



Restorative Justice

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Background

What are the *Key Elements of Effective Practice*?

The Youth Justice Board for England and Wales (YJB) has identified effective practice as a key element in developing and improving youth justice services. We are committed to identifying and promoting effective practice across the whole of the youth justice system to ensure that work with young people is as effective as possible, and based on research evidence and promising practice.

The *Key Elements of Effective Practice* (the ‘*what to do*’) describe the features of effective interventions, using the best evidence available. They are intended to be used as the primary tool by youth justice services for evidence-based self-assessment and quality assurance, providing the benchmark for effective practice.

These guidance notes are derived from the evidence presented in the corresponding source document available on the YJB website. The source documents have gathered the latest international evidence in accordance with the YJB’s research standards and identify what is proven to be effective practice, or where robust evidence is not available, what is emerging as promising practice in the field. The *Key Elements of Effective Practice* are summaries condensing the evidence from the source documents into key messages for practice.

The following *Key Elements of Effective Practice* titles and the accompanying source documents are available from the YJB website (www.yjb.gov.uk):

- *Accommodation*
- *Assessment, Planning Interventions and Supervision*
- *Education, Training and Employment*
- *Engaging Young People who Offend*
- *Mental Health*
- *Offending Behaviour Programmes*
- *Parenting*
- *Restorative Justice*
- *Substance Misuse*
- *Young People who Sexually Abuse*

Since the *Key Elements of Effective Practice* were originally published in 2002/03, two new titles have been added to take into account the most recent research evidence and policy or legislative developments in these areas of intervention. The *Key Elements of Effective Practice* will continue to be updated in the future, in line with the YJB’s effective practice strategy, as additional research becomes available.

These updated *Key Elements of Effective Practice* have been produced with the intention of them being complemented by the *Case Management Guidance* for youth offending teams (the ‘*how to*’), and the revised *National Standards for Youth Justice Services* (the ‘*must do*’), due for publication in 2009. Together, the *Key Elements of Effective Practice*, standards and guidance will provide holistic guidance for youth justice services.

Who are the *Key Elements of Effective Practice* for?

The *Key Elements of Effective Practice* are simple manuals that can be used by anyone working in the community and the secure estate with young people who offend. They describe the features of effective youth justice services and interventions, allowing delivery to be shaped by need and local context. They are intended to support consistent practice across youth justice services.

They do not provide specialists such as teachers, health care professionals or police officers in mainstream services with descriptions of how to work, nor do they detail the processes needed to deliver a service.

The *Key Elements of Effective Practice* have been structured to provide guidance to three main audiences:

- those involved in delivery, e.g. youth offending team (YOT) practitioners and prison officers
- those involved in operational and first-line management
- strategic managers in their role as service managers and partnership brokers.

How should the *Key Elements of Effective Practice* be used?

The key indicators of quality have been identified from each of the *Key Elements of Effective Practice* as particular elements to put in place to promote effective practice and the delivery of good quality services. Anyone working in the community and secure estate with young people who offend should note that these indicators are not a comprehensive list of quality issues and they are not an end in themselves. They are designed for use within a wider framework of evaluation of service practice and performance, and they will enable a wider and continuous process of evaluation to take place.

It is important that the *Key Elements of Effective Practice* are not used in isolation. The key messages for practitioners, operational managers, and strategic managers and their partners are derived from the corresponding source document; the *Key Elements of Effective Practice* should therefore be used in conjunction with their source document to ensure full understanding of the key elements of effective practice. This is not to say the *Key Elements of Effective Practice* on their own are not useful for the intended audience and purpose, but rather that the audience will have a better understanding of the evidence behind the guidance summaries if they are read and understood alongside the source documents.

Information is cross-referenced from the *Key Elements of Effective Practice* summaries to the source documents, and relevant page numbers of the corresponding source document are identified in brackets in the *Key Elements of Effective Practice*.

Using the *Key Elements of Effective Practice* in YOTs

Youth justice services are responsible for owning performance improvement and self-assessment and planning. Self-assessment against the *Key Elements of Effective Practice* has previously been a mandatory requirement of YOTs, however, from 2008/09, YOTs will be free to use the revised *Key Elements of Effective Practice* and accompanying self-assessment toolkit in line with their local priorities. The *Key Elements of Effective Practice* are intended to be used as evidence-based self-assessment tools to help identify improvement priorities and actions. The resulting action plan should enable YOT managers to monitor progress in the delivery of the priorities for the YOT.

Using the *Key Elements of Effective Practice* in the secure estate

Managers and practitioners within the secure estate should consider the guidance contained within the *Key Elements of Effective Practice* summaries when developing and reviewing their practice and approaches to working with young people. The key messages will help to inform the development of effective practice and should be helpful in achieving their desired outcomes for young people. Establishments should also consider completing self-assessments against the *Key Elements of Effective Practice* to assist in identifying priority areas for development and improvement.

Key indicators of quality

Assessment

Assessment should be used to consider what form of restorative justice is most appropriate in each case.

For face-to-face restorative justice, assessment should be used to identify and prioritise those cases that are crimes with direct, personal victims in which the young person and victim are willing to participate.

Individual needs

A range of intervention opportunities should be available to address the needs and wishes of victims and the assessed risk factors associated with the young person's offending.

Restorative justice workers and youth offender panel members should always be sensitive to, and address, the diverse needs of victims, young offenders and the parents/carer.

Communication

In preparation for possible participation in restorative justice processes, including youth offender panels, victims and offenders should have the opportunity, as a matter of course, for a face-to-face meeting with a restorative justice worker, who will explain the restorative process and the choices available.

Restorative justice workers and youth offender panel members should have up-to-date information about locally available reparation and intervention opportunities which can be included in the outcome agreement or contract.

Service delivery

Restorative processes, including youth offender panels, should be arranged in consultation with, and at the convenience of, victims in order to maximise the opportunities for victim participation.

The completion of restorative process agreements and panel contracts, including intervention programmes, should be monitored and victims informed accordingly.

Transition

YOTs and secure establishments should assess opportunities for restorative processes to prepare young people for resettlement in the community.

YOTs and secure establishments should develop protocols to facilitate the use of restorative processes to support the transition of offenders in custody back to the community.

Training

All restorative justice workers, including those working with victims and youth offender panel members, should have appropriate specialised training in restorative justice and working with victims.

To ensure full understanding and support for restorative processes, key YOT and secure estate personnel, including managers, should be trained in the principles and purposes of restorative processes.

Management

Managers should demonstrate commitment to, and leadership in, developing and extending the use of restorative justice in order to reduce offending and increase victim satisfaction.

Managers should prioritise resources for the most intensive forms of restorative justice to be used in cases where there is a personal victim.

Service development

Agreements and protocols with key partner agencies, including the police and Victim Support in respect of restorative justice and work with victims, should be regularly reviewed and updated to ensure the most effective partnership co-ordination.

Secure establishment managers should review the potential to use restorative processes both for internal behaviour management and for the offences which led to custody.

Monitoring and evaluation

There should be regular monitoring and evaluation of victims' views, experience and satisfaction with restorative justice processes, including youth offender panels.

Outcomes of restorative justice processes should be monitored, including expected versus actual reoffending rates, and completion of tasks in outcome agreements.

Restorative justice

The YJB has pioneered a restorative justice approach that includes working with victims since the establishment of the reformed youth justice system in 1998. There has also been an increasing Government focus on addressing victims' needs, which is seen as central to the criminal justice system and, from April 2006, the statutory Victims Code of Practice has been in place to support this. The YJB remains committed to extending and developing the use of restorative justice. In recent years, there has been increasing research into how best to deliver restorative justice and services to victims, which has provided greater insight than was available a decade ago. This insight forms the basis of this 2008 *Key Elements of Effective Practice* edition.

Restorative justice interventions

A restorative justice intervention is defined as 'a process whereby parties with a stake in a specific offence resolve collectively how to deal with the aftermath of the offence and its implications for the future.'¹ Restorative justice enables victims to have their say and to talk about the full impact of a crime on their lives. It allows them to actively participate in the resolution of the offence, and they can receive answers to questions they may have about the incident and reparation for the harm caused. Restorative justice also allows offenders to talk about why they committed the crime and gives them the opportunity to help put things right with the victim, for example, by repairing the damage they have caused. A restorative justice process is widely understood to be consensual among all participating parties, including the offenders, who accept responsibility for causing harm and agree to the terms and conditions of trying to 'restore' victims to their pre-crime status (p.9).

Common types of restorative justice interventions in the youth justice system, 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:** 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:** includes members of the wider extended family, with a particular onus on the family to provide an acceptable solution
- **youth offender panels:** trained community volunteers work alongside a member of the local YOT to talk to the young person and their parents/carer, with the participation of the victim, to agree on a tailor-made contract aimed at putting things right.

¹ Marshall, T. (1999) *Restorative Justice: An Overview*, p.5 London: Home Office, Research, Development and Statistics Directorate.

Restorative justice processes require the active engagement of the young person who has offended so they can learn about the full consequences of their actions and make use of the opportunity to show remorse, make reparation and sign up to a plan for their restoration in the community. This does not imply, however, that the young person must demonstrate remorse before the intervention (p.43). Evidence is now available that indicates the best ways for restorative justice processes to be implemented, in what kinds of cases, and by what kinds of service providers.

It is essential that victims are offered free and informed choices to participate in restorative justice processes. They should not be coerced but neither should they be actively discouraged from participating, provided the proposed meeting will be safe. The new evidence shows that how that choice is offered, by whom, and whether the offer is presented face-to-face, can greatly affect victim willingness to engage in the processes (p.54).

The research evidence now indicates that restorative justice can be offered to victims of even the most serious crimes, provided it is undertaken by well trained and experienced facilitators; the benefits to both victims and the community can be substantial in such cases (p.45, 47). The evidence does not support the use of restorative justice as defined here in cases without personal victims directly affected by the offence (p.24, 45–47).

Restorative practice

Note that while the subject of this *Key Elements of Effective Practice* is restorative justice interventions, a wider range of restorative practice is being developed, alongside restorative justice interventions, by professionals in various settings. The wider range of restorative practice draws on restorative justice skills and principles but often uses more immediate, informal and less structured processes, for example, youth restorative disposals by neighbourhood police officers, and restorative practice in schools, residential homes and the juvenile secure estate.

Guidance on delivery

Assessment

High-quality restorative justice is labour-intensive and can require substantial preparation, communication and monitoring. Since not all cases can receive a high-intensity approach, it is important for assessments to prioritise the most intensive interventions for the most appropriate cases (p.47). Research evidence shows that intensive face-to-face restorative conferencing can have greater benefits for public safety and victim healing when used with:

- offences that cause the most anxiety to victims, including violent and property offences
- offences with direct, personal victims rather than representatives of organisations or communities.

However, restorative justice has not been found to be effective in cases without personal victims, and offender engagement with ‘surrogate’ or ‘representative’ victims whom the offender has not directly harmed is not generally supported by research (p.36, 40).

The assessment process should therefore be used to consider the following (p.39):

- Is there a direct personal victim?
- Is the young person who has offended willing to take part in a restorative process with their victim?
- Would it be safe to engage the young person who has offended in restorative justice?
- Is the victim willing to engage in restorative justice?

Assessment should consider the suitability of young people who have offended for direct or indirect contact with victims. Restorative justice can also be particularly effective when offenders express little remorse prior to their engagement; the restorative justice process may then cause them to show substantial remorse. Assessment of the suitability of young people who offend for restorative justice should not therefore exclude them based on lack of remorse prior to the process. This will allow far more victims to gain access to restorative processes than if offenders’ remorse is required in advance. However, a risk assessment should be carried out to ensure the young person does not deny responsibility for the offence, and is not likely to be hostile or angry towards the victim (p.41).

Assessments must also consider the willingness of victims to participate in a restorative process. If a victim has been identified and is unwilling to have face-to-face contact with the offender, an indirect restorative process, possibly involving exchange of information, an apology and/or reparation, should be offered.

Individual needs

Restorative justice process outcomes, including youth offender panel contracts, should address the risk and protective factors in the lives of young people who offend, which may range from parenting and housing issues to substance abuse and education. As well as repairing harm, restorative outcomes and panel contracts agreed with the young person should be tailored to the individual *Asset* assessment and the risk factors associated with their offending.

Many restorative justice agreements involve the young person who has offended agreeing to complete interventions or treatments that turn out to be unavailable. This is less effective than having young people who have offended agree to meet their individual needs with specific services that can be provided (p.50). Victim satisfaction is decreased where resolutions are agreed but not kept, regardless of whether this is due to the young person or the lack of service availability. A list of available interventions should therefore be provided at the restorative justice meeting in order to help reach a successful resolution.

Communication

Where cases have been identified as high-priority cases for face-to-face restorative justice, victims should be offered the opportunity of a preliminary meeting with a facilitator who will explain the process in detail before asking the victim to decide whether or not to engage in restorative justice with the young person who offended. Evidence consistently shows that victims take up restorative justice at higher rates after a meeting with the prospective facilitator than they do after receiving an invitation by letter or phone call (pp.30–31). Benefits consistently result from consenting victims being given the chance to meet with their offenders, but it is important that victims have full information about what is still, in most communities, a new and unfamiliar process. Offenders are also more likely to take part in a restorative conference after a face-to-face explanation in a one-to-one meeting.

Specialist victim workers will frequently undertake initial contact with victims, but in cases assessed as suitable for high-intensity face-to-face restorative justice, a single person should preferably be the sole point of contact between all parties in the case; that person should also preferably be the restorative justice meeting facilitator (p.53). It is important that the facilitator is seen as impartial, so ideally this should not be the case manager (p.63). The best evidence on the benefits of restorative processes is found in programmes that use this communication policy.

Service delivery

Following assessment, a decision should be made to determine the most appropriate form of restorative justice, taking account of the offence and the victim's wishes. This may include face-to-face contact at a youth offender panel or an indirect restorative process, possibly leading to direct or indirect reparation. In cases where there is no direct victim, there is no research support for the effectiveness of restorative justice activity with 'surrogate' or 'corporate' victims not directly affected by the offence (p.36, 40).

To increase the likelihood of victim engagement with the offender – the minimal requirement for the best documented benefits of restorative approaches – staff arranging restorative processes should preferably start with the victim’s preference for date and time (p.57). Meetings should also be arranged to take place in locations convenient to the victim. When victims are unable or prefer not to attend initial youth offender panels, in suitable cases provision can be made for other restorative processes later during the panel contract period.

Personal contact by staff with all participants shortly before the day of a scheduled restorative justice event to remind them of their agreement to participate, and to discuss any problems of transportation, childcare or communication that may arise, is recommended (p.31). Evidence from restorative justice field tests show that non-attendance of victims or supporters at scheduled face-to-face restorative justice processes is a major challenge, and that reminders and close communication help to increase the chances of delivering the restorative justice service as planned.

Intervention plans agreed at restorative processes, including youth offender panels, while addressing victims’ wishes and seeking to repair harm, should aim to reduce the likelihood of the young person reoffending, based on the assessment of the young person’s risk and protective factors.

Resolutions reached in restorative processes, including youth offender panel meetings, should be limited to reparation activity and identified interventions known to be available at the time the agreement is made (p.50). General commitments where a service or intervention has not been confirmed as available should be avoided. This maximises the chances of successful completion of the plan of action and improves the likelihood of victim satisfaction. Following a restorative process or youth offender panel, where offenders and victims reach agreements about what the offender should do to repair harm and reduce the likelihood of reoffending, YOT staff should advise victims, in accordance with their wishes, about the offender’s completion of the agreed tasks (p.55).

Guidance on operational management

Communication

In high priority cases for high intensity restorative justice, managers should assign staff to offer face-to-face explanations of restorative justice to offenders and victims; wherever possible, this person should also be the conference facilitator. Face-to-face explanation is the most widely-tested approach to requesting consent and appears far more effective than, for example, sending letters without any option for personal contact (pp.30–31).

Training

Services employing face-to-face restorative justice should ensure that those acting as facilitators receive high quality training, which should involve instruction and role-playing focused on managing a structured discussion of what happened, who was affected and what should be done (p.60).

All those involved in restorative justice should receive training on restorative principles and working with victims. Managers should ensure youth offender panel volunteers receive the required Panel Matters training and are offered opportunities for refresher training, and that YOT youth offender panel advisers receive the recommended training.

Management

Any service wishing to implement the most cost-effective approach to face-to-face restorative justice should prioritise resources for offences known to cause the most distress because of their personal character (p.66). Restorative justice for these offences needs to be carefully and continuously monitored. In particular, it is important to ensure restorative justice interventions are delivered with sensitivity to the special needs and requirements of offenders and victims from Black and Minority Ethnic Groups, e.g. allowing support and participation by family members or peers.

Monitoring and evaluation

In order to monitor the outcomes of restorative justice, managers should monitor the following (p.68):

- the percentage of designated high-priority cases in which the nature and possibility of restorative justice is explained to offenders and victims

- the percentage in which both parties agree to restorative justice
- the percentage in which outcome agreements are reached
- the percentage in which the offender completes the outcome agreement.

Victims' views should also be regularly monitored in order to consider whether improvements could be made to engaging them in restorative justice processes, and keeping them informed of progress and outcomes.

To measure the effectiveness of restorative justice on reoffending, managers should project the expected rate of offending for those cases dealt with through high-intensity restorative justice and compare this with actual reoffending rates; this would indicate the number of offences prevented by restorative justice (p.70).

Guidance on strategic management and partnership working

Transition

Secure establishments should consider using face-to-face restorative justice as part of a transitional strategy for the resettlement of young people who have offended (p.59). Restorative justice and work with victims can become more central to the culture of a secure establishment if it develops a strategic partnership and protocols with the YOTs responsible for the largest numbers of offenders in their establishment.

Service development

While using restorative practice principles is desirable in all aspects of youth justice, the best evidence of restorative justice and work with victims comes from its most labour-intensive form – the face-to-face conference of victims, offenders, and supporters (p.45). Service managers may wish to establish different levels of resource investment based on the likely value added by restorative justice. Resource investment by youth justice services in restorative justice for offences without personal victims should be minimal; there is no evidence that using restorative justice conferences without identified, personal victims is effective in reducing repeat offending (pp.45–47).

There is some evidence to suggest that using restorative justice can reduce problems of disorder within secure establishments (p.67). Managers of secure establishments should consider developing, and putting in place, restorative processes for behaviour management support.

Service managers should keep working arrangements and protocols with the local police area under review to ensure the timely and most cost-effective means of transmitting the necessary victim details (p.52).

Partnership agreements and protocols with key partner agencies, including police, Victim Support and major reparation beneficiaries, should be put in place and subject to regular review to ensure the most effective and co-ordinated use of resources.

The full report on which this summary is based
is available on the Youth Justice Board website.

Further copies of this summary can be obtained from:

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