

Restorative justice: Helping to meet local needs

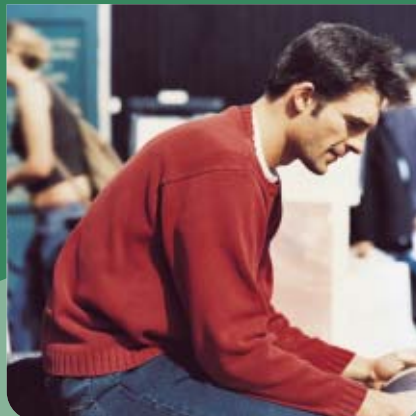
Web-based guidance

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Section I

Overview

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1.1 Introduction by Baroness Scotland

Restorative justice changes lives. We have solid research evidence that restorative justice processes – bringing victims, offenders and communities together to decide on a response to crime – helps victims to recover. By bringing in community members, and the friends and relatives of those involved, it can help improve public confidence that our Criminal Justice System (CJS) meets the needs of victims and holds offenders to account. And we know that for some offenders it can be a turning point, away from a life of crime.

I am delighted that the National Criminal Justice Board is publishing this guidance on restorative justice for you – Local Criminal Justice Boards and criminal justice agencies.

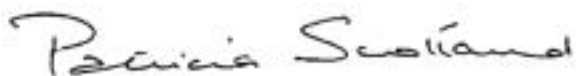
I passionately believe in restorative justice. It does offer something different to victims and communities who feel disempowered by crime, and disempowered again when they feel they have no say in the CJS. It gives something to offenders who want to apologise and repair the harm they have caused. And it gives something new to CJS staff who want to find a different way of working with both victims and offenders as part of the solution, finding positive ways forward.

Restorative justice processes require a new way of thinking about criminal justice. They mean a culture change for staff. And they need to be done properly, with training and support for the staff involved, so that victims in particular get a good service and are not harmed again by the process.

So why do it? I commend restorative justice processes and this guidance to you for two reasons. First, we should be offering a restorative justice approach to victims because we know it works for them, and because, for many victims and communities, as well as for offenders, it is the right way of responding to the crime and incidents of harm.

I am well aware of the many initiatives underway to reform the CJS and ensure it meets its objectives. So the second reason I ask you to consider the place of restorative justice processes in your area is because they can help you deliver the effective, victim-focused Criminal Justice System that you are already aiming for. Building in restorative justice processes can be the way to deliver your existing targets around victim satisfaction and public confidence, rather than yet another thing to do.

I look forward to hearing your responses to this guidance, and to visiting to see for myself new restorative initiatives as they are developed.



The Rt. Hon. the Baroness Scotland of Asthal QC
Minister of State for the Criminal Justice System and Law Reform

1.2 Restorative justice: What is it and how can it help meet Criminal Justice System priorities?

Key messages

- Restorative justice (RJ) processes bring victims, offenders and members of the community together to address the harm caused by crime;
- RJ processes offer unique benefits; giving victims a voice, answering their questions, and empowering everyone involved;
- Research evidence shows they can deliver higher victim satisfaction and community confidence than traditional criminal justice approaches – so they can help deliver on Criminal Justice System (CJS) priorities;
- The National Criminal Justice Board encourages all Local Criminal Justice Boards (LCJBs) and agencies to consider how they can develop RJ approaches in the adult CJS in their areas.

What is restorative justice?

1.2.1 Restorative justice (RJ) has been defined as

“a process whereby the parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future”¹.

1.2.2 RJ processes are different to anything else the Criminal Justice System (CJS) has to offer, because they involve **interaction between offenders, victims and the community**: bringing them together and empowering them to work out how to resolve the harm caused by an incident, and prevent a recurrence – including through reparation and rehabilitation. Victim participation is always voluntary, and offenders need to have admitted some responsibility for the harm they have caused.



¹ Marshall, T., Restorative Justice: An Overview (1999) London: Home Office. This guidance uses the terminology “offender”, “crime” and “justice” because it is about the use of restorative justice approaches in a criminal justice context. Restorative approaches are also used to resolve incidents of harm outside this context – for example, in schools.

1.2.3 RJ approaches produce individually tailored solutions, and give everyone involved a voice, and a personal stake in the outcome. Often these processes can give victims answers to questions, and a sense of closure, that information or support on their own cannot. Victims are far more likely to receive an apology through an RJ process than at court. Similarly for offenders, RJ processes offer a unique opportunity to face up to what they have done, take responsibility and make up for the harm they have caused.

1.2.4 So RJ approaches offer benefits over and above support to victims on its own, and over and above generic community reparation or unpaid work for offenders.

What does restorative justice really mean for victims and offenders?

John, a physically active young artist, was knocked off his motorbike by a young criminal in a stolen car. He asked for RJ because he said he did not want all his pain and injury to be in vain and thought that the offender should face him, listen to the consequences of his action and address his behaviour to avoid this happening again. At first the offender, Mark, was unwilling to meet John, but after a number of meetings where a restorative facilitator worked with Mark to help him understand the impact of crime on victims, Mark wrote a very genuine letter of apology, offering to meet John to apologise in person. The face to face meeting took place, and both participants felt it had been worthwhile. Afterwards a previously sceptical prison officer said that he believed the likelihood of Mark re-offending had dropped significantly.

Case study supplied by CONNECT restorative justice project

How restorative justice can help meet Criminal Justice System objectives – the evidence

1.2.5 This section sets out what we know about how RJ approaches can contribute to CJS objectives. There is consistent evidence they support victim satisfaction and confidence in the CJS, and by their nature they can help with community engagement. They may also help reduce crime and bring more offenders to justice, but evidence here is less conclusive.

Victim satisfaction

“The [restorative justice] conference made a genuine difference.” “For the first time in a long time, I felt justice had been served”.

Victim of crime who participated in face to face restorative justice

1.2.6 There is consistent evidence that RJ approaches benefit victims who choose to take part.

1.2.7 Many victims say they are interested in RJ approaches – 41% of victims say they would be willing to meet the offender, and 58% would be willing to receive some reparation from them².

1.2.8 And when they do participate, most say they benefited from it. Across a wide range of studies, research has shown that of those victims who do participate in RJ processes, at least 75% are glad to have done so³. There is evidence that victims (and offenders) find RJ processes procedurally fairer than court⁴. And there are initial signs that RJ processes can reduce Post-Traumatic Stress Disorder amongst victims⁵.

² 1998 British Crime Survey (Mattinson, J. & Mirrlees-Black, C. 2000).

³ Marshall, T. (1999) Restorative Justice: an overview. London: Home Office.

⁴ Sherman, L., et al. (1998). Experiments in Restorative Policing: A Progress Report on the Canberra Reintegrative Shaming Experiments (RISE).

⁵ Sherman, L. and Strang, H. (2004) Restorative Justice: What We Know and How We Know It, Working paper 1 (unpublished).

1.2.9 Research indicates that the main benefits to victims are:

- **Having a voice.** One of the major complaints victims make about ‘traditional’ justice is that they are not appreciated. Having a say seems to be a major motivation for participating in an RJ process⁶;
- **Material reparation.** This is a common outcome from an RJ process – and there is evidence that victims prefer compensation to come direct from the offender⁷;
- **Emotional restoration and apologies.** There is evidence that this is even more important for victims than material reparation⁸ – and RJ processes can be better at meeting these important needs than court. For example, one study⁹ found that victims attending restorative conferences were much more likely to receive apologies than those attending court (72% against 19%), and more likely to believe the apology was sincere (77% against 41%). Most (60%) said the conference helped them put the crime behind them, and the proportion feeling anxious was reduced after the conference (from 40% to 31%);
- **More and different information** – RJ processes can provide information about what happened that only offenders themselves can give – what happened, why they did it, or “why me”? Getting answers to these questions is one of the key factors influencing victim satisfaction¹⁰.

Confidence in the Criminal Justice System

1.2.10 There is evidence that people’s own personal experience of the CJS has a significant influence on confidence¹¹. RJ approaches directly involve victims and other community members in a process designed to allow them to state their personal views and needs, and to facilitate them being met. It also often leads to reparation which is highly relevant and visible to the participants, and there is evidence that offenders who have been through an RJ process have higher compliance rates with reparation than others¹².

1.2.11 RJ approaches are a way of increasing community engagement, and contribute to civil renewal by empowering and supporting community members to get involved in resolving crime and anti-social behaviour in a direct way. Experience has also shown that involvement in RJ approaches can inspire and motivate staff, who are a key stakeholder group involved in promoting confidence.

Fear of Crime

1.2.12 Research also suggests that RJ processes can reduce victims’ anger with, and fear of, the offender, and restore their sense of security. There is evidence that victims involved in an RJ process are less likely than those attending court to fear the offender would re-offend either against them or another victim¹³. Providing victims with a full explanation of the crime can also reassure them that the offender did not specifically target them and that they will not be re-victimised by the offender.

⁶ Strang, H (2002) *Repair or Revenge: Victims and Restorative Justice*. Oxford: Clarendon Press.

⁷ Shapland, J. (1986) ‘Victims and the Criminal Justice System’ in E. Fattah (ed.) *From Crime Policy to Victim Policy: Reorienting the Justice System*. London: Macmillan.

⁸ For a discussion see Strang, H (2002), op cit.

⁹ Strang, H (2002) *Repair or Revenge: Victims and Restorative Justice*. Oxford: Clarendon Press.

¹⁰ See for example Angle, H., Malam, S., & Carey, C (2003) op cit or Whitehead, E (2001) *Witness Satisfaction from the Witness Satisfaction Survey 2000*. Home Office Research Study 230. Research Development Statistics Directorate. London: Home Office.

¹¹ Mirrlees-Black, C. (2001) *Confidence in the criminal justice system: Findings from the 2000 British Crime Survey*. Findings 137, Research Development and Statistics Directorate. London: Home Office www.homeoffice.gov.uk/rds/pdfs/r137.pdf

¹² Latimer, J., Dowden, C. and Muisse, D. (2001) *The Effectiveness of Restorative Justice Practices: A Meta-Analysis*. Department of Justice Canada.

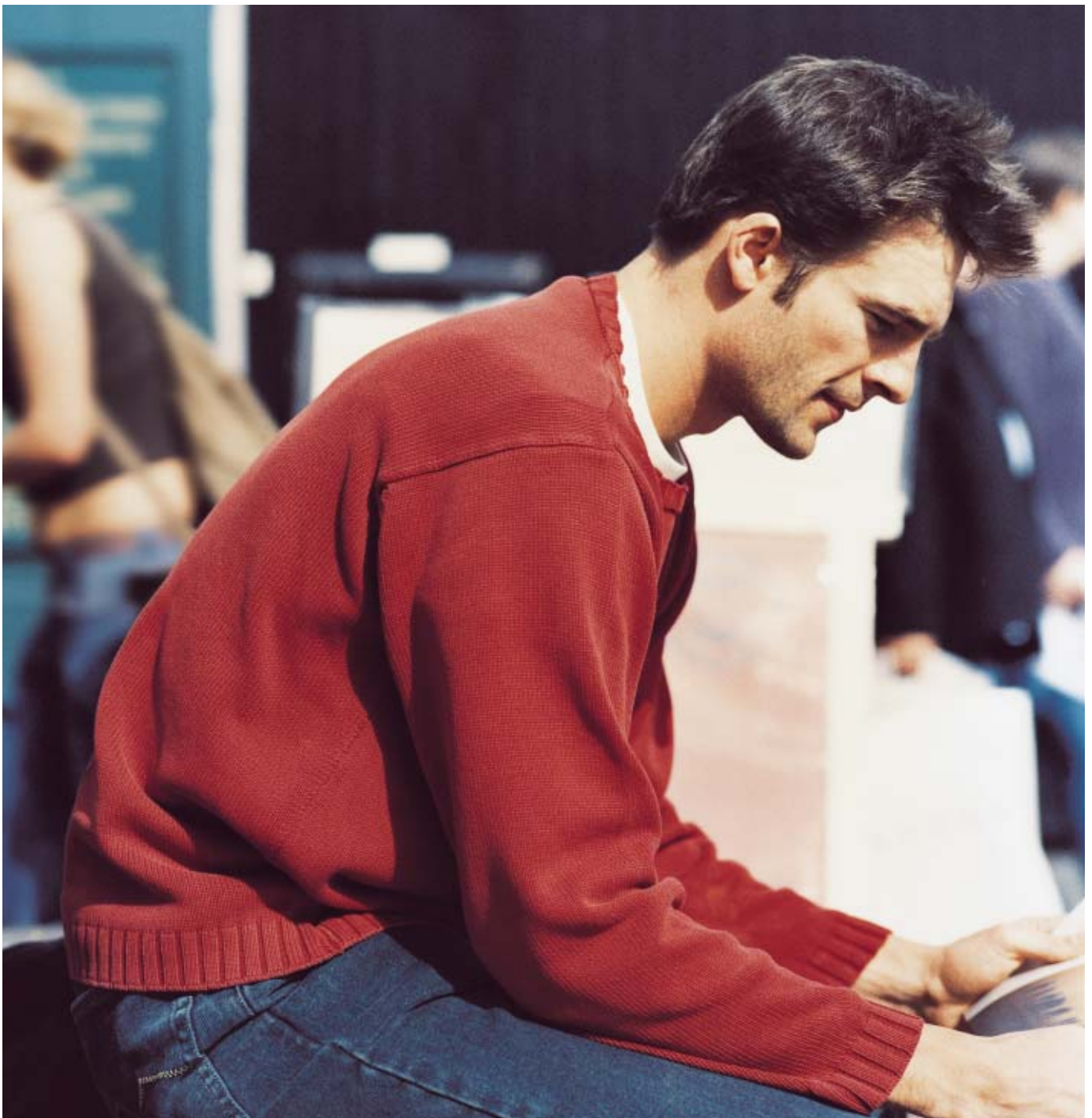
¹³ Strang, H. (2002), op cit.

Reducing crime and anti-social behaviour

“The main lesson I learnt about myself was that my crime affected everybody concerned – it became more like ten crimes because of all the people it affected.”

Offender who participated in restorative justice

1.2.13 There is evidence from a number of studies, both in the UK and overseas, that RJ processes can reduce re-offending for some kinds of offences in some circumstances. In addition to reducing re-offending on its own, it may also be effective in motivating offenders to participate successfully in other rehabilitative activities that themselves reduce re-offending, such as offending behaviour programmes. However, the evidence is not yet conclusive, and some of the positive research is from abroad and may not be fully applicable to England and Wales. Home Office-funded research in England and Wales will give us clearer evidence on this in the next few years.



Offences Brought to Justice and Sanction Detections

1.2.14 The effect of RJ approaches on Offences Brought to Justice (OBTJ) and Sanction Detections depends on the context in which they are used. As a diversion from prosecution, they may help increase OBTJ. A focus on performance on Sanction Detections need not prevent use of RJ approaches.

1.2.15 As a diversion from prosecution, as part of Cautioning or Conditional Cautioning, RJ approaches may help performance on OBTJ by freeing up court and prosecution resources. In some cases it may also release correctional services resources.

1.2.16 Cases where RJ approaches are used, either before or after sentencing, for charged and convicted offenders will count towards OBTJ and Sanction Detections performance in the usual way.

1.2.17 When used in cases where a Caution or charge is impossible or inappropriate (because of lack of evidence or public interest), an RJ approach will have no effect – positive or negative – on OBTJ or Sanction Detections. However, it may still have a positive effect on other measures in the Policing Performance Assessment Framework, such as Citizen Focus and Promoting Public Safety. Further guidance is available in [Section 2.1](#).

1.2.18 RJ processes used pre-sentence for convicted offenders may increase the time taken to complete criminal proceedings. However, this will have no effect on court performance against performance measures on timeliness. [Section 2.4](#) and the '[Resources](#)' toolkit gives further advice.

Efficiency and resource use

1.2.19 Some areas that have implemented RJ approaches report that they can improve efficiency of resource use, or value for money. This is difficult to quantify, because some of the benefits, while real, are hard to measure – such as increased trust and support for criminal justice agencies from local communities; increased social capital; staff engagement, motivation and morale; and transferable staff skills that enhance delivery in other areas of work (for example, community policing or victim contact work).

1.3 What should I be doing about it?

1.3.1 The Government's strategy on restorative justice is to encourage, without requiring, its use; and the National Criminal Justice Board is encouraging Local Criminal Justice Boards (LCJBs) to consider how RJ approaches for adult offenders could contribute to delivering on their priorities, particularly on victims and public confidence, and be included in their delivery plans.

The Government's RJ Strategy

The Government's RJ strategy was published in July 2003. The main aims of the strategy are to:

- Encourage further development of RJ in the CJS;
- Develop the evidence base for RJ through research pilots;
- Build quality assurance through publication of best practice guidance.

The strategy document can be found at: www.homeoffice.gov.uk/justice/victims/restorative/

1.3.2 The box at the end of this section sets out how RJ approaches can be used at any stage of the adult CJS, and how the Criminal Justice Act 2003 is creating new opportunities to apply it.

1.3.3 All criminal justice agencies can usefully consider how RJ processes could help them meet their priorities, particularly around victims and confidence; and what an implementation strategy for RJ approaches would look like.

1.3.4 Restorative work at any stage of the CJS is likely to increase confidence and victim satisfaction for the system as a whole, and it is likely to be most cost effectively delivered by agencies working together.

1.3.5 So LCJBs are in a strong position to lead and co-ordinate work in their area, and will want to consider building it in to future versions of their delivery plans. Boards may find it useful to appoint a lead person or 'champion' to take forward any RJ work – considering how it can contribute to local priorities and draw on local funding streams, and looking for opportunities for inter-agency partnership working.

Where can RJ approaches be used in the adult CJS?

RJ approaches can be used for a wide range of incidents, from minor anti-social behaviour through to the most serious crimes. They can already be used at the following points in the adult CJS:

- In **police adult Cautioning**, and **community policing and tackling anti-social behaviour** – for example to deliver Acceptable Behaviour Contracts, and alongside Anti-Social Behaviour Orders. These approaches are already in use across a number of areas;
- **Pre-sentence** – RJ processes can take place after conviction, and may then inform sentencers in court – projects have been taking place in both Crown Courts and Magistrates Courts. Sentence may be deferred, but does not need to be;
- **Post-sentence** at the request of victim or offender – this is being delivered by Probation Service Victims Units in some areas, and in some prisons.

New applications to be available shortly are:

- **Conditional Cautions** – pilots using RJ processes to deliver Conditional Cautions began in early 2005 and will last for 6-9 months, and are expected to be followed by a national roll-out in 2005-06;
- **Community sentences** – sentencers can now include RJ as an activity requirement of a generic Community Sentence as part of the Criminal Justice Act 2003, where resources are in place to deliver it. Work is in train to set up a pilot of this approach.

The Youth Justice System

The Youth Justice System (YJS) has pioneered the use of RJ approaches in England and Wales since 1998. RJ processes can be part of all youth justice disposals, and are also being used with young people in schools and in care homes. The Youth Justice Board (YJB) has set a target for Youth Offending Teams (YOTs) that 75% of victims of youth crime should be offered participation in RJ, and that 75% of those who participate should say they are satisfied. This guidance is primarily aimed at agencies in the adult CJS, building on experience in the YJS, although there may be material here of use to YOTs. The YJB has provided guidance to YOTs on RJ through National Standards in Youth Justice Services (2004) and Key Elements of Effective Practice – Restorative Justice¹⁴.



¹⁴ Available at www.yjb.gov.uk/publications

1.4 Implementation: sources of support and guidance

1.4.1 For areas new to RJ approaches, or stepping up their use of them, there is plenty of experience to draw on – you don't have to start from scratch.

1.4.2 This guidance sets out what we know about how to implement RJ approaches successfully, drawing on the experience of the Youth Justice System since 1998, and from areas already using RJ approaches in adult justice. The [box](#) at the end of this section sets out the key points from that experience.

1.4.3 This guidance contains the following elements, which will be added to and updated in the light of further research evidence and experience:

- Section 1 – [Overview](#) – this document;
- Section 2 – [Advice for Agencies](#) contains specific information tailored to each individual criminal justice agency. This is for managers responsible for the agency's strategic development of RJ approaches for adults. It covers how RJ approaches may fit into each agency's strategic priorities and how each agency can implement RJ approaches for adults in practice;
- Section 3 – [Implementation Support](#) is for those tasked with development or implementation of adult RJ processes in any agency. This will help identify the key decisions and issues they will face, and sets out options for approaching them;
- Section 4 – [Resources](#) contains practical tools and resources, which can be used or adapted by anyone implementing RJ approaches – for example, communications materials, and a model data collection/performance monitoring framework.

1.4.4 This guidance is also designed to complement other information and resources on CJS Online, in particular:

- [Planning for Confidence](#) – a framework to help LCJBs improve public satisfaction and confidence in the CJS, which is also likely to be a key benefit of RJ approaches;
- The [Victim and Witness Delivery Toolkits](#), designed to help deliver on the seven priorities set out in the Victim and Witness Delivery Plan (issued October 2004). RJ approaches are likely to help meet several of these priorities, particularly those on providing practical and emotional support to victims (priority 3) and on seeking and using victims' views (priority 4).

1.4.5 Further general information about RJ approaches is available on the following websites:

- Home Office – www.homeoffice.gov.uk/justice/victims/restorative/ – which includes the Government's RJ Strategy document and Best Practice Guidance.
- Restorative Justice Consortium – www.restorativejustice.org.uk
- Mediation UK – www.mediationuk.org.uk

1.4.6 Feedback on any of this guidance would be welcome and should be sent to:

Home Office
Restorative Justice Policy Team
Fry Building
2nd Floor
2 Marsham Street
London
SW1P 4DF
Email: CarlD.Griffiths@homeoffice.gsi.gov.uk

Key points for implementing RJ approaches

- Successful implementation needs a **strategic approach** – prioritising a manageable area or group of victims or offenders with which to create a successful operation, and growing from there;
- RJ approaches involve a new way of thinking for many CJS staff, and an element of cultural change, so introducing them requires **strong leadership** from the top of the organisation;
- Implementation can usually **build on existing local resources** and experience in RJ work – for example in youth justice, the voluntary sector or particular projects in adult justice;
- There is great scope for efficient, **joined-up working** and delivery between criminal justice agencies, and for involving voluntary sector expertise. This means it is useful for LCJBs to take a leading and co-ordinating role in implementing RJ approaches locally;
- Clear protocols or **service level agreements** are needed if RJ work is contracted out;
- Adequate **training** is essential for anyone facilitating victim-offender contact. Best practice guidance, recently published by the Home Office, sets out standards of practice which staff and trainers should be working to¹⁵;
- Creating a **cadre of specialist staff** whose time is ring-fenced for RJ work can provide an inspired, motivated group which acts as a springboard for its development in the rest of the organisation;
- Staff in all areas of the organisation need to **understand and support** RJ approaches. A communications strategy about RJ approaches for all staff is essential to their success. Basic awareness training in victim work and RJ approaches can also be helpful;
- It is important to set up a clear referral procedure, with **data-sharing** arrangements or protocols in place with other agencies as necessary – for example, with the police, who may have victims' contact details;
- **Performance measures** need to be appropriate to avoid creating perverse incentives which may undermine the quality of RJ work.

¹⁵ Available at www.homeoffice.gov.uk/justice/victims/restorative/

Section 2

Advice for Agencies

This section is intended to be read alongside [Section 1](#), also published in hard copy, which explains what restorative justice (RJ) processes are, sets out the evidence on how they can contribute to meeting Criminal Justice System (CJS) priorities, and gives an overview of where and how they can be implemented.

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- 2.2 [Crown Prosecution Service](#)
- 2.3 [National Offender Management Service](#)
- 2.4 [Courts and Sentencers](#)

2.1 Police and CDRPs/CSPs

Why use restorative justice approaches in policing?

2.1.1 There is good evidence, set out in Section 1 of this guidance, that restorative justice (RJ) approaches can increase victim satisfaction and confidence in the CJS. Increasing the satisfaction of victims is a statutory performance indicator in policing, as set out in the Policing Performance Assessment framework, and an element of citizen-focused policing, one of the five key priorities within the National Policing Plan. Used as part of Cautioning and Conditional Cautioning, they will count as Sanction Detections, while at the same time contributing to performance on victim satisfaction and confidence.

2.1.2 More broadly, RJ approaches are consistent with the direction of policing reform, set out in the White Paper *Building Communities, Beating Crime*¹, towards spreading neighbourhood policing and increasing community engagement. RJ approaches have already been used by police and Crime and Disorder Reduction Partnerships (CDRPs) as a tool for neighbourhood policing in some areas. They offer victims or members of the wider community a real and visible way of being involved in resolving particular incidents and issues in a way that meets their individual needs and concerns.

How can RJ approaches be used in policing?

2.1.3 It is open to Police Authorities to set their own local priorities alongside national policing priorities, and to include RJ approaches in them. Also, CDRPs or Community Safety Partnerships (CSPs) can include RJ approaches in their local strategies², promoting partnership working with the National Offender Management Service (NOMS) and Youth Offending Services (YOS), linking with the work of LCJBs.

2.1.4 RJ approaches can be applied across a range of policing activities: a pool of suitably trained and managed staff can be deployed flexibly across a range of interventions and contexts.

Cautioning and Conditional Cautioning

2.1.5 RJ processes have been used as part of adult Cautioning practice in some forces for some time (see case study below), as well as being a mainstream method of delivering Reprimands and Final Warnings for juveniles.

2.1.6 RJ processes can also be used as part of the new Conditional Caution, introduced by the Criminal Justice Act 2003. A Conditional Caution involves an offender agreeing to perform certain conditions as part of diversion from prosecution. RJ processes can be used to generate the conditions; or taking part in an RJ process can be one of the conditions.

2.1.7 An initial evaluation of the scheme is being undertaken in six early implementation areas from late 2004, and Conditional Cautioning is expected to be available nationally from late 2005.

2.1.8 The Government is keen to see RJ approaches used in this context, and two of the early implementation areas will make use of RJ processes. For further information on Conditional Cautioning contact patrick.steele@cjs.gsi.gov.uk.

¹ <http://www.policereform.gov.uk/docs/prwp2004.html>

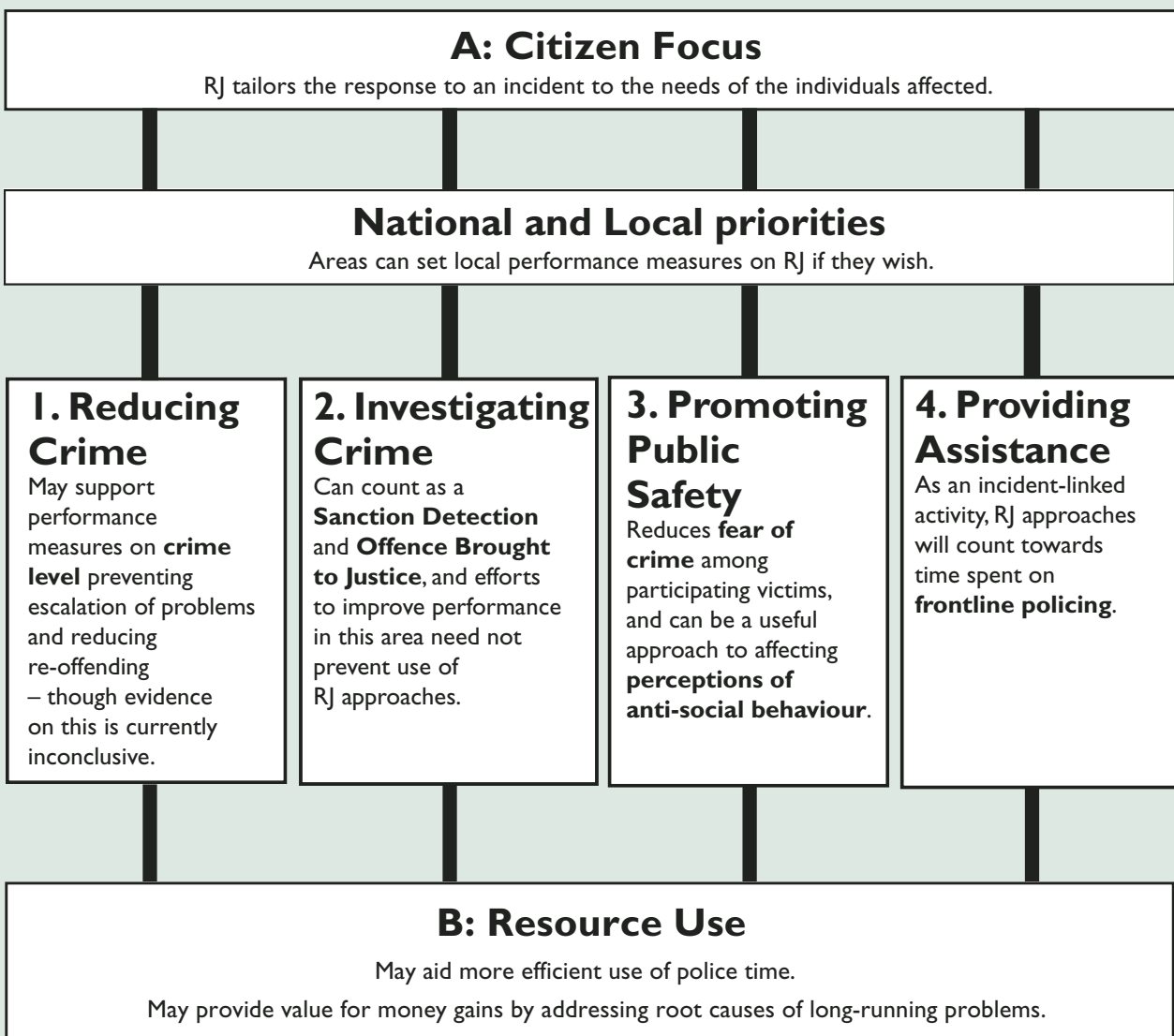
² CDRPs/CSPs undertake an audit of crime and disorder and misuse of drugs in their area every three years, under the Police Reform Act 2002 (Sections 97 and 98) in consultation with the public on what matters locally. New local strategies will be published and implemented from 2005.

How do RJ approaches fit into the National Policing Plan and the Policing Performance Assessment Framework?

RJ processes are a tool some police forces are using to help them increase victim satisfaction, an element of citizen-focused policing – one of the key priorities in the **National Policing Plan 2005–08** to:

“provide a citizen-focused police service which responds to the needs of communities and individuals, especially victims and witnesses, and inspires public confidence in the police, particularly among minority ethnic communities”

It can contribute to measures in the **Policing Performance Assessment Framework** as follows:



Case study: Restorative Cautioning – Thames Valley Police

RJ processes have been the preferred means of delivering Cautions to adults (as well as, latterly, juvenile Reprimands and Final Warnings) in Thames Valley since 1998.

Initial evaluation of the initiative³ suggests it delivered benefits to both offenders and victims. Most Cautions led to apologies that were usually seen as genuine expressions of remorse, and there were formal reparation agreements in around a third of Cautions, most of which were fulfilled. In addition, most participants believed that restorative Cautions helped offenders understand the effects of the offence and experience a degree of shame.

Further analysis found insufficient evidence to show that restorative Cautioning was more effective than traditional Cautioning in reducing resanctioning (defined as any conviction, Caution, Formal Warning, or Reprimand), but also no evidence that it was worse than traditional Cautions⁴.

Neighbourhood policing and community safety

2.1.9 In addition to formal Cautioning and Conditional Cautioning, RJ approaches can also be used to resolve incidents of harm where no criminal sanction is possible – for example, in cases where:

- there is insufficient evidence, or it is not in the public interest, to Caution or charge; or
- the incident doesn't involve a criminal offence, even though it has caused some distress or harm to the victim.

2.1.10 An RJ process in this situation – which could be brief and informal if that is all the participants need – can be a visible, positive response which builds community trust in policing, and while it will not count as a Sanction Detection, it may help with measured performance in other domains of the Policing Performance Assessment framework.

2.1.11 More generally, experience has shown that training in RJ approaches can be a helpful support for neighbourhood policing (see Devon and Cornwall case study below). The skills required to facilitate RJ processes, such as effective listening, empowering participants, looking for positive agreed solutions and clarity about responsibilities of participants, are applicable in a range of other situations, including dealing with anti-social behaviour, and preventing crime through effectively resolving minor incidents and disputes.

³ Hoyle, C., Young, R. and Hill, R. (2002) Proceed with Caution: An Evaluation of the Thames Valley Police Initiative in Restorative Cautioning. York: Joseph Rowntree Foundation.

⁴ Wilcox, A., Young, R. and Hoyle, C. (2004) Two-Year Resanctioning Study: a Comparison of Restorative and Traditional Cautions. Home Office On-line [Report 57/04](#). London: Home Office.

Case study: RJ training for neighbourhood policing – Devon and Cornwall Constabulary

Devon and Cornwall Constabulary has recently trained 333 of its Neighbourhood Beat Managers (NBMs) in the use of RJ approaches. They see the training for NBMs as providing a preventative, problem-solving approach to criminal and anti-social behaviour, and to conflicts within the community. They believe it will provide substantial gains in community capital, as well as helping to meet objectives across the whole of their work.

Critical to the success of the initiative is quality training and integration into mainstream processes. A bespoke accredited training package for delivery to NBMs, together with awareness training for first-line supervisors and senior managers, has been researched and commissioned, as part of a comprehensive strategy for roll-out. The strategy also includes provisional plans to expand training to the extended police family.

Practical challenges in implementing RJ processes have included ensuring effective risk and health and safety assessments for outcome agreement activities, and establishing a framework for monitoring their completion. There have been notable successes including one involving a traumatising assault on a security guard in a housing complex by a young resident. The RJ process enabled both offender and victim to move forward after the incident.

Tackling anti-social behaviour

2.1.12 RJ approaches have been successfully used to tackle anti-social behaviour in a number of ways⁵:

- As a form of best practice in arriving at the terms of Acceptable Behaviour Contracts, so as to involve victims and the community, and help motivate perpetrators to comply with those terms;
- They might also be used alongside Anti-Social Behaviour Orders (ASBOs) to encourage successful compliance with the order by introducing positive activities alongside the enforcement of prohibitions;
- More formal opportunities for use of RJ processes might exist through an Individual Support Order (ISO) which could include a reparative condition. ISOs were introduced in May 2004 and can run alongside an ASBO for those aged 10–17;
- In restorative community conferencing – convening meetings of victims, perpetrators and the wider community to address the anti-social behaviour (see case study box below);
- Through Community Justice Panels, in which representatives of the local community affected by the behaviour, along with any personal victims, work with the perpetrator(s) to ensure the anti-social behaviour is addressed (see case study box below). This approach can also be adapted as a way of delivering restorative Cautions and Conditional Cautions.

Implementation issues for RJ approaches to policing

How do RJ approaches contribute to Sanction Detections?

2.1.13 CJS targets and performance measures, including on Sanction Detections and Offences Brought to Justice, should not necessarily prevent police or their partners from using RJ approaches.

2.1.14 When used as part of Cautioning or Conditional Cautioning (or Reprimands or Final Warnings in youth justice), an RJ process will count as a Sanction Detection. And as a diversion from charge, restorative Cautioning and Conditional Cautioning will release resources from the prosecution process which may help improve performance on bringing offenders to justice.

⁵ For more information, see the Government's anti-social behaviour website at www.together.gov.uk/article.asp?aid=2005

2.1.15 As noted above, RJ approaches can be used in cases where no Sanction Detection is possible – because although there has been an incident causing harm to a victim, no offence has been committed; or there is insufficient evidence, or it is not in the public interest, to Caution or charge. Use of an RJ approach in these cases will have no effect – positive or negative – on Sanction Detections performance.

Case studies: Restorative justice approaches to tackling anti-social behaviour

a) Restorative community conferencing – Thames Valley Police

A group of shopkeepers were outraged by the behaviour, over a long period of time, of a group of youths who congregated in their shopping centre. The police were called on numerous occasions; some youths were arrested and taken to court, others were Cautioned, but the nuisance only worsened.

Local police officers negotiated with the shopkeepers, some of the young people involved and the Youth Service, and organised a restorative community conference to address the effects of the youths' behaviour and find solutions. The conference, attended by some thirty people, took the best part of a day, and ended in agreement on a code of behaviour that the young people undertook to enforce themselves. It also involved the Youth Service organising extra activities for local young people.

The behaviour of the young people in the shopping centre was much improved, and police call-outs much reduced. The shopkeepers were satisfied that their complaints had been taken seriously; the young people felt they had been treated fairly and their needs considered.

b) Restorative Community Justice Panel – Chard and Ilminster

Chard and Ilminster, in Somerset, have recently set up a restorative Community Justice Panel to improve confidence in criminal justice in the area, reduce offending and anti-social behaviour, and strengthen the ability of the local community to act against offenders. The key stakeholders include local Councils, Housing Associations, Police, Residents Associations and Chambers of Commerce.

The Panel, similar to a Youth Offending Panel for delivering Referral Orders in youth justice, is made up of volunteers from the local community. It tackles low-level anti-social behaviour by using local agencies and victims to draw up agreed changes to the offender's behaviour. The agreement can take the form of an Acceptable Behaviour Contract. In many cases, conventional criminal justice procedures can be used should the agreements not be adhered to. There are plans to develop the panel as a way of delivering restorative Conditional Cautions.

While a formal evaluation of the project has yet to be completed – it is still early days – early signs are promising. A recent case centred on an offence, initially reported to the police and found suitable for a Caution, which involved several members of a very small community and threatened to split it. The Panel met, an apology was offered and accepted, and the situation resolved to the satisfaction of all concerned, in a process that was highly visible to the local community.

2.1.16 Police may encounter some cases where a Sanction Detection might be possible, but they want to take an informal approach involving RJ processes rather than pursuing a criminal sanction, because they consider it a more effective use of time and resources. This would have a negative effect on Sanction Detections.

2.1.17 It is important, however, to weigh any neutral or negative effect on Sanction Detections of using an RJ approach against its contribution to other measures in the Policing Performance Assessment Framework, such as Citizen Focus, Promoting Public Safety or Providing Assistance.

How can RJ approaches contribute to police efficiency?

2.1.18 The 2004 Spending Review requires value for money gains equivalent to £1,060m a year by 2007-08, including by substantially increasing the proportion of officer time spent on front-line policing, equivalent to 12,000 extra officers.

2.1.19 Some forces have decided to direct resources into RJ work in order to get the benefits it provides for victims, confidence, citizen focus and community engagement. While in some cases it may mean officers spending more time working directly with victims and offenders than they otherwise would do, this creates value for money gains where it effectively resolves what would have become recurrent problems. Where RJ processes are used as a diversion from prosecution, they are likely to save resources both for police and other criminal justice agencies.

2.1.20 Moreover, the Home Office expects increases in front-line policing to make a substantial contribution to non-cashable, value-for-money gains over the Spending Review period. Time spent on RJ processes can be treated as incident-linked activity and therefore counted as a front-line activity.

Should police-run RJ processes always involve facilitating victim-offender communication – or are victim-absent approaches enough?

2.1.21 As explained in the first part of this guidance, RJ processes involve bringing into contact, either face to face or indirectly, offenders, victims and sometimes other community members involved in an incident, where there is a clearly identified perpetrator and victim of harm.

2.1.22 The full benefits of RJ approaches, especially for victims, are unlikely to be realised without victim/offender contact – so this should always be made available wherever possible. Where this is not possible (for example because there is no personal victim, or the victim decides not to participate), restorative skills and principles may still be usefully applied, for example by encouraging an offender to consider the effects of their behaviour on others and to take suitable reparative action. And, as explained above, restorative skills provide a useful support for neighbourhood policing more generally.

How can the wider police family get involved in delivering RJ approaches?

2.1.23 There is ample opportunity for RJ approaches in policing to be delivered by civilian police staff, or by other organisations working in partnership with the police, either voluntary or statutory – as well as by police officers. There is little evidence to suggest that police officers are more or less effective than civilian facilitators – experience suggests that what matters is effective training and supervision.

How can police support other agencies to deliver RJ approaches – including through data sharing?

2.1.24 For an RJ process to take place, the agency providing the service needs to be able to contact the victim to ask whether and how they want to participate. So police may have a key role in supporting RJ approaches in their area by passing on victims' contact details to the agency providing the RJ service.

2.1.25 There is in fact an obligation on police to pass victim contact details to Youth Offending Teams and the Probation Service included in the Victims Code of Practice introduced by the Domestic Violence, Crime and Victims Act 2004⁶.

⁶ See www.cjsonline.gov.uk/downloads/application/octet-stream/code_of_practic_draft.doc

2.1.26 A number of areas have also put in place arrangements to pass victim details to voluntary sector RJ providers, in some cases using a data-sharing protocol. Such arrangements can be consistent with data protection rules, which should not prevent police supporting local provision of RJ in this way⁷.

⁷ Further information on data sharing in this context, including examples of arrangements some agencies have put in place, can be found in Annex G of *Restorative Justice: The Government's Strategy* at www.homeoffice.gov.uk/justice/victims/restorative/

2.2 Crown Prosecution Service

Context – a changing Crown Prosecution Service

2.2.1 The Crown Prosecution Service (CPS) has evolved significantly since its inception in 1986. As part of that evolutionary process, it now has wider responsibilities and an increasing involvement with initiatives to reform the Criminal Justice System (CJS), making it both much more visible and with greater public accountability.

2.2.2 A number of recent initiatives underline the new status and changing role of the CPS:

- The “No Witness, No Justice” scheme creates a network of local Witness Care Units (WCUs) in all 42 CJS Areas. The units will be staffed by both police and CPS personnel to provide prosecution witnesses with a single point of contact, assigned to their case from the point of charge to ensure that their needs are identified and met throughout. These needs may be practical; for example childcare for the court day, or transport to and from court for each appearance. The support they provide may also be emotional; many witnesses are the victims of the crime they are reporting, and the WCU will put them in touch with local support organisations offering more specialist services. The Units also provide a more focused and responsive service to witnesses providing up to date information about the case in which they are involved and its progress through the court system;
- The Criminal Justice Act 2003 gave the CPS responsibility for deciding whether or not to charge a suspect, and to determine the appropriate charge or charges in all but the most minor cases, rather than the police. In addition, Prosecutors work more closely with the police to provide legal advice throughout the investigation;
- A revised Code for Crown Prosecutors, issued by the Director of Public Prosecutions (DPP) in November 2004, reflects the increased responsibilities of the Crown Prosecutor, and provides guidance on the tests to be applied in making the decision to prosecute. Other significant changes include the reference to diversion from prosecution in appropriate circumstances, for example by way of Cautioning and Conditional Cautioning.

Diversion and RJ processes in the revised Code

2.2.3 One of the key changes to the Code is the introduction of Section 8 which provides guidance to Prosecutors on alternatives to prosecution. The Code requires Prosecutors to consider diversion from prosecution and highlights the growing importance of this area and the Prosecutor’s increasing role within it. It also emphasises that the availability of RJ processes could provide sufficient reason to divert certain cases that would otherwise be deemed in the public interest to prosecute.

2.2.4 The Code provides that “when deciding whether a case should be prosecuted in the courts, Crown Prosecutors should consider the alternatives to prosecution. Where appropriate, the availability of suitable rehabilitative, reparative or restorative justice processes can be considered. Alternatives to prosecution for adult suspects include a Simple Caution and a Conditional Caution.”

RJ processes and Conditional Cautioning

2.2.5 Conditional Cautioning provides a vehicle both for diversion from prosecution and for RJ. An initial evaluation of the scheme is being undertaken in six early implementation areas from late 2004, and Conditional Cautioning is expected to be available nationally from late 2005. A Conditional Caution involves an offender agreeing to perform certain conditions as part of diversion. A new challenge for Prosecutors will be not only deciding on whether a case is suitable for diversion from prosecution, having regard to the public interest, but also, if diversion is appropriate, whether and what conditions should be imposed.

2.2.6 RJ processes bring victims and their offenders into contact, either directly or indirectly, to decide how to deal with the aftermath of the offence and to agree on how the offender can make amends. Involvement in an RJ process can either be made a condition of the Caution, where both victim and offender agree to take part; or the RJ process can itself be the way in which the conditions of the Caution are arrived at.

2.2.7 Either type of link between RJ approaches and Conditional Cautioning will require the Crown Prosecutor to have an understanding of RJ approaches, the type of case in which it might be appropriate and the offender's background. In particular, in cases where the RJ process is being made a condition of the Caution, the Prosecutor will need to be sure that both victim and offender have willingly agreed to take part. This will allow the victim a greater voice in how the case is to be dealt with and for the offender to agree on how to make amends for the offences in the most meaningful way. The Prosecutor will also need an understanding of how onerous RJ processes are for all taking part, and take this into consideration when deciding what other conditions might be appropriate to ensure that, overall, the conditions are proportionate to the gravity of the offence.

2.2.8 When an RJ process is used to develop proposed conditions for the Prosecutor's approval, they will again need to understand how RJ processes work. They will need to exercise careful judgement as to whether a set of proposed conditions which might seem on the surface too onerous or too lenient should be overturned or varied, if these represent the agreed and desired outcome of the participants – since to do so may risk undermining the effectiveness of the RJ process. Prosecutors are therefore expected to modify conditions only rarely.

2.2.9 If either party indicates their unwillingness to participate, or a risk assessment concludes a diversion is inappropriate, the case will be referred back to the Prosecutor to decide whether the case should be prosecuted or diverted to Conditional Cautioning without the use of an RJ process, for example, setting a condition to undertake community reparation.

Training needs

2.2.10 Training is vital to give Prosecutors confidence when deciding to divert a case and consider whether an RJ process is appropriate. The Prosecutor will also need to be able to consider conditions are appropriate and proportionate to the offence.

2.2.11 A Training Brief has been developed for Prosecutors in the Conditional Caution early implementation areas, which includes a number of case studies to guide Prosecutors in applying the Conditional Caution and in their decision-making. This training will be provided to all prosecutors prior to roll out in their area. The training will also provide guidance on the principles and value of RJ approaches and the types of RJ processes that are available.

Further information and guidance

2.2.12 The Conditional Caution Code of Practice issued in October 2004 provides practical guidance on how the scheme should be operated⁸. The DPP has also issued guidance under Section 37A of PACE that sets out the required processes and procedures to be followed by police and Prosecutors. Further guidance on the role of the Prosecutor in relation to RJ Conditional Cautions can be found in the additional operational guidance provided to the early implementation areas for Conditional Cautioning, available on the CPS Intranet. Further general information on Conditional Cautioning is also available by contacting patrick.steele@cjs.gsi.gov.uk.

⁸ See www.cps.gov.uk/publications/others/conditionalcautioning04.htm

What can you do to support development of RJ approaches?

2.2.13 Conditional Cautioning will be rolled out more widely following the evaluation of the early implementation areas. Further guidance will be provided by CPS Headquarters at that point. RJ approaches may form a mandatory part of all Conditional Cautioning scheme if the early implementation sites confirm that an RJ approach is effective and builds victim and community confidence.

2.2.14 More immediately, Witness Care Units (WCUs) will be rolled out in all 42 CJS Areas during 2005. They are an integral part of the Criminal Case Management Programme and provide a service to prosecution witnesses from the point of charge. RJ processes are generally only appropriate in cases where the offender has pleaded guilty, or been found guilty and has admitted some level of responsibility for their actions. Therefore, WCUs will not themselves be providers of RJ processes.

2.2.15 However, in planning for the WCU in each area, staff will need to be aware of RJ processes, and to have identified any local voluntary sector providers as part of the contact directory. Although the WCU will have no involvement in the process and should not actively draw victims' attention to it, they need to be able to refer any victim interested in an RJ process on to any identified local provider.

2.3 National Offender Management Service

‘We are determined that NOMS will have the needs and interests of victims at its heart... a restorative ethos is central to its operation.’

Paul Goggins, Winchester International Restorative Justice Conference, 2004

2.3.1 The creation of the National Offender Management Service (NOMS) provides a new approach to work with offenders, victims and communities. Designing and implementing a new form of end-to-end offender management is one of the central themes of NOMS. It will require thinking about the needs of the case as a whole at every stage of their sentence. And this means that offender management is not just about offenders, but also about victims and communities.

2.3.2 RJ processes bring victims, offenders and members of the community into communication about a particular crime and how to repair the harm that has been caused. They offer a powerful way of providing for reparation – one of the purposes of sentencing under the Criminal Justice Act 2003. The reparation is individually tailored to the victim or community’s needs. What they provide over and above victim empathy as part of offender programmes, or unpaid work, is that they can actively engage all those affected by the offence to find a positive way forward.

2.3.3 The primary aims of offender management are to reduce re-offending and protect the public. But it also needs to contribute to the aims held by LCJBs of increasing public confidence in and victim satisfaction with the CJS – and there is strong evidence, set out in [Section 1](#) of this guidance, that RJ approaches are effective in achieving these aims.

2.3.4 So NOMS has a lot to gain from integrating RJ processes with offender management, and NOMS will work towards making reparation to victims or RJ processes part of work with the offender in every appropriate case. In the longer term, Regional Offender Managers will be responsible for commissioning RJ services in their area, and Offender Managers for ensuring their deployment in appropriate cases.

2.3.5 This guidance sets out, for Offender Managers and providers of interventions, how RJ approaches can be included in offender management; and what providers of interventions can do to develop their provision of RJ approaches.

The NOMS Civil Renewal and Community Engagement Strategy

Restorative justice approaches are one of the priority strands of this strategy, which was published, for consultation, on 1 March. It is NOMS’ contribution to a forthcoming cross-government civil renewal plan to encourage more local people to work with us. The strategy, which will be implemented through integration into the Regional Reducing Re-offending Action Plans, will contribute both to reducing re-offending and increasing public confidence in the Criminal Justice System. It proposes 5 priority strands: public protection; compulsory unpaid and reparative work; volunteers, mentors and governance; victims and restorative justice; and transition to ex-offender, by which we mean practical assistance from employers and support from families, faith groups etc to help offenders reintegrate back into society as law abiding citizens. NOMS plans to launch the approved strategy in September 2005.

RJ processes and the wider aims of NOMS

2.3.6 RJ processes can contribute to the existing work of the Probation Service, which NOMS will continue, with victims of crime and Multi-Agency Public Protection Arrangements (MAPPA), ensuring that victims are protected and provided with information about the case where they want it.

2.3.7 Given the research evidence on the benefits of RJ approaches for victims and community confidence, RJ processes should be commissioned as part of NOMS' work to meet the needs of victims and communities for restoration.

2.3.8 At the same time, while the effects of RJ processes on re-offending are currently being evaluated in Home Office research, RJ processes do fit into the pathways in the National Action Plan on Reducing Re-offending on Attitudes, Thinking and Behaviour and on Children and Families of Offenders. They have potential to support engagement with the sentence plan and with offending behaviour programmes, because they encourage offenders to take responsibility not just for their offending behaviour, but for their lives more generally, and there is good evidence that they can have a motivating effect⁹.

2.3.9 RJ processes may also support successful resettlement and reintegration into the community by involving the offender's family and support network, and helping to resolve issues within them arising from offending and imprisonment.

RJ approaches and offender management

2.3.10 The NOMS approach to offender management will allow for RJ processes to be used in work with offenders in two ways.

2.3.11 First, it can allow for an RJ process to be undertaken at any point during the sentence, in response to a request from a victim via a Victim Contact Unit, or triggered by an offender's progress – for example, when offenders respond to victim empathy or offending behaviour work by finding remorse for the first time, and want to apologise and make reparation.

2.3.12 The second route is to build the RJ process into the sentence from the start. The Criminal Justice Act 2003 makes clear that reparation is one of the purposes of sentencing, and provides for RJ processes to form part of an activity requirement of the Community Order¹⁰. Work is in train to set up a pilot of this new provision. After the pilot, the provision will be available nationally for areas wishing to use it.

2.3.13 In the longer term, it will be for Regional Offender Managers to ensure that RJ facilities are in place and for Offender Managers to build restorative work into individual Sentence Plans in appropriate cases. Providers can begin developing their capacity to deliver RJ approaches now, and there is good evidence that this will increase victim satisfaction and public confidence.

Delivery of RJ approaches

2.3.14 At present, some Probation Service Victim Contact Units (VCUs) provide RJ processes, according to local area arrangements, in addition to the delivery of their statutory duty to provide information to victims of offenders sentenced to more than 12 months in custody for a sexual or violent offence. As VCUs are already working with victims, and liaising with Offender Managers involved in a particular case, they are well placed to facilitate victim-offender communication as an additional service to victims.

⁹ For example, there is strong research evidence that offenders' completion rates for restorative justice outcome agreements can be higher than for court ordered reparation.

¹⁰ The CJ Act 2003 201 (2) allows for an activity requirement of a community sentence as follows 'The specified activities may consist of or include activities whose purpose is that of reparation, such as activities involving contact between offenders and persons affected by their offences.' The CJ Act 2003 also provides for Conditional Cautioning, which can be delivered using RJ. See further guidance on Conditional Cautioning in the guidance to Police Forces and CDRPs.

2.3.15 The key decisions and issues for Probation areas wishing to do this are likely to be:

- Decide whether to contract out to a voluntary sector provider (see Manchester case study towards the end of this section), or whether to use VCU staff;
- If using VCU staff, decide whether some should take on the work as a specialism, or whether all staff should be able to offer it;
- Ensure those providing restorative work are trained in line with published best practice guidance;
- Decide which victims will be offered an RJ process, for example:
 - Only in particular cases, such as where the victim or offender specifically asks for the opportunity to communicate (see London case study below);
 - In all cases, proactively offered as a separate specialism of the service;
 - Built in to the whole work and approach of the service so that, for example, every meeting or contact with the victim includes some element of an RJ approach (see West Midlands case study below).
- Ensure VCU staff and Offender Managers work together in provision of RJ processes, and all staff understand and support the ethos of restorative work;
- Ensure that protocols are in place with the local prisons that will enable and support restorative work with prisoners, including a meeting between victim and offender within the prison where necessary.

Case study: West Midlands Probation

West Midlands Probation Service has a long history of providing RJ. Restorative work began in Coventry and Wolverhampton in 1985 as part of the Home Office funded pilots at that time. Initially referrals came predominantly from the courts, but more recently the focus has widened to accept referrals from any source including Victim Support, the courts or at the request of offenders via Probation Officers or local prisons. West Midlands Probation also provides, jointly with Sandwell Mediation Scheme, a mediation service for young offenders in HM Brindsford Young Offenders Institution.

The restorative service is provided by the VCU, and is offered to all victims who express an interest in a restorative process, building on the statutory service to victims. In every case where the victim indicates an interest, they are offered the opportunity for some form of contact with the offender, whether by letter, or communicating information to the offender via the RJ-trained victim liaison officer, or in a face to face meeting. All staff in the VCU are trained in restorative approaches.

Restorative work in the West Midlands is seen as enhancing the statutory service to victims, and improving protection of the public and risk assessment, as well as contributing to resettlement plans for offenders. It provides the additional benefits of emotional reparation and closure for both victim and offender. Many years experience of this restorative approach to work with victims and offenders has shown how it provides additional benefits to individual work with victims and offenders.

Case study: London Probation

The Victim Liaison Service in London Probation first became involved in RJ through working in partnership with voluntary sector projects. The partnership demonstrated the benefits of RJ processes to victims, and it was decided to integrate an RJ approach into the work of the Victim Liaison Service in London.

This involved the voluntary sector partner delivering awareness training to all Victim Liaison Officers (VLOs), and additional training and supervision to some VLOs so that they became specialists. These staff are currently working towards the Continuing Development Award in Restorative Justice (an NVQ-based award).

To meet resource constraints, it was decided to offer an RJ process only to victims who themselves expressed an interest in one, rather than in every case. This has meant a manageable flow of cases, and cases to date have confirmed the value and appropriateness of RJ processes as part of the service's contact work with victims.

2.3.16 Building on VCU work is not the only way Probation areas can develop their use of RJ approaches. In advance of the RJ activity requirement, they can already provide RJ processes as part of Community Sentences, as a way of working with offenders in a way that addresses victims' and the community's needs – even if there is no statutory duty to contact the victim. The case study below sets out how one area has already developed this approach.

Case Study – Thames Valley Probation

Since 2001 Community Sentences in Thames Valley for violent offences have used RJ processes as part of research testing post-sentence RJ conferencing.

Eligible offenders are assessed for suitability and motivation by the PSR author. If suitable, a requirement (as part of a CRO or CPRO) is proposed in the conclusion of the PSR, with reference to the offender's attitude to RJ elsewhere in the report. Such proposals have been well received, with sentencers advising offenders to take part. In CPOs offenders are expected to undertake RJ within the 10% of the Order allowable for 'other work necessary to enable the offender to gain maximum benefit from the order'.

It is made clear to the offender at PSR stage that, if the victim agrees to take part, then they will be expected to attend an RJ conference. Non-compliance with any part of the post-sentence process will be reported to the supervising case manager for investigation and potential breach action in accordance with National Standards.

Once the Order has been made, the project tries to implement the requirements without delay and meets the offender to confirm suitability, explain the process in full and prepare for the conference. This usually occurs at one of the first three appointments with the supervising case manager (in CPO cases the Initial Assessment interview). Avoiding delay has been found to maintain the motivation of both parties and to achieve the best outcome. However, where suitability has been of concern, the offender has been re-approached after participation in an accredited programme, or victim-empathy work.

The victim is then invited to take part in an RJ conference and if they agree there is a preparation session before the conference.

Both parties are invited to bring supporters to the conference, all of whom are contacted by the facilitator beforehand. An invitation is also extended to the supervising case manager, whose input can be vital in supporting the offender through a demanding process and capitalizing on any increased motivation to change, and to the police officer in the case.

Conferences are a three-stage scripted process led by a facilitator and examine what happened, who was affected and what can be done to repair the harm. They take place in Police Stations, Probation Offices and other community venues, generally lasting one or two hours. Victims have been overwhelmingly satisfied with the experience. Offenders have indicated greater motivation to change and usually commit themselves to activities likely to reduce offending in a (voluntary) outcome agreement. In most cases offenders have described benefits, although evidence on re-offending rates will not be available for some time.

Delivery of RJ approaches – custodial settings

2.3.17 In any area providing RJ approaches involving convicted offenders, prisons will have an important contribution to make. In this, as in other areas of offender management, Prison and Probation Services need to work together.

2.3.18 A number of prisons already support RJ approaches involving their prisoners. Their experience suggests it can help to promote safer custody and the decency agenda among staff and prisoners¹¹.

2.3.19 The key role of prisons is usually to support and enable restorative work being undertaken by probation staff or voluntary sector partners, and, in the longer term, commissioned by Offender Managers¹². The Manchester case study below is a good example of this partnership approach.

2.3.20 Experience has shown that some of the main practical ways prisons can contribute to successful delivery of restorative work by their partners include:

- Ensuring that contact with the VCU and any other partners (including voluntary sector partners) is maintained at senior level;
- Appointing a designated RJ Liaison Officer within the prison;
- Agreeing a protocol with the partner organisation setting out what the prison will do to support delivery – covering issues such as access for project staff and provision of meeting rooms and information about prisoners;
- Training or awareness-raising for all prison staff so that they understand the way that the RJ process is facilitated is also crucial. For example, staff must ensure that appropriate arrangements are made which are sensitive to the needs and concerns of victims, their families and the offender's family when they arrive at the prison for a restorative meeting.

¹¹ Prisons are being encouraged to consider the use of restorative justice as part of their local violence reduction strategies. Experience is that restorative processes offer a constructive approach to inter-prisoner conflicts, restoring the harm done by violence, intimidation and bullying and promoting a problem-solving ethos. More information is available in the Violence Reduction Toolkit, available on the Prison Service intranet.

¹² For further information on initiatives that are already underway within the Prison Service, including contact details for those schemes, HMPS staff can access the results of the Restorative Justice Mapping Exercise which can be found on the Prison Service Intranet.

Case Study: A partnership approach to delivering RJ processes – Manchester Probation Service, Manchester Prison and the Greater Manchester Youth Justice Trust

The RJ project set out to deliver RJ processes in accordance with published best practice and to transfer knowledge and good practice from juvenile models of RJ to an adult context, as part of the Northwest Prisoner Resettlement Strategy Victims and Communities Pathway.

The project is centrally managed by the Greater Manchester Youth Justice Trust and is accountable to a multi-agency steering group comprising the Prison's Resettlement Department, the Probation Service, Community Safety, Victim Support and the Greater Manchester Police. It is funded via the city's Neighbourhood Renewal Fund and Antisocial Behaviour Programme.

Support from Manchester Prison, for example in providing office space and access to information systems, has been integral to the project and it in turn assists them to meet their objectives to reintegrate offenders into society and to offer the opportunity to make amends.

The project has developed an innovative referral process using the Local Inmate Data System (LIDS), OASYS¹³ and PSRs to identify suitable offenders, and has devised a Face-to-Face Assessment Tool to enable full risk assessment, into which information sourced from prison (and other services') staff, such as wing officers, is also fed.

Close links have been forged with the Probation Service, enabling them to extend the role and function of their Victim Liaison Units, which have provided contact details for numerous victims, and helped to maintain a focus on their needs.

Restorative outcomes range from direct to indirect meetings but the project feels strongly that there is significant value in the assessment process itself and extending a range of choice and opportunity to victims to meet their individual needs. In its next phase of development, the project plans to widen the potential for victim-led referrals by ensuring greater involvement of the Victim Liaison Unit and Victim Support.

2.3.21 It is also possible for prisons, if they wish, to develop their partnership role further by using prison staff to deliver restorative work, alongside other agencies, so as to contribute to providing victim-focused reparation as part of rehabilitative and resettlement work with prisoners, and to maximise the benefits to the prison regime mentioned above. The case study below shows how HMP Bullingdon has taken this approach.

Case study: A prison enabling RJ processes – HMP Bullingdon

HMP Bullingdon has been involved in providing RJ processes to victims for some years, with the support and oversight of successive Governors, aided by an RJ working group. Initially part of a Home Office-funded research project, the prison has continued to invest in the approach after the completion of the project, partly to support the LCJB's performance on victim satisfaction, and partly because staff have found that prisoners are motivated to get more out of their sentence after RJ work. A prison officer dedicates two days a week of their time to preparing for and facilitating victim/offender meetings, working closely with the local Probation Service VCU, which leads on contact with the victims. The prison has recently also trained a further 15 staff from across the establishment in using RJ approaches to internal disputes involving staff or prisoners. This has helped spread awareness of, and support for, RJ processes.

¹³ OASYS is the risk assessment tool used in Probation and Prison Services.

What can prisons do to support successful delivery of restorative work?

- *Ensure general staff awareness and support for restorative work*

Restorative justice processes work best in prisons when prison staff understand the principles of RJ, and know that it is valued in the prison. They can play a key role in supporting prisoners during and after an RJ process.

- *Involve the Chaplaincy*

Principles of RJ are reflected in all the major faith traditions. Chaplaincy teams are well placed to support offenders in the preparation for and aftermath of a restorative meeting. For example, they can help offenders to think about the impact of their offence on other people, thereby setting the scene for RJ work.

- *Accommodate restorative justice within the regime*

RJ processes need to be accommodated and given adequate priority in the regime. Once arranged, a victim/offender meeting should not be unnecessarily disrupted or prevented by the prisoner undertaking other activities. The Prison Service Local Inmate Data System (LIDS) can be used to prevent clashes with other activities.

- *Avoid prisoner movements halfway through the process*

RJ processes can take time – for example, preparatory work with victims may take some weeks after a prisoner is first referred. Wherever possible, prisoners should not be moved to another establishment before the RJ process is complete.

- *Provide for completion of outcome agreements while in prison*

Prisons should try to enable prisoners to fulfil any reparative outcome agreements they make with victims. This might include reparation to victims, unpaid work for the community or participation in rehabilitative activities in the prison. Elements of outcome agreements could also be fed back into sentence planning and possible referrals for Offending Behaviour Programmes where needs are identified.

- *Link RJ processes into sentence planning and prisoner information systems*

In the longer term, Offender Managers will identify cases suitable for reparation and RJ processes. In the meantime, prisons can identify prisoners potentially suitable for restorative work for example as part of reception, or sentence and pre-release planning. For example, the restorative project in Manchester prison (see case study above) uses a combination of data from the LIDS and OASYS, combined with an RJ risk assessment.

2.4 Courts and Sentencers

'I am a strong supporter of restorative justice. It represents an innovative way of dealing with crime and aims to repair the harm caused, to the satisfaction of the victim and the wider community. There is evidence that it does work, particularly in helping victims (who must agree to the process) deal with the impact of offences and in improving the confidence of individuals and communities. It may also, in appropriate cases, contribute to reducing the risk of reoffending as well as motivating offenders to participate in additional rehabilitative activity.'

The Rt. Hon. The Lord Woolf of Barnes, Lord Chief Justice of England & Wales

How do RJ processes relate to sentencing?

2.4.1 The principles of sentencing set out in the Criminal Justice Act 2003 include reparation, and reform and rehabilitation of offenders, all of which are often an outcome of RJ processes.

2.4.2 The National Criminal Justice Board is encouraging the use of RJ approaches at all stages of the CJS. In due course, more courts are likely to have RJ approaches available to them, provided either by NOMS or by a dedicated voluntary sector or partnership scheme.

2.4.3 In principle, this would allow sentencers to make use of RJ approaches in a number of ways:

- *Pre-sentence.* Sentencers could ask for RJ to take place before sentence, subject to a suitability assessment taking place. In principle, pre-sentence restorative work can provide useful information for sentencing, for example about the offender's level of remorse and understanding of the impact of their crime. RJ processes can also lead to an understanding of what kind of reparation will both meet victims' needs and help rehabilitate offenders. Undertaking an RJ process can be a form of rehabilitative activity in itself. There is evidence that RJ processes can motivate offenders to complete reparative and rehabilitative work¹⁴;
- *Deferment of sentence.* An alternative would be to defer sentence, using Section 1 of the Powers of Criminal Courts (Sentencing) Act 2000 (as amended by the Criminal Justice Act 2003), for a period which allows the offender to complete any outcome agreement made in the RJ process, taking appropriate account, in sentencing, of the reparation and rehabilitative activities they have undertaken, and remorse demonstrated whilst doing so;
- *Sentencing to undertake a restorative justice process.* This is already possible in youth justice through the Referral Order. The Criminal Justice Act 2003 allows for an RJ process to be made part of an activity requirement in a Community Order for adults¹⁵. Work is in train to set up a pilot of this provision (see [Section 2.3](#) of this guidance).

2.4.4 This guidance will be updated in due course as more restorative schemes become available for sentencers to use, and in particular at the end of the planned pilot of the Criminal Justice Act 2003 provisions on RJ approaches.

2.4.5 The Lord Chancellor has set out further ideas about the relationship between RJ approaches and sentencing in a recent speech¹⁶.

¹⁴ Latimer, J., Dowden, C., and Muise, D. (2001) *The Effectiveness of Restorative Justice Practices: A Meta-Analysis*. Department of Justice: Canada.

¹⁵ CJ Act 2003 Section 201 (2) 'The specified activities may consist of or include activities whose purpose is that of reparation, such as activities involving contact between offenders and persons affected by their offences'.

¹⁶ Lord Chancellor's Speech to the JRC Conference, June 2004, available at www.homeoffice.gov.uk/justice/victims/restorative/

How do RJ processes affect court performance on timeliness?

2.4.6 An RJ process takes time – for example, to contact and prepare victims. If it is used pre-sentence, the court will need to be persuaded to adjourn or defer sentencing. Sentencing ‘there and then’ will make an RJ process impracticable.

2.4.7 RJ processes may therefore extend the time it takes for a case to be completed. But this will have no adverse effect on performance against timeliness targets for courts or other criminal justice agencies, and is no reason to avoid using RJ processes.

2.4.8 The National Criminal Justice Board’s current timeliness standards for Magistrates Courts relate to Adult and Youth Trials, and Adult and Youth Committals. RJ processes only take place when offenders admit responsibility, so it will not normally be relevant in cases involving trials. Where it is used pre-sentence for cases committed to the Crown Court for sentencing, the RJ process will take place after Committal and will not affect performance on timeliness.

2.4.9 RJ processes may affect the time taken in Magistrates Courts in cases involving Youth and Adult Initial Guilty Pleas. There is a current timeliness standard for these data and the results are collected by the 42 CJ Areas and published in DCA Statistical bulletins. However, they are not used by the National Criminal Justice Board.

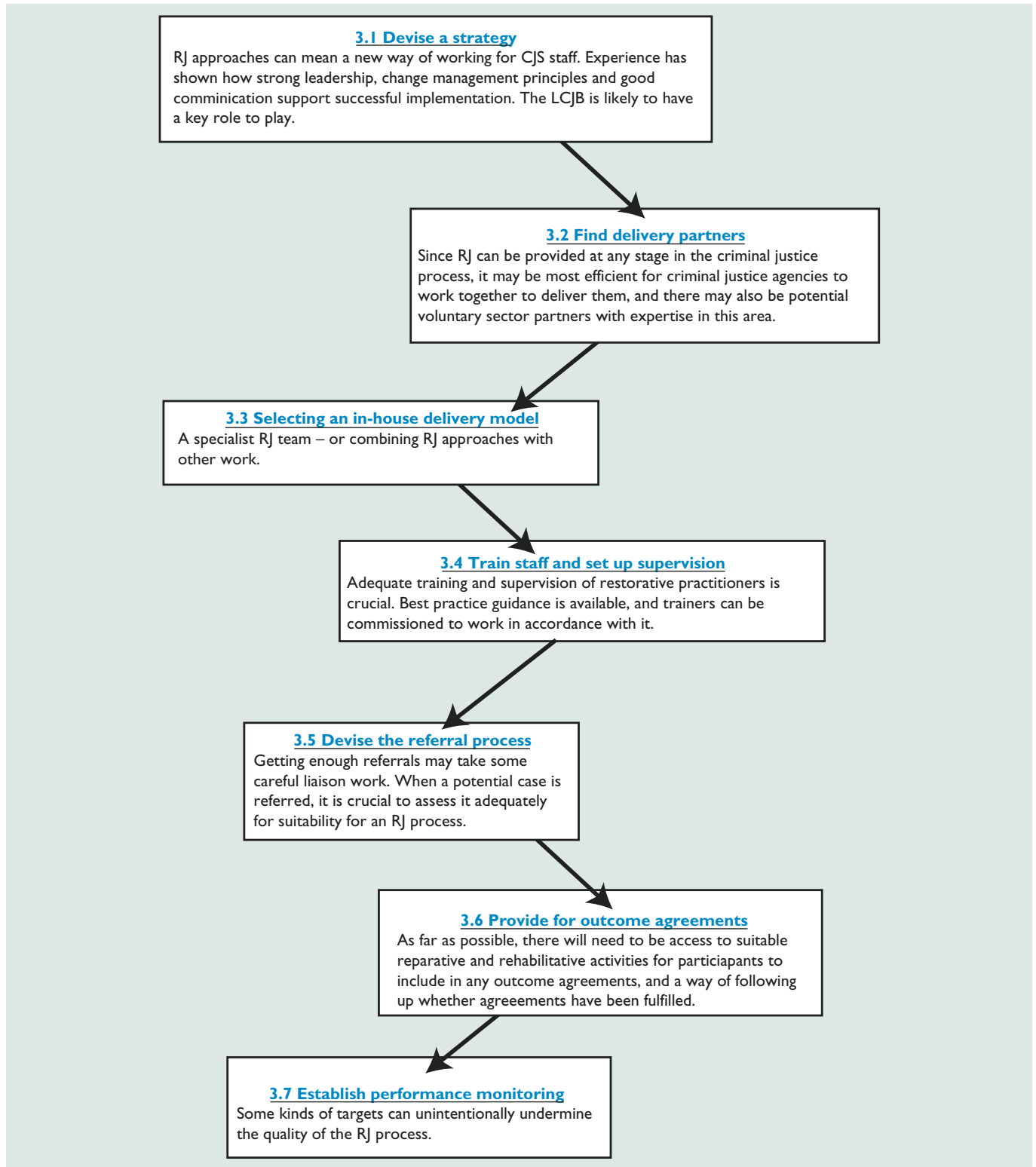
2.4.10 It should also be remembered that one of the key reasons for all these performance targets, especially on ineffective trials, is to improve the quality of service to victims and witnesses. While timeliness supports work to reduce the number of ineffective trials and can be seen as a part of the quality of service to victims and witness, there is good evidence that RJ approaches also do this very effectively.

The Community Justice Centre

The Liverpool Community Justice Centre began operational piloting on 9 December 2004 in an existing Magistrates Court, and will move to its permanent location in the North Liverpool area in late summer 2005 where the range of services available will be co-located. This innovative project aims to tackle anti-social behaviour in North Liverpool and has had 120 cases before the single Community Justice Centre Judge, His Honour Judge David Fletcher, since opening. The Centre’s problem-solving approach to addressing crime and the causes of crime is being developed in partnership with all local criminal justice agencies. The Centre will offer a range of supportive services either directly in the Centre itself or immediately signposted from the Centre. This will include provision of RJ processes, and the Centre will aim to develop RJ services locally in a way that responds to community needs.

Section 3 Implementation Support

This section, designed to be read in conjunction with [Section 1](#), is for those tasked with development or implementation of a restorative justice (RJ) service, and covers the following steps they may need to take:



3.1 Devise a strategy

RJ approaches can mean a new way of working for CJS staff. Experience has shown how strong leadership, change management principles and good communication support successful implementation. The LCJB is likely to have a key role to play.

The need for a strategic approach – what’s special about restorative justice?

3.1.1 As with any new initiative, implementing restorative justice (RJ) approaches needs planning and management. But RJ is a distinctive process – in its attention to victims and the community as well as to offenders; and its emphasis on empowering the participants, including the offender, to find their own resolution to an incident, rather than one offered or imposed by the CJS.

3.1.2 These distinctive features are what make it effective. They also mean a new way of thinking for many criminal justice staff. For the organisation to get the full benefits from RJ approaches, staff will need to see it as more than just another new procedure or intervention, but a new way of working – which many have found inspiring.

3.1.3 So implementing RJ approaches usually involves a degree of cultural change. That means that there is a particular premium on strong leadership, careful project planning and communications.

The role of the Local Criminal Justice Board

3.1.4 Consistent leadership, oversight and communication from the Local Criminal Justice Board (LCJB) may be particularly important, for the following reasons:

- Priorities on victims and confidence, for which RJ processes are particularly effective, are owned by LCJBs. Development of RJ processes may be built into delivery plans on victims and confidence;
- RJ processes can be delivered at any stage in the criminal justice process, and by any agency; so there is potentially scope for cross-agency co-operation and joint delivery, which the LCJB is well placed to identify and co-ordinate (see section 3.2 below). An audit of existing local experience in, and provision of, RJ processes, in both criminal justice agencies and the voluntary sector, may be a useful starting point for planning;
- RJ processes at one point in the system may have effects elsewhere – for example, RJ used as a diversion from prosecution.

3.1.5 LCJBs may find it useful to appoint a ‘champion’ to take forward thinking on RJ processes, and to lead and co-ordinate implementation.

Leadership

3.1.6 Experience has shown that successful introduction of RJ benefits from a clear, personal commitment to RJ approaches from the top (Chief Officer level) – to show all staff that it is not a fad or just another initiative, but an important aspect of the organisation’s vision and business. They will need to ensure RJ approaches are built into the overall strategy for the agency, and that targets reflect and encourage it.

3.1.7 Within each criminal justice agency, it will usually be essential to appoint a Senior Responsible Owner (SRO) – a senior manager directly accountable for implementation to the top, with the necessary time, clout and support. For an RJ scheme of any size, this is likely to need to be at Assistant Chief Officer level.

Change management

3.1.8 Section 4 of this guidance includes resources on project and change management to introduce RJ approaches, which organisations can use and adapt as necessary:

- An example outline implementation strategy, based on the experience of Thames Valley Police in introducing RJ;
- Principles of change management for RJ approaches;
- A model risk register for RJ for adaptation and use in project planning.

Communications

3.1.9 While communication is usually part of managing any project, the nature of RJ approaches gives it a particular importance.

3.1.10 Experience has shown that RJ approaches work best when there is basic understanding of and support for RJ among all staff in the organisation. Broad communication is needed both to ensure that RJ practitioners receive the support and co-operation they need from colleagues, rather than being seen as an 'add on'; and that participants and the public get a clear, consistent message from all staff on the organisation's use of RJ processes.

3.1.11 Communication with victims, offenders and other potential participants is also crucial, because without their involvement no RJ process is possible. Consultation and communication may be useful to ensure that RJ processes provided are suitable and accessible for all sections of the community.

3.1.12 Since RJ approaches are relatively new, and can be misunderstood and misrepresented, communication with the general public will also be useful, to ensure introduction of RJ processes supports confidence in the CJS.

3.1.13 [Section 4](#) of the guidance contains some materials that areas and agencies can adapt and tailor for use in communication on RJ approaches.

3.2 Find delivery partners

Since RJ processes can be provided at any stage in the criminal justice process, it may be most efficient for criminal justice agencies to work together to deliver them, and there may also be potential voluntary sector partners with expertise in this area.

3.2.1 To provide a seamless service to participants and to ensure the RJ process links in properly to the criminal justice process, experience suggests that a successful multi-agency partnership needs a clear, written statement of responsibilities and procedures. It will often be useful for the LCJB to retain an overview of the partnership arrangements.

3.2.2 The rest of this section sets out a number of forms of multi-agency partnership that may be used to delivery RJ approaches.

Practical co-operation

3.2.3 Agencies can provide practical support and co-operation to others who are delivering restorative work, for example by providing necessary information in a timely way, or providing suitable premises. A key example is setting up referral arrangements to pass suitable cases to another agency that is already doing restorative work – for example, from police to a local voluntary sector organisation. While ad hoc referrals already take place in some areas, it may be useful to consider putting in place more systematic referral mechanisms, which provide a more uniform service to victims, within the capacity of the organisation providing the restorative work.

Contracting out

3.2.4 Agencies can provide RJ processes by contracting out. The case study below shows how one police force has contracted out delivery of RJ Conditional Cautions to a local voluntary sector organisation.

3.2.5 Clarity will be needed on which agency is responsible for which aspects of the RJ process and any other criminal justice process associated with it, and criminal justice agencies contracting out will need to satisfy themselves that partner agencies are able to deliver RJ processes to an adequate standard. This may include ensuring they work according to published best practice (see [Section 3.4](#) below on training); and monitor key outcomes (see model monitoring framework in [Section 4](#)).

Case study: Contracting out to a voluntary sector partner – West Mercia Constabulary

West Mercia Constabulary is one of the early implementation areas for RJ Conditional Cautioning, and has chosen to contract out delivery to a local voluntary organisation, Youth Support Service (YSS). This has provided a number of benefits for the force, far beyond freeing up police officers to perform other duties. It has meant the service is delivered by people with pre-existing knowledge and skills in restorative work, therefore reducing training requirements; and that there is a dedicated, full-time RJ resource available to the force, which might have been difficult to create in-house. I was aware that contracting out meant extra effort would be needed to ensure adequate knowledge within the force of restorative processes, and we have put in place a comprehensive programme of awareness raising, using force newsletters and so on. This has been effective and colleagues have shown both interest in and support for what we are doing. Regular Steering Group meetings of those responsible for delivering the project, and written protocols setting out who does what, have also promoted effective partnership working, and we expect the partnerships we have developed with YSS and other criminal justice agencies to provide broader benefits in the long term.

Detective Inspector Mark Smith, Crime and Disorder Team, West Mercia Constabulary

Pooling resources

3.2.6 Where a number of agencies in one area are providing RJ processes, they can pool resources to exploit economies of scale and promote consistent joined-up working, for example by commissioning joint training for staff; a joint communications strategy and joint literature about RJ processes for participants; setting up joint support for practitioners, such as newsletters and networking days; cross-agency specialist supervision; and co-ordinated monitoring of outcomes, such as community attitudes to restorative work and how it is affecting victim satisfaction and confidence in the CJS locally.

Multi-agency joint delivery

3.2.7 This joined-up approach to providing cross-agency delivery can be extended by setting up a single team that facilitates restorative work referred from any participating agency. This could be a virtual team – a set of cross-referral arrangements between participating agencies, with co-ordinated management; or it could be a separately managed unit, which could be co-located. The case study below sets out how this had been done in Thames Valley, involving both criminal justice agencies and voluntary sector participation.

Case study: Joint agency delivery of RJ approaches – Thames Valley multi-agency delivery unit

With effect from April 2005, criminal justice and voluntary sector agencies in Thames Valley are setting up a multi-agency RJ unit in Oxfordshire, to deliver end-to-end RJ processes at any stage of the criminal justice process – from dealing with anti-social behaviour, RJ Conditional Cautioning (for which Thames Valley is an early implementation area) through to post-sentence work with offenders both in the community and in prison. The post sentence work will focus on priority offenders. The unit will have equal responsibility for working with both victims and offenders in the RJ process.

The approach has the full backing and oversight of the LCJB – because of the expected efficiency gains from pooling resources – with partners working closely together and deploying RJ facilitators across different agencies according to their case-flows. The work of the unit will also contribute towards the Board's strategies in relation to Conditional Cautioning, priority offenders, community engagement and public confidence. Another benefit is that the unit is a centre of expertise on RJ approaches, ensuring that victims and the wider community get a high quality service.

The unit draws on staff and/or resources from the police, the National Offender Management Service (Thames Valley Probation Service and HM Prison Bullingdon) and expertise from voluntary sector partners when necessary. The partner agencies have set up procedures for referring cases to the unit which involve the active co-operation and involvement of their own staff.

Unit staff will work as part of a virtual team working across the whole county and all the partner agencies, with management, supervision and administration based at the unit's headquarter office.

Partnership with the voluntary sector and use of volunteers

3.2.8 Agencies will find it useful to consider voluntary sector organisations, as well as other criminal justice agencies, as delivery partners – such as a specialist RJ agency or a local mediation service with trained RJ facilitators.

3.2.9 To help criminal justice agencies and LCJBs identify potential voluntary sector partners, a list of organisations willing to deliver RJ processes will be available on CJS Online in the near future.

3.2.10 The use of voluntary agencies – or the direct use of volunteer facilitators by a criminal justice agency – may involve and empower local communities. Overall, evidence and experience suggests that volunteers and criminal justice professionals can be equally good RJ facilitators. The key issue is good training and ongoing support for facilitators, whatever their background or professional status.

Case study: Successful partnership working in RJ – Plymouth Mediation and UNITE

Plymouth and South Tees Youth Offending teams (YOTs) have been delivering RJ approaches in partnership with local voluntary sector mediation services – respectively Plymouth Mediation and UNITE. Community mediation services in some areas may also be suitable delivery partners for RJ processes for adult offenders. The benefits and success factors in this kind of voluntary sector partnership will be similar for young and adult offenders.

These YOTs have found partnership delivery a cost effective way of bringing in specialist skills in restorative work. To make the partnership work well, for example to ensure an adequate flow of referrals, they have found that regular contact between the managers of the two services, and close contact between staff at working level on individual cases, are essential. Awareness raising for YOT staff has also been important, and joint training events for staff in both organisations has been an effective way to do this.

3.2.11 A disadvantage of contracting out is that it may hinder the adoption of an RJ process as a mainstream intervention by the contracting agency in the longer term. However, it is possible to build into the delivery partnership a transfer of skills, so that RJ processes can eventually be delivered in-house – see London Probation [case study](#) in Section 2 of the guidance.

3.3 Selecting an in-house delivery model

A specialist RJ team – or combining RJ approaches with other work?

Specialist RJ team

3.3.1 This involves allocating particular staff to facilitate all the organisation's restorative interventions as their sole job, and grouping them together into a specialist team that does nothing but facilitate RJ processes. Some of its benefits are:

- It concentrates expertise and facilitates learning, both for front line restorative practitioners and their line managers and supervisors, so supports high quality work and successful outcomes;
- It motivates practitioners by giving them ready access to peer support and specialist supervision;
- It ring-fences the organisation's RJ resource, preventing practitioners being pulled into other work;
- It clearly demonstrates the organisation's commitment to restorative work, and creates a beacon for RJ;
- It helps practitioners to be seen to be neutral by all participants, which is more difficult for practitioners who mainly supervise offenders or work with victims.

3.3.2 The main disadvantage is that it can isolate RJ approaches within the organisation, making it difficult for practitioners to get the co-operation and support they need from colleagues, for example in the form of referrals, information about participants or help in making practical arrangements.

Mainstreaming RJ approaches

3.3.3 This approach involves training a wide range of staff to facilitate RJ processes alongside, and as part of, other work, such as offender supervision or management, and community policing. Its main benefits are:

- It may help spread understanding and support for restorative work throughout the organisation, supporting the necessary cultural change and facilitating active co-operation of all staff with restorative work;
- It may also appear to require less handover of files and case information between practitioners. However, RJ best practice indicates that the process should be facilitated by someone other than the offender's caseworker or the victim's liaison officer, to ensure they are perceived as neutral;
- It may produce wider benefits, such as greater victim sensitivity, throughout the organisation.

3.3.4 However, this model risks diluting RJ work in the organisation, and may make it harder to manage and supervise effectively.

Specialist RJ staff in a wider team

3.3.5 In this approach, restorative practitioners are still assigned purely to restorative work, but are part of a team with a wider function. It shares some of the advantages and drawbacks of each of the previous approaches.

Combined RJ and Victim Liaison Team

3.3.6 Some organisations with a specialist Victim Liaison Unit or Team have integrated an RJ function with this, since Victim Liaison Officers are already more used to giving attention to victims and communities than staff managing or supervising offenders.

3.3.7 However, RJ processes need to engage offenders too, so if this model is chosen, steps will be needed to ensure staff have a good interface with and co-operation from those working with offenders. The model may also mean that restorative work is easily pushed aside by other victim liaison work, and it may be more difficult for RJ facilitators to appear neutral, particularly to offenders.

3.4 Train staff and set up supervision

Adequate training and supervision of restorative practitioners is crucial. Best practice guidance is available, and trainers can be commissioned to work in accordance with it.

Importance of training

3.4.1 The personal involvement of victims and the community is what generates the benefits of RJ approaches. It may also mean greater risks of poor outcomes for victim satisfaction and confidence than for other kinds of intervention. So it is essential that staff facilitating restorative work – any form of communication between victim and offender – are adequately trained and supervised.

Where to find best practice for practitioners

3.4.2 The Home Office has published *Best Practice Guidance for Restorative Practitioners, and their Case Supervisors and Line Managers*¹⁶, which provides a comprehensive and up-to-date description of best practice, and has been endorsed both by criminal justice agencies (including the Youth Justice Board, National Offender Management Service and Association of Chief Police Officers) and the main RJ voluntary sector and practitioner organisations.

3.4.3 This guidance effectively describes the minimum standard for safe and competent restorative practice in standard cases, and distinguishes a class of more sensitive and complex cases which require a higher degree of knowledge, skill and experience. It sets out the skills all practitioners need to have to be able to work safely with any case – even if on a case by case basis not every skill set out in the guidance will be needed (for example for some more simple cases). It will be the basis for new National Occupational Standards on Restorative Justice, due later in 2005, and accredited awards based on those Standards.

3.4.4 Anyone managing implementation of RJ processes should ensure that staff facilitating RJ are working in accordance with the guidance. This may include providing for them to achieve a recognised qualification in restorative work based on the new National Occupational Standards, when these are available. Any training commissioned should fully equip practitioners to work in accordance with the guidance, for example by stipulating this in contracts.

Where to find training providers

3.4.5 A list of organisations offering training in accordance with best practice will be available on CJS Online in the near future.

Supervision

3.4.6 Best practice includes adequate case supervision for restorative practitioners, to support the practitioner and ensure quality of delivery by providing advice and oversight in individual cases, and checking that nothing is going seriously wrong. Every RJ practitioner should have access to a case supervisor. They do not need to be their line manager, and could be a peer, but do need to be a trained RJ practitioner themselves. The best practice guidance referred to above contains pointers for line managers of RJ practitioners.

¹⁶ The best practice guidance, and further information about training and accreditation in restorative justice, are available at www.homeoffice.gov.uk/justice/victims/restorative/training.html

3.5 Devise the referral process

Getting enough referrals may take careful liaison work. When a potential case is referred, it is crucial to assess it adequately for RJ suitability.

Case referral versus case extraction

3.5.1 Experience has shown that it takes time for those not directly involved in delivering restorative work to understand when they can make referrals, and reliably remember to do so. If you are setting up a separate RJ team, with referrals coming from other organisations or units within your organisation – for example, a specialist team for delivering RJ Conditional Cautions, or restorative interventions post-sentence in a probation setting – you may need to take active steps to ensure the team gets enough suitable referrals.

3.5.2 These could include:

- an on-going communications campaign (for example visiting relevant managers and making use of team meetings, or providing simple, eye-catching instructions on how/when to refer cases);
- an initial “case extraction” rather than “case referral” approach – that is, actively to review files themselves to seek out suitable cases, and then negotiate referral from the appropriate person or unit (for example, case supervisor or officer in the case).

3.5.3 You may also need to put in place data sharing protocols with referral agencies, or others to whom you contract out restorative work, to ensure you can obtain contact details and other necessary information about potential participants, particularly victims. Agencies in many areas have successfully done this, and data protection rules need not prevent agencies passing on this kind of information to organisations offering RJ processes.

Suitability and risk management

3.5.4 Suitability assessment is a crucial part of RJ process. It includes an assessment of risk, but this is not the same as standard risk assessment in most criminal justice agencies, because it needs to:

- Identify risks of further emotional or other harm being caused during, or as a result of, the restorative process itself (not just generic risk of further offending). This may mean assessing the offender’s motivation for participating, and any motivation and capacity to cause further harm to the victim; as well as the victim’s motivation and, for example, any desire for revenge;
- Identify risks posed by the involvement of other participants (not just the offender); and
- Assess the vulnerability of the victim and any other potential participant.

3.5.5 In particular, risk management needs to be able to identify sensitive or complex cases where there is a significant risk of further harm taking place. Restorative work may still be valuable in these cases, but should only be undertaken by more experienced practitioners. More information on risk management is available as part of published best practice guidance¹⁷.

3.5.6 You therefore need to ensure that all RJ facilitators use a clear process or tool for assessing suitability and risk, which may draw on, but will probably be additional to, any standard risk assessment procedures in your organisation.

¹⁷ See Sections A2 and B of *Best Practice Guidance for Restorative Practitioners* at www.homeoffice.gov.uk/justice/victims/restorative/training.html

3.6 Provide for outcome agreements

As far as possible, there will need to be access to suitable reparative and rehabilitative activities for participants to include in any outcome agreements, and a way of following up whether agreements have been fulfilled.

Ways of providing for outcome agreements

3.6.1 RJ processes will be most effective if participants who wish to form an outcome agreement can include in it specific reparative or rehabilitative activities for the offender. Guidance to practitioners on helping participants form outcome agreements is part of the published best practice guidance¹⁸, but for those managing implementation, the key point is that the organisation or area will need to consider how to provide:

- Practical support and supervision for participants' own ideas;
- A menu of suitable programmes facilitators can suggest to them if they are appropriate (though facilitators should not lead participants or impose solutions).

3.6.2 Provision of this support may be done in-house, by the restorative practitioner or other staff; or (and this will usually be the main method) by referral on to other organisations (for example, drug or alcohol agencies; organisations offering volunteering opportunities; criminal justice offending behaviour programmes or reparation/unpaid work projects or other interventions, where appropriate). A minimum useful step may be the collation of a 'yellow pages' of suitable agencies to refer on to, for facilitators to use.

3.6.3 You will need to ensure activity to fulfil outcome agreements complies with health and safety regulations and suitable insurance is in place. However, concerns in this area should not needlessly restrict the creativity and empowerment of the participants, on which the effectiveness of an RJ process may rely.

Monitoring and fulfilment of outcome agreements

3.6.4 In some circumstances, monitoring the offender's fulfilment of the outcome agreement is crucial, because failure to complete the agreement has legal consequences – for example, in Conditional Cautioning, failure to complete the conditions of the Caution renders the offender liable for prosecution for the original offence. But even if there are no legal consequences, it is helpful for offenders to know that completion, or failure, will be noted by the organisation for future reference, including for use in suitability assessments for any future restorative work. Victims need to be informed about the outcome, if they wish.

3.6.5 If activities in the outcome agreement are being carried out under the auspices of another organisation, rather than being provided or supervised in-house, clear arrangements need to be made for whether and how the organisation will report back on completion.

3.6.6 Approaches for monitoring completion include:

- Actively contacting offenders or others to check;
- Asking the offender to demonstrate completion, and follow up with them only if they fail to do so.

¹⁸ See *Best Practice Guidance for Restorative Practitioners* at www.homeoffice.gov.uk/justice/victims/restorative/training.html

3.7 Establish performance monitoring

Some kinds of targets can unintentionally undermine the quality of the RJ process.

3.7.1 [Section 4](#) contains a model monitoring framework which gives a list of data it may be useful to collect. This will give you a full picture of the service you are providing. It may be possible to collect this as part of normal case management and progression processes.

3.7.2 In addition, successful implementation is likely to require setting and monitoring performance measures or targets. Experience from Youth Justice and elsewhere shows that targets need to be applied carefully, or else they can be counterproductive.

3.7.3 Targets need to be such that:

- There is no incentive to pressurise people to participate;
- Practitioners can spend adequate time preparing participants (for example, allowing for victims' natural recovery processes, and time to make informed decisions), and following up restorative contact;
- Practitioners are free to use processes suitable for individual participants (for example, a one-off conference or an indirect process as necessary);
- Enough initial exploratory and preparatory work takes place to identify all cases suitable for an RJ process, so that case flow is high enough; but at the same time, adequate resources are concentrated on running RJ processes and bringing them to a successful completion, not just looking for cases.

3.7.4 A combination of simple performance measures, assessed collectively, may be most effective, for example: Completed cases + Victims offered the opportunity to participate + Satisfaction of participating victims.

3.7.5 Qualitative monitoring may also be helpful – for example, of the contents of outcome agreements. It may also be useful to put in place some form of independent quality assurance of restorative practice, to help practitioners continue to improve their practice after initial training, and to check that participants are not adversely affected by any aspects of the process outside the practitioner's control (for example, their treatment by referring agencies). For example:

- Arranging for someone outside the regular line management structure to observe RJ practices; or
- Seeking confidential feedback from participants. [Section 4](#) of this guidance includes a model feedback form for participants which you can use and adapt as necessary.

Section 4

Resources

This section is a 'toolkit' providing resources for those implementing restorative justice processes to use and adapt as they need to. It will be added to and updated as more experience and best practice in implementing RJ approaches becomes available. It is intended to complement [Section 3](#), which provides more general advice and information on implementation.

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4.3 Communications pack for restorative justice approaches

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[Model Q&A briefing](#)

[Model article](#)

4.4 Resources for restorative justice in particular agencies

[Checklist: What a prison can provide to support restorative justice](#)