

Valuing Victims: A Review of Police and Crime Commissioners' Delivery of Restorative Justice 2020/21 - Victims of crime deserve better.

February 2022

Why me?

Transforming lives through
Restorative Justice



Introduction

This is the seventh Why me? report in the Valuing Victims series, which examines the delivery of Restorative Justice across England and Wales. Why me? annually requests the data supplied to the Ministry of Justice, (MoJ) by the 42 police areas in England and Wales via a Freedom of Information request.

Why me? firmly believes that the Government should be held accountable for the use of public money collected through the Victims' Fund and distributed to Police and Crime Commissioners (PCCs) to help victims recover from crime. This includes a duty to provide Restorative Justice services.

Previous Valuing Victims reports have highlighted that the data provided by PCC areas has not been reliable enough to draw meaningful conclusions regarding the provision of Restorative Justice across the different areas. This is despite the Ministry of Justice providing a reporting template to monitor Police & Crime Commissioners' delivery of overall victim services, including returns for Restorative Justice.

It is extremely frustrating therefore that our report this year draws the same conclusions:

- Many entries were incomplete, with some values missing from several areas.
- There were implausibly large PCC area variations when the data is analysed, raising issues of data quality and reliability.
- There remains no consistent understanding of what should be counted as a referral, and who should be counted as a person who was supported.

Indeed, the MoJ provided Why me? the 2020/21 data with the following caveat:

"The data provided is management information and should be used with caution. It is not subject to quality assurance processes that would be applied to formally published MOJ statistics. As such the accuracy of the data provided cannot be assured. In addition, not all PCCs provided the requested data and therefore this data does not represent a complete national picture. We would also caution you in making comparisons across years and PCC, as we believe that PCCs record the data in slightly different ways and change recording practices over time which means figures are not always directly comparable over time and between PCCs. We are working with PCC to address this."

While acknowledging that the 2020/21 data does indeed have some improvements, and noting the MoJ reference to on-going work, we point out the total annual investment in Restorative Justice by the 42 PCC areas is in the region of £5 million. Why me? considers this money is being distributed as part of the larger Victims' Fund without proper scrutiny or accountability about how or whether it is being well-spent. It is urgent that this situation is rectified.

In this report, we have provided practical suggestions on how this situation could be significantly improved by focusing on a smaller data set and ensuring the accuracy and completeness of this data set before extending it further.

Why me? has a track record of working with Restorative Justice services, building national capacity and communicating with people with lived experience of Restorative Justice. We have used our expert knowledge to identify where the focus for improvement could take place in the short term to have the most impact. We believe this is timely and much needed.

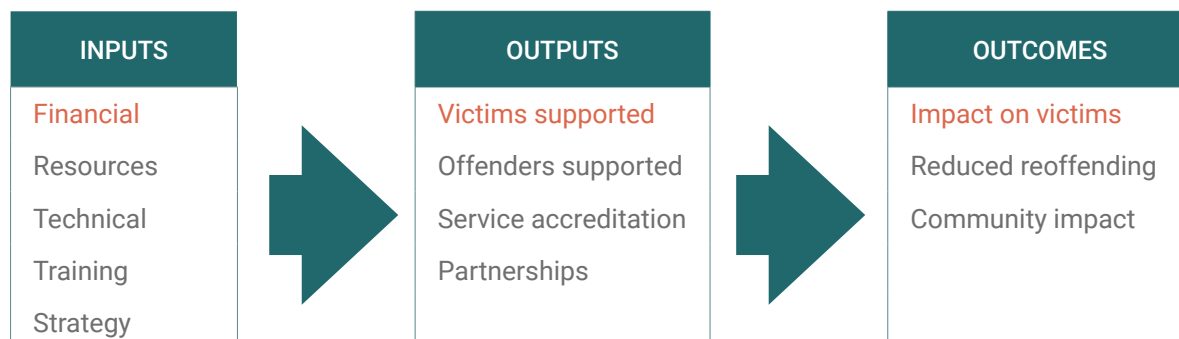
The Restorative Justice All Party Parliamentary Group (APPG) Inquiry into restorative practices in 2021/2022 recommended:

APPG Recommendation 3. Improving quality through effective monitoring and evaluation. Further investigation should be undertaken by the Ministry of Justice, in consultation with partners, to develop guidance for gathering and using data to monitor and evaluate Restorative Justice.

Adopting a simple business evaluation tool

It is suggested that PCC restorative services can be regarded as a simple business model which has inputs, outputs and outcomes.

A flow diagram for Restorative Justice services would look as follows:



While the current data collection set from the MoJ covers only a range of these measures, it is suggested that the focus should initially be only one key measure for Inputs, Outputs and Outcomes, as highlighted in red, and that efforts are made to ensure data accuracy for these data sets before progressing further. Our report will therefore focus on these areas.

Inputs – Financial

A welcome development of the data for 2020/21 has been the capture of additional PCC expenditure on Restorative Justice, i.e. funds used in addition to the suggested allocation of funds from the MoJ Victims’ Fund. This provides a far better picture of the level of investment in Restorative Justice services both nationally and by area. It is noted however, that eight PCC areas did not provide any expenditure data.

We have used the 2021/22 data provided by the MoJ to carry out an analysis based on the premise that there would be a reasonable correlation between the level of financial investment and the level of recorded crime for that geographical area, ie. more victims would require a larger investment to support them. While we recognise this analysis has significant limitations, the analysis does raise questions regarding PCC area variations.

	Overall Investment (Victim funding + Additional funding)	Investment per recorded crime Overall investment /recorded crime 21/22
PCC area A	£23,628	£0.27
PCC area B	£147,080	£0.53
PCC area C	£47,677	£0.78
PCC area D	£191,779	£2.29
PCC area E	£133,919	£3.60

The above PCC areas were chosen randomly to show the wide variation across the 42 PCC areas.

Public accountability for expenditure is a key issue for PCCs and accurate data is a requirement for any useful comparison both at PCC level across different years and also with other PCC areas. To achieve this, it is important that all PCC returns show full expenditure for Restorative Justice.

Recommendation 1 –

We recommend that the Ministry of Justice works with the Association of Police and Crime Commissioners (APCC) and Police and Crime Commissioners to ensure accurate expenditure reporting on Restorative Justice is provided as a data return for all Police and Crime Commissioner areas for 2022/23.

Outputs – Victims Supported

Data about victims and their access to entitlements is a key issue and has been the subject of [comment and recommendations](#) by the Victims' Commissioner.

The 2021/22 MoJ data set requests a range of information from each PCC area which can be described as outputs:

- Number of victims referred
- Number of victims supported
- Number of victims on waiting lists
- Average length of time spent by victims on the waiting list
- Eligible/no contact
- Eligible/disengaged

Our analysis of the 2021/22 data for “number of victims supported” suggests that there is wide interpretation of this by different PCC areas.

	Number of victims supported
PCC area F	1
PCC area G	6
PCC area H	22
PCC area J	187
PCC area K	707

The above PCC areas were chosen randomly to show the wide variation across the 42 PCC areas.

It is also noted that six PCC areas did not provide any data.

It appears that some PCC areas may be including telephone and/or e-mail contact with victims as support, while in other PCC areas they may only record direct face to face restorative conferences as victims supported.

Our view is that the victim support data requires further breakdown to be meaningful and that there should be a focus on redefining this to accurately capture the type of support provided to victims. An example is the conversation an RJ practitioner may have with a victim about the harm but the victim is not interested in taking part in any restorative process. Is this commonly understood to be support to a victim?

Our suggestion is that the data relating to “Support to Victims” is broken down as follows:

Victims Offered Support

- Victims offered restorative support via letter, email, text, telephone or video call

Victims supported

- Victim supported by direct contact via letter, email, telephone or video call (no restorative process)
- Victims supported via restorative conversation / assessment by RJ practitioner
- Victims supported via participation in an indirect RJ process
- Victims supported via participation in a direct RJ process

For clarification, it is suggested each victim is counted only once, at the point at which the support ends. This is important, otherwise there will be duplication of recording.

Demographic data regarding victims should also be captured.

While the information relating to waiting lists and victims eligible but not contacted, etc. may be interesting management information, we are not persuaded this is a priority. Therefore, this could be omitted from the 2022/23 data set until the former data set is accurate and understood and reported by all PCC areas.

Recommendation 2 –

We recommend that the Ministry of Justice work with the Association of Police and Crime Commissioners (APCC) and Police & Crime Commissioners to redefine and clarify the data return for victims supported by Restorative Justice services for 2022/23.

Outcomes – Impact on victims

The MoJ data set requires completion of data relating to victims including:

- Victim referrals to support services
- Victims (new and existing) with additional mental health needs
- Victims who presented with additional needs
- Victims who are better able to recover and cope with aspects of everyday life

Our analysis of the 2021/22 data indicates unexplained large variations.

	New victims Referred to Support Services in the Reporting Period
PCC area L	2
PCC area M	14
PCC area N	164
PCC area P	638
PCC area Q	2983

The PCC areas were chosen to show the wide variation across the 42 PCC areas.

In our experience, there should be a focus on capturing accurate outcome data relating to the overall impact of Restorative Justice support and that an appropriate outcome measure would be: Percentage of victims who are better able to recover and cope with aspects of everyday life as a result of support from restorative services.

It is suggested that in order to add quality for this measurement, the following should also be recorded and reported with the MoJ return:

- Total number of victims responded
- % victims who had no change
- % victims who were less able to recover and cope

Recommendation 3 –

We recommend that the Ministry of Justice work with the Association of Police and Crime Commissioners (APCC) and Police & Crime Commissioners to redefine the 2022/23 outcome measures within the data set using the above suggestion as a proposal for consultation.

Outcomes – Impact on offenders

We acknowledge that there is strong academic evidence that a key outcome of the RJ process is the impact upon offenders. Ideally, any change in offending behaviour should be measured as a key outcome indicator. However, we fully understand the complexity of this measurement and would see this as aspirational once the key victim data is established.

Why me? is aware that in some National Probation Service (NPS) regions there is an investment in Restorative Justice as an intervention tool for offenders. The data relating to this service would also be useful to capture for comparison purposes.

Recommendation 4 –

Ministry of Justice to capture data from National Probation Service regions who invest in RJ as an intervention so that the Ministry of Justice can get an overall picture and monitor and evaluate impact.

Recommendation 5 –

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.

Conclusions

Why me? fully supports the principle of collecting key national data for Restorative Justice services. However, the data needs to be accurate to allow for any meaningful comparisons, to assist the development of RJ services and deliver accountability, especially to victims of crime and the public. Why me? has identified and reported on this issue over a number of years and, whilst some improvements have taken place, the time is now for grasping this issue and delivering real improvements. Victims of crime deserve better.

If you want to discuss our findings or discuss how to improve data collection in your PCC area, or if you would like a copy of the data we have analysed then please get in touch via our info@why-me.org email.

Acknowledgement

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The Allen Lane Foundation allenlane.org.uk

Thank you to Trevor Watson, Keeva Baxer and Leah Robinson for their work on this report.

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.