

Service	Deliver Victim – Offender Conferencing (Restorative Justice)	Version	P1.0
Document	Service Specification	Sign-off Complete	ISAB 08-10-2013



National Offender  
Management Service

## Service Specification for

# Deliver Victim – Offender Conferencing (Restorative Justice)

## Service Specification Document

This document defines the service, including the required outcome(s) and outputs. As part of an SLA or Contract, the national minimum outputs in this document are mandatory for all providers. The document can also contain optional outputs that are available for the Commissioning Authority to commission.

<b>1. Service Specification Document</b>	2. Operating Model	3. Direct Service Costs & Assumptions Document	4. Cost Spreadsheet
--	--------------------	--	---------------------

Service	Deliver Victim – Offender Conferencing (Restorative Justice)	Version	P1.0
Document	Service Specification	Sign-off Complete	ISAB 08-10-2013

<b>Version Control Table</b>		
<b>Version No.</b>	<b>Reason for Issue / Changes</b>	<b>Date Issued</b>
AFP1.0	Available for Planning Purposes. First publication on MOJ website to assist with forward planning.	10-03-2014
P1.0	Go live version. No significant changes made. Strategic context: Likely timescale for review of this specification updated.	03-06-2014

Service	Deliver Victim – Offender Conferencing (Restorative Justice)	Version	P1.0
Document	Service Specification	Sign-off Complete	ISAB 08-10-2013

## Introduction to Deliver Victim – Offender Conferencing (Restorative Justice) Specification

### **Definitions used in this service specification:**

**Victim** – A victim of, or other person affected by, the offending [crime] concerned. (Can include victims engaged in the statutory Victim Contact Scheme) Wherever ‘victim’ is used, this may also refer to ‘victims’ if there is more than one victim from the same offence, although depending on risk assessment and need the process may be undertaken separately for each victim.

**Offender** - Person convicted of crime (but not necessarily sentenced). Wherever ‘offender’ is used, this may also refer to ‘offenders’ if there is more than one offender of the same offence, although the process may be undertaken separately for each offender with the same victim, depending on risk assessment and need.

**Targeting criteria** – commissioner determined and locally accessible/published

**Eligible** – based on targeting criteria – can be paper based

**Suitable** – more in depth assessment of eligible offenders and/or victims to check suitability including consideration of risk and consent to participation in activity

**Outcome Agreement** – The restorative process enables participants to consider and discuss the outcomes they would want to see from the conference. This is formalised as an ‘outcome agreement’ during the victim-offender conference (this is a written document agreed by all parties) (for more information see RJC *Best Practice Guidance* Feb 2011; section 3b)

1.	<b>Service Name</b>	<b>Deliver Victim-Offender Conferencing (Restorative Justice)</b>
2.	<b>Key Outcome(s) for Service</b>	<ul style="list-style-type: none"> <li>• Safe victim-offender conference (restorative justice) activity is provided</li> <li>• Victim satisfaction is improved</li> <li>• Reoffending is reduced</li> </ul>
3.	<b>Definition of Service</b>	Provision of evidence-based, safe and effective processes leading to and including victim-offender conferencing (restorative justice) to eligible and suitable victims and offenders.

Service	Deliver Victim – Offender Conferencing (Restorative Justice)	Version	P1.0
Document	Service Specification	Sign-off Complete	ISAB 08-10-2013

4.	<b>Service Elements In Scope</b>	<ul style="list-style-type: none"> <li>• Assess suitability of victims and offenders for victim-offender conferencing</li> <li>• Deliver victim-offender conferencing pre- or post-sentence</li> <li>• Deliver indirect communication if risk assessment indicates it would be unsafe for participants to meet face to face, or they make an informed choice not to</li> </ul>
5.	<b>Out of Scope Service Elements</b>	<ul style="list-style-type: none"> <li>• Diversion from court</li> <li>• Management of the offender: the service specification for 'Manage the Custodial &amp; Post Release Periods' governs recording, risk assessing, offender management and enforcement. The 'Deliver Victim-Offender Conferencing' service specification covers the specific restorative justice activity only</li> <li>• Organisation, management and supervision of reparative activity undertaken by the offender</li> <li>• Delivery of interventions or actions as a result of Outcome Agreement</li> <li>• Contributions made in other services regarding risk assessments (for example, security information provided for risk assessments for conferencing in custody)</li> <li>• Victim awareness courses or activities where the offender is not brought into communication with the victim of the offence (for example, courses which address victim empathy or victim awareness but the victim and offender of the same offence are not brought into communication).</li> <li>• Staff training and continuous professional development</li> <li>• Facilitator supervision</li> <li>• Young people – youth justice services for young people are commissioned separately and the outputs in this specification do not apply to young people aged 15-17. For establishments holding both young people and older offenders (split sites) the specification appropriate to the individual's age should be applied</li> </ul>

Service	Deliver Victim – Offender Conferencing (Restorative Justice)	Version	P1.0
Document	Service Specification	Sign-off Complete	ISAB 08-10-2013

6.	<b>Dependent Service Elements</b>	<ul style="list-style-type: none"> <li>• ‘Manage the Sentence for a Community Order or Suspended Supervision Order’ specification</li> <li>• ‘Deliver Activity Requirement’ specification: Victim-offender conferencing delivered under an Activity Requirement</li> <li>• ‘Victim Liaison’ specification: Where appropriate, there will need to be communication between contracted providers of this service and the VLO to decide how best to work with the victim</li> <li>• ‘Provision of Secure Operating Environment (POSOE) – Gate Services’ specification: will be relevant where victim-offender conferences take place in custody and those victims/supporters attending require entrance and exit</li> <li>• ‘POSOE – Security Management’ specification: will be relevant where the offender is in custody and contributions are needed about custodial behaviour and for risk assessment of the offender for participation in victim-offender conferencing</li> </ul>
7.	<b>Strategic Context</b>	<p>The specification aligns with the Ministry of Justice (MOJ) <i>Transforming Rehabilitation: A Strategy for Reform</i> document published in May 2013. This outlines the services to be provided by the National Probation Service and prisons, and the services to be delivered by contracted providers.</p> <p>The National Probation Service holds responsibility for advice to courts, and offender management of MAPPA and high risk of serious harm and other public interest offenders. For low and medium risk of serious harm cases, the National Probation Service must also respond to information from the contracted provider and staff working in prisons that suggests that there may be a potential escalation to high risk of serious harm, undertake renewed risk assessments and take on the responsibility for the management of any cases in which risk of serious harm has become high.</p> <p>This specification requires effective working arrangements between the National Probation Service, prisons and providers of services.</p> <p>Restorative Justice (RJ) is a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future. When delivered effectively, RJ gives victims the opportunity to explain the impact of crime upon them, to seek an explanation or apology from the offender, or to play a part in agreeing restorative or reparative activity for the offender to undertake. RJ seeks to hold offenders to account and enable them to face the consequences of their actions and the</p>

Service	Deliver Victim – Offender Conferencing (Restorative Justice)	Version	P1.0
Document	Service Specification	Sign-off Complete	ISAB 08-10-2013

impact it has had on others.

When delivered effectively and targeted, RJ activity can result in improved victim satisfaction and reduced reoffending. Evidence suggests that face to face meetings between the victim and offender of the same offence (often with supporters present) seem to work better than most other forms of RJ. For the purposes of this service specification, this is referred to as ‘victim-offender conferencing’. The research to date has identified good results with people who have committed property or violence offences where there is a clear (identifiable) victim. Medium and high risk of reconviction offenders (equivalent to OGRS scores 25-74) respond well (see evidence references in Row 12). There is very limited evidence on the effects of RJ in cases of sexual offending or intimate partner violence (domestic violence). Given the limited evidence for these types of offences, and the potential additional risks and challenges, it is suggested that RJ should only take place in exceptional circumstances in these cases, and only when there is confidence that the process will be of clear benefit and will not cause harm to any individual involved.

The Government’s proposals for reforms to the sentencing framework and the management of offenders, as set out in the Green Paper ‘*Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders*’ outlined a commitment to increase the use of RJ. Additionally, *The Crime and Courts Act 2013* introduced provisions which make it explicit that courts can use their existing power to defer sentencing to allow for RJ activity, in cases where both victim and offender are willing to participate. RJ can therefore be offered and delivered to victims and offenders of crime pre-sentence (post-conviction) as well as post-sentence in both community and custody. The MOJ is developing Statutory Guidance, and the NOMS pre-sentence pathfinder project will produce a toolkit for wider roll-out by the end of 2014. The information from these products will be considered when the specification is reviewed annually with consideration of whether specific outputs are required for pre-sentence RJ.

In November 2012, the MOJ, working with Criminal Justice and Voluntary and Community Sector agencies, published a *Restorative Justice Action Plan for the Criminal Justice System* to provide a framework to integrate RJ into the Criminal Justice System (CJS). This work is being coordinated by the MOJ RJ Implementation Board.

The UK has opted in to the European Union Victims’ Directive 2012 which establishes the right of victims to safeguards in RJ services. The Directive sets out the need for minimum standards to ‘ensure victims have access to safe and competent restorative justice services’. Member states have until 16 November 2015 to comply. The Directive states that RJ services can be of great benefit to the victim, but require safeguards to prevent secondary and repeat victimisation, intimidation and retaliation. It states that such services should

Service	Deliver Victim – Offender Conferencing (Restorative Justice)	Version	P1.0
Document	Service Specification	Sign-off Complete	ISAB 08-10-2013

therefore have as a primary consideration the interests and needs of the victim, repairing the harm done to the victim and avoiding further harm.

The Domestic Violence, Crime and Victims Act places a duty on the National Probation Service provider to provide information to victims of specified sexual or violent crimes where the court imposed a sentence of imprisonment of 12 months or more or where certain disposals under the Mental Health Act were made. Contracted providers should be aware of those victims eligible for / engaged in the Victim Contact Scheme and ensure that services provided under this specification are provided with due consideration to the victims engagement with the Victim Contact Scheme to ensure delivery of a joined up service. This will reduce the risk of unintentional re-victimisation which could result from overlapping operations conducted by multiple service providers.

### **The Code of Practice for Victims of Crime**

*The Code of Practice for Victims of Crime 2013* forms a key part of the wider Government strategy to transform the criminal justice system by putting victims first, making the system more responsive and easier to navigate. It sets out the services to be provided to victims of criminal conduct by criminal justice organisations in England and Wales and places a duty on the Police to, where appropriate, offer or direct victims to information on Restorative Justice and how they can take part.

### **Equalities**

Under the Equality Act 2010, the Ministry of Justice has an ongoing legal duty 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. Providers are required to act in accordance with this duty, 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 MOJ is committed to address this disproportionality.

### **Female Offenders**

Female offenders are a minority grouping within the offender cohort and often exhibit complex needs which must be addressed if their risk of reoffending is to be reduced. The government published its Strategic

Service	Deliver Victim – Offender Conferencing (Restorative Justice)	Version	P1.0
Document	Service Specification	Sign-off Complete	ISAB 08-10-2013

		Objectives on Female Offenders in March 2013, which is integral to the delivery of offender management services. Needs in relation to domestic violence, sexual violence, and abuse are highly prevalent among female offenders. The MOJ and NOMS continue to work with the Home Office on its Ending Violence Against Women and Girls annual action plan.
8.	<b>Flexibility</b>	All the outputs in this specification are mandatory – referred to as the <b>National Minimum</b> .
9.	<b>Reference to Supporting Documents</b>	To be determined.
10.	<b>Example Measurement/ Assurance Method for Commissioners</b>	Delivery under this specification is subject to the requirements set out in the NPS SLA; the CRC Contract (Schedule 9 - Service Levels and Service Credits and Schedule 21 - Management Information); and NOMS Performance Reports. These documents include information about key performance measures, equalities data, management information, quality assurance and inspection activities.
11.	<b>References for Detailed Mandatory Instructions</b>	References for mandatory instructions are captured in the specification.
12.	<b>References for Non-Mandatory Guidance</b>	<p>European Union Victims' Directive 2012. The Directive sets out the need for minimum standards to 'ensure victims have access to safe and competent restorative justice services'. Member states have until 16 November 2015 to comply.</p> <p><i>Best Practice Guidance for Restorative Practice</i>. Restorative Justice Council (2011)</p> <p><i>Restorative Service Standards and Restorative Service Quality Mark. Restorative Justice Council Consultation Paper</i>, Restorative Justice Council, March 2013</p> <p><i>Restorative Service Standards and Restorative Service Quality Mark Framework - Draft for Consultation</i>. Restorative Justice Council, March 2013</p> <p><i>Better Outcomes Through Victim-Offender Conferencing (Restorative Justice)</i>, National Offender</p>



Service	Deliver Victim – Offender Conferencing (Restorative Justice)	Version	P1.0
Document	Service Specification	Sign-off Complete	ISAB 08-10-2013

		<p>Management Service, November 2012</p> <p><i>Restorative Justice Action Plan for the Criminal Justice System</i>, Ministry of Justice, November 2012</p> <p><i>Facing up to Offending: use of restorative justice in the criminal justice system</i>, Criminal Justice Joint Inspection, September 2012</p> <p><b>Evidence:</b></p> <p><i>Restorative Justice: the views of victims and offenders: The third report from the evaluation of three schemes</i>, Shapland et al. (2007), Ministry of Justice Research Series 3/07, June 2007</p> <p><i>Does restorative justice affect reconviction: the fourth report from the evaluation of three schemes</i>, Shapland et al. (2008), Ministry of Justice Research Series 10/08, June 2008</p> <p><i>Restorative Justice: The Evidence</i>, Sherman, L. and Strang, H. (2007), The Smith Institute, London</p> <p><i>The Effectiveness of Restorative Justice Practices: A Meta-Analysis</i>, Latimer, J., Dowden, C. &amp; Muise, D (2005) in the Prison Journal 85: pp127-144</p>
13.	<b>Review Cycle</b>	Annual

Service	Deliver Victim – Offender Conferencing (Restorative Justice)	Version	P1.0
Document	Service Specification	Sign-off Complete	ISAB 08-10-2013

## Specification

### National Minimum

<i>Row</i>	<i>Service Element</i>	<i>Outputs/Output Features</i>	<i>Applicable Offender / Victim Types</i>	<i>Policy Theme</i>	<i>Example Measurement / Assurance Method for Commissioners</i>	<i>References for Detailed Mandatory Instructions</i>	<i>References for Non-Mandatory Guidance</i>
1.	<b>Access to service</b>	Victim suitability is assessed and victims are enabled to make an informed decision about participation in victim-offender conferencing activity.	Eligible victims		Contract Management and/or self assessment		EU Victim's Directive 2013, Article 12 (Paras 1a & 1b)  RJC Best Practice Guidance for Restorative Practice 2011; Section 2a, 2b
2.	<b>Access to service</b>	Offender suitability is assessed and offenders are enabled to make an informed decision about participation in victim-offender conferencing activity.	Eligible offenders		Contract Management and/or self assessment	<b>When delivered in custody;</b> NSF 9.1 PSI Security & Management of Risk Assessments (DRAFT)	RJC Best Practice Guidance for Restorative Practice 2011; Section 2a, 2b

Service	Deliver Victim – Offender Conferencing (Restorative Justice)	Version	P1.0
Document	Service Specification	Sign-off Complete	ISAB 08-10-2013

<b>Row</b>	<b>Service Element</b>	<b>Outputs/Output Features</b>	<b>Applicable Offender / Victim Types</b>	<b>Policy Theme</b>	<b>Example Measurement / Assurance Method for Commissioners</b>	<b>References for Detailed Mandatory Instructions</b>	<b>References for Non-Mandatory Guidance</b>
3.	<b>Delivery</b>	The safety of all participants is assured	Suitable victims and offenders	Safety Security	Contract Management and/or self assessment		EU Victims' Directive Para's 46 & Article 12  RJC Best Practice Guidance for Restorative Practice 2011; Section 2a, 2b
4.	<b>Delivery</b>	Additional needs related to participation in victim-offender conferencing are identified and addressed (for example: vulnerability, disability, language needs).	Suitable victims and offenders	Equality	Contract Management and/or self assessment		EU Victims' Directive Para 9  RJC Best Practice Guidance for Restorative Practice 2011; Section B
5.	<b>Delivery</b>	Participants are kept informed of decisions relating to victim-offender conferencing.	Suitable victims and offenders		Contract Management and/or self assessment		RJC Best Practice Guidance for Restorative Practice 2011; Section 2a, 2b

Service	Deliver Victim – Offender Conferencing (Restorative Justice)	Version	P1.0
Document	Service Specification	Sign-off Complete	ISAB 08-10-2013

Row	Service Element	Outputs/Output Features	Applicable Offender / Victim Types	Policy Theme	Example Measurement / Assurance Method for Commissioners	References for Detailed Mandatory Instructions	References for Non-Mandatory Guidance
6.	<b>Delivery</b>	Safe and secure victim-offender conferencing is delivered, or a safe and secure alternative is offered where conferencing is not appropriate.	Suitable victims and offenders	Reparation  Safety and Security	Victim satisfaction feedback  Contract Management and/or self assessment	<p><b>When delivered in custody;</b> NSF 3.1 PSI 67/2011 Searching of the Person Section 2, p5 (Local Security Strategy -searching of prisoners) Section 2, p14 (searching of visitors)</p> <p>NSF 5.1 PSI 14/2011 Control of Internal Movement Function – Management and Security of Gate Services, Section 2, p3 Authorised access &amp; exit ,Section 7, p8 Security Key Management</p> <p>NSF 5.2 PSI 13/2011 Control of Internal Movement Function – Management/Security of Communication/Control Rooms and Internal Prisoner Movement Section 6 &amp; 7, Internal Movement p7 (prisoner movement)</p> <p>NSF 6.2 PSI 55/2011 Security Management Function ; Management &amp; Security of Keys and Locks, Section 4, p 3 Behaviour to Maintain Key &amp; Lock Security</p> <p>NSF 9.1 PSI Security &amp; Management of Risk Assessments (IN DRAFT)</p>	<p>RJC Best Practice Guidance for Restorative Practice 2011; Section A3, Section D.</p> <p>NOMS Better Outcomes Document 2012; Pages 4-6</p>

Service	Deliver Victim – Offender Conferencing (Restorative Justice)	Version	P1.0
Document	Service Specification	Sign-off Complete	ISAB 08-10-2013

<b>Row</b>	<b>Service Element</b>	<b>Outputs/Output Features</b>	<b>Applicable Offender / Victim Types</b>	<b>Policy Theme</b>	<b>Example Measurement / Assurance Method for Commissioners</b>	<b>References for Detailed Mandatory Instructions</b>	<b>References for Non-Mandatory Guidance</b>
7.	<b>Delivery</b>	Where victim-offender conferencing is held, an outcome agreement is reached, copies are provided to those who require it (including Offender Manager and Victim Liaison Officer as appropriate) and it is monitored.	Suitable victims and offenders	Reparation	Contract Management and/or self assessment		EU Victim's Directive 2013 Article 12 (Para 1d & 1e)  RJC Best Practice Guidance for Restorative Practice 2011; Section A3b  NOMS Better Outcomes Document 2012; Pages 4-6
8.	<b>Delivery post conference</b>	Information is provided to the victim post conference as agreed in the outcome agreement.	Suitable victims				NOMS Better Outcomes Document 2012; Pages 4-6
9.	<b>Delivery post conference</b>	Victims are satisfied with the victim-offender conference experience (or suitable alternative).	Suitable victims		Victim satisfaction feedback		RJC Best Practice Guidance for Restorative Practice 2011; Section A4 (para 6 & 7)

Service	Deliver Victim – Offender Conferencing (Restorative Justice)	Version	P1.0
Document	Service Specification	Sign-off Complete	ISAB 08-10-2013

<i>Row</i>	<i>Service Element</i>	<i>Outputs/Output Features</i>	<i>Applicable Offender / Victim Types</i>	<i>Policy Theme</i>	<i>Example Measurement / Assurance Method for Commissioners</i>	<i>References for Detailed Mandatory Instructions</i>	<i>References for Non-Mandatory Guidance</i>
10.	<b>Delivery post-sentence</b>	Timely information relating to threats/risks to the safety of victims, children, offenders or others whose wellbeing may be affected is provided to relevant agencies	Eligible victims and offenders	Public Protection	Contract Management and/or self assessment	<b>When delivered in custody;</b> NSF Function 4 Communications and Surveillance	
11.	<b>Information management</b>	A secure record of all activity related to victim-offender conferencing (or suitable alternative) is kept.	Eligible offenders	Security  Data Protection	Contract Management and/or self assessment	Data Protection Act 1998	EU Victim's Directive 2013, Para 64  Restorative Services Quality Mark Data Monitoring (RJC) [DRAFT]
12.	<b>Information management</b>	Data is provided as required for monitoring (performance and statistical returns) and service improvement.	Eligible offenders		Contract Management and/or self assessment		EU Victim's Directive 2013, Para 64  RJC Best Practice Guidance for Restorative Practice 2011; Section G