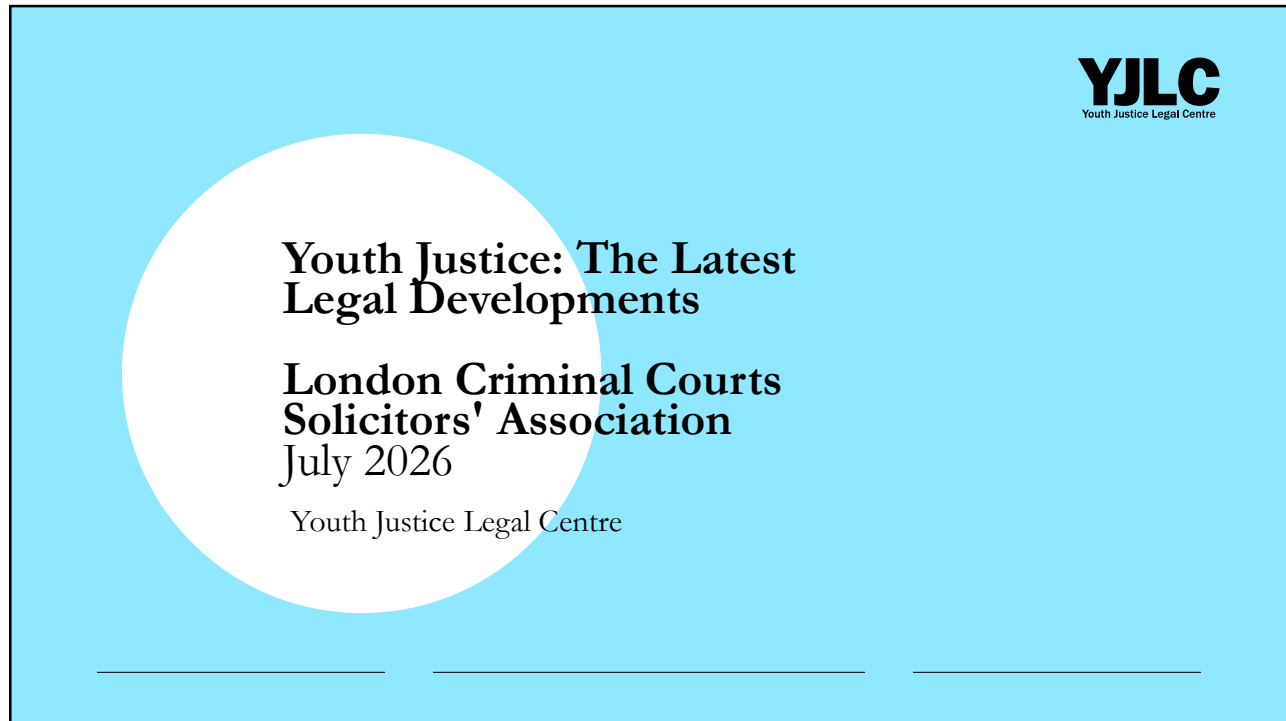




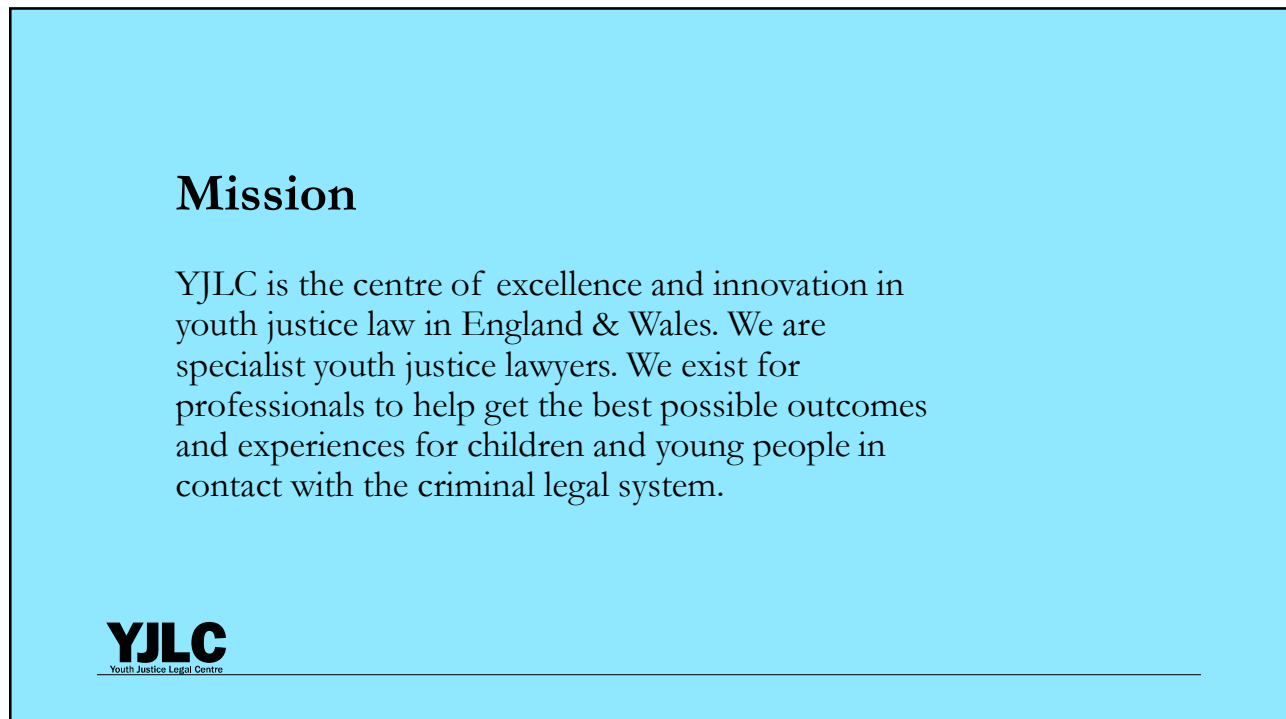
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**Youth Justice: The Latest
Legal Developments**

**London Criminal Courts
Solicitors' Association**
July 2026

Youth Justice Legal Centre

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Mission

YJLC is the centre of excellence and innovation in youth justice law in England & Wales. We are specialist youth justice lawyers. We exist for professionals to help get the best possible outcomes and experiences for children and young people in contact with the criminal legal system.

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YJLC Membership

We support lawyers, youth justice services and other professionals working with children in the criminal legal system through:

- Specialist Advice Line
- 25+ Law Society-endorsed Legal Guides
- Regular Legal Updates
- Free Monthly Webinars & Discounted Masterclasses
- Reduced-Rate Team Training
- Annual Summit & National Best Practice Network

For more information on individual or firm membership contact:
info@yjlc.uk

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50% off

individual or firm
 membership until
 12th August 2026 for
 LCCSA members

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Masterclasses for lawyers

- New series
 coming
 Autumn 2026!

#	Date	Masterclass	#	Date	Masterclass
1	04 Nov 2025	Effective Participation & Special Measures › Fitness to plead › Modifications › Instructing child-specific experts	5	03 Mar 2026	Bail & Remand Overnight police detention and court bail
2	02 Dec 2025	Child Criminal Exploitation 1 › How to spot a child Victim of Trafficking › Decisions from the National Referral Mechanism (NRM)	6	07 April 2026	Public Funding › Certificates for instructed advocates and public funding appeal cases
3	06 Jan 2026	Child Criminal Exploitation 2 › The Section 45(4) defence for children › Common law defence of duress	7	05 May 2026	Advising Children for Police Interview
4	03 Feb 2026	Making Written Representations to the CPS on behalf of a Child › How to challenge negative decisions	8	02 June 2026	Music Based Evidence (Gangs and Slang)
5	03 Mar 2026	Bail & Remand Overnight police detention and court bail	9	07 July 2026	Bad Character, Hearsay and Anonymous Witnesses
			10	04 Aug 2026	Mitigation
			11	01 Sep 2024	Reporting Restrictions & Anonymity Applications
			12	06 Oct 2026	Ground Rules Hearing and Intermediaries

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“A good youth court solicitor will maintain their competence by keeping their knowledge and skills up to date and applying them effectively in:

- Youth justice law, guidance and procedure
- Engaging with children
- Child development, childhood offending (and desistance) and prevalent issues affecting children in the youth justice system.”

- **Solicitors Regulation Authority, Youth court solicitors good practice guide**

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Agenda

- Changes to the **Out of Court Resolutions** framework: outcome 23 and deferred prosecution
- **Knife offences**: new government guidance
- Recent developments in **online and image-based sexual offences**
- **Case law and other legislation** update
- Looking ahead: **Youth Justice White Paper**
- Q&A

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Out of Court Resolutions

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The Diversion Landscape

“Over the past decade, the use of out-of-court resolutions (OOCRs) has expanded – OOCRs are now used in some cases that, five or ten years ago, would likely have been charged and prosecuted in a court room...

However, we are concerned that the current approach to diversion is falling short, and failing to deliver the consistent, effective intervention that children need, and that victims and communities deserve.”

Youth Justice White Paper 2026

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The Diversion Landscape

Diversion schemes have reduced the number of children being formally processed in the youth justice system, but this has disproportionately benefited white children (see [Youth Justice Statistics: 2024 – 2025](#)).

“White children twice as likely to receive diversion with YJS involvement as Black children (53% vs 27%).”

“London was the region with the lowest proportion of cases resulting in diversion with YJS involvement: 17%”

Source: [Youth Justice Board diversion statistics \(18 June 2026\)](#)

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The Diversion Landscape

- Government has acknowledged that care experienced children are still over-criminalised despite the National Protocol
- “Children in care often face significant early trauma, instability and abuse, leaving them more vulnerable to exploitation and crime. People who have been in care are four times more likely to receive a criminal conviction and ten times more likely to end up in prison compared to everyone else.”
- New 2025 version of the [London Protocol for Reducing Criminalisation of Children Looked After and Care Leavers](#)

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The Diversion Landscape

Formal

- Youth Cautions
- Youth Conditional Cautions
- Community Resolutions

Informal Outcomes

- Triage
- Outcome 20
- Outcome 21
- Outcome 22
- Outcome 23 / Deferred Prosecutions

Deferred Prosecution Schemes

- Deferred Prosecutions and Deferred Cautions are where the police **put a prosecution or caution on hold** while a child completes a diversionary activity within a specified period.
- The evidential threshold **must be met**, as the case must be capable of proceeding to prosecution or caution if the child fails to engage.
- Once the diversionary activity is completed, will be recorded as Outcome 23 – an NFA.
- Every police force must now offer it

Outcome 23 – Deferred Prosecution Schemes

- Changes have been made to the [Home Office Crime Recording Rules](#)
- ‘Outcome 23 – Child Deferred Prosecution’ has now been developed to create a specific outcome separate to Outcome 22.
- Still possible to result certain cases via Outcome 22 where the child undergoes intervention, including where the evidential test is not met, but not deferred prosecution cases.

Admissions

- No need for an admission of guilt or acceptance of responsibility.
- This distinguishes it from Youth Cautions, Youth Conditional Cautions and Community Resolutions.
- Therefore can be used where the child makes no comment or does not fully admit the offence at the interview at the police station.
- However, where the child actively denies the offence and/or raises a defence, the outcome should not be used.

Deferred Cautions

- For Deferred Cautions, there must be an **admission** before the Youth Caution is **administered**.
- The consequence of that is many areas are requiring an admission before it is deferred.
- Deferred Conditional Cautions also exist

Deferred Prosecution Schemes

In the national guidance:

- No legal restriction on which offences which can apply
- No restriction on when the offence happened – can be used for cases committed before a DPS was set up
- No limit on the number of deferred prosecutions a child receives, though guidance says children should not generally receive more than one for knife offences (see in further detail later)

However we understand the Met have imposed certain restrictions

Child Gravity Matrix

- Final Gravity Score Table on page 13 of the Matrix
- No legal restriction on which offences can be given a Deferred Prosecution Scheme
- DPS corresponds to a final gravity score of 2/3/4

4	Normally results in a formal out-of-court disposal: Youth Conditional Caution (YCC) <i>(all cautions must be placed on PNC)</i> Consideration can be given for use of deferred cautions* or deferred prosecution* via YJS referral <i>*If being used in your force</i>
3	Normally results in a formal out-of-court disposal: Youth Caution (YC) <i>(all cautions must be placed on PNC)</i> Consideration can be given for use of deferred cautions* or deferred prosecution* via YJS referral <i>*If being used in your force</i>
2	Minimum response to be considered: Community Resolution (CR)/Triage or Youth Restorative Disposals (for Dyfed Powys) or Outcome 20 or Outcome 21 if young person is willing to engage in voluntary support with another agency body (recommend YJS referral). Outcome 22 - Diversionary, educational or intervention activity, has been undertaken and it is not in the public interest to take any further action. Deferred prosecution* or deferred caution* could be considered where there is no admission of guilt. <i>*If being used in your force</i>

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Deferred Prosecution Schemes

- Non-statutory outcome so rules comes from guidance.
- [Outcome 22 Guidance](#) provides information about Deferred Prosecution Schemes
- [Youth Justice White Paper](#) released in May suggests DPS will be put on a statutory foot – watch this space!

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Practical tips for diversion

At the police station

- Raise diversion early – don't wait until charging decisions have been made.
- Ask whether Outcome 22 or a Deferred Prosecution has been considered, and if not, why not.
- Advise with the long-term consequences in mind, including the impact of criminal records.

Build the case for diversion

- Obtain evidence of education, employment, family support and positive engagement.
- Speak to the relevant YJS
- Identify and evidence vulnerability, including neurodiversity, mental health, trauma and exploitation.
- Highlight any mitigating factors and the child's willingness to engage with appropriate interventions.

Practical tips for diversion

“An adjournment will be necessary before taking a plea to allow for consideration of an out-of-court disposal where a child indicates they will now make admissions in a case, not previously having done so, and the case is one which may have been eligible for an out-of-court disposal had an admission been made earlier.”

- Paragraph 5, [Youth Court Bench Book \(September 2025\)](#)

Practical tips for diversion

Make effective representations

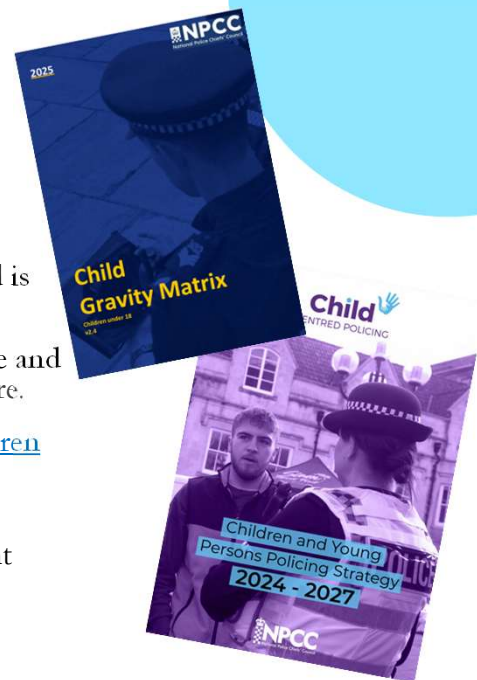
- Emphasise the Child First approach and the public interest in avoiding unnecessary criminalisation.
- Refer to the Child Gravity Matrix and relevant national guidance where appropriate.
- Propose a realistic intervention plan that addresses the underlying causes of the alleged offending.
- Consider a Letter Before Claim if you consider guidance has not been followed or no reasons are being provided
- Once a matter has been referred to panel consider making representations about the type of OOCR given



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Key Law and Guidance

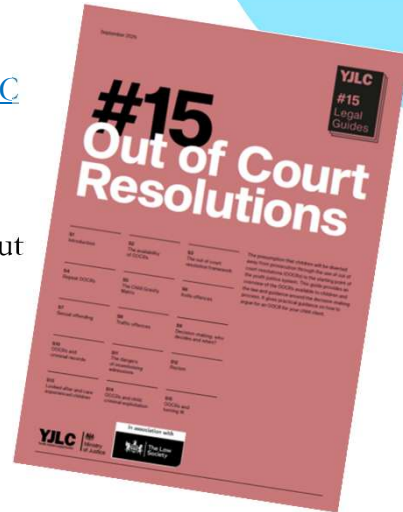
- [NPCC Child Gravity Matrix 2025](#)
- [The Code for Crown Prosecutors](#), in particular the considerations as to whether a prosecution of a child is required **in the public interest** at paragraph 4.14(d)
- [S.11 \(2\)\(a\) Children Act 2004](#) statutory duty of police and YJS to safeguard and have regard to the child's welfare.
- [NPCC Child-Centred Policing Framework](#) and [Children and Young Persons Policing Strategy 2024-2027](#)
- [Section 37 of the Crime and Disorder Act 1998](#): the principal aim of the youth justice system is to prevent offending by children.



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Key Guidance Continued

- [NPCC Community Resolution guidance](#) and [NPCC Outcome 22 guidance](#)
- [YJLC Legal guides](#)- In particular the OoCR guide.
- [YJB Case Management Guidance](#), “How to use Out of Court Resolutions”
- [YEF and CJI Diversion Practice Guidance](#)
- YEF’s [“Out of Court Resolution Practice Insight Creator”](#) (ORPIC)



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Knife Offences

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2026 Government Guidance on Knife Offences

- All children found with a knife without good reason or lawful authority should receive a “**mandatory intervention plan**”
- This mandatory intervention plan is to be delivered via:
 - A deferred prosecution;
 - A youth conditional caution;
 - A charge; or
 - An outcome 20 “in rare cases”.
- **Youth cautions and community resolutions are deemed to be not appropriate for knife offences.**
- Refers to **knives** only, not offensive weapons.

Deferred Prosecution in the context of knife offences

- Deferred prosecution should be available for knives:
 - “in select cases where it is not proportionate to criminalise a child and they would benefit from structured support aimed at addressing the underlying causes of their offending behaviour” (page 5)
 - “where the risk that the individual poses to themselves, others and public safety is assessed to be low” (paragraph 41)

Outcome 20

- NFA-level outcome which is used when “further action resulting from the crime report will be undertaken by a body or agency other than the police or Youth Justice Service.”
- Guidance says should be used in:
 - “rare circumstances”
 - “where there is no assessed risk to public safety” and
 - “it is deemed that another agency should be solely responsible for supporting the child” (para 42)
- When the child’s needs would be best met by a non-criminal-justice agency, e.g. CAMHS.

Youth Conditional Cautions

- YCCs “may be appropriate and proportionate as a statutory Out of Court Resolution where the child would benefit from structured support aimed at addressing the underlying causes of their offending behaviour.” (page 5)
- Expected that a majority of OOCRs where a knife is involved will be YCCs (para 40)

Charging

- On the decision of whether to charge, the 2026 guidance refers back to [2022 NPCC and CPS Guidelines on the Cautioning and Charging of Knife Crime Offences](#)
- The 2022 guidance differentiates between those **16 and over** and those **under 16**. For those **under 16**, the **starting point** is a Youth Conditional Caution.
- For those **16 and over**, the starting point is for a charge, except in **exceptional circumstances**. Exceptional circumstances are not defined.
- [Child Gravity Matrix](#) contains a list of aggravating and mitigating factors, including the General Factor Table and Vulnerability Factor Table.
- To be used as a **guide only**!

Case study – knife offence

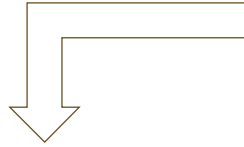
B was arrested in possession of a knife at school. B has never been arrested before.

He made admissions at the police station and he has been referred to an Out of Court Resolution panel for consideration.

B has a diagnosis of ASD as well as learning difficulties. The previous day, he had been disruptive in a lesson at school and this had antagonised another group of students who had threatened him after the lesson. B has a history of parental separation and physical, verbal and emotional abuse from peers at school.

The next day B chose to take a knife from his kitchen at home and bring it into school. He was immediately excluded from school.

Case study knife offence



Case Study 5 – Possession of a knife

Crime

B was brought to the attention of the Joint Decision-making Panel (JDP) having been arrested for being in possession of a knife in school. B was given the opportunity to have a Youth Restorative Intervention rather than a more formal disposal for this offence as the Joint Decision-making Panel believed that this would be the most appropriate way to deal with the matter.



Outcome 22 (O22) Guidance 2022

The National Police Chiefs Council (NPCC) has agreed to these guidelines being circulated to, and adopted by, Police Forces in England and Wales.

It is NOT PROTECTIVELY MARKED under the Government Protective Marking Scheme and it is disclosable under the Freedom of Information Act 2000.

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Practical Tips – Knife offences

- The guidance is confusing – use the ambiguity!
- Make representations applying the mitigating factors
- Consider: has the child been exploited? Should they be treated as a victim rather than a perpetrator? They may have a defence under section 45 MSA 2015. See [Home Office statutory modern slavery guidance](#).
- Proportionality – achieving the same aim with the least harmful method
- Consider the criminal records difference between a conviction and an out of court resolution – see YJLC criminal records fact sheets or Unlock.



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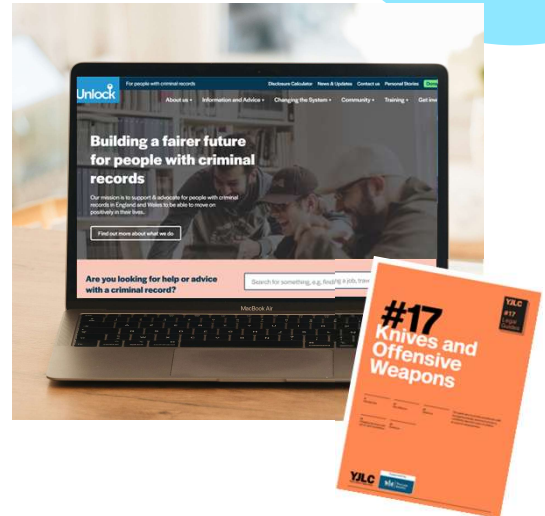
Knife Offences Guidance

- **Knife Crime Law**

- [Government Guidance on child knife possession offences](#)
- [CPS and NPCC Guidance on the Cautioning and Charging of knife crime](#)
- [YJLC Knives and Offensive Weapons Legal Guide](#)

- **Criminal Records**

- [Unlock](#) resources
- [YJLC info sheets](#): Childhood convictions, Adult convictions, NFA level outcomes, Cautions,



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New offences: images and online sexual offending

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Statistics

54%
of proven sexual
offences are
image-related

In the year ending March 2025...

- Of the 1,476 'proven' sexual offences committed by children (caution or conviction) 801 (**54%**) offences related to indecent or extreme pornographic images / videos.
- The number of sexual offences committed by children increased by **6%** compared to the previous year.
- But sexual offences still consist of only around **4%** of overall offences

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New Image Offences – Online Safety Act 2023

- **Cyberflashing** – sending an unsolicited photograph or film of genitals.
section 66A Sexual Offences Act 2003
- **Sharing or threatening to share intimate photograph or film** –
section 66B Sexual Offences Act 2003
- **Voyeurism including 'upskirting'** – section 67A SOA 2003.
Aggravated offence involves

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New Image Offences – Crime and Policing Act 2026

- Came into force on 29th June 2026
- **Possessing pornographic images that display strangling or suffocating a person** – section 67A Criminal Justice and Immigration Act 2008
- **Taking or recording intimate photograph or film** - section 66AB Sexual Offences Act 2003. Includes aggravated offences if committed with the intention of causing alarm, distress or humiliation, or for the purpose of obtaining sexual gratification.

AI and Image Offences

- There are a number of open-source text-to-image models that make it possible for children to create AI child sexual abuse material ('CSAM').
- These optimised models produce hyper-realistic CSAM that often contains the likeness of real children.
- Children are likely to be quicker to adopt generative AI than adults, with the majority of teenagers (c79%) reportedly using generative AI tools and services
- Children may not be aware that AI images are illegal to possess.

AI and Image Offences – the Law

- Realistic AI images that could ‘pass as photographs’ are normally treated as indecent pseudo-photographs under s1 Protection of Children Act 1978 and unrealistic AI images may fall under ss62-68 Coroners and Justice Act 2009, which relate to non-photographic images.
- The Crime and Policing Act 2026 introduces an offence of **possession of a ‘child sexual abuse image generator’**. This makes AI software that can create CSAM illegal to possess.
- Also an offence of **creating a purported intimate image of an adult**, under section 66E Sexual Offences Act 2003. This is likely to cover AI ‘deepfakes’ or ‘nudification’ where the victim is an adult.

Social Media

- Self-generated indecent images may be shared to others without consent via social media such as Snapchat or Whatsapp
- Indecent images of children may be downloaded or accessed via channels such as Telegram or Discord – Ofcom investigation into Telegram
- Children may be groomed/exploited or blackmailed on social media to send images of themselves in return for images of others
- Government are currently consulting on banning social media for under-16s

Key Principles

There is a fine line between sexual experimentation and offending



[CPS Guidance: Rape and Sexual Offences - Chapter 9: Sexual Offences and Youths](#)

Children are uniquely vulnerable to the darker side of the internet – they may be acting out of curiosity

Children looking at images of those in their peer-group is conceptually different from adults



[A review of the research on children and young people who display harmful sexual behaviour online \(Belton & Hollis, NSPCC 2016\)](#)

[Hollis & Hollis/Belton, Children and young people who engage in technology-assisted harmful sexual behaviour: a study of their behaviours, backgrounds and characteristics \(NSPCC 2017/2018\)](#)

[ATSA Task Force on Children with Sexual Behavior Problems \(2023\) Children With Sexual Behavior Problems \(2nd Edition\). ATSA.](#)

Notions of adulthood and adult sexuality should not be imposed on children

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Key Principles

Children's HSB may be a way of communicating what has happened to them or an indirect response to other factors in their lives



[McNeish, D. and Scott, S. \(2023\) Key messages from research on children and young people who display harmful sexual behaviour. DMSS Research / CSA Centre.](#)

Recidivism rates are low for children who display HSB but life outcomes are generally poor



[Life course outcomes and developmental pathways for children and young people with harmful sexual behaviour Hackett, Darling, Balfe, Masson & Phillips \(2024\)](#)

Many children (24%) who engage in technology assisted HSB have been groomed themselves online



[Hollis, V. and Belton, E. \(2017\) Children and young people who engage in technology-assisted harmful sexual behaviour: a study of their behaviours, backgrounds and characteristics. NSPCC.](#)

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Case law and other legislation update

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R v XYZ [2026] EWCA Crim 845 – AG ref

- Court of Appeal found that the sentences of two of the three boys convicted of rape and producing indecent images were unduly lenient
- Substituted sentences of 4 years detention for serious offences under s250 Sentencing Act 2020 instead of the 3 year YROs with ISS they had received
- CoA found that the judge had been wrong to conclude the victims had not suffered severe psychological harm, and that the incidents were not sustained.

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R v XYZ [2026] EWCA Crim 845

- Reaffirmed ZA v R [2023] approach to sentencing children
- Emphasised the use of offence-specific guidelines where these exist – Child Sexual Offences Guideline
- Should look at the principles in the Sentencing Children and Young People guideline first and only when custody is unavoidable should look at the adult guideline for the offence and then apply a reduction as per paragraph 6.46
- Did not conclude that the children were dangerous – emphasising the rarity of these findings for children

Sentencing Act 2026

- Detention and training order further supervision period “post sentence supervision” removed ([s.34](#), repealing s.247 Sentencing Act 2020)
- Sentences for Offenders of Particular Concern are extended to national security offences as well as specified terrorism offences ([s7](#))
- No early release for children subject to standard determinate sentences under s250 SA 2020, unlike adults
- New 56 day recall regime period ([s.30-31](#)) also applies only to adults
- Presumption against short sentences only applies to adults

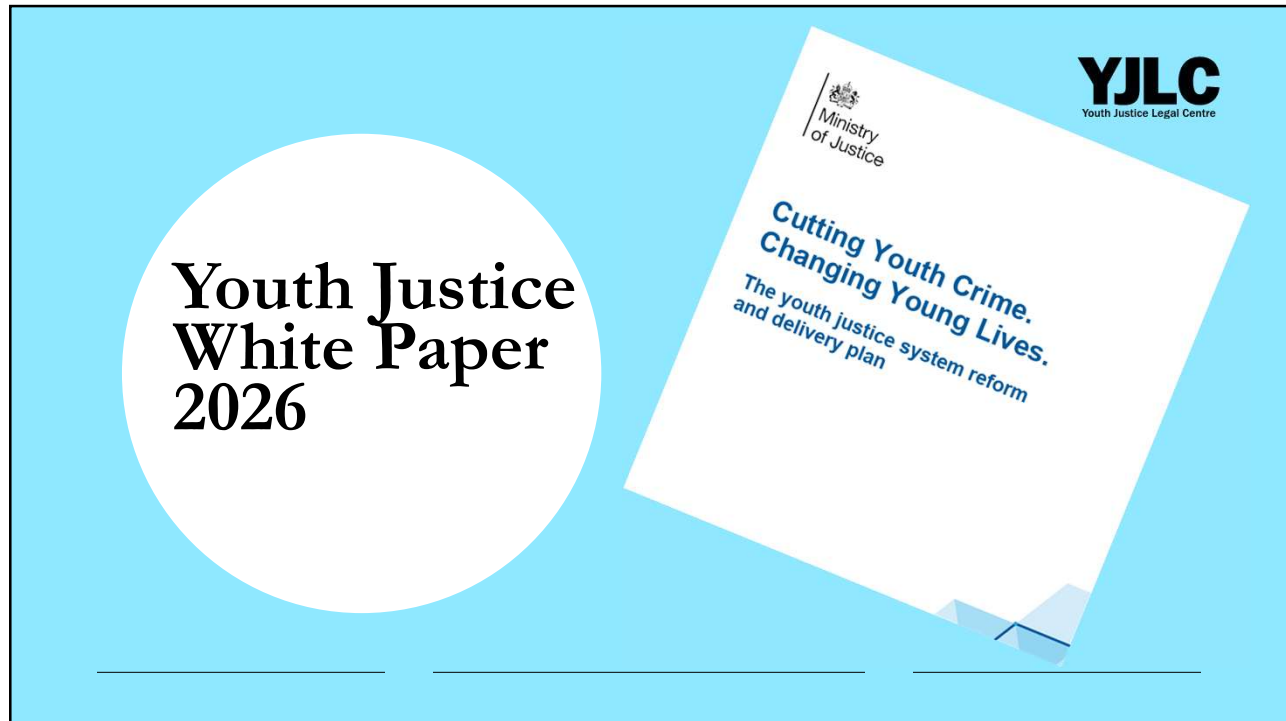
Crime and Policing Act 2026

- Youth Diversion Orders – to disrupt young people involved in terrorist offending
- New Respect Orders can only apply to adults – but ASBIs still possible to give to children

Crime and Policing Act 2026

New CCE offences

- **Cuckooing** - [S.65 Crime and Policing Act 2026](#) (in force 26.06.26).
 - Can be committed by a child or adult. Specifically criminalises anyone who uses another person's home for criminal activity.
- **Causing internal concealment** - [S.68 Crime and Policing Act 2026](#) (in force 26.06.26).
 - Can be committed by adults and children but the target is clearly adults who cause children to conceal specified items in their bodies for criminal conduct.
 - Does not matter how the item gets inside the child's body, providing that the perpetrator caused this to happen. Specified items include: controlled drugs, mobile phones and other electronic devices, cash, payment cards, jewellery, and weapons.



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Youth Justice White Paper 2026

1. Changes to the OOCR framework

- “Fundamental reform of the youth OOCR framework”
- More OOCRs likely to be put on a statutory footing with national guidance on their implementation, to avoid postcode lotteries.
- Updated [national protocol on reducing criminalisation of looked-after children](#)

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Youth Justice White Paper 2026

2. Changes to Youth Courts

- “A fundamental look at the function and purpose of the criminal courts for child defendants” - [Future of Criminal Courts for Children Review](#) by David Ormerod KC
- Piloting Youth Intervention Courts for the children at the highest risk of continued offending – a multi-agency, co-ordinated approach to tackling the issues
- Mandatory training for advocates representing children

Youth Justice White Paper 2026

3. Reducing unnecessary custodial remands and re-shape custodial estate

- Aim to reduce youth custodial remand by 25% by the end of the Parliament
- Tightening of the remand to YDA legal framework and funding for non-custodial remand alternatives
- Re-shaping the youth custodial estate by moving away from large, centralised institutions towards smaller, regionally based therapeutic settings designed to provide more effective support for vulnerable children.

Youth Justice White Paper 2026

4. Changes to sentencing

- Removing the requirement to impose a Referral Order on guilty plea cases with no previous convictions. Youth Rehabilitation Orders will be available for some or all of these cases.
- Looking at the use of YRO with ISS – used more flexibly?
- Reforming the framework for short custodial sentences – proposal to **raise the minimum term of a DTO to 12 months** based on the evidence that sentences below this threshold can have significantly poorer outcomes than community alternatives

Youth Justice White Paper 2026

5. Age of criminal responsibility

- UK has the lowest age of criminal responsibility in Europe at 10
- Review – see [Bar Council report](#) which recommends raising to 14, in line with other European countries and the UNCRC

6. Criminal Records

- “A targeted, proportionate package of potential reforms for the childhood criminal records regime, by the end of 2026”



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Membership

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For individual or firm membership contact info@yjlc.uk

50% off

individual or firm membership until 12th August 2026 for LCCSA members