Written evidence from Surrey County Council

Executive Summary

- The full potential of Restorative Justice will only be realised through criminal justice transformation that puts restorative principles, values and practice centre stage.
- Surrey’s youth justice transformation provides encouragement that this is not only achievable but it can also deliver significantly improved outcomes.
- Our Justice Transformation as part of the Public Service Transformation Network will test this approach across the adult system.
- Restorative justice implemented and integrated at the heart of a remoulded justice system can deliver improved customer and public confidence, reduce demand and costs, reduce delay and improve the efficiency and quality of justice for all involved.

Introduction

1. Surrey County Council welcomes the opportunity to provide this submission to the Restorative Justice Parliamentary Inquiry.

2. Restorative justice has been integral to the transformation of youth justice in Surrey. Transforming Justice, a key area in Surrey’s public service transformation programme Working Together, is working to improve the experience of justice for all those affected by crime (victims, offenders and the wider community), not just in the youth arena.

3. Surrey County Council has committed to restorative practice development not only in the criminal justice arena (Restorative Justice) but also in wider service delivery (e.g. restorative care) and within the organisation itself (restorative ‘organisational culture’ and ‘restorative HR’). Surrey County Council has enjoyed particular success in the implementation of restorative justice in the youth justice arena by embedding RJ as an integral part of whole youth justice transformation. Surrey’s approach to youth justice is recognised as amongst the best performing in the country and likely to heavily influence the current Youth Justice Review. This has inspired Surrey’s ambition to further embed restorative justice as an integral part of Justice Transformation under the umbrella of the Public Service Transformation Network.

4. It is the view of Surrey County Council that the approach to RJ implementation most able to deliver safe, high quality, sustainable and affordable benefits to the public is by way of justice transformation that puts people first, provides a qualitatively different (more inclusive/restorative) experience for all victims and witnesses, responds in a more bespoke (and restorative) manner to those who offend and their rehabilitation, promotes positive evidence led problem-solving, reduces time from offence to resolution, increases public and victim confidence, reduces costs of criminal justice and provides better value for money.
Restorative principles in Surrey

5. Restorative Justice means different things to different people. In Surrey, rather than limit ‘restorative’ to justice, victims and offenders we have been cultivating a mindset and practice that promotes a presumption of ‘restorativeness’ in the way we ALL engage as professionals and volunteers, agencies and services, in relationship building (and repairing when things go wrong) in our approaches not only to formal criminal justice but in the delivery of ALL of our services. Furthermore, we have invested in the principles and practice of ‘restorativeness’ in promoting healthy and mutually respectful relationships within our workplaces and in how we work together as agencies in partnership. We believe that this context of restorative environment and culture has been critical to our achievements to date, and vital to ensuring that restorative justice can thrive and deliver its full potential going forward.

6. Restorative justice within Surrey County Council focuses on the pro-active application of restorative principles in preventing offending as well as repairing harm after the event. Prevention and early diversion has been an important element of Surrey’s over-arching restorative justice strategy.

7. Restorative transformation has not been limited to the criminal justice system. Our investment in restorative practice and culture in health, education, care and accommodation environments has, of itself, reduced demand for criminal justice services and represents better value than waiting to intervene at a later stage.

Surrey’s youth justice system

8. Investment in restorative justice has transformed the youth justice system in Surrey. Victims and offenders have an improved experience of justice and reliance on the formal justice system (and associated costs) have significantly reduced.

9. Our achievements are recognised by Charlie Taylor as a potential ‘blue print’ for national youth justice reform as part of his Youth Justice Review. The visit to Surrey by Michael Gove in December 2015 offered further endorsement of the Surrey approach.

10. A major feature of the transformation of youth justice has been the development of our so called Youth Restorative Intervention (YRI) – a restorative informal out of court disposal developed in partnership between Surrey County Council and Surrey Police.

11. The Youth Restorative Intervention has significantly contributed to a changed local youth justice landscape and significantly improved outcomes outlined in the independent evaluation (2014) including:

- High levels of participant satisfaction (85% victims, 91% Offenders)
- 18% reduction in re-offending
- 65% reduction in FTE’s (First time Entrants)
- £3 saving to the wider system for every £1 invested
12. The restorative transformation of Surrey’s youth justice system has also led to significantly improved outcomes for our children in care. The number of Surrey Children in Care featuring in the criminal justice system has fallen year on year for the last six years. This has attracted particular interest from the current Lord Laming Review (Prison Reform Trust) *Keeping children in care out of trouble* which recognises our investment in ‘restorative care’ to better support carers in their support of upbringing of children (with reducing reliance on sanction-based behaviour management). This reduces the likelihood of problematic behaviour and the need to involve police (prevention). When the police do get involved that decision-making is multi-agency and with a commitment to avoiding formal criminal justice outcomes wherever possible (diversion).

13. Surrey Youth Support Service was awarded the restorative services quality mark (RSQM) in 2015 by the Restorative Justice Council. This was a significant achievement given the scale of our application (RSQM status is not limited to a restorative justice specialist service that sits within the YSS but applies to the whole service of approximately 250 staff). This reflects our commitment to both a concept of whole restorative service and restorative practice as a service wide responsibility (not limited to specialists) and our commitment to safety and high quality practice encouraged by government RJ Strategy and Action Plan.

**Public Service Transformation – Transforming Justice**

14. In 2013 Surrey County Council, together with our partners submitted a joint proposal to become part of the Public Service Transformation Network (PSTN). In July 2013, Surrey was one of only nine locations selected to become part of PSTN, together with the four original Community Budget pilot locations. Partners are working through the Working Together programme to transform services and one of the key programmes is Transforming Justice.

15. Transforming Justice is a new approach for integrated working between agencies in the criminal justice system in Surrey, which seeks to reduce offending and reoffending, reducing costs to the police and the criminal justice system. Following on from the success in the transformation in Surrey’s youth justice system, Transforming Justice aims to provide a different and better experience for victims and witnesses of crime. Restorative justice will be integral to the programme offering victims an opportunity to be heard and to have a say in the resolution of offences, and providing an opportunity for offenders to address their offending and repair the harm caused.

16. Transforming Justice will initially focus on women offenders in an incremental build towards a more positive, inclusive and empowering experience of justice for all victims and offenders system wide.

17. Investment in new (restorative) ways of working will be made possible through wider system reform and associated demand reduction and cost savings.

**National RJ Strategy and local justice transformation**
18. So, on the one hand there has been this local context of ambition to strategically transform our local justice arrangements (already well underway in the youth arena) and on the other hand a rather more cautious government Restorative Justice Action Plan (and the associated investment in RJ via the PCC’s RJ money) on the other.

19. The government’s RJ Action Plan has not particularly provided encouragement for whole (restorative) system transformation (as has been a feature of successful examples of RJ implementation in other countries around the world and notably New Zealand and Northern Ireland). Instead the government has taken a more cautious approach which has encouraged a kind of ‘business as usual’ approach to traditional (retributive) justice with some encouragement for us to ‘bolt on’ restorative justice where we can (and particularly where victims want it). In our view, such an approach creates an ideological incoherence both for the public and for those working in the system and makes RJ implementation problematic. Furthermore, it places restorative justice (we believe to be a good thing) at potential risk of being seen (by some at least) as a bad thing, evidenced by the difficulties associated with implementation.

20. Commissioners will be understandably nervous about the longer term sustainability of newly established restorative justice services and potentially impatient for evidence that RJ works and delivers measurable benefits for more than just a small number of participants. If we continue to seek to embed restorative justice in an otherwise non restorative criminal justice system then the full potential of RJ will not be adequately understood, recognised or embraced. The ideological and procedural dissonance in the system will continue to hinder progress or worse still, encourage some to believe that RJ is a poor investment and not sustainable in a financially challenging environment.

21. In other words we risk finding fault with the quality of the seed for the sun loving plant that fails to flourish when planted in the shade. Furthermore, the sums don’t add up. The formula of criminal justice system ‘business as usual’ plus ‘restorative justice development’ (that is sustainable beyond funding via the PCC’s) in a climate of growing demand and reducing spend does not easily inspire commissioners and partners to believe in RJ potential. The alternative of taking a more radical transformational approach to reform of the justice system described earlier provides a much more conducive environment in which restorative work can become embedded, not so much as an ‘add-on’, but as an integral part of the justice experience for all concerned, and where the public and criminal justice agencies can work together, to build confidence in restorative justice, to reduce demand for traditional justice services and create savings which can be re-invested in sustainable RJ which is not dependant on short term funding.

22. It appears to us that the Government RJ strategy has ensured that some of the potential of restorative justice is now being realised. Victims and offenders are now far more likely to be able to access restorative justice as never before. We should not underestimate the value of this for the many victims whose lives have been so profoundly impacted by crime and the extent to which only restorative justice has been able to meet their needs. Likewise, the role of offenders in restorative justice goes beyond healing for victims. RJ has been life changing for many offenders who will often testify that RJ has been the catalyst to bring about lasting desistence from further offending.
23. However, the government approach appears to have restricted restorative justice development to a model reliant on ‘referrals’ for RJ to specialist restorative service providers. This keeps Restorative Justice at the margins of the system, not sufficiently trusted or understood by the other parts of the system and associated reluctance around information sharing etc. Furthermore, there have been some complications associated with constraints placed on use of PCC’s RJ money, with an over emphasis on investment in ‘victim’ (and not RJ participants) and some unhelpful confusion linked to the rhetoric which has encouraged some commissioners to believe that ‘victim-led’ and ‘victim initiated’ RJ is legitimate but ‘offender initiated’ RJ is not.

24. The current government strategy will hopefully prove to be an important stepping stone towards a more restorative criminal justice system in the future and contribute towards a more ‘restorative society’. We in Surrey hope to offer further encouragement that such a future is achievable through our Transforming Justice programme. We believe that the best that Restorative Justice has to offer is yet to be fully realised and we need to keep faith and keep going with it if we want the bigger prize of improved customer experience and outcomes, public confidence, reduced costs and better value for money.

**Recommendations**

25. We welcome government support for our local Justice Transformation as part of the Public Service Transformation Network and any opportunities for sharing our learning as we take this forward and hopefully further demonstrate the benefits of implementation of restorative justice at the centre of the justice system as described earlier.

26. Restorative justice implemented and integrated at the heart of a remodelled justice system is, we believe, the most promising way to face the key challenges of building public confidence and trust, reducing demand and costs. We also need to reduce delay and improve the quality and efficiency of formal justice and this can best be achieved through diverting suitable cases into defensible proportionate and restorative informal justice resolutions that themselves deliver better outcomes in those cases and simultaneously unlog the formal system, speeding up justice and improving the experience of justice for all involved.

27. Surrey would welcome any call to give further evidence to the Inquiry Team.

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