

Out of Court Resolutions Scrutiny Panel

Disproportionality: Chance to Change Deferred Prosecution Programme

September 2025

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The OoCR Scrutiny Panel carries out independent scrutiny of the use of Out of Court Resolutions to bring transparency to the use of Out of Court Resolutions, drive improvement and increase understanding and confidence in their use.

The meeting focused on:

- **Disproportionality: Chance to Change Deferred Prosecution Programme**

About the Panel

The Panel includes Magistrates and representatives of the Crown Prosecution Service, HMCTS, Youth Justice Teams, and victim services. The role of the Panel is to ensure that the use of Out of Court Resolutions (OoCR) is appropriate and proportionate, consistent with national and local policy, and considers the victims' wishes where appropriate.

The Panel is supported by the Office of the Police & Crime Commissioner (OPCC), Force Out of Court Resolutions Tactical Lead and the ASCEND Team Manager.

Findings of the Panel, recommendations, and action taken in response are published at the following link:

[Out of Court Disposals Panel Reports | OPCC for Avon and Somerset \(avonandsomerset-pcc.gov.uk\)](#)

Panel Business

- The Panel welcomed new Magistrate members: Lascelle Samuels and Jordan Wheatley.
- A new approach to organisational learning has been agreed. Key themes and recommendations from the Panel will be reported to Avon and Somerset Police Operation Justice, a monthly meeting to drive improvements to investigative standards. Feedback to individual decision makers and their supervisors on 'red' cases will continue.
- Lynne Paraskeva (Magistrate and Chair of the OoCR Scrutiny Panel) presented an annual report on the work of the Panel to the Magistrates Judicial Business Group in August. This work helps to improve Magistrates' awareness and understanding of out of court resolutions and supports police efforts to divert more cases away from the courts, easing pressure on the criminal justice system and enabling quicker, more proportionate outcomes.
- HMIP Inspection of South Gloucestershire Youth Justice Service took place in September. The report will be shared with Panel members when published to inform scrutiny work.

Policy & Performance Update (Rebecca Marshall, Force OoCR Tactical Lead)

- Significant focus on increasing use of Out of Court Resolutions in Avon and Somerset to respond to HMICFRS PEEL inspection Area for Improvement to increase the positive outcome rate. Whilst A&S has a strong offer for OoCRs, usage remains low compared with the national

picture (37th/43 in 2025¹, down from 30th in 2024 and 26th in 2023). Local areas are producing action plans and OoCR performance will be included in key measures for performance management. The Scrutiny Panel has an important role in quality assurance while the volume of OoCRs increases. Monitoring of use of the My OoCR App will also be an important metric to ensure quality.

- This supports the national push to increase use of OoCRs, as recommended in the Leveson Report (July 2025) to help tackle the backlog in the criminal justice system.
- The proposed Two Tier Plus OoCR Framework is still with Ministers with decision, with no anticipated implementation date.
- Rebecca Marshall is leading national work by the National Police Chiefs Council (NPCC) to look at the effectiveness of diversionary interventions across England and Wales. A key recommendation is to establish a national partnership board, bringing together key stakeholders including the Ministry of Justice and College of Policing and NPCC Public

Headline Figures - Chance to Change

- 147 issued to date
- 114 completed
- 15 breaches (10%)
- 8 people have reoffended since completing the intervention (as of July)
- Is the scheme reaching those it intended?
 - 10% participants gave 'no comment' at interview / partial admittance
 - Of this, half were black defendants
- Offered to all 18-24 cohort to avoid penalising those who do admit the offence with a harsher outcome (Conditional Caution).

Health Portfolio leads, to sit under the National Local Criminal Justice Board.

- Launch of the Child My OoCR App is expected in November 2025.
- Performance information for child OoCRs and Chance to Change Deferred Prosecution Programme was scrutinised.

Theme: Disproportionality: Chance to Change Deferred Prosecution Programme

This is the annual disproportionality focused meeting. The selected theme is '**Chance to Change**' **Deferred Prosecution cases**. Chance to Change has been running in Avon and Somerset since June 2024.

The programme was introduced in response to Recommendation 39 of the [Identifying Disproportionality in the A&S Criminal Justice System report \(2022\)](#), a locally commissioned report following the national [Lammy Report](#):

'Avon and Somerset Constabulary need to actively monitor the outcome of the MOJ Chance to Change pilots and develop local policy around a diversion prosecution model for Avon and Somerset to include: pilot design and eligibility, quality assurance, data collection and intended outcomes.'

This is intended to address findings that black defendants were twice as likely to have been charged (where the case could have been eligible for an out of court disposal) than white defendants. The primary reason for this was that black defendants were more likely to give a 'not guilty' plea, making them ineligible for an out of court disposal, and leading to harsher outcomes overall.

Findings will be reported to the Independent Scrutiny Board, responsible for scrutinising delivery of the Avon and Somerset Tackling Disproportionality Programme and report recommendations.

¹ [Transform Justice - Crime resolution tracker](#)

Definitions & Requirements

The Deferred Prosecution scheme is intended to provide young adults a 'chance to change' and better life chances. Its eligibility criteria is wider than that for other out of court resolutions, but it can only be offered once.

Eligibility:

- Aged 18 – 24 years old
- No more than 3 court convictions in last year
- Eligible if admitted, partially admitted or 'No Comment'
- NOT eligible if denied offence or raised a defence.

Where appropriate, a lower level out of court resolution (e.g. Community Resolution or Drug Education Programme) is used instead.

Chance to Change is not available for more serious offences, or where the victim is at risk. This includes:

- Where immediate custody and/or a court order (e.g. restraining order) would be required if the case was convicted at court.

For excluded offences:

- Serious offences such as domestic abuse, hate crime, sexual offences, robbery, weapons offences, indecent images of children, assault of emergency worker.

For partially excluded offences:

- Fraud and forgery (Except where value is less than £5000)
- Criminal damage (Except where value is less than £5000)
- Burglary (Except non-dwelling burglary with no violence)
- Drug offences (Except Possession and PWITS Class B and C drugs)
- Violence against a person (Except Common assault & Beating)

Full details can be found in the stakeholder briefing published with this report.

WHAT IS A DEFERRED PROSECUTION?

A deferred prosecution 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 under contract over a 16 week period whilst the decision to prosecute is put on hold.

The Avon and Somerset Deferred Prosecution Scheme is called **Chance to Change**. It is available for 18-24 year olds and went live in June 2024. It is based on findings of Turning Point (Metropolitan Police) evaluation, showing randomised control trials leading to a statistically significant benefits of the scheme in reducing reoffending in the transition to adulthood (defined by the NPCC Child Centred Policing Plan as 18-24 year olds).

How does it work?

Participants meet with a Chance to Change 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 led by Rise Mutual** and lasts a maximum of 16 weeks. **Enhanced support is available for those who are over-represented in the criminal justice system:** from a racially or ethnically minoritised background, care leavers and those with special educational needs and disabilities. A **community fund is available to spot purchase support from community led, specialist charities** where needed.

What happens next?

If the contract is successfully completed, the original offence is recorded as Outcome 22 (**no further action**, with an educational intervention provided). This **does not appear on a criminal record**, though may still be disclosed for an enhanced DBS check to protect vulnerable groups under safeguarding requirements. If the contract is not successfully completed (breached), the individual will be prosecuted for the original offence.

Case Scrutiny

Summary of cases scrutinised

23 cases were scrutinised by the Panel:

Cases	Category	Selection Methodology
1-7	Child Cases - Outcome 22 and Community Resolution follow up	Geographic spread across 5 Youth Justice areas: 2x Bristol, Somerset 1x Bath & NE Somerset, South Gloucestershire, North Somerset
8-22	Adult Cases - Chance to Change Deferred Prosecution	To test use of Deferred Prosecution in reference to Tackling Disproportionality report recommendation: All Deferred Prosecution cases selected where: <ul style="list-style-type: none"> - BAME defendant - Not guilty plea / partial admission / no comment interview
23	Community Resolution Sexual Assault	All cases in the last quarter (standing item)

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 national and local policies including: the OoCD Code of Practice, NPCC Guidance, CPS Code, Force Policy, and the Gravity Matrix
YELLOW: Appropriate, but with observations from the panel
RED: Inappropriate and/or inconsistent with policy
The Panel Members fail to agree on the appropriateness of the decision made

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 Decision

Disposal	Offence	Panel Decision
Child Cases – Outcome 22 / Community Resolution Follow Up		
Community Resolution	Assault – ABH	Appropriate with observations
Community Resolution	Racially Aggravated Public Order	Appropriate with observations
Community Resolution	Public Order	Appropriate with observations
Community Resolution	Harassment	Appropriate with observations
Youth Conditional Caution	Assault ABH	Appropriate
Community Resolution	Sexual Offences	Appropriate with observations
Community Resolution	Drug Offences	Appropriate with observations
Deferred Prosecution Cases (18 – 24 year olds)		
Deferred Prosecution	Drug Offences	Appropriate with observations
Deferred Prosecution	Drug Offences	Appropriate
Deferred Prosecution	Criminal Damage	Appropriate with observations
Deferred Prosecution	Drug Offences	Appropriate
Deferred Prosecution	Theft	Appropriate
Deferred Prosecution	Assault	Inappropriate*
Deferred Prosecution	Harassment	Appropriate
Deferred Prosecution	Assault	Inappropriate*
Deferred Prosecution	Criminal Damage	Appropriate
Deferred Prosecution	Public Order	Appropriate
Deferred Prosecution	Drug Offences	Appropriate
Deferred Prosecution	Drug Offences	Appropriate with observations
Deferred Prosecution	Drug Offences	Appropriate
Deferred Prosecution	Fraud	Appropriate
Deferred Prosecution	Drug Offences	Appropriate with observations
Community Resolution Sexual Offences Cases (all cases in last Quarter)		
Community Resolution	Other sexual assault	Appropriate with observations
<p>SUMMARY: Appropriate (10); Appropriate with Observations (11); Inappropriate (2).</p> <p>* A summary of cases considered inappropriate can be found below.</p>		

Summary of cases considered inappropriate by the Panel

Panel Feedback:

Case 13

Road rage incident with the victim punched several times causing potential ABH level injuries. Whilst assault/battery cases are suitable for Chance to Change, ABH is excluded from the eligibility criteria. Panel members considered the case too serious and questioned whether it should have come to court. The victim supported prosecution. It was acknowledged that the offender was remorseful and had completed the KIC Anger Management intervention.

Case 15

Unprovoked assault on door staff involving a punch to the face. Victim experienced potential ABH level injuries and collapsed later on. Again, the Panel considered the case too serious, with ABH excluded from the eligibility criteria. It was noted that the file contained limited information, making it difficult to assess how the investigation had progressed, medical evidence of injuries and victim focus.

Learning:

- Both cases highlighted the need for the police and CPS to agree a protocol for dealing with borderline cases, whilst upholding the ethos of the Deferred Prosecution model.
- The My OoCR App (to support police officer decision making) was not used in either case, showing the need to continue to promote and monitor its use.

Response:

Police have met with CPS to clarify the Chance to Change Deferred Prosecution criteria for borderline cases in line with Sentencing Guidelines. This has extended the eligibility criteria so that the scheme can be considered in the following cases:

- *Possession of Class A drugs (in limited circumstances)*
- *Actual Bodily Harm (in lower harm circumstances)*
- *Non-intimate Domestic Abuse*

An agreement has been made for the CPS to send back cases that have gone to court but may be eligible for a Deferred Prosecution. National CPS guidance on Deferred Prosecutions is due to be issued. The CPS has offered to facilitate training and awareness raising to promote the scheme locally and help inform CPS charging decisions.

Organisational Learning

Child Cases - Outcome 22 / Community Resolution	
Case Selection	Outcome
7 cases: 2x Bristol & Somerset 1x South Glos, N Som, B&NES	1 Appropriate 6 Appropriate with Observations 0 Inappropriate
Feedback	Response
<u>Good Practice:</u>	
<ul style="list-style-type: none"> • Appropriate offer of victim support, including from specialist agencies such as SARI • Examples of effective completion of BRAG (vulnerability assessment) to inform decision to refer to social services / other agencies. 	
<u>Learning</u>	

Development of Child My OoCR App and training needed to ensure police are referring cases to Youth Panel where appropriate.	This is ongoing and will likely be launched in November 2025.
Clarification needed on Outcome 22 policy: To reinforce that this outcome can only be applied where an education / diversion input has been given. Otherwise, cases should be recorded as No Further Action (for example where the incident was dealt with by the school). This was also a clear theme in the June meeting.	This is ongoing. Outcome 22 training has been developed and rolled out. Our Crime Data Integrity Team are now scrutinising Outcome 22 disposals again to ensure this outcome has been appropriately applied.
To ensure safeguarding / exploitation concerns are being adequately identified in Outcome 22 cases – completion of the BRAG assessment is a key part of this.	There is an organisation push around completion of BRAGs. We need to explore further whether schools delivering an educational input to the children is suitable for outcome 22 and will seek clarity on that and share once known.
Need to agree organisational approach to ASB interventions.	The A&S Youth OOCR tactical group has been re-established. The issue over the organisational approach to ASB interventions will be explored at that meeting.
Quality of letters of apology: ensuring that copies are on file to enable oversight, ensuring that letters address victim impact – for example acknowledging racially aggravated aspects of the incident.	Letter of apology training has been developed and is available for officers.
Need to update Community Resolution form in line with national guidance issued in 2023 – victims need to be consulted but do not need to consent to the outcome.	The community resolution form has been updated and rolled out to officers.
Ensuring consistent practice in YJS paperwork being held on file to enable oversight of the complete picture.	Draft guidance has been developed around YJS paperwork and capturing it on Niche. This will be shared once it is finalised.

Adult Cases – Chance to Change Deferred Prosecution	
Case Selection	Outcome
15 cases: - Deferred Prosecutions – 15 - Ethnicity - all non-white All cases 'no comment' / partial admittance	9 Appropriate 4 Appropriate with Observations 2 Inappropriate
Feedback	Response
Good Practice:	
Impact of Chance to Change Deferred Prosecution Scheme:	
<ul style="list-style-type: none"> Difference in outcomes and life chances: for example, in one case involving drug possession, CPS recommended Conditional Caution. The defendant was a black male and had given a 'no comment' interview. Chance to Change was offered instead following ASCEND review, giving the young person a very different outcome. This also shows the value of the ASCEND team and their gatekeeping role. In reviewing cases, Panel Members 	

considered the likely outcome had the case come to court, shining a light on the positive impact of the scheme.

- **Effective interventions:** cases reviewed demonstrated the value of the commissioned partnership model in providing effective interventions. The opportunity for early intervention before getting embedded in the criminal justice system was seen as particularly valuable. In addition to those supported directly by RISE, cases included examples of positive interventions with Nelson Trust (female pathway) and bespoke support with community organisations. Onward referral to specialist services such as One25 (supporting street sex-workers) was also made. Intervention providers make effective use of alternative means to engage with participants, for example use of Whatsapp to get around credit issues which mean they are unable to take / make phone calls.
- **Impact in reducing reoffending:** 147 Chance to Change diversions have been issued to date. Of this, 114 have been successfully completed and 15 breached. 8 people have reoffended since participating in the scheme.
- **Case Study:** Possession of cannabis with intent to supply, following two previous convictions for drugs. Gave a no comment interview in custody. The Panel highlighted this case as an example of good practice for the following reasons:
 - Demonstrates the value of the Deferred Prosecution model – the difference in eligibility criteria meant that despite having two previous convictions for similar offences, the case was diverted from court and appropriate support put in place to prevent future offending behaviour, giving the offender the ‘chance to change’ that the programme was intended for.
 - The Panel noted that drugs offences are often a trigger crime for involvement in wider criminality and that intervention had the potential to break this cycle at the start of adulthood.
 - Effective partnership working was demonstrated in liaising with the Youth Development Worker at Foyer meant that despite leading a chaotic lifestyle, the offender successfully engaged with and completed their intervention.
 - File quality was strong, with the My OoCR App used to guide decision making and advice sought from the ASCEND Team as appropriate.
- The **Police Foundation report** [Giving Young Adults A Chance](#) explores the impact of the scheme

Learning

For **police and CPS to agree a protocol for dealing with borderline cases** in line with the ethos of the Deferred Prosecution model. The Panel reviewed a number of potential ABH cases that fell into this category.

We will work with the CPS to devise a process for agreeing cases that are borderline within the current criteria.

Clarification needed on separating out offences where one matter is eligible under the Chance to Change scheme but other elements are dealt with in court. This potentially removes the benefits of a Deferred Prosecution. Examples included a Domestic Abuse / Criminal Damage case and a Drug Possession / Road Traffic offences case. Challenges around abuse of process have been raised by defence, leading to judicial guidance stating that matters should be dealt with together where possible.

Response provided by the CPS: The issue arises where offences arising from the same set of facts are charged at different times. This may constitute an abuse of process as per *Connelly v DPP [1964] AC 1254*, a landmark case establishing principles regarding abuse of process and double jeopardy in British law. Where separate offences arise out of the same incident, **they must be charged on the same occasion in Court.**

<p>Opportunity for restrictive conditions to be included in the scheme to ensure victim safety (where a restraining order would have been put in place had the case gone to court).</p>	<p>Restrictive conditions are available and being used within Chance to Change.</p>
<p>Ensuring that there is no risk of ‘net widening’ where the incident involves mental health considerations. Need to be sure that Chance to Change is only offered in cases which would otherwise have been dealt with as a crime. It was acknowledged that evaluation had identified access to mental health support as a key benefit from the Chance to Change scheme, as the offer for adults is not as comprehensive as it is for children to access support.</p>	<p>There is currently no evidence of net widening as a result of Chance to Change. The threshold/criteria provides sufficient safeguards including the need for sufficient evidence to charge for the crime and a PACE compliant interview.</p>
<p>Clarify approach to seizure of cash under the Deferred Prosecution Scheme where the value is below the £1000 threshold. In court, a confiscation and destruction order would be made.</p>	<p>Legal advice will be sought on the question raised about £1000 confiscation but it is understood that the Police do not have the legal powers to do that.</p>
<p>Disproportionality impact:</p>	
<p>Given the original intent for introducing Deferred Prosecution to tackle racial disproportionality, the Panel noted that ‘no comment’ interviews accounted for only around 10% of cases in which Deferred Prosecution was used, of which half involved black people.</p>	<p>It was acknowledged that a cultural shift is needed for officers to consider Deferred Prosecution where there is a ‘no comment’ interview. Training, awareness and supervision is an important aspect of this. There is an opportunity through the introduction of the Geographic Model to monitor performance and direct training and awareness in a more targeted way.</p>
<p>Training, awareness, supervision and performance monitoring is needed to drive up use of Out of Court Resolutions in general, particularly in geographic areas where there is currently low usage and a high black and minoritised communities demographic.</p>	<p>As above, there is an opportunity through the introduction of the Geographic Model to drive up use of OoCRs in communities where there is currently low usage. Training and awareness sessions in Bristol East are a recent example of targeted activity to address this.</p>
<p>Panel Members highlighted that the Chance to Change scheme (open to 18-24 year olds) misses black and racially minoritised children who give no comment interviews. This is a significant gap, given the impact on life chances, and links to vulnerability and exploitation. It was acknowledged that Youth Future Prevention Panels are being piloted in North Somerset and Somerset and there is scope to explore wider adoption of Deferred Prosecutions.</p>	<p>ASP is monitoring the recently launched children’s deferred prosecution scheme in Devon and Cornwall to understand how that is working and whether the safeguards introduced are sufficient. We are also working with CPS and the courts to strengthen our policy for when children make a guilty plea before court following a no comment interview to ensure they are referred back to the out of court panel. This is an important safeguard whilst deferred prosecution is not currently available in A&S.</p>
<p>Continue to drive up recording of ethnicity – non-recorded ethnicity continues to be</p>	<p>Recording of ethnicity needs to form an important part of supervision and will continue to be closely monitored by the OoCR Scrutiny</p>

unacceptably high. Mandatory field in the My OoCR App would help address this.	Panel. A mandatory field is being built into the Child My OoCR App. A request will be made for this to be added retrospectively to the Adult My OoCR App.
Use of the My OoCR App: continuing to push use of the App to guide effective decision making. The App was used in only half of the cases where it was available (7/14 – 2 cases pre-dating the introduction of the adult My OoCR App, and the Child App still in development). The App was not used in either of the ‘red’ cases.	Use of the My OoCR App will continue to be promoted through training and awareness sessions. The Scrutiny Panel will continue to monitor use including correlation with decisions considered inappropriate.
Training / Awareness for Prosecutors and Magistrates – to inform CPS charging decisions and raising awareness of opportunities to send back cases which may have been eligible for Deferred Prosecution.	CPS and Magistrate Panel members offered to help facilitate this.
Other observations: <ul style="list-style-type: none"> • Vulnerability – gaps in assessment process: • Child at time of offence (on Child Protection Plan), adult at time of outcome. ‘No comment’ interview so not able to be referred to Youth Panel for assessment. • Not clear whether vulnerability / exploitation was sufficiently considered in Chance to Change referral, but positive to see diversion offered. 	Vulnerability is assessed as part of the BRAG assessment conducted in both child and adult cases, and considered during the ASCEND assessment process in deciding on appropriate interventions.
Questioned whether support is offered where there are difficulties in paying fines .	It was confirmed that ability to pay is assessed by the ASCEND team and agreed as part of the condition from the outset.

Community Resolution for SSO/SV Cases	
Case Selection	Outcome
All cases in last quarter: 1 case	0 Appropriate 1 Appropriate with Observations 0 Inappropriate
Feedback	Response
Learning	
Case involving male threatening to post sexual videos of his girlfriend on social media and telling her to ‘kill herself’. In policy terms, this falls into the category of Domestic Abuse and should not have been dealt with by way of a Community Resolution. However, given the vulnerabilities of the individuals involved and the circumstances in this case, the Panel acknowledged that this a Community Resolution for Malicious Communications was a pragmatic outcome in a challenging	<i>Response provided by Lighthouse:</i> Victim and Witness Care Officers are expected to find alternative solutions to ensure they are able to communicate with and provide support to people with different needs who are unable to access the service via telephone. Lighthouse teams are based in operational police centres, providing the estate to be able to support a request for face-to-face support.

situation. Referrals to appropriate agencies were made to support the victim.

Question: Are victims able to access Lighthouse Victim Care support face to face when they face difficulties in using the telephone?

What happens next?

Feedback is provided to individual officers and their supervisors to inform future decision making. Organisational learning is reported to and actioned via monthly police Operation Justice meetings, relevant Youth Justice Services and the Local Criminal Justice Board.

Theme of the next meeting:

Domestic Abuse and Hate Crime
Conditional Caution Cases