Improving how victims understand Restorative Justice

A checklist for agencies working with victims of crime

Why me?
Valuing Victims Campaign
June 2017
**Why me?** was set up by a victim of crime for victims of crime. In 2009, Will Riley set up the charity following his own personal experience with Restorative Justice (RJ). Since then the organisation has campaigned for better access to RJ for victims, highlighted the barriers and obstacles for victims in accessing RJ and set up its own national RJ service taking referrals from both victims of crime and other agencies.

The **Valuing Victims Campaign** highlights the challenges many victims face in accessing RJ whilst showcasing best practice from RJ Services from across the country. Together with our policy work this ensures victims’ voices are heard by those in a position to influence change within the Criminal Justice sector.

**Our Approach** This 2017 campaign has given RJ practitioners and services an opportunity to review how they were currently making victims aware of RJ and how this can be improved. This was done by:

1. Conducting a national survey. Inviting RJ Services from the 42 Police and Crime Commissioners (PCC) to feed into a survey. We had responses from 26 out of the 42 PCC areas.

2. Holding an open discussion workshop, where we welcomed Police, RJ Managers and Victim focused agencies from across the country to share learning and experience.

3. Interviewing RJ practitioners and service managers from across England and Wales where good practice has been identified - Cambridgeshire, Bedfordshire and Durham and a Restorative Justice Facilitator with over 12 years’ experience.

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A special thank you to those who attended our Open Discussion workshop and to the practitioners who have contributed both formally and informally to this checklist.

Last, but not least, thank you to those Police and Crime Commissioners and Restorative justice Services across England and Wales who are committed to supporting victims of crime. We hope this checklist will help you.
Victims accessing Restorative Justice

Introduction

Under the Victims’ Code, victims of crime are entitled to be made aware of the opportunity of Restorative Justice (RJ).

‘if the offender is an adult, you [victim of crime] are entitled to receive information on RJ from the police or other organisation that delivers RJ services for victims in your area, including how you could take part’. The code provides a caveat that this depends on whether local and appropriately skilled RJ provision exists.

Since 2013, the Ministry of Justice allocated £23 million to the 42 Police and Crime Commissioners (PCCs) in England and Wales to develop RJ service provision as part of victim service support.

Evidence from our Valuing Victims 2016 research, revealed significant variations in RJ services across the country. PCC areas now have some form of local provision therefore it follows that substantial numbers of victims should now be aware of RJ opportunity.

Policy ambition is not enough

Despite Government funding, commissioning and policy commitments, data from the British Crime Survey 2015/16 indicates that only 4.2% of victims recall being told that RJ was an option. There is therefore clearly an unacceptable disparity between policy aspirations and victims’ experience.

How you can make a difference

This report summarises the key learnings from our Valuing Victims 2017 (VV 2017) campaign and shares good practice case studies from across the country. Examples from the checklist suggest how:

1. **Police data** can be extracted to significantly increase the number of victims made aware about RJ.
2. **Victim and RJ Services** can better inform victims of the RJ at different stages of the justice system.
3. **Victim and RJ Service Managers** can increase the confidence and skill of staff and volunteers working with victims.
4. **Police and Crime Commissioners** who commission victim and RJ services should examine the methods used to engage victims, ensure that these are proactive and that they meet the Victims’ Code.

To discuss this report or arrange a team presentation, you can contact Why me? on 020 3096 7708 or email info@why-me.org

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Supporting victims to access Restorative Justice

The support Criminal Justice agencies and Practitioners give to victims following a crime is essential in helping the individual and extended family deal with the impact of the crime and to understand the legal process that may follow. However, once criminal proceedings begin, the focus soon shifts to the process in the course of which victim needs and questions are often sidelined, or worse, lost sight of altogether.

At its simplest, Restorative Justice (RJ) readdresses this imbalance and explores the needs of victims who may benefit from a dialogue with the person who caused them harm. Victims need to be valued and supported to make an informed choice about whether, when and how they participate. How and when victims are made aware and the quality of this contact is important. For some victims, RJ is not an option they wish to take forward, which is their right to choose. For many, the opportunity to make an informed choice is denied them.

Restorative Justice is the process that brings those harmed by crime, and those responsible for the harm, into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward⁴ (Ministry of Justice)

How a case travels through the Criminal Justice System (CJS) rarely aligns with victims’ interests, which is why it is important for professionals to use restorative questions and approaches on multiple occasions to enable victims to make an informed decision. Equally care needs to be taken that different agencies are not repeatedly offering RJ to the same victim once they have refused it. Through our campaigning and working with victims we have come to believe that increasing victims’ access to RJ requires involvement by Criminal Justice (CJ) agencies – both statutory and voluntary organisations.

Organisations creating a clear route for RJ dialogue

For organisations to do this well, it is important for each to understand how best to inform the victim (i.e. hold a restorative offer conversation on more than one occasion) and where possible to rely less on victim of crime leaflets or other handouts to do the explaining.

Our Survey and workshop identified three key themes to improving victims understanding of the restorative process, they are

1. Removing barriers to access;
2. Increasing contact points throughout criminal proceedings;
3. Growing professional’s confidence and skills where working with victims of crime.

When implemented together this could significantly improve how victims understand RJ. We will discuss each in turn.

1. Removing barriers and increasing access across the Criminal Justice System

The disparity between the potential number of victims who could be informed about RJ and the small number who are aware indicates that multiple barriers exist. Our survey noted examples from agencies, such as the Police, victim services, witness care units, courts and prisons. Our workshop revealed these examples;

- Confusion among the Police between community resolution disposals and RJ.
- Protection of victims by organisations and professionals who ‘decide’ on behalf of victims that RJ is not appropriate.
- Lack of a structured referral process between agencies.
- Risk averse culture, particularly for serious and complex cases.
- Middle management constrained by conflicting performance indicators.
- Court process takes precedence over victim needs.
- Lack of RJ awareness in some criminal justice agencies.
- RJ Facilitators not having authority to access victims and offenders.
- RJ not treated as core service to victims.

To address these barriers the following have been successfully used:

- Ensure leaders of Criminal justice (CJ) agencies actively ‘buy in’ to RJ and are seen to support and drive RJ.
- Promote successes of local RJ cases to encourage additional referrals.
- Build referral pathways to local RJ services across crime types.
- Work collaboratively with Criminal Justice agencies so that there is shared understanding about the different services available to victims.
- RJ Services run RJ awareness days for CJ agencies.

Sari’s Story: Restorative Justice from one victim’s perspective

“The case came to trial, entering the public gallery of the court room I saw the defendant in the dock and realised he was one of my former pupils. He was found guilty of a burglary, asked for 62 others to be ‘Taken into Consideration,’ and received a custodial sentence. I was not able to make a Victim Impact Statement, so, I had requested Restorative Justice (RJ). It took over 6 months for my request to be heard and answered, but when passed to Probation they interviewed me and the burglar and set up a RJ meeting in prison. (Thames Valley Restorative Justice Service Victim Ambassador).\(^5\)

\(^5\) To read Sari’s restorative experience in full see http://www.why-me.org/wp-content/uploads/2014/10/Sari-Stacey-Story.pdf
2. Increasing contact points throughout criminal proceedings

In the Government RJ Action Plan 2016-2018, the Ministry of Justice affirmed its ambition for RJ to be available at every stage of the CJS. VV 2017 survey results show that most victims are offered it once and only at specific stages in their journey.

We found that victims are most likely to be offered RJ at the time the crime is reported. The second most likely time is following conviction, where that conviction is within six months of the crime being reported. (For Survey Questionnaire, See Appendix 2)

In practice, there is someway to go before victims can access RJ across the CJS.

The likelihood of victims engaging with RJ reduces the further time passes from the initial incident. Staff involved in assessing a victim’s needs and providing after-care support, are ideally placed to be able to identify suitable cases for RJ. Organisational structures should have checkpoints in place to track whether RJ has been mentioned and how the victim has responded.

One way of achieving this is to set up a Single Point of Contact Model. A Single Point of Contact (SPOC) model can offer both practical support to victims during investigation and court hearing phase and also provide an opportunity to introduce RJ on more than one occasion and to track those offers.

*Cambridgeshire SPOC Model

Cambridgeshire Constabulary’s RJ Unit and Victim Witness and Care Hub operate using a SPOC model and have found this to be an effective way in introducing victims to the RJ process.

All Investigating Police Officers within Cambridgeshire attend RJ briefing sessions delivered by the virtual multi-agency RJ hub. This gives officers the knowledge to introduce RJ to victims and refer them the RJ Hub.

All frontline Police Officers carry out an initial victim needs assessment for all victims of crime, victims are then referred to the Victim and Witness Hub (VWH), where staff are trained in restorative approaches.

Within 24 hours of the incident, the VWH contact all victims. Those with specific needs are allocated a Victim and Witness Care Co-ordinator who will help them to develop a cope and recovery plan and support them through this. The support provided takes a restorative approach, discussing impact, thoughts, feelings based on the RJ questions. During this support RJ will be mentioned and a referral can be made straight to the RJ Hub, which sits within VWH.

Victims are also supported by the Victim and Witness Care Co-ordinators, through their court case, again at any stage during this support RJ will be discussed. Following conclusion at court, each case is reviewed by the VWH and RJ Hub to assess suitability to engage in RJ

RJ Hub and VWH share the same case management system allowing RJ Hub and VW Hub to work collaboratively when supporting victim.

*Cambridgeshire RJ Hub also monitors and actively offers RJ to victims who are contacted in relation to Taking into Consideration (TIC) offences.
Case extraction method and contact with the victim during the investigation phase

Our survey highlighted the time of reporting as being the most common way victims are made aware of RJ, normally though a victim of crime leaflet. Whilst this method may be viewed as discharging the responsibility placed on the police under the Victims’ Code it is not likely to be an effective route for victims as the crime may be undetected at this time or the victim may not be best placed emotionally to consider RJ.

Our workshop also identified that a passive referral method i.e. waiting for case referrals from justice organisations are unlikely to result in a steady and high volume flow of referrals.

Several RJ Services have adopted a more proactive model using data extraction methods to increase the number of cases. Bedfordshire Police explain below how this works in their area.

Case Study: Bedfordshire Police

Bedfordshire Police first established which offences the force wanted to target and those they didn't. It was agreed that serious offences would be targeted such as Robbery, Burglary, and Violence Against the Person. They did not include Domestic Abuse and Serious Sexual Offences. Victims of which had the option to self-refer for RJ conferencing.

Bedfordshire use a system called Inspire which is programmed to pull together all the crimes that are selected. Everyday this system updates with the crimes and what stage they are at. For example, it shows if a crime has been dealt with via:

- Community Resolution
- Charge
- Caution
- Summons

If the case is resolved by means of Caution or Community Resolution, these cases are then entered onto the case management system for referral. If the case results in a Charge or Summons, they are then placed on a spreadsheet for tracking through the court system. These cases are then periodically checked to see if they have had any outcome. When they have been completed in Court and the offender is found or pleaded Guilty they are then added to the case management system. If they are found guilty this does not always mean they have admitted responsibility, Bedfordshire have found that some offenders, once found guilty, have then admitted the offence or partially admitted the offence. It has been important to adopt a flexible approach.

‘Recently one Officer dealt with what seemed like a fairly straightforward harassment case, however further investigation revealed a great level of hurt and pain on both sides that had been going on for twenty years (a Road Traffic Collision where one of the offender’s side died). This case began as a harassment case and therefore did not come up on our Inspire list, but thanks to an individual officer referral to RJ unit this case has gone to conference and helped both families move forward’

Christopher Turner (Bedfordshire Police)
Working in collaboration with Local Crown Courts and Magistrate Courts

Our survey identified the most common practice was to engage victims with the RJ Service once court processes had been finalised. Pre-court or sentencing RJ is fairly new and remains under-utilised across England and Wales. For this approach to be successful, the project needs to be integrated with police and court activity and project staff need to have the means to track cases through from the point of charge. Read how Durham PCC are working in their local courts below.

Case Study: Durham Restorative Justice Service

County Durham was part of the Pre-Sentence Pathfinder programme, which ran in 10 Crown Court sites around the country during 2014 and 2015. It has worked well in Durham Crown Court through the support of Durham Constabulary, the HM Court and Tribunal Service (HMCTS), the Office of the Durham Police, Crime, and Victims’ Commissioner (ODPCVC) and resident Judges, Prince and Hickey.

Process Explained

*Important Note: This specific adjournment for pre-sentence RJ was agreed by the Senior Presiding Judge and HMCTS as part of the initial national Pathfinder Programme. Since the introduction of Transforming Summary Justice and Better Case Management timescales (target of 95% of all guilty plea cases sentenced on the day) any process for “Court Based RJ” pre-sentence or post sentence) will have to avoid disruption of those timescales.
Durham: Supporting the victim throughout

From the point of engagement the Injured Party (IP) is supported and empowered to have a genuine voice within the court process. Alongside the RJ intervention project, Durham put in place 'wrap around' support which can entail court familiarisation visits, rewriting the Victim Personal Statement, transportation and “hand holding” (even facilitating a video link to an IP’s home for sentencing).

‘The benefits of this approach are evidenced in the feedback of participants who feel that they have been heard, especially when acknowledged and personally addressed by the Judge in summing up – what could be more restorative?’ Derek Robson (RJ Lead for Durham)

Durham has subsequently rolled this process out to include Magistrates cases and operates in the same way. There is ongoing work to ensure that it becomes a firm offer for all victims of crime and is universally understood by the Crown Prosecution Service staff, defence teams and sentencers.

To address and increase access points throughout the Criminal Justice process the following can be considered:

- Ensure the largest ‘pool’ of cases are considered from the start.
- Avoid excluding categories of crime - each case and each victim’s response is unique.
- Make RJ Awareness Training available to CJS professionals, who are encouraged and rewarded for identifying possible cases and supporting victim referrals to a RJ Service Provider.
- Review current structures and processes and where needed introduce checkpoints to track how and whether practitioners have informed a victim about RJ and the victim’s response.
- Avoiding passive ‘referral only’ RJ processes - use data to identify suitable cases.
- Allow flexibility in any defined RJ process - each case and victim is unique.
- Do not expect the Criminal Justice System to amend to fit RJ – RJ needs to assimilate into the local CJS.
- Identify RJ champions from all organisations across the CJS.
3. Growing professionals’ confidence and skills in restorative approaches

Making a direct offer of Restorative Justice to victims often results in a negative response. The survey and workshop confirmed that virtual conferencing, where restorative questioning and approaches are used, can be a successful preliminary step towards introducing the idea of meeting with the offender, while at the same time benefitting the victim because they have a restorative space to explore their feelings.

For victims to be able to make an informed decision whether to participate in RJ or not, it is clear that professionals making the offer, need to receive continuing professional development. This applies to those operating within the RJ field and in CJ agencies, whose job is to help victims to understand the RJ option.

The Improving Victim take-up report by the Restorative Justice Council, states:

“making the offer of restorative justice requires skill, knowledge and experience of the process and is likely best left to trained facilitator.” (Restorative Justice Council)

Where it is not possible to deploy a trained facilitator for this initial offer, victim services can use restorative approaches to identify victims who may be ready to have a visit from an RJ facilitator.

Attendees supported the view that preparatory face-to-face meetings with victims are the most effective in addressing victims’ concerns and questions about the restorative process. In practice it is difficult to apply best practice in every instance due to distances in rural areas and the time required to make visits. However if these visits are treated as part of victim services and in themselves as a restorative outcome, then this is less problematic.

The workshop delegates were also clear about where further RJ training is required, such as:

- Techniques in engaging victims in the initial stages.
- Methods of involving other CJ practitioners experience and knowledge of the case, to support RJ intervention.
- How to tell and not sell RJ. The latter often putting pressure on the victim.

To address growing practitioner confidence and skills in working with victims, RJ Managers may wish to consider the following:

- Review victim services and RJ practitioners’ practice to ensure colleagues are skilled to conduct initial victim meeting - methods to achieve this may include mentoring, group supervision meetings, mixed organisational training.
- Avoid using indicators which may place adverse pressure on facilitators.
- Share the Why me? online guide with the team, Explaining the restorative process through virtual conferencing

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6 Restorative Justice Council (2017) Improving victim take-up. 

7 Why me? & Brian Dowling (2017) How to have restorative conversation with victims and/or practitioners outside the RJ field. Available here: http://www.why-me.org/valuing-victims/
Conclusions and Key Themes

We are encouraged by the proven success of regional RJ services across the country to delivery RJ to victims of crime. But there is still some way to go.

Our Valuing Victims 2017 Campaign, highlights the following key themes and opportunities.

1. The bigger the pool of cases the greater opportunity to engage more victims with RJ

There is greater opportunity to engage victims with RJ when all crime types are considered from the offset.

2. Restorative Justice (RJ) is offered at multiple stages of the Criminal Justice System.

Professionals and RJ practitioners are most confident in introducing the RJ service to a victim once an offender is sentenced, however opportunities are missed in identifying interest and informing victims of the opportunity to take part at other stages of the judicial process. We encourage a restorative conversation to take place with the victim at different stages of their journey through the Criminal Justice System.

3. Restorative Conversations are the bedrock of making victims aware of Restorative Justice.

Continued RJ training, support and mentoring for CJ professionals, including RJ facilitators is essential in explaining the virtual conferencing process and handling victims concerns. Training builds practitioner confidence, reassures victims and also builds confidence across the different agencies working with victims of crime.

4. Create opportunities for collaborative working

Supporting victims and helping them to make an informed decision about RJ requires the collaboration of Criminal Justice agencies and RJ Service Providers. And where this is embedded in the local structures, it is sustainable. There is now a need for more partnership, data and skills sharing with RJ services and different victim focussed providers.

To contact Why me? to discuss further this report or arrange a team presentation, call 020 3096 7708

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Appendix 1: The Why-me? Checklist for Improving how victims understand Restorative Justice

- Ensure leaders of Criminal Justice (CJ) agencies actively ‘buy in’ to RJ and are seen to support and drive RJ.
- Promote successes of local RJ cases to encourage additional referrals.
- Build referral pathways to local RJ services across crime types.
- Work collaboratively with Criminal Justice agencies so that there is shared understanding about the different services available to victims.
- RJ Services run RJ awareness days for CJ agencies,
- Ensure the largest ‘pool’ of cases are considered from the start.
- Avoid excluding categories of crime - each case and each victim’s response is unique.
- Make RJ Awareness Training available to CJS professionals, who are encouraged and rewarded for identifying possible cases and supporting victim referrals to a RJ Service Provider.
- Review current structures and processes and where needed introduce checkpoints to track how and whether a practitioner have informed a victim about RJ and the victim’s response.
- Avoid passive ‘referral only’ RJ processes - use data to identify suitable cases.
- Allow flexibility in any defined RJ process - each case and victim is unique.
- Do not expect the Criminal Justice System to amend to fit RJ – RJ needs to assimilate into the local CJS.
- Identify RJ champions from all organisations across the CJS.
- Review victim services and RJ practitioners’ practice to ensure colleagues are skilled to conduct initial victim meetings - methods to achieve this may include mentoring, group supervision meetings, mixed organisational training.
- Avoid using indicators which may place adverse pressure on facilitators.
- Share the Why me? online guide with the team, Explaining the restorative process through Virtual Conferencing: http://www.why-me.org/valuing-victims/
## Appendix 2: Why-me? National Survey Questions

### The Restorative Justice Offer

2. At what stage are victims informed about restorative justice? Please all that apply:
   - At time of reporting crime
   - At time offender is arrested
   - At time offender is reported/charged
   - At time a case decision is taken
   - Pre-sentence
   - During court hearing
   - Following conviction (within six months)
   - Twelve months or more since the offence
   - Other – provide details

3. How is the restorative justice process explained to victims? Please tick top two approaches
   - Letter
   - Telephone call (Trained Facilitator)
   - Telephone call (Not RJ Trained)
   - Face to Face conversation (Trained RJ Practitioner)
   - Face to Face conversation (Not RJ Trained)
   - Leaflet
   - Other – Give details

4. In your current processes is there consultation between a trained restorative justice facilitator and a criminal professional with knowledge of the case?
   - No
   - Yes (On one occasion)
   - Yes (prior to contact with victim)
   - Yes (after contact with victim)
   - Yes (throughout the case)
   - Yes, other (please describe)

5. Who receives specific training on how to engage victims relating to restorative justice?
   - Police
   - PCSO
   - Community Safety Staff
   - Victim Services Staff (ie non RJ Staff)
   - Restorative Justice Coordinator / Manager (Full or Part Time)
   - Restorative Justice Facilitator
   - Witness Care Staff

   - Court staff
   - No specific Training Giving
   - Other (please specify)

6. Does your training make use of the RJC guidance on engaging with victims?
   - Yes
   - No
   - Other (please specify)

7. Victim reassurance is a factor identified as a barrier to RJ. How do you provide reassurance for your victims? Tick all that apply
   - Restorative Justice Facilitator
   - Officer in the case
   - Victim services
   - Links to other organisations
   - Links to other victims with previous Restorative Justice experience
   - Comment Box

### Case referrals

8. Which organisations refer most cases to your Restorative Justice Service? Please provide your feedback in scale order (1 for most, 2 for next most etc)
   - Office for Police and Crime Commissioner
   - Youth Offending Service
   - Local Victim-focused agencies
   - Police
   - National Probation Service (NPS)
   - Community Rehabilitation Company (CRC)
   - Self-referral from victims

9. Looking at self-referrals which is the most likely method a victims of crime will use to make a self-referral to your Restorative Justice Service? Please rank in order of popularity (1 for most popular, 2 for next and so on).
   - Call Office of Police and Crime Commissioner
   - Make a direct call to Restorative Justice Service?
   - Complete online form and return via email
   - Other (please specify)
Further Resources

Further information and resources relating to the Valuing Victims campaign are also available at http://www.why-me.org/valuing-victims/


For two and half years I asked the Police involved in my case, Probation, Victim Support, Women’s Aid and the Prison Governor to help me get Restorative Justice. Many of these professionals I trusted to support me questioned my judgement in wanting to take part, which made me frustrated, angry and confused as I didn’t understand why they were against the closure I desperately needed.

If it wasn’t for Why me? I know I wouldn’t have been able to take part. I shall be forever grateful to Why me? for helping me to the victor I was fighting to be.

Why me? Victim Ambassador