Written evidence from Avon and Somerset Office of the Police and Crime Commissioner

Background

1. Avon and Somerset Restorative Partnership is an initiative led by the Office of the Police and Crime Commissioner and Avon and Somerset Constabulary. In Avon and Somerset there has been development to increase RJ capacity and take up across the area. This has included commissioning external providers to deliver RJ. The vision in Avon and Somerset is to provide best practice RJ to all victims of crime and anti-social behaviour at any stage of the criminal justice process.

Summary

2. The OPCC welcomes the opportunity to make this submission to the inquiry by the Justice Committee on Restorative Justice, to help provide a comprehensive picture of restorative justice.

3. Avon and Somerset OPCC has made an investment of over £300,000 in structured RJ delivery to enable victims of crime and anti-social behaviour to benefit from a simpler and more accessible RJ service. There is varying engagement among PCCs nationally. The action plan requests all victims have access to RJ irrespective of their location. A&S OPCC is aware there are areas where there has not been similar investment made or a service model created. Therefore this is not being met nationally.

4. The Victim and Witness Care Unit in A&S can ensure RJ is available to all victims of crime and ASB. By providing the funding to PCC areas Government has encouraged the roll out of their vision for good quality, victim-focused RJ to be available at all stages of the criminal justice system. In A&S the investment of the full amount allocated for RJ has been used to ensure victims have equal access to RJ at all stages of the CJS, whatever the age of the offender or offence committed against them. However, the funding has not yet resulted in a large number of cases.

5. Victims in Avon and Somerset can feel safe engaging with an effectively and efficiently run RJ model whilst on their journey of recovery. In Avon and Somerset efforts have been made to ensure the public are aware and understand RJ, its benefits, what it entails and how to access it. A&S adhere to the Victims’ Code which requires the Police to inform victims about restorative justice. However, without funding for a large marketing campaign it is very difficult to raise awareness significantly. People are still cynical, nervous, and confused by the process. A lack of understanding about RJ can result in a lack of confidence and willingness to participate.

6. A&S adheres to the Victim’s Code and the entitlement to receive information on RJ from the police. Under the current Victims’ Code victims of adult offenders are entitled to receive information on restorative justice from the police, including how they could take part. Victims of youth offenders are entitled to be offered the opportunity to participate in it but the Code is clear that for both groups, victim access is dependent on availability in their local area. In A&S these entitlements are
working well though information is offered to those referred to the Victim and Witness Care Unit, occasionally through frontline officers and through public awareness raising.

7. A&S are transparent in their working, support other PCC areas and work closely with the surrounding Forces of Devon and Cornwall, Gloucester and Wiltshire along with those further afield, eg Cambridge and Sussex. Peer reviews have been organised and best practice and processes exchanged. A&S have set up distinct and clear referral systems to show how RJ can be used at each stage of the criminal justice process. Those PCC areas with whom we work with have robust processes in place, though the close working highlights that there are stark differences in the ways that RJ service models are designed and implemented.

8. The introduction of the Community Remedy as a change to Out of Court disposals has not increased the use of RJ. This is interlinked with the national issue of Police Officer’s misunderstanding of Community Resolutions and RJ. Poor education and numerous changes to Out of court Disposals has been a barrier to the use of good quality RJ when dealing with neighbourhood issues. There is a lack of clear responsibilities for officers regarding Out of Court Disposals and RJ.

9. A&S provide good quality RJ which is delivered by trained facilitators going through the RJC accreditation process. Standards make RJ an effective intervention. Ensuring that RJ is delivered well is crucial to protecting victims and offenders. What restorative practitioners do is important and requires specialist knowledge, skills and training. Poorly delivered RJ will not show the same benefits in terms of reducing reoffending and victim satisfaction as RJ that is done well. This means standards are becoming more important. It is therefore essential that there are robust standards for the RJ field and that mechanisms are in place to make sure that those standards are adhered to.

10. For RJ to develop within A&S it has been crucial to develop partnership working. The local landscape of RJ was in pockets of RJ provision; the newly embedded service within the force has been working towards linking these sites up to ensure the force area is receiving consistent RJ and as a partnership we are able to learn from best practice and develop RJ within the local communities. Quarterly RJ steering groups have been developed in 3 key local areas which hold a membership of various key agencies who hold a stake in RJ delivery, this includes; CRC, NPS, various Housing agencies, Education, YOS, Local Council, Policing, the Courts and CPS, Victim Support and many others. This has seen a movement towards better joined up working and the development of a number processes that are to be embedded in day to day working, which aims to increase the offering of RJ.

11. Transforming Rehabilitation changes to the probation services have disrupted provision of RJ. The changes caused an upheaval which has meant that new people in at the NPS or CRCs are not trained in RJ despite the efforts of the NOMs capacity building program. Silo-working and funding-led restrictions have been problematic for CRCs and NPS and despite the provision from A&S OPCC the service is not utilised sufficiently by these agencies.
12. Domestic abuse and sexual offences cases are considered for RJ in Avon and Somerset. This is on a case by case basis. Guidance states that RJ can be appropriate for DA offences which fall within wider familial relationships, such as those cases involving siblings. The College of Policing states that policy does not support the use of RJ for domestic abuse in intimate (current or previous) partner cases. This being the case, guidance is followed and rigorous risk assessments are applied, the RJ is manageable with the resources we have.

13. At present Avon and Somerset invests in a Police Constable to act as post sentence RJ facilitator. This has been beneficial for building relationships with prisons and encouraging NPS and CRC to use RJ. There was a large investment and roll out of the ‘Wait Till Eight’ program to train probation staff in RJ facilitation. This however has been lost with Transforming Rehabilitation. Prisons could deliver RJ themselves or create a supportive environment to enable external agencies to work with offenders while they are in custody. In A&S RJ conferences at a prison have been delayed and cancelled because the prison were unable assist with the organisation of the offender or visits for the victim and facilitators.

14. A&S have been effective in the delivery of RJ across a range of service providers but the take has been low. There needs to be some work around victim engagement and some focus on the estimation of how many people want to take part in RJ. The prison service and NPS are over stretched RJ is being lost. In our area Working Links CRC is considering how several PCC areas are working and how to implement their service for the CRCs. Professionals are the gatekeepers to RJ and can make decisions for victims on whether RJ is right for them or not without even discussing. Engagement work needs to be done with professionals to ensure that victims are able to make informed decisions as to whether RJ is for them.

15. Many victims struggle to see how the process will benefit them even though the service keeps them at the heart. There needs to be more open understanding from professionals around the RJ process and how it can benefit all those involved. Avon and Somerset has seen an increase in take up of RJ by victims over the last year and have delivered some extremely positive outcomes of which can be illustrated by real life case studies. Reoffending rates are beginning to be analysed but the data is in its infancy.

**Recommendations**

1. All police and crime commissioners have been provided with funds, although the take-up has varied between areas.

2. The development of RJ would benefit from a significant public awareness campaign to promote good news stories about RJ. This might include a media action plan that can reach out to the public in various avenues.

3. Public understanding will help to solve the problem of police using RJ incorrectly as community resolutions. Targeted communications directed at professionals about dealing victims should be produced and it is recommended that the MoJ fund training aimed at Police Forces, prison staff, CRC and NPS.
4. There needs to be a continuation of awareness raising of the impact of RJ among PCCs and other police agencies for at least another year. Education and awareness for PCCs and police staff about RJ is essential.

5. To improve victim awareness and access to RJ a ‘victim engagement strategy’ should be produced. To enable continuous input from the public or ‘victims’ a Victims Panel for RJ should be formed to aid the design and implementation of future RJ provision. The outcome of this panel should be to establish the strength of engagement requested from victims and the psychological makeup of those who wish to take part. A true estimation of demand should be established.

6. It is recommended that The MoJ establish guidance on success factors for RJ in PCC regions and they provide expert advice and funding to PCCs to establish RJ partnerships and consistency. To assist understanding of the national landscape an annual independent monitoring report on RJ provision by the PCCs, the National Probation Service and CRCs would benefit all areas and agencies providing RJ. There is a need for a consistent policy for collecting data on RJ interventions that should be developed for use by all CJS organisations and recognised RJ delivery organisations.

7. The Ministry of Justice should continue to fund third sector organisations to address skills and awareness gaps and fund training and awareness courses for victim agencies and working with victims of domestic violence and sex offences.

8. To increase confidence of RJ with the public, PCCs and partner agencies the accreditation of RJ services should be achieved by all agencies delivering Restorative Justice Approaches. A strategy and time frame for the delivery provider to achieve this should be offered and encouraged by the MOJ.

9. Local Officers have voiced a lot of confusion and concern around the differences between Community Resolutions and Restorative Justice which is hindering true RJ being offered. As this is a national problem the MoJ needs to work with the College of Policing to ensure all Officers are re-educated on the processes now including the Community Remedy, which has also added further confusion to Officers delivering Out of Court Disposals.

10. Prisons should been instructed that it is essential that they provide all the necessary support for restorative justice programs to make certain that they are effective.

11. For Countries such as New Zealand, Restorative Justice is embedded in their culture and the majority of the public know exactly what the process involves and how it can benefit all parties. This primarily has come from statutory recognitions of RJ in the formal criminal justice system; various Acts allow for greater recognition and legitimacy in RJ processes. This is something that the UK should be looking to work towards, if RJ is to be a normalised response to crime then there needs to be greater encouragement of the formal CJS to support RJ and integrate it into their decision making.