

Evaluation of the South Yorkshire Restorative Justice Programme

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1. EXECUTIVE SUMMARY

This is the final report of the evaluation of South Yorkshire Restorative Justice Programme (SYRJP), undertaken by the Hallam Centre for Community Justice at Sheffield Hallam University.

The SYRJP was developed in partnership between South Yorkshire Police and the Local Criminal Justice Board (LCJB) with the aim of implementing a county wide model of Restorative Justice (RJ) for use in neighbourhood policing and other community applications. It is aimed at tackling low level crime and anti-social behaviour in neighbourhoods and gives police officers the discretion to use Youth and Adult Restorative disposals as an alternative to prosecution for low level offending behaviour where offenders have no previous convictions, make an admission of guilt and where both offender and victim consent to the RJ process.

The first phase of implementation involved training 1700 front line police officers in the use of RJ disposals and the second phase delivered enhanced training in Restorative conferencing to 160 officers. The third phase is ongoing and has extended RJ into Hate Crime and Integrated Offender Management. Since the inception of the Programme in March 2010 until February 2012 a total of 3,357 RJ interventions have been undertaken across the County.

The evaluation was primarily qualitative and involved: interviews with eight magistrates, 34 victims and 29 offenders and 10 police officers; observation/focus group activities in five community meetings; a survey of police staff, a community survey and two victim surveys. A quantitative element was added during the course of the evaluation and involved analysing the reconviction rates for a cohort of offenders who had received an RJ disposal and a comparator cohort. Findings from these activities are organised around three key themes: The RJ Model; the RJ Process and the Impact of RJ.

The RJ Model currently in operation has changed from the model originally envisaged at the outset of the program. What has emerged is a continuum of approaches which incorporates Street/Instant RJ and RJ conferencing but also includes hybrid approaches which fall somewhere between the two. While there may be advantages to a more flexible and wider application of RJ, this is not without risk, including consistency and clarity of understanding amongst police officers.

Overall, the concept of RJ is well embedded across the force and there were high levels of satisfaction with the relevance of the training and the level of skills it provided. Police officers were generally confident in the use of RJ and the empowering opportunity it provided for professional discretion. Senior level support was strong though issues were raised about levels of understanding amongst custody sergeants/inspectors who are

involved in the decisions to use RJ. Use of conferencing is less well embedded and police officers identified a range of structural and cultural barriers which had impeded its use.

Victims are positive about the processes surrounding RJ which were seen as straightforward. Victims felt that communication prior to becoming involved was clear and effective and they were positive about the support they received both during and after the event. Occasions were identified where the RJ process broke down which provide potential pointers for the future development of the programme.

Victims were generally satisfied with the outcome of their involvement with RJ. They reported feeling empowered by their experience of RJ and indicated that it gave them a greater sense of control. Many also indicated that RJ had increased their confidence in the police force and that they felt that RJ had had a positive effect on the offender. There were some encouraging indications that offenders who had received an RJ disposal were less likely to be reconvicted than offenders who had received an alternative disposal. Though the results of the reconviction analysis were not statistically significant, they were close to the 0.1 level that is traditionally used as a guide. The qualitative fieldwork also supported these findings and indicated that RJ had had a significant impact on many of the offenders involved.

The following key recommendations were indicated by the findings of the evaluation:

- Communicating and embedding changes in the model to ensure greater consistency in the application of RJ
- Additional training for inspectors/custody sergeants who make decisions about whether or not to proceed with RJ
- Clarifying and potentially extending the role of PCSOs – for example in the administration of RJ processes, especially relating to RJ conferencing
- Clarifying the role of RJ conferencing and addressing the structural and cultural inhibitors to its use
- Developing a community communications strategy to increase awareness
- Ensuring victim and offender understanding of the RJ process and effective communication throughout.
- Developing guidance for police officers on appropriate compensation for victims
- Clarifying processes relating to follow up and non-compliance.
- Redesigning guidance/processes/paperwork to support the use of RJ with non-crimes
- Refreshing guidance for police officers on the status of RJ disposals in enhanced CRB checks.
- Conducting further reconviction analysis
- Conducting further research into the costs/time taken for restorative conferencing.

2. BACKGROUND AND CONTEXT

Restorative Justice (RJ) represents one of the key priorities in the current coalition Government's criminal justice policy. The Green Paper – Breaking the Cycle¹ published in 2010 outlined the Government's commitment to increasing the range and availability of Restorative Justice approaches indicating their intention to:

- Extend the use of Restorative Justice as an alternative to formal action for low level offenders, including the continuation of testing of neighbourhood justice panels;
- Explore the use of Restorative Justice at the charging stage as an addition to out of court disposals such as conditional cautions and to
- Consider the use of restorative conferencing pre-sentence to inform court decisions about sentencing.

In June 2011, the Government's response to the consultation further underlined their commitment to extending the use of Restorative Justice and developing effective frameworks and evidence base to support this².

A survey of Restorative Policing conducted by ACPO in 2010 indicated that the use of RJ in policing was expanding at a significant pace³ and in a speech in February 2011, Nick Herbert, Minister for Policing and Criminal Justice indicated that over three quarters of police forces in England and Wales were implementing some level of restorative policing.⁴

South Yorkshire Police (SYP) is the thirteenth largest of the 43 police forces within England, Wales and Northern Ireland with responsibility for policing in Barnsley, Doncaster, Rotherham and Sheffield. In 2009, the South Yorkshire Police Senior Command Team endorsed the development of a corporate model of Restorative Justice to be implemented across the county. Following formal approval, the South Yorkshire Restorative Justice Programme (SYRJP) was developed via a partnership between South Yorkshire Police and the Local Criminal Justice Board (LCJB). The aim of the programme was to implement a county wide model of Restorative Justice for use in neighbourhood policing and other community applications with the strategic aims of:

¹ Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders. December 2010.

London: The Stationery Office

<http://webarchive.nationalarchives.gov.uk/20120119200607/http://www.justice.gov.uk/consultations/docs/breaking-the-cycle.pdf>

² Breaking the Cycle: Government Response. June 2011. London: The Stationery Office

<http://www.justice.gov.uk/downloads/consultations/breaking-the-cycle-government-response.pdf>

³ Shewan, G (2010) *A business case for restorative policing*.

http://www.restorativejustice.org.uk/resource/the_business_case_for_restorative_justice_and_policing

⁴ Transcript of a speech by The Rt Hon Nick Herbert MP Minister for Policing and Criminal Justice given on 16th February, 2011 at the joint Association of Chief Police Officers' and the Restorative Justice Council conference in Manchester. <http://www.homeoffice.gov.uk/media-centre/speeches/Herbert-Restorative-Justice>

- Increasing community engagement in the delivery and design of Criminal Justice Services
- Empowering victims to effectively contribute in resolutions to reduce crime and anti-social behaviour that impacts upon their quality of life
- Effectively reinvesting criminal justice resources
- Increasing officer visibility within neighbourhoods
- Reducing bureaucracy
- Developing a proportionate response to local crime and anti-social behaviour
- Reintroducing professional judgement to front line delivery staff
- Promoting a fair and equitable service to the communities of South Yorkshire
- Creating effective partnership working in the delivery of the SYRJP⁵

With the following key outcomes

- Increasing community confidence and satisfaction
- Reducing Reoffending through early and effective intervention
- Avoiding the criminalisation of young people
- Reducing anti-social behaviour
- Reducing call handling demand against local priorities
- Reducing police officer demand/time
- Improving partnership working
- Increasing officer job satisfaction⁶

The Programme was developed between 2009 and 2011 to equip all front line police officers in the County with the training and skills necessary to enable them to deliver Restorative Justice Disposals to youths⁷ and adults as an alternative to prosecution in the following circumstances.

- Low level offending behaviour (criminal damage, assaults, theft, public order, anti-social behaviour)
- Offenders who have no previous convictions (other than fixed penalty notices)
- The offender makes an admission of guilt
- Offender and victim consent to the Restorative Process

The programme was implemented in two phases with a third phase beginning during the course of the evaluation. The first phase involved initial training in delivering street/instant

⁵ South Yorkshire Police and Local Criminal Justice Board *Strategic and Delivery Plan: Restorative Justice – 2010/11*.

⁶ South Yorkshire Police and Local Criminal Justice Board *Strategic and Delivery Plan: Restorative Justice – 2010/11*.

⁷ Local Youth Offending Services are engaged in all Youth Restorative Disposals

Restorative Justice for all front line police officers (including Police Constables, Sergeants, Inspectors, Special Constables and PCSOs) across the County with additional input for managers and supervisors. The training programme was developed and delivered by Remedi⁸ to equip officers with the skills and knowledge to apply *RJ disposals as a summary measure* to dispose of low level crime and neighbourhood disorder. Between March and July 2010 over 1700 front line staff had been trained to deliver instant/street Restorative Justice (RJ) interventions. The second phase began in October 2010 and completed in February 2011 and has involved delivering enhanced training for 160 officers to enable them to undertake *Restorative Justice Conferencing* to deal with more complex cases. The Programme has now moved into its third phase which focuses upon the sustainability of the programme integrating it into normal business and has *extended the use of RJ* into Hate Crime, Neighbourhood disputes and other “non-crime” events and Integrated Offender Management⁹.

⁸ Remedi (Restorative Justice & Mediation Initiatives) is an independent voluntary sector organisation that provides a range of restorative justice initiatives across South Yorkshire

⁹ South Yorkshire Police Local Policing Plan: Out-turn Report for 2010-11. Accessed at http://www.southyorks.gov.uk/embedded_object.asp?docid=10971&doclib

3. ABOUT THE EVALUATION

The Hallam Centre for Community Justice at Sheffield Hallam University was commissioned in January 2011 by South Yorkshire Police and partners to conduct an evaluation of the implementation of the South Yorkshire Restorative Justice Programme. The evaluation began in February 2011 and this report is the final output. An interim report on the first phase of the SYRJP was completed in July 2011.

The aims of the evaluation were to assess:

- Victim confidence and satisfaction - the extent to which involvement in RJ had increased victim confidence with the police service
- Victim empowerment - the extent to which victims were involved appropriately in RJ and the value that they had derived from this
- Community confidence and satisfaction - the extent to which RJ had impacted on the wider community and what the impact had been
- Officer satisfaction and confidence - officers' perceptions of RJ compared to other disposals and their confidence in delivering RJ and the RJ process
- Offender perceptions - the impact of RJ on offenders - including their intention to reoffend.

An important cross cutting theme of the research was to ensure that the nine strands of diversity were incorporated across the research process and this is covered in more detail within the Methodology section below.

It was originally envisaged that the evaluation would be undertaken in two phases: the first phase was to be an evaluation of the first phase¹⁰ of the programme - i.e. the implementation of street/instant RJ; the second phase was to be an evaluation of the second phase of the programme - i.e. the implementation of RJ conferencing. In conducting the evaluation, it became clear that the implementation of the SYRJP had progressed somewhat differently and that RJ conferencing was developing somewhat differently from the original model. As a result, the focus of the evaluation was changed, following discussions with South Yorkshire Police. The original research questions detailed above remained pertinent but given low levels of usage of conferencing they were applied to the full range of RJ disposals used by police officers¹¹. An additional focus was added to examine police officers' perceptions of RJ conferencing and to examine its usage amongst a small subset of officers who had received conferencing training.

¹⁰ As a result of this change in focus; Phase 1 and Phase 2 are used to mean the phases of the evaluation rather than the Phases of the SY RJ Programme. RJ is used hereafter as a generic term to cover the range of disposals though where comments are specific to a particular type of RJ, this is indicated as either Street/Instant RJ or Restorative Conferencing.

¹¹ Though these were most commonly street/instant RJ disposals, given the higher proportion of these.

Although commissioned as a primarily qualitative evaluation, a quantitative element was added in order to examine reconviction rates of offenders who had received an RJ disposal compared to a comparative cohort of offenders who had received an alternative disposal¹².

This report is the final deliverable for the evaluation and integrates and combines findings from the first phase evaluation report with additional data from the second phase of the evaluation.

3.1 Methodology

The methodology used a combination of qualitative semi-structured and narrative interviews, surveys, and focus groups across the range of participants and stakeholders, together with a quantitative analysis of reconviction rates. During the course of the evaluation, the fieldwork was amended from the original specification in response to changing requirements to include: additional perspectives from magistrates in Phase 1; an additional analysis of police officer perceptions and a quantitative analysis of re-offending rates for Phase 2. This resulted in a reconfiguration of the fieldwork to ensure that these additional requirements could be captured. For the two phases the following fieldwork was conducted:

Figure 1: Evaluation Fieldwork

Group/ Stakeholder	Activity	Phase 1 (n)	Phase 2 (n)	Total (n)
Victims	Semi structured interviews	13	21	34
	Postal/Online Survey	28 responses	77 responses	105 responses
Offenders	Semi-structured/narrative interviews	9	20	29
	Analysis of reconviction rates of offenders who had received an RJ disposal and a comparator cohort	n/a	RJ Cohort – 1121 cases; Comparator Cohort – 192 cases	
Police Officers and SYP Staff	Online Survey	307 responses	n/a	307 responses
	Semi structured interviews	n/a	10	10

¹² Such as warnings, reprimands, cautions, penalty notices. These were offenders who were identified as having been likely to have received an RJ disposal had the programme been operational at the time. See Figure 8 for a full breakdown of disposals

Group/ Stakeholder	Activity	Phase 1 (n)	Phase 2 (n)	Total (n)
	Focus Groups	n/a	5 focus groups ¹³	5 focus groups
Community	Participant observation/guided discussion	5 meetings	n/a	5 meetings
	Survey	n/a	2792 responses	2792 responses
Magistrates	Semi structured interviews	8	n/a	8
<p>Analysis of performance and offence data</p> <p>Documentary review of procedural and strategic documents</p> <p>Structured observation of one Community Justice Panel</p>				

Throughout the evaluation, the research team captured and monitored diversity issues relating to participants in the research, both in analysing the characteristics of offenders and victims for whom we had details and in attempting to ensure an appropriate range of participants within our sampling strategy (discussed in more detail below).

Qualitative interviews were transcribed verbatim from digital recordings and analysed using a thematic approach. This involved working through a number of distinct though interconnected phases (familiarisation, identifying a thematic framework, coding data, and capturing and mapping interpretation). The process was an iterative process between the key researchers involved to provide a checking mechanism for the interpretation of the data thus adding to the validity of the results. The observations and outputs from the group discussions during the community meetings were captured using a standard proforma and again analysed thematically by the research team.

For the quantitative reconviction analysis, the aim was to identify the effectiveness of the South Yorkshire Restorative Justice Programme in reducing reconvictions following a restorative justice disposal. This was assessed through comparison with a group of offenders who had received disposals that were identified as those a recipient of a restorative justice disposal would have received, had the SYRJ programme not been in place. The comparator

¹³ 2 in Sheffield; 1 in Barnsley, 1 in Doncaster and 1 in Rotherham.

cohort was drawn from people committing burglary, theft, violence against the person and affray.

Reconviction was measured by matching records of those receiving restorative justice or comparison disposals by name, with reconviction data held by South Yorkshire Police. Matching was completed using first name, last name, gender and age. Where no match was identified in subsequent re-convictions, the data managers were confident that this represented no further re-convictions, rather than a 'false negative' non-match. Re-convictions were tracked in both groups for a 12 month period following the initial disposal.

3.1.1 Sampling - Interviews

It was an important consideration that the sample of interviewees selected for the research would enable us to capture views of offenders and victims across a range of variables including ethnicity, age (including young people and adults); gender; corporate and personal incidents; Street/Instant RJ and restorative conferencing; and representation from all four areas¹⁴. While we attempted to achieve as balanced a sample as possible across the two phases, our available pool of victims and witnesses was limited to those for whom South Yorkshire Police had accurate contact details and who, having been contacted by South Yorkshire Police, gave consent for their details to be passed on to the evaluation team. The sample was further reduced as a number of victims and offenders later withdrew their consent or failed to respond to repeated attempts to contact them. We could not identify from the sample what form of RJ intervention victims and offenders had received and so were reliant on victims' and offenders' own reports/descriptions in relation to this.

The following shows a breakdown of participants across the range of variables:

Figure 2: Victim and Offender Interviewees by area

	Victims	Offenders
Barnsley	4	5
Doncaster	9	2
Rotherham	8	4
Sheffield	13	18
Total	34	29

¹⁴ With a higher proportion from Sheffield in view of its size relative to the other three areas.

Figure 3: Victim and Offender Interviewees by age range

	Victims	Offenders
Under 16	5	15
16-24	1	4
25-34	3	1
35-44	7	3
45-54	5	2
55-64	9	2
65+	4	2
Total	34	29

Figure 4: Victim and Offender Interviewees by Gender

	Victims	Offenders
Female	18	13
Male	16	16
Total	34	29

Figure 5: Victim and Offender Interviewees by Ethnicity

	Victims	Offenders
White British	31	27
Asian	1	
Black	1	
British	1	
Black African		1

	Victims	Offenders
Mixed - White and Black Caribbean		1
Total	34	29

Figure 6: Type of RJ intervention

	Victims	Offenders
Instant/Street RJ	29	25
Conferencing ¹⁵	5	4
Total	34	29

For the magistrates' interviews (n=8), a volunteer sample of two representatives from each area were recruited by Her Majesty's Court and Tribunals Service (HMCTS) for South Yorkshire.

The Police Officer interviews (n=10) were conducted specifically to explore the experiences and perceptions of RJ conferencing. For these interviews, a sample of those who had received RJ conferencing training was selected by SY Police; within that sample, half of the officers interviewed had used RJ conferencing and half had not.

3.1.2 Sampling - Surveys

For the Victim Survey, in Phase 1, the survey was sent by post or email to all 52 victims and there were 28 responses representing a response rate of 54%¹⁶. In Phase 2, the survey was sent to all victims for whom South Yorkshire Police had contact details (n=588) and there were 77 responses representing a response rate of 13%. The overall response rate across both surveys was 16%. The full breakdown of respondents to the Victim Survey is at Appendix 1.

The Officer Survey was placed on the staff intranet and thus available for all police staff to respond; 307 responses were received. The full breakdown of respondents to the Officer Survey is at Appendix 2.

¹⁵ Note: The RJ model is not as clear cut as is suggested by these two categories (see Section 5.1). Thus conferencing may refer to a range of activities which is more involved than Instant/Street RJ but falls short of the original model of full restorative conferencing

¹⁶ Not all respondents completed all questions.

The Community Survey was not undertaken directly by the evaluation team but we supplied a small number of questions specifically related to Restorative Justice for inclusion in the Your Voice Counts survey¹⁷. The survey was distributed to 19,140 people. 2792 responses were received equating to a response rate of 14.6% and with a confidence interval of 1.85¹⁸

3.1.3 Sampling - Focus Groups and Observations

Community Focus Groups and PACT meetings were selected to represent each of the four areas¹⁹. Groups with a record of particularly high attendance were selected in consultation with the Safer Neighbourhood Teams in order to ensure maximum community engagement. An additional group was attended in Sheffield in view of the relative larger size of the area.

Five police officer focus groups were conducted to represent each of the four areas with an additional group in Sheffield, again, in view of its larger relative size. Groups were selected by SY Police area RJ champions who aimed to recruit groups with a cross section of ranks, roles and experience of RJ. Inevitably, this was not always possible and sampling of the groups was, in some part, driven by availability of officers on the day. For the Sheffield groups, the evaluation team participated in two groups which had been convened for internal review purposes as this was felt to offer the best opportunity to gather together a cross section of officers.

3.1.4 Sampling - Reconviction Analysis

The following tables show the composition of the two cohorts used for the reconviction analysis²⁰

¹⁷ Your Voice Counts is a quarterly survey conducted on behalf of the South Yorkshire Police, South Yorkshire Police Authority and South Yorkshire Fire and Rescue Service. It is sent to a random sample of residents in South Yorkshire (aged over 16 years) and is administered and analysed by the Business Change Directorate in South Yorkshire Police.

¹⁸ This means that we can be 95% confident that had the whole population of South Yorkshire responded then the responses would be within $\pm 1.8\%$ of these results.

¹⁹ 2 in Sheffield; 1 in Barnsley; 1 in Doncaster and 1 in Rotherham

²⁰ It should be noted that the table indicates that there are some systematic differences in the two cohorts. Young people constitute a higher proportion of the restorative justice cohort than the comparator cohort, and female offenders are more prevalent in the restorative justice cohort. In both of these cases, though, these differences are small, and the statistical significance of the differences suggests this could have been produced from simple random variation. For ethnicity, considerable amounts of missing data (633 cases: 48.2% of all cases) makes this analysis less reliable.

Figure 7: Composition of RJ and Comparator Cohorts

	Comparator Cohort	RJ Cohort	Statistical Significance
Dates of Trigger Offence	1/3/08 to 31/5/08	7/1/10 to 30/11/10	N/A
Number of Cases	192	1121	N/A
Age Category			
Adult	31.3%	26.4%	.163
Youth	68.8%	73.6%	
Gender			
Male	62.0%	58.9%	.426
Female	38.0%	41.1%	
Ethnicity ²¹			
White	90.4%	89.6%	.020
Black/ Afro-Caribbean	3.9%	4.0%	
Asian	3.9%	6.4%	
Other	1.7%	0	

²¹ There was a considerable amount of missing data relating to ethnicity.

Figure 8: Disposals received

Comparator Cohort		RJ Cohort	
Reprimand	98 (50.8%)	Apology	951 (85.4%)
Simple Caution	35 (18.1%)	Compensation	130 (11.7%)
Conditional Caution	2 (1.0%)	Reparation	10 (0.9%)
Warning	11 (5.7%)	Other	22 (2.0%)
Warning – 1 st Offence	8 (4.1%)		
Warning – 2 nd Offence	14 (7.3%)		
Penalty Notice	24 (12.4%)		
(Missing Data)	(1)	(Missing Data)	(8)

4. PROFILE AND PERFORMANCE

In order to give some background and context to the usage of RJ across South Yorkshire and to inform understanding of how this has changed during the lifetime of the project, we have presented below a snapshot of profile and performance data²². This indicates:

1. The total number of RJ cases from March 2010 to January 2012, subdivided by area.
2. The monthly breakdown of RJ cases for this period subdivided by area to show trends in usage over time

The first RJ cases were undertaken in March 2010 and between March 2010 and February 2012, a total of 3,357 interventions have been undertaken. This is broken down across the four areas as follows:

Figure 9: Total RJ Cases – March 2010 to February 2012

Area	Number of Cases	Percentage of total cases
Barnsley	755	22%
Doncaster	528	16%
Rotherham	558	17%
Sheffield	1,516	45%
Total - All Areas	3,357	100%

The following chart shows the monthly breakdown of RJ cases for each area:

²² The information presented here is for contextual purposes as a detailed analysis of performance is beyond the remit of the evaluation.

Figure 10: Number of RJ Cases by Area, by Month: March 2010 to February 2012

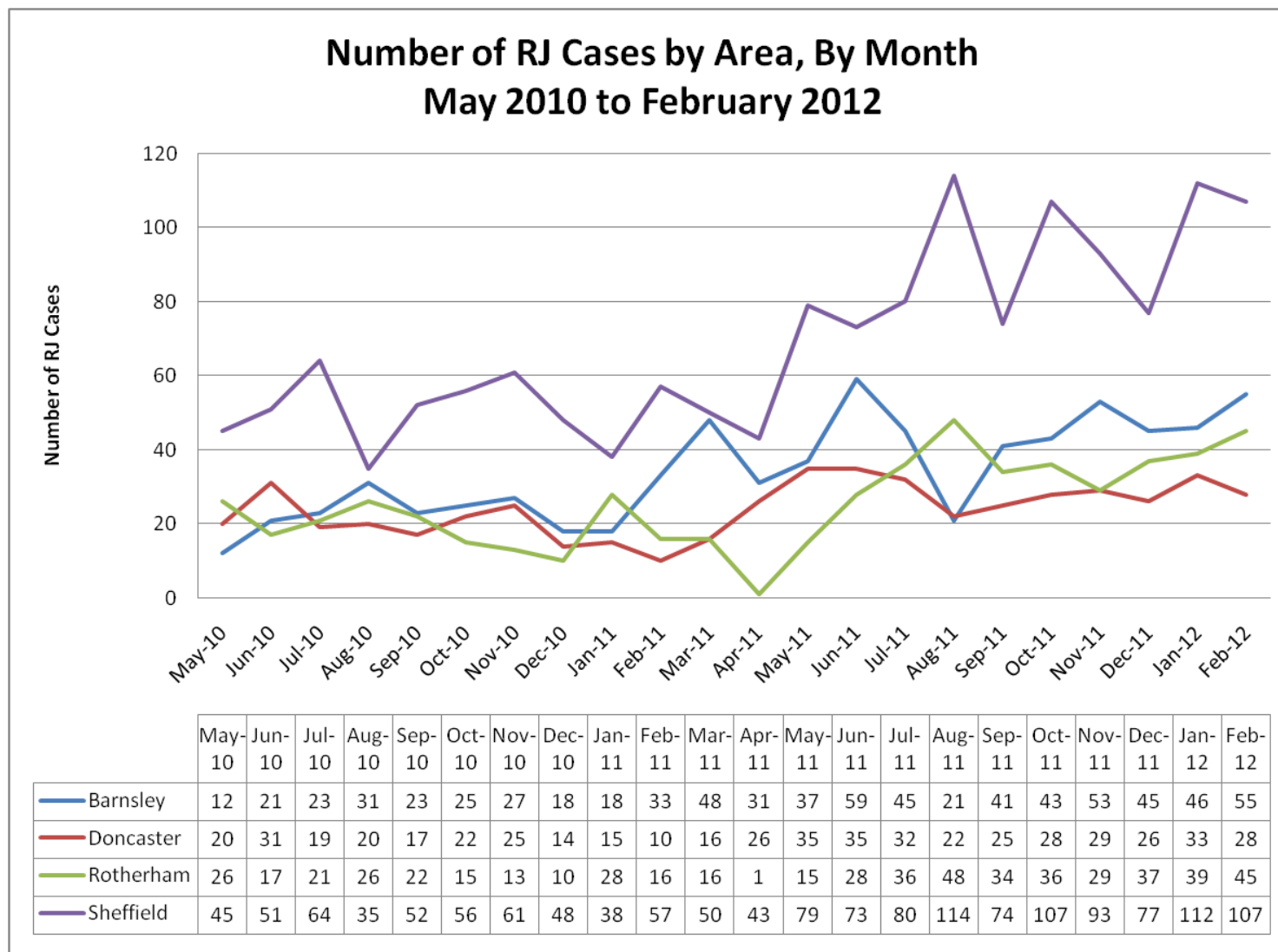


Figure 10 shows the trends in numbers of cases over time. Clearly this will fluctuate from month to month but, it would be expected that there would be an upward trend in the number of cases from the beginning of the programme, with perhaps a levelling off as the intervention became established. Numbers of cases will also be affected by: widening the scope of RJ (e.g. using it for a wider range of crimes) and may also be impacted by activities of the RJ project team in communicating RJ many of which have taken place over the period. Increases in the number of cases have been particularly noticeable in Sheffield, Rotherham and Barnsley. Since June 2011, Sheffield has shown a marked increase in their numbers of RJ cases; Barnsley's numbers have, apart from a dip in August 2011, shown a steady increase since the programme began; Rotherham who were reported as showing a downward trend in the first phase report have reversed this trend in the months following that report; Doncaster's case numbers have shown the least fluctuation over the period. Comparing the average number of cases over the two years of operation shows that all have shown a significant increase in the average number of RJ cases in the second year of operation of the programme when compared to the first. The percentage increase is greatest in Rotherham, followed by Sheffield, Barnsley and then Doncaster.

Figure 11: Average Number of Cases by Area - Year 1 and Year 2

	Y1	Y2
Barnsley	26	45
Doncaster	20	29
Rotherham	18	37
Sheffield	50	93

5. FINDINGS

This section brings together the main findings which have emerged from the analysis of the qualitative interviews, surveys, focus groups and observations and quantitative analysis of reconviction outcomes described above across the following key areas:

- The Restorative Justice Model in South Yorkshire
- The Restorative Justice Process
- Impact and Outcomes

Conclusions and recommendations emerging from the analysis are consolidated in Section 6.

5.1 The Restorative Justice Model

This section will look at the management, governance and scrutiny of the Restorative Justice programme and how this has developed over the life of the programme. It will then consider the model itself and how this has changed and developed over time, the awareness and understanding of police officers and their preparedness to use RJ, including barriers and enablers to usage. Finally it will examine awareness and understanding of the model by victims, offenders and communities.

5.1.1 Management, Governance and Scrutiny

The RJ model in operation in South Yorkshire was established in partnership between South Yorkshire Police and the Local Criminal Justice Board (LCJB) in 2009. A project team oversaw implementation which involved a range of strategic and local delivery partners. The project team was important in ensuring that appropriate and workable procedures were achieved and front line staff trained and effective governance and scrutiny established. Governance during implementation of the programme was provided by an *Executive Board* who provided strategic oversight of the implementation; a *project steering group* who contributed to the implementation of the programme and provided direction and leadership to the *District Implementation Groups* who developed and co-ordinated the implementation of the programme within the Safer Neighbourhood Policing Framework²³.

Although the implementation project team was disbanded in summer 2011, it was considered important to retain ongoing management of the programme at Superintendent level within the Criminal Justice Administration Department. At the time of the first phase of the evaluation, it was envisaged that governance for the RJ programme would be transferred to the Reducing Reoffending subgroup of the LCJB with an additional Task and

²³ South Yorkshire Police and the Local Criminal Justice Board. *Strategic and Delivery Plan: Restorative Justice 2010/11*.

Finish group to oversee operational delivery of Phase 3 of the programme²⁴. The District Level Implementation groups and RJ champion roles within districts were to remain. However, following discussions with LCJB in September 2011, the RJ Steering Group was reinstated (initially until March 2012) in order to maintain momentum; ensure effective co-ordination and sharing of best practice.²⁵ It is clear that there have been changes to the model of RJ (see below) and that the model continues to be adapted in response to changing priorities. Governance was a particular issue raised by magistrates during Phase 1 of the evaluation. Of particular concern was the importance of continued scrutiny of numbers and types of offences for which RJ has been used to ensure that RJ continues to be used appropriately and in line with agreed criteria. Clearly as the programme develops and changes, this continued dialogue with magistrates is important in ensuring their continued support for the programme.

5.1.2 The Changing Model of RJ

When the evaluation was commissioned it was envisaged that there would be two distinct phases to the SYRJ programme – Street/instant RJ and RJ conferencing for more complex cases. Street/Instant RJ was rolled out extensively across the force with training being delivered to more than 1700 front line staff. Specialist Restorative conferencing training was delivered to a smaller number (160) staff to equip them to deal with more complex Restorative Justice cases. In reality, there have been relatively few restorative conferences undertaken by these officers and the model of RJ has thus developed somewhat differently than was originally intended. What seems to have emerged in practice is a continuum of RJ approaches which incorporates Instant/Street RJ and conferencing but also includes hybrid approaches which fall somewhere between the two – i.e. they are a little more involved than Instant/Street RJ but fall short of a full-blown RJ conference. Officers, trained in conferencing, described circumstances where, for example, there might be an opportunity to mediate an “informal” conference between victims and offenders. They describe using the restorative conference process as a guideline but using, for example, a shortened version to ensure that they maintain the momentum with victims and offenders. Where conferences are used, this seems to be most commonly within school/college contexts where administration and organisation of the conferences is seen as more straightforward or for neighbourhood disputes and similar activities where there is no clear “offender” and “victim”.

This, then, represents a clear move away from the original model envisaged in the early programme documentation in the following ways:

²⁴ Phase 3 of the programme was beyond the remit of this evaluation and includes the use of restorative approaches within IOM cohorts and RJ as a specified activity as part of a sentence from the court.

²⁵ Email correspondence between LCJB and RJ Steering Group; September 2011

- The original model as an alternative to prosecution for low level offences where the offender makes an admission of guilt has been extended to use in neighbourhood disputes and other circumstances where there is no clear distinction between offender and victim and other “non-crime” events
- The two models of RJ proposed – Instant/Street RJ and Restorative Conferencing – are being adapted and flexed “on the ground”, representing a continuum of approaches rather than two distinct models.

While it may be an inevitable consequence that programmes emerge and develop over time, and while there might be advantages in having a more flexible and wider range of RJ disposals, such divergence raises the following issues:

- There may be a lack of a consistent approach across the force and RJ may be used differently in different areas.
- Magistrates interviewed in Phase 1 were particularly concerned about the potential escalation of usage of RJ disposals and in ensuring scrutiny of RJ as it became more widespread. Inconsistency in approach may thus reduce confidence in RJ amongst partners and the community.
- There is a risk of confusion amongst police officers’ understanding of RJ and its appropriate use. Some police officers described it as “challenging” to keep up with the changes in the model and some officers indicated that they felt that the “theory” underpinning RJ was in danger of getting lost as its remit widened and became more blurred.
- Issues were raised by front line police staff about the additional bureaucracy involved in extending RJ to non-crimes.
- It will be important to ensure clarity between a dispute and an offence to avoid the potential risk of “net-widening”

These are important issues and there are good examples of SY Police preparing additional materials such as Frequently Asked Questions, and making use of RJ Champions within the force to clarify the changes that are taking place. Given the risks highlighted above, it is clearly of paramount importance that this work is expanded and continued and this is reflected in the recommendations in Section 6.

5.1.3 Usage, Awareness and Preparedness amongst Police Officers

Usage of RJ generally seems well embedded across the force. The Police Officer survey conducted in Phase 1 indicated high levels of satisfaction with the relevance of the training in both Street/Instant and RJ and Restorative Conferencing and the level of skills and confidence with which it had equipped them (see Appendix 3). There were clear indications that survey respondents felt supported in the use of RJ at an operational level and from

senior staff at district and Chief Constable/ACC level²⁶ and very few staff indicated that they had been inhibited in using RJ as a result. While police officers in the second phase of the evaluation supported the view that there was support at a senior level for RJ²⁷, concerns were expressed at a perceived lack of understanding of RJ amongst certain sections of the police force. This was highlighted specifically in connection with Inspectors and Custody Sergeants. There was a perception amongst a number of officers that these staff were not sufficiently aware of RJ²⁸. This created a potential barrier to usage of RJ as these staff were in positions which may require them to provide advice on the suitability of use of RJ or which enabled them to disregard RJ as an option or reject applications to use it.

In terms of training, there was also some confusion in the second phase of the evaluation as to whether or not PCSOs had received training in RJ and/or what their role was in relation to RJ. Many officers felt appropriately trained PCSOs had an important role in RJ and could be used more effectively, for example, in following up with victims, checking on compliance, or in managing the administrative requirements associated with RJ conferencing, as well as handling non crime RJ interventions. It is our understanding that PCSOs have received level one RJ training but the confusion amongst police officers about this and the PCSO role indicates that further training or clarity in relation to PCSOs role in RJ may be required.

In Phase 1 there were some indications from survey responses that officers had been discouraged from using RJ because they felt it was in conflict with their district targets in terms of sanction detection rates. New reporting arrangements had been implemented during the Phase 1 evaluation which aimed to remove concerns about the impact of RJ disposals on sanction detection rates; however these were not widely understood. We revisited this in Phase 2 and, encouragingly, this seemed to have been effectively communicated to officers and so no longer created a potential barrier to usage of RJ.²⁹

Within the Phase 1 survey, those officers who had been trained in RJ indicated that they felt more empowered and that using RJ enabled them to make use of their professional judgement to a greater extent than other approaches. This was largely supported within the police focus groups and interviews conducted during Phase 2 with officers indicating that RJ offered them another option when dealing with low-level offenders and enabled a more common-sense and proportionate approach for these offences. While appreciating that the approach did leave room for professional discretion, some officers felt that some of the constraints put some limitations on this:

²⁶ 97% of respondents felt that Senior District level staff were supportive of RJ and 99% of respondents felt that Chief Constable/ACCs were supportive.

²⁷ Though see also comments below relating to use of Restorative Conferencing

²⁸ Either as a result of lack of training or insufficient understanding due to a lack of experience of using RJ directly

²⁹ This was a relatively recent development in some areas

The imposition of specific criteria as to eligibility reduces the value of the programme as it removes an element of discretion and means that some incidents ideally suited to the RJ process have to be dealt with via other means. (Police Constable, Sheffield)

Earlier in this chapter, we discussed some of the risks inherent in widening the approach and offering more flexibility in circumstances in which RJ can be used: mitigating these risks while offering officers appropriate levels of professional discretion will be an important factor in the ongoing success of RJ.

As we indicated above, Restorative Conferencing has, to some extent, been used less (or differently) than was originally envisaged in the implementation model. The most commonly cited barrier to using Restorative Conferencing was the time and administrative effort required to organise and run a conference and the difficulty of fitting this around shift patterns and other commitments:

The fear with conferencing initially felt through the training – how on earth is a police officer that only works 8 hours a day and is expected to pack a lot into that 8 hours so having to run backwards and forwards arranging a conference, how are we going to be able to plan and organise that kind of thing...We entered conferencing thinking this sounds great in theory but in practice how are we going to be able to do that – it's a lengthy process and all that forward planning (Police Constable, Barnsley)

Police Officers felt particularly strongly that the arranging of conferences, venues etc was beyond their remit and not a good use of their time. There seemed to be a greater momentum to use conferencing in school settings where the administrative burden of arranging the conference was felt to be less and, in some cases, assisted by the school.

Additionally, there is a perception that senior staff can be unsupportive of conferencing and have little awareness of the time they take. Police officers felt that most senior staff have neither been trained in, nor observed a conference and thus have less understanding of what is involved in conferencing than in, for example Street RJ:

With regional senior staff, they are supportive of RJ but it feels like they are more supportive of Street RJ, in the sense that they do not seem to understand the time constraints you face when doing a conference – that is probably only because they've not been on the course and don't appreciate the time it does take (Police Constable, Doncaster)

As well as being unrecognised by senior staff, some police officers felt that the time and effort involved in conferencing was not reflected in the reporting of outcomes, particularly where this relates to a neighbourhood dispute or non-crime:

Conferencing isn't shown as a bigger tick in the box...it's a massive amount of work but there is no more to show for it in terms of statistics. (Police Constable, Rotherham)

For some officers, the time taken to set up conferences also resulted in a loss of momentum and a subsequent failure of all relevant parties to attend, or failure to reach a resolution. Others saw the work they had done to set up a conference fall apart due to priorities given to more urgent police operations:

We are still front line officers, but if all hell breaks loose, you get your kit on and you go out there and do what the public want - bring back order. So, in August last year, 8 of my team dropped everything and went to support the Met. So, you have done all that mediation, all that assessment, you have checked up the availability of all the local community centres and then you have to let all those people down (Police Constable, Sheffield)

Officers were clear that they saw conferencing in particular as being unsuited to the role of response team/patrol officer. The length of time and the more long term nature of Restorative Justice interventions were seen to be more suited to the responsibilities of Safer Neighbourhood Team officers. While this view was held particularly strongly in relation to conferencing, it was, to some extent, applied more widely to all RJ interventions.³⁰

There was a strong sense amongst police officers that conferencing represented significantly more of a cultural shift than Street RJ and that this was an important barrier to its use amongst police officers. While officers could see how Street/Instant RJ fit with their role and indicated that it felt “like what we do anyway”, restorative conferencing does not feel like a natural fit to many officers either culturally or organisationally. Some officers indicated that they were more comfortable in dealing with issues immediately, rather than the protracted process of organising a restorative conference:

The general mindset of police officers, well- the quicker and more efficiently I can get rid of this job the better- Street Justice fits that better than conferencing (Police Constable, Barnsley)

Additionally, while they saw that conflict resolution was clearly a part of a police officer's role and skill set, some officers felt that restorative conferencing took this to a different level and one which, they felt would be more suited to an external agency. Sheffield officers

³⁰ While there is no evidence that this is the case yet, this highlights a potential risk of RJ becoming seen as just the responsibility of the neighbourhood teams which would dilute the force-wide impact of RJ. This has parallels in some of the research into community engagement which identified the danger that this was being perceived as being solely the responsibility of neighbourhood teams and PCSOs. See *Matrix (2007) National Neighbourhood Policing Programme: Creating Opportunities for Community Engagement*

already have this facility as a result of the availability of Community Justice Panels³¹ which gives police officers in Sheffield an alternative to running their own restorative conferences. Officers in other areas indicated strongly that this would be a welcome resource:

I think [street] RJ is fantastic, I think any officer can do it, but when it comes to full conferencing, mediation and assessment it would be far more beneficial for us to put some of our budget away to pay for a secondment with someone like Remedi so we can do a referral and for them to undertake it - like they do with low level Social Care. We don't do Anger Management classes do we? So makes sense...I do support it 100% - I just don't think it should be us that does the conferencing (Police Constable, Doncaster)

Some officers felt that it was important to retain control of conferences within the police force as they provide an important enforcement role in the event of non-compliance but saw a much bigger role for PCSOs – either in administering the organisation of them or in running them for non-crime events/neighbourhood disputes. For many officers, conferences seem to be associated most strongly with non-crimes and neighbourhood disputes or where there is no clear admission of guilt and this also seems to be related to their opinions on the appropriateness of the police force in dealing with such events.

There are clearly, then, a number of structural and cultural barriers to Restorative Conferencing which may go some way to explaining the divergence of the model from the original implementation plan. In the impact section below, we indicate some of the benefits and cost savings which can result from effective use of RJ conferencing. In the light of this and the findings above, strategic consideration should be given to clearly defining the role of RJ conferencing within SY Police, the role of police officers within this, including the role that PCSOs might play and the future roll out of neighbourhood justice panels.

5.1.1 What Types of Offenders/Offences is RJ Suitable for?

As we indicated in the first phase of the evaluation, there was strong support from victims surveyed about the use of RJ for first time offenders and young offenders and low level offences. This view was shared by respondents to the Officer Survey, many of the community groups and magistrates:

I do think at the level of offences they are dealing with, with the Street Level RJ, I do think this is a reasonable approach...provided that it is kept to an appropriate level of low level offences I personally don't have a great deal of concern about that, my concern would be if RJ, if you had pre court diversions for more serious offences

³¹ Community Justice Panels were established in Sheffield in 2009. They bring together victim and offenders in a restorative conference facilitated by trained volunteers.

which I know is not the intention of the South Yorkshire initiative (Magistrate, Sheffield)

It was important to magistrates, victims and community participants alike that RJ was not offered "inappropriately" to offenders. The victim surveys indicated that 79%³² of respondents thought that RJ was not an appropriate disposal for offenders who had committed more than one offence. They were content that it was appropriate for first time, low level offenders but did not want it to be "abused" by offering it to offenders who had previously been convicted for similar offences. There was a strong sense from victims and communities that an RJ disposal in circumstances where the offender had been previously convicted would be considered a soft option and likely to be detrimental to the safety of the wider community:

I didn't know who the person was I was dealing with, I had no indication of whether he was a first time offender or what, I had to base my decisions on my experience and I couldn't, I mean he might have been as I said earlier, he might have been involved with an ASBO or a previous criminal offence of a similar nature and I am not doing anything positive to help the community by taking what would appear to be you know a soft option. (Victim, Doncaster)

Community groups felt strongly that RJ was only suitable for low level offences and first time offenders, with a number suggesting that it would be most useful for young offenders. This was supported by the Community Survey in Phase 2 of the evaluation which indicated that 75% of respondents³³ supported the view that RJ should not be offered to offenders who had committed more than one offence. One community group indicated that they would want to be sure that police had carefully considered the offender and the offence before offering RJ – being concerned about the possibility of repeat victimisation. While there was strong evidence in a number of the community groups of high levels of trust in the police to make those judgements, one community group were less convinced, believing that in their communities, many offenders who might be first time offenders were, in fact, repeat offenders who had just not been caught. This led to a high level of mistrust in the group as to the applicability of RJ in their community.

Police staff were more likely than other groups to see those with previous convictions as being suitable for RJ and from the qualitative responses to the survey, this generally related to the police being empowered to use their professional discretion to assess the appropriateness of an RJ intervention. Police officer focus groups and interviews undertaken in the second phase supported this view and the section below explores in more detail what police officers take into account when deciding on whether to use RJ or not.

³² n=76

³³ n=1,598

5.1.2 Victim, Offender and Community Awareness/ Understanding of the Model

From our initial research for the first phase of the evaluation we indicated that, within the community groups observed, there were very low levels of awareness of RJ and very few people had heard of it, particularly in relation to their communities. A very small number of those attending PACT meetings had come into contact with RJ in relation to jobs or other positions – e.g. magistrates, local councillors or in connection with their work with Neighbourhood Watch who had attended a seminar on RJ. These low levels of awareness were supported by research within the second phase of the evaluation where only 10%³⁴ of respondents to the Your Voice Counts survey indicated that they had heard of the SYRJ Programme. This level of awareness was relatively consistent for all of the areas with 8% of respondents having heard of the programme in Barnsley and Rotherham; 10% in Doncaster and 11% in Sheffield. The table below indicates how respondents became aware of the programme – most commonly via newspaper or TV coverage and again this was similar across all districts.

Figure 12: How respondents became aware of the SYRJ Programme

	Count	%
Involved in an RJ intervention as a victim	6	2%
Involved in an RJ intervention as an offender	0	0%
Heard about it from a friend/colleague/neighbour	32	12%
Heard about it from a newspaper/TV	135	52%
Heard about it from a community meeting	7	3%
Other	78	30%
Total	258	100%

³⁴ n=260

Magistrates had attended a training day on RJ and, from that, and via representation on the project executive board were well informed about what RJ was and how it was being implemented in South Yorkshire. However, amongst victims and witnesses, very few had any awareness of RJ prior to their specific involvement and awareness of both victims and offenders was low even after involvement in RJ, though this was more marked amongst offenders than victims. The term, Restorative Justice, was unfamiliar to many of those interviewed and understanding of the ideas underpinning it was also limited. The impact of this is discussed more fully in the section on processes below.

Clearly then wider awareness of the SYRJ Programme remains low across the range of stakeholders. Greater general awareness of RJ was felt by Police Officers to be important in communicating RJ to offenders and victims and by magistrates in ensuring that the public understood its usage as a “pre-court diversion” and did not regard it as merely a soft option for offenders. One of the recommendations in Phase 1 of the evaluation related to the communication of the programme and ensuring community engagement and this remains an important consideration.

5.2 The RJ Process

Experiences of the RJ processes and procedures can have a significant impact on perceptions of, satisfaction with and confidence in the RJ initiative. This section will look at the process from the point of view of police officers, victims and offenders. It draws on the offender and victim survey/interviews from Phase 1 and 2 and the police officer survey/interviews and focus groups and evaluates views in relation to the crucial stages of communication prior to becoming involved, motivation to participate in an RJ intervention, support throughout the process and the follow up processes. Where issues were identified in the first evaluation report but remain valid following the second phase of fieldwork, these have been retained within the section.

5.2.1 Communication of the process prior to engagement

As indicated in the phase 1 report, the decision to participate in the Restorative Justice intervention is made by victims and offenders following an interview with a police officer trained in the use of Restorative Justice. As mentioned above, the ways in which the process is communicated to victims and offenders is key, therefore the information stakeholders receive from officers during the initial interviews is particularly important. The importance of this stage was indicated by police officers who described the communication and pre-preparation work they conducted as key to a successful RJ experience for victims and offenders which increased the chances of a successful outcome.

During initial interviews, the police officer should communicate the following key pieces of information to both victims and offenders:

- The process
- The circumstances
- That the process will be recorded
- That the record may be shared with partner agencies
- That the offender has not received a criminal conviction
- That the RJD will not usually be disclosed for employment reasons
- Warning of available options open to the police should the offender re-offend or fail to comply with any agreed actions³⁵

The victim survey results, across both phase 1 and 2 of the evaluation indicate that, a majority of victims³⁶ were very positive about the clarity with which the process was explained to them by the police officers who attended and 85%³⁷ of victims agreed/strongly agreed that the RJ process was straightforward. Clearly, then, the vast majority of victims felt that they understood what RJ was, and what would happen if they took part and felt that the police explained this clearly and objectively to them without pressurising them into taking part:

It was explained very well because the officer that came was absolutely brilliant...he sat down he explained everything, he said he would get to the end of the enquiry and he wouldn't let it go 'til he got to the end of it, and then he explained it very, very well. I was given enough time. And I think the nice part about it was nobody was forcing me to do it (Victim, Sheffield)

However, a small number of victims reported that they felt pressured by the police officers into agreeing to an RJ intervention and, in some cases, perceived that the police officers had already decided that RJ was the most appropriate disposal regardless of the victims' views and in some cases had left the victim feeling that an RJ disposal was the only feasible route:

He made it sound like it were the only route we could do (Victim, Doncaster)

The SYRJ Programme is a victim-led programme and it is important that victims agree willingly, and without feeling pressured to do so by the police officers who attend the incident. While this may only happen in a minority of cases, it underlines the importance of reinforcing police officers' training in this respect and in re-stating the principles behind the RJ programme.

Conversely, one victim interviewed expressed some discomfort at being put in a position where they had to make the final decision between RJ and arrest. This was a difficult (though perhaps not unusual) situation as the victim knew the perpetrator personally and,

³⁵ South Yorkshire Police Procedural Instructions (April 2009)

³⁶ 69%; n=68

³⁷ N=84

as a result the victim reported they would have been more comfortable had the decision not been left up to them:

I'd rather it wasn't up to me to be honest cos it had put us in an awkward situation because we knew the family, and I didn't want to make that decision (Victim, Sheffield).

As we indicated above, given the importance of victims being free to make this decision without undue pressure from police officers, this is not to suggest that the police should have necessarily handled this differently. It does however suggest that officers need to be aware of, and manage, potential sensitivities where a pre-existing personal relationship between victim and offender is identified during the RJ process.

In respect of offenders' understanding of the process the findings from the first phase of fieldwork were reinforced by the second phase: while the vast majority of offenders interviewed understood that participating in RJ meant they would avoid a criminal conviction, they generally showed only a modest understanding of the principles behind the RJ process. Offenders' awareness of the consequences of non-compliance was patchy and indeed, some showed no awareness that they had participated in a Restorative Justice intervention at all.

It should be noted two offenders interviewed during phase 2 reported that their agreement to participate in RJ was given when it was communicated to them by the police that the offence would not show up on an enhanced CRB check (both offenders had employment where these checks were an ongoing requirement). This was also raised in the police officer focus group. It seems that in this case the information the offenders received was incorrect and that RJ disposals would be included in an enhanced CRB check. This indicates the need for clear guidance on this issue for police officers. As we indicated in the first report, a leaflet or other information which clarified issues such as this would be of benefit to ensuring that victims and offenders fully understood the implications of participating in RJ.

In both phases of the fieldwork, we identified a small number of offenders who did not consider themselves to be guilty of an offence or considered themselves to be jointly culpable with the "victim".

She was as guilty as was. I just agreed so it would go away (Offender, Sheffield).

Although there are some theorists who suggest that RJ does not require the assumption of the roles of victim and offender (Shapland et al 2011)³⁸, the process defined by the SY RJ Programme is clear about the importance of acknowledgement of guilt on the part of the

³⁸ Shapland, J., Robinson, G. and Sorsby, A. (2011) Restorative Justice in practice: evaluating what works for victims and offenders. London: Routledge

offender. However, as discussed in the previous section, the model is increasingly being used for non-crimes and neighbourhood disputes where there is less likely to be a clearly defined victim and offender. If, as seems to be the case, this is becoming an established part of the SYRJP model, then this needs to be reflected in clear guidance about the use of RJ for non-crimes and in documentation used to report these: the standard form used for this purpose (the CJU10), for example, does not include a category for non-crime and requires individuals to be allocated as either victim or offender.

Despite the issues identified above, overall, most of the offenders and victims were satisfied with the way the processes were explained at the outset. It is beyond the remit of the evaluation to quantify the extent to which breakdown in any aspect of the process occurred and these are reported here to provide insights into possible opportunities for improvement to the process.

5.2.2 Motivation for Involvement

It was reported in the phase 1 evaluation report that the motivations of victims (who were interviewed) to engage with RJ were similar to those identified in other studies (see, Shapland et al, 2011³⁹). Results from the victim's survey in phase 1 showed that the most commonly cited motivation (50% in phase 1, and 40% in phase 2⁴⁰) for participating in RJ was to stop the offender from getting a criminal record. Similarly, a number of those interviewed in both phases perceived that participating in RJ made it more likely that the offender would desist from future criminal activity and were also keen that the offenders were given another chance - this was particularly true in the case of younger offenders and was thus more marked in Phase 2 where a higher number of the offenders interviewed were young people

I don't want him to get a record, I don't want him to be in trouble with the police and get him arrested, I just want him to be aware that he can't carry on doing what he's doing (...) and not have any consequences (Victim, Sheffield).

The ability to influence the punishment of the offender received was also an important motivating factor for 42%⁴¹ of respondents to the victims' surveys. In interviews, victims were clear that RJ was more likely to provide an opportunity to receive recompense or other reparation and, that the issue was likely to be resolved more quickly than if the offence had been dealt with by other means:

³⁹ Shapland, J., Robinson, G. and Sorsby, A. (2011) Restorative Justice in practice: evaluating what works for victims and offenders. London: Routledge

⁴⁰ In response to completion of the phase 1 victim's survey, we added additional questions to the phase 2 survey; however this has meant that the surveys cannot be combined in these additional question sets.

⁴¹ n=31

I think I would have probably lost out on the payment or it might have gone to court and then I would have got paid that way, and that would have took a bit longer (Victim, Rotherham).

In some cases, as we indicated in Phase 1, victims and community groups also felt that RJ offered a way of achieving "justice" which might not be available by other means:

They'd have got a slap on the wrist and that would have been the end of it (Victim, Doncaster).

In the victim survey in phase 1, 23%⁴² of survey respondents cited the opportunity to confront the offender as being a motivational factor for involvement with RJ processes, and in phase 2, this remained similar at 22%⁴³; This was more commonly cited in the second phase of victim interviews than the first but it is clear that having the opportunity to express their distress face-to-face with the offender is a significant motivational factor for victims. This can be very frustrating for victims when the opportunity does not materialise - for example due to a break down in the process and again underlines the importance of communicating the process at the outset and managing risks and expectations carefully throughout.

However, as we indicated in Phase 1, and in line with previous studies, some victims do not want to meet the offender usually because of concerns about possible re-victimisation. These findings were supported in the victims' interviews conducted in phase 2, where some victims reported declining the opportunity of a face-to-face meeting. It has been highlighted by Sherman and Strang (2007⁴⁴) that, whilst there is consistent evidence that victims benefit from face to face RJ conferences, the evidence of the effect of indirect forms of RJ is less clear. As we indicated in Phase 1, there was no clear evidence of lower levels of satisfaction amongst victims who had opted for indirect forms of RJ and victims interviewed welcomed the option of a formal written apology, rather than a face to face meeting with the offender. It is vitally important however that such apologies are appropriate and are followed through by offenders and this is covered in more detail in the section below.

Though the motivation for the vast majority of offenders to engage with RJ was to avoid a criminal conviction, for some, their lack of awareness of RJ processes meant it was difficult to ascertain that there had been a clear and considered decision to become involved. As in phase 1, a small number of "offenders" considered themselves as not being guilty of the offence and agreeing to be involved in RJ merely as a way of speeding up the process:

⁴² n=6

⁴³ n=17

⁴⁴ Sherman, L.W. and Strang, H. (2007) Restorative Justice: the evidence. London: The Smith Institute

I had no leg to stand on to try and fight my side of the story. [They] weren't really interested in my dispute over the case; they just wanted me to write this letter of apology (Offender, Sheffield).

As we indicated above, RJ in these circumstances is unlikely to be satisfactory for either the victim or the offender and may point to the need to re-state some of the guidance for officers.

Police Officers reported that their decision to offer an RJ disposal was guided by the results of their initial assessment and the SYRJP guidelines. However, in coming to their decision about whether to offer RJ (and if so, what form of RJ), they also indicated that they considered the following key questions:

- Is the incident more complex and/or have a history of reoccurrence?
- Is it a crime/non-crime?
- Do the participants have the right attitude?
- Will these people realistically sit down together?
- What will be the result of the risk assessment?
- Will it have the desired effect?
- Do I have the resources to arrange it?

These questions indicate that the motivation for officers to undertake RJ is influenced not just by the guidelines for suitability but also by less tangible factors such as attitude of the participants and likely outcome. Further, as we discussed in the previous section, the resources needed to undertake RJ conferences is proving to be a disincentive for some officers and clearly features as a significant factor in their decision as to what form of RJ intervention to offer.

The officers' role also has an impact on their decisions about using RJ. For example, response officers reported they were motivated to opt for Street RJ as this fitted the quick task-focussed, short turn-around time constraints of their role. Whereas Safer Neighbourhood police officers, particularly those responsible for schools in their area, reported using models of RJ which were either full conferencing or some variation of it.

This section has highlighted that victims and offenders identified a range of initial motivations to engage with RJ which were consistent with the findings in the first phase of the evaluation. The police officer motivations explored here reveal a more complex set of motivations which are driven by considerations of time and resources as well as appropriateness.

5.2.3 Levels of support during and after the RJ process

Combined victim survey responses across phase 1 and 2 showed that 75%⁴⁵ of victims were very satisfied/ satisfied with the support of the police throughout the RJ process. Consistent with Phase 1, victims expressed high levels of satisfaction with the support they received during and after the RJ process and clearly felt well-supported and well-informed throughout:

They've been very good in letting me know what they were doing (Victim, Sheffield)

The engagement and participation of the police officers throughout the RJ process was regarded by both victims and offenders as increasing reassurance for the victim and lending credibility and authority to the proceedings. In one case of full restorative conferencing undertaken by the Community Justice Panels team, the absence of a police officer was perceived by the victim as having the potential to reduce the seriousness of the offence in the eyes of the offender:

There should have been somebody from the police department there (...) if not the actual policeman - someone (Victim, Sheffield).

This is an important factor when considering whether or not it is appropriate for restorative conferencing to be outsourced to a third party as was discussed earlier in the report.

With particular regard to full RJ conferencing processes, some victims reported that the time lag between the incident and the event was problematical - a view shared by many police officers.

It was a long winded thing, I mean it lasted about two or three months before it was all sorted out (Victim, Sheffield).

While this may be unavoidable due to the complexities of getting all parties together, it does underline the importance of ongoing communication.

An additional, important issue was also raised in the offender interviews which related to groups of offenders undertaking restorative conferences together. In one instance, the young offenders clearly had very different attitudes to the importance of the event and one of the offenders' parents felt that the impact on her child had been lessened as a result of the attitudes of the others in the group. While this was a single occurrence within the interviews, it is important that officers consider these issues to ensure that the restorative conferencing process is not adversely impacted by differing levels of engagement amongst participants.

⁴⁵ n=75

The victim survey undertaken in Phase 2⁴⁶ showed that 59%⁴⁷ of victims were very satisfied or satisfied with the level of input into decisions around agreeing levels of punishment/reparation during the RJ process. This finding was supported by most victims who reflected that police officers offered support and guidance without pressurising them to come to a particular decision with regard to appropriate reparative actions.

Police officers reported that agreeing and monitoring outcomes was more straightforward in circumstances where there was a clear victim and offender. Agreements in neighbourhood disputes and some non-crime events were seen as being more complex and compliance more difficult to monitor. That said, issues were also identified by police officers in relation to agreeing and monitoring appropriate reparation where there was a clear victim and offender and admission of guilt: some police officers reported uncertainty about the possibilities available for appropriate resolution, other than letters of apology and compensation; others indicated that it could be difficult to assess what was an appropriate level of compensation. In some cases, police officers reported spending a lot of time in trying to ascertain what would be an appropriate level of payment, with one officer indicating that he had gone to the trouble of obtaining three quotes for damage to a car before deciding on the appropriate level of payment for the offence. Clearly, the amount of time and effort expended in these circumstances runs the risk of serving to increase police officers' reluctance to engage with RJ. Police officers raised similar concerns in relation to ensuring payment takes place and in agreeing timescales and monitoring compliance. These follow up processes clearly contribute to victims' satisfaction but have the potential to become onerous and time consuming for police officers.

An additional issue was raised (by offenders and their parents and victims as well as police officers) regarding the payment of financial compensation by young offenders when their parents usually ended up paying. As the underlying theory behind RJ is focussing on restorative actions which underline the responsibility of the offender, agreeing more direct reparation, such as cleaning up damage they had caused, rather than make a financial payment was seen as ensuring that responsibility remained firmly with the offender.

In some cases, reparative actions agreed on during RJ processes were identified as being difficult to 'police' after the event. For example:

- agreeing to be respectful to parents and to go to the doctors to address mental health problems (Victim, Rotherham)
- to not say anything about each other's families and to be civil to one another (Panel Observation, Sheffield)

⁴⁶ This question was not included in the Phase 1 Victim Survey

⁴⁷ n=44

- agreeing to put [the event] behind them and be polite to one another (Victim, Sheffield)

These examples indicate that, on occasions, some of the actions agreed can be difficult to monitor after the event. This can result in dissatisfaction amongst victims who feel that the agreed reparation has not taken place, and can create difficulties for police officers in managing expectations during and after the event.

As we indicated previously, there is evidence of high levels of victim satisfaction with the outcome of their involvement with RJ – a critical success factor in effective RJ. The issues we have identified, though relating to a relatively small number of cases, serve to highlight potential areas for future programme development.

As in Phase 1, a small number of examples were identified amongst the victims where they had been initially contacted in relation to RJ and had agreed to participate, but had heard nothing further from the police:

Last I heard, was [by phone], "You'll get a letter of apology and this is what we'll do" and that were it, never heard anything else (Victim, Sheffield).

Evidently, such breakdowns in the process are likely to impact negatively on victims' perceptions and confidence in both South Yorkshire Police and the RJ process and some victims in Phase 2 reported that the experience had made them less likely to participate on (or recommend) RJ in the future.

I think it's something I would say is a good idea in theory but in this instance it didn't work particularly well in the end....where it fell to pieces was in the difficult stuff which is communication and after care (Victim, Sheffield).

There are a wide variety of reasons why the RJ process might break down many of which are, to some extent, beyond the control of South Yorkshire Police: offenders or victims withdraw or, especially in the case of more complex arrangements, such as RJ conferencing, there may be delays in arranging mutually convenient times and venues. A further issue was also identified during the hand over (by response teams) of potential RJ cases to Safer Neighbourhood Teams which police officers reported sometimes resulted in cases not being followed up. Clearly, maintaining ongoing communication with victims is essential to the effective delivery of the programme. In order to ensure the continued support of victims through the RJ process, police officers need to ensure that they keep victims fully informed and offer appropriate follow up in the event of a breakdown of the process.

Victim survey results demonstrated that 56%⁴⁸ of victims surveyed were very satisfied/satisfied with the offender's commitment to the RJ process. During victim interviews however, the importance of genuine remorse from the offender (written or verbal apologies in particular) were reported as a key factor affecting their satisfaction with the whole process:

One of the lads he was remorseful and I believe he certainly did need a chance. I think the other young man deserved something a little bit more forceful in the sense that it would have made him sit up and think about what he'd done (Victim, Rotherham).

One victim's parent reported that in her son's case the offender told everyone at school after the RJ event, that "he'd got away with it", which undermined the ethos of RJ and was unlikely to result in any change in behaviour from the offender:

[RJ] actually had the effect of doing what it set out to do, because of the attitude of the offender, and that's something you can't really control (Victim, Sheffield).

As we indicated above, police officers are clear that the attitude of the offender is critically important when deciding to proceed with an RJ intervention and victims were understanding of the fact that this was not always an easy assessment for police officers to make. Victims would, however, welcome more opportunity to feedback where they felt that offenders clearly demonstrated (as in the case above) that they did not feel genuine remorse.

As this section of the report has illustrated, most victims and offenders have positive experiences of the RJ processes and procedures. Where these breakdown, however, there can be a significant impact and within this section we have indicated a number of areas where this can occur and in the recommendations chapter we have indicated some possible areas for consideration.

5.3 Impact of RJ

A range of impacts of the Restorative Justice process were identified and these were explored from the perspective of impact on the victim, the direct impact on the offender and likely, perceived impacts on the likelihood of the offender in reoffending, the impact on community confidence and satisfaction with the police and/or the criminal justice system generally and the impact on perceptions of community safety and fear of crime. This section also examines the impact on policing/police practice and cost effectiveness of delivery of justice. The second phase of fieldwork supported the findings on impact highlighted in the first evaluation report. Additional findings from the second phase of

⁴⁸ n=50

fieldwork supplement this section. Where impacts relate to one specific form of RJ intervention – e.g. restorative conferencing, this has been identified.

5.3.1 Impact on the Offender and on Reoffending

One of the main research questions the evaluation was commissioned to address was to assess whether participation in the SYRJ programme was likely to make offenders who participated less likely to re-offend in the future⁴⁹. Shapland et al (2011) indicate the importance of the theoretical model underpinning the programme in determining the importance of this issue – for example, models which are based on concepts of “*inducing shame and eliciting remorse*” are more likely to see reductions in reoffending as an outcome than those which are more based on “*healing and restoration*” for which reoffending may be a less important consideration (especially where that reoffending was not linked to the original offence)⁵⁰. While the theoretical model underpinning the SYRJP is not explicit, there is a clear focus on reducing reoffending and this remains one of the key aims of the programme. This was assessed qualitatively through interviews with offenders themselves and interviews with victims and police officers to ascertain their perceptions of impact on the offender. It was also assessed quantitatively through a reconviction analysis.

As we indicated earlier, the aim of the reconviction analysis was to identify the effectiveness of the South Yorkshire Restorative Justice Programme in reducing reconvictions following a restorative justice disposal by comparing a group of offenders who had received RJ disposals (the RJ cohort) with a group of offenders who were identified (by South Yorkshire Police) as having been likely to have received an RJ disposal had the RJ SYRJ Programme been in place at the time when they offended (the comparator cohort).

The simple analysis of reconviction in the twelve months following the initial disposal indicates there are potentially some promising findings in support of the restorative justice project. For the comparator cohort, 18.1% were reconvicted in the subsequent 12 months, whilst 13.9% of the restorative cohort were reconvicted in the same period: 4.2% less. Whilst this finding is not statistically significant⁵¹, the significance is approaching the 0.1 level that is traditionally used as guide.

There are a number of caveats, though, that should be borne in mind. Firstly, as demonstrated above, the two cohorts are not directly comparable⁵². Secondly, as this is a

⁴⁹ As we indicated, as the evaluation was originally commissioned, this was intended to be a qualitative assessment. However, during the first phase of the evaluation, the commissioners indicated the importance of having some quantitative assessment and thus the fieldwork for the evaluation was reconfigured to include a reconviction analysis.

⁵⁰ Shapland, J., Robinson, G. and Sorsby, A. (2011) *Restorative Justice in practice: evaluating what works for victims and offenders*. London: Routledge 176: 178

⁵¹ Statistical significance is .125

⁵² This is partially addressed by the subsequent multivariate analysis.

reconviction, rather than a reoffending, analysis, it may be the case that the traditional disposals received by the comparator cohort made them more visible to the police (and other criminal justice agencies) and thus made the likelihood of reconviction greater

The RJ cohort examined was from the early phase of the programme and thus was entirely made up of street/instant RJ cases, thus it was not possible to determine whether there was any difference between reconviction rates for instant/street RJ and other forms of RJ such as conferencing though this is explored in the qualitative assessment below.

Within the wider literature, there are a relatively small number of studies which aim robustly to assess the impact of RJ pilots on reoffending. Most recently, Shapland et al's (2011) four year evaluation of three RJ schemes⁵³ suggested a significant decrease in the frequency of reconviction across all the trials and group but, in common with the analysis undertaken for this evaluation, found no statistically significant effects whether or not someone was reconvicted or on the severity of reconviction. (Shapland et al (2011): 170⁵⁴). Further analysis of Shapland et al's research was undertaken by the Ministry of Justice and this indicated an estimated 14% reduction in the frequency of re-offending^{55 56}.

Qualitatively, the findings from the second phase of this evaluation reinforced those from the first phase and indicated particularly strong perceptions from both victims and offenders that participating in RJ had made the offender more likely to face up to their offence and its consequences: across the two victim surveys 81%⁵⁷ of respondents indicated that they felt that RJ made the offender aware of the consequences of their crime and 66%⁵⁸ felt it would make the offender more likely to face up to their actions. Victims were able to draw on direct examples where the offender had desisted from offending following the RJ intervention. One corporate victim, for example, indicated that the offenders that had been subject to RJ had not reoffended:

The main thing is that the people I have caught and have had the Restorative Justice ticket have never reoffended...they don't come back in, as such, and steal. So, it seems to have worked. (Victim, Rotherham)

⁵³ It should also be noted that many of the offenders in the schemes analysed in this study were persistent offenders and thus were not directly comparable to the offenders on the SYRJP scheme. Analysis of reductions in frequency of reoffending cannot, of course, be undertaken with first time offenders.

⁵⁴ Shapland, J., Robinson, G. and Sorsby, A. (2011) *Restorative Justice in practice: evaluating what works for victims and offenders*. London: Routledge

⁵⁵ Getting it Right for Victims and Witnesses: Consultation Paper CP3/2012 January 2012. London: The Stationery Office

⁵⁶ As indicated above - many of the offenders in the schemes analysed in this study were persistent offenders and thus were not directly comparable to the offenders on the SYRJP scheme.

⁵⁷ n=78

⁵⁸ n=65

Another victim indicated that since the RJ intervention he had had no further difficulties with the offender despite having seen him several times in the local community and reflected on the positive impact that this had had on his life and his sense of safety in the community:

Well I can only say that since I took part I have had no further problems which has been a great relief to me and my wife...Well you just discover that you have got more support than you realised ...so yes I do think it's been positive. (Victim, Doncaster)

The responses to the police survey in Phase 1 indicated that the majority (61%)⁵⁹ agreed or strongly agreed⁶⁰ that RJ made offenders more aware of the consequences of the crime though police staff were less definitive about its impact on reoffending with 32%⁶¹ agreeing or strongly agreeing that it reduced reoffending. Amongst the police officers interviewed, there was a perception that the impact of RJ on the offender had been greater than alternative disposals would have been and that, in many cases, participation in RJ significantly reduced the chances of reoffending:

I've not had anyone back in 2 years [of using RJ]...I've not put anyone up to reprimand or warning (Police Constable, Rotherham)

Police officers stressed the importance of targeting the right offenders and indicated the importance of making a judgement on the offender's attitude in assessing whether or not RJ was likely to have an impact. Many officers who had had experience of conferencing felt that facing the victim and hearing the impact on the victim was particularly important and perceived that the impact on the offender was likely to be greater in these circumstances than in less intensive RJ disposals:

...but conferencing has definitely more to show for it in terms of victim satisfaction and impact on the offender...it's more impactful and scary for the offender (Police Constable, Sheffield)

This was shared by some of the magistrates interviewed in Phase 1 who felt that confronting the victim could have a more powerful impact on the offender. This was related to the offender having to "confront the victim" and, in doing so, experience and acknowledge the harm that the offence had caused.

Within the community groups, perceptions of the impact of RJ were more mixed with some groups believing that RJ would be likely to have a greater impact on the offender as a result of the "personalisation" of the process in coming face to face with the victim and that,

⁵⁹ n=134

⁶⁰ 19% strongly disagreed or disagreed; 20% neither agreed nor disagreed/didn't know

⁶¹ n=70

particularly, with young offenders of it providing an effective way of diverting offenders from further offending. Some were less positive, fearing that the offender would just “*laugh it off*” and “*think they had got away with it*”. One group were entirely negative about the likely impact on reducing reoffending – feeling that it would only work if the offender was “the type who would not have reoffended whatever the consequences”. Despite this, there was no sense from community survey that use of RJ would increase reoffending: only 19%⁶² of respondents thought that RJ would increase reoffending with 38%⁶³ disagreeing/strongly disagreeing that it would increase it.

Encouragingly, among those offenders we interviewed who had admitted guilt, and particularly in the young offenders we interviewed, there were some clear indications of positive impact. A number of offenders indicated that they felt “*ashamed*” of what they had done and reflected that the event had made them less likely to get into trouble in the future and thus risk a criminal record, and that it had made them consider the consequences of what they had done.

Well, I think it's [RJ] good because if I didn't take responsibility I wouldn't be learning from my actions and...it could have escalated into something worse...I definitely don't want to break the law again cos I definitely don't want to have a criminal record (Offender, Sheffield)

Some of the younger offenders indicated that the event had made them sever ties with peers who had a history of offending behaviour and thus made them less likely to be in a position where they offended in the future. Parents of these offenders also indicated that they welcomed the impact that the intervention had had and, shared the view with that the avoidance of a criminal record had been important in enabling them to re-focus on their future:

It was a wake up call for [offender's name] actually, it was the first and last time he's ever going to be in trouble...he's had a chance...and so far he's not been in trouble ever since (Offender's parent, Rotherham)

The direct nature of the reparation – writing and delivering to the victim a letter of apology, or paying for the damage they had caused were some examples of reparation made by the offenders that we interviewed. In these cases, contact with the victim and direct reparation seem to have strengthened the impact by making those offenders more directly aware of the harm that they had caused. This was also indicated by some of the victims we interviewed:

⁶² n=374

⁶³ n=748

No, no, I think it was just a good idea that they did get him to pay back to the community rather than to go to court, he'd have just paid a fine in court and carried on with his life, at least he's had to confront somebody about it rather than just a magistrate. (Victim, Sheffield)

Shapland et al (2011: 178) indicate the importance of the outcome agreement in providing social capital and thus increasing the likelihood of desistance from offending. Reparation was also correlated with victim satisfaction with RJ within our interviews and, again, this underlines the importance of ensuring that officers are comfortable with this aspect of RJ.

Concerns that RJ could be seen as a soft option for offenders were raised by a number of stakeholder groups: 55%⁶⁴ of respondents to the community survey indicated that they agreed/strongly agreed that RJ could be seen as a soft option for offenders and this was shared, to a lesser extent, by some victims, magistrates and police staff⁶⁵. Where offenders fully engaged with the RJ process, there was no indication from their interviews that they had considered it a “soft option” though there were some indications that the impact was stronger where there was direct reparation or some form of conferencing between the victim and the offender.

Unfortunately, as we indicated above, some of the offenders did not acknowledge that they had committed the offence. In these cases, and as affirmed by the recent study conducted by Shapland et al (2011) where there is no acknowledgement of guilt restorative justice events were unsatisfactory and, indeed, in the case of those “offenders” who had not agreed that they had committed the offence, there was evidence of a continuing hostility between the offender and victim.

As we indicated above, the SYRJ programme criteria demand an admission/acknowledgement of guilt by the offender. As we indicated in the phase one report, there were a number of instances where this did not occur and this was also observed in the second phase of fieldwork.⁶⁶ It remains vital to the success of the programme that these criteria are consistently and effectively applied.

5.3.2 Impact on the Victim

As a victim-led approach, one of the primary aims of the SYRJP evaluation was to assess the impact of participation in RJ on the victim. Amongst the victims interviewed, or who participated in the two surveys, satisfaction in relation to the outcome of the RJ intervention was expressed in terms of feeling that the outcome was just and proportionate; that stolen property had been returned or other appropriate reparation undertaken; being able to

⁶⁴ n=1163

⁶⁵ This concern was less marked amongst police officers who had experienced RJ

⁶⁶ This was in addition to those cases where RJ was used for non crimes/neighbourhood disputes

witness the offenders' remorse and the offender ceasing to offend. Across both Victim Surveys, 63%⁶⁷ of victims indicated that participating in Restorative Justice had been a positive experience and 59%⁶⁸ said they would recommend RJ to friends. Police officers also reported very high levels of satisfaction amongst victims following their experiences with RJ:

Compared to other disposals, I've never seen a victim dissatisfied with an RJ outcome (Police Sergeant, Doncaster)

Police officers indicated that, in their experience, victims appreciated having the opportunity to say how they felt and felt empowered by being “*more in control*” of what happened to the offender. The sense of victims having a choice as to how the offence against them was dealt with was also seen as important. Some victims also indicated that RJ had increased their sense of power to act to address issues that concerned them:

Yeah, definitely for us as the general public, it actually shows that rather than say we can't do anything...we can do something about this (Victim, Sheffield)

Police officers also indicated that, in some cases, the sense of control and closure that RJ had stopped the victim from taking matters into his/her own hands and seeking revenge on the offender:

The best thing is that crime is solved to the satisfactory conclusion of the victim giving them not only an input in a practical punishment for the offender but also allowing them to face the offender or have their feelings outlined to the offender... It also cuts down on the times when a victim can then become the offender in order to gain the revenge that they feel the normal court system has not given them (Police Constable, Sheffield)

Victims expressed a sense of “*having done the right thing*” in relation to taking the decision to participate in RJ and having been left with a sense of satisfaction that they had acted appropriately and proportionately in agreeing to an RJ intervention:

I don't think I would be too happy with myself if I knew I had pretty much destroyed somebody else's life... so I thought it would be the better option that way. (Victim, Doncaster)

Many of the community groups could see some positive impact to the victim in being able to confront the offender and to receiving an apology or reparation. One group thought that participating in RJ would be likely to help the victim to “*work through the anger*” following

⁶⁷ n=62

⁶⁸ n=57

the offence or to “*achieve closure*”. The Community Survey indicated that 58%⁶⁹ of respondents would be likely to accept an offer of an RJ intervention, should they be a victim of crime. Magistrates were also positive about the impact of RJ on the victim and, for the most part, saw it as a victim-led approach which enabled the victim to achieve perspective on the crime and come to terms with the offence.

There was more concern from communities than victims about negative impacts from possible intimidation as a result of coming face to face with the offender. In one group, for example, while there were high levels of trust in the ability of the police to manage the offender within the RJ event, participants felt that there was a risk that offenders would not truly “buy in” and that the victim would be at risk of being intimidated after the event by either the offender or friends/family of the offender. Victims who had been through the RJ process did not express this as a concern in their reflection about the event after it had taken place and, few survey respondents indicated concern about the impact on themselves as a barrier to participating in RJ⁷⁰. Furthermore, as indicated in the previous section, victims were generally very positive about the impact on the offender.

5.3.3 Impact on confidence and satisfaction with the police/CJ system

There was evidence from victims’ interviews that the positive experience that they had had in participating in RJ had increased their confidence and satisfaction with the police:

To an extent, it reinforced, it restored my faith if you like because with adverse press, issues about the police, you know, it does call into question issues of confidence and...ethical and professional ... but [experience with RJ] certainly reinforced, if not restored me and yes, I had cause to say well, yeah this is how, when it works properly, this is how it should work. (Victim, Rotherham)

Interestingly, where young offenders were involved, a number of their parents also indicated that the perceived more proportional response they had experienced as a result of RJ had improved their own confidence in the police:

Actually, it's increased [my confidence]. To be honest, before I didn't have a lot of faith in the police because as I said to the police officer...a lot of children do get into trouble, do get labelled. And I think the way they handled it was very fair, I really do (Offender, Rotherham)

Some victims felt that, prior to RJ, police officers’ options were more limited and that they sometimes lacked the means to take action against low level offenders. They indicated that

⁶⁹ n=1182

⁷⁰ n=10

RJ had, in this way, given the police another option and increased their ability to intervene and act in some circumstances, thus improving public confidence:

I know it's not always the police's fault that they can't do things, their hands are tied...but [RJ] shows us they do want to help and they will do something to stop it from happening...and it's something that they can do, that they are in control of (Victim, Sheffield)

The two victim surveys also showed a majority of victims who agreed or strongly agreed that confidence and satisfaction⁷¹ with the police had increased/improved as a result of participation in RJ. It had also improved some victims' perceptions of the fairness of the criminal justice process more generally, with indications that they perceived it as a more victim-centred approach than other disposals:

Everyone says oh it's the victim that gets penalised, I didn't have that feeling at all, it was pure just unfolded, it worked. (Victim, Doncaster)

Clearly, in those cases where the RJ process had broken down, either because of a lack of follow up after the event or where there was no clear admission of guilt on the part of the offender, this was reflected in victims' attitudes and meant that the experience in these cases were more likely to reduce confidence in the police/Criminal Justice System. This indicates the importance of ensuring appropriate decisions are made on whether to proceed with RJ, the importance of effective follow up and communication processes which are discussed in more detail in Section 5.2.

Within the community groups the likely impact of RJ in police satisfaction and confidence was less clear. Those participants who felt that RJ was likely to reduce reoffending, unsurprisingly, felt that this would have an impact on community confidence and satisfaction with the police. One group, however, were entirely negative and saw it as a "soft option" for the police and the CPS who would be saved from having to deal with the offence.

Police staff indicated that they felt that RJ offered a common sense approach to policing that would be welcomed by the police and a majority felt that it would have a positive effect on how police were perceived by the public. Both of these positive opinions were significantly more strongly held amongst those police officers who had had experience of RJ when compared to those staff who had not. This to some extent mirrored the differences between the views of victims who had direct experience, and generally more positive views, than communities who had not experienced RJ. This suggests that communication of the benefits is not as effective as direct experience in shaping positive perceptions of RJ. It may

⁷¹ 55% of respondents reported that confidence had increased (n=54) and 58% that satisfaction had increased (n=57)

also indicate the importance of “word of mouth” which will have implications for internal and external communications strategies.

5.3.4 Impact on police/police practice

Evidently, RJ has given the police officers more options in dealing with low level offending than they had previously, though, as we indicated previously, some of these options are felt to be more appropriate to Safer Neighbourhood officers than patrol/response teams. Some police officers indicated that, in addition to giving them further options to deal with low level offending, RJ added to their job satisfaction as it gave them the opportunity to see the process through to the outcome.

Police officers also indicated that they felt more empowered as a result of being able to use RJ, with 74%⁷² of survey respondents welcoming the greater flexibility to exercise their professional judgement that RJ offered:

The RJ programme returns an element of discretion to officers when dealing with incidents rather than imposing a rigid formula to follow at all times (Police Constable, Sheffield)

There were some indications that the additional skills, for example, in mediating and resolving conflict which was provided in the RJ training are being used by police officers in other aspects of their work, either informally where a full RJ response is not required or even where more formal prosecution is being pursued. This was also indicated as a benefit for PCSOs where a major part of their role was seen as “just getting people to speak to each other”. In this way, the training has provided some added value over and above what was originally envisaged.

5.3.5 Impact on reducing fear of crime/improving feelings of community safety

There was little indication that participation in RJ had reduced victims’ fear of crime or improved feelings of community safety. A majority of respondents to the victim surveys did not feel that participation in RJ had impacted on either of these issues. Only 19%⁷³ of respondents agreed or strongly agreed that their fear of crime had reduced as a result of involvement with RJ. Similarly, only a small number (28%)⁷⁴ of respondents agreed or strongly agreed that their community was safer as a result of RJ. This was supported both by the Community Survey which showed that only 18%⁷⁵ of respondents felt that their

⁷² n=65

⁷³ n=18

⁷⁴ n=27

⁷⁵ n=266

community was safer as a result of RJ being available. Within the community groups, the low levels of awareness of Restorative Justice meant that there had been little or no impact on participants' fear of crime or perceptions of community safety.

Perhaps not surprisingly given the multiple factors that influence fear of crime and perceptions of community safety, it seems then improved confidence in the police/criminal justice system and positive views on the impact on reoffending is not carried through to improved perceptions of community safety⁷⁶.

5.3.6 Impact on efficiency/cost effectiveness of delivery of justice

South Yorkshire Police undertook an internal study based on 45 RJ disposals in which they compared the time spent on an RJ intervention compared to an alternative disposal. In this study, they suggested RJ could result in a potential saving of 13 hours and 25 minutes, equating to £404.43 per offender. Extrapolating these figures, they indicated that force wide savings in the first 8 months of operation were in the region of £300,766.⁷⁷ It is beyond the remit of the evaluation to verify or conduct similar analyses but there was evidence within the first phase officer survey that officers viewed RJ as both a cost and time effective method of administering justice.⁷⁸ Amongst those police officers who had experience of undertaking RJ, there were high levels of satisfaction with the straightforward nature of the process and consequent reductions in time spent on bureaucracy and administration and speed, efficiency and time/cost savings were also commonly cited⁷⁹. This was supported to some extent within the officer focus groups conducted in Phase 2 though the picture was somewhat more mixed. Where time and efficiency savings were identified by police officers this was only in relation to Street RJ. Many officers described street RJ as a quick and efficient method of dispensing justice and compared it favourably to the time involved when an arrest had to be made:

The best thing for the bobby is that they are not caught up for hours having to arrest them and booking them in...when it can be dealt with in 30-40 minutes tops, which saves the police a lot of time and they can be back out on the streets again...some of the other jobs you do can last a full eight hour shift and some even longer, so to sort something out within 30-40 minutes is a big time saver (Police Constable, Barnsley)

⁷⁶ There is a body of literature which suggests that measuring the fear of crime is not only difficult but often does not measure the fear of crime at all. See, for example, Gray et al (2008) [http://eprints.lse.ac.uk/20944/1/Reassessing_the_fear_of_crime_\(LSERO\).pdf](http://eprints.lse.ac.uk/20944/1/Reassessing_the_fear_of_crime_(LSERO).pdf)

⁷⁷ South Yorkshire Restorative Justice Programme: Business Benefits Survey. October 2010. Internal SY Police Report

⁷⁸ 59% of respondents agreed or strongly agreed that RJ was a time effective way of delivering justice; 61% agreed or strongly agreed that it was a cost effective way of delivering justice.

⁷⁹ 36 and 28 responses respectively

However, time and cost savings/efficiencies were not identified by officers in relation to the more complex cases which were dealt with by conferencing or any of the more involved forms of RJ which have evolved. Conferences were described as “*taking weeks to organise*” and being “*lengthy and laborious process*”. As we indicated above, the time taken to organise conferences is seen as a major disincentive to police officers. Restorative conferencing is seen by police officers as being of most use for neighbourhood disputes and it was here that a small number of police officers could see some direct savings as a result of fewer calls and visits to attend to long running neighbourhood issues. This is consistent with an ACPO report – *The case for Restorative Justice* which gave case examples of savings resulting from resolving long running disputes which, in the example, resulted in a total of 121 calls to police in a seven month period at an estimated cost of £3,717.28. This is contrasted with a cost of setting up and delivering a conference of £87.15.⁸⁰ This latter cost is, however, based on an estimated time of 2 hours and 50 minutes to set up and deliver the conference which seems to be considerably lower than SY police officers’ estimates. There does, however, seem to be some conflation in police officers’ accounts between elapsed time and staff hours or days. For example, police officers talk in terms of conferences taking weeks to organise but this seems to relate to the length of time before the conference takes place, rather than the actual time taken to organise the conference.⁸¹ This contrasts with street RJ which is seen as usually “*done and dusted*” within a police officers’ shift and it may be that the perception of the actual time taken to arrange and deliver a conference is distorted by the delays that can occur in finding a mutually convenient time for all the parties to meet.

While there was some acknowledgement that there may be cost savings within the CJ system as a whole from RJ conferencing (for example in reduced numbers of calls; savings in court time) this was very limited with most police officers relating cost and efficiency savings only directly to their own time as an individual officer. Most of the qualitative fieldwork in the second phase was with front line officers so it is perhaps not surprising that their views related most directly to their own operational experience rather than representing a wider strategic perspective. Clearly, reductions in reoffending also reduce costs to the criminal justice system (and beyond) so improvements in reoffending amongst the RJ cohort are also an important consideration in assessing cost effectiveness. For example, the Matrix Report - *Economic analysis of interventions for young adult offenders* indicated that diversion from community orders to pre-court RJ conferencing schemes was likely to produce a lifetime cost saving to society of almost £275 million or £7,050 per offender and estimated that the costs of RJ conferencing are likely to be paid back within the first year of implementation.⁸²

In considering the future of Restorative Conferencing, it may be worth SY Police conducting some operational research into the actual time taken to arrange various types of

⁸⁰ Shewan, G (2010) *A business case for restorative policing*.

http://www.restorativejustice.org.uk/resource/the_business_case_for_restorative_justice_and_policing

⁸¹ i.e. it may be four weeks before the conference actually takes place but the police officer has not spent four weeks of staff time in organising it.

⁸² Matrix Evidence, Barrow Cadbury Trust (2009) *Economic analysis of interventions for young adult offenders*. www.bctrust.org.uk/wp.../01/Matrix-break-even-analysis-2009.doc

conferences (both in elapsed time and staff time), as they did at the outset of the programme for Street RJ. Having a more accurate understanding of costs and benefits will not only support decisions on the future use of restorative conferencing but will also be useful in achieving operational buy in and senior level support for any such decisions.

A small number of victims also reflected on the likely cost effectiveness of RJ compared to other disposals and were positive about the impact that the time saved in delivering RJ would enable the police to do “*more policing and less paperwork*” or free up the courts:

It is definitely quicker than going to court and I think for a first time offence or something at the lower end it stops the police being tied up with silly little things that can be dealt with there and then...and obviously then it saves them money in court time and so on (Victim, Rotherham)

Magistrates also reflected positively on the impact on police workloads:

...something that could have been reams and reams of paperwork and days was dealt with within six hours (Magistrate, Barnsley)

It should be noted that while those victims who expressed an opinion were positive about the cost, time and efficiency savings, that RJ was likely to achieve a small number were concerned about the potential for decisions to be made on the basis of cost rather than justice or what was best for the victim or community:

it might have been a cost saving exercise for all I know, if they have had several hundred thousand pounds knocked off their budget they might all have been briefed to get things dealt with quickly and that's a cost saving exercise rather than Restorative Justice, the word Justice and cost savings shouldn't really be used in the same sentence should they. (Victim, Doncaster)

This was echoed in some of the community focus groups. Although, in some of the community groups, there was broad support for more cost effective delivery of justice and in saving police time, participants highlighted their concern if cost was to be the main driver for the use of RJ disposals. Responses to the community (Your Voice Counts) survey were not particularly conclusive with the majority of respondents⁸³ (42%⁸⁴) neither agreeing nor disagreeing with the statement “*RJ is a cost effective way of dealing with crime*”. That said, more respondents agreed/strongly agreed with the statement (32%⁸⁵) than disagreed/strongly disagreed (26%⁸⁶) showing some limited support for the view.

⁸³ excluding those who indicated a response of “don’t know”.

⁸⁴ n=691

⁸⁵ n=523

⁸⁶ n=431

We indicated in the phase one evaluation report that, in the context of current reductions in public spending, it would be important to ensure that communications about RJ focus not just on cost and efficiency savings but on the range of benefits which can accrue and this remains an important factor when considering community and public communication of RJ.

6. CONCLUSIONS AND RECOMMENDATIONS

6.1 Conclusions

It is clear then that South Yorkshire Police, in conjunction with the Local Criminal Justice Board have successfully implemented a force wide Restorative Justice Programme. The programme has retained its strong management, oversight and governance and there are high levels of acceptance and understanding of RJ amongst officers which has begun to be embedded as “business as usual” within the force. Senior level support remains strong and there is no longer any perceived conflict between sanction detection rates and RJ reporting. Police officers feel more empowered and appreciate the increased opportunities to use their professional discretion offered by RJ. While there are indications that RJ can lead to cost savings and efficiency improvements within the police force and the wider criminal justice systems, these were perceived as more likely to be associated with the quicker forms of RJ than the more complex and involved restorative conferencing.

The model has changed and developed during the two years of its implementation: while Street/instant RJ remains broadly in line with the original plan, restorative conferencing is used less than was originally envisaged and a continuum of approaches has developed which include shorter and simpler versions of the original conferencing model. RJ is also now being used more widely, including in neighbourhood disputes/non-crimes. While it is appropriate that programmes change and develop in response to local needs, this is not without risks, particularly in relation to consistency. Police officers indicated some key barriers to the use of conferencing which are likely to continue to impede delivery of this aspect of the programme.

Victims and offenders are positive about the processes involved in the programme and victims indicate high levels of satisfaction in relation to the communication and support before during and after their involvement with RJ. Occasions were identified where this process broke down and recommendations relating to this are indicated below.

Overall, victims felt empowered by their participation and were satisfied with the outcome. In many cases, participation in RJ had led to improved perceptions of police and the criminal justice system (though there was little impact on fear of crime). Awareness of RJ remains low amongst the wider community.

There were some encouraging indications that offenders who had received an RJ disposal were less likely to be reconvicted than offenders who had received an alternative disposal (13.9% of the RJ cohort were convicted in the following 12 months compared to 18.1% of the comparator cohort). While this was not a statistically significant result, it was approaching the 0.1 level that is traditionally used as a guide. The qualitative fieldwork also

supported these findings and indicated that RJ had had a significant impact on many of the offenders involved.

6.2 Recommendations

Recommendation 1: Communicating and embedding changes in the model. In view of the changes which have taken place as the RJ model has developed and some identified disparity in practice and confusion amongst police officers, it is recommended that training materials, guidance and other communication materials are revisited and, where necessary, re-issued across the force. It may also be worth using this as an opportunity to re-state the principles and ethos behind RJ which some officers indicated were in danger of being “lost”.

Recommendation 2: Additional training for inspectors/custody sergeants. There is a perceived lack of understanding of RJ amongst some officers who are involved in making decisions about whether or not to proceed with RJ. Particular issues were raised in relation to RJ conferencing. Further training and awareness raising may therefore be appropriate targeted specifically for this group of staff.

Recommendation 3: Clarifying/extending the role of PCSOs. There was some confusion amongst police officers as to the role that PCSOs could play in RJ. There were also indications that this could be enhanced – specifically in relation to increasing their involvement in the administration of RJ processes and follow up and in the use of RJ for neighbourhood disputes/non-crimes. It is, therefore, recommended that the role of PCSOs in relation to RJ is clarified and, where appropriate, extended.

Recommendation 4: Clarifying the role of RJ conferencing. A number of strategic and operational barriers which are inhibiting the use of RJ conferencing. It is recommended that SY Police consider, at a strategic level, what they see as the role of restorative conferencing and determine which is the most appropriate agency to provide this.

Recommendation 5: Developing a community communications strategy. This recommendation is carried forward from the interim evaluation report as community awareness of RJ remains low. As we indicated in the previous report, communications activities will need to be nuanced to reflect local needs and perceptions and clearly outline the criteria for using RJ and the benefits that can accrue.

Recommendation 6: Ensuring victim and offender understanding of the RJ process and effective communication throughout. This recommendation is carried forward from the interim evaluation report as there is continued evidence that, even when the RJ process is communicated at the time of the offence, participants find it difficult to retain the information they have been given. Developing information leaflets which can be left with the victim and the offender and which explain the process, with particular emphasis on the criteria for proposing an RJ disposal and the consequences of non-compliance. Re-stating to

officers the need for continued communication throughout the process also remains important.

Recommendation 7: Developing guidance on appropriate compensation for victims. This is an area that many police officers found difficult and where there would be benefit from the preparation of guidance on use, levels and management of financial compensation.

Recommendation 8: Clarifying processes relating to follow up and non-compliance. There were a number of cases where victims indicated that police officers did not follow up on reports of non-compliance. While it is beyond the remit of the evaluation to quantify the extent of this issue, this is a crucially important issue for victims and indicates that there may be a need for re-stating/reinforcing the processes for following up, monitoring and managing non compliance.

Recommendation 9: Redesigning guidance/processes/paperwork to support the use of RJ with non-crimes. As the model is developing the use of RJ for non-crimes is an area which would benefit from more clarity relating to processes and the provision of paperwork which more effectively supports the RJ process in this area.

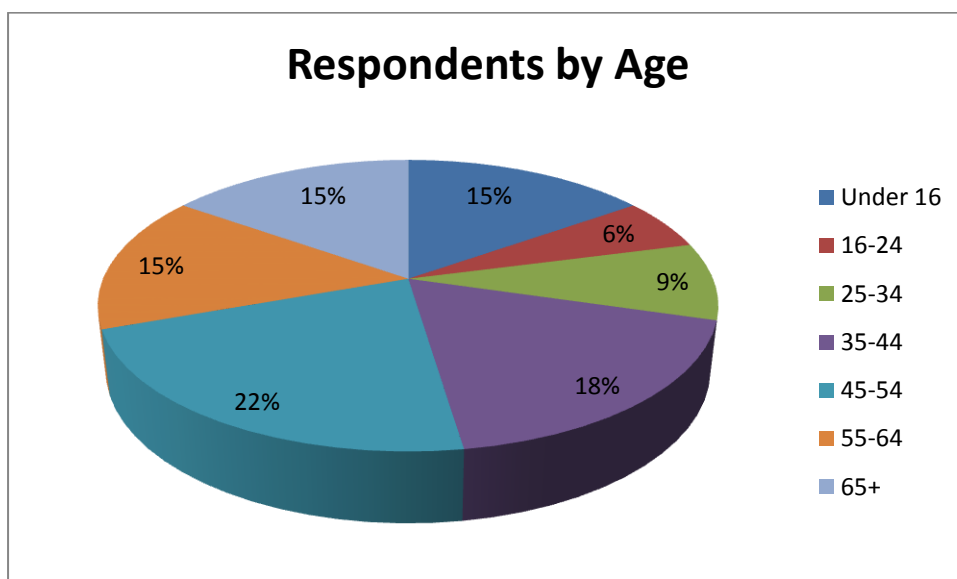
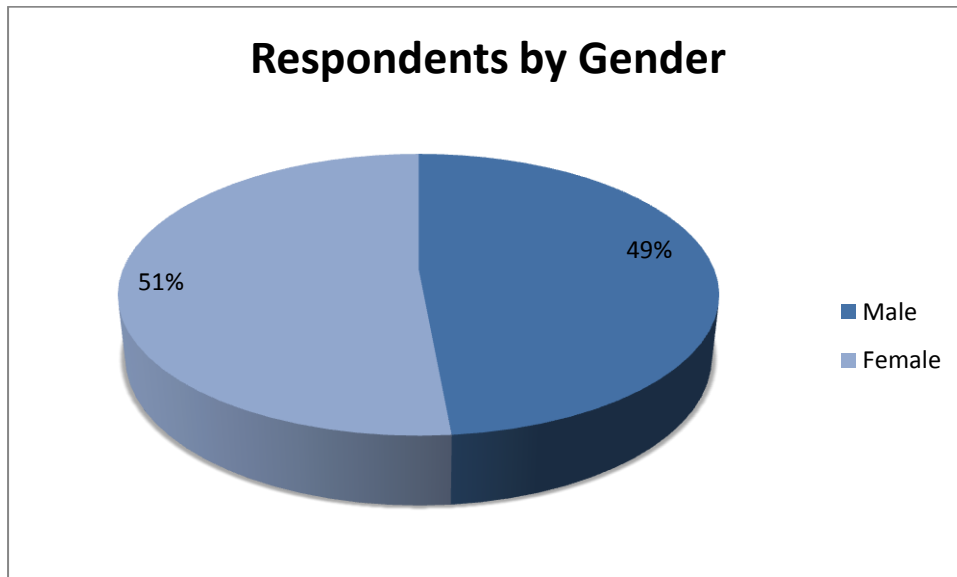
Recommendation 10: Refreshing guidance for police officers on the status of RJ disposals in enhanced CRB checks. This appears to be a source of confusion amongst some police officers and it is important that this is accurately represented to offenders and victims. Refreshing and re-stating the guidance on this would ensure that police officers were correctly informed.

Recommendation 11: Conducting further reconviction analysis. It is possible that running the reconviction analysis for a larger RJ cohort would provide a statistically significant result. There may also be the opportunity to assess if particular forms of RJ were more or less significant in reducing the likelihood of reconviction which could inform the development of the model.

Recommendation 12: Conducting further research into the costs/time taken for restorative conferencing. Police officers are clear that one of the main barriers to restorative conferencing is the time taken to set them up. An analysis of the actual time taken to set up and run a conference (akin to the work done on street RJ at the outset of the programme) may prove helpful in informing decisions about the future of conferencing.

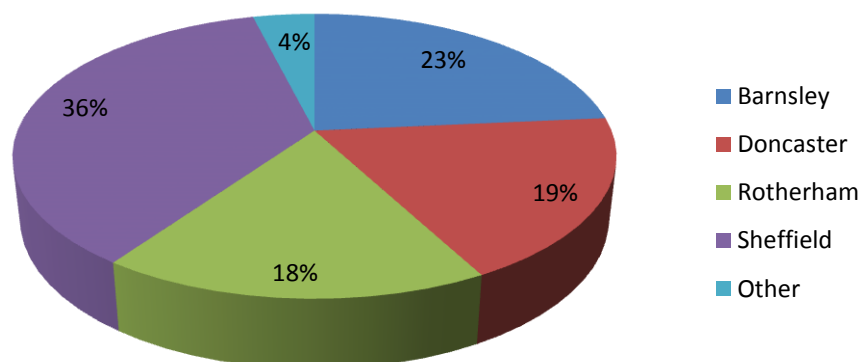
APPENDIX 1: RESPONDENTS TO THE VICTIM SURVEYS

The following charts show the combined responses to the two victim surveys and indicate the breakdown by gender, ethnicity, age and area.



Respondents by Ethnicity	
Ethnicity	Percentage
White - British	91%
White - Irish	1%
Any other White Background	1%
Mixed - White and Black Caribbean	1%
Mixed - White and Black African	0%
Mixed - White and Asian	0%
Mixed - Any other Mixed Background	0%
Asian or Asian British - Asian - Indian	1%
Asian or Asian British - Asian - Pakistan	1%
Asian or Asian British - Asian - Bangladesh	0%
Asian or Asian British - Any other Asian Background	0%
Black or Black British - Black - Caribbean	1%
Black or Black British - Black - African	0%
Black or Black British - Black - Any other Black Background	0%
Chinese or Other Ethnic Group - Chinese	2%
Chinese or Other Ethnic Group - Any other Ethnic Group	0%
Prefer not to say	1%

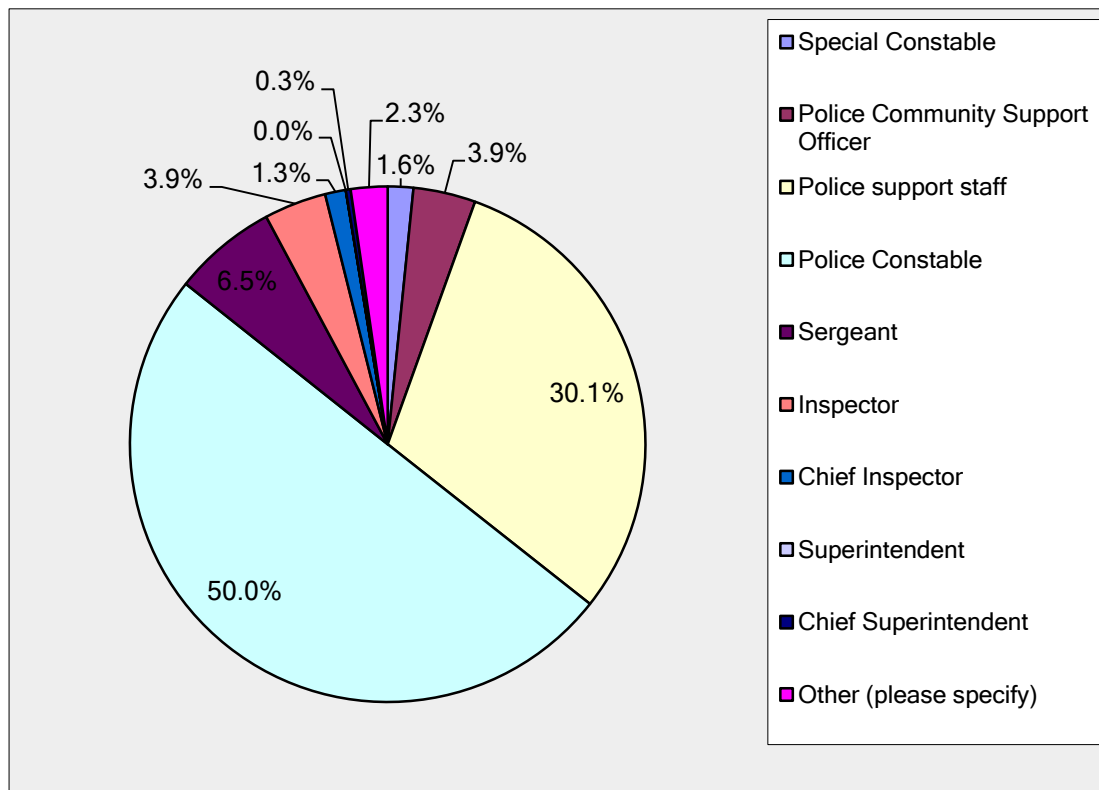
Respondents by Area



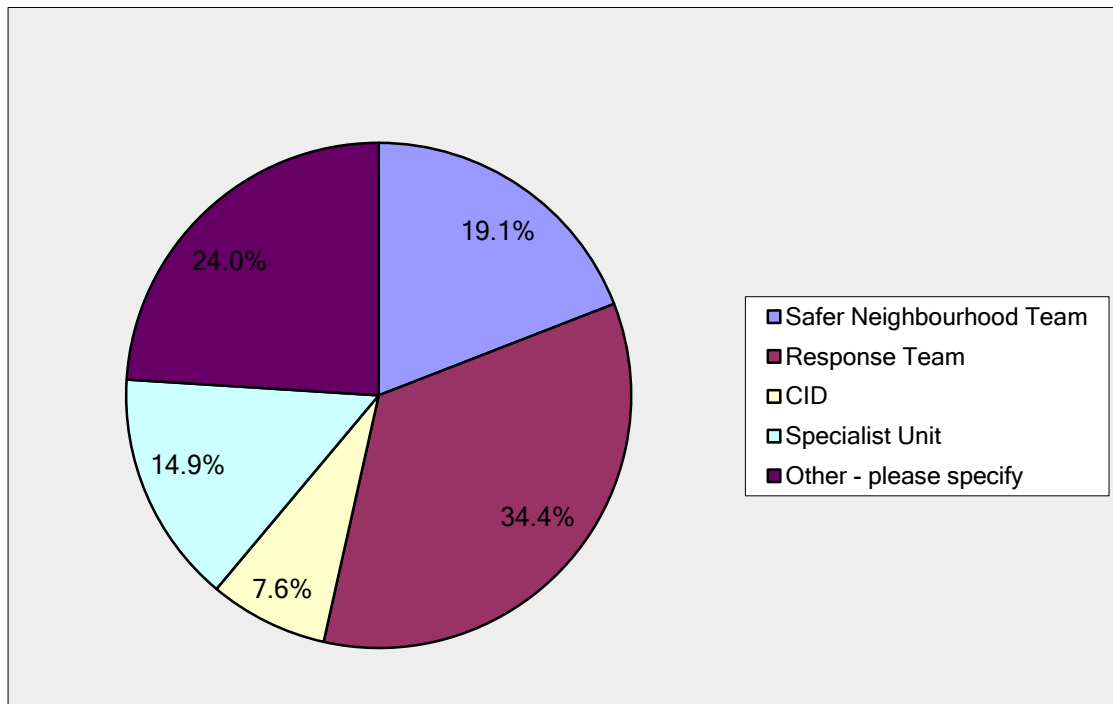
APPENDIX 2: RESPONDENTS TO THE POLICE OFFICER SURVEY

The following charts show the breakdown of respondents to the Police Officer Survey by rank, team and district

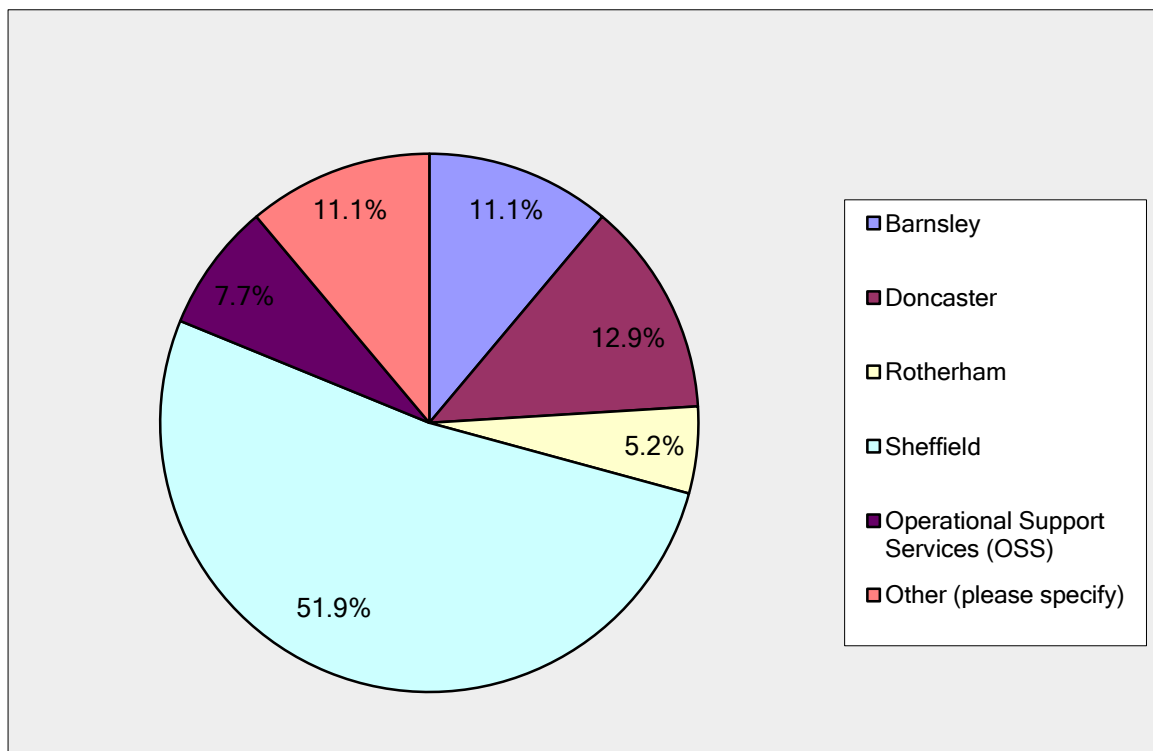
Respondents' rank within South Yorkshire Police



Team respondents belong to within South Yorkshire Police



Respondents' district within South Yorkshire



APPENDIX 3: POLICE OFFICER TRAINING

The following table shows the responses to questions on training in the Police Officer survey

For each of the categories below - please indicate on a scale of 1 to 5 (1 lowest; 5 highest) the extent to which:					
Phase 1 Training					
Answer Options	1 (lowest)	2	3	4	5 (highest)
The training was relevant to your role	6%	6%	16%	25%	47%
The training equipped you with the necessary skills to deliver RJ	6%	6%	31%	41%	16%
The training gave you the confidence to deliver RJ	9%	9%	19%	34%	28%
Phase 1/2 Training					
Answer Options	1 (lowest)	2	3	4	5 (highest)
The training was relevant to your role	16%	19%	22%	19%	25%
The training equipped you with the necessary skills to deliver RJ	6%	0%	29%	35%	29%
The training gave you the confidence to deliver RJ	3%	6%	23%	29%	39%

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