

Youth Justice Services: Good Practice Guide

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Why me?

Transforming lives through
Restorative Justice



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Introduction

Youth Justice Services (YJSs), also known as Youth Offending Services or Youth Offending Teams, are multi-agency organisations that work with young people who have offended or are at risk of offending. Every YJS will have a dedicated Restorative Justice (RJ) staff member who will work with victims of the crimes committed by the young people. There are currently 157 YJSs across England and Wales operating within and coordinated by local authorities.

This Good Practice Guide has been compiled from what we have learned over the past two years from our Youth Justice project in order to provide guidance for practitioners working within the Youth Justice sector in relation to RJ and restorative practices. We hope that practitioners will gain knowledge from our work and implement the recommendations that have resulted from it to ensure that the Youth Justice sector is working restoratively to best meet the needs of the young people within it.

About Why me?

Why me? is a national charity which campaigns for and delivers Restorative Justice. RJ empowers people affected by crime and other harmful behaviour to communicate with the person responsible, through a face-to-face meeting where appropriate, or indirect methods such as video shuttle or letter writing if preferable. This is facilitated by trained professionals who speak to both parties in advance to prepare them for the meeting. RJ can be used to address any type of crime, as long as both parties consent and the facilitators agree that it is safe to do so. It is not a substitute for other measures and can take place while people are serving time in prison.

RJ gives people who have been harmed the chance to talk about the impact of the incident and seek answers about why it happened. Victims of crime often feel excluded, confused and revictimised by the criminal justice process. RJ brings them back to the heart of the discussion, and allows them to have their voices heard. It is also one of the most powerful ways of making people who have offended appreciate the consequences of their actions. This is why it has been shown to reduce repeat offending by 14% (Shapland et al., 2008). Restorative practice can also be used for other harmful behaviour outside the Criminal Justice System, such as to address conflict in schools or in care homes.

Why me? runs campaigns and research projects, lobbies the Government and supports organisations which deliver RJ. We also run our own registered RJ service. We were formed after Peter Woolf met Will Riley, someone whom he had burgled and assaulted, in a Restorative Justice meeting in prison. This meeting transformed Will's recovery and turned Peter away from a life of crime. Will set up Why me? with Peter's help, to enable other people affected by crime to experience the benefits of RJ.

Project information and methodology

Our three year Youth Justice Project aims to improve restorative practices for young people. Throughout the project we have been keen to ensure that the work we are doing to help young people is informed by young people themselves.

There are three strands to the project:

1. Working with Youth Justice Services
2. Focusing on young adults aged 18-25
3. Exploring disparities in access to Restorative Justice for young people from Black, Asian and Ethnic Minority backgrounds.

This guide will focus on the first strand, which involved partnering with three YJSs and working with professionals in the Youth Justice sector. We partnered with Prospects in Gloucestershire, Lambeth Youth Offending Service and Lancashire Child and Youth Justice Service.

Through these partnerships, we conducted a thorough analysis of each service's Restorative Justice and restorative practices. We examined each service's policies, procedures and processes in terms of victim contact and RJ. We met with multiple members of staff to gain a better understanding of how the service operates, and used this knowledge to draw up a map detailing the different ways in which young people and victims of crime can enter the service and the different pathways they can take through the service. We were then able to identify where things were going well and where things could be improved, as well as highlighting whether there was any disparity between how things work in theory, as highlighted in the procedures and policies, versus how they work in practice.

We conducted a data analysis to examine the number of victims of crime with whom the service has worked and the number and breakdown of RJ cases facilitated. We interviewed young people and victims of crime to learn about their experiences of working with the service. Some of our interviewees had engaged in a restorative process and we were able to enquire about their experiences of RJ itself.

We also administered a skills audit of staff across the service to fully understand their knowledge and experience of Restorative Justice/practice. This enabled us to develop and deliver bespoke training to staff according to their needs. Each partnership ended with us writing a report detailing our key findings and recommendations, which we presented to management staff and the wider staff team.

These partnerships have each been very successful and we are grateful to all three services for their time and effort. One partner stated that *'The partnership has helped to steer our approach as a service. It has been useful to gain an independent view of our strengths and areas for development.'*

Alongside these partnerships, our learnings have also been taken from other meetings throughout the two years, including our Youth Justice Forums, a Youth Justice Advisory Board and an Action Learning Set, the latter of which was attended by the Project Lead, Leah Robinson.

Recommendations

We identified seven core areas where changes can be implemented to ensure that restorative work is being delivered.

Making the offer of Restorative Justice

When making the offer of Restorative Justice, we would recommend staff offering each type of intervention individually, focusing on one at a time in order to allow a full discussion of each option. This will ensure that the people impacted by the harm can choose the right restorative intervention for themselves.

A practical means of doing this could be through creating a flowchart or pyramid of the types of processes that can be offered. For example, starting with a face-to-face and shuttle mediation at the top of the pyramid and working through it level by level, with indirect processes such as letters of explanation at the end. This will allow the participant to make their decision based on informed consent, as per the Restorative Justice Council's restorative principles.

Offences without a direct victim

We have encountered both practitioners and services referring to certain offences as 'victimless'. This implies that no one was harmed by the offence, either directly or indirectly and thereby denies family members, people in the community or anyone else who may have been indirectly affected the opportunity to engage in a restorative process.

As an alternative, we would recommend using the term 'offence without a direct victim', in order to allow all those affected by crime and conflict the chance to engage in a restorative intervention if they wish to do so.

Letters of explanation

A letter-based restorative intervention should be referred to as a letter of explanation, rather than a letter of apology, as this better encapsulates the restorative process whereby an apology is not an essential requirement.

There should also be a distinction between a letter of explanation as a victim awareness activity and a restorative intervention, the latter being a victim-led process. This means that standard restorative procedures should be followed, meaning no one would receive a letter if they do not want to or without prior warning and preparation.

The option of a face-to-face conference and other more interactive forms of Restorative Justice should have been sufficiently explored before discussing the letter writing option. Furthermore, in line with avoiding gatekeeping, case managers should not assume that letter-writing is the best form of restorative intervention for a young person based on assumptions about their capabilities or what they would be willing to do.

Restorative Justice Worker

As stated in the introduction, every Youth Justice Service should have an allocated staff member to work with victims of crime and facilitate restorative interventions as needed. We would recommend a job title which is neutral in order for them to not be seen as having more of an interest in the needs of either the young person or the victim of crime, thereby adhering to the restorative principle of neutrality. This helps to build trust with the case managers as well as those with whom they are working. The job title could be 'Restorative Justice worker' for example, depending on the job role and description.

The RJ worker should consider the personal time commitments of victims of crime and work with them to find a reasonable time to speak with them. Furthermore, when doing so, the RJ worker should avoid using a withheld number when calling if this is possible. In addition, sending a text in advance of calling may be helpful to let the victim of crime know to expect their call.

In addition, we would recommend that during the initial stages of contact with each victim of crime, the RJ worker does the following as well as making the offer of RJ and any additional support:

- Finding out whether the victim of crime wants to be kept updated, even if this is as simple as a text saying 'no update'.
- Finding out whether the victim of crime would like to be informed if the opportunity of Restorative Justice presents itself at a later stage (for example, six or 12 months down the line), if the young person changes their mind about engaging in the process.

By asking these questions the RJ worker will not be making a decision on behalf of the victim of crime and act as a gatekeeper themselves. Having answers to the above ensures the needs of the victim of crime are at the forefront of the RJ worker's actions, in line with restorative practice.

Trauma-informed practice

Trauma-informed practice involves working with a young person while taking account of their life experiences. This can include their socio-economic background, family history, peer relationships and previous experiences of being a victim of crime themselves.

Trauma-informed practice requires working according to a person's entire life experiences in a holistic way, adopting a person-centred approach and focusing on 'what happened to you?' as opposed to 'what's wrong with you?'

Restorative practices involve separating the person from the action by focusing on the people involved and how to move on from an incident. It is concerned with repairing the harm that has been caused, rather than labelling anyone involved as 'good' or 'bad'.

There may be situations where those working with young people prioritise working according to a trauma-informed approach, viewing restorative practices as either being secondary in importance or as going against trauma-informed principles.

We have used the term 'gatekeeping' to describe this, whereby a member of staff may have made decisions on the young person's behalf based on their perceptions of what the young person may need or want. This could lead to young people being denied the opportunity to make their own decision based on informed consent as to whether they want to engage in a restorative process, based on a misconception that this will either go against or not work alongside the trauma-informed work already being undertaken with the young person.

Working in a way which is participant-informed means there is no 'one size fits all' approach. This is true for both trauma-informed practice and restorative practices. The principles of both practices are mutually beneficial and often cross over. Restorative practices require the practitioner to be neutral in their conduct, not favouring either the harmed or the harmer. Working according to trauma-informed practice allows practitioners to take into account the additional complexities involved when working with young people. Combining the two ways of working allows for a neutral, targeted approach that benefits all parties involved and contributes to the overall goal of repairing the harm caused, preventing reoffending and finding a way to move forward that meets the needs of all those involved.

It is crucial that when taking into account the trauma of the harmed person, the trauma of the young person or the harmer is not neglected. Working according to restorative practices would avoid this as the thoughts and feelings of all participants underpins all the work done. Therefore, working with young people in a way that is both in line with trauma-informed and restorative practices means working in a way that is best for that young person.

Data collection and recording

There is currently no national standard for data collection and recording. In order to best understand and analyse data we would recommend recording it at the end of the young person's order rather than the beginning, so that it documents the number of actual restorative interventions which took place.

This will ensure that all restorative processes are documented. In addition, it would be beneficial to review data on Restorative Justice interventions quarterly to ascertain how and where referrals are being made. This will enable practitioners to acknowledge areas of good practice while continuously striving for improvement.

We would recommend having a standardised spreadsheet for collating the quarterly summary data to ensure the same data is collected every quarter. This will enable better data analysis in order to assess the extent to which the service is operating restoratively, the number and breakdown of restorative processes as well as any ongoing work with victims of crime. The data collected could include the numbers of:

- Young people whose orders have ended
- Offences with a direct victim
- Offences with no direct victim
- Victims who have been contacted
- Victims who declined support
- Victims who declined the offer of RJ
- Victims who agreed to the offer of RJ
- Victims who provided victim statements
- Victims who received a letter of explanation
- Victims who engaged in shuttle mediation
- Victims who engaged in a direct conference
- Victims who attended a Referral Order panel
- Victims who had input into a pre-sentence report
- Young people who completed indirect reparation
- Young people who completed direct reparation
- Victims who informed victim awareness work completed with the young person
- Victims who were kept informed of the young person's ongoing work

It is also important to record data according to the requirements from the Youth Justice Board's Key Performance Indicators, the tenth of which is focused on victims of crime and RJ following recommendations from a restorative consultation process we conducted.

In order to record the data with a qualitative understanding we would recommend the worker who conducts the restorative work writing a commentary alongside the data. This would provide a wider context in terms of conversations had with victims of crime and any ongoing work or updates which have been requested and provided, enabling a greater understanding of the work being completed.

Victim and Restorative Justice policy:

All Youth Justice Services should have a Victim and Restorative Justice policy, in which we would recommend including:

- The process of contacting victims of crime
- The process of making the restorative offer to both victims of crime and young people
- Referral processes to outside agencies, including processes for joint facilitation with the local Police and Crime Commissioner funded RJ service
- Confidentiality, documentation of interactions and data storage
- The process of gaining consent from participants in a restorative process
- The process of gaining feedback from victims of crime

We would also recommend establishing a formal consultation process between the allocated RJ worker and the case managers within the YJS. This would involve the allocated RJ worker having a consultation with the case manager during or immediately after the period between the young person being allocated to the case manager and their AssetPlus being completed. This time period should be highlighted within the policy to ensure accountability and consistency.

This consultation would involve a discussion as to whether any victim awareness work is needed and who will conduct this work, whether the young person has accepted responsibility for their actions and whether now is the right time to have an initial conversation about RJ.

Unless there is a clear reason not to have this conversation, for example if there are more immediate concerns such as a need to provide stable housing, then a conversation should be scheduled between either the case manager or the allocated RJ worker and the young person in which they will make the RJ offer, depending on internal processes and caseloads.

Professionals working with the young person should look out for signs that they may be open to engaging in a restorative process. This is particularly important as the young person is unlikely to know what RJ is or understand the term 'Restorative Justice', but may ask questions such as 'can I speak to them?' or 'I wish they knew'. The Virtual Conferencing Method is a good technique for staff to consider when gauging whether a young person is open to participating in RJ.

If the young person does express an interest in a restorative intervention the allocated RJ worker should raise this with the harmed person to explore any interest they may have as well. The allocated RJ worker should continue to work collaboratively with the case manager in these cases and have follow up sessions with the young person involved to continue to explore their options regarding RJ.

If the young person does not have an interest in RJ at this time the case manager should continue to raise the subject throughout their time working together to see if their view may have changed. If the young person becomes more open to restorative work going forward, they should speak again with the allocated RJ worker and a second consultation should be arranged.

Putting a process such as this in place would help to circumvent some of the barriers which may be preventing Restorative Justice from being raised, such as gatekeeping on the young person's behalf.

Conclusion

This project has exemplified the extent to which the restorative practitioners within the Youth Justice sector are committed to young people benefitting from Restorative Justice. If best practice is adhered to the young people and victims of crime engaged with by YJSs will continue to benefit even further from RJ processes and the restorative practices employed.

We have produced this report as a culmination of two years of work focusing on improving restorative practices for young people. We look forward to a future where every young person and victim of crime is aware of their right to RJ, confident in the fact it will be a process which best meets their needs in order to transform the lives of those affected by crime and conflict.

References

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