



REPORT TO: STRATEGIC SCRUTINY MEETING

DATE: 12th January 2015

AGENDA ITEM: 5

SUBJECT: Restorative Justice, Community Remedy and Victims Code

Restorative Justice - Background

Research has established that in randomised control trials of RJ with serious offences (robbery, burglary and violent offences) by adult offenders:

- The majority of victims chose to participate in face to face RJ, when offered by a trained facilitator
- 85% of victims who took part were satisfied with the process
- RJ reduced the frequency of re-offending, leading to £9 savings for every £1 spent on restorative justice

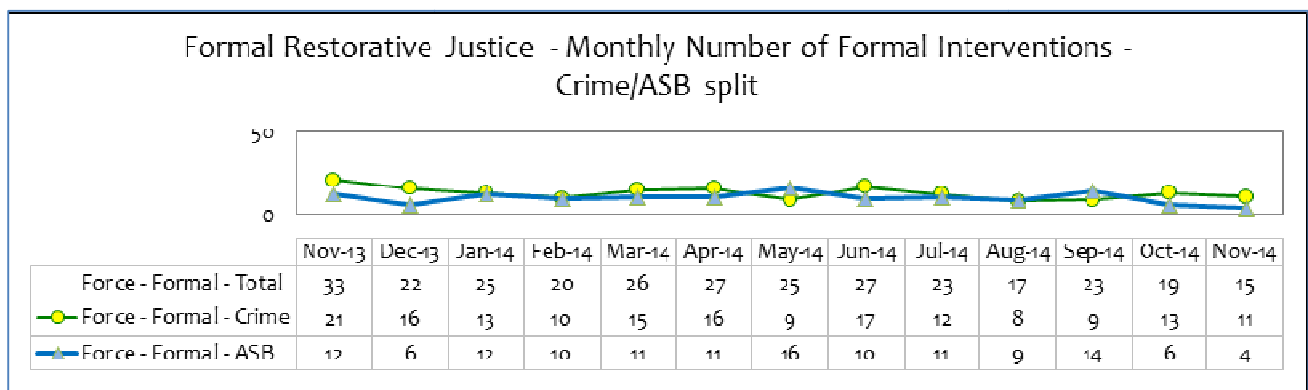
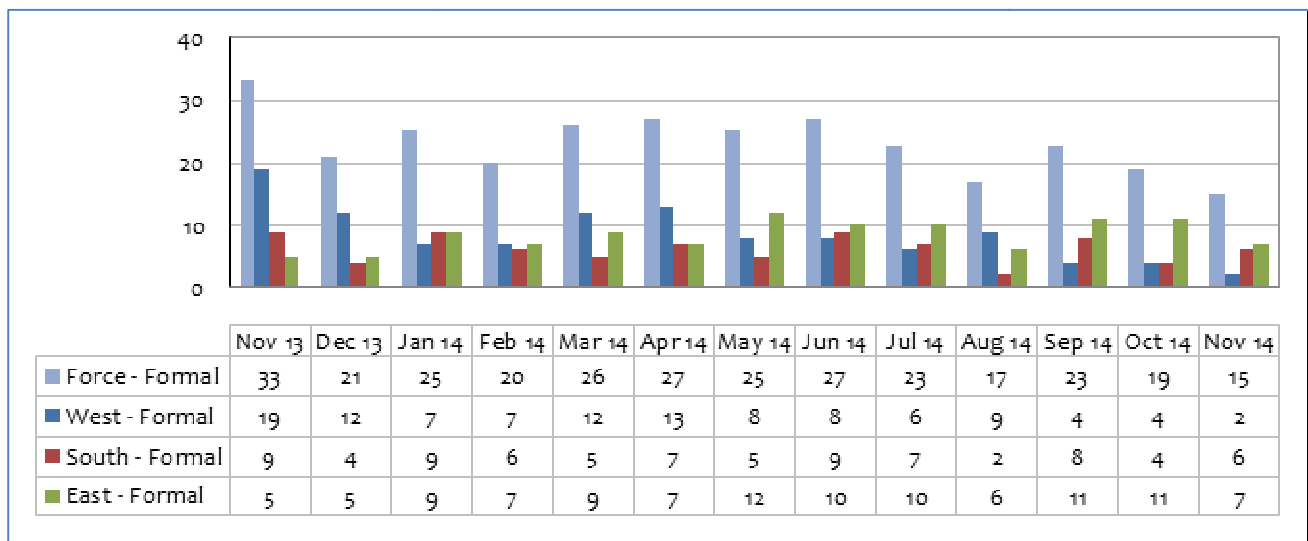
Experts estimate that the reduction in the frequency of re-offending found in this research was 27% - that's 27% less crime, 27% fewer victims following RJ.

Performance

Both instant and formal RJ disposals for crimes are recorded on the crime system where the RJ is the first disposal outcome. There is no force system in place to record all RJ outcomes in all non-crime incidents at present.

RJ Coordinators record and QA all formal RJ Conferences where RJ forms are submitted. These can include standalone disposals and also those in conjunction with another sanction e.g. some offenders are charged and RJ is carried out after the court process has been finalised. The problem with looking at raw numbers is that it does not recognise the amount of work that goes into preparing parties for conferences that don't go ahead for whatever reason. Also the emotional and physical benefits of RJ are impossible to measure.

Force breakdown of Formal RJ Conferences (Geographic)



Force Standards and Processes

Training: From 2006 – 2010 approximately 2000 police officers were trained to deliver Level 1 RJ (instant) in the force. A number of officers in specific roles were also trained at RJ Level 2 (formal Conference). In 2010, the use and standards of RJ were acknowledged to be inconsistent across the force. Officers were trained and then moved to other roles with limited or no capacity to deliver RJ so their skills were lost. Some policing teams were not making use of RJ approaches at all. It was proposed that RJ Coordinator roles be created to support the delivery of RJ across the force; explore all opportunities and improve quality. Three divisionally based LC6 posts were established in the CJ restructure effective on 1 Feb 2011.

In 2014 RJ training at Level 1 (half day input) is still delivered to all new recruits by HQ Training School, RJ Coordinators work closely with tutors to ensure lesson plans reflect current practice. Level 2 training (three day course) is delivered on a 'needs must' basis to particular roles, locations or individuals as identified by the RJ Coordinator, so the training investment is preserved. RJ Coordinator Phil Cawley is a qualified RJ Trainer and CJ provide this facility across the force when required. RJ Coordinators regularly hold refresher briefings in division

Police RJ Coordinator role: From 2011 divisional networks were established and remain in place to maintain awareness of the benefits of RJ, share good practice and identify areas for improvement e.g. Early Action, Revolution Teams, Neighbourhood Policing.

A referral process was devised for officers and depts. to access support from an RJ Coordinator at any stage of the case. Information added to the force website informs victims of crime what they should do if they would like to find out more about RJ. RJ Coordinators check and track cases, provide information to parties and manage their expectations, keep them informed, conduct risk assessments and undertake preparation visits with the harmed and the harmer at the appropriate time. This process encompasses all incident/crime types across the whole spectrum of offending where there is an admission of wrong doing and potential for RJ to be of benefit.

RJ Coordinators utilise material such as DVDs (eg 'The Woolf Within' (offender Peter Woolf) and 'Every Action has Consequences' (featuring the death of Adam Rogers) www.eahconsequences.com) and involve relevant specialist support from Probation, Prisons, Youth Offending Teams, Victim Support, Lancashire Fire & Rescue, Community RJ Panel members when appropriate.

Forms for 'instant' and 'declined' RJ were removed to minimise bureaucracy. RJ Coordinators quality assure the formal RJ paperwork and seek feedback from parties involved on their experience; highlighting good practice and areas for improvement which is fed back to officers directly and SMTs via ACC Jacques' OOC forum. A divisional RJ of the Month award was established to recognise and reward good use of RJ by officers where appropriate

Partnership Arrangements

Community RJ Panels and Restorative Solutions: In 2011 the Ministry of Justice invited forces to pilot Neighbourhood Resolution Panels. These Panels would bring local victims, offenders and criminal justice professionals together, using restorative and reparative approaches and facilitated by a community volunteer, to agree what action should be taken to deal with certain types of low level crime and disorder. They were also interested in increasing the use of RJ, to give victims a greater say in the resolution of crime and in justice outcomes. The Panels would be part of a wider piece of ongoing work to develop a clearer national framework for out-of-court disposals, to ensure more comparable use of the options available out of court, across England and Wales.

As Lancashire Constabulary was not selected for the pilot, Tim Ewen approached Margaret Foxley, who had been a victim of burglary and participated in Restorative Justice herself, with a proposal to raise the profile of RJ in local communities. Restorative Solutions agreed to provide training free of charge from funding received from the Underwood Trust. All the Panels are supported by Police RJ Coordinators.

A great deal of work has been done by police RJ Coordinators to identify, train and support volunteers, safeguarding and supporting them through the RJ Process. The Panels do not operate independently as the police oversee all the referrals. Quite a number of cases resolve themselves soon after Panel members make contact and listen to the issues. Records are held locally about the cases the groups are involved in at various stages so limited details are held on police systems.

East: In June 2012 Tim Ewen and Margaret Foxley established the first Lancashire Panel in **Colne**. Volunteers were trained to deliver restorative approaches in Nov 2012. A launch event was held in March 2013 and Panel members began to actively engage with the local and parish councils. The Panel meets monthly and the RJ Coordinator is the police link in supporting their activity. Officers from the Neighbourhood Policing Team can refer incidents to the Panel for consideration of a restorative approach to resolve disputes and reduce further calls to the police. The Panel have facilitated a number of restorative interventions involving neighbour disputes, housing issues, parking clashes, supported by NHP Sgt Kim de Curtis and RJ Coordinator Steph Smith. Some of the original members have left and new volunteers have recently been trained to bolster capacity.

Through other work streams and the 'Avert' initiative at Greenbank, good relationships and an interest in RJ have been developed with Lancashire Women's Centre. A group of community volunteers have been identified and RJ training was delivered in Jul 2014 to form a **Blackburn with Darwen** Panel. The first Panel meeting was held in Aug 2014 and RJ Coordinator Steph Smith is the police link providing support to Panel members researching the referrals received to date.

West: Supported by RJ Coordinator Phil Cawley and Insp Laura Lawler, a RJ Panel of community volunteers was established at **Lytham** (Park View). RJ training took place in Nov 2013. This group have been expanded to join forces with other volunteers at **Blackpool** linking in with the Redeeming Our Communities (ROC) organisation. The launch event took place in Jun 2014 at the Hilton Hotel, Blackpool. The Panel have intervened in a number of incidents involving anti-social behaviour, neighbour disputes and offences involving young people with positive results.

Enquiries are being progressed with an established Community Association based at West View in **Fleetwood**. Volunteers are currently being selected to form a Panel with the support of RJ Coordinator, Dawn Sedgebeer and the local CBM. Phil Cawley also gave an input to the local Rotary meeting that was reported in the local press.

South: RJ Coordinator Brendan McEnerney and Volunteer Coordinator Margaret Rushton have identified a number of interested individuals with a view to forming two Panels in the Chorley and Preston areas. The volunteers are currently being vetted and we are hoping to secure some training dates with Restorative Solutions in Feb 2015.

Force: Funding of £5k to support the development of further Panels over the next 12 months has been awarded by the OPCC who are fully sighted and supportive of community RJ initiatives.

A Force Panel meeting was held at Police HQ in Dec 2014. The aim was to consolidate efforts to date and motivate Panel members for next stages. It was acknowledged that RJ was not fully embedded and much work is still required. Dave Rogers gave an input and afterwards positive feedback was received from those who attended.

Youth Offending Teams: RJ Coordinators attend quarterly YOT meetings in their divisions to raise awareness for RJ. They also link in with YOT PCs and Youth Disposal Panels to increase face-to-face reparation involving young people.

Victim Support: As a result of the RJ Pre-Sentence pathfinder at Preston Crown Court from March 2014, positive relationships have been established between police RJ Coordinators, Clare Boardman (Project Manager) and her team of Victim Support volunteers.

The RJ Coordinators receive a list of cases which have potential for RJ within the scope of the pilot and conduct all the risk assessments and suitability checks for offenders and victims. This involves checking force IT systems, linking in with officers involved for their input and discussions any concerns to Victim Support. If all is in order the aim of the pilot is to conduct an RJ Conference within a six week window between a guilty plea being entered and sentencing at the Crown Court where possible. An evaluation of this and other national pilots is due imminently.

NOMS: Police/Probation/Prisons - In 2012 RJ protocols were developed by members of police, probation and prison staff. Geraldine Martin from Lancashire Probation Trust (and representing NW Prisons) was project lead. Many RJ Conferences have since taken place in prison, police RJ Coordinators and police officers have carried out the initial assessments, risk assessments, suitability checks, preparation visits and the RJ Conference itself. Prison Officers have been RJ trained and good relationships have been established particularly with HMP Preston and HMYOI Lancaster Farms but we have also worked with Haverigg, Altcourse and Buckley Hall. Prison colleagues have assisted in joint victim preparation visits with RJ Coordinators however this is in addition to their usual duties so capacity has been challenging. Unfortunately restructuring within

the Prison Service has led to re-grading of Prison Officers and capacity for RJ has been dramatically reduced.

Generally the police have had prior contact with all victims, so this is maintained throughout for continuity and reassurance purposes. Where victims have been unable to meet an offender face to face, RJ Coordinators have been hand-delivered personal letters of apology from offenders to victims of crime which have been very impactful and brought some comfort eg a family with young children who were traumatised by the burglary of their home, a 94 year old lady whose engagement ring was stolen from her bedside as she slept.

There have been concerns with the amount of bureaucracy associated with the pilot; the initial absence of full time administration and the delay in progress generally have created issues. However the project does currently have an administrator and this has made a noticeable improvement.

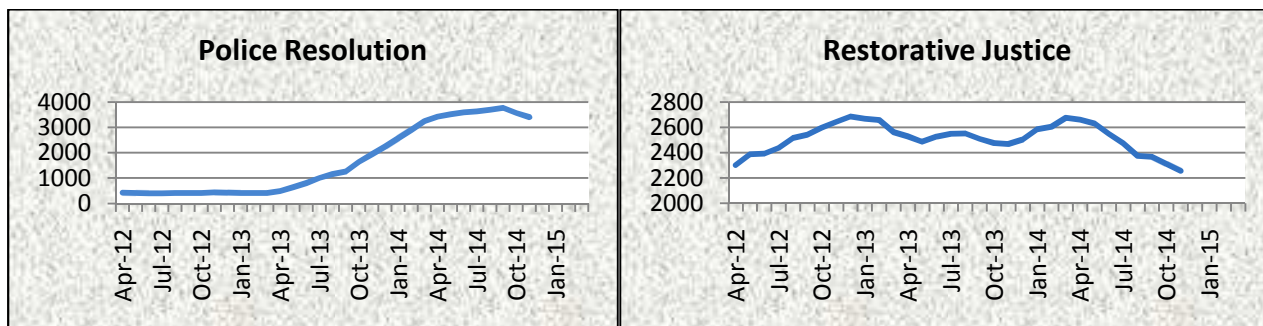
It is hoped the NOMS work will be expanded to include offenders who are subject of Community Orders working with Probation colleagues.

Other initiatives the RJ Coordinators are involved in:

- Member of North West multi-agency RJ forum
- Attend divisional Reducing Reoffending Boards to improve RJ links with partners
- Work with local groups such as schools, colleges, universities and sports clubs providing RJ input to raise awareness of RJ and recruit potential volunteers for Panel involvement in the future
- Provide information and case studies to media eg International RJ week via Facebook and Twitter
- Brief groups of staff from other agencies on RJ principles to broaden referral opportunities
- Work with victims to promote awareness of RJ – mock RJ at Fleetwood High School; spoke to young men at HMYOs Hindley and Lancaster Farms impact of crime on victims; spoke to the media about their experience of RJ.

Current Issues / Blockers

Training & Standards: Generally there is a greater use of Community Resolution disposal outcome with Police Resolution, as opposed to RJ. Although the officer still needs to record the rationale for that decision, PR is a much quicker process. I believe RJ numbers have fallen because of a lack of understanding; crime audits have removed inappropriate disposals where there was a failure to bring the parties together or the admission was not recorded properly. The force performance data shows the difference as per the graphs below:



The RJ Coordinators experience tells them that a lot of officers are still not appreciating the full benefits of RJ and see it as a soft option for offenders. Officers may be more inclined to make

referrals if they believed SMTs valued RJ; they appear to need greater confidence to think about really changing offending behaviour through RJ rather than quickly resolving the crime by PR.

RJ Coordinators also feel officers are not seeing the benefit for victims in the more serious cases where RJ can occur in addition to court proceedings. Victims may have questions that only the offender can answer and need to hear them to fully move on from the crime. RJ has had a huge positive effect for victims of burglary and armed robbery.

Victims entitled to access to RJ (Code of Practice for Victims of Crime Oct 2013) extract:

*7.1 If the offender is an adult, you are **entitled** to receive information on Restorative Justice from the police, including how you could take part. This is dependent on the provision of Restorative Justice in your local area.*

Greater awareness is required amongst officers of the above. A recent dip sample carried out by RJ Coordinators contacting victims in 60 crimes revealed that only a third were given information about RJ and two thirds were not.

Community RJ Panels and Restorative Solutions: Need to increase awareness and confidence in the use of RJ and Volunteer Panels amongst officers to increase referrals from NHP teams. RJ is still not wholly valued. Some scepticism exists on whether the use of volunteers is appropriate. Visible and sustained support at senior levels in all organisations is required to maximise the use of trained volunteers who want to make a difference in their community and at the same time, reduce demand on the depleted resources of all agencies.

Decisions are needed regarding recording practices and referral pathways for Community Resolution and Remedy outcomes and processes need defined to deliver on the results of OPCC public consultation linked to the ASB, Crime and Policing Act 2014.

YOT/Youth Triage: Some concerns have been expressed on whether the Youth Triage process is in need of review to remain effective. A meeting is scheduled with Faith Marriott, Child Action North West (commissioned by YOTs to deliver Youth Triage pan-Lancs) to discuss how more face- to-face RJ can be incorporated into the triage process.

Victim Support: The RJ window in the Pre-Sentence pathfinder at Crown Court process (between guilty plea and sentence) creates pressure to complete the process in a timeframe that may not allow sufficient consideration for the individuals involved. It also creates a bottle neck of additional work for the RJ Coordinators to carry out suitability and risk assessments quickly. However, it is imperative that the current process is maintained to safeguard those involved until the evaluation results are published.

NOMS: There have been a comparative low number of RJ referrals considering the large number of offenders in prison participating in 'victim empathy' programs. Although RJ would seem to be a natural progression, very few lead to an RJ conference actually being held. This is particularly apparent at HMP Garth where 4 'SORI' programs are run per year with 10 offenders taking part in each. We have not yet held a single RJ Conferences at Garth. This may be a resourcing issue within the prison due to the conflicting demands placed on Prison Officers. Kirkham Prison has also recently acknowledged that they have no natural 'trigger point' to raise RJ in discussions with their prisoners and Governor Bill Gallon is looking to address this. A dedicated HMP RJ Team is being established and hopefully this will increase the number of RJ referrals.

It is hoped the NOMS work will be expanded to include offenders who are subject of Community Orders working with Probation colleagues outside Prison. However it is not known how this will work and whether the Probation split will impact on whether this is achievable. Knowledge of RJ amongst the relevant staff will need to be in place to trigger referrals in the Community.

Community Remedy

Discussions are underway between the Constabulary and OPCC on how to record and track the new Community Remedy outcome. This has led to a proposal that the Community Remedy outcome is added onto Sleuth Crime Records, so that the disposal and attached referrals are easily searchable for named offenders in the same manner as Community Resolutions and all other disposal outcomes. This will be really useful in the event of reoffending to check previous issue.

The Constabulary has also suggested that a temporary CR Coordinator post is created to sit under the remit of OOC lead, to promote use of the referral pathways (once established), conduct officer briefings, QA records and provide ongoing support.

Decisions on the above proposals are currently awaited.

The National Code for Victims

When the revised Code of Practice for Victims of Crime was introduced, the Constabulary circulated information on the SHERLOCK news page to advise officers on the changes being made. Briefing packs were also produced and circulated to Divisions for cascade training by supervisors and to the training department for inclusion on all relevant courses. All of this information is available to all officers and staff on the force intranet together with a copy of the Code and we have also asked Training School to include the national NCALT training package in the training plan.

The Constabulary had anticipated that national level guidance in relation to monitoring would be circulated, however this has not been forthcoming. The Constabulary met with representatives from the LCJB and OPCC regarding this and other issues and it was decided that the LCJB Victim and Witness Sub Group should be re-convened. The Sub Group (which is being arranged by Robert Ruston) has been tasked to consider the paper confirming the lessons/learning points from the PCCs victim and witness review relevant to the Criminal Justice System, the Code of Practice for Victims of Crime and the Witness Charter and complete a gap analysis with countermeasures and report to LCJB on progress.

In view of this it was decided to wait for the agreed multi agency approach and establish what is required for reporting to the LCJB rather than come up with separate monitoring specifically for the police, which may not capture what is required for LCJB thereby causing duplication of effort. Once the group has met and agreed what and how we will monitor and report we can further enhance the information captured during this process for internal use by the police if required.