



House of Commons Justice Committee - Restorative Justice Inquiry

Written evidence submitted by
Cleveland Police and Crime
Commissioner and Restorative
Cleveland

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1.0 Brief introduction

1.1 Police and Crime Commissioners were created in November 2012. Their main roles include:

- Representing the interests of local communities;
- Holding the Chief Constable to account for police performance;
- Preparation of the Police and Crime Plan;
- Appointing (and dismissing if necessary) the Chief Constable;
- Setting the police budget and the part of council tax that goes to policing;
- Working with other agencies and partners to improve public safety; and
- Commission police and crime services

1.2 In October 2014, Police and Crime Commissioners were given responsibility to commission victims services locally; this included ensuring appropriate provision for victim initiated Restorative Justice that can be accessed at any stage of the Criminal Justice Process. Although some areas of Cleveland already delivered a Restorative Justice Service, other areas did not, meaning that it was a 'postcode lottery' for victims living in different locality areas. This is when Restorative Cleveland was developed based on a Cleveland wide vision created by the Police and Crime Commissioner.

1.3 This vision being:

“To ensure that at any stage of their journey, victims have access to high quality restorative justice, building on existing provision and ensuring the same high level of service across the Cleveland area”

1.4 This vision is now reality due to the commitment and enthusiasm from partner agencies across the area that have come together to ensure that victims are not denied access to a service which can assist in them coping and recovering from the aftermath of crime. In addition to this, Restorative Justice holds offenders to account for their behaviour with evidence suggesting it also reduces re-offending in the future.

1.5 For that reason, Cleveland Police and Crime Commissioner and the Restorative Cleveland partnership have submitted this document as evidence, specifically relating to the below item as set out in the Justice Committee Restorative Justice inquiry terms of reference:

“The effectiveness of delivery of restorative justice across the range of service providers and funding arrangements, including provision made by Police and Crime Commissioners.....”

Restorative Justice Provision made by Cleveland Police and Crime Commissioner – ‘Restorative Cleveland’

2.0 What is Restorative Cleveland?

2.1 Restorative Cleveland (RC) is a partnership approach to the delivery of Restorative Justice (RJ) across the Cleveland area that has developed through funding provided by the Ministry of Justice (MOJ) for victim led RJ provision. The partnership is made up of a number of key agencies including:

- Office of the Police and Crime Commissioner
- Cleveland Police
- Hartlepool Borough Council
- Middlesbrough Council
- Redcar and Cleveland Borough Council

- Stockton on Tees Borough Council
- Coast and Country Housing
- Thirteen Group
- Unite (Mediation Services)
- Victim Support
- Hartlepool Youth Offending
- South Tees Youth Offending Service
- Stockton Youth Offending Service
- Durham Tees Valley Community Rehabilitation Company
- National Probation Service
- Safe in Tees Valley

2.2 It is a virtual hub, whereby police, agencies and members of the public can refer into one central point via a designated email address / telephone number. A RC coordinator is seconded from Cleveland Police to ensure effective delivery of RJ across the area described by the Ministry of Justice (MOJ) as:

- **A face-to-face meeting** (sometimes called a restorative justice conference or victim-offender conference): Involves a trained facilitator, the victim(s), and the offender(s) and supporters, usually family members. Such meetings might conclude with an agreement for further steps to be taken, such as an agreed form of reparation, but this is not mandatory.
- **A community conference:** Involves members of the community that has been affected by a particular crime and all or some of the offenders. This is facilitated in the same way as a RJ conference but it differs in that it can involve many people.

2.3 Restorative Cleveland agreed with the descriptions set by the MOJ but also felt the need to acknowledge that ‘Restorative Conversations’ can be just as powerful as an RJ conference. For example, a victim may be referred to Restorative Cleveland

and after further discussions with a trained facilitator decide that it is not something they want to go through at this time, but the conversation proved positive in assisting the victim in their recovery. For that reason this information is captured as part of monitoring processes.

2.4 The RC co-ordinator is responsible for the co-ordination and management of referrals on behalf of RC, ensuring suitability, highlighting any potential risks or information that facilitators may need to know for their safety and the successful delivery of the process. The process is entirely victim-led allowing for victims to have a voice, be provided with an opportunity to get answer to any questions they may have of the offender, provides an opportunity for them to tell those responsible how they feel and helps in allowing victims to understand why the incident happened. RC also works closely with other agencies such as victim support and mental health etc. to ensure any necessary additional support identified for the victim can be provided. This includes support for victims who may have any specific needs or vulnerabilities and those who may require support post RJ conference.

3.0 Aims and Objectives

3.1 During the delivery and development stages of RC there was much debate around what the main aims and objectives of the partnership should be. After much in-depth discussion it was decided to align to those as set out in the Ministry of Justice (MOJ) Criminal Justice action plan, these include:

- **Access** – ensuring victims have access to high quality Restorative Justice at any stage of their journey which is easy to access
- **Awareness** – making sure that the public and Restorative Justice practitioners are aware that Restorative Justice can be used as an option at any stage of the victim journey
- **Capacity** – ensuring highly skilled Restorative Justice facilitators are available

- **Evidence** – understanding the impact on victims, offenders and the community

3.2 These four themes also correlate with the RC vision which can be seen in paragraph 1.3. It is important that the RC vision, aims and objectives complements national action plans in order to enable the sharing of best practice and learning across the country. Below are examples of the work that RC has developed under each theme.

4.0 Access

4.1 RJ provision is available consistently across the Cleveland area, with a simple referral pathway that is consistent across all agencies. Anyone can make a referral (considering it is victim initiated) including victims themselves. To date, the main referrers have been Cleveland Police and Local Authority colleagues including community development workers and anti-social behaviour officers.

4.2 RC believes that victims should have equal access to the services provided at all stages of the Criminal Justice System irrespective of their location and age. Also at present a number of different crime types are being considered such as domestic and sexual abuse due to a number of referrals being received. If victims believe this process can assist in their recovery journey and the risk assessment states it is safe to do so then we do not want to deny this from victims.

4.3 The Victims Code clearly states that if available, victims should be informed by the police how they could take part in RJ if they wanted to. Discussions are currently on-going with the Force to see how compliance with the code can be monitored to ensure that this service is being offered to victims, in the right way and at the right time whether it is at the scene, after sentence or long after the event. It is clear that it may not always be appropriate to offer RJ at the time of an incident as an offender may not be identified for example. Raising a victim's expectation can often cause more harm. Therefore the focus of the offer is around the victim's needs and what will assist them in their recovery.

5.0 Awareness

5.1 Much work has been done by RC over recent months to raise awareness of the service available to victims and to equip partners working in different settings across Cleveland (e.g. Neighbourhood Police Team and within communities) with available trained resources (i.e. RJ facilitators) to offer victims other options when offences are committed against them.

5.2 One example of awareness sessions RC has been involved in includes taking part in National Restorative Justice Week. During this week RC held a celebratory event to officially launch the service. The event was well attended by over 100 partners from across the area with key speakers including the MOJ and Why Me? Another example of raising awareness of RJ and RC includes attendance at community safety road shows that the Office of the Police and Crime Commissioner has arranged in local shopping centres. Partners from across RC are attending these events to raise awareness and share the benefits of RJ.

5.3 RC also has a website which can be accessed via www.restorativecleveland.co.uk

6.0 Capacity

6.1 All partners that make up RC have signed up to the RC Framework and a Memorandum of Understanding (MOU) in order to formalise the shared common vision and purpose that builds trust and openness in the work that we are all doing together. By having these formalities in place has led to improved co-ordination of the service being delivered and ultimately assists in delivering better outcomes for victims due to the streamlined ways of working.

6.2 A major part of the MOU involves training and the minimum standard that should be adhered to. Following the Restorative Justice Best Practice Guidelines the agreed minimum standard was set for facilitators at 3 days (20 hours) training. It was also decided that co-facilitation was seen to be highly important to ensure the

harmed and harmer get the most out of their experience, and to ensure that facilitators are confident and comfortable with their facilitation.

7.0 Evidence

7.1 Much research has been completed nationally to understand the impact of RJ on victims, offenders and the wider community. Within RC following a restorative conference both parties are asked to provide their feedback which is used to improve the service in the future and to promote the service that is available. Local RJ case studies can be seen attached at appendix 1 – 5.

7.2 In November 2015 Cleveland Police conducted an exercise in regards to Level 1 (on the street) interventions delivered by Police Officers and Police Community Support Officers to ascertain the reoffending levels. From researching 1,195 offenders, only 153 had went on to re-offend (8%) following an intervention. RC would like to re-peat this exercise in the future alongside a victim satisfaction survey.

8.0 Referrals to date

8.1 To date Restorative Cleveland have received 48 victim initiated referrals. Although initial progress in terms of referrals have been slow, they are now starting to increase due to RC being aligned to the Community Remedy process introduced through the Anti-Social Behaviour, Crime and Policing Act 2014 in order to repair harm out of court. However, it is important to note that RJ can be used alongside a Criminal Justice process or post court.

9.0 Restorative Cleveland in the future:

9.1 Much work remains on-going within RC to further develop the service available that has victims at the heart. Some examples includes:

- Shared case management system (E-CINs) amongst statutory and non-statutory partners to streamline referral processes across Cleveland and improve risk assessments carried out when delivered RJ to vulnerable client groups.

- Unite has established a specialist research group and clinical supervision group to safety look at delivering RJ across Cleveland where there has been domestic and/or sexual abuse. Partners from the public, private, voluntary and academic sectors have come together to develop protocols with the aim that if any RJ intervention is used in these circumstances that they are delivered safely and in a victim focussed manner. Focus groups have been arranged with victims of these crime to understand their views on the use.
- As above work is also on going to consider whether Hate Crime is appropriate.
- Better understand the impact RC is having on victim's recovery, on offenders and the wider community

10.0 Barriers

10.1 Since launch RC have identified a number of barrier which we are continuously working to overcome. These are:

- Lack of awareness amongst the general public of RJ and its benefits
- Lack of understanding of RJ i.e. people believe RJ is a 'soft option' and cannot be used alongside the Criminal Justice system

11.0 Summary

11.1 To summarise, within Restorative Cleveland the effectiveness of delivery is demonstrated in the following, as a result of provisions made by the Police and Crime Commissioner:

- Increased availability of level 2 RJ services
- Police Officer RJ training to enable level 1 RJ to be delivered locally (on the streets) with proven benefits
- High levels of victim satisfaction (based on feedback)

Appendix 1 – Restorative Cleveland case study – Burglary

In August 2014, XX was a victim of a burglary to her home. During this traumatic experience, she was awoken by a dark figure opening her bedroom door, shining a torch in her direction. After turning on a light to realise that it wasn't one of her sons, she realised that it was an unknown man wearing a ski mask. She then chased the unknown male out of her house.

If this incident wasn't traumatic enough, the man came back again only a month later to burgle the house for a second time, this time taking items he didn't manage to take the first time when he was disturbed, while the victim was away on holiday.

The offender was identified for these two burglaries, along with a string of other burglary offences within a short time frame. He was sentenced and is now in prison for these offences.

These two burglaries had a huge impact on XX and her sons. She understandably became very nervous in her own home, struggling to sleep and not wanting to be home alone, therefore she decided to participate in the restorative justice process to see if it could repair any of the harm caused and to get the answers to the questions that she had.

XX and her eldest son were brave enough to meet with the offender in HMP Holme House Prison. During the process, XX managed to tell the offender the impact that those offences had on her and her family, receive answers to the questions that she had, and gain an apology from the offender.

XX stated: "The restorative justice process has given me peace of mind and the opportunity to face the man who I confronted burgling my home in the middle of the night.

I would recommend this process to anyone!

Appendix 2 – Restorative Cleveland Case Study – Theft Commercial Property

The offender was known in the past to police as a prolific offender (PPO) from 2004 -2011, committing crimes such as theft and burglary, spurred on by substance misuse. In this particular incident, he had made off from a garage several times after filling up a car and drums with petrol, stealing from a local family owned garage.

In 2013 the offender engaged with the Integrated Offender Management (IOM) team as he was remorseful for what he had done, and wanted to repair the harm caused. He met with two victims, which concluded in a very positive meeting.

One of the victims who participated was the owner of the garage, the other was a staff member, and they both had a positive experience and gained something from the restorative process. The owner of the garage was happy, and explained that the meeting made him feel good; it was a beneficial process and was very pleased he went through the experience. He stated that he would recommend the process to others.

Since this restorative justice (RJ) conference the offender has not committed any further crimes and now works on a voluntary basis to help promote RJ with the IOM RJ Coordinator Brian Neale, and he has also told his story in a short documentary about his experiences, which can help raise awareness of restorative justice. He also undertook supervised reparation work at the garage.

The RJ process gave him an unbelievable high and in his words “no drug could do that.” His family life has since changed; he is now seen as a positive influence in the eyes of his children. RJ provided another stepping stone in his recovery from substance misuse, rehabilitation and reintegration into the community.

This story shows how restorative justice can not only help to repair harm for victims of crime, but it can also have a positive influence on offenders, helping to reduce reoffending, so that there are less victims in the future.

Appendix 3 – Restorative Cleveland Case Study – Shoplifting

In 2013 a referral was received by the Youth Offending Service for a corporate victim. Checking previous offences it was clear that this store had been targeted on numerous occasions, including by this young person.

The corporate representative (harmed) described the many impacts store thefts have in relation to the management of the store and to the individuals employed by the company. Impacts that directly or indirectly affect employees were discussed to demonstrate that shop thefts have a wide ranging impact on members of the community and those who work in the store. Some of these included potential loss of bonuses, fear over the unknown in relation to the apprehending of a young person, closer scrutiny of staff where targets are not met etc.

The harmed said he was willing to meet the young person to inform them of how store thefts impact on individuals and he understood the benefits this may have on the young person, giving her the opportunity to repair the harm and see how thefts from stores are not a victimless crime.

The young person (harmer) and parent had the opportunity to hear the written impacts with work completed by the Youth Offending Officer and the Restorative Justice Officer.

With the support of the parent the harmer agreed to meet face to face with the store manager. All parties were prepared prior to the conference, risk and vulnerability checks were carried out prior to engagement.

During the meeting the harmed disclosed the impacts and revisited previous negative contact he had with the harmer and her peers, but also commended her on her placid reaction to being apprehended on the last occasion.

It was clear that he recognised that she was not a bad person and appreciated that it took courage to meet with him.

The parent talked openly about the embarrassment he felt and the financial impact that fines have had on the family.

This struck a chord with the harmed commenting that “it is nice to know he cares”.

The harmer apologised for her behaviour and explained what the order meant to her and the intervention plans she would be carrying out with Youth Offending. During the meeting she explained the reparation she was doing as part of the order. It was agreed between them that rather than carryout direct reparation at the store it would be nice for her to continue working with the disabled children on her current sessions.

An agreement was made that she would not commit any further offences and would try her best to comply with the order.

After the conference the young person stated “***I felt guilty after meeting the manager and I have not felt that way before***”. She commented to her YOS Officer that she now has a better understanding of the impacts and asserted she will not offend again. To date this has been adhered to.

Reports from the contact during her reparation sessions have been really positive and she is engaging well.

The manager gave excellent feedback on his experience of the restorative process and wanted that to be passed on to the young person.

Appendix 4 - Restorative Cleveland Case Study – Criminal Damage

The Children’s Society, working in partnership with the Preventions Service and the Youth Offending Service, worked together to undertake restorative justice as part of the boys Triage Programme. The two boys both attend the Pupil Referral Unit (PRU) in Hartlepool and had damaged the plastic sheeting of a polytunnel, which had been recently been purchased for young people and staff to help grow plants.

The restorative justice process was used to enable the two boys to think about their behaviour, and make a positive shift to help heal the harm caused between the victim and themselves.

Developing a Restorative Justice Child-Focused Approach - A victim awareness session was initially carried out in a safe and comfortable environment to allow the best possible outcome for the victim and the young people. The intervention was undertaken at the PRU - a context which provided an environment that helped enable the two boys to open up, feel relaxed and be themselves.

The young people were able to express their own views without feeling they were getting into trouble for doing so. Issues surrounding confidentiality, safeguarding and consent were explored.

The restorative justice workers began to work with the two young people by opening up dialogue to establish and develop a relationship, which was based on trust and rapport. The two boys chose to participate in the dialogue constructed, at their own pace. Child-focused techniques included open-ended questions which the boys were happy to discuss in detail.

As the relationship developed, more challenging questions were broached about their offending behaviour. The boys were given quality time and a safe space to think and reflect on their behaviour. As a result both boys started to reflect and take responsibility for their actions.

The Victim Awareness Session, Indirect Mediation and Apology - The two boys then moved forward and wanted to make amends for the harm caused. They did this by participating in a restorative process and acknowledging that they had damaged the polytunnel for other young people.

The boys engaged well in the restorative justice process. They talked at length about the offence. The boys explained in their own words what had happened and decided of their own accord to write an apology for the Head Teacher. The boys then decided that they also wanted to apologise and meet face to face with the Head Teacher in direct mediation.

Direct Mediation - The boys chose to meet the Head Teacher and apologised for their actions.

The boys explained to the Head Teacher that they “felt sad and horrible about what had happened”. They stated that the staff “must have been upset about what they did”. The boys said to the Head Teacher that staff and young people

“were going to put flowers in the polytunnel” and that they “thought it had been about three and a half thousand pounds to buy”.

The boys explained to the Head Teacher how they “had been locked up”. One of the boys said he “did not like going to court and being watched on camera”. The other boy said how “it had been horrible”. The boys went on to tell the Head Teacher that they “had spoilt the polytunnel for other people.” The boys said that they “needed to think before acting.” The boys said to the Head Teacher that they “were sorry for what had happened” and that they “regretted it.”

The Head Teacher accepted these apologies. He was pleased with the responses and the apology letters that he received from the boys. The Head Teacher explained to the boys that he would like to keep the apology letters. He was going to put them on wall and frame them.

The Head Teacher felt that the boys had been given time to reflect and had been genuine in their reply.

Reparation activities - The boys went on to carry out direct reparation in the PRU working in conjunction with YOS Restorative Reparation Officers. The Head Teacher was satisfied with the outcome in that the young people had helped to repair the harm caused by picking up litter and helping to make the school look tidy.

Both boys were praised by the restorative justice workers. They were given the opportunity and autonomy to make things right and felt good about being able to do the right thing.

The restorative process was a positive and empowering experience for all involved. As a result relationships in school were starting to heal and the young people explained that they were unlikely to commit a similar offence again.

Appendix 5 – Restorative Cleveland Case Study – Arson

The Restorative Group Conference Service has been used very effectively, to work in partnership with statutory agencies, to help tackle significant problems in local residential areas of young people causing crime and antisocial behaviour. Agencies including police, fire service and housing agencies use the restorative group conference service with the aim that perpetrators of antisocial behaviour will accept responsibility for their actions and also gain a better understanding of the consequences of their behaviour on the local community.

This case study is for one referral received involving a nine-year-old boy who was causing antisocial behaviour in his local neighbourhood, including setting fires to rubbish in residential areas.

In order to maximise his engagement with the restorative intervention, he was offered a confidential appointment with an experienced Restorative Practitioner, Paula, at his home with his mum present.

He took full responsibility for his actions and agreed to attend a restorative group conference with representatives from local agencies including police, fire service and housing.

He communicated openly and honestly with everyone present at the conference. He took full responsibility for his actions and said he had been foolish.

The boy's mum said he had become involved with the wrong crowd. He agreed with his mum. He heard from all present about the consequences of what could have happened as a result of his behaviour, including fire damage to other resident's properties and the dangers of fire.

The boy also heard that his behaviour was putting his mum's housing tenancy at risk. He explained how he was willing to change his behaviour in the future, including not associating with some specific young people in the neighbourhood. The Restorative Practitioner captured what he said at the conference on an agreement form, including the apology he offered to anyone affected by his behaviour and also his commitment to how he was going to change his behaviour in the future. This agreement was signed by everyone present.

At the end of the meeting Peter, a representative from one of the agencies, commented that he found the meeting very successful. He felt that the boy had obviously thought about his actions. Peter was very grateful of the restorative group conference service being available for local partners to use to problem solve community safety related issues.

He felt he was given the opportunity to speak face-to-face with young perpetrators about the consequences of their actions.

After the conference, Peter sent the additional feedback about the service to Unite's Chief Executive Officer, emphasising that he felt the work undertaken to assist had been invaluable to promote community safety and reduce antisocial behaviour in Middlesbrough. He also added that he felt that the meetings were

worthwhile and believed the desired outcomes were achieved as a result of the conference.