



Restorative Justice



Edition 1



Key
elements
of
effective
practice



**YOUTH
JUSTICE
BOARD**

Restorative
Justice

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Restorative Justice



Introduction

The aim of the youth justice system is to prevent offending and re-offending by children and young people. The Youth Justice Board was established to provide leadership for this objective and to help you, the people making a difference to young people's lives, to develop a new way of working with young people to ensure a better future for them and their families.

The Youth Justice Board 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 best practice and research evidence.

The *Key Elements of Effective Practice* describe the features of effective services and support the identification of staff learning and development needs. They will be mapped to the Youth Justice National Occupational Standards to support the development of accredited learning programmes based on them. They are also the foundations of a simple quality assurance system that the Youth Justice Board wishes to see implemented in all youth justice services. The detail of this quality assurance system will be described in the *Key Elements of Effective Practice – Quality Assurance Toolkit*.

Finally, it is important for everyone working in the youth justice system to recognise that these documents describe effective practice as we can define it now - informed by the latest research, national standards and existing legislation. As new research becomes available or as legislation or national standards change, the Youth Justice Board will revise and re-issue these documents to reflect what has been learnt or what has changed in the youth justice system. They are a living, learning tool that will be updated every two to three years.

■ Key Elements of Effective Practice

The *Key Elements of Effective Practice* are simple manuals that can be used by anyone working with young people in both the community and the secure estate. They do not provide teachers, health professionals or police officers in mainstream services with descriptions of how to work, nor do they detail the processes needed to deliver a service. They describe the features of effective youth justice services, allowing delivery to be shaped by need and local context. They are intended to support consistency of delivery across youth justice services.

The approach they suggest has been guided by experience and evaluations of programmes that have been running in the newly reformed youth justice system since April 2000 and by research gathered over time by professionals, including academics. The *Key Elements of Effective Practice* are a series of documents covering the following subjects.

- **Assessment, Planning Interventions and Supervision**
- **Final Warning Interventions**
- **Offending Behaviour Programmes**
- **Young People who Sexually Abuse**
- **Restorative Justice**
- **Parenting**
- **Education, Training and Employment**
- **Remand Management**
- **Mentoring**
- **Swift Administration of Justice**

The titles listed above are the first in the series and further titles will be published in the future. Each has a common format. They are all structured to have specific sections for their three main users:

- **practitioners – those of you working directly with young people in a professional or voluntary capacity;**
- **managers in the community and the secure estate – first line managers, Yot Managers, Governors;**
- **strategic partnerships who guide the work of the youth justice system and allocate resources – Yot Steering Groups, Area Managers, Young People’s Partnerships (YPP) in Wales.**

There are also two issues that are common to the series: learning styles and consultation with users. It has been recognised that people have different preferred learning styles and effective learning is achieved by encouraging the use of a person’s preferred learning style. At present, the Youth Justice Board has little current evidence of the most effective learning styles for young people who offend, but we have commissioned research to identify this. We will update our guidance with the outcomes of this research as soon as it is available.

We will do the same with research we have commissioned on consultation with users. Involving young people who offend and their parents/carers has positive outcomes for young people and youth justice services. Research, to identify the most effective strategies for engaging young people and their parents/carers in this process, is underway and we will provide guidance on this area of work as soon as the information is available.

Finally, each title in the series is underpinned by a source document that contains the references, bibliography and examples of good practice that inform the published document. They will be available on the Youth Justice Board website and on CD ROM.

■ Quality assurance

The Youth Justice Board intends to publish the *Key Elements of Effective Practice – Quality Assurance Toolkit* to support the implementation of these documents. It will contain the detail of the quality assurance process that the Youth Justice Board wishes services to put in place. It is to be used by managers to monitor the performance of their services against the requirements of each of the *Key Elements of Effective Practice*. This evidence should then be used to identify strengths and develop an action plan to address any weaknesses. The information gathered as part of this process will also help the Youth Justice Board refine and share evidence of effective practice.

The quality assurance process is structured around eight core areas which reflect all aspects of the service.

- **Assessment**
- **Individual needs**
- **Communication**
- **Service delivery**
- **Training**
- **Management**
- **Service development**
- **Monitoring and evaluation**

This structure will enable thematic reviews to take place, in the future, in a systematic and uniform manner across youth justice services. The sequence in which these core areas are presented does not indicate an order of importance, as we recognise that this will vary from one theme to another.

Under these eight core areas, ‘Key Indicators of Quality’ have been identified for each of the *Key Elements of Effective Practice*. These are drawn directly from the relevant document. 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. They will, however, enable a wider and continuous process of evaluation to take place from individual to corporate, and even to national level. The ‘Key Indicators of Quality’ for *Restorative Justice* are shown opposite.

■ Key Indicators of Quality

■ ASSESSMENT

There must be clear reasons for referring a young person to a restorative scheme and managers should make sure each case has clear aims and objectives and that these are assessed to see if they should be dealt with in a restorative way.

Parents/carers must be included in any assessment of the young person's suitability for restorative work.

■ INDIVIDUAL NEEDS

The victim and the young person are treated with respect and the young person is helped to learn new skills.

Young people should complete all the tasks set for them in the conference or mediation session, and gain educational or vocational skills in the process.

■ COMMUNICATION

Both the victim and the young person should be told who will receive information about them.

All those involved in a restorative meeting should be given a clear explanation of what will happen and appropriate support and information to enable them to participate in it. The views of everyone involved should be taken into account and any decisions or solutions should be properly discussed with both victim and young person.

■ SERVICE DELIVERY

Indirect reparation can be used as part of a negotiated agreement with the young person. Any indirect reparation should take into account the views of the victim.

A secure venue should be used, but it should also allow the victim to feel as comfortable as possible.

■ TRAINING

Practitioners should be properly trained and experienced in working with victims, taking face-to-face meetings, using *ASSET*, risk assessment, matters of safety and special needs.

Good quality training in victim awareness, group dynamics, communication, mediation, listening, confidence, managing anger and chairing meetings should be provided.

■ MANAGEMENT

The training and personal qualities of mediators and facilitators are much more important than their backgrounds. They should be recruited from diverse backgrounds in order to reflect the make-up of the local population.

Managers should provide commitment and support for restorative work, make sure all staff understand the basic principles of restorative work and provide regular supervision for staff to keep a check on good practice.

■ SERVICE DEVELOPMENT

Restorative justice is more effective when linked with interventions that address identified needs. Consequently, it needs to be supported by a range of interventions in the local area.

There should be a local policy for working with victims and sufficient resources for any work carried out.

■ MONITORING AND EVALUATION

The impact of the restorative procedure on young people should be monitored and information from routine monitoring should be fed back into the local victim policy and Crime Reduction Strategy.

Strategic partnerships should require monitoring information to be provided at regular intervals on the practice and outcomes of restorative work, including the impact on victims.

Restorative Justice

The Youth Justice Board has pioneered a restorative justice approach in the reformed youth justice system and it has set a target of including restorative processes in 80% of disposals by 2004. The Youth Justice Board's approach to restorative justice focuses on two key elements:

- victim satisfaction – reducing the fear of the victim and ensuring they feel 'paid back' for the harm that has been done to them;
- engagement with the young person to ensure that they are aware of the consequences of their actions so that they show remorse, make reparation and sign up to a plan for their restoration in the community.

It is possible to become so interested in the process of restorative justice that the overall objectives are forgotten. The achievement of the overall objectives should not be measured by the 'feel good' factor that often accompanies a restorative process, although this is often significant. The critical factors are:

- has the victim found it a useful and helpful experience?
- has the young person shown signs that they have or might change so that they do not offend in the future or that their re-offending will be reduced in frequency or seriousness?

It is essential that the victim has free informed choice whether or not to participate in a restorative process. In the case of a Referral Order, the young person is required to attend the Youth Offender Panel; in the case of other restorative processes, it is important that the young person be given the choice. It is in the public interest and consistent with the primary aim of the youth justice system – the prevention of offending and re-offending by children and young people – that every effort is made by youth justice services to achieve the voluntary attendance of those who need to be involved. It is equally important that the processes that result focus on the two outcomes indicated above. If this is achieved, a third outcome will follow which is the creation of community capital and increased confidence in the criminal justice system amongst the public.

Guidance

for Practitioners

■ Assessment

The *Restorative Justice Assessment Profile*, that is being developed by the Youth Justice Board, can be used to help decide whether to use a restorative approach in cases involving young people and their victims. When you decide to refer a young person to a restorative scheme, you must give clear reasons for your decision including formal requirements (e.g. they made an admission of guilt, they live in the Yot area and they agreed to take part). Parents/carers should be included in any assessment of the young person's suitability for restorative work.

■ Individual needs

Research conducted by the Youth Justice Board indicates that victims are more satisfied with restorative procedures than with the traditional justice system. This is because they receive fair and respectful treatment and an opportunity to participate. They also receive information about the progress of the case, if they want it, and, as importantly, are given material and emotional restoration.

Restorative justice is more effective when linked with interventions that address the identified needs of a young person. Any reparation should be useful for all concerned and meaningful to the young person. A young person is less likely to commit further offences after restorative justice procedures if they have:

- **felt remorse for their action(s) and have apologised to their victim(s);**
- **felt involved in and agreed with the decisions made about them;**
- **not felt degraded by the process and have gained something positive from it;**
- **been treated with respect and fairness and helped to learn new skills;**
- **gained educational or vocational skills in the process and felt these were important;**
- **completed all the tasks set for them in the conference or mediation session.**

■ Communication

When approaching a victim to ask if they want to take part in a restorative procedure, you should make sure that this is done sensitively; ideally, in person as well as by letter. You should then give them enough time to decide whether they want to take part. If the contact is made appropriately and sensitively, victims should not need more than two weeks to decide whether to participate. If they do need longer, they should be offered the opportunity to participate at a later date. They should also be offered referral to a Victim Support scheme.

Direct meetings between the victim and the young person (except in the case of Youth Offender Panels) should be voluntary for both parties. Victims should also be offered other ways to participate such as indirect mediation or providing a written statement. If the victim does not wish to participate, the young person could meet other victims of similar offences as an alternative. The person who takes charge of any meeting or any correspondence between the victim and the young person needs to remain neutral and should not be professionally involved with either party. Both the victim and the young person should be told who will receive information about them. Confidentiality of all information is key. Information about the victim should be kept in a separate file to information about the young person.

When face-to-face meetings between the victim and the young person take place, the facilitator should not judge anyone or try to influence what is said. All those involved should be prepared for the restorative meeting and should be given a clear explanation of what will happen. The views of everyone involved should be taken account of and any decisions or solutions should be properly discussed with both victim and young person. These should be realistic and should be followed up.

Parents/carers and other supporters should always be invited to take part in a restorative procedure, whether face-to-face or by indirect mediation. It is important that they are given appropriate support and information to enable them to participate.

■ Service delivery

Reparation should be seen as useful by all concerned and be meaningful to the young person. As well as direct reparation to the victim, indirect reparation to the community could be arranged as part of a negotiated agreement with the young person. Any indirect reparation should take into account the victim's views.

If a young person has been given a Detention and Training Order (DTO), restorative meetings can take place while they are in custody. If this occurs, it is important that the victims are briefed on what to expect in a secure environment and the security procedures. A venue that is secure should be used, but it should also allow the victims to feel as comfortable as possible. Alternatively, assessment and preparation work can be carried out for a meeting to take place on release.

Restorative work can also be useful for dealing with incidents in custody between two or more young people. However, consideration should be given to the proximity of the parties and the avoidance of any possible intimidation.

■ Service development

Restorative justice procedures need to be supported by a range of interventions in the local area.

■ Monitoring and evaluation

Practitioners should support the collection and recording of evidence that contributes to the quality assurance process set out in the *Key Elements of Effective Practice – Quality Assurance Toolkit*.

Guidance for Managers

■ Assessment

The decision to use a restorative approach with a young person should be based on an assessment to determine whether it is appropriate for the case to be dealt with in this way.

■ Training

It is important for practitioners to be properly trained and experienced in working with victims and taking face-to-face meetings. This should include training in how to use *ASSET*, risk assessment, matters of safety and special needs.

Local volunteers can be effective mediators, bringing a useful and different perspective, provided they are given training and support. Good skills training should be provided including victim awareness, group dynamics, communication, mediation, listening, confidence, managing anger and chairing meetings. A mediator should facilitate around ten cases before they are considered properly experienced. Consequently, co-facilitation of sessions is a valuable means of developing the necessary experience. Basic training should be followed up with development and supervision. Regular supervision is necessary to keep a check on good practice. Refresher training is also important for maintaining skill as is group support for exchanging ideas, best practice and sharing problems.

Youth Offender Panel volunteers must be provided with training and on-going support to ensure they can facilitate panel meetings in accordance with restorative justice principles.

■ Management

Managers should provide commitment and support for restorative work. This means ensuring that restorative justice programmes have clear aims and objectives and that all staff understand the basic principles of restorative work.

- **The main objective is to put things right and heal relationships. This will have the complementary, but critical outcome of reducing re-offending – the main aim of the youth justice system – and providing high satisfaction amongst victims.**
- **Those directly affected by a crime – the victims – are involved in the process. Consideration of their wishes is more important in restorative justice than in traditional criminal justice procedures.**

- **Positive outcomes for the victim and their community are valid objectives alongside change in the behaviour and attitudes of the young person.**
- **Contact with victims should be made sensitively, by trained and experienced staff.**
- **Those facilitating restorative meetings should have received appropriate training and have sufficient experience.**
- **Direct meetings between the victim and the young person should always be voluntary.**
- **The facilitator of a meeting or any communication between the victim and the young person should not have any professional involvement with either party.**
- **All information on victims should be kept confidential.**

The training of mediators and facilitators and their personal qualities are much more important than their professional backgrounds. They should be recruited from diverse backgrounds in order to reflect the make-up of the local population. As part of the recruitment process, police checks should be made to rule out those with a history of certain types of offences (e.g. Schedule One of the Children and Young Persons Act, some sexual or violent offences).

■ **Service development**

There should be a local policy for working with victims and sufficient resources should be made available for any work carried out.

■ **Monitoring and evaluation**

One member of staff should be given the responsibility for collating and monitoring information on restorative work and feeding it back to those involved. This should include information on the nature of victim contact and victim satisfaction so that an assessment can be made of the quality of work being undertaken with victims. Information from routine monitoring should also be fed back into the local victim policy and Crime Reduction Strategy. This should include the:

- **professional background and training of facilitators;**
- **stage of the criminal justice process for which restorative work is undertaken;**
- **nature of the restorative justice process;**
- **characteristics of the young people, including age, gender and criminal history;**

- **types of offences committed;**
- **relationship between young people and victims.**

The impact of the restorative procedure on young people should also be monitored. This should include the seriousness and frequency of any subsequent offending. More detailed evaluation of restorative work, as a whole, is useful. This is particularly the case when new concepts are being developed such as using restorative justice in schools, secure establishments and communities.

Managers should ensure that their regular staff supervision and appraisal processes are routinely informed by the *Key Elements of Effective Practice*. They should also implement the quality assurance process set out in the *Key Elements of Effective Practice – Quality Assurance Toolkit*.

Guidance for Strategic Partnerships

■ Service development

Strategic partnerships should ensure managers are supported in promoting restorative work. They can provide the opportunity to involve other relevant organisations, including representatives from the courts, the magistracy and victim organisations, in developing a policy for work with victims. Support from local policy makers and senior managers will help to ensure that the scheme is well organised, has clear aims and objectives and that there are sufficient resources for the work. It will also help to ensure that a range of community resources are available and that offender-based organisations have a victim-perspective integrated in their work.

■ Monitoring and evaluation

Strategic partnerships should require monitoring information to be provided at regular intervals on the practice and outcomes of restorative work, including the impact on victims. They should also review these services for the under-/over-representation of particular groups to ensure they meet the needs of young people and their communities.

Strategic partnerships should take responsibility for disseminating and supporting the implementation of the *Key Elements of Effective Practice* and the quality assurance process set out in the *Key Elements of Effective Practice – Quality Assurance Toolkit*.

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