

## 1. Setting the scene

### **What are the benefits of using restorative principles and what recent evidence of the benefits are you aware of?**

Catch22 is uniquely placed to provide evidence to this inquiry given our depth of experience across the [criminal justice system](#) – from within prison to probation and a breadth of [victim support services](#). This means we have a unique perspective on the needs of [victims](#) and offenders.

Catch22's victims services – [Victim First](#), [Hertfordshire Beacon](#) and [Nottinghamshire Victim Care](#) – all offer restorative justice. Victim First, for example, had 125 referrals and restorative conversations with 121 service users between August 2018 and January 2021.

Restorative justice is a very important process for the victim; it is essential for the healing process for the victim to air their feeling and have their voice heard even if there is no conclusion. Often victims are happy with the fact that they have been listened to even if the process hasn't gone through with perpetrator. What this looks like is entirely different for each person and each case.

It's essential that the process is entirely victim led so that it allows the victim to feel involved and heard outside of the usual clinical processes we often see in the criminal justice system. The victim is at the centre of the process and gets the opportunity to ask questions of the perpetrator, expressing feelings and emotions. The process can help the victim with processing complex emotions around the crime. Sometimes the process does not involve direct communication with the perpetrator and the process can be carried out through 'shuttle' mediation. This is important as direct communication can be seen as a barrier quite often.

Restorative justice can also be hugely beneficial for the reduction in reoffending rates. By communicating with the victim, the perpetrator can see the harm they've caused, potentially offer some rationale for their behaviour, and attempt to make amends. Government [research](#) found that communication between a victim and the offender reduces reoffending by 14%. [Restorative Solutions](#) suggest this could be because the offenders might not have seen the impact of their actions on the victim first-hand, seeing the person they harmed and how it has changed their life can cause them to stop committing crimes. As part of the process, the perpetrator needs to take responsibility for their action which is a part of the engagement of the process. This is the difference between mediation and restorative justice.

However, there are different models for restorative justice, and we see that it can be just as beneficial for the victim, if the process is carried out without a conference directly between the victim and perpetrator. However, alternative models are not recognised by the Ministry of Justice (MoJ) or PCCs, which fails to capture the positive benefits of restorative practice as a whole. We discuss this in more depth further on in our response.

Restorative justice can also be hugely beneficial to families and communities, preventing possible future criminal behaviour. We have recently launched a family hub in

Hertfordshire, adapting our restorative practice to use in the family home where a child is exhibiting harmful behaviour i.e. parent/child domestic abuse. Using restorative practice in this setting can prevent these young people from going on to cause more harm in the future to their families, and wider communities. In a report released by [researchers at the Universities of Oxford and Manchester](#), 70% of parents, who have experienced CPV (child on parent violence), saw an increase in violent episodes during lockdown. There were also reports of an increase in severity of violence, and more pressure on social services as a result. Addressing the gap in support, the Beacon Family Hub will include group parent programmes, one-to-one support for children and parents, and restorative interventions for the whole family. This pilot is a result of MoJ funding aimed at reducing future youth offending and the demand on Independent Domestic Violence Advisors (IDVAs) and children's services. We were concerned that in the justice system, the focus is too often on an offender and a conviction, and victims are acknowledged as a secondary concern. Particularly in relation to children committing harm in the home, the situation is often complicated.

Please see this case study of Teresa, supported by our Hertfordshire service - <https://why-me.org/teresas-story/>

**In which areas is/are restorative justice/practices being applied effectively? Please provide examples of how practice has been effective in these areas.**

In two of our services we have victim support workers dedicated solely to the practice of restorative justice. They work to increase awareness about the practice with the public and build important relationships with statutory agencies to encourage referrals. The impact of having dedicated restorative justice practitioners in these settings has seen an increase in number of referrals due to closer working relationships with the probation service, victim contact scheme in HMPPS, police and out of court disposals. This has had a positive impact on the lives of more victims of crime.

We find it much more challenging in the settings where our workers are not solely dedicated to the practice of restorative justice, and although are trained as facilitators, also have to carry out the general job of providing victim support services where restorative justice can be seen as an afterthought.

We also face challenges with accessing statutory data to allow us to engage with victims who may have refused the offer of restorative justice at the outset, immediately after their referral, but could benefit from the process further down the line. Restorative justice can happen at any stage, and can often stop and start.

**In your view, what measures should be used to determine effectiveness? Where possible, please provide examples**

The MoJ and majority of PCCs have a major focus on outcomes related to 'shuttle work' – where the facilitator passes messages between victim and the offender – or face to face conferences, but we often see the best outcomes from having restorative conversations with the victim without the offender involved. This can provide the victim with a personal

process to move on. However, this is not formally acknowledged as a positive outcome from restorative practice. We would like to see a more wide-ranging measure used to account for the positive impact that different elements of the restorative process can have on the life of a victim – and offender. This is also true of our work in a family setting where it might not be classed as restorative justice because the young person has not committed a recorded crime, but it could be transformational in preventing future crime.

**What in your view makes a good restorative culture in a setting, institution or community? Please cite examples if you have any.**

We make sure to embed restorative justice practice amongst our staff teams. This enables our staff to think more restoratively and positively, and can help to resolve workplace issues and prevent conflict. This kind of culture and practice embeds the right ethos and mentality for our staff when they support victims of crime through the restorative justice, and ensures they understand the benefits of the practice.

**In which areas is/are restorative justice/practices not being applied effectively? Please provide evidence of where there are blockages, and what could be done to overcome these.**

Information-sharing is a huge barrier for us. We don't always feel that the police are working to support us with our restorative justice practice. Sometimes the police see the process as a 'soft-touch' approach but we firmly believe that it should run in parallel to the wider criminal justice process, regardless of sentencing, probation etc. We often have to spend a significant amount of time 'selling' the process to the police to encourage referrals and there is a common misunderstanding in some forces that if the offender is being charged then that they are not eligible for a referral. If we were able to have access to case management systems run by statutory services, or were provided with this information, then we would be able to reach more victims and offenders to enable the process to have the best, and widest impact. We have one example in a service where we have an information sharing agreement/data protection agreement written out and shared, but the Police have never signed it despite agreeing to it in principle.

We have experienced further barriers in another service where the police are working to set up a restorative policing unit, who are in charge of out of court disposals and restorative justice. The local PCC is working with us to get our workers co-located with their teams to allow access their systems and therefore trigger referrals, but because of the pandemic there had been some co-location reluctance, and despite society beginning to open back up, we are still continuing to struggle with making this happen due to a lack of continuity of relationships with changing police staff teams.

Covid, alongside changes coming into force through the dynamic framework in the prison and probation system, has also presented us with challenges in reaching the offenders we need to engage. With key workers changing across the board – our lines of contact for reaching offenders - and without access to the prison estate, we have not always been able to engage offenders despite requests from victims.

We also face challenges with commissioner outcomes – and what they see as a satisfactory result. For example, we may have carried out a ‘shuttle’ (as explained previously) or had victims refuse offender contact, and still had positive restorative conversations with both sides, but these outcomes are not recorded as part of the restorative justice process. This makes it seem as though work has not taken place because it has not followed the traditional format of face-to-face or virtual conferences between both sides, but it can be just as powerful for positive outcomes on both sides.

Furthermore, when part of the process is not recorded or acknowledged, it can impact the rehabilitative options for an offender, for example we had a recent case of the offender asking to engage in the restorative justice process but the victim refusing as they felt happy with the criminal justice system’s outcome. The probation service were then unable to offer the offender the right citizenship course they needed for their rehabilitation as it was seen that they did not engage in the restorative justice process, despite wanting to and engaging on an individual basis.

## **2. Access**

**What in your view makes an inclusive restorative service/culture that enables and supports the participation of people with protected characteristics? Please cite any examples you are aware of.**

We make sure that we adapt our services to support people with a range of needs and characteristics – this could be adapting where and how we meet a victim with a disability to ensure a community setting is accessible and risk-assessed. Furthermore, the pandemic has enabled us to discover the benefit of virtual calling – this is particularly useful where the victim is not sure how they will cope with meeting an offender and feels safer to carry this out online.

Furthermore, continuing to use virtual methods for the process could be hugely beneficial in accessing offenders in prison, where they want to take part but are not able to engage in a face-to-face way.

We also have translated services, VSL video on our websites, webchats and interpreter now services for those who are deaf or hard of hearing. We also carry out a lot of work to target untraditional and isolated audiences.

**What are the current information sharing issues and how could these be overcome?**

As set out in answer to previous questions.

**Where, in your opinion, are there good examples of the voices and views of people who have participated in restorative justice/practices being heard and acted on in the design and delivery of restorative services?**

We have adapted our delivery to embrace the best bits of virtual conferencing, where it enables the victim to feel safer and more supported, as set out previously.

We also have examples of tailoring the speed of the process and depth of information we provide to each victim, in order to meet the needs of each victim. For example, by providing quicker debriefs where we are able to make this happen with access to the offender.

### **3. Awareness**

#### **How and when are victims and offenders being offered restorative justice? What could be improved when making the offer?**

As we have touched on in previous answers, the majority of clients are provided with information on restorative justice when the referral to victim support is first made. This however is not the right time to start the restorative justice process. We would like to be seen as playing a more pivotal role later down the line. As a non-statutory agency we find it very difficult to link in with victims later in the year to offer them the chance to engage in the process.

We have just introduced a process to ensure that we include a conversation around restorative justice just before we close the case – as the very last conversation we have. This means we can have it recorded on case closure so even a year later on, we have safeguard of consent to pick back up on the process. As a third sector provider of victim services, we need to have more power over data, to safely reach out to a victim in the future. This would greatly improve the restorative justice offer.

### **4. Summary**

#### **What are the top three things would you like to come out of this enquiry?**

1. Better joined-up working, more involvement of victim services by the police and probation services. If any statutory agency is crossing paths with a victim, they should automatically involve a victim support service as standard. This helps with making sure victims are not denied the opportunity of restorative justice further down the line and would help the MoJ to capture more evidence and data on the impact of restorative justice.
2. A responsibility on PCCs to support the sharing of information. We know that there are a huge swathe of victims that could benefit from restorative justice but that we aren't able to reach once their immediate victim support needs are met. We need to have permission and the right safeguards to contact a victim to offer restorative justice up to a year after the crime has taken place – which is often the most appropriate time for restorative justice to take place.
3. We would like to see the restorative justice process standardised across the country, with the same process for referrals and data sharing.