



THE POLICE & CRIME COMMISSIONER FOR CLEVELAND

DECISION RECORD FORM

REQUEST: For PCC approval

Title: Restorative Justice Review

Executive Summary:

Current grant arrangements in regards to Restorative Justice came to an end on 31 March 2017. From the delivery of this service it is apparent that the processes in place are not working sufficiently and the service is lacking in referrals. Therefore during February / March 2017 a review was completed to inform the future of Restorative Justice across the Cleveland area. The review report including recommendations is attached at appendix 1.

The recommendations for approval are:

- Clarity to be sought from the Ministry of Justice in regards to the use of victims funding for both victim and offender initiated Restorative Justice
- Further develop the use of Restorative Justice at the pre and post sentencing stage of the Criminal Justice Process
- The OPCC along with the Restorative Justice workers develop a Restorative Justice Outcomes framework for the future monitoring of impact and outcomes following a Restorative Justice Intervention.
- During 2017/18 a service specification be developed to commission a service with anticipated 'go live' date of 1 April 2018.
- As an interim measure up until 31 March 2018, two secondment opportunities are advertised to support the facilitation and development of Restorative Justice across the Cleveland area.
- The Restorative Justice post hosted by Safe in Tees Valley and based within the Integrated Offender Management Unit be extended for a further 12 months and be seconded to the OPCC to enable closer working with the RJ coordinator – working towards the same aims and objectives.

These recommendations are presented for the Commissioners formal approval and for onward progression by the OPCC.

Decision: To agree and take forward the recommendations outlined within the attached report at appendix 1 and outlined above.

OPCC Lead Officer: Rachelle Kipling

Contractor Details (if applicable): N/A

Implications:

Has consideration been taken of the following:	Yes	No
Financial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Equality & Diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Human Rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Risk	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(If yes please provide further details below)

Decision Required – Supporting Information

Financial Implications: (Must include comments of the PCC's Chief Finance Officer where the decision has financial implications)

Sufficient funding is available to support the proposals set out within this decision record form within the 2017/18 budget and therefore is affordable should the PCC choose to approve.

Legal Implications: (Must include comments of the Monitoring Officer where the decision has legal implication)

Having read this report and having considered such information as has been provided at the time of being asked to express this view, the Chief Executive is satisfied that this report does not ask the PCC to make a decision which would (or would be likely to) give rise to a contravention of the law.

Equality and Diversity Implications

None apply.

Human Rights Implications

None apply.

Sustainability Implications

None apply.

Risk Management Implications

None apply.

OFFICER APPROVAL

Monitoring Officer

I have been consulted about the decision and confirm that financial, legal, and equalities advice has been taken into account. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner.

Signed 

Date 2/5/17

Police and Crime Commissioner:

The above request HAS my approval.

Signed 

Date 2/5/17



The future of Restorative Justice in the Cleveland area

Background

Police and Crime Commissioners (PCCs) are responsible for the overall availability of Restorative Justice (RJ) services to those harmed by crime in their local area. In order to achieve this, specific funding is provided by the Ministry of Justice (MOJ) from which to commission local service delivery. This funding is restricted to victims of crime and RJ that is victim initiated. However, much concern has been raised nationally as to whether restricting to victim initiated RJ is reducing the pool of potential victims and offenders willing to take part. Research by Van Camp and Wemmers (2016) highlights that RJ referrals are predominantly initiated by offenders and judicial authorities as oppose to victims. Victims do nevertheless, reap the benefits.

In the 2015/17 Police and Crime Plan the PCC made a commitment to '*continue working with partners towards establishing a consistent approach to Restorative Justice*'. Therefore in April 2015, the PCC made a pledge together with partners to develop the concept of Restorative Cleveland, the aim being to ensure that at any stage of their journey victims can access high quality RJ that builds on existing provision and ensures a high level consistent service across the Cleveland area.

This concept involved a partnership with the four local authorities who were grant funded £23,750 each, per annum for a period of two years (2015/16 & 2016/17). This funding was awarded to develop capacity locally to enable the delivery of RJ conferencing and to promote the benefits of RJ with the aim of offering this service to all victims of crime. The local authorities delivered this service in different ways, with two recruiting part time co-ordinators and two commissioning a local service provider to deliver on their behalf. In addition to this the PCC funded separately a Restorative Cleveland co-ordinator employed by Cleveland Police and a Restorative Justice Practitioner, employed by Safe in Tees Valley for three days a week and

based within the Cleveland Police Integrated Offender Management Unit (and funded separately to the Ministry of Justice victim funding arrangements).

A framework was developed which acted as a guide to ensure the services delivered were consistent with a common referral process and service promise to victims.

Restorative Cleveland

The vision of Restorative Cleveland was *'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 whole of the Cleveland area'*.

The objectives of Restorative Cleveland were aligned to those detailed in the MOJ Criminal Justice Action Plan (November 2012) and included:

- **Access** – ensuring victims have access to high quality RJ at any stage of their journey which is easy to access
- **Awareness** – making sure that the public and RJ practitioners are aware that RJ can be used as an option at any stage of the victim journey.
- **Capacity** – ensuring highly skilled RJ facilitators are available
- **Evidence** – understanding the impact on victims, offenders and the community

The identified objectives for Restorative Cleveland were:

- Increase in the number of people who believe the police and local authority are effectively dealing with crime and disorder issues that matter locally
- Improved victim satisfaction / public confidence
- Reduction in re-offending

The identified key deliverables were;

- Aim to offer all victims of crime the opportunity to engage in RJ;
- To ensure relevant people are trained in restorative interventions and to deliver RJ conferencing;
- Adherence to the Restorative Cleveland Service Promise agreed by the Restorative Cleveland multi-agency working group

Benefits of the key deliverables included:

- A greater level of victim satisfaction
- A reduction in repeat offending
- A greater level of harm repaired
- A greater awareness of RJ within the community

No specific work has been completed to understand if the objectives agreed by Restorative Cleveland were successfully met, although quarterly reports were received from each local authority outlining progress made and any barriers faced. Any issues were then discussed and resolved in the Restorative Cleveland multi-agency working group.

Referrals

Level 1 intervention

Between April 2015 and December 2016 Cleveland Police had delivered 772 Level 1 restorative interventions to young people and 693 restorative interventions to adults across the Cleveland area.

Level 1 restorative justice is often referred to as 'on-street' or 'instant' conferencing, it deals with minor low level crimes on the spot and is a quick and easy intervention to utilise. Level 1 RJ approaches are often used for first time offenders to divert them from the criminal justice system and can be viewed as an effective preventative measure. They can be used for both crime and non-crime incidents and heavily involve the use of police discretion and judgement about which offenders and offences are appropriate.

Within Cleveland these interventions are quality assured by the Restorative Cleveland coordinator to ensure interventions used by officers are fair, proportionate and consistent.

In September 2015 a research report was conducted by Cleveland Police to look at the re-offending rates of those who had been given a Restorative Justice Intervention as an Out of Court Disposal. The data used was from April 2013 up to September 2015. Within this report it was identified that only **8%** went on to commit further offences.

More recently the Restorative Justice Co-ordinator has been conducting research each month, looking at the 6 months previous, identifying out of all of the individuals given a Restorative Justice Intervention that month, how many had reoffended. These figures are shown below:

Month	Re-Offending Rate
April 2016	10% (5 out of 51)
May 2016	10% (7 out of 72)
June 2016	6% (4 out of 64)
July 2016	15% (8 out of 54)

Level 2 intervention

Level 2 restorative justice is a more in depth intervention, whereby the victim and offender have the opportunity to meet, with a trained facilitator, whereby they can discuss what happened and the effects. Although research shows that face to face conferencing is the more successful form of level 2 intervention, this is not always possible / appropriate so other interventions can be delivered such as shuttle conferencing and letter of apology.

Between April 2015 and January 2017 Restorative Cleveland have recorded 84 referrals for level 2 restorative interventions, these referrals are broken down into Local Policing Area as shown in table one below:

Table One:

Hartlepool	5
Middlesbrough	15
Redcar & Cleveland	2
Stockton	62

These referrals can be further broken down below in terms of the type of intervention delivered (Table two):

Table Two:

Intervention delivered:	
Face to Face Conferencing	23
Letter of Apology	14
Deemed not appropriate / no contact with either party	31
Awaiting update following referral (as of 15 February 2017)	16

The conversion rate from referral to face to face conferencing is **27.4%**.

In addition to the referrals received via Restorative Cleveland the Restorative Practitioner within the Integrated Offender Management (IOM) Unit during April 2015 and January 2017 received 164 referrals. These are broken down as per table three below:

Table Three:

Intervention delivered:	
Referred out to other areas of the country	26
Not progressed – i.e. no victim empathy, chaotic lifestyle etc.	47
Face to face meeting (occasionally more than one victim in each meeting)	53
Letter of Apology	35
Shuttle Conference	3

The conversion rate from referral to face to face conference is **31.4%**

It is important to highlight through both referrals routes that although a proportion of referrals did not translate into actual face to face conferencing, a large proportion had a restorative conversation or a more indirect form of intervention such as a letter of apology. Although research shows that direct interventions between the victim and offender have more impact than indirect methods, positive outcomes can still be achieved. Work needs to be developed to better understand positive outcomes.

Restorative Justice and the Criminal Justice Process

Within the Criminal Justice context RJ can be used at various stages of the process including:

- Outside of court proceedings by police officers in resolving incidents of low level crime and anti-social behaviour on the street

- Informally as part of a Out of Court Disposal (if the victim is in agreement)
- Following a court appearance (at the post-conviction / pre-sentencing stage to inform sentencing)
- Post sentence stage to support the delivery of restorative conferencing in a variety of settings – including interventions delivered whilst an offender is under supervision in the community, prison or following release from custody.

It is apparent that under the current arrangements and from the number and types of referrals received that there are currently opportunities worth exploring in which victims could be identified as appropriate to take part in RJ that could assist in their recovery journey. Services have been in place and available to take on new referrals although it is not clear if the appropriate agencies are aware of the benefits of RJ or whether their primary focus is offenders (MOJ funding is restricted to victim-initiated RJ). However, referrals and support were available for offender initiated RJ through the practitioner in the IOM Hub. As discussed earlier in the report concern has been raised and discussed nationally as to whether offender initiated RJ still provides positive outcomes for victims and despite where and who the referral comes from, as long as the process is victim focussed and victim led throughout does it really matter?

The funding allocated to PCCs for RJ was part of their allocation from the MOJ for victims services, funded through the victims surcharge. This money can only be spent on victims of crime. As the Restorative Justice Council report into improving victim take-up on RJ states, some PCCs have interpreted this as meaning that RJ can only be funded from this source if it is initiated by the victim or offered to the victim first. Referrals from offenders or agencies managing offenders cannot therefore be considered. Some PCCs have, however, suggested that all RJ benefits the victims, regardless of where the referral originated, and can therefore be paid for out of the victim's service funding, whether the initial referral came from the victim or the offender.

Recommendation 1: Clarity to be sought from the Ministry of Justice in regards to the use of victims funding for both victim and offender initiated RJ.

The use of RJ at the sentencing and post-sentencing stage of the criminal justice process is currently very much under developed. This could be due to a number of reasons including concerns over the resources required in order to successfully deliver RJ conferences (offender

initiated) and lack of victim initiated opportunities i.e. offenders could be referred by probation/courts but if a victim is not getting any support then who would refer them other than a self-referral?

Offender initiated referrals are made from probation to the RJ Practitioner within the IOM hub at the sentencing stage, however there may be missed opportunities from a victim perspective and further development of this area of work would be beneficial.

Recommendation 2: Further develop the use of Restorative Justice at the pre and post sentencing stage of the Criminal Justice Process.

Demand for Restorative Justice Interventions

No detailed work has been completed in regards to the demand for RJ across Cleveland; however various opportunities that are currently not considered could increase demand in the future. These opportunities include:

- Understanding those that could benefit from RJ that are currently being supported by the Victim Care and Advice Service (VCAS) – all victims accessing this service could receive an offer of RJ if appropriate regardless of whether the offender has been identified or not
- Systems to be set up with other criminal justice agencies so they are informed about offenders who have initially pled not guilty but later admit guilt
- Case extraction from criminal justice databases to identify potential victims who could benefit from RJ
- Engagement with the courts/judiciary
- Restorative Prison
- Through the Victims and Witnesses Strategic Planning Group, a piece of work is currently in the process of being completed which will map critical points in a victims journey where additional support may be required. For example when an offender has been identified or when an offender may be released from custody. This piece of work will also be key to identifying points in a victim's journey when RJ may be relevant or appropriate to be offered / re-offered to victims.
- Monitoring adherence to the Victims Code of Practice (offer of RJ)
- Potential to consider offenses taken into consideration (TIC)

Future Delivery

In the 2016 – 2021 Police and Crime Plan, the PCC has made a further commitment in regards to RJ - *'Further develop Restorative Cleveland and raise awareness of restorative approach opportunities amongst all victims'* and *'Ensure offenders have the opportunity to participate in restorative justice through the Integrated Offender Management Hub'*.

From the delivery of the current service over the previous two year period it has become apparent that the current processes are not working sufficiently and the service is lacking in referrals. Although services in this area of work should not be focused on outputs but rather outcomes, the need to further develop the service and change the way in which it is delivered is required in order to reach out to more people to assist in their recovery journey. A RJ outcomes framework needs to be developed to understand the true impact RJ is having on both victims and offenders in addition to demonstrating value for money. This area of work will be developed by the Office of the PCC for inclusion in the future service specification. The Ministry of Justice are also in the process of developing an output and outcomes framework for victim's services which will enable consistent performance management and best practice to be shared across the country.

Recommendation 3: The OPCC along with the RJ workers develop a RJ outcomes framework for the future monitoring of impact and outcomes following a RJ intervention.

From the commencement of Restorative Cleveland to the present day lessons and challenges have been identified which will be used to inform the future delivery and development of a service. These include:

- Lack of referrals (this is not just a Cleveland specific challenge and other OPCCs across the country are facing similar issues)
- Potential lack of understanding/awareness amongst agencies as to the benefits of RJ
- Lack of consistency across areas (although a Cleveland RJ service was available, due to the different ways in which the funding was utilised service delivery remained inconsistent although the principles remained the same)

- Separation between the different services commissioned i.e. IOM, local services and Restorative Cleveland co-ordination – these all need to be joined up to form one service
- Limited opportunity for development opportunities / innovation (due to capacity)
- Closer collaboration and integrated working is required in order to improve and extend the availability of RJ services across all stages of the criminal justice process
- A proactive approach involving case extraction of partner systems in order to identify potential referrals i.e. Police, Courts
- Closer collaboration required with the Victim Care and Advice Service
- Current service limited in terms of potential referrers / referrals (clarity needed from the MOJ)
- Lack of public awareness of what RJ is and the benefits (national issue?)
- Requirement for RJ to be embedded within core services for example Stockton Council consider RJ as a tool in all cases of low level crime and ASB
- Confusion in the Police in terms of the different terminology used

It is therefore proposed that the current arrangements come to an end on 31 March 2017 as per the grant agreements and a service specification be developed to allow a tender process to take place. It is anticipated a service specification can be developed during 2017/18 to enable the awarding of a contract by 1 April 2018.

Recommendation 4: It is recommended that during 2017/18 a service specification is developed to commission a service with an anticipated 'go live' date of 1 April 2018.

A single Restorative Justice commissioned service will provide that joined up approach that will work in harmony with relevant partners to ensure those appropriate are offered RJ. A number of other advantages will include:

- Central enquiry and referral point across the whole area
- Potential co-ordination and lead on all early engagements with victims interested in the possibility of RJ (i.e. referred from VCAS)
- Central database to collate referrals, outcomes, resources etc.
- Performance Framework (outcomes based)

- Provide a clear basis for the allocation of PCC (and potentially other agency) resources to further support the development of victim-led (and offender led) RJ services across all stages of the CJS.
- Improvements in the quality and standards across the system in order to ensure high quality and consistency of services

2017/18 arrangements

In order to ensure the continued delivery of Restorative Justice during 2017/18 it is recommended as an interim measure and to support the Cleveland Police employed Restorative Justice Coordinator, that x2 secondment opportunities be advertised. The purpose of these posts would be to work closely with the Restorative Justice coordinator and:

- Identify suitable candidates for RJ
- Organise and deliver RJ conferences
- Research best practice locally, regionally and nationally
- Develop approaches to increase referrals
- Seek development opportunities for RJ across Cleveland

The benefits of these secondment arrangements will allow for those individuals interested and passionate about RJ to take on a role that will help inform future service delivery and development.

Recommendation 5: As an interim measure up until 31 March 2018, x2 secondment opportunities be advertised to support the facilitation and development of Restorative Justice across the Cleveland area.

To enable a consistent service it is further recommended that the post hosted by Safe in Tees Valley and based within the IOM hub be seconded to the OPCC to enable those involved in RJ to work closely together with the RJ coordinator with the same aims and objectives. This post will also act as team leader to co-ordinate and direct the secondees in their day to day working.

Recommendation 6: The Restorative Justice post hosted by Safe in Tees Valley and based within the Integrated Offender Management Unit be extended for a further 12 months and be seconded to the OPCC to enable closer working with the RJ coordinator and to ensure the established RJ team are working towards the same aims and objectives.