

Evaluation of the Lincolnshire reparation and mediation scheme

COLE, Bankole <<http://orcid.org/0000-0001-6741-0467>>

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Evaluation of the Lincolnshire Reparation and Mediation Scheme

Draft Final Report
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UNIVERSITY OF
LINCOLN

Policy Studies Research Centre
Department of Policy Studies & Criminology
The University of Lincoln
Lincoln Campus.
Brayford Pool.
Lincoln LN6 7TS

Author:

Dr Bankole Cole, senior lecturer in criminology

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Acknowledgements

Executive Summary

Introduction

Restorative Justice is rapidly becoming a popular criminal justice intervention for young offenders, in spite of criticisms from some academics who argue that it doesn't work (see Morris, 2002). Restorative justice in general and reparation in particular, offer offenders the opportunity to make amends to victims as well as enable them to address or confront their offending behaviour. There is a retributive side to restorative justice in terms of the need to pay back to victims or the community; but there is also a rehabilitative side to the intervention. It is the latter that makes restorative justice popular, compared with conventional methods of crime control that are generally retributivist.

The 1998 Crime and Disorder Act redefined the aims of youth justice in England and Wales. It made the prevention of crime by children and young persons the central aim of youth justice in the country. All criminal justice activities undertaken with children and young people who have committed crimes have to be undertaken within the primary aim of preventing them from offending or re-offending. A primary focus of the Act is the need to create a balance within the existing youth justice system, between the interests of the young offender on the one hand and those of victims or potential victims on the other. A reparation order is the only order in the Act that is based exclusively on the principle of restorative justice.

The evaluation

This report is the result of an evaluation of the Lincolnshire Reparation and Mediation Scheme by the University of Lincoln. The Lincolnshire scheme was one of 46 local schemes established by the Youth Justice Board (YJB) in the year 2000. The scheme became fully operational on June 1, 2000. This evaluation covered the period between

the start of the scheme (June 1, 2000) and March 31, 2002 (before the introduction of the new referral orders).

The evaluators of the scheme (The University of Lincoln) were part of a team of 46 local evaluators, charged with the responsibility of evaluating the 46 reparation schemes established by the Board.

The aims of the evaluation were:

- To collect relevant information and data on the scheme, as directed by the Youth Justice Board and to send such information to the national evaluators based at the University of Oxford.
- To assess how well the agencies involved in the scheme worked together in delivering the scheme's programmes.
- To identify examples of good and/or bad practice.
- To assess the impact of the scheme on the overall aims of the Youth Justice Board, namely the prevention of offending and re-offending by young people; and any other locally defined intervention aims.
- To assess the impact of the scheme on all those involved, namely the young offenders, YOS and SOVA staff, volunteers, magistrates and victims.
- To collect data on all the young persons referred to the scheme between July 1, 2000 and December 31, 2000, to be used in a national reconviction study by the national evaluators.
- To attempt a cost-benefit analysis of the scheme.
- To provide interim, progress and final reports to the National evaluators and the Lincolnshire YOS. Two interim reports, two progress reports and one final report were presented to the national evaluators. In addition, two progress reports and this final report were presented to the Lincolnshire Youth Offending Service (YOS).

Methodology

The evaluation focused on both the process of intervention (that is, how the scheme was implemented in practice) and the outcomes in terms of the results of the intervention. Qualitative and quantitative methods were used in the collection of data.

These included:

- Administration of self-completion feedback questionnaires to young persons who completed their reparation programmes. The questionnaire covered issues such as offending involvement in their programmes; degree of compliance (e.g. willingness to participate in discussion with the victims), change in attitude towards offending and participant satisfaction with the intervention.
- Analysis of referral statistics and other relevant data obtained from SOVA and YOS databases.
- Semi-structured in-depth interviews with a sample of young persons before and after their reparation.
- Observation of reparation sessions, mainly initial and final meetings.¹
- Observation of breach proceedings in youth courts and interview of a sample of young persons breached.
- Semi-structured in-depth interviews with magistrates, SOVA staff and YOT managers.
- Collection of data from ASSETS and Core Data Forms on all young persons referred between July 1, 2000 and December 31, 2000, later used by the national evaluators in a reconviction study of all young persons referred to reparation schemes in England and Wales during that period.
- Analysis of cost data.

¹ The original plan was to vide-tape reparation sessions but this idea was abandoned because of the serious ethical problems that it could raise.

Findings

The evaluation showed that:

The Lincolnshire scheme was a 'hybrid' project consisting of a partnership arrangement between the Lincolnshire YOS and SOVA. Other agencies involved in the delivery of the scheme included Victim Support and the Family Mediation Service.

The majority of the young persons referred to the scheme were on reparation orders (49%), followed by those on action plan orders (31%) and supervision orders (10%). The main offences for which the young persons were referred included violent offences (including robbery) (32%), theft (21%), criminal damage (15%) and burglary (15%). Eighty-one percent of the offenders were males whilst only 19% were females. The main age group was 14-17 year olds (89%) and almost all the young persons (99.2%) were whites.

The main type of reparation intervention offered was community reparation (84.1%) followed by letters of apology (50.5%) and victim awareness (47.6%). This indicated an over-emphasis on community reparation. The scheme did very little mediation work. This was due to SOVA's lack of training in mediation work at the beginning of the project and persistent problems encountered with regard to lack of victim details in the police YO1 forms.

The completion rate during the period of the evaluation was 77%. Those who did not complete were either breached (11%) or had new criminal proceedings instituted against them whilst on the order (12%).

The scheme was a well-managed project. A lot of credit must go to the SOVA team who carried out the main bulk of reparation work. The efforts of the YOS in supporting the scheme financially are also commendable. It was quite clear that the

Lincolnshire YOS was very supportive of the scheme. Like most of the reparation schemes established by the Board, the Lincolnshire scheme encountered some implementation problems that were very quickly resolved. These included data protection, parental consent, health and safety and the recruitment of volunteers, particularly in the remote parts of the county

The partnership, consisting of SOVA and the three YOTs (east, west and south), worked quite well. As in many 'hybrid' projects, SOVA carried out all the reparation work whilst the YOTs had the responsibility for assessing the offenders and contacting victims. Both organisations worked together in monitoring the progress of the young persons and were both present at their initial and final meetings.

All the staffs and volunteers involved in the project received adequate relevant training. The bulk of the training, however, focused on working with victims, even though very little victim work was done.

The scheme was able, within the period of this evaluation, to attain all its aims and objectives, although more in relation to the young persons than the victims. For example, letters of apology were not sent to victims and very little direct reparation to victims was done. These were the results of difficulties encountered, as earlier mentioned, with regard to lack of victim details. However, the scheme was able to use surrogate victims wherever possible, to do Victim-Offender Mediation sessions. No scheme can claim to be fully restorative where very little mediation work is done.

The scheme must be commended in the successful attempts that were made by SOVA to tailor reparation to the offence, provide innovative approaches to victim awareness that challenge the young persons' offending behaviour, and establish a mentoring scheme for young person who have successfully completed their reparation. These are the hallmarks of this scheme that ought to be further developed.

Although the results of the national reconviction study were not encouraging in the sense that they did not provide any reliable information on predicted rate of reconviction for any of the schemes, which makes it impossible to estimate how many crimes have been prevented (or not) by any of the schemes, there was evidence locally that the young persons who went through the Lincolnshire scheme felt satisfied with their intervention and thought that it made them change their attitude towards offending and towards victims of crime. The young persons generally felt satisfied with their treatment and the types of support that they were given by SOVA staffs and volunteers. Some of the young person have joined the Millennium Volunteers or enrolled for the sports leaders' award whilst others have indicated a desire to pursue careers related to the work that they did whilst on reparation. These were the results of SOVA's approach of tailoring reparation to the interests or skills of the young persons.

Magistrates were generally supportive of the scheme, although a few expressed concerns about tailoring reparation to offenders' interests and the types of letters of apology that were being written. Such magistrates were, however, in the minority. The majority of magistrates would like the intervention to be more offence-focused, but they claimed that they were not necessarily punishment-led.

The quality of service was generally very high. There was commitment and enthusiasm on the part of both SOVA and YOT staffs. However, there was an indication during the last months of the evaluation that the YOS would like the roles changed, to enable the YOTs take more active roles in delivering the interventions. The YOTs would like to take over victim awareness and the writing of letters of apology whilst SOVA's role is to be restricted to the recruitment and training of volunteers and the supply of placements for the young offenders on community reparation. If this change goes through, it might reduce costs. However, the primary concern should be the quality of the delivery, which should not diminish as the roles are changed. SOVA has provided an excellent service and had managed to lay a very solid foundation for this scheme.

Financial problems appear to be a major issue linked, perhaps, to a possible under-bidding by the scheme managers. The Lincolnshire scheme received less than average funding from the YJB. The estimated average funding received from the YJB was £290,000 but Lincolnshire received only £263,000. The scheme received even less than the average funding to 'hybrid' projects, which was £276,000. However, it is also interesting to note that Lincolnshire was one of only three schemes that received extra funding from the YJB. In more than half of the 46 projects, the actual costs claimed and the costs outlined in the bids were more or less the same. Where there was a significant difference between the two, it was usually due to an under-spend.

Compared with schemes in four rural counties in England and Wales (Devon, Mid Wales, Norfolk and Suffolk), Lincolnshire received above average funding but had the highest number of referrals. In fact, the Lincolnshire scheme had the highest number of referral in the whole country (477 referrals between June 1 2000 and 31 March 2002). Although unit costs, calculated in terms of the total financial cost of a project divided by the number of referrals do not tell us much about the cost-effectiveness of projects because much depends on the types of reparation work that was done, high numbers of referrals can only mean high financial costs. Although the Lincolnshire scheme did not carry out any FGCs, which are reputed to be the most expensive types of restorative intervention, the high referral figures coupled with the large size of the county meant that it had unexpectedly high running costs. A large percentage of the scheme's funding went to pay for SOVA staff having to put in extra time working with young offenders, possibly because of lack of volunteers; and travelling expenses. The scheme, like most criminal justice initiatives these days, has developed mainly in relation to the availability of funding and is vulnerable to changes in funding regimes and increasing competition for available funds.

Conclusion

The Lincolnshire scheme is a progressive project. The evidence shows that it is working. Whilst it is obvious that the Lincolnshire scheme did not cover all aspects of reparation, it is doubtful whether any restorative justice programme can do all that is required to make amends to victims and at the same time successfully reintegrate the offender back into the community. It is common knowledge that 'rehabilitation' cannot be effective if the criminogenic factors that are reproducing crime in the community remain unchallenged. As Glass (2001) maintained, perhaps what we should be concerned about is not 'what works' but what is actually worth doing for children and young people, to prevent them drifting into a life of crime and delinquency. The success of any criminal justice policy or initiative depends on a sound social policy (see Drakeford & Vanstone, 2000). Increase in child poverty, child abuse and school exclusions are known common social factors that can lead to youth offending but are often ignored in a criminal justice system that individualises and de-contextualises crime. Restorative justice has the potential to effectively address youth offending, but future re-offending by many of the young people who have experienced the intervention will depend on factors that cannot be addressed directly by reparation; for example, family problems, peer group pressure, drug misuse and social exclusion.

The Lincolnshire partnership has certainly done a very good job. A major issue is the fact that the funding received for the scheme was probably too low, considering the size of the county and the high numbers of referrals. However, considering the high completion rate, the high level of user satisfaction and the positive impact the scheme appeared to have had on the young persons' attitude towards offending and victims, it can only be said that the scheme was value for money.

The scheme certainly needs more secure and long-term funding. The size of the county will continue to be an issue and referral rates are likely to continue to be high. If the costs of similar projects are to be taken into consideration, a reasonable cost of the Lincolnshire scheme should be at least above the current average YJB funding for

restorative justice projects in England and Wales. Considering that the average unit cost of 'hybrid' projects was around £1,600, a reasonable cost of the Lincolnshire scheme should be around £400,000 per year (£1,600 x 250 cases/yr). However, if the YOS reverts to a full 'in-house' project, a reasonable cost of the scheme would be around £325,000 per year (average unit cost £1,300 x 250 cases/yr). These are, of course, rough estimates, based on figures provided by the YJB.

With regard to the delivery of the scheme, there is the need for the scheme to strive to do more in order to ensure effective victim contact so that more mediation work could be done. No scheme can claim to be restorative without substantial direct victim involvement. According to YJB guidelines, 80% of the restorative justice process should involve victims.

In addition, attempts have to be made to ensure that all aspects of the interventions are offence-focused. Community reparation ought to be made more restorative; for example, by encouraging more offenders to work for victims or where reparation work is done in the community, to make sure that feedback is given to victims; for example, in the form of photographs of work done. Finally, it would be beneficial to the scheme if volunteers were involved much more in the various reparation interventions, instead of restricting their role to the supervision of community reparation work alone. The end product could be cost-effective.

Future bids could focus on (a) funds to develop offence-focused reparation and other reparation programmes that are more restorative (b) funds to enable the scheme to forge stronger links with relevant organisations in the community, to help with reparation work (c) funds to support the mentoring scheme and develop more outlets or support network for the young persons who have completed reparation.

1 Introduction

1.1. Background

Restorative justice is an approach to crime control that focuses on repairing the harm done by crime to particular victims and communities, while holding offenders responsible for their actions (cf Schiff, 1998; see Zehr, 1990; Van Ness and Strong, 1997). Although the term 'restorative justice' was first used in Canada and North America in the early 1970s, resolving conflicts by means of mediation or negotiation between the offender and victim, or by means of restitution or compensation to victims, has a long history in the traditional criminal justice practices of pre-modern societies, for example in Africa and amongst the Australian aborigines (see Christie, 1977; Australian Institute of Criminology, 2001). It is an approach to crime that is rapidly gaining acceptance, popularity and support worldwide, particularly in relation to criminal justice provisions for young offenders. Restorative justice is not used exclusively in criminal justice matters; it is also used in civil matters, for example, in the handling of family matters such as domestic violence or child protection matters, and also in the resolution of workplace disputes.

Marshall (1999:5) defined restorative justice within the context of criminal justice as:

“A problem solving approach to crime which involves the parties themselves, and the community generally, in an active relationship with statutory agencies. It is not any particular practice, but a set of principles. These principles are: making room for the personal involvement of those mainly concerned (particularly the offender and the victim, but also their families and communities), seeing crime problem in their social context; a forward looking (or preventative) problem solving orientation [and] flexibility of practice”

Restorative justice is mainly about the resolution of conflicts arising from crime as well as attempting to address the underlying causes of crime. It is an approach to crime that is based on the philosophy that crime is a violation of people and relationships; hence, the purpose of criminal justice is to restore these relationships.

What is significant about restorative justice is the recognition of communities as the place where crime problems can be solved and controlled. The ultimate aims of restorative justice are (a) to rebuild relationships in the community between the harmed (victim) and the alienated (offender), and (b) to re-establish dignity and prevent re-offending by re-integrating offenders back into their communities. As Considine (1994: 158) puts it, “the goal of the process is to heal the wounds of every person affected by the offence, including the victim and the offender”.

Restorative justice redefines crime not so much as the breaking of the law or offending against the state, but as harm or wrongs done to particular persons or communities. It is an approach to criminal justice that relies heavily not only on offender accountability, but also on the encouragement of the participation or involvement of victims or the community in the punishment of offenders and their reintegration back into their communities. The basic requirements for a restorative justice initiative are that (a) the offender must accept full responsibility for the crime and is willing to repair the harm done or make good what he or she has done wrong and (b) the victim(s) and/or the community are given the opportunity to take an active role in the punishment of the offender and his or her reintegration back into the community. Thus, restorative justice is an approach that places the victim at the centre of the intervention. The empowerment of the victims of crime in terms of their direct involvement in the criminal justice process is about the most important point in favour of restorative justice².

According to Marshall (1999: 6) restorative justice is based on the following hypotheses:

- that crime has its origins in social conditions and relationships in the community;

² It should be noted that the perception of the victim in restorative justice is not restricted to the primary victims of crime alone but could include the victims' and the offenders' families, their friends or other secondary victims impacted by the crime, which could include the community as a whole. Corporations and businesses are also included in the definition of 'victims'.

- that crime prevention is dependent on communities taking some responsibility for remedying those conditions that cause crime;
- that the aftermath of crime cannot be fully resolved for the parties themselves without facilitating their personal involvement;
- that justice measures must be flexible enough to respond to the particular exigencies, personal needs and potential for action in each case;
- that partnership and common objectives among justice agencies, and between them and the community, are essential for optimal effectiveness and efficiency;
- that justice consists of a balanced approach in which a single objective is not allowed to dominate the others.

Restorative justice involves a variety of practices, which include victim-offender mediation, family group conferencing, direct or indirect reparation to victims or the community, and reintegrative shaming. It is important to mention that most restorative justice initiatives for young offenders do not end with the action taken to repair the damage done. Some schemes include constructive programmes (for example, education and training) to enable the young offenders develop new skills and interests or positive attitudes that would enable them to be fully integrated as respectable members of their communities, and refrain from future offending.

1.2. The Crime and Disorder Act, 1998.

In 1998, a Crime and Disorder Act was passed in the UK, which redefined the aims of youth justice in the country. It makes the prevention of crime by children and young persons the central aim of youth justice in the country. All activities undertaken with children and young people who have committed crimes have to be undertaken with this primary aim in mind; that is, to prevent them from offending or re-offending. The Act was passed against a background of failure of the existing youth justice system in reducing youth crime. This failure was attributed to the general lack of preventative work in the existing approaches to youth crime that were largely punitive. Crime

prevention is at the centre of the new Labour government's crime reduction strategy. The government was concerned in particular, about the lack of balance within the existing youth justice system, between the interests of the young offenders and those of the victims or potential victims. According to the government, preventing crime as an aim of the youth justice system is in the best interest of children and young persons, and it is also in the best interests of the victim and the wider public (Home Office, 1998a: 5). All approaches to youth offending, be it community based or a custodial sentence, have to be constructive and appropriate. The guiding principle should be to prevent further re-offending and reduce youth crime. These are to be the benchmark against which the success or failure of youth justice programmes is to be measured. Hence, priority is being given to programmes that claim to have the potential of effectively reintegrating offenders into the community, to the extent that they refrain from future offending.

In order to achieve this aim, the government listed six key objectives that should be the guiding principles of all those who work with children and young people within the youth justice system. One of these key objectives is that young offenders should be confronted with the consequences of their offending for themselves and their family, their victims and the community, and should be helped to develop a sense of personal responsibility (objective 2). This objective links closely with objective 5, which states that young offenders should be encouraged to make reparation to victims. (Home Office, 1998a, op.cit.).

The Crime and Disorder Act introduced new forms of intervention which supporters of the Act claim are revolutionary, and appropriate initiatives that would help the government in achieving their stated youth justice aim and objectives. These include:

- (a) Early intervention provisions for children under 10 years who, at the moment, cannot be held criminally responsible for the crimes they commit. These include child safety orders and local child curfew orders. These orders can be imposed by local authorities where they are satisfied that a particular child is

starting to behave anti-socially or disruptively, in such a way that puts him or her at risk of offending, or that he or she has committed an act which, if he or she was 10 years old, would have been regarded as a crime. These new orders are based on the premise that an intervention at an early age will be more effective in preventing the child from drifting into crime, than waiting until that child is old enough to be dealt with by the youth justice system.

- (b) A new range of court orders for 10 – 17 year olds which include: a reparation order; an action plan order, a supervision order³ and custody in the form of a detention and training order of up to 24 months, presumably for serious or persistent offenders. In addition, a final warning scheme has been introduced as a replacement for repeated cautioning by the police (see Home Office, 1998b, 1998c). The British police have also acquired new powers (under civil law) to take children or young persons who are truanting from school, back to their schools or to a place designated by the local education authority for such a purpose (Home office, 1998c). In 1999, a new Youth Justice Act, the Youth Justice and Criminal Evidence Act (1999) was passed into law. The Act introduced a new primary sentence – the referral order – for 10-17 year olds convicted for the first time by the court. The new referral order became operational on 1 April 2002. (see chapter 2 of this report for details)

A reparation order is the only order within the youth justice package that is based exclusively on the principle of restorative justice. The requirement that young offenders make reparation for their offences, and where appropriate, directly to their victims, is a significant development in the sense that it is the first time in the history of youth justice in the UK that the victim is placed at the centre of youth justice process. The history of youth justice in the UK was in the past dominated by experiments with ‘welfare’ and ‘justice’ models of intervention that focused exclusively on the punishment and punitive ‘rehabilitation’ of young offenders. (See Newburn, 2002). By the end of 1998, various reparation schemes were initiated in England and Wales and many of them were up and running by mid-2000. The

³ Action Plan Orders, Supervision Orders and Final Warnings can include a reparation element.

Lincolnshire scheme is one of such schemes and it became fully operational on June 1, 2000.

1.3. Evaluation

This report is the result of an evaluation of the Lincolnshire Reparation and Mediation Scheme for Young Offenders undertaken by the University of Lincoln. The evaluation covered the period when the scheme started (June 2000) up till March 2002 (before the introduction of the new referral orders).

The aims of the evaluation were:

- To collect relevant information and data for the national evaluation of reparation schemes in England and Wales.
- To assess how well the agencies involved worked together in delivering the scheme.
- To identify examples of good and/or bad practice.
- To assess the impact of the scheme on the overall aims of the Youth Justice Board, namely the prevention of offending and re-offending by young people; and any other locally defined intervention aims (for example, addressing young persons offending behaviour, effecting a change in attitude towards offending and providing effective reparation to victims and communities).
- To assess the impact of the scheme on all those involved (for example, SOVA staff and volunteers, magistrates YOT staff).
- To collect data on all young persons referred to the scheme between July 1, 2000 and December 31, 2000, to be used in a national reconviction study by the national evaluators (Oxford University)
- To provide interim, progress and final reports to the National evaluators and the Lincolnshire YOS

The evaluators were contracted for 1.5 days a month for the evaluation, which, over the 2-year period, amounted to 30 working days. Qualitative and quantitative methods of data collection were used for the evaluation (see section 3).

1.4. Structure of the Report

Section one is the introductory chapter. **Section two** describes the key features of Lincolnshire Reparation and Mediation Scheme. The evaluation methodology is explained in **section three** whilst the findings are discussed in **section four**. **Section five** concludes the report and contains some suggestions on for improving the the scheme's provisions.

2. The Lincolnshire Reparation and Mediation scheme for Young Offenders

2.1. Introduction

The Lincolnshire reparation scheme was initiated in 1999 by means of a successful bid jointly put together by the Lincolnshire Youth Offending Service and SOVA.⁴ The scheme is one of 46 youth reparation schemes established in England and Wales by the Youth Justice Board. Whilst the model of reparation adopted by each scheme varied, depending on available resources and the expertise of those delivering the programmes, the overall aims are to prevent youth crime and to reduce the risk of re-offending by children and young people.

The Lincolnshire Reparation and Mediation Scheme is a restorative justice/mentoring scheme. The aims of the scheme are:

- (a) to contribute the Youth Justice Board's aim of reducing offending by young people via the provision of individually designed restorative justice programmes which seek to respond effectively to the consequences of offending and be of benefit to victims, the young offenders themselves and local communities; and
- (b) when appropriate, to provide volunteer mentors in order to strengthen 'protective factors.'⁵

⁴ SOVA is a well-established voluntary organisation in the UK. It is an organisation that has a good track record of voluntary work in communities, which in recent years have included work in the area of criminal justice

⁵ See the Lincolnshire Youth offending Team bid to the Youth Justice Board, 1999.

The target groups are young people (10 – 17 year olds) subject to a reparation order or any order that includes a reparation component; for example, an action plan order, final warnings or a supervision order. Persistent young offenders (PYOs) are also included in the target group.

The objectives of the scheme were listed in the bid to the Youth Justice Board as follows:

1. To provide countrywide reparation programmes available to all those in the target group.
2. To provide the (youth) courts with a range of reparative interventions that can be used for reparation orders, action plan orders, and contribute to evidence-based effective supervision packages.
3. To devise a reparation programme that meets the needs of individual victims and each individual young person.
4. To supervise reparation programmes to successful completion according to agreed standards (up to and including NVQ level 1, to increase self esteem and facilitate return to education or employment).
5. To recruit and provide accredited training to volunteer mentors.
6. To match young offenders with volunteer mentors.⁶

The scheme became fully operational on June 1, 2000.

2.2. The Management of the Scheme

The scheme was run by the Lincolnshire Youth Offending Service (YOS) (comprising of 3 Youth Offending Teams – YOTs - for the West, East and South of the county); and SOVA. Two other voluntary agencies, namely the Lincolnshire Family Mediation Service and the Lincolnshire branch of Victim Support were also involved in the training of volunteer mentors and the delivery of some of the reparation programmes.

⁶ See the Lincolnshire Youth offending Team's bid, op.cit., for details

Lincolnshire youth offending team officers were the responsible officers in all cases of young persons sentenced by the courts. Where a court order involved a reparation element, the YOTs were responsible for referring the young person to the reparation scheme. SOVA's role was to provide appropriate and effective reparation programmes for the young persons referred that would address their offending behaviour and enable them to make amends to their communities or directly to particular victims.

Specifically, SOVA's duties were listed in the bid as:

1. To accept a target number of young persons sentenced to Reparation Orders and referred to it by the Lincolnshire YOTs.
2. To devise reparation programmes that are most suitable to the needs of each individual young person, according to the severity of the offence and the circumstances of the offence, lasting up to 24 hours over a maximum three-month period.⁷
3. To recruit and train volunteer mentors to support reparation programmes; and supervise their work.
4. To match young persons referred with fully trained volunteer mentors (if appropriate).
5. To monitor progress and attend reviews and exit interviews with the young persons, volunteer mentors and YOT supervising officers.
6. To provide progress reports on individual young persons as agreed with the YOS and statements in relation to any non-compliance.
7. To attend interagency meetings as appropriate and participate in the overall monitoring and evaluation of reparation orders.⁸

⁷ However, under certain circumstances, for example in the case of a breach due to health reasons, the court can extend the order beyond the statutory limit (see Schedule 5 of the Crime and Disorder Act, 1998)

⁸ See the SOVA bid to the Youth Justice Board for details.

2.3. Referral Procedure

During the period of this evaluation, the Lincolnshire scheme, like all the restorative justice schemes established at the same time, practised a court-based judicial model of restorative justice whereby the main source of referrals to the scheme were the youth courts upon the recommendation of the youth offending teams.

Where the decision of the YOTs was to recommend a reparation order or an order that involved a reparation element (for example, an action plan order), SOVA was consulted on the appropriate reparation programme for the young person, considering the severity of the offence, and the particular circumstances under which the offence was committed. Efforts were made to ensure that the reparation menu that was finally decided upon by the YOTs and SOVA was that which was most beneficial to the young person, in terms of his or her rehabilitation and reintegration back into the community. Where the court agreed to the recommendations of the YOTs, the final order was made, and the young persons were referred by the YOTs to SOVA, to carry out their reparation. The YOTs were responsible for contacting victims, to inform them of what reparation involved and, where direct reparation was intended, to solicit their consent to take part. Contact with victims, however, could only be done with the assistance of the police who had access to victims' details contained in the police form YO1.

SOVA staff and YOT responsible officers met with the young persons referred, their families or carers and SOVA volunteer mentors, within 10 working days of the court order being made, to establish a plan of how the reparation programme decided upon would be carried out.

In 1999, a new Youth Justice Act - the Youth Justice and Criminal Evidence Act - was passed which changed the referral process for all young persons who are first-time offenders. Lay volunteers were to be involved in strategic decision-making roles within the youth justice system. The Act introduced a new compulsory sentence - the referral order – for 10 – 17 year olds who pleaded guilty and were convicted for the

first time by the courts.⁹ The referral order would constitute the entire sentence for the offence(s). It cannot be used as an addition to run alongside other orders such as action plan orders, reparation orders or a supervision order, which can still be used for young offenders with previous convictions.

Once sentenced, first time young offenders would be referred to a **youth offender panel** (YOP) consisting of a YOT member and at least two volunteer members of the community, recruited and trained by the YOTs.¹⁰ The YOPs would serve as a forum, away from the formality of the court, where the young offenders, their families and, where appropriate, the victims or their representatives,¹¹ can consider the circumstances surrounding the offences and the effects on the victims (see Newburn et al, 2001, 2002 for details). The main role of the YOPs would be to agree a contract with the young offender that is commensurate with the gravity of the offence and governed by the principles of restorative justice defined as restoration, reintegration and responsibility (Home Office, 1997: 31-2).¹² Hence, it is expected that the contract “**should always include reparation to the victim or wider community** and a programme of activity designed primarily to prevent further offending. Where possible, it is recommended that reparation should have some relation to the offence itself” (Newburn, et al, 2001: 4, emphasis added).¹³ Thus, the YOPs were to replace the YOTs as the sole source of referral of first-time offender to reparation programmes whilst the YOTs would still be responsible for referring other young offenders (for example, those on Action Plan Orders) to reparation schemes.

⁹ The referral order is not available for young offenders with previous convictions.

¹⁰ The YOPs are to be chaired by one of the volunteer community members. However, the YOTs are responsible for the reparation of YOP meetings including victim contact.

¹¹ Where there is no direct victim, the panel may invite ‘someone who can bring a victim perspective’ to the meeting, ‘for example, a local business person or an individual who has suffered a similar offence’

¹² The YOTs are also responsible, as in all cases, for monitoring the contract and keeping a record of the offender’s compliance or non-compliance with the contract. In addition, the YOPs are required to hold at least one interim meeting with each offender, to discuss progress. It is expected that the YOPs will hold such meetings at least once every three months of the contract.

¹³ On successful completion of a referral order, the young person is to be considered as not having a criminal record under the Rehabilitation of Offenders Act, 1984.

In April 2002, the referral order became a full order of the court. The obvious impact of the new referral orders on existing reparation schemes such as the one under review, is that reparation is now mandatory for all first time young offenders. This is bound to have significant financial implications for the delivery of reparation programmes, since those referred via the referral orders will be an addition to those referred under the 1998 Crime and Disorder Act provisions.

2.4. The Reparation Menu

This was the exclusive responsibility of SOVA. It is a task that has required a lot of efforts and hard work on the part of SOVA, in the attempt to ensure that the criminal justice goals of reparation are met in individual cases.

A reparation menu was made up of (a) an initial meeting, (b) an individually designed reparation programme, and (c) a final meeting.

The initial meeting is a formal meeting, which counts as part of the reparation hours. In this meeting, the meaning and purpose of reparation were explained to the young persons. The young persons were then talked through the reparation menu; how the reparation hours have been broken down into sessions and the reasons for the breakdown. Practical issues were often discussed; for example, transportation to reparation sites, timing of sessions (for example, where a young person is still in full time education); attendance at appointments and the consequences of non-attendance; confidentiality, and expectations in terms of the young persons' behaviour towards staff and volunteer mentors. Initial meetings were usually attended by the young persons and their relatives or carers, YOT officials, SOVA staff, and SOVA volunteer mentors.¹⁴

¹⁴ SOVA has prepared a checklist that is used for initial and final meetings with young persons. In addition, there are check lists for most of the work done with the young persons, for example, a check list on letters of apology

During the period of the evaluation, the following reparation programmes were offered by SOVA:

(a) **Community Reparation** in the form of unpaid work in the community.

Before the start of the scheme, SOVA made contacts with potential providers of community reparation sites throughout the county. By the time that the scheme was up and running, agreements had been reached between SOVA and 56 reparation site providers countywide. The reparation site providers included local councils, leisure centres, youth clubs, sports centres, stables, a wildlife hospital, local churches, a local football ground, community centres, a local motor cycle road safety club, the Salvation Army, YMCA, garden centres, the Fire Service and Conservation centres. Community reparation work (unpaid work) engaged in by the young persons included general site maintenance, gardening, motorcycle and road safety work, cleaning graffiti off walls, general cleaning (for example, at homes for the elderly, stables and sport centres), painting and decorating, beach cleaning, re-cycling, and general manual labour work.

The supervision of community reparation work depended on the type of offender. Volunteer mentors generally supervised work with low-risk offenders whilst YOT officials and SOVA staff jointly supervised high-risk offenders.

(b) **'Direct' reparation** in the form of a letter of apology to the victim but no direct contact with the victim. All letters of apology to victims should be sent unless the victims expressed a wish not to receive them. Other forms of direct mediation included direct work for victim and direct apology to victims.

(c) **Direct meeting with victims:** SOVA did not offer full restorative conferencing or FGCs but offered, in appropriate circumstances and in association with the YOTs and Victim Support, victim-offender mediation (VOM), VOMs, however, formed only a tiny percentage of the total reparation work done by the scheme (see section 4)

(d) **Victim awareness sessions.** In these sessions, the effects and consequences of crime on people and communities were explained to the young persons, with particular emphasis on the knock-on effects that crimes could have on victim's families, the young persons' own future employment prospects, their own families, friends, and their communities (for example, in terms of the cost of having to remove offensive graffiti off walls). Most of the victim awareness sessions were delivered by SOVA whilst others involved contributions from Victim Support and local organisations such as the local Ambulance Service and the Driving Standards Agency. In addition, lectures on the impact of crime were given and videos about crime and victims of crime were shown to the young persons.

Where contact was likely to be over a period of time (for example, in the case of persistent offenders), SOVA offered to match the young offenders with a trained volunteer mentor in order to help strengthen protective forces. There was no evidence that this was done. However, with additional funding from the Youth Justice Board, a mentoring scheme was established by SOVA and attached to the reparation scheme. The mentoring scheme offers opportunities for young persons who have taken part in the reparation programme, if a need had been identified, to be allocated a mentor after the completion of their reparation.

A final meeting ended all successful completions. Final meetings were essentially a review of the young persons' experience of their programmes and the impact, if any, on their attitude towards offending. The composition of the meeting was usually similar to that of the initial meetings. Final meetings (usually one hour) were also counted as part of the reparation hours. In addition to a review of the impact of the order on the young person, final meetings were also used as a time to discuss with the young person, future plans and ambitions, and to offer further help or assistance to them in pursuing positive interests such as joining the Millennium Volunteers or enrolling for the sports leaders award.

2.5. Type of Restorative Justice Practised.

The popularity of restorative justice in the field of criminal justice has led to the introduction of a wide variety of interventions, all claiming to be restorative. This problem is compounded by the fact that there is no single universally accepted definition of restorative justice (see Roche, 2001). However, what is common to all criminal justice schemes claiming to be restorative is the attempt to involve those who are affected by crime, namely victims, offenders and the wider community “by providing an opportunity for these parties to meet or communicate, to consider the harm caused by the offence, how it could be repaired, and to seek to reintegrate offenders back into their communities” (Wilcox & Hoyle, 2002, p 14). Some criminologists argue that the judge of whether or not a programme is ‘fully’ restorative should be the extent to which it promotes dialogue between the three stakeholder groups, namely the victim, the offender and the community (see McCold & Wachtel, 2000, cited in Wilcox and Hoyle, 2002 p. 14). Hence, interventions such as family group conferencing (FGCs) , restorative conferencing and victim offender mediation (VOM) are regarded as truly restorative programmes. Other interventions such as direct reparation to victims (for example, in the form of a letter of apology or unpaid repair work for the victim), victim awareness sessions and community reparation are not seen as fully restorative, even though the attempts are to address offending behaviour and to repair the harm done to victims and the community. The main argument of these authors is that for a scheme to be regarded as fully restorative, the process must involve a meeting between the victim and the offender.

Using McCould and Wachtel’s (2002) classification, the Lincolnshire scheme is not fully restorative. The scheme engages in interventions that are classified as mostly and partly restorative. However, the report of the National Evaluators (Wilcox & Hoyle, 2002) revealed that only a very small percentage of the 46 schemes established by the Youth Justice Board at the same time, offered interventions that were ‘fully restorative’. The majority are referred to as ‘generalists’, offering a wide range of interventions that are partly ‘fully’ ‘mostly’ and ‘partly’ restorative. This is a positive

thing because the philosophy behind restorative justice is that interventions be tailored to the needs of individual victims and offenders. This can only mean that some interventions are more appropriate to certain circumstances than others. Schemes that practiced only 'fully' restorative interventions cannot be said to provide for all circumstances. To refer to some restorative interventions as 'pure' and others as not so pure, is to ignore the urgent need in criminal justice today, to respect diversity in the delivery of criminal justice interventions (See Hulsman, 1991)

3. The Evaluation

3. 1 Introduction

The evaluators of the Lincolnshire scheme were part of a team of 46 local evaluators, charged with the responsibility of evaluating the 46 reparation schemes established by the Youth Justice Board throughout England and Wales. The evaluation of the schemes was part of the funding for these projects. Although each local evaluator was independent with regards to the methods used in their evaluation, some of their activities were controlled and coordinated by a group of national evaluators based at Oxford University.

3. 2. The role of Local Evaluators

The Youth Justice Board required all local evaluators to:

- collect information and other relevant data via tools provided by the National evaluators (see 3.2.1. below);
- analyse and report on this information via progress and interim reports, and a final evaluation report to national evaluators. Two interim reports, two progress reports and one final report were required from each local evaluator;
- take into account the impact of the schemes on:
 - preventing offending and reoffending.. To this end, local evaluators were required to collect identification data on a sample of young offenders who went through the scheme, to be used for a reconviction study by the national evaluators.
 - other individual aims of the schemes;
- collect user feedback data on the scheme;

- collect self-report data from the young persons via instruments provided by the national evaluators. The main aim of this was to provide an additional measurement of the impact of the intervention on (self-reported) offending;
- identify (if possible) control groups for the purpose of providing comparative data. Control groups could be made up of young offenders who are identical in all relevant respects to those undergoing the intervention, but who did not receive the intervention, those who ‘dropped out’, or those who met their victims compared with those who didn’t. The purpose was to compare the ‘additional’ effects of the programme with what would happen to offenders anyway. However, the youth justice board realised that these groups may not exist in most cases;
- collect cost data. The Youth Justice Board required the costs of the intervention to be measured against its benefits (cost-benefit analysis).

3. 2. 1. Information required by the Youth Justice Board

The Board envisaged that all local evaluators would collect information on static/dynamic factors, process, outcome measures and comparison groups; but more specifically on the following:

- The socio-economic characteristics of the young offenders, including self-report data on attitude towards offending at the beginning and at the end of the interventions.
- Offending history.
- Eligibility for the programme.
- Description of the project and the role of the staff.
- The numbers of young persons going through the scheme and the numbers accepted on the scheme.
- Completion and dropout rates; including the reasons for, characteristics and outcomes of those who dropped out and those who completed their programmes.

- Outcome of the scheme including the impact of the scheme on changes in attitude, etc.
- Inputs of the scheme such as staff, training, equipment, the allocation of financial resources and resources in kind, etc.
- The overall costs incurred and benefits arising from the scheme through the analysis of cost data. However, in August 2000, the Youth Justice Board agreed that this task would be too time consuming for local evaluators to carry out given their varying levels of resources. Instead, the Board decided that the individual schemes themselves should collect this data every quarter, by means of a template developed by the Board and return them to the national evaluators for analysis.

These requirements were to be in addition to any other tasks agreed between the local evaluators and their local YOTs. However, the youth Justice Board recognised that the above is a burdensome list and that some of the local evaluators may not be able to carry out all the tasks listed because of the way that some of the projects were set up and the limited financial and other resources that were available to the local evaluators (see Wilcox and Hoyle, 2002, *op.cit*, for detailed on the size of funds allocated to local evaluators). Nevertheless, local evaluators were encouraged to meet at least some of these demands, if they are to produce worthwhile results.

3.3. The focus of evaluation

After due consultation with the Lincolnshire Youth Offending Service (YOS), it was decided to focus the evaluation on both the process of intervention (that is, how the scheme was being implemented in practice) and the outcomes in terms of the results of the intervention.

The evaluation of the process of intervention included an assessment of:

- a. the implementation of the scheme;
- b. the procedures for recruitment, training and supporting of volunteer mentors, and the matching of volunteers with young persons;
- c. the types of reparation programmes offered;
- d. the delivery of reparation programmes;
- e. the relationship between the YOTS and SOVA in the delivery of reparation programmes;
- f. examples of good and/or bad practice;
- g. how the scheme has evolved.

The evaluation of the outcomes included an assessment of:

- a. the impact of the scheme on reconviction rates;
- b. the impact of the scheme on the young persons attitudes toward offending and other specific individual intervention aims and objectives;
- c. the young offenders' feedback on the scheme;
- d. completion and dropout rates;
- e. the impact of the scheme on all those involved in its implementation namely YOTs and SOVA staff; magistrates and SOVA volunteers.

As mentioned in 3.2.1. above, the collection and analysis of cost data (cost benefit analysis) was no longer part of the tasks of local evaluators. However, it was agreed with the Lincolnshire YOS to attempt a comparison between the Lincolnshire scheme and a sample from the other schemes (preferably schemes in rural counties) in terms of the costs of the projects, the outcomes (for example, the number of cases processed), and how the money allocated to each project was spent.

3.4. Research methods

Quantitative and qualitative methods of data collection were used for this evaluation.

These included:

- Administration of self-completion feedback questionnaires to young persons who completed their reparation programmes. The questionnaire covered issues such as offenders' involvement in their programmes; degree of compliance (e.g. willingness to participate in discussion with the victims), change in attitude towards offending and participants' satisfaction with the intervention.
- Analysis of referral statistics and other relevant data obtained from SOVA and YOS databases.
- Semi-structured in-depth interviews with a sample of young persons before and after reparation
- Observation of reparation sessions, mainly initial and final meetings.¹⁵
- Observation of breach proceedings in youth courts and the interview of a sample of young persons breached.
- Semi-structured in-depth interviews with magistrates, SOVA staff and YOT managers
- Collection of data from ASSETS and Core Data Forms on all young persons referred between July 1, 2000 and December 31, 2000, later used by the national evaluators, in a reconviction study of all young persons referred to reparation schemes in England and Wales during that period.
- Analysis of cost data

¹⁵ The original plan was to vide-tape reparation sessions but this idea was abandoned because of the serious ethical problems that it could raise.

3.5. Limitations of the evaluation

Victims' Perspective: Due to the very small number of victim work done during the period of this evaluation (see section 4 below), it was not possible to assess victims' participation in reparation programmes and their satisfaction with the outcomes of the interventions. Hence, the victims' perspective is absent in this report.

Volunteers' Perspective: Due to problems encountered in tracking down volunteers as well as time constraints, it was not possible to interview volunteers involved in the scheme. The evaluators accept that this is a significant limitation as the project was run mainly with volunteers and will continue to be so in the future. It would have been useful to know how the volunteers felt about their training and support network, the reasons for enrolling as a volunteer and, in the case of those who were no longer enrolled, why they left the scheme. More importantly, it would have been most beneficial to find out their views about current changes and how it would affect their work.

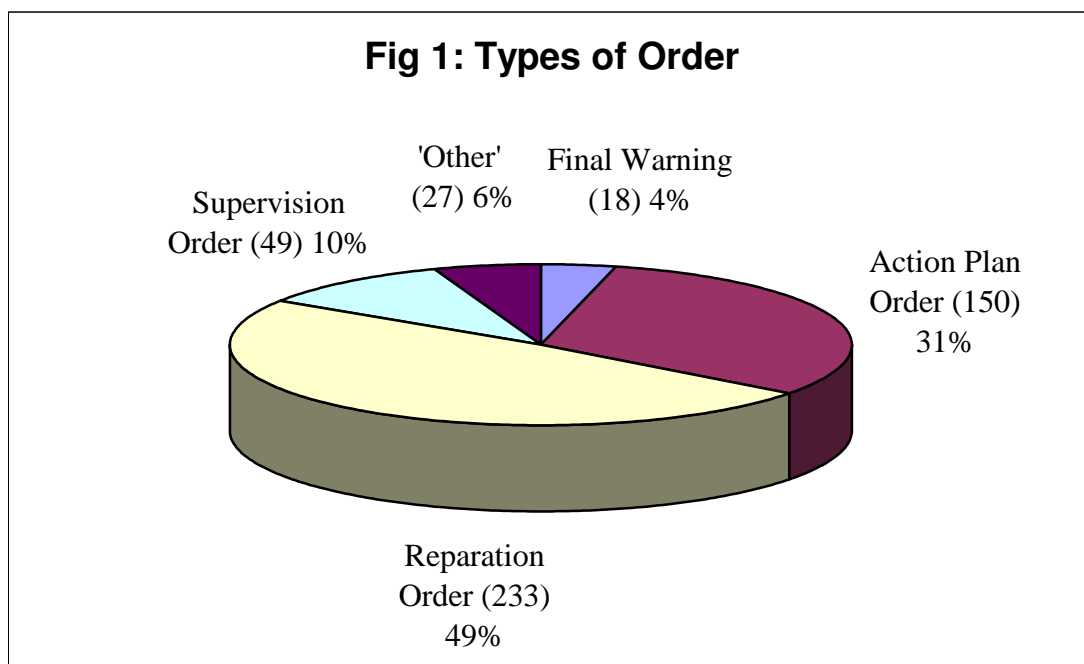
Indicators of change in attitude: There was no measurement of pre- and post-intervention indicators of change. Only a very small sample of young persons was interviewed both at their initial and final meetings. No meaningful analysis could be made from this sample. However, change of attitude generally was measured by means of a questionnaire administered to all the young persons who completed their programmes.

Cost-benefit analysis: It wasn't possible to do a cost-benefit analysis of the scheme because of lack of access to day-to-day running costs and no available reliable indicators of benefits that could be used. The reconviction study did not provide any reliable information on predicted rate of reconviction for any of the scheme. More importantly, the research design of the evaluation was such that a cost-benefit analysis would be inappropriate, anyway.

4. Findings

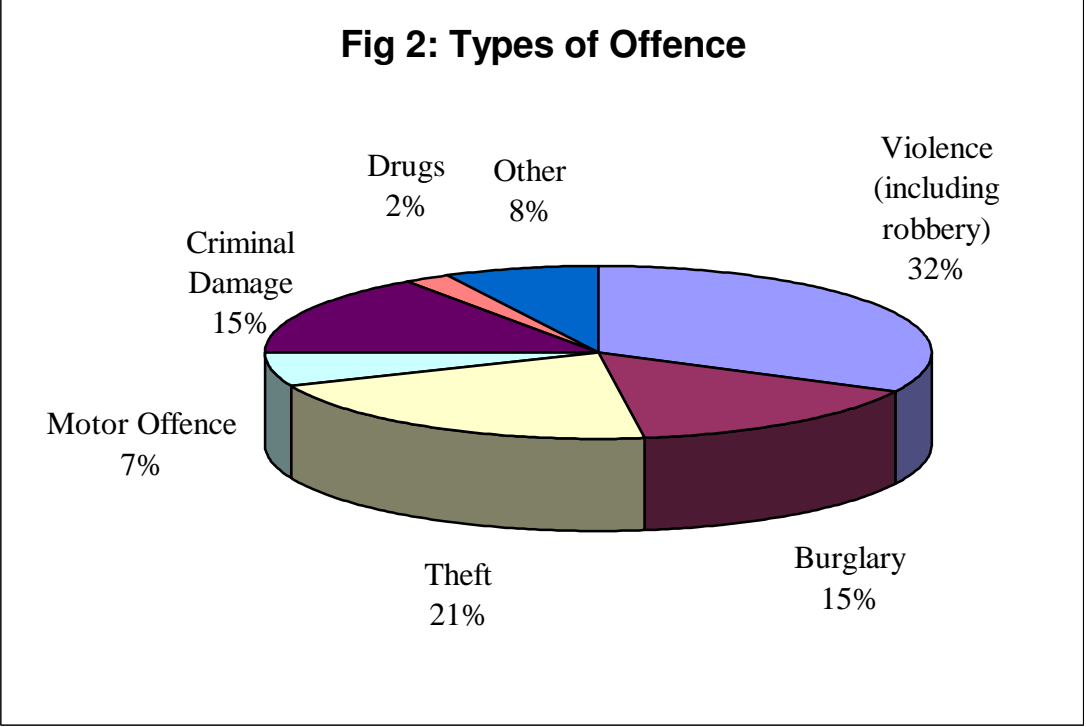
4. 1. Characteristics of the Young Persons Referred

During the period of this evaluation, 477 young persons were referred to the scheme. Compared with other schemes nationwide, Lincolnshire had the highest number of referrals in England and Wales.¹⁶ Of the 477 young persons referred, 233 (49%) had a reparation order; 150 (31%) had action plan orders; and 49 (10%) had supervision orders. In addition, 18 (4%) were final warnings and 27 (6%) were referred in “other” ways (see Fig 1)



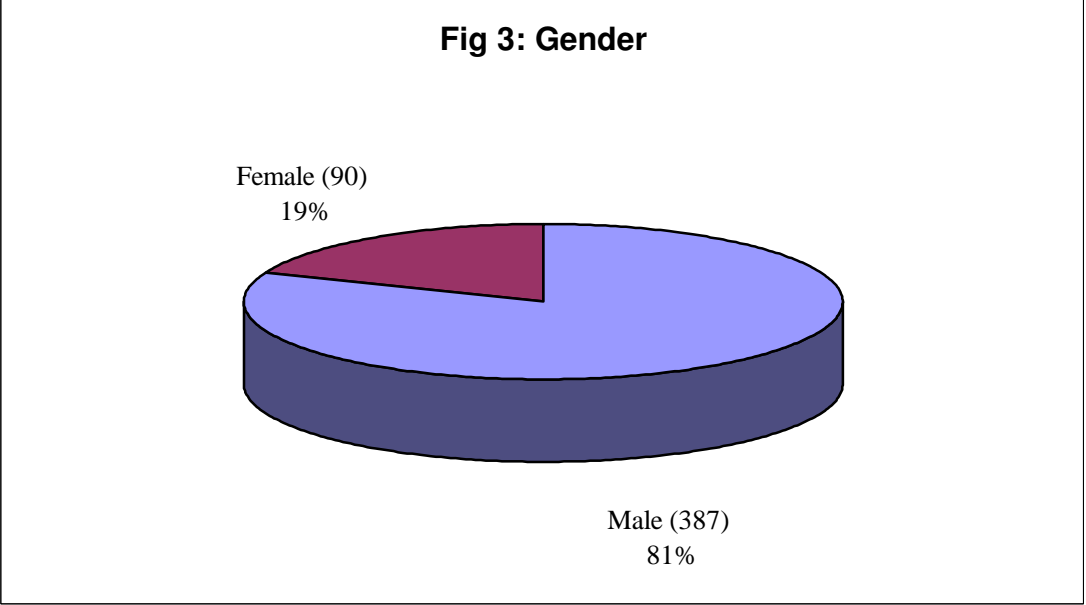
The types of offences for which the young persons were referred, varied. Using information from ASSET and Core Data Questionnaires, fig. 2 shows the types of offences committed by those referred to the scheme between June 1, 2000 and December 31, 2000.

¹⁶ This information was acquired from informal discussions with coordinators of the national evaluation at Oxford University.



4. 1. 1 Gender, Age and Ethnicity

Of the 477 young persons referred, 90 (19%) were females whilst 387 (81%) were males (fig 3)



Most of the young persons (89.9%) were aged between 14 and 17 years (fig 4) and 99.2% were whites (fig 5)

Fig 4: Age Distribution

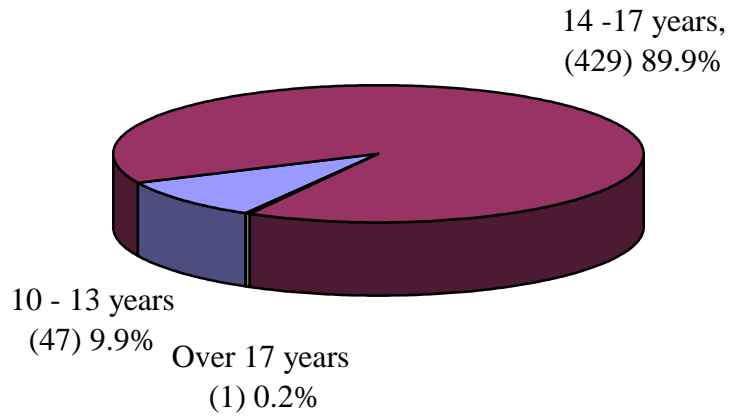
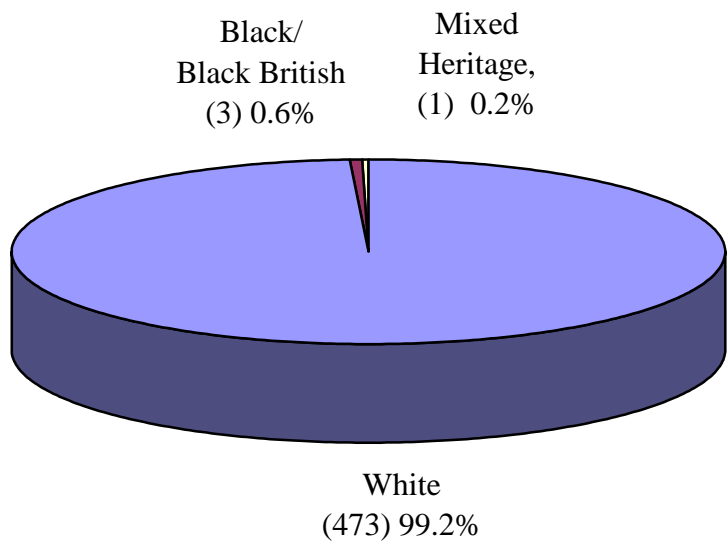


Fig 5: Ethnicity



4. 2. Implementation of the scheme

There was a brief set-up time between March 2000 and June 1, 2000 when the scheme became fully operational. During that time, key appointments were made by SOVA and the YOS. SOVA appointments included the posts of a reparation project manager, a reparation co-ordinator and an administrative assistant. An 8-week induction programme for SOVA and YOT staff who would be involved in the scheme, was conducted and attempts were made to recruit and train at least 20 volunteers before the scheme started. The target of 40 volunteers was reached by the end of the year 2000.

As the scheme developed, it was clear that the original SOVA staff was not adequate for the volume of referrals that were being received and considering the size of the county. With additional funding from the Lincolnshire YOS, SOVA staffing base was increased by the appointment of additional reparation co-ordinators for the three YOT team areas (East, West and South), and an additional part-time administrative assistant. The total number of SOVA staff involved in the scheme at the end of March 2002 (including volunteers) was approximately 50, as follows:

- 1 Regional Director – 1 day/month
- 1 Reparation Manager – full-time
- 4 Co-ordinators – 2 full time, 2 part-time (7hrs/wk)
- 2 Administrative Assistants – both part-time (16hrs/wk)
- Approximately 41 volunteers
- 1 Volunteer Co-ordinator

The scheme was a ‘hybrid’ project (see 4.2.1. below) based in the YOT team offices. This set-up is commendable in terms of easy communication between the YOT and SOVA staff and must have certainly improved performance with regard to time spent on cases.

4. 2.1. Model of delivery

There are three main models of delivery namely, in-house, independent and hybrid. (see Holdaway et al, 2001). In an in-house model, the YOTs assessed both victims and offenders and delivered the restorative intervention. In some of the in-house

projects, trained specialist YOT workers carried out the intervention. In others, all the YOT staff were trained to deliver restorative interventions as part of their normal work with offenders. In an independent model, an independent agency was responsible for assessing victims and delivering the intervention whilst the YOTs retained responsibility for assessing offenders. In a hybrid project, staff from independent agencies delivered the intervention on behalf of the YOTs while being based wholly or partly in the YOT offices. According to the report of the national evaluators, 17 of the 46 projects (37%) were in-house, eight (17%) were independent and 18 (39%) were hybrid projects (Wilcox and Hoyle, 2002: 22).

Each model of delivery has its advantages and disadvantages. In-house projects are generally faster to implement and easier to manage than the other models, and communication was less likely to be a problem. The main disadvantages are that the projects may lack adequately trained staff and allocated funds may end up being spent on other YOT duties. The main advantage of an independent model of delivery is that resources are more likely to be spent on project delivery, which could lead to the projects being able to offer more innovative approaches and employ suitably qualified staff. However, such schemes are likely to suffer from poor communication with the YOTs, which may result in inappropriate or insufficient referrals. Hybrid projects combine the advantages of both models of delivery. The location of project staff in YOT offices has the advantage of facilitating communication with the YOTs. There is the added advantage of having suitably qualified staff to develop the project and establish links with the community. However, like all projects, the effectiveness of a hybrid scheme will depend on available funding.

According to the report of the national evaluators, in-house schemes suffered the fewest problems whilst the independent projects had the most problems. In-house projects were also the most cost-effective in terms of the number of referrals per unit cost.

4. 2.2. Problems

The Lincolnshire scheme had its own share of crisis management; particularly during the early months of the scheme. There were many important issues that had to be resolved. These included:

- (a) **Data protection**, for example, in relation to the sharing of confidential information about victims between SOVA and the YOS. This problem was compounded by the provisions in the Crime and Disorder Act (1998) and the Data Protection Act (1998) on the sharing of information between agencies, including those involved in youth justice. The impact was a delay in the start of direct reparation involving victims because of lack of access by SOVA to victim contact details.
- (b) **The recruitment of volunteers**: This was not easy task for SOVA. Difficulties were encountered in the recruitment of volunteers in some parts of the county; for example in the eastern and the southern parts of the county. In the Lincoln area, the problem was that of finding enough volunteers to cope with the increasing numbers of referrals in the city. This problem was later resolved with more volunteers (mainly university students) being trained. As mentioned above, the target of 40 volunteers was reached at the end of the year 2000. However, the recruitment of volunteers is still an on-going problem
- (c) **The large size of the county** was problematic in terms of the use of available resources (i.e. travel costs and use of volunteers); and the logistics of communication between the different YOTs. A side issue to this was whether or not travel time should count as part of the reparation hours for the young persons; for example, where it took more than half an hour to get to reparation sites. Technically, travel time should not count as part of intervention time.
- (d) **Referrals**: As already mentioned, Lincolnshire had the highest number of referrals in England and Wales. This could be due to the fact that there are

seven youth courts in the county. There was no evidence of an improper use of reparation orders by the courts. There was only one incident when 30 hours of reparation was ordered as part of an Action Plan Order. Although there is no limit on the amount of reparation hours that can be included with an Action Plan or Supervision Order, the only limiting factor being the overall time limit of three months, high reparation hours could only mean more time commitment on the part of volunteers. This case went in for review and the number of hours was reduced to 16. In general, the courts and the YOTs worked together quite well in deciding the appropriate orders in each case, but according to SOVA and YOT Managers (see interviews below) some magistrates were not fully aware of what reparation actually meant. Some were very specific about what reparation should involve (which is not within their remit to decide), whilst some were more 'punitive' rather than restorative in their sentencing. Needless to mention is the fact that high levels of referrals, combined with the large geographical areas of the county did have an impact on SOVA workload, particularly the matching of volunteers with young persons and the use of resources. SOVA staff workload and use of resources are still important on-going issues.

- (e) **Victim contact:** The police were not particularly helpful in providing information on victims to the YOTs and SOVA. Under the Data Protection Act (1998) and the guidance to the Crime and Disorder Act (1998), the police are the designated controller of victim contact details and the ultimate decision on whether or not to share such data with other agencies rests on them. In relation to youth justice, it is expected that these details be recorded in the police form YO1. According to the YOTs and SOVA, the police often failed to complete the victims' details section of the YO1 properly, including the part that asks if the victim would like to meet the offender or take part in the restorative process. Apparently, where this part was filled in, it was simply ticked 'no'.

The Youth Justice Board (YJB) guidance on information sharing states that the

police need to seek informed consent of the victims to their participation in a restorative process before their details can be disclosed. Thus, where a victim had apparently said 'no' to involvement in the restorative process, no contact details can be passed on to the YOTs or SOVA. This had greatly hampered the development of direct reparation to victims, including mediation work with victims. The SOVA Reparation Manager expressed her frustration on this issue thus:

Every time we get a referral, we usually suggest working with the victims. Usually the reply is that we haven't got the YOTs or we don't know if the victim wants contact or not or we've got to put a report into court now or I don't think it will really be relevant. [Thus], it gets put back!

However, corporate victims were much easier to contact. They could be contacted without the usual data protection protocols.

Wilcox and Hoyle (2002) noted that victim contact was a problem experienced by many of the other restorative justice projects in the country. In some projects, the police bluntly refused to enter into any data sharing agreement with the project managers. National figures show that the projects that relied on the police to contact victims, encountered more problems than those where the initial contact was made by a restorative justice staff (Wilcox & Hoyle, op.cit.: 29). An 'opt-out' option in victim contact forms or letters resulted in more victim take up rate than an 'opt-in' option (Wilcox & Hoyle, op.cit.). Evidence from 11 pilot schemes suggests that victim contact would be much easier under the new referral order system (see Newburn et al, 2001, 2002).

The victim should be at the centre of any restorative intervention. However, there is no conclusive research evidence that restorative interventions where the victims were physically present (for example, VOMs and FGCs) are more effective than those where there was some victim involvement, although not physical.

- (f) **Uneven distribution of community reparation sites.** The available community reparation sites were not evenly distributed throughout the county. Some parts of the county, for example the eastern parts, had very few sites.
- (g) **Health and safety**, for example, in relation to volunteers and young persons, especially where the young persons had to work on private lands, e.g. other people's gardens
- (h) **Parental consent**, for example, in relation to the young persons being observed and interviewed by the local evaluator.

4. 2. 3. Recruitment and training of staffs

According to the national evaluators' report, almost 60% of the projects experienced problems in either recruiting or training staff. The Lincolnshire scheme did not experience any problems with regard to the recruitment and training of key workers, but, as already mentioned, the scheme did experience some delay in the recruitment of volunteers, particularly in the southern part of the county.

All the YOT officers received general training in restorative justice. The YOTs did not receive training on any specific type of restorative justice intervention, for example VOM or FGC training. However, the type of training received was adequate for the type of work that the YOTs did on the scheme. In contrast, SOVA staff and volunteers, received training from a wide variety of sources, which included:

- (a) A two-day restorative justice training from the YOTs
- (b) Mediation training from Family Mediation
- (c) Further mediation training from Crime Concern (six-day course)
- (d) Mediation training with Mediation UK (one-day course)
- (e) Victim Support training on 'Working with Victims' (two-day course)

- (f) SOVA training in health and safety (two-day course), general overview of the criminal justice system (one-day course), equal opportunities (one-day course), training for trainers (two-day course) and administration (one-day course)
- (g) Computer training, accredited first aid training and personal safety training for staff

The national evaluators revealed that the bulk of the training courses received by project staffs, was focused, as in Lincolnshire, on mediation and working with victims. But, victim work formed only a tiny minority of interventions nationally, which raised the question of how relevant the trainings have been (Wilcox and Hoyle, 2002: 21)

4. 2. 4. The Volunteers

The report of the national evaluators showed that more than 50% of the 46 schemes established by the YJB made use of unpaid volunteers and sessional workers paid on an hourly rate, to do reparation work. The report showed that in the majority of projects, volunteers were used mainly to supervise community reparation work; although in one of the schemes, a substantial number of volunteers were used for mediation and victim awareness work (Wilcox and Hoyle, 2002: 40). There was no information on what roles salaried staff played in the delivery of any of the projects.

It didn't appear that SOVA volunteers were trained to do anything other than supervise community reparation, although they were encouraged to attend initial and final meetings, and other reparation sessions such as the writing of letters of apology and victim awareness.

SOVA's training for volunteers included a six-week 'core training' which is accredited. It is a six-session training course; including some add-on modules on reparation and befriending. Thus, trained volunteers could volunteer for either. For example, if someone wanted to work for the bartenders' scheme but there wasn't

much work in that area, they could be asked to work for the reparation scheme. The contents of the course included knowledge about the criminal justice system, volunteering, working with young people, equal opportunities, health and safety, confidentiality and boundaries. SOVA volunteers have also attended training sessions on drug abuse, anger management and ADHD.

The volunteers were trained to be able to work alongside the young persons, to join in, listen, talk to them and generally act as a role model. But, whilst doing this, they were expected to look out for signs or pick up issues about the young person; for example, problems that ought to be addressed in the future and/or 'hidden' talents or interests that could be worked on. For example, where the young person expressed an interest in joining the Millennium volunteers or showed an interest in sports and would like to take up work placement in a local gym, such information was recorded in a weekly action sheet that was sent back to SOVA and subsequently passed on to the YOTs. More importantly, volunteers were under a duty to report back to SOVA, any confessions to crimes committed by the young persons whilst on reparation, even where such information was revealed to them in confidence.

The use of unpaid volunteers is obviously advantageous in terms of costs and flexibility (being able to work weekends or evenings), and having more time to devote to individual cases; but it has its obvious drawbacks. For example, working with volunteers is often hampered by volunteers' day jobs, studies or family commitments. Many people go into volunteering because they needed the work experience that would get them into relevant regular paid jobs. Thus, the numbers of volunteers fluctuated, depending on various factors. The most important factor, it seemed, was full time employment. According to the SOVA reparation manager:

An awful lot of our volunteers have found employment through their volunteering. We have people who are now working in the youth service, children homes, the YOTs, a lot of people have found employment with SOVA and Probation. An awful lot [had moved] on.¹⁷

¹⁷ Also, the new CRB system is likely to slow down the recruitment of volunteers.

Volunteers are supported and supervised by SOVA staff but it wasn't clear how thorough their supervision was. According to the SOVA reparation manager:

We've got forty volunteers on our books. If I saw one volunteer per week, it will take me a year to get through them all. We do tend to work very closely with the volunteers but we don't do actual supervision sessions.

The shortage of volunteers, particularly in the southern and eastern parts of the county resulted in some SOVA staffs having to work directly with young offenders. This resulted in additional costs to the project. However, SOVA continues to search relentlessly for volunteers.

4. 3. Delivery of reparation programmes

SOVA was able to provide from the start of the project, individual reparation in the forms of community reparation, victim awareness sessions and letters of apology. The offering of victim-offender-mediation (VOM) was delayed until the Lincolnshire Family Mediation Service had trained some volunteer mentors for mediation work. SOVA was ready to offer victim offender mediation work in January 2001. However as mentioned above, the problem with victim contact has hampered the development of this part of the intervention. Fig. 6 presents a breakdown of the types of reparation programmes offered by the scheme whilst Table 1 presents the various combinations that were used.

Fig 6: Types of Reparation

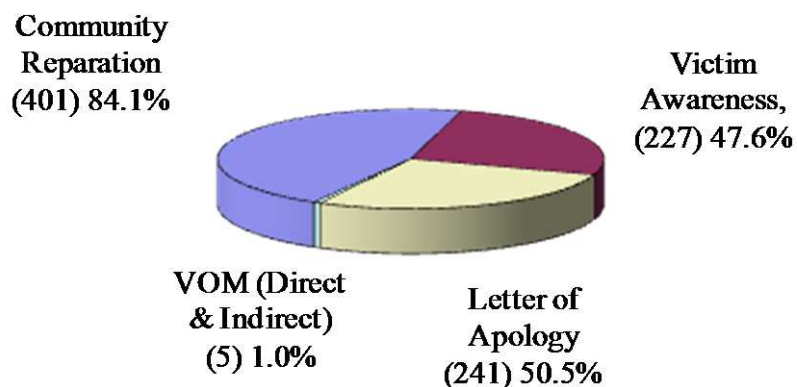


Table 1: Types of Programmes: Combinations

	Number	%
Community reparation only	143	30.0%
Community reparation AND victim awareness	39	8.2%
Community reparation AND letter of apology	43	9.0%
Victim awareness only	8	1.7%
Victim awareness AND letter of apology	13	2.7%
Victim awareness AND community reparation AND letter of apology	174	36.5%
Letter of apology only	10	2.1%
Direct VOM only	2	0.4%
Indirect VOM only	3	0.6%
FGC only	0	0.0%
Surrogate victim only	1	0.2%
Community reparation AND surrogate victim	1	0.2%
Victim awareness AND letter of apology AND surrogate victim	1	0.2%
Missing	39	8.2%
TOTAL	477	100%

Out of the 46 projects funded by the YJB, only seven (15%) were able to offer all the interventions.¹⁸ The Lincolnshire scheme fell amongst the 18 projects (39%) that were able to offer all interventions except FGCs. Amongst the schemes that offered a wide variety of interventions (like the Lincolnshire scheme) the majority offered community reparation and victim awareness sessions. In fact, the most common form of restorative intervention nationwide was community reparation and victim awareness.

4. 3. 1. Victim-Offender Mediation (VOM)

As indicated in Table 1 above, the number of mediation work done (direct or indirect) was very low (5). The Lincolnshire scheme is amongst the schemes with the lowest figures on direct victim work in the country; and this is not only in terms of the number of mediation work done, but also in terms of direct work for victims and direct apology to victims. The reasons have already been highlighted; the most important being the lack of victim details and consent to take part. The information from the police YOIs would suggest that victims generally were not willing to take part in restorative interventions. Victims of crime cannot be forced to participate in any criminal justice intervention if they didn't want to. But, there was indication from SOVA that the YOTs themselves were not particularly keen on doing direct victim work. According to the SOVA reparation manager:

It's getting to the stage where the YOT almost see reparation as gardening and decorating. Every time, I have to say do you want some victim awareness put into this, shall we do a letter of apology, what about the victim? Every time we have to keep saying this!

Mediation work such as VOM, FGC and restorative conferencing are very difficult to organise and can be very expensive. The national evaluators' report showed that although 20 projects (44%) claimed to have offered FGCs, only four actually delivered any FGCs and only three delivered more than 10 (Wilcox & Hoyle, 2002. p.

¹⁸ Excluding the use of surrogate victims, which the national evaluators did not see as one of the main types of restorative justice interventions.

19). Out of the 6652 cases that were processed nationwide, only 823 (13.5%) involved direct meeting with victims. A further 467 (7.7%) was classified as indirect mediation. This means that the total number of mediation work done nationally was only 1290 (19.3%). (see Wilcox & Hoyle, 2002 p 20).

The YOS and SOVA should be commended for their efforts in looking for alternative forms of victim involvement. The YOS suggested and SOVA accepted the idea of using of surrogate victims, where the original victims were unwilling or unable to participate. The SOVA reparation manager explained this thus:

We had a situation where there was a shoplifter [so we approached] another shop. This is something we have done with shoplifting, if the shop *doesn't want to be involved. The idea is that if you can't get the victim what is the next best thing? The next best thing is somebody who has experienced that same thing and that is much more effective than me sitting there trying to say this is how victims feel. To have a victim sitting there, saying this is how I felt when it happened to me, has a lot more impact.*

However the importance of victims' direct involvement in reparation interventions cannot be under-estimated. Victim participation should be encouraged. More efforts should be made to involve victims. If it is not possible to do this directly, to involve them in some other ways.

4. 3. 2. Victim Awareness Sessions

A well-organized victim awareness programme can compensate for the lack of direct victim work, where it successfully challenges the young persons offending behaviour and effectively presents to them the victims' perspective. This appeared to be the approach taken by the Lincolnshire scheme. As the SOVA reparation manager explained:

We try to in every programme to put in either a letter of apology or victim *awareness sessions so at least there's some victim contact.*

SOVA adopted innovative approaches to the delivery of victim awareness sessions. For example, with regard to retail theft or shoplifting, SOVA did exercises with the young persons that enabled them to see how their crime could affect a whole range of people, including their own families. The SOVA reparation manager explained this thus:

The young person becomes the manager of the shop and [is asked to] come up with suggestions. [We look] at the costs. This is what it will cost for all *[these items taken]; how are you going to pay for all that? They've got* these options as to what they can do, [for example] price increases, sack the young people who work there on Saturdays as part-time workers etcetera. The argument is that everybody is a victim because of shoplifters, including *a parent who relies on £20 discount at Sainsbury's where she works for her groceries. Overall, that's been a good exercise to do.*

In addition, SOVA initiated and established links with the local ambulance service and the driving standards agency, to help with the provision of victim awareness sessions for young offenders.¹⁹ These sessions were relevant mainly to young persons sentenced for vehicle crimes. They included demonstrations of the plight of accident victims in which the young persons themselves had to go through the experience of being cut out of wrecked accident vehicles. Thus, SOVA was able to establish victim awareness programmes that are offence-focused for shop lifting and vehicle crime. This part of the scheme is commendable and should be encouraged.

Although victim awareness is not often seen as a restorative justice intervention because it does not involve direct victim work, an offence-focused victim awareness programme that is effective in challenging young peoples' offending behaviour could be more effective in preventing re-offending generally than direct victim mediation work. With regard to SOVA's vehicle offence programme, the project manager said:

Of all the young persons that have gone on our vehicle offence programmes, to my knowledge, none of them have re-offended with cars. Some have re-offended with other offences, but not with cars. It is very powerful. What gets these young people is not that they might be injured themselves because

¹⁹ The retail theft and driving standards initiatives were ideas picked up from other projects during some of the restorative justice network days. Links were also made with the local fire service.

we all think it might not happen to us don't we? What you might do to other people on the road might be a little bit remote; but when you say to them what if your mates were in the car, how would you feel; how would you feel, if for the rest of your life you had to go around seeing him in a wheelchair because he's got no legs? The possibility that they could be responsible for some awful injuries to people they know, seems to get on to them. The young persons usually come away from those sessions and say things like 'it did make me think'.

However effective, victim awareness should not totally replace mediation work with victims. This happened in some schemes but the Lincolnshire scheme was not one of those schemes.

4. 3. 3. Letters of Apology

This is the main form of 'direct' reparation done by the scheme. Letters of apology to victims were written in the young persons' own words and handwriting. However, some guidance was given to the young persons in terms of what to include in their letters; for example –

- i. the reasons why they committed the offence;
- ii. an indication that they understood how the offence can affect the victim(s) and themselves;
- iii. how they feel about the offence now, for example, how stupid it was or that they didn't mean to cause individual harm;
- iv. an indication of intention for future actions – for example, that they won't do it again or hang around with the same crowd.

For SOVA, the key ingredients of an effective letter of apology are that (a) it must demonstrate remorse, (b) it must demonstrate an understanding of the effects of the crime committed on the victim(s) and, (c) there must be an indication of a decisive future action.

There is no evidence of letters of apology being an effective restorative intervention. However, the impact on individual offenders should not be underestimated. The evaluators did not witness any letter of apology being written. The only comment on letters of apology came from a magistrate. She said:

We had a case a little while ago where there were two or three defendants jointly charged and when we saw these letters that they'd written, they were virtually a stereotype and you think.. well... Had they been told what to write was the question that was asked because they were almost identical rather than coming from the heart.

A more important issue was that of letters of apology not being sent to victims. In addition, the number of cases where apology was made directly to victims was very low. The YOS admitted that letters of apology were not being sent, but, as already indicated (in section 2) blamed this on the lack of victim details in the police YO1s. As a YOT manager puts it:

Letters of apology are not sent because we don't get victim details always from the police and without victim details and their consent to be contacted, we can't send the letters

According to another YOT manager:

It's a shame really because the sheer process of writing the letter is quite restorative because it gives the young person the opportunity to say sorry. Most young people have difficulty verbalising that

Not sending letters of apology to victims meant that the restorative purpose of the exercise had been well and truly defeated.

4. 3. 4. Community Reparation

Fig 6 and Table 1 above showed that there was an apparent over-reliance on community reparation. The high level of community reparation was due to the already mentioned problems faced with regard to contacting victims and the delay in the

starting of direct mediation, due to lack of training by SOVA staffs. Thus, the majority of reparation work done during the early days of the scheme consisted mainly of community reparation combined with victim awareness or/and letters of apology. The problem with victim contact mentioned above meant that these forms of intervention continued to be the main types of restorative justice offered by the scheme during the period of this evaluation. As already mentioned, the Lincolnshire scheme was not alone in this situation.

Community reparation could very easily become community service. In order for this not to happen, the national supporters (Crime Concern) provided a number of good practice guidelines to all the schemes. These included offering community reparation programmes:

- which relate to the offence as far as possible;
- match the young persons' interests and skills;
- develop new skills where possible;
- encourage the young person to consider the consequences of their actions on the victim and the community;
- address issues such as unsupervised and unstructured leisure time and peer group pressure.

The Lincolnshire scheme took on board some of these good practice guidelines. For example, efforts were made by SOVA to tailor community reparation to the interests and skills of the young persons by engaging them in activities that were likely to stimulate these interests and skills, in a positive way. A typical example was the case of a young offender who was interested in swimming. He was sent to work in a swimming club, helping disabled children. According to the SOVA reparation manager “ *If they've got an artistic intuition, we would try and build in a bit of artwork. There are lots of examples of artwork that the young people have done*”. The SOVA reparation manager maintained that the reason behind tailoring reparation to the young persons' interests was not so that they could have fun. The aim was to stimulate these interests with a view to, perhaps, a future relevant career. However, this approach to community reparation did not get full support of magistrates (see 4.4.5.2. below)

More importantly, SOVA promoted the development of these interests and skills by encouraging the young persons to enrol for the community sports leaders award or become a Millennium Volunteer after the completion of their reparation. The SOVA reparation manager explained:

When the young persons on reparation go to work, for example, in a sports hall, because they expressed an interest in sports, they didn't go there playing games, they are actually cleaning out the changing rooms which is hard work and they are cleaning out the reception rooms, moving equipments etcetera; but, while they are there, they'll talk to them about the community sports leaders award etcetera. So, that's the idea

A Millennium Volunteer certificate is recognised nationally as an entry requirement for other vocational work or even further education. Information from a YOT manager revealed that there were plans in the pipeline to link reparation to youth achievement awards. This would enable the young people to get a certificate for work done in the community. According to the YOT manager *"they may be able to work towards a bronze award as part of their reparation order"*.

In addition, where the young persons expressed a wish to continue working in the places where they did their community reparation, SOVA was very keen to help them secure work placements. This approach to community reparation is commendable in the sense that it takes the reparation philosophy beyond the order of the court and takes the issue of re-integration very seriously. Whilst it is practically impossible for SOVA to cater for all interests and skills, the majority of activities in which young people are generally interested, for example sports, artwork and horse riding, were catered for by the scheme. The comments from some of the young persons interviewed (see below), showed that for most of them, the activities engaged in were both challenging and rigorous, but they were also very interesting.

However, the numbers of cases where community reparation was related to the offence or cases where the young person worked directly for individual victims were very few. Hence, it could not be said that the types of community reparation engaged in were beneficial to victims generally; but the benefit to communities cannot be disputed.

4. 3. 5. The Mentoring Scheme

In December 2001, additional funding was received from the YJB for a mentoring scheme, to be established as an attachment to the reparation scheme. The scheme is for young offenders who have taken part in a reparation programme and who have been identified to have a need. Such persons would be attached to a mentor after the completion of their reparation. As the SOVA reparation manager puts it:

We've had young people who had said – oh yes, I'd like to do millennium volunteers; I'd like to do community sports leaders award etcetera and they are probably not going to do it without somebody to encourage them a bit more – so, the mentoring scheme is to work with such young people

Participation in the scheme is voluntary. Young persons who are believed to have a need are informed about the scheme during their final meetings. If the young persons showed interest, they would be referred to the scheme by the YOTs

Mentoring schemes for young offenders are not new but the Lincolnshire scheme is the only scheme known to the evaluators that is linked to a reparation scheme. The scheme became operational in January 2002.

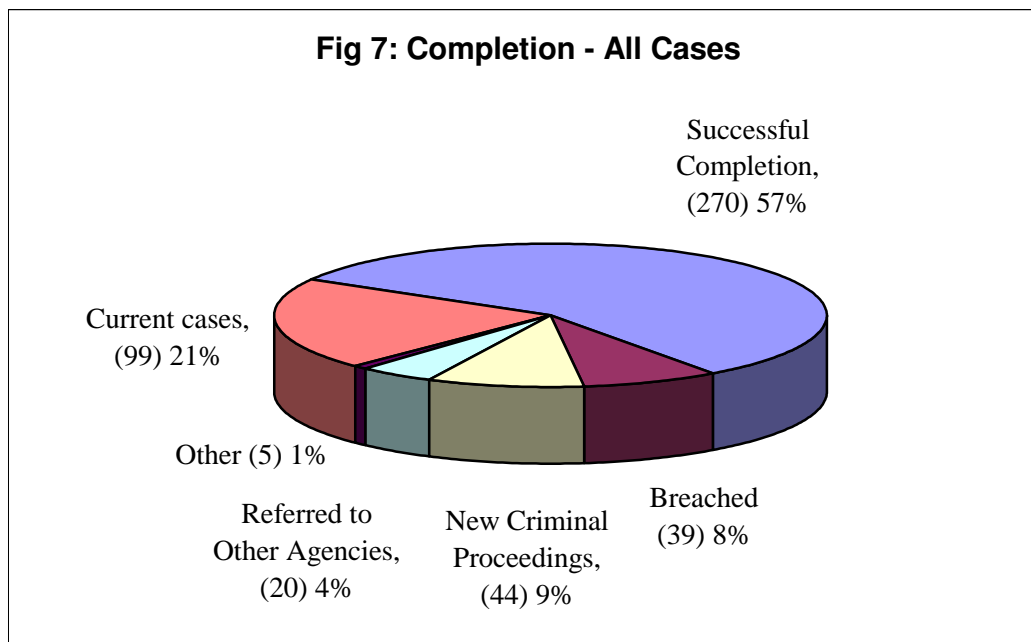
The evaluators are of the opinion that this is an innovative and valuable resource, especially for first offenders. SOVA ought to be helped with funding, to develop more follow-on schemes like this one. Restorative justice, like most criminal justice interventions for young people, to be effective, must be accompanied by support mechanisms, to enable the young persons to be fully rehabilitated. This part of the scheme is highly commendable and should be encouraged.

However, at the time of this evaluation, the funding for the mentoring scheme was barely enough to employ only a part-time co-ordinator to cover the whole of the county. The post should really be full time and there should be a team of trained mentors, possibly volunteers, attached to the scheme.

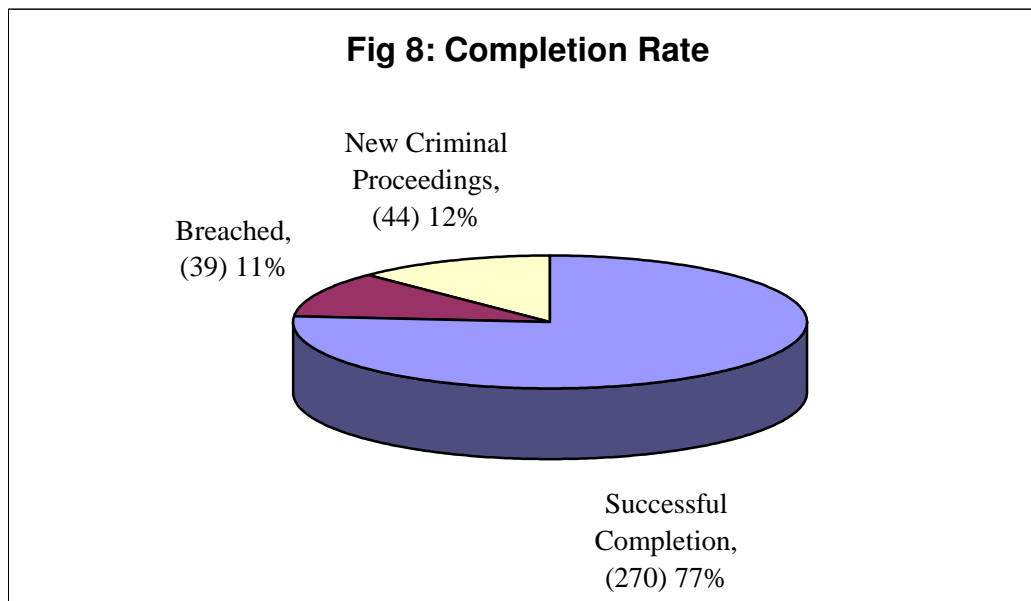
4. 4. Outcomes of the Intervention

4. 4.1. Completion rate

Out of the 477 young persons referred, 270 (57%) successfully completed their programmes (Fig 7)



However, the completion rate for the scheme was calculated, excluding those are still on the order (99), those referred to other agencies (20) and those in the 'other' category (5) (which included those referred but did not start the intervention; for example, those who moved to other counties). This gave the completion rate for scheme as 77% (Fig 8).



Although completion rate is often regarded as an indicator of the success of a scheme or programme, this fact is debatable. As shown in Fig 8 above, the main reasons for non-compliance were breach of order (11%) and new criminal proceedings (12%). It should be noted, however, that the level of new criminal proceedings was quite high considering the fact that action plan and reparation orders are only three months in length. Nationally, the completion rate was 83% and the level of new criminal proceedings was only 1.9%. The main reason for non-compliance nationally was breach of order (4.1%) (see Wilcox & Hoyle, 2002, p. 47 for national completion rates by gender and race).

4. 4.2. Breach cases

Four of the young persons breached were interviewed in court. One of the aims of the interviews was to find out why they failed to keep their appointments. In two of the cases, non-attendance was due to a nonchalant attitude towards the order (“Couldn’t be bothered” “Couldn’t be asked”); one was due to employment commitments and the fourth claimed that he didn’t know that attendance was compulsory! Although this is indeed a very small sample, it gave an indication that dropout rates may have nothing to do with the delivery of the scheme. However, the evaluators noted that in all the cases observed, the young persons were sent back to complete their reparation. No

alternative sentence was given. According to all the magistrates interviewed (see below), the decision not to re-sentence usually came from the YOTs. More importantly, magistrates felt that the options available to them are few and that the most important consideration in breached cases should be the offence for which the young person had appeared before the court. As one magistrate puts it:

If you revoke an order and you haven't another sentence that is appropriate for the offence before you, then it becomes more complicated. You can't up it just because they've breached it. There is no point fining them because their parents can't pay. However, a breach shouldn't be just coming back to court and walking out again. The occasion has to be marked by something, so, I'd certainly add a few more hours. [As I said] you must keep in sight the offence for which they are standing before you.

The extent to which sending young persons breached back to complete their reparation hours had affected the workload of SOVA wasn't investigated. SOVA staffs were concerned that sending breached persons back only to complete their original reparation hours could amount to sending out the wrong message to young offenders about the seriousness of turning up for appointment and the view that the court can only send them back to do it again (possibly with just some additional hours); meaning that they could do their reparation whenever they wanted to.

4. 4.3. Impact of the scheme on reconviction

As mentioned in section 2 above, local evaluators were required to collect from ASSET, relevant data on all young persons referred to their schemes between July 1, 2000 and December 31, 2000. The data was to form part of a national database, to be used for a reconviction study by the national evaluators at Oxford University. The information collected on each young offender included: names, date of birth, ethnicity, criminal history and PNC numbers. In total, data on 95 young persons from the Lincolnshire scheme were sent to the national evaluators for the reconviction study. However, the reconviction study was done for those young persons who received restorative interventions between July 1, 2000 and September 30, 2000. The

follow-up period for the study was 12 months following the date of the index or target offence (see Lloyd et al, 1994). The total sample for the study was 728 offenders.

In order to determine whether or not an intervention has reduced reconviction rates, one would have to determine how many crimes would have been committed in the absence of the intervention. This is not an easy task. In order to carry out an effective reconviction study, there has to be a control group comprising of either those who did not receive the intervention or those who have received a different intervention (see Cole, Brown and Brooks, 2000). It is clear from the report of the national evaluators (Wilcox & Hoyle, 2002) that no control group was used for their reconviction study, and the data used for the study came from only 34 out of the 46 restorative projects established by the YJB (including the Lincolnshire scheme). In terms of the methodology, therefore, the reconviction study could not be used as an indicator of whether or not restorative justice has 'worked', compared with other types of intervention. Rather, the study could only provide baseline information on the reconviction of the sample of young offenders who participated in restorative interventions between July and September 2000. Moreover, according to the national evaluators, the average size of sample in each project was 21, and 11 projects had less than 10 cases. Hence, it wasn't possible to make any valid comparisons between projects.

The reconviction exercise showed that 46% of the sample of young persons who underwent reparation programmes in England and Wales between July 1 2000 and September 30 2000, re-offended within 12 months. Research on adult offenders had shown that this is not an unusual figure for offenders on community penalties. In a study of ex-offenders on an employment keyskills programme in Lincolnshire, Cole et al (2000) found that the reconviction rate for those who accessed the programme was 42.9%, compared with 46.7% of those in the control group (that is, those who dropped out or did not complete their programmes). National research studies showed that the reconviction rate for adult offenders on community penalties in England and Wales ranged between 54% and 59% (Kershaw, 1997; 1999)

The reconviction study on the reparation schemes also showed that male young offenders had a higher reconviction rate (48.6%) than female young offenders (37.8%). This is in line with the findings of similar studies on adult offenders (Cole et al, *op.cit.*). It was also found that reconviction was affected by factors such as age at first conviction and criminal history. Reconviction rates were higher for young offenders with higher numbers of previous convictions (83.3%) and an early age of first conviction (71.5%). The same conclusions were reached in previous studies of adults (see Lloyd et al. 1994; Oldfield, 1996; May 1999; Cole et al 2000).²⁰

Furthermore, the national evaluators attempted to calculate reconviction rates by type of restorative intervention, based on data from the 34 projects. The results indicated that direct mediation work (FGCs and VOMs) had the lowest reconviction rate (41.6%), followed by victim awareness (42.1%) and community reparation (47.3%). Indirect reparation had the highest reconviction rate (52.4%). These figures cannot be regarded as reliable because the sample of cases in the categories of intervention varied greatly, from 42 cases of indirect reparation to 201 cases of community reparation (see Wilcox & Hoyle, 2002, *op.cit.* p 48).

It is a known fact that reconviction rates are not a true reflection of re-offending rates. Moreover, reconviction rates could be affected by a variety of factors external to the intervention, such as the effectiveness of the police in detecting crime and decisions of the Crown Prosecution Service to prosecute offences. As said earlier, it cannot be used as an indicator of whether a criminal justice intervention had worked or not. In spite of all these facts, there are those who still regard reconviction rates as an indicator of programme effectiveness (see Kershaw, 1997). The reconviction exercise in this particular case cannot be used to argue whether or not restorative justice works; neither can it be used to show whether or not a particular scheme was effective. However, if the results of previous evaluations are anything to go by (see Gueden, 1998), young offenders who undergo interventions that have a restorative element are less likely to re-offend than those who were processed by conventional methods of dealing with young offenders.

²⁰ See Wilcox & Hoyle (2002) for the details of the reconviction study.

A second reconviction study is being done by the national evaluators, using a sample of young offenders who received restorative interventions between July 2000 and December 2000. The result of this study will be reported in December 2002. The national evaluators hope to use a sample of offenders from the Home Office database as a control group, so that a more detailed comparison can be made.

4.4.4. Impact of the scheme on the young persons' attitude towards offending and towards victims

A modified version of the "Questionnaire for Young Person" developed by the national evaluators, was used in a survey of the opinions of the young person who completed their programmes. The questionnaire was administered by SOVA staff to all the young persons who completed their reparation, usually on the day of their final meeting. The questionnaires were anonymous and the young offenders completed them individually, without any help from SOVA staff. A consent/opt-out form accompanied the questionnaire, for the parents of offenders under 16 years of age.

The questionnaire contained questions relating to:

- (a) attitude towards the programme;
- (b) attitude towards victims;
- (c) change in attitude towards offending;
- (d) attitude towards youth justice generally.

Two hundred and seventy questionnaires were completed (a response rate of 100%). As shown in Table 2 below, the majority of young offenders agreed that the intervention had helped them to understand the impact of their offences on victims.

Table 2: Attitude towards offending and towards victims		
	Number	%
Now that my case is over, I understand better the effects of my behaviour on others	227	84.1%
I have been able to put the offence behind me	223	82.6%
I can now understand the feelings of victims better	165	61.1%
It is very important/important to meet the victims and explain to them what happened	101	37.4%
It is very important/important to do unpaid work for the victim	112	41.5%
It is very important/important to apologise to the victim in person	141	52.2%
It is important to write a letter of apology to the victim	152	56.3%
The process was fair to the victim	126	46.7%

The survey also showed that the young persons who thought that it was very important/important to meet victims and do unpaid work for victims, were in the minority. The majority were in favour of apologising to victims either in person or in the form of a letter of apology. In addition, very few of the young persons thought that the process was fair to victims. These figures were very similar to those obtained from other schemes; with the exception of the question of whether the intervention was fair to victims, where the national average was 61%.

In addition, the responses from the young persons interviewed personally (see below) indicated a positive change of attitude towards offending. For example:

I have learnt how to control my temper and improved my behaviour. I've realised that I'm never going to do it again. Having realised how the victims feel like. I also realised it could have been different if I was older. It could have been more serious. I just want to get my life back together.

Before I came here I thought I was really hard. Hanging out with my friends. But now I've changed my friends I don't hang around with them anymore. Coming to these sessions makes me feel better about myself and I've been doing better at school.

The victim awareness was one of the reasons I'm never going to do it again. I had to watch a video and realised how the victims feel.

I've come here and realised what I did was wrong. I've had to write a letter of apology. That is enough punishment. I feel like I'm never going to do it again.

I've got more than enough to do now

You've got a feeling of what's going to happen to you next time, if you do it again so you will be stupid to do it again. After it happened, I thought about my life more. I am working harder at school now

I know that I am not going to do it again. I don't know how to say this but something inside me tells me that I am not going to do it again, and this reparation thing has something to do with it

4. 4.5. Feedback on the scheme

4. 4.5.1. The young offenders

Analysis of the young persons' responses in the 'Questionnaire for Young Persons' revealed a general satisfaction with the scheme. As shown in Table 3 below, only 27.8% of the young persons wished that their cases had been dealt with differently. The majority said that they were listened to (89.6%), treated with respect (82.6%), were well prepared for the tasks ahead (78.9%), felt that their treatment was generally fair (84.1%), and felt part of the process (67.4%)

Table 3: The Young Persons Views on the Scheme		
	Number	%
I felt that I was listened to	242	89.6%
I was treated with respect and dignity and my concerns and questions were taken seriously	223	82.6%
It was made clear what would be required of me	236	87.4%
I felt well prepared for what I had to do	213	78.9%
I am happy with the outcome of my case	210	77.8%
My treatment had been fair	227	84.1%
I felt part of the process	182	67.4%
I wish my case had been dealt with differently	75	27.8%

In-depth interviews were conducted with 10 young persons. Six of the young persons were interviewed during their final meetings, seven during their initial meetings, and three at both of their meetings. The interviewees were aged between 12 and 17 years of age.

The young persons' comments about the scheme were mainly positive, particularly with regard to the way and manner that they have been treated and helped by SOVA staff and volunteers. In addition, most of them found what they had to do on reparation worthwhile and equally rigorous. Their comments included:

They listened to me and make me feel as if I am somebody.

It's been brilliant, [SOVA] have been so supportive. All the time

I liked [the fact] that I worked in the community, it made me feel good. I think it was good to try and do something to help the community.

I got on well with [my volunteer]. She explained everything that I had to do *really well. And she's fun!*

I thought I was going to be bored and they will just be talking to me

The most embarrassing bit was that my fiends were there. That was *embarrassing*"

Glad its over. I didn't enjoy it. I think it was enough of punishment. I didn't enjoy anything about it. I wouldn't do it again because I wouldn't want to do reparation again.

It's taught me a lesson. I'm not going to do it again because I don't want to have to do this again. I didn't like having to get up early in the morning

There were, indeed, several 'success stories'. These included:

- (a) Those who went back to work voluntarily or took up job placements in the places where they did their reparation.

- (b) Those who developed new interests and skills as a result of the reparation experience (for example, musical skills), and those who felt that the reparation experience had rekindled their life long ambitions (for example, to become a PE teacher).
- (c) Those who were able to put together portfolios that could be used as records of achievements.
- (d) Those who joined the Millennium Volunteers or enrolled for the community sports leaders award.

SOVA was very supportive of the young persons who went through their programmes successfully. Although a punishment, they made the young persons see that the reparation experience could be put to some positive use in the future. According to the SOVA reparation manager:

Each time we finish an order with a young person, we always write them a letter, almost like a reference for when they go for a job; just to say she's completed and what she's done and that she's worked well; she's always been punctual, etcetera; so that when she goes for a job and they say 'oh she's got a criminal record', she can say, 'yeah I was only 15 and here's a Letter from SOVA; they organised my reparation and I did really well'.

4.4.5.2. Magistrates' Views

There is no doubt that the passing of the 1998 Crime and Disorder Act into law has had a significant impact upon all those working within the youth justice system. As one magistrate puts it:

There's been so much change so quickly; so many new disposals that we haven't really had the time to get enough feedback, to know how well it is working. Often, by the time we get figures [of whether it's working or not] we've actually moved on. Now, we've got the referral orders.

Eight magistrates were interviewed in the three YOT areas of the county three in the West (Lincoln), two in the East (Skegness) and three in the South (Spalding and Grantham). The aims of the interviews were:

- To seek the views of magistrates on restorative justice in general and reparation in particular.
- To seek their views on the nature of the relationship that exists between the benches and the YOTs, in relation to the making of reparation orders.
- To seek their views on the types of reparation programmes offered by the scheme.

All the eight magistrates interviewed gave positive comments about restorative justice as a form of criminal justice intervention. As one magistrate puts it:

I think we've made a major step in the right direction. The sentences are more positive and much more intensive around changing youths and interacting with youths. What we had in the past didn't work. It just did not work.

More importantly, all the magistrates interviewed appeared to be very supportive of the scheme. However, as already mentioned, not all of them were in support of the types of reparation menus that were being recommended to them by the YOTs. Some of them thought that the offence should be the most important criterion for determining the type of reparation activity. Whilst not admitting to being punishment-led, some of the magistrates maintained that there wasn't enough punishment attached to reparation. Although they all claimed to be in agreement with the aims of reparation, which, to them, are to prevent reoffending and rehabilitate the young person; some felt that the intervention should always be offence-focused. According to a magistrate:

We still need to come back to the offence. We should never lose sight of that.

The national evaluation revealed that some magistrates were very prescriptive in the nature of the orders they imposed. In some parts of the country, some youth courts were very specific about what reparation should involve and their actions were more punitive than restorative. Many were in favour of community reparation, which had a

significant effect on the amount of mediation work done by the affected schemes. In Lincolnshire, however, there appeared to be no serious conflict between magistrates and the YOTs on what should be included in the reparation menu. Although some of the magistrates would have liked to have more input in the menu, most of them felt that the menu could only be dictated by what was available. Thus, they felt obliged to go along with what the YOTs recommended. According to a magistrate:

In our training, we were told to think of things that we thought would be appropriate to the offences, so that we could put that to the Teams We thought we would be able to say because he's done so and so, we'd like him to do so and so. But it didn't work that way. Because of the resources and what is available locally, it very much has to be designed around that rather than what we felt. [We cannot] start asking for things that are not feasible. Being overstretched is going to have some bearing on what they are going to suggest that we do, isn't it? We can question [the reparation menu] but if we question it and say we don't really want him or her to be doing that, you are building in another ten days!"

But there were some magistrates who felt that their powers have been greatly eroded. One magistrate said:

We actually had a case that was raised at the court users meeting a fortnight ago, where a report had come back saying that they didn't want [], they wanted an action plan. We are feeling a bit that some of the decisions have been taken out of our hands by the YOT; and they will even be more, once these referral orders come. We are not going to have any choice, are we? If it's a first time guilty plea, we are going to have to say right referral order off they go to these panels once they are set up and that's it. Magistrates do feel that there is bit of undermining really.

With regard to community reparation, it appeared that some magistrates were not particularly impressed with the idea of tailoring community reparation to the interest of offenders. According to one magistrate

There's been a lot of concern, certainly amongst the magistrates here when the reports get back. Because the defendant has an interest in swimming, we send them to teach swimming lessons to the disabled or something like that. There was another one, horse riding! It's a bit like that footballer, where they sent him to play football.

It must be said, however, that the magistrates who expressed such a view were in the minority. The majority of magistrates were of the opinion that the impact of the work

on the young person should be the most important consideration. According to some magistrates:

You are taking away their time, even if they are doing what they liked, *Because, sometimes when you do things that you like, you don't want to do them anyway, do you?* Also, the fact that you have to get up at seven or eight o'clock in the morning to get somewhere when you are used to staying in bed and doing what you want, even if you are going to something that you sort of like doing, you are still taking that time away, you are still making them give something back to the community.

In community-based reparation, *what's crucial is that they should be able to get a degree of satisfaction out of it. You ought to have some satisfaction that you've done something and it's something visible, something that you can perhaps be praised about in an ironic sort of way. You say to somebody you will do this and at the end of it, it is much nicer to be able to say you've done it; you've done a good job of it. It gives them a degree of finality to the sentence to say 'I've done it and I've done a good job of it'.*

Everybody needs to feel that what they've done is valued even though they've had to do it under a punishment.

I don't think it needs to be demeaning. But I think it ought to be challenging.

Magistrates in the southern part of the county were particularly concerned about the limited options available to the young persons on community reparation. According to two magistrates:

They all seem to be circulating around the recycling centre here. Whether or not there is anybody out there looking for new things I don't know. I have to say, I've probably got my doubts. [The scheme] needs some more input into looking at what could be done for the community other than just the recycling centre.

They really need to look at more avenues for direct reparation to the community, so that you could see that this [or that] have been done by people who have been on the reparation scheme. It would give people that knowledge that something is being done. It would be nice to be able to say that this area of ground was landscaped or created or done by people under the YOTs. It would give people [the victims] a sense of satisfaction. *But sorting out milk bottles or sorting out plastics; there isn't that level of satisfaction. It's like those in prisons years ago who sat mindlessly sewing mailbags.*

When confronted with the figures on reparation orders made in Lincolnshire, some of the magistrates agreed that they may have been overloading the scheme with

reparation orders, but they blamed the situation on the abolition of the conditional discharge, which left reparation as the only option for a large number of low-risk and first-time young offenders who would have got a conditional discharge under the old system. One magistrate explained the situation differently:

Are we giving out too many reparation orders or does it mean that SOVA haven't got enough volunteers? [If it is the latter] it doesn't mean that giving out reparations order is wrong.

With regard to the relationship with the YOTs, the general response was there had been a tremendous improvement over the years. The improvement was attributed to the regular panel meetings that they have been having with the YOTs. The magistrates found the meetings extremely useful, especially in terms of providing them with feedback as well as updating them about how the youth justice system works. Some of the magistrates' comments on the YOTs included:

It was bad in the past [but now] we work very well together.

I have to say, I find them extremely helpful. I cannot give you any string of complaints about them.

Sometimes they get overloaded with work; sometimes, there is the odd delay because they are busy but generally we work reasonably well together.

Initially, we had some really horrendous occasions when YOT people *weren't here, there was no report from them, the reports were arriving the day of the court hearing, solicitors standing up and saying that they haven't got the report from the YOTs.* By and large, that seemed to have improved quite substantially. I would have to say that I have respect for them. I have respect for their views.

Generally speaking, they are a very very good YOT team. There's more openness now. They keep us well informed. They participate in our training, which is good.

We are a team working together.

I can only say good of them.

The magistrates were also generally supportive of SOVA's work with the young persons. Comments were made which suggested that SOVA and the YOS were "terribly under-resourced" for the types of work that they are doing, considering the size of the county. According to some magistrates:

The problem with SOVA is that they are trying to run a service with volunteers. It's difficult, managing volunteers. It's trying to get restorative justice on the cheap. That's the bit that makes me nervous. I'm not saying that the work cannot be done voluntarily but it could be a nightmare. Lincolnshire is such a vast rural county. Transport is horrendous. It can be frustrating.

If funding is not put into all these, you're going to lose all of the impetus that you've got. Unfortunately, it's a very costly affair to be able to put all these things together.

If you [are aiming] to confront young people, make them think about what *they've done and put a sense of values, social awareness of others into them*, which seems to be the way to go, then you are going to have to put the resources in to do it

Some magistrates thought that it would be very useful and interesting to be able to see what the young offenders are doing on reparation so as to be able to "get an overall picture of what is going on". Related to this, was the concern expressed by some magistrates about the apparent lack of feedback to the communities in general and victims in particular about the results of the intervention. The magistrates' comments included:

I think that it will be a good move to try and tell the community at large what we are trying to do with youths because the perception out there is that they get away scot-free.

Go out there and tell people what's happening and how good it is.

I think perhaps it needs a higher profile of what the positive side of it is. I *don't know who is to do this, whether YOTs ought to be taking a more [active] role there, saying 'this is what we've done'. If they could see that it is aimed at getting [young people] to change and move on, I think the community would be a lot happier. [However, the YOTs] are like every public service. They have got that much on their plate, that probably the PR side of it is forgotten. It's all down to costs.*

It's true that a lot of victims do not necessarily want to actually meet with the offenders, but they do like to get feedback. Victims [would like] to know that at least someone cares.

There should be more input [feedback] to victims. The police don't always get back to the victims, so, the victims are left in limbo. I wonder what feedback they get from the YOTs themselves.

Finally, all the magistrates interviewed were of the opinion that reparation can work both in terms of reducing re-offending and changing young people's attitude towards offending. However, many were pessimistic about the extent to which reparation can address the root causes of youth offending. According to a magistrate

Most offending now comes from poor parenting; drugs and alcohol misuse. All the restitution in the world is not going to help if you have a drug problem.

4.4.5.3. The YOTs and SOVA

The SOVA reparation co-ordinator and all the three YOT managers in Lincolnshire were interviewed. The interviews covered their views on the scheme generally and their roles within the scheme.

The responses showed that the partnership worked well together. The YOTs were satisfied with the service provided by SOVA. Some of the YOT managers' comments included:

It is a good and reliable service. The really good thing is to do with victim awareness work and other more imaginative use of reparation.

Their work is certainly valued and very much appreciated. They are an immensely hard working group of people.

I think it has been a very positive experience. I think they've taken on a very difficult job. The numbers of orders that were expected and those that they'd had to undertake have been much greater than they thought. They have managed very well. The commitment of the staff is very high and probably

the commitment of the volunteers. They've developed innovative projects with young people, which, I think, have been very effective.

However, towards the end of the period of evaluation, there were debates within the YOS about whether or not SOVA should be working with the young offenders.

According to the bid, SOVA was responsible for recruiting and training volunteers, supporting the volunteers, devising reparation programmes that are suitable to the needs of individual young offenders, matching young offenders with trained volunteers, monitoring the progress of the young persons, providing progress reports on individual young offenders to the YOTs, and attending exit interviews with the young offenders. In contrast, the YOTs only had the responsibility for assessing offenders and contacting victims.

YOS bid not specify which organisation would be supervising the young offender's reparation work. Out of the six objectives listed in the YOS bid, five became the responsibility of SOVA. The only objective left (Objective 4) is the objective that relates to the supervision of the young offenders' reparation. There was no indication in the bid, which organisation would be doing this. It appeared that since SOVA already had the responsibility for devising the programmes, it was only natural that they should be given the job of supervising the young persons. As mentioned earlier, in 56% of all the restorative justice projects established by the YJB, the independent agencies worked directly with young offenders (Wilcox and Hoyle, 2002: 22).

With the exception of the eastern part of the county where the YOT conducted their own victim awareness sessions, YOT officers did not generally carry out or supervise any of the restorative interventions. In most cases, YOT officers only attended the initial and final meetings with the young persons. Even at the initial and final meetings, SOVA staff played the lead role. The YOTs appeared to be more involved where the young person was 'high-risk' or where the reparation involved direct work with victims; for example, a VOM. Such cases were very few.

There was nothing that gave the impression that this 'division of labour' was defective or ineffective. In fact, it worked quite well. Most 'hybrid' projects operated like the Lincolnshire scheme. However, when interviewed, YOT managers gave the impression that the current set-up, even though satisfactory, should not have been. According to two YOT managers:

SOVA are not the responsible officers. The YOT officers are. If you are talking in legal terms, then the YOT officers have responsibility for the order.

The YOTs should have some ownership of the order.

Hence, it was thought that some of the reparation tasks that were being carried out by SOVA should have been the responsibility of YOT officers. All three YOT managers thought that victim awareness and the writing of letters of apology should be the responsibility of YOT officers, not SOVA. As one YOT manager puts it:

Victim awareness work and letters of apology are core tasks for the YOTs but I think JH did it well. But SOVA is not resourced sufficiently to do it all. Even if SOVA is well resourced and able to do victim awareness and letters of apology, I think they will be seriously stretched in the new system because we [will be] getting more [referrals].

One of the YOT managers thought that the initial and final meetings with the young persons should also be 'chaired' by the YOT responsible officers, not SOVA. According to the YOT manager:

The YOT officers should be chairing the initial meetings, to talk about issues of compliance and non-compliance and then they should be introducing the SOVA worker or volunteer who would then discuss what their role is. The YOT should [also] chair the final meetings because it is really about tidying up. *It is essential for SOVA to be at the initial meeting but I don't think it is necessary for them to be at the last meeting.*

It appeared, therefore, that one of the main issues was that of SOVA's apparent heavy workload. One YOT manager explained:

One of my concerns was really for JH in that she was taking a lot on herself and I was worried about the amount of time she was building up because she was working so many hours in excess of the working week; so, I was concerned about that. I think the fact that she took over the victim awareness work meant that it allowed them less time for recruitment of volunteers. That got them in some difficulty. JH was struggling as some point. She was working with more youngsters than she would have liked to really.

It was alleged that SOVA staffs were spending too much time on the supervision of reparation work, even in cases where volunteers could have been used. One YOT manager was of the opinion that this problem emanated from SOVA's risk assessment. As the YOT manager puts it:

It is about their [SOVA's] risk management levels. Their threshold of risk management is probably lower than it is within the YOS. So, kids that we might work with, they are, perhaps, not willing to put with a volunteer because they consider them a higher risk than we do. There are some youngsters that staff work with who, I think, could be [supervised] by volunteers and that would freeze [SOVA] staff up to do more programme development work. So, I think they still need to do more work on how they assess who does what.

This situation was not seen as cost-effective. More importantly, it was seen as a major hindrance to SOVA's ability to improve upon their existing reparation programmes; for example, by making the programmes more offence-focused.

According to a YOT manager:

There were lots of difficulties in the types of programmes that they are developing. They didn't have the time to focus on programme delivery because a lot of their time is spent working with youngsters. I think that is still a problem.

All the YOT managers would like SOVA to be 'freed -up', to concentrate on recruiting and training volunteers, supplying the scheme with trained volunteers, and providing more (offence-focused) placements for community reparation. The YOTs

would then take charge of the initial and final meetings, victim awareness, letters of apology and direct reparation involving victims.

It wasn't clear why the issue of SOVA staff being 'freed-up' was being raised almost two years after the scheme had started. Informal discussions with the YOS revealed that there were pending funding issues that would most likely affect the roles of the two partners within the scheme; more so with the advent of the new referral orders.

Some of the schemes established by the YJB did change their model of delivery during the course of operation. It wasn't unusual for YOTs to change to models that are more manageable and seemingly more cost-effective. The primary concern should be the quality of the service.

SOVA's view on the above issues was that if the roles had been clarified in this manner at the beginning of the project, it would have saved them a lot of time and money. With regard to SOVA staff doing work that volunteers could do, SOVA's reply was that some of the programmes that they have developed were such that would be difficult for volunteers to do; for example, some of the victim awareness sessions, especially those which involve the local ambulance station and the fire service. More importantly, SOVA stood their grounds on not being prepared to let their volunteers work with certain (mainly violent and aggressive) young offenders. As the SOVA reparation manager puts it:

We feel it's not fair to let volunteers work with [these offenders]. I don't think these young people should be referred to us because our scheme relies on the use of volunteers. We said we would like some help. The idea was that the YOTs would work jointly with us; so we did joint sessions. We did one joint session and then they said they haven't time to do this, we'll have to do it ourselves!

More importantly, SOVA was concerned that if they [SOVA] were to hands-off the more challenging and interesting parts of reparation (for example, victim awareness,

initial and final meetings and the writing of letters of apology), they might even lose more of their volunteers. According to the SOVA reparation manager:

We try to get them at the initial and final meetings and the letter of apology session [etc], so they feel involved right through. I have an awful feeling that if this goes round the other way, the YOTs are simply going to want the volunteers only to supervise the decorating. *Volunteers will go; they'll get fed up with that. You've got to treat them properly. You can't just give them the grotty jobs.*

The national evaluators mentioned in their report, how volunteers could very easily be frustrated, if they are not fully involved in the projects. The YOS may consider training volunteers to do victim awareness and letter of apology sessions. This could cut down on costs and 'free-up' SOVA staff to do more programme development work.

4. 5. Cost Analysis

Due to the lack of access to data on the day-to-day running costs of the scheme, and in the absence of reliable information on relevant programme outputs or outcomes, it has not been possible to conduct a cost benefit analysis of this scheme. Moreover, the reconviction study did not provide any reliable information on predicted rate of reconviction for any of the schemes, which makes it impossible to estimate how many crimes have been prevented (or not) by any of the schemes. There are other indicators of benefits that could have been used. These include offender satisfaction, victim satisfaction; or figures on those who have acquired new skills, gained employment, returned to full time schooling or joined the Millennium Volunteers. But, the design of the evaluation was such that a cost-benefit analysis would have been impossible, anyway. According to Welsh and Farrington (2001; cited in Wilcox and Hoyle, 2002:25), cost-benefit analyses should be limited to programmes that have been evaluated with an experimental or strong quasi-experimental design, so that the balance of benefits against cost, in the intervention group, can be compared to a control group. This evaluation did not have a control group.

According to the YJB, the Board spent a total of £12.5million on reparation schemes in England and Wales between June 1 2000 and 31 March 2001, which equated to an average cost of over £290,00 per project.

The estimated total amount of money received by the Lincolnshire scheme from the YJB, during the period under review, was £263,000.

Attempts were made by the evaluators to collect from the national evaluators, basic information on the total costs of schemes that were established in the rural counties of England and Wales, in order to be able to make some comparisons. It must be said, however, that these figures may not be reliable because they did not come directly from the projects themselves. They were estimates given by the YJB, of the total amount of money spent on the scheme, by the Board.

Table 4 shows the estimated total cost of schemes in five rural counties in England and Wales (including Lincolnshire), and the total number of young people processed through each scheme between June 1 2000 and March 31, 2002. It should be noted that the figures quoted below relate to the amount of money spent on the projects by the YJB, which may not be the total cost of the projects. The £12.5million figure quoted above amounted to just over half of the total costs of the projects. Most of the projects had extra funding from elsewhere; for example, from the YOTs.

Table 4:		
County	Estimated total cost of funding received from the YJB	Number of Cases Completed
Devon	£184,000	No figures available
Lincolnshire	£263,000	477
Mid Wales	£233,000	185
Norfolk	£360,000	178
Suffolk	£258,000	266

It is clear from the above figures that Lincolnshire received below average funding from the YJB but had the highest output in terms of cases. However, comparison of this nature does not tell us much about cost effectiveness because much depended on the types of reparation work that were done by each scheme. For example, FGCs are every expensive to organise in terms of time investment; hence, schemes that did more FGCs (for example, most of the independent projects) were more likely to have done fewer cases overall than those that focused on community reparation, victim awareness and letters of apology alone.

It was not possible for the evaluator to compare the running costs of the five projects because of the lack of available cost data from the projects. According to the national evaluators' report, only seven out of the 46 projects completed and sent back the template forms in which they were supposed to record basic financial information about their projects. However, comparisons of this nature are problematic anyway. There is the danger of not comparing like with like.

In terms of the unit costs²¹ of projects, the unit costs ranged between £370 per intervention for a ‘generalist’ project (that is, those that concentrated on community reparation, victim awareness and letters of apology) and £26,700 for an FGC project. The average cost per intervention was £3,041 (Wilcox & Hoyle, 2002: 25-26)

In-house projects were the most expensive, with an average cost of £283,000; but they had the highest numbers of interventions (an average of 200 referrals). In addition, because in-house projects were mostly ‘generalist’, they had the lowest unit costs (£1,298). Independent projects were the cheapest (average cost £243,000) but they had the lowest numbers of referrals (an average of 57 referrals). In addition, because the independent projects focused mainly on FGCs, they had the highest unit costs (£7,395). Hybrid projects (including the Lincolnshire scheme) had an average total cost of £276,000 and an average of 175 referrals (Wilcox and Hoyle, 2002:22 - 26). This would give a unit cost value of around £1,577 for such projects.

However, it should be pointed out that in the absence of detailed information and data on all the benefits and costs of projects, unit costs cannot be used to decide whether or not one project offers better value for money than another. The overall picture of all the projects was that of high average unit costs (cf. Wilcox & Hoyle 2002). According to the national evaluators, this was “*due largely to the fact that most of these projects were new and had substantial setting-up costs whereas the number of referrals over the same period was lower than anticipated*” (ibid: p 26)

More importantly, it was revealed by the national evaluators that in around half of the projects, the actual costs claimed and the costs as outlined in the bids were more or less the same. Where there was a significant difference between the two figures, this was usually an under-spend as a result of delay in the implementation of the projects.

²¹ ‘Unit cost’ was defined in the report of the national evaluators as “the total financial costs of the project to the end of October 2001 divided by the number of young people who started the intervention in the same period” (p 25) The evaluators accepted that this was an inadequate definition because it did not include work done by the project staff that did not lead to an intervention even though it had been of benefit to the victims.

Only three out of the 46 projects (including the Lincolnshire scheme) received substantially greater funding than outlined in their bids.

The YOT managers and the SOVA reparation manager interviewed argued that the project bid was far too low in the sense that staffing costs were underestimated and the size of the county wasn't taken into consideration. Although the scheme has benefited from substantial financial 'top-ups' from the YOS, the YJB and the Lincolnshire Learning and Skills Council, it appeared that finance continued to be a significant problem during the period of this evaluation. The size of the county meant that a significant amount of money was spent on travel expenses. A YOT manager explained the situation thus:

It stems from the very beginning. They under-bided. Whether it was because they wanted to put in a low tender in order to get the contract, I don't know but that's where the mistake was made and I think that we've not recovered from that. [The bid] should have more staff attached to it, and it should have had more scope for things like travelling and mileage. The south of the county [alone] is nearly 900 square miles, so you can imagine the sheer size; and SOVA had a re-grading in the past year that wasn't taken into account by the Youth Justice Board. The problem was never resolved even though [the YOS] had the service topped up, it wasn't adequate in terms of the service that I want them to provide. What [the YOS] was doing really was topping up a bad situation.

As indicated in the responses of the YOT managers interviewed, the extra expenses could have been avoided if SOVA had used their volunteers to do more of the supervisions. The increased level of involvement of SOVA staff in terms of extra time investment led to staffing costs being more than doubled over the years. A much more reasonable explanation, perhaps, could be found in high numbers of referrals coupled with the problems encountered with regard to the recruiting of volunteers and the large size of the county, all of which left SOVA staff with no option but to be out working directly with offenders and travelling long distances to do reparation in the remote parts of the county. Unless and until the issue of the recruitment of volunteers is resolved, the scheme may continue to have financial problems linked to increased staffing costs.

The national evaluators report showed that the number of salaried staff involved in projects varied with the level of funding. Three projects with an average funding of £103,000 could only afford one part-time staff. The average funding for projects that could afford four or more staff was £693,000.

The suggestions by YOT managers that SOVA staff should hands-off certain core tasks within the scheme may reduce costs. The opinion of the evaluator is that such a suggestion needs to be very well thought through; otherwise it may affect the quality of the service. Although YOT officers are well trained to do reparation work, as indicated in the report of the national evaluators, in-house projects may be cost-effective overall but it has the potential disadvantage of *“fewer links with the community in delivering restorative justice interventions and allocated funding may be spent on other activities”* (Wilcox & Hoyle, 2002:21). SOVA had laid a very solid foundation for this scheme. Having an independent agency charged with the responsibility of developing the scheme had certainly been a bonus. As one of the YOT managers puts it:

There is a danger that it gets diluted. Given the tasks that the teams have got to do, it might become a lesser part of the [service] I'm grateful to JH for leading the way, making those contacts and setting things up.

5. Conclusion

The evidence from this evaluation showed that the Lincolnshire scheme is working. Whilst it is obvious that the scheme did not cover all aspects of reparation, it is doubtful whether any restorative justice programme can do all that is required to make amends to victims and at the same time successfully reintegrate the offenders back into the community. It is common knowledge that 'rehabilitation' cannot be effective if the 'criminogenic' factors that are reproducing crime in the community remain unchallenged. In the UK, the strive towards 'what works' has led to the introduction of different criminal justice ideas for young people with conflicting penal philosophies. As Glass (2001) maintained, perhaps what we should be concerned about is not 'what works' but what is actually worth doing for children and young people, to prevent them drifting into a life of crime and delinquency. The success of any criminal justice policy depends on a sound social policy (see Drakeford & Vanstone, 2000). Increase in child poverty, child abuse and school exclusions are known common social factors that can lead to youth offending, but they are often ignored in a criminal justice system that individualises and de-contextualises crime.

Restorative justice has the potential to effectively address youth offending, but future re-offending by many of the young people who have experienced the intervention will depend on factors that cannot be addressed directly by reparation; for example, family problems, peer group pressure, drug misuse and social exclusion.

The Lincolnshire partnership has certainly done a very good job. A major issue is the fact that the funding received for the scheme was probably too low, considering the size of the county and the high numbers of referrals. However, considering the high completion rate, the high level of user satisfaction and the positive impact the scheme appeared to have had on the young persons' attitude towards offending and victims, it can only be said that the scheme was value for money.

The scheme certainly needs more secure and long-term funding. The size of the county will continue to be an issue and referral rates are likely to continue to be high. If the costs of similar projects are to be taken into consideration, a reasonable cost of the Lincolnshire scheme should be at least above the current average YJB funding for restorative justice projects in England and Wales. Considering that the average unit cost of 'hybrid' projects was around £1,600, a reasonable cost of the Lincolnshire scheme should be around £400,000 per year (£1,600 x 250 cases/yr). However, if the YOS reverts to a full 'in-house' project, a reasonable cost of the scheme would be around £325,000 per year (average unit cost £1,300 x 250 cases/yr). These are, of course, rough estimates, based on figures provided by the YJB.

With regard to the delivery of the scheme, there is the need for the scheme to strive to do more in order to ensure effective victim contact so that more mediation work could be done. No scheme can claim to be restorative without substantial direct victim involvement. According to YJB guidelines, 80% of the restorative justice process should involve victims.

In addition, attempts have to be made to ensure that all aspects of the interventions are offence-focused. Community reparation ought to be made more restorative; for example, by encouraging more offenders to work for victims or where reparation work is done in the community, to make sure that feedback is given to victims; for example, in the form of photographs of work done. Finally, it would be beneficial to the scheme if volunteers were involved much more in the various reparation interventions, instead of restricting their role to the supervision of community reparation work alone. The end product could be cost-effective.

Future bids could focus on (a) funds to develop offence-focused reparation and other reparation programmes that are more restorative (b) funds to enable the scheme to forge stronger links with relevant organisations in the community, to help with reparation work (c) funds to support the mentoring scheme and develop more outlets or support network for the young persons who have completed reparation.

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