Written evidence from Lambeth Mediation Service

Lambeth Mediation Service is a registered charity, formed in 1989 in the aftermath of the Brixton riots of the 1980s. Its trained volunteer mediators help people to resolve conflict, especially between neighbours; many of these, if not resolved, would be likely to lead to anti-social behaviour or more serious offences. Since each dispute involves at least two households, the number of people who have benefited from the Service runs into thousands. It also provides services in schools, within families and workplaces, and in 2012 became one of the Neighbourhood Justice Panel (NJP) pilot projects.

Executive Summary

♦ We recommend that as Restorative Justice becomes more widely established, the most cost-effective way to make it available to the greatest number of victims and offenders is by trained volunteers, professionally supported and supervised.

♦ The aim should be to establish a mediation / RJ service in every area, which would involve members of local communities and spread knowledge of restorative practices locally, especially in schools. The network should be supervised and supported by a national organisation.

♦ This would not be costly, but stable funding is essential to allow local services to focus and concentrate their work, and not to be preoccupied with finding funds. Current funding arrangements are too complicated.

♦ There is a place for programmes using ‘surrogate’ victims, where the actual victim does not wish to take part or the offender has not been caught.

♦ Relationships with the police and other agencies are developing, but they take time to establish and grow. Results should not be expected too quickly.

♦ A contract for at least 5 years would enable organisations such as ours to develop and extend our work through the local community.

♦ The remit of Neighbourhood Justice Panels should be expanded to include other crimes and post-conviction RJ, for example in prisons.

1. Lambeth Mediation Service welcomes this consultation, and the supportive statements which the Government has made about Restorative Justice. We will make some general
comments and proposals, and then turn to the questions posed.

2. As Restorative Justice becomes increasingly established, the number of victims and offenders who wish to benefit by it is likely to be more than can be handled by paid staff. We recommend that the best way to meet the needs of as many as possible is by the use of trained volunteers, which has the added advantage of involving members of the community. It should be remembered that volunteers need to be recruited, trained, supported and supervised, and this does require professional staff. Research sponsored by the Ministry of Justice has found that restorative justice reduced the frequency of re-offending, leading to £8 in savings to the criminal justice system for every £1 spent on restorative justice. Attempts to make still further savings would be detrimental to the efficiency and quality of the service.

3. We note that Ministry of Justice research found that Neighbourhood Justice Panels (NJPs) could potentially offer efficiency savings for the police by dealing with time-consuming cases swiftly and in a cost-effective way (Turley et al. 2014). The evaluation of the pre-sentence Pathfinder projects found that 'the vast majority of both victims and offenders who participated in pre-sentence RJ reported – in their feedback forms and in interviews with the evaluators – that this had been of significant benefit to them' (Kirby and Jacobson, 2015). From this and other research, and our own experience, we believe that the case for making RJ available in suitable cases has been convincingly made; the key question is: how is it to be delivered?

4. Pathfinder researchers recommend that:
   “National guidance or even direction on RJ may have an important role to play, especially in light of the recurring issues that hamper implementation of RJ of all kinds – particularly issues relating to data-sharing. The development of national guidance on pre-sentence RJ would help local areas to address the specific challenges associated with delivering RJ in the midst of the criminal justice process (ibid., p. 58).”

5. We would put this more strongly: If all victims and offenders are to have the option of a restorative process, there needs to be a local, dedicated RJ/Mediation service in every area, overseen by a national NGO (non-governmental organisation) with regard to service standards and sound governance. There would be community involvement at all levels:
   ♦ supporters of victims and offenders taking part in the restorative process
   ♦ trained lay facilitators
   ♦ management committees with members of the community as well as representatives of voluntary organisations such as Victim Support and statutory agencies such as probation, police, the CPS and the local authority
   ♦ liaison with agencies providing services which are needed by victims to assist their
recovery and by offenders to enable them to make reparation, including community service and programmes designed to reduce re-offending.

6. Services such as Lambeth Mediation Service are assisting with prevention, by a) helping people to resolve disputes before they lead to further harmful or criminal acts; b) diverting some acts which could be treated as criminal from the criminal justice system, with resulting saving in costs; and c) educating the public in restorative ways of resolving conflict, including the use of restorative methods of discipline in schools.

We offer these services at low cost by using volunteers, but they need the support and supervision of an efficient, coherent national structure. Above all, they need stable funding so that they can get on with the job instead of consuming great energy on fundraising. This would enable them to extend these services, increase public awareness and save costs in the criminal justice system.

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

7. We welcome Provisions in the Crime and Courts Act 2013 which make it explicit that the courts can use their existing power to defer sentence post-conviction to allow for RJ activity to take place; and provisions in the Offender Rehabilitation Act 2014 which make it explicit that a rehabilitation activity requirement can include RJ. These are supported by the implementation of the new Victims’ Code in December 2013 which includes, for the first time, a requirement for victims of adult offenders to be provided with information about RJ and to be referred to services where these exist.

How the entitlements to Restorative Justice in the Victims’ Code are working, and their implications for any such entitlements in any future Victims’ Law

8. However, the value of these provisions is seriously undermined by the last three words: ‘where these exist’. Where they do not exist, or have been forced to close through lack of funding, neither victims nor offenders can have the benefit of a restorative process.

9. We note that programmes which involve ‘surrogate’ victims, i.e. a victim of a similar offence, are not included in the definition of restorative justice. Whatever the definition, we believe that there should be support for victims whose offenders are not caught or for any reason do not take part in a restorative process. Support should also be available for offenders who wish to make amends but whose victims cannot or will not participate. The former are to some extent assisted by Victim Support and there should be provision for the latter, possibly through a programme using surrogate victims such as Sycamore Tree.

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.

10. The funding arrangements are simply too complicated. Since the funding all comes from the public purse, we do not see why it should not come from a single budget. We are concerned about the concept of 'effectiveness of delivery': how is this to be measured? It should not be based solely on reconviction rates; other important criteria are victims' satisfaction, reduction in victims' fear of retaliation, victims' and offenders' sense of fairness, among others.

Consultation Questions

11. We have no comments on Questions 1 and 2.

Q3. Which statutory agencies do you effectively work with in order to deliver a restorative justice service, for e.g. national probation service, community rehabilitation companies, police and crime commissioners, prisons?

12. Metropolitan Police and Lambeth Council (Community Safety, Youth Offending Service, Housing) plus other non statutory agencies, such as housing associations.

Q4. How does the relationship with these agencies work in practice?

13. The relationships have taken some time to develop but generally, they are now working very well. The number of referrals from the police was slow to begin with and several Safer Neighbourhood Teams in Lambeth have still never referred cases. Many police officers see their role as largely that of ‘enforcement’ and said they were unsure about where Restorative Justice fits in with their work e.g. types of cases that would be suitable for referral; at which stage in the process they may refer and how this sits with their wider duties and processes etc.

14. This however, very quickly shifts once police teams have some experience of working with us and especially, for those that have been present at an RJ panel meeting. The feedback then has been very positive and police officers have said that it has ‘opened their eyes’ on how they deal with conflict between people as well as the assumptions they make about incidents reported to them.

15. Often police officers have been more positive about the difference made by RJ panels than we ourselves have been in some cases! Complex cases of ongoing feuds between neighbours for instance, where both parties may be victims and harmers, take up an inordinate amount of police time and are rarely resolved by police action. The restorative process on the other hand, is very effective in getting to the heart of the problem and exploring the actual cause of conflict. By opening communications and repairing harm, it goes beyond the presenting tensions and actions. It supports both parties to move on from painful past experiences and empowers them to come to a resolution themselves, which is much more likely to change behaviour.
16. We have developed some strong relationships with police officers who are now very positive about RJ but proper ongoing development, training and marketing are needed to get the entire borough on board. Community Safety at Lambeth Council led on this during the pilot NJP project but continued uncertainty about funding the project has been challenging for both ourselves and the police.

17. In large, bureaucratic, statutory agencies it takes time to shift culture, embed change, develop clear procedures, train and communicate with staff. The police also need time to be able to see the long term impact of RJ and to feel comfortable about referring cases. A two-year pilot is short and by the time officers become properly aware and experienced in the process and benefits of RJ, it may no longer be available.

Q5. What are the barriers to effective restorative justice delivery in your area?

18. Lack of funding, uncertainty about continued funding and short-term delivery contracts are definitely the main challenge.

19. Some of the culture challenges are mentioned above but these could be addressed, where we are given the opportunity to develop the project and work closely with the police.

Q6. What developments/changes would you like to see implemented in order to ensure the effective delivery of restorative justice in your area?

20. A properly funded medium to long-term RJ contract, for a minimum of five years would provide a stable foundation. A contract that is fairly costed to cover a) an experienced, full time member of staff to lead on RJ; b) a thorough programme of ongoing RJ training, development and supervision of volunteers; c) funds to promote RJ widely in the borough with training and support for referrers; events, publicity material and website providing full guidance for referrers and participants and d) fairly contributing to our overhead costs.

21. Lambeth Mediation Service is a not-for-profit, small, community charity, which works with over 60 volunteer mediators and Restorative Justice practitioners. Our overheads are low and we could shape a very effective RJ project for the borough from just £50,000 per annum in addition to our core costs.

22. Stable, longer term funding would allow LMS to properly develop and promote RJ widely across the borough and provide ongoing training for referring agencies such as police officers, the probation service, council officers, social housing providers and other agencies.

23. We would seek to expand the remit of the current NJP project for ‘low level crime and anti-social behaviour’ to include other serious crimes, pre-sentence RJ and post-conviction working with Brixton Prison and other agencies.

References


**Conflict of interest Declaration**

*We declare that to the best of our knowledge and belief no members of the Board of Trustees of Lambeth Mediation Service nor their spouses, partners, immediate family or close friends have any interests which might conflict, or be perceived to conflict, with their duties in connection with the service or with this statement. If our situation should change, we will notify the Ministry of Justice without delay.*

29 January 2016