Valuing Victims: A Review of Police and Crime Commissioners' Delivery of Restorative Justice 2019/20

May 2021

Why me?



Introduction

This is the sixth annual report in Why me?'s Valuing Victims series, which looks at the prevalence and impact of Restorative Justice across England & Wales.

The Victims' Code entitles victims of crime to receive information about Restorative Justice[1]. But figures from the 2020 Crime Survey for England and Wales showed that only 5.5% of victims with a known offender recall this offer being made to them[2] . With Police & Crime Commissioners having responsibility for the provision of Restorative Justice to victims of adult crime in their area, the quantity and quality of restorative interventions varies significantly in different parts of the country. Data gained from a Why me? Freedom of Information request informs this report's analysis about which areas are investing the most money into restorative practice, and where the most restorative interventions are being delivered.

However the data which we received is not reliable enough to draw meaningful conclusions regarding the provision of Restorative Justice in different areas and how effective these interventions have been. This is despite the Ministry of Justice having a reporting template which is supposed to monitor Police & Crime Commissioners' delivery of victim services, including returns for Restorative Justice.

Last year's Valuing Victims' report found that Restorative Justice was delivering significant benefits for victims across all four outcome measures provided by the Ministry of Justice's framework. However, three of those four outcomes were not used in the latest reporting template, meaning that we cannot judge whether these benefits have been maintained. While the data received has also been inconsistent in previous years, the quality of it has worsened this year.

More positively, this is the first time that the reporting template has included a question on how much money is being spent on services delivering Restorative Justice in different areas. This improves transparency about investment in Restorative Justice across the country.

This Valuing Victims' report focuses on:

1. The Ministry of Justice data on regional Restorative Justice performance
2. Case Studies showing different approaches to restorative practice across the country
3. Recommendations

1 Victims' Code of Practice 2020 assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/974376/victims-code-2020.pdf

2 Restorative Justice. year ending March 2011 to year ending March 2020: Crime Survey for England and Wales (CSEW), Office of National Statistics www.ons.gov.uk/file?uri=/peoplepopulationandcommunity/crimeandjustice/adhocs/12031restorativejusticeyearendingmarch2011toyearendingmarch2020crimesurveyforenglandandwalescsew/restorativejustice201920final.xlsx

1) The Ministry of Justice data on regional Restorative Justice performance

Why me? sent the following Freedom of Information request (Ref 200911031) to the Ministry of Justice in June 2020:

> "Please could you provide the restorative justice statistics from the MOJ performance framework for monitoring Police and Crime Commissioner performance for 2019/20.
>
> The data sought includes the FOI data you provided for 2018/19 and also any additional financial information and data relating to the characteristics of victims referred to restorative justice services."

This is a similar request to the one which was made in previous years. The quality of the data is particularly poor this year, and is too narrow and inaccurate to allow reliable conclusions to be drawn.

The data's shortcomings can be split into two general categories:

- Data Quality (the reliability of the answers)
- Breadth of data (the scope of the questions).

However, information given about the level of investment in Restorative Justice in different police areas is a positive development.

Data Quality

The information which Why me? received about Restorative Justice provision is inconsistent, and contains a number of non-responses. We suspect that different interpretations of questions led to an implausibly large variation in responses between police areas.

For example, police areas were asked to record whether Restorative Justice had helped the harmed person to become "better able to recover and cope with everyday life". One area claimed to have supported 132 people, with 131 feeling "better able to recover and cope with everyday life" after the intervention, while another claimed to have supported 26 people, with only 1 person experiencing this benefit. Our experience of working with restorative providers across the country suggests that victim experiences are unlikely to vary so vastly. It is more likely that different areas approached this question in different ways. The data could be significantly impacted by factors such as the way that the question was asked and how different areas recorded non-respondents.

Figures about the number of people supported through Restorative Justice in different areas also varied significantly, with some areas claiming to have supported over 1,000 people and others less than 10. While services inevitably provide for different numbers of people, the scale of the variation in the data is likely to indicate that this was not a like for like comparison. It is more likely that respondents were using different criteria to record who has been supported by Restorative Justice. For example, some areas may have counted people who have had initial conversations with restorative providers as being 'supported', with others only recording people who had taken part in a Restorative Justice conference as being 'supported'.

To summarise, these are the key problems with the quality of the data:

- Many entries were incomplete, with some values missing from several areas.
- There were implausibly large regional variations regarding the number of victims supported and the percentage of victims experiencing a favourable outcome from a restorative intervention.
- Each return contained a number of 'validation checks' for accuracy. For example the amount of grant funding spent on Restorative Justice should not exceed the total amount spent on Restorative Justice. But these checks were frequently violated, bringing the accuracy of the data into question.
- There was no consistent understanding of what should be counted as a referral, and who should be counted as a person who was supported.

Breadth of Data

Even if all of the returns had been accurate and consistent, this data would still have given a limited picture of the effectiveness of Restorative Justice due to the scope of the questions which were asked.

One significant limitation is that there was only one criteria given to test the effectiveness of Restorative Justice, being: "better able to recover and cope with everyday life". In last year's data there were three other outcomes:

- Improved health and wellbeing
- Increased feeling of safety
- Better informed and empowered

The exclusion of these further outcomes this year narrows the scope of the data. There are additional questions which could also be added to create a thorough outcomes framework.

The data also focuses entirely on the effect of Restorative Justice on victims of crime, with no data about the impact it has on people who have committed crime. This further narrows the scope of the data.

Funding for Restorative Justice services

The reporting template included a question about the level of funding for "Services for Restorative Justice interventions".

This is a positive development, as this question was not asked in previous years. Knowing how much is being spent on restorative services in different areas creates greater transparency, and allows Police & Crime Commissioners to assess how much is being invested in their area compared to other parts of the country. Police areas are not all the same size though, so it's important to take into account that these are not per capita figures. Moreover, while the figures Why me? received seem plausible, there may have been some inconsistency in the way different areas recorded this funding.

An anonymised summary of the spending data is below. It shows that there is a substantial difference in funding for restorative services in different areas.

No. of Areas	Amount
7	£0 - £50,000
6	£50,000-£100,000
6	£100,000-£150,000
9	£150,000- £200,000
5	> £200,000

2) Case Studies showing different approaches to restorative practice across the country

We identified a sample of six geographically spread police force areas which the data suggested had a high number of Restorative Justice cases. We then sent them a questionnaire to help us understand their experiences of delivering Restorative Justice, and identify common practice which Restorative Justice services in other areas may find informative.

a) Derbyshire

The data shows that 592 individuals were supported to access RJ in 2019/2020.

Their feedback suggests that Derbyshire RJ Service prioritises a proactive approach to offering Restorative Justice. The restorative service contacts both victims of crime and perpetrators directly to see whether they are interested in a restorative intervention, rather than waiting for external referrals. They also recognise the importance of Restorative Justice being delivered by a dedicated professional, rather than it being a "bolt-on" to someone's wider role. They emphasised the independence of their facilitators, and that, in their view, indirect restorative approaches can be just as valuable as face to face meetings.

b) Durham

The data shows that 131 individuals were supported to access RJ in 2019/2020

Durham's RJ service highlighted their focus on building lasting relationships with other teams who could refer cases for Restorative Justice. They conducted many briefings with policing teams across diverse sectors, namely the Response, Neighbourhoods and Crime sectors (their biggest source of referrals). They have widened their reach by delivering Restorative Approaches Introduction training for new officers and Police Community Support Officers.

They have deliberately kept their Restorative Justice process simple, which they say has led to positive feedback from participants. Some participants fed back that their experience of Restorative Justice was more effective than years of counselling they had experienced, and helped them to put their lives back together.

c) Gloucestershire

The data shows that 815 individuals were supported to access RJ in 2019/2020

Gloucestershire's restorative provider said that they view restorative work as being integrated into the wider justice system. They have a dedicated police lead at Sergeant level, which has increased the visibility and credibility of their service. This has enabled them to maximise different referral pathways, and to increase police-based awareness and practitioner training.

They have responded well to the challenges arising from the pandemic, and have incorporated virtual restorative sessions. They also highlighted their strong local partnership model for external referrals, which allowed them to share skills, consolidate learning and extend the reach of restorative work.

d) Hampshire

The data shows that 673 individuals were supported to access RJ in 2019/2020

Hampshire's restorative service emphasises the significant time and resources they put into training new police officers, to ensure that police are aware of their duties under the Victims' Code. Police referrals now account for 74% of the referrals which they receive. The restorative service also has a dedicated Referrals and Data Coordinator, who has access to police record management systems, and can contact the service through a dedicated police e-mail address, on behalf of victims who would like to explore restorative practice.

The restorative service receives court results from the police, proactively contacting victims of crime on their behalf to ensure they are provided with information on restorative practice. They are keen to emphasise that their service extends to victims of historic offences as well, and that they receive a number of self-referrals from people who were harmed by a crime many years ago. They prioritise the experiences of victims in their training, and place a high value on the significance of their voices being heard.

This case study provided by Hampshire's RJ service illustrates the power of Restorative Justice to address harm caused by serious crime:

Case Study: Daz and Hayley's story

Four individuals had been travelling by car when the driver lost control and the car crashed, resulting in the death of one of the back-seat passengers. The driver, "Daz" was charged with causing death by dangerous driving, and received an 8-year custodial sentence plus a 14-year driving ban. The mother of the deceased victim, "Hayley" wanted to communicate with him to ask him questions about the events of the night, have an opportunity to explain the impact it had on her, and to find out his plan for returning to the community where they both lived. RJ facilitators prepared both parties for an RJ conference over a 10-month period, before they met face to face. During the conference, Daz repeated his regret about the accident, and said that he wished he could take her daughter's place. He admitted to leaving the scene, saying that he was scared. He stated that he would never expect Hayley to forgive him, as he would not forgive himself. As part of the resolution, he agreed not to contact Hayley or enter the road she lived in. Both parties were glad to have taken part in RJ.

e) Lincolnshire

The data shows that 243 individuals were supported to access RJ in 2019/2020

Lincolnshire's restorative service emphasised the need for a clear and consistent communication strategy to police officers, as a way to address existing misconceptions about the difference between Community Resolutions and Restorative Justice. They believe that more work needs to be done to raise awareness of Restorative Justice among the public.

Lincolnshire's RJ Service have benefited from building strong relationships with partner agencies, who have developed a strong understanding of Restorative Justice. The service receives referrals from many sources, and works closely with community groups who sit outside the justice system. They also emphasise the importance of being thorough in their preparation, risk management and managing expectations.

f) West Midlands

The data shows that 1,402 individuals were supported to access RJ in 2019/2020.

West Midlands RJ Service experienced a number of barriers due to Covid-19 restrictions, but overcame these with technology and perseverance. They have experienced further challenges in information-sharing agreements between statutory and non-statutory partner agencies in the Criminal Justice System, but have overcome these as well. They are adamant that accepting low performance in Restorative Justice is not acceptable, given that such a high percentage of victims can benefit from it.

3) Recommendations

a) For the Ministry of Justice

i) To introduce an outcome framework for measuring and recording the impact of Restorative Justice which includes:

- A requirement for the data about direct restorative conferences to be separated from data about indirect restorative interventions, such as restorative conversations.
- An outcomes framework for Restorative Justice which includes multiple measures of success. These could include the three measures used in 2018/19 which were not used in 2019/20 along with additional measures.
- Guidance to restorative providers about how to submit this data so that the figures received are consistent across different police force areas.
- To include data about the impact of Restorative Justice on people who have committed crime, including hard outcomes about reoffending rates following a restorative intervention.

ii) To publish the Outcome Framework returns rather than wait for a Freedom of Information request and to provide an analysis of what has worked and where the challenges lie.

iii) To consult restorative providers and take their insights and concerns into account in order to improve the collection of data.

iv) To produce a National Restorative Justice action plan which manages restorative activity across the criminal justice pathway and provides a strategic approach to improving access to Restorative Justice, like the one which expired in March 2018.

b) Police & Crime Commissioners

i) To fund Restorative Justice appropriately, set up monitoring and evaluation processes to make sure that there is value for money, and ensure that all victims, especially those with protected characteristics, are being reached.

c) Restorative Providers

i) To review best practice to ensure that as many people affected by crime as possible are able to understand their options regarding Restorative Justice. This could include emulating good practice from other areas, including the case studies highlighted in this paper.

d) Police and victim services

i) To proactively offer everyone affected by crime a referral to restorative providers so that they can discuss their options regarding Restorative Justice.

e) The Association of Police & Crime Commissioners

i) To appoint a PCC Restorative Justice lead who can work with the APCC Victim Service lead to promote and embed restorative support for victims across the country and highlight good practice by PCCs.

Acknowledgement

This work is funded by The Allen Lane Foundation.



The Allen Lane Foundation **allenlane.org.uk**

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**

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.

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