



**Public  
Prosecution  
Service**

# **Guidelines for the Prosecution of Young People**

Youth Diversion and Youth Engagement

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## **Information Booklet (2 of 4)**



## WHAT IS YOUTH DIVERSION?



Diversion is a way of dealing with a young person who has committed a crime which means that they do not have to go to court.

Diversion will often involve a 'restorative' approach. This brings those harmed by crime and the young person into communication, enabling everyone affected by an incident to play a part in finding a positive way forward.

## WHY DO THE PPS USE DIVERSION?



Diversion is used for a number of different reasons:

- To deal with less serious offences and the young person accused of a crime quickly and simply.
- To reduce the risk of re-offending.
- To engage the young person in a restorative process with the victim and community.
- To reduce the young person's involvement with the criminal justice system.
- To enable victims to give their views.

## WHAT ARE THE DIFFERENT TYPES OF DIVERSION?



There are different types of diversion such as:

### **Restorative Caution**

The restorative caution allows the young person and their parent(s) or guardian(s) to hear the views of the victim or anyone else who has been affected by the crime.

The young person will usually be given a caution at the police station.

Although not a conviction, a restorative caution is recorded on a young person's criminal record for two years.

### **Informed warning**

This is a formal warning given by police. It is not a conviction, but is recorded on a young person's criminal record for 12 months.

### **Diversiory youth conferencing**

Youth conferencing is carried out in such a way as to give young people the chance to put offending behind them.

A Diversiory Youth Conference is a formal process which is organised by the Youth Justice Agency and is managed by specially trained conference coordinators.

Youth conferences can involve a number of parties including the defendant, the victim and police. A plan will be produced by the conference which must be approved by the prosecutor. The young person must also agree to it.

Although not a conviction, a Diversiory Youth Conference is recorded on a young person's criminal record for two years.

As well as a diversiory youth conference, a youth conference can also be ordered by the court where a young person has been prosecuted. This results in a Youth Conference Order. As this is a sentence of the court, it is counted as a criminal conviction.

## WHAT DOES A PROSECUTOR TAKE INTO ACCOUNT WHEN DECIDING ON DIVERSION?



Diversion should be considered by a prosecutor in all but the most serious offences involving a young person. The age of a young person will be an important factor in favour of diversion.

The following is a list of factors which may be taken into account when taking a decision:

- The young person has experience of care / lives in a Children's Home.
- The young person has been a victim or a witness of domestic abuse.
- The young person has not offended before or has only very minor offending history.
- The young person has a parent with an addiction.
- The young person has an addiction.
- The young person has a parent who is in prison.
- The young person has a learning disability.
- The young person has mental health issues.
- The young person has been a victim of sexual assault and/or child sexual exploitation.
- The young person has been a victim of bullying/harassment.

There are some factors which would make a prosecution more likely than a diversion:

- The offence is very serious.
- The victim has been seriously injured as a result of the crime;
- The young person is a persistent offender.
- The young person has continued to commit crimes which are increasing in seriousness.
- The young person has previously been diverted, but has not completed the actions they had agreed to.
- The young person was the ringleader in the offending.
- The young person denies the offence.

All available background information on the young person is provided by police when they send the file through to the PPS. If more information is needed, the prosecutor will ask police to provide it.

The views of the victim and their parent(s) or guardian(s) are important and will be carefully considered before any decision is reached. The final decision on whether to offer a diversion is for the prosecutor.

## WHAT IS YOUTH ENGAGEMENT?



The aim of Youth Engagement (YE) is to help identify at an early stage, cases which are suitable for diversion. YE is a 30 day process.

## WHAT DOES THE YOUTH ENGAGEMENT PROCESS INVOLVE?



The following steps are followed:

- Police identify a suitable case for Youth Engagement.
- Police prepare a file and send it to PPS.
- The prosecutor decides whether or not to prosecute.
- If a case is suitable for diversion, the prosecutor sends the case to the Youth Engagement Clinic.
- If a prosecutor decides not to prosecute, a decision of no prosecution will be issued.
- If a prosecutor decides the test for prosecution is met, but diversion is not appropriate, the young person will be prosecuted.

## WHAT IS A YOUTH ENGAGEMENT CLINIC?



A Youth Engagement Clinic is a meeting between the young person suspected of being involved in the offence, a representative from the Youth Justice Agency and the Police Youth Diversion Officer. The young person will have an appropriate adult in the Clinic and may also have a solicitor.

Where a diversion is appropriate, a prosecutor decides on an informed warning, a restorative caution or a diversionary youth conference.

The Youth Justice Agency representative and Youth Diversion Officer will then tell the young person what the prosecutor has decided in their case, explain what this means and advise them of the options and support available to them.

At the Youth Engagement Clinic, the young person will decide whether to admit the offence and accept the diversion offered. The case can only be dealt with using a diversion if the young person admits the offence. The young person can decide to take their case to court.

Very serious offences are not suitable for the Youth Engagement process. These include offences which can only be dealt with in the Crown Court such as murder, manslaughter and rape.

Other cases may not be suitable for Youth Engagement Clinics, such as those involving a young person who is a repeat offender.

## ARE DIVERSIONS RECORDED ON A CRIMINAL RECORD?



PPS diversions are recorded on a young person's criminal record. A record can also be kept by police.

Young people accepting a diversion should be aware that information about an offence can sometimes be provided by other agencies for an unlimited amount of time. For example, if a young person applies to work or volunteer in a position that requires a certain type of criminal record check, the diversion may be disclosed on that check where it relates to a 'specified' offence – such as violent or sexual crimes.

For further information about criminal records, please refer to [www.nidirect.gov.uk/articles/information-disclosed-about-you](http://www.nidirect.gov.uk/articles/information-disclosed-about-you).

Further information can be found in the PPS's Guidelines for the Prosecution of Young People on the PPS website at [www.ppsni.gov.uk](http://www.ppsni.gov.uk) 

