

National Evaluation of Restorative Justice Youth Services in Scotland 2008-2009

Key Findings

Restorative Justice Processes

Almost all services were able to provide Face-to-Face Meetings (95%), Victim Awareness (95%) and Shuttle Dialogue (90%), which reflects the guidance categories. However, *almost half* the Restorative Justice processes did not involve any communication processes; the focus of work was predominantly *Victim Awareness* with the Person Responsible. With this Victim Awareness work, in only around 16% of cases was the Person Harmed informed or involved.

Persons Harmed clearly liked the constructive nature of the processes involving direct communication, giving them a sense of closure. Responses from both persons Responsible and Persons Harmed reported the benefits of participating in Restorative Justice processes featuring direct communication.

Where direct communication processes are not in place, more attention needs to be paid to ensuring Persons Harmed are informed about outcomes and the participation of the Person Responsible in action plans.

Recommendation 1

Restorative Justice Services make every effort to engage Persons Harmed in direct communication processes, and where this is not possible ensure that an appropriate support process is provided to the Person Harmed.

Recommendation 2

Restorative Justice Services to ensure that Persons Harmed are informed about the participation of the Person Responsible in action plans, and the outcome.

Management Indicator: Appropriateness of cases for Restorative Justice

Details about the cases dealt with by Restorative Justice Services would suggest that there could be more focus on cases where there is a Person Harmed and cases of violent crime.

The guidance describes the importance of assessing the appropriateness of a restorative justice process for the individuals concerned, and indications are that more initial assessment of cases is required. Although a minority, not all of the professional respondents were aware of the Restorative Justice guidance, or did not use it in their practice.

Informing and preparing participants for their participation was found to be in line with the Guidance, and demonstrated that some Persons Harmed were positive about this engagement process. However, methods used by organisations to engage Persons Harmed were found to be varied. This was identified by professionals as an area where improvements could be made.

Some Persons Responsible were provided with limited information. A quarter of the Persons Harmed did not know if the Person Responsible had completed their Action Plan.

Recommendation 3

To increase referrals of cases to Restorative Justice Services where there is violent crime involving a personal victim.

Recommendation 4

To take steps to raise awareness of the existence of Government guidance and ensure that training in the guidance is provided to practitioners.

Management Indicator: Provision of Restorative Justice Service without delay

Most of the professional respondents who made referrals specifically for Restorative Justice reported that referral demands were met, either 'often' or 'always', with a minority suggesting that referral demands were *not* always met. However, indications were that specialist services were more likely to be able to respond immediately.

Restorative Justice processes were found to comply with the timescales outlined in the Guidance. However, some participants, both professional respondents and some Persons Harmed and Persons Responsible recommended improvements in the timescales for delivery.

Recommendation 5

Service Managers and practitioners to review current practices to ensure that Restorative Justice processes are provided as quickly as possible to participants.

Management Indicator: Restorative Justice Outcomes

A majority of the respondents described an Action Plan being agreed to. However, a third did not, so the required Restorative Justice outcome is not being achieved. Furthermore, as noted above, participants were not always informed about the progress and completion of Action Plans. Most outcomes (64%) recorded an apology or expressions of remorse. However, only 6% recorded a meeting that included the Person Harmed conveying the impact and the Person Responsible explaining the incident.

Apologies are particularly beneficial to Persons Harmed and an important part of Restorative Justice processes and outcomes. However, in a third of instances apologies are not recorded.

Both service managers and other professional respondents described Restorative Justice as 'very effective' in reducing offending behaviour and providing additional support to young people. The benefits of the process for Persons Harmed were also identified, such as having the opportunity to express their feelings, receiving an apology and some form of compensation or making amends. It was agreed that Persons Harmed experienced reductions in their fear of crime and felt safer.

Recommendation 6

Service Managers and practitioners to ensure that an Action Plan is specified as a result of the Restorative Justice process.

Recommendation 7

Service managers and practitioners to ensure that apologies are provided and that Persons Responsible know the outcome of this.

Management Indicator: Case Supervision and Line Management

One key evaluation question was '*the extent to which Government guidance is being implemented and consistent practice being developed*'.

A majority of Service Managers and Youth Justice Co-ordinators indicated that they were familiar with the Guidance and found it 'helpful' or 'very helpful'. However, this was not uniformly expressed, so some professionals were not aware. A majority of managers and Co-ordinators also indicated that they had incorporated the Guidance into practice, although again this was not uniformly expressed. Responses showed differences between specialist Restorative Justice Services and generic Youth Justice Services. In these latter services it appears that the specific standards set for Restorative Justice Practice have not been introduced and practice is monitored in relation to existing individual service standards.

In a majority of services included, the managers supervised staff who used Restorative Justice processes and the managers had received training. In one instance where the manager had *not* received training, specialist consultants were employed to support practice, as recommended in the Guidance.

Recommendation 8

To ensure that managers of all Restorative Justice Services and generic Youth Justice Services with Restorative Justice Practitioners are aware of the Government guidance and that this is incorporated into practice.

Recommendation 9

Service Managers who are not trained in Restorative Justice practice to ensure that specialist consultants are provided to support Restorative Justice Practitioners.

Management Indicator: Overall views of the Restorative Justice process

Service managers, funders and referrers all considered Restorative Justice processes to be important, with many describing aspects of the interaction between the Person Harmed and Person Responsible as being important. Some managers described ways in which the services could be developed, for example by dealing with more serious cases and developing the service in schools or the care sector. Positive views about Restorative Justice Services were expressed by all participants: Persons Harmed and Persons Responsible, by service providers, and by those who referred to and funded services. Overall, most funders and referrers viewed Restorative Justice Services as providing good or excellent value for money in creating safer communities.

This evaluation also sought information from service managers about the priority given to Restorative Justice Services locally. Only two managers described these services as having high priority, even though professional opinion, as expressed by those most directly involved in delivering and referring to services, was clearly very positive about the benefits of the services.

From April 2008, ring fencing of funding for services was abolished so that government funding specifically to provide Restorative Justice Services was no longer available. Furthermore, there is also currently no organisation or body responsible for national leadership on Restorative Justice, as The Scottish Restorative Justice Consultancy is no longer in existence. If funds are not to be ring fenced, it is suggested that there should at least be a dedicated organisation or leadership to provide an institutional focus and a national lead, as Sherman and Strang (2007) proposed for English services. It is suggested that government and local strategic objectives and outcomes could be contributed to by achieving the outcomes described in the Restorative Justice guidance: particularly the emotional, cognitive and relational benefits, such as feelings of safety, increased self-esteem, the letting go of anger, and increased empathy; and also Action Plans which are restorative rather than punitive, with tasks and additional programmes aimed at meeting the individual and collective needs and responsibilities of participants.

Recommendation 10

Consideration is given to the way in which national leadership on Restorative Justice in youth justice in Scotland can be provided.

Recommendation 11

Local authorities to consider the inclusion of Restorative Justice Services in local service plans developed to support the Government strategic objectives.

Participant Indicator: Processes to address harm

Most Persons Harmed were able to tell the Person Responsible about the harm that had been caused and felt that Person Responsible did understand. As required in the guidance, relevant individuals were enabled to participate together, to explore what happened and how the Persons Harmed were affected.

Participant Indicator: Safe and constructive expression of feelings and taking responsibility

In cases where communication did take place, feedback from Persons Harmed suggested that most felt that the Person Responsible answered their questions and explained why the incident happened. Most Persons Responsible also felt able to answer questions and offer explanations. All participants confirmed that the processes they participated in was constructive in the exchange of information and the positive responses suggested that participants felt safe.

Participant Indicator: Meeting the needs of Persons Harmed and Persons Responsible

In their responses to the evaluation questionnaires, both Persons Harmed and Persons Responsible expressed high levels of satisfaction with their experience of the Restorative Justice process. Persons Harmed reported positively about participation, appreciating the opportunity to present their point of view, to explain the impact the incident had on them, to hear the point of view of the Person Responsible, to gain a greater understanding of the incident, to receive an apology and to gain a sense of closure.

Persons Responsible described appreciating a greater understanding of the impact and consequences of the incident and of crime in general, for themselves and for others, being able to have a greater understanding of the feelings of the Person Harmed, making amends for their actions and wanting to change their behaviour.

These responses from participants demonstrate the range of needs that are being addressed by Restorative Justice processes, which is in line with the anticipated benefits described in both the Restorative Justice guidance and in research.

It is suggested that these benefits are particularly evidence for processes involving *direct communication* and that indirect processes are in danger of leaving people feeling unsure about what was happening during and after the process and so less responsive to needs. This may be evident in some of the reports given by Persons Harmed that they did not know if an apology had been given or if Action Plans had been completed.

Participant Indicator: Restorative Justice Outcomes

Persons Harmed have been shown to consider offender apologies to be important in bringing about emotional restoration and changing their views of the Persons Responsible. In this evaluation, most Persons Harmed said they had received an apology and most considered the apology to be sincere and they accepted it. However, just over a third of Persons Responsible were not able to give an apology.

Over three-quarters of the Persons Responsible felt that they were able to make up for what they had done. However, only two-thirds of Persons Responsible reported that some kind of Action Plan was agreed to.

This evaluation would seem to suggest that there is scope to improve the process of setting and agreeing Action Plans and providing opportunities for Persons Responsible to offer apologies. Persons Harmed were asked whether the process had affected how safe they felt. While about half of the Persons Harmed reported no difference, 40% said it made them feel more safe. Most (80%) of Persons Harmed also reported that they felt better about the Person Responsible.

About two-thirds of Persons Harmed thought the Person Responsible wanted to change their behaviour, with another 18% saying they didn't know, but with a third saying they thought it was likely the Person Responsible would offend again.

Persons Responsible were much more positive (90%) about wanting to change their behaviour, with three quarters saying they did not think they would offend again.

Recommendation 6

Service Managers and practitioners to ensure that an Action Plan is specified as a result of the Restorative Justice process

Recommendation 7

Service managers and practitioners to ensure that apologies are provided and that Persons Responsible know the outcome of this.

Contributing to the Government's Purpose

Through Single Outcome Agreements, each local authority is now required to set its own priorities for achieving locally the strategic objectives of government. Local authorities and their partners are required to determine how best to target resources. The Guidance produced by the Government for the delivery of Restorative Justice Services describes the benefits that can be achieved by Persons Harmed and Persons Responsible which are in line with Government indicators.

Responses suggest that:

- The life chances of Persons Responsible are improved through their understanding of the harm they had caused and they indicated a desire to change their behaviour.
- Through giving apologies and making up for what they had done, Persons Responsible were demonstrating responsible behaviour and making a contribution to society.
- Some Persons Harmed felt safer through participation and a large number of young people said they would not offend again.

A key Government Strategic Objective is '*We live our lives safe from crime, disorder and danger*', so it would seem that providing Restorative Justice Services in which Persons Harmed are engaged would be a priority. There is considerable evidence about the benefits of participation in the process to Persons Harmed, and associated benefits to Persons Responsible, which also support the attainment of other Government objectives in relation to improving life chances for children and young people.

Recommendation 11

Local authorities to consider the inclusion of Restorative Justice Services in local service plans developed to support the Government strategic objectives.