

Youth justice - Frequently Asked Questions

Non-admission of guilt is necessary to access/engage with diversion

Admitting guilt

Historically, strict eligibility criteria have restricted young people's access to diversion schemes if an admission of guilt was not made.¹ However, this approach does not consider the individual needs and circumstances of a young person when an offence is committed. Evidence suggests that there are a number of reasons why a young person may refuse to admit guilt; including legal advice to give 'no comment' interviews, mistrust of the criminal justice system or developmental difficulties.² There is also evidence to suggest that presently, rigid eligibility criteria may exacerbate racial disproportionality in youth diversion; with children from ethnic minority backgrounds negatively affected.³ Furthermore, as some Youth Offending Teams move away from this criteria, children and young people face a 'postcode lottery' in regards to access, resulting in inconsistent practice across the country and ultimately poorer outcomes for some young people.⁴

Accepting responsibility

Some Youth Offending Teams have now progressed by implementing the lesser and more flexible requirement of 'accepting responsibility' in order to improve access to diversion schemes for children and young people. 24% of the 115 YOTs we surveyed in England and Wales, confirmed that they allowed a young person to accept responsibility rather than admit guilt, in order to access diversion.⁵ This flexible alternative may also play a key role in reducing the number of young people escalated into the criminal justice system by employing more of a child centred or 'Child First' approach to managing offending behaviour.⁶

Dispelling myths with an expert voice

We spoke to James Thistlewood, a Sergeant who works within Diversion & Reoffending at West Yorkshire Police about his thoughts on admitting guilt versus accepting responsibility, to access diversion. James has worked on the Chance to Change Pilots, a scheme which offers young people who have offended the opportunity to access diversion, even if they have not admitted to the offence.

Can you tell us about Chance to Change?

Chance to Change is a pilot scheme running in West Yorkshire solely for young people under the age of eighteen. Colleagues in the Metropolitan Police have also introduced Chance to Change in some of their areas for both adults and young people. Chance to Change is intended for those who have been accused of lower level crimes and are given the opportunity to complete conditions to address their offending behaviour and prevent criminalisation. Young people who access the scheme enter a three-month contract to engage with interventions that are agreed by the YOS panel.

These include representatives from a range of partners to ensure fully informed decisions are made. At the end of a successful intervention period, the outcome is recorded as Outcome 22 (a type of outcome which involves no further action). If the young person does not complete their conditions successfully or re-offends during the contract period they can be prosecuted for the original offence.

Who can access the scheme?

Young people who have committed lower level offences can access Chance to Change. Serious offences such as knife crime and domestic abuse are excluded. Young people are not necessarily required to admit their guilt to access the scheme. The pilot also accepts those who have had a previous conviction or Youth Conditional Caution within the last 12 months. In terms of the referral pathway, the scheme is a Randomised Controlled Trial, so young people are either randomly selected for the Treatment group (Chance to Change) or Control group (normal youth justice processes), this is necessary for an accurate evaluation to take place.

How helpful is having a scheme which focuses on accepting responsibility versus admission of guilt?

There has been a lot of positive feedback from professionals delivering the scheme. Young people should be given the chance to change their behaviour. A scheme like this can help young people by providing the same access to education and support from YOS teams and partners, but without the detrimental impact that a caution or convictions could have on their future life and prospects, which could have occurred if they had not been offered Chance to Change. The pilot also helps to reduce disproportionality, as some young people may be less likely to admit guilt due to a range of reasons (e.g. a distrust of the police), which may negatively affect their chances of accessing diversion.

Endnotes

1. Cushing K. Diversion from Prosecution for Young People in England and Wales – Reconsidering the Mandatory Admission Criteria. Youth Justice. 2014;14(2):140-153.
2. Centre for Justice Innovation (2021). Equal diversion? Racial disproportionality in youth diversion. <https://justiceinnovation.org/publications/equal-diversion-racial-disproportionality-youth-diversion>.
3. Justice Committee (2020). Children and Young People in Custody (Part 1): Entry into the youth justice system: Racial Disproportionality. <https://publications.parliament.uk/pa/cm5801/cmselect/cmjust/306/30609.html>.
4. Centre for Justice Innovation (2020). Understanding Youth Diversion in London - Evidence and practice briefing. https://justiceinnovation.org/sites/default/files/media/document/2020/london_briefing.pdf
5. Centre for Justice Innovation. (2019). Mapping youth diversion in England and Wales. <https://justiceinnovation.org/sites/default/files/media/documents/2019-02/mapping-youth-diversion-in-england-and-wales-final.pdf>
6. Case, Stephen; Browning, Ann (2021). Child First Justice: the research evidence-base [Full report]. Loughborough University. Report. <https://hdl.handle.net/2134/14152040.v1>.

About the Centre for Justice Innovation

The Centre for Justice Innovation seek to build a justice system which all of its citizens believe is fair and effective. We champion practice innovation and evidence-led policy reform in the UK's justice systems. We are a registered UK charity.

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