

**OFFICE OF THE POLICE AND CRIME COMMISSIONER  
FOR HUMBERSIDE  
DECISION RECORD**

Decision Record Number: **20/2014**

Title: **Restorative Justice**

**Executive Summary:**

As part of the transfer of commissioning responsibility from the MoJ to PCCs, indicative funding has been provided to the Police and Crime Commissioner for services for victims of crime, which includes restorative justice services.

This paper sets out a proposal with regard to the development of restorative justice across the criminal justice system in Humberside. The expansion of restorative justice is a key objective of the Police and Crime Plan.

**Decision:**

That the commissioning intention outlined at section 6 of the report be approved.

**Background Report:** Open

**Police and Crime Commissioner for Humberside**

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with my code of conduct.

Any such interests are recorded below.

The above decision has my approval.

**Signature**

*Matthew Crow*

**Date 07.05.14**

# POLICE AND CRIME COMMISSIONER FOR HUMBERSIDE

## SUBMISSION FOR DECISION

### OPEN

**Title: Restorative Justice**

**Date: 7 May 2014**

---

#### **1. Executive Summary**

- 1.1 As part of the transfer of commissioning responsibility from the MoJ to PCCs, indicative funding has been provided to the Police and Crime Commissioner for services for victims of crime, which includes restorative justice services.
- 1.2 This paper sets out a proposal with regard to the development of restorative justice across the criminal justice system in Humberside. The expansion of restorative justice is a key objective of the Police and Crime Plan.

#### **2. Recommendation(s)**

The PCC is asked to support the commissioning intention outlined at section 6 of this report.

#### **3. Background – Restorative Justice**

- 3.1 The Police and Crime Plan sets out a clear vision to improve the quality of services for victims. This specifically includes the expansion of restorative justice and Humberside Police are committed to embed restorative practices throughout the Force and deliver a victim centred approach through restorative justice.
- 3.2 Restorative Justice (RJ) activities provide opportunities for victims to be heard and to have a say in the resolution of offences. RJ has the potential to transform the way in which needs of the victim are met. It also provides an opportunity for offenders to face the consequences of their actions and the impact that it has had upon others. This has been shown to be effective in motivating offenders to change, make use of support being offered, and reduce re-offending. It can involve victims:
  - Explaining to an offender the impact of the crime on them;
  - Seeking an explanation and apology from the offender; and
  - Playing a part in agreeing restorative or reparative activity for the offender e.g. working for free for a charity, paying to repair any material

damage, or keeping the victim informed of their progress in getting off drugs or finding a job.

3.3 An RJ process can be delivered through:

- A restorative group conference, involving a facilitator, the offender and victim and their supporters (usually family members). Professionals, such as social workers, Youth Offending Teams (YOTS), probation, police or prison staff, and representatives of the wider community may also be involved. These conferences follow a clear structure, with some facilitators choosing to follow a 'script' of set questions, and may conclude with an agreement for further steps to be taken e.g. a form of reparation.
- A community conference, involving members of the community affected by the crime or conflict. This is facilitated in the same way as a restorative conference, but differs from the restorative conference in that it can involve many more people.
- Contact between victim and offender through the mediator/facilitator, to discuss the offence. This contact might result in an agreement for further steps to be taken e.g. some sort of reparation, but this is not a necessary outcome.

**4. Funding**

4.1 The Ministry of Justice (MoJ) has made funding available to PCCs under the Ministry of Justice Victim Services Grant to build RJ capacity, and where capacity is sufficient, fund victim-led restorative justice provision. Indicative funding levels for the Humberside PCC, for the purpose of Restorative Justice, are set out in the table below:

Year	£
2013/14	62,696
2014/15	101,000
2015/16	208,000

4.2 Funding has not been ring-fenced so the PCC can ensure funding is directed to meet locally identified need. The PCC is committed to directing this funding to the development / expansion of restorative justice.

4.3 Funding can be used for victim-led RJ provision at any stage of the criminal justice process. Allocation of the funding needs to take account of the following responsibilities and grant conditions:

- The MoJ has given PCCs responsibility for commissioning pre-sentence restorative justice in accordance with the provisions under the Crime and Courts Act 2013 to defer sentence to allow for a restorative justice process to take place.
- The MoJ has indicated that funding should be used to support and develop victim-offender conferencing (where safe and appropriate to do so) rather than indirect forms of RJ.
- Funding is made available to PCCs under the Domestic Violence, Crime and Victims Act 2004 – this means that funding is restricted to victims of crime. Other funding streams, including the PCCs Crime Reduction Fund can be used to support restorative approaches that may fall outside the conditions of the grant.

## **5. Principles and proposed approach**

- 5.1 The PCCs Victim Strategy sets out the future direction for the development of victim care across the area. The strategy includes a clear commitment to restorative approaches in Humberside. The PCCs office has agreed to write the Restorative Justice Strategy drawing heavily upon any existing work carried out by agencies such as Humberside Police, Victim Support and the University of Hull. This strategy is likely to include the following vision and principles:

### **Vision**

Through a commissioning and partnership approach ensure that Restorative Justice is offered to victims of crime at a time that is right for them; is available at any stage of the criminal justice system; to agreed common standards that contributes effectively to the victims' wider recovery journey.

### **Underpinning principles**

#### **1. Victim Centred RJ**

Restorative Justice must rely on the consent of everybody but should be led by the victim and be on their terms at a time that is right for them. There must be a proper recognition of harm and the process based around healing the damage done, which may include reparation. Those involved in victim contact and support should be highly skilled and accredited in Restorative Justice practices in order to generate interest, facilitate victim engagement and ensure maximum expansion of provision with all the resources available.

#### **2. Accessible and Coordinated**

Restorative Justice should be developed as part of a pathway for victims and be routinely available at each critical stage of the victim 'journey'. The aim should be to offer RJ at a time that is right for the victim, but based on the 'sooner the better' principle which will, in all likelihood, depend on the seriousness of the crime and the relationship that is fostered between the victim and offender.

### 3. Collaborative and Sustainable

A partnership/coordinated approach to Restorative Justice, that draws on the shared pool of statutory agency staff and trained volunteers is essential to ensure sustainability. Wherever possible restorative approaches should be collaborative, both in terms of their operation and funding.

### 4. Evidence Based

We want to encourage an evidence based approach to restorative justice across Humberside utilising the funding outlined above but also encouraging co-commissioning and continued investment from existing partners as much as possible to maximise the overall impact. The focus will be on expanding the actual volume of delivery in order to demonstrate the benefits of RJ in practice and a clear evidence base for what works well.

5.2 The PCC Commissioning and Grant Framework as well as the Medium Term Financial Strategy (MTFS) would also apply to any RJ services commissioned by the PCC, in particular

- Consistent and appropriate level and access to services across Humberside
- Commission projects and outcomes (rather than fund 'posts')
- Used to supplement any existing funding, and not to cover cuts in funding by other commissioners.
- 

The preferred direction of travel is to move towards RJ being delivered via a multi-agency 'hub' or 'hubs' that will be consistent with the Victim Care Strategy.

## 6. Commissioning Intentions

6.1 On the basis of the mapping of existing services carried out by the Humberside Criminal Justice Board (HCJB) and the principles and proposed approach set out above, the PCC could allocate funding in two stages:

<b>Stage 1 2014-15</b>
<b>Funding Level £101,000</b>
Seek to <b>appoint a dedicated 'delivery partner'</b> from October 2014 to: <ol style="list-style-type: none"> <li>1. Identify and implement short term restorative justice approaches/developments that complement existing provision</li> <li>2. Design a longer term restorative 'multi-agency hub' model across Humberside, aligned with our new Victim Care Strategy</li> </ol>

and IOM.

The successful delivery partner will be expected to:

- Co-fund the development of a Humberside-wide approach;
- Work with and build upon existing provision across Humberside;
- Work with partners to encourage continued partnership funding for restorative justice;
- Support the development of referral pathways to enable victims to access restorative justice approaches and develop an evidence base to demonstrate what works.

**Timescales:** Work is expected to be completed by March 2015.

**Process:** The preferred approach would be to draw up a specification and approach a list of existing providers on a transparent basis, inviting proposals from others.

Encourage funding bids to support the development of restorative justice across the Humberside area. Funding will be allocated from the MoJ Restorative Justice Victim Services Grant where appropriate. Successful bids will be those that:

- Build capacity for and access to restorative justice at every stage of a victims' journey;
- Test different approaches across the Force area and support the development of an evidence base to demonstrate what works.
- Demonstrate co-funding arrangements;
- Support the development of high quality restorative justice, referral pathways and an appropriately trained pool of volunteers;
- Support the development of pre-sentence restorative justice across the Force area to support the PCC commissioning responsibilities.

### **Funding Allocation**

Percentage distribution of the funding for local projects will be apportioned based on the distribution of Community Justice disposals across Humberside. The intention of allocating funding in this way is to support the principle of developing a consistent and appropriate level and access to services across the Humberside area.

**Stage 2: 2015/16**

**Funding Level: £208,000**

Funding will be allocated to support the delivery of a restorative 'multi agency hub' model across Humberside building on the work funded during Stage 1.

**Timescales:** Funding will be made available for the 2015/16 financial year.

**Process:** Grant allocation

- 6.2 A dedicated delivery partner would liaise with relevant criminal justice agencies to make suitable RJ arrangements and would mean that a victim deals with one organisation from the offence to closure and avoids a confusing myriad of separate projects.

## **7. Risks**

- 7.1 There is a potential risk of not securing a suitable delivery partner who is willing to co-fund this approach to RJ and it is being progressed quicker than our Victims Services Commissioning. We will need to ensure that this commissioning 'fits' with our wider intentions regarding improving victim services.

## **8. Financial Implications**

- 8.1 These are outlined above although we do have some funding carried over from 2013/14 (£62,696) that could be used to support some local RJ projects, for example those existing projects that are funded via the Rank Foundation, part of which are to build capacity and capability on the ground.

## **9. Legal Implications**

- 9.1 There are no legal implications.

## **10. Equalities Implications**

- 10.1 Every victim of crime should have the opportunity to benefit from restorative justice, irrespective of any 'protected characteristic' and this will be made clear as part of any tender specification.

## **11. Consultation**

- 11.1 This has been discussed with and supported by Victim Support (Mervyn Bishop), Humberside Probation Trust (Peter Wright) and the Business Manager of the Humberside Criminal Justice Board (Robbie Walker-Brown) as well as the wider Restorative Justice Forum.

## **12. Media information**

- 12.1 If agreed it would be useful to raise awareness of restorative justice via the media.

## **13. Background documents**

- 13.1 None

## **14. Publication**

14.1 This report is categorised as 'open'.