



Youth Justice Board
Bwrdd Cyfiawnder Ieuencid

Developing Restorative Justice

An Action Plan

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Introduction

The Youth Justice Board for England and Wales (YJB) wants to broaden, develop and extend the practice of restorative justice within the youth justice system. This plan invites practitioners to help the YJB develop practice so that:

- *more victims are heard*
- *more young people who offend are held to account*
- *more young people learn about the consequences of their actions and make reparation*
- *more young people choose not to reoffend.*

The YJB oversees the youth justice system in England and Wales and has promoted restorative justice within the system since 2001. We work to prevent offending and reoffending by children and young people under the age of 18, and to ensure that custody for them is safe, secure and addresses the causes of their offending behaviour. Our vision is of an effective youth justice system where:

- more offenders are caught, held to account for their actions, and stop offending
- children and young people receive the support they need to lead crime-free lives
- victims are better supported
- the public has more confidence in the youth justice system.

The YJB believes there are benefits from placing restorative justice at the heart of the youth justice system. Research suggests that restorative justice can help reduce offending, better support victims of youth crime, and help build essential public confidence. To promote the improved and extended use of restorative justice, the YJB is publishing this action plan, which also gives outline details of projects to improve Referral Orders and youth offender panels, promote restorative justice in the secure estate, and develop a long-term restorative justice strategy.

Restorative justice

Restorative justice enables victims to have their say and to talk about the full impact of a crime on their lives. They can actively participate in the resolution of the offence. They can receive answers to questions they may have about the incident, and reparation for the harm caused. Offenders can talk about why they committed the crime and are given the opportunity to help put things right with the victim, for example, by repairing the damage they have caused.

Common types of restorative justice interventions, which may be direct (face-to-face) or indirect (without a face-to-face meeting), include:

- victim-offender mediation – communication between a victim and offender facilitated by a trained mediator
- restorative conferencing – where, in addition to the primary victim and offender, other people connected to the victim and offender (such as family members) also participate

- family group conferencing – which includes members of the wider extended family, with a particular onus on the family to provide an acceptable solution
- youth offender panels – where trained community volunteers work alongside a member of the local youth offending team (YOT) to talk to the young person, parents and, where possible, the victim, to agree a tailor-made contract aimed at putting things right.

The importance of restorative justice

Although restorative justice is not suitable in all cases (for example, where the offender denies responsibility for the crime or the victim is unwilling to participate even indirectly), restorative justice can play an important role in reducing reoffending, helping victims, and increasing public confidence in the justice system by:

- holding young people to account so that they will take part in repairing the harm they have caused and will learn from the experience
- giving victims a voice and reducing the fear of crime and anti-social behaviour
- engaging members of the local community
- reinforcing parental responsibility.

Two recent publications have promoted the importance of making sure that the voices of victims are heard. These are *Rebalancing the Criminal Justice System in Favour of the Law-abiding Majority: Cutting Crime, Reducing Reoffending and Protecting the Public* (Home Office, July 2006) and *Delivering Simple, Speedy, Summary Justice* (Home Office, DCA and Attorney General's Office, July 2006).

Restorative justice is not a soft option: many offenders find it difficult to face up to the impact of their crimes. Research consistently shows that most victims who participate in some form of restorative justice process find it helpful and are satisfied with the outcome, and that restorative justice is a promising approach for reducing offending, particularly when combined with other effective practice-based interventions.

We believe restorative justice, when done well, can help deliver several public service agreement (PSA) targets for the Criminal Justice System. These include:

- reassuring the public to reduce the fear of crime and anti-social behaviour (PSA2)
- increasing voluntary and community engagement, especially of those at risk of social exclusion (PSA6).

For these reasons, the YJB is committed to promoting restorative justice, and to ensuring that there are consistently high standards of knowledge, training, supervision and evaluation.

Restorative justice in practice

The YJB believes that restorative justice should continue to be improved and used where appropriate by YOT practitioners for community disposal cases, including Final Warnings, Referral Orders and other community sentence cases. Restorative justice could also be used more widely in other contexts, for example:

- neighbourhood policing teams and others dealing with low-level incidents, providing effective diversion from court, easing pressure on the youth justice system, and supporting the Government's drive for simple, speedy, summary justice
- in the secure estate, where restorative justice can deliver more sophisticated and intensive conflict resolution and behaviour management
- in children's homes and schools to reduce bullying and manage conflict, as well as reducing the risk that young people may become involved in crime and anti-social behaviour
- neighbourhood policing teams, YOTs, and youth and children's services workers using informal restorative justice in the community in ways which prevent young people becoming engaged in crime and anti-social behaviour.

Many practitioners and managers within the youth justice system are already committed to developing effective restorative justice approaches. The YJB will continue to work with them and others to ensure that:

- there is evidence available to inform effective practice including when and how restorative justice works best
- all restorative justice interventions are carried out to high standards by trained and skilled practitioners
- available resources are used as effectively as possible
- restorative justice is used with a range of partners, and in a range of formal and informal settings to resolve conflict involving young people
- the interests of all participants are upheld.

Referral Order and Youth Offender Panel Project Plan

The YJB will develop a full project plan to propose that:

- youth offender panels use effective practice restorative justice so that victim satisfaction increases and the impact on the behaviour of children and young people who offend is maximised
- face-to-face engagement of victims (whether by attending panels or participating in a restorative process after the panel) can be improved and increased without the victim feeling pressured to take part
- *Panel Matters*, the initial training material for youth offender panel volunteers, will be improved and updated, including improving the content on risk assessment/proportionality, restorative justice skills and working with victims
- YOT management of volunteers, including recruitment, selection, delivery of initial and ongoing training and supervision, should be improved
- the support the YOT provides to youth offender panels will be improved, including the training and skills of YOT youth offender panel advisers, the preparation of panel reports, the range of reparative/effective practice interventions, the early start/implementation of contracts, the effective monitoring and referral back to court, the convening and oversight of panels.

Secure Estate Development Plan

The YJB will develop a full project plan to propose that; within the secure estate for children and young people, restorative justice will be developed initially to assist in managing behaviour. Restorative justice can help to resolve conflict and the harm caused by aggressive, violent and bullying behaviour, and over time young people can begin to develop their own problem-solving skills. In young offender institutions (YOIs), restorative justice can also be used as part of the adjudication process. Secure training centres and secure children's homes can use restorative justice in equivalent processes.

Additionally, restorative justice will be part of the sentence plans of young people who offend, involving the community and victims, with the option of direct or indirect restorative justice work, including participation in restorative projects to benefit the local community.

During 2007, the YJB will commission a review of current restorative justice practice, the results and recommendations of which will inform the development of a restorative justice strategy for the secure estate for children and young people, to be implemented from 2007–08, resources permitting. The strategy will look at:

- training needs, including refresher courses
- case management systems
- clear referral criteria and assessments relating to engaging victims
- service level agreements with home YOTs
- for YOIs, the use of restorative justice principles in conjunction with adjudications
- monitoring and evaluation.

Longer term strategy

The strategy will also look at promoting restorative justice among key local and national partners and stakeholders in the youth justice system, and in other appropriate settings. It will include the following themes:

- system changes – including supporting the refocusing of the Criminal Justice System so that victims are centre-stage, their voices are heard, and their rights and needs are respected
- developing prevention – including working with the Department for Education and Skills and the Welsh Assembly Government to promote the greater use of restorative justice in schools
- secure estate – supporting approaches to managing the custodial community as well as making restorative justice part of sentence plans
- Youth Justice 2008 – reflecting restorative justice in updated *National Standards for Youth Justice Services, Key Elements of Effective Practice* and other guidance
- performance – developing a new key performance indicator for YOTs based on actual restorative justice interventions, rather than on the offer of a restorative justice intervention

- Restorative Justice Academy – learning from the development of the new Parenting Academy to inform similar developments with regard to restorative justice
- within the YJB – options for managing staff disputes/grievances.

How to help

We need the views of practitioners on the specific steps which the YJB can take to promote effective restorative justice practice in the youth justice system and with partner agencies.

Are the proposed steps the right ones regarding:

- The Referral Order process and youth offender panels?
- The secure estate?
- A longer term strategy for the development of restorative justice?

We will consult formally on draft development plans, but in the meantime please send your views and ideas to roger.cullen@yjb.gov.uk by 1 January 2007.