Written evidence from Restorative Solutions Community Interest Company (CIC)

Introduction

Established in 2004 by Sir Charles Pollard and Nigel Whiskin MBE, Restorative Solutions is a not-for-profit Community Interest Company (CIC). As an organisation we deliver training, services and innovative approaches to a variety of frontline organisations, in order to enable the use of restorative approaches that are rooted in restorative justice (RJ). We work nationally and locally across England and Wales with organisations to make restorative approaches accessible to all.

Restorative Solutions works closely with Government, local commissioners and other voluntary and community sector organisations. We are currently working with 14 Police and Crime Commissioners and have experience of delivering RJ at all stages of the criminal justice system, including with Neighbourhood Justice Panels, Out of Court Disposals, Secure Establishments as well as both Pre- and Post-Sentence RJ.

Executive Summary

We remain enthusiastic about supporting the delivery of the Government’s Restorative Justice Plan. However, we believe that there remain significant challenges that need to be overcome in order to make coherent and community-based restorative justice services accessible to victims and offenders across the country.

Our key recommendations for achieving this are:

a) The Government must work to raise awareness and understanding of RJ. Restorative Solutions has had significant success in raising awareness and understanding through use of our ‘Let Me Explain’ RJ marketing tool kit.
b) The MoJ should take a greater role in monitoring the commissioning of RJ and set specific parameters for local commissioners of services.
c) Any future Victims’ Law should mandate the referral of all victims to a local RJ service provider.
d) A more joined up approach is necessary for government-funded RJ services across the entire CJS, from Community Remedy and Out of Court Disposals, through to Post-Sentence RJ.
e) The Government should actively explore the significant cost savings that could be achieved through commissioning the use of restorative approaches across the broad range of public services.

Response to Specific Issues Highlighted By the Committee

Progress made by the Government in implementing the Restorative Justice Action Plan 2014, including any changes that have been made to this plan.

Restorative Solutions worked closely with Government in advance of publication of the Restorative Justice Plan in November 2012. This action plan was updated in 2014, and Restorative Solutions has worked to actively support the framework through designing and delivering RJ services in areas across the country. Our Chief Executive is a member of the MoJ Experts Group.
**Awareness and understanding**

The Action Plan set out a framework from which victim-focused RJ can be effectively developed. However, our experience has been that a lack of awareness and understanding of RJ, particularly amongst victims, those working in the criminal justice system, and local community support organisations, has hampered progress.

We believe that this could be addressed by the Government undertaking a campaign to raise awareness of RJ and the benefits it can deliver to victims, offenders and to the institutions across the criminal justice system in general. In addition, this campaign could also signpost victims and their families and friends to RJ services available locally.

Restorative Solutions has created a marketing tool kit which we call ‘Let Me Explain’. A brief overview, taken from the Restorative Solutions website, is included below:

> “The Let Me Explain marketing tool kit is a set of tools that help to communicate the RJ concept to victims of crime and those close to them.

> The tool kit is filled with advice and materials that you can use to get information about restorative justice into the right hands, at the right time.

> Primarily aimed at providers of a restorative justice service, this tool kit has been designed specifically with communication teams in mind and is there to help you strengthen your engagement with victims.

> When you login to the online tool kit, you will have access to a library of printable materials such as posters, leaflets and adverts. You will also be able to download an extensive range of digital supporting collaterals such as branded email newsletter templates and video content.”

Our experience has shown that the kit has proved effective in raising awareness of RJ in the areas in which we are operating. The kit has also proved useful in that it provides contact information that effectively signposts the availability of RJ practitioners and services locally. We would be delighted if the Government were to use Let Me Explain as the basis for its own toolkit which could be distributed to all PCC areas.

**Equal access to RJ services**

The RJ Action Plan sets out an ambition that all victims will have equal access to RJ at all stages of the CJS regardless of their location. However, the reality is that there are currently large areas of England and Wales where an RJ service is not available to victims.

Where there are RJ services in place, the commissioning often excludes certain offences or victims dependent on the local decision taken by the commissioners of RJ services. This contradicts the victim-focused vision for RJ that the MoJ sets out in its Action Plan. Furthermore, Community Rehabilitation Companies are still at an early stage of organisational development and as a result the RJ capability within the probation sector has become weakened.

We attribute this significant variance to the fact that the guidance on RJ provided to Commissioners by the MoJ is much too broad. Indeed, it is as a result of this guidance that
some Commissioners have chosen not to commission any RJ services at all.

We recommend that:

1) the MoJ should take a greater role in monitoring the commissioning of RJ and set specific parameters for local commissioners of services;

2) the ‘Let Me Explain’ toolkit of resources should be made available to all PCC areas.

**How the entitlements to restorative justice in the Victims’ Code are working, and their implications for any such entitlements in any future Victims’ Law.**

In our work for PCCs we have spoken with victims and also reviewed current local systems and processes to make sure that the maximum number of victims are aware of their entitlements to RJ. There is an improvement in terms of victims being advised of RJ as an option but the effectiveness of this is very much dependent on who is providing the information and how much they understand about RJ.

Where we have trained victim adviser staff and police officers, the referral rates have increased but could be further improved. We have found that if an experienced RJ practitioner has contact with a victim at an early stage, the take-up of RJ increases and it is more likely to result in an RJ intervention.

However, it is clear to us, through the low level of referrals being received by RJ Practitioners from the police, victim services and other CJS organisations that there is still a long way to go when it comes to ensuring that victims of crime fully understand what restorative justice is and that they are entitled to ask questions of the person who harmed them.

The evaluation of the national Pre-Sentence RJ pathfinder programme, designed and managed by Restorative Solutions in 10 Crown Courts across England and Wales over a 12 month period between Spring 2014 and May 2015, highlights both the attraction to and positive benefits to both victims and offenders of the opportunity to engage directly with each other, and with the courts’ process, at this early stage of the criminal justice system.

"Feedback forms completed by victims and offenders who participated in the pathfinder, and evaluation interviews conducted with victims and offenders, present a picture of overwhelming support for pre-sentence RJ among those who participated in it... Pre-sentence restorative justice offers significant benefits to victims and offenders. It can support engagement of both parties with the criminal justice process; provide swift resolution of victims’ questions and fears; and lend a sense of urgency to offenders’ reflections on their behaviour."

The value to participants is clear - “The [RJ] conference itself was ranked 9 or 10 by 77% of respondents, with no one ranking it below seven. 95% of respondents stated that the conference had affected them in a positive way, while all but one (who did not know) said that they would recommend participating in an RJ conference to others.” In particular, victims “strongly indicated that the initiative promoted a sense of active involvement in the criminal justice process ..... For many victims, the most obvious and immediate benefit offered by pre-sentence RJ was that it provided them with answers, sooner rather than later, to their questions about the offence and why or how it had occurred."
The challenge now is to develop processes, which will enable pre-sentence RJ conferences to continue to be on the table as part of end-to-end delivery of RJ, whilst acknowledging the increasing constraints of the courts’ Better Case Management timeliness targets.

The full evaluation report can be found here (please note you will need to register on the forum in order to download the document): http://www.restorativeforum.org.uk/forum/national-forum-for-restorative-justice/academic-research/1994-pre-sentence-rj-pathfinders-evaluation-to-may-2015

In our view, there are four essential supporting measures to make the entitlements to RJ for victims meaningful:

- It should be made mandatory for all victims to speak with an RJ practitioner;
- instant sharing and referral of victim details to an RJ Service/Practitioners;
- options for RJ interventions are set out to all victims at a pace that suits them;
- information on the number of victims referred to RJ services and the outcomes published locally.

Our key recommendation for improving access to RJ for victims is that any future Victims’ Law should mandate the compulsory referral of all victims to a local RJ service provider.

The impact and effectiveness of the National Offender Management Service’s restorative justice programme to promote the development of victim-offender conferencing.

We delivered the NOMS Restorative Justice Capacity Building Programme which commenced in June 2012 and ran for over 2 years. The full evaluation by ICPR can be found on http://www.icpr.org.uk/media/39384/Final%20RJ%20Report%20-%202015.pdf.

Our experience of delivering the RJ capacity building programme was undertaken in a period of considerable change, with the introduction of Transforming Rehabilitation. In summary, the programme highlighted the need for positive leadership at every level. It is also clear that systems for RJ need to be simple, robust and properly funded. There also needs to be recognition that service to victims is everyone’s responsibility - not simply ‘victim workers’.

We identified a number of conditions for effective RJ implementation. These include the need for:

- Effective local planning in advance of any capacity building training to ensure skills are quickly put into practice;
- Early identification and engagement of key stakeholders;
- Careful selection of individuals who have the capacity, aptitude and enthusiasm for the facilitator and RJ operational lead role;
- Early recognition of the complexity of the intervention and appropriate planning to mitigate possible difficulties (linked to supervision and peer support);
- A culture in favour of RJ principles;
- Regular supervision and peer support sessions for facilitators;
- Sufficient resources;
- Presence of a stable policy environment;
- An accessible network of like sites with long-standing implementation and intervention experience to learn from; and
- A persistent and/or creative approach to awareness-raising to gain the buy-in of middle and senior managers and frontline staff.

We are still waiting for the newly formed Community Rehabilitation Companies to begin their RJ service delivery plans. In parallel, we have begun a significant new programme of work to develop a ‘Restorative Prison’ to build on the experience of managing the NOMS RJ Capacity Programme. The impact of the NOMS programme was limited due to reasons we have found to be inherent in other programmes as well such as lack of senior buy-in, low awareness and understanding and challenges with information sharing. These issues can be overcome if there is sufficient senior support within the local NOMS service for RJ and it is integrated into the culture and system of the organisation.

The effectiveness of delivery of restorative justice across the range of service providers and funding arrangements, including provision made by Police and Crime Commissioners, the Prison Service, the National Probation Service, and Community Rehabilitation Companies.

Restorative Justice has a solid research base and we are finding that gradually service providers are beginning to see the benefits of their investment. We know from our programmes that it takes time for RJ to become operationalised and for the various individuals and organisations across the CJS to adopt it and adapt their ways of working to make the delivery effective and efficient.

For example, in the Pre-Sentence RJ pathfinder programme it took a considerable period of time before each service became fully operational. Each of the ten pathfinders operated differently and had to adapt to local systems, processes and priorities. This experience is not unique as in each RJ service or programme we have found there are considerable barriers to implementation. Key lessons we have learned to date are:

- All crimes, no matter how serious should be in scope for RJ
- Direct referral system to RJ services needs to be an automatic process from police and victims services
- High volume of RJ cases undertaken by fully trained RJ facilitators will lead to optimal benefits
- Volunteers have an important contribution to make in delivering RJ services

The effectiveness of agencies and organisations across the CJS in delivering RJ could be improved if there were greater support from the MoJ in setting guidance for information sharing and performance measurement. Currently there is far too much variation in the effectiveness and quality of RJ received by victims due to the inconsistency in RJ delivery services across local areas. There also remains a stubborn confusion in the difference between Community Resolution and Restorative Justice. Additionally, performance indicators within organisations can actively work against the introduction of RJ; for example, Better Case Management (BCM) with very rigid time measures works in direct conflict with the use of RJ and the pre-sentence stage.

We recommend a more joined up approach for government funded RJ services across the entire CJS, from Community Remedy, Out of Court Disposals through to Post-Sentence RJ.
Restorative Justice can provide an effective and efficient intervention within the criminal justice system, both youth and adult. However, there are opportunities beyond the justice sphere to use RJ as an effective early intervention and prevention measure. Restorative Practice in education, housing, health, the workplace as well as community services can provide a powerful means of embedding a culture that resolves conflict and reduces harm. Current commissioning of RJ takes a fairly narrow view of how restorative practice can be utilised – restricting their use largely to the criminal justice system. We take the view that restorative approaches, rooted in the principles of RJ, could deliver significant benefits to a number of other public services.

January 2016