

Restorative Justice Council response – Keeping children in care out of trouble – an independent review

July 2015

About the RJC

The Restorative Justice Council (RJC) is the independent third sector membership body for the field of restorative practice. It provides quality assurance and a national voice advocating the widespread use of all forms of restorative practice. The RJC's vision is of a restorative society where everyone has access to safe, high quality restorative practice wherever and whenever it is needed.

Introduction

The RJC would like restorative justice to be increasingly used as a diversionary measure with children in care and in foster homes who display challenging behaviour. Restorative justice provides an effective and proportionate response to challenging behaviour and teaches young people the life skills they need to deal with conflict in a constructive way.

Our recommendations:

1. Restorative practice should be implemented in care homes to deal with conflict within the home.
2. Each care home in England and Wales should be formally linked to their local police and youth offending teams. This would allow restorative approaches to be used as an alternative to formal criminal proceedings in cases of seriously bad behaviour.
3. Foster carers should be trained in restorative practice followed by an evaluation to determine impact in this area.

How does the experience of being in care affect the likelihood of offending?

Staff within children's homes are more likely to rely on the criminal justice system when dealing with challenging behaviour than a relative would do in the family home¹. The rate of reporting for low-level criminal activity in care is far higher thereby increasing a young person's likelihood of being unnecessarily criminalised. This issue can also carry over to supported accommodation placements that many young people enter on leaving care.

What can be done to help children with experience of care to avoid getting involved in the criminal justice system, and who should do it?

The RJC recommends the delivery of training in restorative practice to all staff in children's homes. This would allow a constructive approach when dealing with challenging behaviour and avoid the involvement of criminal justice agencies. The use of restorative practice in children's homes has a proven record of reducing the criminalisation of young people in care. In Norfolk, the number of young people in care who became involved in the criminal justice system dropped by 52% just two years after the implementation of county-wide restorative practice within children's homes. The scheme was introduced in 2009 and saw 100 staff trained in restorative practice. The number of young people who were charged with a criminal offence over the next two years fell from 7.2% in 2009 to 3.4% in 2011². These results are extremely promising and give weight to our recommendation for the national expansion in restorative practice in children's homes. This approach has also been recommended by a number of other publications³⁴⁵.

1 Reducing offending by looked after children - Nacro, 2012.

2 Community Care - Restorative justice cuts criminalisation and police intervention among looked-after children.

3 Looked After Children and Offending: Reducing Risk and Promoting Resilience - Professor Gillian Schofield et al.

4 Rules of Engagement Changing the heart of youth justice - The Centre for Social Justice, 2012.

5 Reducing offending by looked after children - Nacro, 2012.

The evidence for the effectiveness of restorative practice within children's homes backs up a wealth of evidence for the use of restorative justice in the criminal justice system - both as a diversionary measure and more formally. Restorative processes have been demonstrated to reduce the frequency of reoffending by at least 14%⁶ and there is growing evidence for the use of restorative practice within school leading to a reduction in antisocial behaviour and the criminalisation of pupils. After the implementation of restorative practice in Monmouthshire Comprehensive School, figures for antisocial behaviour by youths in the local community fell by 48% and referrals for the Youth Offending Service fell by 78%⁷. This shows the potential for restorative practice to teach children important skills which reduce their likelihood of offending.

The RJC would also like to see foster carers trained in restorative practice. While the rate of criminalisation for those in foster placements is much lower than for young people in residential accommodation, too many young people in foster placements still receive criminal records. We would recommend a trial of restorative practice training provided to a number of foster carers as part of their induction training. Foster parents already receive some training in small pockets around the country but we would recommend a wider roll-out followed by an evaluation to measure the impact this can have on the number of children entering the criminal justice system.

The RJC recognizes that not all challenging behaviour can be dealt with by staff within children's homes. In more serious cases, we would recommend the police and local youth offending team consider whether restorative justice would be appropriate and use this as a diversionary measure to avoid formal criminal proceedings. This would depend on the wishes of the victim in each case but we welcome the creation of a formal partnership between youth offending teams, local police and each children's home in the local area. Building in an understanding that restorative justice should be the default response to children in care committing offences.

The use of restorative justice as a diversionary procedure has been demonstrated to cut offending while avoiding criminalising young people. In Northern Ireland the use of diversionary restorative conferences has lowered reoffending rates and prevented young people from receiving a criminal record⁸. In Surrey, a scheme set up by the Police and Surrey Youth Support Service means that, a restorative out of court disposal is the default option for offenders aged under 18 who plead guilty. This has led to a reduction in reoffending and stopped young people from receiving criminal records⁹. An agreement between local agencies and children's homes could make restorative justice as a diversionary measure the default option for children in care who offend. This would reduce the likelihood of them going onto commit further offences while also keeping them out of the formal criminal justice system.

If you would like to discuss these proposals in any further detail please contact Dani Gover, Senior Policy and Public Affairs Manager, on Dani@restorativejustice.org.uk or on 020 7831 5700.

6 Restorative Justice: Does Restorative Justice affect reconviction. The fourth report from the evaluation of three schemes. Joanna Shapland et al (2008) Ministry of Justice Research Series 10/08.

7 "Monmouth Comprehensive School helps cut town bad behaviour" - www.bbc.co.uk/news/uk-wales-29113177 and "Stick to Carrots" - Academy Today, Summer 2015.

8 Making Amends: restorative youth justice in Northern Ireland - Prison Reform Trust, Jessica Jacobson and Penelope Gibbs, 2009.

9 Youth Restorative Intervention Evaluation, Final report, 2014 - Alan Mackie, Jack Cattell, Neil Reeder and Sarah Webb.