



west midlands
police and crime
commissioner

Police and Crime Panel
7 March 2016

RESTORATIVE JUSTICE IN THE WEST MIDLANDS

Report of the Police and Crime Commissioner

PURPOSE

1. This report sets out how Restorative Justice (RJ) is being delivered in the West Midlands. This is a relatively new area for Police and Crime Commissioners with responsibility transferring from the Ministry of Justice alongside Victims Services in April 2015. RJ is an evidence based alternative to a prosecution for adults and young people that includes bringing the victim and offender together as an out-of-court disposal. It is proven effective in reducing reoffending and improving victim satisfaction.
2. RJ activities provide opportunities for victims to be heard and to have a say in the resolution of offences. It has the potential to transform the way in which the needs of the victim are met. Importantly, it also provides an opportunity for offenders to face the consequences of their actions and the impact that it has had upon others. This has been shown to be effective in motivating offenders to change, make use of support being offered, and reduce re-offending. It can involve victims explaining to an offender the impact of the crime on them; seeking an explanation and apology from the offender; and playing a part in agreeing restorative or reparative activity for the offender e.g. working for free for a charity, paying to repair any material damage, or keeping the victim informed of their progress in getting off drugs or finding a job.
3. An RJ process can be delivered through:
 - a face-to-face restorative group conference, involving a facilitator, the offender and victim and their supporters (usually family members). Professionals, such as social workers, Youth Offending Teams (YOTS), probation, police or prison staff, and representatives of the wider community may also be involved. These conferences follow a clear structure, with some facilitators choosing to follow a 'script' of set questions, and may conclude with an agreement for further steps to be taken e.g. a form of reparation

- A community conference, involving members of the community affected by the crime. This is facilitated in the same way as a restorative conference. But it differs from the restorative conference in that it can involve many more people.
 - Contact between victim and offender through a mediator/facilitator, to discuss offence. This contact might result in an agreement for further steps to be taken e.g. some sort of reparation, but this is not a necessary outcome
 - Indirect communication is also possible. This can be via telephone or video conferencing, written correspondence or 'shuttle mediation' through the facilitator. All of these can lead to a face-to-face meeting at a later stage. Current evidence suggests that a face-to-face meeting between victim and offender is the most effective form of RJ in terms of outcomes for victims and offenders.
4. It is important that the right type of RJ is delivered for the individual circumstance, therefore wherever possible, a face to face meeting should be the aim, but with a suitable alternative used where a face to face meeting is against the wishes of participants or is not safe.
 5. Ministry of Justice (MoJ) research has shown that RJ can benefit both the victim and the offender. Evaluation of pilots found that RJ was associated with an estimated 14% reduction in the frequency of re-offending. The evaluation also found that 85% of victims that participated in the conferencing method of RJ were satisfied with the experience. Both the victim and offender must be assessed and be fully able, willing and suitable to engage safely in a restorative process. This assessment is carried out by trained RJ practitioners.
 6. Within communities there is an increasing use of RJ approaches by Neighbourhood Justice Panels, voluntary sector organisations and the education sector. A Neighbourhood Justice Panel is a means of working with local communities using restorative justice to address problem behaviour and low level offending which affects communities, and to repair the harm caused. It involves the victim, perpetrator and any wider community members who are interested in agreeing the details of a restorative justice outcome for anti social behaviour and low level offending which is being dealt with informally or where a conditional caution requires a restorative justice element which a neighbourhood justice panel can help agree.
 7. The Ministry of Justice's (MoJ) vision is for good quality, victim-focused RJ to be available at all stages of the criminal justice system (CJS) in England and Wales and success will mean that:
 - Victims have equal access to RJ at all stages of the CJS irrespective of their location, the age of the offender or offence committed against them
 - People have an awareness and understanding of RJ, it's benefits, what it entails and how to access it
 - Good quality RJ is delivered by trained facilitators.
 8. The MoJ state that they will measure success using a range of mechanisms including:

- Monitoring RJ provision through on-going engagement with Police and Crime Commissioners (PCCs);
 - Monitoring take up of the Restorative Justice Council's restorative services standards and restorative services quality mark;
 - Working with the Victims' Commissioner to monitor compliance with the relevant requirements in the Victims' Code; and
 - Continuing to work with the Restorative Justice Council to understand the extent and nature of RJ provision and build on research which has attempted to provide a benchmark.
6. The link below is a video from the Restorative Justice Council: '*Recovering from crime – Restorative justice in Action*' shows how RJ works and the impact that it has on both the offender and victim.
<https://www.youtube.com/watch?v=DUyzieOrwnw&feature=youtu.be>

Strategic benefits of Restorative Justice

7. RJ leads to an increase in victim satisfaction. Independent research and evidence shows that when used appropriately RJ delivers significant improvements in a victim's satisfaction in the way their case is dealt with. Victims are empowered and able to suggest how the offender can acknowledge the impact of their actions and make reparation. Researchers have also found that those victims involved in full conferences were less likely to suffer from post-traumatic stress symptoms; and three times more likely to experience a degree of closure, thus enabling them to cope and recover from the crime committed against them.
8. RJ leads to a reduction in re-offending. Studies also show that levels of repeat offending are lower in offenders who have taken part in full conferences. Offenders who meet their victim, or their victim's representative, and hear from them the impact that their crime has had are more likely to appreciate the effect of their behaviour. RJ has shown to be as effective in reducing reoffending with adults as with young offenders.
9. RJ helps to build safer, stronger communities and community cohesion. Formal criminal justice sanctions may lead to continued reoccurrences of the same offence if victims and offenders have not resolved the problem; a restorative intervention at an early stage can prevent escalation from a minor conflict to a major event. RJ can increase and restore a sense of 'community' where offenders repair the harm done directly to the individual or the neighbourhood, allowing reintegration and a return to normality. It also gives the police and partner agencies opportunities to engage with the community, victims of crime and offenders who commit crime. Street-level RJ also allows criminal justice professionals the opportunity to use discretion and professional judgement to deal with low level crime and anti-social behaviour in a way which doesn't criminalise people unnecessarily.
10. Access to restorative justice should be available for victims at all stages of the criminal justice system. This will allow victims to ask to participate in restorative justice at a time that is right for them. For some victims, this may happen immediately after an incident, for others it may be post-sentencing. Access to RJ is also an essential part of the Victims Strategy, and one that has been identified as key to the success of enhanced victims' services. The Victims' Code requires that victims

of adult offenders be provided with information about RJ and to be referred to services where these exist.

11. The OPCC is committed to increasing the use of RJ across the criminal justice system. There is still relatively low awareness of restorative justice with both the public and criminal justice professionals. We need to have consistent messages related to the purpose and value of restorative justice, presented in a way that captures the victim's attention and builds confidence. Information and guidance needs to be shared within the criminal justice system, voluntary and community services and the public.

A West Midlands Strategy for Restorative Justice

12. The OPCC is developing an overarching multi-agency strategy that will promote a common understanding of the interventions available, how and when they should be accessed and the process to ensure consistency in their application. A Policy Officer (Meena Rahr) was recruited in January 2016 to lead on this area of work and develop a multi agency strategy and framework for delivery across the West Midlands. The main remit will be to establish and maintain strong partnership links on a local basis with all identified key agencies to fully support the promotion and expansion of RJ services. She will be involved in identifying potential areas for service development taking into account local trends and opportunities and regularly review referrals and outcomes and produce quarterly reports for monitoring and evaluation purposes.

Activity to date

13. The OPCC is now building on the training that has been delivered and projects that have been commissioned. A brief outline of all activity is set out below:
 - a) West Midlands and Staffordshire Community Rehabilitation Company (CRC) are utilising restorative principles in its work with offenders which reduces crime and therefore, the number of victims. The training has given the CRC dedicated and accredited RJ practitioners who are able to deliver RJ conferencing with partners. It is also building the capacity for restorative activities to be delivered not just within the CRC but with partners, in responding to pre-court matters and anti-social behaviour. (£31,725 allocated to this project)
 - b) West Midlands Police have trained officers to get the victim and offender to meet face to face to have a structured discussion which focuses on the emotional harm caused by a particular crime or incident and how that harm can be repaired. For those harmed, it offers the opportunity to ask questions and gain closure, whilst offenders come to understand the true impact of their actions. The WMP model of RJ delivery has seen training delivered to officers across response, investigation, neighbourhood and offender management teams with a view to increasing the use of the tactic in three key areas:
 - Community resolutions: whilst community resolutions have been established in WMP for several years now they tend to be used to broker outcomes where the victims and offenders do not meet. As a result victims are rarely afforded the opportunity to ask questions of the offender or receive personal apologies. The offenders meanwhile are rarely made to appreciate the impact of their actions. Training response and local investigation team officers have built the capacity for informal resolution of crimes.

- ASB and other neighbourhood issues: non-crime issues can prove problematic for officers whose powers are generally based on criminal legislation. Whilst the growth of civil law remedies provide an alternative response for officers, such tools are invariably very time-consuming and therefore do little to offer immediate respite to victims. RJ offers an opportunity to seek informal resolution at a far earlier stage of proceedings and often in a fashion which strengthens rather than weakens community cohesion.

- Offender rehabilitation - the drive towards reducing rates of re-offending is of ever increasing significance to policy-makers and practitioners alike. Research shows RJ to be one of the most effective strategies available. The impact RJ has on offender's thinking patterns is often pivotal in reducing offending and RJ therefore offers offender management professionals a vital tool. (£67,157 allocated to this project)

- c) West Midlands Youth Justice Board was allocated funding in order to make sense of the RJ landscape, understand what is actually being delivered and identify what needs to happen in order to improve outcomes for victims, young people and the community. (£60,000 allocated to this project)

- d) Sifa Fireside were allocated funding for the provision of 188 RJ conferences over a 12 month period and the service was to be offered across all 7 local authority areas. (£47,967 allocated to this project)

- e) Midland Heart and West Midlands Police were allocated funding for a six month pilot project on Birmingham North PU, along with Birmingham Safer Housing Project. Both organisations provided a member of staff to focus on the use of RJ as a means of resolving anti-social behaviour (ASB). Overseen by a project group, the two members of staff (a police officer and a MH case-worker) identified complaints about ASB involving at least one Midland Heart tenant, resolving the matter through RJ. The criteria for evaluating the success of the project was complainant satisfaction and reduced demand on organisational resources. The results have indicated that the project is proving successful and we are now rolling it out across Birmingham. Part of the development of this project is that we are exploring how this model can be replicate across each local authority area. (£65,000 allocated to this project).

13. All projects are being evaluated for outcomes and benefits.

Funding allocated for 2015-16

14. The Commissioner ran a competitive process in 2015 and invited organisations working in the field of RJ to apply for funding up to a maximum of £25,000. Multi-agency applications were discretionary in terms of funding allocations. The table below sets out the successful organisations.

Organisation	Priority	Amount requested	Amount approved
		£	£
HYPE – Helping Young People Engage Coventry	Targeted support for young people in Coventry - Early intervention / Preventative approach. Interventions to be delivered over 12	16,400	16,400

	months. Gender specific with staff already trained and in place focussed work on young females between the ages of 11 and 19.		
Prison Fellowship/Sycamore Tree – HMP Oakwood & HMYOI Brinsford Wolverhampton	Victim awareness programme to raise awareness of Restorative Justice RJ Programme to be delivered in custody to male offenders at 2x establishments Oakwood and Brinsford. 6x sessions aimed at reducing re-offending after release from custody. Programme is accredited and monitoring in place for evaluation.	9,900	9,900
Safer Travel Partnership West Midlands	A project to support RJ interventions in the case of low level crime and anti-social behaviour from perpetrators aged 10-16 on Birmingham's public transport network.	25,000	25,000
CRIB Birmingham	A new youth centre set up to provide a facility for the young people of inner city Birmingham. The centre is aimed at YP aged 16-25. A place for support, training and obtaining information. Support to deliver RJ conferences.	26,762	26,762
Dery Foundation Birmingham	Drop in surgeries for victims in the community, face to face meetings between offender/victim – working closely with WMP to ensure safety and managing low risk crime. Working with groups of young people in partnership with schools to raise awareness of RJ.	18,650	18,650
PPP – Passion, Place & Purpose Birmingham/Sandwell	Inspire women to influence change - to deliver 2x workshops and 1 conference with practice workshops and key speakers to raise awareness and offer support to women in order to contribute	25,000	25,000

	towards positive change and healthy options and deliver restorative justice conferences working with Victims of Crime.		
Pan Birmingham RJ Team to be evaluated and potentially rolled out across the West Midlands:	A collaborative model for the delivery of Restorative Justice across Birmingham: Midland Heart, Pioneer Group, Friendship Housing and West Midlands Police and developing on the 6 month pilot supported by the Commissioner.	183,754	183,754
Total		£305,466	£305,466

Next Steps

15. The OPCC is mapping organisations working in the area of RJ as there are many groups using restorative practices to resolve low level incidents and anti-social behaviour. An event will take place in June 2016 to bring these organisations together in order to develop our ways of working and framework for delivery. This will include:
 - Raising awareness of restorative justice within partner agencies and the local community
 - Carrying out a scoping study to include options for a West Midlands Restorative Justice service and a framework for consistent standards, policies and guidance
 - Supporting the development of a practitioner network to build capacity and capability across the West Midlands
 - Identifying training needs, knowledge gaps, developing and delivering training packages and supporting the accreditation and achievement of RJ to ensure high quality practices for providers
 - Evaluating and reporting on the availability, quality and effectiveness of current restorative justice interventions.

16. The Police and Crime Panel is asked to note the developments in RJ delivery and practice.