

Briefing

**‘A journey of learning,
growth and change’
A roadmap for increasing
Restorative Justice across
England and Wales**

Peter Keeling

‘It’s important to challenge the myths and historic understandings of RJ where people regard it as reparative (fix a fence) and a quick ‘Do an RJ process’, rather than a journey of learning, growth and change for victim and offender.’

‘We need to ensure that all those engaged with victims better understand the value of RJ and that RJ becomes more automatically part of the victim support process.’

‘There is still a general lack of understanding about RJ within the police and general criminal justice system and many myths and misconceptions.’

The CJA has previously produced briefings on the need for Restorative Justice (RJ) and the estimated annual cost of securing an entitlement to access RJ for victims of crime, which we place at £30.5 million.

This briefing brings together the CJA’s previous work on RJ with the results of a survey and follow-up interviews in autumn 2018 with police force areas across England and Wales on the provision of RJ and the wider field of restorative practices.

Unless otherwise stated, all quotes are by survey respondents.

Foreword

It's a very personal decision whether to take part in Restorative Justice and it is important that victims are empowered to make their own decision whether it is something they wish to pursue. However, I recognise that victims who have participated have found it hugely beneficial to their recovery. It can help them come to terms with what has happened and how it came about.

Under the Victims Code, all victims should be informed how to take part in RJ, but sadly only 7.5% say they recall being offered the option. In effect, this means that the remainder have the decision made for them. This is not good enough. I want all victims to be empowered to make an informed decision on whether to seek RJ. And for those who do, they should find a service of the highest quality, treating them with sensitivity and care.

I therefore welcome this report from the Criminal Justice Alliance, highlighting the benefits of RJ and how to deliver a service that is truly transformational for a victim's recovery.

Baroness Newlove, Victims' Commissioner

Research shows that when RJ is planned around the victim's wishes, it helps them move on with their lives, and can reduce crime by getting offenders to appreciate the impact of their actions on others. The report by the CJA reinforces this, and it also highlights the 'postcode lottery' across the country and this is something that needs to be addressed.

Police and Crime Commissioners are committed to a vision of RJ for victims at all stages of the Criminal Justice System. This report gives examples of good practice, including my force area, Northumbria. It also sets a challenge to the whole RJ field to ensure that the delivery of RJ is strengthened further. I look forward to the CJA sharing this report with the Association of Police and Crime Commissioners, so PCCs can bring about further improvements in this area.

Dame Vera Baird QC, Police and Crime Commissioner – Northumbria

The CJA has produced an insightful briefing on the state of RJ in England and Wales, which is often viewed as a leader in the RJ field. Nevertheless, an uneven approach to implementing RJ and restorative practices has been propelled by the devolved budget of the Ministry of Justice to Police and Crime Commissioners. While there are clear examples of good practice in PCC areas across the country in the briefing, practice could be strengthened through a national strategy on RJ and a more concerted effort to educate both the public and practitioners about the benefits of RJ.

Dr. Kerry Clamp, Chair, Restorative Justice Council

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Key findings

- 1 Restorative Justice has huge potential to increase victims' satisfaction, improve their wellbeing and reduce reoffending. The general public support the idea that victims should be given the opportunity to meet the people who harmed them.
- 2 RJ received financial backing from the Ministry of Justice in the form of allocated funding given to Police and Crime Commissioners (PCCs) between 2013 and 2016. However, since this allocation ended it is incumbent on PCCs to decide how much to invest in RJ from their victims budgets.
- 3 Unfortunately, this appears to have resulted in a 'postcode lottery' for victims of crime, whose access to RJ may depend on where they live. The latest national statistics show that just 7.5 per cent of victims in 2017/18 recalled being offered the opportunity to meet their offender.
- 4 There is still a long distance to travel in raising awareness and building confidence in the use of RJ. The benefits of RJ are still often misunderstood, which disguises its potential to improve victims' well-being and satisfaction, reduce reoffending and create safer communities.
- 5 RJ services are hampered by low referral rates, which are themselves a symptom of low awareness of restorative interventions across the criminal justice system. Forty per cent of survey respondents indicated that services are challenged by low referral rates.
- 6 Many RJ services struggle to define how they are effective and demonstrate success. Commissioning targets do not necessarily reflect the hugely positive effects of restorative interventions, even those that do not result in a 'fully' restorative outcome, i.e. a victim-offender meeting or a conference.
- 7 However, RJ is just the tip of the iceberg in terms of the wide range of restorative *practices* taking place across England and Wales, not just in the criminal justice system but more widely, for example in schools, housing services and mental health settings. Encouragingly, 80 per cent of respondents to the survey said their areas were looking to expand the scope of their services.

- 8 Restorative practices do not always result in a victim meeting, or communicating with, their offender. Restorative practices can include interventions to reduce violence in prisons or to resolve conflict in the workplace.
- 9 In some areas, restorative practices are being embedded more broadly and are beginning to inform strategic *approaches* to addressing harm and conflict. These approaches can be seen within victims' services, as well as 'restorative prisons' and 'restorative schools'.
- 10 Some areas with well-established histories of providing RJ are now taking the lead as centres of excellence for the wider set of restorative practices and approaches, but this requires strong leadership from PCCs and buy-in from a wide range of partners.

The roadmap to increasing Restorative Justice

While the CJA continues to campaign for an entitlement to RJ for victims of crime, we recognise the conclusion of the Justice Select Committee in 2016 that capacity needed to improve before this goal might be realised. The themes that shape this report are important waymarks and we have highlighted many areas across the country making substantial progress on this journey.

- **Busting myths and improving confidence:**
RJ and restorative practices are effective for an array of different stakeholders across a range of measures and the RJC's Restorative Service Quality Mark programme has established a formal process for measuring and monitoring quality. However, awareness-raising efforts remain crucial for the foreseeable future.
 - **Building restorative partnerships:**
Some areas across the country are building strong partnerships across agencies to facilitate restorative processes. But these partnerships are not universal and issues about information-sharing, limited resources and poor knowledge of RJ can undermine their success.
 - **Defining and measuring success:**
Many RJ services are improving their understanding of the wider benefits of their work and are enhancing their ability to capture this 'success'. This needs to be matched by better knowledge at a national level of the type of work being delivered at a local level and its positive impact.
 - **Taking a whole-system approach:**
As RJ and restorative practices continue to spread, it raises important questions about the way these practices are changing attitudes, shifting cultures and shaping more strategic approaches to fundamental questions about harm, conflict and responses to crime.

1. Introduction

What is Restorative Justice?

Restorative Justice (RJ) is a voluntary process that brings together victims and offenders to help repair the harm caused by a crime. It provides victims, should they wish, with an opportunity to meet in person or communicate with the person who committed the offence to ask questions and explain the harmful impact the crime has had on them. In this way, they may receive human engagement and answers – and also sometimes a meaningful apology.

RJ holds people who have offended to account for what they have done and helps them take responsibility and make amends. Properly administered, good quality RJ processes produce individually tailored solutions involving interaction between victims, offenders and the community. RJ can take place at any stage of the criminal justice system (CJS), from early intervention through to conviction, sentencing and after release into the community.

What are the benefits of Restorative Justice?

RJ has been shown to have significant benefits for victims of crime, who are too often marginalised by the 'traditional' criminal justice process, which has the potential to re-traumatise victims in intimidating and unsupportive environments.

RJ places victims at the heart of its process

Instead of side-lining victims – whose only official place in the CJS is their potential to serve as witnesses – RJ places victims at the heart of its process, assessing their needs and level of desired engagement and responding accordingly. Numerous studies have shown victims who are given the opportunity to engage with RJ are more satisfied than those who only experience the traditional CJS. Robust 2007 research commissioned by the Home Office found that 85 per cent of victims participating in RJ were satisfied with their experience, 20 per cent more than the control group who were not. Almost nine in ten would recommend RJ to other victims.

The 2010 Witness and Victim Experience Survey (carried out across England and Wales) found that almost one in five was dissatisfied with their contact with the CJS. Only three per cent of victims expressed similar dissatisfaction with their RJ experience. Victims' experiences of the system, negative or otherwise, may have important knock-on effects for public confidence in, and the legitimacy of, the overall system.

RJ has been shown to have positive effects on victims' mental well-being

RJ has also been shown to have positive effects on victims' mental well-being, with the potential to reduce fear and anger and increase feelings of safety. Australian research has found that victims randomly assigned to RJ conferences were less fearful of a repeat attack. The study showed better long-term outcomes, even a decade later, for victims who went through a restorative process. A similar study found that, on average, the number of victims scared

of their offender fell by 18.5 per cent following RJ, while the number of victims who were angry with the offender fell by 37 per cent.

Home Office research has confirmed that over half of victims found RJ had helped to reduce the negative effects of the offence and almost two in five said that they felt more secure after taking part. RJ has been found to alleviate symptoms as severe as post-traumatic stress disorder. Numerous studies support this, with the most detailed suggesting that engaging in RJ reduced levels of PTS by 23 per cent compared to a control group.

Victims are more likely to receive some form of restitution – such as an apology or even repairing criminal damage – from an offender when they engage in a RJ process. RJ allows for a personal connection to be developed with an offender, provoking stronger empathy with the victim and a sense of obligation to provide some form of restitution.

As the offender is involved in constructing the agreement that provides for restitution, they too can see it as fairer and are therefore more likely to follow through with it. According to a review of 63 studies in five countries, victims who participated in a RJ process were up to 60 per cent more likely to receive restitution. Similarly, a victim is far more likely to receive a meaningful apology when they go through a RJ process. A review of four studies found that offenders were almost seven times more likely to apologise to a victim in a RJ victim-offender mediation than in court.

Bringing a victim and the person who committed the crime into communication can also reduce the likelihood of that person reoffending, which not only positively impacts the wider public but also satisfies many victims' primary concern – that the person in question does not commit another crime and so create further victims. RJ focusses on an offender taking responsibility for their actions and the conversations created in a RJ process can help to create 'turning points' that redirect people's lives away from crime.

RJ processes can help to create 'turning points' that redirect people away from crime

Analysis of the 2007 Home Office research concluded that RJ reduces the frequency of reoffending by 14 per cent. The study used a randomised control trial, the most robust methodology possible and something rarely achievable in criminal justice research.

A host of other studies have found similar correlations between RJ and lower rates of reoffending, both in the UK and elsewhere. Research by the Smith Institute, for example, determined there was a 25 per cent reduction in recidivism among violent offenders after participation in RJ processes. A more recent rigorous analysis of juvenile offenders who engaged in a RJ service found it generated a 34 per cent reduction in recidivism.

RJ can be valuable at each stage of the CJS

Further evidence is available to suggest that RJ can be valuable at each stage of the CJS – from policing to probation – and with virtually all types of crime, including serious and complex cases, as long as proper safeguarding measures are in place.

Is RJ cost effective?

In 2017, the CJA carried out a costings exercise for an entitlement to RJ for victims of crime, based on the types of crimes where RJ would be appropriate and the likely uptake and attrition rates of victims and offenders. We estimated that RJ could be provided across England and Wales for appropriate offences for £30.5m per annum.

However, RJ has often historically placed voluntary and community participation at the root of its practice and this ethos continues to this day. Many high quality providers of RJ in the third sector make extensive use of volunteers through a variety of models. Consequently, were an entitlement to RJ to be secured for all victims of crime in England and Wales the actual costs of commissioning such a provision would in practice almost certainly be lower than the £30.5m estimate, based – conservatively for cost purposes – on the employment of paid staff to deliver this service.

Certain RJ interventions are demonstrably cost effective and offer the potential to generate large savings for the wider criminal justice system. An authoritative evaluation of pilot RJ programmes in England, carried out by the University of Sheffield in 2007, found that on average for every £1 spent on a RJ service, criminal justice agencies saved £8. In some of the trial areas the cost saving was as much as £14 per £1 spent.

Similar 2010 analysis by the Restorative Justice Council and Victim Support demonstrated that providing RJ in 70,000 cases involving adult offenders would deliver £185 million in cashable cost savings to the CJS over two years, through reductions in reoffending alone.

An evaluation of the economic benefits of RJ carried out by Matrix Evidence found that diverting young offenders from community orders to a pre-court RJ conferencing scheme could also produce a lifetime saving to the public purse of almost £275m.

These cost-benefit evaluations do not take into account the significant savings RJ can generate outside the CJS. For example, health agencies benefit from RJ services as fewer victims suffering from PTSD, or other conditions, require healthcare interventions.

Four in five people think victims should have the right to RJ

What does the general public think about RJ?

Surveys have repeatedly shown the majority of the public support the wider use of RJ. A 2016 public opinion poll commissioned by the Restorative Justice Council found that 80 per cent of respondents thought victims should have the right to meet their offender. A 2003 study of UK public opinion found strong support for restorative considerations at sentencing.

Greater public awareness and engagement in RJ processes create a greater sense of involvement in addressing local crime issues. Communities themselves are better equipped to take ownership of crime issues affecting them than when traditional court processes are the only remedy deployed. This builds greater satisfaction and increased confidence in the CJS and generally improves community cohesion.

What are restorative practices?

Beyond even the range of initiatives that could be understood as RJ in its traditional sense, there is a broad spectrum of activities that fall under the umbrella of 'restorative practices'.

Restorative practices recognise that a 'full' RJ intervention, i.e. those that bring together all who have been harmed with the perpetrator of that harm, may not always be necessary, appropriate or desired by the participants. Restorative practices instead support people – often less formally – to recognise harm and responsibility and reflect on their ability to resolve conflict. While RJ can be understood as a reactive process, once harm has already occurred, restorative practices also offer the opportunity to act more proactively before the clear labels of 'offender' and 'victim' are established or before more serious harm occurs.

Restorative practices support people to recognise harm and responsibility

These practices have received growing support in schools where they are used to tackle bullying, truancy and classroom disruption, as well as to improve relationships between students, teachers and parents. But these interventions are also being used in a range of other settings, from addressing violence in prisons to resolving conflicts and anti-social behaviour between neighbours.

The Restorative Justice Council sets out six key principles to underpin restorative practices: restoration, voluntarism, neutrality, safety, accessibility and respect. These are important core values that should serve to guide restorative practitioners' work.

Restorative approaches and shifting cultures

More recently the term 'restorative approaches' has also been used to describe a shift in thinking about how to address issues around harm, discipline and punishment at a more fundamental level than implementing a particular restorative programme or facilitating a traditional RJ conference or victim-offender mediation.

While the demarcation between restorative approaches and restorative practices remains unclear (if it exists at all), it may be more helpful to recognise the complete field of restorative work as a spectrum where 'full' RJ resides at one end and lower-intensity mediation work, underpinned by restorative principles, resides at the other. In between these two endpoints lies the whole host of interventions that might describe themselves as restorative practices.

Meanwhile, a restorative *approach* might be better understood as a strategic approach to addressing key issues and embedding restorative principles across agencies. At this level, we can identify emerging trends such as 'restorative prisons' and 'restorative schools'.

The restorative landscape in England and Wales

In 2013 the Victims' Code was amended to give victims of crime in England and Wales a 'right to be receive information about Restorative Justice and how you can take part'. However the Code does not have any clear enforcement mechanisms for non compliance and instead relies on victims having to complain to the relevant agency or, failing that, to the Parliamentary and Health Service Ombudsman via their MP.

Statistics from the Office for National Statistics show that in 2012/13 just 8.7 per cent of victims recall being offered the opportunity to meet their offender. The Ministry of Justice then allocated ring-fenced funding to PCCs to set up RJ services and also produced a RJ Action Plan that set out to improve access to, and awareness and capacity of RJ services as well as increase the evidence base for RJ activities. The Action Plan made some other notable commitments for RJ to 'operate at scale' and to be 'integrated with other interventions'. The Action Plan was renewed, running until March 2018.

Just 7.5 per cent of victims in 2017/18 recall being offered RJ

However, it remains the case that while the proportion of incidents where victims recall being given the opportunity to meet the offender fell to 4.1 per cent in 2016/17, a recent increase in 2017/18 still means that just 7.5 per cent recall being offered this opportunity. The CJA contended in 2016 that access to RJ for victims of crime was a 'postcode lottery' and the latest evidence suggests this assessment is still largely true.

In its 2016 report, the Justice Select Committee reached the same conclusion about the patchy provision of RJ. But while the Committee thought a legislative right to access RJ was a 'laudable' goal that 'should be actively worked towards' as part of a Victims Law (something the CJA and other organisations have been calling for), it concluded this initiative should only take place once the system had sufficient capacity.

In 2017 Why Me? produced a breakdown of spending on RJ services by each police force area between 2013 and 2017. Acknowledging some limitations to the available data, the results still show a dramatic cliff edge in RJ spending for many areas of the country when the allocated MoJ funding ended in 2016. So while some areas continued to invest significant proportions of over ten per cent of total victims' budgets in RJ, other areas reduced their funding to less than five per cent proportionately.

More recently, the Government's 2018 Victims Strategy makes useful reference to some of the innovative RJ work being done around the country, some of

which is also highlighted in this report. The Strategy also specifically recognises that entitlements to information about RJ in the Victims' Code are not being fully realised and sets out to '*require* PCCs to make sure that restorative justice services are available in their areas' (emphasis added).

The current picture

But while the provision of RJ and restorative services continues to vary geographically, it is clear that in areas where there is buy-in from senior leadership, RJ and restorative practices are taking holding across the full spectrum of the criminal justice system and in other public sector agencies.

It is precisely this type of increased local interest and capacity – perhaps overlooked from a national perspective – that could provide the necessary basis for an entitlement to RJ for victims, as identified by the Justice Select Committee. The Government's current consultation on the Victims' Code and a possible Victims Law create powerful opportunities for change in this area.

The findings of this briefing pose important questions about the way that restorative practices are not only increasing in volume and breadth but also the degree to which they are changing the way that criminal justice institutions – and the individuals who work for, live in, or are engaged by them – address fundamental questions about harm, needs, and rehabilitation. But the enthusiasm in some parts of the country for exploring the scope for restorative interventions does not appear to be matched by national attention from either the Ministry of Justice or the Home Office, apart from a recent promising initiative within HMPPS to explore restorative practices across prisons and probation.

So while the Victims Strategy makes useful commitments to ensuring greater availability of RJ, there is a discernible gap between understanding of RJ in a narrower sense at the national level and the potentially transformative initiatives that are actually taking place locally in some parts of the country, which are improving services for victims, offenders and communities. The CJA will take forward this issue as part of our new strategy, looking at a 'restorative criminal justice system', while still pushing for a national entitlement to RJ for victims of crime.

2. Busting myths and improving confidence

'There is still a general lack of understanding about RJ within the police and general criminal justice system and many myths and misconceptions.'

Survey respondents were asked how awareness was raised about RJ in their local areas. The question prompted a range of responses that demonstrate the range of external initiatives being undertaken, from engaging with RJ week to senior leadership engagement with the media to promoting case studies and 'good news stories'. Many areas also responded with details about how RJ services also work with criminal justice agencies delivering awareness-raising sessions, training and sharing learning. A minority of areas responded that the third sector provider was obligated through its contractual arrangements to raise awareness about RJ.

However, when asked about operational challenges to RJ services, over 40 per cent of respondents indicated that low referral rates were still hampering the service's effectiveness. This shows that there is still clearly much more work to be done to improve RJ awareness, both within criminal justice institutions and with the general public.

A number of respondents also highlighted the continuing importance of challenging myths and misconceptions around RJ.

'Challenges include professionals putting barriers in the way, assuming that RJ is not appropriate and blocking access to offenders and victims.'

'We are working hard to improve the culture within our force to offer RJ more and provide better training. I personally think this will build a stronger base of interest and will provide more opportunity for joint working across agencies and across police areas.'

'Challenging the myths and historic understandings of RJ where people regard it as reparative (fix a fence) and a quick 'Do an RJ process', rather than a journey of learning, growth and change for victim and offender.'

'A challenge is that RJ is not suggested/offered as an option available to victims by other agencies that they are dealing with. Not all agencies fully understand/appreciate the benefits of RJ. Better/more training, sharing good news stories and promotion will hopefully address these challenges.'

'Not all agencies fully understand the benefits of RJ.'

Some areas singled out resistance from the police as a continuing factor in low uptake of RJ:

'One of the most reoccurring challenges in RJ work relates to the attitudes of police officers towards restorative justice. The service communicates with police officers almost daily around their cases and often experience negativity. Most often the service experiences comments from police

officers around their lack of time to offer their support and their attitudes around RJ being a waste of time.'

In some instances, a lack of understanding of RJ may be exacerbated by poor understanding of the wider field of restorative practices as well, and how these interventions relate to each other.

'Organisations sometimes struggle to recognise the variety of restorative interventions.'

'Organisations sometimes struggle to recognise the variety of restorative interventions that can be offered across a wide cross section of crime types and it is important to help them understand the benefits to victims and value RJ intervention. Police Officers have struggled with understanding the various types of restorative interventions, the value of RJ and the differences between RJ and community resolutions etc.'

Some areas that commission services with external providers stipulate awareness-raising as part of those contracts. However, of the nine areas that indicated in the survey this was the arrangement in place, seven of them did not provide information about any other awareness-raising initiatives from either the PCC's office or other relevant agencies. If the sole responsibility for raising awareness is on the service provider, this raises the concern that potentially valuable opportunities for increasing RJ's profile through the PCC and criminal justice agencies may be lost.

'Getting referrals in – particularly from the police hub. Ongoing awareness raising, presence in the hubs and champions helps to address these issues'

Some areas highlighted how emphasising restorative practices, instead of just RJ, can be a useful way to build confidence and understanding about the principles that underpin this work and create a shift in thinking.

'We are continuously looking for opportunities to bring RJ into conversation.'

'We are continuously looking for opportunities to bring RJ into conversation to promote the benefits for all in society – this is more appropriate for the restorative practices as a way of being and skills to utilise in managing conflict and building relationships than specifically RJ.'

Many areas have strategic boards that lead on identifying challenges and working collectively to promote RJ and restorative practices.

The RJ Board is a positive way to address these challenges as we seek advice from the members on how to progress these issues without identifying and being negative about a particular agency/professional.'

But strong leadership remains a key driver in building confidence in the use of RJ.

'We are seen as one of the leading exponents of RJ in the UK. This is due to strong partnership working, belief and understanding the value of RJ, with strong support from the PCC, pushing the opportunity to use RJ.'

Meanwhile, resources to continue to push awareness from services providers can be stretched when they are already focussing on actually providing restorative services.

'The reach of the team is limited as we can't afford their time for just training and awareness raising when they are working with victims.'

Some areas also highlighted that resistance to RJ for a broad range of crime types remains problematic to embedding RJ with victims' services. For example some areas do not allow RJ for serious and complex cases, such as domestic or sexual violence.

Hampshire

The PCC for Hampshire has produced a strategy specifically for RJ and restorative approaches, recognising the growing support for these approaches in schools, prisons and care homes to resolve conflict. The strategy states the need to move RJ from 'the periphery' of the criminal justice system, challenge perceptions, and give it the

same level of importance as other interventions provided by criminal justice agencies. The strategy emphasises that this will only be achieved through a shared vision and commitment to restorative practices, which should be formalised on an annual basis through a local action plan endorsed by RJ Board members.

Bedfordshire

The PCC in Bedfordshire provides clear leadership on RJ, emphasised by her Police and Crime Plan which sets out to put victims at the centre of policing and prosecution through investment in RJ. The Police and Crime Plan also recognises

the need for a specific RJ Strategy, to be reviewed by the PCC. The PCC provides monthly updates through newsletters and RJ awareness-raising sessions also take place.

Cheshire

The RJ service in Cheshire takes a proactive approach to raising awareness of RJ and specifically recognises that highlighting the broader benefits of restorative practices, not just RJ, is an important part of this duty because of their broader applicability to managing conflict and

building relationships. Training, awareness-raising sessions and attendance at police briefings are all key parts of the service's aim to 'BE restorative, not just talk about it.' The service also emphasises the sharing of best practice and success stories both internally and externally.

Gloucestershire

Restorative Gloucestershire, a multi-agency partnership, takes the lead in its area to build awareness and confidence in the use of restorative interventions. So not only does the service provide restorative interventions itself, but it also acts as a 'centre of excellence', providing training and supporting the development of

strategies to embed restorative practices across its partner agencies. Restorative practices form a key part of the PCC's Police and Crime Plan. This leadership has been an important factor in the promotion of restorative practices across Gloucestershire.

'Ensuring that RJ becomes more automatically part of the victim support process.'

The way that RJ is explained and offered is crucial

'The need to increase understanding of the value of RJ in a wide range of crime types. Ensuring that all those engaged with victims better understand the value of RJ and that RJ becomes more automatically part of the victim support process.'

Even in the low proportion of cases where victims are actually offered RJ, the way that RJ is explained and offered is crucial, particularly if victims don't understand its benefits. And if a victim refuses at first instance, services need to have the confidence to understand when and how it might be appropriate to go back to the victim at a later date when they may be more receptive.

'Embedding a culture of RJ as being more than a token gesture – and having this offer linked to a needs and care assessment for the victim – so it isn't offered once by the force, but it is offered at a stage where the victim is receptive and ready for it, and they see it as part of their recovery/ coping mechanism – or at least it's an option for them to achieve cope and recovery.'

'Victims don't always want RJ so there is work to be done getting victims to understand how beneficial it can be. We are letting all victims know about it but it is hard to know when/how often to go back to them.'

3. Building restorative partnerships

In order for RJ services to operate effectively, they must work in partnership with a range of other institutions and services, from victims' services to the police, prisons and probation. These connections are vital to ensure that the expectation of RJ being available to all victims can be realised. However, the degree – and the form – these connections take varies across the country.

While it would be inappropriate to prescribe a particular model of 'multi-agency working', there is almost certainly a correlation between the degree to which RJ services are connected with other parts of the criminal justice system and the level of service they provide.

PCCs remain the key commissioners of RJ and the bulk of RJ work in England and Wales is carried out by third sector organisations. Over two-thirds of survey respondents stated that RJ was provided by a third sector organisation in their police force area. Of the remaining survey respondents, some described RJ services as being delivered by the Office of the Police and Crime Commissioner while others stated services were provided through wider victims' services, through a dedicated RJ 'hub' or through other criminal justice agencies.

However, when asked how RJ services bring different organisations together, there was a broader range of responses, which indicates the variation in how services have been designed and delivered.

Almost half of survey respondents stated their area operated a 'hub' model. This may take the form of an independent restorative service, such as Restorative Together in Wiltshire. Over 40 per cent of respondents said that the RJ service operated as part of wider victims' services or a victim and witness hub. Some respondents also identified steering groups for RJ that bring together different agencies to share information and align strategies.

However, when asked about operational challenges facing RJ services, a number of respondents indicated that limited information-sharing was still hampering service effectiveness, while others highlighted resistance from partner organisations such as the police.

'Access to information is often a challenge.'

'Access to information is often a challenge, we are working closely with partners to ensure appropriate agreements are in place.'

'Information sharing has also been a major challenge with the Police.'

'Information sharing is one of the biggest challenges particularly as we have a third sector provider delivering the RJ services.'

It also appears that simply developing a 'hub' model of working does not solve the issue of low referral rates – almost half of the areas that described a hub model stated that referral rates remained a challenge. This may indicate

that even with promising structures in place, some RJ services still have some way to go in promoting their work, and the benefits it provides, to partner organisations.

'Having the service sit within the police force allows for easy access to information and partnership work.'

'Having the service sit within the police force allows for easy access to information and partnership work. Having partners hot-desk within the service helps develop closer working relationships. Having the Hate Crime team work within the RJ office helps with identifying potential new cases.'

'An element of the service requirement is to provide a coordination hub that is the centre of excellence for restorative practices across multiple agencies and organisations in the area. The service provider fulfils this through close partnership working and has developed agreements and referral protocols that ensure consistent referrals are received, and good relationships with partners (e.g. prisons) where additional support is needed; they also provide training courses and bespoke team inputs to ensure consistent approaches are used across all sectors. Most of all, it is through an authentic restorative approach that all the staff and volunteers in the team have.'

Bedfordshire

RJ in Bedfordshire is provided primarily through the victims' service, which sits within Bedfordshire Police. In April 2018 a new 'Signpost Hub' was developed to act as a 'one-stop-shop' for victims – and people connected to them such as partners, children and parents – to access all the information they may need, including information about accessing RJ. The Signpost Hub acts as the primary co-ordinating centre for RJ cases, bringing together relevant partner agencies when needed, including youth offending

services, prisons and probation. In this capacity, it recognises the value of sitting within the police force, which allows for easy access to information and partnership work, as well as developing working relationships and identifying potential new cases, such as through the police's hate crime team. The service in Bedfordshire has also recognised the need to stay connected across different areas, building links with services in Cambridgeshire and Hertfordshire to anticipate cross-border work and jointly deliver training.

Cheshire

RJ services in Cheshire are provided by Remedi, commissioned by the PCC, as the 'Restorative Justice and Mediation Hub'. The service operates from a police station and acts as the key coordinator for restorative practices across its

partner agencies, as well as providing targeted training. This hub model is helping to build capacity and confidence in restorative practices across the sector, as well as ensuring services provided are as robust as possible.

Wiltshire

RJ services in Wiltshire are co-ordinated through 'Restorative Together', which is funded by the PCC and based within the PCC's office. Restorative Together is the focal point for RJ in Wiltshire, bringing together agencies including prisons, YOTs, probation and victims' and witnesses' services. Restorative Together emphasises not just the use of RJ, but of restorative practices more widely and partner organisations are bound together by a Memorandum of Understanding, which outlines their respective responsibilities to ensure the restorative service is effective.

These responsibilities include providing a lead member of staff in each partner organisation who is responsible for restorative practices within their organisation and for liaising with Restorative Together. The Memorandum also includes important commitments to allow Restorative Together access to necessary information from partner agencies and for facilitating referral processes. The Restorative Together Group is in turn a part of, and reports to, the broader Wiltshire Criminal Justice Board.

Northumbria

A third sector provider in Northumbria chairs the 'Restorative Northumbria' steering group, which is linked to the victims and witnesses subgroup of the local criminal justice board. RJ is a key element of the PCC's Police and Crime

Plan to support victims and the provider, Victims First Northumbria, collaborates with the local Community Rehabilitation Company to maximise the engagement of both victims and offenders with RJ.

4. Defining and measuring success

RJ has proven benefits for victims in terms of their increased satisfaction and engagement with the criminal justice system. It has also been shown to reduce reoffending because it encourages offenders to take responsibility for their actions and reflect on how to repair harm.

Many areas struggle to evaluate the benefits of RJ

However, when it comes to measuring the 'success' of a restorative service, it is clear that many areas still struggle to effectively evaluate the benefits being provided. This is problematic for services that still need to promote their work and build confidence in the wider CJS that restorative practices can provide significant value at all stages of the system.

While the number of conferences and interventions provided (which often remain key targets of commissioning requirements) are useful measures of activity, they often fail to capture the breadth of positive intermediate outcomes that restorative interventions can secure for victims and offenders. Part of the difficulty with this process is that restorative interventions are tailored to the individuals involved so a 'one-size-fits-all' approach to measuring success is often inappropriate – a successful outcome can look different from one participant to another. Over-emphasising volume of conferences as a measure also runs the risk of dissuading services from offering RJ in serious and complex cases that will take longer to complete.

Survey respondents were asked how they measure the success of their services. Half of respondents said they tracked satisfaction rates and the volume of cases and interventions was also highlighted.

But while the volume of conferences and satisfaction rates remain important measures, it is clear that services are looking beyond the recorded outcomes expected by the Ministry of Justice. Services are also assessing the broader range of positive effects of RJ and restorative approaches in order to better capture the benefits of their activities. Almost a third of respondent areas stated they were working to track 'distance travelled' by participants, which can help demonstrate the benefits of a restorative process that, for whatever reason, does not progress to a final conference. Some areas also evaluate testimonials from participants, which further assists with the qualitative side of measuring success.

Other areas include training and awareness-raising outcomes as part of their measurements, while a minority of areas also responded that reoffending rates are monitored. Looking at this broader suite of measures will only serve to demonstrate the range of benefits that restorative services are providing.

Communicating success, both internally and externally, is also important and many areas have clear processes for reporting outcomes regularly through forums and strategic groups.

'It is about the extent to which a victim has been supported to cope, recover, reflect and move on.'

'We do not see RJ as simply about conferencing. I think if a victim or offender is helped at any point in the process by talking about their feelings, indirect or direct RJ then it should be seen as a positive. Therefore we will with our new service be looking to track referrals in and from where, communications and media interventions to improve understanding as well as the number of people who receive indirect/direct RJ interventions. Essentially though it is about the extent to which a victim has been supported to cope, recover, reflect upon, learn and move on from what happened.'

'The numbers engaging in RJ may not reflect the activity going on behind the scenes.'

'The majority of the cases that progress to conference tend to be offences that are more serious in nature. As a result, the offenders are often in prisons all over the country. These cases take a long time to prepare due to the sensitive and complex nature and the distance practitioners are travelling. The numbers engaging in RJ may not reflect the activity going on behind the scenes. We are trying to address this by ensuring that our provider reports on the number of hours that a practitioner spends with each case.'

Gloucestershire

Restorative Gloucestershire makes use of traditional tracking of satisfaction and volume rates as a way to measure the success of its service. However, they also look at reoffending rates (85 per cent of offenders who have

participated in their programmes since 2013 have not reoffended) and are also looking to capture the wider impact of innovative programmes in schools by looking at their effect on rates of exclusions.

Kent

The office of the PCC meets monthly with the RJ service provider to measure progress of the service. While the measurements used reflect the requirements from the Ministry of Justice,

they also include tailored measures to reflect local need, including measuring the 'journey of the victim'.

Cheshire

A reporting framework is in place to monitor activity and effectiveness of the service, including monitoring of the referral rates. Proactive work is also measured, as well as types and numbers of cases in a time period, training activities and awareness activities,

measures of service user satisfaction and improvements in wellbeing. While there are more formal quarterly contract review meetings, activities, ideas and ways to improve the service are discussed internally on a frequent basis.

Hampshire

In addition to monitoring referrals, attrition rates, and the number of restorative processes facilitated, the RJ provider in Hampshire also completes satisfaction surveys with anyone who engages in a restorative process. This

also includes a monitoring report with each victim, measuring their health and well-being at the beginning of their engagement with the service and then again on completion.

North Yorkshire

All parties, victims and offenders who engage in mediation or restorative interventions are carefully assessed and a baseline measure is taken on entry to the service across the categories of need established by the Ministry of Justice. A 'cope and recovery plan' is

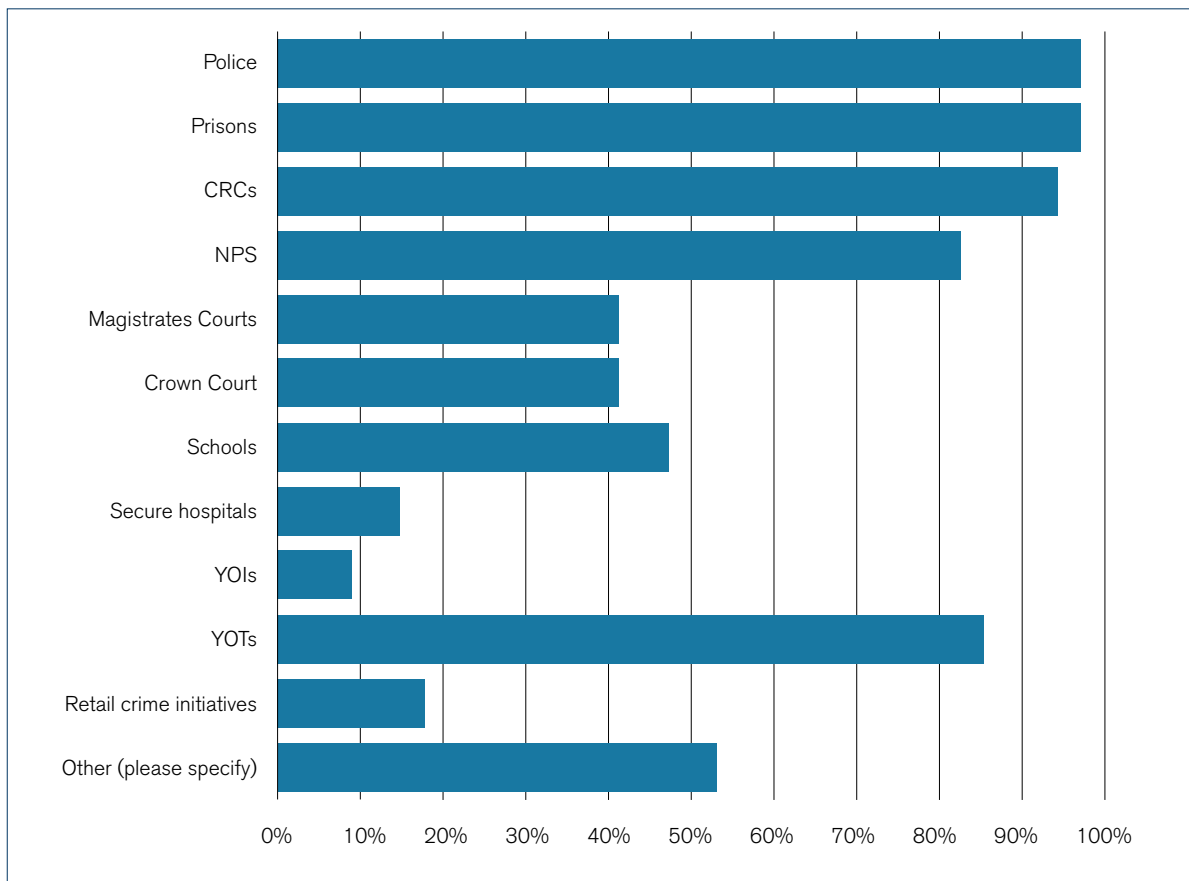
designed for each participant based on the initial assessment and on completion each participant carries out an exit review where the categories of need are re-measured to indicate how service users have moved in terms of their cope and recovery journey and a satisfaction survey.

5. Taking a whole-system approach

There are examples of RJ and restorative practices operating across the full breadth of the CJS, but this breadth of reach is not present across all police force areas.

However, in survey respondents' police force areas there was almost universal presence of RJ operating across police (97 per cent), prisons (97 per cent), Community Rehabilitation Companies (94 per cent) and National Probation Service (82 per cent). A substantial proportion (88 per cent) also said that RJ was operating in local Youth Offending Teams. Within the courts, 41 per cent of respondents said RJ was operating in the Magistrates' Court and the same percentage said RJ was operating in the Crown Court.

Figure: Which agencies/organisations/environments do RJ services currently liaise with/work in?



Answered: 34; skipped: 0

Beyond the traditional criminal justice system, it is clear that there is a broad range of RJ initiatives happening in other environments and institutions. Half of survey respondents reported that RJ was operating in schools in their local

Half of survey respondents said RJ was operating in local schools

area and there were also smaller reported instances of RJ operating in secure hospitals, housing services and local initiatives to reduce retail crime.

We were also encouraged to see that almost 80 per cent of respondent areas reported they intended to expand RJ into other areas in the future. While there were no areas of universal intention to expand, a small proportion of respondents did identify working with the courts as a specific future focus. Other stated areas of interest included working with victims of domestic abuse, in care homes and with anti-discrimination initiatives.

Almost four in five areas said they intended to expand RJ

Respondents were also asked to comment on any activities beyond 'traditional' RJ conferencing such as restorative practices. Almost 90 per cent of respondents stated they were involved in a broader range of activities, including shuttle mediation, letters of apology, resolving neighbourhood disputes and anti-social behaviour and mediation.

Almost 90 per cent of survey respondents said they accept offender-initiated RJ. However, it is clear that even for these cases, services remain victim-focussed in terms of how they approach the restorative process and its viability. One area indicated that if an offender initiates a RJ process but the victim does not want to participate then restorative approaches would still be offered to the offender.

Offender-initiated services rely heavily on offender-led institutions buying in to RJ and referring in to the service, which one area noted could be a challenge because of lack of funding and resource from these organisations. Some areas also explicitly prevent offender-initiated RJ for cases involving sexual or domestic violence.

Gloucestershire

RJ services in Gloucestershire operate as 'Restorative Gloucestershire', a multi-agency partnership 'hub' that brings together a wide range of organisations, from the police and probation services to schools, universities and housing services. Crucially, Restorative Gloucestershire sets out to be a centre of excellence in the area not just for RJ but

for the wider field of restorative practices, with a view to embedding restorative 'philosophy' and restorative 'culture' county-wide rather than just promoting particular restorative interventions. An example of the breadth of the service's work is its recent initiative in schools, using restorative practices to reduce exclusions.

Bedfordshire

While RJ sits within the wider range of victims' services, there is a clear drive to embed restorative culture throughout the service and RJ in Bedfordshire is being delivered across a range of organisations and environments. This includes schools in Bedfordshire where restorative practices are being used to address bullying,

prejudice and discrimination. A 'whole school' approach is being taken where everyone in the school is encouraged to use restorative skills resolve harm. There has been a particular push to teach restorative techniques to young people themselves, including an event attended by 50 pupils from eight schools across Bedfordshire.

Cheshire

Restorative practices in Cheshire benefit from the work of a Restorative Practice Strategy Group, which sets out to review local delivery and identify gaps in the service. The Group also identifies and manages risk and works collectively to establish an evidence base for outcomes achieved. Crucially, it is incumbent

on members of the group – which includes representatives from the third sector provider, police, prisons, probation services, youth services and health and social care – to actively promote restorative practices within their own organisations.

Durham

The 'Restorative Hub' in Durham provides a comprehensive service for RJ and restorative practices, providing a free service for anyone who has been a victim of crime or has been caught up in conflict or anti-social behaviour to access a safe space to explore what's happened and identify needs. This expansive approach

includes an innovative programme to provide more RJ in the courts before a sentence is passed on a convicted person. This provides victims with a greater sense of involvement in the criminal justice process and gives offenders the opportunity to better understand the impact of their behaviour.

Sussex

The PCC commissioned a post in Brighton and Hove to support the city to become a 'restorative city'. As part of this project, Brighton and Hove have formed an RJ Champions network and are expanding the forums in which restorative approaches are applied. Restorative approaches

are also expanding into schools and are being used in prison adjudication processes. Meanwhile, RJ 'hubs' within the police work with the prevention team to establish wider links to the community including work with vulnerable or harder-to-reach groups.

Recommendations

Busting myths and building confidence

- Building confidence in RJ requires strong, committed leadership from PCCs, Chief Constables, Prison Governors, Victims' Commissioners and Government Ministers to continually make the case for RJ, externally and internally.
- Myths about RJ's lack of effectiveness or inappropriateness continue to undermine confidence in its use and limit RJ services' ability to properly liaise with agencies across the CJS. PCCs and RJ services should continue to invest in internal awareness-building and training for criminal justice partner organisations to improve understanding of the benefits of RJ and restorative practices, but this needs to be supported by a strategic approach to embed restorative interventions.
- Where they have not already received it, RJ services should continue to work towards achieving the RSQM as a nationally recognised standard to improve confidence in their service from partner agencies and ensure quality is monitored in an ongoing process.

Restorative partnerships

- RJ relies on strong relationships across agencies to facilitate communication between victims and those who have offended. All criminal justice bodies should have at least one designated RJ lead responsible for liaising with the local RJ service, sending referrals and championing the benefits of RJ and restorative practices within their own organisation.
- PCCs should ensure a strategic board or RJ working group has appropriate information-sharing protocols in place, as well as clear terms of reference that define the responsibilities of partners. This group should also be responsible for expanding its membership where appropriate, seeking new opportunities to increase RJ.
- PCCs should consider co-ordinating working groups to share learning about the use of restorative practices, separately from RJ, in their local areas.

Defining and measuring success

- Local knowledge and understanding of the benefits of RJ and restorative practices continues to grow. The Ministry of Justice should work together with RJ services to develop guidance about how best to capture these wider benefits of RJ and restorative practices beyond volume of 'full' restorative interventions. Commissioning targets should reflect this range of outcomes.
- The Ministry of Justice should gather and publish a greater amount of data on RJ services, such as information on RJ spending by PCCs and equality and diversity statistics.
- Restorative practices must have room to innovate and grow organically. PCCs should encourage and support RJ services to continue to pilot and evaluate new areas of work.

A whole-system approach

- While the Victims Strategy acknowledges the need for RJ, the Ministry of Justice's separate 'RJ Action Plan' came to an end in March 2018. The Ministry of Justice and the Home Office should establish a cross-departmental working group and produce a strategy specifically for RJ and restorative practices operating across the criminal justice pathway.
- HM Inspectorates of Prisons, Probation and Constabulary and Fire & Rescue Services should carry out a joint thematic inspection of restorative practices across policing, prisons and probation.
- Three years on from the Justice Select Committee's last inquiry into RJ, it would be timely for the Committee to return to this topic with a broader lens to include restorative practices.
- The Ministry of Justice and the Home Office should map and evaluate how restorative practices, not just RJ, are embedding across the CJS and explore the way that restorative practices are informing more strategic approaches to supporting victims, rehabilitating offenders and keeping communities safer.
- The Serious Violence Strategy acknowledges the use of RJ and restorative practices in early intervention and conflict resolution. This work should continue to be built into the 'public health' approaches to serious violence announced by the Home Secretary and the Mayor of London.

About this briefing

In October 2018, the CJA – with the assistance of the Association of Police and Crime Commissioners – distributed a survey on RJ services to all 43 police force areas in England and Wales. The survey was sent to PCC offices, reflecting their key role in commissioning RJ services. We requested specifically that only one response be submitted for each force area to ensure consistency.

The survey was answered by 34 police force areas. While some areas chose to send the survey on to RJ service managers to complete, the majority of survey responses (75 per cent) were completed by staff within PCC offices. Areas that did not complete the survey were contacted directly to request information but did not respond.

The main objective of the survey was to establish how RJ services were being delivered across police force areas in England and Wales and identify differences in approach to service design. The survey also asked respondents to describe how RJ was being promoted more widely, identify challenges and comment on future growth of services.

Visits and phone interviews were also conducted with eight forces and the CJA liaised with CJA members in the writing of this briefing.

Useful reading

A Question of Quality: A Review of Restorative Justice Part 2 – Victims (Victims' Commissioner, 2016)

Commissioning safe and effective restorative justice services: A report of five regional workshops, Ratcliffe F. (Restorative Justice Council, 2018)

Delivering restorative justice – making multiagency partnerships work, Olliver R. (Restorative Justice Council, 2016)

Does restorative justice affect reconviction?, Shapland J. and others (Ministry of Justice, 2008)

Economic analysis of interventions for young adult offenders (Matrix Evidence, 2009)

Impact of Restorative Justice Conferencing: A Review of 63 Empirical Studies in 5 Countries, Umbreit M., Coates R. and Voss B. (Center for Restorative Justice and Peacemaking, 2002)

Report of a mapping exercise of restorative justice provision in England & Wales for the Restorative Justice Council (Institute for Criminal Policy Research, 2016)

Restorative Justice: Fourth Report of Session 2016–17 (Justice Select Committee, 2016)

Restorative justice: the evidence, Sherman L. and Strang H. (Smith Institute, 2007)

Restorative Justice: the views of victims. The third report from the evaluation of three schemes, Shapland J. and others (Ministry of Justice, 2007)

Restorative Justice Action Plan for the Criminal Justice System for the Period to March 2018 (Ministry of Justice, 2017)

Restorative justice as a psychological treatment: healing victims and reintegrating offenders, Sherman L. and Strang H. (2009)

The Cost of an Entitlement to Restorative Justice (CJA, 2017)

The Need for an Entitlement to Restorative Justice (CJA, 2017)

Valuing Victims (Part 1): A review of Police and Crime Commissioners' funding of restorative justice since 2013–2017 (Why Me?, 2017)

Victim Evaluations of Face-to-Face Restorative Justice Conferences: A Quasi-Experimental Analysis, Strang H. and others (Journal of Social Issues, 62(2), pp.281-306, 2006)

Victims Strategy (Her Majesty's Stationery Office, 2018)

The Criminal Justice Alliance

The **CJA** is a national alliance of over 150 organisations – including charities, research institutions, staff associations and think tanks – working towards a fairer and more effective criminal justice system which is safe, smart, person-centred, restorative and trusted. The views expressed in this Briefing are not necessarily those of individual CJA members.

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Thanks

Thank you to our member organisations that assisted in the development of this work and contributed to the reference group. Special thanks go to the Association for Police and Crime Commissioners for distributing the survey and to all who contributed to the survey and interviews.

We are also hugely grateful in particular to Porticus UK for supporting this work.

We remain very grateful to our other funders – the Barrow Cadbury Trust, the Hadley Trust, the Joseph Rowntree Charitable Trust, the Allen Lane Foundation, the Evan Cornish Foundation, the Monument Trust, the Lush Charity Pot and the Matrix Causes Fund – for their encouragement and support.

The views expressed in this briefing are not necessarily those of any individual funder.

Designed and typeset by Soapbox www.soapbox.co.uk
Printed by Shades of Colour www.shadesofcolouruk.com

April 2019

**‘A journey of learning,
growth and change’**

**A roadmap for increasing
Restorative Justice across
England and Wales**