

Valuing Victims: A Review of Police and Crime Commissioners' Delivery of Restorative Justice 2018/19

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Why me?



Valuing Victims Campaign

This is the fifth report in the **Why me? Valuing Victims campaign** which champions the entitlement of victims of crime to be told about restorative justice (RJ) at their point of need. According to the British Crime Survey in 2019, only 4.8% of victims with a known offender were aware of the offer of RJ. Police and Crime Commissioners (PCCs) have devolved responsibility for the delivery of Victim Code entitlements. In 2018/19 the Ministry of Justice (MoJ), introduced a new performance outcome framework to help ensure tax-payers' money is being well spent.

Our report provides a unique insight into the delivery of restorative justice services across England and Wales. We highlight the very positive outcomes restorative justice is delivering for victims whilst also raising critical questions regarding the accuracy of the data provided to the Ministry of Justice.

Restorative justice is the process that brings those harmed by crime and those responsible for the harm into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward.

Restorative justice offers people affected by crime an opportunity to talk about the impact of the crime, and to have a say in the resolution of offences where appropriate, including agreeing rehabilitative or reparative activity for the perpetrator. It can provide a means of closure and enable them to move on.

Equally, restorative justice provides an opportunity for people who have committed crime to appreciate the consequences of their actions, recognise the impact that it has had upon others, and where possible make amends. In this way, restorative justice can help with rehabilitation and can enable people to stop offending.

The Why me? website provides examples of victim experiences of restorative justice - [why-me.org/ambassadors/](https://www.why-me.org/ambassadors/)

The logo for 'Why me?' is written in a dark teal, cursive script. The words 'Why me?' are written in a single line, with a question mark at the end. A horizontal line is drawn underneath the text, starting from the beginning of 'Why' and ending under the question mark.

Executive Summary

This report examines the reported outputs and outcomes from the Ministry of Justice performance framework which was introduced for Police and Crime Commissioner victim services for 2018/19. Why me? obtained this data via a Freedom of Information Act request (Ref 190729032).

Key findings

1. The reported outcomes for Police and Crime Commissioner restorative justice services for 2018/19 indicate significant benefits across the 4 victim service measures:
 - Improved health and well being;
 - Better able to cope with aspects of life;
 - Increased feeling of safety;
 - Better informed and empowered.

Notwithstanding identified data inconsistencies the positive outcomes are significant, which demonstrates the benefits of restorative justice for people affected by crime.

2. Our analysis highlights data accuracy issues which need to be addressed, particularly in regard to the efficiency and effectiveness of restorative justice services.

Summary of Recommendations

1. Accuracy of the performance framework data is critical to allow any meaningful analysis. Significant efforts need to be made by Ministry of Justice and Police and Crime Commissioners to ensure the data accurately records the inputs, outputs and outcomes of restorative justice services.
2. In our previous Valuing Victims reports Why me? recommended Police and Crime Commissioners provide data on their actual spend on restorative justice – our examination of the 2018/19 data further supports the importance of this being available. It is our understanding that Police and Crime Commissioners will in future be requested provide a breakdown of expenditure for victim services, including restorative justice. We fully support and welcome this development and recommend that accurate information on Police and Crime Commissioner spending and investment in restorative justice is considered as part of the assessment of the effectiveness of restorative justice services.
3. Why me? previously recommended that the quantitative data would be enhanced by narrative information in a similar style to Multi-Agency Public Protection arrangements (MAPPA) reporting. We understand that qualitative questions for all victim services will now be included within future Police and Crime Commissioner returns. Why me? fully support this development and welcome the Ministry of Justice considering how to improve the sharing of good practice as part of their new reporting, standards and governance process.
4. Public reporting of the data is recommended. Victims of crime and the wider public should have access to performance information on the local provision of restorative justice services.

Background

Between 2013 and 2016 the Ministry of Justice funded Police and Crime Commissioners to set up and develop restorative services; overall £23 million was allocated to Police and Crime Commissioners. Police and Crime Commissioner reporting to the Ministry of Justice has been in place since the funding was devolved to Police and Crime Commissioners in 2014

From April 2016, annual funding for restorative justice activity was included within the overall Victims fund allocation to Police and Crime Commissioners. restorative justice funding was not 'ringfenced' so each Police and Crime Commissioner could decide how much to spend on restorative justice from their victims fund allocation and any other funding sources.

In 2016, the Justice Select Committee recommended as part of their restorative justice Inquiry that "information relating to how Police and Crime Commissioners are spending monies on restorative justice is helpful in assessing progress against the Ministry's Action Plan."

In 2018/19 the Ministry of Justice introduced a outcomes framework to existing Police and Crime Commissioner reporting which included outputs, outcomes and demographics following consultation with Police and Crime Commissioners. Why me? obtained this data from the Ministry of Justice via a freedom of information request. The data does not include 4 Police and Crime Commissioner areas who did not provide data returns.

The National Victim Strategy, published in September 2018, and the current Victim Code consultation signals a Government commitment to renewed and strengthened policy and legislation in the area of victim entitlements, including a proposed Victims' Law. This commitment requires accountability by Police and Crime Commissioners and others responsible for delivery, and this includes monitoring and evaluation which we address in this report.

What did we look at?

Outcomes of Restorative Justice

The 2018/19 Ministry of Justice data has provided information about the effects of restorative justice on the 4 key outcomes of the victim services framework. The outcomes measured are:

- Improved health and well being;
- Better able to cope with aspects of life;
- Increased feeling of safety;
- Better informed and empowered.

Our analysis indicates:

57% of victims reported an increase in improved health and well being;

62% of victims reported being better able to cope with aspects of life;

55% of victims reported increased feelings of safety;

and **68% of victims** reported being better informed and empowered.

Table 1 - showing 2018/19 Police and Crime Commissioner data* for victims feedback on the outcome of restorative justice support.

Outcome measured	Sample size	% indicating increase	% indicating no change	% indicating decrease
Improved health and well being	775	56.9	42.5	0.6
Better able to cope with aspects of life	878	61.7	37.6	0.7
Increased feeling of safety	783	54.9	42.8	2.3
Better informed and empowered	853	68.5	31.2	0.4

*12 Police and Crime Commissioner areas did not provide any data, and 1 Police and Crime Commissioner area provided incomplete data.

The results are very welcome, notwithstanding the gaps in data from Police and Crime Commissioners, because they show such high rates of victim satisfaction following an restorative justice process. This is important because in recent years the overall proportion of victims who were satisfied with the criminal justice system's handling of incidents of crime has reduced.

Table 2 - showing 2018/19 Police and Crime Commissioner data for victims feedback on the outcome of restorative justice support.

PCC AREA	Outcomes											
	Improved health and well being			Better able to cope with aspects of life			Increased feeling of safety			Better informed and empowered		
	Increase	No Change	Decrease	Increase	No Change	Decrease	Increase	No Change	Decrease	Increase	No Change	Decrease
1	21	7	1	14	9	1	20	7	0	33	0	0
2	10	0	0	15	0	0	12	0	0	17	0	0
3	9	0	0	21	0	0	10	0	0	80	0	0
4	17	2	0	12	2	0	8	7	0	3	0	0
5	7	0	0	7	0	0	7	0	0	16	0	0
6	13	3	0	16	0	0	13	0	0	17	0	0
7	0	0	0	0	0	0	0	0	0	0	0	0
8	0	0	0	0	0	0	0	0	0	0	0	0
9	0	0	0	1	0	0	1	0	0	1	0	0
10	0	0	0	0*	0	0	0*	0	0	0*	0	0
11	0	0	0	0	0	0	0	0	0	0	0	0
12	4	2	0	92	7	0	5	1	0	5	1	0
13	0	0	0	0	0	0	0	0	0	0	0	0
14	1	0	0	1	0	0	1	0	0	4	0	0
15	4	0	0	4	0	0	4	0	0	4	0	0
16	16	2	1	9	6	1	14	5	0	18	1	0
17	0	0	0	0	0	0	0	0	0	0	0	0
18	21	55	0	20	56	0	25	50	1	31	45	0
19	18	7	1	16	12	2	20	7	1	17	10	1
20	23	0	0	13	1	0	23	0	0	23	0	0
21	0	0	0	0	0	0	0	0	0	0	0	0
22	10	6	0	11	5	0	9	7	0	11	5	0
23	0	0	0	0	0	0	0	0	0	0	0	0
24	0	0	0	0	0	0	0	0	0	0	0	0
25	2	0	0	1	1	0	2	0	0	2	0	0
26	0	0	0	0	0	0	0	0	0	0	0	0
27	18	166	0	22	162	0	11	172	1	18	165	1
28	0	0	0	0	0	0	0	0	0	0	0	0
29	20	5	0	23	2	0	25	0	0	23	2	0
30	40	5	1	39	7	0	39	6	1	33	12	1
31	0	0	0	0	0	0	0	0	12	0	0	0
32	48	39	0	59	28	0	43	44	0	83	4	0
33	0	0	0	0	0	0	0	0	0	0	0	0
34	2	0	0	2	0	0	1	1	0	0	2	0
35	0	0	0	0	0	0	0	0	0	0	0	0
36	0	0	0	2	1	0	2	1	0	2	1	0
37	11	3	0	13	10	0	7	2	1	7	0	0
38	41	0	0	40	0	1	41	0	0	41	0	0
39	55	0	0	55	0	0	55	0	0	55	0	0
40	5	0	0	4	0	0	5	0	0	4	1	0
41	25	27	1	30	21	1	27	25	1	36	17	0
42	0	0	0	0	0	0	0	0	0	0	0	0
Total	441	329	5	542	330	6	430	335	18	584	266	3
%	56.9%	42.5%	0.6%	61.7%	37.6%	0.7%	54.9%	42.8%	2.3%	68.5%	31.2%	0.4%

* incomplete data for Police and Crime Commissioner area 10 omitted

These results, indicating positive outcomes for victims, support previous academic studies* which show the benefits of restorative justice. The large sample sizes in this data also suggest that these positive results are being achieved without restorative interventions necessarily leading to a face to face conference.

They should also be considered against research** which indicates over the past five years there was:

- A significant decrease in the proportion of victims who were satisfied with the criminal justice system's handling of incidents of crime;
- Much of this decreasing satisfaction seems to be driven by an increase of victims who said they were very dissatisfied with the police handling of the matter - increasing from 16% in 2014-15 to 20% in 2018-19;
- Previous research has shown there is a low level of offer and uptake of restorative justice - only 4.8% in 2018/19 (Victims Commissioner 2016);
- Over the past 5 years around one in four victims said they would have accepted the offer of a restorative meeting - 26.2% for 2018/19;
- In 2018/19 there was a significant decrease in satisfaction of victims with the contact they had with victims' services - reduced from 89% in 2017/18 to 78% in 2018/19.

Our research highlights restorative justice is clearly an important approach for Police and Crime Commissioners and the Ministry of Justice in tackling crime and increasing victim satisfaction. For future reporting the Ministry of Justice guidance will include advice to Police and Crime Commissioners that a successful restorative justice intervention is any intervention where the victim has benefited/intervention has helped with recovery. This can be a conversation, letter etc – it does not have to be a full conference.

* <https://restorativejustice.org.uk/resources/evidence-supporting-use-restorative-justice>

** Research data from Office of National Statistics report, Crime in England and Wales 2019
<https://www.ons.gov.uk/releases/crimeinenglandandwalesyearendingmarch2019>

Efficiency and Effectiveness of Police and Crime Commissioner Restorative Justice Services

Why me? examined the 2018/19 data to identify good practice and efficient and effective restorative justice service provision. We acknowledged that this was the first year of data collection to support the performance framework and noted these comments from Police and Crime Commissioner areas regarding the difficulties encountered in data collection:

“The procurement of new Sexual Assault Referral Centre & Independent Sexual Violence Advisor services has resulted in contracts being administered separately by Office of Police and Crime Commissioner & National Health Service Executive as a result it has not been possible to provide a detailed breakdown of outcomes. Arrangements have since been put in place with all other victim care services (60+ organisations) to ensure this information is available for the 2019/20 reporting period.”

“Relating to all closed cases - restorative justice intervention may not have taken place for any number of reasons but a closing assessment is still undertaken on closed cases. No current breakdown of cases by offence type. Not all cases will have full restorative justice intervention but will have involved restorative conversations with the victim.”

“Restorative justice hub does not currently collect outcomes in the areas identified in the table. Problems with service providers collecting data on singular and ongoing support data therefore data able to report is limited.”

“Very few victims filled in the outcome form. Generally the form is only used when there is specific restorative justice intervention such as a letter, shuttling or a meeting at the case closure point. The counselling service did not collect outcome data. Minimal outcome data collected by Victim Hub.”

“The restorative justice service provider has recently introduced a new satisfaction system which will enable reporting in this framework in the near future.”

Notwithstanding these issues we sought to establish if the data provided an insight into restorative justice services nationally. In reporting our results we have chosen not to name individual Police and Crime Commissioner areas in our analysis, although we can provide feedback to individual Police and Crime Commissioners if requested.

As the 2018/19 dataset did not include the level of investment by Police and Crime Commissioners into their restorative justice service, we used the overall 2019 victims fund allocation as a way to rank Police and Crime Commissioner areas. Our working assumption was that Police and Crime Commissioner areas with the greater level of victims fund would be expected to support the greater number of victims. Our expectation was that this would be reflected in the data they provided for referrals and new cases. Using this working assumption, questions emerged regarding the accuracy of the data.

The following examples highlight the type of issues identified.

Table 3 - Analysis of the top 6 (most) funded Police and Crime Commissioner areas and number of referrals and new cases reported (using 2019 Victim fund allocation as a way to indicate Police and Crime Commissioner ranking).

Police and Crime Commissioner Funding position	Rank position for number of referrals to restorative justice	Rank position for number of new cases
1	12	7
2	36	34
3	38	30
4	22	19
5	19	15
6	5	4

This analysis raises the following type of questions:

Why the 2nd highest funded Police and Crime Commissioner area only reported referrals which were position 36 in ranking and new cases which were 34 in ranking? The number of referrals reported was only 5 and 5 new cases;

Why the 3rd highest funded Police and Crime Commissioner area only reported referrals which were position 38 in ranking and new cases which were 30 in ranking? The number of referrals was 0 and 18 new cases;

Why the 4th highest funded Police and Crime Commissioner area only reported referrals which were position 22 in ranking and new cases which were 19 in ranking? The number of referrals was 111 and 107 new cases.

Table 4 - Analysis of the bottom 6 (least) funded Police and Crime Commissioner areas and number of referrals and new cases reported (using 2019 Victim fund allocation as a way to indicate Police and Crime Commissioner ranking).

Police and Crime Commissioner Funding position	Rank position for number of referrals to restorative justice	Rank position for number of new cases
37	2	1
38	37	35
39	17	12
40	29	24
41	31	25
42	7	36

This analysis raises the following type of questions:

Why the 42nd lowest funded Police and Crime Commissioner area achieved referrals which were position 7 in ranking and new cases which were 36 in ranking? The actual number of referrals reported was 512 and 0 new cases;

Why the 39th lowest funded Police and Crime Commissioner area achieved referrals which were position 17 in ranking and new cases which were 12 in ranking? The actual number of referrals was 193 and 193 new cases;

Why the 37th highest funded Police and Crime Commissioner area achieved referrals which were position 2 in ranking and new cases which were 1 in ranking? The actual number of referrals was 941 and 912 new cases.

Clearly the disparity in numbers between Police and Crime Commissioner areas is an issue for further examination before any conclusions can be made regarding efficiency and effectiveness of restorative justice services.

In our previous Valuing Victims reports* Why me? recommended Police and Crime Commissioners provide data on their actual spend on restorative justice – our examination of the 2018/19 data further supports the importance of this being available. It is our understanding that Police and Crime Commissioners have now been requested to provide a breakdown of expenditure for victim services, including restorative justice, for 2019/20. We fully support and welcome this development and recommend that accurate information on Police and Crime Commissioner spending and investment in restorative justice is considered as part of the assessment of the effectiveness of restorative justice services.

As we have highlighted, Why me? raises public awareness of restorative justice, which has been shown to provide benefits for victims and offenders from various research. Why me? considers that the Ministry of Justice and Police and Crime Commissioners would show they value victims by releasing this performance information as part of their accountability to victims and the general public.

Table 5 provides details of the full Police and Crime Commissioner data provided.

* why-me.org/campaigns/valuing-victims why-me.org/campaigns/

Table 5 - 2018/19 Police and Crime Commissioner output data for Restorative Justice with Why me? analysis.

PCC AREA	Victim fund ranking	Output		Analysis	
		Number of referrals	Number of new cases	Referral ranking HIGH TO LOW	New case ranking HIGH TO LOW
1	9	134	110	21	18
2	35	96	0	23	36
3	27	83	83	24	20
4	24	517	257	6	8
5	39	193	193	17	12
6	42	512	0	7	36
7	23	639	639	3	2
8	10	175	175	18	13
9	29	41	33	29	25
10	36	349	349	11	6
11	41	36	33	31	25
12	8	505	393	8	3
13	37	941	912	2	1
14	3	0	18	38	30
15	38	4	4	37	35
16	6	521	387	5	4
17	19	1903	15	1	31
18	25	256	256	15	9
19	7	262	204	14	11
20	12	63	58	26	23
21	22	0	0	38	36
22	31	70	82	25	21
23	1	327	327	12	7
24	14	0	0	38	36
25	26	31	26	32	29
26	34	19	0	34	36
27	28	232	149	16	16
28	32	26	13	33	32
29	13	364	363	10	5
30	20	303	69	13	22
31	16	0	0	38	36
32	15	600	162	4	14
33	21	392	241	9	10
34	30	13	11	35	33
35	18	0	0	38	36
36	11	149	127	20	17
37	4	111	107	22	19
38	40	41	41	29	24
39	17	55	29	28	28
40	2	5	5	36	34
41	5	153	155	19	15
42	33	56	32	27	27

Recommendations

1. Accuracy of the performance framework data is critical to allow any meaningful analysis. Significant efforts need to be made by Ministry of Justice and Police and Crime Commissioners to ensure the data accurately records the inputs, outputs and outcomes of restorative justice services.
2. In our previous Valuing Victims reports Why me? recommended Police and Crime Commissioners provide data on their actual spend on restorative justice – our examination of the 2018/19 data further supports the importance of this being available. It is our understanding that Police and Crime Commissioners will in future be requested provide a breakdown of expenditure for victim services, including restorative justice. We fully support and welcome this development and recommend that accurate information on Police and Crime Commissioner spending and investment in restorative justice is considered as part of the assessment of the effectiveness of restorative justice services.
3. Why me? previously recommended that the quantitative data would be enhanced by narrative information in a similar style to MAPPA reporting. We understand that qualitative questions for all victim services will now be included within future Police and Crime Commissioner returns, for example;
 - How do you evaluate and quality assure the standard of your commissioned services?
 - Have you made any improvements as a result of local review of services in place, or the demand for services changing?
 - How do you work with your local service providers to improve the quality and process for capturing the data requested in the Ministry of Justice return?

Why me? fully support this development and welcome the Ministry of Justice considering how to improve the sharing of good practice as part of their new reporting, standards and governance process.

4. Public reporting of the data is recommended. Why me? considers victims should be valued and have access to performance information on the local provision of restorative justice services.

Background to Why me? Valuing Victims Campaign

The aim of **Why me?'s Valuing Victims Campaign** is to champion the entitlement of victims of crime to be told about restorative justice at their point of need by highlighting the challenges victims face in accessing restorative justice. We also highlight good practice and disseminate knowledge about what a good restorative justice service looks like. We aim to inform and support Police and Crime Commissioners (PCCs) to meet their restorative justice commitments to victims under the Code of Practice for Victims and to shine a light on a Government commitment to equal and fair provision. Our preceding Valuing Victims reports are here: [why-me.org/campaigns/valuing-victims](https://www.why-me.org/campaigns/valuing-victims)

Why me? provide a national restorative justice service – both directly to victims and in support of regional services. We have a strong track record in understanding how best to introduce restorative justice to victims. There are examples of good restorative justice practice on our website and we can provide advice and support to individuals seeking justice and professionals working on their behalf.

Email info@why-me.org or call **020 3096 7708** if you have questions or want support.

Email info@why-me.org or call **020 3096 7708** to get in touch.

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The Barrow Cadbury Trust www.barrowcadbury.org.uk



The Allen Lane Foundation allenlane.org.uk