

Restorative Justice in the East Midlands

A Brief Overview of Current Practice in
Leicester, Leicestershire, and Rutland

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The views, thoughts, and opinions expressed in this issue belong solely to the contributors, not to the organisations for which they work.

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INTRODUCTION

About this issue



The current issue is the first in a series of briefings that the East Midlands Restorative Justice Forum in England is planning to produce in the years to come. The Briefing Series aims to become a space where members of the forum look at specific issues that concern the provision of restorative justice services in the East Midlands region and make recommendations that can contribute to the development of good practice. The current issue is concerned with a brief overview of restorative justice provision in the Leicester, Leicestershire, and Rutland area, including a description of practices delivered by some of the local services, and a concise analysis of the issues and challenges that professionals are facing in their day-to-day practice.

The East Midlands Restorative Justice (EMRJ) Forum has been established in March 2020 and welcomes professionals, academics, students, and members of the community who are interested in the delivery of restorative justice services within and outside of the criminal justice system. The EMRJ Forum adopts a collaborative and open approach to enable the development of high-quality restorative justice services for people affected by crime or conflict and provides a platform where members and guests can exchange knowledge and develop new ideas that improve practice.

Besides this Briefing Series, one other initiative of the EMRJ Forum is the development of an online directory of local restorative justice services that can be accessed at emrjdirectory.uk. The website offers information about restorative justice to people affected by crime or conflict, as well as to professionals that would like to learn more about this area of practice. You are more than welcome to access this website and share with us your thoughts about the application of restorative justice practice within or outside the criminal justice system.

What is restorative justice?

In the past decades, restorative justice approaches have received an increased interest from criminal justice systems across the world. In the United Kingdom, restorative justice is now recognised as an integral part of the criminal justice system, being embedded into a variety of services offered to people affected by crime at different stages of the criminal justice process.

	Restorative justice is a voluntary process bringing together people that have been harmed by crime or conflict, people that have done the harm, and anyone else that has been affected (such as family members or friends) in order to discuss openly about what happened and find constructive ways to address the harm.
	Restorative justice is a fair and safe process that offers victims, offenders and other people impacted by harm the opportunity to ask questions, share their views and be acknowledged for how they feel. All these take place in a respectful environment that is guided by commonly agreed rules of behaviour.



Restorative justice is a **flexible process**, meaning that it can be organised in a way that fits the wishes and needs of those participating. For example, restorative justice can take place face to face or through audio/video calls, it can be done through an independent intermediary (often referred to as 'shuttle mediation'), through a representative or through letter writing. Whatever the choice, decisions about how the process looks like are reached collaboratively and take account of participants' wishes and needs.

Restorative justice can be offered to victims and offenders multiple times, by different services, at various stages of the criminal justice process. Victims of crime are entitled under the Victims' Code (MoJ, 2015) to receive information about restorative justice from their first contact with the police, as well as from other restorative justice providers such as youth offending teams or victim services. However, within the criminal justice system, general information provided to victims is often not offered in a consistent and timely manner (HMCPSP, 2016). This is one of the reasons for which our forum has developed the emrjdirectory.uk website, where both professionals and the general public can easily access information about restorative justice.

Additionally, restorative justice is a growing area of practice. Even though it has been extensively used within the criminal justice system, where the focus is on the harm resulted from crimes, there is an increasing interest in using restorative justice in other areas such as social care, schools, and the workplace; in these areas, the focus is on the harm resulted from conflicts or other impactful events.

What benefits does restorative justice have?

Since it emerged as an alternative way of delivering justice, restorative processes have proven to have various benefits to people who volunteer to take part in them.

- One major benefit is the chance for people to ask questions, offer explanations and share personal views and feelings about what happened in a safe and respectful environment. When a crime has been perpetrated, this opportunity is often not there for people attending court hearings, or they feel that the courtroom does not offer them a safe space to have such open and personal discussions (Wedlock & Tapley, 2016).
- Restorative justice has also been described by participants as a turning point in their life, after which they were able to move forward in a more positive way (RJC, 2014). Restorative justice will not solve everything and will not change things to the way they were before, but it does offer participants the opportunity to turn the page and get closer to where they want to be.

For these and many other reasons, restorative justice has overall shown to provide people with greater satisfaction with the justice process (Strang et.al, 2013; Van Camp & Wemmers, 2013), a heightened sense of involvement and participation and a more personal and constructive way of addressing harm (RJC, 2014).

RESTORATIVE JUSTICE PROVISION ACROSS LLR

The landscape of restorative justice provision across the East Midlands region is diverse. For the purpose of this briefing we have focused our attention on the central area of the region, including the Leicester, Leicestershire, and Rutland (LLR) area. In the next issues of this Briefing Series, depending on the needs of our forum members, we can undertake overviews of restorative justice provision in other areas of the East Midlands.

In the LLR area, we have identified a number of restorative justice services that range from statutory providers, such as the police, local councils, and probation services, to independent providers that are delivering commissioned services. Most of these services operate within or alongside the criminal justice system, and are either victim focused, supporting victims of crime, or offender focused, dealing with offender rehabilitation. Besides these, we have also identified one pilot restorative justice service that operates within children's social care.

Last but not least, both De Montfort University and University of Leicester, the two HE institutions present in the LLR area, are offering students enrolled in criminology, policing and social work programmes a range of learning opportunities around restorative justice, including dedicated restorative justice modules and skills development days (at DMU) or focused lectures within more general modules (at UoL).

In the next pages, we briefly look at how restorative justice is delivered by local service providers.

Victim services

The local Police and Crime Commissioner (PCC) has commissioned [Victim First](#) to deliver support services to victims and witnesses of crime across Leicester, Leicestershire, and Rutland.

Victim First is a Catch22 project and delivers restorative justice as part of their support services for victims. The service delivers restorative justice according to the provisions of the Victims' Code ([MoJ, 2015](#)), and follows the practice guidance issued by the Restorative Justice Council ([RJC, 2020](#)) to ensure the quality of restorative justice services. All case workers within the service have received level 2 training as restorative justice facilitators. Additionally, the service has a restorative justice lead with level 3 training for complex and sensitive cases, and a head of service with responsibility of restorative justice coordination.

Victim First receives restorative justice referrals from Leicestershire Police, as well as from other criminal justice agencies such as CRC or NPS. Additionally, all victims of crime that are receiving support from the service can be offered restorative justice as part of their entitlement under the Victims' Code ([MoJ, 2015](#)). In all cases, restorative justice is delivered only after a positive initial assessment (including an assessment of suitability, as well as of needs and risks), and only once both the victim and the offender consented to take part. Restorative justice processes are then tailored according to the needs and wishes of participants and can take the form of face to face conferences, video or telephone conferences, shuttle meetings, or letter writing ([VF, 2020](#)). The service provides

participants with emotional support and guidance throughout the entire process, as well as after the process through follow-up meetings.

Police

Restorative justice is offered at police level as part of a community resolution or a conditional caution disposal. Restorative justice is not an out of court disposal, although it is often incorrectly used to describe this. A restorative justice process may be considered by police as part of a disposal in certain circumstances; for example, police must take into account if the offence involves domestic violence, in which case restorative justice is not seen to be an appropriate approach. A restorative justice process takes place alongside one of the two-tier disposals where the victim is fully supportive of its use and the offender has admitted to the offence and is showing remorse:

- **Level 1 Restorative Justice:** also known as 'on the spot' or 'street' restorative justice and can be facilitated by a police officer or police staff.
- **Level 2 Restorative Justice:** where a facilitated restorative justice meeting can be requested if a more structured process is needed based on the needs of the victim or the offender. Ideally any officer undertaking a restorative justice meeting should have received training to enable effective and appropriate facilitation, but level 2 restorative justice can also be referred by the police to Victim First, the local commissioned restorative justice service for victims.

Probation

At probation level, restorative justice is delivered as part of a requirement on a community sentence or as a condition on a post-release licence. In the LLR area, two probation officers within the [DLNR Community Rehabilitation Company](#) (CRC) have undergone training to deliver restorative justice services for cases supervised by both the CRC and the [National Probation Service](#) (NPS). Restorative justice processes are delivered according to staff guidance issued by the Leicestershire and Rutland Restorative Justice Service ([LRRJS, 2014](#)). This includes specific provisions regarding criteria of eligibility, exclusion, and suitability:

- **Eligibility criteria:** eligible offenders need to be medium and high-risk cases involving an acquisitive or violent crime with a personal victim; eligible crimes include domestic burglaries, assault, robbery, and public order offences; it does not include domestic violence or sexual offences unless in exceptional circumstances.
- **Exclusion criteria:** any cases in which the offender has pleaded not guilty and a trial has taken place, including main cases of domestic violence, sexual offences, and child abuse cases.
- **Suitable cases:** suitability is determined largely by professional judgement with the safety of the victim as a paramount consideration.

Besides this in-house staff guidance, the two probation officers also use the restorative justice guidance issued by the former National Offender Management Service ([NOMS, 2013](#)).

Restorative justice is delivered using the following approaches:

- **Letter writing:** when the victim agrees, the offender can write them a letter; this is a closely monitored process where the probation officer works with the offender on what would be an appropriate content; sometimes the victim wants to write back, in which case the exchange of letters can continue until the victim feels that they have all their questions answered.
- **Shuttle mediation:** when the victim does not want to meet face to face with the offender, the restorative conversation can take place through the probation officer, who passes questions and answers between the victim and the offender until an agreement is reached.
- **Restorative justice conference:** probation officers aim to arrange restorative justice conferences whenever this is feasible, appropriate, and always at the request of the victim; these are organised according to training provided through the Restorative Justice Council.
- **The “Making Amends” programme:** this is a 5-week group programme for offenders (with an identifiable victim) who are beginning to think about the impact of their crime; the programme looks at victim awareness, the ripple effect and consequences of the crime, while describing restorative justice as a possible approach; this programme does not involve any indirect or direct contact with the victim; however, at the end of the programme, offenders are invited to consider whether restorative justice is something they would like to pursue further.

The two probation officers with restorative justice designated responsibilities receive referrals for the above work from offender managers within the NPS and the DLNR CRC. Requests from outside the organisation are very rare.

Youth justice

There are two youth offending teams (YOTs) operating across the LLR area. For Leicester city, the YOT sits in the [Children and Young People's Justice Service](#) under the Leicester City Council. For Leicestershire and Rutland counties, the YOT sits in the [Children and Families Wellbeing Service](#) under the Leicestershire County Council.

The work that these two services do are very similar, and both have undergone consistent restructuring in the past two years. The overarching ethos under which they now operate is found in the ‘Children First, Offender Second’ positive youth justice model, which is “grounded in the principles of child-friendly, child-appropriate and legitimate practice as a means of engaging children with youth justice services and interventions” ([Case & Haines, 2015, 1](#)). As such, restorative justice is a responsibility shared by all professionals within these services, including victim and reparation workers, case managers, outreach, and impact staff.

The first step for the initiation of a restorative justice process is contacting the victim. Such contact is initiated only when the victim previously consented to be contacted by YOT, and only for cases of out of court disposals (excluding standalone community resolutions) and court orders (excluding standalone curfew, unpaid work, and attendance centre).

All victims are given the opportunity to engage in direct or indirect restorative justice processes, including ([LCYOS, 2019](#)):

- Participating in a restorative justice meeting (or a shuttle mediation).
- Having their views and thoughts shared with the young person through the Victim Contact Officer, either at a community panel or through a one-to-one intervention session.
- Requesting from the young person a specific type of reparation.
- Requesting from the young person a letter of explanation or apology.

The youth justice service that covers Leicestershire and Rutland reported for the period 2014-2015 that “42% of all victims have participated in the restorative justice process, which is well above the national average of 25% in relation to young people related crime” (LEICS, 2016, 62).

Whenever direct involvement with the victim is not possible, the two YOTs deliver restorative justice through victim awareness and mentoring programmes, community panels or reparation work. Volunteers from the community are involved in some of these interventions with an aim to changing the young person’s perspective on the victim, which in turn contributes as research suggests (HMIP, 2016), toward the young person’s rehabilitation and desistance from crime.

Children’s social care

The [Leicester Family Group Conference Service](#) under the Leicester City Council is a service that delivers restorative justice in cases where children services are involved. Restorative justice is delivered in the form of family group conferences using the New Zealand model of practice that includes private family time. The aim is to bring family members together to try and sort out plans for children where there are difficulties. Using restorative justice in these situations ensures that the child’s voice is heard, family members understand what concerns children services have, and families are supported to make an agreed, safe, and sustainable plan.

Even though the service has been situated in early help, it receives referrals from across various teams of children services, including early help, child-in-need, child protection and looked after children teams. The service has been set up as a pilot project in 2018, and it is due to be reviewed for continuation at the end of 2020. Throughout 2019, the service has carried out approximately 30 family group conferences, with more than 170 family members attending such conferences. Results from the 2019 internal service evaluation (Donoghoe, 2020) show that after a 3 months period following the family group conference 90% of family members said that the family group conference made their situation better, and 75% said that the family group conference placed the control over decisions into the family’s hands. As well, narratives offered by participant families about the impact that family group conference has had on their lives include things like: “I didn’t think anyone would come ... and they all did ... for me” (girl, 10 years old); “I reconnected with my grandad ... I’d not seen him for 10 years” (boy, 15 years old); “I felt more in control of making decisions for my family” (mother of 3 children); “My child is with my mum and not a stranger” (father); “It’s been much better, as we are talking to each other now” (maternal aunt).

Overall, the use of family group conferences in such cases has prevented some children going into care, and has led to some cases to be stepped down from child protection and other cases to be closed.

LOOKING CRITICALLY AT CURRENT LOCAL PRACTICE

After looking at how restorative justice is delivered across Leicester, Leicestershire, and Rutland, within and outside the criminal justice system, we can safely say that the local provision is in alignment with national trends, but it does require further development that we are discussing in next pages. Additionally, there are other areas of practice where restorative justice can be further explored, such as in local prisons, schools and within adult social care. We hope that members of our forum can contribute towards a continued development of high-quality restorative justice practice in all of these areas in the near future, with local and national support.

Issues and challenges

Given the fact that restorative justice is still thought of as a new addition to public services, these past decades have seen numerous evaluations of its delivery across the UK. Some of the most recent ones ([Bright, 2017](#); [Clamp & O'Mahony, 2018](#); [Keeling, 2019](#)) report a variety of issues and challenges equally faced by statutory and independent providers of restorative justice services. Among these we note the so-called “post-code lottery” that has come as a direct consequence of transferring the responsibility of financing restorative justice services to the local PCC victims budgets. Other issues and challenges relate to the still low awareness of restorative justice among professionals and the general public. For example, the Criminal Justice Alliance reports that only 7.5% of victims in 2017/18 recalled being offered the opportunity to meet their offender ([Keeling, 2019](#)), and a national survey of restorative justice within policing across England and Wales says that “much of the information about restorative justice is provided reactively by police officers attending incidents rather than proactively through broader public education and information based programmes” ([Clamp & O'Mahony, 2018, 17](#)). Similarly, a report by the Restorative Justice Council suggests that “raising awareness of restorative justice among the general public would increase take-up rates” ([Bright, 2017, 8](#)), especially since low number of cases are reported across the board.

After conducting an exercise of looking critically at the current provision of restorative justice services across Leicester, Leicestershire, and Rutland, the contributors to this current briefing have concluded that our local restorative justice services are confronted with issues and challenges similar to the ones reported in these national evaluations, but there are some aspects that are specific to the area which we are discussing next.

A. Getting victims interested and referral levels

One main challenge that contributes to the slow take up of restorative justice in the LLR area is connected to the need of increasing victims’ interest in accessing and initiating such processes, which is directly dependent on how their understanding of restorative justice develops.

The Victims’ Code ([MoJ, 2015](#)) has given the initial responsibility of informing victims about restorative justice to the police since they are the first point of contact for victims after a crime was

perpetrated. However, what restorative justice practitioners have noticed is that much of the police force do not have a comprehensive understanding of the benefits that restorative justice can bring to victims, and instead move to offering other interventions more familiar to them, such as mediation. We believe that this initial responsibility that the police has plays a crucial role in the development of victims' first impression about restorative justice, which in turn contributes to their decision about later accessing the service.

Additionally, one other important factor that impacts on the victims' interest in restorative justice relates to the moment when the information is provided. Some victims initially say 'No' depending on various factors, such as their level of anxiety or stress, or say 'Yes' and then change their minds. Therefore, the process of informing about restorative justice and later accessing it needs to be seen in its entirety, as a dynamic and very personal journey throughout which people need careful support and understanding. Restorative justice practitioners say that having such conversations with victims requires from professionals more in-depth knowledge about what restorative justice is and what benefits it has, as well as some unique skills such as the ability to remain neutral about the person's decision while still presenting the information in a manner that is accessible to them.

There are also mixed views among professionals from different criminal justice agencies about the use of restorative justice with sensitive cases, such as those involving sexual or domestic violence, human trafficking, stalking and child sexual exploitation. Even though information about restorative justice should always be given, there are sensitivities around when professionals think they should offer or not offer it. Different approaches often reflect the different contracts awarded and depends on the focus commissioners want to take in providing restorative services. It could be argued that a more centralised approach needs to be adopted with standard measures of reporting and recording for sensitive cases and guidance given accordingly. As well, the Victims' Code (MoJ, 2015) says that victims must be provided with full and impartial information on restorative justice, and it is the responsibility of the restorative justice professional and not of other agencies to assess whether restorative justice is in the best interest of the victim by taking particular account of the sensitivities of the case and/or the vulnerability of the victim. It is important to note that for such cases, our local restorative justice services have processes in place to assess the risk, so they are well equipped to act in the best interest of victims.

All these explain the low number of restorative justice processes initiated by victims. But restorative justice can be initiated by offenders as well. For statutory service providers that are tasked with offender rehabilitation (e.g. probation and youth justice), getting the victim and the offender in the same room for a face-to-face restorative conversation is often a very difficult journey and thus remains a 'gold standard'. These services have had to consider that there is a lot of other work that comes underneath the restorative justice umbrella that is as equally impactful for both victims and offenders, and thus apply restorative justice principles in less mainstream practices that still meet participants' needs and wishes. As well, they do not have the same issue of low referrals since the majority of restorative justice processes that they organise are in-house.

One last issue that we have seen as contributing to the slow take-up of restorative justice relates to the fact that most services struggle with keeping information about their restorative justice offer updated, both in print and online. Restorative justice is a dynamic practice where innovation and improvements are constantly made, so there is a need for investment in this too.

B. Inter-agency collaboration and information sharing

Because restorative justice requires participation from both victims and offenders, and because the services that usually work with them sit within different agencies, then a form of inter-agency collaboration is needed. In some parts of the UK, local restorative justice coordinators have been appointed (by the PCC) with the responsibility of overseeing communication between services, manage referral pathways and support the general development of restorative initiatives; Essex is such an example. This type of coordination is missing in the LLR area, and local providers of restorative justice are faced with a series of barriers when wanting to work collaboratively.

One such barrier that all of our local restorative justice providers have encountered relates to information sharing, and this became even more challenging after the introduction of the new GDPR legislation. There seems to be a need for a mechanism that is more seamless and allows for a quicker identification of potential participants (victims and offenders) without breaching data protection regulations. Many providers now have information sharing agreements in place, but even with these it sometimes takes a long time for communication to happen. Additionally, contact details between agencies are not always shared, people move jobs and connections get lost. Hence the call for a more formal network or for a local coordinator that will help maintain these professional relationships and connections at both individual and institutional levels.

Last but not least, there seems to be a need for more consistency of work between agencies. As mentioned previously, restorative justice is a dynamic area of practice and professionals from different agencies need to be kept aware of what each other are doing, clarifying referral pathways, and working collaboratively on cases where restorative justice has been requested.

C. Capacity and resources

Statutory restorative justice providers such as the youth justice and probation services have gone, in the past years, through a series of structural organisational changes which resulted in a more limited amount of resources available, including shortage of staff. Even though the ethos now is that restorative justice is the responsibility of everyone, there are still key responsibilities that need to be undertaken by professionals with specific roles; e.g. both city and county youth justice services are down to one victim worker and one reparation worker each, and there are only two restorative justice facilitators for all probation covering both NPS and CRC for the DLNR area. The independent service provider that is commissioned for victim support services can potentially be used as a resource, but this then requires clarification of referral pathways and some form of coordination at local level, which as we highlighted before is currently missing.

One other issue that is related with capacity is the fact that since the service restructure within the youth justice services, there has not been any new training completed on restorative justice. Prior

to the restructure there has been some restorative justice training done, around group work with young people and anti-social behaviour training, so there is a history of training. But training is an area that requires ongoing resources because new staff are appointed on a regular basis.

Developing opportunities and recommendations

Even with these issues and challenges, there are developing opportunities in the LLR area that can lead to a wider take-up of restorative justice practice and ultimately contribute towards increased victim satisfaction, offender rehabilitation and safer communities.

The establishment of the EMRJ Forum can act as a network where professionals share knowledge about current practice, maintain professional contact and find ways of working collaboratively in more consistent ways. The EMRJ Directory that can be accessed at emrjdirectory.uk will be used by forum members as a platform to share updated information about restorative justice provision with the general public and with other professionals, as well as tools and case studies about the positive impact that restorative justice can have on people's lives.

Additionally, the recent organisational restructuring that took place in some of our local statutory service providers can also be seen as an opportunity to open up creative discussions about the use of restorative justice in more flexible ways, and as part of integrated interventions that look at people's lives holistically. We can start thinking outside of the box about restorative justice.

Nevertheless, there are a series of areas where more work needs to be done in order for restorative justice to reach its full potential, which will require some local and national support. The following are a set of recommendations for the LLR area that members of the EMRJ Forum also assume as short- and medium-term goals:

- Increase awareness of restorative justice among professionals and the general public;
- Raise the profile of restorative justice and increase uptake and referral levels;
- Develop clearer inter-agency referral pathways;
- Continue inter-agency discussions about the development of restorative justice practice;
- Develop better reporting and recording mechanisms to allow benchmarking and comparison between services;
- Promote the delivery of training to staff across different agencies on restorative justice, including in the area of sensitive and complex cases;
- Share of good practice with professionals within and outside the criminal justice system;
- Share of success stories with professionals and the general public.

Last but not least, we also hope that this Briefing Series will become a space for constructive discussions about the development of high-quality restorative justice provision in our region. Everyone with an interest in restorative justice in the East Midlands is welcomed to get in touch with us and share their thoughts and ideas about potential next issues.

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