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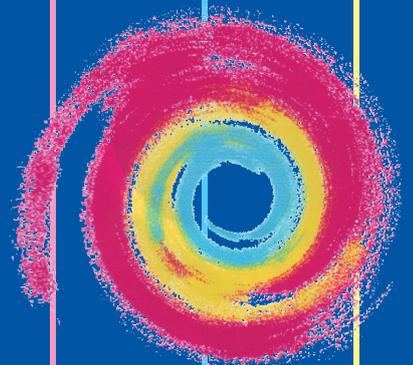
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Restorative Justice In Practice

The second report from the
evaluation of three schemes

*Joanna Shapland • Anne Atkinson • Helen Atkinson • Becca Chapman
Emily Colledge • James Dignan • Marie Howes • Jennifer Johnstone
Gwen Robinson • Angela Sorsby*

JULY 2006



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1. Introduction

Since 2001, we have been evaluating three restorative justice schemes, set up and funded by the Home Office under the Crime Reduction Programme. This is the full report of the second stage of the evaluation. An extended summary was published by the Home Office in their Research Findings series in early 2006 as Research Findings 274 (Shapland et al. 2006). The schemes, CONNECT, the Justice Research Consortium and REMEDI, were set up primarily to concentrate on cases involving adult offenders at different stages in the criminal justice process - pre-sentence at the magistrates' court or Crown Court, during a community sentence, prior to release from prison or, in a few cases, as part of a diversionary disposal (a caution or a youth final warning). This is in contrast to the youth offender cases, many involving diversionary disposals, on which restorative justice in the context of criminal justice has been developed in England and Wales, in Northern Ireland, in Australia and in New Zealand¹. In all three schemes, the restorative justice was *additional* to normal criminal justice processes: this was not diversion from criminal justice in order to participate in restorative justice.

The first report from the evaluation documented the struggles of the three schemes to set themselves up in their first year and the changes that were made to the original plans and formulation (Shapland et al. 2004). This report focuses on the process of restorative justice itself up to the end of the Home Office funding of the schemes in 2003/4. Chapter 2 examines the views of the restorative justice personnel and those of the agencies and courts with which they were associated over the time span of the scheme. Chapter 3 looks at the ways in which offenders and victims were approached and the numbers and types of cases which ended up with restorative justice being undertaken. Chapter 4 considers the restorative justice events - indirect mediation, direct mediation and conferencing - which were undertaken by the three schemes, together with the nature of any agreements made at the end of those restorative justice processes and the extent to which the items in those agreements were followed up and were achieved by the parties. Future work in this evaluation will look at the views of participants and at reconviction and reoffending, as well as costs and benefits.

Restorative justice and the schemes

The definition of restorative justice, set out originally by the Home Office for both schemes and evaluators, was that formulated by Marshall (1999: 5): 'Restorative justice is a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future'. This definition encompasses:

- *indirect mediation* (also sometimes called shuttle mediation) - where information is passed by one or more mediators between the offender and victim, and possibly also to other relevant parties (such as probation officers or relatives), but there is no face-to-face meeting between offender and victim
- *direct mediation* - where the offender and victim meet face-to-face, with one or more mediators or facilitators also present
- *conferencing* - where offender and victim meet face-to-face, with one or more mediators or facilitators, and with one or more supporters of the victim and the offenders also present (family, people affected by the offence, people who are important to the offender or victim).

¹ Restorative work in relation to youth offending in England and Wales includes referral orders (Newburn et al. 2002) and youth final warnings (Holdaway et al. 2001), and may also feature as a part of action plan orders, reparation orders, supervision orders and other youth justice orders. Restorative justice in the form of youth conferencing in Northern Ireland has been the subject of a major pilot (Campbell et al. 2006). Restorative justice for youth offenders is also statutory in New Zealand (Maxwell and Morris 1993) and in South Australia (Daly 2001a; 2003).

As a minimum, for a case to be deemed by the evaluation team to constitute restorative justice, information needed to pass in both directions between victim and offender (whether via the mediator, or in written form). We are, therefore, using a definition which is narrower than that for restorative practice set out in the Home Office Consultation Document (2003a). Restorative practice would also include indirect reparation (work done by the offender for the community, but without involving the direct victim), whilst we are focusing on work which directly involves both offender and victim.

A description of the three schemes is given in Chapter 2 and in the first report (Shapland et al. 2004), but it may be helpful to have a brief summary here.

CONNECT, run jointly by NACRO and the National Probation Service in London, was set up as a result of the Home Office funding, starting in mid-2001 and taking its last Home Office funded cases in summer 2003. It was a small scheme, working with two magistrates' courts in Inner London, taking cases involving adult offenders between conviction and sentence, though branching out latterly to take some referrals from victims and cases being dealt with at the Crown Court. It offered a wide range of mediation and restorative justice services, from indirect mediation to conferencing, over a wide range of offences involving personal victims.

The Justice Research Consortium (JRC), which also started as a result of the Home Office funding, worked on three sites from mid-2001, using conferencing, with the last cases on that funding being taken up to the end of March 2004. After an initial period (Phase 1), it moved to random assignment of cases between experimental and control groups at a point after both offender and victim had consented to a conference (Phase 2). This means that in Phase 2, once both offender and victim had agreed to participate, equal numbers of cases were randomly assigned either to a conference group, which proceeded to holding the conference, or to a control group, which had no further restorative input. The aim was to create two identical groups of cases so that the effects of holding the conference could be studied.

In London, there were two such randomised controlled trials (RCTs) with adult offenders, one involving offences of burglary of a dwelling, and one involving offences of street crime (robbery, attempted robbery, theft from the person). Both took cases being tried at Crown Court centres in Greater London, with the restorative justice work taking place after a guilty plea and prior to sentence. In Northumbria, one overall RCT took cases involving an identifiable individual victim pre-sentence for adult offenders at the magistrates' court, with restorative justice taking place between a guilty plea and sentence. Originally, it was intended that there should be two parts to this, one for property offences and one for assault offences, and randomisation was done separately for each of these, though the cases have been combined in this report. A second overall RCT took youth offenders given a final warning for property offences or violent offences involving an identifiable individual victim. Again, it was intended that there should be one for assault offences by youths and one for other offences, and these were randomised separately, but the cases have been combined for this report. It was originally envisaged that there might be a third overall RCT, for offences of violence for which an adult offender was given a caution, but this effectively stayed at the Phase 1 stage and was discontinued in autumn 2003 due to the lack of cases of this type. In Thames Valley, there were two RCTs, both involving adult offenders and offences of violence, broadly defined. One involved cases where the offender was within twelve months of the projected date of release from a determinate sentence and where the restorative justice was intended to take place pre-release. The other involved offenders given a community sentence at the magistrates court, with the process spanning the pre- and post-sentence period.

REMEDY, the third scheme, had been set up in Sheffield many years before the Home Office funding started, with the Home Office funding period running from mid-2001 to the end of March 2003. The funding enabled REMEDI to expand to open offices in several parts of South Yorkshire (Barnsley, Doncaster, Rotherham and Sheffield) and to offer a county-wide service of indirect and direct mediation. Both adult and youth cases are included in our evaluation, from a very wide selection of criminal justice stages, including youth cases involving final warnings, referral orders and other youth justice sentences, and adult cases given a community sentence, during resettlement pre-release from prison or during a long prison sentence. Requirements for REMEDI to consider a case were that there was an identifiable

victim (who might be a corporate victim) and that the case did not involve sexual offences or domestic violence. During our evaluation period, REMEDI was also providing other services, including victim awareness work which did not involve restorative justice, support to victims in relation to referral orders, and mediation in schools and in relation to community disputes.

The evaluation methods

The evaluation was designed as action research, so that the methods and instruments have been developed in close consultation with the three schemes, with regular feedback to them, including presentations at conferences organised by the schemes. It needed to adopt a range of methods to analyse all the relevant aspects of restorative justice, including::

- the development of databases to record details of all cases worked on by the schemes during the funding period;
- observation of the working of the schemes, collection of literature produced by schemes, together with attendance at training days, steering group meetings, scheme meetings and public events held by the schemes or at which they have presented. In addition, observation in court was undertaken in all four magistrates' courts involved in the Northumbria court RCT and in the two magistrates' courts involved with CONNECT;
- interviews with scheme personnel and with representatives of key agencies working with the schemes, both at the end of the first year of funding and at the end of the funding period. All employed scheme personnel in post were interviewed, as far as possible. Some interviews with facilitators/mediators were group interviews. One or two representatives from each key agency or court with which the scheme was working were also interviewed, including the Probation Service, justices' clerks, prison service managers, magistrates and judges. Interviews covered their experiences of working with the schemes, any changes to the schemes, the financial cost of the scheme or working with the scheme (for agencies) and their views of restorative justice. These were mostly qualitative interviews, providing free text responses. A total of 77 people were interviewed at the end of the first year (nine for CONNECT, 59 for JRC and nine for REMEDI) and 62 at the end of the funding period (seven for CONNECT, 48 for JRC and seven for REMEDI), with interviews taking between 40 minutes and two hours;
- observation of 285 conferences and direct mediations, the vast bulk of which were JRC conferences. Of the JRC conferences, 217 were from JRC Phase 2 (random assignment), of which 87 were from London (50 burglary, 37 street crime), 76 from Northumbria (48 youth final warning, 28 adult magistrates' court), and 54 from Thames Valley (37 prison, 17 community). This represents 64 per cent of all conferences held in Phase 2. Twenty-one of the conferences observed were victim absent conferences (which was 60 per cent of victim absent conferences held). In addition there were nine Northumbria adult caution conferences run during this period. We also observed one direct mediation run by CONNECT and four run by REMEDI. Only direct mediations (meetings between victims and offenders) could be observed, as following mediators to people's homes whilst they were undertaking indirect mediation would have been impossibly intrusive. A formal observation schedule was used for the conferences and direct mediations, which included a description of the venue and the people present, estimates of the proportion of time each participant spoke during each phase of the meeting, ratings by the observer of all aspects of the conference and a free text summary of the content of what was said. The observation schedule was informed by instruments previously used in other evaluations of restorative justice, particularly the RISE experiments in Canberra (Strang et al. 1999), the work of Kathleen Daly in South Australia (Daly 1998; 2001b) and the evaluation in England and Wales by Miers et al. (2001). To reduce disturbance, only one observer from the evaluation team normally observed any conference and so it is not possible to provide quantitative inter-rater reliability measures. However, there was regular discussion between observers both during fieldwork and analysis, focusing on the rating scales, use of categories and free-text descriptions of the sessions, in order to ensure as far as possible that different observers were using the schedule in a similar fashion. Observers were also allocated conferences such that they

experienced work at all the different JRC sites. Quantitative analysis of the observation schedules used SPSS; qualitative analysis of the summaries MAXqda;

- analysis of all agreements made between the participants at the end of conferences or direct mediations (formal agreements were not made after indirect mediation), together with analysis of databases and files which showed the extent to which such agreements were followed up by facilitators/mediators after the conference;
- interviews with participants or questionnaires given to participants prior to a conference or mediation process, about their expectations, their views about initial contacts with the facilitators/mediators and the reasons they wished to participate. We were only able to undertake pre-conference interviews with participants in JRC conferences during Phase 1, as it was felt that interviews would be too intrusive prior to the conference in Phase 2. To minimise the time taken, only one participant was sometimes interviewed per researcher present. Forty four pre-conference interviews were done for Phase 1 JRC London conferences, 36 for Northumbria conferences and 36 for Thames Valley conferences, a total of 116, of which 54 were with victims and 62 with offenders. Interviews were designed to be very quick, in order not to hold up the conference, and took an average of 11 minutes. Where it was not possible, for time reasons, to carry out interviews with both offender and victim, who was approached alternated between the two. The lower number of victim interviews reflects the lower number of victims taking part. Because potential interviewees were selected alternately and there was only one refusal, we have no reason to believe that our interview sample was biased in terms of offence type or demographic variables, though it was not possible to check the representativeness of interviewees statistically because of the wide range of offences taken in Phase 1 and because less data were recorded in this phase. For CONNECT and REMEDI, mediators were asked to give participants questionnaires at the first meeting with the mediator, to be returned to the research office. A total of 207 questionnaires were returned for REMEDI, of which 157 were from offenders, 50 from victims (in general, victims would only be approached after the offender agreed to mediation, hence the disparity in numbers). The response rate for REMEDI was at least 26 per cent for offenders and 19 per cent for victims, though the response rate for cases going on to direct mediation was 29 per cent for offenders and 40 per cent for victims (calculated as proportions of all offenders and victims dealt with by REMEDI who reached this stage - we cannot know whether all participants taking part in indirect mediation or direct mediation were given the questionnaires). Only three questionnaires were returned for CONNECT. These will be compared with participants' reactions to what then happened in subsequent reports;
- analysis of follow-up contacts made by the schemes with the participants after the mediation or conference had occurred (or with the control group participants after randomisation), the results from which will be discussed in subsequent reports;
- we attempted to contact all victims and offenders who had taken part in restorative justice, plus all victims and offenders who had been randomised to the control group for JRC, after the end of the restorative justice process (and after sentence, if the restorative justice was pre-sentence) to interview them about their experiences and views of restorative justice. The results of these interviews will be discussed in subsequent reports;
- conviction data will be obtained on all offenders who have taken part in restorative justice events, with the results being presented in subsequent reports.

2. The priorities of restorative justice

There is no doubt that the three schemes evaluated have completed a considerable number of restorative events during their period of funding. This chapter looks at the aims of the schemes and potential participants' reasons for becoming involved, expressed in interviews with scheme and agency staff after the first year of the schemes and near the end of the funding period (see Chapter 1), and through interviews or questionnaires to victims and offenders prior to mediation or conferences. While the aims of staff may not necessarily reflect what happened, they are important to understanding why and how the schemes were implemented, which may influence outcomes.

The aims of the restorative justice schemes

CONNECT

The original aims of CONNECT, detailed in our first report (Shapland et al. 2004), were:

- reducing offending
- enabling the victim to ask questions and receive information from the offender
- enabling the victim to receive reparation and/or an apology from the offender
- increasing the offender's sense of responsibility for the offence
- leaving the victim and offender with a greater sense of satisfaction about the criminal justice process.

Interviews with CONNECT staff and staff of partner agencies near the end of the Home Office funding period reiterated many of these same aims, but also stressed the need to involve the criminal justice system with restorative justice. There was a consciousness of a wider picture, in which criminal justice was seen as society's means of dealing with crime, but an inadequate response on its own. CONNECT's work was no longer seen as relating solely to the individual victim and offender.

After the initial opportunity to speak generally about their aims, respondents were presented with a list of ten possible aims, all of which have figured in different restorative justice programmes world-wide, and asked which were relevant to their scheme and which were the three most important². All these aims received considerable support in relation to CONNECT's work. Integrating restorative justice into criminal justice was the only element seen as missing. There was little consensus between interviewees on priorities between the aims, though most interviewees thought staff were working towards the same aims. Overall, 'meeting the needs of victims' and 'repairing relationships/reducing the likelihood of conflicts between victim and offender' were mentioned by almost all interviewees in their top three. 'Preventing or reducing the risk of further offending' and 'increasing the participation of victims and offenders in working out what to do about the offence' also figured strongly. When asked whether they felt they had mostly met the needs of victims, CONNECT staff and agency personnel were relatively happy that this had been achieved, and to some extent CONNECT had secured reparation, repaired relationships and increased the participation of victims and offenders, but interviewees felt that CONNECT had not been able, on its own, to reintegrate offenders into their communities, meet the needs of offenders, involve/strengthen families or involve/strengthen communities. It would need further action from other parts of criminal justice or other social agencies to make any significant impact on these areas.

² The full list was (a) meeting the needs of victims; (b) securing reparation for victims; (c) reintegrating offenders into their community; (d) preventing or reducing the risk of further offending; (e) repairing relationships/reducing the likelihood of future conflicts between victims and offenders; (f) increasing the participation of victims and offenders in working out what to do about the offence; (g) meeting the needs of offenders/dealing with offenders' problems; (h) involving/strengthening families; (i) involving/strengthening communities; (j) providing a fair and just response and outcome in relation to the offence. These were qualitative interviews, with free text responses, though respondents were asked to provide their top three aims and some five-point Likert scales were used.

These responses need to be set against the background of the area in which CONNECT was working and the kinds of offences and offenders the scheme attracted. In this area of inner London, many offenders had considerable problems, including drug and mental health problems. From analysis of the *Criminal Statistics*, it is clear the courts often felt it necessary to give relatively long prison sentences. Both offenders and victims might not be long-term residents with settled, nearby family members (see Chapter 3). The idea of 'community' that this represents is not the small, geographically based area with many ties between residents which is typically associated with ideas of informal social control and neighbourhoods. Staff commented that offenders, particularly, might have few links with their families, let alone their neighbours. In prioritising work with individuals and with criminal justice above work with families and communities, we think CONNECT was being quite realistic.

Staff commented that offenders tended to have multiple problems. Analysis of the database showed that CONNECT was working on each case for an average of around six to seven hours (for indirect mediation, the most common restorative justice form) over a period of just under two months, with most activity within the initial three week period before sentencing (see Chapter 3). In other words, this was a limited intervention over a relatively short period of time. Its key activities were to allow victim and offender to interact or pass information about that specific offence, and to try to mitigate any glaring informational deficiencies of the mainstream criminal justice process.

CONNECT mediation did not try to have a major impact on offenders' futures over the subsequent months and years - there were no outcome agreements. Its future impact on offenders' problems would only occur if it was able to point up possible beneficial programmes, which the sentencer and subsequent authorities (particularly prison and probation services) then adopted in mainstream criminal justice responses.

Our data on participants' own expectations of mediation were too few to comment on. We only had three pre-mediation questionnaires returned, all from offenders (see Chapter 1).

Interviews with scheme staff and personnel from partner agencies and the courts showed that almost all were very strong supporters of restorative justice, both at the end of the first year of the scheme and near the end of the Home Office funding period. The mean on a scale of very strong supporter (1) to very against restorative justice (5) was 1.25 for scheme personnel at first interview (sd 0.5), 1.25 at second interview (sd 0.5); whilst for agency personnel the mean was 1.57 (sd 0.79) at first interview and 1.00 (sd 0) at second interview. Experience of CONNECT had not dimmed enthusiasm. Similarly, agency personnel said they supported the use of restorative justice with their own agency's clients (the mean on a scale of very supportive (1) to very against (5) being 2.00 (sd 1.41) at first interview, and 1.33 (sd 0.58) at second interview). A typical comment was:

I think that anything that gives an additional or potential sentencing option, something that works very creatively in helping offenders make connections with victims to consider aspects of what they have done, something that is done in a very non-persecutory way, that matches the needs of both victim and offender, can only be a good thing. (second interview)

Not all cases, however, were seen as suitable for restorative justice. Scheme staff, agencies and the courts identified similar factors which would militate against the case being suitable: not clearly being able to identify the victim, stalking cases, highly politically motivated cases and sexual cases - but thought that it might be possible to undertake some form of mediation with some domestic violence cases if they were handled skilfully.

Justice Research Consortium

JRC's original aims were to carry out randomised control trials (RCTs), aiming at high levels of consistency between trials in relation to the procedure for restorative justice, in order to:

- reduce re-offending by offenders

- provide benefits to victims, specifically an opportunity for participation, fair and respectful treatment, the right to be kept informed, and material and emotional restoration.

The research management and staff directly employed by JRC, in second interviews near the end of the funding, emphasised their major aim to be undertaking the randomised control trials properly – i.e. to carry out the research, rather than any more specific aim to achieve particular ends through this form of restorative justice. A majority of scheme personnel employed as facilitators or managers of facilitators similarly thought their aim was to carry out the research and/or to test out restorative justice: 'to test whether restorative justice works in different stages of the criminal justice system'; 'to complete the trial'. Where people mentioned the aims of the specific form of restorative justice being tested, they tended to refer back to the original proposal (set out above). This emphasis on carrying out the research design is in contrast to the interviews at the end of the first year of funding, where respondents concentrated far more on the setting up of the procedures and what benefits restorative justice might have for different participants. The change in expressed aims may reflect the differing work pressures at different stages of the project. The first year was a time of experimentation, when the sites and their RCTs were being changed significantly, during Phase 1, to create the model, to find sufficient referrals and to reduce attrition. Once the RCTs were set, at the beginning of Phase 2, it was then only possible to create change or develop the scheme in response to urgent pressures (such as lack of referrals by increasing geographical referral areas, or the expressed wishes of sentencers in London). This was frustrating to practitioners, though all acknowledged a very good model had developed and should be properly tested.

When asked which aims of our list of ten operated in the RCTs, some, but not all respondents in the second interviews supported each of the aims, so there was, as with CONNECT, heterogeneity in staff perceptions. Senior research staff did not see it as appropriate to specify aims, feeling that this should be left to the operational staff. For facilitators and operational managers, as in the first interviews, 'meeting the needs of victims' (91 per cent agreeing) and 'preventing or reducing the risk of further offending' (also 91 per cent agreeing) obtained the greatest support, both overall and when respondents were asked to narrow the choice down to three aims³. Agency personnel tended to pick the same two (86 per cent and 79 per cent respectively). 'Providing a fair and just response and outcome in relation to the offence' (89 per cent) and 'repairing relationships/reducing the likelihood of future conflicts between victims and offenders' (80 per cent) also attracted considerable support among scheme staff. Few identified additional aims besides testing restorative justice through research and our list of ten, but some considered that giving victims more say in criminal justice or reforming criminal justice was important. The majority of respondents (78 per cent) thought everyone in the scheme was working towards the same aims.

A majority (67 per cent) of scheme and agency staff in our second interviews thought that 'meeting the needs of victims' had mostly been achieved, but interviewees were far more uncertain or pessimistic about whether other aims had been achieved. Only 25 per cent of respondents thought there had been a fair and just response and outcome in relation to the offence⁴ and 23 per cent that the risk of further offending had been prevented or reduced by restorative justice. 'Involving communities' was mentioned as the aim which had been least achieved. Though JRC sites were less likely to suffer from the inner city problems that CONNECT arguably faced, as will be seen in Chapter 3, JRC offender and victim supporters were primarily family members, who knew their own participant, but not the other party. There was little representation of the wider community. This may reflect the day-to-day lives of most offenders and victims and to whom they chose to turn to support them during restorative justice. Hence the lack of wider community representation should not necessarily be taken as a criticism of JRC's methods, even though facilitators would, ideally, have preferred more community input in conferences.

³ Percentages for staff and agency interviews are of all interviews for which the question is relevant. All available facilitators and managers in the operational agencies and all senior JRC staff were interviewed.

⁴ Though this, in particular, may have been a judgement on criminal justice as well as restorative justice.

These rather pessimistic views about the 'success' of conferencing may reflect the fact that criminal justice professionals comprised the vast majority of our JRC respondents, compared to those from CONNECT and REMEDI⁵. They may reflect a 'wait and see' attitude sparked by the RCT framework, or they may mark a realistic assessment of what can be achieved by a short intervention in the lives of participants. We cannot know whether they were correct until we look at the responses of victims and offenders and at reconviction rates in our subsequent reports.

Participants' reasons for coming to a conference

Pre-conference interviews with victims and offenders during Phase 1 of JRC allow us to look at participants' own reasons for conferencing (Table 2.1)⁶. Because these had to be very short interviews, we gave participants a list of possible reasons why they had decided to participate in the conference. As is clear from the Table, people normally had more than one reason for participating. Conferencing is clearly a multi-faceted thing for participants, as well as scheme staff, and they have several needs coming in to it.

A key message was that it was the opportunity for *participation* that was welcomed by both victims and offenders. So, 66 per cent of victims and 91 per cent of offenders said it was very or quite important to them to express their feelings and speak directly to the other person. Similarly, 76 per cent of victims and 85 per cent of offenders said it was very or quite important to them to have a say in how the problem was solved.

There were also clearly some *altruistic* reasons apparent for many participants. So, 72 per cent of offenders wanted to help the other person and 79 per cent wanted to repay harm. Victims were less likely to respond that they wanted to help the offender (and some definitely did not – 24 per cent said it was not at all an important reason), but the majority still considered this an important reason. Similarly, there were elements of duty for both victims and offenders, both in the answers to 'you felt a duty to attend' and 'you were asked to attend' (see Table 2.1). The reasons were for some a duty to the other party ('I wanted to talk to him to explain myself'), to one's family and, for most, to society ('I feel that it is my duty to attend as a citizen'). The two reasons which were far less likely to be relevant were that people were told to attend and that victims wanted to be repaid for the harm done to them. There was very little evidence of any kind of coercion on either victims or offenders to attend conferences. Reparation was also clearly not a major reason for most victims (though it was for some).

We also asked victims and offenders in the interviews if there were any other important reasons. They mostly used this opportunity to restate, in different words, the reasons discussed above, or to explain that they felt that criminal justice had not allowed them this opportunity: 'A chance to deal with it and confront it. Sometimes when you go to court victims feel left out and have no say' (victim). Some victims and offenders were curious, about the offence, about what had happened to each other and about the restorative justice process: 'I'm curious to see what the process is about. I have odd questions, they need sorting out' (victim). For offenders, the major reason expressed here was the generic 'to sort it' and, for some, to then be able to move on.

Though both victims and offenders tended to have a variety of reasons, there were, still, some patterns apparent and we have inter-correlated the different reasons given and undertaken a principal components analysis (Table A1.10a). A principal components analysis allows us to look at the inter-correlations or statistical relationships between reasons, without making any presumption about what they might be. The results show whether there are independent

⁵ Police officers, particularly, have been noted for their cynicism in relation to new initiatives and their likely effects, particularly time-limited, experimental initiatives (Bowling and Foster 2002).

⁶ Though JRC Phase 1 conferences and preparation were very similar to those in Phase 2 (Chapter 3), Phase 1 conferences occurred at some different stages of criminal justice, particularly in London, so the results here may not be entirely similar to those that might have been obtained if we had been able to do pre-conference interviews in Phase 2. As detailed in Chapter 1, there were 116 interviews, 53 with victims (48 of whom were 'direct' victims) and 62 with offenders, 44 from London, 36 from Northumbria and 36 from Thames Valley.

factors/components and which reasons relate to these components.⁷ This produced five separate components as follows, which together accounted for a very large proportion (71 per

Table 2.1. Participants' reasons for participating in JRC Phase 1 conferences (percentages responding to each question, interviews with 53 victims and 62 offenders)

	Not at all important	Not very important	Quite important	Very important	n
You wanted to express your feelings and speak directly to the other person:					
victims	14	20	30	36	50
offenders	5	4	33	58	55
You wanted to help the other person:					
victims	24	4	45	27	49
offenders	14	14	32	40	57
You were asked to attend:					
victims	41	9	30	20	44
offenders	28	10	23	38	60
You were told to attend ^a :					
victims	89	6	0	6	18
offenders	57	13	9	0	23
You felt a duty to attend:					
victims	31	11	46	11	54
offenders	27	5	35	33	55
You wanted to have a say in how the problem was resolved:					
victims	20	4	46	30	46
offenders	5	9	30	55	56
You wanted to repay the harm (offs) or be repaid for the harm you had experienced (Vs):					
victims	52	16	12	20	50
offenders	14	7	20	59	56

^a Those who did not answer this question were, from interviewers' notes, doing so because they thought it was irrelevant to them.

cent) of the variance. The analysis allows us to separate five different groups of linked reasons. They were, in order of decreasing importance:

1. wanting to repay/being repaid for the harm done, wanting to express feelings, attending because one feels a duty to attend and wanting to have a say in how the problem is resolved. It was common to both victims and offenders, but more common amongst young people. It links expressive, reparative and duty reasons;
2. being told to attend and being asked to attend. It was more prevalent in London, than in Northumbria or Thames Valley;
3. wanting to help other people but not being so concerned about wanting a say in how the problem was resolved. Again this was common to offenders and victims and was linked to being a young person;
4. attending because one felt a duty to attend, rather than wanting to help or expressing one's feelings. This was also common to both offenders and victims;

⁷ A principal components analysis is usually done on normally distributed variables. Though some of the variables here are skewed, we checked that the non-parametric correlations were highly similar to the parametric correlations. All interviews were entered, using the reasons why the participant was there, plus the JRC site, whether the person was an adult or youth, and a bivariate variable of victim/offender. Factors were isolated for eigenvalues greater than 1. Variables are listed which related at correlations of 0.3 or above with the factor.

5. attending because one was asked to attend and wanting to have a say in how the problem was resolved. It was more common among victims and in respondents from Thames Valley or Northumbria, rather than those from London.

We can see the diversity of reasons of different respondents had from this analysis. There is no one single, dominant group of reasons. Different people stressed different mixtures of expressive, duty, helping, reparative and problem solving reasons. Though victims were somewhat more likely to show one pattern of reasons and offenders another, there is also no complete concordance of reasons with role.

The implication is that those preparing victims and offenders for conferences need to be aware that expressive, helping, reparative (for offenders), duty and problem solving reasons may all be important to any of the people they meet. All these aspects need discussion in preparation prior to restorative justice. The training of facilitators needs to take into account the different reasons for participation.

Views of JRC staff and partner agencies

Interviews with JRC personnel and personnel from partner agencies showed that the key outcomes stressed were relatively long-term: reducing re-offending and meeting victims' needs. In the same way as for CONNECT, we asked those implementing JRC restorative justice whether they supported the use of restorative justice with their clients. Unsurprisingly, perhaps, JRC facilitators and managers at the final interviews were mostly very strong supporters of restorative justice (82 per cent), with a few being strong supporters (12 per cent) or neutral (6 per cent)⁸. This implies, though, that facilitators clearly did not lose their positive view of restorative justice as it became more routinised and they gained more experience of different kinds of case, even though these cases were often of a serious nature. Responding to the more qualitative questions, facilitators were not sure whether there had been a direct impact on reoffending, and indicated there had been some difficulties in accessing relevant programmes to tackle offenders' problems, but they had become convinced of the benefit to many victims:

I think when it works it can be amazing, because it's so much more satisfying for the people involved than any court case that I've ever been involved in. So in terms of saving time, victim satisfaction and actually doing something about the offender it's incredible (London)

I was sat on the fence, but now I'm an advocate of restorative justice. I can't still say exactly how and where it should be used, but I've seen and heard enough victims with very positive impressions. It's not an answer to every problem in every situation. (Thames Valley)

Agency staff not directly concerned in the delivery of the scheme were also largely very supportive, both of restorative justice generally⁹ and of the use of restorative justice with their clients¹⁰. Most of these agency interviewees were not with the same people as our first set of interviews, because of normal turnover, so we cannot see how views have progressed. Yet it is interesting that criminal justice agency staff, coming into an existing scheme, found themselves to be supportive or very supportive of it, even though they were not involved in establishing it and so would not have had the 'champion' positions that the original partner staff had. The judiciary focused on the benefits for sentencing, rather than for victims. Court staff tended to rue the potential for increasing delay (they saw the court's task as primarily to reduce delay):

It gives a better knowledge of the offender and so better informed sentences (London judiciary)

⁸ Some research staff did not wish to answer these questions because they saw themselves as disinterested observers of the effects of restorative justice.

⁹ A mean of 1.73 (sd 0.65) on a scale of very strong supporter (1) to very against restorative justice (5).

¹⁰ A mean of 1.67 (sd 0.50) on a scale of very strong supporter (1) to very against restorative justice (5).

It gives a far better insight into the offence committed, the views of the victim and the attitude of the offender. It's valuable information on reaching a decision. (Northumbria court)

A slight problem and argument against it is that in order to take advantage of it you've got to delay cases and of course we as courts are being asked to get cases through as quickly as possible ... I can see how it helps the victim and it might help the defendant, and we might get a kick-back with less offending, but as a system I'm not sure it helps the court really. (Northumbria court)

Scheme staff and agency personnel, when asked what kinds of cases should and should not be referred for restorative justice, generally saw potential cases for restorative justice as similar to those already included in the scheme. So the kinds of cases which should not be referred were seen as being victimless crimes, murder, manslaughter, serious drug trials, domestic violence, sexual offences against children and some rape cases. Scheme staff added minor offences (such as shop theft on a small scale), but facilitators were, by the end of the funding, distinctly more prepared to start to experiment with more 'difficult' cases:

People get very concerned about sexual offending and domestic violence, what I would call the 'power offences'. If you've got power offences, yes, you run the risk of re-victimisation, you don't dive into those, you do it very carefully and there have to be real choices, but generally across the board I can't see anything that you can't use it for. (Thames Valley)

Some facilitators believed that it should be the victim, rather than the scheme, who would decide whether it was suitable for their own case. Schemes should assess risks, but should not make presumptions about victim views: 'Sex offences are potentially problematic but I'm not saying it couldn't or shouldn't be done - ultimately the wishes of the victim should be paramount, regardless of the offence' (London).

REMEDI

Unlike the other two schemes, REMEDI's work has not been so closely tied up with criminal justice processes in the past and its activities have spanned a far wider range of disputes and problems than those of criminal justice. It did not see its activities as closely tied to criminal justice decision making. Its original aims were to provide a mediation service in which victims could express their needs and offenders take responsibility for their actions, through providing a forum for discussing the effects of crime, assisting victims to recover from the effects of crime and helping offenders to reintegrate back into the community, as well as to cease or reduce their offending behaviour.

REMEDI staff interviewees in our second round of interviews stressed bringing together people who are in conflict to give a safe opportunity to resolve their conflict, as well as helping to facilitate a more major role for restorative justice in the country and specifically in South Yorkshire. There was little mention of research, similar to the views expressed by CONNECT interviewees, but in contrast to JRC. Developments during the funding period had encouraged REMEDI to seek to widen its sphere of restorative justice as practitioners and to be involved in the training of other practitioners. This explicit broadening of REMEDI's aims would seem to contain an implicit acknowledgement of the success of the original aims and their processes of applying restorative justice.

In relation to our list of ten aims, REMEDI staff interviewees' choices of the three most important were more consistent than for the other two schemes. 'Meeting the needs of victims' and 'Repairing relationships/reducing the likelihood of future conflicts between victims and offenders' were the most common aims picked. The emphasis tended to be on reducing conflict in victim/offender interaction, rather than dealing with offenders' problems. Most respondents thought these had been achieved by the scheme for the cases referred.

The reasons why REMEDI victims and offenders themselves said they wished to participate in mediation can be gleaned from the pre-mediation questionnaires returned to us. As discussed

in Chapter 1, the response rates for these questionnaires were not high, though in the normal range for postal responses. It has not been possible to look at the demographic profile of REMEDI respondents because of problems with data recording by REMEDI staff. It is possible that the sample who responded were particularly biased towards mediation or towards particular points of view, though analysis of the subsequent progress of the cases showed that they covered the full range of possible outcomes. The relevant questions were similar to those for JRC, though REMEDI staff wanted one or two further questions included. As with JRC, REMEDI participants generally indicated that more than one reason was very important for them (Table 2.2).

Looking at Table 2.2, the overall similarity of responses between victims and offenders, and between participants in adult cases and youth cases is interesting. As with JRC, the overall message is that it was the opportunity for *participation* that was welcomed by both victims and offenders. So, most victims *and* offenders from both adult and youth cases said it was very important to them to express their feelings and speak directly to the other person: 'For them to have an understanding of the effects we have experienced as a result of this offence' (victim); 'This gives me the chance to explain to the victim that I'm sorry and how I feel' (offender). Seventy seven per cent of victims and 65 per cent of offenders said it was very important or quite important to them to have some questions about the offence answered. A significant majority of both victims and offenders said they wanted to have a say in how the problem was solved, with this being particularly true of offenders. A slightly lower proportion also said that it was important to them that taking part might affect what happens as a result of the case. The participative and processual justice elements of restorative justice were clearly attractive to both offenders and victims.

Again, as with JRC, there were some *altruistic* reasons apparent, with offenders wanting to help the other person and to repay harm. Eightytwo per cent of victims also considered it important to help the offender: 'I want the offender to learn from this and allow himself another chance to move on' (victim). There were also elements of duty for both victims and offenders, particularly for offenders, from the answers to 'you feel a duty to take part' and 'you've been asked to take part'.

The two reasons which were less likely to be relevant, again as with JRC participants, were that people were told to attend and that victims wanted to be repaid for the harm done to them. Reparation was relatively unimportant for many victims (which also tends to suggest the lesser importance of outcomes, compared to process, in relation to mediation). The question on being told to attend (as opposed to being asked to attend) was included to try to see whether participation was voluntary. The voluntariness of participation was important to REMEDI. The difficulty is, in a self-completion questionnaire, whether people grasped the difference between being asked and being told. A majority of participants were not there because they were told to be (80 per cent of victims and 51 per cent of offenders said this was not at all important for them), but there appeared to be a worrying number of participants who may have been told to attend (as opposed to making up their own minds). Most of these last were young offenders (63 per cent), who may of course have been told to attend by their parents. Yet, when we asked people who told them to attend, only nine respondents provided any source. All of these were offenders and six were youths. The sources were probation (two people), the YOT (two people) and various others (first names only given). As far as we can tell, therefore, any pressure that was applied to coerce attendance was not applied by REMEDI.

REMEMEDI victim and offender respondents seemed to have clusters of reasons which were related to each other. A principal components analysis produced a total of four components as follows, which together accounted for 66 per cent of the variance (Table A1.7b). It allows us to separate different groups of linked reasons. The components were (in order of importance):

1. wanting to express one's feelings about the offence to the other person, wanting to have a say in how the problem is resolved, would like some questions answered, taking part may affect what happens as a result of the case, wanting to help the other person, (for offenders) wanting to repay the harm done, being asked to take part, feeling a duty to take part and being told to take part. It was common to both victims and offenders. The

reasons form a clump, characterised mainly by the first four expressive, participative reasons, together with the following two altruistic reasons and the last, more civic reasons. Hence this component links expressive, altruistic, reparative and duty reasons;

Table 2.2 The reasons REMEDI participants gave for wanting to take part in the process

	Not at all important	Not very important	Quite important	Very important	n
You want to express your feelings and speak directly to the other person:					
victims	10	10	23	56	48
offenders	3	8	23	65	146
adult cases	6	7	18	69	87
youth cases	3	13	27	57	83
You want to help the other person:					
victims	8	10	44	38	48
offenders	5	11	31	53	148
adult cases	5	7	38	50	86
youth cases	8	16	34	42	86
You've been asked to take part:					
victims	14	9	43	34	44
offenders	12	9	34	46	138
adult cases	14	10	35	41	78
youth cases	7	9	40	44	81
You've been told to take part:					
victims	80	7	7	7	44
offenders	51	27	19	22	148
adult cases	73	5	10	12	86
youth cases	40	10	23	27	86
You feel a duty to take part:					
victims	18	16	50	16	44
offenders	11	8	36	45	145
adult cases	14	13	30	43	84
youth cases	12	6	45	37	84
You would like some questions about the offence answered					
victims	6	17	26	51	47
offenders	20	15	32	33	127
adult cases	10	17	36	37	78
youth cases	24	15	24	36	74
You want to have a say in how the problem is resolved:					
victims	9	24	29	38	45
offenders	9	8	41	42	131
adult cases	4	13	44	39	79
youth cases	16	12	31	41	75
You wanted to repay the harm (offs) or be repaid for the harm you had experienced (Vs):					
victims	26	28	21	26	47
offenders	5	4	20	72	142
adult cases	10	10	13	68	84
youth cases	11	7	28	54	83
Taking part may affect what happens as a result of the case					
victims	10	27	37	27	41
offenders	26	10	25	39	129
adult cases	28	21	25	26	72
youth cases	17	9	29	45	77

Note: these are percentages responding to each question, from interviews with 157 offenders and 50 victims, from 90 cases involving adult offenders and 92 cases involving young offenders. Details of the case, and hence whether the offender was an adult or youth, were missing for 25 respondents and so the 'adult' and 'youth' figures come from 182 completed questionnaires.

- being told to take part and being in a youth case, linked to the likelihood of restorative justice not subsequently happening. This is clearly a separate set of people. Having such a component suggests that feeling that one is being told to do it, unless accompanied by

the expressive or altruistic reasons set out in the first component, may not be conducive to the success of restorative justice;

3. wanting to repay the harm done and being less concerned about what may happen to the case. This component is strongly offender-related and stresses reparation, rather than the offender having their own queries answered;
4. a set of negative feelings about restorative justice, comprising those who do not see that this may affect what happens subsequently, do not want to express their own feelings and do not want to help the other person.

Individual potential participants in mediation clearly have different reasons for participating, though there appears to be a large cluster of reasons often held simultaneously (by both victims and offenders), which they see as important reasons for them to participate in restorative justice. Offenders often feel the need to repay the harm done to victims, but this is not required or expected to the same extent by victims.

The REMEDI staff interviewed all expressed themselves as very strong supporters of restorative justice, both in our first and second interviews with them. This is not surprising, given REMEDI's long history and the fact that REMEDI mediators did not have other, simultaneous roles within criminal justice (such as being a police officer, probation officer or prison officer). They believed it was important to follow victims' and offenders' views on participation, rather than to impose agency or criminal justice system stereotypes:

It's about choice to me. If someone says that won't be appropriate because of this or that, I think that's not right. It's about the victim and the offender. It's not about my perspective or your perspective or the agencies' perspectives. Even with serious crimes, if you've been the victim of crime, it's up to the victim to decide whether they choose to do it. They can say no if they don't want to. (agency interview)

When asked, staff and partner agencies provided similar lists of cases which might not be appropriate to those of the other two schemes (racially motivated offenders, sex offences, some domestic abuse). These focused on what respondents called 'power-motivated' offences. But a few staff respondents felt it was not possible to define out inappropriate cases by offence type: 'Not by definition. There may be individual things about a particular case.' (REMEDI staff).

REMEDI's work was focused on individual victim-offender mediation, rather than conferencing. It was generally not designed to input into criminal justice decision making. The emphasis of the staff who were interviewed on victim perspectives and what would be beneficial in individual cases entirely accord with the scheme's aims. Comparing Tables 2.1 and 2.2, though, victims' and offenders' views, even when elicited by the rather less sensitive medium of a postal questionnaire, seem very similar to those participating in JRC's conferences. From our limited evidence, the opportunity to participate in restorative justice, even rather different forms of restorative justice, has clearly elicited similar responses in potential participants.

An implication of these findings is that the expectations of participants in restorative justice may not be those which typically have been seen to represent offenders' or victims' interests. Both victims and offenders shared the wish to participate in the process. Both also tended to show altruistic reasons, with offenders wanting to help victims and victims wanting to help offenders to learn from the process and to change their lives away from offending. Both also might show civic reasons of feeling a duty to participate. There were few signs of any form of coercion. However, though offenders often wished to repay the harm they had caused, for these victims, reparation to themselves was not so important. Most of our respondents did not go into conferencing or mediation wanting financial compensation or direct reparation.

3. Undertaking restorative justice: the progress of the schemes

The first year

In their first year of funding, the key problem that schemes faced was one of assuring a sufficient flow of cases (Shapland et al. 2004). The problem of low referral rates has been a very common one in non-statutory schemes (Miers et al. 2001). The schemes responded to it in two main ways: by expanding the geographical area over which they were working; and by moving from relying on individual referrals of cases from criminal justice practitioners to extracting details of potentially relevant cases from criminal justice records prepared for other purposes. This moved case selection decisions from criminal justice practitioners to scheme staff (though individual referrals continued to be accepted). It had the consequences that eligible cases were normally confined to those for which the particular criminal justice records were prepared (for example, cases referred for a pre-sentence report) and that the work of selection now fell on scheme personnel.

By the end of the first year, all schemes had undertaken a considerable amount of restorative justice work: the relatively gloomy conclusions of Miers et al. (2001), evaluating seven schemes, that most of their schemes only made unambiguously 'restorative' interventions in relatively few cases, did not occur for the three schemes we were evaluating.

The development of the schemes after the first year

Moving into their second year, all three schemes had stabilised their modes of operation and means of obtaining cases. For JRC, in particular, this was essential. Operating a randomised controlled trial (RCT) means that, once the trial starts, procedures and practices must remain the same, so that cases randomised at the start of the trial are similar to cases randomised further on. The period of experimentation over referrals, types of cases and facilitators' restorative justice practices had to be confined to Phase 1 for JRC, whilst Phase 2 (the trial itself) should see relatively little change. CONNECT and REMEDI did not use random allocation to experimental and control groups (see Shapland et al. 2004).

In this chapter, we describe the mode of operation of the schemes after the first year, looking at each scheme separately. We then describe how individual cases were handled and the attrition rates (what happened to cases and how many and what types of cases underwent the different restorative justice processes) for each scheme and site, before comparing the schemes. By comparing different types of cases and referrals, it is possible to see whether certain cases are more likely to lead to restorative justice.

CONNECT: the progress of the scheme

CONNECT was set up to provide a range of restorative justice services in a limited geographical area, focusing initially on adult offenders from one magistrates' court, later expanding to two courts. It was always a small scheme, with three case workers and one part-time administrator, supplemented by occasional sessional staff, and with financial and administrative services provided by NACRO.

In CONNECT's case, the move to extraction came through probation staff providing CONNECT with copies of the form used to request pre-sentence reports (PSRs). This restricted the provision of restorative justice to cases where a PSR was requested. Examining the case files showed that CONNECT usually provided a detailed report to the court alongside the PSR at the time of sentence. They provided additional reports if further restorative justice work occurred after sentence, as a condition of a community sentence or deferred sentence.

Over the time span of the Home Office funding, CONNECT also took on cases which were committed from those magistrates' courts to the Crown Court for sentence. It was then asked by the London Probation Victim Liaison Office to provide restorative justice in a few cases no more than ten during the funding period) where victims had requested this of their victim liaison officer. The cases dealt with by CONNECT hence became far more serious, partly because of the need to increase the numbers of cases, partly because the case workers themselves welcomed this. The case workers felt that they could take on these more challenging cases, given the skills they had acquired in earlier work. Over the course of the project, the number of cases per quarter rose from an average of 10 in the first nine months, to a high of 33 per quarter in the following nine months, then reducing back to previous levels as the scheme ran down towards the end of funding. Working to PSR deadlines with a very small team of workers necessarily meant selection of cases, with the key being where workers thought the victim was likely to want to get involved. Some types of cases soon became a lesser priority, with workers looking for 'which ones really do have victims', 'promising cases', 'is there time to do something?' and 'take out drug and driving matters' (all quotes from CONNECT staff). Additionally, cases with police officer victims became impractical: 'we don't do assault PC any more because the policeman will never get back in touch with us, you can waste hours just trying to get hold of a policeman' (CONNECT staff).

CONNECT had a steering group, including representatives from the Probation Service and the local magistrates' court, since the start of the scheme. The CONNECT workers and managers felt that the steering group had helped develop the work of the scheme: 'a tremendous amount of support from those agencies, and the right level so that decisions could be made to change the criteria when we needed to' (CONNECT staff), particularly in the initial stages when setting up procedures for victim contact and taking referrals. Towards the end of the funding, it was seen to be: 'much more like reporting, which was fine, but it was a different role' (CONNECT staff). Indeed, some agencies seemed to distance themselves: 'I think there were certain members of that steering group who were untiringly supportive.... I think the rest frankly, lost interest. They came initially because they thought again, is this of value to my organisation? Is this going to end in 12 months? Yes it is. What's in it for us? Not a lot...' (CONNECT staff).

This raises some key questions about the role of other criminal justice agencies and the way in which initiatives are set up. The tension between individual agencies' performance indicators and inter-agency co-operation has been noted in several fields, especially with regard to victim services and restorative justice in the context of the youth justice reforms (Newburn et al. 2002; Dignan 2000; Shapland et al. 2004). This can be exacerbated by the use of time-limited project funding, without a clear exit strategy¹¹. Projects can be seen as entities to which statutory agencies can outsource work, being expected to report on those referred cases, rather than equal partners with the statutory agency or opportunities through which it could improve its services to victims and offenders.

It was clear that staff found having both a steering group, and constant contact with key agencies on that group, positive aspects. The contact had changed agencies' views and expectations about restorative justice. Probation staff, for example, said they were pleasantly surprised to see how concerned victims were to see offenders had support which aimed to prevent them re-offending, and how few victims had a hostile attitude towards offenders. Agencies generally had little previous knowledge about restorative justice, unless they had considerable contact with youth justice, where restorative justice practices are far more advanced.

The future for CONNECT

CONNECT worked with staff from the Probation Service's victim liaison unit for London over a one year period, training them as they went, using funding from the street robbery initiative. This work allowed two key project workers to continue on such cases after the end of the

¹¹ Though obviously project funding is necessary for evaluation in relation to 'what works', we discuss at the end of this chapter the difficulties of retaining skills, operational contacts and co-operation with other agencies when there is no clear future plan for the projects.

Home Office funding in summer 2003, though other staff had to leave. CONNECT left its offices and moved back to NACRO's main site in summer 2004. The Probation Service, because of its need to commit to other performance targets, was not able to continue the funding to CONNECT and so the training was not completed as planned. CONNECT work has not been mainstreamed into any other statutory agency in London and so this restorative justice service to these magistrates' courts has ceased. Though individual CONNECT project workers have gone to other jobs in which they can, personally, use some of their skills, and though their expertise is still available to those developing restorative justice policy, the skills base has, essentially, not been maintained.

The progress of a typical case

CONNECT's approach was to follow the needs of victims and offenders, rather than imposing any particular model, type or script of restorative justice. This means that victims and offenders have to have and to be able to express needs, rather than being encouraged to take part in an established model of restorative justice. The flexibility also meant that case progress was very variable, and cases tended not to be subject to clear management targets or follow-up goals. However, any tendency for cases just to 'sit' was almost completely counteracted by the major time pressures exerted by the sentencing process. CONNECT workers managed to do a great deal within the few weeks allowed. Moving to extraction, rather than referral, also created the burden of communication with other criminal justice personnel. It was almost always CONNECT which contacted the PSR writer to liaise over what recommendation would be made and how this might tie in with CONNECT's work and report. It was CONNECT which contacted defence solicitors and faxed copies of their report to them. It was CONNECT which had to contact the police to obtain details of victims, to start the restorative justice process.

Indeed, once contact was made with victim and offender, a major part of CONNECT's work was to act as a communicator and go-between to inform either or both of what the criminal justice system was doing. CONNECT was essentially undertaking mainstream criminal justice work, as well as providing victim (and sometimes offender) support - tasks which could be said to be the role of criminal justice itself. So CONNECT would contact the police to find out why victims' property was still being held, notify victims and offenders of court dates (particularly at the Crown Court) and notify victims of the details of sentence. CONNECT even, on one occasion, undertook to return the victim's property which the offender had brought to court (and subsequently notify the police to update their documentation), since no personnel from a criminal justice agency, nor the court, would take responsibility.

The criminal justice context set the basic parameters for each case. The police had to be contacted at the beginning to provide victim contact details - initially a matter of some difficulty and producing delays, until a reliable route was found, though this depended upon personal contacts. Standard letters were normally sent to victim and offender, though initial contact might be by telephone. The use of letters with offenders, necessary for offenders remanded in custody, increased during the scheme, as it was found to be more efficient. Both offender and victim(s) would then, if they agreed, be visited, normally at home, but possibly at court, at the probation service or at another venue. CONNECT workers clearly felt they needed to meet both parties face-to-face to gauge effects and needs and to be able to write their reports to the court. The progress of the case then depended upon both parties' wishes, but almost invariably involved a subsequent report to the court.

CONNECT: progress of cases and attrition

The initial bid for the funding expected the main type of restorative justice for CONNECT to be family group conferences, in which victim and offender would meet, together with relatives or supporters. In fact, only two such conferences were held (see Table 2.1). CONNECT said this was because such conferences 'aren't that relevant or appropriate as people don't have much of a family and don't tend to want to have them around' (CONNECT staff). Face-to-face meetings between victim and offender tended to be direct mediation, without supporters present. Indirect mediation was, however, the most common choice.

The lack of conferences may have been partly because of the area in which CONNECT primarily operated, which had a significantly transient population. According to CONNECT staff, those victims and offenders whose cases came to the magistrates' courts tended to have multiple problems and were not necessarily in touch with relatives. Partly, however, our schemes have tended to demonstrate that, if given a free choice and with limited time to consider options, victims and, to some extent, offenders will tend to opt for indirect mediation over direct mediation or a family group conference. Given participants' complete ignorance about restorative justice and the scheme previously, it is interesting how many people did opt to take part in restorative justice and how many direct mediations/conferences did take place.

For cases referred prior to December 2003, CONNECT undertook two family group conferences (one preceded by a direct mediation), 11 direct mediations and 37 indirect mediations over the 24 month period, a total of 50 restorative justice events (Table 3.1). Each of the 49 cases on which we have information available on all participants had one offender involved, but there was a total of 70 victims (average of 1.4 victims per case for indirect mediation, 1.5 victims per case for direct mediation/family group conferences).

These 50 restorative justice cases stemmed from a total of 146 cases referred to or extracted by the scheme (34 per cent). Very small percentages of cases were found to be out of scope or subsequently unsuitable (Table 3.1¹²). The main causes of drop out were because the offender refused any form of restorative justice (15 per cent of cases referred), victims were uncontactable (14 per cent) or the victim refused (11 per cent). The rate of victim refusal was extremely low, stemming, possibly, from the fact that the scheme was explained in a face-to-face meeting, the wide range of restorative justice services offered by CONNECT, and the willingness of CONNECT workers to cover the deficiencies of criminal justice in finding out for victims what was happening. CONNECT did, however, have considerable difficulty, particularly early on, in obtaining victim contact details from the police.

Overall, cases took an average of 55 days (just under two months) from referral/extraction to the last contact with someone relating to the case, though a few cases took over six months (Table A1.1¹³). The cases resulting in direct mediation or conferencing took an average of 60 days. The constraining factor was clearly the progress of the case at court and hence the need to meet court sentencing deadlines.

Offering a full range of restorative justice services was seen by CONNECT workers as important: 'you need variety and flexibility so people use it'; 'we all...agree that we want to provide something that is really responsive to the needs of those particular individuals rather than a one size fits all model' (CONNECT staff). It does, however, lead to a very pressured life for workers. An indirect mediation case involved between four and 30 telephone calls, visits or letters, with an average of 14 such contacts, in addition to being present at court for sentence in the majority of cases and writing a court report in almost every case. CONNECT staff entered on their database the amount of time they spent on each main element of the case. Cases ending in indirect mediation took an average of about six and a half hours, with a range of between an hour and 25 hours. This compares with an average of about three hours for cases not reaching a restorative justice outcome (range from 15 minutes to 16 hours) and with an average of about 22 hours for family group conference cases and 19 and a half hours for direct mediation cases (range from 7 hours to 37 hours)¹⁴. Overall, CONNECT workers spent an average of about five and a half hours on each case. The more serious and complex cases

¹² In Table 3.1, the percentages of offenders whose cases went through to the different stages in preparing for restorative justice are calculated to a base of the number of cases left after cases out of scope or not suitable were removed by the scheme, because the proportion of such cases depends so much on the method by which the scheme acquires cases (for example, how effectively referral/extraction methods have removed offences without victims).

¹³ Additional tables giving data on the progress and characteristics of cases for all three schemes can be found in Appendix 2. Percentages in this chapter relating to attrition and characteristics of cases are actual percentages; those relating to time intervals valid percentages, because it is not possible to know the base number of cases in which offenders and victims were approached, and so those where refusal was a possibility.

¹⁴ Comparing conferences and direct mediations with indirect mediations reveals that there was a significant difference in the staff time taken. There was also a significant difference between any form of restorative justice occurring and cases which did not result in restorative justice. All these differences were at least at the level $p < 0.002$.

Table 3.1 Outcomes for all offenders referred to all three schemes

JRC	JRC Phase two referred before 1/12/2003						REMEDI and CONNECT	Remedi cases referred before 1/04/2003							Connect cases
	London		Northumbria		Thames Valley			Adult					Youth		
	Burg.	Street crime	Court	Final warn	Comm	Prison		Auto probn comm	Auto resett	Not auto probn	Self off	Vict init	Ref. panel	Yot	
Total offenders referred	457	305	385	518	568	740	Total offenders referred	455	91	135	120	17	93	333	146
Number out of scope	17	14	9	21	131	88	Number out of scope	98	1	4	8	0	1	4	3
Number found unsuitable	60	55	43	63	166	86	Number found unsuitable	178	51	12	17	3	15	53	14
Total suitable offenders	380	236	333	434	271	566	Total suitable offenders	179	39	119	95	14	77	276	129
Offender uncontactable(%)	6	5	21	7	4	0	Off. uncontactable(%)	20	3	14	14	14	4	7	10
Offender refuses(%)	22	16	27	31	33	34	Offender refuses(%)	56	85	18	15	0	16	36	17
Victim uncontactable(%)	4	9	3	3	7	15	Victim uncontactable(%)	7	0	11	11	7	10	6	16
Victim refuses(%)	26	32	24	15	36	33	Victim refuses(%)	13	8	36	38	7	8	8	12
Other(%)	0	0	0	1	1	1	Other(%)	1	0	2	2	14	40	21	6
Randomly assigned(%)	42	39	25	43	20	18	Indirect mediation(%)	3	5	14	17	29	13	16	29
							Direct mediation(%)	0	0	5	4	29	9	5	9
							FGC(%)	-	-	-	-	-	-	-	2

JRC	JRC phase one cases and Northumbria adult cautions					
	London	Northumbria			Thames Valley	
		Court	Final warning	Adult caution	Community	Prison
Total offenders referred	213	126	127	332	125	161
Number out of scope	23	10	7	2	17	22
Number found unsuitable	56	17	16	42	65	19
Total suitable offenders	134	99	104	288	43	120
Offender uncontactable(%)	10	12	4	1.0	0.0	0.0
Offender refuses(%)	15	23	22	51	19	42
Victim uncontactable(%)	3	3	2	1	12	5
Victim refuses(%)	30	28	18	29	33	41
Other(%)	6	1	0	2	0	0
VO conference held(%)	36	32	54	16	37	13
Victim absent conference	22	0	0	3	6	6
Offender absent conference	0	0	0	0	1	0
Hence % suitable cases ending in any conference	53	32	54	17	54	18

The unit of analysis is the offender. Percentages are based on the total of suitable offenders. VO conference held refers to a conference attended by both a victim and an offender. Autoreferrals from probation community to Remedi do not include referrals to Doncaster because, in the Doncaster office, cases were only put on the database if the offender expressed an interest in mediation. Fifty five auto-referral offenders were seen by the Doncaster office, of which five expressed an interest in mediation. Two subsequently decided against mediation, in one case the victim was not contactable and in the other the victim refused.

referred from the Probation Service victim liaison team, cases with multiple victims, and cases which led to direct mediation/conferencing tended to take considerably longer than usual for indirect mediation.

CONNECT covered a wide range of types of offence, including assaults (34 per cent of those leading to restorative justice), burglary (24 per cent), theft or taking a vehicle (10 per cent), and criminal damage (8 per cent) (Table A1.2). Offenders tended to be in their 20s and 30s (mean age 31 years), but there were a few much older offenders. Most were male (88 per cent). Data on ethnic origin were largely missing, but there was a considerable number of offenders whose ethnic origin was noted as 'black'. Though again there are missing data for the referred sample, overall, the sentences offenders received matched those expected for people for whom sentencers asked for a pre-sentence report - those on the borderline between custody (25 per cent) and community sentences (32 per cent), with very few receiving a financial penalty (2 per cent) or a discharge (1 per cent).

Were CONNECT taking all the available cases from those courts over that time period? The *Criminal Statistics* for 2002 (Home Office 2003b) provide sentencing data for Camberwell Green and Tower Bridge magistrates' courts taken as a unit¹⁵. They illustrate the very high proportion of custodial sentences (25 per cent, compared to 16 per cent nationally) and committals to the Crown Court (25 per cent of all cases, compared to 16 per cent nationally), at these inner London courts. Assuming that the two courts provided equal volume and that work over the whole 2001/2003 period was equivalent to that in 2002, the volume of cases for which PSRs would be likely to be requested over the CONNECT period was approximately 290, whilst CONNECT actually worked with 146¹⁶. There was clearly selection by workers in some less serious offence categories of cases they felt would be more 'appropriate' for restorative justice, but given that some offenders will have pleaded not guilty or not have been suitable, it is not surprising that CONNECT found problems in maintaining an appropriate level of referrals. Given that the size of CONNECT's team was probably the smallest practicable and the team was significantly affected if one worker was off sick, this suggests that future schemes should aim for a larger team, which might mean working on a somewhat wider geographical basis. The likely selection by workers of particular cases on which to concentrate is also illustrated by the significant difference found between restorative justice cases and cases which did not go to restorative justice on type of offence (Table A1.2). Restorative justice cases were more likely to be assaults and burglary, and less likely to be theft or taking a vehicle.

Cases which resulted in restorative justice were most likely to receive a community sentence (42 per cent - about half receiving a Community Rehabilitation Order, half a Community Punishment Order), with 32 per cent receiving immediate custody, 2 per cent a financial penalty, 2 per cent a discharge and 8 per cent some other sentence. Custodial sentences were primarily of six months or less (38 per cent), but ranged up to life. Because CONNECT cases started off primarily from the magistrates' court, but, later on, more serious cases were taken from the Crown Court, including offenders given long sentences in prison (referred from the victim liaison unit), it is not possible to compare statistically the impact of undertaking restorative justice on sentencing over the whole of CONNECT's case load. There was little difference on sentence at the magistrates' court between restorative justice cases and others, but in some individual cases on the custody borderline, the specific information provided to sentencers through the CONNECT process led to offenders being given relevant community penalties, whilst in cases where community penalties were likely in any event, more relevant conditions or interventions were made. Certainly, court officials interviewed indicated that sentencers had found the information provided in the report helpful. However, there was no

¹⁵ CONNECT took cases from around August 2001 to June 2003, so 2002 is the main period for referrals. No assumption has been made that there were similar statistics for other years, but an analysis on the *Criminal Statistics* 2000 produced similar results.

¹⁶ We have estimated the minimum number cases on which PSRs were likely to be requested as all the specific offences for which there are data in the *Criminal Statistics* on which CONNECT was working (assaults, burglary, theft but not shop theft, taking a motor vehicle and criminal damage) for which offenders received community sentences. If custodial sentences, 'other' sentences and a small (10 per cent) proportion of discharges is included (the maximum likely number for which a presentence report is likely to be requested), the number over the period would be 734.

difference as to whether a compensation order would be made between referred cases leading to restorative justice and those not so leading (28 per cent).

The CONNECT court report, provided prior to sentence, was a detailed account of what offenders said about how they felt about the offence, together with their remorse and willingness to answer victims' questions or provide apologies; what victims said were the effects of the offence and their willingness to entertain restorative justice; the restorative action already taken and any prospects for further restorative action in conjunction with a condition of a community sentence or deferred sentence. This report was specific to each case and, if people requested, would be read to the victim or faxed to the defence solicitor before being handed in. An additional report would be written if there was further restorative action after sentence.

A CONNECT direct mediation or family group conference did not involve a set 'script'. It would be held in a room in a community venue or probation office, normally with two case workers present, one of whom would act as the facilitator. Direct mediations only involved the offender and victim(s), whereas the two family group conferences were relatively small affairs with one or two supporters for each party¹⁷. Lawyers were not present, though they were likely to have been consulted previously. A letter was sent to each participant beforehand, setting out the 'ground rules' and providing clear directions to the venue. The ground rules included the procedure to be followed, as well as urging 'everyone is to be treated with respect'. An example of the likely procedure was:

'As we discussed, the aim of the meeting is:

- For xxx, as the victim, to talk about how he feels about the assault.
- For you [the offender] to acknowledge his feelings, express your apologies and to offer an explanation for your actions.'

Note that, in CONNECT direct mediations, the victim normally speaks first¹⁸. The expectation that the offender will apologise is clearly stated.

Direct mediations typically involved more work than indirect mediation, as we saw in the time estimates above. This was primarily because mediators met with each main participant to prepare them for the meeting, and also liaised with probation officers, prison staff and lawyers. There were between 17 and 51 contacts by telephone, letter or through visits, with an average of around 29, together with attendance at court appearances. The bulk of this work occurred before the court appearance for sentence. As is discussed in Chapter 3, CONNECT direct mediations and family group conferences did not have a formal outcome agreement, or any specific list of actions that any party would be expected to undertake in the future. However, if any party had requested action from CONNECT, that might occur after any meeting, the court report or the sentence.

Justice Research Consortium: the progress of the scheme

The RCTs running in Phase 2 for each JRC site are described in Chapter 1. In Phase 2, all three sites experienced difficulties in obtaining the numbers required for the trial and so, in early 2003, the Home Office granted a funding extension, such that cases could continue to be taken into 2004. Additional financial support was provided by the Metropolitan Police, Northumbria Police and the University of Pennsylvania.

Key elements relevant after the first year were:

- there was continuing geographical expansion (to more Crown Court centres in London, to more courts and YOTs in Northumbria, and to more prisons and probation areas in Thames Valley)

¹⁷ See Chapter 4 for a discussion of conferencing and mediations observed in each scheme.

¹⁸ In JRC conferences, the offender is asked first to say what happened in the offence.

- the continuing problems in finding sufficient Northumbria adult caution cases going through to conferences led to a decision in autumn 2002 that it was not possible to conduct a RCT on these cases, though cases continued to be taken by the police as, essentially, Phase 1 cases
- though a stable staff base continued, some sites needed to recruit more administrative staff to check criminal records, victim contact details and undertake follow-up of outcome agreements, as well as maintaining databases
- major effort continued to be made to publicise the scheme to criminal justice personnel and partner agencies in all areas, using a wide variety of means
- after liaison with the Crown Court judiciary, it was decided to provide a much more detailed report to the sentencing judge in London Crown Court burglary cases, to include details of what happened at the conference (previously only the outcome agreement was sent - this continued in London street crime cases, Northumbria court cases and Thames Valley community cases)
- initiatives were introduced to improve pre-conference preparation, including using another facilitator in stalled cases, slightly more flexibility during the conference, and telephone calls or questionnaires to ensure there were no problems for participants after the conference were standardised for each site
- far more effort started to be put into following up outcome agreements, with standardised, though slightly different, procedures being established in all sites.

After the end of the Home Office funding

Restorative justice with adults in England and Wales has developed sporadically, with schemes being very much dependent on project funding, so that, at the end of the funding, schemes tend to disband and skills are lost (JUSTICE 1998)¹⁹. Uncertainty about ongoing funding inevitably also results in anxiety among project staff. Funding has also tended to dominate the types of disputes in which restorative justice has been used, with schemes changing their nature as funding streams alter. New initiatives have not become a normal part of the work of statutory agencies, partly because performance targets have concentrated upon their core work²⁰. The funding for these three schemes was never intended to be more than fixed term, but it is worth recording what has happened thereafter, up to the date of writing. None of the schemes had led to mainstream working in statutory agencies by the end of 2004, with the exception of restorative working in Bullingdon prison.

With support from the Metropolitan Police and the University of Pennsylvania, JRC London continued to work towards their target of 50 conferences and 50 control group cases for the street crime RCT after the end of the Home Office funding. They have continued to randomise both burglary cases and street crime cases during 2004 at a rather lower rate of work, partly because they were successful in their bid for a pilot of restorative justice during conditional cautioning, funded also by the Home Office and using the same facilitators. However, at the time of writing they were no longer providing a service to all Crown Court centres in London.

Extensions of funding were granted to both experiments in Northumbria, with additional support from Northumbria Police. For the court experiment referrals were taken until May 2004 and for youth cases until July 2004. Referrals for adult cautions stopped in November 2003 so efforts could be concentrated on reaching the target RCT figures for the adult court

¹⁹ It is only with the advent of restorative work on a statutory basis, in referral panels, reparation orders and action plan orders, that restorative justice for young offenders in England and Wales has developed a consistent service and skills basis. This has been reinforced with the setting of challenging targets for restorative work and victim satisfaction, and the publication of inspection reports of YOTs with sections on restorative justice (for example, Joint Inspection Team 2004).

²⁰ Statutory agencies are given performance targets on their performance on specified tasks, on which they have to report their progress in each time period. Some targets directly affect their funding.

and youth experiments. It is unclear how Northumbria Police intend to use restorative justice in the future.

In Thames Valley there was considerable uncertainty during the spring/summer of 2003 as to whether there would be sufficient funds to continue employing facilitators, and the steering group had begun to consider its 'exit/continuation strategy'. In mid-2003 the Home Office extended the funding. By March 2004 the project was winding down but continued to operate during 2004 with a skeleton staff, made possible by continuing support from Thames Valley Police, National Probation Service -Thames Valley, Bullingdon Prison and the University of Pennsylvania, taking referrals to both the prison and community trials. Project management staff proposed to continue restorative justice work in the form of a multi-disciplinary restorative justice service for the adult criminal justice system in Thames Valley, involving police, probation, Victim Support, Mediation Oxfordshire, the prisons and courts. Restorative justice was also continuing at HMP Bullingdon, with more staff being trained and the prison officer facilitator to continue with restorative justice work as part of his job within the prison.

The typical progress of a case

Generally all three sites have operated on a very similar basis over all their RCTs in Phase 2, with their procedure strongly influenced by the initial training carried out by Transformative Justice Australia. The only restorative justice possibility offered by JRC has been conferencing.

Once a referral was received by the scheme or a suitable case identified from relevant records, the case was entered onto the database and allocated to one facilitator, who would see the case through from beginning to end. Details of the offender and the victim (using police records) would be obtained and checks made as to suitability and eligibility. The offender (and potential offender supporters) would be contacted first. If the offender agreed to participate, contact would be made with the victim and potential victim supporters. If the victim also agreed, random allocation would take place at this point, to the experimental (conference) group or the control (no conference) group. The facilitator would then organise a time and venue for any conference (ensuring, for Northumbria and Thames Valley, that a co-facilitator would also be present). Any outcome agreement from the conference, signed by the participants, would be passed to the court (for London and Northumbria magistrates' court RCTs), to the Probation Service (for Thames Valley community cases) or to the YOT (for Northumbria youth final warning cases). Questionnaires and reviews of the outcome agreement would follow.

The sites introduced protocols and formalised ways of working. In Thames Valley for example, the Project Manager produced a very comprehensive procedure and guidance manual – 'From case identification to conference'.

Justice Research Consortium: case numbers and attrition

JRC London

In the original proposal, it was envisaged that cases would be drawn from the magistrates' courts in two London boroughs. It was soon realised that case flow would not be sufficient to support the proposed RCTs and hence JRC decided to switch to the Crown Court. This resulted in a far healthier case flow, rising to 110 per quarter just prior to the start of randomisation in Phase 2. By the end of the second quarter of Phase 2, 154 burglary cases had been referred, 54 (35 per cent) of which were assigned to the burglary control or conference groups. The referral rate slowed somewhat over the next two quarters but burglary cases reached the proposed RCT target of 50 control and 50 conference cases in July 2003.

Street crime cases were referred at a slower rate and, at least at the start of Phase 2, were less likely to reach random assignment. By the end of the second quarter of Phase 2, there had been 68 street crime referrals, only 14 of which (21 per cent) reached random assignment. Over the next two quarters the rate of referral remained the same (Table A1.4a),

but the proportion reaching random assignment increased slightly (27 per cent in the fourth quarter). It was clear that at this rate the street crime RCT would not reach the proposed target of 50 control and experimental cases by December 2003. In the second half of 2003, as the burglary RCT reached its target, all efforts were directed towards street crime. The number of street crime cases that were taken and the proportion that reached random assignment increased to 41 per cent in the last quarter of 2003. Despite these efforts the street crime RCT did not reach the target by December 2003 and continued into the following year, reaching the target in March 2004.

Analysis of statistics, similar to *Criminal Statistics*, provided to us by the Home Office for the relevant Crown Court centres allows us to estimate that if all relevant cases had been referred over the whole time period, London should have had 2,691 cases of street crime referred and 1,764 cases of burglary. In fact they had 305 street crime cases (11 per cent) and 457 burglary cases (26 per cent). This is a major difference. Possible reasons for the disparity could be the number of sustained not guilty pleas up to the time of trial, a key reason cited by JRC; offenders not being referred for pre-sentence reports (JRC was extracting cases from the tracker system operated by the National Probation Service); or JRC possibly selecting only a proportion of cases on the list (though this is likely only to have occurred for burglary). There was a relatively high acquittal rate for these offences generally (37 per cent of robbery cases, 27 per cent of theft from the person cases and 27 per cent of burglary cases which were for trial at the Crown Court were acquitted), so not guilty pleas may well have been a major factor (no figures are routinely gathered on plea).

Cases did not reach random assignment for various reasons, as illustrated in Table 3.1. Because the scheme itself was extracting cases, few were out of the scope of the project (wrong offence, no guilty plea). Some cases subsequently turned out to be unsuitable (mental health issues, domestic violence, denial of offence etc.), but most cases (83 per cent of burglary cases and 77 per cent of street crime cases) were suitable. Although the proportion of street crime cases that reached random assignment was lower at the start of the project than that for burglary cases, overall the proportion of suitable cases referred before December 2003 that reached random assignment, was very similar for the two RCTs (42 per cent for burglary and 39 per cent for street crime).

The main reasons why burglary cases did not reach random assignment were that the victim refused (26 per cent) or the offender refused (22 per cent). The main reasons why street crime cases did not reach random assignment were similar, but with a lower proportion of offender refusals (16 per cent) and a higher proportion of victim refusals (32 per cent). This might be explained if victims of robbery are more apprehensive about meeting the offender again, because of the very direct nature of the crime. Offenders who have committed robbery can expect a harsher sentence than those who have committed burglary, and may therefore be particularly motivated to take part, in the hope that this will be seen as a mitigating factor in sentencing. There was relatively little difference in rates of offender and victim refusal between Phases 1 and 2, suggesting that the skills of facilitators were quite quickly honed and that the early referral difficulties were primarily about obtaining a suitable and sufficient geographical base in criminal justice.

Table 3.2 shows what happened to cases after random assignment²¹. Of the 186 burglary cases that were randomly assigned, before the end of March 2004, 47 per cent were assigned to the control group, 43 per cent led to a conference with victim and offender present, one resulted in an offender absent conference (because the offender pulled out) and 6 per cent resulted in a victim absent conference. Six cases assigned to the conference group did not result in a conference²².

Of the 106 street crime cases that were randomly assigned, 50 per cent were assigned to the control group, 43 per cent led to a conference with victim and offender present and 8 per cent resulted in a victim absent conference. Most of the victim absent conferences (five cases)

²¹ In Phase 2, London JRC only took cases with one offender, so the unit of cases is also the unit of offenders.

²² In two cases the conference did not go ahead because the victim dropped out, in one case because the offender dropped out. The reason is not specified for the three other cases.

resulted from cases referred between June and August 2003, during which efforts were being made to increase the number of street crime cases.

Cases were referred to London JRC after a guilty plea prior to sentence and so restorative justice processes had to proceed quickly to meet court sentencing deadlines. The sentencing date that was being worked towards was, on average, 31 days after referral for burglary cases and 29 days after referral for street crime cases. On average, cases were completed faster, 23 days for burglary cases and 20 days for street crime cases (Table A1.3). Overall, 81 per cent of burglary cases and 82 per cent of street crime cases were completed before the anticipated sentence date. The average length of the case was longest for victim absent conferences (70 days for burglary and 40 days for street crime), suggesting, as facilitators would also confirm, that hesitant participants are likely to pull out²³. Although some cases did take longer (particularly offender absent burglary conferences), in 90 per cent of cases that went to a conference the conference was held less than 46 days after referral for street crime cases and less than 51 days after referral for burglary cases. Given the amount of work involved in organising conferences (especially those to be held in a prison, which often required several days notice), this is very creditable. It is not possible to know how long, for example, it took to prepare PSR reports in London at that time, but we suspect the average was similar.

Table 3.2 The outcomes of JRC Phase 2 randomised cases assigned before 1.4.04

	London		Northumbria		Thames Valley	
	Burglary	Street crime	Court	Final warning	Community	Prison
Number of randomised cases	186	106	105	165	63	103
Assigned to control group (%)	47.3	50.0	49.5	50.3	52.4	49.5
Offender(s) drops out post RA (%)	1.1	0.0	2.9	0.6	3.2	4.9
Victim drops out post RA (%)	5.9	6.6	3.8	3.0	1.6	6.8
Joint conference doesn't take place: other (%)	2.7	0.9	4.8	0.6	1.6	1.0
Victim offender conference held (%)	45.0	42.5	39.0	45.5	41.3	36.9
Case not finished (%)	0.0	0.0	0.0	0.0	0.0	1.9
Number of victim absent conferences	11	8	6	5	1	4
Number of offender absent conferences	1	0	0	0	0	1
Hence, % of cases ending in any conference	49.5	50.0	44.8	48.5	42.9	41.7

The unit of analysis is the case. There are no missing data. The total number of victims on the database for these randomised cases was London burglary 244; London street crime 129; Northumbria court 131; Northumbria final warning 190; Thames Valley community 91; Thames Valley prison 190.

The amount of time spent on cases was available from the scheme's databases, for around 60 per cent of cases. The overall time spent was, on average, similar for burglary and street crime cases (around 8 hours: Table A1.3). Cases that went to random assignment took longer. An average of almost 13 hours was spent on each randomly assigned case, against just under 5 hours on other cases. An average of just under 17 hours was spent working on cases that went to a victim offender conference, whilst victim absent conferences took up the most time, at just over 22 hours.

The characteristics of the randomly assigned cases can be found in Table A1.4. Most randomly assigned street crime cases (90 per cent) were robberies, the remainder being thefts. Offenders were predominately male (93 per cent) and in their 20s and 30s (average age of burglary offenders 31 years and street crime offenders 29 years), but there was a block of younger offenders in the street crime category (42 per cent between 18 and 24). There

²³ A concern is, of course, that if there is real pressure, whether from criminal justice or in order to meet scheme targets, to meet time limits, then more uncertain participants, particularly victims, may not be encouraged to the same degree to participate in a direct meeting. The effect is, however, probably less for schemes like JRC, where there is no alternative offered to a direct meeting.

were similar proportions of male and female victims in both RCTs.²⁴ The purpose of using a RCT is that, through randomisation, the kinds of offenders, cases and victims in the conference group should be similar to those in the control group - or it becomes very difficult to analyse subsequent differences in reconviction etc. It is still necessary, however, to check that there are no statistically significant differences. Table A1.4 shows that no significant differences were found, suggesting the random assignment was successful.

Most randomly assigned offenders in both RCTs were being held in custody (83 per cent of burglary offenders and 88 per cent of street crime offenders). In both RCTs, the cases of offenders held in custody were more likely to proceed from referral through to random assignment than those where the offender was on bail. Fifty per cent of randomly assigned burglary offenders received a community sentence, around two thirds of which were Drug Treatment and Testing Orders, whilst 43 per cent received a custodial sentence. The average length of custodial sentences was 33 months. Seventy eight per cent of randomly assigned street crime offenders received a custodial sentence and here the average length of custodial sentences was 38 months.

In the street crime RCT a statistically significantly greater proportion of those assigned to the control group received a custodial sentence when compared to those assigned to the conference group ($X^2 = 9.344$; d.f.=2; $p < 0.01$). This difference became even more marked when those that went to a victim offender conference were compared to control cases ($X^2 = 10.329$; d.f.=2; $p < 0.01$). This is not what would have been expected, given that there was no such difference on sentence between conference and control cases for burglary, for which there had been guidance to sentencers during the operation of the scheme that being prepared to attend a restorative justice conference could be considered a mitigating factor in sentence (*R v Collins*²⁵). JRC had attempted to ensure that offenders would not be penalised by not being able to participate in a conference, whether because the victim had refused, or because they were assigned to the control group.

JRC Northumbria

The flow of cases to Northumbria JRC was initially slow, as detailed in the first report (Shapland et al. 2004), but by around March 2002 cases in each RCT started to be referred at a reasonable rate of 40 to 60 per quarter. Phase 2 began for the youth final warning and adult court RCTs in late July 2002²⁶. There were no problems in the flow of youth final warning cases or in the number reaching random assignment and this RCT achieved its target of 50 control and experimental cases by May 2003. Cases continued to be taken until the end of Home Office funding. However, some control group offenders did take part in forms of direct reparation not run by JRC (8 of the 43 for whom we have data on conditions of final warnings from the YOTs: primarily this took the form of a letter of apology sent to the victim)²⁷. Some conference group offenders also received other programmes (8 of the 47 for whom we have data undertook indirect reparation and another 7 took other programmes).

The YOTs contributing to the restorative justice pilot provided figures for the number of final warnings to help us estimate whether all relevant cases were taken into the JRC scheme²⁸.

²⁴ Characteristics are of the first listed victim. In the burglary RCT the victims listed by the scheme were quite frequently an entire household, for whom we are not able to calculate an age.

²⁵ *R v Collins (David Guy)*, Court of Appeal (Criminal Division), 18 March 2003, [2003] EWCA Crim 1687, The Times 14 April 2003.

²⁶ As explained earlier, Northumbria JRC ran separate burglary and assault RCTs at the magistrates' court and separate assault and 'other' RCTs for youth final warning cases, but these have been combined in our analyses.

²⁷ This does mean that the control group cannot be taken to be a 'non-restorative justice' control group, though it was certainly a non-conference control group.

²⁸ Sunderland YOT was involved from 1.9.2002 to 31.3.2004, during which time there was a total of 689 final warnings, of which 552 offenders took part in programmes, including JRC restorative justice conferencing, but also indirect reparation to the community. This is the only Northumbria YOT for which we have specific case information. Gateshead YOT were involved from 1.8.02 to 31.3.04, when there were 329 final warnings, of which 271 involved intervention programmes. Newcastle YOT and South Tyneside YOTs were involved from 1.1.03 to 31.3.04, during which time there were 375 final warnings at Newcastle and 334 at South Tyneside. We are very grateful to the YOT staff for the time they spent in interrogating their IT systems to provide these figures.

The four YOTs had a total of 1,727 final warnings given while they were involved with the scheme. Table 3.1 shows that 518 cases were referred to JRC. We would not expect all final warning cases to go to a restorative justice scheme, partly because some will have institutional or commercial victims (of say shop theft), partly because not all final warnings are intended to include conditions for the offender. We can estimate that, in fact, 550 cases would be referred to JRC, which is very similar to the actual total of 518 cases²⁹. These estimations thus correspond to our informal observations, which indicated that all relevant youth final warning cases were in fact considered by JRC.

The magistrates' court RCT for adult offenders proved more difficult in terms of reaching its targets. There were ongoing problems in obtaining sufficient referrals and a smaller proportion of suitable cases went through to random assignment (25 per cent overall as compared to 43 per cent for final warning cases). The RCT eventually reached a total of 100 cases in March 2004.

The extent to which all relevant cases were obtained from the magistrates' courts can be found through a similar analysis to that described above for CONNECT, using the *Criminal Statistics* 2002. This allowed us to estimate that there was a potential pool of between 302 and 559 assault cases and between 560 and 1,290 property cases over the whole of the Phase 2 period, depending upon how many cases were referred for a pre-sentence or specific sentence report by the magistrates. The actual number of cases referred/extracted by JRC was 111 assault cases and 271 property cases. Our informal observations suggest that the difficulties in obtaining cases stemmed from court views that offenders should be sentenced quickly or immediately (using, if necessary, reports prepared on the same day), whilst the constraint of using only cases in which pre-sentence reports were to be prepared over some weeks also significantly reduced the pool. Without the geographical expansion to more courts, the RCT would not have been completed.

We saw above that there was concern from early on that an adult caution RCT would not be viable, not because of insufficient referrals but because of low levels of consent to participate, particularly by offenders. Though such an RCT went live in early September 2002, it fairly quickly became apparent that the low level of agreement (around half the suitable offenders refused to take part: Table 3.1) meant that achieving the target was going to be unlikely. The decision taken in autumn 2002 was to continue to take referrals but not to randomise subsequent cases.³⁰ In total 42 victim-offender conferences were held for adult caution cases and there were a further three victim absent conferences.

Looking at the progress of the magistrates' court and youth final warning cases, very few of the cases that were referred were out of the scope of the project (wrong offence, no guilty plea, offender in custody) (Table 3.1). The vast majority of cases in both RCTs were suitable (86 per cent of court cases and 84 per cent of final warning cases). Forty three per cent of suitable final warning cases reached random assignment. In most other cases the offender refused to take part. A lower proportion of suitable court cases reached random assignment (25 per cent). The offender refusal rate was actually lower for court cases than for final warning cases (27 per cent of suitable cases as compared to 31 per cent for final warnings), but there were considerable difficulties in contacting offenders (21 per cent not contactable, which is the highest rate for any of the RCTs or schemes). Victim refusal rates for court cases (24 per cent) were low, one of the lowest for the schemes working with adult offenders in this evaluation. A lower proportion of cases reached random assignment in Phase 2 than went to a victim offender conference in Phase 1. For court cases, the proportion of offenders that could not be contacted had increased and, for final warning cases, the offender refusal rate had increased.

²⁹ Data from Tyneside in 2000 allow us to estimate that 39 per cent of all cautions, reprimands and final warnings were for offences likely to have an individual victim, omitting sexual assault cases (Shapland et al. 2003). If this proportion were to apply to final warnings in 2002-4, this would suggest that 680 cases would be referred. The likely proportion of cases which resulted in final warnings alone, without participation in a programme, then needs to be removed, using the YOT data from Gateshead and Sunderland (19 per cent).

³⁰ Five cases were assigned to the control group before the experimental phase was abandoned.

Of the 105 court cases that were randomly assigned before the end of March 2004, 50 per cent were assigned to the control group, 39 per cent led to a conference with victim and offender present, and 6 per cent went to a victim absent conference³¹ (Table 3.2). Cases that did not go to a victim offender conference did not occur at any particular point in the project. Only two randomised cases had more than one offender. The total number of victims on the database for randomly assigned cases in the court RCT was 131 (from the 105 cases).

Of the 165 final warning cases that were randomly assigned, 50 per cent were assigned to the control group, 46 per cent led to a conference with victim and offender present and 3 per cent resulted in a victim absent conference because the victim pulled out after randomisation. A number of final warning cases were run with co-offenders. Seven conferences attended by both victim and offender had two offenders, three had three offenders and two had four offenders, whilst two victim absent conferences were attended by two offenders and one by three offenders. The total number of randomly assigned victims on the database was 190, from the 165 cases.

Court cases were referred after a guilty plea prior to sentence. Therefore, as in London, cases had to proceed quickly to meet court sentencing deadlines. The average time from referral to closure for cases in the court RCT was 20 days (Table A1.3b), which is similar to the average time taken for London cases. Cases where the offender could not be contacted took the longest but even these were, on average, closed in 26 days and although there were some longer running cases, most cases (96 per cent) were completed in less than 56 days. All conferences were held in less than 49 days from referral. Final warning and adult caution cases were referred after the offender had admitted guilt, but whilst awaiting administration of the final warning or caution, so they too needed to be processed quickly. The average time taken from referral to closure was similar to that for court cases (22 days for final warnings and 20 days for adult cautions) but cases took longer to go to conference than with court cases (an average of 34 days for final warning cases and 30 days for caution cases).

To be referred to Northumbria JRC, the case had to be either an assault or a property offence. The most common randomly assigned offence in each RCT was assault occasioning actual bodily harm (ABH: 29 per cent for the court RCT, 33 per cent in the final warning RCT and 55 per cent of adult cautions that went to conference) (Table A1.4b). Most of the property offences in the court RCT were theft, fraud and handling, whilst those in the final warning RCT were criminal damage (29 per cent) or theft, fraud and handling (18 per cent). The average age of offenders in the court RCT was 25, although the bulk of offenders (66 per cent) fell into the 18 to 24 age bracket. The most common sentence to be received by randomly assigned offenders was a community sentence (66 per cent) and the most common community sentence was a Community Rehabilitation order (62 per cent). Offenders in the adult caution group were older, on average 33 years, and more than half were over 30. Offenders in the youth final warning RCT had an average age of 14, with most aged between 12 and 15³². There were more male than female offenders in all three groups (88 per cent in the court RCT, 74 per cent in the final warning RCT and 66 per cent of adult cautions). Nearly all offenders were white.

The average age of randomly assigned court RCT victims was 37. Final warning victims tended to be younger, on average 28. Almost half the final warning victims (47 per cent) were themselves young people. Victims in adult caution cases that went to a victim offender conference had an average age of 27 and did not fall into any particular age bracket. There were similar proportions of male and female victims in the court and final warning RCTs but there were more male victims in the adult caution group (66 per cent). Nearly all victims were white.

We again need to consider whether the randomly assigned conference and control groups turned out to be similar in composition (i.e. whether random allocation produced comparable

³¹ Victim absent conferences came about in two ways. In four cases the victim pulled out. In the other two cases the offender did not turn up to the conference, the offender was subsequently seen by facilitators and an offender absent conference was held there and then.

³² Youth final warning cases that reached randomisation also were significantly younger than those which did not and also had significantly older victims (Table A1.6b).

groups). An additional factor is whether subsequent processes contained selection effects, so that the people who attended a conference and so experienced restorative justice were similar to the control group. Unlike in London, in Northumbria there were significant differences at different stages on some variables (Table A1.4b). In the court RCT, offenders in the control group were significantly older than those who actually went to a victim offender conference ($t=2.394$; $d.f.=90$; $p<0.05$). In the final warning RCT, there was a significant difference in type of offence between final warning cases assigned to the control group and those assigned to the conference group ($X^2=22.285$; $d.f.=8$; $p<0.01$) and between those assigned to the control group and cases for which a victim offender conference was held ($X^2=21.832$; $d.f.=8$; $p<0.01$). There was a greater proportion of theft, fraud and handling in the conference group and a smaller proportion of criminal damage cases. There was also a significantly greater proportion of female victims in the final warning control group as compared to the conference group ($X^2=6.283$; $d.f.=1$; $p<0.05$) and compared to cases for which a victim offender conference was held ($X^2=4.751$; $d.f.=1$; $p<0.05$).

JRC Thames Valley

JRC Thames Valley prison cases were allocated at around 50 per quarter as Phase 2 started, mostly from Bullingdon prison. This rate, however, increased rapidly to over 140 allocated cases in the first full quarter of Phase 2, with more staff time being devoted to this RCT. The rate subsequently slowed as the reserve of Bullingdon cases began to dwindle, but then increased again as other prisons were approached. From examination of the databases, it is clear that there was never really any problem in the overall flow of prison cases and there were considerably more allocated cases than for any other RCT.

In the prison RCT, relatively few cases were out of scope (12 per cent) or unsuitable (12 per cent). However, the proportion of cases reaching random assignment was low, compared to other JRC sites, because of high offender refusal (34 per cent) and victim refusal (33 per cent) rates (Table 3.1). In addition, not surprisingly given that considerable time had elapsed since the offence and sentencing³³, a fairly high proportion of victims (15 per cent) could not be contacted. A large volume of allocated cases was hence required to provide enough randomised cases and the overall rate of randomised cases (at 18 per cent) was the lowest of all JRC sites. This RCT did however achieve its target in March 2004.

To analyse whether JRC obtained all relevant prison cases, a special run of the prison statistics was undertaken to obtain details of all cases where the offender had less than 12 months to serve on 1.1.2003 and had been convicted of a relevant offence of violence in an Oxfordshire, Buckinghamshire or Berkshire court³⁴. For Bullingdon prison, the main JRC site, with JRC staff present, it was clear that JRC was picking up almost all relevant cases (over 70 per cent), with exceptions tending to occur for offenders subsequently released on parole, which it appears may not have been taken if there would only be a short period before release. However, for other prisons, we matched very few cases, suggesting that JRC had significant problems in obtaining details of relevant cases from these establishments at that time.

Of the 103 prison cases that were randomly assigned, 50 per cent were assigned to the control group, 37 per cent led to a conference with victim and offender present, 4 per cent were victim absent conferences and 1 per cent were offender absent conferences.³⁵ A

³³ On average cases were allocated 258 days after sentencing.

³⁴ We are very grateful to the Home Office Research Development Statistics NOMS section for doing this for us. Prison data do not easily allow analysis of offenders in a particular prison over a stated period of time, so we did a reverse record check, looking to see whether JRC cases were in the list of prisoners on a particular date. Whether prisoners had been convicted in courts in a certain geographical area was an approximation for whether prisoners' home addresses were in that area (the JRC selector), as the location of home addresses was not available from prison statistics.

³⁵ As many as eight conferences were cancelled, three because the victim pulled out, four because the offender pulled out and one for other reasons. Cancelling conferences after assignment to the conference group also leads to problems with the adequacy of randomisation as an evaluation technique (see Strang 2002), as does holding victim- or offender-only conferences (because the latter will only be restorative justice under our definition if information has been passed between the parties, and in this instance will only be indirect mediation, not conferencing). Thames Valley experienced problems in running victim absent conferences and stopped running them in early June 2003. After this point, unless there was a good reason to do otherwise, conferences were cancelled if the offender dropped

number of prison cases were run with co-offenders, with five victim offender conferences having two offenders at the conference. The total number of randomly assigned victims on the database was 190 (from 103 cases).

As Phase 2 started in August 2002, Thames Valley JRC community cases were being allocated³⁶ to facilitators at a rate of about 50 per quarter. This rate was just about maintained over the next two quarters but led to very few randomly assigned cases. By the end of February 2003 only 19 cases had been randomly assigned. In that month, the geographical base was extended to include Buckinghamshire cases but there was very little improvement in the flow of randomly assigned cases. Following discussions with the Home Office in Summer 2003, it was decided to further extend the geographical base to include Berkshire. Again there was very little improvement in the flow of randomly assigned cases. In October 2003 a probation officer (with Transformative Justice Australia training) was seconded from Bedfordshire to write PSRs on violent offenders in Buckinghamshire, which produced a slight increase in the flow of randomly assigned cases. However, by the end of the funding period this RCT did not achieve its target of 100 randomised control and conference cases. Throughout, there was a problem in translating allocated cases to randomised cases, increases in the former not being matched by increases in the latter. This primarily occurred because of the very devolved referral system in Thames Valley, whereby individual probation offices referred cases, many of which proved to be unsuitable or out of scope.

An analysis of the *Criminal Statistics* allows us to estimate that if all relevant cases had been referred over the whole time period, Thames Valley should have had a minimum of 790 community cases referred. In fact they had 568 (72 per cent) overall, and 84 per cent of ABH and common assault cases. The shortfall was probably due to the gradual extension geographically and occasional lapses in liaison for particular areas. The problem in attaining randomised cases was, therefore, not referrals, but converting referrals to agreement to undertake restorative justice, particularly on the part of offenders.

Table 3.1 shows that around a quarter (23 per cent) of allocated community cases, from all probation areas, turned out to be out of scope (wrong offence, sentence not suitable or convicted after trial) or unsuitable (29 per cent: domestic violence, mental health issues, denial of offence or harm). Less than half of the allocated cases, therefore, were suitable. In addition refusal rates for victims (36 per cent of suitable cases) and offenders (33 per cent of suitable cases) were also quite high. However, few dropped out after randomisation. Of the 63 community cases that were randomly assigned, before the end of March 2004, 52 per cent were assigned to the control group, 41 per cent led to a conference with victim and offender present, and only 2 per cent went to a victim absent conference³⁷. In two cases a conference was cancelled because the offender pulled out. Another was cancelled because the victim pulled out. Cases could have more than one offender but this occurred for only two randomised cases in the community RCT. The total number of victims for randomly assigned cases was 91 (from 63 cases).

Table A1.3c shows cases in Thames Valley took considerably longer than at other JRC sites. The average time taken from referral to closure was 63 days for community cases and 51 days for prison cases (compared to averages of between 20 and 23 days at the other JRC sites). There were probably a number of reasons for this. Cases in Thames Valley were allocated post sentence. There was, therefore, not the same pressure as there was at other JRC sites for cases to be completed quickly. There were problems in contacting victims. In community cases project staff had to liaise with probation units and set up protocols, which, as

out. This is part of the reason why the proportion of cancelled conferences is somewhat higher than at the other sites. JRC set a practical limit of 75 per cent of randomised cases needing to go to a victim-offender conference, which was in doubt during much of the period, leading to the emphasis in the later phases on only taking forward cases to randomisation if parties were not likely to drop out. This is a factor behind the higher victim and offender refusal rates. The eventual proportion of randomised cases going to a victim-offender conference was 81 per cent.

³⁶ In Thames Valley we have only included in our analysis cases that were actually allocated to facilitators because, initially, the whole of Bullingdon prison was put on the database, whether or not there was any actual work with the offender, and no reliable data were collected on community cases seen only at the PSR stage. Community cases were only properly entered on the database if they were allocated to facilitators.

³⁷ This case was actually coded by Thames Valley as a victim offender conference but we have it as a victim absent conference because the direct victim was not there, only two indirect victims.

the geographical base was widened, proved problematic. In addition, our fieldwork showed that, because a relatively low proportion of cases were reaching random assignment, there was a tendency, where the offender had agreed to take part but the first victim refused, to track down and ask other victims. Overall, cases that went to conferences took the longest for both RCTs (the average time from referral to closure was 135 days for community cases and 110 days for prison cases), though cases where the victim proved not to be contactable also took a long time (128 days for community cases and 82 days for prison cases). It was not possible to obtain data from Thames Valley JRC on the length of time in hours spent working on a case.

To be referred to the scheme the offence had to be a violent offence. Just under two thirds (64 per cent) of the randomly assigned prison cases were robberies, the rest being mostly wounding/assault causing grievous bodily harm (GBH), showing how serious these prison cases were (Table A1.4c). The average length of a custodial sentence was 48 months but some were serving much longer, the longest being twenty years. Just over half of randomly assigned offenders in the prison RCT (54 per cent) were in Bullingdon prison. The bulk of randomly assigned community cases were less serious violence cases of assault occasioning actual bodily harm (ABH) or common assault (72 per cent). Almost half (48 per cent) of the randomly assigned community offenders were serving Community Rehabilitation Orders, 31 per cent Community Punishment Orders and 20 per cent Community Punishment and Rehabilitation Orders.

The average age of randomly assigned offenders in both RCTs was 27, but there was a greater proportion of offenders aged 18 to 24 in the community RCT. In Phase 2 the scheme only worked with male prisons so all in the prison group were male, as were most of those in the community RCT (88 per cent). There was a difference between the two RCTs in relation to the victims involved. The victim was female in around a third of randomly assigned prison cases but only 8 per cent of community cases.

Again, we need to look at whether randomisation produced comparable groups and whether there were selection factors operating further along the process. For the prison RCT, there was no statistically significant difference between the conference and control groups, nor between the group having a victim-offender conference and the control group. However, for community cases, a likelihood ratio test³⁸ showed that there was a significant difference in type of offence between the control group and cases for which a victim offender conference was held ($X^2 = 11.192$; d.f.=5; $p < 0.05$). There were more public order and 'other' offences in the conference group.

Not surprisingly, cases reaching random assignment differed from those in which there were offender and victim refusals. In the prison RCT, the mean age of offenders in randomly assigned cases was statistically significantly less and robbery cases were more likely to produce agreement to restorative justice than violence offences. Cases from Bullingdon prison were also more likely to be successful, suggesting the importance of locally based staff who can talk about restorative justice on the wings, rather than doing so purely in the context of a visit. There were few demographic differences between cases which reached randomisation and those which did not for the community group.

REMEDI: the progress of the scheme

The first report described how Home Office funding had enabled the substantial expansion of REMEDI's services from Sheffield and Doncaster, to cover the whole of South Yorkshire (Shapland et al. 2004). Their remit also grew to include mediation, victim awareness, reparation, conflict resolution, anti-bullying programmes and supporting and representing victims at referral panels.

REMEDI actively sought out possibilities to develop its services throughout our evaluation, wishing to provide a complete mediation service for crime and criminal justice-related cases.

³⁸ However, the difference was not significant on a chi square test. Future comparisons on, for example, reconviction will use risk scores to mitigate this slight lack of comparability.

Though its initial focus was on mediation (direct and indirect), during 2002 and 2003 it also realised that work (and funding) could be based on providing other related services to statutory agencies, including the Probation Service, YOTs, prisons and schools, from which the possibility of mediation could be suggested to individuals and mediation could grow. In 2003-4, it was realised that tensions were developing between the growing market for these other services (especially victim awareness, which had become a 'staple' item in community programmes for adult and young offenders) and the capacity of the staff to undertake mediation, particularly given that mediation services were relatively underfunded or not funded, even when part of community sentences.

Currently, not-for-profit agencies, like REMEDI or CONNECT, will only secure funding for time-limited projects (such as the one we are evaluating) or from criminal justice statutory agencies in relation to the agencies' priorities (like victim awareness). Moreover, funding from statutory agencies is revisited annually and often expressed in numbers of cases/offenders who have particular programmes delivered or are referred. It is not clear what should happen if more offenders need these programmes in that year or are referred. The contracted not-for-profit agency may end up doing more work than will be reimbursed, to show there is a need for its services and so expand its funding the next year, because its services become far more popular in certain establishments, because it does not want to let individual offenders and victims down, or because sudden contractions in statutory funding/budget readjustments in mid-year mean it must finish off current cases. This happened to REMEDI in relation to both adult community sentence work and adult offender re-settlement work, during the period on which we are reporting here. As a result it had to try to cut unit costs, whilst doing more cases. It did so by cutting office expenses and by cutting back on more expensive cases (for example, where victims were out of the area or offenders moved).

Key elements for REMEDI relevant after the first year were:

- movement of offices in Sheffield and Doncaster to more convenient premises, followed by consolidation of the Rotherham office into the Sheffield building
- continuing diversification of types of work, with different offices developing different contacts and referral partners. REMEDI worked with several offices of the Probation Service, including both community sentence and re-settlement teams, as well as with many different prisons (especially around Doncaster), and four YOTs
- growth in work during resettlement programmes in several prisons, as well as referrals during remands in custody. These latter had to be acted upon very quickly, as prisoners were likely to be transferred on sentencing, often to prisons outside REMEDI's catchment area for which there was no adult mediation service on offer
- an increase in victim-led referrals, due primarily to increased contacts with the probation Victim Liaison Unit
- efforts to standardise procedures and data returns between offices and different kinds of work. However, this has proved very difficult, even though all offices have been using the database we originally wrote³⁹, because of the differences in types of work between offices and consequent lack of agreement on definitions etc.
- a substantial investment in becoming a provider of training for mediation and restorative justice work generally, as national guidance on training has developed (Home Office 2004a)
- mediators moving from working on cases only from one office to cases from several offices, to accommodate the travel and time pressures of the developing resettlement mediation work, given that victims from offenders based at one prison could be located anywhere in the area

³⁹ We have provided a new blank database for use for cases taken after the end of the Home Office funding period.

- the lack of certainty about which agency should be providing restorative justice services has led to some 'jostling' between statutory agencies and REMEDI as the profile of mediation has changed nationally. In some offices, REMEDI has found itself doing a considerable amount of work on restorative work in the community (both community mediation and indirect reparation on community projects), and YOTs have changed in their views on their own ability to undertake direct and indirect mediation with direct victims
- there have been continuing difficulties in obtaining victim contact details from the police, though these have eased since the early days of the evaluation
- a change in emphasis and frequency of meetings to reduce the workload in having a advisory group of relevant partner agencies for each office, which was seen as essential in the early days of expansion, whilst retaining the overall scheme advisory group.

There remain problems relating to adult offender referrals, primarily because of lack of understanding by probation officers of restorative justice itself and of the services REMEDI can offer, coupled with lack of understanding on how to refer to REMEDI and some confusion over the complicated implementation of the automatic referral system. This has been exacerbated by a high turnover of probation and other criminal justice staff, particularly at senior level. It shows the continuing fragility of referrals where they depend upon personal knowledge, which will continue unless and until there is a statutory scheme or national policy concerning availability of restorative justice in all suitable cases. There is a considerable contrast with youth offender cases, in which, for three of the four YOTs, REMEDI has effectively become a close working partner of the YOT, often co-situated. The pressure here is to take on additional tasks for the YOT which REMEDI staff have the skills to fulfil (such as victim awareness or support in a restorative context), which creates a constant tension and renegotiation of REMEDI's main remit.

After the end of the Home Office funding

The history of REMEDI shows very well the ways in which voluntary sector organisations are affected by funding opportunities, which themselves are created through national policy changes. During the latter period of Home Office funding, REMEDI secured substantial grants from the Community Fund and from the Children's Fund, the latter for work on restorative justice and anti-bullying work in schools, as well as funding from a Community Safety Partnership and from other charitable sources (REMEDI Annual Report 2003/4). All of these, however, were time-limited and fund-raising remained a major part of senior managers' jobs. REMEDI continued to attempt to provide a comprehensive mediation service for crime and criminal justice related cases throughout South Yorkshire and is, thus, at the time of writing, the only one of the three schemes which provides a similar service to that supported by the Home Office funding.

The typical progress of a case

The typical progress of an adult case was broadly similar in all REMEDI offices and has remained the same throughout the whole period of Home Office funding. Referral sources included 'automatic referral' of offenders given community sentences for victim awareness done by REMEDI staff, from which they may then go on to mediation; referrals from probation community sentence or re-settlement teams of offenders they think would benefit; self-referrals by offenders; and self-referrals by victims.

When a case was automatically referred, the probation officer filled in a referral form for a 'Mandatory Initial Meeting' for victim awareness. The form was passed to REMEDI and entered into the database. Usually, every referral was entered onto the database, but in Doncaster only cases that were subsequently worked on by REMEDI staff were inputted. Types of cases excluded from referral were offences committed on offenders' ex- or current partner; any offender assessed as being sadistic; any offender subject to a restraining order under the Harassment Act; and any racially motivated offence.

Mediators were appointed to all suitable, referred cases and a victim awareness session set up. During this session an assessment was made of the offender's suitability for mediation. Assessment was seen as the most crucial phase in the mediation process. If the offender and the case were deemed to be suitable and the offender agreed to mediation, contact with the victim was sought with the help of the police Victim Contact Officer. A meeting was arranged with the victim where information was passed to the victim from the offender. Sometimes the offender had written a letter of apology, which was passed on to the victim at the first meeting. Any questions or information from the victim were then passed back to the offender at a second meeting with REMEDI staff. If the victim and offender had agreed to a direct meeting this was then arranged. Mediators met with the offender and the victim as many times as they felt it necessary fully to prepare the participants for the meeting.

The process for other referrals was the same, apart from the victim awareness session, which is part of the automatic referral system. The different offices took different views about adult offenders writing letters of apology. One of the offices did not ask offenders to write letters of apology if they would not be sent because of the victim's refusal to participate or for other reasons. However, they would help an offender write a letter if they felt that it would help 'channel his feelings in a positive way' (REMEDI staff).

Most of the youth referrals were through referral orders, final warnings, Action Plan Orders and ISSPs. The only major difference from adult referrals was the role of letters of apology. During the initial meeting with the offender, the possibility of mediation would be discussed and the offender be asked if he or she would like to apologise to the victim. If they wanted to apologise, the REMEDI worker outlined the types of mediation available, including a letter of apology. If the offender wanted to write a letter of apology, the REMEDI worker then helped the offender to write it. At this point, the prospect of making a face to face apology would be raised with the offender. The victim was then contacted and asked if they would like to be involved in mediation. If so, a meeting was arranged with the REMEDI worker, who took the letter of apology to the meeting and asked the victim whether they would accept the apology. Looking at cases files, in most of the referral panel cases⁴⁰ the referral order already stipulated that the victim wanted to receive a letter of apology. Letters were normally delivered to the victim, but no information was passed back to the offender, apart from a standard letter thanking the offender for taking part. These did not fall within our definition of restorative justice, because they did not include the transmission of information between both parties. If, however, the letter to the offender was more substantive, then we considered the case did fall within our definition of restorative justice. The boundary between restorative justice and not restorative justice in the case of indirect mediation is hence very finely drawn. In Barnsley, however, letters of apology were not written unless it was already known the victim was willing to take part, because it was felt that there was no point in writing a letter that would not be read by the victim.

The process of direct mediation was very similar for all REMEDI offices. REMEDI staff prepared the ground thoroughly by meeting with the offender and victim and discussing any issues each wanted to cover in the mediation. Direct mediations took place in local venues convenient for the participants. The structure of the direct mediation was very informal, with no script or plan followed. The intention was that the content should be guided by the participants, but if the participants were lost for words or struggling in any way, the REMEDI mediators would intervene and help the discussion. Outcome agreements were not instructed to be standard practice. There were no procedures in place to follow up any outcome agreements afterwards, except for Doncaster youth cases where any reparation involving REMEDI staff would be monitored.

There was no scheme-wide standard policy for all offices regarding follow-up procedures in terms of contacting victims and offenders after mediation. One of the offices (Barnsley) telephoned or sent a letter to participants after direct mediations to make sure that participants were happy with what had happened during, and as a result of, mediation. At that point the case was closed although any further issues and questions might result in more work. The

⁴⁰ Excluding those cases referred for victim awareness only because the victim had declined involvement before or at the panel. Because these could not involve REMEDI work on restorative justice (since both victim and offender knew it would not be possible), the figures for these cases are not included in this report.

other offices did not contact participants after direct mediations apart from sending letters to thank them for participating. Generally, there was no follow-up after indirect mediation, because there was contact with the offender and the victim throughout the process.

REMEDI: progress of cases and attrition

Cases involving adult offenders

The number of referrals to the scheme overall increased from 112 in the first quarter of the funding period, through to 156 in the final full quarter. The number of people serving community sentences, referred via the autoreferral system, averaged around 75 per quarter and ranged between 48 and 107 per quarter. The Barnsley system of autoreferral for people serving prison sentences, once under way, resulted in around 20 to 30 cases per quarter. Offender initiated referrals via probation peaked at 30 per quarter in the early half of 2002 and then steadied out at around 15 to 20 per quarter. This apparent decrease is most probably explained by an increasing number of prisoners referring themselves rather than having to go through the Probation Service: the system for offenders to refer themselves was introduced just prior to the start of the funding period and the number of referrals via this route gradually increased, reaching a high of 42 per quarter for the last full quarter. Looking at both types of offender-initiated referral together, it can be seen that there is a steady increase in the number of referrals per quarter, from 23 in the first quarter through to 58 in the final full quarter.

The idea behind autoreferral from probation was that all those sentenced to a community sentence would be referred to REMEDI to receive victim awareness. However, this did not happen, partly because of difficulties regarding data protection, which although resolved, took time and were resolved at different points for different offices, partly because some probation officers only referred offenders who expressed an interest in mediation. The process therefore did not operate consistently throughout. A similar analysis of the *Criminal Statistics* 2002 to those reported above for CONNECT and JRC Northumbria shows that, potentially, REMEDI could have expected to have about 1,286 autoreferrals from probation. It can be seen from Table 3.1 that they actually worked on around 500 such cases⁴¹, showing that even an 'automatic' referral system did not operate perfectly.

Although the autoreferral system had problems, none the less, over the Home Office funding period, this was the largest single type of adult referral to REMEDI. These types of referral made up just over half of the total referrals to the Sheffield and Barnsley offices and three quarters of the referrals to the Rotherham office (see Table A1.6a). The Barnsley office also received 'autoreferrals' (i.e. referral of all relevant offenders without pre-selection by individual probation officers) from resettlement teams in prison. These accounted for just over a further quarter of their cases so, in total, Barnsley received 85 per cent of its cases through an autoreferral process.

Table 3.1 shows that there were statistically significant differences whether or not a case resulted in some form of mediation and the type of referral ($X^2 = 107.082$; d.f.=4; $p < 0.01$). The original assumption behind the autoreferral process was that those exposed to victim awareness as a compulsory part of their sentence would be likely to agree to mediation. Actually very few offenders referred via this route agreed to mediation. No direct mediations and only seven indirect mediations resulted from autoreferrals.

Nearly all the remaining referrals were offender initiated, usually from prisoners. They generally came about in one of two ways. One was that, during interviews with their probation officer, the offender decided they would like to pursue mediation and the probation officer referred the case. The other was offenders referring themselves to the scheme, using resettlement forms contained in a pack provided to prisoners by the probation service. Offender-initiated referrals resulted in ten direct mediations, six as a result of cases referred

⁴¹ The figures presented in Table 2.1 and Appendix 1 are taken from the scheme's databases and show cases that were received and worked on by REMEDI, apart from in Doncaster. The Doncaster office did not enter referrals for all cases coming by the automatic referral route, just those cases that expressed an interest in mediation. However, Doncaster did have the overall number of cases that they had seen, which can be found in the footnote to Table 3.1.

via probation and a further four as a result of self-referrals. In addition, offender-initiated referrals resulted in 32 indirect mediations (17 from probation referrals, 16 from self-referrals). Some form of mediation took place in around a fifth of suitable probation-referred, offender-initiated cases and a similar proportion of suitable self-referrals from offenders.

During the Home Office funding period, there were very few victim-initiated referrals. However, we have been told by REMEDI that the proportion of victim-initiated referrals has subsequently increased (to 5 per cent of all referrals in 2003-4: REMEDI Annual Report 2003-4). The proportion of victim-initiated referrals that went to some form of mediation was greater than for the other types of referral. Just over a quarter of suitable victim-initiated referrals resulted in direct mediation and just over a further quarter resulted in indirect mediation, but the total number of victim-initiated cases in the funding period was only eight.

Although REMEDI does deal with co-offenders there were very few adult co-offenders referred and each offender was dealt with as an individual case. Hence, the number of direct and indirect mediations is the number of offenders going to mediation. All the cases that went to direct or indirect mediation also had only one victim at the meeting⁴².

Cases did not go through to mediation for a variety of reasons, which differed by type of case (Table 3.1). Around 60 per cent of the autoreferral cases were either out of scope (e.g. did not involve a direct victim) or were assessed as unsuitable (e.g. the offender had mental health problems or the case involved domestic violence). Suitable autoreferral cases did not go through to mediation mainly because the offender refused (56 per cent of suitable cases of probation auto-referrals, 85 per cent of resettlement auto-referrals). Offender-initiated referrals did not reach mediation for a variety of reasons but most commonly because the victim declined (38 per cent). Data protection issues meant that REMEDI had to make contact with victims in adult cases through the police or probation victim liaison officers. Most of the victims that declined did so through the liaison officer, without direct contact with REMEDI. However, as can be seen from the Table, very few victims that had contact with REMEDI subsequently refused or dropped out. REMEDI staff felt that if they were able to have direct contact with victims, and could thereby explain the process to them more thoroughly, then victim consent could have been much higher. There were very few victim initiated referrals of which around half went to mediation. None of these referrals failed to go ahead because the offender refused.

The average length of a case from referral to closure was 86 days - far longer than for JRC cases, but the length of time taken varied greatly (Table A1.5). The longest running case we recorded took 554 days. The average length of a case that went to direct or indirect mediation was 203 days. There was relatively little difference between those going to direct and those going to indirect mediation in the length of time taken. The main factor that slowed cases down was obtaining victim contact details, most probably because this had to be done through an intermediary.

Data were not available on the number of hours spent on cases. However, we were able to count the number of visits to victims and offenders entered on the case log for cases which went to mediation. Visits were always made by two mediators. In cases that went to direct mediation there was an average of 2.1 meetings with offenders, 2.4 meetings with victims and the direct meeting with the two together. In cases that went to indirect mediation there was an average of 2.5 meetings with offenders and 1.6 meetings with victims. In addition, there would always be a large number of letters and phone calls but these were not recorded with sufficient accuracy to provide precise counts. Overall, therefore, direct and indirect mediation can be very costly in terms of the time and numbers of meetings required, though not necessarily more so than the process between conviction and sentence in criminal justice.

⁴² However, two cases that went to a direct meeting also resulted in an indirect mediation with one further victim. In addition, one case that resulted in a direct meeting also resulted in indirect mediation with two further victims. These additional indirect meetings do not appear in Table 3.1 as each case can have only one outcome and we have taken the highest level of involvement between victim and offender as the outcome. Hence, if an offender goes to a direct meeting with one victim and engages in indirect mediation with another victim, then we have taken the outcome of the case as direct mediation. There was contact with one further victim in two cases that went to a direct meeting but that victim did not, finally, take part in mediation. There was further contact with four other victims for indirect mediation outcome cases but they did not take part in mediation.

REMEDI did not impose particular constraints on the types of offences for which mediation would be offered, as long as there was an identifiable victim. For cases with adult offenders, there was a wide range of offence types but the most common overall were violence (22 per cent), burglary (20 per cent) and theft and handling (19 per cent) (Table A1.6b). Robberies were not a particularly large proportion of adult cases overall but made up a relatively large proportion of the cases that went to mediation (34 per cent of indirect and 29 per cent of direct mediations). Some of the cases dealt with by REMEDI were very serious. There was one murder case, seven manslaughter cases and two cases of death by dangerous driving.

The mean age of adult offenders was 28 years, but there was a very wide age span. Around half the offenders were aged 18 to 24, but there were a few much older offenders. Most adult offenders were male (84 per cent). There were very similar proportions of male and female victims in adult cases and a small number of corporate victims. Data on victim age and ethnicity were largely missing.

There were statistically significant associations between whether or not adult cases went to mediation and the type of referral, the REMEDI office, offence type and sentence type. However, the association between whether or not the case went to mediation and the latter three variables is probably explained by those variables being associated with the type of referral.⁴³ Looking only at adult cases that were not autoreferrals, the only variable that is associated with whether or not the case goes to mediation is type of referral ($X^2 = 9.545$; d.f.=2; $p < 0.01$). Victim initiated referrals were more likely to lead to mediation.

Cases involving young offenders

REMEDI youth cases came via the YOTs and referral panels. The figures exclude cases entered by the Barnsley and Doncaster offices on their databases where it had been established pre-referral that mediation would not be possible.⁴⁴ Referral panels did not come into being until part way through the funding period. Once established they resulted in 20 to 30 referrals per quarter. There was a very large number of referrals from the YOT in the first quarter of funding (76 cases). This then dropped slightly and averaged out at about 50 per quarter.

Barnsley and Doncaster YOTs provided us with data for all the cases they dealt with during the Home Office funding period for REMEDI. There were few referrals from Sheffield YOT and none from Rotherham YOT, making it pointless for us to request these data. Barnsley YOT dealt with 423 final warnings, 136 referral orders and 591 pre-sentence reports/orders, the latter of which produced 16 Action Plan Orders, 37 Community Rehabilitation Orders, 19 Community Rehabilitation and Punishment Orders and 51 Supervision Orders - a total of 123 community sentences for which mediation might be appropriate. In contrast, there were only 59 YOT and 24 referral order referrals to REMEDI, suggesting that only a minority of cases were coming through. Doncaster YOT dealt with 429 final warnings, 227 referral orders and 1,055 pre-sentence reports/orders, of which there were 89 Action Plan Orders, 34 Community Rehabilitation Orders, 27 Community Punishment and Rehabilitation Orders and 138 Supervision Orders - a total of 288 community sentences potentially suitable for mediation. Doncaster REMEDI youth office received 64 referral panel referrals for potential mediation (as well as others for victim awareness training) and 255 referrals from the YOT. This confirms REMEDI's view that its Doncaster youth office, because of its close relation with Doncaster YOT and the YOT's enthusiasm about restorative justice, was receiving the vast bulk of potential referrals on youth cases, but that other offices were not. It is clear that there is not yet consistent national implementation of a consistent policy on youth restorative justice.

⁴³ Autoreferral cases tended not to lead to mediation. These cases were distributed differently by offices. They were all, apart from the prison cases in Barnsley, people serving community sentences and the offence profile of these cases was different. There were greater proportions of theft and handling, fraud and forgery, criminal damage, drug offences, public order offences, motoring offences and other offences than for the other referrals.

⁴⁴ For example, if there was no available direct victim or the victim had already declined involvement. These cases were referred to REMEDI for victim awareness, impact of offending work or indirect reparation only. There were 104 such cases in Barnsley and 66 in Doncaster.

Very few of the cases referred were out of scope, indicating good REMEDI/YOT liaison (Table 3.1). Around 16 per cent of both types of referral turned out to be unsuitable for mediation.⁴⁵ Seven direct mediations resulted from referral panel referrals (9 per cent of suitable referrals) and indirect mediation took place in a further 10 cases (5 per cent). From YOT referrals, there were 14 direct mediations (5 per cent of suitable referrals) and 43 indirect mediations (16 per cent). All referral panel indirect mediations and almost all YOT referrals included a letter of apology which the victim received. Both sources of referral were therefore important in referring youth cases for mediation.

The main reason why referral panel cases did not result in indirect mediation was because the offender wrote a letter, which was delivered to the victim, but no information was passed back to the offender about the victim's feelings or any other aspect (37 per cent of suitable referrals). It also occurred in 20 per cent of suitable YOT referrals. This could not be classed as restorative justice⁴⁶. Comparatively few referral panel cases failed to lead to mediation because the offender refused to take part (at least in indirect mediation). This is not too surprising because writing a letter of apology, which the victim would receive, formed part of the agreement made at the referral panel for many of the referral panel referrals. The main reason why YOT referrals did not lead to mediation was that the offender did not agree to mediation (36 per cent of suitable referrals)⁴⁷. Only a small proportion of both types of case did not go to mediation because the victim refused. This contrasts with REMEDI adult cases where there was a high level of victim refusal. This is most probably because victim contact in most youth cases was done directly by a REMEDI worker, while for adult cases victim contact was principally done through the intermediary of police victim liaison, at which point many declined contact. These have been counted as victim refusals.

A number of the youth cases were cases with co-offenders but each offender was dealt with as a separate case. Hence, the number of direct and indirect mediations is the number of offenders going to mediation. One direct mediation had two victims at the meeting, with all the others having only one.

The average length of a case from referral to closure was 61 days for referral panel cases and 50 days for YOT referrals - shorter time periods than for the REMEDI adult cases (Table A1.5a). There was, however, considerable variation in the length of time that a case took, with the longest referral panel case taking 251 days and the longest YOT case 507 days. The cases that took the longest, on average, were YOT cases that went to direct mediation (74 days) and referral panel cases that were ultimately assessed as unsuitable (74 days). Many of the latter were cases where the offender did not comply with the order and ultimately had to be returned to court. Referral panel cases that went to indirect mediation took an average of 61 days, while those that went to direct mediation took 63 days. YOT referrals that went to indirect mediation took an average of 57 days. Unlike REMEDI adult cases, youth cases were not held up by victim contact difficulties.

As for the adult cases, the amount of time spent on each case in hours was not available, but we did count the numbers of visits to victims and offenders. Visits were almost always made by two mediators. In cases that went to direct mediation there was an average of 1.9 meetings with offenders including the direct meeting. In addition there was an average of 1.1 meetings with victims (excluding the direct meeting) - so youth cases had less preparatory visits than

⁴⁵ A majority (68 per cent) of YOT referrals that were not suitable for mediation still took part in victim awareness. A smaller percentage of referral panel referrals that were not suitable for mediation did victim awareness work (27 per cent).

⁴⁶ We were inclusive about classing outcomes as indirect mediation - in a few cases the information passed from victim to offender was quite scanty, such as that the victim has accepted the letter of apology and does not bear any animosity. However, we did not count the case as indirect mediation if the offender was only told that the victim had accepted the letter of apology with no further details of how it had been received or any other information about how the victim felt. Classification becomes even more difficult in referral panel cases, because, if the victim attended the panel (which we do not know), what the victim wanted the offender to address in the letter was probably discussed at the panel meeting, with offenders potentially also receiving information about the victim's views at the panel. This is an instance of two separate restorative events potentially occurring in the same case - but our evaluation has to be restricted to REMEDI's own work after referral to the scheme.

⁴⁷ The majority of these (81 per cent) still did victim awareness work.

adult cases. In cases that went to indirect mediation there was an average of 1.5 meetings with offenders and 0.8 meetings with victims⁴⁸.

Overall, for cases involving young offenders, the most common offence types were theft and handling (29 per cent), violence (23 per cent) and criminal damage (22 per cent) - a similar picture to the JRC Northumbria final warning cases. There were also a number of burglaries (11 per cent) and other offences (8 per cent: most of which were taking a vehicle without the owner's consent). Over half the YOT referrals (56 per cent) came from final warnings. Most of the remainder were Supervision Orders (12 per cent), Action Plan Orders (10 per cent), Intensive Surveillance and Supervision Orders (7 per cent), custody (6 per cent) and Reparation Orders (3 per cent). The mean age of youth offenders was 15 years and most were male (84 per cent).

There were statistically significant associations between whether or not youth cases went to mediation and offence type ($X^2=14.357$; d.f.=5; $p<0.05$) and sentence type ($X^2=3.810$; d.f.=5; $p<0.05$). Criminal damage cases seemed particularly likely to lead to mediation, with 30 per cent of these cases resulting in some form of mediation.

Comparing the adult and youth cases received by REMEDI, adult cases could come from a wide variety of stages of criminal justice and from different sources. Resettlement work was clearly growing in prominence and had relatively little attrition, mainly because it involved offenders who had already decided they would like to explore the possibility of mediation further. More 'automatic' referral routes tended to produce a high proportion of cases where offenders proved not to be interested in mediation. Youth cases were strongly tied with the work of YOTs and the youth justice sentences which involve reparation or restorative justice. So YOTs which tended to emphasise these aspects worked closely with REMEDI and produced a steady flow of cases. Victim refusal was only a minor element in attrition for both adult and youth cases.

Comparing across schemes

The process of moving from referral to a restorative justice event involves a large number of stages. The case has to be in scope, the offender suitable, the offender has to agree, the victim has to agree, and both have to be brought together either physically (for conferencing/direct mediation) or at least in terms of exchanging information. The evaluation of these three schemes allows us to compare the extent of attrition across schemes, using similar definitions for each stage.

Developing relevant databases

Acquiring relevant data to do so, however, proved difficult. As Miers et al. (2001) also found, it was hard to get different offices within the same scheme to use databases in a consistent manner and to use them consistently over time, especially where there were multiple referral pathways to the scheme. It is often particularly difficult to establish the total number of cases worked with (the baseline of cases). Some parts of the schemes did not enter cases on which they had done only a small amount of work. Others entered offenders they had not yet worked with, because they might come into the frame in the future, or cases that had been referred for work other than restorative justice. Schemes and practitioners underestimated the difficulty and the time required to keep such records and so the amount of administrative support they needed for purely operational means (leaving aside the evaluation). A key implication of our findings for future schemes is that future schemes and restorative justice provision will need adequate trained administrative staff for maintaining databases. The development of a toolkit of a customisable database, which would also permit the collection of evaluation data, together with relevant training manuals, would be helpful.

These points are not simply a plea from evaluators. Knowing what cases have been dealt with and what happened is the basis of accountability to funders, to individual participants and in

⁴⁸ The average number of visits to victims is less than one because for some, mostly corporate, victims contact was by telephone and letter.

relation to requests for information, a particularly important element in relation to restorative justice run in a criminal justice context. Statutory criminal justice agencies and courts necessarily spend considerable time and effort recording the results of cases, so that records of, for example, calls to the police or convictions can be produced on demand. Statutory criminal justice agencies have national parameters set for keeping information. There is a need to develop similar parameters for restorative justice practice - but, at this development stage, the parameters should not be fossilised too quickly, so that some flexibility remains to encompass the particular nature of future schemes.

Working with criminal justice

All three schemes were closely connected with criminal justice processes and had to continue to put, throughout the funding period, a considerable amount of effort into maintaining liaison with relevant criminal justice agencies. This was necessary because of staff turnover and also just simply to keep being noticed in the very complex and constantly changing world of criminal justice. The means for keeping noticed changed after the first year, with the role of steering committees becoming less important for all schemes, but training, talking to inter-agency groups and general publicity to offenders and victims potentially interested in restorative justice becoming more important. Where publicity could be institutionalised, this was clearly beneficial (material about restorative justice in resettlement packs for prisoners, time with the scheme manager in induction processes for criminal justice staff, feedback to sentencers about individual cases). Creating one's own publicity material is very time-consuming. It would be helpful if contact could be facilitated between schemes in different parts of the country, so that they could share experiences relating to publicity and liaison.

The move to extracting cases from already existing criminal justice records, which all the schemes took in their first year (Shapland et al. 2004) has, as we saw above, paid off in terms of producing cases which were very largely within the scope of the scheme and also had suitable offenders. The few sites which retained a significant number of referrals from statutory criminal justice agencies (such as REMEDI and JRC Thames Valley community RCT) had much larger proportions of referrals which were either out of scope or unsuitable. Where, however, the scheme was in close contact with the statutory referring agency (as with REMEDI youth case referrals), the difficulty was largely avoided. An important policy point is that close liaison and co-location with key criminal justice partners are also highly beneficial, which has implications for the management of the criminal justice property estate to permit outsourced agencies/schemes to rent space.

There was, however, a definite downside in taking already existing criminal justice pathways. It had a major effect in limiting the pool of cases which could experience restorative justice, as we saw above in the comparisons with the *Criminal Statistics* etc. figures for the total number of cases from each court or prison. It is most obvious in terms of the magistrates' court schemes using pre-sentence report requests as their referral path (CONNECT, JRC Northumbria, JRC Thames Valley), all of which had to increase their geographical spread to receive enough referrals, causing longer travel times and liaison with more courts. Moreover, taking pre-sentence reports as a base means that only cases for which the judiciary decide to adjourn for such reports can be eligible for restorative justice. Decisions to request a report are generally highly offender-based - quite properly so. If this is the basis for recruiting cases to restorative justice, however, potential victim interests in restorative justice are being ignored. Equally, we cannot know from this evaluation, for magistrates' courts, whether it would be possible to undertake restorative justice where a pre-sentence report was not requested at the magistrates' court. We would see it as important, as the number of providers of criminal justice services post-sentence increase, to move towards standardising and facilitating the availability of relevant lists of cases for extraction to restorative justice providers, whilst retaining the ability for criminal justice practitioners to emphasise through referral individual cases. The possibility of providing other, relevant lists to providers needs to be explored.

In our first report, we found that the move to extraction was largely due to the inflexibility of criminal justice, particularly at the magistrates' court. Similar constraints have become apparent in this report, particularly in the emphasis the schemes felt had to be placed on

meeting the time scales of criminal justice, which were in fact determined by previous criminal justice decisions on how long it takes to do pre-sentence reports. A major finding from this report is that it is possible to achieve this - restorative justice can be accomplished in average times of 25-30 days to direct mediation or conferences. But it does put a very considerable strain on scheme staff and sometimes on participants. It becomes very fragile if there are additional inflexibilities in terms of when, for example, prisons can hold conferences or if offenders are transferred between institutions. We note that the recent Home Office guidance to Local Criminal Justice Boards (Home Office 2004b) does address timing issues at court, which is clearly helpful.

Essentially, these three schemes were operating under the premise that they were add-ons to current criminal justice operations, whilst those operations tried to carry on as normal. With the major exception of some YOTs and a few prisons, criminal justice did not incorporate or really value the schemes' restorative justice processes - at least, not in as far as it would adjust its own priorities and procedures to accommodate restorative justice needs. As we saw in Chapter 2, however, the contribution of restorative justice was definitely valued by criminal justice practitioners and sentencers in individual cases. We cannot know whether the lack of flexibility was because these schemes were not statutory (and so did not indicate legislative priority in, for example, the sentencing process), because restorative justice is not yet well known for adult offenders, because the schemes were experimental, because criminal justice does not really value work with victims, or because criminal justice is just very loathe to change its ways. The lack of a statutory base was certainly cited by scheme staff: 'Judges, magistrates and the police think in straight lines - if they are told to do it they will and make a good job of it. If they are worried about illegalities they are terrified.'. From our own fieldwork, however, all of these factors were relevant at some sites. Local Criminal Justice Boards are now being encouraged to consider introducing or expanding restorative justice processes (Home Office 2004b: 'We should be offering a restorative justice approach to victims because we know it works for them, and because, for many victims and communities, as well as for offenders, it is the right way of responding to the crime and incidents of harm' (p. 3)). It will be important to emphasise the need for flexibility to accommodate new processes in any expansion of restorative justice for adult offenders.

Given the difficulties for the three schemes in creating change in criminal justice agency practice, it is not very surprising that very little of the restorative justice work was mainstreamed or taken up by statutory agencies after the end of the Home Office funding. There were no original plans to mainstream at this point when the programme was originally funded and statutory agencies clearly felt under no obligation to do so. Limited-term funding to permit evaluation and consideration of national strategy, which was the context for this evaluation, can lead to a gap in time between the 'pilot' and what may follow it. As a result, valuable skills can be dissipated and lost, although it is clear from interviews with agency staff that many agencies would have liked to see continuation of the service which was provided, but their own performance targets made it difficult for them to switch funds to allow it to happen. Voluntary sector schemes themselves, however, saw advantages in being institutionally, if not physically, separate from statutory criminal justice agencies: 'I don't want to be embraced by the criminal justice system like an amoeba' (scheme worker). The evaluation itself cannot provide full results for another few years, to allow reconviction rates to be measured, so we cannot currently suggest whether restorative justice for adults should develop within statutory agencies, within the voluntary sector, in a new agency or organically in all three ways (although this last is likely to cause, as we have seen, some jostling and duplication).

The criminal justice backdrop: privacy, accountability and the role of the facilitator

Currently, much restorative justice in England and Wales connected with criminal justice takes place in cases involving young offenders. The schemes described here mostly took cases with adult offenders. These raise more sharply a number of issues of principle and practice around questions of privacy, accountability and the role of the facilitator, because of the differences in criminal justice practices between youth justice and the adult criminal justice system. They were the subject of much discussion as schemes were set up. There is not space to discuss

these in detail here and we shall explore them further elsewhere, but they have influenced the practice of the schemes and it is important to raise them.

Staging a restorative justice encounter, particularly a direct mediation or conference, for serious offences involves the participants being able to meet in safety, feeling secure, being able to express their own perspectives, and the proceedings not being dominated by the facilitator or mediator⁴⁹. Safety may be facilitated by meetings being held in criminal justice environments, such as police stations or prisons, but such environments may also create unease for some participants. The role adopted by the facilitator is crucial: to encourage participation, to ensure safety and order, possibly to provide information about possibilities for the future, and to act as a representative of wider societal values of social order. However, in the heat of a direct meeting, which is not subject to the evidential safeguards of a trial or a police interview, participants may speak emotionally or even threateningly, or admit to other offending. In statutory schemes in Northern Ireland and New Zealand, there are safeguards which prevent such admissions being used as evidence in other criminal or civil proceedings. There were no such safeguards for the schemes we were evaluating and it was a matter for discussion and controversy in the schemes, particularly for police-led schemes, although in practice, few difficulties were found. This situation needs careful consideration, guidance and resolution at the national level, as it is likely to re-occur in any future expansion of restorative justice.

There are also potential tensions between the role of the facilitator and other demands of criminal justice if the facilitator is also a criminal justice practitioner (as were most JRC facilitators). There are questions of principle concerning the separation of powers in criminal justice about whether the neutral, 'umpiring' role of facilitators is compatible with being an investigator or prosecutor or even a member of the correctional services. In JRC, facilitators were generally organised in separate units within the criminal justice service, so that no facilitator could have an investigative or prosecutorial or breach role for that individual case. However, criminal justice professionals do have overarching responsibilities and there could, theoretically, be tensions if restorative justice facilitators were situated within an operational command⁵⁰. Such tensions are not new, arising previously, for example, in treatment programmes with multi-disciplinary teams in custodial settings. There are various structural solutions (such as insulating the unit from operational commands; or secondment to a separate restorative justice service, as in Northern Ireland), but there is a need, nationally, to consider the issues and to create practice guidance, which could include structural solutions, of how these tensions should be approached and resolved.

Such issues are also related to questions of privacy and accountability. Criminal justice in England and Wales is traditionally justice in open court, accessible to the media and general public. This derives from needs to ensure that justice is not 'secret justice' and avoid abuse of power, as well as to demonstrate that offending is being condemned and offenders punished. The principle of open justice is not, however, over-riding. If the interests of justice or other major public interest considerations require it, then confidentiality prevails (for example, in youth justice and in relation to the protection of national security). Because most restorative justice has involved young offenders, the privacy and confidentiality operative in youth justice have been, almost automatically, taken over to the restorative justice proceedings. Restorative justice and community mediation schemes have also largely insisted on confidentiality, though not always (for example, in sentencing circles, at which, at some points, anyone in the community can attend). The schemes we are evaluating have also adopted a position of confidentiality in terms of admitting any audience to the process itself⁵¹, though the reports of schemes back to criminal justice (to sentencers, to probation or to YOTs) have identified participants, outcomes and processes.

⁴⁹ The extent to which this occurred in the mediations and conferences we observed is set out in Chapter 3.

⁵⁰ For example, if they were to be ordered to provide relevant intelligence from a case, or felt they must report potential offending unrelated to the case.

⁵¹ Apart from observers invited to attend some JRC conferences as part of a public relations initiative funded to allow senior criminal justice and political figures to learn about restorative justice.

Restorative justice operating within or connected to criminal justice should have mechanisms for accountability, to prevent any abuse and to allow restorative justice outcomes to influence criminal justice processes. Yet these mechanisms must not deter participation or create harm. Our provisional view is that there should not be a live 'audience' of the general public or media at restorative justice processes, because this is likely to put off people from participating and discourage frank discussion of the effects of the offence and factors affecting offending, but there should be a record of the event (which might take the form of a videotape, or a report by an uninvolved observer), which could be consulted if there were allegations of abuse. Where restorative justice processes are designed to inform criminal justice decision making, then the kinds of report to the court or criminal justice agencies practised by all three schemes are also important and need to be made available to all participants. To inform the general public, anonymised reports of individual cases might be one possibility, the occasional broadcasting of restorative justice processes, if all participants have agreed, another (as has already occurred).

Comparing attrition rates

We discussed above the attrition rates for each scheme separately. Were they similar across all three schemes, or did the type of case, the type of offender or the stage of criminal justice involved create systematic effects? First, we need to establish the overall rate of attrition for in scope and suitable cases, which shows that a significant proportion of cases for all schemes did reach restorative justice (Table 3.3), though there were differences depending upon the stage of criminal justice, the age of the offender and the seriousness of the offence. For adult cases, pre-sentence work tended to produce higher rates of eventual restorative justice (particularly for very serious offences and at the Crown Court) than post-sentence community sentence work. Pre-release work also had quite high rates of cases reaching restorative justice, though it was dependent upon very good contacts between scheme staff and prison staff. For cases involving young offenders, the proportion of cases reaching restorative justice tended to be higher than for cases with adult offenders. This may be because victims and offenders see more potential for restorative justice with young offenders, or because the availability of statutory restorative justice options in sentencing has attuned participants to its use.

Table 3.3 Percentages of suitable cases reaching restorative justice and victims approached who wished to participate

Type of case	Number of cases where victims were approached	% of cases where victims agreed to participate	Number of suitable cases	% suitable cases reaching restorative justice
CONNECT: adult magistrates' court	70	77	129	39
JRC:				
London Crown Court burglary	258	56	380	42
London Crown Court street crime	167	55	236	39
Northumbria adult court cases	164	51	333	25
Northumbria youth final warning cases	254	75	434	43
Thames Valley prison cases	291	36	566	18
Thames Valley community cases	153	37	271	20
REMEDI:				
adult offender-initiated	58	38	95	21
adult probation referrals	68	37	119	19
adult automatic probation cases	33	30	179	3
youth referral panel cases	54	89	77	22
youth YOT referrals	139	83	276	21

Note: There were too few REMEDI adult resettlement cases and victim-initiated cases to provide figures.

Two schemes offered a variety of types of restorative justice, including conferencing, direct mediation and indirect mediation, whilst one, JRC, only offered conferencing. Given a choice, most participants opted for the less intensive programme (indirect mediation) - but restricting the choice to a more intensive option, even though this involved a direct meeting with the

offender, did not reduce participation rates. It may even have increased them, though it is difficult to make comparisons between the very different geographical areas involved.

There is a view that restorative justice is very difficult to arrange, because victims will not want to take part - particularly with adult offenders and for serious offences. For these three schemes, however, victim refusal did not account for much of the attrition. A substantial proportion of victims who were approached for both serious and less offences, at all stages, wished to participate (Table 3.3). Though victims were clearly more likely to agree in youth cases, over half those approached for pre-sentence restorative justice in adult court cases agreed to participate.

4. What happens in restorative justice

Restorative justice, mediation and conferencing are not yet familiar words to victims and offenders. Facilitators and mediators have to introduce the idea to potential participants, to acquire informed consent from each participant and then to arrange a meeting or an exchange of information. In this chapter, we describe how this happened for the three schemes, using interviews carried out with scheme personnel and personnel from key agencies and the courts, observations and the interviews/questionnaires from JRC and REMEDI victims and offenders prior to conferencing or mediation⁵². We then look at what happened during indirect mediation and during conferencing or direct mediation itself, from the observations. Any agreements made at the end of these proceedings, together with the extent of follow-up after the event, are discussed at the end of the chapter.

The process of preparation

The process of approaching victims or offenders and talking to them about restorative justice was very similar between the three schemes. All schemes would normally approach the offender for consent first, to avoid any possibility of disappointment if a victim agreed, but then the offender refused⁵³. If an adult offender was in the community, then, for London and Northumbria JRC, CONNECT and REMEDI, this normally meant a telephone call to sort out a time for a face-to-face visit - if telephone details were available. Sometimes this could be difficult, particularly for police officer facilitators:

Offenders are not likely if they're in the Crown Court to respond to a letter saying 'police' on it, so it's a question of wearing out some shoe leather. If no response to a letter, we try directory enquiries, we try voters checks, we try different times of day, if we know someone else nearby they try knocking, if necessary we swop facilitators, to try a different approach - we also contact PSR (pre-sentence report) writers to see if they've been in touch with the person. (JRC London facilitator)

Thames Valley facilitators in community cases tended to try to meet up with offenders at their pre-sentence interview with probation staff, or, if this was not possible, at a subsequent probation appointment. Similarly, REMEDI staff would go to YOT case meetings about youth offenders referred to them in order to find out the details of the case and to see whether the young person might want to participate. However, JRC London tended to contact the defence solicitor first, because the work was pre-sentence, to ensure the solicitor was 'in the loop', and having found that solicitors were generally positive about the idea of conferencing:

I phone the solicitor so there are no surprises for the offender, because at the end of the day they're just as important in this process as any victim of crime. First gain their consent, then take the details of who he wants to take with him through the programme. (JRC London facilitator)

If the offender was in prison, then London facilitators would find out which prison they were in, arrange a legal visit and go to see the offender personally in prison. Thames Valley facilitators, who were under less time pressure as their work was pre-release, would write to the offender in prison, explaining that a legal visit had been arranged and enclosing a leaflet about the scheme, to give the offender time to think about the possibility of conferencing: 'It's important to treat the offender with respect and courtesy' (facilitator).

Unless police-led, all the schemes had major problems with obtaining details of victims (see Chapter 3). For REMEDI, as a result, the victim's initial consideration of whether to take part was often the result of a conversation with a police civilian worker, rather than with REMEDI staff:

⁵² See Appendix 1 for details of the interviews/questionnaires and their response rates.

⁵³ After a while, however, CONNECT started approaching the offender and victim simultaneously, because of time constraints.

We have to find the victim and write to them asking them or explaining what's happened or sending a leaflet or a letter from REMEDI which explains what REMEDI cover. After about a week we follow that up with a phone call and say have they received the letter and would they be interested. I've been told that I can't sell it. It's up to the victim whether they take part or not. (victim liaison)

REMEMDI co-ordinators felt that this had led to far fewer direct mediations than if they themselves had been able to talk to victims and to explain what might happen, because the police victim liaison would not be able to explain all the likely stages of the mediation.

Other schemes were able to approach victims directly, with all using a face-to-face meeting. Later, for conferences, supporters would also be approached, but some of this would be done solely by telephone, it was also necessary for prison security reasons for criminal records checks to be done on all attendees.

All the facilitators and mediators said that it was important to have face-to-face contact with both offenders and victims and to introduce the topic of restorative justice gently. As restorative justice becomes more prevalent (for example, in youth cases), this initial task of introducing something which is new to people will lessen. The need for personal contact will, however, always be there, so that victims and offenders can ask the questions they need to ask about the potentially scary possibility of meeting the other party (see Chapter 2).

Does it matter whether offenders and victims are first approached by telephone, by a visit, during a court appearance, at a meeting, or by letter? The results of the interviews just prior to a conference in Phase 1 JRC cases and the questionnaires filled in by victims and offenders after the first visit with a mediator for REMEDI suggest that the initial means of contact did not matter⁵⁴. The respondents almost all said they felt the means by which they were contacted was the best way - whichever that was: 97 per cent of JRC respondents and 97 per cent of REMEDI respondents were happy with the way they were contacted, though most appreciated personal contact after the initial approach⁵⁵. So, 96 per cent of JRC victims and 84 per cent of JRC offenders said they had been able to talk over with someone from the programme what would happen at the conference.

Overall, from their initial responses, just prior to the mediation or conference, participants from our schemes were generally satisfied with their preparation, even though they were nervous about what was to come. Was the preparation adequate in terms of potential participants feeling that they knew what was going to happen? For JRC, 91 per cent of victims and 89 per cent of offenders said they had been given information on what was going to happen at the conference. Participants were less clear whether they had been given a leaflet (42 per cent of victims and 52 per cent of offenders remembered a leaflet). Participants were also clear that they had been given information about what they might be expected to do at the conference (92 per cent of victims and 74 per cent of offenders), but they were far more uncertain about what might happen after the conference, with only 42 per cent of victims and 49 per cent of offenders saying that they had had information about that. Few people mentioned an outcome agreement (17 per cent of victims and 13 per cent of offenders), or a report to the court where this was relevant (24 per cent of victims and 40 per cent of offenders). In future restorative justice schemes, it will be important that facilitators recognise participants' lack of knowledge about criminal justice and specifically address what will happen after the restorative justice event.

None the less, participants said that their discussions with people from the JRC programme had covered everything they wanted to know (94 per cent of victims, 82 per cent of offenders). Just three victims had further specific queries. Offenders' remaining concerns could be summed up as a general worry as to what was going to happen: 'it's all new'; 'what it is really for'; 'what I will be faced with'. This is clearly linked to people's general nervousness prior to conferencing, which affected both victims and offenders, though offenders tended to be far

⁵⁴ Details of response rates for these interviews and questionnaires are given in Appendix 1.

⁵⁵ Percentages for responses to questionnaires and in interviews in this report are given as valid percentages (i.e. ignoring missing data), because there were very little missing data between individual questions.

more nervous. So, 15 per cent of victims said they were 'very nervous' and 37 per cent 'somewhat nervous', whilst 36 per cent of offenders said they were 'very nervous' and 33 per cent 'somewhat nervous'. Asked to say what they were nervous about, victims said they were nervous about facing or seeing the offender or the offender's supporters (a common reaction), whether they would get emotional or not be able to say the right thing (not uncommon), and whether the offender would attack them (rare). Offenders said they were nervous about meeting the victim (common), not being able to say what they wanted because they wouldn't be able to express it (common), that they had no good explanation for what they had done (not uncommon), whether the victim would accept their apology (not uncommon), what their family would think (rare), being in a police station if the conference was to be held there (rare), and this general fear of the unknown (common).

The results from the REMEDI questionnaires were remarkably similar. Just five of the 207 respondents had heard of mediation beforehand, which emphasises that this was very much a journey into the unknown, but, by the end of the first meeting with the mediators, 95 per cent recognised that this was the service REMEDI was offering. Almost all (98 per cent) had met up personally with someone from REMEDI, with this meeting clearly having been arranged at an appropriate time (98 per cent convenient or very convenient; all except one found it easy to find the meeting place; 93 per cent no difficulties with the time of the meeting). Respondents appreciated the personal contact with REMEDI staff, with 75 per cent saying they were very helpful and 18 per cent helpful (no difference between victims and offenders). Some 93 per cent said they had been given information on what would happen during mediation, with 89 per cent remembering they had been given a leaflet. REMEDI respondents seemed to have been rather clearer about what might happen as a result of the mediation, with 92 per cent saying they had been given such information (those not remembering such a discussion were almost all offenders, both adult and youth offenders).

We asked REMEDI respondents to write in what they thought would happen next on the questionnaire. They referred to the possibility of a meeting with the other party, some feedback from the offender, an apology, answers to questions they had, the possibility of regaining trust, closure, and relaying feelings and concerns to the other party. These are all major elements of mediation. Clearly, even though mediation was a new concept, the preparation phase had conveyed to potential participants the essence and potential of restorative justice for them. This was true both of those participants who did go on to direct or indirect mediation, and of those who did not end up participating in restorative justice. It was clear that for all except a small minority, by this point the problem was not that they did not want to participate, but that the other party might not be able to be contacted or might refuse.

We asked, overall, whether the REMEDI respondents thought they had sufficient information about mediation in relation to their case: 98 per cent of victims and 93 per cent of offenders said they did. For 96 per cent of victims and 95 per cent of offenders, the contacts had covered everything they wanted to know. Moreover, 79 per cent of victims and 68 per cent of offenders had also been able to talk to their family, friends or someone else about the possibility of mediation. A number of standard service evaluation questions were also included and the answers to these were also overwhelmingly positive. So, 96 per cent of respondents thought they had been listened to carefully (by REMEDI staff), 99 per cent thought they had been treated with respect and dignity, 98 per cent thought their concerns and questions had been treated seriously, 88 per cent felt it had been made clear what might be required of them in the future, 83 per cent felt choices about how the case could go had been presented to them, 94 per cent felt it had been made clear it was up to them whether they took part, and 95 per cent felt they had been given enough time to think about their decision.

The slightly lower percentages about what was going to happen, compared with the considerable extent of satisfaction about the process so far, may reflect uncertainty about what the other party would want, and participants' general nervousness. As with JRC, offenders were more likely to be nervous, with 11 per cent saying they were 'very nervous' and 35 per cent 'somewhat nervous', whilst just 8 per cent of victims said they were 'very nervous' and 24 per cent 'somewhat nervous'. These are lower proportions than for JRC, possibly reflecting the less intimidating possibility of indirect mediation offered by REMEDI, whilst JRC were only providing conferencing, which entails a meeting with the other party. REMEDI

victims said they were nervous of a direct meeting, about the novelty of the idea, whether they would be able to explain themselves and concerns about their own vulnerability. REMEDI offenders were nervous as to how victims would react or whether they would let them apologise, about a face to face meeting, about what they themselves would say or how they would react, that they felt really ashamed, and just 'all of it'. These are very similar reasons to those given by JRC victims and offenders. Despite the nervousness, several REMEDI victims and offenders said that they thought it was the right thing to do: 'I'm nervous about meeting them but I think it's only right' (offender).

Indirect mediation

Indirect mediation was offered by CONNECT and REMEDI. Its essence is the transmission of information between the victim and the offender, aided by the mediator. Interviews with staff, together with inspection of case notes and databases, showed it could involve personal meetings between one party and the mediator, or telephone calls or letters, though both CONNECT and REMEDI put considerable store on meetings, at least at first⁵⁶. In both schemes, information collected from the offender was typically about why and how the offence was committed and the offender's any other problems (drug habits and likelihood of treatment, family difficulties). Information from the victim was typically about the effects of the offence on them and what questions they had of the offender - 'often it's just information that's from the offender but it's quite basic, around why us, they don't want direct mediation' (CONNECT staff).

Though there was no 'model' or 'template' for CONNECT staff, each offender seemed to be assessed by the worker as to whether they showed remorse, whether they wished to apologise to the victim, whether they had 'insight' into the likely effects of the offence on the victim, and whether they would be prepared to meet the victim. Each victim was asked whether they would be prepared to receive an apology, whether they would meet the offender and what questions they had. Hence, though offenders' and victims' wishes largely guided progress (and any supplementary needs were assiduously followed up by the worker), the workers' views on what restorative justice should be and what were suitable cases guided the types of restorative justice offered.

REMEDI mediators, who typically worked in pairs, saw subsequent progress after the initial meeting with the offender and one with (each) victim as guided by the requests each had for interaction - the questions victims posed or the extent to which offenders wished to offer something (normally an apology) to victims. There seemed to be less emphasis on offenders' remorse than for CONNECT, but there was a considerable emphasis on apologies, with written letters of apology seen as more important than verbal expressions. REMEDI staff would help young offenders write letters (though letters of apology from adult offenders were more commonly spontaneously produced by the offender) and then the mediators would hand them to victims in a meeting with the mediator.

Mediators had a strong guiding role in both schemes. Information was conveyed between the parties in mediators' own words, with case notes and files (which provided mediators' memory bank in this fairly long drawn out form of communication) only rarely using direct quotes from the parties. Though they did not necessarily suggest questions to victims or points to offenders, both CONNECT and REMEDI mediators were indicating, either verbally or otherwise, what often happened in mediation and what was appropriate.

Both CONNECT and REMEDI did not always 'continue the conversation' in any substantial way after the initial meeting with each party. For youth cases in REMEDI, in particular, the only further action might be to send a letter to the offender, which gave very brief details of the victim's reaction to, for example, a letter of apology:

⁵⁶ REMEDI did not always urge meetings for corporate victims, who sometimes preferred telephone calls, but CONNECT normally used personal meetings, even for corporate victims, because they wanted to ascertain which individuals within the business had been affected and might have questions for the offender. The effect on individuals when the business has legally been the injured party can be very substantial (burglary, damage, robbery, assaults and threats: Shapland 1995).

I am writing to thank you for your involvement with REMEDI and to let you know that your victim has accepted your letter of apology. At the time of the offence, the victim was having quite a few problems in her life and she found the incident very distressing. However, she was very pleased with the card, and even though she is in the process of moving, she told us that she would place it on her mantelpiece. She hopes that you will keep out of trouble and wishes you success in your life.' (mediator's letter to offender)

REMEDI youth cases might then end with a report to the YOT, without pursuing any reaction from the offender to this communication. This is consistent with youth cases having an average of just 1.5 meetings with offenders and 0.8 with victims (Chapter 2). Adult cases, however, tended to involve rather longer communication, with an average of 2.5 meetings with offenders and 1.6 with victims (Chapter 2), suggesting that victims' questions tended to require a further meeting with the offender.

Similarly, CONNECT might just visit the offender and then the victim(s), conveying what the offender had said about the offence and their remorse and apologies, and then write a report to the court, conveying the victim's reaction to the offender at court. On the other hand, some CONNECT indirect mediations were far longer and more complicated affairs, involving a very large number of contacts and CONNECT seeking information from criminal justice agencies on behalf of one or other party (see Chapter 3).

Conferences and direct mediation

Our findings on what happened during conferences and direct mediations are based on quantitative and qualitative analysis of the 285 conferences and direct mediations we observed, concentrating particularly, for JRC, on the 217 Phase 2 randomised conferences observed and the nine adult caution conferences during that period. They show what happened during direct meetings between victims and offenders in these three schemes. The results cannot necessarily be generalised to other schemes operating different restorative justice procedures.

Who attended the conferences and direct mediations?

All three schemes aimed to have victims present at all conferences/direct mediation and this was achieved in the vast majority of cases, with 91 per cent of JRC conferences having at least one victim present. The average number of active participants sitting in the circle at a Phase 2 JRC conference was 6.3 (range from 3 to 15), with the average conference having 1.1 offenders⁵⁷, 1.2 victims⁵⁸, 1.7 offender supporters, 0.9 victim supporters and a facilitator. The adult caution cases had more people present in the circle (mean 9.0, range from 4 to 25). In addition, a number of other people were likely to be in the room, but sitting 'outside the circle' and not generally participating. These included a further facilitator (so the average number of facilitators was 1.8), observers, including those from the JRC VIP observer programme (average 1.4 per conference) and occasionally others there for security purposes (such as prison officers)⁵⁹. Direct mediations, by definition, had at least one offender and one victim present, with the average number of people present at the REMEDI mediations being 4.0 and in the CONNECT mediation 5.

In JRC London, all the facilitators were police officers and there was generally only one active facilitator per conference. There was normally a back-up person present, who tended to be a

⁵⁷ Northumbria and Thames Valley conferences could have more than one offender present, but JRC London only took cases with one offender in Phase 2.

⁵⁸ There can be difficulties with ascertaining whether victims are direct victims (taken by us as the legal definition of the injured person (i.e. the householder for a burglary)) or indirect victims (such as the children or others living in a burgled household). Our figures here include both direct and indirect victims.

⁵⁹ JRC researchers in London were there to take notes (and provide the report to the judge in the burglary RCT). JRC researchers might also act as a back-up facilitator, making refreshments at the end of the conference, whilst other prison staff were needed to fetch prisoners etc. They were essentially there as JRC staff, though they would not take the role of the active facilitator. The number of observers was rarely commented upon as intrusive by participants, except occasionally in relation to the VIP observer programme run by JRC.

JRC staff researcher (66 per cent of burglary conferences and 51 per cent of street crime conferences). In Northumbria all the facilitators were again police officers, but here two facilitators were present in all but a few conferences (88 per cent). JRC researchers might occasionally observe conferences. Occasionally, more than two facilitators were thought to be required, primarily for large 'community' conferences, often in relation to adult cautions, when 15 plus participants might be involved. For Northumbria and Thames Valley, the second facilitator was a back-up and not included in the 'circle'. In Thames Valley, facilitators came from many different professional backgrounds. In almost half the cases, one of the facilitators was a community mediator. Conferences also involved probation officer facilitators (25 per cent), facilitators originally from Victim Support (18 per cent), prison officer facilitators (6 per cent) and others (5 per cent). CONNECT and REMEDI mediators, who normally worked in pairs for direct mediations, might come from a variety of professional backgrounds.

JRC facilitators at all sites worked hard to get both offender and victim supporters to conferences. This was much harder regarding offender supporters, particularly if the offender had lost ties with family as a result of being in prison, but in only 15 Phase 2 conferences (7 per cent) was there no offender supporter. Offender supporters were overwhelmingly family members, with 25 per cent of the 364 JRC Phase 2 offender supporters being mothers, 10 per cent fathers, 34 per cent other relatives (including partners), 17 per cent youth workers, community workers, social workers, probation officers or other professionals⁶⁰, 10 per cent friends, 1 per cent work colleagues and just one a neighbour. The adult caution conferences, which were in general more community-oriented, had more neighbours and other relatives. Overall, these were not professional-dominated conferences - lay people were the key offender supporters.

Victim supporters were less likely to be present, with 43 per cent of Phase 2 conferences having no victim supporter present. However, 10 per cent were victim absent conferences and in 21 per cent there was more than one victim, who may have acted as support for each other. Hence in 19 per cent there was only one victim and no victim supporter. Who were the victim supporters? Overall, 200 victim supporters attended JRC Phase 2 conferences. Again, many supporters were family members, with 15 per cent being the victim's mother, 9 per cent the victim's father and 39 per cent other family members (including partners). For victims, though, friends and work colleagues played a larger role, with 20 per cent being friends and 11 per cent being work colleagues. Both people from the local community (neighbours etc.) and professionals only rarely attended conferences, with just 3 per cent being neighbours and 2 per cent professionals.

Family were hence the people to whom both offenders and victims turned for support in relation to conferences. These might not be just immediate family, with grandmothers, aunts and nieces all being represented. Offenders without family ties might turn to friends or to professionals with whom they had a close relationship. Victims also brought friends or work colleagues. What tended to be absent from these conferences, however, was any sense of the wider community, whether neighbours or people representing community organisations or groups. Hence supporters tended to have what we may call a 'star' relationship with the person whom they knew, with victims' and offenders' supporters generally being unknown to each other, unless the victim and offender themselves had a prior relationship.

Place and time

Most JRC Phase 2 conferences were held in institutional settings, with overall, 51 per cent being held in prisons, 33 per cent in police stations and just 16 per cent in JRC's own restorative justice centres or community venues. This reflects two factors: first, the predominance of offenders in custody (in relation to the serious Crown Court cases taken by JRC London (86 per cent in custody) and the prison RCT for Thames Valley, which resulted in 67 per cent of all Phase 2 conferences being in custodial establishments); and secondly, the decision by Northumbria JRC to base its facilitators in police stations and normally use rooms there (92 per cent of their conferences were held in police stations). Though there had been discussions about the possibility of trying to arrange to escort offenders held in prison to

⁶⁰ Who were, in some instances, the legal guardian of the offender.

community venues for conferences, this proved not to be possible on security grounds and would also, of course, have added to the severe logistical difficulties faced by JRC in relation to arranging prison conferences. Some staff in Northumbria in fact regretted the original decision to hold most conferences in police stations, taken partly on security grounds, partly on cost and convenience grounds, because they then found rooms were in demand for other purposes and accommodation was at a premium.

The result for JRC was that victims and supporters needed to come to venues which were likely to be strange to them and which did not always provide the neutral, restful environment with sufficient space that a purpose-built or community venue would be more likely to provide⁶¹. It may have given the impression that conferences might be more focused on the offender, since they were held in places largely devoted to offenders, rather than victims. Prisons naturally also had security considerations, so that visitors (victims, supporters, facilitators and researchers) had to go through checks on entrance and wait to be escorted to the venue. Police stations, as well, may be stressful places for offenders. JRC facilitators and researchers did, however, work very hard to arrange to meet up with those coming from outside and to reassure them.

In contrast, CONNECT and REMEDI direct mediations were mostly held in community venues, because offenders were community-based at the time of the conference.

Most JRC Phase 2 conferences were held during working hours, starting between 0830 and 1729 (85 per cent), with the rest happening in the early evening, starting between 1730 and 2000. JRC conferences took an average of 67.5 minutes, with Thames Valley prison conferences tending to be longer (mean 87.1 minutes) and Northumbria adult court conferences shorter (mean 48.4 minutes). Our observation notes indicate that many conferences were delayed and did not start on time, generally because of the late arrival of participants or difficulty in getting into prisons or fetching prisoners.

Prison-based conferences had to fit in with prison routine, which tended to produce very fixed starting times. Otherwise, facilitators and mediators tried to fit in with the needs of victims and supporters. Caution conferences, however, were very much more likely to be in the early evening. Our interviews and questionnaires to JRC Phase 1 participants and REMEDI participants prior to mediation/conferencing show that place and timing were not generally seen as a problem by respondents, even though participants in JRC conferences might not be given much notice of conferences (mean 9.5 days, but range from zero to 60 days). The great majority of participants in JRC Phase 1 conferences thought the notice was sufficient, at all sites (98 per cent victims, 88 per cent offenders). The problems caused by short notice were primarily getting supporters there and, for a few, employment difficulties. The extent of victim participation in JRC conferences also suggests that facilitators were successful in accommodating victim needs as far as possible, which stands in contrast to the relative lack of attention to victim needs reported in the original evaluations of restorative justice conferences for young people in New Zealand (Maxwell and Morris 1993) and the youth justice reforms in England and Wales (Holdaway et al. 2001; Dignan 2000).

Procedural justice

Key aspects of restorative justice inherent in Marshall's (1999) definition are that participants are able to communicate with each other, such that they can 'collectively resolve how to deal with the aftermath of the offence and its implications for the future' (p.5). These aspects include that participants are able to talk, without one person or group dominating the exchange; that they are encouraged to speak; that they feel they are treated with fairness and respect; that they are safe in meeting, without fights breaking out or intimidation; and that the facilitator does not entirely set the agenda. These aspects, termed 'procedural justice' by Daly (1999; 2004), have been shown to be present and to be appreciated by participants in previous evaluations of restorative justice, including the RISE research (Strang 2002). They

⁶¹ Such as the conference rooms used by JRC in their restorative justice centres in London for community-based offenders, or the conference facility built for the Northern Ireland pilot of statutory conferencing for young offenders (Youth Conference Service 2003).

are embodied in international statements of restorative justice values (van Ness 2003). They are also similar to people's aspirations of how they would like to see criminal justice conducted (Tyler and Huo 2002) and contribute to previous evaluations' participants' higher evaluation of restorative justice than the criminal justice processes they experienced (Strang 2002; Daly 2004), though several restorative justice evaluations have cautioned that facilitators have been too dominant in police-led conferencing with young offenders (Hoyle et al. 2002; Daly 2003).

We can look at several of these aspects from our observations of the restorative justice events we attended. We counted the number of times each participant spoke at each conference observed and estimated the total length of their contributions. Researchers also rated how involved they felt victims and offenders were in the conference, the extent to which facilitators followed a 'script' and whether all participants were permitted/encouraged to have their say. We noted the extent of formality or informality of the conference, as well as any actual or verbal aggression and the extent of emotionality.

Looking first at participation, in JRC conferences, participants were fairly evenly balanced in the proportion of conference time they took or were given, with offenders taking the most time, followed by victims, facilitators and supporters, in that order. The offender spoke an average of 55 times during the conference, taking up, we estimate, about 27 per cent of the conference time⁶². Young offenders in Northumbria youth final warning conferences were less likely to speak for long at a time (an average of 49 times, but taking up only 19 per cent of the conference), but there was little difference between the other RCTs. The main victim spoke an average of 36 times, taking up 21 per cent of the conference. In Northumbria youth final warning and adult caution conferences, perhaps the conferences dealing with less serious offences, victims spoke for slightly less time (16 per cent and 15 per cent respectively). There was no conference at which the offender or victim did not speak. The main offender supporter spoke an average of 22 times in conferences at which there was such a supporter, taking up 12 per cent of the conference, whilst the main victim supporter spoke an average of 24 times, taking up 13 per cent of the conference. The main facilitator spoke an average of 49 times, taking up 16 per cent of the conference. Were facilitators in young offender cases dominant in terms of their contributions? There was little evidence of this. Though facilitators in Northumbria youth final warning conferences were far more likely to make more contributions (they spoke on average 64 times), these were not long contributions, with the average time taken by facilitators in these youth conferences being 17 per cent.

In our ratings of how involved offenders and victims were in the conference, offenders seemed to be involved 'totally' or 'a lot' in half the JRC conferences (50 per cent), 'quite a lot' in 30 per cent, and 'to some extent' in 14 per cent. In only 5 per cent were they considered only to be involved 'a little'. In conferences attended by victims, victims were involved 'totally' or 'a lot' also in 50 per cent of conferences, 'quite a lot' in 31 per cent, and 'to some extent' in 15 per cent. In just 4 per cent they were involved 'a little'.

Direct mediations only involved the offender(s), victim(s) and the mediators. REMEDI mediations we observed tended to be shorter. Generally, our observation ratings were that both victims and offenders were involved 'a lot'. Mediators, however, seemed to be rather more dominant in terms of the proportion of the mediation time they were speaking, particularly since both mediators would speak. Interviews with the community mediators working with JRC, who were still practising as mediators during the period, may shed some light on this, though their mediation practice may not be identical to that of REMEDI. They said that JRC conferences were quite different to their community mediation practice:

The dynamic's different - holding onto the reins in mediation and letting go of them in rj - it's very moving. (Thames Valley facilitator)

I think there is one thing that is much easier than I expected and that is actually running the conference on the day, it's a lot easier than mediation. I think we're a bit like conductors of orchestras, all our work is preparation and come the day we sit there with our scripts and it just flows. ... not every conference is like that, there are

⁶² We counted the number of times each participant made any comment, however short.

some that are much harder, you have someone who is speaking too much or misbehaving, but in general they're OK. ... Because this model of rj is low intervention, we don't have to manage the conversation the way we do in mediation. In mediation you are very much thinking on your feet and responding to what's happening in front of you and how you're going to intervene, your mind is working constantly, whereas here we have a script we have to follow. (Thames Valley facilitator)

The JRC 'script' was a very low-key affair⁶³. Following the Transformative Justice Australia (TJA) model (2002), it started (after introductions) by asking first the offender to say 'What happened?' and 'Who do you think has been affected?', followed by asking the victim and supporters 'How were you affected?', before moving into the third stage of 'How can we make things better?'. The training stressed the need for minimal prompts, through allowing people to find their voice, using silence and echoing what the participant had said. Inappropriate interjections (interrupting, aggressive statements, hogging the time) from conference participants should be countered by ignoring the first one, by looking at the person with mild distress, and then by non-verbal communication (raising a hand, looking at them), rather than by responding verbally, unless really necessary. If this model were followed, it should lead to minimal facilitator input, leaving the participants to speak for most of the conference. Daly (2003) has indicated, however, that in the youth conferences she observed in Australia, facilitators can still control conferences and be very dominant, even chiefly through using non-verbal communication - though Young (2001) has noted that non-police youth conference facilitators in New Zealand can be as directive as police facilitators.

To what extent, then, did researchers perceive JRC facilitators as dominant? In the conferences and mediations we observed, facilitators and mediators did not generally seek to control discussions - or outcomes. We rated whether facilitators were 'directive' - but a degree of direct intervention can be helpful, for example, trying to get participants - particularly youthful participants - to speak. London and Northumbria facilitators, who were police officers, tended to be rated as more directive than Thames Valley facilitators - in 36 per cent of London conferences and 50 per cent of Northumbria conferences, facilitators were rated as scoring 'quite a lot' or 'a lot' on directiveness in Phase 2, against 9 per cent of Thames Valley conferences. The cases in which most control was detected tended to be the Northumbria youth final warning cases, but much of this was trying to get the young participants to speak. We only very occasionally observed the kind of questioning which Young (2001) has illustrated in Thames Valley during some restorative cautioning with young people, which is essentially an interrogation of the young offender about the circumstances of the offence. Nor did we observe the use of 'police knowledge' by police officer facilitators, whereby they introduce a police official version of events or material about offenders during the conference, rather than letting the participants tell their own stories. There was no 'official' participant present in most of the conferences we observed, there to give the police or prosecution view, as there is in the South Australian conferences evaluated by Daly (2003) or in the Northern Ireland pilots, nor did facilitators seek to take on this role.

In fact, observers viewed facilitators as being impartial (88 per cent of JRC cases), though in a few Northumbria youth formal warning cases (13 per cent) and London street crime cases (19 per cent), facilitators were thought to be slightly partial towards the victim. In 94 per cent of JRC cases, researchers rated the facilitator as permitting all the key participants to have their say.

CONNECT and REMEDI mediators were normally thought not to be directive: 'mediators only had to prompt two or three times throughout the hour and twenty minutes' (observation notes). Mediators were seen as impartial by observers and as allowing all key participants to have their say.

⁶³ Though JRC themselves would not wish it to be thought that they were following a script, and indeed individual facilitators, particularly in London, did change their practice as they became more experienced, the TJA manual does call it a 'script'. We felt that JRC facilitators in all sites did continue to use the main stages of the TJA script throughout Phases 1 and 2, often continuing to use the same words. They departed from this sometimes because participants were very vocal in asking additional questions and, very occasionally, when police facilitators slipped into 'police mode'.

We think it is interesting that concerns about directiveness have arisen primarily in youth conferencing, slightly in our research but rather more strongly with other schemes. They seem very much less prevalent in our adult samples, which also contained conferences with relatively more participants than in much previous work, and which were observed both by senior JRC staff and by ourselves. Strang (2000, quoted in Young 2001) has argued that probably the best safeguard against any form of professional domination is to ensure that an adequate number of lay people are there - and we would agree. An important policy point that would follow is that, for accountability and to reduce potential dominance, it is essential to encourage offender and victim supporters to be present and useful to permit a limited number of observers (including supervisors, facilitators in training or evaluators).

Another element of creating procedural justice is the extent to which the conference itself is a safe event - that participants can talk without being assaulted or the conference degenerating into a verbal brawl. Here we need to distinguish between aggression (which does not normally lead to helpful discussion and which can intimidate) and emotion. The conferences and mediations we observed often had emotional elements, but they did not result in assaults and only extremely rarely involved aggression. Given the seriousness of the offences with which all schemes were dealing, this is an important result.

Emotions manifested themselves in a number of ways and indeed Harris et al. (2004) have argued that conferences intrinsically need to have emotional elements. During the conference itself, many participants, particularly offenders, appeared to be or admitted they were very nervous, as we have already seen above from the analysis of the pre-conference questionnaires in Phase 1. A small number of offenders and victims were observed to be physically shaking before or during a JRC conference. Occasionally, during or after conferences, victims and offenders compared notes about their feelings leading up to the conference - and nervousness figured largely in those discussions.

However, conferences and mediations themselves were not generally emotionally intense events. Our ratings suggested 42 per cent of JRC Phase 2 conferences we observed were not emotionally intense, 28 per cent were a little, 18 per cent showed some intensity, 9 per cent showed quite a lot, and only 4 per cent showed a lot of emotional intensity. Greater emotional intensity was significantly related to being in an RCT with generally more serious offences⁶⁴. Perhaps the most emotional conference was one where the offender, under the influence of drugs, had stabbed two victims during a burglary. The offender cried throughout the conference, whilst the victim who attended was extremely angry and his wife very distressed (observation notes). This was, however, very unusual. There were a few conferences in which victims (14 per cent) or offenders (17 per cent) cried, but these were the minority. The expression of emotion is highly culturally related and we would not expect similar results in England to those from the US, Australia or New Zealand, where expressed emotion has been reported to a considerable degree. Victims, not surprisingly, mostly became upset when recounting the offence or describing its effects on them. Some offenders became upset when talking about the effect on family members, including their children. Offender supporters could show their emotion when recounting the effects of the offence, or their own disappointment or shame about the offence. Facilitators brought tissues to the majority of conferences - though in a handful of cases none were available. We saw numerous examples of offers of support from other participants when participants became upset - arms around shoulders, hugs, hands on arms or knees. Only rarely did participants leave the room to compose themselves, though they were offered this opportunity where relevant.

Anger was another relatively common emotion expressed, but outwardly aggressive behaviour was very rare. A number of victims and their supporters expressed anger verbally, when talking about the offence and its impact. Shouting or heated argument, however, only occurred in a handful of cases, mostly in Northumbria. It tended to arise in disputes about 'what happened' or 'who did what' during the offence. Only two conferences were abandoned in the 217 Phase 2 conferences observed, one because the offender was drunk, one because a

⁶⁴ RCTs with generally more serious offences were defined as London burglary and street crime RCTs and Thames Valley prison RCT. An independent samples t-test gave $t=2.803$, $p=0.006$. There was no significant difference by site, so it was not a facilitator culture effect. CONNECT and REMEDI mediations had a range between 'no' and 'some' emotional intensity.

slanging match developed between offender and victim, with the offender threatening the victim. There were only three observed Phase 2 JRC conferences where we thought there were threats of violence issued, two verbal threats and one violent gesture (1 per cent of conferences). In 23 conferences (11 per cent) the offender was shouted at at some point by the victim, victim supporter or offender supporter.

Although some conference participants expressed a desire to leave the conference before the end, particularly when upset, angry or frustrated, often people did not actually leave. In a small number of cases where a participant did actually walk out, they were persuaded to return by a facilitator, though in 8 cases (4 per cent of all observed Phase 2 conferences), they did not return (two victims, two offenders, four offender supporters). In most of these, the conference continued. In CONNECT and REMEDI direct mediations, no one left early. Though the facilitators or mediators are the ultimate guarantors of safety and order in conferences and mediations, these findings show this was very rarely tested. Participants themselves wanted to be able to communicate, maybe sometimes rather emotionally, but without hurting the other parties - and our results show both that they did manage to communicate and that they did this safely. There has been some anxiety about whether restorative justice could take place with serious offences and adult offenders. Our results clearly show that, in these schemes, it can and did - in the vast majority of cases which went to a conference or to a direct mediation.

Although not common, humour was apparent in a number of conferences, sometimes helping to ease tension. For example, when one offender admitted having been in prison for theft before, the victim commented, 'you're not very good at robbery, are you?' The offender agreed and they both laughed.

Taking responsibility and apologies

The first stage in a JRC conference was for the offender to talk about how the offence happened. All the conferences and direct mediations were cases where the offender had already taken responsibility for the offence, either by pleading guilty or by making a statement of such to the police (in relation to final warnings and cautions) or to scheme staff. This is normal for restorative justice, which would not seek in criminal justice cases to conduct any 'trial' of the offence. We would expect in such circumstances offenders to admit responsibility for the offence to victims. Yet several restorative justice schemes have found that this can be a difficult area - admitting one's own part in an offence does not necessarily imply admitting all responsibility for the offence (if there are co-offenders) or signing up to the 'official' prosecution version of the offence (Maxwell and Morris 1993; Daly 2003).

We found that, from our observations, offenders did generally accept responsibility for their actions. We have two ratings, one of whether the offender accepted responsibility for their actions and one of whether the offender accepted they had done wrong. In the first, 60 per cent of offenders in Phase 2 JRC conferences accepted quite a lot or a lot of responsibility, whilst 29 per cent accepted some and 11 per cent accepted no or a little responsibility. Offenders accepting only a little or no responsibility were spread through the RCTs (except for the Thames Valley community RCT), but were most prevalent in Northumbria (youth final warning and adult court RCTs)⁶⁵. Overall, the vast majority of offenders also accepted they had done wrong (86 per cent, with 13 per cent accepting it to some extent and just two offenders denying this).

In a few cases, offenders minimised their culpability - by implicating others (who might not be present at the conference), refusing to accept that anyone had been harmed, or referring to their drug or alcohol dependency as having an effect on them committing the offence. There was a statistically significant correlation between the offender not taking responsibility for their actions and holding others responsible (0.35, $p < .001$). However, in many of these cases, the victim tended to agree with the offender that others were responsible (significant correlation of 0.35, $p < .001$).

⁶⁵ In the Thames Valley community trial, staff said they tended to regard as ineligible any cases where there was a likelihood that offenders would not admit responsibility, because they had found that the imposition of a community sentence might reflect a mixed pattern of responsibility for the offence.

In the adult caution cases, not part of a RCT, offenders were particularly likely to hold others at least partially responsible. This stemmed to some extent from the nature of the offences, often fights, where there were disputes as to who started the fight and whose fault it was. Here, other participants also stated that the offender was not the only one involved.

Though it was rare, where offenders did not accept responsibility and victims thought they were trying to avoid responsibility, this caused considerable potential for distress and harm during the conference. Apologies tended to be questioned or rejected where the offender continued to hide information about a co-offender. For example, at one robbery conference a victim said 'sorry is as sorry does' to an offender who would not give up his co-offenders' names. Other factors associated with distress to victims were when the offender claimed provocation by the victim, or when there were discrepancies in the accounts of offender and victim about what happened. An example occurred in a case where the offender was denying aspects of a racially motivated offence in which he was physically and verbally abusive towards the victim, with the victim's partner being a witness. The partner said that she felt angry with the offender, who she felt had done nothing but offer excuses for his behaviour (drink, pills, depression), but denied that he was drunk or being racist. Though the offender said that he had apologised and did not feel good about his behaviour that day, this was obviously regarded as insufficient by both victim and partner.

Sometimes the dispute was a result of previous misconceptions or mistaken expectations. For example, in a Northumbria final warning case, the stolen items were school property and some money from one victim's purse. The offender said that he had only taken some school property, whilst a co-offender (his friend, who was not present) had taken the money. There was some confusion at the conference because both victims were under the impression that the offender had previously admitted taking all the items and both victims hence wanted the offender to 'tell the truth'. At one point one victim said that the offender was not taking the conference seriously and she wanted to see him take more responsibility for his actions and show some regret. The second victim said it was pointless being at the conference and later asked for a written apology.

Accepting responsibility was strongly linked to the extent of remorse shown (correlation of 0.64, $p < .001$). Almost all offenders showed remorse, many to a very great extent. So, from our ratings, overall, in just 3 per cent of Phase 2 JRC cases the offender did not show remorse, whilst 8 per cent showed a little, 21 per cent some, 35 per cent quite a lot and 31 per cent a lot of remorse. Showing remorse happened in all RCTs, but was most prevalent in the RCTs with the more serious offences⁶⁶.

Showing remorse and accepting responsibility are also linked to apologising to the victim. Braithwaite (1999) argues that apologies are the most common feature of restorative justice communication and certainly apologies featured in the vast majority of JRC conferences and also in CONNECT and REMEDI direct mediations (as, indeed, in indirect mediations, as we have seen). Offenders apologised in 88 per cent of the 216 JRC Phase 2 conferences, to some extent in 9 per cent and not at all in 18 per cent. This 18 per cent was spread over all RCT sites except Thames Valley community cases, but was again most prevalent in Northumbria.

Apologies ranged from a mumbled 'sorry', which was most common in youth final warning cases, to some more elaborate statements of contrition. For example:

I would like to say I'm very ashamed of what I did. I try to block it out of my mind but I do feel guilt fairly clumsily and if I could turn the clock back I would. And I would like to apologise to [the victim] for what I did and the injuries that were caused. (Thames Valley prison RCT)

I want you to know I'm really sorry and I hope you [the victim] can forgive me. I don't want you to be afraid. (London burglary RCT)

⁶⁶ On a t-test of independent samples, dividing, as previously, the RCTs into more serious (London burglary, street crime and Thames Valley prison) and less serious, $t=5.37$, $p < .001$).

Offenders apologised multiple times, with one researcher noting at least twelve apologies from the offender in a single conference (London burglary RCT). There were many instances of offenders shaking the hands of victims and other participants at the end of conferences and apologising again.

The importance of apologies became more transparent as the schemes developed, becoming an outcome item in its own right on the JRC outcome agreements (see below). A scripted pause existed for JRC, presenting the offender with an opportunity to apologise not only to the victim, but to others (TJA 2002). Offenders did apologise at this point, but might apologise earlier, when recounting the offence, or indeed repeatedly, feeling that even acknowledging they have done something which has caused real harm (Taft 2000), is too small for a serious offence:

No words can express an apology, but I'm sorry for what I've done. (London street crime RCT)

Sorry is just a word; [I] have to prove it as well. (Thames Valley prison RCT)

Facilitators were also aware of this, sometimes suggesting offenders apologise to all those in the group who had been affected by the offence, not just the direct victim. This may have been part of an acknowledgement that apologies related to criminal justice proceedings are not just 'dyadic' (offender to victim, victim needs to respond and acknowledge: Tavuchis 1991), but also have societal elements - the offence certainly has affected the victim, but also is likely to have affected others close to the victim and offender and potentially the local community and the wider society. So offender supporters were also recipients of apologies on numerous occasions: 'I'm sorry to put you (V) through this. I'm sorry mum' (London street crime RCT).

In some cases offenders had brought a letter of apology with them to the conference; in others there were offers to write a letter to reinforce their apology, or to express an apology to someone who was not present at the conference (sometimes this was at the suggestion of the facilitator or another participant). A small number of offenders referred to letters they had written - and in some cases sent - to victims prior to a conference being held. A few offenders explicitly asked for forgiveness.

As we have seen, a verbal apology was not forthcoming in all JRC conferences observed. In at least one case, an offender qualified his lack of apology as follows: 'I'm not sure if I'm sorry, I can't say sorry...not sure, don't feel it' (Thames Valley prison RCT). However, this kind of reflection was rare. In most cases, a lack of apology was linked with a 'defiant' position: i.e. a lack of remorse, or refusal to accept responsibility for the offence.

Victims' reactions to offenders' apologies varied. It was very rarely observed that the victim would say to the offender 'I forgive you', although this did happen in two REMEDI mediations and in JRC cases a few said things like: 'We're more interested in forgiving you than compensation' (London burglary). In some of these cases, victims' religious beliefs appeared to be an important factor. Other victims did not forgive explicitly but appeared to imply at least a degree of acceptance, by responding with a nod of the head, or with comments such as 'It's nice to hear you say sorry', 'It's fine', 'Thank you', 'That's alright'; or by shaking hands with the offender at the end of the conference. Yet others might use non-verbal communication - hugging, kissing - or implicitly do so, for example, by welcoming the offender back into the place they had offended or offering to help.

There were, however, also instances of victims/supporters questioning or rejecting apologies because they felt offenders were going through the motions ('You are here because you want to seem sorry but I don't believe you are'); or where victims or supporters questioned what offenders were apologising for (victim supporter: 'you're probably sorry for getting caught'). Victims and their supporters, like offenders, were also clearly making the link between words and future deeds - wanting the offender to prove that they meant the apology by reforming his or her life. In a very small number of cases, victims or their supporters rejected apologies or refused to shake the hand of an offender when it was offered.

Many offender supporters expressed embarrassment, awkwardness or shame in the light of the offender's behaviour, and apologies from offender supporters were not uncommon, such as: 'I really appreciate you being here and I apologise for my son and what he's done to you' (mother - London street crime RCT).

What victims and supporters said about the effects of the offence on them

Apologies might occur at the end of offenders giving an account of the offence and what they had done. They might also occur after victims had been asked by the facilitator or mediator about the effects of the offence on them. In JRC conferences there was a distinct point for victims to be asked about this and in mediations it was also common practice for victims to be asked by the mediator what they wanted to say. We rated victims' responses according to the extent to which they said they had been affected by the offence, though clearly this needs to be amplified by victims' own views in our third report. In the 196 Phase 2 JRC conferences at which victims were present, 2 per cent were rated as not having been affected by the offence, 10 per cent as being affected a little, 24 per cent to some extent, 33 per cent quite a lot, 30 per cent a lot, and 3 per cent to an extreme extent. As we had expected from the nature of the offences, these conferences were, therefore, dealing with offences which had definitely had effects and most of which had significant effects on victims. The London street crime RCT seemed to produce the greatest statements of effects (mean 4.25, on a scale from 1 is no effect to 6 is extreme effect). The more 'serious' RCTs (London street crime, London burglary, Thames Valley prison) had significantly higher ratings of effects on victims than the others⁶⁷. Adult caution cases, however, which were not in a RCT, also had a relatively high mean of 4.00.

Effects included fear, anger, anxiety, depression, physical pain suffered, shock, stress, wanting to leave their place of work or their home, effects on family members and financial effects. Our qualitative analysis provides some illustrations of victims describing the impact of the offence on them which we have classed as 'a lot' or 'extreme':

A middle-aged woman had been violently attacked on her way to work. When asked what had happened she said, through tears, that she had become an invalid; she could not do anything or go anywhere unless there was someone with her; she couldn't go to work or sleep and she 'couldn't get the picture out of my head ... don't know if I will ever recover' (London street crime RCT)

The victim had been held at gun point in a bank robbery eight years previously. She had had counselling for two years after the offence and was still suffering emotional effects. She said: 'You fear the worst and then the worst that could happen did ... someone got up one morning and took my life'. (Thames Valley prison RCT)

The key difference between JRC conferences and REMEDI and CONNECT mediations was that supporters were present at most JRC conferences. There is of course the potential for supporters to turn on offenders (or possibly victims), but overall, we rated supporters as providing a considerable degree of support to the offender or victim (as relevant). Occasionally, it was difficult to divide people into victim or offender supporters, because the offender might be the relative of the victim. Of the 215 JRC Phase 2 conferences with offender supporters, in only 6 per cent did we rate supporters as providing no support to the offender and 7 per cent as providing only a little (whilst 23 per cent provided some support, 34 per cent quite a lot and 31 per cent a lot of support). Offender supporters had also been affected by the offence in a majority of cases, with 25 per cent saying they had been affected to some extent, 25 per cent quite a lot and 12 per cent a lot. Offenders themselves, though mostly referring to the effects on themselves (being in prison, being suspended/expelled from school) also sometimes acknowledged the embarrassment and strain on family relationships the consequences of the offence had caused.

⁶⁷ On a t-test of independent samples, $t=2.85$, $p=.005$ for the first victim, not assuming equal variances.

Of the 185 conferences with victim supporters, 8 per cent were rated as providing no support and 3 per cent as a little, whilst 15 per cent provided some support, 15 per cent quite a lot and 48 per cent a lot of support. Victim supporters themselves said in the conference that they had been affected by the offence, with 36 per cent saying that they had been affected to some extent, 26 per cent quite a lot and 16 per cent a lot.

Censure and reintegrative shaming

Some previous restorative justice schemes have been criticised as primarily censuring offenders (telling them off, stigmatising them, punishing them), whilst not emphasising the difference between the negative nature of the offence and the potential of the offender as a person in the future, nor attempting to reconcile offenders with their communities. In other words, they have engaged in shaming, but not in reintegrative shaming (Braithwaite 1989). One of the key differences between restorative justice and traditional criminal justice has been said to be its restorative nature to offenders, as well as to victims.

In this study, it was rare for stigmatising labels to be used for the offender (or victim). There was often shaming and there was certainly disapproval of the offence, but there was also often support for the offender as a person and expressions that offenders could and should now put the offence behind them. Nor was the extent of shaming related to the extent of support⁶⁸. In 68 per cent of JRC Phase 2 conferences and 60 per cent of adult caution conferences, as well as all CONNECT and REMEDI mediations, we rated there to be at least a little shaming of the offender (though only in 7 per cent of JRC conferences was there a lot). Yet, in 91 per cent of the JRC conferences, there was also at least a little support for or approval of the offender as a person (in 33 per cent quite a lot, in 12 per cent a lot) and this was also true of all the CONNECT and REMEDI mediations observed. Participants might mention other good attributes of the offender apart from their offending, such as parenting, educational or work achievements, or starting to deal with their problems: 'He's a good person when he's not a junkie. He's a loving father' (offender supporter, London burglary RCT). Offenders also received praise from various participants for having the courage to come to conferences⁶⁹: 'I'm proud of xxx, that he's acknowledged what he's done and I admire him for apologising' (offender supporter, Northumbria final warning RCT); 'He's a cracking kid at the end of the day ... he's got a smashing character' (victim, Northumbria final warning RCT).

Judging the extent of reintegrative shaming from the conference or mediation itself is difficult. Part will depend upon what happens after the meeting and whether the offender completes the outcome agreement. Indeed, JRC initially planned to hold a second conference after an outcome agreement had been completed, to celebrate this and to underline the offender's reacceptance into the community, but this was not implemented. In conferences themselves, we can only try to judge whether shaming was followed by support and whether there were any attempts to bring the offender closer to their families or to other support.

Judging bringing offenders back into the 'community' was also very difficult to operationalise, because the wider community was only very rarely involved in conferences or mediations. As we saw above, in relation to attendance at conferences or direct mediations, supporters were primarily family members. These offenders and victims did not seem to be surrounded by a close-knit wider community or one which could reach out to individual members. This was not their 'fault', or that of their social network - essentially such communities only rarely exist in England⁷⁰. We saw very few instances of offenders being welcomed back into any wider group and these were primarily if the offender had been barred from shops, pubs or school activities.

⁶⁸ The correlation between ratings of shaming and support was -0.04, which is almost zero.

⁶⁹ And indeed it is this aspect - the hard mental work involved in just preparing for a conference and being willing to take responsibility and face the victim - which is emphasised in the Court of Appeal judgement in a London street crime case which said that being prepared to take part in conferencing is itself a mitigating factor (*R v Collins (David Guy)*, Court of Appeal (Criminal Division), 18 March 2003, [2003] EWCA Crim 1687, The Times 14 April 2003).

⁷⁰ Though for some offenders, returning 'home' was not an appropriate option, particularly if they had drug problems or had been dealing drugs, and so a 'fresh start' somewhere new was desired.

Instead, those surrounding offenders were 'micro-communities' of family members and professional workers (Braithwaite 2002; McCold 1996). Conferences enabled a few offenders, particularly those in custody, to re-establish contact with family members and to receive offers of support from them. Occasionally, telephone numbers and addresses were exchanged. Sometimes, offenders were persuaded by victims to re-establish contact: 'You might be surprised if you talk to them - you're probably harder on yourself. Cutting yourself off makes it harder. I think they'd be interested in helping you.' (victim to offender who had not included family in the conference, London burglary RCT). A few times, victims themselves put out such offers, with a Thames Valley victim saying the offender was welcome to come round to his house and have a beer anytime; a Northumbria victim who was the partner of the offender's mother suggesting he and the offender walk out as friends; and one victim offering the offender temporary accommodation. But overall, our observations indicated that JRC Phase 2 conferences did not explicitly engage in reintegration. Our ratings were that 44 per cent showed no reintegration, 14 per cent a little, 26 per cent some, 13 per cent quite a lot and only 2 per cent a lot. Though we only observed a few CONNECT and REMEDI direct mediations, here the language tended to be more explicitly reintegrating, with all those we observed showing some reintegration of family etc. ties, though again not into a wider community.

Moving towards outcomes

Having talked about the past and the present, participants needed to gather their thoughts before thinking about the future - we observed there was often a pause at this point. Facilitators or mediators often had to prompt people to discuss this. We need to consider that all these cases were either directly at that time concerned in criminal justice (such as pre-sentence, or as part of final warnings) or were in the shadow of criminal justice, because they involved criminal offences which were or had been dealt with by criminal justice professionals. Participation by lay people in deciding what should happen is not generally encouraged in criminal justice decision making in England and Wales⁷¹. So this part of the conference or mediation may be particularly unusual for participants.

So did facilitators actually have to step in and lead or direct this part of conferences or mediations? From our ratings, the answer is generally 'no'. After the pause, participants rallied and started to talk about the future. Ratings of whether facilitators had stepped back and allowed participants to arrive at an outcome showed that in only 3 per cent of JRC Phase 2 conferences had the facilitator directed this phase and in 15 per cent the facilitator had only stepped back a little. On the other hand, facilitators clearly played some part: in 26 per cent they had stepped back to some extent and in 36 per cent they had stepped back quite a lot - but not totally. Although CONNECT and REMEDI direct mediations did not generally have outcome agreements (see below), they did have a future-oriented element at the end of the meeting. Observers here thought mediators stepped back a lot or quite a lot.

Discussion about the future tended to revolve around the offender and what the offender should do, rather than around the victim's future needs. One might conclude from this that conferences and mediations are offender-centred and essentially just another rehabilitative forum. Some restorative justice theorists have indeed explicitly proposed this rehabilitative focus (for example, Braithwaite 1999; Johnstone 2002) and it is common in restorative justice schemes dealing with young offenders (Dignan 2000; Hoyle et al. 2002). However, it is clear from the conferences and mediations that we observed that it was victims and their supporters, as well as offenders and their supporters, who chose to focus on the offender's future and how potential re-offending might be reduced. Whilst a few victims claimed not to be concerned about the offender's future, the vast majority expressed concern, good wishes and/or made constructive suggestions. This is entirely in accord with our interview findings on victims' reasons for participating in restorative justice (see Chapter 2). In conferences, typical victims' comments were:

⁷¹ Except in providing information which can be used by criminal justice decision makers (such as the victim personal statement, or mitigation) or in the specific instance of the referral order, where victims are encouraged to attend panel meetings (though they do not decide upon the elements of the order).

I'd like to have peace of mind for myself and see someone who doesn't do it again (London burglary RCT)

I want him off drugs so he doesn't do it again. What is available? (London burglary RCT)

Common aspirations among offenders were to stop using drugs (very commonly, especially in London); to control or stop drinking (less common); to gain employment or qualifications; and 'settling down' generally. Many offenders simply stated that they wanted to lead a 'normal' life: 'I just wanna change and come out of prison and stay drug free and get a job' (London burglary RCT). For some, leaving their home area and/or current associates was a priority. A few mentioned wanting to 'do something' for the community, such as voluntary work or mentoring. Others said they aimed to be a better partner or parent: 'My sons are gonna keep me on track. I'd rather do it for them. I don't want to let them down' (London street crime RCT). These are also, interestingly, common factors here with the way offenders talk about desistance (Maruna 2001; Laub and Sampson 2003).

Four fifths of JRC conferences discussed offenders' problems, with the main problems mentioned being, from our observations, addiction to drugs (45 per cent) or alcohol (36 per cent), family problems (22 per cent), offending friends (22 per cent) and other health or mental health problems. Some 83 per cent of Phase 2 JRC conferences specifically discussed how to stop the offender from committing similar types of offence again. In this context, discussion of offenders' previous offending patterns could also occur, with 60 per cent of conferences discussing this, at least to some extent. Problems were statistically significantly more likely to be discussed in the RCTs which concerned more serious offences (London burglary and street crime, Thames Valley prison RCTs)⁷² - not surprisingly, given potentially imminent criminal justice decisions in some cases. There was not as much discussion of offenders' problems or of rehabilitation in the youth final warning conferences as we might have expected, with only 43 per cent discussing these at all, but it may be that participants thought the conference by itself may have been sufficient to prevent re-offending or participants may not have known about other difficulties facing the young offenders, or have thought they would grow out of them. CONNECT mediations discussed how to stop re-offending a lot, which ties in with mediators' emphases on what offenders might do during preparation and mediators' promise to write reports on these cases to the courts. REMEDI mediations, however, were much less likely to focus on offenders' problems and stopping re-offending, in tune with REMEDI's view that generally it was not involved in the criminal justice process (see Chapter 3).

Getting help for drug problems was the most commonly discussed specific problem in JRC conferences. A considerable number of offenders were on drug-free prison wings with voluntary urine testing. Many offenders - particularly but not solely in custody or pre-sentence cases - expressed a desire to undertake residential rehabilitation, though few had actually applied for and/or secured funding. Some offenders mentioned agencies or sources of support with which they were already in touch, such as Alcoholics Anonymous, Narcotics Anonymous, counsellors and in a small number of cases psychologists. Prison-based CARAT (counselling, assessment, referral, advice and through-care) teams were often referred to, with offenders claiming to be on waiting lists to see CARAT workers or in some cases having already been assessed. A number also mentioned specific prison-based programmes or forthcoming or completed Drugs Treatment and Testing Order assessments; others said they wanted to sign up for programmes but could not until sentenced.

A few prisoners referred to general offending behaviour programmes (e.g. Enhanced Thinking Skills) or programmes for specific problems (e.g. anger management), which they were hoping or waiting to commence. Some criticisms of rehabilitative opportunities in prison at that time were voiced: that resources were scarce; the availability of drugs in prison and consequent temptation; lack of educational provision; lack of aftercare/resettlement help. As one offender supporter put it, 'The acid test will be when he leaves [prison], but I can't see the support being there' (Thames Valley prison RCT). It was not unusual for victims/supporters to

⁷² On a t-test of independent samples, $t=7.51$, $p<.001$, not assuming equal variances.

voice shock and/or concern at the lack of resources available to help offenders in and/or on release from prison.

In respect of offenders in the community, various resources were mentioned. At some of the Northumbria conferences, representatives of community-based services (such as drug and alcohol support) were invited to conferences to try to link offenders with resources. Comments about offender's experiences on probation were mixed and depended upon experiences with particular offices or probation officers.

Some facilitators were not familiar with all the 'rehabilitative' options, which was not surprising given their varied professional backgrounds, the variety of contexts (not least prisons) in which conferences took place and the different stages of criminal justice represented. Often it was offenders themselves who were most knowledgeable about available programmes/resources, particularly in prisons. One London facilitator made a point of bringing a letter for the prison governor requesting help for offenders with drug issues. Difficulty with securing enough places in programmes to meet problems identified during restorative justice has been a feature of a number of schemes in different countries (Maxwell and Morris 1993) and it is not surprising to find it in our evaluation, particularly given the non-statutory nature of the schemes and the changing programmes and means of provision through the prison and probation services⁷³ in England and Wales at the time we were observing conferences (Rex et al. 2003). An important practice point is that restorative justice workers need to be kept up to date by NOMS and other agencies of the programmes and opportunities available in local areas and different facilities.

The future for victims: direct and indirect reparation, information and closure

Though JRC Phase 2 conferences concentrated largely upon the future for offenders, there was some discussion of the future for victims. Direct reparation did not figure strongly, though there was at least some minor discussion about it in just under half the conferences⁷⁴. Despite its prevalence in statutory restorative justice options for young offenders, neither did indirect reparation (work for the local community or disadvantaged groups: see Holdaway et al. 2001). Discussion of any form of work for the victim or community only occurred in 18 per cent of conferences and no indirect reparation to the community was agreed. This may have been because representatives of the wider community were not present to agree feasibility (see above) or simply because 'work' to be done by the offender was difficult to formulate for adult offenders in prison or likely to be subject to community penalties.

This lack of discussion of reparation and, as we shall see, lack of mention of direct reparation in outcome agreements, was not because the discussion became dominated by offenders or offender supporters. Offenders contributed to the discussion of the conference outcome in 90 per cent of JRC Phase 2 conferences (in 39 per cent quite a lot or a lot), with only the young offenders in the Northumbria youth final warning conferences being less likely to contribute (79 per cent did so). Offender supporters were also active in the discussion, with 67 per cent of cases where they were present seeing offender supporters contributing and many prompting offenders, especially young offenders. Victims, however, also strongly contributed (in 92 per cent of the cases where they were present). There was major consensus on the eventual outcome agreement, with 62 per cent of observed JRC Phase 2 conferences being rated as having a lot of consensus on the outcome agreement, 32 per cent quite a lot of agreement and just 6 per cent having none, a little or some agreement⁷⁵.

⁷³ Now the National Offender Management Service (NOMS).

⁷⁴ Though only quite a lot or a lot of discussion of direct reparation in 7 per cent of JRC phase 2 conferences. Quite a lot or a lot of discussion about indirect reparation occurred in only 3 per cent of such conferences, but was far more prevalent in adult caution conferences (67 per cent).

⁷⁵ Similar percentages occurred for adult caution conferences and indeed the earlier Phase 1 conferences, where 62 per cent of the 34 conferences we observed showed a lot of agreement, 21 per cent quite a lot and 15 per cent some or a little agreement.

It seemed to be that victims did not, generally, want direct or indirect reparation from offenders. Certainly, that was their view before conferences (see Chapter 2). Offenders, on the other hand, consistent with their expectations (see Chapter 2), did occasionally offer direct reparation. Sometimes this was accepted, but often rejected. Rejection might be because the offer was seen as 'petty' compared to what the victim had lost or the effects suffered (as in a London burglary case), but more often there was acknowledgement of the offender for making the offer, but it was not what the victim wanted. Sometimes it was agreed money should be paid to a charity. Suggestions for methods of payment of compensation, when agreed, ranged from a cheque on the spot, through payment by the offender in instalments, the offender repaying a relative, to being taken from the offender's wages or pocket money. Decisions were sometimes made via a protracted discussion, sometimes in a calm and business-like way. Offenders also offered direct reparation in the form of work to the victim in a few cases, usually in circumstances specific to the offence. So, for example, cleaning in a school, picking up litter and washing a car were suggested. Responsibility for checking that the agreement was delivered was undertaken by a variety of people, including the facilitator, offender supporters, victim supporters and professionals.

The key aspects for victims seemed to be more symbolic forms of reparation, in the form of apologies and remorse (discussed above) or seeing the offender change and doing something about his or her problems. One JRC London burglary victim said: 'If you're asking me what I'd like, I'd like your life to change. If you're willing to repay for the damage, that would be welcomed but I wouldn't want it to be paid at the expense of your family'.

By the conference, several victims said that their needs had already been met and that they had 'moved on'. Attending the conference was an affirmation of this. But often, the victim still wanted this: to have 'peace of mind', reassurance or to have their confidence restored. It might be through having questions answered or even through offenders offering crime prevention advice: 'If I can give you advice, don't be afraid ... people in a drug circle can spot a victim a mile away. They'll swoop in and get you. You have to stand your ground' (JRC London street crime).

Victims sometimes said they would like further information about the offender's future progress. Usually it was agreed that the information would be conveyed by letters, though on a couple of occasions, the victim offered to give a phone number for this:

The victim suggested that the offender write to her in a year's time, 'to tell her they were not in trouble... and had been successful at something'. The victim was 'not there to gloat or make things difficult for them, she still wanted to help them. If they wrote to her in 12 months she would write back and say she forgave them'. (Northumbria youth final warning case)

Victim to offender: 'I don't want you to feel beholden but I'd like to know how you are getting on.' (REMEDI).

In a few instances, however, we observed that the victim felt nothing further should happen after the conference. In one JRC London street crime case, when the facilitator asked the victim what he wanted to happen as a result of the conference, the victim startled everyone by saying 'Nothing'.

It was quite common for participants to comment that they were glad they had attended their conference. Victims said that they felt better having seen the offender face-to-face at the conference, as their fear had diminished:

I just wanted [my partner] to see you so she knew you weren't a monster with knives for fingers. I've a feeling she'll be sleeping better having seen an ordinary bloke with a problem. (victim in JRC London burglary case)

I didn't sleep last night. I was sick twice because I was scared of seeing you [...] I've seen you now and I can move on. (victim in JRC London street crime case)

Others expressed relief for different reasons. For example, at the end of another JRC London burglary conference, a victim said she hadn't expected to feel so emotional but that it had been good to tell the offender about the impact of the offence: 'It's good to be able to express these things'. In one Thames Valley prison conference, the victim said she felt '200 per cent stronger since coming here' and, in another, the victim commented, 'I can honestly say I've lost some of my anger here today - well, a lot of it'. One victim said he wished his partner had attended the conference, because 'this is a way to bury it. You're being punished. I can move on now' (London burglary). In a small number of cases we observed a sense of 'elation' among participants at the end of a JRC conference. For example, after one Thames Valley prison conference the victim commented, 'it's like a happy ending', and another participant (a police officer involved in the case) added, 'we should have a group hug'. Everyone laughed.

Offenders, too, commented that having taken part in a conference helped them feel more able to 'get on with life'. Many expressed gratitude to victims, other participants and facilitators for giving them the opportunity: 'I needed this - I needed to understand your side' (JRC London burglary); 'This made me feel better. I don't feel proud of myself. I feel better in my heart and I feel sorry for what happened' (JRC Thames Valley prison).

However, not all victims or offenders experienced closure. In a few cases, victims said they felt worse having attended a conference, as Strang (2002) has also found. In one JRC London burglary case, the premature departure of the offender and his supporter after a misunderstanding left the victim feeling frightened about reprisals, and he said he regretted attending: 'I have to say now that I feel I've made a big mistake'. In a JRC London street crime conference, the victim commented that he felt he had wasted two hours of his life by coming to the conference, and it had made him feel worse. A number of offenders attending victim absent conferences expressed disappointment about victims not being present, and frustration about being unable to say what they wanted to face-to-face.

Generally, though, many conferences and mediations ended with participants shaking hands and, in some cases, hugging each other. Often these gestures were accompanied by apologies and/or wishing each other well for the future. This would occur over refreshments, which were provided and used in 88 per cent of observed conferences.

Differences between victim-offender meetings and meetings with only one party present

The discussion above has presumed a mediation or conference with both main parties, the victim and the offender, present. This was the case in the vast majority of JRC Phase 2 conferences and adult cautions (90 per cent) and in all CONNECT and REMEDI direct mediations. In 22 observed JRC conferences, however, the victim was absent. There is no doubt that this affected the dynamics of the conference because, even if a victim supporter or indirect victim might be there, the input from the direct victim could not occur face-to-face, the offender could not apologise directly to the victim and decisions on what might happen afterwards could not include the views and reaction of the direct victim. JRC tried very hard to ensure that victims attended, if they had originally agreed to be there - both for the sake of the conference itself, and the randomised controlled trial research. However, they felt, as have legislators in statutory conferencing (for example, in New Zealand and Northern Ireland), that victims could not have a right of veto, so that if they pulled out, the conference should still go ahead.

The question then arises to what extent not having a victim present affected key elements of the conference. We saw above that offenders in such conferences said they were disappointed and/or frustrated at the absence of the victim, particularly after they had steered themselves to come. However, on a statistical comparison between cases with and without a victim present (though numbers without victims are small), there was no significant difference in our ratings on whether a conference agreement occurred, the extent to which offenders took responsibility for their actions and accepted they had done wrong, the extent to which they were remorseful, whether they apologised, how much discussion there was of offenders' problems or of reparation to victims, how much support and approval was given to offenders and the extent to which facilitators were directive or impartial. There was slightly more

shaming of the offender, but also slightly more approval of the offender as a person. There is a danger that victim-absent conferences will turn into conferences in which facilitators feel they have themselves to create the sense of harm the victim suffered by shaming the offender, without there being any support for the offender as a person or much emphasis that the offender could change – essentially just berating the offender. Clearly, JRC facilitators recognised this danger and did not step out of role.

Outcome agreements

JRC conferences almost always ended with an outcome agreement being made and these were usually signed by all parties attending. We were able to look at the outcome agreements for all conferences in both Phase 1 and Phase 2, not just those we observed. There was a conference agreement in 346 JRC Phase 2 conferences (98 per cent)⁷⁶, all adult caution conferences and 98 per cent of Phase 1 conferences⁷⁷. In observed conferences, there was an agreement in 208 (96 per cent) Phase 2 conferences and all adult caution conferences. The agreement was signed at the end of the conference by all participants present in 83 per cent of conferences with an agreement. Agreements to be sent on to participants and signed later and conferences where there was no mention of signing occurred occasionally in all RCTs, but most commonly in the Northumbria final warning RCT (only 77 per cent signed at the conference).

JRC outcome agreements consisted of a list of numbered items, normally filled in on a special form. Some RCTs used the original TJA form they received during their training; others had kept the same wording but used their own heading. Each item included details of who was responsible for its supervision or assistance and a space for that person to sign to agree they would do this, as well as spaces for completion date and completion status. Using this format worked well.

At the end, conference participants had a space to sign the agreement. The victim's agreement or lack of agreement with the outcomes was specifically noted on some RCTs' forms. It might also be specified that a named person could agree to modification of the proposed outcomes in special circumstances. Where a special form was used (for example, in London), the agreement also gave details of who might receive the outcome agreement (for London: JRC researchers, sentencing court, Crown Prosecution Service, Probation Service, offender's legal representative). Outcome agreements were entered onto a separate database in all JRC sites and were normally then updated electronically and follow-up information/completion added.

Chapter 3 explains that following up outcome agreements was slow to develop during Phase 2 in JRC sites. Once London JRC started to do a considerable amount of work to follow them up, they adopted the acronym SMART PS to describe the ideal outcome agreement: Specific, Measurable, Achievable, Relevant, Timed, Proportionate and Supervised. This started to feed back into later practice, so that the completion of later agreements can be measured more precisely (for example, with specific actions to be accomplished by a certain date, to be monitored by a certain person). Earlier agreement items were more 'woolly' in terms of what the offender or others were supposed to do, for example, 'to be good from now on' or not stating how long the offender had to achieve a place on a programme. The adoption of SMART PS (which subsequently influenced practice in Thames Valley as well) flowed also from a growing appreciation that offenders might not be able to deliver easily the life-changing statements they promised and that victims might appreciate what offenders had done more easily if there were a set of simple milestones, from which they could receive documentary proof. Some important practice points for the future are that (a) outcome agreements need to be as specific as possible, in terms of what action will be taken by which participant by which

⁷⁶ There was a conditional agreement, dependent upon an element not within the offender's control, such as being in a prison running a drug programme, in a further three cases.

⁷⁷ The unit for our analysis of outcome agreements and their follow-up is the offender, rather than the case, because separate outcomes were agreed for each offender.

date, checked by whom; and (b) stress needs to be put on following up outcome agreements from the beginning of the scheme.

Table 4.1 Items included in outcome agreements for JRC Phase 2

Outcome agreement item	Percentage of agreements including this item
any apology, of which	62
verbal apology	53
written apology	10
offender accepting responsibility for offence/behaviour	1
to pay compensation (including court-ordered compensation)	11
other reparation to victim or work for community	7
victim expressing hope offender will not do it again	4
other specific victim-related item	9
offender promising to stay out of trouble or prison/not do it again	16
offender promising to avoid previous peers/not mix with the wrong crowd	5
to apply to or attend drug programme, of which	28
CARAT specified	7
Narcotics Anonymous specified	1
to apply to or attend alcohol programme	7
to stay away from/abstain from drugs/alcohol	12
other specific drug/alcohol-related item	7
to attend anger management/aggression replacement programme	5
to attend counselling	8
to attend Enhanced Thinking Skills programme	2
to attend victim awareness programme	0
to engage in education, of which:	15
whilst in prison	9
when released from prison	2
whilst in the community	4
to seek or maintain employment, of which	14
whilst in prison	3
when released from prison	6
whilst in the community	5
to get involved with a sport/social activities	3
to move away from area or sort out problematic housing	5
offender's family agreeing to support offender/maintain family relationships	6
other specific family-related item	8
participants promising to get on with/acknowledge each other	5
participants agreeing to ignore each other if/when they meet	2
praise for offender/acknowledgement of offender's worth	4
other specific item	17
Total number of outcome agreements	349

The number of items in JRC outcome agreements varied from 1 to 8, with the means for Phase 2 ranging from 2.7 for Northumbria adult court cases (SD 1.3) to 3.6 for Thames Valley community cases (SD 1.4). Adult caution cases had fewer items (mean overall 2.3, SD 1.0) and there was little difference between Phases 1 and 2. The overall time scale for items to be reviewed ranged from on the day itself (for example direct reparation, apology) through to over 12 months for Phase 2, but most items with time scales were for less than 6 months (83 per cent). There was a distinct increase in items which had deadlines for accomplishment between Phase 1 and Phase 2 (from 48 per cent to 70 per cent).

The types of items included in JRC Phase 2 outcome agreements are shown in Table 4.1. The most common was an apology to the victim(s) and possibly to offender supporters (62 per cent). Other victim-related elements included payment of compensation (11 per cent) and

forms of direct or indirect reparation (7 per cent), as well as participants agreeing what would happen if they were to meet in the future, or promises by the offender to keep away from the victim or the area. For JRC, the victim's reaction to the apology was noted on the outcome agreement. Facilitators in Phase 2 might, if the victim had not explicitly accepted the apology throughout the conference, ask the victim directly whether they accepted the apology or not - a forced rather than natural acceptance. This was similar to one of the REMEDI mediation cases where the victim was asked whether they accepted the apology. In two of the REMEDI mediation cases an apology resulted in the victim explicitly forgiving the offender.

After apologies, the next most common category, reflecting what was said during the conference, concerned addressing problems that were seen as affecting offenders' lives and their potential to reoffend. The most prevalent category was drug or alcohol problems, which were concentrated in London conferences. So, 63 per cent of London burglary conference agreements contained a specific item about attending or applying to attend a drug programme, as did 55 per cent of London street crime conferences, but only 7 per cent of Northumbria adult magistrates' court conferences. Part of this may have been facilitators' knowledge about and suggestions of such programmes, but it may simply reflect the extent of drug problems among the London RCT offenders. Items relating to participation in alcohol programmes, or other forms of programme addressing particular difficulties, such as anger management, were far less common. The lack of suggestions may have reflected participants' and facilitators' lack of knowledge of where the offender might be in the next few months and what might be available there. Education and employment issues were also important in London.

The potential of restorative justice stems partly from its ability to move beyond the 'typical' response to offending, to include items for the future which reflect the participants' particular circumstances. This occurred in all sites, with imaginative forms of reparation and resolution of family conflicts particularly apparent in Northumbria youth final warning cases, practical steps in anger management in Northumbria adult court cases, victim-offender interaction in Thames Valley prison cases (reflecting the emphasis on post-release issues) and specific offender problems in Thames Valley community cases.

Outcome agreements were rarer in REMEDI direct mediations. The emphasis was on the victim and offender setting the agenda themselves and answering questions each had of the other, rather than specifically thinking about the future. We found 11 written agreements from 35 mediations (4 from adult cases and 7 from youth cases). There was no special outcome agreement form and agreements tended to have relatively few items, between 1 and 4 (mean 1.9), relating to any continuing difficulties between victim and offender which had arisen during the mediation. Items included the offender writing to a relative of the victim, not going near the victim's house, being able to contact the victim, direct reparation, leading a drug free lifestyle, and not getting into the circumstances which led to the offence. There were no outcome agreements after CONNECT direct mediations.

After conferencing/mediation

A number of types of work could follow a conference or mediation. If there was an outcome agreement, then the scheme might check whether the particular items in the outcome agreement had been accomplished (if they were measurable or had a time frame attached). Various action points for scheme staff might also arise during the course of the mediation or conference or participants might contact the scheme again to ask for further help. Quite separately, schemes might contact participants afterwards to see if they were all right, to gain feedback from them on how they felt the conference went, and to ask if they needed further help.

From early in Phase 2, JRC established a system of contacting participants after a few days⁷⁸, primarily as a safety measure (to check if there had been any negative effects of the conference), but also to see if anyone needed more support (see Chapter 3). It was very rare for further action to be needed. On a few occasions, victims were referred to Victim Support

⁷⁸ Sometimes, due to operational pressures, this extended to two weeks or so.

and sometimes facilitators would try to find out court outcomes and notify victims or others of these. Generally, however, JRC saw their direct support work finishing with the conference and would refer people if necessary to other agencies.

JRC did, however, during Phase 2, establish procedures to check whether the items in outcome agreements had been done. The emphasis on following up outcome agreements increased substantially during Phase 2 in all sites, with it being quite patchy at first. JRC London developed distinctions (which we use here) between whether an item is still pending (awaits completion); is complete or complete with minor variation; was failed or not completed; is not verifiable (because it cannot be found out whether it was completed, either because contact had been lost, it would be too much work or the programme would not provide results); is unachievable through no fault of the offender (for example, if the offender agreed to pay compensation but was given a custodial sentence; or could not be placed on a drug programme); or was a statement with no further action required. If items are purely aspirational, have no time frame set, or become unachievable, then the concept of 'completing' them becomes very difficult. In addition, in some cases, scheme databases lacked data on completion or reasons for non-completion. We have, therefore, had to use our judgment on whether any particular item was completed.

Overall, 36 per cent of the 348 JRC Phase 2 outcome agreements were completed fully and another 52 per cent were completed at least partially, leaving just 11 per cent which were definitely not completed. This is a very high 'success' rate. For adult caution cases, 68 per cent of the 28 agreements were completed fully and 4 per cent at least partially, with 29 per cent not being completed. Facilitators were responsible for chasing and reviewing agreements. Time scales for review were relevant for 70 per cent of agreements, of which 11 per cent finished on the same day as the conference, 20 per cent were within a month, 25 per cent within three months, and 27 per cent between three and six months, but 14 per cent took up to a year and 3 per cent over a year to be completed. An important policy point is that, when schemes are set up, review periods should be set, as these significantly impinge on the length of time a case may take.

Completion rates for different kinds of item varied very considerably, as did whether offenders could be *expected* to complete them. Apologies, particularly verbal apologies, were often completed very quickly and many happened at the conference. So 99 per cent of verbal apologies and 85 per cent of written apologies were completed. However, more prolonged action in relation to victims seemed to be far harder to fulfil. Progress letters were written to victims in only 33 per cent of the 91 cases with such items, and definitely not written in 45 per cent of cases. Similarly, compensation payments were only definitely completed/checked on in 38 per cent of these 37 cases and were definitely not completed in 41 per cent.

On the other hand, 53 per cent of the 95 requirements to apply to or go to a drug programme were completed; 17 per cent were definitely not completed, 15 per cent were not verifiable (lost contact, etc.), 6 per cent were unachievable by the offender and several were still ongoing. Very similar proportions occurred for application to or participation in alcohol programmes (50 per cent completed), anger management programmes (41 per cent completed), counselling (40 per cent completed), participation in education (49 per cent completed), action on employment (45 per cent completed) and action on housing (54 per cent completed). But we should not consider this only in terms of offenders managing to put in the effort to do the programme or action in half the cases. The definite failure rates were generally around 11 per cent to 18 per cent, with the only one being higher being that for counselling (36 per cent). Given the seriousness of the offences and the entrenched nature of many of these problems, these are in fact very low failure rates.

Though some REMEDI direct mediations included outcome agreements, there was no set process for following up items in agreements. We cannot, therefore, say overall whether items were completed. If, however, the participants still wanted REMEDI involved, then action would occur after mediation. This could be quite complicated, involving letters and visits to both parties. REMEDI would also commonly send letters to both offender and victim after around a month, thanking them for participating in mediation, and inviting them to re-contact REMEDI if necessary, as well as a letter to any referring probation officer, but did not seem to undertake

long-term follow up of outcome agreement items. Hence, in one mediation which included the provision that the offender would let REMEDI know how he was doing after six months, the offender was visited (after one month), letters subsequently sent to the victim (and a further, newly discovered victim) and contact made with the probation service, but no details of a six month follow up existed in the files. Similarly, in a youth case, follow up meetings were held with both parties at about five weeks after the direct mediation, though there had been no outcome agreement. Adult cases were far more likely to lead to further work post-mediation than youth cases, with at least eight of the adult direct mediations involving substantial work (visits and/or telephone calls).

As we saw in Chapter 3, for CONNECT, restorative justice was seen implicitly as finishing with the meeting, in which the participants would be able to raise any issues they wished. On the other hand, if either victim or offender had requested CONNECT to find out something for them, that might well occur after the court report and sentence. It was common for CONNECT workers to undertake such work. In addition, for direct mediations and family group conferences, CONNECT workers tried to contact participants shortly after the meeting for feed-back and to ensure they were all right. Hence, though there was no follow-up of outcome agreements, there was follow-up of queries by workers. CONNECT left open the option for victims and offenders to contact them, and some did seem to come back after some time to ask further questions about the case.

Follow-up, therefore, depended greatly on the model adopted. For JRC, conferences were intended normally to finish in outcome agreements, as they mostly did, and so following up those outcome agreements, to find out whether offenders and others did do what they promised, was important. In addition, recognising the emotional nature and potential consequences of conferences in serious cases with adult offenders, JRC deliberately contacted participants after conferences to ensure they were all right. REMEDI also often contacted participants, particularly if the mediators had any concerns, but only followed up action points after direct mediation if victims or offenders appeared to express a direct wish they should do so. CONNECT did not have outcome agreements as part of their model, and only conducted follow-ups if mediators had particular concerns about participants, but took on further work to remedy deficiencies in the information provided by the criminal justice system.

5. Conclusion

Participating in restorative justice

This report takes our evaluation up to the end of the restorative justice event and any follow up by schemes of outcomes.

The three schemes covered very different stages of criminal justice - diversion, pre-sentence, during community sentences, pre-release. The number of stages has condensed since the first year of operation of the schemes (Shapland et al. 2004), when others were found to be impractical. But there is still considerable diversity in terms of the agencies involved, the seriousness of the offences and the types of offenders. The schemes were also offering different forms of restorative justice: restricting themselves to conferences with supporters present (JRC), a whole menu of possibilities (CONNECT), or with the focus on mediation (REMED1). The stage of criminal justice at which restorative justice is offered to potential participants does appear to affect the likelihood that victim and offender will agree to restorative justice (Chapter 3). Offered a menu of different forms of restorative justice, many choose the less demanding path of indirect mediation. Yet the three schemes have shown that there is a substantial willingness to attempt all the different forms of restorative justice amongst both offenders and victims, even in cases involving adult offenders and perhaps especially among those involved with or affected by more serious crimes. One of the major messages of this report is just how much happened - and that it is possible to undertake restorative justice in a safe way for a substantial proportion of cases at different points in criminal justice with adult as well as young offenders.

Indirect mediation is clearly a far more limited enterprise than direct mediation or conferencing, with less information passed and less freedom for offenders and victims to participate directly or spontaneously. Mediation, in both its forms, is more concerned with the past (how the offence came about) and the present (the effects on the parties). Conferencing has a major element dealing with the future (what should be done now, trying to prevent re-offending). Yet, despite these differences, the evaluation would stress the similarities in the processes that occurred in the three schemes: the serious engagement of victims and offenders in communication, apology and preventing re-offending.

The major elements during restorative justice

Given restorative justice was a new idea to many participants, a process of *preparation* was essential. Face-to-face meetings for preparation were preferred by all three schemes, though participants seemed to be quite content whichever method of contact had been adopted. Many were nervous about the forthcoming mediation or conferencing, offenders more so than victims.

Where restorative justice involved *indirect mediation*, this primarily involved mediators passing information from offenders to victims and back again, though written apologies from offenders, carried by mediators, also played a part, especially in youth cases. The information from offenders was mainly about how the offence came about and their offering of apologies. Victims expressed the effect of the offence and had questions about what had happened. The role of the mediator was more dominant in indirect mediation than in direct meetings involving victim and offender.

Direct mediations involved just the victim and offender, with the facilitator, whilst *conferences* also involved supporters of the offender and victim. Previous restorative justice initiatives have found difficulty in engaging victims and obtaining victim attendance. All these three schemes aimed to have victims present at all conferences and direct mediations and this was achieved for over 90 per cent of JRC conferences and all direct mediations of the other two schemes. However, there was little 'community' involvement. Offender and victim supporters were most likely to be family members, with supporters knowing their own participant but not the other party. Representation from the wider local community was very rare.

One of the key elements for restorative justice is 'procedural justice': whether people do participate, without the facilitator/mediator dominating, and whether it is a safe exchange, without intimidation or assaults occurring. From our observations, all the different kinds of participants did speak at conferences, tending to partition their time fairly evenly, with offenders, on average, speaking for 27 per cent of the JRC Phase 2 conference time, the 'main' victim 21 per cent, the 'main' offender supporter 12 per cent, the 'main' victim supporter 13 per cent and the first facilitator 16 per cent. Researchers did not in general rate facilitators as dominant, though this was more likely to occur with police officer facilitators, particularly if they were trying to get young offenders to speak. Observers rated facilitators and mediators as impartial.

Though conferences and mediations involved the expression of emotions and people were nervous, they were not generally emotionally intense affairs. There could be expression of anger about the offence and its impact, but shouting or heated argument only occurred in a handful of conferences and only two conferences were abandoned on safety grounds, one because the offender was drunk. Despite the fact that many of these conferences and direct mediations involved very serious offences, they were safe affairs, in which participants themselves wanted to communicate and managed to do so.

The expectations of participants, as seen from pre-event interviews and questionnaires, emphasised this wish to participate in the process. Both offenders and victims also tended to show altruistic reasons, with offenders wanting to help the victim and victims wanting to help offenders to learn from the process and to change their lives away from offending. These rehabilitative priorities tended to dominate in the content of restorative justice events. Expectations were very much in line with what then happened. However, though offenders often wished to repay the harm they had caused, for the victims in these restorative justice events, reparation to themselves was not so important. Most of our respondents did not go into conferencing or mediation wanting financial compensation or direct reparation, nor did this figure largely in what actually occurred. The emphases on apologies and on rehabilitation of offenders - and the lack of emphasis on financial or direct reparation - were common to both parties (and to their supporters when present). Such characteristics of restorative justice are not those which have previously been typified as representing offenders' or victims' 'interests', which have been seen in more selfish terms (leniency for offenders; reparation for victims). The participants in these restorative justice events were far more interested in preventing re-offending.

JRC conferences almost always ended in an outcome agreement, though outcome agreements were infrequent for REMEDI and were not used by CONNECT. Outcome agreements normally included an apology and, in line with what had been discussed, often specific rehabilitative items such as attendance at a drugs programme, seeking employment or engaging in education. However, there was a very wide variety of different kinds of items, reflecting specific elements related to the offence and victims' and offenders' backgrounds. The potential for restorative justice lies precisely in its ability to tailor action to specific aspects of the case - but there were a number of problems in finding appropriate programmes for offenders.

The implications of undertaking restorative justice within criminal justice

These three schemes were providing the means for restorative justice for cases within the criminal justice process, often at active decision-making points within it (such as pre-sentence or pre-release). This involves a number of responsibilities and constraints on schemes, as well as on criminal justice partner agencies and courts. These elements have been more apparent in the development of these three schemes, because they involve adult offenders and some serious offences, than they have been in previous experience with restorative justice, primarily within the youth justice field. They include:

- the need for an adequate number of trained administrative staff within schemes to develop and maintain data bases, not just to permit operational case management and

monitoring, but also for accountability to criminal justice decision makers and to provide a record of the process and outcome for criminal justice purposes (in the same way as the police and courts need accurately to record their decisions)

- consequently, help to develop parameters (preferably associated with electronic data bases) for recording restorative justice practice
- the requirement for continuous interaction with personnel in relevant criminal justice agencies and courts, including the development of publicity materials about the scheme, participation in criminal justice inter-agency meetings and insertion of material in training programmes - dissemination of good practice would be helpful across schemes
- consideration of co-location of schemes with relevant referring criminal justice agencies, so that there can be feedback on individual cases and participants can easily access schemes
- consideration of legal protection for what is said during restorative justice events, so that it is not able to be used in future civil or criminal justice proceedings (as is the case, for example, in New Zealand)
- investigation to see how schemes can be organised structurally within criminal justice, or as independent providers, to preserve the balance of powers and human rights - so that facilitators are able to provide an impartial service, without being part of an active operational investigatory, prosecutorial or correctional unit in charge of that case
- the development of mechanisms for accountability and prevention of abuse within restorative justice processes, together with best practice guidance in terms of privacy and observation of restorative justice events: this might be that there is no automatic right of public access to such events, but a recording is made or note taken in case of subsequent enquiry, whilst observation is allowed for training, safety or monitoring purposes
- facilitation of the availability and production of lists of cases from relevant criminal justice decision points, to permit easy extraction of cases by restorative justice providers, and ensuring that details of as many as possible relevant cases are included
- consideration of how best to facilitate appropriate time periods being available for the processes of restorative justice, whilst not unduly delaying criminal justice decisions
- thought about how restorative justice availability can be provided at different stages of criminal justice and how that availability can be maintained, given time-limited funding constraints and the priorities of statutory agencies.

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Appendix The progress and characteristics of cases for the three schemes

CONNECT

Table A1.1 Time periods taken in CONNECT cases referred before 1.6.03 (cumulative percentages)

	Referral to direct meeting	Referral to last contact/ attempted contact
7 days or less	0.0	2.1
14 days or less	0.0	14.2
21 days or less	0.0	37.6
28 days or less	16.7	52.5
42 days or less	50.0	64.5
56 days or less	50.0	70.9
84 days or less	66.7	81.6
126 days or less	100.0	90.8
174 days or less		94.3
Over 174 days		100.0
Number of cases	6	141
Mean time	59.5	54.6
Std. deviation	32.6	70.8

Note: Percentages are based on offenders for which figures are available (valid percentages). Obviously certain time periods are irrelevant for cases reaching certain conclusions. Time spent on case: mean = 330.0 minutes (sd=390.8 minutes, n=146, minimum=15 minutes, maximum=2,200 minutes).

Table A1.2 Characteristics of CONNECT cases by whether the case led to restorative justice (rj) (actual percentages)⁷⁹

Main offence	Cases that did not go to rj	Cases leading to rj
Assaults	28.1	34.0
Theft/ taking vehicle	32.3	10.0
Burglary	13.5	24.0
Public order	3.1	6.0
Driving offences	1.0	6.0
Criminal damage	14.6	8.0
Other	6.3	12.0
Missing	1.0	0.0
Number of cases	95	50

⁷⁹ In all the tables on the characteristics of cases for different schemes, a table for that characteristic has only been included if there are sufficient cases where this information was available to us. All tables have been tested for statistical significance and the results are provided at the end of the tables for that scheme. Cases have been classified as leading to restorative justice if they resulted in a family group conference, direct mediation or indirect mediation.

Offender age	Cases that did not go to rj	Cases leading to rj
18-24	17.7	42.0
25-29	16.7	12.0
30-39	26.0	32.0
40-49	13.5	14.0
50+	4.2	0.0
Missing	21.9	0.0
Number of cases	75	50
Mean age	32.1	29.5
Std dev.	9.1	8.8

Offender gender	Cases that did not go to rj	Cases leading to rj
Female	12.5	12.0
Male	79.2	88.0
Missing	8.3	0.0
Number of cases	88	50

Offender's ethnic group	Cases that did not go to rj	Cases leading to rj
Asian	2.1	2.0
Black	6.3	28.0
White	24.0	36.0
Other/ don't know	2.1	0.0
Missing	65.6	34.0
Number of cases	33	33

Type of sentence	Cases that did not go to rj	Cases leading to rj
Immediate custody	21.9	32.0
Community sentence	26.0	42.0
Fine/ compensation	2.1	2.0
Discharge	1.0	2.0
Other	1.0	8.0
Missing	47.9	14.0
Number of cases	50	43

12 cases that did not lead to rj and 14 cases that led to rj included a compensation order.

Length of custodial sentence^a	Cases that did not go to rj	Cases leading to rj
6 months or less	66.7	37.5
7 to 12 months	9.5	25.0
13 to 24 months	9.5	12.5
25 to 36 months	9.5	6.3
Over 36 months	4.8	18.8
Number of cases	21	16
Mean length	10.4	24.2
Standard deviation	13.2	36.4

^a These figures are based on the known number of determinate sentences only (valid percentages). There was also one life sentence in the group leading to rj which is included in the figure giving the number of cases.

Type of community sentence ^a	Cases that did not go to rj	Cases leading to rj
CRO/ Probation order	32.0	38.1
CPO/ Community service	56.0	47.6
CPRO/ Combination order	0.0	0.0
DTTO	4.0	9.5
Other	8.0	4.8
Number of cases	25	21

^a These figures are based on the known number of community sentences only (valid percentages).

Victim gender	Cases that did not go to rj	Cases leading to rj
Female	29.2	48.0
Male	50.0	48.0
Missing	20.8	4.0
Number of cases	76	48

A Chi Square test showed there to be a significant difference in type of offence between those cases that led to some form of restorative justice (Family Group Conference, direct mediation, indirect mediation) and those cases that did not ($\chi^2 = 15.139$; d.f.=6; $p < 0.05$). There were no other significant differences between those cases that led to some form of restorative justice (Family Group Conference, direct mediation, indirect mediation) and those cases that did not any other of the above variables.

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Table A1.3 Time periods taken in JRC cases referred before 1.12.03 (cumulative percentages)

(a) JRC London Phase 2 time periods

	Referral to offender consent/ refusal		Referral to victim consent/ refusal		Referral to conference		Referral to closure	
	Burglary	Street crime	Burglary	Street crime	Burglary	Street crime	Burglary	Street crime
7 days or less	40.1	55.0	6.5	5.6	0.0	0.0	13.7	15.4
14 days or less	81.8	88.7	35.8	41.0	3.9	8.5	38.0	42.3
21 days or less	91.4	95.5	68.5	70.8	18.4	27.7	62.5	65.9
28 days or less	96.0	98.2	82.3	86.1	47.4	57.4	77.3	81.0
42 days or less	98.8	99.1	95.3	95.8	85.5	87.2	93.2	93.8
56 days or less	99.1	99.1	97.8	98.6	97.4	93.6	96.7	97.7
84 days or less	100.0	100.0	99.6	99.3	98.7	95.7	98.7	99.0
126 days or less			100.0	100.0	98.7	100.0	98.9	100.0
174 days or less					98.7		99.3	
Over 174 days					100.0		100.0	
Number of cases	347	222	232	144	76	47	453	305
Mean time	11.0	9.1	20.4	19.3	33.2	31.6	22.8	20.0
Std. deviation	8.6	7.9	13.1	11.8	21.6	18.9	27.1	14.8

Note: Percentages are based on offenders for which figures are available (valid percentages), because it is not possible to ascertain whether, for victim and offender refusals, participants were not approached or whether the data were missing. Obviously certain time periods are irrelevant for cases reaching certain conclusions.

Time period from referral to the anticipated sentence date: Burglary cases mean=31 days (s.d.=23.1 days, n=444); Street crime cases mean=29 days (s.d.=18.1 days, n=292).

Time spent on case: Burglary cases mean=490.8 minutes (sd=398.8 minutes, n=275, minimum=30 minutes, maximum=2700 minutes); Street crime cases mean = 469.1 minutes (sd=339.1 minutes, n=184, minimum=0 minutes; maximum=1914 minutes).

(b) JRC Northumbria time periods: Phase 2 court and youth final warning RCTs and adult caution cases

	Referral to conference			Referral to closure		
	Court	Final warning	Adult caution	Court	Final warning	Adult caution
7 days or less	2.6	0.0	4.3	20.0	16.4	21.3
14 days or less	15.4	7.4	12.8	48.3	42.3	49.7
21 days or less	69.2	23.4	36.2	72.7	61.6	71.0
28 days or less	89.7	53.2	61.7	83.9	74.9	80.5
42 days or less	97.4	75.5	83.0	91.9	89.6	91.8
56 days or less	100.0	88.3	91.5	95.8	93.2	95.7
84 days or less		98.9	97.9	98.7	99.2	99.1
126 days or less		100.0	100.0	99.0	99.6	99.7
174 days or less				99.5	100.0	100.0
Over 174 days				100.0		
Number of cases	347	222	232	144	76	47
Mean time	20.7	33.5	29.8	20.0	22.0	19.6
Std. deviation	8.2	18.0	18.8	22.3	18.48	19.3

Note: Percentages are based on offenders for which figures are available (valid percentages). Obviously certain time periods are irrelevant for cases reaching certain conclusions.

Time period from referral to administration of final warning/ caution: Court cases mean=31 days (sd=23.1 days, n=444); Final warnings mean=33.9 days (sd.=20.4 days, n=429), Adult cautions mean = 20.3 days (sd=15.7 days, n=315).

(c) JRC Thames Valley time periods

	Allocation to offender consent/ refusal		Allocation to victim consent/ refusal		Allocation to conference		Allocation to closure	
	Community	Prison	Community	Prison	Community	Prison	Community	Prison
7 days or less	35.6	42.7	0.0	1.7	0.0	0.0	13.5	21.5
14 days or less	56.6	73.9	2.0	7.5	0.0	0.0	24.6	37.3
21 days or less	71.8	82.9	4.7	13.3	0.0	0.0	34.4	42.9
28 days or less	77.9	87.0	12.1	23.9	0.0	2.3	43.2	48.0
42 days or less	85.9	90.8	30.9	44.4	4.2	9.3	49.5	57.8
56 days or less	91.2	93.6	51.0	65.5	4.2	14.0	58.8	68.5
84 days or less	95.6	97.6	69.1	85.0	41.7	44.2	73.4	81.6
126 days or less	98.3	99.1	89.9	96.2	75.0	72.1	87.1	90.4
174 days or less	99.4	99.5	96.6	98.6	87.5	93.0	91.9	94.8
Over 174 days	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Number of cases	362	578	149	293	24	43	556	727
Mean time	22.0	16.8	69.0	53.7	110.5	104.2	62.8	50.7
Std. deviation	29.4	27.4	43.3	35.5	61.5	54.3	66.7	59.7

Note: Percentages are based on offenders for which figures are (valid percentages), because it is not possible to ascertain whether, for victim and offender refusals, participants were not approached or whether the data were missing. Obviously certain time periods are irrelevant for cases reaching certain conclusions.

Time period from sentencing to allocation for prison cases mean=258 days (sd=345.8 days, n=648).

Table A1.4 Characteristics of JRC cases (actual percentages)⁸⁰

(a) London Phase 2 cases

Main offence	Burglary			Street crime		
	Control cases	Assigned to conference	VO conference	Control cases	Assigned to conference	VO conference
Burglary	100.0	100.0	100.0	0.0	0.0	0.0
Robbery	0.0	0.0	0.0	92.5	86.8	84.4
Theft	0.0	0.0	0.0	7.5	13.2	15.6
Number of cases	88	98	80	53	53	45

Offender age	Burglary			Street crime		
	Control cases	Assigned to conference	VO conference	Control cases	Assigned to conference	VO conference
10-17	0.0	1.0	1.3	0.0	0.0	0.0
18-24	22.7	25.5	26.3	37.7	45.3	42.2
25-29	26.1	17.3	18.8	13.2	7.5	8.9
30-39	38.6	40.8	43.8	41.5	30.2	31.1
40-49	10.2	10.2	10.0	7.5	15.1	15.6
50+	2.3	0.0	0.0	0.0	1.9	2.2
Missing	0.0	5.1	0.0	0.0	0.0	0.0
Number of cases	88	93	80	53	53	45
Mean age	31.2	30.4	30.4	28.8	29.3	29.8
Std dev.	8.2	7.5	7.3	7.8	9.3	9.2

Offender gender	Burglary			Street crime		
	Control cases	Assigned to conference	VO conference	Control cases	Assigned to conference	VO conference
Female	6.8	6.1	6.3	7.5	5.7	6.7
Male	93.2	88.8	93.8	92.5	94.3	93.3
Missing	0.0	5.1	0.0	0.0	0.0	0.0
Number of cases	88	93	80	53	53	45

Offender ethnic group	Burglary			Street crime		
	Control cases	Assigned to conference	VO conference	Control cases	Assigned to conference	VO conference
Asian	3.4	2.0	1.3	0.0	11.3	8.9
Black	22.7	30.6	35.0	52.8	41.5	42.2
White	67.0	51.0	57.5	35.8	39.6	40.0
Other/ don't know	4.5	5.1	3.8	9.4	5.7	6.7
Missing	2.3	11.2	2.5	1.9	1.9	2.2
Number of cases	86	87	78	52	52	44

Bail status	Burglary			Street crime		
	Control cases	Assigned to conference	VO conference	Control cases	Assigned to conference	VO conference
On bail	13.6	14.3	16.3	9.4	15.1	17.8
In custody	86.4	80.6	83.8	90.6	84.9	82.2
Missing	0.0	5.1	0.0	0.0	0.0	0.0
Number of cases	88	93	80	53	53	45

⁸⁰ In these tables 'VO conference' refers to a conference attended by both victim and offender (i.e. not including victim absent conferences). In the victim tables the characteristics relate to the first victim listed. We have only included tables where data had been collected for a sufficient number of cases to be able to draw reasonable conclusions. There are no missing data for London for main offence.

Type of sentence	Burglary			Street crime		
	Control cases	Assigned to conference	VO conference	Control cases	Assigned to conference	VO conference
Immediate custody	38.6	48.0	51.3	86.8	69.8	66.7
Community sentence	58.0	41.8	43.8	7.5	28.3	31.1
Other	2.3	3.1	2.5	3.8	0.0	0.0
Missing	1.1	7.1	2.5	1.9	1.9	2.2
Number of cases	87	91	78	52	52	44

Burglary cases: compensation orders were made in 4 cases assigned to the control group; 3 cases assigned to the conference group; 3 cases for which a victim offender conference took place.

Street crime cases: compensation orders were made in 0 cases assigned to the control group; 1 case assigned to the conference group; 1 case for which a victim offender conference took place.

Length of custody	Burglary			Street crime		
	Control cases	Assigned to conference	VO conference	Control cases	Assigned to conference	VO conference
6 months or less	2.9	4.3	4.9	0.0	2.7	0.0
7 to 12 months	5.9	10.6	9.8	2.2	8.1	10.0
13 to 24 months	38.2	36.2	34.1	34.8	21.6	23.3
25 to 36 months	29.4	17.0	19.5	28.3	21.6	23.3
Over 36 months	23.5	31.9	31.7	34.8	45.9	43.3
Number of cases	34	47	41	45	37	30
Mean length	32.4	33.1	32.1	36.1	40.2	39.9
Standard deviation	16.1	23.0	19.6	16.8	23.7	23.5

These figures are based on the known number of determinate sentences only (valid percentages).

Community sentences	Burglary			Street crime		
	Control cases	Assigned to conference	VO conference	Control cases	Assigned to conference	VO conference
CRO/ Probation order	25.5	24.4	20.0	50.0	40.0	42.9
CPO/ Community service	2.0	7.3	8.6	0.0	6.7	7.1
CPRO/ Combination order	5.9	4.9	5.7	0.0	33.3	28.6
DTTO	66.7	63.4	65.7	50.0	20.0	21.4
Number of cases	51	41	35	4	15	14

These figures are based on the known number of community sentences only (valid percentages).

Victim age	Burglary			Street crime		
	Control cases	Assigned to conference	VO conference	Control cases	Assigned to conference	VO conference
Under 10	0.0	0.0	0.0	0.0	1.9	2.2
10-17	0.0	0.0	0.0	11.3	7.5	8.9
18-24	8.0	6.1	6.3	13.2	22.6	22.2
25-29	8.0	11.2	13.8	26.4	7.5	8.9
30-39	28.4	24.5	28.8	9.4	13.2	11.1
40-49	15.9	11.2	13.8	13.2	15.1	17.8
50+	28.4	21.4	23.8	15.1	11.3	13.3
Missing	11.4	25.5	13.8	11.3	20.8	15.6
Number of cases	78	73	69	47	42	38
Mean age	43.2	41.0	40.8	33.6	33.5	34.1
Std dev.	14.8	14.3	14.0	15.9	16.2	16.7

Victim gender	Burglary			Street crime		
	Control cases	Assigned to conference	VO conference	Control cases	Assigned to conference	VO conference
Female	44.3	44.9	55.0	45.3	35.8	40.0
Male	52.3	40.8	45.0	47.2	41.5	42.2
Missing	3.4	14.3	0.0	7.5	22.6	17.8
Number of cases	85	84	80	49	41	37

Victim ethnic group	Burglary			Street crime		
	Control cases	Assigned to conference	VO conference	Control cases	Assigned to conference	VO conference
Asian	1.1	3.1	3.8	7.5	13.2	15.6
Black	6.8	7.1	7.5	15.1	13.2	13.3
White	79.5	70.4	81.3	67.9	58.5	62.2
Other/ don't know	2.3	4.1	5.0	1.9	3.8	4.4
Missing	10.2	15.3	2.5	7.5	11.3	4.4
Number of cases	79	83	78	49	47	43

There were no significant differences between burglary cases assigned to control and conference groups and between burglary control cases and burglary cases for which a victim offender conference took place on any of the above variables. Burglary offenders in cases that reached random assignment were significantly more likely to be held in custody (85.1%) than those which did not reach random assignment (76.6%). A Pearson chi-square test showed this difference to be significant ($\chi^2 = 4.476$; d.f.=1; $p < 0.05$). There was no significant difference in the age of burglary offenders whose cases reached random assignment and those that did not. No other data were available on the characteristics of burglary cases that did not reach random assignment.

Pearson chi square tests showed there to be a highly significant difference between the type of sentence given to street crime cases assigned to the control group and those assigned to the conference group ($\chi^2 = 9.344$; d.f.=2; $p < 0.01$) and between street crime cases assigned to the control group and those for which a victim offender conference was held ($\chi^2 = 10.329$; d.f.=2; $p < 0.01$). There were no other significant differences between street crime cases assigned to control and conference groups and between street crime control cases and street crime cases for which a victim offender conference was held on any of the other above characteristics.

Street crime offenders whose cases reached random assignment were more likely to be held in custody (90.2%) than those that did not reach random assignment (81.4%). A likelihood ratio test showed this difference to be significant ($\chi^2 = 3.987$; d.f.=1; $p < 0.05$), but the difference was not quite significant according to a Pearson chi square test. There was no significant difference in the age of offenders whose cases reached random assignment and those that did not. No other data were available on the characteristics of street crime cases that did not reach random assignment.

(b) Northumbria Phase 2 cases and adult caution cases⁸¹

Main offence	Court cases			Final warning cases			Caution
	Control cases	Assigned conference	VO conference	Control cases	Assigned conference	VO conference	VO conference
Common assault	13.2	9.3	9.5	5.9	5.6	4.2	45.5
ABH	24.5	33.3	28.6	30.4	33.3	31.3	54.5
GBH s.18/s.20	1.9	0.0	0.0	0.0	0.9	1.0	0.0
Burglary	9.4	7.4	9.5	5.9	0.0	0.0	0.0
Robbery	0.0	0.0	0.0	2.9	0.0	0.0	0.0
Theft, fraud & handling	28.3	22.2	28.6	10.8	24.1	25.0	0.0
TWOC/ being carried	11.3	14.8	16.7	2.9	8.3	9.4	0.0
Criminal damage	11.3	9.3	4.8	35.3	22.2	22.9	0.0
Other	0.0	3.7	2.4	4.9	2.8	3.1	0.0
Missing	0.0	0.0	0.0	1.0	2.8	3.1	0.0
Number of cases	53	54	42	101	105	93	44

⁸¹ In these tables, 'VO conference' refers to a conference attended by both victim and offender (i.e. not victim absent conferences). There are no missing data for offender gender, type of sentence or type of community sentence. In the victim tables, the characteristics relate to the first victim listed.

Offender age	Court cases			Final warning cases			Caution
	Control cases	Assigned conference	VO conference	Control cases	Assigned conference	VO conference	VO conference
10-17	0.0	1.9	2.4	100.0	100.0	100.0	0.0
18-24	58.5	70.4	78.6	0.0	0.0	0.0	36.4
25-29	20.8	11.1	7.1	0.0	0.0	0.0	4.5
30-39	13.2	7.4	4.8	0.0	0.0	0.0	29.5
40-49	3.8	5.6	2.4	0.0	0.0	0.0	18.2
50+	3.8	0.0	0.0	0.0	0.0	0.0	6.8
Missing	0.0	3.7	4.8	0.0	0.0	0.0	4.5
Number of cases	53	52	40	102	108	96	43
Mean age	26.4	24.2	22.7	14.1	14.4	14.4	33.1
Std dev.	8.7	7.4	6.1	1.7	1.6	1.6	11.8

Offender gender	Court cases			Final warning cases			Caution
	Control cases	Assigned conference	VO conference	Control cases	Assigned conference	VO conference	VO conference
Female	11.3	13.0	9.5	27.5	25.0	21.9	34.1
Male	88.7	87.0	90.5	72.5	75.0	78.1	65.9
Number of cases	53	54	42	102	108	96	44

Type of sentence	Court cases			Final warning cases			Caution
	Control cases	Assigned conference	VO conference	Control cases	Assigned conference	VO conference	VO conference
Immediate custody	7.5	9.3	4.8	0.0	0.0	0.0	0.0
Community sentence	66.0	66.7	69.0	0.0	0.0	0.0	0.0
Fine/ compensation	9.4	7.4	9.5	0.0	0.0	0.0	0.0
Discharge	11.3	9.3	9.5	0.0	0.0	0.0	0.0
Final warning	0.0	0.0	0.0	99.0	98.1	97.9	0.0
Reprimand	0.0	0.0	0.0	1.0	1.9	2.1	0.0
Caution	0.0	0.0	0.0	0.0	0.0	0.0	100.0
Other	5.7	7.4	7.1	0.0	0.0	0.0	0.0
Number of cases	53	54	42	102	108	96	44

Community sentences	Court cases		
	Control cases	Assigned conference	VO conference
CRO/ Probation order	71.4	52.8	55.2
CPO/ Community service	22.9	44.4	41.4
CPRO/ Combination order	0.0	0.0	0.0
DTTO	5.7	2.8	3.4
Number of cases	35	36	29

Victim age	Court cases			Final warning cases			Caution
	Control cases	Assigned conference	VO conference	Control cases	Assigned conference	VO conference	VO conference
Under 10	0.0	0.0	0.0	1.0	1.9	2.1	2.3
10-17	9.4	13.0	9.5	36.3	33.3	31.3	22.7
18-24	18.9	13.0	11.9	3.9	4.6	5.2	18.2
25-29	11.3	11.1	11.9	2.9	1.9	2.1	9.1
30-39	15.1	13.0	11.9	12.7	10.2	9.4	18.2
40-49	22.6	14.8	16.7	10.8	16.7	17.7	13.6
50+	13.2	24.1	26.2	11.8	6.5	7.3	2.3
Missing	9.4	11.1	11.9	20.6	25.0	25.0	13.6
Number of cases	48	48	37	81	81	72	38
Mean age	36.1	38.1	39.9	28.3	28.1	28.8	26.7
Std dev.	15.6	16.8	16.9	14.4	15.9	16.2	11.6

Victim gender	Court cases			Final warning cases			Caution
	Control cases	Assigned conference	VO conference	Control cases	Assigned conference	VO conference	VO conference
Female	43.4	46.3	45.2	52.9	35.2	37.5	31.8
Male	54.7	53.7	54.8	36.3	50.9	50.0	65.9
Missing	1.9	0.0	0.0	10.8	13.9	12.5	2.3
Number of cases	52	54	42	91	93	84	43

There were no significant differences between *court cases* assigned to the control group and those assigned to the conference group on any of the above variables. Offenders in the court sample control group were significantly older than court sample offenders who actually went to a victim offender conference ($t=2.394$; $d.f.=90$; $p<0.05$). There were no other significant differences between court sample control cases and those that went to a victim offender conference, nor between court cases that reached random assignment and those that did not on any of the above variables.

Pearson chi square tests showed there to be a highly significant difference in type of offence between *final warning cases* assigned to the control group and those assigned to the conference group ($\chi^2 = 22.285$; $d.f.=8$; $p<0.01$) and between those assigned to the control group and cases for which a victim offender conference was held ($\chi^2 = 21.832$; $d.f.=8$; $p<0.01$). There was also a significantly greater proportion of female victims in the final warning control group as compared to final warning cases assigned to the conference group ($\chi^2=6.283$; $d.f.=1$; $p<0.05$) and as compared to cases for which a victim offender conference was held ($\chi^2=4.751$; $d.f.=1$; $p<0.05$). There were no other significant differences between final warning cases assigned to control and conference groups or between control cases and cases for which a victim offender conference was held on any of the other above characteristics.

Comparing randomly assigned cases with other referred cases, the mean age of final warning offenders who went on to random assignment was 14.2 yrs, as compared to 14.8 years for those who did not go to random assignment. This difference is significant ($t=3.298$; $d.f.=503$; $p<0.001$). The mean age of the first listed victim for final warning cases that reached random assignment was 28.8 years, as compared to 24.1 years for those that did not go to random assignment. This difference is significant ($t=2.793$; $d.f.=271$; $p<0.01$). There was no significant difference between those final warning cases that reached random assignment and those that did not on any other of the above variables.

There was no significant difference between *adult caution cases* that went to a victim offender conference and those that did not on any of the above variables.

(c) Thames Valley Phase 2 cases⁸²

Main offence	Community			Prison		
	Control cases	Assigned to conference	VO conference	Control cases	Assigned to conference	VO conference
ABH/common assault	79.4	64.5	63.0	5.6	8.3	9.3
GBH s20	5.9	0.0	0.0	9.3	3.3	0.0
GBH s18	0.0	3.2	3.7	13.0	15.0	11.6
Public order	14.7	19.4	18.5	1.9	1.7	0.0
Robbery	0.0	3.2	3.7	63.0	65.0	74.4
Other	0.0	9.7	11.1	7.4	6.7	4.7
Number of cases	34	31	27	54	60	43

Offender age	Community			Prison		
	Control cases	Assigned to conference	VO conference	Control cases	Assigned to conference	VO conference
18-24	64.7	54.8	51.9	51.9	45.8	45.2
25-29	11.8	16.1	18.5	25.9	20.3	23.8
30-39	20.6	22.6	22.2	22.2	25.4	21.4
40-49	2.9	0.0	0.0	0.0	6.8	7.1
50+	0.0	6.5	7.4	0.0	1.7	2.4
Number of cases	34	31	27	54	59	42
Mean age	25.9	27.5	27.9	26.1	27.9	28.0
Std dev.	7.0	9.5	9.7	6.4	8.1	8.6

⁸² In these tables, 'VO conference' refers to a conference attended by both victim and offender (i.e. not victim absent conferences). There are no missing data for main offence, offender age and offender gender. In the victim tables, the characteristics relate to the first victim listed.

Offender gender	Community			Prison		
	Control cases	Assigned to conference	VO conference	Control cases	Assigned to conference	VO conference
Female	14.7	9.7	11.1	0.0	0.0	0.0
Male	85.3	90.3	88.9	100.0	100.0	100.0
Number of cases	34	31	27	54	60	43

Offender ethnic group	Community			Prison		
	Control cases	Assigned to conference	VO conference	Control cases	Assigned to conference	VO conference
Asian	0.0	0.0	0.0	7.4	5.0	7.0
Black	8.8	3.2	3.7	14.8	18.3	18.6
White	58.8	80.6	77.8	70.4	70.0	69.8
Other/ don't know	2.9	0.0	0.0	5.6	5.0	2.3
Missing	29.4	16.1	18.5	1.9	1.7	2.3
Number of cases	24	26	22	53	59	42

Length of custody	Prison		
	Control cases	Assigned to conference	VO conference
6 months or less	0.0	1.7	2.3
7 to 12 months	3.7	3.3	2.3
13 to 24 months	16.7	15.0	16.3
25 to 36 months	33.3	13.3	11.6
Over 36 months	46.3	60.0	60.5
Missing	0.0	6.7	7.0
Number of cases	54	56	40
Mean length	46.3	48.7	51.7
Standard deviation	33.9	29.6	33.3

Prison	Prison		
	Control cases	Assigned to conference	VO conference
Aylesbury	3.7	0.0	0.0
Bullingdon	53.7	53.3	53.5
Onley	11.1	3.3	4.7
Reading	11.1	11.7	11.6
Springhill	1.9	6.7	7.0
The Mount	5.6	10.0	7.0
Woodhill	7.4	6.7	7.0
Other	5.6	6.7	7.0
Missing	0.0	1.7	2.3
Number of cases	54	59	42

Community sentences	Community		
	Control cases	Assigned to conference	VO conference
CRO/ Probation order	50.0	45.2	44.4
CPO/ Community service	29.4	32.3	33.3
CPRO/ Combination order	20.6	19.4	18.5
DTTO	0.0	0.0	0.0
Missing	0.0	3.2	3.7
Number of cases	34	30	26

Victim gender	Community			Prison		
	Control cases	Assigned to conference	VO conference	Control cases	Assigned to conference	VO conference
Female	5.9	9.7	11.1	29.6	35.0	39.5
Male	79.4	67.7	66.7	61.1	38.3	39.5
Missing	14.7	22.6	22.2	9.3	26.7	20.9
Number of cases	29	24	21	49	44	34

A likelihood ratio test showed that, for *community cases*, there was a significant difference between the control group and cases for which a victim offender conference was held in the type of offence ($\chi^2 = 11.192$; d.f.=5; $p < 0.05$). There were no other significant differences for community cases between those assigned to control and conference groups and between control cases and cases for which a victim offender conference was held.

Looking at *differences between community cases that went to random assignment and other referred cases*, there was no significant difference on any variable for which sufficient information was available. However, victim information was available for only a very small proportion of cases that did not reach random assignment. There were no significant differences on any of the above variables between *prison cases* assigned to control and conference groups and between prison control cases and cases for which a victim offender conference was held.

In the prison RCT the mean age of offenders that went on to random assignment was 26.6yrs, as compared to 28.2 years for other referred cases. This difference is significant ($t = 1.997$; d.f.=158; $p < 0.05$). A Pearson chi square test showed that for prison cases there was a highly significant difference in the categories of offence that went on to random assignment and those that did not ($\chi^2 = 24.458$; d.f.=5; $p < 0.001$). There was also a significant difference between offenders that went on to random assignment and those that did not in terms of the prisons from which they were drawn ($\chi^2 = 18.047$; d.f.=7; $p < 0.05$). There was no significant difference between prison cases that reached random assignment and those that did not on any variable for which there were sufficient data available.

REMED I

Table A1.5 Time periods taken in REMEDI cases referred before 1.4.03 (cumulative percentages)

(a) Youth cases

	Referral to offender consent/refusal		Referral to victim consent/refusal		Referral to conference		Referral to closure		Referral to last contact/attempted contact	
	Referral panel	YOT	Referral panel	YOT	Referral panel	YOT	Referral panel	YOT	Referral panel	YOT
7 days or less	15.9	8.1	6.3	4.2	0.0	0.0	3.2	7.5	4.0	1.4
14 days or less	30.4	25.0	15.6	7.3	14.3	0.0	5.4	14.4	8.0	5.0
21 days or less	49.3	41.5	28.1	14.6	14.3	8.3	14.0	21.9	18.0	11.3
28 days or less	63.8	56.0	34.4	29.2	28.6	16.7	21.5	29.4	24.0	16.3
42 days or less	84.1	78.6	53.1	52.1	71.4	41.7	45.2	49.2	46.0	36.9
56 days or less	95.7	90.3	81.3	76.0	71.4	66.7	60.2	67.9	68.0	58.2
84 days or less	100.0	96.8	93.8	93.8	100.0	83.3	80.6	88.0	84.0	85.8
126 days or less		98.8	100.0	97.9		91.7	90.3	95.8	94.0	95.7
174 days or less		100.0		97.9		100.0	95.7	98.5	96.0	98.6
Over 174 days				100.0			100.0	100.0	100.0	100.0
Number of cases	69	248	32	96	7	12	93	333	50	141
Mean time	25.8	30.4	41.8	47.4	37.6	59.0	60.9	50.0	55.3	56.4
Std. deviation	17.1	23.2	25.6	41.3	16.7	40.0	49.1	43.4	41.6	32.9

Note: Percentages are based on offenders for which figures are available (valid percentages), because it is not possible to ascertain whether, for victim and offender refusals, participants were not approached or whether the data were missing. Obviously certain time periods are irrelevant for cases reaching certain conclusions.

Time period from sentencing to referral: Referral panel =31 days (s.d=19.6 days, n=60); YOT cases mean=49 days (s.d=81.7 days, n=86).

(b) Cases with adult offenders

	Referral to offender consent/ refusal					Referral to victim consent/ refusal					Referral to direct mediation					Referral to closure					Referral to last contact/ attempted contact		
	Auto probn comm	Auto resett	Not auto probn	Self off	Vict init	Auto probn comm	Auto resett	Not auto probn	Self off	Vict init	Not auto probn	Self off	Vict init	Auto probn comm	Auto resett	Not auto probn	Self off	Vict init	Auto probn comm	Auto resett	Not auto probn	Self off	Vict init
7 days or less	31.2	23.1	2.9	3.5	0.0	0.0	0.0	0.0	0.0	8.3	0.0	0.0	0.0	28.1	18.7	0.0	0.0	0.0	15.2	13.2	0.9	2.1	0.0
14 days or less	52.5	51.3	9.7	11.6	0.0	0.0	0.0	3.8	0.0	33.3	0.0	0.0	0.0	46.0	47.3	2.2	0.0	0.0	30.3	34.2	2.7	2.1	0.0
21 days or less	64.5	69.2	23.3	22.1	0.0	16.7	33.3	3.8	0.0	33.3	0.0	0.0	0.0	57.5	62.6	6.7	10.1	0.0	42.8	55.3	3.6	4.3	0.0
28 days or less	73.0	82.1	36.9	40.7	0.0	16.7	33.3	11.5	0.0	50.0	0.0	0.0	0.0	61.7	75.8	8.9	12.6	7.7	49.0	68.4	6.3	4.3	0.0
42 days or less	79.4	89.7	58.3	64.0	10.0	16.7	33.3	19.2	4.8	58.3	0.0	0.0	0.0	68.2	85.7	12.6	16.8	7.7	55.9	78.9	10.8	12.8	0.0
56 days or less	86.5	97.4	75.7	77.9	20.0	16.7	33.3	26.9	9.5	75.0	0.0	0.0	0.0	70.8	90.1	22.2	25.2	23.1	62.8	86.8	17.1	19.1	0.0
84 days or less	91.5	100	90.3	93.0	20.0	33.3	66.7	34.6	42.9	100	0.0	0.0	0.0	76.0	96.7	31.1	41.2	38.5	71.0	97.4	26.1	38.3	25.0
126 days or less	95.7		98.1	97.7	80.0	66.7	66.7	61.5	71.4		16.7	50.0	50.0	83.2	98.9	53.3	66.4	53.8	84.8	97.4	51.4	62.8	62.5
174 days or less	97.2		100	100	100	83.3	100	84.6	85.7		33.3	75.0	50.0	90.2	98.9	71.9	76.5	61.5	94.5	97.4	70.3	75.5	62.5
Over 174 days	100					100		100	100		100	100	100	100	100	100	100	100	100	100	100	100	100
Number of cases	141	39	103	86	10	6	3	26	21	12	6	4	4	459	91	135	119	13	145	38	109	89	8
Mean time	32.0	18.4	43.3	40.7	94.5	130.5	71.0	112.6	113.0	35.6	203.8	140.0	192.5	56.4	25.9	132.3	112.8	169.9	64.1	33.4	148.2	121.0	181.5
Std. deviation	54.2	15.3	28.8	27.9	37.8	128.9	60.9	66.8	63.2	23.7	72.4	47.4	105.7	81.5	40.8	80.3	77.7	137.0	76.9	57.2	112.4	78.1	138.8

Note: Percentages are based on offenders for which figures are available (valid percentages), because it is not possible to ascertain whether, for victim and offender refusals, participants were not approached or whether the data were missing. Obviously certain time periods are irrelevant for cases reaching certain conclusions.

Time period sentencing to referral: Autoreferrals from probation community mean=52.9 days (sd =88.2 days, n=186); Autoreferrals from resettlement mean=315.2 days (sd=246.5 days, n=29); Referrals from probation other than autoreferrals mean=237.1 days (sd=255.1 days, n=93); Self referrals from offenders mean=88.3 days (sd=147.7 days, n=77); Victim initiated referrals mean=1,008.4 days (sd=1,174.3 days, n=11).

Table A1.6 Characteristics of REMEDI cases referred before 1.4.03 (actual percentages)⁸³

(a) Characteristics by office

Number of each type of case and percentage within type of referral

Remedi office	Adults			Youths		
	No mediation	Indirect mediation	Direct mediation	No mediation	Indirect mediation	Direct mediation
Barnsley	43.6	29.5	14.3	19.6	22.6	9.5
Doncaster	9.3	25.0	14.3	74.1	73.6	90.5
Rotherham	23.6	13.6	28.6	-	-	-
Sheffield	23.6	31.8	42.9	6.3	3.8	0.0
Number of cases	764	44	14	352	53	21

Percentage of each type of adult case within each Remedi office

Type of referral	Barnsley	Rotherham	Sheffield
	%	%	%
Autoreferrals from probation community	58.9	75.3	53.5
Resettlement autoreferrals	26.1	0.0	0.0
Not auto from probation/ resettlement	2.0	16.3	29.0
Self referral from offender	12.6	4.7	15.0
Victim initiated referrals	0.3	3.7	2.5

Note: We have not included the proportion of different types of case within the Doncaster office because, due to data protection issues, data had not been gathered on autoreferral cases in Doncaster where the offender did not agree to mediation.

(b) Characteristics by type of referral

Main offence	Adults			Youths		
	No mediation	Indirect mediation	Direct mediation	No mediation	Indirect mediation	Direct mediation
Violence against person	20.8	20.5	28.6	23.6	26.4	0.0
Sexual offences	0.4	0.0	0.0	0.0	0.0	0.0
Burglary	18.5	31.8	35.7	11.6	1.9	19.0
Robbery	6.9	34.1	28.6	2.3	1.9	0.0
Theft& Handling	19.6	4.5	0.0	29.8	15.1	42.9
Fraud & Forgery	2.9	4.5	0.0	0.6	0.0	0.0
Criminal damage	5.9	2.3	0.0	18.8	43.4	23.8
Drug offences	3.5	0.0	0.0	0.3	0.0	0.0
Public order offence	4.8	0.0	0.0	3.7	5.7	4.8
Motoring	7.2	2.3	7.1	0.9	1.9	4.8
Other	5.9	0.0	0.0	8.3	3.8	4.8
Missing	3.5	0.0	0.0	0.3	0.0	0.0
Number of cases	737	44	14	351	53	21

⁸³ In the victim tables the characteristics relate to the first victim listed. We have only included tables where data had been collected for a sufficient number of cases to be able to draw reasonable conclusions. There are no missing data for office,

Offender age	Adults			Youths		
	No mediation	Indirect mediation	Direct mediation	No mediation	Indirect mediation	Direct mediation
10-17	0.3	0.0	0.0	89.5	100.0	90.5
18-24	47.9	59.1	50.0	1.1	0.0	4.8
25-29	17.9	11.4	14.3	0.0	0.0	0.0
30-39	19.5	25.0	21.4	0.0	0.0	0.0
40-49	6.5	2.3	0.0	0.0	0.0	0.0
50+	3.8	2.3	0.0	0.0	0.0	0.0
Missing	4.3	0.0	14.3	9.4	0.0	4.8
Number of cases	733	44	12	319	53	20
Mean age	27.9	26.5	25.7	15.4	15.0	16.0
Std dev.	9.1	7.6	6.2	1.7	1.7	1.6

Offender gender	Adults			Youths		
	No mediation	Indirect mediation	Direct mediation	No mediation	Indirect mediation	Direct mediation
Female	16.2	13.6	21.4	15.1	20.1	19.0
Male	83.1	86.4	78.6	84.9	79.2	81.0
Missing	0.7	0.0	0.0	0.0	0.0	0.0
Number of cases	759	44	14	352	53	21

Type of sentence	Adults		
	No mediation	Indirect mediation	Direct mediation
Immediate custody	35.3	84.1	92.9
Community sentence	37.2	13.6	7.1
Fine/ compensation	0.0	0.0	0.0
Discharge	0.1	2.3	0.0
Other	1.2	0.0	0.0
Missing	26.2	0.0	0.0
Number of cases	564	44	14

Community sentences	Adults		
	No mediation	Indirect mediation	Direct mediation
CRO/ Probation order	32.6	66.7	100
CPO/ Community service	2.0	33.3	0.0
CPRO/ Combination order	2.6	0.0	0.0
DTTO	0.0	0.0	0.0
Number of cases	284	6	1

These figures are based on the known number of community sentences only (valid percentages).

Type of sentence	Youths		
	No mediation	Indirect mediation	Direct mediation
Action Plan Order	7.7	11.3	0.0
Attendance centre	0.6	0.0	4.8
CPO	0.6	0.0	0.0
CPRO	0.3	0.0	0.0
CRO	1.1	0.0	0.0
Custody	4.0	7.5	4.8
Discharge	0.3	0.0	0.0
Final warning	39.5	56.6	42.9
ISSP	6.3	0.0	0.0
Referral order	21.6	18.9	33.3
Reparation order	2.0	5.7	0.0
Supervision order	10.8	0.0	0.0
Other	2.3	0.0	4.8
Missing	3.1	0.0	9.5
Number of cases	341	53	19

Victim gender	Adults		Youths	
	Indirect mediation	Direct mediation	Indirect mediation	Direct mediation
Female	34.1	71.4	17.0	38.1
Male	63.6	28.6	49.1	33.3
Corporate	2.3	0.0	11.3	4.8
Missing	0.0	0.0	22.6	23.8
Number of cases	44	14	41	16

Note: Insufficient data are available for cases which did not go to mediation.

Pearson chi square tests showed that for *adult* cases there was a significant association between whether or not the case went to some form of mediation and the following variables: type of referral ($\chi^2 = 107.082$; d.f.=4; $p < 0.01$); Remedi office ($\chi^2 = 16.656$; d.f.=3; $p < 0.01$); offence type ($\chi^2 = 63.669$; d.f.=11; $p < 0.01$); sentence type ($\chi^2 = 36.339$; d.f.=3; $p < 0.01$). However, the association between whether or not the case went to mediation and the latter three variables is probably explained by those variables being associated with the type of referral. If one looks only at cases that were not autoreferrals, the only variable that is associated with whether or not the case goes to mediation is type of referral ($\chi^2 = 9.545$; d.f.=2; $p < 0.01$). Victim initiated referrals were more likely to lead to mediation.

For *youth* cases, comparing those cases that went to mediation with those that did not across the full range of offence and sentence types above resulted in too many cells with low frequencies to make comparisons meaningful. We therefore used only those groups that occurred in reasonable numbers (violence against the person, burglary, theft and handling, criminal damage and public order for offence types and action plan orders, custody, final warnings, referral orders and supervision orders for sentence types) and categorised the other types under 'other'. Using these categories there was a significant association between offence type and whether or not the case went to mediation ($\chi^2 = 14.357$; d.f.=5; $p < 0.05$) and between sentence type ($\chi^2 = 3.810$; d.f.=5; $p < 0.05$) and whether or not the case went to mediation. There were no other significant differences between youth cases that went to mediation and those that did not.

Principal components analysis

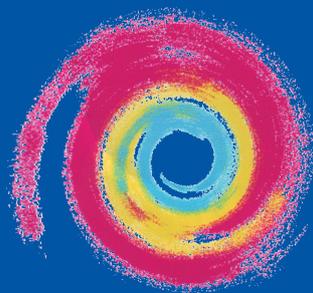
Table A1.7 Principal components structure of the reasons why participants wanted to take part in restorative justice

(a) JRC pre-conference interviews in Phase 1

Factor 1 (24.1% of variance)	wanted to repay/be repaid for harm (correlation of 0.76) wanted to express feelings (0.70) attended because felt duty to attend (0.54) being an offender (0.53) wanted to have say in how problem was resolved (0.52) being a youth (0.41)
Factor 2 (15.5% of variance)	attended just because you were asked to attend (0.74) attended because you were told to attend (0.74) JRC site - London (0.55)
Factor 3 (11.8% of variance)	being a youth (0.70) wanting to help other people (0.52) not concerned about wanting a say in how problem was resolved (0.52)
Factor 4 (10.6% of variance)	attended because felt duty to attend (0.51) not concerned about wanting to help other person (0.51) being an offender (0.46) not concerned about expressing feelings (0.35) not concerned about wanting a say in how problem was resolved (0.34)
Factor 5 (10% of variance)	JRC site - Thames Valley/Northumbria (0.70) attended just because you were asked to attend (0.36) being a victim (0.35) wanting to have a say in how problem was resolved (0.33)

(b) REMEDI pre-mediation questionnaires

Factor 1 (31.5% of variance)	wanting to express feelings (0.69) being asked to take part (0.69) wanting to have a say in how the problem is resolved (0.69) feeling a duty to take part (0.68) wanting to help the other person (0.66) being told to take part (0.65) would like some questions answered (0.58) wanting to repay or be repaid for harm done (0.56) taking part may affect what happens as a result of the case (0.55)
Factor 2 (13.1% of variance)	being a youth (0.83) being told to take part (0.48) not taking part in restorative justice subsequently (0.41)
Factor 3 (12.3% of variance)	being an offender (0.79) wanting to repay or be repaid for harm done (0.53) not wanting questions answered (0.54) not feeling that taking part may affect what happens as a result of the case (0.38)
Factor 4 (8.7% of variance)	not subsequently undertaking restorative justice (0.62) not feeling that taking part may affect what happens as a result of the case (0.46) not wanting to help the other person (0.37) not wanting to express feelings (0.30)



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