Written evidence from Cornwall & Isles of Scilly Youth Offending Service.

Executive Summary:

- Precis of RJ introduction to justice system
- Summary of positive outcomes for offender and victim
- Rationale that panel process favours young offenders rather than victims and results in low numbers of victims attending panels
- Improved opportunities to extend RJ work at earlier opportunity with victims in youth justice system
- Benefits of LASPO (2012)
- Summary of trained YOS staff

Introductory Paragraph:

I am the Senior Manager of the Cornwall & Isles of Scilly Youth Offending Service (YOS). Established by the Crime and Disorder Act 1998 the Youth Offending Service is responsible for the delivery or commissioning of statutory youth justice services. Committed to the provision of high quality youth justice services, the YOS works in partnership with other services and organisations with the aim of preventing offending and re-offending by children and young people aged 10 – 17 years. The use of restorative justice underlies all interventions hence the submission of these views on the effectiveness of the delivery of restorative justice from the perspective of the Cornwall & the Isles of Scilly Youth Offending Service. It should be noted that there is a significant amount of restorative justice provision throughout the youth justice sector.

Restorative justice approaches were first introduced into the youth justice system through the Crime and Disorder Act 1998 and enacted in 2002 through the delivery of the Referral Order by the youth courts. This was the first time legislation required the invitation of a victim of crime to become involved in the justice process. Indeed, it was heralded as bringing victims ‘centre stage’.

There is no doubt that this opportunity to include victims in the referral order process through the invitation to attend a Youth Offender Panel has resulted in some excellent outcomes for both victim and offender alike. These include victims being able to meet the young offender face to face and explain in detail how the actions of the offender have impacted on their lives, families and communities etc and thus the offender being able to recognise the victims as people – taking away the ‘third party, faceless person’. This has enabled the young person to identify and recognise the harm caused and resulted in a genuine desire to put things right.
From the victim perspective, people have spoken of being able to ‘put their demons away’ having met the young offender and realising that they are not the ‘monsters’ that had imagined them to be, that they had not been ‘targeted’ and watched for months on end prior to the offence being committed as they had imagined. The fear of it happening again is assuaged and thus their vulnerability reduced. Indeed many have identified with the circumstances of the young offender that have contributed to their offending behaviour and have wanted to offer support and guidance for them.

However overall, there have been very low numbers of victims attending panel meetings with by far the majority requesting their views to be represented verbally. This is despite the offer and delivery of coaching for victims, personal support at the youth offender panel and other preparation. This, in my view, demonstrates that in fact youth offender panels were never destined to assist victims but rather the young offender as they were never victim led but established from the offender point of view.

There is a relatively short timescale between an offence being committed and a panel being convened. It is undeniable that the sooner a young offender can be brought through the justice system and a proportionate penalty be delivered the better, to maximise the impact of any intervention (the sooner the medicine delivered the sooner it can take effect) and this is repeatedly supported by research. Research also tells us that a victim has to undergo a process of recovery before being able to resolve their experience and it is known that that process is in fact about the victim going through several stages of recovery including, denial, anger, shock, acceptance and readjustment. Each victim will spend different amounts of time within each stage and cannot engage within a restorative process until such time as they have reached acceptance. Yet the National Standard that all Youth Offending Services/Teams have to meet with regards to being sentenced to a Referral Order and striking the initial youth offender panel is 20 days - there can be little surprise then that the majority of victims' recovery journeys will not fit into such a tightly prescribed timescale. This emphasises the offender led thinking around panels as opposed to victim led thinking.

Despite the above, the Legal Aid and Sentencing and Punishment of Offenders Act (LASPO) 2012 has enabled Youth Offending Services/Teams to contact victims at a much earlier stage. We now contact all victims immediately post YOS notification by the police of an offence. This enables work to begin with a victim at a much earlier stage and thus better fits with the recovery process as outlined above. In the event of a victim not wishing to receive a service from YOS, our local practice is to offer a second chance of involvement through the resolution clinic where the out of court disposals are delivered and offer the opportunity for their views to become part of the ‘resolution’ to the crime committed. This process offers a much more victim focussed approach and means restorative practices are being used much more quickly.
Within the YOS all staff have received three day RJ co-facilitator training and all volunteers working with the YOS have received RJ training. Whilst RJ was initially introduced through referral orders, restorative approaches now underpin all interventions of the YOS and restorative processes are now reviewed by an ongoing restorative working group.

We have a specialist trained Victim/RJ team who ensure contact is made with all victims of crime. Our aim is to support participants to find a resolution and to make a restorative experience as positive as possible to their individual needs thus helping them to cope and recover the effects of crime.

Christine Walker-Booth

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