Written evidence from the University of Hertfordshire

About the University of Hertfordshire

The University of Hertfordshire is the UK’s leading business-facing university. It is innovative and enterprising and challenges individuals and organisations to excel. We educate students from a wide range of backgrounds and from all over the world. With a student community of 25,300 including 2,800 overseas students from 100 different countries, the University has a global network of over 195,000 alumni.

The University of Hertfordshire’s modern, award-winning campus is an exciting and secure environment in which our students can live and learn. Outstanding research in emerging fields adds to the sense of enquiry we encourage in our students. We are one of the region’s largest employers with 2,700 staff and a turnover of over £250 million.

Written evidence from the School of Law, University of Hertfordshire

The School of Law at University of Hertfordshire is working with the Office of the Police and Crime Commissioner for Hertfordshire (OPCC) to implement an innovative and evidence-based restorative justice strategy across the region. The School welcomes the opportunity to submit written evidence to this inquiry on how the effectiveness of restorative justice programmes nationally can be maximised, based on its own research findings. The School’s restorative justice research programme lead, Dr Chamu Kuppuswamy, Senior Lecturer in Law, would be very happy to discuss this submission in greater detail and give oral evidence to the inquiry.

Executive Summary

- According to research, practitioners say current models of restorative justice provision are offender-centred and victims only play a peripheral part in the process; the successful transition to victim-centred restorative justice – in line with the new EU Victims Directive – demands new ideas and processes at the local level.
- Embedding restorative justice in the criminal justice system relies on strong local community partnerships and information sharing between all agencies; no single agency should take the exclusive lead.
- Establishing regional restorative justice ‘Centres of Excellence’ is integral to the successful delivery of restorative justice programmes; a new Centre for Restorative Justice (CeRJ) at the University of Hertfordshire will share knowledge, facilities, services and new principled approaches to restorative justice.
- Locating the Centre of Excellence at an academic institution meets the need for an independent and neutral venue capable of building trust and confidence in the restorative justice process among practitioners, volunteers, victims and offenders, and developing restorative practices in the long term.
- Effective restorative justice requires the creation of the role of Restorative Justice Coordinator; based at the Centre of Excellence, the Coordinator is tasked with developing strong partnerships between key agencies to support the expansion of restorative justice regionally through implementation of pilots and pathfinder projects.
- Current methods of evaluating the impact of restorative justice are inadequate and inconsistent; a more holistic, formalised and rigorous approach is required.
- Training offered to restorative justice practitioners is basic and limited, and can lead to poor interventions; funding is needed to ensure staff and volunteers can meet rising demand for restorative justice and that a minimum standard of accreditation is attained. Legal practitioners and law students in particular benefit from alternative dispute resolution skills and training.
Lessons learned from the joint initiative between the University of Hertfordshire and the OPPC for Hertfordshire can be applied to restorative justice delivery in other areas of the UK.

1. About the School of Law at University of Hertfordshire and its Restorative Justice Research Programme

1.1 The University of Hertfordshire’s Law School is one of the largest law schools in the country. Facilities include a full-scale courtroom with public gallery and the purpose-built Hertfordshire Mediation Centre, which launched in 2014 and acts as a regional hub for training mediators.

1.2 The Police and Crime Commissioner for Hertfordshire (PCC) is using funding from the Ministry of Justice to set out a vision for the delivery of a restorative justice programme across Hertfordshire, which is victim-centred and equally accessible to all, at all stages of the criminal justice system. It is intended to bring about a step change in services for victims in line with the requirements of the EU Victims Directive, which came into force in the UK in November 2015.

1.3 Working with the School of Law at the University of Hertfordshire, the PCC has developed a delivery model for a consistent and coherent framework of victim-focused restorative justice in Hertfordshire, which is evidence-based and principled.

1.4 Academics at the School of Law, led by Dr Chamu Kuppuswamy, have carried out research into how an effective restorative justice programme could be delivered across Hertfordshire. Through their findings, they prepared this report – Restorative Justice Strategy for Hertfordshire 2015-2018 – in collaboration with the OPCC for Hertfordshire. Kevin McGetrick, the victims’ services commissioner for Hertfordshire PCCs is driving the collaboration.

1.5 The strategy is currently being implemented in Hertfordshire and academics at the School of Law are evaluating its progress. The strategy is being actively managed and continuously developed by the newly established Centre for Restorative Justice (CeRJ) based at the University of Hertfordshire.

2. Aims and objectives of the Hertfordshire restorative justice research initiative

2.1 The aim of the collaboration between the University and the PCC is to develop a cohesive, connected and countywide restorative justice strategy for Hertfordshire that works for victims, through research, analysis and consultation on restorative theory and practice.

2.2 The objective is to enable the development of a jointly owned PCC, Constabulary and Community Restorative Approaches strategy, and a delivery mechanism that ensures restorative justice is made available at every stage in the criminal justice process. It will provide recommendations for the Commissioner on how generic victim services and restorative justice interventions should be aligned to ensure an integrated pathway for victims.

2.3 It is believed that a formalised strategy would assist criminal justice practitioners, as well as local communities, to engage more effectively in proportionate and victim-centric approaches that can repair the harm that crime causes to victims and communities.
2.4 Our restorative justice programme aims to deliver, in the immediate term, the following initiatives that have flowed directly from our overarching strategy and are informed by mixed method research findings.

2.5 Community Resolution ‘Restorative Justice apology’ pathfinder:
Running from December 2015 to February 2016, a pilot for community remedy in Hertfordshire has incorporated a ‘restorative apology’ element that police officers will offer instead of a written or verbal apology. The pilot will be evaluated by CeRJ, and the results will be reported and incorporated into practice.

2.6 Incorporating the Choices and Consequences programme (C2) into restorative justice interventions:
The C2 programme, run by Hertfordshire Constabulary, aims to offer prolific criminals a realistic opportunity to break free from the cycle of crime. The programme is adopting restorative justice as a recommended option for offenders. CeRJ will run the referral and service delivery system.

2.7 Pre-sentence restorative justice pilot:
A much tougher pilot to implement is the pre-sentence pilot in courts in Hertfordshire. CeRJ researchers are currently putting a case together to enable judges to adjourn post-conviction, to allow restorative justice to take place.

2.8 Restorative justice awareness and information:
The University hosted a well-attended series of events to mark Restorative Justice Week in November, 2015. Upcoming events include EU Victims’ Day (22 February, 2016), which in Hertfordshire is being organised as Victims’ Week (22-26 February, 2016) and the annual strategy review conference on March 23.

3. Key research findings from scoping studies on restorative justice in Hertfordshire

3.1 The final restorative justice strategy was informed by three research studies conducted over a ten-month period from May 2014 to February 2015: a scoping study by Restorative Solutions; a study by Sheffield Hallam University that mapped restorative justice provision in Hertfordshire; a strategic scoping study by the University of Hertfordshire, which included semi-structured interviews with senior managers from criminal justice agencies across the county.

3.2 Research showed practitioners strongly believe there is potential for greater use of restorative justice in everyday practice. They felt victims should be able to self-refer to agencies for restorative justice interventions and called for increased levels of funding to recruit dedicated workers as part of a formalised system for restorative justice referral.

3.3 There was a need for a rethink of the current model of restorative justice provision to make it victim-centred, rather than merely being offender-led. Practitioners reported that victims are only a peripheral part of the restorative justice process: they are brought into the process, attend restorative justice conferences but, on occasion, feel alone. They called for measures to foster a greater understanding of victims’ needs, provide them with feedback and updates on the case, and make sure they are given (or directed towards) the support they need.

3.4 It was found that restorative justice activities were undertaken with both adults and young offenders. However work with adult offenders was limited to only certain offences and activities and were too few in number. Restorative justice interventions were very fulfilling and worked well, but took a lot of preparation and time. There were no dedicated funds for
restorative justice so money was redirected from funds that finance other activities (e.g. Youth Offending Teams, Youth Justice Boards, victim units).

3.5 Greater attention should be paid to ensuring locations at which restorative justice interventions are carried out are as neutral as possible in order to win the trust of victims in particular.

3.6 Processes to evaluate the effectiveness of restorative justice programmes were insufficient. Not all providers had formal mechanisms in place to measure or record data. Data was not systematically collected and most of the practitioners had difficulty in providing simple statistics such as the number of interventions undertaken each year, the number of service users willing to participate, the number of people rejecting the offer of interventions, and reasons for rejection.

3.7 Staff undertook training before being involved in restorative justice. However in many cases training was basic and limited to one hour. It was not clear whether the current number of staff would be appropriately skilled or an adequate structure in place as the volume of restorative justice interventions increased.

3.8 Practitioners felt the restorative justice process was lacking in coordination and, in particular, the systematic sharing of information. They felt there was a need for one person who could supervise the whole process, be the first point of contact for service users and practitioners, direct victims to support and coordinate restorative justice activities at the macro-level. This would lessen duplication of service provision across different agencies.

3.9 There were doubts raised over whether the police should perform the role of Restorative Justice Coordinator; both victims and offenders are unlikely to view the police as an independent voice.

3.10 Practitioners were not familiar with the requirements of the EU Victims Directive, which came into effect in November 2015.

3.11 The issue of monitoring and governance of restorative justice practices within Hertfordshire was considered. Participants in the research studies were of the general view that it should be balanced between the OPCC and the Hertfordshire Criminal Justice Board.

4. A new strategy to deliver restorative justice in Hertfordshire – and its relevance for implementing effective restorative justice nationally

4.1 The new restorative justice strategy, created by the University of Hertfordshire and the OPCC for Hertfordshire, is designed to, for the first time, promote a common understanding of the interventions available, and how and when they should be accessed, and establish a process that ensures they are applied consistently.

4.2 No single agency will take the exclusive lead on community-based restorative approaches; it will be a collaborative process. Furthermore, an effective governance mechanism will be established to ensure a fair, balanced and consistent approach to restorative justice provision.

4.3 The OPCC for Hertfordshire is working with the OPCCs for Bedfordshire, Northamptonshire and Cambridgeshire to establish the ‘BeNCH Area Restorative Justice Group’ to develop a joined-up, sustainable and long-term approach to restorative justice, including the sharing of resources.

4.4 Under the new strategy, restorative justice will be ‘victim-centred’. It will include the
following restorative approaches: victim-offender mediation; restorative conferencing; family group conferencing; community conferencing; community mediation/community justice panels. The fundamental element is the dialogue between the victim and the offender. A prerequisite for entering into restorative justice is that the person who has caused the harm admits responsibility.

4.5 Increasing access to restorative justice is an essential part of the 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 restorative justice and to be referred to services where these exist.

4.6 Victims under the Community Remedy scheme will be offered restorative justice as an option when they choose to seek an apology from the offender. All victims of crime (other than domestic violence, serious sexual assault, attempted murder, trafficking) are to be offered restorative justice pre, during and post sentence. All victims of crimes for which the offender pleads ‘guilty’ are to be proactively offered restorative justice. Victims will be able to request and access restorative justice through their criminal justice contact or direct from the Hertfordshire Victim Care Centre, who will forward cases to the restorative justice centre.

4.7 The Hertfordshire Victim Care Centre and the Restorative Justice Coordinator will play a central role in directing the victims to an appropriate service. In the case of pre-sentence restorative justice, the Restorative Justice Coordinator will take on a proactive role of contacting the victim.

4.8 A newly established Restorative Justice Centre of Excellence – CeRJ – will be based at the School of Law, University Of Hertfordshire. It will act as the hub for the emerging, coordinated restorative justice activities in Hertfordshire, and drive collaborative, multidisciplinary research that seeks to increase the effectiveness of restorative justice delivery nationally and internationally. Locating the Centre at an academic institution meets the need for an independent, neutral venue capable of building trust and confidence in the restorative justice process among practitioners, volunteers, victims and offenders, and is designed to ensure that the overall vision is sustainable.

4.9 The Restorative Justice Co-coordinator will be a full-time position, based at the School of Law, which already hosts the Hertfordshire Mediation Centre in its Law Court Building. His/her main remit will be to establish and maintain strong partnership links on a local basis with all identified key agencies to fully support the promotion and expansion of restorative justice services in Hertfordshire. He/she will be involved in identifying potential areas for service development, taking into account local trends and opportunities. He/she will regularly review referrals and outcomes and produce periodic reports.

4.10 Training is essential for volunteers, practitioners, users and facilitators alike, although their needs may be different. CeRJ has designed a suite of training courses to suit these different needs and that meet all six National Restorative Justice Standards.

4.11 Pilot projects being run under the new strategy will provide opportunities to communicate the benefits and outcomes of restorative justice to the media and the general public. An annual restorative justice conference at the University will encourage best practice and give practitioners, agencies and users an opportunity to share ideas and experiences.

5. Next steps

5.1 The Restorative Justice Strategy for Hertfordshire 2015 - 2018 is a living document, and will be modified and adapted as the strategy evolves through dialogue, consultation, research and evaluation.
5.2 As partnerships and processes for delivery of adult restorative justice in Hertfordshire are still evolving, there are a number of variables that need to be tried and tested before a fully functional ‘end-to-end’ restorative justice model in Hertfordshire can begin to operate smoothly.

5.3 While specific initiatives can be evaluated in a systematic independent study, there is a need for annual progress reports on the implementation of the strategy. This will be delivered at the annual restorative justice conference.

5.4 New techniques of evaluation will be explored. Using wellbeing measures to evaluate restorative justice is an emerging field of research. Restorative justice working groups will consider incorporating wellbeing measures into the evaluation process. The All-Party Parliamentary Group on Wellbeing Economics recommends that “new policy should be routinely assessed for its impacts on wellbeing”.

5.5 Initial funding for this restorative justice initiative is provided through the Ministry of Justice Victims Commissioning Grant. However, the Restorative Justice Centre of Excellence will seek to access pooled funding from participating agencies and wider sources.

January 2015