

The Research, Development and Statistics Directorate exists to improve policy making, decision taking and practice in support of the Home Office purpose and aims, to provide the public and Parliament with information necessary for informed debate and to publish information for future use.

Findings are produced by the Research, Development and Statistics Directorate.

For further copies visit:
<http://www.homeoffice.gov.uk/rds/pubintro1.html>

Restorative justice in practice – findings from the second phase of the evaluation of three schemes

Joanna Shapland, Anne Atkinson, Helen Atkinson, Becca Chapman, Emily Colledge, James Dignan, Marie Howes, Jennifer Johnstone, Gwen Robinson and Angela Sorsby

This second stage of the evaluation of three restorative justice schemes (CONNECT, Justice Research Consortium and REMEDI) focuses on the process of restorative justice up to the end of the restorative justice event and any follow-up of outcomes by the schemes. It deals with the extent of participation and what happened during conferences and direct mediation.

Restorative justice is a process whereby parties (including victims and offenders) with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future (Marshall 1999). The findings set out below should be seen primarily in the context of these three schemes, though they may also help to inform the development of restorative justice.

Key points

- The three schemes were generally well implemented; 342 Justice Research Consortium (JRC) cases reached the conference stage; and 50 CONNECT cases and 132 REMEDI cases reached mediation. Though most cases involved adult offenders, victims were prepared to participate. Victim participation was very high where cases involved young offenders.
- Where participants were given a choice of restorative justice event, indirect mediation was more commonly chosen than direct mediation or conferencing. However, restricting the choice to a direct meeting with the offender did not reduce participation rates.
- In conferences and direct mediations key participants spoke for relatively equal proportions of time. Though emotion was shown in conferences, they were conducted safely, with little aggression. Facilitators were rated by observers as impartial and not dominant.
- Offenders admitted a lot or quite a lot of responsibility for the offence in 60% of the 217 JRC conferences observed, with 11% admitting only a little or no responsibility. There was censuring of the offence by participants, but also support for the offender, though little was said about reintegration into the community.
- JRC conferences involved discussion about outcomes and the future, but this was less common in direct or indirect mediation. Outcome agreements focused on rehabilitation for offenders.
- There was some formal monitoring of outcome agreements by JRC (though not by the other two schemes), with 36% of JRC agreements fully completed and 52% partially completed by the end of the funding period.

This summary presents findings from the second phase of the evaluation of three restorative justice schemes funded by the Home Office under its Crime Reduction Programme from mid-2001 for two to three years. The three schemes dealt mainly with adult offenders and worked at different stages of the criminal justice system, including pre-sentence and pre-release from prison. The evaluation of the schemes is taking place from summer 2001 to the end of 2006.

This Findings looks at the development of the schemes through the period of Home Office funding, describing what happened up to the point at which participants finished their contacts with the scheme. The first year of the schemes is described in Shapland et al. (2004).

CONNECT

CONNECT worked with cases from two magistrates' courts in inner London, between conviction and sentence, or after sentence, offering a wide range of restorative justice services, from indirect mediation to conferencing (see Box 1).

Though the time-scales set by the court for pre-sentence work were found to be tight, the work was generally accomplished in the period. Fifty cases proceeded to some form of restorative justice over the funding period out of 146 cases referred to or extracted by the scheme. Indirect mediation was the most frequent option chosen (see Table 1).

Table 1 Numbers of cases reaching restorative justice events

	Indirect mediation	Direct mediation	Conferences*
CONNECT	37	11	2
JRC (randomised cases)	–	–	342
REMEDI	97	35	–

Note: * includes conferences where either victim or offender were absent.

Justice Research Consortium

Justice Research Consortium (JRC) worked on three sites, in London, Northumbria and Thames Valley, using conferencing only. It was the only scheme adopting an experimental model with randomised controlled trials, where cases were randomly assigned to conferencing or to a control group. During the randomisation phase, JRC worked with different types of offenders in the three sites:

- London: adult offenders convicted of burglary or street crime offences, pre-sentence at the Crown Court
- Northumbria: adult offenders pre-sentence in the magistrates' court and young offenders given final warnings
- Thames Valley: prisoners near their release from prison and adult offenders given community sentences.

A total of 723 cases reached the point of randomisation (both victim and offender had agreed to a conference). Around half of these resulted in a conference, with a few being a victim-absent conference, rather than a conference with victim and offender present.

REMEDI

REMEDI provided mediation services, both direct (see Box 1) and indirect mediation, in South Yorkshire. It worked with both adult and youth offenders at different stages of criminal justice, with an emphasis on adults and youths given community sentences, youths given final warnings, and adults in prison.

There were many different referral routes to REMEDI. 'Automatic' referrals from probation of adult offenders for victim awareness sessions only produced few mediations (see Table 2). Referrals of particular adult offenders by probation

Box 1 Restorative justice

Indirect mediation: the passage of information in both directions between victim and offender via the mediator

Direct mediation: a face-to-face meeting between victim and offender

Conferencing: victim and offender are brought together by the facilitator with people they choose to support them.

staff produced more, as did self-referrals from prisoners after information from REMEDI during resettlement sessions. There were also a few referrals from victims. On the youth side, key sources of referrals were from two of the four Youth Offending Teams in South Yorkshire and from referral panels. For both adult and youth cases, indirect mediation was more frequent than direct mediation.

Attrition: comparing the schemes

The base for calculation was cases found to be within the scope of the scheme and potentially suitable for restorative justice compared with the proportions of the main types of cases reaching random assignment (for JRC) or mediation (for CONNECT and REMEDI) and the victim agreement rate (see Table 2). For cases involving adult offenders, most of the evidence showed that pre-sentence work produced high rates of eventual restorative justice, particularly for very serious offences and at the Crown Court, but there was some variation by type of case. Post-sentence community sentence work had significantly less 'success', possibly because offenders were less motivated to participate post-sentence. Pre-release work was dependent upon very good contacts between scheme staff and prison staff. Victim agreement rates varied (see Table 2). Victim agreement was very high in cases with young offenders, significantly more so than for adult offenders.

Where there was a choice of forms of restorative justice, most participants opted not to meet the other party. At CONNECT, 74% opted for indirect mediation, rather than direct mediation or conferencing, whilst 76% did so at REMEDI. However, restricting the choice to a more intensive option, such as conferencing (the only option offered at JRC), did not reduce participation rates there.

What happened in restorative justice?

Given restorative justice was a new idea to many participants, preparation was essential. From interviews with 54 victims and 62 offenders prior to a JRC conference in the pre-randomisation phase, 92% of victims and 77% of offenders felt they had been given enough information about what they were expected to do at the conference. Similarly, 93% of the 207 REMEDI participants completing questionnaires prior to mediation felt they had sufficient information. However, JRC participants were less clear about what would happen after conferences (42% of victims and 49% of offenders felt they had had information about this stage). Though respondents were nervous about the forthcoming restorative justice, they felt they had generally been prepared well. Both offenders and victims tended to emphasise altruistic reasons for taking part, with victims seeing restitution for themselves as not so important.

Table 2 Percentage of cases reaching restorative justice

Type of cases	Number of cases where victims were approached	% of cases where victims agreed to participate	Number of suitable cases	% of suitable cases reaching restorative justice
CONNECT: adult magistrates' court	70	77	129	39
JRC (to randomisation point):				
London Crown Court burglary	258	56	380	42
London Crown Court street crime	167	55	236	39
Northumbria adult court cases	164	51	333	25
Northumbria youth final warning cases	254	75	434	43
Thames Valley prison cases	291	36	566	18
Thames Valley community cases	153	37	271	20
REMEDI:				
Adult offender-initiated	58	38	95	21
Adult probation referrals	68	37	119	19
Adult automatic probation cases	33	30	179	3
Youth referral panel cases	54	89	77	22
Youth YOT* referrals	139	83	276	21

Note: * Youth Offending Team.

Victims were present at 91% of JRC conferences and all direct mediations. The average number of active participants sitting 'in the circle' at a randomised JRC conference was six, including two offender supporters and one victim supporter.

The key elements in the restorative justice events were:

- Procedural justice:** conference observations showed that all kinds of participants were able to speak, and the time was fairly evenly partitioned. Offenders spoke, on average, for 27% of the JRC conference time, the 'main' victim 21%, the 'main' offender supporter 12%, the 'main' victim supporter 13% and the first facilitator 16%. Researchers did not generally rate facilitators as dominant and, in almost all conferences observed, researchers rated facilitators/mediators as impartial.
- Safety:** emotions were expressed at conferences and mediations and participants were nervous but they were not generally rated by observers to be emotionally intense affairs (for example, 42% of the 217 JRC conferences observed were rated as not emotionally intense). There were expressions of anger about the offence and its impact, but shouting or heated argument rarely occurred. Only two conferences were abandoned on safety grounds. Threats were extremely rare (three conferences out of the 217 observed) and there were no assaults between participants.
- The offender accepting responsibility and apologising:** offenders admitted quite a lot or a lot of responsibility for the offence in 60% of the 217 observed JRC conferences, with only 11% admitting only a little or no responsibility. Only rarely did the offender and victim disagree substantially about the responsibility for the offence, but these cases caused anger and upset. Almost all offenders showed remorse and offered apologies, often apologising several times, yet also acknowledging that
 - apologies were insufficient for serious offences. Victims' reactions varied. Explicit forgiveness was rare (stated verbally in less than ten observed events), but many victims implied a degree of acceptance through non-verbal communication, though some felt offenders were 'going through the motions'. Many offender supporters themselves expressed embarrassment or shame in the light of the offender's offending behaviour.
- Victims talking about the effects of the offence:** this almost always occurred in both mediation and conferencing and most victims had been clearly affected by the offence (for example, for JRC, 65% of victims in the 217 conferences were rated as having been affected a lot or quite a lot).
- Censuring of the offence, not the offender, but little reintegration into the community:** there was disapproval of the offence and shaming of the offender (in 68% of the 217 JRC conferences and all CONNECT and REMEDI direct mediations observed). This was often accompanied by support for offenders tackling their offending-related problems (91% of JRC conferences; all CONNECT and REMEDI direct mediations). There was little reintegrative work in terms of bringing the offender back into the wider community. However, this was primarily because the wider community was only very rarely involved: those supporting the offender and victim were 'micro-communities' of family members or professional workers.
- For conferencing, a focus on outcomes and the future:** the third phase of JRC conferences involved discussion about outcomes and the future, though this was much less common in indirect and direct mediation. Discussions about the future tended to revolve around what the offender should do, rather than victims' needs – victims stated both in observed restorative justice events and in pre-event interviews that they too wished to focus on addressing the offender's problems and so minimising

the chance of re-offending. Four-fifths of the 217 observed JRC conferences discussed offenders' problems and 83% specifically discussed how to stop the offender re-offending. Discussion of financial reparation to or reparative work for the victim or community was rare (work reparation, for example, was discussed in only 18% of JRC conferences).

- **Outcome agreements focused on rehabilitation for offenders:** formal outcome agreements were agreed in 346 (98%) JRC conferences. The number of items varied between averages of two to four in different sites, and time-scales were generally up to six months. Common aspirations among offenders were to stop using drugs, to control or stop drinking, to gain employment or qualifications, and to settle down generally. Outcome agreements were less common for REMEDI (written agreements featured in only 31% of the 35 direct mediations), and had fewer items (an average of 2), primarily involving apologies and elements more specific to the case. CONNECT did not use outcome agreements, but embodied offenders' and victims' views in the worker's report to the court.
- **Some monitoring of outcome agreements:** JRC monitored whether outcome agreements had been completed (more actively as the randomisation phase progressed). Analysis of all 348 outcome agreements from this phase indicates that 36% were completed fully and another 52% completed partially. Not completing the agreement was not necessarily the fault of offenders, because agreements had to be made before full assessment of the eligibility of the offender and programmes were sometimes not available. Apologies were completed very quickly, though more prolonged action in relation to victims seemed to be harder to fulfil or to monitor. Few offenders failed to attend arranged programmes, such as drug or alcohol programmes (definite failure to attend rates

varied between 11–18%). REMEDI had no set process for following-up outcome agreements, but any continuing questions would be explored further. CONNECT did not monitor offenders' future progress, but did commonly continue to find out information about criminal justice matters and outcomes which participants requested.

Restorative justice issues with adult offenders

Developing restorative justice for adult offenders within criminal justice processes raised a number of important issues for the schemes, which may require national guidance. They include obtaining victim details; the confidentiality of what is said in the conference; the extent to which proceedings should be private and the role of the facilitator, including whether there are role tensions if the facilitator is also working as a criminal justice practitioner. If proceedings are private, there is the question of how accountability in relation to the process can be created, both to prevent abuse (such as the facilitator asking inappropriate questions or one participant dominating the conference) and to provide sufficient information to criminal justice decision makers.

Conclusions

The schemes were generally well implemented, in terms of the number of cases progressing to restorative justice and in terms of following the original aims of the scheme. Enthusiasm from staff and partner agencies was maintained throughout the funding period (as stated in interviews with scheme and agency staff). Mediation tended to be more backwards-looking (focusing on the offence), whilst conferencing had a major future-oriented element. Yet all three schemes were characterised by similar processes, including the serious engagement of victims and offenders in communication, apology and preventing re-offending.

Methodological note

Evaluation research methods used for this report included development and analysis of data bases of cases worked on by the schemes; observation of the development of the schemes; interviews with personnel from the schemes and collaborating agencies and courts; observation of conferences and direct mediations; and analysis of outcome agreements and their follow-up. Percentages reported in this summary are actual percentages. Results reported as significant are at or above the 95% level.

References

Marshall, T. (1999). *Restorative justice: an overview*. London: Home Office.

Shapland, J., Atkinson, A., Colledge, E., Dignan, J., Howes, M., Johnstone, J., Pennant, R., Robinson, G. and Sorsby, A. (2004). *Implementing restorative justice*

schemes (Crime Reduction Programme): a report on the first year. Home Office Online Report 32/04. London: Home Office (at <http://www.homeoffice.gov.uk/rds/pdfs04/rdsolr3204.pdf>)

A full report of this second stage of the evaluation will be published by the Centre for Criminological Research, University of Sheffield in their Occasional Paper series (<http://www.sheffield.ac.uk/ccr>): Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Colledge, E., Dignan, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A. (2006) *Restorative justice in practice: the second report of the evaluation of three schemes*.

Joanna Shapland, Anne Atkinson, Helen Atkinson, Emily Colledge, James Dignan, Marie Howes, Gwen Robinson and Angela Sorsby are at the Centre for Criminological Research, School of Law, University of Sheffield. Becca Chapman is a member of Research, Development and Statistics Directorate, Home Office. Jennifer Johnstone is at the School of Law and Scottish Centre for Crime and Justice Research, University of Glasgow.