

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

Decision Record Number: **17/2018**

Title: **Restorative Justice**

**Executive Summary:**

Report submitted that sought agreement to the commissioning of Restorative Justice (RJ) for the period 2019-2024. RJ is a victim focussed method of holding offenders directly accountable to their victims for the crime or anti-social behaviour, a low volume but high impact service. The commissioning intention is to increase the investment in the service, enhance service access and realise increased volume of RJ intervention across Humberside.

**Decision:**

That funding of £150,000 per year be provided for Restorative Justice on a 3 plus 2 year contract, based on a ceiling budget and evaluated at an 80/20 Quality / Cost ratio.

**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**



**Date** 16-7-2018

**POLICE AND CRIME COMMISSIONER  
FOR HUMBERSIDE**

**SUBMISSION FOR:  
DECISION**

**OPEN**

**Title: Restorative Justice**

**Date: 5th July 2018**

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**1. Executive Summary**

*The purpose of this report is to agree the commissioning of Restorative Justice (RJ) for the period 2019 – 2024. RJ is a victim-focused method of holding offenders directly accountable to their victims for the crime or anti-social behaviour, a low volume but a high impact service. The commissioning intention is to increase the investment in the service, enhance service access and realise increased volume of RJ intervention across Humberside.*

**2. Recommendation(s)**

*That the Commissioner agrees to provide £150,000 funding per year for Restorative Justice on a 3 plus 2 year contract, based on a ceiling budget and evaluated at an 80/20 Quality / Cost ratio.*

**3. Background**

*The current annual contract value is £139, 400, funded via the victims Grant (MOJ). The current contract for RJ ceases in March 2019 and has been extended to cover up to this period. There is a cost per case bench mark which currently reflects good value. This will be closely monitored within the new commissioned service.*

*Standards are defined by the Restorative Justice Council (RJC). The model proposed for Humberside seeks to replicate all RJC recommendations in terms of equity, access and care for service users. The current pathways are delivered through direct access, case extraction and automatic police data transfer (ADT), which are all recommended good practice by the RJC. The commissioning seeks to further enhance the model and builds in a self-referral mechanism for victims and thus enhancing the offer for all victims both in term of their current and past experiences of crime.*

*Commissioning an accessible system not only enhances the service offer for victims but also increases desistance within offender cohorts. All offence types are in scope under the revised model and a targeted approach for*

*specific crime types in relation to high harm offences are specified, supporting the recommendations contained within the RSM 2018 vulnerability report and reflected within the 2017 ONS data.*

*Regional Procurement have proposed a collaborative commissioning exercise with North Yorkshire due to aligned commissioning timelines. There is a collaborative agreement being developed across NY and Humberside.*

*This will set out the joint working approaches, in principle:*

- o Separate lot areas.*
- o Supporting each other to develop specification and upon market development*
- o Supporting each other to evaluate tenders*
- o Separate budgets for separate lots*
- o Separate contract management approaches post tender*

#### **4. Options**

- o Do nothing - don't fund*
- o Carry on as we have*
- o Re commission on an increased budget without collaborative with NY*
- o Re commission on an increased budget and partial collaborative with NY. This includes mutual support but with separate specifications and lots.*

#### **5. Risks**

*There are some risks of not realising the benefits to this service. The funding for this service comes direct from the MOJ victims grant and there is a reputational risk for the office if not funded.*

*There are acknowledged risk areas with information management and data compliance specific to this service model. In line with best practice the commissioned model requires the provider to have access to police systems for case extraction purposes. To this end all information processes need to be mapped and agreed with Force Information services under Information Sharing Agreements (specification) and data protection compliance (pre tender).*

*A partial collaborative approach with NY enables shared learning and shared work load, allows for the chunking' up of work and tasks in relation to the specification development. This is useful in terms of market development and market place days. However if NY are to be the lead commissioning office it may affect Humberside's position in terms of inclusion of differing areas of*

*detail within the specification. Therefore separate specifications are recommended.*

*There are acknowledged differences in terms of service models. NY delivering a mediation service through community hubs and have an in house victim liaison service. This results in their service models and information processes being considerably different. Another issue to consider is that NY work with Youth Justice Referrals whereas Humberside refer direct into Youth services for young offenders.*

*Based on the above a partial collaboration with NY would enable all of the benefits of shared learning and shared workloads, whilst ensuring that the Humberside RJ model meets local requirements.*

**6. Driver for Change/Contribution to Delivery of the Police and Crime Plan**

*Restorative Justice broadly supports the Police and crime plan by delivering:*

- o Improved victim satisfaction;*
- o Reduced re-offending – and therefore less crime and fewer victims of crime;*
- o Increased public and victim confidence in restorative justice*
- o Delivering self-sustaining and safe communities within the Humber area*
- o Providing services to victims and the most vulnerable to meet their needs.*

*Restorative Justice specifically relates to aim 3 of the Police and crime plan in delivering services to victims and the most vulnerable and aim 1 of the Police and Crime Plan in reducing offending to enable increasingly safe and more sustainable communities.*

**7. Financial Implications**

*This service will be fully funded from the MOJ victim's grant. The current contract value is £139,400. The recommendation is to increase the budget requirement to £150,000 for annual provision of RJ, starting in April 2019 for Five years (three plus two years).*

**8. Legal Implications**

*None*

**9. Equalities Implications**

*None*

**10. Consultation**

*In addition to consultation with the provider staff and National OPCC's. There is a planned service user consultation with both a victims group and offender group:*

- *Remedi victims group*
- *HMP Humber - Focus group with offenders 10<sup>th</sup> July 2018*

*In addition to the above there is a planned consultation with stakeholders via a commissioning project group that will include:*

- *Humberside Police*
- *OPCC*
- *National Probation Service*
- *CSP members*

**11. Communication Issues**

*The commissioning exercise is full open tender with an award notice. This will be an open public event, there may be media interest with the key messages being the announcement of a new service provider with a re modelling of service and the positive impact that this will have upon the local community.*

**12. Background documents**

- *RJC 2017*
- *Humberside Police and Crime Plan*
- *RSM RJ Evaluation, Humberside, 2016*
- *RSM Vulnerability Report, 2018*

**13. Publication**

*If the report has been marked as 'closed', please clearly indicate why the information should not be disclosed to the public.*

PLEASE COMPLETE AND APPEND THE FOLLOWING TABLE TO ALL REPORTS THAT REQUIRE A DECISION FROM THE COMMISSIONER

This matrix provides a simple check list for the things you need to have considered within your report. If there are no implications please state

I have informed and sought advice from HR, Legal, Finance, OPCC officer(s) etc prior to submitting this report for official comments	Yes
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Is this report proposing an amendment to the budget?	Yes
Value for money considerations have been accounted for within the report	Yes
The report is approved by the relevant Chief Officer	Yes
I have included any procurement/commercial issues/implications within the report	Yes
I have liaised with Corporate Communications on any communications issues	No, will be done prior to announcement of tender (Blue light portal).
I have completed an Equalities Impact Assessment and the outcomes are included within the report	Yes
I have included any equalities, diversity and or human rights implications within the report	Yes
Any Health and Safety implications are included within the report	Yes
I have included information about how this report contributes to the delivery of the Commissioner's Police and Crime Plan	Yes

## Equality Impact Assessment

<b>Contract Title:</b>	Restorative Justice
<b>Contract No.:</b>	
<b>Procurement Contact:</b>	Billie Heafield
<b>Customer Contact:</b>	Stew Atkinson

The Public Sector Equality Duty (PSED) is contained within section 149 of the Equality Act 2010. It requires us to have due regard to the three aims of the duty:

- Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- Advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic and those who do not.

The PSED should help to ensure that the goods and services we procure are accessible to and meet the diverse need of all users to ensure that no one group is disadvantaged.

### INITIAL SCREENING

<b>SERVICES</b>		<b>GOODS</b>		<b>WORKS</b>	
Does the service involve direct contact with the public? E.g. healthcare in custody or emergency boarding.	Y	Do the goods need to meet specific needs of the user? E.g. Race, gender, disability, dietary, religion, health etc.	Y	Do the works/building need to allow access to external and internal employees/public?	Y
Does the service involve indirect contact with the public? E.g. website.	Y			Are the works to be performed on police premises where the contractor's workforce will be in contact with police employees?	Y
Will the service be performed on police premises where the contractor's workforce will be in contact with police employees? E.g. facilities management.	Y				

**If the answer to some or all of the above questions is yes, please complete a FULL impact assessment.**

### FULL EQUALITY IMPACT ASSESSMENT

\*The following should be completed in conjunction with the customer.

### **1. What is being Equality Impact Assessed?**

A Restorative Justice (RJ) service will be contracted to deliver services across Humberside and the North Yorkshire Office of the Police & Crime Commissioner (HNYOPCC) with responsibility for ensuring wide access to RJ for victims of all crime types.

The specification will require the service provider to continue to work in close partnership with other Health and Justice partners across multi agency partnerships and have sections of the workforce co located in criminal justice settings, namely Police custody suites, court, probation and community safety settings. The service model requires to provider to have access to Police Force information systems.

This service requires engagement with victims and offenders and appropriate intervention. To this end there will be a requirement for proactively promoting the service and delivering interventions for both victims of crime initiated and pre-sentence RJ interventions across HNYOPCC areas, this includes the delivery of victim-offender conferencing. A specific objective for the provider will be to suitability and safely engage service users in a restorative intervention, prioritising the victim care requirements, in line with quality standards defined by the Restorative Justice Council – Practitioner Code of Practice: <http://www.restorativejustice.org.uk>

The Provider will be required to act in accordance with the ongoing legal duty of the Ministry of Justice, and by extension the HNYOPCC under the Equality Act 2010 to pay 'due regard' to the need to: eliminate unlawful discrimination, harassment and victimisation and other prohibited conduct; advance equality of opportunity between different groups (those who share a protected characteristic and those who do not); and, foster good relations between different groups, as well as the more general provisions of the Equality Act. Historically, there have been unequal patterns of outcomes, with some groups of offenders with shared protected characteristics faring better than others, see NOMS Equalities Annual Report 2011-12:

#### **The proposed approach will enable the services to transform to;**

- Enhance the victim experience and increase access for RJ
- Further improve pathways across Victim Services, Health and Justice for all crime types, including a direct referral mechanism for victims.
- Increase the number of people engaging in RJ, both the workforce and service users
- Contribute towards enabling sustainable and safe communities, reducing offending
- Improve victim centred care and an increase victim satisfaction, contributing towards improving health and wellbeing
- Comply with the priorities in the recently published RJC standards for 2017 <http://www.restorativejustice.org.uk>

### **2. Sources of Information used to identify barriers etc.**

There is a raft of literature which identifies good practice in assuring an accessible RJ service. A literature review has indicated areas of best practice within the current model and areas for development to improve access and ultimately victim care. <http://www.restorativejustice.org.uk>

Consultation has been informed by the following sources:



<b>Source</b>	<b>Reason for using</b>
<p>Local Service Data</p> <p>Source Remedi Provider Referral data</p>	<p>Data is collected at service user level which allows analysis of local services, and comparison of low referral areas to instigate areas of service development and promotion.</p> <p>Data is analysed by different profiles of client group to understand how interventions are applied and due regard towards the outcome of the intervention</p> <p>Data is collected which outlines demographics of those referred. This was not collected historically so the available information is limited.</p>
<p>Source: Linked in market scanning OPCC</p>	<p>A market scan of RJ across OPCC offices (national) has highlighted varied practice and indicated areas of strengths to replicate. Enables a bench comparison mark of performance data.</p>
<p>Stakeholder consultation</p> <p>Source : RSM research 2016</p> <p>Source: Engagement events, meetings and workshops</p>	<p>Understanding of need and links with services from stakeholder's opinion.</p> <p>The proposals and recommendations with regards to this commissioning exercise are approved by a stakeholder group which is represented by: CSP, OPCC, Humberside Police, National probation service. Humberside Criminal justice Board</p>
<p>Staff Consultation</p>	<p>Staff views on how different models may impact on services and protected groups</p>
<p>Service user consultation</p>	<p>Views on existing care and potential areas for improvement.</p> <p>Consultations undertaken by HOPCC with victims and offenders will inform the recommissioning exercise. These consultations are planned for July 2018</p>

Partner data and consultation through the tender process, and associated forums/Boards	Identification of gaps in service, areas of need, and potential improvements
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**3. Risk of impact on protected characteristics:**  
 \*It is important that each of the issues are looked at with an open mind, it is not enough to just note that there will be no negative impact, as there are parts of the duty which look at whether positive improvements can be made.

**Risk**

**Race:**

Ethnicity has been found to be a contributor to the type of crime that an individual may be a victim of. Walklate suggests that black and minority ethnic individuals are more likely to be victims of personal crime than white individuals.

A survey by Victim Support also found that other ethnic individuals (for example Chinese groups), are:

- At high risk personal theft, however they have the lowest risk of violence with injury.
- Black individuals have the highest rate of being a victim of intimate partner violence (Rennison, 2000)
- Minority ethnic groups are three times more likely to be mugged than white groups (Clancy et al., 2001).
- Clancy also discusses that Indians are more at risk of becoming a victim of burglary.
- Clancy et al (2001) identified that in 1999, the annual risk of suffering a racially motivated attack was highest for Bangladeshi and Pakistani groups at 4.2%. Indian groups had a slightly lesser risk at 3.6%, and black groups at 2.2%. This is compared to a risk of 0.3% for white respondents.

An analysis by Victim Support of recent statistics identified that ethnicity is also effects the risk that an individual has to repeat victimisation. Victim Support found that:

- White individuals have the highest risk of being a repeat victim.
- In 2014 and 2015, 23.8% of white individuals were victimised more than once.
- This is compared to a lower proportion of mixed ethnicity individuals at 18.4%, and even lower for black ethnicity individuals at 5.6%.
- More specifically, Victim Support identified that Chinese and mixed ethnicity individuals had the highest rate of repeat victimisation in relation to personal theft, at 29.4% and 29% respectively.

The service provider information gleaned from victim services displays that Ethnic minorities do not regularly use victim services or indeed the RJ scheme. This is particularly the case with female victims from BAME groups. Steps are being taken to address this within the service specification, particularly within the context of hate crime and crimes that specifically target a victim's ethnic background. The provider will be required to be mindful of repeat victimisation and victim assessment will explore this.

There is a requirement to evidence proactive engagement and service promotion within low referral and access areas. In addition there is a requirement for culturally sensitive information and information in appropriate language formats.

*Low*

All assessments of victim/offender suitability to safely engage within a restorative intervention will be carried out by a fully competent workforce and will include identification of needs, therefore acknowledging and addressing any additional language needs of specific race requirements related to the intervention/signpost and referral. There are national occupational standards in RJ, all staff will meet this competency.

The OPCC Diversity Panel can support this work by connecting services and organisations to explore engagement opportunities in appropriate ways.

**Disability:**

There are gaps in hard data for analysis of physical disabilities but we recognise that needs assessment is an important part of the process of identifying what type of support a victim or offender requires. This includes taking into consideration needs such as learning disabilities or mental health, and ensuring sufficient safeguards and factors are put in place.

Victim Support analysed data from the CSEW for the years ending March 2014 and March 2015. The study found that having a limiting disability significantly increases the risk of suffering from violence and theft, even when other factors such as income and area are accounted for. The findings show that adults with limiting disability are:

- Over three times more likely to be a victim of violent crime with injury than those without a limiting disability or illness.
- Twice as likely to be a victim of violent crime without injury,
- 1.6 times more likely to be a victim of personal theft and 1.4 times more likely to be a victim of household theft.

These findings support academic studies and surveys performed that look at the vulnerability of individuals with mental illness to crime. High numbers of offenders have mental health issues that affect their behaviour this is also the case for vulnerable victims.

All of the above requirements will need to be identified within the assessment. Offenders/victims with limiting disability, mental health issues and difficulty with communication will need additional support in writing to offenders and conferencing, this is to be managed by the service provider in partnership with key stakeholder groups involved. The same also applies to victims and the assessment must consider Potential re victimisation of vulnerable victims, especially where a disability exists.

Access issues based on mobility, physical and mental wellbeing and access to transport will be evaluated as part of the tender in terms of service location, service environment (psychologically informed) and mobility accessibility In summary there are implications for those with disabilities upon particular crime areas, such as financial crime, exploitation, violence and sexual violence.

All assessments of victim/offender suitability to safely engage within a restorative intervention will be carried out by a fully trained, or working towards, accredited RJ

Low

<p>practitioner (see link embedded within section 1 above) and will include identification and addressing any additional needs related to participation in victim-offending conferencing.</p>	
<p><b>Gender:</b></p> <p>Until quarter 4 2018 the provider had not routinely collected information on service user demographics. Therefore there is an information gap which is being remedied within the current year.</p> <p>In quarter 4 2018 there were 7 referrals from male victims and 3 females. Indicating female referrals were in the minority, What we do know is that Vulnerability can either be physical or social, the characteristics of which may cause an individual to perceive themselves as more vulnerable to victimisation (Rader et al. 2012)<sup>1</sup> Studies indicate that when gender is considered as a risk factor, the type of crime or incident must also be considered in line with this. So in terms of gender, women are perceived to be less able to defend themselves, making them vulnerable. This vulnerability may also be enhanced by their fear of sexual assault (Wilcox, Jordan, &amp; Pritchard, 2006; Fischer &amp; Sloan, 2003; May, 2001; Warr, 1985; Warr, 1984 cited in Rader et al, 2012 p.135)<sup>2</sup>.</p> <p>In light of the above ONS data shows that there has been an increase in the number of Sexual Offences, which is up 26% nationally and 11% locally. This displays a potential requirement to work with specific sexual orientations upon this issue. With Male victims being the minority group and clear increase in volume of reported incidences against women.</p> <p>The provider will be required to acknowledge spikes in incidence and respond appropriately, to ensure quality assessment and ongoing referral into health and therapy based services where appropriate. All assessments of victim/offender suitability to safely engage within a restorative intervention will be carried out by a fully trained, or working towards, accredited RJ practitioner (see link embedded within section 1 above) and will include identification and addressing any additional needs related to participation in victim-offending conferencing.</p> <p>Where practicable, female victims should be offered the opportunity to work with female practitioners.</p>	<p><i>Low</i></p>
<p><b>Gender reassignment:</b></p> <p>Until quarter 4 2018 the provider had not routinely collected information on service user demographics. Therefore there is an information gap which is being remedied within the current year. There are currently communication around the connection of RJ with the victim support service to enable improved flow of service users. Gender reassignment is an area which has been acknowledged as low referral.</p> <p>This said, we are mindful of the requirement for RJ to cover all crime types and consider that hate crime would potentially be an area for intervention. This will require the provider to actively promote access for the community in such situations.</p>	<p><i>Low</i></p>

<p>All assessments of victim/offender suitability to safely engage within a restorative intervention will be carried out by a fully trained, or working towards, accredited RJ practitioner (see link embedded within section 1 above) and will include identification and addressing any additional needs related to participation in victim-offending conferencing.</p> <p>It is important when identifying victims/offenders who identify as Trans, that the service respects their right to privacy and respect. It is important that neither management nor colleagues breach the personal privacy of victims/offenders, recognising that the right to disclose or discuss their medical history is the prerogative of the individual. Indeed such disclosure may constitute an offence under the Gender Recognition Act</p>	
<p><b>Age:</b></p> <p>Victims of crime come from all age bands in society, however we acknowledge that certain crimes have more impact on different age groups For example. There are contradicting views regarding the most vulnerable age group, however overall findings suggest that both the young and elderly are most susceptible to victimisation. Although the elderly fear crime more, studies show that their victimisation risk is lower than younger individuals due to situational and social factors.</p> <p>It is also important to be mindful of the type of crime when considering which age group is most vulnerable to victimisation, given that younger age groups are more susceptible to being a victim of violent crime, whereas the elderly are more likely to be a victim of burglary.</p> <p>The provider is required to consider the impact of crime upon individual characteristics, ensure victim impact statement and needs assessment explore the impact. All assessments of victim/offender suitability to safely engage within a restorative intervention will be carried out by a fully trained, or working towards, accredited RJ practitioner (see link embedded within section 1 above) and will include identification and addressing any additional needs related to participation in victim-offending conferencing.</p> <p>There will be a requirement for young offenders to be referred on to Youth Justice services. Ensuring that young offenders receive the appropriate intervention via appropriately competent workforce and engaging service environment.</p>	<p>Low</p>

<p><b>Religion &amp; Belief:</b></p> <p>We are mindful of the requirement for RJ to cover all crime types and consider that hate crime would potentially be an area of intervention. This will require the provider to actively promote access for the community in such situations, There will potentially be a positive impact as the contracted provider will work towards improving access to RJ for all victims of crime regardless of crime type.</p> <p>There may be a spiritual alignment with reparation and restoration for both victim and offender in light of a successful RJ intervention. All assessments of victim/offender suitability to safely engage within a restorative intervention will be carried out by a fully trained, or working towards, accredited RJ practitioner (see link embedded within section 1 above) and will include identification and addressing any additional needs related to participation in victim-offending conferencing.</p>	<p><i>Low</i></p>
<p><b>Sexual Orientation</b></p> <p>Until quarter 4 2018 the provider had not routinely collected information on service user demographics. Therefore there is an information gap which is being remedied within the current year. There are currently communication around the connection of RJ with the victim support service to enable improved flow of service users. Sexual orientation is an area which has been acknowledged as low referral area.</p> <p>This said, we are mindful of the requirement for RJ to cover all crime types and consider that hate crime would potentially be an area for intervention. This will require the provider to actively promote access for the community in such situations.</p> <p>The provider is required to consider the impact of crime upon individual characteristics, ensure victim impact statement and needs assessment explore the impact. All assessments of victim/offender suitability to safely engage within a restorative intervention will be carried out by a fully trained, or working towards, accredited RJ practitioner (see link embedded within section 1 above) and will include identification and addressing any additional needs related to participation in victim-offending conferencing</p>	
<p><b>Marriage &amp; Civil Partnership:</b></p> <p>Whilst this data is part of the required MOJ submission the numbers where it was recorded was not sufficient to allow for any detailed analysis, but there is no evidence that the adjusted model would have an adverse impact. There is acknowledgement that this specification is open to all crime types and therefore any domestic related crime. This will have the potential for a positive impact upon families and partnerships seeking restorative situations. Improving access for all service users and all crime types.</p>	<p><i>Low</i></p>
<p><b>Pregnancy &amp; Maternity:</b></p> <p>There will be optimised care for those on maternity pathways which will be integrated across health and justice. If an offender is pregnant and engaged within RJ intervention then due regard and appropriate assessment will be undertaken so as to reduce any harm and ensure the safety of parent and child.</p>	<p><i>Low</i></p>

Environments of service delivery will be secure and feel safe for mothers, children and families for both offender and victims.

Access will be appropriate to families and children requirements, this includes both the environment and opening times

You can see a more in-depth definition of these protected characteristics on the [Office of Public Sector Information website](#).

#### **4. Consultation**

Consultation with service users is planned and when completed will contribute towards ensuring an accessible and effective service.

All consultation undertaken to date is listed in section 2. The consultation has informed the specification.

The revised service model will be consulted on via OPCC stakeholder steering group, with contribution for OPCC engagement officers, HCJB, Police, CSP and National Probation service.

The contracted provider will be required to provide the OPCC Commissioning and contracts Manager with quarterly performance reports for the service including a breakdown of victims and offenders engaged in the RJ pathways with the following characteristics of the service users:

- Gender
- Ethnicity
- Sexual Orientation
- Age
- Disability
- Religion or beliefs
- Criminal Justice involvement / Offence type

This information will allow the contracted service provider working with the HNYOPCC to ensure the services delivered are inclusive through timely identification and addressing any accessibility or other specific issues within the service delivery which may adversely affect any of the groups with protected characteristics as outlined above

All areas identified within the EIA will feed into the service specification.

