

DELIVERING FAIRER, FASTER JUSTICE: MODERNISING OUT OF COURT RESOLUTIONS

SUMMARY

This briefing proposes that the Government takes action to cut crime, reduce demand and improve outcomes for victims by driving forward the use of evidence-led Out of Court Resolutions (OOCRs). As part of that, we recommend the Government adopt a comprehensive, simplified national framework for OOCRs for both adults and children that does not require legislative change. This new national framework would give police and others the clarity and flexibility they have been calling for and would bring coherence to the fragmented landscape of OOCRs, providing a single framework applicable across the youth and adult systems.

With this in place, the Government should (i) work with the Crown Prosecution Service (CPS), National Police Chiefs' Council (NPCC), Youth Justice Board (YJB), and Mayors and Police and Crime Commissioners to produce national operational guidance, training, and oversight and data monitoring mechanisms for adults and children respectively; (ii) work with HMICFRS and HMI Probation (HMIP) to re-align inspection regimes to incentivise expanded use of OOCRs; (iii) utilise newly developed technology to reduce the administrative burden on police and others in issuing and enforcing OOCRs.

This approach can be implemented within one to two years and would simplify current practice, provide greater consistency across forces. improve fairness, reduce reoffending and remove unnecessary demand from the courts.

CONTEXT AND RATIONALE

There has been a 43% decline in the use of OOCRs since 2015,¹ despite clear evidence of their effectiveness in reducing reoffending and reducing demand on the courts.² For several years, police and others have found the current framework complicated and confusing - for example, in the adult system, there are five different statutory OOCRs, and a range of 'informal' non-statutory OOCRs. The current system remains fragmented and inconsistently applied, with wide variation in their use between forces and confusion about which different disposals should be used and when. A 2025 joint thematic inspection between HMIP and HMICFRS said that the absence of a clear and consistent national framework is resulting in a 'postcode lottery', which raises concerns about fairness and public confidence.² Previous Government's attempt to replace this framework through the Police, Crime, Sentencing and Courts Act 2022 has proven so complex to administer that it remains unimplemented. By applying only to adult statutory OOCRs, it also offers no clear guidance on the use of youth or informal OOCRs.

The case for modernisation and rationalisation is underscored by recent evidence and reviews. The *Leveson Review of the Criminal Courts* (2025) endorsed the expansion of OOCRs as a way to reduce unnecessary court demand, costs and cut crime.³ The Centre's research into criminal court fines shows that nearly half remain unpaid after 12 months, and that many people who receive them live in poverty and cannot afford to pay them.⁴ Our analysis estimates that expanding the use of OOCRs could prevent thousands of lower harm cases from entering the court system each year, which otherwise would have likely resulted in an unpaid fine.⁵¹

¹ The difficulty of enforcing financial penalties is also a large part of the reason the 'new' two-tier statutory OOCR framework for adults has not been implemented. That framework would have allowed the police to impose financial penalties on offenders. However, the Ministry of Justice has been unable to link police and HMCTS systems, a vital step in monitoring whether penalties have been paid. Moreover, it is very likely financial penalties imposed on people in receipt of OOCRs would have just as low repayment rates as court fines, undermining the legitimacy of the penalty.

The *Lammy Review* (2017) identified that individuals from minoritised communities were less likely to benefit from OOCRs, a finding further substantiated by the *Youth Endowment Fund's 2024 study* which found that Black children in London were 15 per cent less likely to be diverted than their White peers.⁶ The *Lammy Review* specifically recommended the wider use of deferred prosecutions as a mechanism to address disproportionality and improve fairness for individuals who, due to having lower levels of trust in the criminal justice system, are more likely not to admit guilt during police interview. This has led to the spread of a range of deferred prosecution schemes across the country, often using a No Further Action (NFA) disposal that requires no admission of guilt or responsibility (and coded as an Outcome 22). However, there is no set agreed definition of how these operate and how they are recorded and monitored.

Importantly, there is now strong evidence that victims themselves support the use of OOCRs. Research by *Transform Justice* found that most victims value the opportunity to receive an explanation, apology or reparation more than the imposition of punishment.⁷ Victims who participated in such resolutions often reported higher satisfaction and stronger trust in justice agencies. This evidence should reassure Ministers that expanding OOCRs is not at odds with victims' interests, but rather a way to deliver justice that feels more personal, accountable and meaningful.

A SIMPLIFIED FRAMEWORK

We propose a simplified and unified national framework across the adult and youth justice systems (see table 1). We are aware that the NPCC and CPS have jointly developed a working draft for a unified framework for adult OOCRs, which is broadly similar.

Table 1: A new national framework for OOCRs

Who	Type	Current framework	New framework
Adults	Statutory OOCRs	<ul style="list-style-type: none"> Conditional caution Caution Penalty Notices for Disorder Cannabis warnings Khat warnings 	<ul style="list-style-type: none"> Conditional caution
	Non-statutory OOCRs	<ul style="list-style-type: none"> Deferred prosecution (sometimes NFA coded as an Outcome 22) Community resolutions NFAs (coded under police outcome codes 20, 21, 22 – none are recorded as a positive outcome) 	<ul style="list-style-type: none"> Deferred prosecution (with its own unique police outcome code) Community resolutions NFAs (coded under police outcome codes 20, 21, 22 – outcome 22 is recorded as a positive outcome)
Children	Statutory OOCRs	<ul style="list-style-type: none"> Youth conditional caution Youth caution Penalty Notices for Disorder Cannabis warnings Khat warnings 	<ul style="list-style-type: none"> Youth conditional caution
	Non-statutory OOCRs	<ul style="list-style-type: none"> Deferred prosecution (sometimes NFA coded Outcome 22) Community resolutions NFAs (coded under police outcome codes 20, 21, 22 – none are recorded as a positive outcome) 	<ul style="list-style-type: none"> Deferred prosecution (with its own unique police outcome code) Community resolutions NFAs (coded under police outcome codes 20, 21, 22 – outcome 22 is recorded as a positive outcome)

This framework 1) abolishes Penalty Notices for Disorder, Cannabis warnings, Khat warnings (there are provisions on the statute books to repeal these), 2) implements the Lammy Review recommendations to encourage the use of deferred prosecution while providing clarity on its use 3) recognises outcome 22 as a positive record of police action, and 3) provides an opportunity to issue clear guidance to distinguish when and with whom to use community resolutions and NFAs. Conditional cautions (and youth conditional cautions) would continue to apply to cases requiring formal conditions designed to promote rehabilitation, reparation or deterrence. It is a statutory and well-understood mechanism that enables proportionate accountability without a court appearance.

Our new framework would provide a new formal deferred prosecution option allowing the police or CPS to defer prosecution for a fixed period, subject to rehabilitative or reparative engagement. If the individual completes the agreed activities, the case will conclude without a conviction. This approach would require a new Home Office outcome code but no primary legislation (we understand this is recommended by the NPCC and the CPS).

Community resolutions would continue to be used as informal, often street-level disposals already used for minor offences. It enables police officers to respond proportionately to behaviour that does not merit arrest, while providing swift justice for victims. On NFAs, new national guidance would clarify when outcome 20, 21 and 22 ought to be used. The creation of a new deferred prosecution outcome would formally recognise this approach as a distinct outcome option - one that already occurs in practice but is often recorded under outcome 22. Furthermore, designating outcome 22 as a positive record of police action would ensure that the work undertaken under this code is properly acknowledged. This recognition would also help address the current reluctance among police forces to use outcome 22.

DELIVERING THE NEW FRAMEWORK

This reform of OOCRs can be achieved without new primary legislation. Much of the implementation framework that is needed is already in place. Both the youth and adult gravity matrices (tools used by professionals to guide decisions about case outcomes for OOCRs) are in place and, when yoked to the new framework, can be used to drive consistency across the country. Moreover, in anticipation of the previous Government's two-tier framework, the Home Office and NPCC have developed a technical solution to help officers make and record referrals for OOCRs. With some minor tweaks, both the matrices and the technology can be used to drive up the use of OOCRs. Implementation should focus on developing a new Home Office outcome code for deferred prosecution, determining outcome 22 as positive action by the police, and issuing new national guidance, covering both adult and youth OOCRs. These steps would bring clarity and accountability to police, prosecutors and others while allowing for local flexibility. We believe it would also increase the use of both formal and informal OOCRs. In implementing the new framework, particular care must be taken to develop specific processes for children engaged in harmful sexual behaviour and for those who come to the attention of counter-terrorism policing for lower-harm or non-violent behaviour.²

A cross-system implementation board, jointly chaired by the Home Office and Ministry of Justice, could oversee delivery and ensure alignment with youth and adult justice reforms. Given current levels of police readiness - with many forces already operating a simplified framework of statutory OOCRs, variable use of outcome 22 for diversion and deferred prosecution schemes - full implementation within two years appears achievable.

² The Centre for Justice Innovation has been working with Counter Terrorism policing and Youth Justice Services to develop clear national guidance on the appropriate use of OOCRs for these children. This work demonstrates that such cases can be addressed effectively through proportionate diversionary pathways, avoiding unnecessary criminalisation and obviating the need for the proposed Youth Diversion Order in the Crime and Policing Bill.

RECOMMENDATIONS

The Government should:

- Develop a new national, simplified and unified OOCR framework covering both adult and youth justice systems in England and Wales;
- Communicate clearly that the two-tier model legislated for in 2022 will not be implemented and that a new outcome code will be created to support deferred prosecution.
- Designate outcome 22 as a positive outcome recognising action taken by police and communicate this to forces;
- Create a new Home Office police outcome code to record deferred prosecutions;
- Work with frontline practitioners and the third sector to produce operational guidance, training and oversight mechanisms;
- Embed data monitoring in the new system, disaggregated for children and adults, to assist evaluation and ensure equitable access to diversion across all protected characteristics;
- Re-align inspection regimes at HMICFRS and HMI Probation to recognise these changes.

The adoption of this framework would represent significant but achievable reform - one that is built on evidence, delivers efficiency and promotes fairer, more proportionate justice.

CONCLUSION

A consistent and unified OOCR framework offers a realistic and progressive route to modernising the criminal justice system and increasing the use of OOCRs. It can be delivered quickly, without legislative delay, and would reduce reoffending, cut unnecessary court demand, and make justice fairer for those in poverty and for vulnerable or minoritised groups. It would also reassure victims that justice can be meaningful, swift and reparative. This is an opportunity to act decisively on the findings of the *Leveson* and *Lammy* reviews and to put the principles of evidence-led justice into practice.

Endnotes

¹ Criminal Justice System statistics quarterly: June 2025. Overview tables, table Q1-1

² HMIP, (2025), Joint inspection finds a “fragmented and inconsistent” system for children receiving out-of-court disposals. <https://hmipprobation.justiceinspectorates.gov.uk/news/joint-inspection-finds-a-fragmented-and-inconsistent-system-for-children-receiving-out-of-court-disposals/>

³ Lord Leveson, (2025). Independent Review of the Criminal Courts: Part 1

⁴ Centre for Justice Innovation, (2024). “Where the hell am I going to get that money from?”: The impact of court fines on people on low incomes. <https://justiceinnovation.org/publications/fines>

⁵ Centre for Justice Innovation, (2025). Justice in arrears: Policy options beyond the court fine.

⁶ Youth Endowment Fund, (2025). Diversions from the criminal justice system in London.

<https://youthendowmentfund.org.uk/secondary-data-analysis/diversions-from-the-criminal-justice-system-in-london/>

⁷ Transform Justice. *Beyond the Courtroom: Do Out of Court Resolutions Work for Victims?* 2025