Written evidence from the Association of Police and Crime Commissioners

1. This submission is made on behalf of the APCC Standing Group on Supporting Victims and Reducing Harm, Chaired by Vera Baird QC, PCC for Northumbria. It does not seek to provide a detailed view of Restorative Justice (RJ) provision in each PCC area and individual PCCs are, of course, free to submit evidence to the Inquiry themselves, should they wish to do so.

2. The submission provides the view of the Standing Group on the four questions raised by the Inquiry, with reference to illustrative examples of practice from some of the PCCs who are also members of the Standing Group.

Executive Summary

3. The Standing Group completely supports the Ministry of Justice’s vision for good quality, victim-focused RJ to be available at all stages of the criminal justice system.

4. Considerable progress is being made by many Police and Crime Commissioners (PCCs) in implementing the vision set out in the Ministry of Justice’s (MOJ’s) Restorative Justice Action Plan and the key actions with-in it. PCCs have a key role to play in the delivery of the plan given their role and their responsibilities for commissioning key victim services and RJ. How they discharge this role, will, of course, vary and reflect how individual PCCs wish to take this forward.

5. Since the MOJ RJ Action Plan was launched in May 2014, PCCs have been given specific funding within the wider Victim Services grant to increase capability and capacity to deliver RJ services to all victims of crime.

6. In assessing the progress made thus far, it is essential that not just the availability of RJ for victims is considered, but, crucially, the quality of any service provision. It must be stressed that good quality restorative interventions are far more important than volumes of cases. Also, while acknowledging the significant potential benefits of RJ in helping victims cope and recover, it must also be borne in mind that a badly run and controlled RJ intervention can have significant adverse consequences for a victim.

7. Equally, while all victims should be offered RJ and no crime type should be excluded from a RJ approach there will be some crime types that can raise particular issues that may make a RJ approach inappropriate in that case. For example, in many cases with victims of domestic violence and abuse the power disparity and the control that has been exercised by the perpetrator takes a long time to overcome and reuniting perpetrator and victim in a restorative justice context risks further victimisation.

8. Given, the progress being made by PCCs in making high quality victim-focused RJ available to all victims at all stages of the criminal justice process, the Standing Group believes that the following would greatly assist PCCs in their commissioning and co-ordination of RJ.
• Best practice – disseminating the emerging best practice on co-ordinating and commissioning high quality Restorative Justice, including best practice on effective partnership working with key partners such as CRCs and NOMs.
• Standards – development of shared, recognised standards that PCCs, and all relevant agencies involved in the commissioning of RJ can work to.
• Embedding right to RJ in Victims Code

9. The Standing Group remain to be convinced of the benefit in placing any requirements in the Victims Code on a statutory basis, or indeed, of introducing any other statutory measures in relation to victims services, including RJ. The focus instead should be on defining and raising standards and disseminating best practice, including through the work of such bodies as the Victims Commissioner, the Restorative Justice Council and, where relevant, HMIC.

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

10. Since the MOJ RJ Action Plan was launched in May 2014, PCCs have been given funding within the wider Victim Services grant to increase capability and capacity to deliver RJ services to all victims of crime. The MoJ Action Plan provided PCCs with a framework to work with when coordinating and commissioning RJ services in their area.

11. The funding given to PCC’s was not ring-fenced and hence it has been at the discretion of PCC’s whether funding was placed in this area of business. As mentioned above, PCCs have taken different approaches to the provision of RJ. Some areas co-ordinate and facilitate access to RJ services, while others have directly commissioned RJ services.

12. Therefore, while good progress has been made, how PCCs have taken this forward will differ. The Standing Group support this approach and believe there should be a flexibility in how PCCs ensure co-ordination and capability locally in the provision of RJ services.

13. While a “one size fits all” approach is not appropriate, nonetheless, there would be merit in setting standards for the delivery of RJ, ensuring that innovative and best practice are shared and providing PCCs with clarity of what is expected from them in terms of their role in ensuring high quality RJ is available to all victims at all stages of the CJ process.

14. A few brief examples are given below which illustrate how some PCCs have taken forward work on RJ in their area.

15. In Northumbria, the PCC has ensured that victims have equal access to RJ at all stages, this is demonstrated throughout the victims journey and is embedded in processes such as the victims needs assessment (police led), victims information
leaflet and overall ongoing offer as part of the cope and recovery plan. The information provided by Victims First Northumbria, the victims referral and coordination hub, is an essential part of the victims journey and in all cases victim care coordinators are fully trained to facilitator level to discuss options with victims at the right time and in many cases then go on to facilitate the RJ intervention. The continuity of support throughout the victim’s journey is a key feature in the building blocks to cope and recover.

16. In Cheshire, for example, Victim Support are currently contracted by the PCC to operate an RJ and mediation hub for the area. The Hub is a point of reference and expertise for all organisations undertaking restorative practices in the area, to ensure high standards and safe practices for victims in particular are achieved. The Hub is also contracted to promote RJ in the local Voluntary Sector and Schools to develop capability and capacity and has achieved the Restorative Service Quality Mark in October 2015. This service is going to be the subject of a tendering exercise beginning in January 2016 which will offer a three year contract, thereby placing it on a much more secure footing.

17. Other funding streams such as the Community Safety Funding and small grants schemes are used in Cheshire to support offender led RJ which includes the Youth Offending Services and prisons, who deal with a higher volumes. In the Youth Services every victim of a young offender is offered a restorative solution unless this is clearly inappropriate. The four prisons in Cheshire run RJ courses where 15-20 detainees attend each course.

18. In Sussex the funding provide by the MOJ has been used to build a RJ service which is now available to all victims of crime. In Sussex, Victim Support are commissioned in partnership with others, to provide RJ information to all victims of crime as part of their initial needs assessment. When victims’ details are transferred to Victim Support, victims are contacted by staff within the Victim Assessment Referral Centre (VARC). As part of the integral service and options offered to victims RJ is explained along with other interventions and services. If a victim indicates an interest, they are then contacted by an RJ specific point of contact (SPOC) within Victim support who explores initially whether their circumstances & case is appropriate. This approach has turned the service into a true victim-led service with victims being provided with a choice. It is also appreciated that victims may be at different stages of recovery and additionally, each victim is followed up 14 days later to make a re-assessment and remind them of the RJ services available.

19. Cambridgeshire PCC has developed a multi-agency virtual RJ Hub which uses a single point of contact. The devolution of the funding for victims services has allowed Cambridgeshire to develop a bespoke model which integrates with the model of victim support services. This ensures there is no duplication of contact or issues with data sharing and support is easily available post conference. Each victim of crime receives a letter setting out their entitlements – the RJ offer is included within that. Victim Care Co-coordinators also mention RJ within their conversations with victims. A significant awareness training programme, driven by a DCI dedicated to embedding RJ into the organisation, has also enabled this message to be given by
those members of the Constabulary carrying out the Initial Victims Needs Assessments when a crime is reported.

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

20. The Standing Group believes that while victims are receiving their entitlements under the Victims Code in respect of Restorative Justice, that these entitlements need to be strengthened to help achieve the MOJ’s vision for good quality, victim-focused restorative justice to be available at all stages of the criminal justice system.

21. The present entitlement under the Victims Code for adult offenders is simply to receive information. The Victims Code states that

“you are entitled to receive information on Restorative Justice from the police or other organisation that delivers Restorative Justice services for victims in your area, including how you could take part. This depends on what Restorative Justice services are provided in your local area.”

22. The entitlements in respect of Restorative Justice are stronger for victims of youth crime (although the entitlement to RJ is dependent on it being available).

“If the offender is under the age of 18, you are entitled to be offered the opportunity by the Youth Offending Team in your area to participate in Restorative Justice where appropriate and available.”

23. There is, at present, a disconnect between the MOJ’s vision for good quality, victim-focused restorative justice to be available at all stages of the criminal justice system, and the victims’ entitlements to RJ in the Victims Code. There is a case therefore for looking again at the RJ entitlements in the Victims Code.

24. On a more general note, it is difficult to see, however, what would be achieved by putting existing (or any new) entitlements under the Victims Code on a statutory basis. The Standing Group believe that the focus should be on delivering high quality services for victims (including RJ) and that the focus should be on ensuring standards of service provision. It is not clear that putting the Victims Code on a statutory footing would help to achieve this.

25. If entitlements under the Victims Code were put on a statutory footing this also raises a number of questions. What would be the mechanism for investigating breaches reported by victims? How would agencies be ‘reprimanded’ for breaches of the Code? Would Code breaches create a liability to litigation? What would the respective positions be for both the service provider and the service commissioner? Also, tracking code compliance can be challenging and we must guard against any legislation placing onerous responsibilities on agencies or commissioners to collate data.

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1 P.35, Code of Practice for Victims of Crime, October 2015
2 ibid
26. The Standing Group believe that victims should be at the heart of the criminal justice system and that PCCs have a key role in this. Many of the issues, however, that impact most directly on victims are those relating to CJS efficiency and are outside the scope of the Victims Code, and, indeed, service provision for victims. Examples are the long delays in listing cases (particularly sexual offences) or the repeated adjournment of cases.

27. Rather than legislating, there is more that can be done by the MOJ to help PCCs (and others) ensure high quality RJ is available at all stages of the criminal justice process. These include the provision of clear standards for those commissioning and delivering RJ. If the Ministry of Justice Grant Agreements specified a common minimum standard for RJ provision this would help provide a consistency of service across the country. Also, the dissemination of best practice (perhaps through bodies such as the Restorative Justice Council, the Victims’ Commissioner and, where relevant, HMIC) would greatly assist those co-ordinating and commissioning RJ. Finally, and, as detailed above, strengthening the entitlements of victims to RJ in the Victims Code.

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

28. We are unable to comprehensively provide a view on the effectiveness of individual programmes delivered by the National Offender Management Services – but fully endorse the need to work closely with partner agencies to deliver real change, maximise opportunities and deliver real improved outcomes for victims with regards to restorative justice.

29. We are aware that while the NOMS Commissioning Intentions document directs prison governors to deliver RJ - there is a question about the level of staffing and resource that prisons can allocate to this. For example, in Sussex, this has led to the role of prison governors largely being to allow access to the estate and providing prison procedural training to RJ facilitators.

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.

30. Effective partnership working across all relevant agencies and service providers is fundamental to the co-ordinated delivery of high quality RJ across the whole of the CJ process and below are a few examples of how PCCs are taking this forward.

31. While there are numerous examples of PCCs leading inter-agency working to ensure a co-ordinated approach to RJ at a local level, the Standing Group is also aware that some areas have had more success than others in terms of engaging with CRCs around the RJ agenda.
32. To drive Northumbria’s vision for a ‘Restorative Northumbria’ forward, the PCC established a steering group that comprises of strategic leads from key responsible organisations such as the police, National Probation Service, Youth Offending Teams, Victims First Northumbria, prisons and the Community Rehabilitation Company. The steering group has played a pivotal role in the shaping of restorative justice provision across the area and also the drive towards the achievement of the restorative quality mark as individual organisations but on a joint trajectory. This vision and commitment to joint working has led to joint partner conferences, information sharing agreements, joint working practices, protocols and referral process. All of which have led to the overall embedding of restorative justice in Northumbria as a truly partner led concept.

33. Northumbria have also embarked on a joint initiative between Victims First Northumbria, their victim referral and coordination hub and our local Community Rehabilitation Company. Co-location of key staff will benefit both organisations and help to:

- Standardise RJ approaches across Northumbria and enrich quality
- Enhance the ethos of VFN Northumbria as the one stop shop for victim services
- Sharing of information between agencies providing the best chance of securing a positive RJ outcome
- Amalgamate offender led and victim led processes

34. Cheshire have a RJ Hub which includes a mediation service for those occasions when the lines between victim and offender are less clear. This is totally funded by the PCC, but all the CJ partners including the four local prisons sit on the Steering Group (a sub group of the Cheshire Criminal Justice Board).

35. The Sussex RJ partnership works under the governance of the Sussex Criminal Justice Board which is chaired by the PCC Katy Bourne. A new Sussex RJ Partnership has been constituted and currently has 26 participating agencies including the NPS, CRC and Prisons. Whilst the bulk of the resources to deliver RJ within the partnership is currently funded by the PCC, work is ongoing to encourage these agencies to adopt greater responsibility. The delivery model in Sussex is through three multi-agency RJ Hubs located at Brighton, Bexhill and Bognor. These are staffed by personnel from the police and victim support. Additionally, Sussex Pathways (a local charitable agency working within the prisons) is commissioned to facilitate delivery of RJ within the secure establishments i.e. Lewes and Rochester prisons. Within the funding formula over 50 facilitators are managed through the partnership allowing a varied and diverse work force available to be deployed.

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