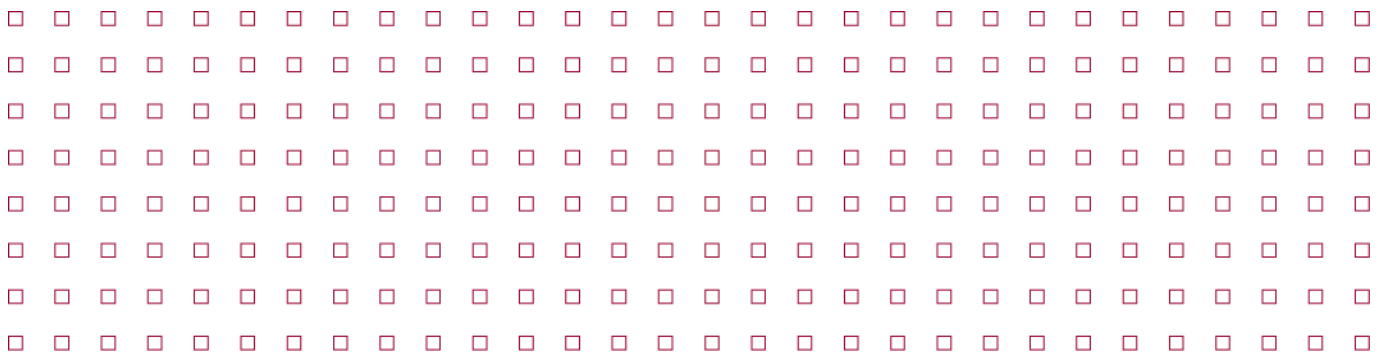




# Testing Neighbourhood Resolution Panels

A specification to inform expressions  
of interest

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Ministry of  
**JUSTICE**

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## **Testing the Neighbourhood Resolution Panel approach: a specification**

**The Ministry of Justice is inviting expressions of interest from local authorities, criminal justice agencies and others to test Neighbourhood Resolution Panels within the framework specified below. Information about who to contact to discuss your interest can be found at the end of this document.**

*'The Coalition: Programme for Government' stated that 'we will introduce effective measures to tackle anti-social behaviour and low-level crime, including forms of restorative justice such as Neighbourhood Justice Panels'.*

These Panels bring local victims, offenders and criminal justice professionals together, using restorative and reparative approaches and facilitated by a community volunteer, to agree what action should be taken to deal with certain types of low level crime and disorder. In the Green Paper 'Breaking the Cycle', the Ministry of Justice consulted on plans to test the effectiveness of Panels. Responses received from the public reaffirmed the Government's commitment to test the Panel approach, to enable lessons to be learned about the types of offending they should be used for, the processes used and their costs and benefits.

Following consultation with stakeholders, we have decided to change the name from Neighbourhood Justice Panels to Neighbourhood Resolution Panels, to reflect the problem-solving, restorative nature of the approach, and to detract from the implication that they may be a quasi judicial or decision making process.

Testing the Panel approach is part of a Government commitment to open up and increase community involvement in justice. We are also interested in increasing the use of restorative justice, to give victims a greater say in the resolution of crime and in justice outcomes. The Panels are also part of a wider piece of ongoing work to develop a clearer national framework for out-of-court disposals, to ensure more comparable use of the options available out-of-court across England and Wales.

Three Panels already exist – in South Somerset, Sheffield and Norfolk. They have been established through the creativeness and innovation of local communities. The Government is keen to build on the learning from these areas, but test the approach in a more consistent manner and establish some guiding principles for future Panels.

The Ministry of Justice is therefore inviting expressions of interest from local authorities, criminal justice agencies and others to test Panels within the framework specified below. The specification sets out principles around scope, powers and process but leaves enough flexibility for local areas to establish Panels in a way that best meets their needs. The design specification will develop further as the Ministry of Justice discusses the practicalities around the establishment of new Panels with interested areas, the judiciary and criminal justice agencies. Should it prove necessary following these discussions, the MoJ will update the specification in the Autumn.

The Ministry of Justice will be evaluating these Panels over the next two years and disseminating the learning.

## **Principles**

Neighbourhood Resolution Panels involve the victim and community in the justice process, enabling meaningful outcomes and a proportionate response to some of problems that matter most to that neighbourhood.

Approaches will differ according to local circumstances, but certain key principles should be adhered to:

- A Neighbourhood Resolution Panel is not a court, but is part of the criminal justice system. It is suitable for misbehaviour that is not serious enough to prosecute or be subject to a more formal out-of-court disposal
- A Neighbourhood Resolution Panel is a form of restorative justice conferencing, facilitated by a community volunteer, for when an offender has admitted responsibility and both they and the victim consent
- A Neighbourhood Resolution Panel is not a decision-making forum: it is not the role of the Panel to decide guilt, nor is there a 'decision maker' or 'Judge' deciding the appropriate penalty. It is for the Panel – including the victim and offender - to reach consensus about the outcome
- No lawyers are involved
- Neighbourhood Resolution Panels must be politically impartial

## **Scope**

Neighbourhood Resolution Panels should be available for both adults and youths, with appropriate involvement of the local Youth Offending Team. The Panels will sit alongside existing powers for police to use their discretion in applying out-of-court disposals. The categories of cases that could be referred to a Panel are listed in the table below, but this is not intended to be an exhaustive list. Panels are not a way of resolving serious cases; the table below sets out the cases which are not suitable for referral to Panels.

<b>Type</b>	<b>Within scope</b>	<b>Out of scope</b>
Criminal or anti-social misbehaviour	Criminal or anti-social misbehaviour that is not serious enough to merit more formal action (otherwise would not have received any outcome), but which might be referred to the Panel because the community have identified this type of behaviour as having a disproportionately adverse impact on local residents	Any incidents of misbehaviour or offence where the offender does not admit responsibility or the victim does not agree
Criminal Offences	Summary only offences that have or will receive a formal out-of-court disposal (for example minor criminal damage or public disorder) but which the work of the Panel could complement by agreeing for additional reparative activity to be undertaken by the offender	Offences against the person (including hate crime and domestic violence related offences) such as common assault and dishonesty offences, either way or indictable only offences. Any offence where the offender does not admit responsibility or the victim does not agree
Conditions attached to cautions administered by the police or the CPS	Where a conditional caution is to be administered, the panel could help the police or CPS to identify suitable conditions to be attached to the caution. The final decision on the conditions that an offender is invited to accept will be for the police and CPS.	Any offences for which the victim does not agree to participate
Non-criminal	Nuisance neighbour offences and other housing disputes	Disputes where any participants may be at risk of harm. Panels cannot be used if the parties involved do not consent
Patterns of behaviour not attached to a particular incident	Through a mediation approach, individuals or groups involved in a pattern of behaviour that may not constitute an actual offence, but which has been identified by the community as an issue they would like dealt with	Panels cannot be used if the individuals involved do not consent



## **Process**

The process for referring cases will need to be decided locally. But the kinds of criteria applied when making the decision to refer could include whether or not this is a first offence, the impact on the community, and whether the victim would benefit from the process.

Referrals could come from a range of agencies such as the police, the local authority and housing associations (for dealing with, for example, anti-social tenants). The CPS could advise the police on referral to a Panel rather than a more formal solution. The Panel should also be able to deal with perpetrators of criminal or nuisance behaviour that have been identified by the community, for example through beat meetings, as having an adverse impact on local quality of life.

The Panel should be facilitated by a community volunteer, who will bring together the offender with the victim, and for some cases parents or partners would be encouraged to attend. For offences where there is no specific victim, representatives of the community may attend. A representative of the referring agency (e.g. police officer or housing officer) may also be present. Victims' services may be involved to help support victims through the process.

Consideration should be given to magistrates facilitating Panels. Magistrates are trained volunteers who have been through a selection process and have a good understanding of the community and criminal justice. However, if the Panel is facilitated by a magistrate they would do so in their capacity as a community representative and volunteer. They would not have a judicial function. For all facilitators, training in restorative approaches will be required, as will training in equality and diversity issues.

It would not be suitable to have elected members sitting on the Panel, as the Panel must be politically impartial. In addition, efforts must be made to ensure

that the volunteers are representative of their local communities in terms of diversity.

## **Outcomes**

The outcome of the Panel must be agreed by all parties, it is not the role of the facilitator to decide. The outcome will be an informal, voluntary agreement which should be set out in a written format and signed by all parties (e.g. in the form of an Acceptable Behaviour Contract). This may mean that this is either recorded by the referrer as no further action taken, or that a restorative outcome has been reached. If the parties cannot agree on an acceptable outcome, the original referring agency will decide what further action is needed.

The types of outcome will be determined by the type and seriousness of the offence, the views of the victim, and any local protocols. This may include: a letter of apology; reparation to the victim or community; financial reparation to repair criminal damage, or attendance at problem-solving services, where suitable.

The Panel will not have the power to issue a conditional condition, but where the police and CPS are considering offering a conditional caution the Panel could agree suitable proposed conditions which could then be passed to the police or CPS for them to consider.

Given their informal nature, the MoJ does not wish for Panels to introduce a new tier of bureaucracy, but some form of records will need to be kept. The Panels are a part of the Criminal Justice System and their outcomes need to be recorded. The referring agency will need to record the fact of the referral, and the outcome of the Panel. Responsibility for record keeping of the Panel process, the agreement reached and compliance with that agreement will rest with the Panel

## **Accountability**

Compliance with the agreement should be monitored by the Panel and any non-compliance reported back to the referring agency for them to decide whether further action is required (for example proceeding to charge). Monitoring could include reconvening the Panel to check on progress with the offender.

To ensure credibility, consistency and transparency there should be systematic oversight of the work of the Panel. The Government strongly suggest that magistrates should be involved in this oversight role. The Community Safety Partnership, the CPS, victims' interest groups and local equalities groups should be involved in overseeing the work of the Panel, and this could be extended to cover all out-of-court responses to crime.

In order to raise awareness and confidence in the work of the Panel, where appropriate, the Panel should look to communicate the results of their activity back to the community, for example through local newsletters or police beat meetings.

## **Benefits**

The Panels are one of a number of options for dealing with offending and nuisance behaviour out-of-court. Currently, there are a range of other out-of-court disposals which can be administered by the police and other bodies. But the benefit of using the Panel for some cases is that they provide an opportunity to involve the victim and the community in the process, increasing community confidence and victim satisfaction. The Panels may also provide a vehicle for dealing with (and potentially reducing the level of) some offences and types of behaviour that might otherwise have received no further action, resulting in the impression that nothing is being done to resolve problems for the community.

## **Role of Government**

Local agencies will be responsible for funding the Panels. The Ministry of Justice will be providing guidance and support to new areas by sharing experience and good practice of the Panel approach. The Ministry of Justice will also provide an evaluation, the findings of which will be shared with local areas.

Some level of data collection will be required, and is likely to include numbers of offenders and victims going through the process, offence type and information on the outcome and levels of victim satisfaction, as well as their use of volunteers. This is likely to mean minimal additional data requirements for the agencies involved in referring cases to the Panel, but the burden of data keeping and record management will rest with the Panel. The Ministry of Justice will provide guidance and support on how to capture data required for the evaluation.

## **Next Steps**

The Ministry of Justice are now inviting Expressions of Interest from local areas who want to test the Panel approach. Between now and the autumn the Government will be speaking to these areas and other stakeholders, and making any changes necessary to the specifications in light of these conversations. Panels should be up and running early in the New Year.

Please contact Nick Wunderly on 020 3334 5632 or [Nick.Wunderly@justice.gsi.gov.uk](mailto:Nick.Wunderly@justice.gsi.gov.uk) to discuss interest in the Panels.

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