



Strategic Policing and Crime Board
6 September 2016

**RESTORATIVE JUSTICE IN THE WEST
MIDLANDS**

Report of the Chief Executive

PURPOSE

1. This report sets out how Restorative Justice (RJ) is being 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. RJ activity is included within the Victims Fund. 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 the 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. Ministry of Justice (MoJ) research has shown that RJ can benefit both the victim and the offender. Evaluation of pilots 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.
 6. 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.
 7. The Ministry of Justice's (MoJ) vision is for good quality, victim-focused RJ to be available at all stages of the criminal justice system (CJS) in England and Wales, and 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 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=DUyzeOrwnw&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.

Activity to date

16. The OPCC is now building on the training that has been delivered and projects that have been commissioned. A brief outline of all activity is set out below:
 - a) West Midlands and Staffordshire Community Rehabilitation Company (CRC) are utilising restorative principles in its work with offenders which reduces crime and therefore, the number of victims. The training has given the CRC dedicated and accredited RJ practitioners who are able to deliver RJ conferencing with partners. It is also building the capacity for restorative activities to be delivered not just within the CRC but with partners, in responding to pre-court matters and anti-social behaviour. (£31,725 allocated to this project)
 - b) West Midlands Police have trained officers to get the victim and offender to meet face to face to have a structured discussion which focuses on the emotional harm caused by a particular crime or incident and how that harm can be repaired. For those harmed, it offers the opportunity to ask questions and gain closure, whilst offenders come to understand the true impact of their actions. The WMP model of RJ delivery has seen training delivered to officers across response, investigation, neighbourhood and offender management teams with a view to increasing the use of the tactic in three key areas:
 - Community resolutions: whilst community resolutions have been established in WMP for several years now they tend to be used to broker outcomes where the victims and offenders do not meet. As a result victims are rarely afforded the opportunity to ask questions of the offender or receive personal apologies. The offenders meanwhile are rarely made to appreciate the impact of their actions. Training response and local investigation team officers have built the capacity for informal resolution of crimes.
 - Neighbourhood issues: non-crime issues can prove problematic for officers whose powers are generally based on criminal legislation. Whilst the growth of civil law remedies provide an alternative response for officers, such tools are invariably very time-consuming and therefore do little to offer immediate respite to victims. RJ offers an opportunity to seek informal resolution at a far earlier stage of proceedings and often in a fashion which strengthens rather than weakens community cohesion.

- Offender rehabilitation - the drive towards reducing rates of re-offending is of ever increasing significance to policy-makers and practitioners alike. Research shows RJ to be one of the most effective strategies available. The impact RJ has on offender's thinking patterns is often pivotal in reducing offending and RJ therefore offers offender management professionals a vital tool. (£67,157 allocated to this project)
- c) West Midlands Youth Justice Board was allocated funding in order to make sense of the RJ landscape, understand what is actually being delivered and identify what needs to happen in order to improve outcomes for victims, young people and the community. The full report is attached at Annex 1. (£60,000 allocated to this project)
- d) Sifa Fireside were allocated funding for the provision of 188 RJ conferences over a 12 month period and the service was to offered across all 7 local authority areas. (£47,967 allocated to this project).
- e) Midland Heart and West Midlands Police were allocated funding for a six month pilot project on Birmingham North PU, along with Birmingham Safer Housing Project. Both organisations provided a member of staff to focus on the use of RJ as a means of resolving anti-social behaviour (ASB). Overseen by a project group, the two members of staff (a police officer and a MH case-worker) identified complaints about ASB involving at least one Midland Heart tenant, resolving the matter through RJ. One of the criteria for evaluating the success of the project was complainant satisfaction and reduced demand on organisational resources. The results have indicated that the project is proving successful and we are now rolling it out across Birmingham. (£65,000 allocated to this project).

17. All projects are being evaluated for outcomes and benefits.

Funding allocations to date

18. The Commissioner ran a competitive funding process in 2015-16 and invited organisations working in the field of RJ to apply for funding up to a maximum of £25,000. Multi-agency applications were discretionary in terms of funding allocations. The table below sets out the successful organisations.

Organisation	Priority	Amount approved
		£
HYPE – Helping Young People Engage Coventry	Project focuses on young victims of crime and gives them the opportunity to meet with the perpetrators of the crime that has taken place and explain the impact of the crime on them. The project is aimed at young women aged 11-19 in Coventry. They have a robust referral mechanism and trained and experienced practitioners are working with young people, and in addition to RJ conferencing they are offering confidence building to support victims.	16,400
Prison Fellowship/Syca	Project as delivered in the West Midlands is victim led and therefore victims are involved from the start	9,900

<p>more Tree – HMP Oakwood & HMYOI Brinsford Wolverhampton</p>	<p>of the process. Victims are contacted through a referral mechanism established to ensure that they want to engage. They have the face to face meeting with offenders where they have the opportunity to discuss the impact of the crime that has taken place, on them. Victims have to want to take part in the process to ensure that this project happens and therefore it is victim led. In addition, it also gives offenders the opportunity to address their behaviour having been in a one to one situation with a victim and having had the chance to listen to and understand the way that their actions have affected victims. For those victims who want to engage with their offenders, and have not had the chance to do so because the offender does not want to engage, it also opens up their opportunity by giving those victims the chance to speak to offenders in a group setting. This gives them the opportunity to tell their story, explain the impact of the crime on their lives and the lives of those around them who it may also have affected. This also gives offenders the chance to explore the experiences of a victim of crime. The victim gets the chance to share their experience, and share the impact of crime on them. The victim has been listened to and the offender has heard the consequences of their actions which in turn leads to victim satisfaction as well as a reduction in offending behaviour.</p>	
<p>Safer Travel Partnership West Midlands</p>	<p>This project addresses victims of low level crime and is aimed at passenger victims of bus related crime. Restorative Justice allows victims to meet with the offender – the main issues that are dealt with include abuse, intimidation and common assault. Also part of this project is the after care of passengers as victims of crime and their continued enjoyment of the use of bus services. Victims are identified by police within the Safer Travel team and they provide additional support for victims such as PCSOs accompanying victims of crime back onto the bus services in their area to help reassure them about their long term safety and use of public transport.</p>	<p>25,000</p>
<p>CRIB Birmingham</p>	<p>CRIB is a new youth centre in inner Birmingham and they will offer support to victims of crime through RJ conferencing as well as awareness raising within the community around RJ. This is a new service and will run alongside their normal services for young people which include advice, training, education etc. They have a dedicated</p>	<p>26,762</p>

	<p>Youth Engagement Worker who has been trained in RJ to deliver the service. Referrals will include self-referrals, as well as from other statutory agencies such as WMP and also YOTs. Those referrals will mean that the victim will be contacted first to see if they want to take part and they will lead the process. If the offender does not want to engage, the organisation will continue to work with the victim to help them move on through confidence building etc. They will also continue to support the young person after the RJ process has concluded and to ensure that they feel safer as a result of the RJ that has taken place. This leads to victim satisfaction, a reduction in the fear of the victim and the feeling that they have been heard. It also ensures that the perpetrator is aware of the consequences of their actions.</p> <p>They are also raising awareness of RJ within the community to allow people who may not have heard of RJ the opportunity to find out more about it.</p>	
Dery Foundation Birmingham	<p>This project is raising awareness of RJ within the community and delivering RJ to members of the Somalian and wider community. It addresses low level crimes including issues such as criminal damage. They are working very closely with our neighbourhood policing teams who are an integral part of the referral structures. The OPCC is also supporting this project to build the capacity and capability of the organisation.</p>	18,650
PPP – Passion, Place & Purpose Birmingham/Sandwell	<p>Inspire women to influence change - to deliver 2x workshops and 1 conference with practice workshops and key speakers to raise awareness and offer support to women in order to contribute towards positive change and healthy options and deliver restorative justice conferences working with Victims of Crime. The OPCC is building the capacity of this voluntary sector provider to deliver RJ through training and capacity building. They will be delivering RJ to female victims of crime also training women to deliver RJ.</p>	25,000
Pan Birmingham RJ Team to be evaluated	<p>A collaborative model for the delivery of Restorative Justice in response to low level crime: Midland Heart, Pioneer Group, Friendship Housing and West Midlands Police have expanded the six month pilot initially supported by the Commissioner to cover all of Birmingham. It is focussing on low level crime. Outcomes are to:</p>	183,754

	<ul style="list-style-type: none"> • Improving satisfaction for victims of crime and residents • Develop a new way of working for police, probation, prison, youth justice services and housing providers • Deliver an effective means of with dealing with low level crime which is victim led and reduce the impact on the criminal justice system • Improve problem solving leading to reduced repeat calls for service • Reduced demand for service, potentially reducing costs for all service providers. 	
Total		£305,466

Next Steps

19. The OPCC is currently 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 have recently met with Restorative Solutions CIC. They are experienced in working with other PCC's and have succeeded in setting in place a restorative service model and commissioning framework that is sustainable and scalable for the future in other areas. <http://www.restorativesolutions.org.uk/>
The key lessons learnt to date regarding RJ are:

- 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.
20. Key information that we also need to know includes:
- Who are the current service providers?
 - How much and for whom is RJ currently being delivered?
 - What are the most effective ways of reaching victims?

- What is the likely demand going to be?
 - What resource will be required?
 - What is the optimal partnership structure that we need in the West Midlands?
 - How do we achieve that?
- a) Interviews with stakeholders and independent experts
 - b) secondary research of existing sources such as Restorative Solutions intelligence of the RJ maturity across sectors
 - c) primary research will also be undertaken with victims and practitioners through focus/discussion groups
 - d) a high degree of secondary desk research and analysis of the target groups; current initiatives – government and voluntary, UK and international information sources.

They will be actively seeking to gain the views and input from a diverse the range of organisations across the West Midlands. Restorative justice can be used widely to cover a range of activities and interventions such as, mediation, community resolution and reparation and therefore the scoping will allow us to establish the need and responses to that need.

21. The information that we will get from this work includes:

- A victim proposition: how contact with victims can be optimised with maximum referrals and take-up of RJ.
- Mapping of the current system: analysis of local CJS organisations, funding streams and resources available for RJ, such as the availability of trained RJ facilitators with a particular focus on Out of Court Disposals.
- A community need vs outcome gap: we will highlight the the areas where the current systems are not providing a satisfactory outcome for victims or where there are no systems in place.
- Service Models: Development of new or enhanced Service Models with a cost and benefit analysis of each option.
- An investment appraisal: Identifying the opportunities to gain efficiencies through the introduction of a more coordinated and coherent approach to delivering RJ.
- Implementation Plan: detailing the preferred service model and roadmap to a longer-term vision.

22. The OPCC will also receive a cost benefit analysis around potential savings across the Criminal Justice Sector and the opportunity to reduce crime and improve road safety in the West Midlands.

23. The proposal will then go to the West Midlands Reducing Reoffending Steering Group for consideration.

24. This will give us the opportunity to further develop the work that has been taking place across the region. We need to ensure that we have good RJ provision that covers all 7 local authority areas. At the moment, provision is patchy. This project will allow us to focus on evidence based need and develop a bespoke response, working with partners. The work will commence in September 2016 and a report will be brought back to the Board in March 2017. It is anticipated that a new model of delivery will start in April 2017. The model could entail developing a framework, model and service delivery through a series of options. It is important that we move towards aligning our RJ provision with our Victims services provision to ensure that the referral mechanism is more robust.

Recommendation

26. Members are asked to note the developments being made in Restorative Justice across the West Midlands.

Financial Implications

27. Funding for Restorative Justice is included within the Commissioner's Ministry of Justice Victims Fund budget. The allocation for 2016-17 is 3,319,355.03. This year there is no indicative allocation for RJ included, previously the MoJ has always set out an amount for this area of work, although it has never been ringfenced. This year, the allocation is a decision for the Commissioner.

Legal Implications

28. The Victims Fund is issued as a grant under s58 of the Domestic Violence, Crime and Victims Act 2004.
29. 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.
30. 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.

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