it is not in the public interest to do this. Voluntary conditions can be imposed, but there is no sanction for failure to complete.

Youth Conditional Caution

A conditional caution is a formal out of court resolution where failure to adhere to the agreed conditions may result in a formal prosecution for the original matter and the same eligibility rules apply as a Caution. The victim will be asked their opinion on which options they think would be most appropriate to the offender in the incident. The police and youth justice service will make the final decision as to what is appropriate ensuring it is proportionate to the offence committed and will have a positive impact for you, as the victim, and the offender. If the young person does not complete the program, it may amount to a breach, and a decision will be made whether to prosecute for the original offence at court.

Youth Diversion Program

The Diversion scheme is intended to provide young persons a 'chance to change' and better life chances. The scheme is a diversionary intervention. It gives an individual accused of an offence, where there is sufficient evidence to charge, the opportunity to complete an intervention over a 12-week period whilst the decision to prosecute or consider other OoCR is put on hold. There is no requirement of an admission as in a YC/YCC, but there must be no denial, silence can also qualify. A pilot went live in TVP in April 2025, and a review is currently underway. It is based on evaluation, including randomised control trials that lead to a statistically significant reduction of reoffending.

How does it work? Participants meet with a youth justice service worker who undertake an assessment to identify what bespoke support is needed to reduce the likelihood of the young person re-offending. Support is provided by a commissioned partnership and lasts up to a maximum of 12 weeks.

What happens next? If the intervention is successfully completed, the original offence is recorded as no further action, with an intervention provided. This does not appear on a criminal record, though may still be disclosed for an enhanced Disclosure and Barring Service check (DBS) check to protect vulnerable groups under safeguarding requirements. If they fail to complete the YDP, all OOC options and charge are considered (although with no comment interview, YC/ YCC may not be an option).

Eligibility:

- Aged up to 18 years old
- No more than three court convictions in last year
- Eligible if admitted, partially admitted or 'No Comment'
- NOT eligible if denied offence or raised a defence.
- Knife possession offences only (public place or on school premises) - only available of U16s who have had no previous 'violent' or 'weapon' related history, no aggravating factors exist in the circumstances of the offence and where truly exceptional circumstances exist as defined by TVP.

The Out of Court Resolution Scrutiny Panel aims and objectives

The role of the Panel is to scrutinise compliance independently and objectively on the decision making and delivery of OoCR in line with TVP policy and the Code for Crown Prosecutors. The intention is to determine whether the method used is considered appropriate, increasing transparency and public confidence and to contribute to TVP strategic planning process through the identification of themes and policy improvement.

The panel will:

- Make critical observations and examine appropriate data and information to consider whether the OoCR was consistent with policy.
- Provide constructive feedback to promote best practice, identify potential policy development or training needs for consideration by the force or other agencies and track progress.
- Encourage and support the use of professional discretion and the use of appropriate and consistent language across the criminal justice system.
- Support thematic reviews of OoCR.
- Review the appropriateness and effectiveness of OoCR on reducing reoffending by reviewing data and advocate effective scrutiny practice.
- Recognise positive work and provide feedback as appropriate to line managers.
- Publish regular updates and an annual impact report detailing the panel's activities, findings and recommendations to the community and wider policing area to raise awareness, confidence and trust in the use of Out of Court Resolutions as a method of case disposal.

The panel

Core members:

- Independent Chairperson
- LCJB Programme Manager (panel administrator)
- HMCTS Magistrate (Youth bench member)
- National Probation Service representative (child/youth lead)
- Crown Prosecution Service (child/youth lead)
- Defence solicitor
- Senior Justice Gateway representative
- Youth Justice Service Manager/Team representative
- Youth Justice Board Representative
- Liaison & Diversion Team representative
- Appropriate Adult service representative
- Victim Services Representative (children's victim services provider)

Optional:

- TVP Inclusion Superintendent
- Other Department leads/ Police area Performance Inspector or delegated representative or subject matter experts for specific agenda items.
- Community, Agency, OPCC, representatives advisory & scrutiny governance levels and workforce observers

Panel Meeting Frequency/location – Held virtually/Quarterly for a period of 3 hours. The Thames Valley region has nine local authority Youth Justice Services (YJS). Each quarterly meeting focuses on two YJS areas. This ensures that over a 12-month period each YJS will be scrutinised at least once.

Case Sample selection:

- It is important that there is a balance of cases chosen. There needs to be a selection of cases where there is learning to be had alongside examples of good decision making. All examples will promote conversation and board members will have their own opinions on the circumstance of the case being scrutinised.
- The cases we scrutinise are a very small percentage of the overall number of cases dealt with. There will be a higher percentage of complex examples, where there may be disagreement and differing opinions between the board members.
- The panel will formulate an annual programme of scrutiny.
- The panel administrator will identify a pre-agreed number of selected cases that concluded with an OoCR within the preceding quarter.
- Cases will be anonymised, allocated a unique panel reference to assist identification.
- The case development manager will then produce summaries of the anonymised cases to be sent to Chair and panel members for assessment prior to the meeting.
- Panels should be mindful of potential confirmation bias in decision making and for this reason consideration should be given to removing references to ethnicity/gender from event summaries/material prepared to support assessments.

Both qualitative analysis and quantitative information are provided quarterly to panels relating to each type of out-of-court resolution.

The Case Development Manager provides details of the occurrence, previous antecedence history of the offender and the disposal decision. The feedback is recorded in the minutes of the meeting and will include the rationale for the decision of the panel.

The panels link into the wider criminal justice system through reporting into the Local Criminal Justice Board governance structure.

2025/2026 Performance Overview

The Youth Diversion Programme pilot is a diversionary intervention for young people as an alternative to a formal outcome, with the goal to reduce reoffending and protect victims by reducing the criminalisation of children. This pilot has run from April 2025 to March 2026. It is currently being evaluated.

During the last year between 1st April 2025 and 31st March 2026 there have been 2407 CYP OoCR outcomes across Thames Valley. The figures here represent the number of offences and not the number of children. A child may have several offences attributed to their case.

| Outcome | Cases | Percentage % |
|----------------------|--------------|---------------------|
| Community resolution | 1789 | 74.3 |
| Simple caution | 85 | 3.5 |
| Conditional caution | 133 | 5.5 |
| Diversion Program | 400 | 16.7 |
| Total | 2407 | 100 |

Numbers over the last 5 years

| Historical | | | | | | | | |
|----------------------|-------------|----|-------------|----|-------------|----|-------------|----|
| | 2024/25 | | 2023/24 | | 2022/23 | | 2021/22 | |
| Outcome | Cases | % | Cases | % | Cases | % | Cases | % |
| Community resolution | 1777 | 65 | 1871 | 63 | 1818 | 65 | 1829 | 69 |
| Simple caution | 142 | 5 | 204 | 7 | 177 | 6 | 153 | 6 |
| Conditional caution | 156 | 6 | 180 | 6 | 229 | 8 | 184 | 7 |
| Diversion Program | 643 | 24 | 724 | 24 | 563 | 20 | 470 | 18 |
| Total | 2718 | | 2979 | | 2787 | | 2636 | |

Disposal by crime type

| Crime type | Community resolution | Simple caution | Conditional caution | Diversion Program |
|------------------------------|----------------------|----------------|---------------------|-------------------|
| Violence Against Person | 652 | 42 | 48 | 116 |
| Drug offences | 474 | 4 | 11 | 42 |
| Criminal damage/arson | 237 | 4 | 11 | 20 |
| Public order | 57 | 4 | 6 | 18 |
| Poss of weapon offences | 33 | 8 | 30 | 5 |
| Misc. crimes against society | 28 | 1 | 3 | 101 |
| Theft offences | 292 | 20 | 16 | 29 |
| Sexual offences | 10 | 2 | 5 | 68 |
| Robbery | 6 | 0 | 3 | 1 |

Case Scrutiny

An analysis of the cases scrutinised throughout the year to date.

Summary of cases scrutinised

| Outcome | Cases | Percentage % |
|----------------------|-----------|--------------|
| Community resolution | 8 | 27.5 |
| Simple caution | 2 | 7 |
| Conditional caution | 12 | 41.5 |
| Diversion Program | 7 | 24 |
| Total | 29 | 100 |

Criteria

The Panel discuss whether the method of disposal is considered appropriate, based on a review of the information/evidence available to the decision maker at the time, and agree a categorisation against four options:

GREEN: Appropriate and consistent with police policies/ the CPS Code for Crown Prosecutors

BLUE: Appropriate but with observations from the Panel

RED: Inappropriate and inconsistent with policy

Panel fails to agree and more information is required

The Panel *cannot* change the outcome of the case but can make observations and give feedback on the case reviewed. Feedback is provided to individual officers and supervisors on cases considered inappropriate. Observations are used to identify training needs, inform development of policies and interventions and promote good practice.

Panel Decisions

| Disposal type | Offence | Panel Decision |
|-----------------------------|---|---|
| Community Resolution | | |
| Community Resolution | Battery | Appropriate with observations |
| Community Resolution | Assault and affray | Inappropriate * |
| Community Resolution | Possession of cannabis | Appropriate |
| Community Resolution | Assault by beating | Inappropriate * |
| Community Resolution | Assault emergency worker | Appropriate with observations |
| Community Resolution | Criminal damage x 3 | Appropriate with observations |
| Community Resolution | Possession of indecent images/extreme pornography | Appropriate with observations |
| Community Resolution | Theft from a shop | Appropriate with observations |
| Simple Caution | | |
| Simple caution | Motoring offences | Appropriate |
| Simple caution | Battery x 3 | Inappropriate * |
| Conditional Caution | | |
| Conditional Caution | Battery | Appropriate |
| Conditional Caution | Possession of class B drugs | Appropriate |
| Conditional Caution | Possession of bladed article | Appropriate with observations |
| Conditional Caution | Common assault/Intentional strangulation | Inappropriate * |
| Conditional Caution | Burglary – non dwelling | Inappropriate * |
| Conditional Caution | Possession of bladed article on school premises | Inappropriate * |
| Conditional Caution | Possession of bladed article | Appropriate |
| Conditional caution | Possession of bladed article on school premises | Appropriate |
| Conditional caution | Possession of knife in school | The Panel Members fail to agree on the appropriateness of the decision made |
| Conditional caution | Possession of offensive weapon in a public place | Appropriate with observations |
| Conditional caution | Harassment – put in fear of violence | Inappropriate * |
| Conditional caution | Aggravated vehicle taking, No insurance, DOTAWL | Inappropriate * |

| Youth Diversion | | |
|-------------------|-------------------------------|---|
| Diversion Program | Criminal damage | Appropriate |
| Diversion Program | Assault emergency worker | The Panel Members fail to agree on the appropriateness of the decision made |
| Diversion Program | Criminal damage | Appropriate with observations |
| Diversion Program | Assault by beating | Appropriate |
| Diversion Program | Assault without injury | Appropriate with observations |
| Diversion Program | Possession of indecent images | Appropriate |
| Diversion Program | Burglary – non dwelling | Appropriate with observations |

| Summary of decisions | | |
|---|-----------|--------------|
| Decision | Cases | Percentage % |
| Appropriate | 9 | 31 |
| Appropriate with observations | 10 | 34.5 |
| Inappropriate* | 8 | 27.5 |
| The Panel Members fail to agree on the appropriateness of the decision made | 2 | 7 |
| Total | 29 | 100 |

| Summary of decisions against outcome type | | | | |
|---|---------------|-------------|-------------------------------|---|
| Disposal type | Inappropriate | Appropriate | Appropriate with observations | The panel members fail to agree on the appropriateness of the decision made |
| Community resolution | 2 | 1 | 5 | - |
| Simple caution | 1 | 1 | - | - |
| Conditional Caution | 5 | 4 | 1 | 1 |
| Diversion Program | - | 3 | 3 | 1 |

Inappropriate decisions

Inappropriate * - A summary of cases considered inappropriate can be found below.

Case 1: The Panel considered use of a Community Resolution inappropriate in a case involving Assault and affray. Board felt the offence was of sufficient seriousness to justify either a conditional caution or gone to CPS for a decision. In making the decision to opt for a community resolution the views of the mother of the victim were considered but the views of the victim were not obtained. Response; Feedback to decision makers.

Case 2: The Panel considered use of a Community Resolution inappropriate in a case involving Assault by beating. Board felt this should have been Youth Diversion Program. Whilst the child had had an earlier community resolution this incident was very soon after that. Response: Feedback to decision makers. Referred to turnaround project focussing on offending behaviours.

Case 3: The Panel considered use of a caution inappropriate in a case involving Battery x 3. They felt that this should have been dealt with under the school's policy. The case should not have come to the attention of the Police. Response: Feedback to decision makers. TVP developing a new school's strategy to have the confidence to deal with appropriate cases within the school policy and not automatically refer to Police.

Case 4: The Panel considered use of a Conditional Caution inappropriate in a case involving common assault amended to intentional strangulation. Board considered the circumstances around the change from the initial crime category (common assault) to intentional strangulation. They decided that the offence category was too high and should have been common assault and dealt with under the school's policy. The case should not have come to the attention of the Police. Response: Feedback to decision makers. TVP developing a new school's strategy to enable the schools to have the confidence to deal with appropriate cases within the school policy and not automatically refer to Police. Referred to sessions designed to manage their behaviour, anger and emotions.

Case 5: The Panel considered use of a Conditional Caution inappropriate in a case involving Burglary non-dwelling. Board felt it should have been a community resolution or simple caution. Response: Feedback to decision makers. Referred to sessions designed to manage their victim awareness, consequence of further offending and drug and alcohol solutions.

Case 6: The Panel considered use of a Conditional Caution inappropriate in a case involving Possession of bladed article on school premises. Board felt this should have been a Youth Diversion Program. Board questioned whether the mental health of the child had been assessed and whether this should have come to the attention of the police. Given that an YDP would have been a more appropriate outcome. Response: Feedback to decision makers and further meeting to discuss the wider mental health of the child.

Case 7: The Panel considered use of a Conditional Caution inappropriate in a case involving harassment – put in fear of violence. Board felt this should have been a Community Resolution. There were concerns over the classification of the offence and the timeliness of the case going through the criminal justice system. Response – timeliness of delay in investigation due to change of officer investigating and timeliness of CPS decision making.

Case 8: The Panel considered use of a Conditional Caution inappropriate in a case involving Aggravated vehicle taking, No insurance, DOTAWL. Board felt it should have been a youth Diversion Program. There was a view that YJS need to provide clear summary of their decision making in respect of gravity score. Response; Feedback to decision makers and youth Justice service managers.

The main areas of non-acceptance

1. Disagree with decision on type of OoCR used.
2. Should have been dealt with under the school's policy and not reported to Police.
3. View of the victim was not obtained (often the view of the parent was only considered)
4. Should have gone to CPS for a decision.
5. Should have gone to court.
6. Police use of powers
7. Timeliness of process

Actions to address the findings

To address the causes of inappropriate decision making the following steps have been put into place:

1. One on one officer feedback
2. One on one decision maker feedback
3. Timeliness of investigations – work being done to ensure greater visibility of investigations to supervisors and crime managers
4. Policy reinforcement
 - Officers setting conditions as part of a community resolution
 - Improved information should be captured on formal documents to justify decision making.
5. Consistency – process being developed to ensure there is a consistent approach to decision making across the force.
6. To better understand the reasons that cases are returned from court for an OoCR to be considered.

It should be noted that to date here has been no need to escalate action in respect of individual officers.

Conclusion

Decision making in children's cases is a complex process. OoCRs are intended to divert children from formal prosecution to prevent unnecessary criminalisation and reduce reoffending. There are multiple resolution options. Each option has different implications for the child - criminal records, disclosure, and intervention requirements. Choosing the right one depends on offence gravity, prior history, and child vulnerability.

The process requires multi-agency involvement: Police, Youth Justice Services, CPS, Courts and the victim's voice. All the decisions are carefully considered with key influencing factors:

- **Child's circumstances:** Age, maturity, neurodiversity, care experience, exploitation risk.
- **Nature of offence:** Knife crime, sexual offences, repeat offending can complicate decisions.
- **Public interest and victim views:** Balancing justice with community safety.
- **Risk and protective factors:** Family stability, peer influence, school engagement.

The scrutiny of these cases is essential to ensure consistency and fairness across the Thames Valley. This is more relevant given that the region has nine individual Youth Justice Services within its footprint.

The panel identified eight cases that had an inappropriate outcome. Of these:

- Seven cases were considered to have had an outcome that was too high.
- One case was considered to have had an outcome that was too low.

The panel this year has identified areas of learning and process improvements that are needed. (Listed under actions to address findings above)

As a region all agencies are working hard to ensure all OoCR for children are fair and reflective of the offending whilst ensuring the views of the victim are considered and that interventions adopt a 'Child First' approach.

The level of trust between the participants of this process is high and supports the goal of this process which is to increase the confidence of and reassure the public regarding the out of court resolution process.