

STRONG AND SUPPORTIVE COMMUNITIES SCRUTINY COMMITTEE	Agenda Item No. 7
14 SEPTEMBER 2016	Public Report

Report of the Service Director for Adult Services and Communities		
Contact Officer	Iain Easton	Tel. 864237
	Head of Offender Services	

RESTORATIVE JUSTICE AND RESTORATIVE APPROACHES

1. PURPOSE

- 1.1 To advise the committee on how young people are managed by the youth justice system in the city with a specific focus on how restorative justice is used to support both victims and offenders

2. RECOMMENDATIONS

- 2.1 The Committee are recommended to:

1. Scrutinise the contents of the report and;
2. To consider what the committee may be able to do to support the development of Restorative Justice and Restorative Approaches more widely across the city.

3. LINKS TO THE CORPORATE PRIORITIES AND RELEVANT CABINET PORTFOLIO

- 3.1 This report most closely links to the Council's corporate priority to keep all our communities safe, cohesive and healthy. However, the Restorative approach also supports the priority to safeguard vulnerable children and adults.
- 3.2 Restorative Justice falls under the remit of the Cabinet Member for Communities and Environment Capital.

4. BACKGROUND

- 4.1 Preventing offending and re-offending is a key statutory responsibility for the local authority. This duty is delivered on the authority's behalf by the multi-agency Youth Offending Service, which works in collaboration with a wide range of partner organisations.
- 4.2 Restorative Approaches and Restorative Justice have been shown through research to be effective approaches in helping young people desist from offending. They also assist many victims of crime to come to terms with their experience and give them a voice, which is often lacking in the wider criminal justice system.
- 4.3 The Youth Offending Service therefore seeks in as many cases as possible to facilitate links between an offender and their victim to improve the outcomes for both parties

5. KEY ISSUES

- 5.1 When a young person breaks the law there are a significant number of different options which can be implemented both to hold the young person to account for their behaviour and to offer support to reduce the risk of them continuing to offend.

- 5.2 The lowest level of intervention is called a Youth Restorative Disposal and is used in cases where a young person has committed a lower level offence for the first time. This option is only available once to a young person and has the advantage of the young person avoiding getting a criminal record. A full needs assessment is undertaken by the Youth Offending Service and a support package which usually lasts for between six and eight weeks is offered. If the young person fails to complete the work offered they will be given a Youth Caution.
- 5.3 The next level is a Youth Caution or Youth Conditional Caution, which counts as a criminal conviction. It is dealt with in a similar way to a Youth Restorative Disposal but the level of support and its duration is significantly greater. Young people may receive more than one Youth Caution during their adolescence and this can be given at any point even if they have previously been convicted by the courts.
- 5.4 56 young people were dealt with by means of a Youth Restorative Disposal during the 12 months to the end of July 2016, while 42 were cautioned. This accounts for 45% of all criminal justice outcomes for young people
- 5.5 If a young person continues to offend or commits more serious offences they will be charged and put before the courts. There are a range of options available to either the magistrates or the Crown Court. These include Referral Orders, Youth Rehabilitation Orders, Reparation Orders, Community Punishment Orders and custodial sentences.
- 5.6 The most commonly used order is the Referral Order which is usually the first sentence a young person receives when they go to court. 66 young people were made subject to this sentence over the last 12 months and this makes up 30% of the total criminal justice outcomes in the city.
- 5.7 Custodial sentences are used sparingly by the courts and eight were made in the last 12 months, accounting for 3.5% of all criminal justice outcomes.
- 5.8 In each case the Youth Offending Service completes an assessment and provides an intervention to reduce the young person's risk of re-offending. The level of re-offending by young people varies depending on the problems they face but overall around 34% of young people re-offend within 12 months of receiving a criminal justice outcome.
- 5.9 In the vast majority of cases the Youth Offending Service made contact with the victim of the offence to ascertain their willingness to take part in a restorative justice intervention.
- 5.10 The Restorative Justice Council for England and Wales defines Restorative Justice in the following way:
"Restorative justice brings those harmed by crime or conflict 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."
- 5.11 The University of Sheffield were commissioned by the government to evaluate three restorative justice schemes between 2001 and 2008.
 Key findings from the evaluation included that:
 - Restorative justice led to a 14% reduction in the rate of reoffending
 - 85% of victims were satisfied with the process of meeting their offender face to face, and 78% would recommend it to other people in their situation
 - 62% of victims felt that restorative justice had made them feel better after an incident of crime while just 2% felt it had made them feel worse
 - For every £1 spent on delivering a face to face meeting, £8 was saved through reductions in reoffending
- 5.12 In delivering restorative justice the two parties do not necessarily have to meet in person (known as a restorative conference) but may also choose to take part in the sharing of letters,

shuttle mediation or in some cases direct reparation whereby the offender completes unpaid work to the direct benefit of the victim.

- 5.13 In the last 12 months the Youth Offending Service has initiated contact with 228 victims of crime. 65% (147) responded to our contact and of those 88% (130) indicated a willingness to participate in some form of restorative justice. 78 young offenders also agreed to take part in a restorative process. As a result 37 face to face conferences were held while in another 13 cases other forms of restorative intervention were completed. All the victims who took part reported a positive experience.
- 5.14 It can therefore be seen that there is a great deal of interest in participating in a restorative intervention among both victims and offenders with over a third of both offenders and victims (who responded to our contact) taking part.
- 5.15 It is a little early to say what impact this has had on re-offending as in many cases insufficient time has elapsed since the conference to accurately measure this but to date of the cohort who took part only 2.5% have been in further trouble.
- 5.16 Looking forward, the service would like to develop Restorative Justice further by engaging local private children's homes as this could avoid criminalising looked after children who get involved in offences in their placement. However although offers of training and support have been made, the take-up has been disappointing. We are also developing our relationships with local secondary schools to improve and extend the delivery of restorative justice within those settings.
- 5.17 Overall there is good evidence that working restoratively can deliver positive outcomes for victims and offenders and can ultimately save the city money by reducing crime. The Youth Offending Service will continue to develop this approach and working alongside the Victim's Hub hopefully increasing numbers of victims and offenders will benefit.

6. DEVELOPING RESTORATIVE APPROACHES

- 6.1 The benefits of restorative approaches can extend far beyond the victim and offender relationship. Restorative approaches can provide an underpinning ethos and philosophy for making, maintaining and repairing relationships and for fostering a sense of social responsibility and shared accountability.
- 6.2 The Safer Peterborough Partnership have made a commitment to developing the concept of 'restorative approaches' across the Partnership. The Partnership are proposing to hold a conference to introduce and promote the concept of restorative approaches more widely for partner organisations. The conference will provide an overview and an introduction to restorative approaches, focussing on its use outside of criminal justice settings. Workshops will be held to explore the issues around how organisations can adopt restorative approaches, from a practical perspective.
- 6.3 The Partnership are also considering identifying a number of pilot areas which could act as early adopters of this approach, some suggestions might include the new Prevention and Enforcement Service, with a focus on using restorative approaches to resolve anti-social behaviour, one of the Partnership's priorities. Registered Social Landlords, schools and colleges and children's homes may be other potential pilot areas.

7. IMPLICATIONS

- 7.1 None identified

8. CONSULTATION

- 8.1 Restorative Justice and Restorative Approaches have been discussed recently at the Safer Peterborough Partnership Board.

9. NEXT STEPS

- 9.1 Any suggestions and recommendations agreed by the Committee will inform and help shape the drive to increase the use of restorative approaches in Peterborough.

10. BACKGROUND DOCUMENTS

- 10.1 Restorative Justice Council for England web site <https://www.restorativejustice.org.uk/what-restorative-justice>

Implementing Restorative Justice Schemes – an Evaluation of the First Year, *Home Office, 2004*

Restorative Justice in Practice – the Second Report from the Evaluation of Three Schemes in Peterborough, *University of Sheffield, 2006*

Restorative Justice, the Views of Victims – the Third Report from the Evaluation, *Ministry of Justice, 2007*

Does Restorative Justice Affect Reconviction – the Fourth Report from the Evaluation, *Ministry of Justice, 2008*

11. APPENDICES

- 11.1 None