



Strategic Policing and Crime Board
16 May 2017

**RESTORATIVE JUSTICE IN THE WEST
MIDLANDS**

Report of the Chief Executive

PURPOSE

1. This report sets out how Restorative Justice (RJ) will be delivered in the West Midlands. This is a relatively new area for Police and Crime Commissioners with responsibility transferring from the Ministry of Justice alongside Victims Services in April 2015. Funding for RJ activity is included within the Victims Fund allocation. RJ is an evidence based alternative to a prosecution for adults and young people that includes bringing the victim and offender together as an out-of-court disposal. It is proven effective in reducing reoffending and improving victim satisfaction.
2. RJ activities provide opportunities for victims to be heard and to have a say in the resolution of offences. It has the potential to transform the way in which the needs of the victim are met. Importantly, it also provides an opportunity for offenders to face the consequences of their actions and the impact that it has had upon others. This has been shown to be effective in motivating offenders to change, make use of support being offered, and reduce re-offending. It can involve victims explaining to an offender the impact of the crime on them; seeking an explanation and apology from the offender; and playing a part in agreeing restorative or reparative activity for the offender e.g. working for free for a charity, paying to repair any material damage, or keeping the victim informed of their progress in getting off drugs or finding a job.
3. An RJ process can be delivered through:
 - A face-to-face restorative group conference, involving a facilitator, the offender and victim and their supporters (usually family members). Professionals, such as social workers, Youth Offending Teams (YOTS), probation, police or prison staff, and representatives of the wider community may also be involved. These conferences follow a clear structure, with some facilitators choosing to follow a 'script' of set questions, and may conclude with an agreement for further steps to be taken e.g. a form of reparation

- A community conference, involving members of the community affected by the crime. This is facilitated in the same way as a restorative conference. But it differs from the restorative conference in that it can involve many more people.
 - Contact between victim and offender through a mediator/facilitator, to discuss offence. This contact might result in an agreement for further steps to be taken e.g. some sort of reparation, but this is not a necessary outcome
 - Indirect communication is also possible. This can be via telephone or video conferencing, written correspondence or 'shuttle mediation' through a Facilitator. All of these can lead to a face-to-face meeting at a later stage. Current evidence suggests that a face-to-face meeting between victim and offender is the most effective form of RJ in terms of outcomes for victims and offenders.
4. It is important that the right type of RJ is delivered for the individual circumstance, therefore wherever possible, a face to face meeting should be the aim, but with a suitable alternative used where a face to face meeting is against the wishes of participants or is not safe.
 5. Within communities there is an increasing use of RJ approaches by Neighbourhood Justice Panels, voluntary sector organisations and the education sector. A Neighbourhood Justice Panel is a means of working with local communities using restorative justice to address problem behaviour and low level offending which affects communities, and to repair the harm caused. It involves the victim, perpetrator and any wider community members who are interested in agreeing the details of a restorative justice outcome for anti-social behaviour and low level offending which is being dealt with informally or where a conditional caution requires a restorative justice element which a neighbourhood justice panel can help agree.

Ministry of Justice Expectations

6. Ministry of Justice (MoJ) research has shown that RJ can benefit both the victim and the offender. Evaluation of pilot studies found that RJ was associated with an estimated 14% reduction in the frequency of re-offending. The evaluation also found that 85% of victims that participated in the conferencing method of RJ were satisfied with the experience. Both the victim and offender must be assessed and be fully able, willing and suitable to engage safely in a restorative process. This assessment is carried out by trained RJ practitioners.
7. The MoJ's vision is for good quality, victim-focused RJ to be available at all stages of the criminal justice system (CJS) in England and Wales. The link to the Restorative Justice Action Plan for the Criminal Justice System is here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/375581/restorative-justice-action-plan-2014.pdf The strategy states that success will mean:
 - Victims have equal access to RJ at all stages of the CJS irrespective of their location, the age of the offender or offence committed against them
 - People have an awareness and understanding of RJ, it's benefits, what it entails and how to access it

- Good quality RJ is delivered by trained facilitators.
8. The MoJ state that they will measure success using a range of mechanisms including:
- Monitoring RJ provision through on-going engagement with Police and Crime Commissioners (PCCs). This is done through annual outcome reporting to the MoJ.
 - Monitoring take up of the Restorative Justice Council's restorative services standards and restorative services quality mark;
<https://www.restorativejustice.org.uk/>
 - Working with the Victims' Commissioner to monitor compliance with the relevant requirements in the Victims' Code; and
 - Continuing to work with the Restorative Justice Council to understand the extent and nature of RJ provision and build on research which has attempted to provide a benchmark.
9. The link below is a video from the Restorative Justice Council: '*Recovering from crime – Restorative Justice in Action*' and shows how RJ works and the impact that it can have, both on the offender and the victim.
<https://www.youtube.com/watch?v=DUyzieOrwnw&feature=youtu.be>

Strategic benefits of Restorative Justice

10. RJ leads to an increase in victim satisfaction. Independent research and evidence shows that when used appropriately RJ delivers significant improvements in a victim's satisfaction in the way their case is dealt with. Victims are empowered and able to suggest how the offender can acknowledge the impact of their actions and make reparation. Researchers have also found that those victims involved in full conferences were less likely to suffer from post-traumatic stress symptoms; and three times more likely to experience a degree of closure, thus enabling them to cope and recover from the crime committed against them.
11. RJ leads to a reduction in re-offending. Studies also show that levels of repeat offending are lower in offenders who have taken part in full conferences. Offenders who meet their victim, or their victim's representative, and hear from them the impact that their crime has had are more likely to appreciate the effect of their behaviour. RJ has shown to be as effective in reducing reoffending with adults as with young offenders.
12. RJ helps to build safer, stronger communities and community cohesion. Formal criminal justice sanctions may lead to continued reoccurrences of the same offence if victims and offenders have not resolved the problem; a restorative intervention at an early stage can prevent escalation from a minor conflict to a major event. RJ can increase and restore a sense of 'community' where offenders repair the harm done directly to the individual or the neighbourhood, allowing reintegration and a return to normality. It also gives the police and partner agencies opportunities to engage with the community, victims of crime and offenders who commit crime. Street-level RJ also allows criminal justice professionals the opportunity to use discretion and professional judgement to deal with low level crime and anti-social behaviour in a way which doesn't criminalise people unnecessarily.

13. Access to restorative justice should be available for victims at all stages of the criminal justice system. This will allow victims to ask to participate in restorative justice at a time that is right for them. For some victims, this may happen immediately after an incident, for others it may be post-sentencing. Access to RJ is also an essential part of the Victims Strategy, and one that has been identified as key to the success of enhanced victims' services. The Victims' Code requires that victims of adult offenders be provided with information about RJ and to be referred to services where these exist.
14. The OPCC is committed to increasing the use of RJ across the criminal justice system. There is still relatively low awareness of restorative justice with both the public and criminal justice professionals. We need to have consistent messages related to the purpose and value of restorative justice, presented in a way that captures the victim's attention and builds confidence. Information and guidance needs to be shared within the criminal justice system, voluntary and community services and the public.

Development of a West Midlands Model

15. The PCC has set out his intention to deliver a victim focussed RJ service for victims of crime in the West Midlands. This statement of intent has informed the work undertaken, as well as shaping the range of options discussed in the report. It also provides the basis for developing a regional approach to collaboration.

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 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.

David Jamieson, Police and Crime Plan 2016-2020

16. Alongside the research, the PCC's office has been developing a multi-agency strategy and framework for delivery across the West Midlands. One of the key aims is to establish and maintain strong partnership links on a local basis with all identified key agencies to fully support the promotion and expansion of RJ services. We are also identifying potential areas for service development taking into account local trends and opportunities and regularly review referrals and outcomes and produce quarterly reports for monitoring and evaluation purposes.

It is important that we develop a Restorative Justice Service Delivery Model for the West Midlands Office and part of the process of doing that involved the commissioning of a Restorative Justice Scoping Study. The report was carried out by Restorative Solutions CIC and is attached to this report at Annex 1.

<http://www.restorativesolutions.org.uk/>

17. The key lessons of which we were aware before the report was commissioned, included:
 - The majority of current RJ provision is not victim-centric

- There is an imbalance in maturity of RJ provision across local criminal justice systems
 - there is low victim awareness and understanding of RJ
 - Existing RJ providers are working in isolation with duplication of effort and resources
 - The business case for investment in RJ is not always apparent
 - Public sector agencies seem to be reluctant to refer cases to outside bodies.
18. The report which is attached at Appendix 1, summarises the findings of the study into the current provision of Restorative Justice (RJ) in the West Midlands and makes specific proposals for the future, in particular how the opportunity of specific funding allocated to the PCC can be used to best effect to develop RJ.

Key Recommendations

19. The report established that there is 'genuine enthusiasm amongst practitioners in the West Midlands for the benefits of Restorative Justice and a willingness to collaborate to achieve this. There is also some dedicated activity and a considerable resource in the form of trained practitioners'. Therefore our starting point to carry out this change in service delivery is a good one. However, one of the issues that we were aware of was that despite considerable investment, particularly in training, the current provision is patchy with considerable gaps. Where it is delivered, this is in isolated pockets without coherence and consistency. There are however, significant areas of underused capacity and that this, together with funding presents a genuine, but time limited opportunity to establish a more coherent and consistent service for all victims of crime, should they choose to use it.
20. It also found that there was overwhelming support amongst local agencies for a coherent, unified approach to addressing gaps and in particular, to establish an effective referral mechanism in order to this. However, there is currently no governance to capitalise on this and a degree of frustration that progress has been slow. This also means that public knowledge and understanding of RJ is low and therefore we have no understanding about what the potential take up of RJ would be from victims of crime.
21. There are a number of myths about RJ, for instance that it is a soft option for offenders, which can manifest themselves in a negative view of RJ. However, when these myths are dispelled, the public is supportive of RJ being offered to victims of crime.
22. The recommendation from the research is for the establishment of a Restorative Service. This service would provide the framework around which consistency can be developed at the same time as focus on providing RJ interventions in crime within the adult arena – where there are the greatest gaps.
23. The approach recommended would respect the current commissioning and delivery arrangements in the youth sector, whilst developing an overarching strategic framework, information sharing and consistency of practice, including for referrals with routes into specialist services for more complex cases. It would enable partners

to join in a number of ways – for instance to use a central service for interventions or to share information with others whilst conducting RJ “in house”.

24. The approach recommended would respect the current commissioning and delivery arrangements in the youth sector, whilst developing an overarching strategic framework, information sharing and consistency of practice, including for referrals with routes into specialist services for more complex cases. It would enable partners to join in a number of ways – for instance to use a central service for interventions or to share information with others whilst conducting RJ “in house”. In addition, this will also represent a sustainable base which could lead to a long term transformation to the way that the public in general and victims of crime in particular are served across the whole of the West Midlands.

The Way Forward

25. This report gives us the opportunity to further develop the work that has been taking place across the West Midlands. We need to ensure that we have good RJ provision that covers all 7 local authority areas. At the moment, provision is patchy. This will allow us to focus on evidence based need and develop a bespoke response, working with partners. It is anticipated that a new model of delivery during 2017-18 and it is important that we align our RJ provision with our Victims services support provision to ensure that the referral mechanism is more robust.
26. Next steps includes the formation of a multi-agency working group to develop the Restorative Service. This group will work in collaboration to ensure that we have a service that responds to the needs of victims.

Recommendation

27. Members are asked to note:
 - The report and the recommendations
 - The developments being made in Restorative Justice across the West Midlands.

Financial Implications

28. Funding for Restorative Justice services is included within the Commissioner’s Ministry of Justice Victims Fund budget. The allocation for 2017-18 is 3,321,557. There is no indicative allocation for RJ included within the budget allocation. Previously the MoJ has always set out an anticipated spend for this area of work, although it has never been ringfenced. Therefore, the allocation is a decision for the Commissioner.

Legal Implications

29. The Victims Fund is issued as a grant under s58 of the Domestic Violence, Crime and Victims Act 2004.
30. Schedule 9 of the Police Reform and Social Responsibility Act 2011 provides Commissioners with the powers to award crime and disorder grants to any organisations and projects they consider will help them achieve their crime -prevention aims and wider priorities.
31. The Police Reform and Social Responsibility Act 2011 states that the PCC must

make arrangements for obtaining the views of victims of crime in that area.

Alethea Fuller, Policy and Commissioning Manager
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