

Developing restorative policing: using the evidence base to inform the delivery of restorative justice and improve engagement with victims

Developing restorative policing in Humberside, South Yorkshire and West Yorkshire

Joanna Shapland

Adam Crawford

Emily Gray

Daniel Burn

Universities of Sheffield and Leeds

January 2017



**College of
Policing**

HIGHER EDUCATION
FUNDING COUNCIL
FOR ENGLAND

The logo for the Higher Education Funding Council for England (HEFCE), with the word 'hefce' in a blue, lowercase, serif font.

Introduction

The research reported here was funded by the Police Knowledge Fund. The views expressed are those of the authors, not necessarily those of the College of Policing or HEFCE (nor do they represent Government policy).

Published by and available from:
Centre for Criminological Research
University of Sheffield
Bartolome House
Winter Street
Sheffield S3 7ND
UK

© Joanna Shapland, Adam Crawford, Emily Gray and Daniel Burn 2017

All rights reserved. No part of this publication may be reproduced, stored by a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the Head of Department, Faculty of Law, University of Sheffield, or as expressly permitted by law or under the terms agreed with the appropriate reprographic rights organisation. Enquiries concerning reproduction which may not be covered by the above should be addressed to the Head of Department. The right of Joanna Shapland, Anne Atkinson, Helen Atkinson, Becca Chapman, Emily Colledge, James Dignan, Marie Howes, Jennifer Johnstone, Gwen Robinson and Angela Sorsby to be identified as the authors of this Work has been asserted by them in accordance with the Copyright, Designs and Patents Act 1988.

ISBN 978-1-872998-02-2

Joanna Shapland and Emily Gray are at the Centre for Criminological Research, School of Law, University of Sheffield. Adam Crawford and Daniel Burn are at the Centre for Criminal Justice Studies, School of Law, University of Leeds.

Printed in the UK

Contents

	Page
Chapter 1 Introduction	5
The project	5
Restorative justice in 2016 in England & Wales	6
Methods for the research in the police force areas	9
Local provision of restorative justice	10
The structure of the report	10
Glossary/definitions	11
Appendix: topic guide for the focus groups	13
Chapter 2 Restorative policing in Humberside	17
1. Structures: external agencies, what is available and funding	17
2. Training and awareness	19
3. Referrals (including victim involvement)	21
4. Practice and experience	22
5. Suitability (scenarios – offence and offender)	23
6. Data and recording	25
7. Barriers and challenges	26
8. Professional opinions on restorative justice	27
9. The wider context (methodological and policy/practice related)	28
Appendix A: CJU10 form	30
Appendix B: Community resolution checklist/ flow-charts	32
Appendix C: Remedi report to the OPCC, Humberside	35
Chapter 3 Restorative policing in South Yorkshire	37
1. Structures: external agencies, what is available and funding	37
2. Training and awareness	40
3. Referrals (including victim involvement)	41
4. Practice and experience	43
5. Suitability (scenarios – offence and offender)	46
6. Data and recording	47
7. Barriers and challenges	48
8. Professional opinions on restorative justice	50
9. The wider context (methodological and policy/practice related)	52
Appendix D: South Yorkshire Police posters advertising restorative justice	54
Chapter 4 Restorative policing in West Yorkshire	55
1. Structures: external agencies, what is available and funding	55
2. Training and awareness	58
3. Referrals (including victim involvement)	60
4. Practice and experience	61
5. Suitability (scenarios – offence and offender)	62
6. Data and recording	63
7. Barriers and challenges	65
8. Professional opinions on restorative justice	67
9. The wider context (methodological and policy/practice related)	68

	Page
Chapter 5 Developing restorative policing - some emerging conclusions	69
A. The ability and capacity to deliver – structures for delivery/referral	70
B. Sufficient awareness of restorative justice amongst the police (and public who could request as either victims or offenders)	70
C. Cultural issues which act against the delivery of good practice restorative justice	70
D. Problems in delivering restorative justice – the processes	72
Possible solutions	72
Appendix with relevant criminal justice statistics	75
References	81

Acknowledgements

We would like to thank all those who very kindly agreed to see us and share their expertise with us. We have not named individual respondents, only their institutions.

1. Introduction

The project

The project 'Developing restorative policing' is being taken forward by the Universities of Sheffield and Leeds, together with Humberside Police and the PCC for Humberside, South Yorkshire Police and the PCC for South Yorkshire, West Yorkshire Police and the PCC for West Yorkshire, and Remedi. It started in September 2015 and will finish in June 2017. This report reflects the position in the three forces in May 2016, when the fieldwork was carried out.

The aims of the project are to:

- develop greater understanding of restorative justice (restorative justice) principles relevant to policing and the research evidence base that informs good practices that are sensitive to the needs of victims;
- foster the means and capability to institutionalise processes and mechanisms to deliver restorative justice in relation to policing, including self-evaluation of police restorative justice practices and work with partner organisations;
- assist the police in identifying means for front-line officers to assess which paths to use to facilitate restorative justice and how best to introduce restorative justice to victims.

The project is hence very much concerned with developing good practice in delivering restorative justice in relation to policing. We have interpreted that to mean restorative justice at the level of the police and prosecution, in which police officers involved in mainstream policing are directly involved. This is therefore primarily concerned with restorative justice pre-court, rather than restorative justice delivered pre-sentence or post-sentence. Police officers may be involved in providing information to others delivering restorative justice in later stages of the criminal justice process, but we have not included these practices in our research. The project is concerned both with adult and young offenders.

There are three inter-connected stages to the project. The first stage, which has been underway since September 2015 and is the subject of this report, involves fieldwork in all three police force areas, to set out the contemporary nature and extent of restorative policing across each area. The second stage entailed comparative work in Belgium and Northern Ireland, to inform the work with the three English forces. It was the subject of a separate report delivered in August 2016 (Shapland et al. 2016). The third stage draws on both previous stages. The intention is for each police force to develop one or more new initiatives in part (or the whole) of their force area, in the light of the proposals from the research team, and to implement these initiatives from October 2016. The research team will then evaluate selected initiatives, as far as that can be accomplished in the timeframe of the project, with fieldwork running until March 2017. The final report of the project drawing together the overall findings will be submitted at the end of June 2017.

As is well known, restorative justice incorporates a variety of practices and there has been considerable discussion about how it should be defined. We have therefore needed to consider how we define restorative justice for our purposes in this project. We see restorative justice as different from the broader concept of restorative practice. We have adopted the definition, similar to that proposed by Marshall (1999), as 'a deliberative process governed by principles of procedural fairness in which the parties with a direct stake in a particular offence (or incident) come together (preferably face-to-face) in an encounter collectively to resolve how to respond to the offence (or incident) such that the harm caused is acknowledged and the implications for the future of the parties are considered with an emphasis on reparation and reintegration'¹. This definition implicitly includes the recognition that restorative justice should be in relation to an offence, which means a criminal offence (though we are aware that conduct can be difficult to classify between a criminal offence and anti-social behaviour). This report therefore concentrates upon criminal offences, though we also mention, where relevant, measures and structures for anti-social behaviour. We also note that the Ministry of Justice defines restorative justice as 'the process that brings those harmed by crime, and those

¹ Project proposal to the College of Policing, see Crawford (2010).

Introduction

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' (2014: 3).

Our definition of restorative justice therefore bounds the kinds of practices we are considering to those which involve the direct victim and offender of a particular offence. We are therefore not concerned with practices or disposals which involve only action directed to the benefit of the community as a whole, or action in relation to victims or offenders of other offences, though these may have restorative intent or outcomes. We shall use the term 'restorative practices' to refer to this more indirect work.

Our definition therefore includes practices such as mediation (with victim, offender and mediator/facilitator involved), conferencing (with, additionally, victim and offender supporters present at a meeting, as well as possibly police), and panels. It includes both direct face-to-face meetings and also indirect or 'shuttle' mediation where a facilitator/mediator passes communications between victim and offender of the same offence. A brief glossary of terms and definitions is set out at the end of this chapter.

Restorative justice in 2016 in England & Wales

The project started by examining current practice in Humberside, South Yorkshire and West Yorkshire in relation to restorative justice and policing. We found that, though there were similarities in both structures and practices in the three forces, there was considerable disparity in the details of how restorative justice was organised and delivered, the maturity of provision (in terms of how well established the services were), the roles of different agencies, and geographical coverage. We are therefore presenting the findings from this first stage in separate chapters by force. It means that there is an amount of detail and possibly some repetition. However, it is important to work from a clear understanding of what is currently occurring in each area before seeking to implement new measures.

It is also the case that powers and practices in relation to restorative justice have been the subject of considerable innovation and development nationally as well as locally in the last few years, so this is a fast-changing scenario. In the last five years, a number of national developments have influenced the local delivery of restorative justice initiatives. These include, for example:

- funding for restorative justice locally has been devolved to Police and Crime Commissioners (PCCs) from the Victim Fund. This indicates and implies a victim focus in relation to criminal offences for funded initiatives;
- the ability for the police to use a 'community resolution' disposal, which may include restorative justice, has been rolled out nationally, though we do not yet have detailed statistics for its use in all forces;
- the economic recession has resulted in continuing cuts to the funds for public services, with the effect on the police being particularly severe in 2014/15. Though some pressure in relation to the police has been lifted in 2015/16, this is not so for councils (which are involved in community safety and restorative justice provision) and previously agreed cuts in central resourcing are still in play;
- there is an ongoing review of youth justice (the 'Taylor review'). The interim report concentrated upon the youth secure estate, which is outside the ambit of this research (Ministry of Justice 2016a), but the final report will examine the outcomes, organisation and work of youth justice services in England & Wales. This is likely to impact upon the work of Youth Offending Teams (YOTs) and their delivery of restorative justice and restorative practices;
- the Code of Practice for Victims (Ministry of Justice 2015) now includes provisions that victims of crime are entitled to receive information about restorative justice and how they can take part (2015: I, 35), with victims of young offenders being entitled to be offered the opportunity by the YOT in their area to participate in restorative justice where appropriate and available (2015: 35). The police are required to pass on victim details to restorative justice providers so that the victim can be contacted, unless the victim has indicated otherwise (2015: 54);
- the landscape for provision of probation and after-care services has altered very considerably, with the creation of community rehabilitation companies delivering probation supervision to lower risk offenders, whilst the National Probation Service produces reports for courts and

supervises higher risk offenders. Though this does not directly impact upon the delivery of restorative justice at the police level or pre-court (the subject of this report), where restorative justice providers or provision has previously relied upon Probation Trust support, advice or funding, pre-court provision may be affected;

- there have been changes in police organisation at national level, with the College of Policing now responsible for training and with a mandate for knowledge exchange for police, and the Police Chiefs Council being the new national police policy body (rather than ACPO). These have necessarily resulted in changes to police 'leads' for particular activities, and in training and publicising relevant research results;
- there have been a number of national reports, including the recent parliamentary Justice Committee report (2016) and the report by the Victims Commissioner (2016), discussed below, that, having considered the evidence base for restorative justice (see Shapland et al. 2011; College of Policing 2015) have encouraged the wider take-up and use of restorative justice where this is of high quality and victim-focused.

There is no time in the last hundred years when there has not been considerable change in criminal justice, and we are not suggesting that the last five years have been exceptional. However, because restorative justice can, and is intended to, be available at all stages of criminal justice (European Commission 2012), its provision and organisation are likely to be affected by changes to each part of criminal justice. It also takes time for new initiatives, particularly national ones, to be promulgated to all who are affected and for them to be incorporated in normal working practices. This report needs to be read with this in mind. All the changes above were referred to by some of our interviewees in the fieldwork for this report (as well as many others), but their import varied by area and the types of restorative justice provision available. In order to help set the context for this report, an Appendix at the end provides details of some criminal justice statistics, both nationally and locally, which are relevant to the report.

There have in fact been two major national reports during the time we were doing the fieldwork, which of course could not be reflected in respondents' answers and practices. The first of these was the report of the Victims Commissioner (2016) focusing on what would constitute a quality restorative justice service.² The report, whilst praising the positive effects restorative justice could have on victims, found that current provision of services was 'inconsistent in their accessibility, availability and inclusiveness' (2016: 1). The review team conducted a number of interviews with national policy makers, PCC staff, the Restorative Justice Council and various providers (including some involved in our current research). It was found that numbers receiving restorative justice services were low and that, though there was good quality practice in some areas, this also was variable. The low volume of restorative justice is perhaps not surprising, given that the Crime Survey for England and Wales in 2014-15 (Office for National Statistics 2015) found only 7.2% recalled being offered an opportunity to meet with the offender, though of these 44.2% accepted the offer. In the police force areas researched (which were not the same as our areas), PCC staff indicated that there was confusion and a lack of understanding in the application and use of restorative justice by the police, with police officers receiving no specific training on restorative justice. The report then refers to our own current research as potentially increasing the quality of the service provided.

The good quality practices advocated by the Victims Commissioner report were:

- providing a bespoke approach – tailoring service provision to the victim's and offender's unique circumstances (understanding when the victim is ready to receive information about restorative justice; ensuring that facilitators can respond appropriately and intelligently to understand a victim's circumstances and their relationship with the offender; identification of a victim's support needs – enhanced risk assessments used to inform additional support needs (before, during and after restorative justice));
- communication should be clear and readily accessible for all (information on restorative justice should be sufficient, especially for victims who may want to self-refer; restorative justice should be explained in a clear and consistent way; interactions with victims and offenders should be clear and honest – enabling participants to achieve realistic outcomes);
- facilitators are vital in the provision of good quality restorative justice (ensuring the same facilitator(s) manages a restorative justice case from beginning to end, provides continuity of support and enables better understanding of the victim's circumstances; facilitators should be

² A second report, to be published later in 2016, will consider victims' experiences of restorative justice services.

trained to be emotionally intelligent and responsive to participants' needs with equal consideration being given to both the victim and the offender to ensure that both have achieved the expected outcome; restorative justice managers should ensure that where possible, facilitators are appropriately 'matched' to restorative justice interventions, based on their experience and expertise to enable a better understanding of the dynamic between the victim and offender.

- effective evaluation of restorative justice activity should be conducted, with desirable measures for evaluation including quality of service provision; a holistic approach to capture the various elements of the restorative justice service provided; evaluations should not be based solely on the outcome of the restorative justice intervention, or the overall experiences of the participants; regular cycles of assessment and scrutiny to enable the identification of areas for improvement; and service provider to be accountable for any failures in quality service provision;—
- effective relationships with other PCC areas and services around the country can assist in supporting victims through all stages of their rehabilitation following a crime – not only limited to restorative justice;
- working effectively locally and the PCC's leadership and planning of service provision is essential (developing a single vision or aim of local restorative justice services will provide a consolidated approach to ensure an effective delivery of restorative justice; identifying local issues and required skills will assist in providing appropriate support mechanisms for victims and offenders; considered collaboration and meaningful relationships will enable local services to be delivered more effectively; joint partner scrutiny will assist in identifying areas of improvement for one agency or organisation as well as identifying strategic improvements for the collective partnership; the role of the PCC or senior leader demonstrates the restorative justice vision is led from the top of the service model, and will provide effective leadership and guidance to partners working in local restorative justice service delivery).

The second national report is the recent report of the House of Commons Justice Committee (2016) on restorative justice. The report also concluded that the evidence base showed that restorative justice is beneficial for victims who wish to participate (as well as offenders). It indicated that the policy of the Ministry of Justice has been 'for high quality restorative justice to be available to victims at every stage of the criminal justice system irrespective of where they are geographically, the age of the offender or the offence committed against them and we support these objectives in this report' (2016: 3). However, in practice, the Committee found 'restorative justice provision is currently subject to a 'postcode lottery' and regional buy-in. While ring-fencing funding to Police and Crime Commissioners may appear superficially attractive, we do not believe budgets for restorative justice could be set in a reliable or sensible manner' (2016: 3). In saying this, the Committee was pointing specifically to the short time-limited nature of the funding made available to PCCs and suggesting there needs to be a more long-term approach.

In terms of provision, the Committee considered that: 'Restorative justice is well embedded in the youth justice system, although there is further work to be done, particularly in improving victim engagement' (2016: 3). However, the Committee was thinking principally of referral orders (see particularly the recent report by Her Majesty's Inspectorate of Probation (2016)) and other court sanctions, as it was when recommending the Northern Ireland system of youth conferencing (see Shapland et al. 2016). The Committee does not seem to have explored the pre-court diversionary stage, which is the subject of our current research. Other recommendations of the Committee were:

- Problems in data sharing have presented a somewhat intractable obstacle to the development of restorative justice. We recommend the creation and dissemination of a national data sharing template to help speed up the agreement of data sharing protocols.
- There is evidence of mixed compliance with the requirement under the Victims' Code to make victims aware of restorative justice, and we recommend the introduction of a system to improve compliance.
- The entitlements under the Victims' Code should be rationalised so they no longer vary based on the age of the offender.
- The Ministry should consult with PCCs and Stakeholders to ensure there is sufficient capacity to feasibly introduce an entitlement to restorative justice under the Victims' Code.
- It is too soon to introduce a legislative right to access restorative justice services but such a goal is laudable and should be actively worked towards. We believe a right to access such

services should be included in the Victims' Law but that provision should only be commenced once the Minister has demonstrated to Parliament that the system has sufficient capacity.

The Committee was thus strongly recommending the provision of more high quality restorative justice at the different stages of criminal justice, including out of court disposals and pre-court discretionary work.

Methods for the research in the police force areas

Our current research in the three force areas used methods which have successfully been used previously in looking at restorative policing:

- Examination of current policy documents and research studies
- Interviews with senior officers and policy makers
- Focus groups with front-line officers, often using scenarios to discuss when they would use restorative justice techniques and what they would take into account
- Interviews with restorative justice providers (managers and front-line staff, both paid and voluntary) to whom cases were referred (e.g. Remedi) and relevant YOT staff and managers.

Ethical aspects of this research were considered and approved by the University of Sheffield School of Law Research Ethics Committee prior to the fieldwork starting.

The number of interviews we carried out in each force area depended upon the nature and variety of provision in different parts of the area. Overall, we interviewed 55 people individually or in small groups. They comprised:

Police force	Police/PCC staff	Restorative justice provider	YOT staff	Community panel	Other
Humberside	4	2	5	0	1
South Yorkshire	6	1	3	8	4
West Yorkshire	11	1	7	2	0
Total	21	4	15	10	5

The 'others' interviewed included Victim Support, probation and fire service staff. In addition, in South Yorkshire, we attended two meetings of a 'scrutiny panel' attended by a multi-agency, multi-region team examining whether the use of pre-court restorative justice was appropriate. We have anonymised quotes from interviewees in this report, but the force area involved is denoted by the initial given to the interviewee (H is Humberside, S is South Yorkshire, W is West Yorkshire).

In order to tap into the experiences and views of front-line officers, we ran focus groups in almost all geographical areas of all three forces.³ A quote from a focus group participant is denoted as 'FC' in this report. They were attended by officers who at that point in time were working as response officers, as Safer Neighbourhood officers (or equivalent) or as schools officers. Thirteen focus groups were held, involving 98 officers (four in Humberside, four in South Yorkshire and four plus a face-to-face interview in West Yorkshire). At each focus group, officers were first presented with a small number of scenarios, and asked to discuss whether they thought restorative justice would be appropriate for that kind of offence/offender/victim (see Appendix), before a more general discussion on the use of restorative justice, what kinds of restorative justice they had done and how confident they felt in using it. Each focus group, which lasted about one hour, concluded with each officer filling out a brief questionnaire which covered their own training in restorative justice, and previous experience in using different referral possibilities or undertaking restorative justice themselves.

The quantitative data from the surveys were analysed in SPSS (a statistical software package). Permission was sought in each case to tape-record the one-to-one interviews, detailed notes were taken from the recordings and code by theme/question.

³ In one area, a face-to-face interview was undertaken with one officer.

Local provision of restorative justice

Through the research, it became clear very quickly that restorative justice is being provided in a number of different ways:

- By police officers undertaking restorative justice themselves, often in the context of a community resolution or a caution being the outcome of the case. This includes 'street restorative justice', though that might be done more informally and may be applicable to both adult and young offenders
- By the police referring a case which involves a young offender to the YOT, which might undertake restorative justice itself, or refer to another provider (or possibly back to the police)
- By the police referring the case to another provider. In South Yorkshire and West Yorkshire, this includes what we have termed 'community panels' (see glossary), though they are given different names in different places. These panels are often run or funded by the council. Alternatively, it might be a restorative justice provider external to the police, such as REMEDI. This might be for an adult or young offender case.

We did ascertain, though, that the Crown Prosecution Service would not be involved itself in providing restorative justice or referring to a restorative justice provider, except possibly in advising the police on individual cases. Hence restorative policing is, in our three forces, at what would be called, in mainland Europe, 'the level of the police', rather than a prosecutorial decision. In other words, it is police decision making on the case (whether or not the restorative justice is undertaken by the police themselves) and results in a 'police disposal' for both case and offender. For adult offenders, therefore, the disposal would be a caution, conditional caution, or no formal outcome (including a community resolution disposal for the case). Youth disposals for offenders, similarly, involved cautions, conditional cautions and no formal outcome (such as a community resolution for the case). The latter might be accompanied by an invitation to take part in voluntary prevention programmes with their local YOT. This police decision making was often in partnership with, and discussion with, other agencies.

The structure of the report

Trying to cover in detail restorative justice provision in each area of each force, for both young and adult offenders, is a complex and demanding task. In order to try to make it easier for readers to understand and to compare practice and provision between forces (should they wish to do so), we have used the same structure for each of the results chapters. This covers:

1. Structures for delivering restorative justice, use of external providers, geographical availability, funding
2. Training and awareness of restorative justice amongst police officers
3. Referrals to restorative justice providers, including victim involvement and how victims are contacted
4. Practice and experience of providing restorative justice
5. Results on the perceived suitability of restorative justice for different offences/offenders/victims from the scenarios and interviews
6. Data on restorative justice use and how they are recorded
7. Perceived barriers and challenges in relation to restorative justice
8. Practitioners' opinions on restorative justice, from the focus groups and interviews
9. The wider context

We have not attempted to produce a concluding comparative summary, because it would quickly become detailed and repetitive. Instead, we have thought through the steps we think are necessary for forces and PCCs to undertake in order to provide quality restorative justice and implement it in any particular geographic area, drawing upon the results from all the individual chapters. We will then provide separately to each force some suggestions for what they might each undertake as an initiative for the third stage of the research.

Glossary/definitions

Caution: the name given to a formal warning, recorded by the police, for an adult or young offender. It is also the disposal for the offender and for the case, and does not result in a criminal record for the offender (though it may be referred to in relation to future offending and does also register on standard and enhanced DBS (Disclosure and Barring Service) checks).

Community/Neighbourhood Justice Panel: though called slightly different names in different areas (community justice panel; neighbourhood panel etc.), these are schemes, often associated with local councils, whereby cases are referred to a coordinator. The coordinator assigns the case to trained volunteers or staff members, who contact the parties and undertake direct or indirect mediation or conferencing with the parties. Panels tend to focus upon neighbourhood disputes, anti-social behaviour and minor criminal offences.

Community resolution: A disposal of a case at the level of the police, which involves some form of interaction between the police officer and one or more members of the community. It does not necessarily involve restorative justice or restorative practices and does not result in a criminal record for the offender.

Conditional caution: A disposal for the offender (adult or young offender) and for the case, decided at the level of the police, whereby conditions are formally added to a caution and recorded as such. These conditions may or may not include restorative justice or restorative practices.

Conferencing: a direct meeting between the offender and victim of the same offence, together with supporters of both victim and offender, and a facilitator. It falls under the category of 'Level 2 RJ' for the police.

CRC: Community Rehabilitation Company

Hub: the term used to denote a person or unit within the police (in Humberside and South Yorkshire) or within the council (in West Yorkshire) which receives requests for restorative justice and usually provides victim contact details to the restorative justice provider. Staff in the Hub may also consider the suitability of the case for restorative justice, drawing upon police records.

Mediation: (sometimes called 'Victim-Offender Mediation', or VOM). It can either involve a direct meeting between the offender and victim of the same offence, with a mediator/facilitator (direct mediation), or an exchange of communication between the victim and offender of the same offence (indirect mediation). The exchange of communication may be in writing, or through messages passed by the mediator, or use videos or other forms of communication.

PCC: Police and Crime Commissioner

PCSO: Police Community Support Officer

PNC: Police National Computer

PND: Police Notice for Disorder

Restorative justice: 'a deliberative process governed by principles of procedural fairness in which the parties with a direct stake in a particular offence (or incident) come together (preferably face-to-face) in an encounter collectively to resolve how to respond to the offence (or incident) such that the harm caused is acknowledged and the implications for the future of the parties are considered with an emphasis on reparation and reintegration' (see p. 4 above).

Restorative justice provider: an agency or body, often from the voluntary sector, which delivers restorative justice services (mediation and/or conferencing) upon receiving referrals from criminal justice agencies or self-referrals from the victim or offender.

Restorative practices: interventions which aim at restorative outcomes and may use restorative methods, but which fall short of communication between the victim and offender of the same offence.

Introduction

These may include reparation directed towards the community (community reparation or indirect reparation), victim awareness sessions or programmes, and interventions which bring together victims and offenders, but where these are victims and offenders of different offences.

Street RJ: the colloquial name given to restorative justice undertaken by a police officer informally between victim and offender (also known as Level 1 RJ). Sometimes this may not involve communication between victim and offender directly or via the police officer. The disposal of the case would then be a community resolution.

YJB: Youth Justice Board

YOT: Youth Offending Team

Appendix – Topic guide for the focus groups, including the scenarios used and the questionnaire to officers

Our research is about restorative justice used at a policing level – so it's about what is sometimes called 'street RJ' but it's also about when you refer cases or people to other restorative justice providers, such as the community panels or neighbourhood resolution panels, or to REMEDI. We want to find out when you might think about using restorative justice in any of these ways and why you might decide to use it or not use it. Why are we doing this? Because we are funded by the College of Policing, with the strong support of your force, to try to develop tools or other ways which may make your task in this easier. And in order to do that, we need first to understand how you use restorative justice and what works and what doesn't. We know that there are slightly different practices in different places but what we really want to know is what you'd do in different situations.

Can I stress that no one will be identified or identifiable individually in anything we report or publish. Noone will be able to say, he or she said that. We'll talk about the force, but not about you.

We thought it might be best to start by giving you a number of scenarios to think about. And then after some discussion at the end, we'd be very grateful if you could fill in this short questionnaire (which is anonymous) about your own job and use of RJ.

Scenarios

1. **Shop theft**

- (a) Our first scenario is a theft from a shop, a local type of shop like a Spar, with a manager and some staff. A member of staff witnessed the incident, done by a young person around 14, who stole some stuff valued at about £1.50. The boy appeared to be acting alone.

The questions (for all scenarios)

So, if you were sent to that job, on arriving and finding out the details what would be your first thoughts and actions? [And then what would you do?]

What kind of disposal would you think appropriate? [for the incident, for the boy]

Would you consider this appropriate for a restorative disposal? [If so, why? If not, why not? What factors are influencing your decision?]

How would you record the incident?

- (b) And suppose this was done by an adult, someone say about 20?

2. **Common assault in a pub**

And now lets move on to people in a pub. And a man (an adult) assaults another man who he thinks has looked at him strangely – the man who does the assault is drunk. And the barman calls the police. The only injuries are bruises and the man assaulted doesn't want any medical attention. All the people are still there.

3. Let's think about **neighbourhood problems**.

What about a history of verbal abuse by an adult, a neighbour, which frightens his neighbour? And you're called again, the third time in a fortnight.

4. What about something perhaps more serious: a **burglary** by a 17 year old, but the teenager was disturbed and left, nothing was taken. The victim of the burglary wants to meet the burglar.

Further questions:

1. Has anyone here done a 'street RJ' where you do it yourself [get the parties together yourself]? What happened [both process and outcome]?

How involved was the victim? [was it the direct victim or someone else?]

What was difficult or challenging? [why?]

And easier than you expected?

How did you feel that the parties responded [victim and offender]?

Introduction

How was it recorded?

Overall, did you feel that the experience was worthwhile pursuing in this way?

2. Has anyone here referred a case to a community panel or a neighbourhood resolution panel (different areas call them different names, like the council scheme)?

What did you have to do for that?

How easy was that?

3. Has anyone referred a case [via the hub] to REMEDI or to another restorative justice provider [Restorative Solutions, Yorkshire Mediation]?

What did you have to do for that?

How easy was that?

4. Has anyone referred a case to the YOT specifically for restorative justice?

What did you have to do for that?

How easy was that?

Or has the YOT suggested RJ to you as the officer in the case?

5. Is there anything you can think of which would make it easier for you to use RJ in appropriate cases?

- A prompt card on what might be suitable cases for different kinds of RJ?
- Easier ways to refer to RJ providers or to panels?
- Easier ways to record RJ?

6. Is there anything else you'd like to comment about restorative justice, or using restorative justice?

Developing restorative policing – questionnaire at the end of the focus groups

This questionnaire is anonymous – you cannot be identified. Please tick the boxes that apply.

1. Are you a police officer? a PCSO? police staff?

2. Do you currently work as a response officer? a community officer?
Other? What?

- 3.(a) Have you had restorative justice training? Yes No

- (b) (If yes) Was that initial training? (a day or less)

- Or more substantial training? (over several days)

4. How confident do you feel about undertaking restorative justice (e.g. 'street RJ') yourself
Not at all confident Not very confident Fairly confident Very confident

5. How confident do you feel about facilitating a restorative justice **conference** yourself?
Not at all confident Not very confident Fairly confident Very confident

6. For 'street RJ' what is **necessary as a minimum** in your view? (tick all that apply)

- (a) Being able to identify the victim
- (b) The offender agreeing he or she is responsible for the offence
- (c) Consulting the victim and only proceeding if the victim agrees?
- (d) Consulting the offender and only proceeding if the offender agrees?

7. What would you say is the **essence** of 'street RJ'? Please rank the statements below in order of importance from 1 (most important) to 5 (least important).

- | | |
|---|--------------------------|
| (a) Bringing the victim and offender together so that they can communicate? | <input type="checkbox"/> |
| (b) Getting the offender to apologise to the victim? | <input type="checkbox"/> |
| (c) You shuttling between the victim and offender so that they can communicate? | <input type="checkbox"/> |
| (d) Getting the offender to repair any damage or pay for stuff stolen? | <input type="checkbox"/> |
| (e) Being able to resolve the dispute promptly? | <input type="checkbox"/> |

8. Could you estimate how many times in the last 12 months or so you have:

	Not at all	Once	2-5 times	Over 6 times
(a) Thought of trying 'street RJ'?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Successfully done 'street RJ'?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) Referred a young person to the YOT specifically for RJ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Referred a case to a community panel or neighbourhood resolution panel?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Referred a case to a RJ provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Thank you for filling in the questionnaire. Please put any additional comments below or on the back.

2. Restorative policing in Humberside

Humberside has a rich history of implementing restorative practices within the public sector. A range of public services in Humberside have sought to embed restorative 'approaches' as a central feature, though these have embodied diverse forms of restorative practice, as well as restorative justice (see Glossary in Chapter 1). In 2010, the Director of Children and Young People's Services in Hull City Council said: 'In Hull we are working towards becoming the world's first restorative city'. Hull was the first city in the UK to pilot the idea of being a 'restorative city' and others have since attempted to pursue a similar approach (e.g. Leeds and Brighton). The intention was borne out of the transformation of a school in Hull, from being in 'special measures' into an 'Outstanding' establishment, within 24 months. Ofsted specifically cited the use of restorative practice within the school as being key to that improvement and encouraged the Head (Estelle MacDonald) to find a way to make it explicit and trainable. Following this example, Hull Centre for Restorative Practice (HCRP) was developed and sought to promote restorative practices in schools, justice, policing, social care and children's services which eventually spread across the various councils in the Humberside area.

Following intensive restructuring in 2015, Humberside Police have changed their previous divisions into council areas in favour of having one overarching organisation. The councils within the Humberside policing region are North Lincolnshire, North East Lincolnshire, Hull and the East Riding of Yorkshire.

Our description below of the structures through which restorative justice is delivered and professional practice is informed by what we noted from the interviews and documents available to us at the time of doing the research and writing (spring to summer 2016), and so cannot take account of any more recent initiatives. In terms of both structures and practices, the ways in which restorative justice is delivered differs considerably between cases involving adult offenders and cases involving young offenders, and so we have divided our description into these sections. We should note, however, that victim preferences, views and needs may not differ according to the age of the offender, and nor do many of the provisions in the Code of Practice for Victims (Ministry of Justice 2015).

1. Structures: external agencies, what is available and funding

Cases with adult offenders

Restorative justice with adult offenders in the Humberside Police Force region is delivered by two providers: Remedi and, to a lesser extent, the police. Subsequent to the introduction of Police and Crime Commissioners (PCCs) and their taking on responsibility for Victims Services in 2014, Remedi received funds to begin establishing and delivering restorative justice interventions and have a contract until March 2017⁴. They also receive a small contribution from the Community Rehabilitation Company (CRC) and local prison. The majority of this work currently takes place with post-court adult offenders who are in custody at the point of contact – and so is outside the remit of this research. There is an intention for Remedi to take on more work with out-of-court disposals, but at this stage our respondents said they are focusing their resources on post-court-post-sentence cases. Indeed, these services have been challenging to embed in local criminal justice structures and Remedi have been unable to meet the targets agreed with the PCC (see section 3 below). There is an acceptance on both sides between the PCC and Remedi that this has been because referrals from partner agencies have been low and a series of restructures in the police, probation and other third sector organisations has thwarted promotion of the service. It is important to be aware that, according to our respondents from all agencies, there is an acceptance in the region and across all criminal justice bodies that, unless specifically requested by the victim, a restorative justice intervention will not normally be instigated with offenders who have been found guilty but are awaiting sentence. It will only take place post-sentence. This is to ensure the motivations of the offender are directed towards victim restoration.

Our respondent from the Office of the PCC was positive about Remedi's services, although their funding has reduced by around £60k for the financial year 2016/17, compared to the previous year,

⁴ Prior to this Remedi received financial assistance to develop restorative justice in Hull. In 2013 the Esme Fairburn Foundation provided a programme of £1.5 million of grant support to build a 'restorative community' in the city of Hull.

which, according to Remedi respondents, has had a direct impact on Remedi's capacity to both endorse and deliver restorative justice in the region. This was said also to have had a bearing on the morale and consistency of Remedi staff. As a third-sector organisation, Remedi are concerned that job insecurity is a considerable stress factor for their staff (almost all staff receive a redundancy notice every January). Though currently bound to short-term contracts, the PCC have stated a preference for commissioning three-year agreements because the tendering process takes around twelve months (one third of the contract period) to finalise, which inevitably disrupts service provision.

Remedi have a complement of around 4/5 specially trained staff, as well as volunteers, who at the time of our research provided a bespoke service of direct and indirect restorative interventions via referrals from the police, the various councils, the CRC/National Probation Service (NPS) and other charitable organisations. They adopt a professed 'victim-focused' approach and contact referred victims in the first instance, before approaching offenders and deciding what is appropriate given the circumstances.

In addition to referring to Remedi, police involvement in out-of-court restorative justice with adults can be administered through a community resolution disposal, which employs the CJU10 form (see Appendix A). This is an 'immediate' style of intervention, which may involve activities that are: (i) reparative to the victim (such as letters/verbal demonstrations of apology; compensation; reparation and/or meetings involving meaningful consultation with a victim; and (ii) indirectly reparative (indirect reparation or reparation that is dominated/led by the police officer). Community resolutions may however also involve (iii) activities that do not have reparative or restorative purposes, such as a verbal warning or banning from a shop. There is currently no means to distinguish between community resolutions with or without restorative justice at a data-collection level. Humberside Police Force also has a strategy to limit community resolutions to first-time offenders and they may not be given on a repeated basis. There are also a limited number of officers trained to facilitate conferencing, although it was noted that such conferencing was uncommon.

In both the one-to-one interviews and focus groups in the Humber region, the police mentioned 'Operation Sodium' when discussing restorative pre-court options. Operation Sodium is an initiative developed between the police and some retailers (primarily larger retailers, but also market stalls), which leaves incidents of shop theft committed by first time offenders to be dealt with by the shop, either through civil action or banning/exclusion of the offender. It is intended to have preventive purposes, with the police providing crime prevention advice to the shop to reduce future risk of shop theft. It also is intended to limit prosecution to more serious cases or continuing offenders. However, though some online media literature⁵ has used the term 'restorative' in relation to Operation Sodium, and some of our respondents classed it as restorative work, there are no restorative values or principles in the delivery of this project, and it cannot be seen as falling within our definition of restorative justice.

There are no community/neighbourhood panels in the Humberside region. Moreover, while there are some council services that deal with anti-social behaviour, these do not have any restorative justice elements at present, and instead focus on minimising risk and assessing noise pollution.

Cases with young offenders

YOTs have a longer legacy and more consistent approach to working with victims of youth crime, not least because the Youth Justice Board's National Standards have promoted restorative justice with young people involved in offending since 2000 (Newburn, 2002), with one of the Humberside YOTs currently working towards the Restorative Service Quality Mark (RSQM). The YOTs have access to dedicated Victim Liaison Officers (VLOs), who, it was said, would communicate with all victims of crime and proactively invite them to take part in direct (i.e. a conference; compensation or reparation) or indirect (letter of apology/ explanation; passing of messages – 'shuttling' between two parties; reparation) restorative interventions on an individualised basis (although take-up remained low). Where victims chose not to engage in any form of restorative justice, the VLO would still seek to keep them updated on the legal process of the case and the young person's progress on their order (be it pre or post-court).

⁵ <http://www.hulldailymail.co.uk/new-humberside-police-operation-shoplifters-hull/story-20890334-detail/story.html>

A process called ‘triage’ was also available in the YOTs (a relatively similar process was found in Northern Ireland – see Shapland et al. 2016). This process was an alternative to conviction and does not result in a criminal record. It involved young people being assessed at a meeting, usually in a police station soon after an offence has taken place. It included, at the time of the research, the young person, an appropriate adult, a representative of the police and a member of the YOT. The victim might be invited to be present. If the young person admits the offence, they are likely to be recommended a short work plan (up to three months, on a voluntary basis) that will involve consultation and/or restorative work with the victim(s) (where they are available and willing). Triage is funded by the four councils through different mechanisms.

In common with other YOTs, there have been financial cuts to Humberside YOTs over the last few years. In Humberside, one YOT reported that they had lost approximately 75% of their staff and were (at the point of interview) in an over-spend, so would have to initiate further cuts before the end of the financial year. A respondent from another YOT said that they were facing a 25% cut this year, following a 10% cut last year. The ongoing review of the youth justice system (the ‘Taylor review’: Ministry of Justice (2016) has caused further uncertainty, with resultant financial implications yet to be known. All YOTs reported that while their caseload has decreased in size, the demands of the population have increased (since their work is now more firmly focused on persistent and serious offenders, who present with more complex and multifaceted issues).

The police may also choose to dispose of first time youth offenders using a community resolution, as described above for adults. Again, this might or might not include a restorative element.

At the time of writing, Remedi did not work with children and young people in the Humberside region. There were designated PCSOs for schools and specific strategies for policing schools, depending upon needs.

2. Training and awareness

Remedi is a service dedicated to providing restorative interventions. Their salaried staff had extensive relevant experience and were trained to a high level - most of the senior managers at the time of the research had the Master’s Degree in Restorative Justice from the University of Hull, as well as both participating in, and running regular restorative justice council accredited training.

Similarly, the YOT staff with responsibility for ‘victim liaison’ had received considerable training in youth justice, restorative counselling, restorative justice, restorative practice, safeguarding and ‘managing escalation techniques’. Two of the YOTs had all of their practitioners trained by the International Institute of Restorative Practices (IIRP) – which provided 3-day, accredited training that included a test. In one council, all staff working with children in the care system and all Police Community Support Officers (PCSOs) linked to schools had received restorative justice training. This was perceived as essential to their work, as well as being part of a wider project to pursue ‘restorative practices’ *throughout* Children’s Services. Moreover, the YOT had staff who were trained to deliver courses in restorative counselling. This service had been extended free of charge to the police, but the police were perceived to have been very slow/reluctant in accepting the offer, with one YOT respondent stating that they had offered police officers places on their own training, but that they always declined.

Widespread training of police officers in restorative justice had been delivered by Remedi a few years ago when financial support for restorative justice was introduced and ring-fenced by the Ministry of Justice. Notably, 84% of all Humberside Police focus group participants (n=45) stated that they had taken part in restorative justice training. In the majority of cases (78%, n=38) this was one-day’s training or less. An additional half-day training in restorative justice was sometimes available for officers, as part of their on-going training obligations. Notably, response officers who took part in the focus groups often referred to the research activity as ‘restorative justice training’.

Remedi ‘briefings’ (a short talk about Remedi services and the referral process) took place in Goole and Scunthorpe, for one and two days respectively, immediately before our focus groups, which meant participants were perhaps more aware of Remedi services than they might otherwise have been. Officers participating in other focus groups did not show such awareness. Whatever the level of awareness, when asked about actively making referrals to Remedi, very few officers had done so from any focus group. In fact, only two officers in Goole reported cases they had recommended,

which ties in with the assessments from Remedi staff who bemoaned the lack of police up-take of what is a free service - despite regular and direct promotions.

'We trained and briefed everyone in an area of Humberside, but that doesn't mean they've become restorative. We've briefed lots of police and it hasn't resulted in more referrals. So that's an expensive briefing. But we get these issues everywhere, it's not unique to Humberside.' (H6)

Though there is a general finding in criminal justice research that staff from one agency tend to be more suspicious of the quality of delivery from staff from another agency, YOT staff were similarly pessimistic that the police were generally unmotivated to deliver restorative justice and (where they did) they were not confident that police-led restorative justice had restorative integrity:

'The police culture does not lend itself to restorative practice, it may do so on an individual level, if you've got that persona, and that ability to do it. But it's the job isn't it? They've got stuff calling in, and they've got to respond to it. And I think it's much more about, it's much more being task-orientated.' (H12)

'The police don't arrest as much as they used to, and maybe they call that restorative practice or managing their workload, I don't know.' (H8)

Noticeably, YOT staff felt 'in the dark' as to the police's involvement in pre-court restorative justice. Information about community resolutions administered to children was not automatically shared with YOTs. Where the YOT did become aware of a youth community resolution, there were a lack of recorded data available on what *type* of restorative justice the police had undertaken as part of that disposal. YOT staff were also concerned that, contrary to Humberside Police policy, children and young people *did* often receive repeat community resolutions. YOT respondents described significant concern that repeat criminal behaviour by children and young people should be reported by the police to the YOT – since they felt that the YOT had a statutory duty to limit first time entrants into the youth justice system and it is these individuals they needed to identify and work with. The position is that s.37 of the Crime and Disorder Act 1998 states that the principal aim of the youth justice system is the prevention of offending and re-offending by young people. This has become over time a view that the YOT should be working with all young people potentially involved in any criminal activity, on a preventive basis (though we ourselves might argue that there is a danger of net-widening with this). Local youth justice services at the time of the research were being measured against their ability to reduce first time entrants to the system. First time entrants have in fact been reducing in numbers consistently since 2007/8 (Youth Justice Board 2016).

While staff within the criminal justice agencies that formed part of this research questioned the capability, capacity and enthusiasm of police to conduct restorative justice in the Humberside region, there was a wider range of views expressed by response officers. Indeed, while few recognised who Remedi were and fewer had made referrals to them or the YOT, many officers appreciated the space that the advent of community resolutions offered to enable them to adopt more discretionary powers on the street to divert low-level first time offenders from criminalisation. The following quotes from one focus group reflect this sentiment:

'It's good now, we've got some discretion back, it's not high-level discretion, but we've got some of it back and that's a positive for us.' (FG7)

'A few years ago we used to criminalise everyone, we had 12-year-olds who were getting done for stealing very small value items. But they'd probably never do it again and we've given them a record... Now we can just give them a ticket, or they can pay it off and that's it. Done, and we'll probably never hear from them again.' (FG7)

If an increase in police discretion was positively identified, it was also evident that response officers needed to manage a wide range of sometime contradictory duties 'in the moment' of attending to a crime (i.e. collecting evidence, safeguarding, communicating with various parties, reducing tensions). Many reported feeling under increasing time and resource pressures, which impacted their capacity to deliver restorative justice. Such sentiments were expressed both by those who had positive and those who had negative views about restorative policing styles.

In terms of raising awareness of restorative justice, it is critical to note that across all regions and agencies in Humberside, staff commented that public awareness of restorative justice was extremely limited, and often non-existent. Victims seldom requested restorative justice, and if it was proactively offered to them the nature and boundaries of a 'restorative' intervention would need to be explained in considerable detail. Indeed, the term 'restorative justice' was described as a rather abstract concept and not one that was immediately coherent to the lay public. That said, the demonstration of sincere regret/apology by an offender, or an explanation of the offender's motivation to commit the offence, was often seen as a very attractive opportunity for victims, according to various criminal justice staff.

3. Referrals (including victim involvement)

Humberside do not have a centralised 'hub' with dedicated staff to facilitate referrals to Remedi. Instead, Remedi was instigating referrals through numerous avenues in the police, CRC, National Probation Service, local councils and voluntary sector organisations (see Appendix B for the flow decision charts to assist officers making referrals to Remedi). It was identified by all relevant parties that producing successful referrals was a key challenge and staff from the Office of the PCC accepted that Remedi had not been able to meet their target of 120 active cases in a year (completing approximately 65 restorative justice interventions). This was chiefly due to unexpectedly low referrals from external agencies, for example, in 2014/15 Victim Support provided only two referrals over 12 months. A representative from Remedi estimated that, in 2014/15, around 70% of the referrals to Remedi were generated through Remedi staff going through reports of court proceedings etc., and the majority of proceeding cases (around 80%) were with adult males in custody (see Appendix C for data on the sources of referrals in 2015/16).

Remedi reported that they were looking to re-evaluate the process of restorative justice referrals. On average they worked with approximately 75 referrals a week, but few translated into active cases. They had found that cold-call letters to victims were rarely successful and take-up was low for certain offences (i.e. low-value theft), but more popular for others (i.e. criminal damage; burglary; robbery). What did prove effective was if they had an opportunity to speak to the victim on the phone and arrange a home visit, particularly if this took place in close proximity to the respective guilty verdict (for post-court work). Typically, referrals involved approaching the victim in the first instance and explaining the potential of the service. If the victim consented, and Remedi agreed that the victim fully understood what restorative justice entailed, they sought to locate and contact the offender. If contact was made and the offender was willing, Remedi would seek to facilitate an appropriate form of communication between the parties (which might involve direct or indirect contact). This process took considerable time and constant assessment.

Victim Liaison Officer YOT staff employed a very similar model to Remedi - they received information from the police on victims of youth crime and proactively contacted them to offer emotional support and specifically, restorative justice interventions. Similarly, they reported that take-up of restorative justice was low. In general, victims opted to be given information about the progress of their case or a young person's sentence and to pass one-way messages to the offender. The significance here is that the YOT were providing on-going support, rather than a one-off/time-limited service to victims. Likewise, Remedi stressed to victims that they could return to a case at a time of their choosing and that the offer was not time-restricted.

The police used the CJU10 form to process community resolutions (see Appendix A) with adults and youths. This same form could be scanned and sent to Remedi via a secure link as a referral. Street restorative justice (which might result in a 'no further action' or a community resolution outcome for the case) and community resolutions for relevant offenders were decided on a case-by-case basis by the attending officer(s). In Humberside there was a policy that a community resolution could only be given once, although repeat cases were possible with the prior agreement of the supervising sergeant. There were also a number of exceptions in which the police would not use this disposal e.g. for domestic violence and sexual offences. In one area, response officers reported that it could not be used in relation to crimes that took place in a domestic setting.

The extent to which victims and offenders were carefully consulted in police-led restorative justice was unclear (partly because of the lack of data/records, see below). During the focus groups, officers mentioned that restorative justice should be 'victim-led' and that they consulted with victims in the process of a community resolution disposal. However, a few anecdotes also indicated that both

victims and offenders were also *instructed* to complete restorative justice on occasion (though these may have referred to some time ago):

'I've respond to an incident where some lads had graffiti'd all over the side of someone's house and I made them clear it up while I've been stood there watching them. The victim really felt positive about it. People in the street have seen them clearing it up, so, for want of a better word, it's belittled them [the offenders], they'll think twice about doing that again. The peer pressure is immense.' (FG7)

'We're meant to be victim-led. We're meant to be.' (FG7)

In terms of the types of referrals, Remedi was accepting referrals for adults – not children and young people, who were transferred back to the YOTs. Across all the criminal justice agencies interviewed for this study (both adult and youth) there appeared to be an acceptance that restorative justice was usually unsuitable for victims of domestic violence or sexual offences, since there were other specialised services who could better meet their needs. However, both Remedi and the YOTs agreed that, if competent practitioners were available and victims requested restorative justice, it would be possible to deliver high-quality restorative justice in these contexts. Staff from one YOT discussed how they had used restorative justice in a domestic violence case and that it had worked really well. Another YOT respondent said that they have never offered restorative justice in a rape case, but that doesn't mean that they wouldn't in the future, making the point that there is no policy that says you can't use restorative justice with certain types of crime and that the individual aspects of each case are what is considered.

Notably, participants from one YOT reported that it was problematic working with child-victims, since the victim and offender were often known to each other and might have a complex history. Equally, staff from another YOT had hoped to set up a restorative justice conference between a number of young people (who had committed assaults against the police) and the police, but the police declined the opportunity.

4. Practice and experience

While Remedi have over twenty years of experience in delivering restorative justice across the North of England, their current contract with Humberside PCC has only been operative since 2014. At present, they are continuing to 'embed' their practice and reputation with local criminal justice agencies. They have found this easier in some of the more rural parts of the county, where police officers have been keener to make referrals, as opposed to more urban areas, where there have been very few. Remedi staff speculated that city-centre police in Hull for example, have a complex and shifting workforce who are very busy, widely distributed and hard to penetrate. Establishing this new restorative justice service had been made more arduous within Humberside Police following a series of restructures, the last of which included a radical reorganisation that was eventually assisted by an external agency. Since the start of Remedi's contract in 2014, they said there had been eight different individuals in the force responsible for restorative justice.

Remedi have a history of delivering a bespoke restorative justice service which focuses predominantly on facilitating communication and, to a lesser extent, reparation. All interventions, they said, were designed on a case-by-case basis, in consultation with the victim and (where located) the offender. This might involve both direct and indirect communications between the parties, such as a one-off or series of letters/messages, or a restorative justice conference. Reparation might include the repairing of physical damage or compensation to cover losses. Remedi indicated they pride themselves on offering a committed 'victim-focused' service and claim to have a satisfaction rate of approximately 99%.

The YOTs have an established history in delivering restorative justice and emotional support to victims of crime. Indeed, restorative justice and victim liaison work has become a part of the approach of youth justice since the formation of YOTs in 2001. Additionally, the respective councils

have sought to foster 'restorative practices', through strategic areas of children's services and education⁶.

Each of the YOTs had similar methods of working with victims and delivering restorative justice interventions, using VLOs, as described above. Restorative justice interventions – where they take place – might include a range of activities, such as letters of explanation/apologies, the delivery or exchange of messages, restorative justice conferences or reparative work. Victim impact letters were also used to inform some offending behaviour work with young people. Akin to Remedi, YOT-delivered restorative justice tended to focus on enabling communication between parties, through a victim-focused approach. Indeed, the VLO in one YOT remarked how emotionally demanding their job was and how damaging crime was for some of the individuals/families they support, even where those crimes were technically 'low gravity' offences:

'Personally, I've found it an emotionally demanding job, there are many benefits of restorative justice for the young offender, they can potentially get a lot from the process. But the victims are another matter. Even with low level offences, the impact of crime on victims is more than I appreciated before. I've seen a lot of long-term damage that has been done to victims.' (H12)

Police-led restorative justice was described in a rather different fashion to that portrayed by YOTs or Remedi. Street-RJ - or what was sometimes referred to in the focus groups as 'traditional community policing' - took place in a more immediate, time-limited capacity, more specifically, on the street by police officers. However, it was generally felt that such practices were more common in neighbourhood policing teams and done by PCSOs than response officers, and most likely to be used for incidents of anti-social behaviour. YOT staff noted that, although they felt that restorative justice should be part of police officers' daily work, they were not sure that it was, with one YOT respondent adding that although some officers do restorative justice really well, others probably don't even consider it.

Most response officers who participated in the focus groups explained that they valued the ability to deal with low-level offences with a degree of discretion. For a number of years, they were directed by National Performance Indicators to pursue prosecutions in almost all incidents of crime.

Police officers were particularly keen to dispose of petty theft and criminal damage by way of a community resolution with restorative justice, since this could be fittingly achieved through financial compensation or reparation. This was usually desirable to both the victim and offender and could be administered quickly. Moreover, it was expressed as a satisfying result for the officer.

'There was a bloke who'd been throwing himself about when he was drunk and damaged this woman's wing mirror and panel. The victim said she just wanted it paying for and repairing, so we've asked him, will you cover the costs of that, and he's said yes, and she was happy. So I think they exchanged bank details or something and he paid it off. £750 straight away. And she'd never have got that from court. It still got crimed, but he paid for it, no previous and he knew he'd done wrong. It was good for me because she wouldn't have got that fixed any other way, she was only a young lass so that was a really good outcome.' (FG7)

Undeniably, physical reparation and financial compensation were standard means employed by the police in the delivery of restorative justice. Verbal or written letters of apology were also mentioned, but mostly where the offenders were youths. Overall, there was less emphasis with police-led restorative justice on enabling restorative communication. Meanwhile, it was reported that dealing with complex on-going matters, such as neighbourhood or domestic conflicts, where the victim/offender status of the respective parties was not clear, was technically challenging, and unlikely to be considered suitable for restorative justice.

5. Suitability (scenarios – offence and offender)

We gave a variety of scenarios to the police focus groups to see which officers might see restorative justice as suitable. The first was an incident of shop theft. In some circumstances, officers

⁶ Led by the Hull Centre for Restorative Practices (HCRP) and the International Institute for Restorative Practices (IIRP), Hull has sought to become a 'restorative city'. Meanwhile the East Riding council has trained all staff working in care homes in order to deal with conflicts in a 'restorative' fashion.

commented that petty theft from a shop might be dealt with by 'Operation Sodium', which we have described above. Otherwise, officers from the focus groups largely agreed that in the case of a young person committing a minor theft from a shop, they would seek to use a community resolution, should the victim be willing and if the offender had no relevant prior convictions or warnings⁷. Equally, a community resolution without restorative justice could be used. It was indicated in the focus groups that restorative justice was particularly suitable for first time young offenders, who lacked maturity but were often cooperative and genuinely remorseful. Police-led restorative justice with young offenders would involve consultation with parents.

The next scenario was a comparable petty shop-theft by an adult. Respondents agreed this would prompt a similar response (community resolution) from the police - only without the need to involve parents. The officers added that signposting the offender to any relevant organisation might also be worthwhile, such as a substance misuse or a homeless charity. However, it was assumed that fewer first-time adult offenders would be committing thefts from a shop. Instead, such offenders were thought more likely to have longer criminal histories, and so community resolutions would not be used as frequently for adults in these circumstances.

When asked about responding to a physical assault in a pub, officers in the focus groups commonly reported they would consult with the victim of the assault, but would be likely to opt to arrest the offender, due to the presence of alcohol and the risk of further disorder in a public space. Action would also be dependent on previous offending history. Officers felt that restorative justice would only be considered post-arrest (once the individuals concerned were sober). That said, some officers noted that restorative justice could be a constructive response to acts of violence, because of the personal nature of the offence.

Officers in the focus groups were also asked about the appropriateness of using restorative justice in relation to neighbourhood disputes. This was a challenging scenario for the officers, as many felt neighbourhood problems were resistant to intervention, yet consumed considerable police resources over lengthy periods of time (one officer mentioned a ten-year dispute). Respondents stated that they would examine the history of the case, what response the police had made previously (and the outcomes), as well as the vulnerability of those involved. It was repeatedly stressed that restorative justice was difficult for the police to administer between hostile parties, because it was hard to assign criminal responsibility to any one party in these circumstances. In addition, other agencies in the council (e.g. housing) might be in a better position to resolve the issues.

Finally, focus group respondents were asked about a more serious crime – namely domestic burglary by a 17-year-old, where the victim wished to meet the offender. Almost all officers in Humberside felt this offence was 'too serious' to be dealt with by restorative justice (in the first instance) and an arrest would be necessary to facilitate the collection of DNA evidence and a search warrant on the offender's property. If restorative justice was requested by the victim, it should only be approached post-sentencing, and may not be appropriate if the offender is prolific, since he/she may be unremorseful. Moreover, in one area, some officers felt that restorative justice would not be in the victim's or the offender's best interests; as it might leave an offender vulnerable to a vigilante attack and a victim might find the experience emotionally overwhelming. It is noteworthy to us that officers would tend not to mention restorative justice to victims in this situation, and did not seem to envisage restorative justice happening in parallel with any prosecution or court process, so that victims would be likely only first to hear about restorative justice if they were contacted post-court.

In Humberside, at the time of our research, Remedi's work took place at the level of police decisions and post-court (with referrals from the Community Rehabilitation Company and National Probation Service), the latter of which was the most common (see Appendix C). While post-court restorative justice is outside the remit of this research we include details where relevant. Remedi did not rule out any particular offences, with the exception of domestic violence, rape and homicide (whose needs were, they considered, being met by alternative specialist agencies) - although, if a request was specifically made to Remedi, they would conduct an assessment. Indeed, suitability for a restorative justice intervention was assessed by Remedi on a case-by-case basis, depending on the willingness, intentions and safety of the respective participants. Remedi staff stressed that restorative justice and restorative practices (RP) had the potential to deliver meaningful outcomes in all types of disputes and indicated a desire to work in broader areas, such as the children's care system and hospitals.

⁷ Community resolutions in Humberside are generally limited to first time offenders or those with no relevant or recent offending, unless the supervising sergeant agrees to an exception.

In relation to young people, all of the YOTs in Humberside stated that they promoted restorative interventions with their caseloads. There was an expectation that direct or indirect restorative justice or a general type of restorative practice would be conducted with all young people referred to the YOT. The policy was that all respective victims of youth offending should be proactively contacted by the YOT and invited to take part in direct restorative justice, although take-up for this service was said to be low, as we noted above. It was also mentioned that restorative justice could be conducted/revisited at any time in a young person's order and there were examples of cases where individuals initially refused, but later chose to participate in a restorative justice intervention. It was noted by a member of staff at one YOT that restorative justice conferencing typically had the most positive impact for victims in cases of violence or personal theft. Never the less, staff across the region stated that, where carefully assessed and practiced by skilled practitioners, restorative justice could *potentially* be used in relation to any serious violent and/or sexual offences. Staff from one YOT noted they had successfully completed restorative justice work in the case of domestic violence.

6. Data and recording

We were not able, as part of the research, to obtain reliable figures in relation to police use of restorative justice. The police had a specific monitoring code for a community resolution case disposal with restorative justice (which was not the case for conditional cautions). However, what constituted a restorative justice intervention was dependent on how the individual officer defined it and this was thought to vary considerably, with some officers evidently misunderstanding what restorative justice entails. It was also noted that there were cases where restorative justice was used but it was not recorded, or it was recorded as another disposal altogether. It was highlighted that when dip sampling was conducted to check the precision of data, approximately 15-20% of what had recently been recorded as restorative justice was inaccurate and the intervention did not in fact have a distinct restorative element. A data analyst assigned these problems to terminology, pointing out that the community resolution needs to be recognised by officers as an umbrella term that may or may not include restorative justice. A number of officers speculated that accurate figures on restorative justice could only be produced if each case was individually assessed by an independent adjudicator. Patently, recording of restorative justice was not consistent across the force and its use might be over or under-estimated. It was noted that such inaccuracies were recently highlighted in a quality assessment review (undertaken by police analysts) in 2014.

Humberside were at the time of the research awaiting a new data recording system that it was planned would be shared with South Yorkshire Police. It was hoped that the new software may herald better recording practices, although unless the Ministry of Justice were to make recording of restorative justice a specific recording duty, the current situation was felt to be unlikely to change significantly. Officers in the focus groups stressed the heavy demands placed on them to complete paperwork and suggested that the CJU10 form would be easier to complete correctly and process if it were to be available in an electronic format.

As part of their contract with the PCC, Remedi were collecting and providing a wide range of data on their activities (see Appendix C for outcomes across their workload). They delivered an overall work plan at the beginning of the financial year, as well as quarterly reports and monthly monitoring figures (see Appendix C). These reports included data on the number and route of referrals; the number of victims contacted, the type of initial contact undertaken (letter, phone call or face-to-face meeting), categories of restorative justice conducted (shuttling, letter, conference) and victim satisfaction. This information could be contextualised with dates and socio-demographic information. Over and above data on activities, the PCC was keen to examine the longer term value of restorative justice in the region. It was intended that calculating the impact on reoffending figures and the amount of police time saved as a result of restorative justice would become possible given that Remedi have been in place for over 18 months. The specific methodologies of these pieces of research had however not been formulated or tested at this stage.

There was variation in YOT recording practice. Staff from one YOT stressed that restorative justice was recorded carefully as part of their regular victim-engagement monitoring forms to the Youth Justice Board, which required each YOT to state the number and nature of engagements with victims of youth crime, and for which some of the questions related to restorative justice. Respondents from another YOT said that they recorded restorative justice conferences better than they recorded other restorative justice/RP. Although their restorative justice data collection could be improved; they also added that the picklists in their databases needed reviewing. Staff from a further YOT stressed that

all young people with whom they were engaging were involved in restorative justice/restorative practice, so their data would show almost blanket use of the intervention.

7. Barriers and challenges

Given Remedi's relatively new role in Humberside, they emphasised the joint challenge of 'embedding' practice locally and stimulating consistent referrals (see section 3, above). Part of their task, in their view, was not only to deliver restorative justice interventions, but to 'sell' the idea of restorative justice to both criminal justice agencies (police, CRC, National Probation Service, Victim Support) and the public alike. In particular, Remedi respondents felt that what little was known about restorative justice was (mis)informed by stereotypical ideas that restorative justice was limited to serious violent offences, such as rape or murder and took place in a post-sentence/post-custody, one-to-one conference setting. Raising awareness of the reality and broad potential of restorative justice in criminal justice practice was therefore an essential, but not easily quantifiable part of their role.

Regular and comprehensive restorative justice training was seen as a crucial and immediate requirement for the police. However, it was also highlighted that training was a burden on officers' time and police resources (particularly against the backdrop of recent cuts). As discussed above, restorative justice could not be easily defined by officers (community resolutions were often confused with restorative justice), which some speculated was down to their discretionary application. In this respect one officer emphasised that restorative justice training needed to address not just the legal and practical features of restorative justice, but the value and meaning underpinning restorative interventions. Indeed, restorative justice represented a new approach to crime management by the police - one that emphasised facilitating an emotional interaction between a victim and offender, instead of pursuing the traditional sanction and detection of a crime:

'We're asking an organisation that normally deals specifically with crime, to deal with issues which are away from the police culture. And I think we need to educate the police, in a more social way on how to deal with issues. And I think that that can be utilised during the training process, as well, rather than dealing with powers and laws and how to deal with issues, arrestable and non-arrestable offences. I think we need to educate officers on basically how to be, I don't want to say the word human, but to deal with things on a social basis, as a social worker would be instructed. And I think we need to look for those traits as well, during the selection process. (H3)

That restorative justice represented a shift in police culture was highlighted by participants across the criminal justice field, including the police. Participants frequently raised the idea that police officers considered restorative justice at the level of the police (i.e. when it was diversionary) a 'soft option' and not appropriate for serious offences, regardless of a victim's wishes. They were thought not to recognise the role for restorative justice *in addition to* sentencing. Consequently, it was stressed that police officers needed encouragement to 'buy into' restorative justice – to give them the 'capacity of thought' (H2) to be able to confidently determine suitable restorative justice responses. Both YOT and Remedi staff expressed concerns that restorative justice was perceived by response officers as an 'optional' aspect of police work, and that while individual officers were often very motivated to delivering high-quality restorative justice interventions, this intention was not shared by all. This was a particular concern for Remedi, whose referral system was (partially) dependent on an initial restorative justice 'offer' being facilitated by the police (see Appendix C).

Unstable and short-term funding mechanisms were a concern for all of the agencies interviewed for this study in Humberside. Remedi, YOTs and the police force were mutually anxious about consistent and/or dramatic cuts to funding, scarce resources and unexpected changes to services which might impede their ability to deliver new interventions such as restorative justice. For example, the apparent reduction in crime had led to a significant decline in YOT and police budgets. However, staff from both organisations stressed that while aggregate levels of crime had come down, their client group now included a greater proportion of offenders with longer criminal histories and more entrenched problems. In sum, the population of offenders had reduced, but the needs they presented were more serious. Remedi also lamented cuts to their budget (see above) which directly impacted their staff complement and the morale of remaining staff. Meanwhile, YOT managers mentioned the potential changes that might be brought about via the Charles Taylor review (Ministry of Justice 2016a).

Developments around young people's behaviour posed new challenges. YOT staff and officers based in schools (often PCSOs) highlighted how social media had raised sensitive and interpersonal

new areas of concern. These included what had become known as ‘sexting’, online bullying and child protection issues raised by the sharing of information with strangers online. Head teachers across the county, it was said, had been keen to use police officers/PCSOs to conduct restorative practice-based interventions to resolve some of these issues where appropriate to do so, as well as educate pupils on the legal and emotional risks.

8. Professional opinions on restorative justice

As an organisation, Remedi staff were predictably (and historically) committed to promoting restorative approaches in criminal justice and many other areas of public life. They stated their guiding principle is to be ‘victim-centred’ (H6). Their key concerns for the future of restorative justice in Humberside related to the commitment of other parties in the local criminal justice system to support their role practically, financially and culturally.

As mentioned above in ‘barriers and challenges’, the opinion of individual officers and senior staff on restorative justice was crucial to the success of the restorative justice project. Although some officers cited the evidence base relating to restorative justice and the positive impact it can have for victims and offenders, it was acknowledged that there was a large number in the force who were less receptive, and felt their traditional role should be geared around a ‘catch and convict’ approach. Indeed, it was stressed that initial training for some officers may have involved little or no mention of restorative justice. Perhaps for this reason restorative justice was often perceived in a ‘woolly’ or ambiguous light to which many officers struggled to relate their role. That said, education, training and experience were mentioned as effective tools to shift opinions on restorative justice, particularly through the use of local real-life examples. In this vein it was highlighted that Remedi used ex-police officers in some of their presentations to the police, which was useful.

Notably, community officers and those police officers working with schools were seen as a category of police officer who were more strategically receptive to restorative justice/practices, since they were often motivated to find a means of conflict resolution outside the formal criminal justice system. The role of restorative justice/practice in schools was identified as a positive growth area in Humberside.

During the focus groups and interviews, it was often expressed that restorative justice was particularly appropriate for use with children and young people, who ‘deserved’ a second chance and should be protected from the damage a criminal conviction might have on their future. Given their emotional immaturity, children and young people were seen as less culpable for their crimes, but also less likely to commit further offences if they were directed away from the criminal justice system:

‘I’ve got a case right now, they’ve been dealt with in voluntary interviews and they will not be going to court. That is the best outcome for the community, it completely depends. They are seven young kids, who’ve been very misguided. [The victim] wants an action package and we’ll deal with that. The council are helping too; they’re providing some family support work. We do have options... The court process is a great tool in some circumstances, but for first time offenders, not always.’ (FG6)

In a similar vein, Remedi recognised that promoting restorative justice with children and young people appeared to be an ‘easier sell’, given the consistent emphasis on a restorative ethos in this field. Meanwhile, they experienced significant attitudinal and structural barriers instilling restorative justice work in adult areas of the justice system locally, across CRCs, the National Probation Service, the police and other third sector organisations. Though some of the experience below is outside the remit of this research, it does speak to attitudes in relation to adult offenders:

‘Youth Offending Teams, they’ve been doing, they’ve been consistent... We’ve talked to CRCs – and – because CRCs now pay by results, why spend time talking to a victim, because if they say no, ‘it’s an hour out of my diary’ – and then you have to travel back to the office – so they’re forced away. Plus in [area], although we were mentioned in the CRC contract nothing has happened so far. So we do deliver victim awareness in the CRCs – with a very strong restorative ethos behind it, and we work in HMP Hull and HMP Humber, where we do victim awareness But in the adult criminal arena, no, no, it’s not, nobody says I want you have a look, or speak to these people. But, youths, fantastic.’ (H6)

Perhaps because restorative justice and restorative practices have been promoted by the Youth Justice Board since 2001, and includes within its national standards a standard regulating restorative justice and work with victims of crime, there was a general consensus about the value of restorative justice by our YOT respondents. However, restorative justice was recognised as an emotionally demanding task, for the staff, young people and victims. One YOT respondent advised that there should be more street community justice, delivered by the police, youth (outreach) workers, or the YOT (who could do patrols with the police, in hotspots). They felt that, when done properly, the lasting impact of restorative justice was better than that of other routes in the criminal justice system. Similar, sentiments were expressed by all respondents from the YOTs, who saw it as a core part of their everyday work and believed it to be a robust and potentially transformative element of youth justice:

'People look outside and look in and say 'what you doing?' 'well, we're doing restorative justice' and it can look like a load of rubbish. And you don't, what you don't want to leave people with is the impression that it is pink and fluffy, that it is light touch. Because, for somebody to, for a victim to ask a really difficult question, straight to an offender and an offender to give an answer, I think is one of the hardest things. It's harder than getting a court sentence, it's harder than doing a sentence, it's harder than attending the YOT. It's the hardest thing to do. And I don't think people get a sense of that. And I think it's that would be one of the things where it could improve its reputation. It is harder than you think. It is in fact, it's, it's, it's, it's very difficult, for anyone to be involved in. And that, I don't know, you know what I'm saying about maybe giving it a tougher impression? Alright, fine, you know, alright, you can go and do, you can go and serve a some, a length sentence. You might do that on your head. You might turn up to all your appointments. But, actually when I get you to get down to the difficult bit, and ask you about emotive questions, about what motivated you. And, how do you think that made somebody else feel. That's when it gets really tough. And I think that that would be something it could do to maybe, to have, improve its external image, you know, it's public confidence.' (H5)

9. The wider context (methodological and policy/practice related)

A shared vision of restorative practice in the Humberside region

At the time of the research, restorative justice and restorative practice interventions remained fragmentary and sporadic across the city of Hull and the Humberside region more widely. However, previous initiatives were still showing results in that many agencies, within and outside the criminal justice system, had positive views about the benefits of restorative practices. It is important to note that this was not restorative justice, as we have defined it, per se. Restorative practices (seen, for example, in social work and educational settings) tended to work on informal and formal processes that precede conflict, and proactively build relationships and a sense of community to prevent disputes/ wrongdoing. For example, when the Esmée Fairbairn Foundation and The Rank Foundation collectively funded a £1.5m programme of grant support within Kingston upon Hull to develop 'restorative' work they emphasised that services should 'help and encourage local people to address conflict and develop stronger and positive relationships within their communities'⁸. Despite these ambitions, it is clear that restorative approaches in public services require consistent and comprehensive investment over the long-term, to both cement practice in older staff, and to provide more recent staff with training.

Defining restorative interventions

The distinction between restorative practice and restorative justice is often a subtle one. However, it was clear that some interventions were being officially and unofficially (in online and printed media) referred to as 'restorative' when they are not. This included Operation Sodium (mentioned above), 'Neighbourhood Networks'⁹ in Hull and the 'Respect Court' programme¹⁰ for youth offenders in Scunthorpe. As far as we could see, none of these had specific restorative justice elements.

⁸ <http://esmeefairbairn.org.uk/what-we-fund/funding-partnerships/the-rank-foundation> (accessed July 2016).

⁹ The Neighbourhood Network is a Hull-based charity, which aimed to reduce crime and develop strong community links to create a safer environment. The charity is a 'network' of community groups such as Neighbourhood Watch, tenant and resident associations, community centres, business and retail partnerships, and community and voluntary sector organisations interested in community safety.
http://www.hullcc.gov.uk/portal/page?_pageid=221.670056&_dad=portal&_schema=PORTAL (accessed July 2016)

Temporal influences on research validity

While restorative practice has been topical in the region for a number of years, it is necessary to state that when this research study began Remedi were still in the 'establishment' phase of their work, having received a contract from the local PCC in 2014. Clearly organisations and agencies need time to 'embed' within the various communities and cultures of the local criminal justice services. This point was stressed in interviews both with staff in the PCC and Remedi management. Because funding for Remedi was based on moneys coming to the PCC from the Victims Fund, this could only be used for cases involving crime (as opposed to anti-social behaviour), so there was no availability through this route of referrals to Remedi in Humberside for young and adult offenders for anti-social behaviour cases.

Restructuring, attrition and staff morale

The significant organisational restructuring within Humberside Police that began in 2015 made it more difficult to identify and interview established restorative justice champions/individuals who were choosing to promote restorative justice in this region. On this note, it is important to mention that frontline officers in one area recognised the Force was in a state of flux and was also 'struggling' in national performance figures¹¹. This reflected a recent report by the Police Federation of England and Wales, which found Humberside Police Force to be the highest ranked police force (of 43 police forces) in the country for reporting low morale¹².

The potential changes to come in youth justice, as a result of the Taylor report (Ministry of Justice 2016a), were also referred to by YOTs. All agencies mentioned, as we outlined above, the difficulties stemming from funding changes and short-term funding, which might necessitate organisational change in parallel. In uncertain times, new initiatives can be difficult both to start and to embed.

¹⁰ The Respect Court Programme attempts to reduce recidivism among young first time offenders by role-playing a criminal sentencing process. During this role-play a young person will spend time in a fake cell and be asked questions about their offence in a mock court case at North Lincolnshire Magistrate Court.

¹¹ In 2015 Humberside was the only force to be rated inadequate in a HMIC report:

<https://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/peel-police-efficiency-2015.pdf> (accessed July 2016).

¹² <http://humberpolfed.co.uk/news/pay-and-morale-survey-2015-4e> (accessed July 2016).

Appendix A: CJU10 form



Protecting Communities, Targeting Criminals, Making a Difference

HUMBERSIDE POLICE

**COMMUNITY RESOLUTION
(Outcome 8a)**

and

**COMMUNITY RESOLUTION
WITH RESTORATIVE JUSTICE
(Outcome 8b)**

DOMESTIC ABUSE
Restorative Justice must not be used in any instances which fall within the definition of Domestic Abuse.

A Community Resolution must not be used in relation to any offences which involve persons aged 16 or over who are, or have been, intimate partners.

In **exceptional circumstances**, a Community Resolution **may** be used in relation to offences which involve persons, aged 16 or over, who are or have been family members.

These must be authorised by an officer of Inspector rank or above, who must give consideration to the following:

- An offender **must not** have any history of Domestic Abuse offending.
- The offender **must not** have any previous convictions (or other out of court disposals) which would render it inappropriate for a Community Resolution to be used.

HATE CRIME
In **exceptional circumstances**, a Community Resolution **may** be used in relation hate crime / incidents.

These must be authorised by an officer of Inspector rank or above, who must give consideration to the following:

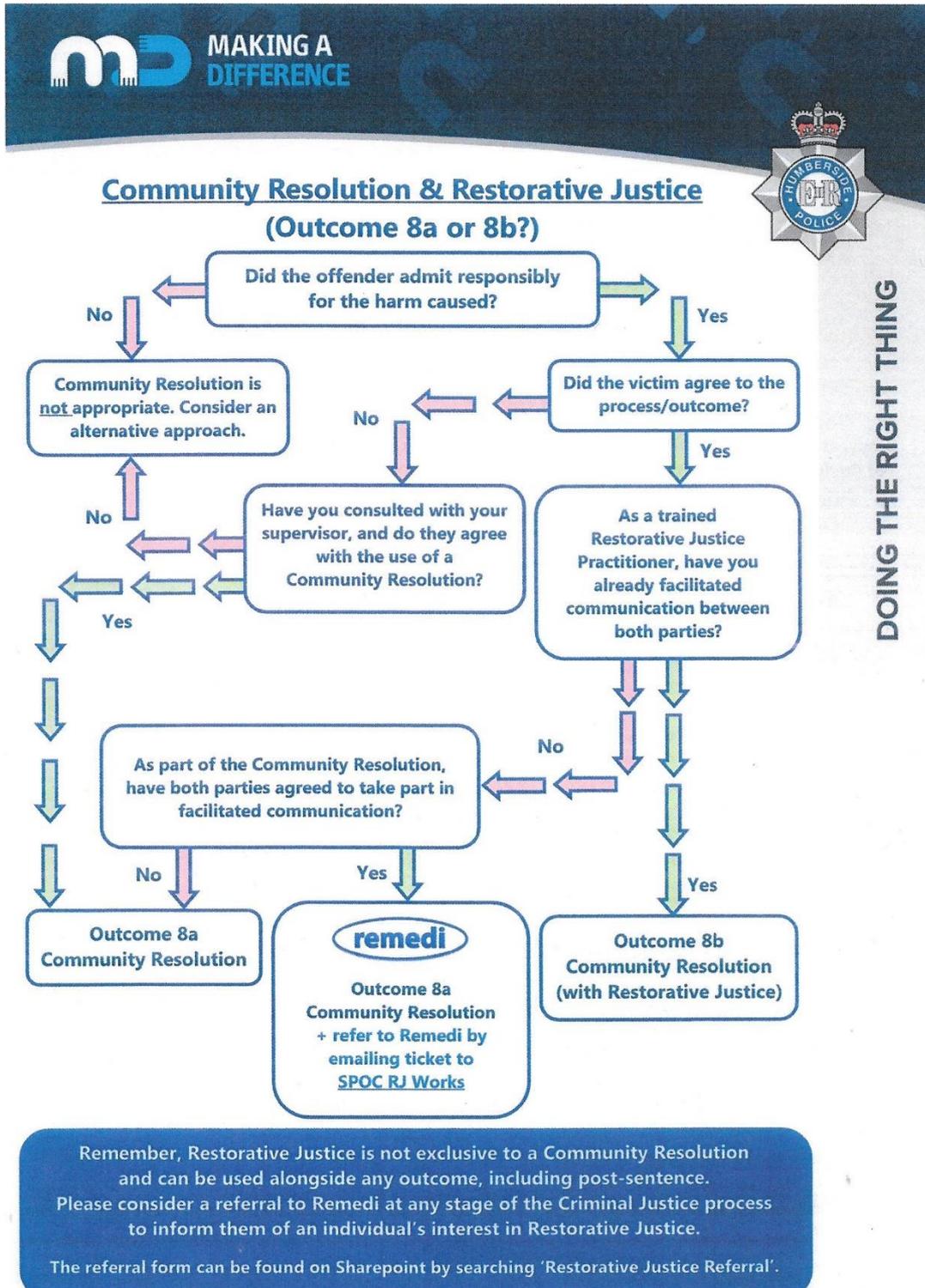
- An offender **must not** have any history of offending which falls within the definition of Hate Crime.
- The offender **must not** have any previous convictions (or other out of court disposals) which would which would render it inappropriate for a Community Resolution to be used.

In either case, **the authorising Inspector must endorse the rear of the Police Copy with their rationale prior to it being submitted.**

Alternatively, if the rationale is lengthy / complex, the authorising Inspector may add the rationale directly to the Crime Report.

HUMBERSIDE POLICE COMMUNITY RESOLUTION		Police Copy
Date:		Time:
C&C Incident No.:		Crime/WB No.:
OFFICER DETAILS		
Surname / Collar No. / Rank: _____		
Date and Time of Offence / Incident: _____		
Specify Offence / Incident: _____ <input type="checkbox"/> Crime <input type="checkbox"/> Non-Crime		
Specify Crime (e.g. Assault): _____		
Circumstances and location: _____		
Property: _____ <input type="checkbox"/> Stolen <input type="checkbox"/> Damaged		
VICTIM DETAILS		
Name: _____		
Date of Birth:		Self Defined Ethnicity: _____
Address: _____		
Tel. No.:		Mobile No.: _____
Appropriate Adult (if required) Repeat Victim.: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Name: _____		
Address: _____		
Tel. No.: _____		
<p><small>Disclaimer: The Community Resolution process has been explained to me and I agree for this matter to be dealt with as outlined below. I understand that once resolution has been completed, the police do not propose to take any additional formal action. Humberside Police will not be held responsible for any loss or damage incurred as a result of this agreement.</small></p>		
Victim Signature:		Date:
Appropriate Adult Signature:		Date:
OFFENDER DETAILS		
Name: _____		
Date of Birth:		Self Defined Ethnicity: _____
Address: _____		
Tel. No.:		Mobile No.: _____
Appropriate Adult (if required) PNC ID or URN.: _____		
Name: _____		
Address: _____		
Tel. No.: _____		
<p><small>Disclaimer: This matter is suitable to be dealt with by Community Resolution. In agreeing to the Community Resolution you accept responsibility for the conduct alleged and agree to the actions proposed below. Failure to complete the agreed actions MAY result in formal action being taken for the original offence and will be considered in any future decision making. Humberside Police accepts no responsibility for any loss or damage incurred as a result of this agreement. By signing below you admit the conduct alleged and agree to the terms of the Community Resolution. This will NOT form part of a criminal record but MAY be disclosed as part of an enhanced disclosure and barring check and may impact upon future employment, education or foreign travel. If you are under 18 a copy of this agreement will be sent to the local Youth Offending Team.</small></p>		
Offender Signature:		Date: _____
Appropriate Adult Signature:		Date: _____
COMMUNITY RESOLUTION AGREED COURSE OF ACTION:		
1	_____	
2	_____	
3	_____	
Officer Signature:		Date: _____
Officer Name/Rank/No. (PRINT): _____		

Appendix B: Community resolution checklist/ flow-charts





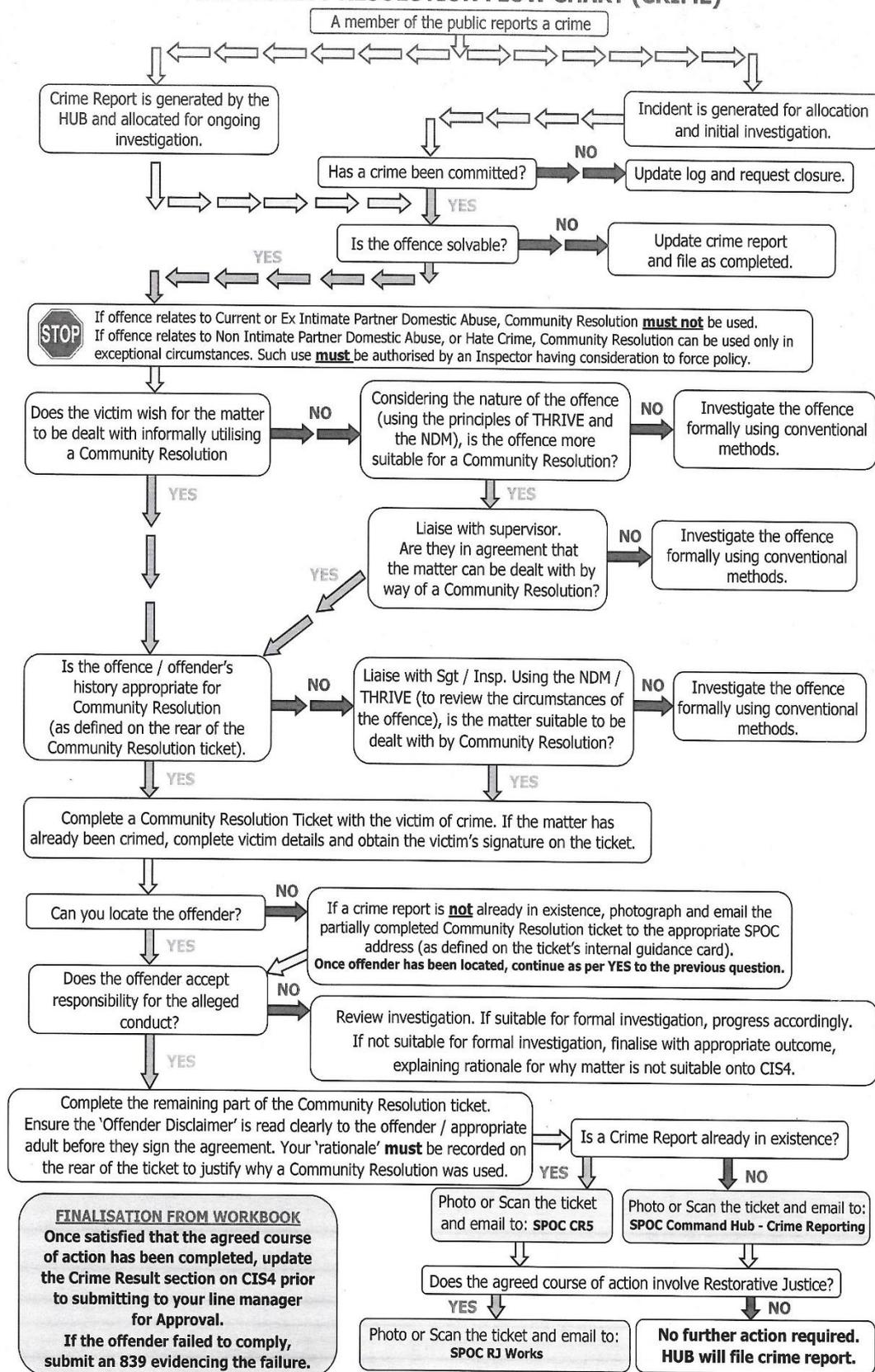
Community Resolution Checklist

Must answer **YES** to all questions prior to submission.

- 1) Has the victim agreed to the use of a Community Resolution and is this recorded on the Community Resolution Ticket? YES
- or* *or*
- If the victim hasn't agreed, is this shown on the ticket and has the use of the Community Resolution been authorised by a Sergeant with their Rationale recorded on the ticket?
-
- 2) Has the offender signed the 'Offender Declaration' and are they capable of understanding the process?
-
- 3) Have you checked the offender on PNC & CIS4 and ticked the rear of the Community Resolution ticket to that affect?
-
- 4) Does the offender have **NO** 'Previous Offending History' and have you ticked that response on the rear of the ticket?
- or* *or*
- Does the offender have 'Previous Offending History' and has a Sergeant authorised the use of a Community Resolution and recorded their rationale on the rear of the ticket.
- Remember, 'Previous Offending History' is defined as:**
- No more than 1 previous Community Resolutions.**
- No previous Community Resolutions for a similar offence.**
- No previous Convictions or Out of Court Disposals.**
-
- 5) Has the offence been recorded correctly on rear of the ticket and, if applicable, has a Sergeant or Inspector authorised the use of a Community Resolution by adding their rationale?
- Sgt* = *Crime not listed on the ticket or 'Crown Offence'.*
- Insp* = *Hate Crime or Non Intimate Partner Domestic Abuse.*
-
- 6) Have you recorded the 'Agreed Course of Action'?
- (for example: a letter of apology or financial compensation)*
-
- 7) Has a Sergeant signed the rear of the completed ticket?
- (their signature is required just above the Restorative Justice section)*

Goole.

COMMUNITY RESOLUTION FLOW CHART (CRIME)



Appendix C: Remedi report to the OPCC, Humberside

Table 1: Referral sources

Referral Source	Referrals April-July 2016	Total referrals beg July 2015-end July 2016
CRC	12	77
Direct offender	3	10
Direct victim	0	5
Prison	0	5
National Probation Service	6	29
Police (not community resolution)†	16	16
Police (community resolution)†	47	67
Self-generated	11	175
Together Women Project	0	3
Victim Support	0	3
Grand Total	95	390

† Note these are the only categories which fall within the ambit of this report. Remedi advised that these figures are an estimate – as the police cannot verify if they were used in relation to a recorded crime or community incident.

Table 2: Restorative justice outcomes April 2016-end July 2016 (all referrers)

Restorative justice outcomes	Since April 2016
Indirect letter	22
Indirect verbal	68
Face-to-face meeting	19

3. Restorative policing in South Yorkshire

Restorative justice has been delivered in South Yorkshire for a considerable time, with the main voluntary sector restorative justice provider, Remedi, having been founded in the 1980s in Sheffield, originally in association with the probation service. Its work was then expanded to youth cases and to diversion, working with the YOTs and with schools, as well as in reintegration from prison. Neighbourhood justice panels supported by the local councils began in 2009/10 in Sheffield and then in Barnsley, dealing with both youth and adult cases. These initiatives have worked with the police, who have also taken up restorative justice practices in relation to diversion, particularly with young offenders. The growth and changes in these provisions are described below. As in Humberside, what we describe can only be seen as correct as at the time of our fieldwork in spring 2016. Several provisions are different for cases involving adult offenders and cases involving young offenders and so we have separated our descriptions of structures below by the age of offenders.

The local authority districts in South Yorkshire are Sheffield, Barnsley, Doncaster and Rotherham, which used to comprise the South Yorkshire metropolitan area. Policing services are provided by the South Yorkshire Police, whose remit covers all four council areas.

1. Structures: external agencies, what is available and funding

Cases involving adult offenders

Operational structures for restorative justice are well established in the South Yorkshire region. Investment in it predated the £29 million additional funding that was made available in 2013 by the Ministry of Justice¹³. Community/Neighbourhood Justice Panels began in 2009/2010 in Sheffield and Barnsley¹⁴ respectively, and the 'Restorative Justice Disposal' was piloted by South Yorkshire Police in 2011. Remedi were one of the three schemes funded by the Ministry of Justice as part of their Crime Reduction Programme for the evaluation of restorative justice in relation to both adult and young offenders in 2001-4 (Shapland et al. 2011). Remedi were subsequently commissioned in 2011 to deliver restorative justice training to police officers. Staff were trained at two levels. Level 1 training was delivered force-wide and focused on facilitating 'street RJ', such as practical reparation and encouraging expressions of apology for low-gravity offences or anti-social incidents. Level 2 training was a three-day course and involved a type of scripted restorative justice conference that was delivered to sixty officers. It was envisaged that these staff would be able to run restorative justice conferencing with cases involving more serious offences. However, delivering Level 2 restorative justice in practice proved to be incompatible with officers' other commitments and the role was never established. Instead, restorative justice began to expand nationally with the introduction of the 'community resolution' as one of a new range of out-of-court police disposals¹⁵, and locally, as the Community/Neighbourhood Panels in Sheffield and Barnsley took form.

At the time of the data collection (Spring 2016), it was the intention of the South Yorkshire PCC to make a 'full service offer' (C9) of restorative justice, such that victims of crime would be able to access a restorative intervention at any stage of the criminal justice process through a variety of providers in all four districts. To support this process a senior police officer was seconded to the position of 'development manager' for eighteen months to expand and develop restorative justice (his post expired in spring 2016). As detailed above, police officers and PCSOs have been trained to deliver 'level 1' restorative justice for low-level offences – typically as part of a community resolution. The accompanying paperwork is known, as it is in Humberside Police Force, as the CJU10. It is a ticket that prompts the officer to go through a variety of steps – which may or may not include a restorative element. A respondent from South Yorkshire Police lamented that CJU10s are often administered without any restorative work, as many officers misunderstand what restorative justice entails. He also regretted that response officers did not routinely 'make the offer' of restorative justice to victims of

¹³ <https://www.gov.uk/government/news/new-victims-funding-for-restorative-justice> (accessed August 2016)

¹⁴ The first iteration of Barnsley Neighbourhood Panel began in 2010 as a pilot project, sponsored by the Ministry of Justice, to address anti-social behaviour in the area. It was a multi-agency project based in the Safer Neighbourhoods team – who have now disbanded. In 2014, the Panel began to receive money from the PCC to deliver restorative services to the community.

¹⁵ In April 2013, the Home Office crime recording framework was amended to include crime outcomes in addition to charge, caution and PND/TIC disposals. Community resolutions, along with Khat warnings and Cannabis warnings are part of a new set of outcomes that can be officially recorded by forces in relation to low-level offences.

more serious crimes, who could still receive restorative justice at a later stage of the investigation/prosecution process. Community resolutions are not conducted in cases of domestic violence or hate crime, although under the right circumstances some officers told us they believed this could potentially be appropriate. Indeed, one example was mentioned where a victim of racial abuse had his request for restorative justice turned down, with the offender receiving a caution.

South Yorkshire Police launched a restorative justice Hub in 2015. At the time of the fieldwork, it was processing referrals for post-court restorative justice (outside the scope of our study) and a small number of victim self-referrals, though there was a plan to expand to pre-court restorative justice in the future. It was run by a full-time member of staff who collected and checked outcome data from all the local magistrates' courts and the Crown Court within the four districts. Eligible cases (those crimes committed by adults that do not include an incident of domestic violence, sexual violence or a fatality and have an identifiable victim) were referred to Remedi to assess and initiate contact with the victims. From the end of June 2015 to the end of March 2016, the Hub Coordinator referred 2,600 cases to Remedi - 400 victims were visited and upwards of 100 cases received direct and/or indirect restorative justices, some of which took place with high-tariff offenders. Prior to the establishment of a dedicated Hub, Victim Support were paid to source restorative justice referrals for Remedi, but they referred only 14 cases in 12 months. As such, having the Hub co-ordinator post has increased restorative justice referrals dramatically. The process with the Hub was that once Remedi had received a referral they aimed to contact the victim, by phone or by letter, to arrange a meeting where the restorative justice process could be explained fully. If the victim was agreeable, staff would attempt to engage the offender. This might involve the 'shuttling' of messages between the parties, a written letter(s) of apology or a face-to-face meeting.

To further stimulate the take-up of restorative justice, the PCC invested in a public media campaign to highlight the value of restorative justice and explain what it might entail, as well as directing the public to self-refer at the Hub. This promotion included radio adverts, posters, leaflets, a dedicated website¹⁶ and credit-card sized information cards (see Appendix D).

While the Hub focused on post-court adult restorative justice, Community/Neighbourhood Justice Panels offered a different type of restorative justice intervention for adults and children/young people (over the age of ten) who had committed low level criminal offences or were involved in neighbourhood conflict (both civil and criminal). Referrals could be from the police (the majority in Sheffield), housing authorities (the majority in Barnsley) or self-referrals.¹⁷ These services were at the time of the fieldwork in place in all four districts, although in spring 2016 Rotherham was on the cusp of training its first cohort of volunteers and Doncaster had only been in operation a short time and had not received any referrals. Conversely, Sheffield and Barnsley Panels were established approximately six years earlier. It was intended that the four teams would fulfil a broadly similar role - in spring 2016 Sheffield and Barnsley were both managed by a full-time member of staff alongside a large complement of part-time volunteers who facilitated a restorative style of either direct or indirect communication between the parties. The outcomes were defined by the participants and might include expressions of apology/explanation; financial compensation for damaged items (that could be facilitated via the respective council); signposting to additional services or agreements by individuals to modify their behaviour in future. An outcome of 'no resolution' was also considered a possible (if regrettable) conclusion. Parties were routinely followed up after the intervention and invited to return should they wish to revisit the case. Panels paid close attention to language and, because of the civil (and often complex) nature of their cases, instead of having the status of 'victim' and 'offender', they were referred to as 'wronged person'/'harmed person' and 'wrongdoer'. If participants did not co-operate they could be referred back to the police or their housing association/registered social landlord.

While Community/Neighbourhood Justice Panels were in 2016 being promoted by the PCC, their funding history (in some cases) had been via a combination of funding streams (see also Section 7). Barnsley Neighbourhood Panel was initially subsidised by the Ministry of Justice as part of an anti-social behaviour initiative in 2010. South Yorkshire Police, Barnsley Council and Remedi also contributed to it financially and volunteers delivered the service. Upon completion of the pilot Remedi

¹⁶ <http://www.restorativesouthyorkshire.co.uk/> (accessed August 2016)

¹⁷ Murtagh (2015) conducted research on the Sheffield Community Justice Panel and found that referring professionals expressed a high level of satisfaction and confidence in the service. Sheffield City Council Housing Officers frequently attended the Panel in order to support the process of neighbourhood conflict resolution. The author found that the Panel had embedded itself into the 'toolbox' of interventions to which the police and the council had access.

and the Ministry of Justice terminated the funding. Subsequently, the Panel was said to have existed on 'fresh air' (C6), utilising free resources wherever possible. At the time of the fieldwork, the Panel was financially supported by the PCC and the manager raised supplementary funds by delivering accredited Restorative Justice Council training.

Due, in part, to the swift expansion of all kinds of out of court disposals, South Yorkshire Police had established a force-wide 'Scrutiny Panel' with representatives from South Yorkshire Police compliance department, the youth bench, magistrates and the YOTs, as well as Victim Support, across the four districts. They assessed the suitability of police-led interventions that did not arrive in court, such as a community resolution. Their aim was to ensure that these disposals were being appropriately applied, though the Panels were in practice only looking at the gravity of the offence. Indeed, the Panel was essentially concerned with the legal framework, rather than the quality of any *restoration*. Nevertheless, they were able to feedback to any officer they identified as administering a community resolution outside the bounds of the appropriate seriousness of the offence.

Cases involving young offenders

Since 2004, Remedi had been employed to provide full-time restorative justice work within the youth arena, and Remedi staff were co-located with all of the YOTs in the South Yorkshire region. Specifically, their role was to conduct victim-focused work and restorative justice interventions across the YOT caseload, including Final Warnings, Referral Orders and the Intensive Supervision and Surveillance Programme. The YOTs aimed to include an element of restorative justice or restorative practice work with the majority of their clients, which might include reparation¹⁸, letters of explanation, conflict resolution, shuttling and face-to-face conferencing. Interventions were designed on a bespoke basis, taking into account the child/young person's emotional maturity, ability to empathise with others and other vulnerabilities. In terms of their broader victim-liaison profile, YOT respondents said they proactively contacted all victims of youth crime and offered to share information on the progress of their case, assisted them in developing victim impact statements and invited them to engage in restorative justice/restorative practice, although take-up of the restorative options was modest. One YOT worker estimated that less than 10% of victims who were proactively contacted actually took up the offer of restorative justice

Despite the acknowledged value of restorative justice work in youth justice, many of the YOT staff interviewed noted that due to falling crime rates, budgets for youth crime were subject to unpredictable and substantial cuts. Two areas had had their budget for 'prevention' work cut, resulting in the closure of projects which included restorative justice. These cuts were later re-evaluated and very recently a new prevention programme had been established in Doncaster. This new scheme will be made available to young people who have received a community resolution from the police. However, referrals to YOT-based work by the police remained low, with YOT staff respondents across the region critical of the police for not sharing information on all young people receiving community resolutions. This, the YOT respondents said, precluded the exchange of intelligence and engagement in work that might address the young people's welfare or other criminogenic needs.¹⁹

As illustrated above, police officers had the option to impose a community resolution with a youth offender, which might or might not include a restorative element. In addition, schools had access to 'community youth team' police officers who spent time across secondary schools providing education, conflict resolution and prevention work and helping develop behaviour management policies. They also assisted head teachers in resolving criminal matters in-house. Indeed, interviewees working with young people stressed that restorative justice was central to children's services, not only in relation to criminal justice, but also with children in education and in local authority care. As discussed above, referral to the Community Neighbourhood/Justice Panels was also available for cases involving young offenders.

¹⁸ One YOT respondent stressed that devising reparative work with young people could be challenging given the health and safety measures that have to be in place to conduct work such as cleaning graffiti or using maintenance chemicals.

¹⁹ We need to note though that the police might feel that YOT intervention might not be appropriate in the case of very minor offending.

2. Training and awareness

As providers of dedicated restorative justice services, Remedi staff had regular restorative justice training as well as experience of conducting restorative interventions with youth and adult offenders. Despite the financial insecurity of working in the third sector, senior staff in the provider had been in post for some considerable period (often in excess of eight years). They had high-level qualifications and participated in annual 'top-up' training, as well as frequently delivering restorative justice council accredited training to the public sector.

A large proportion of the restorative justice work conducted in the youth arena was completed by Remedi employees seconded to the YOTs. As such, these individuals had also taken part in accredited restorative justice council training, as well as on-going courses in safeguarding and youth justice software (ASSET-plus). Moreover, there were 'core' staff within all four of the YOT teams who were trained in leading restorative justice with children and young people, as well as having social work qualifications. Certainly, the YOT managers interviewed for this study were unequivocal about the importance of encouraging young people to take responsibility for their behaviour, apologising and making amends, as noted by the following:

'restorative justice is part of teaching young people to say sorry and I think it has a very important role in our work. It fits at pre-criminal behaviour all the way through to grave crimes ... restorative justice has a relevance everywhere. Every crime will have a victim and every young person will need a way to understand the impact of that. Learning to say sorry is an integral part of the work we do with every case.' (S11)

YOT managers saw the delivery of restorative justice as incorporating key skills of on-going assessment, communication and safeguarding. One manager speculated that restorative justice was such a specialist task - which must attend to the needs of the victim and offender - that it might be best provided by an external agency.

'I am still thinking through in my mind whether we need specialist services for restorative justice. Some advocates I have spoken to suggest it is better delivered by a dedicated service – but I don't know, maybe we should just be integrating it into the work that we do every day as practitioners. I think from a victim's perspective, there are some occasions where it is important to have an external person facilitating restorative justice, but that's an exception I think. It is likely that victims might not feel we are able to put their needs above that of the young people we work with, I can see that.' (S5)

Community/Neighbourhood Justice Panels were dependent on lay volunteers to deliver the frontline of their service, backed up by paid managers. Consequently, they underwent an intensive initial course, as well as on-going training (i.e. child protection, safeguarding) and close supervision – referred to as 'experiential learning' (S18). The manager of at least one Panel was qualified to deliver accredited restorative justice training, and the Panel volunteers were also given accredited training. The same team also matched experienced volunteers with newer ones in a mentoring capacity, a practice which had been well received. Certainly, although Panels dealt with so-called 'low-level' cases, they commonly involved complex interpersonal dynamics and vulnerable people. The Panels provided a particular style of restorative justice, one that did not offer 'instruction', but sought to 'empower' the participants to resolve their problems independently. It was incumbent on the host council therefore to ensure that volunteers were appropriately trained and carefully supported. The two well-established teams had had time to 'embed' and 'hone' their practice and both had benefitted from the consistency of remarkably committed and skilled managers. It was less clear at the time of the fieldwork exactly how the two newer teams will develop.

In relation to South Yorkshire Police, Level 1 restorative justice training was delivered to over 1,700 staff across the force by Remedi in 2011. It has not been repeated since, although half-day training courses in restorative justice were available for officers as part of the 'street skills' programme. Specifically, 92% of all South Yorkshire Police focus group participants (n=26) stated that they had taken part in restorative justice training. In the majority of cases (83%, n=24) this was one day's training or less. The data collected from the focus groups also indicated that response officers and PCSOs felt confident about administering street RJ - 92% (n=26) reported that they were 'fairly' or 'very confident' in this task. In sharp contrast however, an in-house South Yorkshire Police survey was conducted with around 600 officers in 2014 to gauge officers understanding and appreciation of

restorative justice.²⁰ This study found that officers did not possess adequate knowledge of restorative justice; were often uncertain about the differences between community resolutions and restorative justice, and under what circumstances they could be applied, and many were not convinced of the effectiveness of restorative justice in reducing offending or improving public confidence in the police. There were echoes of such sentiments in our interviews – essentially there was disparity in views. It was stressed by some that misunderstandings of restorative justice were evident at all levels within the force. As one senior manager in South Yorkshire Police said:

'I still think there's a lot to be done at the practitioner police officer level. I have reservations as to whether we could ever get police officers on the beat to be doing good quality level 1 restorative justice, because of the other stuff they're doing all the time. When there's someone whose job it is to do restorative justice, whether they are volunteers or not, I think it's easier. There's just so much confusion about it in the force, at all levels. Unless you're interested, unless you've done some outside research and looked into what it means and how it's done, well, it's not going to happen. We've still got senior officers and crime registrars referring to out-of-court disposals as restorative justice ... The message about true restorative justice has just got lost.' (S8)

Awareness of external restorative justice resources available to the police for use with victims was also found to be sporadic. Despite the close relationship Remedi have with South Yorkshire Police, when asked about actively making referrals to Remedi for post-court restorative justice, very few response police officers had done so. In fact, some officers were unaware the service was available. Similarly, those working in the Hub expressed concern that police colleagues were oblivious of the restorative justice Hub or its remit. This assessment was reiterated by staff at Remedi, who stated that police officers made very few referrals for restorative justice.

A lack of inter-agency co-ordination was also raised by respondents from the YOTs. They criticised that information on community resolutions conducted by the police with youths was not all routinely shared. Where YOTs were alerted, there were also a lack of recorded data available on what *type* of restorative justice the police had initiated (though this was common throughout our study, because of the nature of the forms used – see below). At the time of data collection this disagreement was a 'live' one - the police had raised legal concerns about consent and the sharing of personal data with the YOTs, since an out-of-court disposal meant that those children were not formally part of the criminal justice system. Conversely, YOT staff argued that it was their responsibility to limit the number of new entrants into the criminal justice system, and they were not in a position to offer (voluntary) support if they were not notified of children who were on the 'fringes of offending'.²¹ There was a related concern among some YOT staff that contrary to South Yorkshire Police policy, children and young people were often subject to repeated use of community resolutions, which the YOT staff felt further undermined their role in managing youth crime.

On the topic of restorative justice awareness, participants from various criminal justice agencies commented that public awareness of restorative justice was conspicuously lacking. Despite the aforementioned public awareness campaign in South Yorkshire, victims seldom requested restorative justice or took-up a proactive offer of restorative justice. Interviewees noted that while many victims of crime would appreciate an 'explanation' or expression of apology from an offender, they might not comprehend that this process is called 'restorative justice' and is a service currently available to all victims of crime.

3. Referrals (including victim involvement)

In light of their broader remit to deal with both criminal and civil matters, the two active²² Community/Neighbourhood Panel schemes (which dealt with cases involving adult or young offenders) accepted referrals from the police (the majority referrers), local housing associations and council anti-social behaviour teams. Officially, it was not possible to self-refer to Panels, although neither was it difficult to ask a relevant professional to make a referral on one's behalf. One team found a larger proportion of their referrals related to community/neighbour conflicts, while the other reported that they received roughly equal numbers of referrals related to i) crime and ii) neighbourhood disputes. Like Remedi, Panel managers frequently visited referral partners to

²⁰ (2014) South Yorkshire Police, unpublished.

²¹ See, though, our analysis of a similar set of views in Humberside in Chapter 2.

²² The two remaining schemes had not taken any referrals at the time of data collection. It is anticipated they will work in a very similar fashion to the two established schemes.

advertise the scheme and explain how it might be of benefit to their relevant client group. Notably, despite the manager of one scheme being a seconded police officer who regularly attended morning briefings at the local police station, focus group participants still commented that they were not totally familiar with the Panel service. As this demonstrated, raising the profile of the Panel with local stakeholders was an on-going challenge.

The Panel referral process was kept simple, and typically involved a small number of emails/phone calls or a short form. Managers risk assessed all referrals before they were allocated to a volunteer to initiate the introductory phase. To emphasise the 'localism' of the intervention, where possible, managers aimed to 'match' cases to the skills and attributes of the volunteers.

Referrals of young offenders to the YOT then led to the YOT staff contacting victims, via a proactive approach. Victims were sent communications by mail or telephone and offered support, information and the opportunity to engage in restorative justice. YOTs reported that take-up of restorative justice was low. One team estimated that less than 10% of victims accepted the offer. It was suggested that victims tended to prefer a more limited form of involvement, such as receiving information and details about the progress of their case, or giving feedback.²³ While this was considered disappointing, YOT staff were keen to maintain some open-ended relationship with the victim, regardless of their up-take of restorative justice. Importantly, one YOT manager stressed that the YOT was under such financial pressure that they did not have the capacity to provide restorative justice conferencing on a wider scale than was currently taking place.

'What I worry about is that we'll create a genuine and legitimate expectation for victims of what they can expect, but we need to be able to match that with delivery, so if we said we're going to offer restorative justice in every single case, everyone will be offered the resources to do face-to-face conferences, and we haven't got the resources to do it.' (S5)

Staff across all the public and third sector agencies interviewed were in agreement that unless *specifically* requested by the victim, restorative justice interventions should not be practised with offenders who have been found guilty but are awaiting sentence. This was to ensure the motivations of the offender were directed towards victim restoration, and not to minimise the severity of their sentence before the magistrate/judge. It is, however, contrary to the national and international policies that restorative justice should be offered at all stages of criminal justice (as well as the provisions in the Crime and Courts Act 2013 for adult offenders).

Community resolution disposals were being administered by the police alone using a CJU10²⁴ form. Response officers reported that the suitability of these disposals was assessed on a case-by-case basis, depending on the wishes of the victim, the willingness of the offender to admit guilt and the wider circumstances. However, South Yorkshire Police had a policy that a community resolution should not be given on a repeated basis to the same individual. There were disparate views about police themselves administering restorative justice, with YOT staff questioning their ability to deliver quality restorative justice and assess the needs of the victim and offender appropriately, speculating that the police might put pressure on either party to agree to restorative justice or the terms under which it is offered.

'A second community resolution, in my mind should prompt a referral to the Youth Offending Team. Community resolution has taken away our role in helping young people coming into the criminal justice system ... Five years ago, a lot of the young people we're talking about would have received some legal representation. But how easy is it for frazzled parents or abstract carers to tell police officers that they don't want a community resolution if they don't think it's appropriate? Are they informed they have a choice? How many of them would have the confidence to challenge someone in a uniform and in authority?' (S11)

Another YOT worker added:

²³ It should be noted that previous research has found that when victims are offered a range of potential restorative interactions, including indirect and direct restorative justice, they tend to opt for the more limited ones. However, if they are offered only direct meetings, for example, the proportionate take-up of services is the same (Shapland et al. 2011).

²⁴ The paper form has gone through a number of iterations in association with Remedi and Humberside Police.

'Street restorative justice is great, but also, does that mean we're not picking up the signs that young people need to be referred elsewhere, that there is something going on that they need help with?' (S17)

Referrals to Remedi via the Hub were, at the time of writing, only really for post-court cases, outside the main focus of this research. To demonstrate the process, though, we are describing them. They could be made by external agencies, response and investigative police officers and as self-referrals, directly by victims - the latter of which were being fast-tracked. Remedi were regularly conducting short 'briefings' to various agencies within the criminal justice system to advertise the service. However, external referrals such as these were rare. The co-ordinator reflected that after the restorative justice media campaign (including website, radio and print adverts) went live the team anticipated a spike in the frequency of self-referrals, but no increase occurred.

The process was that Remedi staff approached the victim of crime in the first instance, during which the nature of restorative justice was fully described. If a victim wished to pursue contacting the offender in their case, only then would Remedi seek to approach them. Victim Support were somewhat critical of this method as they were anxious it might unrealistically raise a victim's expectations as some offenders might refuse to co-operate. Never the less, Remedi stressed that risks such as these were being communicated to victims and even where offenders could not be located or engaged in restorative justice, Remedi were in a position to attend, and importantly, listen to the victim's feelings.

As noted, South Yorkshire Police directed its post-court referrals to Remedi through a consolidated hub. Before the Hub was established in 2015, referral numbers were low and erratic. For example, Victim Support - who it was assumed would be in a position to direct a significant number of referrals - only made 14 over 12 months. Since 2015, the Hub co-ordinator has been a full-time post, based in a South Yorkshire Police office in Sheffield. Between June 2015 to March 2016, 2,600 cases were identified by the coordinator and sent to Remedi - 400 victims were visited by Remedi and upwards of 100 direct and indirect restorative justice processes were arranged. The recent and dramatic rise in referrals has had both positive and negative consequences. While more victims have been invited to take part in restorative justice, the service has found the 'blanket approach' to contacting all eligible²⁵ victims an overwhelming administrative task. This is a key consideration since it is imperative to 'make the offer' of restorative justice as close to the conviction as possible. Delays in making contact are likely to be related to low-take-up, as some victims of crime 'move on' with their lives. Procedures for identifying those most likely to engage in restorative justice, as well as other time-efficient methods for approaching victims were being considered at the time of writing – though this may be contrary to the national aim of providing information to all victims²⁶.

4. Practice and experience

The police led or 'street RJ' that was depicted by participants from South Yorkshire Police was distinct from that described by the YOTs and Remedi. Naturally, response officers are under considerable time pressures. As such, restorative justice administered by the police took place in a more short-term context, generally immediately after the offence or in the days that followed. Street restorative justice was typically attached to a community resolution and accompanied by a CJU10 form, which had to be signed and agreed by both the victim and offender. Additionally, it was common for PCSOs or youth officers to conduct informal restorative justice in schools in association with educational providers and parents.

Response officers described conducting a practical, pragmatic style of restorative justice, such as repayment of goods stolen/damaged and physical reparation. Assisting an offender to make monetary reparation however could be problematic for the police, since officers were not in a position to enforce the exchange unless it was attached to a conditional caution (a community resolution did not authorise financial transactions). While the practice of giving a community resolution alongside compensation did indeed take place across the force, it required the officer to have trust in the offender to follow through with their pledge. Many officers commented that victims requested financial compensation for damaged goods and that this outcome was a satisfying result for the officer, since it

²⁵ Eligibility for Remedi restorative justice was broad. Domestic violence and incidents involving a fatality were not included as there were specialist services for these offences.

²⁶ Victims of crime could of course self-refer to the Hub at any point during or after the criminal justice processing of their case, though they would need to be aware of its existence.

was quick and effectual. Nevertheless, it also ran the risk of undermining restorative justice and police work if an offender defaulted.

Conferencing, victim-mediation or restorative communication conducted by the police was rare. Indeed, it was reported that dealing with sensitive neighbourhood disagreements that involved complex relationships was technically challenging and better handled by Community/Neighbourhood Justice Panels or the local council ASB (antisocial behaviour) teams.

The majority of response officers who contributed to the focus groups welcomed the discretion that accompanied out-of-court disposals, even if they were not entirely supportive of restorative justice. Previously, officers were encouraged by National Performance Indicators to pursue prosecutions in almost all incidents of crime, but there was clear recognition that criminalising children and first-time offenders was not a positive step. Some felt that restorative justice represented a return to a more considerate and flexible form of policing. One officer mentioned he would like to see restorative justice expanded to replace fines for petty theft among those who could not afford the cost of a penalty notice.

'restorative justice is the 21st century clip round the ear'. (officer from FG3)

Another officer in the same focus group added:

'You know, when austerity happened, we had a lot of women stealing turkeys out of M&S. You know, I get that ... I don't want to give people a [PND] ticket, it's £90, if they've only stolen something under a tenner, I'd try to give a restorative justice'. (officer from FG3)

Remedi had an extensive record of working in the field of restorative justice. Since 2004, they have delivered restorative justice and victim liaison support in all four council areas, and from 2005 they became a registered restorative justice training provider with the Restorative Justice Council. Nevertheless, their experience of delivering wide-scale restorative justice to convicted adult offenders was a relatively new one in South Yorkshire (from 2013/14). Managing referrals was, as we saw above, a large-scale task since the appointment of the restorative justice Hub coordinator. The restorative justice Hub was based in a Sheffield police station which afforded the service a centralised base with access to the secure networks the co-ordinator required to retrieve court and police data. There had been no significant reports of geographical variation.

Participants from Remedi talked about creating 'victim-focused' interventions which were flexible and tailored to the needs of the respective parties. Their work often concentrated on facilitating 'positive communication', either directly in conferences, or indirectly through letters or messages. They could also support forms of reparation, such as repairing of physical damage or compensation to cover material losses. All interventions were designed on a bespoke basis, in consultation with the victim(s) and offender(s). However, providing a bespoke system was time-consuming. Interviewees from Remedi were keen to stress that delivering 'quality restorative justice' was a significant commitment that took patience and considerable interpersonal skills.

'You can't just buy a face-to-face meeting. When you buy in restorative justice work, you have to buy in all those other scenarios that victims might want – shuttling, discussion, meetings with professionals, the victim might not want to meet the offender face-to-face ever. And they may not want to proceed, you might not be able to locate an offender. There might be a range of activities that take place before that conference occurs, if at all, and that has to be paid for. We need to build relationships with the victims too, we need to develop trust and that takes nurturing and time.'

(S10)

Clearly, restorative justice has the potential to be resource intensive and that had to be balanced against the need to process the high numbers of referrals and the PCC's desire to extend restorative justice resources to a wider population.

Remedi was commissioned to deliver restorative justice in cases involving young offenders. Remedi staff in YOTs approached victims of youth crime on a proactive basis, by letter or phone, and offered

them a package of care²⁷. Victims were advised that they could access this support immediately or later in the young person's order, as necessary. Take-up of direct restorative justice was rare, but letters of explanation/apology were more usual means of contact or exchange. Some victims chose to submit messages or stories about the impact of the crime on them, while others preferred no contact. YOT-based restorative justice tended to accentuate communicative styles of restorative justice, where the young person is encouraged to explain their behaviour and express remorse. Reparation also took place, but was less common. One YOT manager stated that financial compensation was not always appropriate, given that this burden was normally shouldered by the parents rather than the child, and economic deprivation was common among the families they worked with. It was also noted that a new assessment and intervention framework developed by the Youth Justice Board was in operation in YOTs. 'Asset-plus'²⁸ was a digital form that explicitly led practitioners to incorporate restorative elements into a young person's programme.

'[Asset-plus] is written in much easier language, so it can be shared with the young people. When you are doing an intervention plan, you now look at five outcomes that you map your targets against, and they are 'goals and opportunities'; 'keeping safe', 'not hurting others', 'repairing harm' and 'not offending'. And it's much more meaningful to children to talk about it in those terms.'

(S17)

Community/Neighbourhood Justice Panels had fashioned a unique style of restorative justice. Their remit was to deliver restorative justice with low-level offences, first-time offenders or minor civil matters. The nature of these incidents should not be seen, though, as detracting from the complexity of the cases, which often involved vulnerable individuals in complicated circumstances. The approach of the Panels thus focused on 'empowering' individuals – and ultimately the community - to 'reflect' and resolve conflicts through 'confident communication'. As one manager explained:

'We want to promote confident communication. And hopefully it should make them confident to tackle issues in the future. It's about building relationships and social cohesion. We're often taught 'don't go out when it's dark', or 'don't speak to that person, don't tackle it alone, they might have a knife'. But that's not the message we want to give. Everyone has to consent. Everyone is looking for improvement when they participate in our service. This can be a big turning point for some people.' (S16)

Those who engaged in the Panels were referred to as 'harmed person' and 'wrong-doer', although the volunteers were keen to stress that these designations were 'loose' and they used them sparingly in circumstances where it was not clear where the legal or ethical responsibility for a grievance lay. It was said there was not a common type of participant, in fact the Panels dealt with an unpredictably wide range of socio-economic groups. What united them, one manager said, was that they were 'bad communicators' (S16). Those with mental health problems or language difficulties could be supported in the Panel process by advocates and translators. Undoubtedly, Panel staff were relied upon to have sophisticated social skills. They worked hard to maintain a position of impartiality and resist voicing their personal opinions on a case.

'We don't apportion blame. They might try and get us to mind, you can get a real bleeding heart. But you know, for some people, it really consumes them, and they have pictures and notes, and you could be there all day talking about it. Sometimes we have to do three or four visits before you find an outcome, and we always do that as a team. You know, this sort of thing can be very distressing for people. But our process is not about having a 'day in court' – it's about finding a solution and moving on.' (S18)

The end-point, as envisaged by the Panels, was not limited to resolving the crime or conflict that had prompted a referral to the team. They also sought to help the individuals more holistically.

'Sometimes you know, something comes to us with 'criminal damage' on the front, and it isn't, it's so much more than that, there can be educational issues, health issues, mental health issues,

²⁷ This is very similar to the 'blanket' approach used in the South Yorkshire Police restorative justice Hub. However, it was a less demanding one since the youth offending population has shrunk dramatically. For example, young people in England and Wales were convicted of 87,160 proven offences (those resulting in a caution or conviction) in the year ending March 2015. The number of proven offences has been decreasing; it has fallen by 70% since the year ending March 2005 (Youth Justice Board, 2016).

²⁸ <https://www.gov.uk/government/publications/assetplus-assessment-and-planning-in-the-youth-justice-system> (accessed August 2016)

safeguarding issues. And we take a much more holistic approach to the people we deal with, whoever they are.' (S16)

Similar to Remedi, the Panel format recognised that restorative processes require a time investment. Participants were invited to revisit the service if they were not in a position to fully commit to a resolution. Likewise, the staff accepted that emotions 'run high'; participants arrived at the service deeply frustrated, angry or tearful, particularly in the context of neighbourhood problems which could be 'consuming' and were often perceived not to be taken seriously by the police. The uniqueness of a Community Justice/Neighbourhood Panel was that, unlike response police officers, they had the resources to commit to a longer-term process.

Community/Neighbourhood Panel outcomes had to be agreed by the participants, usually in writing. As part of that, Panels could also facilitate reparation and financial compensation for damaged goods. Compensation could be paid, via the respective council, in structured quantities. One team had worked with amounts up to £3,000, made in monthly instalments. Another team was able to authorise reparation of up to four hours' work.

5. Suitability (scenarios – offence and offender)

Police respondents in the focus groups were asked to comment on the suitability of restorative justice to a range of offences, presented as scenarios. Unsurprisingly, petty theft from a shop (item value £1.50) by either a young person or adult was felt to be a good opportunity to recommend a community resolution, as shop keepers often did not want to pursue prosecutions where low-cost items were stolen by first time offenders. If the offender acknowledged their guilt, an apology or repayment of the amount stolen might well be preferable to the victim. The involvement of parents would be essential where children and young people were implicated.

Officers were also asked to consider how they might respond to a physical assault in a pub. For them, the outcome of this event was said to be dependent on a wide range of factors, such as previous offending history and the sobriety of the individual(s). However, regardless of the circumstances, restorative justice would only be an option some time after the event and in the first instance it would be the duty of the response officer to calm the situation and separate the parties. Similarly, if officers were called to an interrupted burglary, they confirmed their first priority would be to arrest the offender in order to access further evidential information, such as a home search warrant and footprint impressions. Again, at that initial stage of the proceedings restorative justice would unlikely be mentioned. Importantly, as we are considering suitability, some officers felt anxious that discussing restorative justice might be considered insensitive to the victim, and could undermine the reputation of the police more widely. In this sense, they presumed that the victims would perceive their offer of restorative justice as 'unsuitable'. For example, one police officer (in the focus group) commented sceptically that:

'They're [burglars] going to court. Every time.' (officer from FG3)

Another thought that victims would see restorative justice as too lenient:

'They might think we're letting people off.' (officer from FG4)

They were clearly thinking that restorative justice, as with a community resolution, would be the only or main outcome of the case, rather than restorative justice being able to be used in parallel with the criminal justice process.

A scenario which involved verbal abuse in an on-going neighbourhood dispute was met with considerable frustration. The majority of response officers (almost all respondents in focus groups were response officers, as the use of neighbourhood officers had been minimised at the time of the research) felt these cases were best dealt with by Community/Neighbourhood Panels, the council or a relevant housing association, since the police did not have the time to invest in intractable neighbourhood conflicts (one officer mentioned he was aware of a local neighbourhood dispute that had lasted in excess of eight years). It was unlikely the police would recommend a community resolution in these situations, but referral to a relevant partner agency was possible:

'I've never done a restorative justice for a neighbourhood problem, they're a nightmare. I'd get in touch with the council or refer them to the Community Panel.' (officer from FG3)

Remedi staff who were interviewed emphasised their key intention was to facilitate high-quality *restorative* interactions between parties, and ultimately tilt the direction of the criminal justice system to incorporate restorative approaches at all levels of the prosecution process. However, while their organisational aim was to deliver quality, there was also a broader pressure on them, as a contracted public service provider, to deliver quantity, which might have implications for how their service would develop in the future.

'Not all restorative justice is created equally. Some organisations claim to have conducted 2,000 restorative justices. But, that's not true Just because you've spoken to a victim and offender, it doesn't mean you've consulted with them, encouraged informed consent, been patient with them and waited for them to make a decision. We're trying to influence the narrative, trying to make the point to our funders – what do you think you're buying here? You can't influence change in a person's life in 5 minutes, it takes time and skill, and people have questions. Restorative justice is a catch-all term, but there's a huge range in quality and quantity.' (S10)

Community/Neighbourhood Panel teams offered an alternative disposal for first-time or low-level offences committed by children or adults. They also worked with incidents of harm where criminal sanctions were not appropriate or viable, such as for anti-social behaviour or other types of community dispute. Working with neighbours in conflict was one of their distinctive features, since it was a particularly time-consuming area for the police and housing associations to manage (see above). It also meant they dealt with a range of often vulnerable individuals, and might choose to work with cases over a longer period of time where necessary. Within this context, the Panels worked in collaboration with other agencies. Their ability to be adaptable and inclusive was a strength.

YOTs stated that some form of restorative justice or restorative practice would typically be planned with most young people. The content of that intervention might vary however, as restorative justice was one of a variety of priorities youth justice practitioners had to balance²⁹. Some young people, they warned, were difficult to engage in any YOT activity. YOT staff underlined the need for young people to be carefully assessed prior to any direct restorative justice work with victims, since they might lack the emotional maturity to take appropriate responsibility for their behaviour. However, the same participants also raised examples where restorative justice conferencing had had unexpectedly positive consequences for young people, which reminded them to keep an open mind about assessing young people for direct restorative justice work. Staff across the region asserted that with skilled professionals, restorative justice could *potentially* be used in relation to a wide range of serious and complex offences.

6. Data and recording

Recording systems within South Yorkshire Police for assessing the details/quality of a community resolution were, at the time of writing, insufficient to enable us to analyse whether community resolutions included restorative justice, and what kind of restorative justice. The CJU10 was a triplicate form that was issued to the offender and victim. However, these data were not collated or examined. Official data were limited to collecting the number of community resolutions given, and there was no means to identify if those disposals actually included restorative justice and, if they did, what type of intervention was initiated. This issue was recognised as problematic by data analysts, senior police staff and PCC staff. A new data recording system was pending for South Yorkshire Police that it was intended would be shared with Humberside Police Force. It would replace a system which was around 12-13 years old and there were expectations that it would improve data collection procedures.

There was a police-led Scrutiny Panel in South Yorkshire, which considered 10% of all community resolutions every quarter. Their aim was to assess if the community resolution was the appropriate disposal in each instance, given the severity of the offence. Half of the ten percent sample were 'cherry-picked' cases that appeared contentious and the other half were randomly selected. All local

²⁹ The Youth Justice Board monitors YOT adherence to 'National Standards' on behalf of the Secretary of State. These guidelines specified a multi-disciplinary range of practices which must be part of a young person's disposal. <https://www.gov.uk/government/publications/national-standards-for-youth-justice-services> (accessed August 2016)

magistrates' court areas were invited, as well as the YOTs and Victim Support. While it did provide a means of quality assurance and compliance, it did not have the authority or influence to change practice. Feedback to officers was purely informal.

The Office of the South Yorkshire PCC received regular data on Remedi's activities to measure their workload against expected deliverable targets. Remedi were on a one-year renewable contract, and it was possible their funding might be restructured depending on certain activity benchmarks being met. Remedi's data included the number and route of referrals, the number of victims contacted, the type of initial contact undertaken (letter, phone call or face-to-face meeting), categories of restorative justice conducted (shuttling, letter, conference) and victim satisfaction. This information could be cross-checked against the region and other socio-demographic markers. Because the data included personal information and police codes (i.e. PNC number) they were stored on a secure network. As previously stated, since the restorative justice Hub coordinator had created a wealth of referrals in a short time-span, Remedi faced a substantial administrative challenge to process and identify those victims who might wish to engage in restorative justice.

Community/Neighbourhood Justice Panels were also part-funded by the PCC, who required monitoring information to evaluate the value of their investment and ensure service delivery minimums were met. The PCC also facilitated options for 'enhanced funding' (C9) or top-up payments for the more established Panels who were able to demonstrate they could take on more serious or complex cases (such as more serious crimes or conflicts with more than two parties). PCC staff recognised they were still in the 'establishment phase' of many restorative justice services, but planned to conduct thorough quality assurance reviews of Remedi and the Panels in the future.

Only two of the four Community/Neighbourhood Justice Panels were live at the point of interview, but it was expected that all of them would gather similar monitoring data. This included the number and source of referrals, the characteristics of the participants and qualitative details about the progress of the case including dates of activity. The Panels also sought for feedback forms to be completed, which had demonstrated high levels of participant-satisfaction (although a previous evaluation of a single team found satisfaction among 'harm-doers' was markedly lower: Meadows et al, 2010). One of the teams had tracked data on the extent to which clients made further requests for services from the police or the council/ housing association after a Panel intervention. Some continued to place high demands on those statutory services, but on average there was a significant drop-off in their calls. At one stage there was a 69% reduction in repeat calls to the police by Panel service users.

All of the YOTs interviewed stated that the format of their data was defined by the requirements of the Youth Justice Board and the contractual obligations Remedi's seconded staff had to the respective council. Data on restorative justice included the number of victims contacted and the presence of a restorative element in a young person's order. Detailed data on the style and content of the restorative justice intervention were kept on the young person's file, but not collated at an aggregate level. One YOT manager highlighted the need to develop a localised evidence base and use YOT data to inform the development of practice:

'I think we need to prioritise finding an evidence base for what we do. With limited resources, we need to have some understanding that the types of interventions we do have an impact in the way we want. We should be plugged into research findings more closely to help us develop practice.'
(S5)

7. Barriers and challenges

Given the era of austerity in which this study was conducted, it is unsurprising that funding was felt to pose a series of significant future challenges for restorative justice in South Yorkshire. First, funding structures were felt to be personally stressful for restorative justice professionals: Remedi's expertise and professionalism were invested in their staff. However, the landscape of competitive tendering currently prevalent in England & Wales for service delivery meant that, like other voluntary sector groups, they experienced consistent economic uncertainty. As was mentioned in the Humberside chapter, every January Remedi staff received a three-month redundancy notice, since it was usually unclear if grants would be renewed beyond the given financial year. This situation was contrasted with the stability afforded to long-term private sector contracts with, for example contracts between Serco or G4S and the Ministry of Justice.

'Every January we get a redundancy notice. Every member of staff at the beginning of the year. Everyone is on alert, and that tends to happen on an annual basis, I've avoided that once for my staff in ten years. But you know, in the private sector they'll get ten-year funding. If you look at Serco or G4S – they're not having to live hand to mouth like we are, and I don't understand it because we're not doing a pilot project here, this is not about a short-term enterprise.' (S10)

The impact of job insecurity on individual staff was also a concern for the wider organisation, as it struggled to retain staff and their professional experience. Similar issues were relevant to the Community/Neighbourhood Justice Panels and the YOTs, whose funding comprised a 'portfolio' of monies, which were described as unstable and insufficient. One of the Panels lost much of its core funding and resources after the pilot phase was concluded. Before it received PCC funding, it operated on very small amounts of money that were eventually sourced.

'For a couple of years, we've literally run off fresh-air ... We've had to beg, borrow and steal on occasions to be honest. The housing association continued to give us £5,000 per year, and at times I've had to convince people at the council to top that up a bit and that has paid for the administrator a couple of days a week. And then as little pots of money became available we've been able to stock up on things we've needed.' (S6)

One YOT manager lamented how his role had become immersed in the demands of short-range financial management. He described an extremely complex funding structure within YOTs where grants were convoluted, decreasing and subject to short-term and significant re-adjustments which made future planning tremendously difficult:

'The original funding structures [for YOTs] included five sources – the police, the local education authority, the local authority children's services, probation and primary care trusts. Now, each one of those have had a change in the way that they are funded and what they do. Much of it has been carved up and privatised. Probation are phasing out their contributions. PCCs are new, some YOTs had their funding cut from PCCs, others didn't, it's an entirely individualised process. Primary care doesn't exist anymore, although health has been more consistent for us, they have their funding on a three-year basis so we've been able to plan on that, while every other contributor has paid us on a 12-month basis and all of those have had a percentage cut from each, every year for the last three years. What this means for restorative justice and service delivery, we're managing services on consistently reducing budgets, so planning is very difficult. I still don't know what I am going to get for the next financial year this April and we're in the second week in March. So, that shows you how tight and difficult things are getting.' (S5)

Naturally, as austerity has had an impact on all areas of criminal justice, this theme was raised by each and every one of the participants in the one-to-one interviews. Response officers from the focus groups were also alarmed about the cuts to police budgets and the impact on police numbers. Again, this was portrayed as personally stressful for participants, as well as detrimental to the retaining and fostering organisational expertise. Notably, alterations to structures (such as the down-sizing of a project) were said to have a negative impact on referral numbers. Similarly, a number of interviewees spoke about the loss of entire teams or award-winning initiatives. A member of a district council noted:

'The Safer Neighbourhood teams have been disbanded now and they've gone into two policing hubs in the Borough. Initially we had ten little safer neighbourhood teams [here] It was unique and we had people from all over the country coming to look at [our] model. It won awards in 2006 and other schemes were based on it around the country. And those teams shrunk and shrunk and shrunk, due to cuts and austerity and then last year South Yorkshire Police said they could not fund them anymore. So, all the Safer Neighbourhood Team disappeared. And now they have one policing based-unit in one area, which consists of police officers and PCSOs and the other lot are in the other Hub. They are basically fire-fighting. That's all they can do – respond to problems, and in my opinion, that has put us back 12 years. That's where we were 12 - 15 years ago ... As soon as the teams were disbanded the referrals vastly reduced.' (S6)

A member of South Yorkshire Police staff also noted:

'We lost around, probably about 50% of people from [our] department, and it wasn't targeted at all. It was just an open scheme to civilians and we lost about 170 people over the course of a couple of months ... Personally, all of my team left at the same time.' (S2)

It should be noted that PCCs are under pressure to provide value for money, alongside high-quality resources, and they also have to work within the context of Ministry of Justice grants that are subject to unforeseen and sudden cuts and adjustments.

While many agencies experienced the impact of financial difficulties, it was also clear the landscape of criminal justice was in flux. All of the YOTs noted that while the youth offender population was reducing, it had experienced attrition at the less serious end of the offending spectrum. There were fewer referral orders, conditional cautions and first-time entrants. This meant their case-load included more children and young people with entrenched criminal histories and more demanding welfare and safeguarding needs. In sum, their caseload had got smaller, but more challenging. This context was relevant in the light of i) reduced YOT funding and ii) balancing the various priorities of youth justice. Specifically, YOT staff spoke about how conducting restorative justice/restorative practice with more serious or persistent young offenders was difficult; they often had immediate welfare needs to attend to, were 'hard to engage' or did not admit culpability for an offence. Balancing the multiple strategic and practice priorities - including the provision of restorative justice - was an arduous challenge for YOT officers.

The task of balancing priorities was also pertinent for response police officers, who were under time pressures to complete numerous tasks and move on to the next job. As such, discussing the relevance of restorative justice with a victim, amongst collecting evidence, adhering to the requirements of PACE and safeguarding victims was described as unrealistic by some participants.

'Response officers are under so much pressure, and it's not that they don't care, but there's a volume issue and they don't always have time to really invest in restorative justice processes.' (S16)

The multiple demands on response officers was further complicated as many staff in the police remained confused or unconvinced about restorative justice. Provision of police-led restorative justice was patchy across the force, with some officers unclear about what constituted restorative justice, and there was little awareness of the external services they could recommend to victims. Wide-scale restorative justice, it was said, represented a new approach within the criminal justice system, one that did not find complete affinity with contemporary police culture. This underscored, they felt, the need for clear training for new police recruits, on-going training for the existing staff, as well as regular 'briefings' from the external providers on the value and referral process to their service.

Finally, there were key administrative/data management challenges - as noted above Remedi were at the time of the fieldwork overwhelmed with referrals of cases involving adult offenders at the post-court level. Methods for managing this workload were being explored by South Yorkshire Police, the PCC and Remedi. Data on police-restorative justice also require careful attention. While the Office of the PCC was keen to quality assure the external restorative justice providers, the quantity and quality of police-led restorative justice were not possible to assess as the details of community resolutions were not collated.

8. Professional opinions on restorative justice

Police officers' opinions of restorative justice were mixed. The majority of response officers and PCSOs interviewed welcomed the discretion afforded by the new out-of-court disposals. In so doing, many revealed that they regarded 'criminalisation' of first-time, petty offenders as damaging and unnecessary. It was also the case that some officers felt restorative justice had an important role to play for victims of crime. Moreover, some officers grasped their role within that process and were satisfied if, for example, they were able to facilitate compensation for damaged items or could demonstrate to a child the impact of their behaviour on a victim. Yet, these views were not uniform. Many officers were confused about what restorative justice actually entailed. Others thought it might not be sufficiently robust or was the responsibility of the charitable sector, such as Victim Support. Very few response officers believed they had a responsibility to 'sell' restorative justice to victims, and referrals to external providers were rare. It was common for officers to deem restorative justice as appropriate for low-level crimes, but wholly inappropriate for more serious offences. At the more

negative end of the spectrum, some respondents perceived restorative justice as a 'soft-option' that obscured punishment and deterrents. It was also mentioned that restorative justice might undermine public confidence in the police if offenders were seen to be 'getting away' with their behaviour.

It should be noted that police officers had not received restorative justice training since 2011 and were under considerable pressures delivering front-line services in a context of significant cuts and austerity. Meanwhile, community youth team officers and PCSOs based in schools were perceived as better attuned to the restorative justice project, as they typically sought informal means of conflict resolution. The role of restorative justice/restorative practice in schools was identified as a positive growth area in South Yorkshire.

Remedi staff interviewed for this study expressed consistent views on their approach to restorative justice. They sought to provide high-quality, victim-centred restorative interventions in the adult and youth justice arena, as well as other spheres of public life. They recognised restorative justice as a long-term enterprise that could provide genuine victim satisfaction and had the potential to recalibrate the direction of the criminal justice system.

Similarly, two of the four Community/Neighbourhood Justice Panels (those that were operational) were supported by highly committed, long-serving managers dedicated to promoting restorative justice as a means to 'empower' communities. In this context restorative justice had both a communicative and restorative influence.

'I know it sounds fluffy, but I do really care about the individual people in our community. It's very much about them I feel a responsibility, if they have asked us for help, that we do our very best to help them. And it's a world away from what I used to do twenty years ago in the police as a uniformed officer, saying, 'right, you, if you two can't get on don't talk to each other'. But really, that doesn't help anyone. I know we have to do that sometimes to meet the volume of cases, but, I think that's where the unique part of restorative justice comes in. That's the difference. It's about really listening to what people are saying, rather than hearing what it is you want to hear.' (S16)

Volunteers interviewed from one Panel emphasised that they also felt emotionally and practically supported by the manager and the structure of the team. Volunteers were afforded on-going training, supervision, home-visits and social opportunities. One volunteer commented on how she felt valued for her contribution:

'We're volunteers and it's ok for us to make mistakes. It's a learning curve. This is about a lot of experiential learning. It's a lot of responsibility. I find it very, very challenging and it offers so much experience to grow, and to learn to negotiate. And I think that's why many of us have hung around for so long [as volunteers] because we get a lot out of it ourselves. We have about three training days a year; child protection, safe guarding, accredited restorative justice, lots of different things on top of the first training. Then last week we had a social celebration and awards thing too and a big buffet, which was really nice.' (S18)

As detailed above, there was a general consensus among YOT staff as to the inherent value of restorative justice/restorative practice. Indeed, most felt it should be a commonplace element of youth justice and had potential for victims of crime, as well as the children and young people they supported. It should be noted that unlike Remedi or the Community/Neighbourhood Justice Panels, restorative justice was one of a series of competing (and demanding) practice aims YOT officers had to balance. Alongside restorative justice, YOT officers were duty bound to provide social work support to an increasingly vulnerable population of offenders.

The above-mentioned providers (Remedi, Community/Neighbourhood Justice Panels/YOTs) may encounter practical challenges in how they deliver restorative justice or balance restorative justice against other strategic priorities, but in all cases they demonstrated faith in restorative approaches and had a long history of delivering it to offenders and victims. Notably, what marked them out from the police was their involvement in on-going training and close professional supervision.

9. The wider context (methodological and policy/practice related)

Embedding practice and a move towards discretion

Youth justice in England and Wales has an extended history of integrating restorative justice into its practice, and indeed children's services (in select councils) quickly followed their lead and began to utilise restorative practices in their schools and children's homes (Tyrrell 2002; Hopkins 2004; DCSF 2009). However, restorative policing as a national and systematic means of dealing with low-level offences is a relatively new practice. In addition, many of the services explored in this research were still at embryonic stages in the 'establishment' phase and were seeking to embed their practices into the local criminal justice culture. This is a considerable challenge. Certainly, many of the respondents who took part in the study were keen to stress how their service was trying to 'find its way' – which takes time and commitment, particularly since restorative justice was felt to represent a shift in policing culture. Indeed, for some, the introduction of the community resolution marked a turning point in practice – from an emphasis on sanction and detection, towards more police discretion and diversion from prosecution. There was considerable recognition that criminalising first-time and young offenders was something to be avoided. Moreover, response officers who took part in the focus groups appreciated the limited scope of freedom there was to make choices around prosecution. The following reflect some of the specific views expressed about such concerns:

'We want to keep people away from crime, if you arrest them, you're going to send them down a certain route' (officer from FG2)

'It's not good to criminalise children for very low-level thefts. We've all done things like that'. (officer from FG3)

'We're not stat-driven anymore, and that's a positive'. (officer from FG3)

Defining restorative interventions

Identifying the difference between restorative justice/restorative practice and diversion from prosecution was problematic for some of the participants who took part in this research. For example, the Scrutiny Panel fulfilled a vital task – critically examining the appropriateness of out-of-court police disposals against the details of the respective crimes committed. However, community resolutions were automatically defined and referred to as 'restorative' – even where no discernible restorative justice took place. Similarly, response officers recounted examples of 'restorative' work, which involved little or no consultation with the victim or offender. One respondent also mentioned that '[victim] mediation was not restorative justice' (officer from FG4). Not only was this evident from observations, but senior police staff also highlighted the significant misunderstanding that a community resolution was not in itself restorative, but required a restorative element to be completed by the officer.

'It's quite tricky, because if it's a crime recording incident, then we need an outcome for that crime and then it will be a community resolution. And therein lies the problem, because most police officers and front-line staff will mistake a community resolution for restorative justice. Because, in South Yorkshire Police, we started trying to do restorative justice before we got the community resolution, it was called a 'Restorative Justice Disposal' and if there was any sort of interaction between the victim and the offender then they would call that restorative justice.' (S8)

'Language has become really important, because often the police will say they are doing a restorative intervention, but they're not. They are choosing to dispose of a young person in a particular way, and there's nothing restorative to the victim or with the young person.' (S5)

National events and staff morale

During the course of the data-collection, and in the same week as the focus groups with response officers in South Yorkshire took place, South Yorkshire Police were under intense national media scrutiny in the light of the conclusion to the Hillsborough Goldring Coroner's Inquest³⁰, which returned

³⁰ <https://hillsboroughinquests.independent.gov.uk/> (accessed August 2016).

a verdict that included gross negligence by the local police (and ambulance services). Two days later the Chief Constable, David Crompton was suspended, and the acting Chief Constable Dawn Copley, stood down after one day in post. These events were likely to have impacted upon the morale of the response officers and PCSOs interviewed. During the focus groups two officers explicitly mentioned that they were concerned the general public would lose confidence in the police – and might retaliate verbally or physically. Another claimed that they had been on patrol at a football event at Hillsborough a few days earlier and had found the public to be actively supportive.

Appendix D: Examples of South Yorkshire Police posters advertising restorative justice



“ I feel safe in my own home again. I did not expect it to work this well ”

Victim of burglary

Restorative Justice gives victims the chance to tell offenders the real impact of their crime, get answers to their questions and get an apology.



For more information call our helpline on 0800 561 1000, text SYRJ to 82055 for a call back or visit www.restorativesouthyorkshire.co.uk



“ Taking part in this process has helped me move on and start to look forward rather than back ”

Victim of assault

Restorative Justice gives victims the chance to tell offenders the real impact of their crime, get answers to their questions and get an apology.



For more information call our helpline on 0800 561 1000, text SYRJ to 82055 for a call back or visit www.restorativesouthyorkshire.co.uk

4. Restorative policing in West Yorkshire

In West Yorkshire, the nature and level of restorative justice provision varied widely, depending on geographic location (see the report by Remedi (2014) for the PCC for West Yorkshire). It also differed in provision where the offender was a young person or adult. In relation to adults, despite a history of some innovations, the current provision was limited. Within the police, officers across the force could engage in restorative justice themselves, in the form of 'street restorative justice'. In addition, there were small pockets of police officers trained to deliver restorative justice, notably some safer schools liaison officers (with regard to low-level youth offending) and some Integrated Offender Management units (who dealt with more serious offenders). The council districts in West Yorkshire are Bradford, Calderdale, Kirklees, Leeds and Wakefield. Police in most districts could also refer cases to external restorative justice hubs/providers. For adults, such services were based in the local authorities. Most were adult-specific services, but in a couple of areas (where no adult-specific provision existed) these services were provided by the YOT. In addition, the YOTs in all of the districts had restorative justice services for young people to which the police could refer.

During the period of the research, there were several new developments across West Yorkshire in relation to restorative justice. In December 2015, Restorative Solutions were commissioned by the Office of the PCC to conduct a review of the quality and accessibility of restorative justice provision throughout West Yorkshire, including that delivered by local authorities, the police and the third sector, but also prisons and the probation service. The aim of the review was to build on good practice, and identify gaps in service provision that were having an impact on accessibility. Specific outcomes suggested for the review included ensuring restorative justice meets the needs of victims, increasing victim satisfaction, reducing re-offending, making better use of resources, building on existing good practice, meeting nationally recognised standards, ensuring restorative justice is available to all victims, and that restorative justice meets the needs of local, diverse communities. The review's main finding was that restorative provision across West Yorkshire was inconsistent, ranging from underdeveloped provision lacking in direction, to more mature service (Restorative Solutions 2016: 2). It reported research conducted in West Yorkshire with victims that found: 'Victims feel that RJ should be more widely publicised so victims can make an informed choice as to whether they wish to receive further information' (Restorative Solutions 2016: 3). It also identified a need for 'greater clarity, coherence and coordination of information and advice to victims; referrals process and assessment; practitioner skills development; continuous improvement and use of victim feedback; performance measures'.

Subsequently, in Leeds, where there was no established restorative justice provision for adults, a new restorative justice coordinator post has been created in 2016 to ensure that there will be a restorative justice service available for police to be able to refer adult (community resolution and conditional caution) cases to.

1. Structures: external agencies, what is available and funding

Cases involving adult offenders

Restorative justice provision across West Yorkshire for adults was varied and inconsistent. Across the five police districts – and co-terminus Community Safety Partnerships (CSPs) – some had established restorative justice 'Hubs'³¹ that were managed from within the council and aligned with the Crime and Safety Partnerships (notably Bradford). In other districts, the provision of restorative justice services was less well established or almost non-existent (notably in Leeds and Calderdale). A summary of restorative justice service provision in each district is set out below:

Bradford

Bradford had delivered restorative approaches for several years. The restorative justice Hub was situated in the council, in a multi-agency team managed by Restorative Solutions. It was run by a manager, assisted by a coordinator, a seconded police officer, and approximately 40 volunteers who

³¹ Note that the word 'Hub' in West Yorkshire was being used for a council based restorative justice centre, whereas in Humberside and South Yorkshire it was used, as in the Glossary, for a police-based restorative justice referral centre.

delivered restorative justice. The service was funded by the PCC (awarded on an annual basis), although it had previously been funded by the PCC, or Crime and Safety Partnerships, or both. As well as taking referrals from the police, it also took referrals from Victim Support, the CRC and prisons. The Hub was recently awarded the Restorative Services Quality Mark (RSQM).

Calderdale

There was at the time of the research no adult-specific restorative justice service in Calderdale, but adults could be referred to the YOT restorative justice team (see young people section for details).

Kirklees

Kirklees restorative justice service was based in the council. It was run by a manager, assisted by a Victim and Witnesses Support Officer, a seconded police officer, and 10 volunteers who delivered restorative justice. The service was funded by the PCC (awarded on an annual basis).

Leeds

Despite a long historic association with restorative justice and V/O mediation, stretching back to the mid-1980s,³² there was at the time of the research no established restorative justice service for adults in Leeds. In response to this lack of provision, the Leeds restorative justice Strategy Group was set up, and a restorative justice coordinator (employed by Yorkshire Mediation, from 1 April 2016) was recruited to drive forward restorative justice across the district. The coordinator role was established to raise awareness of restorative justice across the district, and to develop policies and pathways to embed in Leeds. She was in the process of recruiting a team of volunteers to deliver restorative justice to adults, following police referral. A pilot in the Elland Road police station was being implemented, with the intention that lessons from this would be rolled out across the city.

Wakefield

Wakefield had been running a victim and liaison pilot scheme since 2013, which was based in the council. It was run by a manager, assisted by 13 members of staff (who worked across the police and courts), who dealt with 'victim statements' (e.g. letters of apology). The service was commissioned by NHS England. All other restorative practice work (outside victim statements) with adults was being done by the restorative justice team in the YOT (see young people section for details).

The information above is summarised in the table below:

District	Restorative justice delivery	Funding	No. of volunteers (approx.)
Bradford	Established restorative justice 'Hub'	PCC	40
Calderdale	restorative justice service in the YOT	PCC	20
Kirklees	restorative justice service in council	PCC	10
Leeds	restorative justice service being developed	PCC	20, with more being recruited
Wakefield	limited restorative justice service in the council (liaison and diversion) and the YOT	NHS England (liaison and diversion) and PCC (YOT)	none in liaison and diversion; 20 in the YOT

Restorative justice referrals to these services were assessed for suitability by the service. Staff then contacted the victim and offender, to make sure both parties were willing to take part. Cases were then allocated to volunteer restorative justice facilitators, who would meet both parties, explain the process and deliver the restorative justice.

³² Leeds Mediation and Reparation Service was established in 1985 originally as one of four experimental projects funded by the Home Office – see Wynne (1996).

In December 2015, Restorative Solutions were commissioned by the PCC, to conduct a review of the quality and accessibility of restorative justice provision throughout West Yorkshire, in order to build on existing good practice and identify gaps in service provision, particularly around victim awareness and accessibility.

Cases involving young offenders

Restorative justice for young people in West Yorkshire was more established across the force area, with all YOTs delivering restorative justice, and all community resolutions (with the exception of those in Kirklees) and youth conditional cautions being referred to them by the police. A summary of restorative justice service provision in each district is given below:

Bradford

The restorative justice team in Bradford YOT was run by a manager and four specialist trained restorative justice workers (all members of staff). The team did not use volunteers. In addition, about 18 other members of staff in the YOT had had some form of restorative justice training. There was no external funding specifically for restorative justice work, with everything funded through core YOT money. However, due to capacity issues (the result of cuts to funding), it was envisaged community resolutions would soon be passed back to the police to deliver.

Calderdale

The restorative justice team in Calderdale YOT was run by a restorative justice coordinator, a victim worker, and 20 volunteers (from a total volunteer population of 40 – the remainder of whom did mentoring or acted as appropriate adults at police stations, but who also had each had some restorative justice training). In addition to providing restorative justice services for young people, the YOT also provided restorative justice for adults. Funding was from the PCC, and was time limited, with the funding at the time of the research (spring 2016) being until the end of 2016. The service was in the process of obtaining the Restorative Services Quality Mark (RSQM).

Kirklees

The restorative justice team in Kirklees YOT dealt solely with youth conditional cautions (not community resolutions, which were dealt with by the Targeted Youth Support team – although there had been a lot of debate regarding whether community resolutions should be brought back into the YOT). The restorative justice team was run by a manager, assisted by three Victim Liaison Officers, two restorative justice workers, a seconded police officer and 16 volunteers who were trained in restorative justice. There had previously been 40+ volunteers, but as caseloads had decreased, less volunteers had been needed. All posts were funded through core YOT money, except for the police post (which was funded by the police).

Leeds

The restorative justice team in Leeds was run by a manager, assisted by two restorative justice practitioners (who worked as victim liaison officers), a part-time coordinator and 28 volunteers. In addition, Leeds YOT had three teams, each containing 10 members of staff who were all involved, at some level, in delivering restorative work. Restorative justice services were funded using core YOT money, with nothing externally funded. The service had been awarded the Restorative Services Quality Mark (RSQM).

Wakefield

The restorative justice team in Wakefield was run by a manager, assisted by a member of staff and 20 volunteers who delivered restorative justice. In addition to providing restorative justice services for young people, the YOT also provided restorative justice for adults. The service was funded by the PCC (awarded on an annual basis). It had been funded in this way for three years. The three years prior to that saw funding from the Paul Hamlyn Foundation. The service was in the process of obtaining the Restorative Services Quality Mark (RSQM).

The information above is summarised in the table below:

District	Restorative justice delivery	Funding	No. of volunteers
Bradford	YOT	YOT	0
Calderdale	YOT	PCC	20
Kirklees	YOT	YOT/ police	16
Leeds	YOT	YOT	28
Wakefield	YOT	PCC	20

Once a referral was made to a YOT, the YOT managed the case – assessing suitability for restorative justice, and facilitating the restorative justice process through to completion. Restorative justice was seen as central to the work that the YOTs did, and they offered a range of services, including victim/offender mediation, restorative conferencing, family group conferencing and youth offender panels. In addition, across West Yorkshire, it was not uncommon for all YOT staff to have had some sort of restorative training, whether involved in restorative justice on a daily basis or not.

YOT staff felt that, although different YOTs across West Yorkshire were likely to have different practices, they would all have had similar training (from organisations such as Restorative Solutions and Remedi).

In addition to restorative justice services for young people in the YOTs, there were some 51 safer schools police officers across West Yorkshire, in schools in every district apart from Calderdale. Safer schools police officers were trained in, and capable of delivering, restorative justice meetings and conferences – albeit predominantly for anti-social behaviour and low-level offences (anything more serious was referred to the YOT). Such posts were generally funded partly by the police and partly by the schools, with each officer often covering multiple schools.

The table below shows the number of safer schools police officers per district:

District	No. of safer schools police officers
Bradford	11
Calderdale	0
Kirklees	6
Leeds	25
Wakefield	9

We can summarise the limitations of the availability of restorative justice in different parts of West Yorkshire as being in:

- Leeds (for adult offenders), though a coordinator had been appointed and a team of volunteers was at the time of the research being recruited to deliver restorative justice in one particular area
- Calderdale (there was no adult offender-specific service, although cases could be referred to the YOT restorative justice team)
- Wakefield (for adult offenders the council liaison and diversion team dealt with victim statements (letters of apology) but nothing else, although cases could be referred to the YOT restorative justice team for other forms of restorative justice, e.g. conferencing)
- Bradford (for young offenders, because the YOT was passing community resolutions back to the police).

2. Training and awareness

Cases involving adult offenders

Staff delivering council-run restorative justice services were generally well trained in restorative justice, with their work based on good practice guidance. One service had recently received the Restorative Services Quality Mark (RSQM).

Some of the services even trained workers in other organisations (including the police) in restorative justice. One had trained approximately 400 people (of whom about 50 were police officers) across a range of services across the district, in restorative justice awareness (one day training), and about 100 people (of whom about 10 were police officers) in practitioner training (three day training). This was in addition to having briefed hundreds of officers about restorative justice. Another service said that they trained safer schools police officers and neighbourhood officers, though noted that officers were often moved to different districts/forces, so they often lost people from continuing restorative justice practice.

In terms of the police, those in council services said they had seen good and bad examples of 'street RJ', with officers trained in restorative justice more likely to use it, while for those who were not it was often seen as something they were aware of, but that had nothing to do with them. One police officer noted that many officers had had basic awareness training, but nothing more and that officer did not know any officer trained to any advanced, accredited level. Another commented that not all officers who did restorative justice even knew they were doing it, and that although there was scope for staff to be better trained, this training would be competing with all of the other training officers were required to fulfil. In addition, another officer said that they could see the point of specialist training if one was in a specialist role (e.g. CID), but that there were a limited number of frontline police officers, so finding the time to train them all properly would be likely be difficult – unless this was done through e-learning, though many officers questioned the quality of such e-learning.

When asked if they had had restorative justice training, over half of the police officers in the focus groups (55.6%, n=15) said they had, the remainder had not. Of those who had received training, the majority (60%, n=9) had only had initial training (a day or less), with the remainder having received more substantial training over several days. Although 81.5% (n=22) of officers were fairly confident or very confident about undertaking restorative justice (e.g. street RJ) themselves, only 40.7% (n=11) were 'fairly confident' or 'very confident' about facilitating a restorative justice conference themselves.

Although police knowledge of restorative justice was seen as low, it was said to be improving, and that this was a trend that was predicted to continue, as the force was currently working to raise awareness of restorative justice and would be providing additional training on it in the near future.

Cases involving young offenders

Like council run services for adults, YOT teams were well trained in restorative justice and informed by good practice. One YOT had the Restorative Services Quality Mark (RSQM), with two more YOTs applying for it at the time of the fieldwork.

Where volunteers were used to deliver restorative justice, they were not accredited, but it was said that they still received a lot of training (including three day restorative justice training to facilitate conferences, and continuous refresher training). In some YOTs all staff had had at least the three day training (including conference facilitation), with one YOT adding that even senior managers were trained in managing restoratively.

It was thought that police officers who had been trained in restorative justice had a basic awareness of what it comprised, as well as its values and principles, but limited confidence in delivering it. In comparison, those who had not received training probably knew restorative justice existed, but might not understand it. YOTs were of the opinion that restorative justice was not being used as much as it should be by the police. One YOT worker said that 4-5 years ago, they had offered training to a room of 60 police officers, and only 3 had expressed a desire to take up the offer - although they added that the situation was now better, but none the less they also felt that there was a lot more to do to raise interest and awareness among the police.

Certain types of police officers were seen as more likely to be trained in restorative justice. On the whole, neighbourhood policing teams were seen as very passionate about restorative justice, with officers in these teams having a real belief in it. In addition, the safer schools police officers interviewed said that they were trained to facilitate restorative justice, but did not know if other types of police officer (such as patrol officers) had any restorative justice training, noting that it would be difficult for officers to take 2-3 days out of their schedule to go on training.

3. Referrals (including victim involvement)

Cases involving adult offenders

In districts where restorative justice services were available, police officers could refer people to restorative justice, either as part of a community resolution or conditional caution. One council scheme said most of their referrals for restorative justice came from the police, but that referrals were low and patchy in terms of who they came from and where they came from, with some officers and some areas more likely to refer than others. Practice was generally viewed as better where there was buy-in, and where there was a good understanding of restorative justice.

However, hardly any of the police officers from the focus groups that we conducted had referred a case involving an adult offender to a restorative justice service. Even where such services existed, officers said that it tended to be other agencies – such as housing – that made referrals, not the police. In one focus group, the following comment was made:

'I think what it is, is that if it's anything internal, we'll know who to refer to, internally. Any organisations externally to refer to, to be honest with you, I don't think we ever get told about all these different external agencies, whether that's because we're not involved with the mediation, we don't sit on the panel or anything. Because we're not involved in that process.' (FG5)

One police officer said that even where there were restorative justice 'Hubs' in councils, police referral to restorative justice was low, with those working in these services more likely to 'chase cases' (by 'backtracking') (W12) than obtain them through police referral. In one of the focus groups, participants worried that if police started to refer *en masse*, the council service might not be able to cope with the increased volume of referrals.

In terms of victim involvement, it was noted that although victims could request restorative justice, they probably were not aware as to what restorative justice is, so they would not know to ask for it. Whether or not restorative justice was discussed with victims was very much down to whether individual police officers mentioned it at all. In addition, it was acknowledged that victims often did not know what they wanted at the time of the incident, and often requested to meet with the offender weeks, even months, later, by which time the police had already come to a resolution (note that officers were not aware of the possibility of restorative justice being delivered after the police had closed a case). Others noted that it could be hard to obtain victim buy-in. In one of the districts where there was a Victim Support Centre, it was assumed that the staff there encouraged victims to consider restorative justice. However, Victim Support at the time remained ambiguous about current restorative justice provision; they were concerned about the quality and safeguarding of volunteer-led services and offenders withdrawing from the process³³.

When asked how many times in the last 12 months they had referred a case to a community panel, a neighbourhood resolution panel, or a restorative justice provider, the vast majority of police officers in the focus groups (81.5%, n=22) said 'not at all', with only one person having done so over 6 times.

Cases involving young people

For young people, all cases involving out of court disposals (community resolutions and youth conditional cautions) were referred to the YOT. YOT staff then decided which cases were suitable for restorative justice and allocated cases to workers, who contacted all victims and offenders. They then undertook any restorative justice work, and notified the police once the case had been completed. The YOT staff worked closely with the police, and as was common nationally often had one or two police officers seconded to the YOT team, who acted as links to the wider force. As one police officer noted, the YOTs had been well funded and established for years and had staff who were trained in dealing with youth issues, something that naturally aided and encouraged restorative work (though this also could be considered to be in keeping with officers' views that restorative justice was best for younger offenders). When asked how many times in the last 12 months they had referred a case to the YOT, the majority of police officers in the focus groups (66.6%, n=18) said at least once, with 45% (n=13) saying they had done so twice or more.

³³ Victim Support (which shared senior personnel between West Yorkshire and South Yorkshire) were reluctant to make referrals to Remedi in the South Yorkshire region and made only 14 in 12 months.

Police officers could also refer low-level incidents, with no disposal yet reached, to the YOTs e.g. kids throwing eggs. Restorative justice could also be used in cases where the case against the offender had reached court. In such cases the police would make the YOT aware of this, and the YOT could then pursue the case. However, busy police officers often opted for the 'line of least resistance' (W5), which due to time constraints more often than not precluded them making an offer of restorative justice, they considered. One police officer expanded:

'If there's one issue with restorative justice from a police point of view is that it's time consuming. You can imagine that it's, without looking into either commissioned services or bringing the community and voluntary sector in, it's tremendously difficult for our officers to find the time to do it. And I think that's why in [district] we've got the first time entrance of young people into the criminal justice system is much higher than in other places, because I think our officers deal with young people and given three options, we can either do a community resolution which means I've got to think of some conditions and then record them, and see whether or not you do it or not, even if I don't follow up if you don't do the conditions. Same goes for conditional caution. Or, I can give a simple caution, which means that we just sign this off now and it's all done. A simple caution is a first time entrance. So, I think the line of least resistance for busy officers, given the cuts and everything is not to look at the more restorative stuff and to go down the line just doing what's quickest and easiest. Which obviously is not best for the victim and it's not best for the young person in the long term.' (W5)

Once cases reached the YOT, victims could request restorative justice if they wanted. However, YOT staff noted that this rarely happened as YOT staff tended to contact all victims as a matter of course.

For safer schools police officers, when there was an incident in a school, the school would telephone or email their designated officer, who would deal with the incident. Victim involvement in schools was the norm, with most pupils willing to take part in restorative justice. However, some offenders did not fully engage in the process. In such cases, shuttle mediation was facilitated. Equally, sometimes the victim did not want to do it. For issues that could not be solved informally, community resolutions and (albeit rarely) conditional cautions can be used. There was appreciation of the restorative justice work done in schools from outside the police, with one YOT worker saying that in schools across West Yorkshire, there was a lot of restorative justice happening with restorative justice a big part of what safer schools police officers were doing, though most of the restorative justice done in schools was informal and not recorded.

Safer schools police officers were fully trained in facilitating restorative justice, and unlike many officers on the street, had the time to do restorative justice. It was also noted that safer schools police officers tended to have much stronger relationships with pupils and their families than officers working outside schools had with the general public, which aided this type of work.

4. Practice and experience

Cases involving adult offenders

Although many police officers had had some form of restorative justice training (ranging from briefings to courses lasting several days), it was felt that most did not use restorative justice, with the majority of those in the focus groups never having done it before with an adult. It was often seen as something more suited to neighbourhood policing teams. In addition, police facilitation of restorative justice conferences was described as rare.

Police officers highlighted that, due to lack of time and capacity, and the fact that they tended to go from one job to the next, it was often much easier to bring someone into custody and charge them, or caution them, or take no further action, as opposed to facilitating restorative justice. Another officer added that often community resolutions were used as an appropriate disposal, but without any restorative justice element.

However, other police officers thought that most police officers had been effectively 'doing restorative justice' for years, but not under a formal provision or naming it as restorative justice, as they saw conflict resolution as the backbone of policing. In turn, they felt much of what was done on the streets was informal and not recorded.

Police officers also felt that practice varied considerably by area, with better practice where there was buy-in and a real understanding of restorative justice. Those working outside the police, however, added that it was difficult to assess the quality of the interventions that officers were conducting, due to their discretion, with council workers having seen both good and bad examples of restorative justice done by the police. One council employee noted:

'Where I think it's difficult, and I saw this first hand, because I actually went out on a scheme – the [city] division were offering a ride along scheme, so you could volunteer and go out and spend time with a police officer on a night of the week. And I went out on a Friday night and there was an incident that was, if you'd have stepped back and just read what had happened, that would have been absolutely prime for a restorative justice intervention, in my opinion. But, at the time, there was absolutely no way that those police officers could have even raised that with the individuals, because it just wouldn't have been appropriate. It could have inflamed things. So, I quite understand why you'd like to think that every police officer could act restoratively and deal with people with restorative dialogue. But, I think, realistically, they've got a job to do as well and that is to keep people safe and sometimes that might not be the top of the priority.' (W3)

Cases involving young offenders

Police officers were more likely to engage in 'street RJ' with young offenders than with adult offenders. They mostly used it for low-level incidents and anti-social behaviour, such as low-level criminal damage, shoplifting and fighting. One officer described it as a different kind of work, acknowledging that although it was easier to lock people up and follow a process, than spend time doing restorative justice, it was sometimes better to take that time, as (following restorative justice) some people never offended again. In addition, it was also better for the victim, as one officer stated:

'The victim feels more empowered that way, a little bit, because you've actually listened to them, you've taken them serious, you've taken positive action there and then. They think that obviously we are, we've dealt with it how they see fit and how they wanted it. And I feel that by doing it in an efficient timely manner, and everybody's present, they feel better for it.' (FG5)

However, many officers felt they were so busy going from job to job that they could not think about doing restorative justice.

In terms of restorative justice practice, almost half the police officers who took part in focus groups (48.1%, n=13) had thought of trying street RJ in the last 12 months, with 18.5% (n=5) having done it once, 25.9% (n=7) having done it 2-5 times, and 7.4% (n=2) having done it over 6 times.

5. Suitability (scenarios – offence and offender)

Cases involving adult offenders

Restorative justice was seen as something that would most commonly be used for low-level crime, less serious incidents, anti-social behaviour and neighbour disputes. Examples given of where restorative justice could be used included name-calling, threatening/intimidating behaviour, shoplifting, low-level criminal damage (broken windows and graffiti), drunk and disorderly, and common assault.

It was noted that the types of crime restorative justice could be used for were increasing (one officer pointed out that there was a time when you couldn't use restorative justice for hate crime). However, restorative justice would not be used for more serious crimes, such as violent and sexual crime, with restorative justice felt to be inappropriate for high risk domestic violence offenders. It was also less likely that restorative justice would be used for repeat offenders.

In terms of the scenarios given to the focus group participants, for minor shoplifting offences, most officers said that a community resolution with restorative justice could be used, but it would depend on what the shop owner wanted, the offender's previous convictions, and whether the offender had had a community resolution previously (they were only allowed to be issued once, unless the last one was for a different offence, a long time ago, or a sergeant had signed off the use of a community resolution). However, most officers felt that by the time people reached adult age, they were often

embedded in crime, or were committing offences because of other problems (such as alcohol and drug use) – in such cases the focus would be on dealing with the root causes of the offending (e.g. referral to treatment, often as part of a conditional caution). One officer said they would try to deal with a low-level shoplifting case informally, and not record it unless the shopkeeper wanted it recorded (e.g. to obtain a crime number).

In the case of an assault in a pub, officers said that it was important to find out what the victim wanted, but to also split up the parties, and remove the offender from the scene to prevent further problems (which might require an arrest). Officers would not start restorative justice there and then, as there had been violence and there was drink involved. However, if the victim wanted restorative justice, it could occur at a later stage, through either a community resolution or conditional caution, depending on the offender's previous convictions.

For the neighbourhood dispute scenario, officers thought that those types of cases could often be dealt with informally, perhaps through mediation, recorded as a problem-solving occurrence (not a crime – unless it was serious), with restorative justice being a last resort. Depending on the severity, officers said that they might consider issuing a harassment warning.

Cases involving young offenders

Restorative justice was seen as something that was applicable to all young people, for almost all types of crime. Young people were seen as more likely to be suited to restorative justice, as they were more likely to be first time offenders, with the police keen to avoid criminalising them at such an early stage in life. Examples of where restorative justice was commonly used included low-level criminal damage and assault, shoplifting, and even burglary and robbery, as well as more persistent offending. Similar offences were mentioned by safer schools police officers.

One YOT worker highlighted how their YOT were good at ensuring every victim had an equal opportunity to have restorative justice, if they wanted it, and that they had access to interpreters, where needed. Another YOT worker added that, although they never used to do restorative justice with sexual offenders, they now have workers who specialise in restorative justice in this area. However, in terms of restorative justice in schools, one safer schools police officer pointed out that there are some things restorative justice would not be used for, such as if a young person brought drugs or a weapon into school. This is because the school would probably be looking at a permanent exclusion in such cases.

For minor shoplifting offences by young people, some officers in the focus group felt that this offence could be dealt with informally, there and then, without the need for a formal disposal. For others, providing the case involved a first time offender and the victim wanted restorative justice, using restorative justice there and then (as opposed to a restorative conference, at a later date), as part of a community resolution, seemed appropriate. As a young person, they would automatically be referred to the YOT.

For a more serious crime, such as a burglary by a 17 year old, most officers would arrest, as it gave them the option of doing searches under section 18 of the Police and Criminal Evidence Act that could reveal further crime. Officers pointed out that burglary is a recorded offence (whether anything is taken or not), with some noting that restorative justice would be the last thing on their minds, as it could muddy the waters of an investigation and be problematic when trying to get a conviction in court. However, many officers thought that restorative justice could be done at a later stage (post-court), if the victim wanted to meet the offender.

6. Data and recording

Cases involving adult offenders

The recording of restorative justice by West Yorkshire Police is generally poor – something that is not easy to change. Crime is recorded on the Niche Records Management System. But, as one police officer stated:

'I think from our side, our data isn't accurate, it's completely wrong. And the ones that do have restorative justice on are not actually restorative justice, because it's an apology. CSP wise [name], I keep mentioning [name], I would imagine [that data's] fairly accurate. But, in the police side it won't be. And I think you have to, sort of, think that Niche was created, that's our crime recording, incident recording system, quite a long time ago now, 2005, when restorative justice wasn't really around. So, it wasn't on the list, we must have it on there. And it's kind of like an add-on. So, you would have to change the system, to add it on, and I can't remember how many forces are on Niche, but it needs to be more than 8 forces that want to change. And if the other 8 forces decide not to, it won't go on Niche, 'cause it's not like we can do our own internal changes.'

(W12)

To find out which cases included restorative justice, it was often said that a 'manual trawl' (W9), on a case-by-case basis, would need to be conducted, with it being likely that there would be cases where restorative justice was recorded but where there was no restorative justice actually done, as well as cases where restorative justice was done, but not recorded. In cases where restorative justice might have been used for anti-social behaviour or informally, it would generally only be recorded in log notes, if at all. In turn, determining which cases involved restorative justice was described as 'almost impossible' (W9). In addition, some interviewees were of the opinion that the majority of street restorative justice would not be recorded, and if it was, it probably would not be in a dataset, or anywhere searchable, more likely just jotted down in a pocket book.

To create a system that would cater for restorative justice, one officer said it would be necessary pretty much to start from a blank sheet of paper, although another officer pointed out that there were a lot of things that have nothing to do with restorative justice that the police would like to measure, but cannot do so. In addition, the more boxes officers had to tick, the less likely they would be to tick them. Similar findings exist in many countries, as for example in Northern Ireland (Shapland et al. 2016).

Council run adult restorative justice services had similar difficulties in terms of data, with the fact that restorative justice was being done at so many different levels something that made it difficult to record. It was noted that if one could find additional resources (e.g. staff to collect and analyse data), recording could be better. But there was a fear that this might be number crunching for the sake of it, whereas more importance should be given to good restorative practice. Where there were data, what was recorded was very much driven by what funders (e.g. the PCC) wanted to measure. In the limited number of areas where data were said to be collected, the research team was unable to access them.

Cases involving young offenders

Most YOTs recorded all cases of restorative justice. However, many pointed to problems with these data. In one YOT, although all restorative justice work was recorded, it was all case specific. So, in a similar way to police data, any analysis would require a case-by-case, manual trawl of individual files – a process that was described by someone who had done this in the past as a highly time consuming, 'logistical nightmare' (W15). They added that there was at the time of the research no way of pulling all of this information into one dataset, automatically. The interviewee added that it would be great to have a system which included tick boxes where restorative justice activity could be recorded, in one dataset. At the time of the interview, the YOT were having a new system installed, but they did not know if the new system would solve this problem.

Workers in another YOT said that, although restorative justice was recorded on the ChildView information management system and their own datasets, the data probably were not accurate. They added that cases that were started, but did not end up as mediation were not recorded at all, with a considerable amount of restorative justice work not recorded anywhere. A worker from another YOT added that the YOT had no idea what the police were doing in relation to restorative justice, and that their Victim Liaison Officers had found it very difficult to record restorative justice. They were pessimistic about improvement, indicating that it would be difficult to develop a system to record restorative justice, and any such system would need to be straightforward and easy to use, as YOT staff were already overburdened with recording things.

One interviewee noted that victims' experiences and satisfaction with restorative justice could be recorded better (e.g. through victim impact feedback), with someone from another YOT stating that it

would be good to have a tick box in the dataset showing if there was an interest in restorative justice from the victim/offender, for each case. It was also acknowledged that hard outcomes were difficult to record, because the facilitator often did not know if what they had done had made a difference, with behaviour notoriously difficult to measure, and often something that could only be done over a prolonged period of time.

Safer schools police officers experienced similar challenges. For offences serious enough to be considered crime, incidents were recorded on Niche, and as a result, such data suffered from similar problems to those discussed above, for adults. However for anti-social behaviour and other low-level incidents, which were not recorded in police data systems, there was no central database. In these cases restorative justice might only be recorded in the officer's notebook and/or on the school's own database, in individual case records, which might not even include the fact that restorative justice was done.

7. Barriers and challenges

Cases involving adult offenders

Raising awareness of restorative justice was seen as critical. The point was often made that victims could not ask for restorative justice if they did not know what restorative justice is, or that there were services available to them (as victims of crime), that delivered restorative justice. More often than not, whether they were informed about restorative justice was dependent on whether the police officer dealing with the incident brought it up. It was generally felt that many victims were not given this information – either because the officer did not discuss it with them, or the officers did not know about or understand restorative justice themselves. The need to improve officers' knowledge of restorative justice was seen as central to improving this. One area had produced leaflets for the police to give out, containing information about restorative justice services. However, how these were used was unknown, with the interviewee adding that leaflets were not really practical when dealing with incidents on the street, and that not every incident would have a police officer attend, in any event.

Restorative justice terminology was often seen as a source of much confusion among the police, with different areas having different names for the same types of restorative intervention, and the same names for different types of restorative intervention. As one officer said:

'For me the title of it doesn't really lend itself to sort of being understandable, I think. I think that it sounds quite complicated, for whatever reason. I don't think it necessarily says what it actually is. So, I think that's a part of it. You know, we looked at the neighbourhood resolution panel. We don't call it that any longer, actually. It's probably more of a restorative justice panel that we call it. And we changed the neighbourhood resolution panel, because the suggestion, almost by that title, was that it was to do with neighbours, as opposed to the fact that actually it can be to do with any crime at all that restorative justice can be used. So, that aspect of it, I think it sounds an awful lot more complicated than it actually is.' (W4)

Many argued that the police simply did not have time to engage in restorative justice, because they are task-orientated. Due to the nature of the job and pressure to attend the next incident, they tended to go from one incident to the next. It was felt that recent cuts to police budgets had worsened these pressures. Better partnership working and facilitating easy access to restorative justice services provided by external agencies (e.g. councils and the third sector) were seen as key to overcoming many of these barriers. However, one interviewee added that it was important not to involve everyone in restorative justice, and cause unnecessary confusion. This, it was felt, could lead to a fragmented and 'messy' system (W3).

Having buy-in from the top of the organisation was viewed as critical, including continued funding and support from the PCC and community safety partnership. It was felt that without such funding, restorative justice services might not survive. Similarly, for the police, the less police personnel there were on the frontline, the less likely they would be to take on things that were seen as 'extras'. However, others pointed out that cuts could often have the opposite effect, forcing people to think in a more problem-solving manner, which could help facilitate innovation and collaborative working, and lead to increased use of interventions such as restorative justice. Others were of the view that even the smallest things require financing, from producing leaflets to advertising. Only having the capacity

to do the essentials was seen as something that could restrict the growth of initiatives like restorative justice, which was felt to be often resource intensive.

Having restorative justice provided directly by police divided opinion, with some questioning whether police should be delivering restorative justice at all. Police culture, including a culture valuing detection and the idea that the police's role is to arrest and punish, was often cited as something that could be difficult to change. A related point was raised by Victim Support who felt the Victim's Code was misguided to promote police-led restorative justice, since their priorities could not be focused on the victim on initiating quality restorative justice:

'There are many things that are good, and many things that are wrong with the new Victim's Code. One of them is that it states that the police must offer restorative justice. But when are they meant to do that? When they are taking the witness statement? When they are managing the offender? I just don't believe that's the right time to be doing it. And also, they might not have even caught an offender, so you're raising expectations there straight away. I do have concerns about the victim here, I think victims are getting lip service.' (W14)

A number of officers from different areas pointed out that they felt they were not as good at doing restorative justice with crime of a medium level of seriousness, as with low-level crime and more serious crime (often dealt with by the Integrated Offender Management Team). The Integrated Offender Management units, who dealt with more serious offenders, had officers trained to deliver restorative justice – notably in Kirklees (though this tended to be delivered post-sentence).

In more diverse areas, language barriers were said often to cause difficulties. In one restorative justice 'Hub', it was noted that volunteers working for the service spoke a total of 12 different languages between them. However, it was felt that this issue caused more difficulties for police officers on the street where 'street RJ' could potentially be used, than for those in a restorative justice 'Hub' providing conferencing, where an interpreter could be arranged. In the national evaluation of restorative justice, interpreters were used in quite a number of cases without difficulty, though it did take time to arrange for them to be present (Shapland et al. 2011).

Cases involving young offenders

In terms of young people and restorative justice, whether police officers should be delivering restorative justice was also questioned by other agencies, because police often were seen not to have the time or resources to do such work properly, and were seen as having a different approach to that required of restorative work. YOT staff saw themselves as much better equipped to do restorative justice, with the time, knowledge and capacity to do what they considered good, worthwhile restorative work.

However, resources and capacity at YOT level were also often seen as a challenge. Though money, time and resources had been invested into things including staff training, it was argued that maintaining and developing the skills of frontline workers, through continued training and supervision, was a critically important aspect of ensuring consistency and 'protecting your investment'. In another YOT, where budgets had been cut, the wider team had been unable to replace staff that had left, due to cost. This has meant that there was a real risk that restorative justice staff would be redeployed to business critical roles, as the YOT's statutory work had to come first.

YOT staff commented that delivery of restorative justice could be difficult if there was no named police officer in the area whose role it was to champion restorative justice. It could be a challenge for YOT staff to obtain access to officers, and when they did, have enough time with officers to help them develop a good understanding of restorative justice. Where police officers were trained in restorative justice, they were often expected to drip feed that training to other officers, when what was needed, it was felt, was more widespread and continued training, as well as mechanisms for sharing skills and experiences. It was pointed out that YOT restorative justice services had increased leverage with the police if they had a police officer seconded to their team. For those without this, lack of police contact often resulted in referrals dropping off after time. In addition, it was noted that PCC funding was also a means to leverage within the police, as it made the YOT less of an outsider.

Buy-in was seen as essential for restorative justice to work, and a major challenge if not obtained. One YOT worker said that, when they first came to the YOT, from probation, they were none the less

of the opinion that they were only suitably trained to deal with offenders not with victims. They added that it was not until restorative justice was seen to be working that you could see how well it might work and all the benefits it might bring. However, YOT staff also noted that it was essential that there is organisational buy-in at the top, from the senior management team, and support for restorative justice and victim work generally throughout the organisation. Safer schools police officers added that one of the biggest challenges was getting people to believe in restorative justice, and not see it as a soft option.

8. Professional opinions on restorative justice

Cases with adult offenders

Staff in restorative justice services really believed in restorative justice and were generally happy about the progress they had made to date. However, they recognised that, although the will and the mechanisms in some areas were already in place, there was still a long way to go in the adult arena, before becoming truly restorative districts, and that practice at policing level could be dramatically improved – both in terms of street RJ and referral to external agencies.

There was a general consensus that police officers' views of restorative justice were mixed. Some officers worked hard to support people going through restorative justice, whereas others were thought to be treating victims of crime in the same way as offenders, and being part of the 'hang it and flog it brigade' (W3). They were keen to point out that it was not just officers who had been in the police for a long time, who could be reluctant to see restorative justice positively, with some new recruits seen as joining the force simply for the power and status – something that respondents felt was not going to go away, unless one radically changed the way the country is policed, at a national level. Because of this, restorative justice practice was often seen as something that was 'done around the edges' (W5), with changing police culture viewed as a mountain to climb.

It was thought that one of the reasons some officers saw restorative justice as a waste of time was because, when they did refer cases, they did not see what happened to them afterwards. Others felt that there were officers who just referred cases to get them off their caseload, not because the case was suitable, the officer who made the referral had a good understanding of restorative justice, or that it was the right thing to do. However, other police officers felt there were many officers who did value restorative justice. One police officer noted:

'It'll be seen as being pink, fluffy, wishy washy, liberal, alternative to justice, slap on the wrist, that we're actually doing because we can't afford to deal with criminals properly. And I think there are some senior officers that would have that view. But, that would be doing a massive disservice to an awful lot of intelligent people at all levels of this organisation, who can actually see that the benefits are real and proven elsewhere in the world. And that it's something we need to get on board. And we need to change the culture.' (W5)

It was highlighted that officers needed to know why they were doing something and the benefits of it, with those who have seen how restorative justice works more likely to use it. But, at the same time, it was also noted that many officers struggled from a practical and process perspective, as they were constantly moving to the next incident, and just did not have the time to do restorative justice. This was seen as against the backdrop of the role of the police constantly evolving, with continually changing priorities, ways of doing things, targets and pilot schemes, meaning that restorative justice might not be at the top of their list of things to do.

At the time of the interviews, one council run restorative justice scheme was in the process of making a DVD about restorative justice, which included the experiences of someone who successfully went through the process (as part of a conditional caution, for hate crime) and got a lot out of it. It included the perspectives of the police officer who made the referral, the manager of the restorative justice service, a volunteer coordinator, and a representative from the hate crime unit. It was intended that the DVD should be used for training purposes, in order to show police officers how well restorative justice can work, in the hope it would increase its use.

Cases involving young offenders

YOT staff and safer schools police officers talked very passionately about the use of restorative justice and believed in it as a way of ensuring that victims' and offenders' voices were heard. Many had also had the benefit of seeing the impact it could have on young people, and the benefits for victims, as well as how it could change the behaviour of offenders. It was very much seen as part and parcel of what they did and was engrained in their philosophy. In addition, safer schools police officers had the benefit of knowing the pupils personally – a relationship most patrol officers were less likely to have with those they dealt with. This was seen as advantageous to restorative work.

However, some officers were reported to have no idea what restorative justice is, even in areas where YOT staff had spent years briefing officers about it. In addition, officers who had been in the force for longer were it was thought reluctant to change – not seeing restorative justice as part of their role, and often viewing it as a 'cuddly' (W6), soft option, that would not make a difference. As one YOT interviewee stated:

'I think they have a vague understanding that it's about putting things right with the victim and doing reparation. I think they get that it's finding out what the victim wants. I don't think they understand how to truly do that. And I think, I hate letters of apology. I think they, I think because of how police officers have been trained, and I've talked to officers about this, and said "why is this not working?", and they want to be told what to do and given a list of options. If they're given a piece of paper with a list on, that's fine – which of those would you like? That they can do. But, if they're given a lot of freedom, they're not comfortable with that. That's what somebody told me, that it was, they wanted to be directed. They're trained to be directed, and that's what they require. So, if we, I was told if you go out and give a briefing, give them a piece of, give them a form to refer it on, tell them exactly what cases to refer and you'll get referrals. But, if you're asking people to just talk and get victims and offenders together they, well I was told, you can forget it. It's not going to happen.' (W8)

In relation to YOTs, one member of staff stated that everyone who sees restorative justice work, thinks it's great. However, many of these people were support workers, not managers and those in more senior positions. They wished more senior members of staff/leaders could see restorative justice work and support it, in order to help drive it forward.

9. The wider context (methodological and policy/practice related)

In West Yorkshire, there was an appetite for developing and expanding restorative justice services that already existed, and establishing services in areas where there was no provision, as well as increasing police referrals to these services – particular where adult services were concerned. This momentum was developing in parallel with the implementation of a restorative focus by Children and Family services across Leeds, as well as the adoption of restorative methods and approaches internally within some schools³⁴. Leeds City Council also articulated a commitment to seek to be a 'Restorative City'. In addition, the local authority in Leeds had a restorative team, had produced literature on the topic (including a one minute guide to restorative practice³⁵) and offered restorative practice training as part of its Family Valued Innovation programme³⁶. At the time of the research, there was, however, some disparity in priorities between different districts in West Yorkshire in relation to restorative justice.

The police force was keen to ensure that such services were accessible and available to all who needed them, and that there was consistency throughout the force, and hence between different districts. Although there were, at the time of the research, no restorative justice leads for the individual districts in West Yorkshire Police, this was something that was being proposed. More broadly, the recommendations of the Restorative Solutions (2016) report were being given due consideration as to how the 'inconsistent' provision of restorative justice might best be addressed and how lessons from the pockets of good practice where more 'mature services' exist might be disseminated and implemented more widely across the force area.

³⁴ Notably restorative practices have been adopted in Carr Manor School in Leeds (see <http://www.carrmanor-pri.leeds.sch.uk/restorative-practice/>).

³⁵ At <http://www.leeds.gov.uk/docs/Restorative%20Practice.pdf>

³⁶ At <http://www.leeds.gov.uk/docs/RP%20training%20leaflet%20FINAL.pdf>

5. Developing restorative policing – some emerging conclusions

The key aims for this stage of the 'Developing restorative policing' project are to research what is currently being provided in each police force area and then to consider what might enable best practice in both the offer and provision of restorative justice. We have found that currently not only does restorative justice provision vary between the three forces, but also it differs, for historical reasons, between council areas in each force. There are, however, some general themes in relation to the development of restorative justice which have emerged, both in the experiences of the three forces and in Belgium and Northern Ireland (from our comparative study: Shapland et al. 2016).

Some of these general themes will be familiar to anyone who has been involved in delivering new or innovative services related to criminal justice in England & Wales (and indeed, in most cases, anywhere in the world). They include the needs for:

- Committed leadership
- Planning which has considered the likely uptake of the service and its geographical spread
- Sufficient resources secured for a reasonable period to deliver the service, given the scale of the initiative
- Effective partnership working, with sufficient common ground between the partners on the aims of the initiative
- Agreements to facilitate the transfer of relevant data/information to those delivering the service
- Training and supervision for those required to deliver the service
- An information drive so that those to whom the service is to be delivered know about it.

All of these apply as much to restorative justice as to other criminal justice initiatives. Indeed, they are cornerstones of the government's implementation action plan for restorative justice nationally (Ministry of Justice 2012) and of the lessons learned from the evaluation of the three large restorative justice pilots in four police forces (Shapland et al. 2011, chapter 3).

There are, however, some specific matters to do with restorative justice and criminal justice and it is on these that we concentrate in the first part of this chapter. They centre around the unfamiliarity of restorative justice to the public and to many criminal justice staff; the need to reach out to members of the public (victims and offenders); and the considerable skills needed to deliver good quality restorative justice in more serious or complex cases. It is also necessary to bear in mind that criminal justice is sometimes reluctant to change its procedures and practices, stemming from the need for certainty and authority in delivering responses to criminal matters, and the sheer complexity of the criminal justice system in England & Wales (Shapland et al. 2011). This shows up in the difficulties experienced in making referrals to other agencies, where the case relates to only a small part of the work of the referring member of staff and so is relatively rarely encountered. This has been an ongoing concern in all work on restorative justice. It is often simply easier (even if not better, or more effective) for that member of staff to proceed down the well-trodden path of prosecution and conviction, than to divert or to add a parallel track which will benefit victims or offenders. Yet the requirements on the police from the Code of Practice for Victims (2015) and the EU Victims Directive (2012), reiterated in the Justice Committee (2016) report, are unequivocal: all victims should be informed about the availability and thus the nature and scope of restorative justice (Code of Practice para 7.3). Moreover, victims of young offenders should be offered by the YOT the chance to take part in restorative justice (note, not just restorative practices) where it is available (Code of Practice para 7.4).

In the next section, we outline a set of requirements we feel need to be present in order for victims to be informed about restorative justice and for it to be offered. We start from the simplest – that there has to be some provision in the local area – and proceed to consider the following, from our fieldwork:

- A. The **structures** for delivery of and referral to restorative justice
- B. Creating **sufficient awareness** of restorative justice amongst the public and police staff

- C. Taking into account any **cultural barriers** affecting delivery of restorative justice
- D. Problems in **delivery processes** in the three force areas.

At this point in the project, because we are looking to formulate suggestions for action, our analysis focuses on the problems, rather than the instances where practices and procedures are operating well: This may seem a little negative as an approach, and it is clear from the three previous chapters that there is much to celebrate in each area - but moving forward, we think, requires acceptance of the challenges and the will to find solutions.

A. The ability and capacity to deliver – structures for delivery/referral

There has to be some robust and sustainable structure through which to deliver restorative justice for individual cases, and suitably trained people to facilitate restorative justice. This is so whether the delivery be within the police, or through external agencies (YOT, council or provider). At the time of the research, there were structures in place in many areas, but they did not yet seem entirely developed and operational in all. Moreover, as detailed in the individual chapters, services were not available in relation to cases involving young offenders and cases involving adult offenders in every district of all three forces. This means that the 'offer' to victims of restorative justice could not be made everywhere or in the same way. Because of the roles of local authorities, YOTs and community safety partnerships in provision of restorative justice services in some areas, it was not always clear whether development should be driven at force wide or at local authority district level.

B. Sufficient awareness of restorative justice amongst the police (and public who could request as either victims or offenders)

Currently this was found to be patchy amongst police officers/staff everywhere. There needs to be training in what restorative justice is, the principles that inform it and the research evidence that underpins this. It is likely this training will need to be repeated and promoted on an ongoing basis, even for staff who have engaged in restorative justice training previously. This repetition and deepening awareness has been found to be important among restorative justice providers in many countries. There also needs to be sufficient awareness amongst officers either to do restorative justice themselves or to refer to others (and where to refer to). Some relevant officers will also need to be trained to 'Level 2' standard (able to facilitate conferences).

Public awareness of restorative justice, despite several campaigns, was still not strong (but then research has shown that public awareness of mainstream criminal justice procedures beyond police actions is also very lacking – Roberts and Hough 2005).

The (mis)use of the term restorative justice to cover a range of activities/interventions/ sanctions that do not accord with restorative justice principles can serve to confuse officers and the public.

C. Cultural issues which act against the delivery of good practice restorative justice

There are a number of cultural barriers and issues which tend to make it more difficult to offer and to deliver restorative justice, both by the police themselves and by means of referrals to other providers. Some of these are rooted in police culture; some are the result of specific trends in England & Wales criminal justice; and some are the effect of recent austerity measures. The pattern was not the same throughout the three force areas, so we have indicated where we think it is most prevalent.

1. Response officer views that they needed to finish jobs quickly and get on to the next job meant they were often passing on anything that needed further work/a return visit, rather than adopting a problem-solving approach themselves. Those to whom a case was passed on might not have sufficient information or knowledge about the parties to consider restorative justice. This tendency (which has always been part of response officer culture) had probably been exacerbated by recent austerity measures, which might also have affected the capacity to respond of those to whom the case was passed on. This tendency was not universal but was seen in parts of all three forces.

2. There had been reductions in neighbourhood policing and dedicated officers for specific areas. Hence, more cases were being dealt with by response officers, who necessarily had some disconnect with the neighbourhoods and people they were dealing with and rarely had established relationships to the same degree as had neighbourhood policing teams (i.e. in South Yorkshire, some of West Yorkshire, and less in parts of Humberside)
3. There had been reductions in the number of dedicated schools officers (notably in Humberside and South Yorkshire and less so in West Yorkshire) - schools officers, particularly because schools themselves were promoting restorative justice, tended to be islands of expertise.
4. Prosecution was seen as the line of least resistance for officers (as it did not require complicated paperwork; officers were familiar with what was required; it did not require checking with supervisors – community disposals did not have the possibility of using electronic forms) – this was so across all forces.
5. Restorative justice was largely seen as only relevant for minor offences and young offenders. Officers had very little awareness of how it could be offered later on in the criminal justice system (e.g. post-sentence) or in parallel with prosecution, or for serious offences. Hence many officers did not see it as their job to undertake the important groundwork for possible restorative justice responses or see it as their responsibility to promote restorative justice (across all three forces).
6. Restorative justice delivery by any agency which is not part of and/or co-located with the police can be a barrier, as was found in our fieldwork, simply because police officers and staff can forget about its availability and will have a lack of knowledge of how it works (all forces). Because a police force is a large and complex organisation, some staff will be unaware of new initiatives, even if they are co-located (e.g. the restorative justice 'Hub' in South Yorkshire for post-conviction restorative justice referrals).
7. There is a need for leadership in championing restorative justice throughout the police organisation, both from the top and in local areas, because of the lack of awareness, such that it is not only promoted in dedicated units/hubs.
8. Some officers did not seem to be aware of the need to give sufficient weight to the role of victims, including the need to consult victims as to their preferences regarding involvement in restorative justice, and the need to take the lead from victims' wishes for (or against) the use of restorative justice.
9. There had been little use of restorative processes within the police organisation internally (e.g. regarding complaints, discipline and conflicts – however, we believe there has been some development in this regard in Humberside in Hull and East Riding councils). Hence restorative justice processes and restorative practices had not impinged centrally on the police officer's job, such that restorative justice could be seen as part of a wider approach to problem/conflict solving
10. Internal police policy documents had tended to conflate restorative justice with other processes which are not restorative on occasions. This bred confusion amongst the police and others as to what restorative justice really is. Examples included Operation Sodium in Humberside; South Yorkshire scrutiny panel cases including all community disposals as restorative justice; advocacy of civil processes in South Yorkshire; and victim awareness courses. A common misconception was that police officers giving young offenders a telling off in front of their parents/peers/the general public (with no involvement from the victim) constitutes restorative justice.
11. There were still some issues with information sharing to restorative justice providers, though these tended to be not provision of victim contact details per se, but wider information sharing (e.g. whether YOTs were informed about when community resolutions were given).
12. Some police officers had views as to the offenders for whom restorative justice might be suitable, particularly that restorative justice is especially suitable for those coming from a

'good background' and less suitable for those who are 'dragged up'. There is no research evidence to support this. It does, though, reflect and confirm much earlier research which showed that the police were more likely to divert those from good backgrounds.

13. There was some undue focus on compensation or restitution for restorative justice for adult offenders in police views (i.e. they were not valuing apology or explanation or answering questions from the victim perspective).

D. Problems in delivering restorative justice – the processes

- a) Short-term funding and consequent churn amongst restorative justice providers were making it difficult to retain staff and for staff to put energy into developing the service.
- b) Short-term competitive funding, added to the need for multi-agency funding to deliver restorative justice, was exacerbating problems in forming one-to-one relationships between staff from different agencies to solve communication and visibility difficulties (note the difference between the long-term development of community forums/council-based services and contracted service delivery). Competition between service providers could also be unhelpful.
- c) Across all three forces, the number of referrals to providers was low (the same was found in our comparative research in Belgium and Northern Ireland), compared to what providers considered the demand from victims might be, so the referral process itself was clearly being found difficult for the police, even where cultural approval of restorative justice was high.
- d) The proportion of direct victim/offender meetings in restorative justice was low (notably among YOT and community panel caseloads (where relevant) in all three forces). This was possibly due to uncertainty or lack of confidence among facilitators, or possibly to victim disinterest because the offer was made too long after the offence occurred for minor offences, at which point the victim just wanted to move on.
- e) There were difficulties in working with prisons (in Humberside) – there was a need for work to create and build up protocols.

Possible solutions

We have set out quite a long list of difficulties above, but there is a need to focus on a small number of potential solutions, which might tackle several of these problems, rather than attempting to sort out all at once. We have seen from the comparative study of Belgium and Northern Ireland (Shapland et al. 2016) that it is possible to change attitudes to restorative justice and about what are suitable cases for restorative justice at the police level and amongst the public relatively quickly (a few years). Hence in the suggestions below we have concentrated upon processes and delivery, rather than awareness raising per se. So, what might be some solutions?

1. Encouraging police to make the 'offer', particularly to mention restorative justice as a possibility to victims

Providing that some means to deliver restorative justice are present in the local area, the key element highlighted in the Code of Practice is that victims should be made aware of restorative justice. Obviously this means that the police know what restorative justice is and what means are available to take it forward if the victim is interested. We do not think that officers can be expected to remember all the details, so they need some form of prompt card or leaflet which can be left with victims (we are aware of the bulk of items which officers do need to carry):

- a) Providing means to make 'a clear offer' which incorporates good practice (South Yorkshire used to have cards for officers to be left with victims to do this, but they ceased being available) – as the first point of contact the police have a vital role to raise awareness of the options available, without raising expectations;

- b) Working towards having easy to use, electronic means to record use of restorative justice, particularly in community resolutions, and also make referrals

2. Encouraging decentralised sources of expertise within the police

As provision of and demand for restorative justice increases, there will be a need for officers and staff to have someone based near them who is identified as a source of advice and expertise with whom they can discuss relevant cases, and who is trained in and knowledgeable about restorative justice:

- a) We suspect it may be helpful to have a designated safer schools/schools liaison police officer for each secondary school, to work with those schools and the YOT and also to be trained to carry out restorative justice. There could also be a designated officer for a number/cluster of primary schools.
- b) We think there should be restorative justice 'champions' based in each main police station, who are trained to help and encourage officers to make appropriate referrals, and act as a single point of contact for officers with cases potentially suitable for restorative justice, and who can carry out restorative justice themselves – i.e. that there is a need for specialised expertise locally within the police. The 'champions' should also foster close relationships with restorative justice providers external to the police, such as community/neighbourhood justice panels and voluntary sector providers. The 'champions' might be warranted officers or staff.

3. Basing referral 'hubs' within the police

Given the difficulty of making individual referrals, which seems to be endemic to both restorative justice and all other complementary paths in criminal justice, the best solution is to work from an already existing list of cases. This is the principle behind Remedi's work post-conviction in South Yorkshire (working from guilty pleas at court). Ideally, a similar mechanism would exist far earlier in the process for all crime. However, that would overwhelm the existing personnel and concentrate effort on contacting victims, rather than delivering restorative justice. If a referral model is to continue, then it needs to be properly situated and resourced:

- a) Currently, the 'Hub' doing referrals to Remedi in South Yorkshire for post-conviction work for adult offenders is based within the police, staffed by an individual with restorative justice expertise, as is done in Leuven, Belgium. There is no such 'Hub' for pre-court work or diversionary referrals for adults to other providers – should there be? There is not a staffed 'Hub' in Humberside or West Yorkshire – would this be helpful?
- b) Could the 'Hub' staff develop into a central 'centre of expertise' to support decentralised restorative justice champions?
- c) YOT structures are currently the subject of a national review, so it is not clear at the time of writing whether they will remain bounded by their current local authority areas, or whether some may merge. Given changing priorities with young offenders, what is the best structure and means of operation for young offenders for the police and YOTs to work together to deliver restorative justice?

4. Providing leadership for culture change and awareness raising

None of the above can be quickly implemented or work unless there is strong leadership at force level, echoed by practical support and words by local leadership. Hence there is a need to:

- a) Promote the use of restorative practices throughout the organisation, including in areas of conflict such as employment, discipline etc.
- b) Promote restorative justice-related success stories and the work of 'champions' within the organisation.

Appendix with relevant criminal justice statistics

The national provision of statistics relevant to restorative justice and restorative policing is very patchy. We are able, though, to provide some recent figures on community resolutions (though not whether they contained restorative justice), Youth Restorative Disposals (which are mostly no longer used), and first-time entrants to the criminal justice system, as well as Crime Survey for England and Wales data on whether victims would wish to have restorative justice.

Community resolutions

Table 1 details the numbers of low-level outcomes in our respective police force areas over twelve months in 2014/15 alongside the total number of recorded offences (Allen 2015). Clearly community resolutions are one of the most popular out-of-court disposals. In all areas community resolutions accounted for around 3% of all recorded offences (in Humberside and West Yorkshire the rate was 3.1% and in South Yorkshire it was 3.4%: the national average is 3.3%).

Note that the Home Office only began centrally collecting data from forces on community resolutions from April 2014, and published national figures for the first time in July 2015. It is not possible to verify what number/percentage of these disposals included restorative justice.

Table 1. Numbers of low-level outcomes by police force area in 2014/15

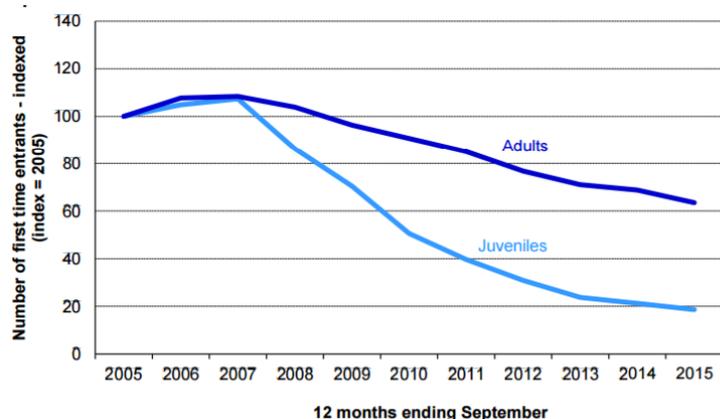
Numbers								
Police force area	<i>Total recorded offences</i>	Number of outcomes recorded in 2014/15 by outcome type						
		Charged	Caution youths	Caution adults	TIC	PND	Cannabis/Khat warning	Community resolution
Outcome type		1	2	3	4	6	7	8
Humberside	66,363	11,721	284	1,340	505	378	402	2,079
South Yorkshire	93,466	15,503	786	1,851	1,074	941	624	3,261
West Yorkshire	157,872	22,200	1,069	4,772	4,145	758	790	4,912
Yorkshire & Humberside	352,318	56,751	2,458	9,106	5,890	2,260	2,463	12,354
ENGLAND & WALES	3,580,638	596,179	20,115	123,559	23,620	33,961	46,697	117,168

Source: Allen (2015)

First time entrants

A first time entrant (FTE) to the criminal justice system is an offender resident in England and Wales at the time of the offence, who has been recorded on the Police National Computer (PNC) as having received their first conviction, caution or youth caution. The number of First Time Entrants (FTEs) to the criminal justice system has fallen substantially since its peak in 2007 – see Figure 1 below (from Ministry of Justice 2016b). The decline has been much sharper for juveniles than for adults since 2007. During the 12 months ending September 2015 the decline slowed slightly for juveniles.

Figure 1 Change in number of juvenile and adult first time entrants to the criminal justice system, 12 months ending September 2005 (index=100) to 12 months ending September.



We can also look at the number of first time youth entrants by district in the Yorkshire and Humberside regions (see Table 2 below). As in Figure 1 there was a consistent downward trend after 2007. In most years the county average was higher than was the national average in England and Wales. There is substantial variation *within* the region with most of the cities/urban areas (i.e. Leeds) having higher rates than the more rural areas (e.g. the East Riding of Yorkshire).

Table 2 : Rates of juveniles receiving their first youth caution or conviction by District Yorkshire and Humberside 2005-2015 (number of offenders) (Ministry of Justice 2016b)

	12 month period to the end of September										
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Local Authority											
Barnsley	2,108	2,521	3,023	2,349	1,587	1,186	953	916	794	642	434
Bradford	2,669	2,574	2,228	1,492	1,367	778	710	536	433	512	425
Calderdale	1,959	2,200	2,289	1,500	1,159	781	683	458	367	445	386
Doncaster	2,115	2,567	2,228	1,996	1,708	1,132	903	694	562	669	548
East Riding of Yorkshire	1,576	1,761	1,939	1,555	1,361	1,391	758	661	384	338	233
City of Hull	2,205	2,166	2,378	2,176	1,655	650	882	790	691	390	367
Kirklees	2,241	2,683	2,253	1,438	1,349	940	790	420	340	483	325
Leeds	2,821	3,368	2,820	2,055	1,633	1,224	990	667	577	616	516
North East Lincolnshire	2,378	2,201	2,735	1,669	1,566	614	620	869	537	471	465
North Lincolnshire	2,076	2,328	2,398	1,724	1,224	772	603	525	443	294	278
Rotherham	2,028	2,185	2,375	1,819	1,294	609	545	465	534	567	463
Sheffield	2,335	2,309	2,473	1,883	1,670	1,043	593	440	392	565	523
Wakefield	2,188	2,699	2,510	1,573	1,487	465	475	449	304	336	348
Yorkshire and the Humber	2,201	2,376	2,383	1,757	1,465	919	743	573	462	495	426
England & Wales	1,884	1,973	2,021	1,627	1,328	957	758	594	462	419	370

Youth Restorative Disposals (YRD)

The Youth Restorative Disposal (YRD) was piloted in eight police forces in England and Wales between April 2008 and September 2009 (one Police Force dropped out during the pilot, reducing the sample to seven). Developed by the Youth Justice Board (YJB) in partnership with the Association of Chief Police Officers (ACPO), the Department for Education (the then Department for Children, Schools and Families (DCSF)) and the Ministry of Justice, it aimed to offer operational police officers and Police Community Support Officers (PCSOs) more discretion.

Overall, across the seven pilot areas 4,355 YRDs were issued between April 2008 and September 2009 (Rix et al. 2011). These ranged from 19 in the East Midlands (mixed urban/rural) area and 207 in the North West (rural) area, to 1,183 in the South West (mixed urban/rural) area. It was typically used in cases of theft, followed by assault and criminal damage.

Each police force pilot area administered their own victim satisfaction survey. Satisfaction levels were very high where measured. For example, data collected by the East (rural) area via a survey showed 89% of victims and witnesses who responded gave a positive response.

The YRD was not rolled out nationally, although some areas continued to use it after the end of the pilot. In Wales, The All Wales Youth Offending Strategy 2009-2011 set out proposals to roll out the YRD in Wales. Since then, community resolutions have been introduced nationally and essentially fill the same purpose as the YRD.

A Youth Justice Board evaluation (Rix et al. 2011) of the pilots found that:

- The YRD worked best and usage was highest in forces or areas where the YRD was part of a broader strategic approach to restorative justice within the criminal justice system more widely, and that it worked less well where it was a one-off, localised initiative.
- Successful implementation depended on having a suitably trained cadre of officers.
- The YRD was seen by those interviewed as having long-term potential to release officer time. However, it did require initial investment, most notably through the training of officers and the provision of on-going support.
- There was a feeling among those interviewed that the YRD should be rolled out nationally as it had the potential at the time to provide an important missing option in the sanctions toolkit.
- Those interviewed suggested that some consideration needed to be given to shifting the balance in the eligibility rules from a young person's previous offending behaviour to the offence in hand and its context.
- Police and YOT officers' training needed to be kept to the highest standards. As the main value of any restorative justice intervention depends on the quality of the process, good training would need to be augmented by quality assurance to prevent the YRD becoming a 'ticketing' exercise.

Other out of court disposals

The use of out of court disposals (excluding community resolutions) has decreased steadily since 2007 (Ministry of Justice 2016c). In 2015, numbers decreased, with 211,900 individuals issued an out of court disposal, a decrease of 61,800 (23%) compared with 2014, and of 451,700 (68%) since 2007.

The observed decrease in other out of court disposals was driven by a number of factors including the introduction of community resolutions, and the restriction of the use of PNDs to adults only from 8th April 2013. In addition, there has been a net decrease in police recorded crime across England and Wales between 2003 and 2015 (although this has increased since 2013) and in police stops and searches since 2010/11.

Cautioning rates have fallen for all ages and offence groups. The overall cautioning rate in 2015 was 15%, which was a decline from a peak of 31% in 2007. The cautioning rate for juveniles was higher, at 40% in 2015.

Crime Survey for England and Wales – victims' views on restorative justice

The most recent data from the Crime Survey for England and Wales (Office for National Statistics 2016) show that in 2015-16 only 4.2% of victims of crime where the offender was known to the police recalled being offered restorative justice. This question was introduced in 2010 and has consistently shown that fewer than 10% of victims reported having been offered restorative justice. Table 3 provides the details and also shows that around 23% of victims would have accepted an offer of restorative justice if they had been given the option.

Table 3: Restorative Justice Questions, year ending March 2016 - Survey for England and Wales

England and Wales	Adults aged 16 and over
	Apr '15 to Mar '16
	Percentage of incidents
Proportion of incidents where victims were given an opportunity to meet the offender²	
Yes	4.2
No	95.8
Unweighted base - number of victims where the offender was known to the police	944
Proportion of incidents where victims would have accepted the offer to meet the offender if offered⁴	
Yes	22.9
No	71.4
Don't know	5.7
Unweighted base	6,669
Proportion of incidents where victims received reparation^{5,6}	
Yes	4.0
No	94.4
Don't know	1.5
Unweighted base	951

1. Source: Crime Survey for England and Wales, Office for National Statistics

3. Question only asked of respondents who were given an opportunity to meet the offender.

4. Question only asked of respondents where the matter did not come to the attention to the police, the offender was unknown to the police, or if a meeting with the offender was not offered.

5. This question was introduced in April 2014.

6. Question only asked of respondents where the offender was known to the police.

References

- Allan, J. (2015) *Crime outcomes in England and Wales 2014/15*. Statistical Bulletin 01/15. London: Home Office.
- College of Policing (2015) *Crime Reduction Toolkit: Restorative Justice (RJ) conferencing, and Victim Offender Mediation*, at <http://whatworks.college.police.uk/toolkit/Pages/Intervention.aspx?InterventionID=24> and <http://whatworks.college.police.uk/toolkit/Pages/Intervention.aspx?InterventionID=30> respectively.
- Department for Children, Schools and Families (DCSF) (2009) *The Steer Report, Lesson learned: a review of behaviour standards and practice in our schools*. London: IOE.
- European Commission (2012) *Directive 2012/29/EU of the European Parliament and the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA*, at <http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:32012L0029>
- Her Majesty's Inspectorate of Probation (2016) *Referral orders – do they achieve their potential? An inspection by HM Inspectorate of Probation*. London: HMIP, at <http://www.justiceinspectors.gov.uk/hmiprobation/wp-content/uploads/sites/5/2016/07/Referral-orders-do-they-achieve-their-potential.pdf>
- Hopkins, B. (2004) *Just schools: a whole school approach to restorative justice*. London: Jessica Kingsley.
- House of Commons Justice Committee (2016) *Restorative justice*. Fourth report of Session 2016-17. HC 164. London: House of Commons, at <http://www.publications.parliament.uk/pa/cm201617/cmselect/cmjust/164/16402.htm>
- Meadows, L., Clamp, K., Culshaw, A., Cadet, N., Wilkinson, K., and Davidson, J. (2010) *Evaluation of Sheffield City Council's Community Justice Panels Project*. Sheffield: Sheffield Hallam University.
- Ministry of Justice (2012) *Restorative justice action plan for the criminal justice system*. London: Ministry of Justice, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/217311/restorative-justice-action-plan.pdf
- Ministry of Justice (2015) *Code of Practice for Victims of Crime*. October 2015. London: Ministry of Justice.
- Ministry of Justice (2016a) *Review of the youth justice system: an interim report of emerging findings*. 9 February 2016. The 'Taylor' review. London: Ministry of Justice.
- Ministry of Justice (2016b) *Criminal Justice Statistics Quarterly update to September 2015. England and Wales*. Ministry of Justice Statistics Bulletin. London: Ministry of Justice, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/501181/quarterly-update.pdf
- Ministry of Justice (2016c) *Criminal Justice Statistics 2015 England and Wales*. Ministry of Justice Statistics Bulletin. London: Ministry of Justice, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/524429/criminal-justice-statistics-quarterly-update-annual-2015.pdf

References

Murtagh, T. (2015) Examining the attitudes and experiences of the police and housing officers who refer cases to the Sheffield Community Justice Panels. Unpublished dissertation for MA in International Criminology, University of Sheffield.

Newburn, Tim (2002) 'Young crime and youth culture', in: M. Maguire, R. Morgan and R. Reiner (eds.) *The Oxford Handbook of Criminology*. Oxford: Oxford University Press.

Office for National Statistics (2015) Crime Survey for England and Wales 2014-15. London: Office for National Statistics, at <http://www.ons.gov.uk/ons/about-ons/business-transparency/freedom-of-information/what-can-i-request/published-ad-hoc-data/crime/december-2015/index.html>

Office for National Statistics (2016) *User requested data. Restorative justice, year ending March 2016 CSEW*. London: Office for National Statistics, at <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/adhocs/005997restorativejusticeyearendingmarch2016csew>

Remedi (2014) *Restorative justice in West Yorkshire: report for the West Yorkshire Office of the Police and Crime Commissioner*. Unpublished report.

Restorative Solutions (2016) *West Yorkshire Restorative Justice Development Project*. Preston: Restorative Solutions.

Rix, A., Skidmore, K., Self, R., Holt, T. and Raybould, S. (2011) *Youth Restorative Disposal process evaluation*. London: Youth Justice Board, at <http://yjbpublications.justice.gov.uk/Resources/Downloads/Youth%20Restorative%20Disposal%20Process%20Evaluation.pdf>

Roberts, J. and Hough, M. (2005) *Understanding public attitudes to criminal justice*. Maidenhead: Open University Press.

Shapland, J., Robinson, G. and Sorsby, A. (2011) *Restorative justice in practice*. London: Routledge.

Shapland, J., Crawford, A., Gray, E. and Burn, D. (2016) *Learning lessons from Belgium and Northern Ireland: report to the College of Policing, August 2016*. Unpublished report. Sheffield and Leeds: Universities of Sheffield and Leeds.

Tyrrell, J. (2002) *Peer mediation: a process for primary schools*. London: Souvenir Press.

Victims Commissioner (2016) *A question of quality: a review of restorative justice. Part 1 – service providers*. London: Victims Commissioner, at http://victimscommissioner.org.uk/wp-content/uploads/2014/10/A-question-of-quality_restorative_justice-review-part-1-service-providers.pdf

Wynne, J. (1996) 'Leeds Mediation and Reparation Service: ten years experience of Victim-Offender Mediation', in B. Galaway and J. Hudson (eds) *Restorative justice: international perspectives*. Monsey, NY: Criminal Justice Press, pp. 445-462.

Youth Justice Board (2016) *Youth Justice Statistics 2014/15, England and Wales Statistics Bulletin*. London: Ministry of Justice, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/495708/youth-justice-statistics-2014-to-2015.pdf (accessed 31 August 2016)