

Restorative Justice for Young Adults in Prison and on Probation

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Why me?

Transforming lives through
Restorative Justice



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About Why me?

Why me? is a national charity that promotes and delivers Restorative Justice, a process which enables people affected by crime and other harmful behaviour to communicate with each other. This is done through a face-to-face meeting where appropriate, or indirect methods such as video messaging or letter writing. The process is facilitated by trained professionals who speak to both parties in advance to prepare them. Restorative Justice can be used to address any type of crime, as long as both parties consent and the facilitators agree that it is safe to do so. It is not a substitute for other measures such as criminal justice proceedings and can take place while people are serving time in custody.

Restorative Justice gives people who have been harmed the chance to talk about the impact of the incident and seek answers about why it happened. Victims of crime often feel excluded, confused and re-victimised by the criminal justice process. Restorative Justice brings them back to the heart of the discussion and allows their voices to be heard. It is also one of the most powerful methods of helping people who have committed crime appreciate the consequences of their actions and make amends, if they wish to do so. Restorative Justice has been shown to reduce repeat offending by 14% (Shapland et al., 2011). It enables a young adult to talk about what has happened and to have the impact of their experience acknowledged. Restorative practices can also be used to address the impact of harmful behaviour outside the Criminal Justice System, such as to address conflict in communities or schools.

Why me? seeks to improve access to Restorative Justice through campaigns, communications, and development work. We also run our own registered Restorative Justice service. Why me? was formed after Peter Woolf met Will Riley, someone whom he had burgled and assaulted, in a Restorative Justice meeting in prison. This meeting transformed Will's recovery and turned Peter away from a life of crime. Will then set up Why me? with Peter's help, to enable other people affected by crime to experience the benefits of Restorative Justice.

Introduction

As part of Why me?'s three-year project focusing on improving Restorative Justice for young people and young adults, this report details the past two years' work which focuses on young adults (aged 18-25). It summarises the project methodology and documents our key findings from the partnerships, interviews, focus groups and restorative circles which have been conducted by Project Lead, Leah Robinson. Our thematic analysis of the evidence we collected can be found below. This includes important findings in relation to young adults, racial discrimination, and the effective use of Restorative Justice.

We have concluded this report with our key policy recommendations which, if acted upon, we believe will increase awareness of, access to and provision of Restorative Justice for young adults.

When practising restoratively, the terms 'harmed' and 'harmer' are used in place of 'victim' or 'survivor' and 'offender' respectively, in order to avoid labelling anyone as good or bad, in line with Tannenbaum's labelling theory (Becker, 1963; Hopkins Burke, 2014; Tannenbaum, 1938). However, for the purposes of this report we will be using the terms 'victim' and 'offender' for ease of reading and to provide clarity.

Project information and methodology

This report is one of the outputs of Why me?'s three-year project on 'Improving restorative practice for young people' which started in September 2020. Overall, the project has identified barriers preventing the wider use of Restorative Justice for young people and young adults and has produced recommendations about how services can improve access and their standard of practice.

There are three strands to the project and throughout the work we have done, we have been keen to ensure that the research is informed by the young people and young adults it is designed to help.

The three strands are:

- Working with Youth Justice Services
- Focusing on young adults aged 18-25
- Exploring disparities in access to and uptake of Restorative Justice for young people and young adults from Black, Asian and other ethnic backgrounds.

We have avoided the use of the term 'BAME' as we believe it is impossible to distil centuries of history and culture into an acronym. Therefore, we asked all participants of restorative circles within the third strand of the project to self-identify regarding their racial or ethnic identity, which we believe is more conducive to talking positively about racial identity.

The aim of the project was to explore the difference in the uptake of and barriers to accessing Restorative Justice for young adults, aged 18-25 compared to young people (aged 10-18 and who are under the remit of the Youth Justice Service) or adults (aged 25+) and to recommend future action based on this exploration.

Surveys were sent out electronically to Police and Crime Commissioner funded Restorative Justice service providers to obtain quantitative data on whether there is a statistical difference between uptake of Restorative Justice for this age group compared to adult offenders. We received nine responses to this survey.

We also conducted interviews and focus groups with young adults in custody in two Young Offender Institutions (YOIs): HMP/YOI Isis and (formerly) HMP/YOI Aylesbury. We conducted a total of five focus groups and sixteen individual interviews with young adults aged 18-25. The young adults were invited to participate through advertisements in the prison newspaper and were also approached directly by prison staff and/or by project staff giving them the option to engage. This report predominantly focuses on the findings from the thematic analysis of these focus groups and interviews.

Discussion

Having completed this work, we have identified a number of themes which could influence a person's decision whether or not to engage Restorative Justice.

Awareness and misconceptions

There was a distinct lack of awareness of what Restorative Justice is and the availability of the service. Many young adults had never heard of Restorative Justice before and, once it was explained to them, there were a lot of misconceptions due to the lack of prior knowledge.

Out of a total of 18 YOI interviewees, half (n=9) were not offered Restorative Justice. However, over half of the young adults who were not offered Restorative Justice stated that they might take part in the process if asked (n= 5).

Several interviewees highlighted that in order to decide whether they would participate in Restorative Justice they would want to “know more about it [...] Just about the whole thing, the whole point of it.” (YOI6)

One respondent stated: “I think if you [...] actually let people know what the actual process is I think they'd be interested in doing it and if they knew the benefit for the other person, they'd be more likely to do it as well.” (YOI11)

These responses highlight that there is a clear interest in engaging in Restorative Justice from young adults but a lack of awareness about the opportunities available to them..

According to the Victims' Code of Practice (Ministry of Justice, 2021), every victim of crime has the right to information about Restorative Justice and how to access RJ services. However, we would argue, based on the evidence, that it is important to ensure that the people who have caused the harm also have access to information about Restorative Justice and the opportunity to engage with the process. This would mirror the entitlement that victims of crime have under the Victims' Code of Practice and support investment and efforts by Police and Crime Commissioners to meet their duties under the Code.

Provision

Once young adults have been made aware of Restorative Justice and how they can engage in the process, should they wish, we found that there was a lack of formal processes available, through which they could access the service.

One young adult stated that they would “100%” take part in Restorative Justice. When asked if they wanted to explore the option of taking part in Restorative Justice they replied “I wouldn't mind yeah” and wanted contact information so they could take it forward (YOI19). Another interviewee explained that they would say “yeah” to the opportunity to meet the person(s) they had harmed, stating that they would: “like to meet face-to-face [...] and say sorry for what I've done.” (YOI6)

However, we could not identify an established pathway through which the young adults could access Restorative Justice. Particularly in custodial settings, young adults in Young Offender Institutions do not have formal, identified routes and processes they can follow to engage in Restorative Justice. This appears to be a missed opportunity as the recent [Why me? Economic Evaluation research and practical model](#) provides evidence that for every £1 invested in Restorative Justice, £14 is saved. This research focused on the cost-benefit ratio of Restorative Justice in reducing reoffending rates, also particularly effective for reducing the very high costs associated with people in custody.

In fact, Why me? knows from our networks that many Police and Crime Commissioner-funded Restorative Justice services are able to deliver Restorative Justice but struggle to get referrals. Therefore, this would point to co-commissioning being a way of leveraging maximum financial value from both victim and offender services, helping victims of crime and those who have offended to move on with their lives.

Mistrust of services

One of the key findings from the work focusing on disparities in the uptake of Restorative Justice for young people and young adults from Black, Asian and other ethnic backgrounds was the lack of trust in services, particularly regarding the police. This is particularly prevalent when the Officer in Charge

of a case is the person who is offering information about Restorative Justice.

One attendee of the restorative circle focusing on racial disparity discussed the harshness of police in relation to their race, stating:

“The reason why the police are so harsh is because it’s a punitive justice system to begin with, like the court says you need to punish first rather than healing.”

There was a thorough discussion about the mistrust of the police and the impact this would have on participants’ willingness to engage in Restorative Justice if they were first approached to do so by a police officer:

“It’s just because from decades ago, police had that power and ‘cause that’s been run like that there’s no respect and I don’t trust them offering anything.”

“The communication really is lacking. If they spoke they might get somewhere actually, but some of them just speak, speak and not listen to you, let’s be real. It’s a lack of respect, lack of knowing what they’re doing and how you’re dealing with [the] situation.”

Two participants who self-identified as Black British stated:

“I’ve noticed that there’s a difference in the way the police treat you based on gender. [...] Like if you’re a male, are you perceived as being aggressive in your communication style when if you’re a woman you may not be held up to the same standard.”

“I feel like size really affects you, especially [if] they treat you differently if you’re a big black man, you’re seen as a massive threat, for example [...] I don’t like want that judgement.”

The Restorative Justice Service Provider survey responses echoed the issue around mistrust of services, stating:

“Although we are an independent organisation, being associated with the CJS and therefore the police, can be a barrier to building trust. Similarly, the rate of

referrals is disproportionately white British clients, which suggests that our service is not being offered consistently across services in [certain areas].”

“Raising awareness in other organisations, through talks and information sharing meetings, could potentially be a good way to begin building relationships across the sector within [the area].”

There is still a lot of work to be done to build up trust between communities and statutory services, particularly Police Forces, to streamline the ways in which people access information about and opportunities to engage in Restorative Justice to ensure consistency and equity. We believe that it is really important that people have an option to hear about RJ from independent trained RJ providers and that if a young adult is interested they can have the option to talk to them and find out more. This mirrors Why me?’s call for victims of crime to have the option to find out about RJ from an independent third party as they may not wish to talk to the police due to distrust and fear.

Role models with lived experience of Restorative Justice

While Why me? has a number of ambassadors who have engaged in Restorative Justice as a victim, there is a distinct lack of offenders who offer to discuss their own experience of Restorative Justice.

The focus group respondents felt that role models - an offender who could explain their experience of the process when they took part in Restorative Justice - could help to break down any potential barriers. They said they would strongly welcome the opportunity to hear more from people who have been through it. They wanted to be able to hear other prisoners who have experienced Restorative Justice discuss their positive outcomes.

However, in focus group 1 it was suggested that the masculine culture within custodial settings may be a barrier to hearing first-hand accounts. One young adult thought that “in prison, if you’ve been through Restorative Justice, prisoners wouldn’t say anything about it due to image.”

The ‘culture’ barrier was also discussed in terms of embedding Restorative Justice within the ethos of youth justice. Respondents explained that “Restorative Justice [is] a mindset”. This ‘mindset’/embedding Restorative

Justice in the culture of Youth Justice Services and Young Offender Institutions requires “hearing from someone who has been through [it]”.

Particularly for young adults in custody, having examples of offenders who have had positive experiences of a restorative process would have significantly increased their likelihood of engaging in Restorative Justice themselves. Across all the interview and focus group participants, the consensus was that the preferred method of Restorative Justice would be a face-to-face meeting.

Therefore, the availability of real-world examples to act as case studies needs to be more accessible for everyone, including those in custody.

Policy recommendations

Implementing the following recommendations will increase access to Restorative Justice for young adults. For all our policy recommendations, it is imperative that the needs of racially minoritised people need to be taken into account when designing and implementing policy and services. Many of these recommendations are echoed in the Summer 2021 Restorative Justice Inquiry conducted by the [All-Party Parliamentary Group on Restorative Justice](#) for which Why me? Is an Advisory Board member.

1. His Majesty’s Prison and Probation Service should consult with stakeholders to develop guidance on how Restorative Justice can be implemented for young adults, people on probation and /in prison and invest in development of targeted information for this age-group and taking into account specific needs arising from race and gender.
2. His Majesty’s Prison and Probation Service should invest in two pilot YOIs to develop co-commissioning models and referral routes to their relevant PCC-funded Restorative Justice services.
3. His Majesty’s Prison and Probation Service should consult with the Restorative Justice sector and with organisations working with black and ethnic minority young adults to revise the Restorative Practice Policy Framework to support the delivery of Restorative Justice in prisons and probation and to ensure that race and gender are taken into account.

4. Regional Probation Directors and prison governors should consider Restorative Justice as a recommended intervention, using Why me?'s Economic Evaluation model to understand the cost-benefit for their commissioned services.
5. His Majesty's Inspectorate of Prisons and His Majesty's Inspectorate of Probation should update the inspectorate criteria for Youth Offender Institutions and Probation services to include the provision of Restorative Justice and conduct a thematic review on Restorative Justice across the prison estate.
6. The Ministry of Justice's Out of Court Disposal guidance to accompany the Policing Crime, Sentencing and Courts Act, should take into account the specific needs of young adults as outlined in this report.
7. The Ministry of Justice should publish a National Action Plan on Restorative Justice to improve national coordination and oversight of provisions for victims and offenders, championed by a dedicated Minister.
8. The Ministry of Justice should introduce a ring-fenced Restorative Justice budget, separate from the Victims' Grant to ensure financial sustainability for Restorative Justice services and equal access for victims and offenders nationally.
9. The Ministry of Justice should design, develop and embed a National Reporting Framework to improve access to Restorative Justice interventions across England and Wales.

Conclusion

Restorative Justice is a smart investment for HMPPS because:

- It can reduce reoffending. As a tried and tested, trauma-informed approach, Restorative Justice helps young adults to recover and move on, acknowledging the harm they have done but also the harm which has been done to them in their lives.
- Restorative Justice is cost-effective, as demonstrated by Why me?'s economic evaluation research which showed that £14 is saved for every £1 invested.
- It can help all those affected by crime to move on with their lives.

We encourage and invite all professionals and organisations working with young adults to engage with this report and our policy recommendations.