

Developing an Integrated West Midlands Restorative Justice Service

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Contents

	Page Number
Introduction	3
1.1 Introduction and Objectives	3-5
1.2 Methodology	6-7
2.0 Current provision – where the West Midlands is now	8
2.1 Services funded by PCC 2016-17	8-9
2.2 Other services	9-11
2.3 Spectrum of services/ Level of RJ Maturity	12-13
2.4 Views of stakeholders and practitioners	13-16
3.0 Future provision – further evidence for moving forward	17
3.1 Potential demand	17
3.2 The need for partnership and collaboration	17-18
3.3 Governance and accountability	19-21
4.0 A Restorative Service	22
4.1 Victim centred model	22
4.2 Options for delivering a West Midlands Restorative Service	22-26
4.3 Options analysis and recommendation	27-28
4.4 Further aspects of the service	28-31
4.5 Funding, Costs and Benefits and outcomes	32-34
4.6 Essential Requirements for the Future Restorative Justice Service	35
4.7 Next Steps	36

Annexes

Annex A - Key Recommendations

Annex B – Contributors to the Study

Annex C –Draft Collaborative Approach.

1.1. Introduction and study objectives

Background to study

In September 2016, the Police and Crime Commissioner invited Restorative Solutions CIC to undertake a study the aims of which were to:

Scope of current levels of RJ provision across criminal justice agencies in the West Midlands, both offender and victim focused RJ activity;

- Scope of potential future demand in relation to RJ provision across CJ agencies and develop a service model; and,
- Identify current gaps in RJ delivery and highlights examples of good practice.

The aim in undertaking this work was to design a West Midlands a Restorative Justice Service which is:

- Accessible to all victims across the whole of the West Midlands;
- Victim-centered in its approach;
- Efficient and in particular avoids duplication of effort and resources; and,
- Capable of being scaled up over time.

This report therefore makes recommendations for securing such as service.

Police and Crime Plan 2016-20

While the study was progressing, the PCC was finalising the latest version of the West Midlands Police and Crime Plan. Under the section relating to supporting victims of crime, the PCC makes the following undertakings:

I will develop a victim-focused Restorative Justice (RJ) strategy and service delivery model that will ensure that RJ is available to all victims of crime, at every stage of the criminal justice system and aims to put victims at the heart of Restorative Justice in the West Midlands.

I will increase the awareness of Restorative Justice accessibility, capacity and services available across the West Midlands.

I will explore local and regional best practice and keep abreast of new legislation, policies and updates to maximise the opportunities to use Restorative Justice across the West Midlands.

I will bring together voluntary and community sectors, alongside West Midlands Police, the CRC and Probation who also have a responsibility to deliver Restorative Justice. In addition, it will give the criminal justice system an opportunity to reengage with our communities, victims of crime and offenders.

This statement of intent has informed the work undertaken, as well as shaping and limiting the range of options highlighted in the report. It also provides the basis for developing a regional approach to collaboration.

Definition of Restorative Justice (RJ)

The Restorative Justice Council provides the following definition:

“ Restorative Processes bring those harmed by a crime or conflict , and those responsible for that harm into communication, enabling everyone effected by a particular incident to play a part in repairing the harm and finding a positive way forward”.

This is the working definition that has been used throughout the work. Another term used in this report is *restorative approaches*. These are based on the principles of restorative justice with the focus on building, maintaining and repairing relationships. However, they may not include interaction or any sort between specific victims and offenders. Moreover, they may be more neutral in focus, such as in the case of mediation, where there will not be an agreed “victim” or “offender”. We also make reference in the report to levels of RJ¹ In relation to the police service, the following definitions are used:

Level 1: Refers to an instant or on-street disposal, where Police officer or PCSOs use restorative skills in the course of their duties, to resolve conflict in minor crimes and incidents. In Level 1, restorative justice is conducted as an alternative to a formal criminal justice process.

Level 2: Refers to measures such as restorative justice conferences, and may involve more participants, risk assessments and seek longer-term solutions. A Level two restorative justice response can occur either as alternative to criminal justice proceedings, or in addition to criminal justice proceedings, as part of a formal crime disposal. Level 2 responses take place for incidents not appropriate for Level 1 resolutions, in order to tackle more serious or persistent matters.

Level 3: Refers to resolutions that take place in addition to criminal justice proceedings, mainly post-sentence. They may occur for cases that involve serious, complex or sensitive incidents, or where offenders are being monitored by an offender management team and/or are deemed at risk of continued offending. A Level 3 resolution can be undertaken pre-sentence, but this must in formal conjunction with other services, such as: Probation, the Crown Prosecution Service etc.

Evidence for efficacy of RJ

The research base is still focussed on RJ conferencing. There is robust evidence that this provides benefits:

- As a diversionary activity or as a supplement to other CJ sanctions
- Increasing victim confidence in CJS
- Enabling victims to move on in ways that bring health, emotional and psychological benefits

¹ ‘Association of Chief Police Officers (ACPO) (2012) ‘Restorative Justice (RJ) Guidelines and Minimum Standards’.

- Financial benefits to victims, institutions, and tax payer
- Reducing reoffending
- Effective for range of offences including violent and property crime.

There is weak and limited evidence base for use in cases of domestic violence. Research into other methods – such as shuttle mediation or letter writing is not as extensive and where exists, it is not conclusive.

Based on this evidence, in order to in develop and commission services in the future which are based on the most robust evidence base, **we recommend that the PCC should focus on developing services for which a face to face conference between the victim and offender was always a prospect, even if one or both parties decides during the preparation for that conference that they wish to withdraw or to opt for another intervention – such as working through an intermediary.**

Funding

The Commissioner has received funding for Restorative Justice from central government within the overall Victim Fund which is delegated to PCC for the provision of services to support victims of crime. There is no ring-fenced element for RJ, so the amount allocated to such services is at the discretion of the PCC. The government has, however, set out its ambition that RJ should be available to all victims of crime at any stage in their personal journey through the various stages of the criminal justice process. Furthermore, it has stipulated that the funding should be used to provide services relating to crime rather than other forms of harm.

This study had a particular focus and timescale in that the evidence gathered would inform future commissioning process for RJ from the financial year 2017-18 onwards. We believe this report provides much of the information on which would be included in an invitation to tender (ITT).

The research and field-work commenced in October 2016 and concluded in December 2016 and was conducted by Anne Halliday for Restorative Solutions CIC.

1.2. Methodology

The study involved the following:

- a) Desk based research - document and literature analysis, together with online searches.
- b) Fieldwork consisting of stakeholder and practitioner interviews, questionnaires, and group discussions at stakeholder meetings.

The purpose of the fieldwork was to test out the key messages emerging from the document analysis, to fill gaps where no published material was available, to allow a range of views to be heard, to capture a selection of current ideas and to identify possible options and approaches which merited further investigation.

A list of questions for the interviews, questionnaires and focus groups was formed using the findings from the document analysis. The aim was to provide a degree of consistency.

With the agreement of the OPCC, the study did not include direct work with either victims of crime, offender, or members of the public. We have, however, drawn on the conclusions of research elsewhere to reflect the voice and perspective of victims and members of the public.

As mentioned above, this work was designed to be conducted in a short timescale and to provide a platform from which future commissioning could be developed. It is therefore focused on the future. So, whilst we have aimed to give a full picture of existing RJ provision, we were to a great extent dependent on the co-operation of others to provide information. It cannot therefore be guaranteed that there are services which we did not find, however we are confident that the overall picture we describe is an accurate one. Again, with the OPCC's agreement, the focus of the work was on RJ in the Criminal Justice System rather than in settings such as education and health. These are areas where restorative approaches are increasingly used with evidence of good outcomes. If the recommendations of this report are implemented there will be opportunities to establish links to these sectors in order to develop services and to provide consistency and coherence to restorative approaches.

We have also focused on the area of adult provision. This for a number of reasons which include:

- From initial soundings as to the level of activity in adult and youth arenas and the fact that RJ historically has been used extensively in Youth Offending Services and as such is potentially not an area where there are the greatest gaps; and,
- The provision of RJ service in the youth arena was covered extensively in a 2015 report commissioned by the PCC² which had already made recommendations for developing those services in a coherent and sustainable way across the West Midlands Region.

² Making Sense of the Restorative Justice landscape in Youth Justice in the West Midlands – Peter Heath (January 2015)

It is perhaps of note that some of the findings of this report in many ways echo our own, such as those relating to working towards greater consistency and alignment between adult and youth services.

2. Current provision of RJ services in the West Midlands

2.1. Provision currently funded directly by OPCC

The PCC funded the following schemes/projects during 2016-17.

Helping Young People Engage (HYPE) is a project run by the Positive Youth Foundation. It aims to provide intensive support including the use of restorative approaches with young people at risk of offending including through involvement in gangs. It operates in areas of Coventry and the PCC funding was aimed at extending its services, particularly to young women.

Prison Fellowship is a national charity, which provides a programme called Sycamore Tree. This is a victim awareness programme that teaches the principles of restorative justice to offenders. It is taught in prisons in groups of up to 20 learners by Prison Fellowship volunteers. Prisoners on the programme spend six two-and-a-half-hour sessions exploring the effects of crime on victims, offenders, families and the community, and discuss what it would mean to take responsibility for their personal actions. The OPCC has funded courses to take place at HMP Oakwood and HMYOI Brinsford.

Safer Travel Partnership have been funded to continue a project which runs victim awareness and reparation activities for young people who have been involved in low level crime or anti-social behaviour on the West Midlands travel network. It takes cases referred to it by both transport providers and the police. It has three RJ practitioners who have been trained to level 2. Currently one is actively employed and the project has reported therefore that it has the capacity to undertake more work.

CRIB – is an organisation that supports young adults in Birmingham and has been funded to provide a service which aims to raise awareness of RJ among young people, principally in the Ladywood area. It does not provide RJ but aims to support and guide those considering RJ as well as signposting them to such services and supporting them during and after RJ has taken place.

Dery Foundation – aims to provide advice and encouragement to people in the Somali community about the benefits of restorative practice. It has also the facilities to conduct group mediation sessions to address issues in the community, with a specific focus on working with ex-offenders.

PPP – Passion, Place & Purpose. This project aims to provide workshops, conferences and guidance to raise awareness and understanding of restorative approaches. The focus is on addressing the impact of serious sexual crimes i.e. Female Genital Mutilation (FGM), Domestic Abuse, Child Sexual Exploitation (CSE), Rape, Incest, Forced marriages trauma etc. on women and their families. It operates in Birmingham and Sandwell.

The Pan Birmingham Restorative Justice Team is a partnership of police and the Birmingham Social Housing Partnership, which represents 40 housing associations. It provides a restorative justice service in cases of anti-social behaviour across Birmingham. It takes referrals from both police and housing associations, screens and allocates them to trained practitioners and provides services up to and including conferences. The project is funded both by the PCC direct, which covers some of the housing association cost, and through payment in kind by West

Midlands Police including dedicated staff and access to services such as interpreters. It has dedicated resources of 11 practitioners trained up to Level 3. These include case supervisors and a trainer. The project conducts awareness-raising with the public and agencies in the Birmingham area.

At the time of this study, the project was about to embark on an evaluation by Birmingham City University. The project reports that it is increasingly dealing with neighbourhood crime as well as antisocial behaviour and that in the year up to October 2016 it had conducted 219 face to face conferences out of 681 referrals it had received. It also reports that it has the capacity to take on more cases.

Each of these providers was approached for information about the scope and progress of their work and invited to complete a short questionnaire. This covered not only the range of their provision but also issues such as capacity and quality. The majority of services provided helpful information on their activities.

2.2 Other RJ provision in the WM Region

We also sought out information about other providers of services across the West Midlands or organisations with capacity to conduct RJ through trained practitioners. This includes the following:

Community Rehabilitation Company (CRC)

The Staffordshire and West Midlands Community Rehabilitation Company (SWMCRC) is run by the Reducing Reoffending Partnership, which also runs the CRC for Derbyshire, Nottinghamshire, Leicestershire and Rutland. As part of its role to supervise offenders it provides victim awareness and other therapeutic programmes, but does not currently provide RJ. It is considering plans to develop approaches to RJ which include a model employed by the aforementioned sister CRC, which has an RJ unit run by two probation staff. However, it has benefited from funding from the OPCC to train staff and one group has been trained so far. There is therefore unused capacity within this organisation. The CRC identified lack of a referral mechanism and strategy for crime, as opposed to antisocial behaviour, as blockages to progress and welcomed an approach which would enable referrals to take place.

National Probation Service (NPS)

The National Probation Service has a significant resource of nine practitioners who are trained to conduct RJ up to Level 3 within its Victim Liaison Unit. In the past it has conducted RJ across all crime types, but this is not a mainstreamed commissioned activity for the NPS and future funding is uncertain. The service would need to be commissioned nationally or locally in order for activity to continue or develop.

Prison Service

HMP Hewell also has significant resource of six trained practitioners as part of its approach to RJ. It is currently working with Birmingham University Centre for Crime, Justice and Policing to appraise its work and develop a performance framework. Restorative approaches are used

extensively in the prison, but as with the CRC, the service is concerned for lack of referral of cases, particularly from victims. Without an effective referral mechanism, the service relies on cases coming through its own cohorts of offenders or through its partnership with the NPS. Beyond HMP Hewell, as mentioned above, there are restorative approaches at HMP Oakwood and HMYOI Brinsford. We also understand that there is activity at HMP Birmingham.

Local Authority/Police

The Police have undertaken extensive training of officers over recent years, although it was difficult for us to determine precise numbers. One source said that over one thousand officers had been trained over the last year to Level 1 and 200 to Level 2. Another source which related specifically to the Neighbourhood Policing Teams (NPTs) stated that there were 13 officers trained to Level 1 and 11 to Level 2. These may not be contradictory. What is clear, however, is that RJ practice in the police is primarily limited to neighbourhood policing activity. Beyond this, we were told that if RJ did occur, for instance, in relation to offender management, this would be ad hoc and not as part of any planned strategy.

Neighbourhood Policing Teams

We were told of the following levels of activity within NPTs:

- **Informal resolution of calls to the police (so called Level 1 incidents)** This is where officers are called to incidents and if trained can resolve it using Level 1 RJ there and then to resolve the conflict. However, the fact that RJ has been used is not recorded and therefore the extent to which this is used cannot be accounted for.
- A restorative justice conference might also be used as part of a **Community Remedy**. This provides a menu of options which is offered to victims whose cases could be resolved via a community resolution or a conditional caution. When a crime occurs, which the officer deems suitable for community resolution or conditional caution, the victim can select from the menu of activities which also includes; warning the offender with an agreement not to repeat the offending behaviour; forms of reparation or compensation; and, training. Although the remedies chosen are recorded they do not form part of the electronic records or the crime. It is therefore not easy for the police to say how many cases are resolved through RJ without going back to individual paper records.
- In cases where a crime is recorded as resolved and detected and a **full RJ conference** undertaken, it is possible to search police systems to determine numbers where this has taken place. Between 2015 and the time of this study the police recorded the following numbers of RJ conferences:
 - Wolverhampton – 0
 - Walsall – 5
 - Sandwell – 2
 - Solihull – 1
 - Dudley – 1
 - Coventry – 21
 - Birmingham – 106 - It is not clear to what extent that this relates to the work in the aforementioned Pan Birmingham Project.

Wolverhampton Mediation Service

The City of Wolverhampton Council's mediation service handles around 100 neighbour conflict cases per year. These cases relate to disputes which do not involve crime, with the majority of referrals originating from the Anti-Social Behaviour Team. Mediators generally determine impacts of behaviour and help restore workable relationships for the future. Restorative *conversations* occur at later stages if and when harm has been identified, though no practitioners are currently trained specifically in RJ. There are currently three members of staff and six volunteers who have accredited mediation training. The mediation service has scope to extend service provision and would like to be considered as a future provider for lower level crime.

Sandwell

The community safety team in the local authority offer RJ as part of a menu of options in cases of anti-social behaviour. It takes referrals from within the district from housing providers, the police and victims support services. Sandwell report that they have received 42 referrals in the last year from which they have conducted four face to face RJ conferences as well as 11 mediation case and 6 of shuttle mediation. There are currently 8 practitioners trained to level 2 and there is capacity to undertake more RJ work.

Youth Offending Services

As mentioned elsewhere, restorative approaches are part of the mainstream activity in the Youth Offending Teams. We have not covered this in terms of numbers and scope as it has been covered in previous reports to the PCC.

2.3 Spectrum of Overall Provision/ Level of Restorative Justice Maturity

To summarise, the current provision can be described in terms of the following spectrum

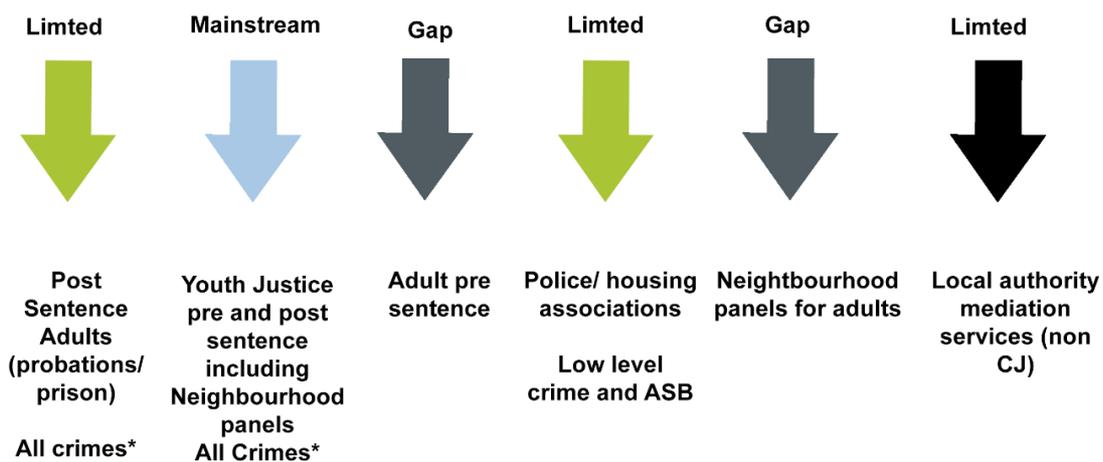


Figure 1 Spectrum of RJ provision

(* Domestic and Sexual abuse not included by some providers)

Another way of describing the current level of capability and capacity to deliver RJ in West Midlands is in terms of Restorative Justice Maturity” using three factors:

- Resources – practitioners and funding
- Number of RJ interventions
- Skills

If we had been able to obtain reliable numbers to each of these components, the result would give a picture of the maturity of provision in the West Midlands and the baseline against which the future development of services can be pitched. However, this is virtually impossible to gauge in the West Midlands. Other than the PCC funded activity and that matched by the Police in the Pan Birmingham project, it is very difficult to detail funding. Furthermore, due to discrepancies over training numbers, this too is difficult to calculate. However, at the very least we have identified upwards of 1300 trained practitioners in the adult sector. These are based in the police, CRC, and voluntary sector organisations. We understand that some of this has been very much at entry level. However, it represents a huge investment and potentially spare capacity. The value of such training can of course be lost if staff do not have the opportunity to put it into practice. We were told of staff, who were now reluctant to undertake RJ, as despite training they lacked the confidence to undertake it.

The numbers of interventions which do take place are not consistently and reliably recorded in a way that can be collated and compared across organisations. However, the level of activity is relatively low compared with investment and we conclude that there is a disconnect between the level of practitioner resources, funding and the current level of RJ.

On a positive note, awareness and understanding of RJ among practitioners was high – there was a degree of sophistication about the range of approaches which can be described as restorative in nature.

Overall our findings are that there is currently an imbalance in restorative justice maturity, with restorative practice mainly being delivered by Youth Offending Services, and in some of the local areas but based mainly in connection with low level crime and antisocial behaviour. **We recommend that in delivering the new services, the West Midlands should address both the imbalance in provision between youth and adults, local areas and between crime and antisocial behaviour.**



Figure 2: Restorative Service Maturity

2.4 Views of stakeholders on current status of RJ

Turning to *perceptions* of the current and recent provision, the overall impression we were given was of a region where RJ has had several starts through a number of individual projects and extensive training programmes, but where RJ has failed to launch properly in a sustainable way. The following specific themes emerged from stakeholders and practitioners, interviews and from our observations.

Capacity and scope of service

We found that there is no unanimity of view of whether certain crimes of offenders should automatically be excluded from RJ. We have alluded to this issue above as a key area for strategic decision making by those responsible for developing the RJ service. The use of discretion is the most important element of making a referral for an RJ process.

We recommend that policy should make clear the basis on which cases will be considered (or not) and discretion will be exercised and ensure that individuals involved in the delivery of restorative justice make use of the appropriate guidance.

Resources overall are either very stretched and/or time-limited. The uncertainty and imbalance of provision which is skewed heavily towards anti-social behaviour across the region is a major concern.

In the document setting out the business case for the aforementioned Pan Birmingham RJ project we were struck by the following comments. *“We were told that there is a clear recognition by West Midlands Police (WMP) that ‘ring-fencing’ or dedicating resources to the delivery of RJ is desirable: The historical approach to deliver against these objectives has been for agencies to invest in RJ training for its staff. WMP have invested heavily in this area. However, despite significant investments in training, and impressive results where RJ has been used, a persistent obstacle for WMP is that those staff trained to deliver RJ are invariably charged with delivering the intervention alongside a range of other duties. Whilst RJ is ultimately cheaper and more efficient than many traditional methods, it does require some initial investment of time by RJ facilitators who need to work with victims and offenders to prepare them for RJ activities. Where staff are trying to fit this into a busy workload with differing priorities, the time needed for RJ preparation is often sacrificed.”*

We recommend that the provision of RJ involves a strong element of dedicated resource and address the imbalance of current provision towards anti-social behaviour.

Evaluation and performance

Cost and benefits of delivering services have not been adequately assessed in the past in order to achieve a sound basis for progressing things further. This has led to projects being dropped despite promising activity. This continues with poor or absent performance frameworks in current projects which inhibit meaningful and detailed evaluation of RJ performance and proper evaluation and investment decisions.

We recommend that the new service should have a robust management information and performance framework consistent with the outcomes sought.

Leadership and governance

Interviewees said that there had not been consistent leadership driving RJ in the West Midlands and that this had contributed to the absence of a coherent sustainable approach. Looking at the partnership landscape in the region, there was no existing single partnership, to which responsibility for RJ could automatically fall.

Despite RJ provision as part of mainstream youth offending services, the absence of a wider framework into which this sits, is a missed opportunity.

We recommend that a strong governance framework is developed for RJ and that consideration is given to appointing champions in individual agencies to help promote it.

Awareness

There is still a widespread lack of understanding of what RJ is amongst the public with concern that it is a soft option for offenders. Interviewees raised the need to raise awareness of RJ across the public and other public services. This would ensure that there is the 'demand' for RJ as investment is made in building the capability and capacity of the local CJS to deliver RJ. (There was also, however, some concern about raising expectations beyond what could be realistically delivered at least in the short term). This suggests that steps to raise awareness need to go in tandem with a flexible approach to service delivery.

In our view, the current focus on use of RJ in cases of ASB risks reinforcing public perception that RJ is a "soft" alternative to punishment.

We recommend that awareness-raising is a key element of a new service which should include myth busting as to how tough RJ can be for an offender to undertake.

Participation

Victim Voice and co-production - Victims should as a matter of routine, be consulted about what they would like from both Restorative Justice and victim support services. Practitioners felt that victim involvement should not stop at this, but be done routinely in the way that the strategy is designed, delivered, reviewed and developed.

We recommend that the Victims Commission is consulted as to how the voice of victims can be heard in the delivery of RJ.

Community engagement - There was a strongly held view amongst some practitioners that, in the case of adult RJ, awareness and delivery could be enhanced by better links to community. It has been suggested that lessons can be shared from the Youth Justice RJ services, but also links could be made to existing community and Neighbourhood groups who are active in supporting the reducing of crime and anti-social behaviour. There is also a pressing need to ensure that engagement extends to all communities and is accessible through use of all of the languages common in the West Midlands.

We recommend that as part of the development of the service a community engagement strategy is developed and agreed for the West Midlands.

Referrals

Lack of a coordinated or structured referrals process, especially for victims is a concern. There needs to be a clear route into RJ for both agencies and victims themselves. Ideally this should be a "one stop shop" where victims can get the information they need at a time that suits them. Different communication channels were, however, considered important, some victims appreciate information via leaflets; others may want to speak with someone and ask questions there was a very strong feeling that the victim needed to be in control of when RJ could occur. But here again the victim's expectations have to be managed i.e. what if the offender isn't identified, there isn't a guilty plea or the offender is not willing?

We recommend that a dedicated, uniform referral mechanism for the West Midlands is a key and early element of a new RJ service.

Consistency

Despite RJ provision as part of mainstream youth offending services, the absence of a wider framework into which this sits, is a missed opportunity to develop consistency of approach across all services.

Despite the extensive training which has been provided over recent years, it has developed in isolation and therefore there is a risk that there is inconsistency of approaches from one organisation to another. Ensuring each criminal justice organisation has clear and strategic guidance in relation to RJ is essential, in order to develop a good working model of RJ throughout West Midlands. Practitioners require training, support and guidance specific to their organisation to aid their facilitation of RJ processes and setting out how to work with other criminal justice organisations.

As part of ongoing peer support, communication between agencies and to facilitate the sharing of good practice, practitioners felt that West Midlands would benefit from the creation of a practitioner network. This could be an important element of an overarching training, and professional development plan.

We recommend that the West Midlands develops shared, common approaches and framework for RJ including to professional standards and training which can help develop consistency across all current and future RJ provision including potentially that outside of the criminal Justice system.

Information sharing

Work needs to be done to embed effective information sharing protocols and systems for sharing information about offenders and victims. However this information needs to be kept and managed securely. Interviewees recognised that each agency will have their own priorities, but this should not prevent common approaches to the sharing of information and resources. By establishing clear management and co-ordination of RJ services more effective partnership working would result. Effectiveness would also be improved by simply knowing what other agencies do and how.

We recommend that a common information sharing protocol is developed for all agencies participating in the RJ service.

3 Future provision

3.1 Potential demand

Given the patchy, level of current provision and in particular absence of a common, region wide referral or awareness raising activity, the current level of provision cannot be a helpful predictor of likely future demand for a service which was available to all and that it was relatively easy to access. However, drawing from the ONS statistics, it is possible to estimate what the potential volume of RJ interventions could be. **Due to case eligibility and participants' attrition, we believe that the volume of RJ might be the 5% of all the total recorded crime.**

In considering the calendar year of 2015, of 242,553 crimes as many as **12,128** RJ interventions could be carried out. On current evidence from Birmingham, the take up for ASB across the region could be much more. **However, this is unlikely to be achieved** in practice. The actual level of future demand for RJ will be influenced by a number of factors including the guidance followed by the local CJS organisations in making assessments as to the suitability or appropriateness of an RJ intervention and, of course, most importantly awareness by agencies, public and victims.

There could also be significant demand for restorative approaches from the education, social care and health sectors in the future. We understand that there are organisations that do provide such services in some West Midlands schools. As mentioned above, however, there is an immediate imperative to get a service up and running for victims of crime. So although not urgent, **we recommend that the OPCC should commission some work on how restorative approaches might be developed in other sectors in a way that is consistent with those being developed for victims of crime.**

3.2 Need for Partnership and Collaboration

The aforementioned 2015 report on Youth services found that there was “Need for RJ practice to be brought together on a regional basis in order to improve coherence, impact and consistency” and there was an opportunity “To build in partnership with the relevant agencies, a coordinated approach to Restorative Practice and embodies work with children and adults”. We echo these findings.

The representatives of local criminal justice organisations across the West Midlands, who have experience and interest in RJ, expressed a strong desire for a coherent framework within which RJ could sit, to work more collaboratively both within local areas and across agencies. The inconsistent levels of RJ maturity, potential rise in demand for RJ services and need to reduce public expenditure, all provide compelling arguments for increased collaboration. The factors driving collaborative service delivery can be grouped under three headings:

- *Resources* – By working in isolation, providers may duplicate some RJ services whilst being unable to resource others.
- *Contingencies* – organisations such as local authorities, police and probation are serving populations where a large number of their ‘clients’ suffer from multiple problems and their support requirements continuously change. In this situation, characterised by high risk and

uncertainty and requiring adaptive efficiency, a collaborative approach to providing RJ can be more effective.

- *Institutional* – Individual organisations can often derive greater legitimacy by delivering services in partnership as part of a larger group and by commissioning services including from the voluntary and private sector in order to shape and deliver services to diverse communities.

The drivers influencing a collaborative formation of RJ services across the West Midlands:



Figure 3: Drivers towards collaboration

Nevertheless, the sub-regional, partnership and political landscape in the Region present potential barriers to that collaboration. That landscape is a changing one not least due to the impact of Public Sector reform and the election of a Mayor. Strong, collaborative leadership is a critical to successful implementation. It is also the case that any strategy and implementation plan would need to address the potentially changing nature of organisations in the region in a mature and realistic manner.

3.3 Governance and Accountability

The PCC has set out a vision for future service which could form the basis of a partnership approach. At Annex C we set out a possible statement of intent which could be used for discussion and agreement with agencies. **We recommend that the OPCC develops such as statement of intent for collaboration with agencies in the West Midlands.**

As mentioned above, one of the key issues which will need to be agreed is the scope of the service in terms of crime types for which RJ will (or will not) be used. There is no basis in the research to **exclude** any particular type of crime. So whilst it is entirely possible to prioritise cases of particular crime types, for instance because of particular concerns raised by victims in the community, the current research evidence does not support such a selection on the basis of efficacy.

In terms of national policy, the Ministry of Justice (MoJ) issued guidance in early 2014 stating that RJ should not be used in cases of domestic or sexual violence. This view is echoed by providers of support services to survivors of these crimes nationally and in the West Midlands. However, the MOJ has recently (October 2016) changed its advice which can be summarised as follows:

The Government's vision for restorative justice in domestic abuse cases starts with the premise that adult domestic abuse cases should, wherever possible, be prosecuted. Alongside that, victims have a right to access restorative justice services to help them address their needs.

The Government does not believe that victims should be automatically precluded from taking part in restorative justice on the basis of the crime committed against them. It accepts, however, that particular care is needed in relation to domestic abuse.

The decision to grant a victim's request for restorative justice in domestic abuse cases must only be made after careful consideration, with a stringent and ongoing process of risk assessment and safeguarding. This should be done by a facilitator who is also a specialist in domestic abuse, or a facilitator working very closely with a specialist.

The aforementioned suggested draft statement of intent is silent on this issue, but would need to reflect agreement on a way forward.

As mentioned above, there is currently no obvious existing partnership which could provide collaborative governance for this work. However, establishing governance of the restorative service/s across the West Midlands will be an important step to providing the process of decision-making on implementation and management of resources available in the interest of the public. It may also provide the “glue” to feed broader messages about collaboration.

During the scoping study, interviewees were asked for their opinions on where governance of restorative services should rest. The importance of senior commitment and buy-in to establishing restorative service provision was stressed as being critical to achieving success as was consistency and sustainability of arrangements. There was recognition that the PCC holds the funding and responsibility for victim’s services as well as a significant element of provision for restorative justice. PCC was in a pivotal the work to develop a new service was seen as an opportunity to galvanize other partners into a more collaborative approach. It was also

recognised that the nature of the work to develop a service requires different levels of involvement – from strategic sign off and oversight to detailed matters relating to the design and operation of the new service. In terms of the former, however, at the time of the study there was no obvious single forum, which could fulfill the function. Current bodies /arrangements which have potentially include.

Body/arrangement	Comment on suitability
Reducing Reoffending Board	Limited role in relation to victims.
Victims Commission	Advisor body to PCC consisting primarily of service providers rather than strategic partners. Subordinate to SPCB.
Local Criminal Justice Board (LCJB)	Since the study the PCC has become the chair but is new and emerging rather than established body. However has strategic interest in both offender and victim journeys.
Strategic Policing and Crime Board (SPCB)	Advises PCC on strategy however, lacks membership of most key agencies – CJ and LA
Combined Authority	New and emerging arrangements rather than mature or established.

There is no ideal fit with any of these bodies. However, as mentioned above, the PCC has recently become the chair of the LCJB and if that board adopts a strategy into which RJ fits, this might be the right place to **provide strategic oversight and to build a collaborative approach to building a RJ strategy for the West Midlands and in particular the development of the RJ service. However, if that option is adopted, we recommend that the OPCC takes steps to ensure that partners not represented there, who have an interest in the development of RJ are consulted on the strategy. In particular, the interests of victims of crime need to be central to the work. We have already recommended involving them in co-production. In terms of agencies not represented, the OPCC could involve them** either through engagement with the other groups set out above or brought into the design and delivery arrangements detailed below.

In order to expedite work and to focus efforts on practical, tactical and operational matters, we also recommend that a ‘RJ Design and Delivery Group’ be formed, which would report to the LCJB. A ‘code of governance’ would set out how collective agreement would be reached on funding, commissioning and implementation plans.

- Setting measurable goals, and responsibilities
- Planning what needs to be done to achieve goals
- Developing implementation plans and monitoring progress
- Reporting on results

Membership of the group should be based in those agencies that are currently delivering RJ and have the capacity and interest to advice on effective new arrangements. They should include:

Police, CRC, NPS, HMP Hewell and include representatives of local authority/youth offending services

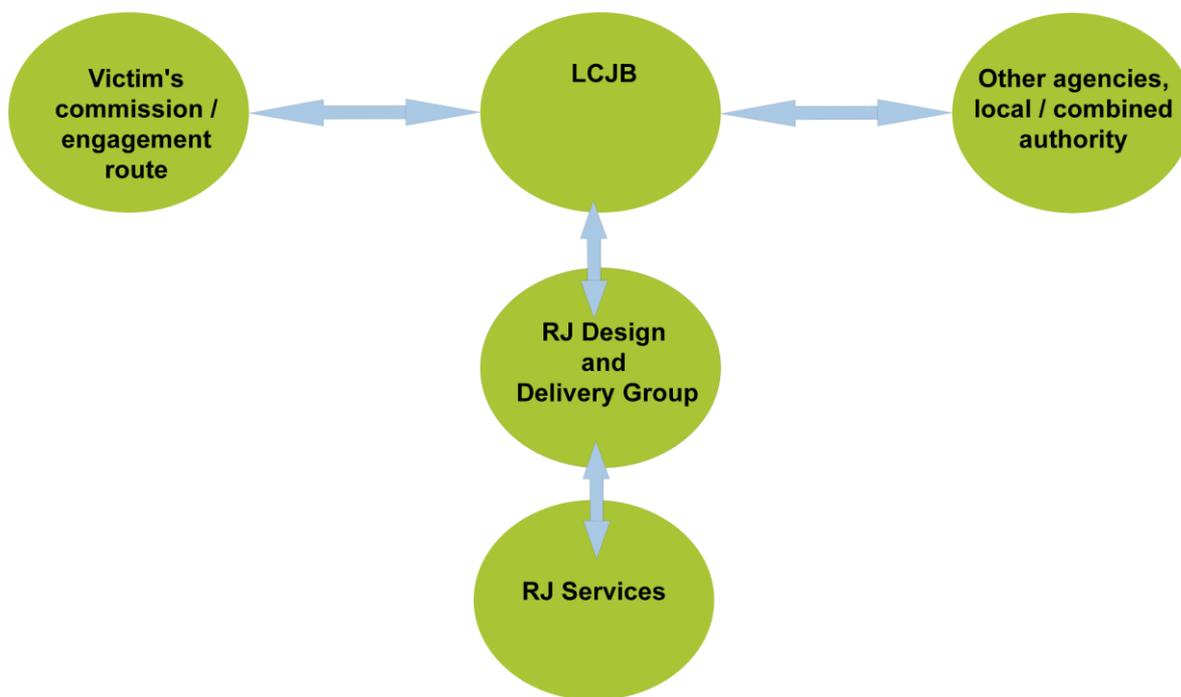


Figure 4: Suggested governance structure

4 Developing the RJ service

4.1 Victim Centred Model

Turning now specifically to the development of the model for RJ CJ services, which is consistent with our findings detailed and with the draft statement of intent referred to above, one of the most important design elements to embed is the victim-centred nature of the service. The most effective and efficient service model for the West Midlands will be delivered when all victims are aware of Restorative Justice and able to access it if the offender is also willing to participate.

RJ services have to be designed and delivered to not only meet the needs of victims but also safeguard them as well. All of our research and fieldwork highlights the importance of designing a service that is victim-centred and provides victims with the benefits of:

- Being accessible at point of need
- Maintaining contact with the victim and other agencies where necessary
- Providing expert support when required without victim's feeling 'referral fatigue'
- Acting in victims' interests and with the appropriate safeguards

Without a coordinated or integrated service, the benefits to victims and the community will not be fully realised. There is an opportunity to consider how the available funding can be utilised to develop new and reconfigure existing provision of RJ. With a transformation in RJ delivery, victims can be placed at the heart of service delivery and the challenges of the transitions in the offender's rehabilitation journey are well handled.

There is also an opportunity to move away from a reactive and episodic approach to service provision, particularly for victims and offenders with complex conditions and high-intensity and/or on-going needs. Services should be easily accessible and continuing for less-complex cases and be readily available for victims.

4.2 Options for Delivering the West Midlands Restorative Service

There are three principle options for delivering a West Midlands Restorative Service. Taking into account the findings from this study these are in summary:

- a) **Centralised Command and Control** – the OPCC takes direct responsibility for commissioning a 'Restorative Service' that would operate for the local CJS.
- b) **Facilitating Partnership Coordination and Managing Case Loads** – the OPCC would form a Restorative Service that would coordinate the flow of referrals, assessments and RJ interventions.
- c) **Devolved Accountability and Funding** – the OPCC would make grants available for local CJS organisations to strengthen existing capacity and capability in delivering RJ.

Each of the above options is considered below. In practice, it may be possible to vary or merge aspects of the options into a hybrid. However, the components we set out below illustrate the essential choices that need to be made.

a) Centralised Command and Control

The OPCC would take direct control of **all** RJ delivery for across West Midlands. A Combined Restorative Service would be commissioned to:

- develop victim-centred restorative services;
- create a single point of access to restorative services, where appropriate;
- promote awareness and understanding of RJ;
- provide restorative services through a centralised service as soon as possible, when appropriate;
- introduce a single assessment system for accessing services;
- provide the same quality of RJ for all, with clarity on when and how RJ should be used; and,
- review and analyse outcomes on an on-going basis, with a particular focus on feedback from victims.

This model would, in effect, centralise all RJ activity across the West Midlands.

The Restorative Service Model

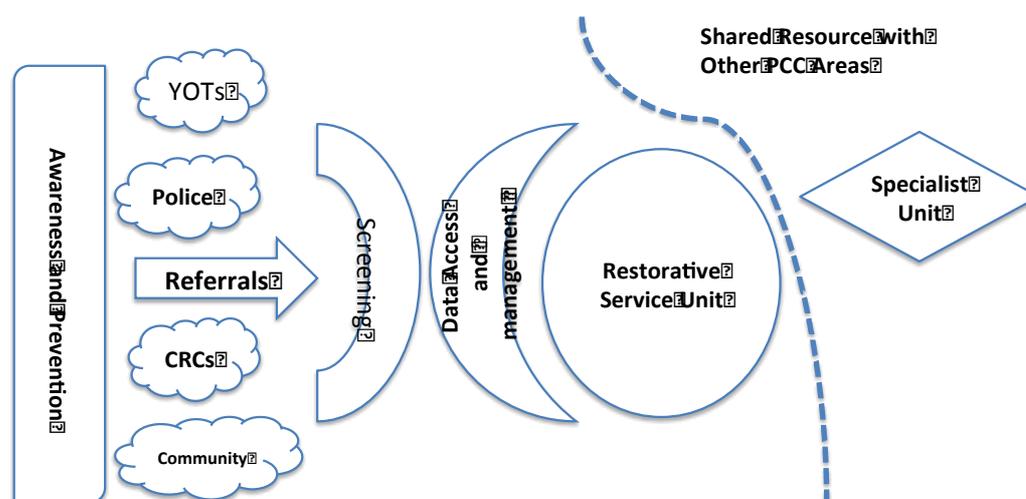


Figure 5 Centralised model

The West Midlands Restorative Service Unit would deal with all RJ case work from the Neighbourhood, Out of Court Disposals, Pre-sentence RJ, Community Sentences and Post-sentence. However, complex or potentially lengthy cases, where more specialised support is required from more experienced RJ practitioners would be referred to 'Specialist Practitioners' who are skilled and experienced in dealing with such cases. This would enable the practitioners working within the RSU to undertake less complex cases.

b) Facilitating Partnership Coordination and Managing Case Loads - A “spoke and hub” approach.

This model is the ‘preferred option’ as it reflects closely the main messages from practitioners and CJS professionals during the study to improve consistency and co-ordination, whilst recognising the existing funding, governance and accountability frameworks, particularly around youth provision . It aims to ensure there is appropriately skilled and continuous support available for all service users. This will maximise contact with victims and offenders leading to optimal referrals for RJ activities. It also creates the opportunity that experience of using RJ permeates throughout services and has therefore greater potential for growing a wider acceptance for using RJ as the way of doing business in the longer term. The model will:

- develop victim-centred restorative services;
- create direct access to restorative services, where appropriate;
- create a single point of access to restorative services, where appropriate;
- promote awareness and understanding of RJ;
- provide restorative services as soon as possible, when appropriate;
- encourage CJS teams genuinely to work together in a whole-systems approach;
- introduce a Single Shared Assessment system on accessing services;
- provide the same quality of RJ for all, with clarity on when and how RJ should be used; and,
- enable review and analysis of outcomes on an on-going basis, with a particular focus on feedback from victims.

The model works on the basis of a common screening facility for referrals followed by an allocation of a case either within a central unit or to experienced RJ practitioners within satellite units in individual agencies.

This approach provides the OPCC with the means to build on current activities and gradually scale-up its investment in RJ. It should also enable the OPCC to ensure a return on that investment through improved outcomes, effective service provision, demonstrated through performance and business management. However, it also provides the basis to attract funding from range of other sources if it demonstrates that it can meet their needs. This is likely to be increasingly important in the longer term where the expectation may be that services should become self-sustaining.

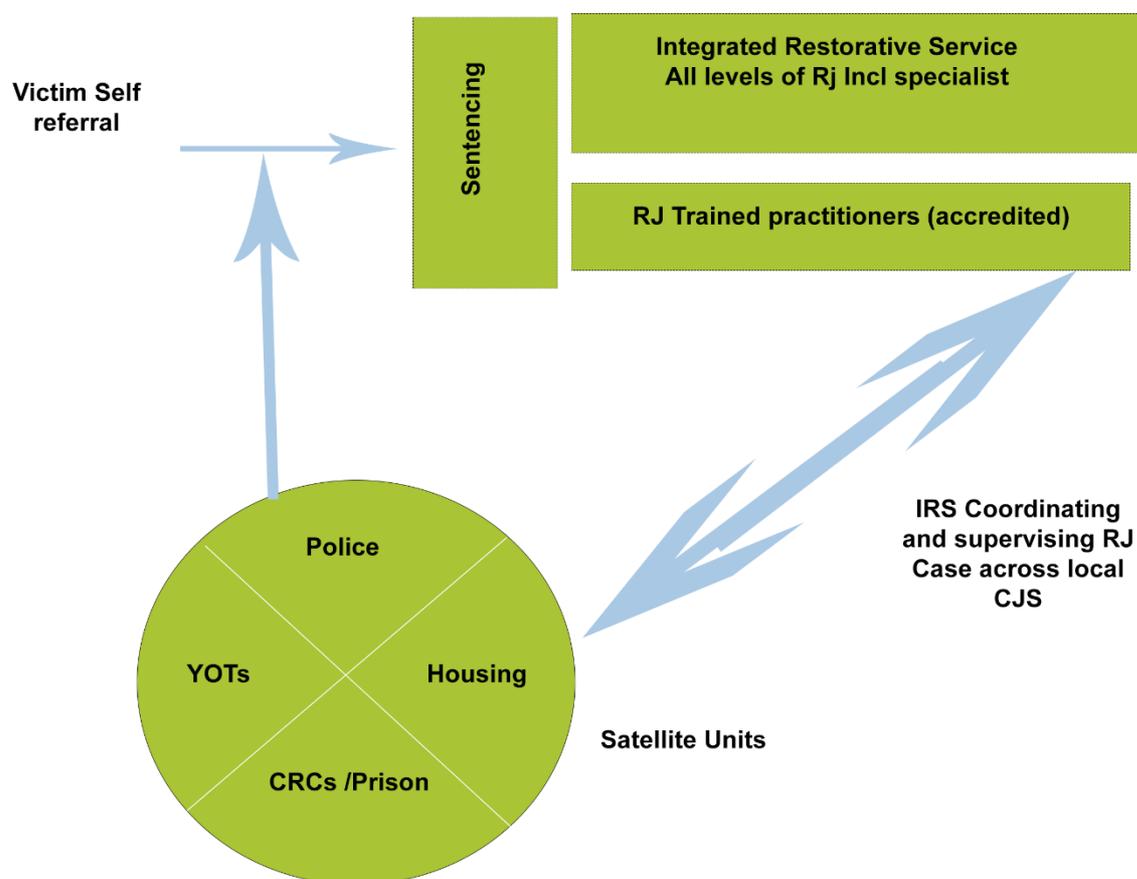


Figure 6 – Facilitative Partnership model

c) Devolved Accountability and Funding

Under this option, the OPCC would award grants to the key local CJS agencies and voluntary sector on the basis of delivering a prescribed set of outcomes. Each grant would be proportionate to the expected RJ activity and number of RJ practitioners. These grants could target specific areas of work, such as:

- Youth Referral Orders
- Neighbourhood Restorative Justice
- Community Remedy
- Pre-sentence RJ
- Community Payback/Sentences
- Post-sentence RJ

This option is in effect the status quo plus additional funding with service specification through the commissioning/grant giving process. It represents a very light touch in terms of formal co-ordination although it would be feasible to create informal links between services. The likely success of this approach in delivering a consistently effective victim centered restorative services is high risk.



Figure 7 – Devolved model

4.3 Options Analysis and recommendation

Option	Strengths	Weaknesses
a) Centralised Command and Control	<ul style="list-style-type: none"> • Single gateway for referrals • Consistency in application of RJ • Reduced risk of re-victimisation through single contact point • Improved case management • Greater ability to measure performance/impact 	<ul style="list-style-type: none"> • Increased costs • Potential for delays/backlogs in cases being assessed/seen • RJ will not permeate through local CJS • Potential implementation delays and difficulties as broker absorption of existing provision
b) Facilitating Partnership Coordination and Managing Case Loads _ “Hub and Spoke”	<ul style="list-style-type: none"> • Active participation of local CJS in delivering RJ • Ability to be flexible in meeting demand for RJ • Central monitoring and information management • Reduced accountability and costs 	<ul style="list-style-type: none"> • Success is dependent upon good partnerships • Requires consistent application of RJ and standards
c) Devolved Accountability and Funding	<ul style="list-style-type: none"> • Enables local CJS to build their RJ capability and capacity • Could lead to greater innovation in the use of RJ 	<ul style="list-style-type: none"> • Low rate of referrals • Differences in how RJ is applied • Re-victimisation may occur through multiple contacts made by various agencies i.e. police, victim support, probation and prison • Information and case management remains un-coordinated

Recommendation

The OPCC requires a restorative justice service that provides better outcomes for victims. **We recommend that the best way to deliver RJ is with an integrated restorative service based on**

option b - Facilitating Partnership Coordination and managing caseloads – a Hub and Spoke approach. This will address a large number of the issues that practitioners and CJS representatives have raised. It will also provide the means to allocate funds more effectively towards achieving positive outcomes for service users as well as CJS organisations and the community as a whole. However, with our emphasis on developing the service centre, the approach will provide a degree of focus and centralisation to ensure consistency and service delivery.

4.4 Further aspects of the service

Coherence and alignment with other victim centred services and offender rehabilitation services.

Any new restorative service model will need to align with existing and future arrangements for the delivery of Victim's Support Services. In some areas, PCCs have chosen to commission these services in an integrated way at the same time as that for RJ services. In some cases this has led to the creation of a single first point of contact for all victims of crime and anti-social behaviour, as well as a needs assessment, information, practical and emotional support to cope and recover from crime and case management of support for victims requiring additional support. There are obvious opportunities for victims to access RJ services within this victims' service model.

Whatever shape these arrangements take in the West Midlands, it is essential that there is a shared understanding and clarity about referrals, screening and data sharing and that requirement to co-operate are embedded. It is particularly important that victims of crime should be offered RJ in a supportive and informative way. That means that any institutional barriers between the RJ and victims support services do not lead to a poorer quality services to the victim.

In the case of CJ agency referrals, the RJ Service Coordination will need to consider how the first contact and introduction to RJ is managed and subsequent referral and assessment process. The initial screening could be retained within the originating service but subsequent assessment should be carried out by a trained RJ practitioner either in that service if the case is kept in house or within the RJ services hub. The integration of the two services is shown in figure 8.

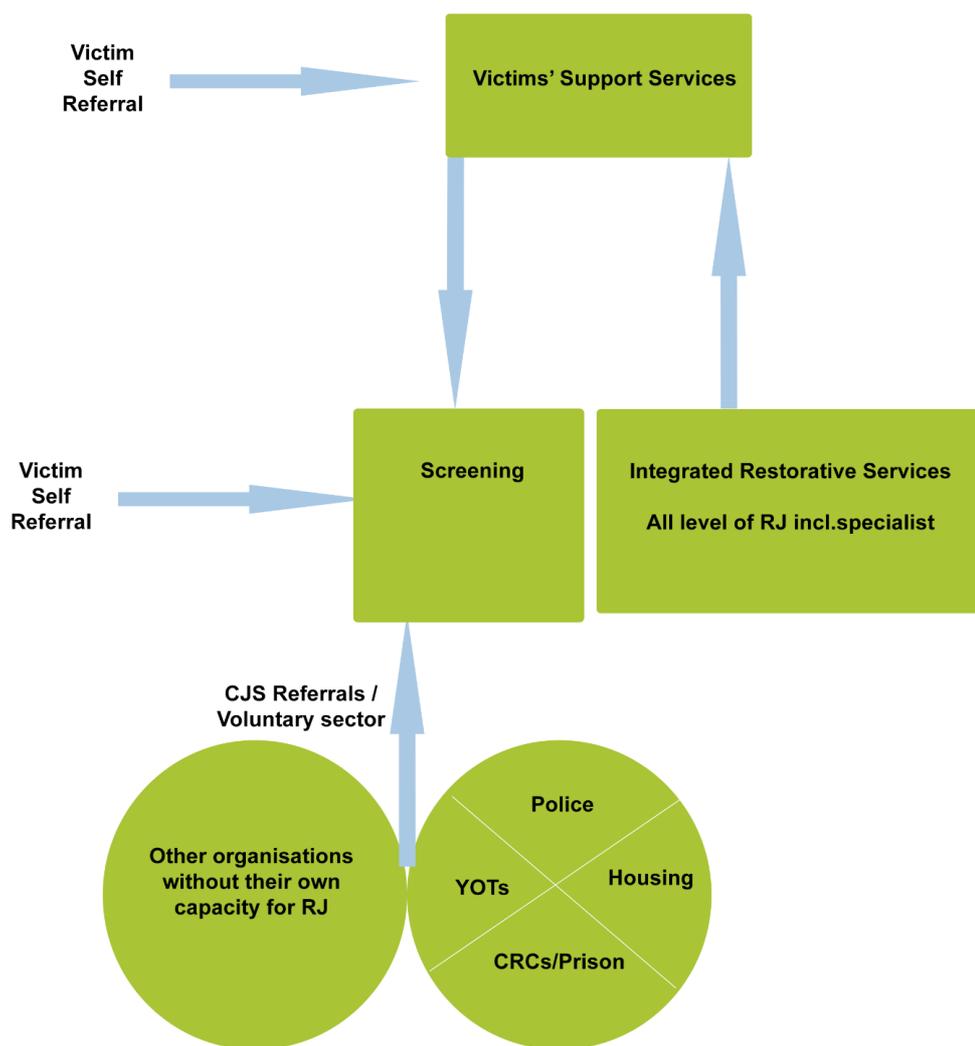


Figure 8

- RJ and Victims' Support Services

Links to how offenders are managed is also a key strand to the RJ coordination model. We have already identified capacity in both the NPS and CRC to conduct RJ. There does not, however, appear to be an RJ approach in relation to offender management by the police. There is therefore an opportunity within the creation of the new services to bring a greater use of RJ and to integrate that with both the management of offenders and services to victims of crime.

We recommend that in developing the RJ service this is aligned to both Victim Support and Offender Management Strategies in the region.

Integrated Service Components

Effective and efficient delivery of Restorative Justice Provision is best delivered within an Integrated Restorative Justice approach. It has the following distinct but linked components:

Awareness and Prevention – Awareness raising both with victims of crime and the wider community as well as linking to existing and emerging prevention and harm reduction

programmes with families and young people - such as in schools, with central support being provided for victim engagement.

Local agency delivery – CJS organisations, local authorities, voluntary and community sector organisations who have the capacity to deliver RJ would continue to do so within an overarching framework of standards and protocols.

Referrals – CJS organisations, local authorities, voluntary and community sector organisations that lack the capacity to deliver RJ would refer potential cases; victims can refer themselves as well.

Single Point of Direct Access - gateway to the Service through a dedicated helpline, texting and website – linked to the Victims' Support Service.

Screening – clear guidance available for RJ practitioners within the Restorative Service, on which cases should be accepted, rejected or referred to a Specialist Unit (for the most complex and serious cases).

Service Unit – responsibility for facilitating and overseeing RJ activities as well as:

- Accessing information from police regarding victims
- Assessing suitability for RJ
- Managing case information and contact with victims
- Producing reports for use in courts
- Undertaking follow-up and seek feedback from victims
- Sharing good practice

The Unit could also take responsibility for distributing cases to trained practitioners within YOTS, other Local Authority services, Police, CRC, NPS, Prisons and voluntary/private sector.

Staffing – it is recommended that a core cadre of RJ Practitioners be located in a central service unit with other practitioners retained by other CJS organisations or voluntary sector. The central unit would manage the caseload of other practitioners (paid or voluntary) across the CJS.

The operating model for the service can be delivered through reconfiguring current RJ delivery. An incremental approach would then be undertaken to developing the service and achieving the vision.

Within this preferred model are a number of sub options for how the integrated service is configured. These are broadly geographic, thematic or a hybrid of both. These could be determined at the outset of the commissioning/procurement process or left to be determined at the same time as the assessment of tenders or in the detailed development of the model through the design and delivery group. The characteristics of these sub-options are as follows:

Geographic /agency focus

The current imbalance in provision in favour of Birmingham needs to be addressed and therefore the unit would need to ensure that it can work with all local authority and other local

partners to ensure that the imbalance is addressed, but also that good practice and lessons are not lost from the Birmingham work. The unit could include staff with specific responsibility for developing services in designated geographical areas, possibly with delegated budgets to do so. Allocation of areas could be made on the basis of population/crime levels. The unit would also need to develop relationships with satellite units who could continue to conduct RJ either of their own local cases, as referred in by the service unit, or refer cases on to the service unit.

Thematic

Clearly the acute absence of RJ in relation to most crime is a key concern which needs to be addressed and therefore the unit should be configured to ensure that there is capacity across the region to support RJ in all arenas. Given the high levels on underused capacity particularly in the Prison Service, all of this might not have to be centrally held, however, there would need to be a level of capacity and expertise in dealing with complex cases and/ or the ability to refer very complex cases on to other specialist services.

We recommend that in developing the service model, explicit consideration is given to focus on both geographical and thematic areas.

The Volunteer Contribution

Volunteers can have an important role in delivering restorative services. Volunteers could help to ensure that the victim really does come first and offer an additional 'human touch' in the provision of restorative services. Volunteers should not be seen as substitutes for paid staff, but they can be a core part of the team. Organisations that use volunteers most successfully are those that think strategically about the role of volunteers, facing up to complex questions (including the contested boundary between professionals and non-professionals) and investing in support structures for their volunteer services. It is advised that volunteers be supported by skilled practitioners and receive appropriate training.

Volunteers can then undertake a number of roles including facilitation of cases as well as possibly acting as champions of the RJ service to promote awareness in the general public. Some of the most powerful advocates are often those who have experience RJ either as an offender or a victim of crime. There is also an opportunity to capitalize on some of the awareness raising work which the PCC has funded within particular communities of interest or origin.

We recommend that the use of volunteers is considered as part of the overall approach to delivering RJ and that recruiting and training such volunteers is a role for the service unit.

4.5 Funding, Costs and Benefits and Outcomes

Costs

The Ministry of Justice has made available funding for Restorative Justice within an overall pot of money for victims services. The amount to be spent on RJ is not specified. As mentioned above the current directly funded RJ activity amounts to £350K.

The following table provides a summary of how PCC funding could be invested towards developing a 'Restorative Service' model through the funding of a service centre as the hub in the centre of the service. The figures are indicative; reflect the actual level of funding with the aim of balancing both the aim of setting up a coherent, robust framework as well as delivering capacity to deliver RJ in the short/medium term.

Funding Source	Deliverable: Restorative Service 8 Satellite Units	Cost (for 12 months)
West Midlands	1.0 Service Manager	£40 k
	5 accredited RJ Practitioners	£140 k
OPCC	Training and Case Supervision of at least 25 Volunteers	£14k
	RJ Awareness raising and training across local criminal justice staff and public	£20k
	Accommodation or Co-location	£15k
	IT access and support	£10k
	Administrative costs, such as printing, postage, travel and subsistence	£15k
	Events i.e. seminars for information sharing;	6k
	Quality Assurance and Management	£15k
Total		£275k

Benefits summary

Establishing a Restorative Service Unit will result in benefits in three areas.

People	Processes	Technology
<ul style="list-style-type: none"> - Victims having easier access to RJ, leading to greater victim satisfaction - More offenders changing their behavior leading to reduced reoffending - Professional core of RJ practitioners able to work across sectors - Closer relationship between RJ service providers, ensuring greater value for money achieved from contracts 	<ul style="list-style-type: none"> - Clear and consistent RJ policy and guidance - Efficiencies through reduced administration - Standardised RJ forms for information management and templates providing consistency and comparability of results - Reduced duplication of effort and resources with end-to-end management and coverage 	<ul style="list-style-type: none"> - increased awareness of RJ - Improved access to RJ practitioners - Victim contact maintained - Improved knowledge management, information sharing and case management

Outcomes

The wider outcomes to which RJ can contribute are extensive. If a victim centred service is sought then the focus should be on outcomes related to the benefit of the victim. There is a risk that because reducing reoffending is somewhat easier to measure and the cost reduction to society associated with that is again easier to estimate than the costs of crime in the widest sense to the victim, RJ schemes default to an offender- based approach outcomes. It is very easy for the score card to become unbalanced and the service tilt toward generating referrals from offenders. We offer the following range of outcomes and target areas which seek to retain the right balance.

Strategic Outcomes and Programme Targets for the Restorative Service and Satellite Units	
Strategic Outcomes	Target Areas
1. Empowered communities with safer neighbourhoods, less fear of crime and volunteer participation	a) Number of assessments to ascertain suitability for RJ undertaken by each Centre of Excellence within a 12 month period.
2. (i) Increased victim sense of wellbeing and safety (contributing to cope and recover outcomes) ; (ii) Increased confidence in the Criminal Justice System	b) Number of RJ Conferences between victim’s and offender’s held in a year.
3. Reduced reoffending – with associated target if deemed appropriate.	c) Increased victim satisfaction rates what is delivered and how by at least 5% more than the current baseline once established (85% in most areas).
4. Increased public awareness of restorative justice	d) Increase number of skilled and experienced restorative justice practitioners in area.
6. Restorative justice utilised at every stage of the criminal justice system	e) % increase in victims informed about RJ within a service unit area.
	f) % increase in the number of completed agreements between victim and offender

4.6 Summary - Essential Requirements for the Future Restorative Justice Service

In conclusion we commend the recommendations made throughout this report and in particular to the creation of an RJ service for the West Midlands. The following table reiterates the essential element which any provider should be asked to deliver.

Victim Focus	<ul style="list-style-type: none"> • Means to improve awareness and understanding • Provide a means for easy access to RJ for all victims
Managing and Assessing Suitable Cases	<ul style="list-style-type: none"> • Ability to introduce and maintain an area wide referrals system • Appropriate screening and assessment mechanisms to ensure that victim's needs are safeguarded • Seek client feedback
Case Management	<ul style="list-style-type: none"> • Systems for recording and sharing case information • Producing satisfactory reports for use by judiciary and CJS professionals • Monitor performance and share good practice
Collaborative Working	<ul style="list-style-type: none"> • Positive approach to working with other RJ services • Plans for introducing a consistent approach to managing cases across CJS agencies
Skilled Practitioners	<ul style="list-style-type: none"> • To have accredited or equivalent experienced RJ practitioners • To be able to work towards the RJC's Restorative Service Quality Mark • To be able to undertake serious and complex cases

4.7 Next Steps

If the broad approach of the report is agreed, the OPCC will need to take steps to establish the service described above. There are a number of ways in which this could be done including through commissioning of an independent provider to set this up or by granting funds to existing providers/partners. Whatever route is taken, an early essential action will be the recruitment of the RJ coordinator whose role it would be to work with the OPCC and partners to establish governance and delivery arrangements for the project. **We recommend that the recruitment of an RJ Co-coordinator is an essential early step.**

Annex A – Summary of Recommendations

We have made a number of specific recommendations throughout the report. These are summarised here and grouped thematically rather than in the order they appear in the report. They are addressed generically to the West Midlands as reflecting the approach we feel that should be taken across this region. However, in practice, many of the individual recommendations have more specific owners, in particular the OPCC.

Consistency

We recommend that the West Midlands develops shared, common approaches and framework for RJ including to professional standards and training which can help develop consistency across all current and future RJ provision including potentially that outside of the criminal Justice system.

Interdependencies

That in developing the RJ service this is aligned to both Victim Support and Offender Management Strategies in the region.

Leadership and governance

That a strong governance framework is developed for RJ and that consideration is given to appointing champions in individual agencies to help promote it.

That the OPCC develops a statement of intent for collaboration with agencies in the West Midlands.

In the first instance, that the Local Criminal Justice Board provides strategic oversight and a collaborative approach to building a RJ strategy for the West Midlands and in particular the development of the RJ service. However, that the PCC takes steps to ensure that partners not represented there, who have an interest in the development of RJ are consulted and that the voice of the victim is heard.

Scope of Service

Focus on developing services for which a face to face conference between the victim and offender was always a prospect, even if one or both parties decides during the preparation for that conference that they wish to withdraw or to opt for another intervention – such as working through an intermediary.

Focus should address both the imbalance in provision between youth and adults, local areas and between crime and antisocial behaviour.

That local policy should make clear the basis on which cases will be considered (and which will not) and that discretion will be exercised and ensure that individuals involved in the delivery of restorative justice make use of the appropriate guidance.

Participation

That the Victims Commission is consulted as to how the voice of victims can be heard in the delivery of RJ.

That as part of the development of the RJ service, a community engagement strategy is developed and agreed for the West Midlands.

Service development

That the best way to deliver RJ is with an integrated restorative service based on option b - Facilitating Partnership Coordination and Managing caseloads – a Hub and spoke approach.

That the provision of RJ involves a strong component of dedicated resource.

In order to expedite work and to focus efforts on practical, tactical and operational matters, that a 'RJ Design and Delivery Group' be formed, which would report to the LCJB. A 'code of governance' would set out how collective agreement would be reached on funding, commissioning and implementation plans.

The recruitment of an RJ Co-coordinator is an essential early step.

In developing the service model, explicit consideration is given to focus on both geographical and thematic areas.

Service Characteristics

Evaluation and performance

That the new service should have a robust management information and performance framework consistent with the outcomes sought.

Awareness

That awareness-raising is a key element of a new service which should include myth busting as to how tough RJ can be for an offender to undertake.

Referrals

That a dedicated uniform referral mechanism is a key and early element of a new RJ service.

Information sharing

That a common information sharing protocol is developed for all agencies participating in the RJ service.

Volunteers

That the use of volunteers is considered as part of the overall approach to delivering RJ and that recruiting and training such volunteers is a role for the service unit.

Future service development

That the OPCC should commission some work on how restorative approaches might be developed in other sectors in a way that is consistent with those being developed for victims of crime.

Annex B - Contributors to the Study - interviews, questionnaire contributions, groups and meetings attended

Tony Kuffa	Staffordshire and West Midlands CRC
Clifford Grimason	HMP Hewell
Barbara Tudor	National Probation Service
Claire Dhami	Youth Offending Service - Walsall
Alex Murray	West Midlands Police
Paul Betts	West Midlands Police
Imran Murza	West Midlands Police
Michelle Birch	West Midlands Police
Peter Ashplant	Youth Justice Board
David McNally	Youth Justice Board
Karen Gowreesunker	West Midlands Fire Authority
Vikki Holland	West Midlands Fire Authority
Meena Ralhr	OPCC/ Pan Birmingham RJ Project
Alan Moorhouse	Pan Birmingham RJ Project
Colin Malloy	Crown Prosecution Service
Judy Foster	OPCC
Gurinder Josan	OPCC
Mark Kenyon	OPCC
Alethea Fuller	OPCC
Victim's Commission (Chaired by Cath Hannon)	
West Midlands Reducing Reoffending Board (Chaired by Adrian McNulty)	

West Midlands Heads of Community Safety meeting (Chaired by Alethea Fuller and including representatives of Community safety from all of the seven West Midlands Local Authorities).

RJ Providers meeting (representatives of current providers of RJ services funded by the OPCC)

Richard Eazie - CRIB

Anthony Sloan - CENTRO

Cynthia Morrison – ARISE

Stuart White - Sandwell Metropolitan Borough Council

Jane Blair - Wolverhampton Metropolitan Borough Council

We would like to thank all of those who contributed time and information to assist in this work.

Annex C - A draft collaborative approach for the West Midlands

Definition

The West Midlands region has adopted the following definition for RJ:

“ Restorative Processes bring those harmed by a crime or conflict , and those responsible for that harm into communication, enabling everyone effected by a particular incident to play a part in repairing the harm and finding a positive way forward”.

Strategic Context

The Police and Crime Commissioner for the West Midlands has a specific responsibility for supporting victims of crime and for ensuring that they have access to Restorative Justice. To this end the PCC undertaken to do the following:

I will develop a victim-focussed Restorative Justice (RJ) strategy and service delivery model that will ensure that RJ is available to all victims of crime, at every stage of the criminal justice system and aims to put victims at the heart of Restorative Justice in the West Midlands.

I will increase the awareness of Restorative Justice accessibility, capacity and services available across the West Midlands.

I will explore local and regional best practice and keep abreast of new legislation, policies and updates to maximise the opportunities to use Restorative Justice across the West Midlands.

I will bring together voluntary and community sectors, alongside West Midlands Police, the CRC and Probation who also have a responsibility to deliver Restorative Justice. In addition, it will give the criminal justice system an opportunity to reengage with our communities, victims of crime and offenders.

Vision for RJ in Criminal Justice Settings in the West Midlands:

“In support of the PCC, West Midland Partners are committed to ensuring that Restorative Justice is offered to all victims of crime at a time that is right for them; is available at any stage of the victim’s journey through the criminal justice system; to agreed common professional standards; ensuring the safety and wellbeing of all concerned; in a manner that contributes effectively to the victims’ pathway to recovery”.

Primary Outcomes sought

That through a truly victim centred RJ service, Victims of crime will have:

- Increased sense of victim wellbeing and safety;
- Victim Satisfaction with what is delivered and how; and
- Increased confidence in the Criminal Justice System

A common agreed approach will be developed to ensure that all RJ services work towards achieving these outcomes and that that performance can be measured and assessed.

Beyond the CJ sector

Whilst the development of RJ is prioritised in the Criminal Justice sector, it will be conducted in such a way that there is opportunity for other sectors to both learn from its development and to join any shared approaches in the future: with an understanding that the default position is that they would come within the overarching framework adopted for the CJ sector.

Central to the approach will be an onus on communication and engagement across sectors together with evaluation, learning from experience and best evidence, including through locally commissioned academic study.

Specific Objectives

That through commissioning, partnership and mainstream services, the vision will be delivered taking a whole service approach which incorporates the following elements:

Awareness and Prevention

- That awareness and understanding of RJ will be promoted through West Midlands to the general public as well as when they become victims of crime.

Availability and accessibility

- That CJ agencies work towards ensuring that Restorative Justice is made available to victims of crime at any stage in the criminal justice process.
- That the service will be provided to victims through a single point of direct access.

Scope and safeguards

- That there will be effective screening of cases as part of the referral process which provide for the safety and welfare of all parties.
- That the service will be offered to victims of all crimes (other than those specified) provided that the cases meet the screening criteria.
- That the focus of delivery will be on the preparation for and delivery of face to face

conferences but that, given the victim centred nature of the service, the wishes of the victim to opt for other mechanisms will be respected and provided for.

- That provision will be developed so that CJS organisations, local authorities, voluntary and community sector organisations, who do not have the capacity to deliver RJ will have a service to which they can refer potential cases for an RJ intervention.

Training and Professionalism

- That all agencies delivering or commissioning RJ agree a common framework of professional and operational standards and protocols and operate with this that framework.

Local agency delivery

- CJS organisations, local authorities, voluntary and community sector organisations who have the capacity to deliver RJ may continue to do so within an overarching framework of standards and protocols.

A continuous learning approach

- That the approach will be reviewed against the delivery and progress across the region and that in order to do so evaluation will be central to future planning and development. That the partners will also keep up to date with emerging lessons from elsewhere, particularly about the efficacy of RJ interventions other than face to face conferencing and use of RJ for different crime types.