

Joint Diversionary Panel **Terms of Reference**

Aims of the Joint Diversionary Panel (JDP)

The Joint Diversionary Panel is a joint Lincolnshire Childrens Services and Lincolnshire Police decision making panel for admitted youth offences within Lincolnshire. The Panel decides if a youth is suitable for an Out of Court disposal and if so what the nature of this disposal should be. The Panel seeks to ensure all decisions are fully informed, defensible and consider risk of serious harm, safety and wellbeing of the young person and the young person's likelihood of re-offending whilst also ensuring the voice of the young person and victim are heard.

The core principles of the Joint Diversionary Panel are:

- Proportionality and Discretion – Avoiding the Unnecessary Criminalisation of Young
Acknowledging Diversity and challenging Discrimination.
- Timeliness; avoiding delayed outcomes for both young people and victims.
- Keeping young people and victims informed.
- Ensuring the Voice of the Child is heard within the decision-making process.
- Ensuring effective assessment through holistic information gathering.

Referral Criteria

Any Lincolnshire offence committed by a child/young person must be referred into the Joint Diversionary Panel as long as there is an admission of guilt from the young person and as long as the young person hasn't since turned 18 (youth disposals would no longer be applicable). The only exceptions to this are:

- Incidents where the Police are not looking to take any further action.
- Incidents where the Police feel the matter could be dealt with by Community Resolution and the young person committing the offence has not previously had a Community Resolution.
- Sexual offences – these are dealt with via the specialist Harmful Sexual Behaviour Panel.
- Where the offence is Indictable-Only.

Referral process and timescales

JDP cases are referred by Lincolnshire Police via the Police case management system, NICHE. Referral forms are completed by the investigating Officer before being passed to a supervisor for endorsement and referral. The Police supervisor has responsibility for validating that both the Public Interest and Evidential criteria have been met. The referral form contains the following:

- Offence overview.
- Details of young person and next of kin.
- Confirmation re: additional Police system checks completed (GENIE & PND).
- Sgt's comments including confirmation that Public Interest and Evidential criteria are met.
- Victim details, including an overview of victim views presented to Police and confirmation of whether the victim is happy to be contacted by the F4Me Victim Liaison team.

The JDP co-ordinator checks the NICHE referral pot every Thursday, referrals are screened and then if criteria are met cases are listed for the JDP Panel to be held 13 days later. This turnaround window is necessary in order to allow the following information sources to be checked:

- YOS/Future4Me records checked re: any current or previous offence focussed intervention. Update requested from current case manager if open. (Facilitated by JDP Coordinator).
- Local Police systems checked for disposals, non-progressed matters, safeguarding reports and intelligence. (Facilitated by JDP Coordinator).
- Police National Computer (PNC) checked for out of area disposals/ongoing matters. (Facilitated by YOS Police Officers).
- Childrens Services records checked re: any current or previous Early Help and/or Social Care involvement with young person and/or family. (Facilitated by JDP Early Help Practice Supervisor).
- Contact with current school to ascertain attendance, any exclusions and any additional identified needs/SEND. Also checks of historic exclusions. (Facilitated by JDP Education rep).
- Email to local Neighbourhood Policing Teams and ASB Coordinators to see if young person is known for ASB involvement (Facilitated by JDP Business Support).
- Health records checked to show any previous and/or current involvement with Community Paediatrics and/or CAMHS. (Undertaken by Future4Me Health team).
- Views of Young person (and parent/carer) gathered by face-to-face contact. (Undertaken by F4Me/Social Care/Early Help depending on current involvement).

The only exception to the above process will be for knife offences where the following criteria will be applied at point of referral to determine whether the matter should be progressed to panel (and the above checks undertaken) or whether a pre-determined outcome is appropriate:

Knife offences: NPCC (National Police Chiefs' Council) guidance released in November 2023 defines how youth knife offences should be outcomed. This guidance applies to both knives and other bladed or pointed articles. Admitted knife offences will continue to be referred to JDP but prior to listing they will be gatekept to see if one of several pre-determined outcomes needs to be applied.

Any matter referred will need to be outcomed via a Report for Summons decision (without progressing to JDP) if any of the following criteria apply:

- The referral is for a knife-enabled offence other than simple possession.
- Young person has any previous violent offences (proven and progressed to point of positive disposal).
- Young person has any previous weapons or knife offences (proven and progressed to point of positive disposal).

If the above automatic charge criteria do not apply then the progression pathway will be determined by the young person's age:

For young people aged 10-15:

Outcome will be a Youth Conditional Caution (without progressing to JDP) **unless both** of the below apply, if they do both apply the matter will progress to JDP for decision making.

**Knife was not brandished.*

**There are no previous weapons concerns on the young person's police record (Validated by NICHE and PNC checks, PND will also be checked where there are indications that young person has spent time out of one of the counties where NICHE is used).*

For young people aged 16-17:

Outcome will still be charge **unless both** of the following apply; if they do both apply the outcome will be a Youth Conditional Caution.

Offences of having a corrosive substance in a public place will be treated in the same way.

Pre-Panel Contacts

For young people: The Police Officer in Case will be the initial point of contact for the young person and will explain to them that the matter will be heard at JDP and the potential outcomes of this. The young person receives a JDP leaflet prior to Panel (either by post or via allocated worker) and will also be seen face to face by either a professional already working with them or a freshly allocated Future4Me worker. The pre-panel face to face contact allows the views of the young person and parent/carer to be gathered and the worker will also give a further overview of the process, discuss potential outcomes as well as covering the consequences of non-engagement with any disposal given.

For victims: The Police Officer in Case will gather the victim's views and will add these to the JDP referral form; they will also confirm if the victim consents to being contacted by the Future4Me Victim Liaison team. If consent is gained then they will be contacted pre-Panel in order to gather their views around the impact of the offence and potential outcome and to ascertain if they would be willing to engage in any direct restorative processes with the young person.

Panel Logistics

- The Panels cover all referrals from across the county (both east and west Police Divisions).
- The Panel meets weekly on a Wednesday, meetings are conducted virtually via TEAMS.
- Case Sheets will be circulated to Panel members the day before Panel.
- The Panel is chaired by a Future4Me team Practice Supervisor; usually this is the Future4Me Hub PS.
- Panel cannot go ahead without the Police representative being in attendance.
- The JDP case sheet format will be used as the framework for the Panel assessment process.
- Panel outcomes will be recorded on both the Niche OEL (by the JDP Police Sgt) and on Childview (by JDP Business Support).
- JDP team will advise the Police Officer in Case once a young person commences engagement with an outcome, the matter will then be finalised at the Police end with the JDP team retaining oversight to ensure all required elements are completed.

Panel members: All Joint Diversionary Panels have the following core attendees:

- JDP Chair (Oversees discussions and facilitates analysis and assessment process).
- JDP Co-Ordinator (Advises on points of policy/procedure as needed).
- Lincolnshire Police – Police Sergeant.
- Early Help/Childrens Services Practice Supervisor.
- Future4Me Victim Liaison Officer.

In addition to this Panel will be supported by representation from the following teams:

- Education representative (Lincolnshire County Council).
- Specialist Clinical Psychologist input from the CYP Complex Needs Service.

Format of Panel assessment:

The JDP Chair will facilitate the Panel assessment discussions; the framework for these discussions is the case sheet and this process will be followed in the same way for each case heard at Panel. Each young person will be analysed and assessed across three core areas:

- Safety and Wellbeing of the young person themselves.
- Risk of Serious Harm the young person presents to others.
- Likelihood of Reoffending.

Panel will rate the young person in each of these areas using a Low/Medium/High/Very High system (definitions of each level contained within Panel guidance). Each will be scored by all Panel members with the majority view being recorded as the assessed level (views or ratings which significantly differ from the agreed level will also be recorded on the case-sheet).

Once all areas have been assessed Panel will move on to the outcome section; each Panel member will give their views on suitable outcome along with a rationale and the majority view will be taken as the agreed outcome (differing views will be recorded on the case sheet). Should the Panel be evenly split then the Chair will have the casting vote with regard to outcome. Panel members will give a clear rationale for the agreed outcome, this will be clearly captured on the case sheet.

The case sheet features prompts which will direct Panel members to take into account assessed levels of the three core areas when deciding upon an outcome and will ask Panel members to rationalise outcomes not involving further assessment and/or intervention if certain high assessed levels have been given.

Proportionality and Discretion – Avoiding the Unnecessary Criminalisation of Young People: The Panel process prompts Panel members to consider the proportionality of any outcome being put in place; this also applies to cases being returned to Panel for non-engagement. There is a significant amount of discretion built into the decision-making process in that the available outcomes are not used in an escalatory, ‘ladder’ type manner. There are no overarching restrictions directing Panel members to certain outcomes based solely on offence type, number of previous outcomes or in cases of non-engagement.

Acknowledging Diversity and Challenging Discrimination: In each case Panel will explore how diversity factors (including the nine protected characteristics: sex, age, race, religion or belief, disability, pregnancy or maternity, sexual orientation, gender reassignment and marriage or civil partnership) have impacted the young person and

potentially their offending behaviour. Panel will also seek to ensure any outcome given takes both the young person's protected characteristics and any identified additional needs into account.

Victim views: The victim's views will be evident on the case sheet and will be taken into consideration as the Panel decide upon a disposal decision; however – the views of the victim are not binding. It is the responsibility of both the Police Sgt and the JDP Chair to ensure that the views of the victim are taken into account; the voice of the victim will be championed by the Victim Liaison Officer in attendance. If the agreed outcome contradicts the views given by the victim then Panel will need to justify why they felt the agreed outcome was defensible and appropriate given this contradiction.

Referrals which have previously been heard at Panel: There is no restriction on the number of times that a youth can be referred into the Joint Diversionary Panel. The Legal Aid Sentencing and Punishment of Offenders Act (LASPO) 2012 does not place any limits on the number of community resolutions a young person can have. However, Lincolnshire Future4Me team and Lincolnshire Police fully understand that each and every decision to give a Community Resolution must be robust, carefully considered and defensible. To this end, any referrals to the Joint Diversionary Panel will be screened to see if they meet the trigger point of having had two Lincolnshire Community Resolutions containing an element of 1:1 intervention work within the previous 24 months. If this trigger point is met then the matter will still be listed at Panel but this will necessitate the following key points being discussed at Panel:

- Has the young person gone on to commit an offence of similar type despite the fact that they have already had a Community Resolution for the previous behaviour?
- Has the young person received offence focussed intervention relevant to the offence?
- Has the young person committed a further offence against a previous victim?
- Given these, and other, factors – is it appropriate and defensible for the young person to be issued with a further Community Resolution?
- Has there been any significant change with regard to the young person's personal/home environment?
- Is there current intervention in place which addresses the offending concerns?

Outcomes available to Panel

It is important to note that the available outcomes are not used in an escalatory manner and that there are no pre-determined restrictions with regard to which outcome(s) any young person can receive. The outcomes available to panel are:

- NFA (No Further Action) – Most likely to be given if offence is not considered to be made out or if it is not considered to be in the Public Interest to pursue the matter. The recommendation for NFA of an offence would have to be Police Sgt led.
- Community Resolution – Any combination of other agency referrals, up to 6 sessions of 1:1 offence focussed intervention and a restorative element (i.e apology letter, restorative conferencing, community reparation hours).
- Youth Restorative Intervention (still falls under Community Resolution banner) - Any combination of other agency referrals, up to 12 sessions of 1:1 offence focussed intervention and a restorative element (i.e apology letter, restorative conferencing, community reparation hours). Commences with a further offence-focussed assessment.

- Youth Caution.
- Youth Conditional Caution.
- Charge to Court.

Panel outcomes other than No Further Action, Youth Caution and Charge to Court will nearly always be delivered by the Future4Me team; however – Panel will consider relationship-based practice and the potential cost/benefit of introducing a new professional when considering outcomes and who should deliver these.

All disposals must have a restorative element; depending on the outcome given this will either be determined by Panel or in cases where a further offence focussed assessment is to be undertaken will be further explored by the allocated worker (with support from the Victim Liaison team). Wherever possible Panel will seek to offer something directly restorative to any victim who asks for this.

Post-Panel contacts.

In the first instance JDP outcomes will be relayed to both young people and victims by the Police Officer in Case. The Victim Liaison Officer will also make contact with the victim (where consent has been given) to further discuss the outcome and to confirm how any directly restorative elements and/or updates (if requested) will be facilitated. If a young person has received a disposal to be delivered by Future4Me then initial contact will be made by the allocated worker within 7 working days of panel date.

Further assessment and Intervention Plans.

Any disposal delivered by the Future4Me team will commence with an Intervention Plan being drawn up with the young person. A Youth Restorative Intervention or Youth Conditional Caution outcome will also include a further offence-focussed assessment in order to further analyse the offence and determine appropriate interventions.

Panel disagreement re: outcome

In the event of the Panel being split with regard to views on outcome decision then the Chair would cast a deciding vote. Any disagreement with regard to a decision made would initially be raised internally within the Police or Future4Me team and would be reviewed by senior management before a decision was made as to whether a decision needed to be re-considered by Panel or if there was an identified development need for the Panel process. JDP decisions may also be subject to review by the Out of Court Scrutiny Panel who will look to ensure that proper process has been followed with regard to referral and decision-making.

Non-engagement with Panel outcomes

If a young person does not engage with a Panel outcome then the matter will be referred back to Panel (this differs for Youth Conditional Cautions where guidance dictates that non-engagement must be reported back to the Police resulting in a charge to court). Typically, a case would need to come back to Panel if a young person misses 3 appointments although each case needs to be looked at and considered on its own merits and with consideration of the specific needs of the young person. If a case come back to Panel for non-engagement then the Panel would expect to see that the following measures have been undertaken to try and engage the young person:

- Contact has been attempted through a range of methods including phone call, text, letter and unannounced visit.
- Appointments have been offered at an alternate venue if there is an indication that the young person does not want to be seen at home.
- The worker has liaised with family members as appropriate in order to try and engage with the young person.
- The worker has sought to liaise with any other agencies (including schools) already involved with the young person in order to arrange joint visits, see the young person at school etc.
- If struggling to make contact then worker has liaised with JDP team who can check Police systems for alternate contact numbers etc.
- Worker has held discussion with their line-manager to ensure all reasonable measures have been exhausted.

Panel will consider the nature of the non-engagement alongside any new offending and will decide if an alternate outcome needs to be put in place. Panel processes are not governed by an escalatory approach and thus decisions re: alternate outcomes for cases of non-engagement will be made on a case-by-case basis and must remain proportionate to the original offence.

Complaints

The channel through which a complaint will be dealt with will depend on the nature of the complaint:

Complaints re: Future4Me intervention work with young people – Lincolnshire County Council (LCC) complaints procedure.

Complaints re: Service provided to victims by F4Me Victim Liaison Officers – LCC complaints procedure.

Complaints re: Panel process not being adhered to (i.e., victim views not heard and considered) – LCC complaints policy.

Complaints re: Police actions (i.e., investigative issues, delays, decisions to go to Out of Court disposal Panel, staff conduct etc) – Lincolnshire Police complaints procedure.

APPENDIX (A) - Youth Conditional Caution Overview and Process Guide

Definition

A Youth Conditional Caution (YCC) allows an authorised person¹ or a relevant prosecutor to decide to give a caution with one or more conditions attached. When a young person is given a conditional caution for an offence, criminal proceedings for that offence are halted while the young person is given an opportunity to comply with the conditions. Where the conditions are complied with the prosecution will not be commenced, where there is no reasonable excuse for non-compliance, criminal proceedings will be commenced for the original offence and the conditional caution will cease to have effect.

Youth Conditional Cautions provide an opportunity, in appropriate cases, to achieve an early, positive response for those young people who are willing to admit their offending and to comply with certain conditions. They aim to support the principal goal of the Youth Justice system which is to prevent offending by children and young people. They allow:

- for a proportionate response in appropriate cases.
- offenders to make swift reparation to victims and communities.
- offenders to be diverted at an early opportunity into rehabilitative services reducing the likelihood of re-offending.
- an offender to be punished by means of a financial penalty.

Grounds for giving a Youth Conditional Caution

The following will be taken into consideration by the Joint Diversionary Panel prior to a Youth Conditional Caution decision being reached:

- Full admission of offence (JDP referral criteria).
- There should be sufficient evidence to charge the offender and to give a realistic chance of prosecution (confirmed by referring Police Sgt on JDP referral form).
- Where there is a realistic chance of prosecution it must be considered in the public interest to offer a Youth Conditional Caution (Referring Police Sgt confirms that progression of matter is in the public interest, attending JDP Police Sgt confirms that resolution via Youth Conditional Caution is in the public interest).

In addition to the above the following will be considered by the Joint Diversionary Panel prior to any decision, including a Youth Conditional Caution, being made:

- The circumstances, nature, and seriousness of the offence.
- The age of the young person who has committed the offence.
- Any views expressed by the victim.
- Any wider neighbourhood or community considerations or concerns.

¹ This role is split between the attending Joint Diversionary Panel Police Sgt (involved in the JDP decision to give a Youth Conditional Caution) and the Future4Me Police Officer (involved in the ratifying of conditions and issue of the YCC).

- The perceived value of any prohibitive conditions such as non-contact or geographical exclusion.
- The holistic background, circumstances and offending history of the young person.
- If known the willingness of the young person to comply with conditions.
- the likely effect of the youth conditional caution on preventing offending.
- the likely outcome if the offender was prosecuted.

Previous convictions, reprimands, warnings, cautions or other out of court disposals do not preclude the use of a YCC, however, JDP will consider whether the new offence is part of a pattern of offending that requires a more serious response such as a prosecution.

A Youth Conditional Caution may be appropriate where:

- there has been a sufficient lapse of time to suggest that a previous caution or conviction has had a significant deterrent effect.
- where the current offence is not similar or is unrelated to any previous offence.
- it is the best outcome for the victim and offender dependent on the circumstances of the individual case.
- the offender is willing to comply with conditions and has previously complied with interventions. For example, if they have complied with voluntary interventions as part of a warning or youth caution.

A Youth Conditional Caution is unlikely to be appropriate where the offence forms part of a pattern of offending. The Joint Diversionary Panel may consider that a different form of resolution, such as a prosecution, would be a more appropriate alternative for dealing with the offence. A second youth conditional caution should not generally be given for the same or similar offence unless there are exceptional circumstances indicating that it may be appropriate; for example, where the previous youth conditional caution was more than two years earlier. Generally, it will not be appropriate to give a second YCC where the offender failed to comply with the conditions of the previous YCC.

Youth Conditional Caution conditions:

In Lincolnshire a Youth Conditional Caution will usually contain both one or more **Restorative** conditions and one or more **Rehabilitative** conditions. Where Restorative and Rehabilitative conditions are not considered suitable to provide an appropriate and proportionate response to the offending behaviour a **Punitive** condition (financial penalty) may be considered.

Alongside any of the above there may be a need for a **Restrictive** condition, such as not to approach a named victim, specified property or geographical location, in cases where this:

- * Would assist in either repairing the harm/damage caused and/or
- * Would support efforts to stop or modify offending behaviour.
- * Is appropriate and proportionate to the offending behaviour.
- * Subsists for a reasonable period of time (up to the length of the YCC).

Restorative element:

To make good the loss sustained by the victim or community and to repair relationships, for example:

- to personally repair or make good the damage.
- to undertake unpaid work not exceeding 10 hours.
- to write a letter of apology.
- to participate in restorative justice mediation.
- to pay compensation, or to make payment to an appropriate local charitable or community fund.

Rehabilitative element:

To stop or modify offending behaviour, or help reintegrate the offender into society, for example:

- to complete specified offence-focused intervention.
- not to commit further offences for a defined period of time.

Punitive element (financial penalty)

This should only be used in instances where Reparative and Rehabilitative conditions are not considered suitable to provide an appropriate and proportionate response to the offending behaviour. When deciding the appropriateness and level of a financial penalty, it is the income and savings of the youth and not those of the parent or guardian that should be considered. The amount of any financial penalty condition must be set considering the means and ability of the offender to pay. When attaching a financial penalty condition, the amount of the penalty, the designated officer for the local justice area to whom the penalty must be paid, and the address of that officer for payment must be set out in the documentation to be handed to the offender following administration of the YCC.

Maximum amount that may be specified where the offender is aged 14 or over but under 18

- Any summary offence: £30
- Any offence triable either way: £50
- Any offence triable only on indictment: £75

Mitigated amount where the offender is aged 14 or over but under 18

- Any summary offence: Between £5 and £20
- Any offence triable either way: Between £5 and £30
- Any offence triable only on indictment: Between £30 and £50

Maximum amount that may be specified where the offender is aged 10 or over but under 14

- Any summary offence: £15
- Any offence triable either way: £25

- Any offence triable only on indictment: £35

Mitigated amount where the offender is aged 10 or over but under 14

- Any summary offence: Between £5 and £10
- Any offence triable either way: Between £5 and £15
- Any offence triable only on indictment: Between £15 and £20

Note: A financial penalty condition may not be imposed for loitering or soliciting for the purposes of prostitution, possession of any class of drug or an offence under the Road Traffic Act or Road Traffic Offenders Act 1998.

Duration of Youth Conditional Cautions

The standard duration of a Youth Conditional Caution will be for a period of 12 weeks. However, should the assessing case manager deem that a longer period of intervention, up to 16 weeks, is appropriate then this recommendation will be made to the YOS Police Officer for approval along with the recommended conditions. In indictable only offences (which would only come to JDP if assessed suitable by the Crown Prosecution Service) then this period can be extended to a maximum of 20 weeks.

Please note: the duration of the YCC must be determined by the required length of intervention rather than other factors (restrictive conditions such as non-contact would always align with length of intervention – a YCC of 16 weeks could not be given to enable a longer restrictive period if the offence focused assessment had indicated that 12 weeks would allow for required intervention to be delivered).

YCC Process Guide

YCC Decision: Decision will be made by the Joint Diversionary Panel outcomes from which are circulated each Friday.

Allocation: case will be allocated within 2 working days of outcome circulation.

Assessment: An ASPIRE assessment and accompanying Service/Contingency Plan to be completed within 15 working days of allocation. During this time case manager must also liaise with the Victim Liaison team to ensure that full consideration has been given to the need for, and/or nature of, any prohibitive conditions.

Case Manager to send YCC condition recommendation to YOS Police Officer and the JDP Coordinator within 15 working days of allocation. This is to include recommended conditions and recommended length of Youth Conditional Caution:

Ratification: YOS Police Officer will ratify the length and conditions of the YCC within three working days having liaised with the Victim Liaison Officer within this timescale to verify the suitability of any proposed reparative/restrictive conditions. Once agreed this will be relayed back to the YOS Officer and Victim Liaison Officer.

Issue: The YOS Police Officer will seek to issue the Youth Conditional Caution within 5 working days of ratification. At time of issue the YOS Police Officer will explain the effect of the Youth Conditional Caution and warn the young person that failure to comply with any of the conditions may result in prosecution for the original offence. The explanation and warning will be given in the presence of an appropriate adult. The young person will sign a document containing details of the offence, the admission to the authorised person, consent to be given a youth conditional caution and details of the conditions attached.

Non-engagement/breach of condition:

If a young person does not comply with any of the conditions of the Youth Conditional Caution, then this non-compliance must be referred to the YOS Police Officer. Regarding engagement with intervention, missed appointments will be managed by the allocated YOS Officer but a third missed appointment would be classed as a breach of conditions and referred to the YOS Police Officer.

The YOS Police Officer will consult with the YOS case manager and the Victim Liaison Officer (except in crown offences) and may deem to treat the caution as complete, vary conditions or prosecute for the original offence(s). An alternate form of Out of Court disposal may not be offered. If the non-compliance relates to a restrictive requirement re: contact with a victim, then the decision would usually be for the offence(s) to be prosecuted.

Appendix B – Information Sharing Statement

Introduction

The purpose of this statement is to document practical considerations for ad-hoc information sharing. It assists in determining respective responsibilities for compliance with data protection legislation.

This statement supports and is in addition to the Information Sharing Agreement in place with Lincolnshire Police, Future 4 Me Team and Lincolnshire County Council Children’s Services. To avoid any doubt, the Information Sharing Agreement shall take precedence over this statement for the Controllers which are party to it.

Purpose of Sharing

This statement facilitates the sharing of information for the purpose of:

Supporting The Joint Diversionary Panel (JDP), which is a joint Lincolnshire Childrens Services and Lincolnshire Police decision making panel for admitted youth offences within Lincolnshire.

The Panel decides if a youth is suitable for an Out of Court disposal and if so what the nature of this disposal should be. The Panel seeks to ensure all decisions are fully informed, defensible and consider risk of serious harm, safety and wellbeing of the young person and the young person’s likelihood of re-offending whilst also ensuring the voice of the young person and victim are heard.

To enable decisions to be fully informed, the panel seek to gather a holistic range of information for JDP analysis from a range of appropriate professionals, individuals, and organisations involved with the young person.

This information is used in the Panel assessment process to enable a holistic understanding of offending, support needs and safeguarding concerns.

The Sharing Process

What: The following information will be requested from partners (where necessary and appropriate) and shared with the Panel:

- **YOS/Future4Me** records checked re: any current or previous offence focussed intervention. Update requested from current case manager if open. (Facilitated by JDP Coordinator).
- **Local Police systems** (NICHE) checked for disposals, non-progressed matters, safeguarding reports and intelligence. (Facilitated by JDP Coordinator).
- **Police National Computer** (PNC) checked for out of area disposals/ongoing matters. (Facilitated by YOS Police Officers). The Panel would not have sight of any Community Resolutions issued out of area.
- **LCC Childrens Services** records checked regarding any current or previous Early Help and/or Social Care involvement with young person and/or family. (Facilitated by JDP Early Help Practice Supervisor).
- Contact with current **educational establishment** to ascertain attendance, any exclusions, any additional identified needs/SEND as well as details of any input from the LAC or Pupil Re-integration teams. Also checks of historic exclusions. (Facilitated by JDP Education rep).
- Email to local **Neighbourhood Policing Teams** and **ASB Coordinators** to see if young person is known for ASB involvement (Facilitated by JDP Business Support).
- Health records checked to show any previous and/or current involvement with **Community Paediatrics and/or CAMHS** (Child and Adolescent Mental Health Services). (Undertaken by Future4Me Health team).
- Views of **Young person (and parent/carer)** gathered by face-to-face contact – to include the young person's views on the offence, support they feel they may require and the factors which they feel may enable them to avoid further offending. (Undertaken by F4Me/Social Care/Early Help depending on current involvement)
- The views of the **victim** in relation to impact of the offence and how they feel the matter could be resolved (to include whether they would be willing to engage in any form of restorative outcome).

When: The information will be shared:

The JDP co-ordinator checks the NICHE referral pot every Thursday, referrals are then screened and if criteria are met cases are listed for the JDP Panel to be held 13 days later.

Sharing partners should ensure information is shared within this timescale where they are approached for information.

The provision of information under this statement is likely to be ad-hoc as it is dependent on the individual circumstances of the case.

Who: Only those with a clear business requirement are able to access the shared personal data. The following restrictions apply:

Access to information is limited only to those who require access to the information for their role.

All Joint Diversionary Panels have the following core attendees:

- JDP Chair.
- JDP Co-Ordinator.
- Lincolnshire Police – Police Sergeant.
- Early Help/Childrens Services Practice Supervisor.
- Future4Me Victim Liaison Officer.
- Observers (where required).

In addition to this, the Panel is supported by representation from the following teams:

- Education representative (Lincolnshire County Council).
- Specialist Clinical Psychologist input from the CYP Complex Needs Service.

Where the panel identify a safeguarding concern the outcome of the panel may be shared with relevant education providers or organisations not present. Where there is no relevant concern, the information will not be shared further.

Case sheets are saved on the Future4Me system, providing access to those involved in the delivery of intervention.

Partners who are recognised as a Controller may share the personal data with other parties, where they have determined that there is a lawful basis for doing so. Partners who do so are independently responsible for ensuring that any onward sharing meets the requirements of data protection legislation.

How: partners will share information by the following means:

Partners will ensure their chosen method for sharing information is appropriate and secure.

Governance

Any instance of systematic sharing must be compliant with current data protection legislation. The aim of this statement is to demonstrate and evidence the Controllers consideration of the key principles of data protection with regard to the purpose for which information is being shared (as set out above).

Principle 1 - Fair, Lawful and Transparent

The legal basis for sharing this information has been defined as:

Sharing partners² may rely on the following lawful basis for processing:

UK GDPR Article 6(e) – Public task
UK GDPR Article 9(g) - Reasons of substantial public interest
DPA 2018, Schedule 1, Paragraph 18 - Safeguarding of children and individuals at risk; and
DPA 2018, Schedule 1, Paragraph 10 - Preventing or detecting unlawful acts.

The authority to process the data for the purposes outlined above is derived from section 39 of The Crime & Disorder Act 1998.

Where the sharing partner³ is a Competent Authority and they are sharing for Law Enforcement Processing, they shall rely upon the lawful bases outlined in the Information Sharing Agreement (LP017/F).

Individuals must be provided with concise, accurate and easy to understand information about how their personal data will be used in relation to the purpose through the provision of privacy information.

Principle 2 – Purpose Limitation

Information shared under this statement will only be used for the specific purpose for which it was shared and in no circumstances will the information be processed further in a manner that is incompatible with the purpose as described.

Principle 3 – Data Minimisation

Information shared must be the minimum amount of information required to achieve the purpose and the sharing of this information is necessary to meet the purpose.

Principle 4 – Accuracy

Before sharing information, partners will check that the information being shared is accurate and up to date to the best of their knowledge.

Queries about the accuracy of information should be directed to the relevant sharing partner as soon as possible.

² Education Establishments, Community Paediatrics, CAMHS, the Young Person, the Victim.

³ Police, LCC Children's Services, YOS, Future4Me, Neighbourhood Policing Teams, ASB Coordinators

Principle 5 – Storage Limitation

When retention periods expire and there is no longer a business requirement to hold the information it must be securely deleted or appropriately anonymised. Sharing partners shall retain the information shared under this statement in accordance with their own retention and disposal schedules.

Principle 6 – Integrity and Confidentiality

Information must be kept secure when it is being shared, handled and at rest.

Individual Rights

Data protection legislation gives individuals certain rights over their personal data.

These include:

- The right to access personal data held about them
- The right to withdraw consent
- The right to request that inaccurate data is rectified and incomplete data is completed
- The right to request erasure of data
- The right to request restriction of processing
- The right to data portability
- The right to object to decisions made on the basis of automated processing and/or profiling.

Partners are responsible for ensuring they have supporting policies and procedures in place to support individual rights.

Further Information

For all enquires please contact the Single Point of Contact (SPOC):

Tony Pryce
Joint Diversionary Panel Coordinator
Youth Offending
Future 4 Me Team
Lincolnshire Childrens Services
Tony.pryce@lincolnshire.gov.uk

For all data protection enquiries please contact the Councils Data Protection Officer:

Amy Jaines
Data Protection Officer
DPO@lincolnshire.gov.uk

Review

This statement will be reviewed annually by Lincolnshire County Council.

If a significant change takes place which means that the statement becomes an unreliable reference point, then the statement will be updated as needed and a new version circulated.

The review must ensure the statement remains fit for purpose and that safeguards remain relevant and appropriate.