RESTORATIVE JUSTICE STRATEGY FOR HERTFORDSHIRE 2015 - 2018

A Report prepared by
Chamundeeswari Kuppuswamy
Kevin McGetrick
Muna Sabbagh
John Gunner
Edina Harbinja
Charles Wild
## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abbreviations</td>
<td>4</td>
</tr>
<tr>
<td>Acknowledgements</td>
<td>5</td>
</tr>
<tr>
<td>Introduction</td>
<td>6</td>
</tr>
<tr>
<td>Aims and Objectives</td>
<td>7</td>
</tr>
<tr>
<td>Core Principles</td>
<td>8</td>
</tr>
<tr>
<td>Background Studies &amp; Findings</td>
<td>9</td>
</tr>
<tr>
<td>Restorative Justice Strategy for Hertfordshire</td>
<td>13</td>
</tr>
<tr>
<td>RJ Definition &amp; Approach</td>
<td>14</td>
</tr>
<tr>
<td>Access</td>
<td>15</td>
</tr>
<tr>
<td>Referral</td>
<td>15</td>
</tr>
<tr>
<td>RJ Centre</td>
<td>16</td>
</tr>
<tr>
<td>RJ Co-ordinator</td>
<td>16</td>
</tr>
<tr>
<td>Training</td>
<td>17</td>
</tr>
<tr>
<td>Communication</td>
<td>18</td>
</tr>
<tr>
<td>Oversight</td>
<td>18</td>
</tr>
<tr>
<td>Piloting the strategy</td>
<td>18</td>
</tr>
<tr>
<td>Evaluation</td>
<td>19</td>
</tr>
<tr>
<td>Funding</td>
<td>19</td>
</tr>
<tr>
<td>RJ Action plan</td>
<td>20</td>
</tr>
<tr>
<td>Whole systems approach</td>
<td>24</td>
</tr>
<tr>
<td>Victim-centred, not victim-led</td>
<td>24</td>
</tr>
<tr>
<td>Restorative Justice Service standards</td>
<td>25</td>
</tr>
<tr>
<td>Analysing demand and developing end-to-end models</td>
<td>26</td>
</tr>
<tr>
<td>Leadership, monitoring and governance</td>
<td>26</td>
</tr>
<tr>
<td>Conclusion</td>
<td>26</td>
</tr>
<tr>
<td>Appendix A   UH Strategic Scoping Study Questionnaire</td>
<td>27</td>
</tr>
<tr>
<td>Appendix B   UH Strategic Scoping Study List of Interviewees</td>
<td>29</td>
</tr>
<tr>
<td>Appendix C   When to use RJ/Mediation/RP?</td>
<td>30</td>
</tr>
<tr>
<td>Appendix D   Conference Programme</td>
<td>31</td>
</tr>
<tr>
<td>Abbreviation</td>
<td>Full Form</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------</td>
</tr>
<tr>
<td>BeNCH</td>
<td>Bedfordshire, Northamptonshire, Cambridgeshire and Hertfordshire</td>
</tr>
<tr>
<td>C2</td>
<td>Choices and Consequences Programme</td>
</tr>
<tr>
<td>CJS</td>
<td>Criminal justice system</td>
</tr>
<tr>
<td>GNH</td>
<td>Gross National Happiness</td>
</tr>
<tr>
<td>HCJB</td>
<td>Hertfordshire Criminal justice Board</td>
</tr>
<tr>
<td>HMC</td>
<td>Hertfordshire Mediation Centre</td>
</tr>
<tr>
<td>HMIC</td>
<td>Her Majesty’s Inspectorate of Constabulary</td>
</tr>
<tr>
<td>NOMS</td>
<td>National Offender Management Service</td>
</tr>
<tr>
<td>NEF</td>
<td>New Economics Foundation</td>
</tr>
<tr>
<td>OVC</td>
<td>Office of the Vice-Chancellor</td>
</tr>
<tr>
<td>RJC</td>
<td>Restorative Justice Council</td>
</tr>
<tr>
<td>RSQM</td>
<td>Restorative Standards Quality Mark</td>
</tr>
<tr>
<td>SPOC</td>
<td>Single point of contact</td>
</tr>
<tr>
<td>YJB</td>
<td>Youth Justice Board for England and Wales</td>
</tr>
<tr>
<td>YOT</td>
<td>Youth Offending Team</td>
</tr>
</tbody>
</table>
ACKNOWLEDGEMENTS

The authors acknowledge Thaddeus Manu and Dr. Virginie Barral for their comments on the report, Susan Luckhurst for providing logistical support for this project and Tim Beyer for introducing the OPCC to the UH School of Law research team.

Dr. Chamu Kuppuswamy, Muna Sabbagh, John Gunner, Edina Harbinja and Professor Charles Wild would like to acknowledge the OPCC for the grant monies that made the Strategic scoping Study possible.
INTRODUCTION

Restorative justice interventions take place nationally in different forms, and while Hertfordshire has an innovative criminal justice system featuring programmes such as Choices and Consequences (C2) and virtual courts, restorative justice has as yet to make a mark in the adult criminal justice system here. The Ministry of Justice is clearly in favour of promoting victim-offender conferencing due to available evidence as to its effectiveness1. In a slightly different approach, the Association of Chief Police Officers has stated that an intervention to be considered restorative needs to involve the offender taking responsibility and the participation of the victim, community or other affected party2. But both of them seek to put right the harm that has been caused. The Police and Crime Commissioner for Hertfordshire (PCC) is seizing the initiative using the Restorative justice funding3 offered by the Ministry of Justice to lay out a vision for Hertfordshire which is victim-centred and equally accessible to all, at all stages of the criminal justice system4. This will bring about a step change in services for victims, now supported by the EU Victims Directive, which is to be implemented in the UK by November 20155. Working with the School of Law of the University of Hertfordshire, the OPCC has developed the following delivery model for a consistent and coherent framework of victim-focused RJ in Hertfordshire.

This RJ report has been prepared by the members of staff at the School of Law, University of Hertfordshire in collaboration with the OPCC, in particular, the driver behind the collaboration being Kevin McGetrick, the victims’ services commissioner for Hertfordshire PCC.

Part I of this report consists of the aims and objectives of the county-wide victim centred RJ strategy for Hertfordshire, its core principles and the background studies and findings that underpin the strategy.

Part II lays outs a delivery framework, predominantly focusing on Year 1 of the three year strategy, while laying out the interconnecting actions that extend into the medium term, and up to March 2018.

Part III picks up specific aspects of the strategy and elaborates on them. The themes discussed are whole systems approach, victim-centred, not victim-led, restorative justice service standards, analysing demand and developing end-to-end models, leadership, monitoring and governance.

The strategy is a living document, and will be actively managed by a newly established RJ Centre of excellence to be based at the University of Hertfordshire, and any input is welcome.

---

1 National Offender Management Service, Better outcomes through victim-offender conferencing, November 2012
2 Association of Chief Police Officers, Restorative Justice (RJ) Guidelines and Minimum Standards, August 2012
4 Ministry of Justice, Restorative Justice Action Plan for the Criminal Justice System for the period to 2018, November 2014
AIMS AND OBJECTIVES

The aim is to develop a cohesive and connected County strategy for Hertfordshire that works for victims, through research, analysis and consultation on restorative theory and practice. The objective is to enable the development of a jointly owned PCC, Constabulary and Community Restorative Approaches strategy and a delivery mechanism. The defined model for the delivery of restorative practice in the region would consider the future delivery of all services, ranging from prevention and out of court disposals to post sentence options. This should include quality and outcomes framework as well as recommendations for the Commissioner on how generic victim services and restorative justice interventions should best work together to ensure an integrated pathway for victims.

Restorative justice aims to repair the harm of conflict or crime. The evidence shows that it gives victims a voice, gets the offender to take responsibility for their offending and take action to change and reduce crime. Research findings in the UK state that RJ delivered 85% victim satisfaction and reduced reconviction by 27%, when used with serious offences by adult offenders. It was also identified that 74% of offenders and 78% of victims would definitely or probably recommend RJ to others. Restorative processes can play a key part in repairing harm and empowering victims to achieve positive outcomes from incidents of crime, as well as changing hearts and minds.

A formalised strategy would assist CJ practitioners as well as communities to engage more effectively in proportionate and victim centric approaches that repair harm caused to victims and communities. It would promote offender accountability and rehabilitation, and build trust and confidence in the criminal justice system. It involves developing a regional restorative practice strategy, shaping common definitions, services and occupational standards for organisations and individuals involved in providing services and delivering effective restorative interventions.

Whilst a number of interpretations of restorative justice abound, the MoJ is quite clear on RJ definition; “A process that brings those harmed by crime, and those responsible for the harm, into communication, enabling anyone affected by a particular incident to play a part in repairing harm and finding a positive way forward”. In particular, RJ is designed to

- Tell the offender the real impact of their crime
- Victims to get answers to their questions
- Receive an apology

A victim-focused approach to restorative justice is good from every perspective – provided it is used consistently and professionally. It has taken too long for this to become a central element in our approach to justice and it is important to promote a well-informed partnership approach across the local criminal justice landscape, working with local authorities, probation, NOMS, Government and others to achieve a consistent approach.

---

8 McGetrick, K., Restorative Justice Approaches paper, The OPCC Hertfordshire, September 2014
CORE PRINCIPLES

The formulation of the core principles for this strategy has been informed by the Ministry of Justice action plan for restorative justice, the EU Victims Directive, the Stockholm Programme\textsuperscript{9}, the United Nations RJ principles\textsuperscript{10} and background studies on RJ in Hertfordshire\textsuperscript{11}. The following six principles form the ethos of RJ in Hertfordshire.

- Restorative Justice is safe, of good quality, available at all stages of the criminal justice system and focused on victims’ needs
- Sustainable
- Evidence-based
- Dialogical\textsuperscript{12}
- Local
- Human rights compliant

The core principles support the availability of RJ at all stages of the criminal justice system, i.e. where an offender receives an out-of-court disposal, after an offender has been convicted, but before the offender is sentenced and while an offender is serving a sentence.

The core principles support the diffusion and embedding of restorative justice into the criminal justice practice, and victims’ services, for a long time to come. Arrangements for the RJ Centre and the medium term strategy are actions that serve this end. The need to balance various needs, including that of the offender, and that of the aims of the criminal justice system are paramount for the sustainable use of restorative justice interventions. The development of processes and outcomes for RJ will be evidence-based and seek to strengthen the values that the core principles support, using a combination of different types of methods of assessment suited for the particular stage of development of RJ practice. The annual progress report, evaluation and impact studies will demonstrate the application of this core principle. The strategy will be implemented through continuous discussion and feedback, through a dialogical process as opposed to a hierarchical model. It will involve local criminal justice officers, practitioners, as well as expert partners and senior managers. A central tenet of delivering restorative justice is that the needs of the victim will be respected and that service providers will ensure safeguarding policies are followed and observed.

And finally, the development of RJ practice will respect and promote human rights. Victims need for closure and the importance of the healing process has been couched in human rights terms in international documents cited above. The strategy will contribute to the larger human rights debate, and incorporate latest developments in area of human and victims’ rights.

\textsuperscript{9} The Stockholm Programme - An open and secure Europe serving and protecting citizens [Official Journal C 115 of 4.5.2010]
\textsuperscript{10} United Nations General Assembly Resolution 40/34 2002, Basic principles on the use of restorative justice programmes in criminal matters
\textsuperscript{11} See section on Background studies and Findings, pg9
\textsuperscript{12} Westoby, P., & Dowling, G., Theory and Practice of Dialogical Community Development: International Perspectives, Routledge 2013
BACKGROUND STUDIES AND FINDINGS

The following three studies have informed the strategy. They were conducted over a period of ten months from May 2014 to February 2015.

I. Scoping Study – September 2014 (by Restorative Solutions for OPCC)\(^\text{13}\)

The main findings from this study with respect to the different aspects of the strategy are summarised below. Practitioners and the public formed two separate groups of research participants in the fieldwork related to this study.

**Definition of RJ:** Practitioners felt that their everyday work comprehends elements of RJ which are beyond RJ conferencing. The definition of RJ is limiting, as most of the times one of the two parties are not able or willing to participate.

**Access and Referal:** Practitioners strongly believe there is more potential for its use in everyday practice. Victim should be able to self-refer to agencies, providing more funding for dedicated workers, make people aware of the options available, create a system for referrals which is not ‘ad hoc’ as it is currently (have a system in place). Introducing pre-sentence RJ is perceived positively.

**Delivery:** There is a need for re-thinking the current model of RJ provisions, to make it victim-centred, rather than only offender-centred. Practitioners reported that victims are a peripheral part of the RJ process: they are brought into the process, attend RJ conferences and, on occasion, feel alone. Practitioners feel that daily practice should aim at increasing the effort made to understand victims’ needs, provide them with feedback about the case, keeping them up to date with the case, and make sure they are given (or directed toward) the right support they need.

RJ activities are currently undertaken with both adults and young offenders. Youth can benefit from both diversionary and enhanced RJ activities. Work with adult offenders is limited in relation to offences and activities (the option most used being conferences. There are no dedicated funds for RJ so money is generally redirected from funds dedicated to other activities (e.g., YOT, YJB) or units (e.g. victim units). There is a need for improving the logistic aspect of the process, making sure that locations are as neutral as possible.

**Evaluation:** There are few methodological issues related to measuring outcomes. Not all providers have formal assessments in place to actually measure or record such data. Data is not systematically collected and most of the practitioners have difficulties in providing simple statistics such as the number of interventions undertaken each year, the number of service users willing to participate, number of rejections, reasons for rejection etc. Birkbeck University is currently monitoring all the NPS led cases and analysing the feedback from victims (follow up is 2 weeks after the meetings). It would be helpful to have further understanding about what it is that participants find being satisfactory about RJ so that future interventions could be planned with those aims in mind. Another matter of concern is the concept of ‘successful outcome’.

**Training:** Staff undertake training before being involved in RJ. Most frequently training is basic and limited to 1 hour. Only a limited number of practitioners undertake conferencing and both level 1 and level 2 training. It is not clear whether the current amount of staff and structure will be appropriately skilled or sufficient where the volume of RJ interventions will be increased over time. Agencies deal with a good number of volunteers. They are a central component in YOTs, especially for their role in Youth Justice Panels. Training is limited to panel attendance and RJ awareness. Volunteers are not involved in RJ undertaken with the Constabulary but are present in YOT (about 40 unpaid volunteers) and in victim support units (about 50).

\(^{13}\) Restorative Solutions, Scoping Study of Restorative Justice Provisions Across Hertfordshire, September 2014
RJ Coordination: What practitioners see as missing is both coordination and, in particular, the systematic sharing of information, where there is a need to be aware of what organisations are doing, how they are dealing with the interested parties, and whether there is funding available. Practitioners feel the need for a person able to supervise the whole process, provide the first point of contact, direct victims and coordinate at the macro-level the RJ activities. This person could be the first and single point of contact for service users and practitioners. In summary, the aims of this professional figure would be to: avoid duplication of services and provisions across agencies; facilitate the sharing of information and good practice; direct and provide support to victims; coordinate the various agencies involved in RJ. There is no clear and shared idea about who or which organisation should be invested with such a role. Some mentioned that the police might not be the best choice as the police force is invested with negative connotations in some communities and are not seen as independent by victims or offenders.

Even the presence of volunteers, which should be seen as a resource, could represent a limitation, especially in the early stages of their involvement in the agencies. The opportunities to share information, resources and agree a coordinated approach are limited.

Communication about RJ - Nationally, victims are sometimes reticent in participating in RJ sessions. It would be beneficial to foster the possibility for practitioners to have direct interaction with victims; investigate the reasons for victim’s resistance and conduct research into possibilities for reducing those blockages. An important aspect of work with victims is to manage their expectations and make them as realistic as possible.

The level of RJ interventions with adult offenders has been informally reported as being quite low. Practitioners’ indications of levels of RJ currently undertaken range from 2% to 5% of the total volume of crimes dealt with annually. Nationally, the number of interventions is reported as being quite low, despite the fact that 20-25% of the total cases are potentially eligible for RJ. For adult offenders, the data available is less articulated and there is no distinction between basic and enhanced (full conferencing) RJ. In the last three years RJ interventions have been 192, 132 and 146 for 2012/2013, 2013/2014 and for the initial months of 2014. Practitioners working with adults in Hertfordshire, currently consider serious acquisitive crimes (theft, robbery and burglary) as being eligible for RJ.

The level of RJ interventions with adult offenders has been informally reported as being quite low. Practitioners’ indications of levels of RJ currently undertaken range from 2% to 5% of the total volume of crimes dealt with annually. Nationally, the number of interventions is reported as being quite low, despite the fact that 20-25% of the total cases are potentially eligible for RJ. For adult offenders, the data available is less articulated and there is no distinction between basic and enhanced RJ. In the last three years RJ interventions have been 192, 132 and 146 for 2012/2013, 2013/2014 and for the initial months of 2014. Practitioners working with adults in Hertfordshire, currently consider serious acquisitive crimes (burglary, theft, robbery and burglary) as being eligible for RJ.

Public focus group - (Ipsos MORI research) It was found that the general public accept that RJ is beneficial, have a reasonable awareness of RJ, want safe and high quality RJ delivered at a neutral (possibly informal) venue, they found RJ processes too jargonistic and would like to know more about case studies in Hertfordshire.
II. Mapping Study – October 2014 (by Sheffield Hallam University for the Restorative Justice Council)

This study involved an electronic survey to various agencies and organisations in Hertfordshire. It was one element of a large MoJ study. It identified five organisations as providing RJ services in Hertfordshire, involving 9 staff RJ practitioners and 5,012 volunteers\(^\text{14}\). It listed a total of 13 RJ services as being provided in different stages of the criminal justice system including out of court disposals, magistrates court pre-sentence, crown court pre-sentence, custody RJ, prior to release custody and others.

III. Strategic scoping Study – January 2015 (University of Hertfordshire for OPCC)

This study included senior level management of criminal justice agencies in Hertfordshire as participants. Many of the findings from the scoping study were repeated in this study. Where there were differences are as follows:

RJ was most powerful in its ‘pure’ form. The MoJ definition captures it well. There were mixed results on Hub (a central coordinating facility which featured in the Questionnaire, See Annex A). While those that worked with youth RJ saw adult RJ as starting fresh and as suitable for a central hub, others did not see adult RJ as a fresh start, but as a step change in service provision that they had, so would find the Hub yet another body to coordinate with. Pre-sentence RJ received with skepticism in some quarters because of its vagueness in procedure. Stopping crime was seen as the paramount concern. RJ was seen by some as very suited to youth, but not to adults.

Victim-led RJ is an aspiration and partnership working is essential for consistent and safe delivery of RJ. The study endorsed RJ at all stages, encouraged volunteer strategy and was mostly in favour of HCJB as monitoring body.\(^\text{15}\)

A qualitative approach was used to gain information that would support the project’s aim in developing a strategy towards a victim centric restorative justice approach. Initially a review of previous studies was carried out to understand the linkages and opportunities presented by complimentary restorative approaches. This led to the identification of practitioners and key stakeholders within the Hertfordshire region who participated in semi structured interviews. We have adopted the thematic framework approach to analysis of the qualitative data. The framework approach allows us to order data to facilitate interpretation. The interpretation involves thematic analysis, typologies and explanatory analysis\(^\text{16}\).

\(^{14}\) Although it has not been possible to verify these figures

\(^{15}\) A fuller report of this study is being written up for submission to an edited volume under the title ‘Is the right to restorative justice an inherent right of a victim?’ (2015) http://www.rj4all.info/content/Nova

Key findings
The interview questions (see appendix A) were divided into six themes, which had been identified after consultation with the stakeholders. These were:

1. Definition of Restorative Justice
2. Victim led RJ
3. RJ practice and barriers
4. RJ delivery: skills, accreditation and volunteering
5. Advocating and promoting RJ
6. Monitoring and Governance

Most participants agreed with the terminology of RJ as provided by the Ministry of Justice “A process that brings those harmed by crime, and those responsible for the harm, into communication, enabling anyone affected by a particular incident to play a part in repairing harm and finding a positive way forward”.

Part two highlighted differences in opinions between the participants in that some felt RJ had been too focused on rehabilitation of the offender, some felt that a victim centric approach would reduce the chances of focusing on the rehabilitation of the offender, whilst others felt the two worked in harmony together. Practitioners are not familiar with the EU Victims Directive.

The next theme concerning practice and barriers highlighted differences of opinion especially in relation to the diagram illustrating the use of RJ in low and high level crime.

The theme of discussion surrounding RJ delivery in Hertfordshire through a central coordination point seemed to be welcomed by many participants but with an air of caution. Further concerns were that the individuals chosen to provide the service from the hub were existing practitioners from the various operational agencies within and around the criminal justice sphere. An interesting point made about the success of the hub was that interaction between the hub and the local areas was necessary for its success.

Most participants were (non-committal) towards the theme of practitioner training and accreditation as they felt this was beyond their area of practice and most RJ practitioners they had worked with were adequate in their role, however most participants did express a preference for accreditation and regulation of the training.

The fifth theme questioned the promotion of RJ in Hertfordshire and here some responses were detailed specifically in relation to clear branding of RJ (related to expectations and outcomes).

Finally the issue of monitoring and governance of RJ practices within Hertfordshire were considered. The participants had a general view here that it should be balanced between the OPCC and the HCJB.
RESTORATIVE JUSTICE STRATEGY FOR HERTFORDSHIRE

There is no current overarching strategy that promotes a common understanding of the interventions available, how and when they should be accessed and the process to ensure consistency in their application. In adult RJ, there currently exists, in actual and proposal form, community based alternative CJ disposals that could facilitate or deliver RJ. There are a number of community and CJ products and services (current and proposed) that have been designed to offer an alternative disposal to court.

These include:
- Letter of apology
- Cautions
- Financial reparations
- Community payback schemes
- Community Remedy
- Neighbourhood Justice Panels (proposed)

These remedies can be accessed at various stages along the CJ continuum and in many instances, complimentary to one another and involving some form of restorative justice element. To set it in context, RJ can be applied broadly, including in non-criminal contexts (school disputes and conflicts, workplace disputes and conflicts, and child welfare); and responding to broader political conflict or as a form of transitional justice practice, among other potential sites. When looked at as a whole, the restorative justice movement includes a transformative conception of the term which results in modification of everyday behaviour and recognition of systemic injustices.

It is important to understand how generic victim services and restorative practice should best work together to ensure an integrated pathway of support for victims. Whilst the MoJ ultimately envisages that victim led RJ will involve some form of face to face element (RJ conferencing) and that this would most likely follow some type of ‘shuttle’ mediation, the notion of adult victim led RJ is not fully developed across the CJS, or, well known or understood by victims. Nonetheless, community based interventions seek to directly repair the harm caused to a victim, involving some form of mediation, or at least, taking account of the victim's point of view. These community-based interventions embrace the essence of RJ and could provide an effective conduit in promoting and facilitating RJ conferencing.

The use of out of court remedies can be ad-hoc, sometimes failing to take account of the needs of the victim (a point highlighted by HMIC in their recent inspection) or, a considered view on how the intervention repairs the harm caused. Furthermore, there can be an issue of consistency and proportionality, available to some victims (and offenders) and not others. Finally, viewed in isolation, opportunities to offer more complete and joined up solutions are lost.

The findings of research commissioned by the PCC and MoJ, has identified some key emerging themes that need to be addressed when seeking to deliver a joined up approach to RJ:

- Ownership
- Scanning & Referral
- Delivery
- Monitoring and governance

Questions arise in relation to how, where and when interventions are accessed; training and support to those required to deliver services; consistency and quality assurance for the service provided; and the appropriate and proportionate level of intervention relative to the offence.

---

17 Braithwaite, J. *Restorative justice and responsive regulation*, New York, Oxford University Press, 2002
These issues suggest that no one single agency should take the exclusive lead on community based restorative approaches. Furthermore, an effective governance mechanism needs to be in place to ensure a fair, balanced and consistent approach to their application.

To promote a joined up approach in a sustainable way, for the long term, Hertfordshire PCC has worked regionally (Bedfordshire, Northamptonshire, Cambridgeshire and Hertfordshire) to establish the BeNCH Area Restorative Justice Group to develop a cohesive and joined up approach to Restorative Justice, including the sharing of resources. At the same time, the need to establish a Centre for Restorative Approaches has been explored. Its resources will include a directory of Hertfordshire restorative services, trainers, and practitioners, a library of resources on restorative practice and restorative justice, and act as a centre for promoting excellence in restorative practice.

The governance mechanism should provide support for this new justice idea by monitoring mechanisms for managing of expectations and to ensure that RJ is not set up to fail. Even though the victim-offender conferencing process is worth promoting, they cannot be expected ‘to deliver strong stories of repair and goodwill most of the time’20. ‘In the penalty phase of the criminal process, both RJ and the established court process have limits. RJ is limited by the abilities and interests of offenders and victims to think and act in ways we may define as restorative’21.

STRATEGY ELEMENTS

RJ Definition & approach
Restorative Justice will be ‘Victim-centred’ using the Restorative Justice Council definition: “Restorative processes bring those harmed by crime or conflict, and those responsible for the harm, into communication, enabling anyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward”

Reflecting the BeNCH area restorative justice approach, restorative practice will utilise

- Victim-offender mediation
- Restorative conferencing
- Family group conferencing
- Community Conferencing
- Community Mediation/Community Justice panels or indirect restorative processes, dependent on specific circumstances.

The fundamental element is the dialogue between the victim and the offender22.

A pre-requisite for entering into restorative justice is that the person who has caused the harm admits responsibility. Without this admission, the process is simply mediation and would not conform to MoJ funding criteria23.

---


21 ibid

22 Ministry of Justice, Restorative Justice Action Plan for the Criminal Justice System for the period to 2018, November 2014, 3

23 ibid

Access
Access to restorative justice is an essential part of the strategy, and one that has been identified as key to the success of enhanced victims’ services. The Victims’ Code requires that victims of adult offenders be provided with information about RJ and to be referred to services where these exist\textsuperscript{24}. 

- Victims who request Community Remedy (with an apology element) are offered RJ as an option.
- All victims of crime (other than domestic violence, serious sexual/attempt murder & trafficking) to be offered RJ pre/during and post sentence.
- All victims where offender pleads ‘guilty’ to be pro-actively selected to offer RJ.

Victims will be able to request and access Restorative Justice through their CJ contact or direct to the Hertfordshire Victim Care Centre, who will forward cases to the RJ centre.

Referral
The referral mechanism details access and provides a clear pathway to the objective of victim-offender dialogue. It involves cooperation and coordination amongst a number of different agencies. The access and referral services are envisaged as enabling victims to make informed decisions about participating in RJ. The Hertfordshire Victim Care Centre and the RJ Coordinator play a central role in directing the victims to an appropriate service. In the case of pre-sentence RJ, the RJ coordinator takes on a proactive role of contacting the victim.\textsuperscript{25}.

\textsuperscript{24} See section on ‘Piloting the Strategy’
\textsuperscript{25} OVC, University of Hertfordshire's 2015-2020 Strategic Plan: Transforming Lives, March 2015
RJ Centre
A newly established RJ Centre of excellence to be based at the University Of Hertfordshire will act as the base for the emerging coordinated RJ activities in Hertfordshire. The University of Hertfordshire is keen to ensure research is more collaborative, feasible and efficient and is undertaken by closer working with external partners, together with improved public engagement in research. Going forward, the University of Hertfordshire aims to excel in collaborative, multidisciplinary research that addresses social, economic, cultural, scientific and environmental challenges by creating and developing innovative ideas, products and processes. The RJ centre will share knowledge, facilities and resources and promote positive social, cultural and economic impact.

In response to a focal point for activities in Hertfordshire, the strategy proposes the RJ Centre, the plans for the Centre are summarised below:

• The law court building which hosts the Hertfordshire Mediation Centre will act as the site for meetings of the multi-agency RJ working group and the pre-sentence RJ advisory team
• Manages the coordinator/ manages regional contact through BeNCH
• Publications
• the annual RJ strategy review conference, the training courses,
• EU Victims day (22 February) event/ RJ week events.
• Breakfast meetings/working lunch meetings for partners
• Auditing current number of RJ practitioners and trend analysis
• Longitudinal study on RJ activities in Hertfordshire
• Resource Centre
• Volunteer recruitment
• Develop into a Centre of Excellence for Restorative Justice (CERJ)
• Preparation of the yearly progress report on RJ

RJ Co-ordinator
The RJ Co-coordinator will be a full time post starting from the 1st of April 2015 or at the earliest thereafter. They would be based at the law court building, which hosts the Hertfordshire Mediation centre (HMC) of the University of Hertfordshire in Hatfield. Their main remit will be to establish and maintain strong partnership links on a local basis with all identified key agencies to fully support the promotion and expansion of restorative justice services in Hertfordshire. They will be involved in identifying potential areas for service development taking into account local trends and opportunities. They will regularly review referrals and outcomes and produce periodic reports.

• SPOC for referrals - based at the law court building, which hosts the Hertfordshire Mediation centre (HMC), UoH, Hatfield
• SPOC for victims’ advocates at Herts Victims Hub
• SPOC for RJ contact in every CJ agency
• Recruits and manages volunteers (~15)
• Coordinates HMC training for volunteers
• Records RJ activities
• Coordinates communication to the public
• Part of the team at the RJ Centre

---

26 Article 12 (2) EU Victims Directive ‘Member States shall facilitate the referral of cases, as appropriate to restorative justice services, including through the establishment of procedures or guidelines on the conditions for such referral’. Paragraph 62 ‘Member States should consider developing ‘sole points of access’ or ‘one-stop shops’, that address victims’ multiple needs when involved in criminal proceedings, including the need to receive information, assistance, support, protection and compensation.’

27 Paragraph 64 EU Victims Directive - Systematic and adequate statistical data collection is recognised as an essential component of effective policymaking in the field of rights set out in this Directive

28 Article 25 (4) EU Victims Directive - Member States shall encourage initiatives enabling those providing victim support and restorative justice services to receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such services are provided in an impartial, respectful and professional manner.
Training

Training is essential for volunteers, practitioners, users and facilitators alike, although their needs may be different. The training provided should meet all six National Restorative Justice Standards. The courses should be designed to meet local needs, while at the same time be high quality. Course materials need to be made accessible to varied users. The RJ Centre has designed a suite of courses to suit different needs. A further detailed document laying out the syllabi and standards of the following courses is forthcoming.

- Courses tailored to Hertfordshire
- Accompanied by Handbooks for easy and quick access

<table>
<thead>
<tr>
<th>Training</th>
<th>Initial Need</th>
<th>Continuing Need</th>
<th>CPD</th>
<th>High Level Specialist Professional RJ Practitioners</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Advisers, Referrers and Sign-posters Awareness</td>
<td>Advisers, Referrers and Sign-posters Awareness</td>
<td>Mentoring Supervision Days. Updates on developments, skills development, group supervision and mentoring through workshops on anonymised case studies and practice topics.</td>
<td>PG Cert/Dip/Phd programme</td>
</tr>
<tr>
<td></td>
<td>RJ Case Managers and Administrators</td>
<td>Case Managers and Administrators</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>RJ Facilitators</td>
<td>Level 1 Facilitators</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Level 2 Facilitators</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Level 3 Facilitators</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Communication
Establishing adult restorative justice will require frequent and consistent messaging. The Ministry of Justice is supporting International Restorative Justice Week in November 2015 with activities planned by the Restorative Justice Council. Hertfordshire should fully embrace events, optimizing both national and local publicity whilst also developing local initiatives, such as the University School of Law Students ‘War of Words’ debate contest, practitioner refresher and update workshops and volunteer recruitment activities.

Regional campaigns should be developed working alongside BeNCH Area Restorative Justice Group.

The Hertfordshire Victim Care Centre will have a web-based access portal featuring information on what Restorative Justice is and how to access the service.

A leaflet for victims and the public should be developed and published. These will be developed from existing leaflets, which may be updated/ supplemented. These leaflets will provide initial information to the public, and will be effective alongside making personal contacts with victims through visits.

Case studies/films of RJ use in the Choices and Consequences programme will also be made available.

The two (possibly three) pilots will provide additional opportunity to communicate the benefits and outcomes of RJ to the media. Finally, creating an annual conference at the University will enable exposure to on-going projects and RJ good practice.

Oversight
Restorative Justice needs to be fair, consistent, accessible and transparent across Hertfordshire. In addition, the Ministry of Justice has a published action plan containing 3 key objectives to be delivered by March 2016. Progress in achieving both local strategic and Ministry of Justice aims and objectives will require good governance, oversight and scrutiny. The Hertfordshire Criminal Justice Board (HCJB) has agreed that oversight sits comfortably with the HCJB victims and witnesses sub-group. The Victims and Witnesses sub-group will also monitor the overarching victims’ agenda – from Hertfordshire Community Remedy Menu to Level 3 RJ.

Piloting the strategy
The strategy will be piloted using a common pool of volunteers and practitioners. Two, possibly three pilots could be run to implement the strategy. The possibilities are:

a. An overall pilot, offering RJ at all stages of the CJ system
b. Pre-sentence RJ at Magistrates’ Court
c. Pre-sentence RJ at Crown Court

While the full pilot will go ahead in 2015, pre-sentence RJ at the Crown and Magistrates’ courts would be explored in 2015. Pre-sentence RJ refers to RJ activity that takes place post-conviction and pre-sentencing Pre-sentence RJ could involve both adult and young persons under 18 years of age, and can be imposed by any court. Pre-sentence RJ is part of a continuum as the victim is able to access RJ post-sentence as well. A working group for pre-sentence RJ initiatives will seek to promote use of RJ at this stage of the criminal justice system.

---

30 The six restorative service standards are part of the MoJ backed Restorative Service Quality Mark offered by the Restorative Justice Council http://www.restorativejustice.org.uk/quality_assurance/
31 Paragraph 21 EU Victims Directive - Information and advice provided by competent authorities, victim support services and restorative justice services should, as far as possible, be given by means of a range of media and in a manner which can be understood by the victim. Such information and advice should be provided in simple and accessible language. Paragraph 62 ‘Member States should encourage and work closely with civil society organisations, including recognised and active non-governmental organisations working with victims of crime, in particular in policymaking initiatives, information and awareness-raising campaigns, research and education programmes and in training’
32 See section below on ‘Piloting the strategy’
33 Where Oversight Boards had been absorbed into existing groups they appeared to be most successful’, Turley, C. et al, Process evaluation of the Neighbourhood Justice Panels, Ministry of Justice Analytical Series, 2014.
34 Restorative Solutions CIC have designed and are running Pre-Sentence Restorative Justice Pathfinder Programmes as pilots in ten Crown courts around the country. Roll out of the crown court pathfinders to a number of magistrates’ courts was agreed in December 2014. The first of these, in Bristol, commenced live operation in January 2015.
Referral system, effective communications channels and information-sharing protocols should all come together for successful RJ delivery. Partnership working is key to this endeavour, as is already evidenced in Youth RJ in Hertfordshire.

Agreement to participate in an RJ activity – This should not affect the sentence that the offender receives. It is left to the court to decide what weight they give to participation in an RJ activity by the offender.

Deferment of Sentencing – Under section 1 of the Power of Criminal Courts (Sentencing) Act, 2000, any court can defer passing a sentence to a maximum of six months. Imposing Pre-sentence RJ – Courts can impose an RJ activity post-conviction under Part 2 of Schedule 16 of the Crime and Courts Act 2013. This is a use of the existing power under section 1 of the Power of Criminal Courts (Sentencing) Act, 2000 to stipulate a specific event/activity.

The process would be as follows:

- Suspect identified and charged, with case likely to be sentenced in Crown Court
- Victim contacted by RJ Coordinator and confirms interest in pre-sentence RJ
- Offender pleads Guilty, Court adjourns for 6 weeks for sentencing
- Offender contacted by RJ Coordinator and confirms willingness to engage in pre-sentence RJ, RJ intervention proceeds; report prepared for Court prior to sentencing hearing
- Sentencing

**Magistrates courts pre-sentence RJ**

The RJC and the Magistrates’ Association are liaising with the Judicial College on introducing information on restorative justice into the magistrates’ induction process. The Magistrates’ Association recognises the compelling evidence supporting restorative justice and would like it to be an option in every court both pre-sentence and as part of sentencing. To realise the full potential of restorative justice, the support and commitment of magistrates is essential.

Using magistrates who are RJ champions under the recently launched RJ champions scheme of the Restorative Justice Council (RJC)\(^\text{35}\) will increase the chances of uptake of RJ in these courts. There are currently three magistrates RJ champions who have a vision for restorative justice in the criminal justice system - Brian Higgins, Michael Hudson, and the chairman of the Magistrates Association - Richard Monkhouse. A pre-sentence pilot in Hertfordshire will seek to involve the RJ champions in the promotion, use and diffusion of restorative practices in the county.

**Evaluation**

While particular initiatives can be evaluated in a systematic independent study, there is a need for yearly progress reports on the implementation of the strategy. A yearly progress report will be delivered at the annual restorative justice conference.

Culture change is often talked about in the context of restorative justice. To measure such paradigm shifts, new techniques of evaluation are required, as existing methods of evaluation may not necessarily be suited to effectively measuring cultural change. Using wellbeing measures to evaluate restorative justice is an emerging field of research, and RJ is an ideal area to be focussed on.

Methods of evaluation are important. Measuring well-being has improved considerably since the idea of Gross National Happiness (GNH) used in Bhutan came into focus. The RJ working groups will consider incorporating wellbeing measures into the evaluation process. The All-Party Parliamentary Group on Well-being economics recommends that ‘new policy should be routinely assessed for its impacts on wellbeing.’\(^\text{36}\) Research groups working in areas of well-being are developing methods to evaluate restorative practices programmes, and this could be the key to providing initial evaluation methods.\(^\text{37}\)

**Funding**

Initial funding will initially be provided through the Ministry of Justice Victims Commissioning Grant, however, the RJ Centre should seek to access pooled funding from participating agencies, as also from wider sources.

\(^{35}\) All-Party Parliamentary Group on Wellbeing Economics wellbeing in four policy area, NEF Publication, September 2014

<table>
<thead>
<tr>
<th>Key Finding</th>
<th>Recommendation</th>
<th>Actions</th>
<th>Milestones</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Restorative Justice poorly defined and understood across County with varying interpretations</strong></td>
<td>Agree and adopt a single definition that meets with MOJ approval.</td>
<td>Restorative Justice Council (RJC) definition has been shared with partners, including BeNCH, and agreed as the preferred description.</td>
<td>Complete</td>
</tr>
<tr>
<td><strong>High levels of enthusiasm for embracing adult RJ, however, there is a lack of leadership and direction</strong></td>
<td>Senior CJ partners to act as champions and drivers for change.</td>
<td>HCJB to work with CJ partners to adopt a positive intervention strategy, starting with Courts, demonstrating clear leadership. Use pre-sentence pathfinder concept of guilty plea as an opportunity to scan for RJ opportunities.</td>
<td>Ongoing</td>
</tr>
<tr>
<td><strong>Confusion that RJ is mediation and vice versa.</strong></td>
<td>Clearly define what mediation is, when used and how RJ differs.</td>
<td>Focus on RJC definition of Restorative Justice. Clear guidelines on pre-requisites for RJ conference (liability by perpetrator is accepted). Develop algorithm highlighting most appropriate intervention should be used.</td>
<td>To be completed (Strategy Report 23rd March)</td>
</tr>
<tr>
<td><strong>In adult RJ, there are unclear referral pathways</strong></td>
<td>Devise clear, simple to navigate and accessible RJ framework</td>
<td>Create SPOC to coordinate and facilitate referrals (RJ coordinator) Create multi-agency RJ working group to meet quarterly to agree cases, methods, delivery and safeguarding. (RJ Coordinator and RJ Centre)</td>
<td>to be completed March 2015 Discussing UoH employee position for RJ coordinator</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Four meetings in April/May/June/July 2015 at the Hertfordshire Mediation Centre to constitute and convene multi-agency RJ working group arranged.</td>
<td></td>
</tr>
<tr>
<td>Key Finding</td>
<td>Recommendation</td>
<td>Actions</td>
<td>Milestones</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>In adult RJ, there are unclear referral pathways</td>
<td>Devise clear, simple to navigate and accessible RJ framework</td>
<td>Create SPOC to coordinate and facilitate referrals (RJ coordinator)</td>
<td>to be completed March 2015 Discussing UoH employee position for RJ coordinator</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Create multi-agency RJ working group to meet quarterly to agree cases, methods, delivery and safeguarding. (RJ Coordinator and RJ Centre)</td>
<td>Four meetings in April/May/June/July 2015 at the Hertfordshire Mediation Centre to constitute and convene multi-agency RJ working group arranged.</td>
</tr>
<tr>
<td>Delivery partners are divider in views how to manage and coordinate RJ delivery framework</td>
<td>Develop an adaptable and scalable delivery mechanism.</td>
<td>To be completed 23rd March 2015</td>
<td></td>
</tr>
<tr>
<td>Lack of clarity of when RJ becomes part of Community Remedy</td>
<td>Devise clear, simple to navigate and accessible RJ framework</td>
<td>Create SPOC to coordinate and facilitate referrals.</td>
<td>Discussing UoH employee position for RJ coordinator (to be completed March 2015)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Create multi-agency RJ working group to meet quarterly to agree cases, methods, delivery and safeguarding.</td>
<td>Four meetings in April/May/June/July 2015 at the Hertfordshire Mediation Centre to constitute and convene multi-agency RJ working group arranged.</td>
</tr>
<tr>
<td>Unclear what is meant by Victim led</td>
<td>Agree term that regardless of initiator of RJ (victim or offender), that the process is delivered at a time, manner and place of the Victims choosing ensuring that the welfare and safeguarding needs of the victim are understood and monitored pre, during and post RJ</td>
<td>Agree the term Victim Centric Ensure that all requests for RJ are directed through the Herts Victims Hub with victim care officers acting as victim advocate and SPOC for the RJ coordinator.</td>
<td>Agreed with BeNCH</td>
</tr>
<tr>
<td>Victims and members of public are unaware of the benefits of RJ, how they can access and their entitlements under Victims Code of Practice and EU Directive</td>
<td>Develop high level marketing and communication package. Exploit MOJ National RJ week in November.</td>
<td>Consider communication package adopted by Lincoln Crown Court.</td>
<td>To be completed by July 2015 Four meetings in April/May/June/July 2015 at the Hertfordshire Mediation Centre to constitute and convene multi-agency RJ working group arranged. One of the items in focus will be communication package</td>
</tr>
<tr>
<td>Key Finding</td>
<td>Recommendation</td>
<td>Actions</td>
<td>Milestones</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Lack of clear training standards creates a risk of inconsistent or high quality RJ</td>
<td>Agree a minimum standard of accreditation for practitioners. Ensure regular opportunity to refresh or top-up skills.</td>
<td>Consider using RJC standards as the minimum base line. Develop opportunities to enable regular refresher, peer mentoring and review sessions (RJ centre). Encourage a CPD approach.</td>
<td>To be completed March 2015. Training project led by Hertfordshire Mediation Centre Director, Mr. John Gunner</td>
</tr>
<tr>
<td>RJ demand is unclear creating difficulties in forecasting likely number of facilitators required</td>
<td>Ensure a core supply of accessible RJ practitioners with a flexible growth model using volunteers</td>
<td>Audit current number of RJ practitioners. Develop volunteering strategy</td>
<td>To be completed by July 2015. To be completed 23rd March 2015</td>
</tr>
<tr>
<td>DP issues in scanning cases scanning</td>
<td>Ensure SLA/MOU with service provider</td>
<td>RJ Centre</td>
<td>To be completed September 2015</td>
</tr>
<tr>
<td>Practitioners not familiar with the EU Victims Directive</td>
<td>Awareness sessions – RJ Conference, and HMC</td>
<td></td>
<td>To be completed 23rd March – Talks by Dr. Gavrielides and Mr. Lyon</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>To be completed in November 2015 - Day workshop by John Gunner during Restorative Justice Week; an RJ event, open to the public, and at a suitable venue during the Festival of Social Sciences week</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>To be completed by 22Feb 2016. Event on the European Day for victims of crime – 22 February</td>
</tr>
<tr>
<td>Key Finding</td>
<td>Recommendation</td>
<td>Actions</td>
<td>Milestones</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Victims and members of public to see benefits of RJ</td>
<td>Recording of cases, documenting good outcomes through videos, films,</td>
<td>RJ Coordinator to prepare template and monitor recording during quarterly meetings. RJ Centre to plan and execute film production</td>
<td>Template for recording RJ – to be completed April 2015</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Films and testimonials (from past RJ interventions) September 2015 – November</td>
</tr>
<tr>
<td>Pre-sentence RJ to be encouraged</td>
<td>Need clear guidelines for process, and address concerns re deferment</td>
<td>RJ Coordinator’s responsibilities to incorporate role of pre-sentence RJ coordination. Form Pre-sentence RJ advisory team (legal professionals of the CJS system and UH Law School)</td>
<td>To be completed July 2015</td>
</tr>
<tr>
<td>Implementation of the vision for RJ in Hertfordshire supported</td>
<td>Run a pilot for a year</td>
<td>RJ Centre and Coordinator to discuss with Welwyn Hatfield CSP and St.Albans CC for a pilot</td>
<td>To be completed in March or July 2016</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Design longitudinal study</td>
<td>To be completed by December 2018</td>
</tr>
<tr>
<td>Lack of sustained funding and resources</td>
<td>Develop actions for long term sustainability of RJ in Hertfordshire</td>
<td>RJ Centre to strengthen research in RJ in Hertfordshire</td>
<td>To be completed in 2016 – Fund PhD and postdoctoral research</td>
</tr>
<tr>
<td></td>
<td>Diversify sources of funding for RJ</td>
<td>RJ Centre to apply for grant from different sources, in collaboration with CJS partners</td>
<td>To be completed in 2016</td>
</tr>
<tr>
<td></td>
<td>Seek clarification from MOJ re future RJ funding streams</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Whole systems approach
A whole systems approach to restorative justice is an approach that embraces the potential of restorative practices in full. A whole systems approach incorporates a human rights approach to victims’ rights. Human rights are viewed as positive rights where victims of crime are to be protected from secondary and repeat victimisation, from intimidation and from retaliation, whereby they should receive appropriate support to facilitate their recovery and should be provided with sufficient access to justice. It seeks to promote the right to dignity, life, physical and mental integrity, liberty and security, respect for private and family life, the right to property, the principle of non-discrimination, the principle of equality between women and men, the rights of the child, the elderly and persons with disabilities, and the right to a fair trial. "Restorative justice is viewed as a tool or as part of the culture of an organisation or a system." A whole systems approach also takes into account the offender. It embraces the notion that crime is a wrong against society as well as a violation of the individual rights of victims. We are aware that restorative practice is embedded in youth RJ in Hertfordshire and that for adult RJ to thrive in the long term, a whole systems approach needs to be adopted in order to encourage both adult and youth RJ. The Restorative Justice Movement is recognised as a social movement which aspires to revolutionise society’s response to wrongdoing by replacing state punishment with community-based processes which empower wrongdoers to repair the harm they caused. Elements of the whole systems approach are evident in the strategy, while there are areas in the strategy which need improvement and development.

Victim-centred, not victim-led
Restorative Justice in the BeNCH area will be “Victim-centred”. Restorative justice under the EU Victims Directive is a non-comprehensive list of a number of different techniques/processes for embedding restorative practices into a system. “Victim-offender mediation, family group conferencing and sentencing circles are said to be of great benefit to the victim,” and such services “should have as a primary consideration the interests and needs of the victim, repairing the harm done to the victim and avoiding further harm.” Factors such as the nature and severity of the crime, the ensuing degree of trauma, the repeat violation of a victim’s physical, sexual, or psychological integrity, power imbalances, and the age, maturity or intellectual capacity of the victim, which could limit or reduce the victim’s ability to make an informed choice or could prejudice a positive outcome for the victim, should be taken into consideration in referring a case to the restorative justice services and in conducting a restorative justice process.

Based on this, the BeNCH area’s approach to Restorative justice will include: Victim-offender mediation, Restorative conferencing, Family Group conferencing, Community Conferencing, Community Mediation/Community Justice Panels or Indirect restorative processes.

38 Paragraphs 9 & 54 EU Victims Directive
39 Paragraph 66 EU Victims Directive
41 Paragraph 12 EU Victims Directive “The rights set out in this Directive are without prejudice to the rights of the offender. The term ‘offender’ refers to a person who has been convicted of a crime”.
42 Paragraph 9 EU Victims Directive
43 Johnstone, G., Restorative Justice: Ideas, values, debates (2nd Ed), Routledge, 2011
44 Ibid
46 Ibid
Restorative Justice Service standards
The EU Victims Directive focusses extensively on training. It recommends that ‘any officials involved in criminal proceedings who are likely to come into personal contact with victims should be able to access and receive appropriate initial and ongoing training, to a level appropriate to their contact with victims, so that they are able to identify victims and their needs and deal with them in a respectful, sensitive, professional and non-discriminatory manner. Persons who are likely to be involved in the individual assessment to identify victims’ specific protection needs and to determine their need for special protection measures should receive specific training on how to carry out such an assessment. Member States should ensure such training for police services and court staff. Equally, training should be promoted for lawyers, prosecutors and judges and for practitioners who provide victim support or restorative justice services. This requirement should include training on the specific support services to which victims should be referred or specialist training where their work focuses on victims with specific needs and specific psychological training, as appropriate. Where relevant, such training should be gender sensitive. Member States’ actions on training should be complemented by guidelines, recommendations and exchange of best practices in accordance with the Budapest roadmap47. The six standards of restorative justice set out by the Restorative Justice Council describe the minimum requirements needed to provide a safe and effective restorative service. The RJC Standards allows for local consultation and flexibility in local delivery models to meet service users’ needs. The criteria for obtaining the Restorative Justice Quality mark RSQM, which are listed below, provide good benchmarks for RJ service standards.

01: Leadership, Vision and Values
Leaders champion restorative practice, ensuring it is clear how restorative processes support the organisation’s aims and values.

02: Strategies, Policies, Plans
Restorative practice is included in the organisation’s overall strategy, business plan and other relevant policies and plans. Policies and plans with regard to restorative practice are based on consultation with stakeholders, the local context and national guidance.

03: Working Together
Restorative practice delivery is based on working together effectively with external organisations in order to deliver services properly and achieve the right outcomes for service users.

04: People, Training and Support
Staff/volunteers who provide restorative services are properly trained and competent to carry out their role.

05: Service Delivery and Users
Restorative practice services are delivered safely, effectively and consistently by staff/volunteers in accordance with good practice and legislation. Services are focussed on the needs of users. Service users, and potential service users, are communicated with effectively. All services are inclusive and accessible.

06: Monitoring, Evaluation and Performance Improvement
The organisation defines what its output and outcome measures are and makes sure that they relate to its aims for restorative practice. Monitoring is undertaken in relation to these measures and evaluations made of performance against the measures.

While it is important to have standards, there is a note of caution that should well be heeded. According to Braithwaite, “ultimately, such top-down lists motivated by UN instruments or the ruminations of intellectuals are only important for supplying a provisional, revisable agenda for bottom-up deliberation on restorative justice standards appropriate to distinctively local anxieties about injustice”48.

47 Paragraph 61 EU Victims Directive
Analysing demand and developing end-to-end models
An ‘end to end’ model establishes a multi-agency vision, strategic objectives and deliverables, a strong governance structure, a multi-agency single point of contact network across all involved agencies, standardised processes and practices across all agencies involved in delivery, makes restorative justice delivery sustainable through co-commissioning and a shared vision. As partnerships and processes for delivery of adult restorative justice in Hertfordshire are still evolving, there are a number of variables that need to be tried and tested before a fully functional end-to-end RJ model in Hertfordshire starts functioning smoothly.

Leadership, monitoring and governance
A combination of experience, expertise and public engagement will ensure that the development of restorative justice in Hertfordshire is consistent, fair and available to all. Strong leadership and transparent governance will be the hallmark of the RJ strategy. The development of leaders at all levels of the system will be crucial. Volunteers who can voice their ideas and steer change, managers who can contribute to the development of the system over and above their roles to bring about change in the criminal justice system, passionate practitioners, researchers, and the oversight body should all contribute to collectively to promote RJ in Hertfordshire.

Conclusion
The Restorative Justice Strategy for Hertfordshire 2015 - 2018 is a living document, and will be modified and adapted as the strategy evolves through dialogue, consultation, research and evaluation. Its nine key elements are based on the core principles of safety, sustainability, quality, being evidence-based, dialogical, local and human rights compliant.
APPENDIX A

UH STRATEGIC SCOPING STUDY QUESTIONNAIRE QUESTIONS FOR SEMI-STRUCTURED INTERVIEW

The interview will be divided into six parts

1. Definition of Restorative Justice (RJ)
2. Victim led RJ
3. RJ practice and barriers
4. RJ delivery: skills, accreditation and volunteering
5. Advocating and promoting RJ
6. Monitoring and Governance

• Part 1

Terminology
The MOJ definition of RJ
“A process that brings those harmed by crime, and those responsible for the harm, into communication, enabling anyone affected by a particular incident to play a part in repairing harm and finding a positive way forward”. In particular, RJ is designed to:

• Tell the offender the real impact of their crime
• Victims to get answers to their questions
• Receive an apology

There are a number of different understandings of this definition and the points of emphasis may vary. In this section we would like you to identify a definition of RJ from your practice. The purpose of Part 1 is to bring out the particular meanings of RJ in Hertfordshire.

a. What is your understanding of RJ?
b. How is it demonstrated in your practice?
   Or if you come across RJ, in what capacity are you familiar with it, and what does it mean to you from your observations of practice?
c. Is there a need for a new definition of RJ?
d. Would you like to add any other comment?

• Part 2

Victim-led RJ
a) How do you understand victim-led RJ?
b) Do you think a victim-focused or victim-led approach to restorative justice is good from every perspective provided it is used consistently and professionally?
c) Is victim-led RJ a central element in your approach to justice?
d) What are your views on the Victims Directive?

• Part 3

RJ Practice and Barriers
a) Do you see the need for a cohesive county wide strategy for victim-led RJ in Hertfordshire? What are your particular recommendations for such a strategy?
b) How important is it to promote a well-informed partnership approach across the local CJ landscape?
c) Consider the schematic below and comment on use of restorative practice in low as well as high level crime.
d) What are the biggest challenges you perceive from April 2015 onwards for pre-sentence RJ in Hertfordshire?
Part 4

RJ delivery in Hertfordshire

1. Hertfordshire RJ Hub
   The strategy is built on the notion that there is need for central coordination of the access, referral and delivery process, to which both practitioners and service users can turn to.

   a. Consider the schematic below and comment on the proposed RJ Hub for Hertfordshire.

2. Practitioner Training & accreditation
   a. On the one hand there is a belief that there are enough trained practitioners, but the limitation is in referrals and demand from victims, on the other hand there is perceived to be a lack of trust in the standards of RJ practice, and in the ‘profession’, leading to a lack of demand. What are your comments on this?

   b. Given the diversity of courses available in RJ training, would it be useful to develop a core syllabus that could be recommended for RJ practice at the Hub?

   c. Do you see volunteers playing a key role in delivering RJ? What are your recommendations for a Volunteer training strategy?

Part 5

Advocating and promoting RJ in Hertfordshire

a. Do you think that RJ should be advertised to service users at various stages of the CJ process?

b. Who, in your view could promote RJ to the victims, to the general public and to CJ professionals?

c. How can we develop passionate RJ practitioners?

Part 6

Monitoring and Governance

a. Annual event of CJ partners in Hertfordshire to stock take and discuss about the various outcomes for the following year, the first of which will mark the launch of the strategy in March 2015, would you like to/can you envisage contributing to this event?

b. HCJB/OPCC will act as the governing body for the victim-led RJ restorative strategy in Hertfordshire. Please comment.

Finally, please give us any other comments on victim-led restorative justice in Hertfordshire that you may like to make.

Thank you
## APPENDIX B

### UH STRATEGIC SCOPI NG STUDY LIST OF INTERVIEWEES

<table>
<thead>
<tr>
<th>No</th>
<th>Name</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Stuart Nagler</td>
<td>Magistrate</td>
</tr>
<tr>
<td>2</td>
<td>Carole Ward</td>
<td>Criminal Justice Manager</td>
</tr>
<tr>
<td>3</td>
<td>Maria Kraithman</td>
<td>Manager</td>
</tr>
<tr>
<td>4</td>
<td>Jason Thorne</td>
<td>Inspector (Community Remedy)</td>
</tr>
<tr>
<td>5</td>
<td>Steve Johnson-Proctor</td>
<td>Assistant Director. NPS</td>
</tr>
<tr>
<td>6</td>
<td>Elaine McConnell</td>
<td>Manager BeNCH (CRC)</td>
</tr>
<tr>
<td>7</td>
<td>Karen Potton</td>
<td>RJ Lead</td>
</tr>
<tr>
<td>8</td>
<td>Nicola Pearce</td>
<td>Broxbourne CSP</td>
</tr>
<tr>
<td>9</td>
<td>Neil Adkins</td>
<td>Community Safety Coordinator, East Herts CSP</td>
</tr>
<tr>
<td>10</td>
<td>Tim Beyer</td>
<td>Partnerships and Community Safety Manager Welwyn Hatfield CSP</td>
</tr>
<tr>
<td>11</td>
<td>Neil Kieran</td>
<td>Principal Community Protection Officer St.Albans CSP</td>
</tr>
<tr>
<td>12</td>
<td>Jane Taylor-Ball</td>
<td>Community Safety Manager, Watford CSP</td>
</tr>
<tr>
<td>13</td>
<td>Andy Stovold</td>
<td>Head of Community Partnerships, Three Rivers CSP</td>
</tr>
<tr>
<td>14</td>
<td>Chris Kitchin</td>
<td>Magistrate</td>
</tr>
<tr>
<td>15</td>
<td>Susan Pleasants</td>
<td>Victim Development Manager</td>
</tr>
</tbody>
</table>
# APPENDIX C

## WHEN TO USE RJ/MEDIATION/RP?

<table>
<thead>
<tr>
<th>Matter</th>
<th>Mediation</th>
<th>Restorative Practice</th>
<th>Restorative Justice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose</td>
<td>Resolution</td>
<td>Reparation</td>
<td>Harmer</td>
</tr>
<tr>
<td>Party speaks first</td>
<td>Choose/either</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Disagreement</td>
<td>√</td>
<td>√</td>
<td>X</td>
</tr>
<tr>
<td>Admission/Blame/Remorse</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Voluntary</td>
<td>√</td>
<td>√</td>
<td></td>
</tr>
<tr>
<td>Confidential/Without Prejudice</td>
<td>√</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Parties treated equally</td>
<td>√</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Dispute re entitlement</td>
<td>√</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>‘Wrong’</td>
<td>X</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Focus on feelings</td>
<td>-/X</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Harmful criminal context</td>
<td>X</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Focus on ‘incident’</td>
<td>X</td>
<td>√</td>
<td>√</td>
</tr>
<tr>
<td>Preventative</td>
<td>-/X</td>
<td>√</td>
<td>X</td>
</tr>
</tbody>
</table>
**APPENDIX D – PROGRAMME – 23RD MARCH 2015**

10.00 Registration Fielder Centre, University of Hertfordshire

10.30 – 11.15 **Introduction to Hertfordshire Restorative Justice Strategy and Launch**

- **Welcome**
  Dr. Andrew Clutterbuck, Pro Vice-Chancellor, University of Hertfordshire

- **A Victim-centred Restorative Justice Strategy for Hertfordshire**
  David Lloyd, Police and Crime Commissioner for Hertfordshire

- **Victim-led Restorative Justice**
  Baroness Newlove, Victims’ Commissioner [Video Address]

- **Challenges for victim-centred RJ in Hertfordshire**
  Kevin McGetrick, Victims Service Commissioner

- **RJ as strategic practice in Hertfordshire**
  Dr. Chamu Kuppuswamy, RJ Lead, School of Law, University of Hertfordshire

11.15 - 12.30 **Are we ready for the EU Victims Directive?**

- **Are we ready for the EU Victims Directive?**
  Dr. Theo Gavrielides, IARS, London

- **Training standards**
  Ben Lyon, IARS, London

- **Hertfordshire specific RJ training**
  John Gunner, Hertfordshire Mediation Centre

12.30 – 13.00 **RJ and high-level crime**

- **Power of RJ**
  Steve Johnson-Proctor & Susan Pleasants, NPS

13.00- 14.00 Lunch

14.00 – 15.00 **Opportunities and challenges for an end-to-end RJ delivery model for victim-centred RJ in Hertfordshire**

- **Community RJ**
  Duncan Jarrett, Mediation Hertfordshire

- **Information sharing for Restorative Justice/Practice**
  Neil Keiran, St. Albans CSP

- **Victim centred RJ delivery**
  Tim Beyer, Welwyn-Hatfield CSP

- **Partnership working**
  Andy Stovold, Three Rivers CSP

15.00 – 15.30 Break

15.30 – 16.30 **Discussion – Break out groups**

- **Group 1: How do we measure success? Evaluation framework**
- **Group 2: RJ Referral**
- **Group 3: pre-sentence RJ trial in Hertfordshire**

16.30 – 17.00 **Closing session**

- **Tour of Law Court Building and Hertfordshire Mediation Centre available on request.**

17.00 Finish