



**RESTORATIVE JUSTICE
PROJECTS**

**THE NATIONAL EVALUATION OF THE YOUTH JUSTICE BOARD'S
RESTORATIVE JUSTICE PROJECTS**

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CONTENTS

Summary	5
The national evaluation	5
Description of projects and characteristics of young people	5
Implementation of the projects	6
Victim contact and participation	6
Low level of referrals	7
Fast-tracking	7
Over-reliance on community reparation	7
Recruitment	7
Outcomes	8
Reconviction	8
Impact on the Youth Justice Board’s objectives	9
Learning points	9
1 Introduction.....	11
1 The context of the national evaluation	11
2 The national evaluation of restorative justice projects	12
3 Constraints on the national evaluation	12
2 DESCRIPTIONS of the projects and those referred	15
1 What is restorative justice?	15
2 Characteristics of young people starting restorative interventions	18
3 Description of the projects	19
4 Cost of projects	24
3 Project progress and implementation	26
3 Project progress and implementation	26
1 Victim contact and data-sharing	26
2 Level of referrals	32
3 Fast-tracking and the relationship with the courts	34
4 Over-reliance on community reparation	35
5 Recruitment and training of staff	36
4 Outcomes of the restorative interventions.....	39
1 Completion rate	39
2 Feedback from participants	39
3 Summary	42
5 Reconviction study.....	43
1 Introduction	43
2 Results of the reconviction study	44
3 Reconviction by type of restorative intervention	48
4 Conclusion	49
6 Impact of the projects on the objectives of the Board	50
7 Learning points	53
1 Evaluation points	53
2 Implementation points	54
3 Conclusion	56
8 References.....	57

APPENDICES	59
Appendix 1: Brief descriptions of each project	59
Appendix 2: Case studies illustrating different restorative approaches	73
Appendix 3: List of project names, IS numbers and local evaluator details*.	78
Appendix 4: Types of restorative interventions offered by the projects	80
Appendix 5: Methodology of the reconviction study115	81
Appendix 6: Reconviction rate by project	83
Appendix 7: Completion rates by selected variables	84
Appendix 8: The local evaluation of projects	85

SUMMARY

This report is based on an evaluation of 46 restorative justice projects which were funded by the Youth Justice Board (the Board). The data are based on the final reports submitted by the independent local evaluator for each project. The main areas covered in this report include a description of the projects and of the characteristics of the young people on these projects, a discussion of the implementation problems which staff in the projects have faced, and an assessment of the outcomes of the restorative interventions in terms of completion rates, reconviction and feedback from participants. The report concludes with the main lessons which have emerged for evaluation and implementation of restorative justice projects.

THE NATIONAL EVALUATION

The main role of the national evaluator has been to pull together the findings from diverse projects which had been evaluated by local evaluators using different methodologies and with varying levels of resources at their disposal. Since national evaluators were appointed after projects had been awarded funding, we were unable to control either the nature of the programmes or the methodology employed by the local evaluators.

However, in order to encourage consistency in the collection and reporting of data, we provided local evaluators with questionnaires for use with victims and offenders, an evaluation form to record the nature of the restorative intervention, and a template to structure their final reports. Despite this, the quality of data contained in local evaluators' reports was variable and many local evaluators were unable to supplement basic quantitative data with feedback from victims and offenders.

DESCRIPTION OF PROJECTS AND CHARACTERISTICS OF YOUNG PEOPLE

Restorative justice seeks to involve those affected by crime - victims, offenders and the wider community - by providing an opportunity for these parties to meet or communicate, to consider the harm caused by the offence and how it could be repaired, and to help reintegrate offenders back into their communities.

There are a wide range of practices which claim to be restorative, and the 46 projects which have been funded in this category offer the following: family group conferencing; mediation (direct and indirect); reparation (direct and to the community) and victim awareness. These are not equally restorative, and McCold and Wachtel (2000) argue that they can be ranked according to how well they facilitate dialogue between the offender, victim and community. For example, they describe family group conferencing as fully restorative and victim awareness as partly restorative. Most of the 46 projects could be described as generalist, since they offered all or most of these types of restorative intervention. Less than a fifth offered only conferencing or mediation.

The 42 projects for which data were available worked with over 6,800 young people, of whom the majority were male (76%), aged 14 to 17 (80%) and white (91%). Almost two-thirds (63%) of those starting a restorative intervention were at either Final Warning or Reparation Order stage demonstrating that such interventions were focused on those in the early stages of a criminal career. Theft was the most common offence leading to referral (30%) followed by violence (23%).

The most common form of restorative intervention was community reparation (35%) followed by victim awareness (21%). The proportion of cases involving direct meetings was 13.5%, which compares favourably with other large restorative programmes in this country. The method of delivery of the projects varied. Thirty-seven percent of projects were 'in-house' (i.e. delivered by the Youth Offending Team [Yot]), the rest were either totally independent of the Yot or a mixture of both ('hybrid'). Local evaluators reported that in-house projects were less likely than either independent or hybrid projects to experience problems in contacting victims or in communication, and were also less likely to suffer a low level of referrals.

In order to increase the number of referrals or to improve victim contact, 83% of projects changed their referral criteria, the range of interventions offered or the location of project staff.

The total financial cost of the 46 projects was around £13.3m (over half of which was provided by the Board), which equated to over £280,000 per project. The data on costs were not sufficiently detailed to allow for a calculation of unit costs.

IMPLEMENTATION OF THE PROJECTS

Local evaluators identified the main problems which had affected the implementation of projects, and reported examples of effective practice.

VICTIM CONTACT AND PARTICIPATION

The involvement of the victim is a key element in restorative justice. The legislation governing victim contact has been ambiguous, with the result that different Yots and police forces interpreted their responsibilities in different ways. Local evaluators reported that who contacted victims and how they were contacted had a significant influence on the extent of victim participation.

In 61% of projects, the police officer in the Yot made the initial contact with victims - in the rest, this task was conducted by a dedicated restorative justice project worker. Local evaluators suggested that it was preferable for project workers to make this contact since they were specially trained and had more time than police officers to conduct this in a sensitive manner.

In a third of projects, victims were contacted by telephone in the rest either via an 'opt-in' or 'opt-out' letter. Telephone contact had the advantage of being faster than a letter, and enabled the victim's questions to be answered more easily. Telephone contact was the method favoured by the police, whereas project workers were more likely to write to victims. It was reported that the police did not always have adequate knowledge and experience of the restorative options available to explain these properly to victims. Use of an 'opt-out' letter, which required the victim to contact the project if they did not wish to be involved, was felt to be the most effective means of generating victim participation.

There were some difficulties involved in recording the level of victim contact and in defining victim participation. However, local evaluators reported that almost 80% of known victims were contacted, and of those contacted 67% agreed to some form of participation (thus 53% of all identifiable victims participate to some extent). In the minority of cases, this participation involved attendance at a meeting with the offender, but

it was more likely to mean that the victim agreed to their views being made known to the offender, agreed to receive a letter of apology or made some suggestion as to the kind of reparative activity the offender could undertake.

LOW LEVEL OF REFERRALS

Over half of the projects experienced lower than expected referrals and a lower than expected proportion of cases progressing to the intervention. To some degree this was a consequence of unrealistic targets in the original bids. However, other reasons included poor victim contact procedures, poor communication between Yots and projects resulting in insufficient or inappropriate referrals, and a lower than expected number of relevant court orders. Many projects were able to increase referrals, for example by making presentations to the courts and the Yot to improve communication, streamlining the victim contact and referral procedures or expanding the range of interventions offered.

FAST-TRACKING

The pressure to reduce delays in the criminal process ('fast-tracking') was reported to have affected adversely the quality of assessment and work with victims. In addition, the short length of the action plan and reparation orders meant it was sometimes difficult to complete the agreed number of hours of reparation or to initiate breach proceedings within the timescale. Some courts were very prescriptive in the nature of the orders they imposed, which limited the ability of project staff to incorporate the wishes of victims. In other areas, project staff developed good relationships with the courts (through joint training and updating them on the outcomes of their cases) to encourage the use of more 'flexible' orders.

OVER-RELIANCE ON COMMUNITY REPARATION

Community reparation rightly has a place in the menu of restorative options, for example where victims do not wish to have any involvement in the process. In such cases, it is recommended that reparation placements be offered which: relate to the offence as far as possible; match the young person's interests and skills; and encourage the young person to consider the consequences of their actions on the victim and the community.

However, local evaluators for some projects expressed concern at what they believed was an over-reliance on community reparation, either as a result of the local courts' policy, or the project's failure to contact victims or engage them in more direct restorative interventions. Two local evaluators reported that offenders tended to view community reparation as a punishment with no direct benefit to the victim, and that the placements were not relevant to the offence.

RECRUITMENT

Almost 60% of projects experienced problems either in recruiting or training staff. The late recruitment of key workers delayed the implementation of some projects and staff turnover affected capacity in other projects. The quality and coverage of training was variable. As staff moved on, new staff did not always receive adequate training.

Many projects made successful use of volunteers or sessional workers. This enabled projects to increase their capacity, to devote more time to individual cases and to be more flexible in terms of when interventions could be offered.

OUTCOMES

Eighty-three percent of offenders successfully completed their order or Final Warning intervention. Where the views of victims and offenders were sought, the responses were encouraging. On average, over three-quarters of both victims and offenders felt well prepared by project staff, found the process fair, agreed that their participation was voluntary and believed that the intervention had helped the offender to take responsibility for the offence, and seven out of 10 thought that the offender better understood the impact of the offence on the victim.

RECONVICTION

The design and implementation of the projects did not permit an experimental approach to the evaluation, thus there was no control group with which to compare the reconviction rate for our sample. As yet, there is no method of calculating a predicted rate of reconviction for young offenders. The results of this study were therefore compared to a Home Office sample of young offenders sentenced in 2000.

Using data from the Police National Computer (PNC), we were able to follow up 728 offenders from 34 projects. The overall reconviction rate within 12 months was 46.6% compared to a rate of 26.4% for the Home Office sample. The two samples differed significantly, however, in terms of the number of previous appearances the offenders had – 71% of the Home Office sample had no previous appearances, compared to just 23% of the restorative justice sample. When we weighted the restorative justice sample to reflect this, we found that the reconviction rate would be 28.6%. This was slightly higher than the rate for the Home Office sample (but was not a statistically significant difference), and may be because those thought by Yot staff to have a higher risk of reoffending were more likely to receive a restorative intervention (at Final Warning stage, at least).

We compared the type of offence, seriousness and disposal at the conviction which led to referral (target conviction) with the offence at first reconviction. There was no significant difference in terms of the types of offence committed at target conviction and first reconviction. However, of those who were reconvicted, 37% were reconvicted of less serious offences (as measured by the Board gravity score) than at the target conviction, whereas just 23% were reconvicted of more serious offences. Due to the large proportion being reconvicted of offences of the same gravity, the median gravity score of both target conviction and first reconviction was three, although the distribution of scores (as described above) indicated a slight but statistically significant decline in offence seriousness. The disposal at first reconviction increased in seriousness as one would expect. The proportion of disposals involving a Final Warning or Caution fell from 29% to 5%, while there was an increase in custodial sentences and Supervision Orders. The proportion of reparation orders fell from 37% at target conviction to just 12% at first reconviction. It was suggested that this might reflect a belief among magistrates that restorative options should be used only once.

Looking at the frequency of offending as measured by conviction, we found that in the 12 months before the target conviction, 55.1% of offenders had been convicted, whereas in the 12 months after the target conviction 46.6% had been convicted. This represented a fall of around 15%, but in the absence of information about the expected rate of conviction, it is impossible to say whether this is better or worse than would have obtained if there had been no intervention.

By grouping the types of intervention into the categories described by McCold and Wachtel (*above*), it was possible to look at reconviction by type of restorative intervention. No association was found between how restorative the intervention was and the reconviction rate. For example, while offenders who had met the victim (fully restorative) were least likely to be reconvicted (41.6%), those who had had only victim awareness (least restorative) had the second lowest rate of reconviction (42.1%).

IMPACT ON THE YOUTH JUSTICE BOARD'S OBJECTIVES

It is clear that not all of the aims of the Board are relevant to restorative justice projects. The responsibility for meeting some of these aims is shared between a number of different agencies, including Yots, the police and the courts.

However, where the aims of restorative justice projects overlapped with those of the Board, projects have been increasingly successful in meeting them. Projects managed to facilitate some form of reparation to victims (either through an oral or written apology, or other work for the victim) in 40% of cases. The results of interviews with victims and offenders suggest that restorative interventions also helped to meet the aim of confronting offenders with the consequences of their offending. Responses from both victims and offenders indicated that restorative interventions, especially those where a meeting was held, helped the young person to understand the consequences of their behaviour on victims and helped victims to come to terms with the offence. Restorative processes and their outcomes were also considered to be fair by the majority of victims and offenders.

LEARNING POINTS

The timescale and structure of the evaluation have not permitted an assessment of the effectiveness of individual restorative justice projects in terms of reconviction or cost effectiveness. However, several important lessons have emerged with respect to the evaluation and implementation of these projects.

The national evaluation would have had more success in assessing outcomes had the following changes to timescale and structure been made:

- ❖ appointing national evaluators before local evaluators to allow evaluation tools appropriate to the projects' aims to be developed and implemented;
- ❖ allowing sufficient time to let projects overcome initial difficulties and to enable outcomes (such as reconviction) to be measured effectively;
- ❖ concentrating resources on a more in-depth evaluation of fewer projects - being more prescriptive as to what will be funded as 'restorative justice' and ensuring that practice is observed and monitored.

The main problems in implementation revolved around victim contact, lack of communication between different agencies and securing sufficient numbers of adequate referrals. Examples of solutions to these problems included:

- ❖ Local evaluators suggested that victim contact was best conducted by trained restorative justice staff rather than the police officer on the Yot, and that initial contact should be made via an 'opt-out' letter. Victim participation was also increased when restorative justice staff were given access to all referrals.

- ❖ Communication between agencies was improved by holding joint training, making presentations on the aims of the project and providing feedback on the outcomes of cases.
- ❖ For independent projects, communication was improved and referrals increased when workers were based in the Yot.
- ❖ Improving relationships with the courts led, in some cases, to more flexibility in the orders made, enabling workers to explore mediation after sentence.
- ❖ Reparation was considered to be more effective when it was clearly offence related, matched the young person's skills or interests, or developed new ones, and encouraged the young person to consider the victim's perspective.

1 INTRODUCTION

This is the final evaluation report for the 46 restorative justice projects funded by the Board and evaluated by the Centre for Criminological Research. It complies with the reporting requirements of the Board. The data reported on in this report relate to the period from the beginning of Board funding (April 2000) to the end of October 2001. Following guidance from the Board, projects have been anonymised except when there are particular examples of good practice to be described. For reasons of space, we have used the IS number (the Board's identifying number) rather than the name to identify projects. A list of project names along with the corresponding IS number can be found in Appendix 3.

1 THE CONTEXT OF THE NATIONAL EVALUATION

1.1 In order to put into context the findings of this report, it is worth describing how the national evaluation came into being. It is also important to recognise the limitations of the evaluation model selected, as they determined, to a large extent, the reliability and completeness of the data presented in this report. Knowledge of the model's limitations should also help in the planning of future evaluations.

1.2 The Youth Justice Board was created in September 1998 as a result of the Crime and Disorder Act 1998. The act also set up multi-agency Yots whose role it was to assess young offenders and provide appropriate interventions to address their risk factors. To facilitate this, the Board invited Yots to bid for funding for a number of different types of intervention programme - restorative justice, cognitive behaviour, mentoring, drugs and alcohol, education training and employment, prevention and parenting. The conditions of funding stated that each project should appoint an independent local evaluator and that the Board would employ a national evaluator in order to co-ordinate the collection and analysis of data by local evaluators (Youth Justice Board, 1999). The Board awarded funding to successful projects in July 1999. The Centre for Criminological Research won the tender for the national evaluation of restorative justice projects in August 1999 and began work on the evaluation in September 1999.

1.3 On appointment, it soon became apparent that there were considerable variations, both in terms of the projects and the approach of their local evaluators. Projects, which had been designed by the various Yots, varied in terms of their conceptions of restorative justice, the types of interventions offered and the size and location of the project - whether independent, in-house or a mixture of the two. Similarly, there were differences among local evaluators¹ with respect to the research methodology employed, the number of days available for the evaluation and who they worked for (e.g. university, self-employed or private company).

1.4 The national evaluator was only appointed after these decisions relating to project design and evaluation had been made and thus had no control over either the nature of the programmes or how they were evaluated. This meant that the task of the national evaluator

¹ Further details on the local evaluation of projects can be found in Appendix 8.

was to ‘pull together’ the findings from diverse programmes which had been evaluated according to a wide range of methods.

2 THE NATIONAL EVALUATION OF RESTORATIVE JUSTICE PROJECTS

1.5 As part of our role, we convened seminars in January 2000 and September 2001, to which the local evaluators were invited, to discuss the Board’s expectations of the national evaluation and the final report. Throughout the evaluation period, we provided local evaluators with templates for the completion of progress, interim and final reports. In 2001, we visited over 20 Yots in order to collect data for the reconviction study, where local evaluators had been unable to do so. In order to encourage consistency of data collection, national evaluators designed the following data-collection instruments for use by project staff and local evaluators:

- ❖ restorative justice intervention forms (the completion of which was compulsory) in order to record the nature of each restorative intervention with a young person;
- ❖ restorative justice questionnaires for both victims and offenders (optional²) to measure their satisfaction with the restorative process.

1.6 Most local evaluators found the victim and offender questionnaires and template for the reports useful. However, some thought that the questionnaires were too difficult to complete, especially for young offenders or victims with reading difficulties. However, we had given local evaluators the opportunity to comment on all the data collection tools (in early 2000) and templates - but very few local evaluators gave us any feedback. Nearly all local evaluators used the template provided for the final report and most said it had been useful. However, for evaluators with a limited budget, the priority given to collecting these data meant that resources were drawn away from the more qualitative aspects of the local evaluation, such as the interviewing of victims, offenders or project staff.

3 CONSTRAINTS ON THE NATIONAL EVALUATION

1.7 This section draws on observations made by local evaluators in their final reports as well as on our own experiences of the evaluation process. The way in which the evaluation of the development fund projects was conceived and the timescale and funding of the evaluation have all affected the quality of data in this report.

(i) Structure of the evaluation

1.8 The structure of the evaluation relied on co-operation and communication between the Board, national and local evaluators and project staff, and this proved to be unnecessarily complicated and inefficient. This four-way split caused some conflict for local evaluators, who sometimes felt unclear as to where their responsibilities lay. While local evaluators were responsible for submitting reports to the national evaluators, their funding came from the projects, which implied that the project was the client and in some cases this threatened local evaluators’ independence. The lack of a direct link between national evaluators and project staff meant that we had to rely on local evaluators to ensure that evaluation tools were being used, yet local evaluators did not always have sufficient authority within the project or the resources to ensure that project staff complied. Problems

² Due to the limited resources of many local evaluators, we could only encourage the use of these participant satisfaction questionnaires. Where local evaluators had sufficient resources, they often modified these questionnaires or used their own. It should also be noted that not all project staff used the compulsory restorative justice intervention form.

arose for some local evaluators where the requirements of the national evaluation were substantially different from those of the Yot, with the result that they had to produce two separate reports (one for the national evaluator, one for the Yot) from one local evaluation contract.

(ii) Timescale

1.9 Many local evaluators commented that the bidding process was too short and this, combined with the fact that many Yot managers were newly in position and not experienced in writing such bids, meant that bids were often submitted that had not adequately estimated the costs of the projects or had unrealistic objectives. Although the development fund projects were originally intended to run for two and a half years, most projects did not start until April 2000 owing to the delay in the introduction of the new Community Orders, leaving just two years before the end of Board funding in March 2002. A significant proportion of the evaluation period represented a developmental phase for many projects, and it is unfortunate that data collection for this evaluation had to end (in October 2001) just as referrals were at their peak.

1.10 The time constraints on the evaluation also meant that it was not possible to have a two-year follow-up period (as recommended by the Home Office) for the reconviction studies, and that the sample periods selected for the study were not only short (three and six months) but also represented the developmental stage of many projects. Again, this raises the danger that restorative justice may be judged to have failed, when the fault lies with delayed or flawed implementation or evaluation.

1.11 The appointment of national evaluators in August 1999 after projects had been awarded funding meant that local evaluators had already decided upon their research design and some projects had set up their own data collection systems before becoming aware of the national evaluation requirements. Many local evaluators were not informed by the Yot which contracted them that there would be a national evaluation, or that the standard conditions of grant stated that local evaluators should comply with the national evaluation requirements (Youth Justice Board, 1999). We were, therefore, reliant on the goodwill of local evaluators to comply with national demands, as well as meeting the needs of the Yot. Fortunately, in most cases, we were able to negotiate successfully with local evaluators to persuade them to meet the requirements of the national evaluation, although consistency of data collection remained a problem. We make a number of recommendations, in the conclusion, based on the problems encountered in this evaluation.

(iii) Funding

1.12 Funding for some local evaluators was as low as £1,500 a year and the requirements of the evaluation proved to be a burden for them as well as for project staff. For these, the writing of regular progress and interim reports, as required by the Board, meant that most of the local evaluator's time was spent on report writing to the detriment of data collection. Some projects were evaluated twice or even three times (for example, as a restorative justice project, a Final Warning project and, independently, as a family group conference project). Each of the national evaluators involved required different information and different forms to be completed. Not surprisingly, this sometimes had a negative effect on the way workers perceived evaluation generally and their willingness and ability to co-operate with the research requirements. In addition, some local evaluators evaluated more than one type of project (for example, mentoring and restorative justice), and therefore had to report to

different national evaluators who had different reporting requirements. The burden of writing multiple reports and reporting data in different ways unnecessarily complicated their role.

1.13 The generally low level of funding for the local evaluations limited our expectations of what the national evaluation could achieve. The requirements for data collection and reporting were revised to take account of the least well-resourced local evaluations. Although most local evaluators were very co-operative, a small number did not submit all the progress or interim reports, nor did they encourage projects to collect data in a manner which could be used for the evaluation.

(iv) Data collection

1.14 By far the most common problem reported by local evaluators was their failure to gain access to full and reliable data on cases dealt with by the project. This was compounded by the fact that the national evaluation tools were sometimes either not used by the project, or only partially completed. There was, therefore, considerable variation between projects in terms of the quality of data made available to the national evaluator.

1.15 Data protection concerns have also hindered both the local and national evaluations, in cases where Yots or police forces have refused access to names and/or PNC identifiers. This is despite the fact that both the Data Protection Act 1998 and the Crime and Disorder Act 1998 allow for the sharing of personal data. For local evaluators, this has resulted in difficulties in conducting interviews with participants; for the national evaluators, it has delayed the collection of data for the reconviction study and meant that two projects were excluded entirely from the reconviction study.

2 DESCRIPTIONS OF THE PROJECTS³ AND THOSE REFERRED

2.1 The 46 projects which were funded under the category restorative justice are a heterogeneous group in terms of the types of intervention offered, method of delivery, size of project and type of training received by staff. In order to put into context the findings of this report, it would be useful to describe what is meant by restorative justice, and therefore to assess how restorative were the interventions offered by these projects.

1 WHAT IS RESTORATIVE JUSTICE?

2.2 Forty-six Yots successfully obtained funding from the Board to provide programmes under the heading of restorative justice. The bidding process did not require project designers to adhere to any particular theory or model of restorative justice. Instead, the Board wanted to fund a diverse range of practices, in order ‘to let a thousand flowers bloom’.⁴ Thus, the category ‘restorative justice’ into which these 46 projects were placed should be seen as as much an administrative category as a conceptual one. Between them, these 46 projects offered a wide range of ‘restorative’ practices, and it is interesting to compare these practices with some generally accepted definitions of restorative justice.

2.3 Why define restorative justice? For practitioners, having a working definition and knowledge of the theory can help to inform the work they do and enable them to assess and build upon their practice. Quite simply, it helps them to avoid ‘unrestorative’ practices. Ensuring programme integrity is vital for researchers if they are to avoid concluding restorative justice has ‘failed’, when the blame may rightly lie with faulty design and implementation. It is in the interests, therefore, of practitioners and others who support restorative justice to be clear about definitions so that it is possible to say how close the practices of a project are to restorative ideals. From the point of view of funding bodies, such as the Board, clear definitions are essential in assessing bids for funding and also in drawing up criteria for the monitoring and evaluation of projects (Roche, 2001:343).

2.4 There is no single, universally accepted definition of restorative justice, since there is no one particular theory or practice from which it emerged.⁵ Recently there has been a great increase in the number of programmes and practices describing themselves as restorative, from conferencing and mediation to court-ordered reparation, victim-impact statements and victim-awareness programmes. As Roche points out, these programmes are so diverse, that it is difficult to identify what each of them has in common that can be called restorative (Roche 2001: 342).

2.5 Perhaps the most widely used definition of restorative justice in this country is that suggested by Marshall:

³ These are not the same 46 that we were originally evaluating: project IS429 never started due to recruitment problems; one prevention project was included at the request of the local evaluator (IS249) since much of its work was restorative; and project IS335 folded in 2001.

⁴ This is how one official from the Board described the bidding process.

⁵ Restorative justice is nothing new. Ancient legal codes which contain restorative principles include the laws of Hammurabi (c2000BC) and the Brehon laws of Ireland (c1000BC).

Restorative justice is a process whereby parties with a stake in a specific offence resolve collectively how to deal with the aftermath of the offence and its implications for the future (Marshall, 1999).

2.6 Restorative justice, therefore seeks, to involve those affected by crime - victims, offenders and the wider community - by providing an opportunity for these parties to meet or communicate, to consider the harm caused by the offence, how it could be repaired, and to seek to reintegrate offenders back into their communities. McCold and Wachtel (2000) suggest that it is possible to gauge how restorative different practices are by the extent to which they promote dialogue between these three stakeholder groups: victim, offender and community. Based on the results of victim satisfaction surveys from different types of projects, they classified different types of practice as fully, mostly, or partly restorative, as shown in Table 1 below. The main types of intervention offered by the 46 projects have been highlighted in bold:

Table 1 Types and degrees of restorative justice practice (adapted from McCold and Wachtel 2000)

Fully restorative	Mostly restorative	Partly restorative
Family group conference	Victim offender mediation⁶	Compensation
Community conferencing	Victim support circles	Victim services
Peace circles	Victimless conferences	Offender family services
Restorative conference	Therapeutic communities	Family centred social work
	Direct reparation to victim	Compensation
		Offender family services
		Victim awareness
		Community reparation

2.7 As can be seen, the types of intervention offered by the 46 projects range from the ‘fully’ restorative (e.g. family group conference) to ‘mostly’ restorative (e.g. victimless conferences) to ‘partly’ restorative (e.g. victim awareness)⁷. This classification should not be taken to mean that ‘partly’ restorative interventions are any less effective than others in terms of addressing the offending behaviour of young people, but that they deviate in a number of ways from generally accepted principles of restorative justice.

2.8 Not everyone agrees with McCold and Wachtel’s categorisation. Walgrave (1999), for example, argues that community reparation can be considered (fully) restorative on the grounds that it seeks to repair the harm done to the community. But Roche claims that the label ‘restorative’ should, in this case, be qualified, since the service does not repair the harm done to an individual nor is it necessarily requested by the individual harmed (Roche, 2001:350).

2.9 Most projects offer a range of restorative interventions, although a quarter of the projects concentrate just on mediation or conferencing. Short descriptions of the main types of restorative interventions that these 46 projects offer are given below:

⁶ It should be noted that in a later article McCold includes victim offender mediation as an example of one of the ‘pure’ forms of restorative justice (McCold, 2001:41).

⁷ Selected case studies which describe the process of mediation, conferencing and reparation can be found in Appendix 2.

- ❖ Family or community group conferencing ('fully' restorative). This process brings together the victim and offender and their family, friends and key supporters in deciding how to deal with the aftermath of the crime. The goals of conferencing include: giving the victim an opportunity to be directly involved in responding to the crime; increasing the offender's awareness of the impact of his or her behaviour and providing an opportunity to take responsibility for it; engaging the offenders' support system for making amends (usually by providing 'family private time' at the end of the meeting) and shaping the offender's future behaviour; and creating opportunities for community support of both the offender and the victim. Family group conferencing can take place in the absence of the victim, in which case their views may be themed in (by way of a victim statement), and the emphasis will then be on developing a plan to tackle the offender's behaviour. There were five projects which offered only family group conferencing, and a further 15 which included it in their range of interventions.
- ❖ Restorative conferencing ('fully' restorative). This usually follows a similar format to the family group conference, although without the private family time which family group conferencing includes. In this country, conferences are usually facilitated by trained police officers. Aims include increasing the offender's awareness of their behaviour and providing an opportunity for taking responsibility. As with family group conferencing, meetings may take place in the absence of victims, although, likewise, the facilitator should try to theme in their views. Twenty projects offered restorative conferencing.
- ❖ Victim offender mediation (VOM [mostly restorative]). This is a process that provides an interested victim the opportunity to meet the offender in a safe and structured setting, with a trained mediator facilitating a discussion of the crime and its effects. The goals of VOM include: permitting victims to meet their offenders on a voluntary basis; encouraging the offender to learn about the crime's impact and to take responsibility for the resulting harm; and providing the victim and offender with the opportunity to develop a plan that addresses the harm. Where a meeting is not possible, indirect mediation may occur in which the mediator facilitates the exchange of information between the parties. There were six mediation-only projects, and a further 35 offered mediation along with other interventions.
- ❖ Direct and indirect reparation ('mostly' or 'partly' restorative). Reparation can be taken to mean any action taken by the offender to repair the harm s/he has caused. This may result from mediation or conferencing, or, more likely, be an alternative to it, where a meeting has not been possible. Direct reparation includes letters of apology sent to victims, or any work that offenders do directly for the victim (which is more likely in the case of corporate victims, and may involve working in the shop that they stole from). Indirect reparation involves any work organised for the benefit of the community, and may involve participation in graffiti removal schemes, environmental or charity work. This may also include letters of apology which are not sent to the victim (due either to the victim's wishes or a lack of contact details). Reparation was offered by 41 projects.
- ❖ Victim awareness ('partly' restorative). These are programmes based on cognitive behavioural theories which seek to confront offenders with the consequences of their actions. These sessions may be structured or unstructured and may involve role play or group work. Thirty five projects offered victim awareness.

2 CHARACTERISTICS OF YOUNG PEOPLE STARTING RESTORATIVE INTERVENTIONS⁸

2.10 Almost all of the projects were aimed at offenders aged between 10 and 17, although four projects excluded 10- and 11-year-olds. All projects offered interventions to both males and females, and none of the projects specifically targeted any ethnic group. Evaluators for 40 projects were able to provide some data relating to the characteristics of young people starting a restorative intervention. These 42 projects worked with over 6,800 young people. There were considerable differences in the numbers of young people worked with, from just seven in one project to several hundred in another (the average was 172 young people per project). Table 2 shows the breakdown by sex, age and ethnicity of those young people starting restorative interventions during the evaluation period.

Table 2 Sex, age and ethnicity of ‘starters’⁹

Variable	Category	N in category	% in category*
Sex	Male	5088	76.2
	Female	1587	23.8
	Not known (3.1%)	214	
Age at referral	10	34	0.6
	11	131	2.2
	12	356	5.9
	13	588	9.7
	14	1001	16.5
	15	1381	22.8
	16	1396	23.1
	17	1032	17.1
	18	132	2.2
	Not known (9.7%)	653	
Ethnicity	White	4440	91.0
	Black or black British	234	4.8
	Asian or Asian British	101	2.1
	Mixed	76	1.6
	Chinese or other	27	0.6
	Not known (27.1%)	1818	

*excluding missing cases

2.11 As expected, the majority of offenders were male and the proportion (76%) is comparable to that found in the sample of cases analysed in the evaluation of pilot Yots (Holdaway 2001:72 and 83). Most offenders were in the older age range at the time of referral: 18% were aged 10 to 13 (children) compared to 80% in the 14-to-17 age range (young people). Over 90% of offenders included were white, with the next largest group being ‘black or black British’ (although the level of missing data here is high at 27%).

⁸ This section is based on data provided by local evaluators in their final reports and relates to the period from the beginning of the project (generally April 2000) to the end of October 2001, i.e. 18 months. Therefore data relating to work carried out in the last five months of operation of the projects are not covered in the sections below. Not all evaluators were able to provide aggregate data for their projects. In six cases there were no aggregate data at all and in a further four only very patchy data.

⁹ Due to the fact that not all evaluators were able to report on all variables, the number of projects for which data are available varies from 36 to 40 depending on the variable and totals will also differ.

Referral point and offence criteria

2.12 Almost three quarters (71%) of the projects offered interventions at both Final Warning and court order stages, the rest concentrated on either Final Warnings or court orders. Very few projects offered interventions at the Reprimand stage (since this is not required by legislation or national standards). While most offences were considered potentially suitable for a restorative intervention, over 90% of the projects excluded sex offences.

Table 3 Referral point and category of offence leading to referral

Variable	Category	N in category	% in category*
Referral point	Reprimand	56	1.0
	Final Warning	1783	33.0
	Reparation order	1639	30.3
	Action plan order	867	16.0
	Referral order	256	4.7
	Supervision order	411	7.6
	Other order	398	7.4
	Not known (19.2%)	1287	
Offence leading to referral	Theft	1803	30.3
	Violence	1350	22.7
	Criminal damage	812	13.6
	Burglary	775	13.0
	Other	551	9.3
	Motor	480	8.1
	Drugs	98	1.6
	Fraud	56	0.9
	Sex	25	0.4
	Not known (11.7%)	786	

2.13 Almost two-thirds (63%) of those starting a restorative intervention were at either Final Warning or Reparation Order stage demonstrating that such interventions tend to be focused on those in the early stages of a criminal career. Theft and violent offences (including robbery) accounted for over half of all offences leading to referral. There were very few fraud, drugs or sexual offences.

3 DESCRIPTION OF THE PROJECTS

(i) Project type

2.14 It is difficult to categorise projects by type of intervention, as most projects were described by evaluators as offering a wide range of interventions¹⁰. Seven (15%) projects were reported to offer all of the restorative interventions listed in Table 4, and a further 18 (39%) offered all interventions except family group conferences (family group conferencing) and restorative conferences.

2.15 There is a distinct sub-group of 5 projects (11%) which offered only (or mainly) family group conferencing. According to the descriptions given, most restorative projects are 'generalist' (i.e. offer all or most of the restorative options) although in reality one or two types of intervention (e.g. community reparation, victim awareness) usually accounted

¹⁰ For a description of each project see appendix 1.

for the vast majority of work undertaken. For example, although 20 (44%) projects offered family group conferencing, four of these did not deliver any conferences during the evaluation period and only three delivered more than ten.

2.16 A handful of projects offered interventions not listed in Table 4 below. Among these is the use of surrogate victims, where the original victim is unwilling to participate, or the involvement of ambulance or fire-station staff for offences such as hoax calls or arson. Two projects have also used video recording of young people, in one case so that apologies could be shown to victims, in the other a young person agreed to make a recording, to be shown to other offenders, about his life and the reasons he became involved in offending and the problems this caused. Finally, one project made use of drama and film role play to highlight victim issues.

Table 4 Types of restorative intervention offered by the 46 projects

Intervention	%	N
Direct victim offender mediation	87%	40
Indirect (or 'shuttle') victim offender mediation	87%	40
Direct reparation	83%	38
Indirect/community reparation	78%	36
Victim awareness/empathy sessions	76%	35
Victim-directed reparation	63%	29
Restorative conferencing	47%	22
Family group conferencing	44%	20
Other	20%	9

Reporting on the nature of the restorative intervention

2.17 The level of funding for local evaluators meant that most were not able to observe practice, and thus there was not much detailed information on what restorative justice looked like (although some of the descriptions of projects in Appendix 1 provide more detail). Therefore, we relied on information provided by project staff to indicate the types of restorative interventions carried out. We asked local evaluators to use the information from project staff to list all the combinations of interventions which offenders in their project had received. This resulted in over 30 different combinations of restorative interventions, the details of which can be found in Appendix 4. Many of these categories contained just a few cases, so, in order to present this information in a more meaningful way, similar types of intervention have been grouped together. Taking as a guide the distinctions made by McCold (paragraph 2.7), the interventions have been ranked from the most to the least restorative type of intervention. For example, all those interventions which involved a meeting between victim and offender have been categorised together (this included direct mediation, family group conferencing, restorative conferences and other face-to-face meetings, some of which were combined with community reparation, victim awareness or other restorative interventions) since these represented the most restorative type of interventions, according to McCold. All those interventions which involved indirect mediation but did not include direct meetings are also classed together and so on.

Table 5 Number of young people taking part in different types of restorative interventions (data relating to 40 projects)

Intervention	Total	% of total*
Meeting with victim	823	13.5
Indirect mediation	467	7.7
Direct reparation	1171	19.3
Community reparation	2170	35.7
Victim awareness	1246	20.5
Other restorative justice interventions ⁺	197	3.2
Not known	578	
Total	6652	6074

*excluding missing data +descriptions of other restorative justice interventions given in paragraph 2.16.

2.18 As can be seen from Table 5, the most common form of restorative intervention was community reparation (35%) followed by victim awareness (21%). The proportion of cases involving direct meetings was 13.5%, which compares favourably with the 6% of referral panels in pilot areas which a victim attended (Newburn et al 2001:19) and the 12% of restorative Cautions attended by a victim in 2000-1 in the Thames Valley police-led initiative (Hoyle, Young and Hill, 2002:9). Direct meetings are not the only way in which victims can participate. As noted above, local evaluators reported that around 50% of all victims agreed to some form of participation, including receiving letters of apology or making suggestions as to appropriate indirect reparation. However, in 20% of cases, the only intervention with the offender was a victim-awareness programme and it is questionable whether this really fulfils the criteria of a restorative intervention.

Staffing

2.19 The number of salaried staff involved in projects varied considerably, as did the project's level of funding. Three projects consisted of just one part-time member of staff (average funding £103,000) while six projects had four or more full-time members of staff (average funding £693,000). However, the number of full-time staff was not necessarily a guide to the capacity of the project, as just over half of the projects made use of unpaid volunteers, sessional workers paid on an hourly rate or both. Fifteen projects employed sessional workers, often to supervise reparation or to facilitate mediation, and most of these have 10 or more such staff at their disposal. Seven projects made use of unpaid volunteers for use in similar capacities.

(ii) Model of delivery – in-house, independent and 'hybrid' projects

2.20 The way in which projects related to their local Yot was one of the most important factors affecting delivery of the intervention. The three main models of delivery - in-house, independent and hybrid - have been described in Holdaway et al (2001:82). The following section draws on observations made in their research.

In-house projects

2.21 Seventeen (37%) of the 46 projects were in-house. In the in-house model, Yot staff assessed both victims and offenders and delivered the restorative intervention. In some Yots, such work was carried out by one or two specialist restorative justice workers, in

other Yots, all staff were trained to deliver restorative interventions as part of their normal work with offenders. In-house projects were generally easier and faster to implement than independent projects, since communication and information-sharing with the rest of the team and the courts were less likely to be a problem. In-house projects were also overseen by the Yot steering group, and their aims were more likely to coincide with those of the Yot. Potential disadvantages of the in-house approach were that such projects may lack adequately trained staff, have fewer links with the community in delivering restorative interventions, and allocated funding may be spent on other activities.

Independent projects

2.22 Just eight projects (17%) were described as purely independent (originally 10 - two subsequently changed to 'in-house' delivery). Most (75%) independent projects concentrated on providing family group conferencing or mediation. In this model, an independent agency is responsible for assessing victims and delivering the intervention, while the Yot retains responsibility for assessing offenders. The advantages of independent projects are that financial resources are more likely to be spent on service delivery; they can offer more innovative approaches; and are more likely to have suitably trained staff. However, poor communication with the Yot may result in inappropriate or insufficient referrals; there are more likely to be delays in implementation; and the assessment of the victim and the offender is split between two agencies.

Hybrid projects

2.23 Eighteen projects (39%) were described as 'hybrid'. Most involved staff from independent agencies delivering services on behalf of the Yot while being based wholly or partly in the Yot itself. Hybrid projects can potentially combine the advantages of independent and in-house approaches. Location of project staff in the Yot should facilitate communication with the Yot since they have access to trained staff and are in a better position to contact victims. However, the assessment of victims and offenders may still be split between two agencies.

2.24 Three projects could not easily be classified as above; in two cases because some interventions (e.g. community reparation) were delivered in-house while others (e.g. mediation) were outsourced, and in the third case because 10 Yots were involved in the projects, eight of which were in-house and two hybrid.

Comparison of different models of delivery

2.25 Although this was not an area we asked local evaluators to comment on specifically, it is possible to compare these three types of project in terms of problems encountered, level of funding and number of interventions offered.

Table 6 Comparison of independent, in-house and ‘hybrid’ projects

	In house (n=15*)	Independent (n=8)	Hybrid (n=18)
% which experienced data protection problems	41%	88%	71%
% which experienced communication problems	33%	63%	71%
% which had problems with access to data	40%	63%	41%
% which had a low level of referrals	13%	100%	53%
% where too few referrals progressed to intervention	20%	50%	41%
% which had problems contacting victims	27%	50%	59%
Average cost of project over the funding period	£283,000	£243,000	£276,000
Projected mean number of interventions (in bid)	678	230	617
Numbers referred to project (mean)	281	99	238
Numbers which started intervention (mean)**	200	57	175

*Two formerly independent projects were excluded as the reason for their absorption into the Yot was due to the problems they experienced in terms of communication and low level of referrals.

**From the beginning of Board funding to the end of October 2001, excluding ongoing cases.

2.26 Table 6 indicates that in-house projects suffered the fewest problems and independent ones the most, with hybrid projects coming somewhere in between. In terms of the cost, independent projects appear to have been expensive in relation to the numbers of interventions delivered. However, as noted above, six of the eight independent projects offered only mediation or family group conferencing, both of which are resource-intensive interventions. By comparison, two-thirds of in-house projects were ‘generalist’ and just a fraction of their work involved mediation or family group conferencing.

2.27 Over the lifetime of this evaluation, there was a shift away from the independent delivery of interventions. Two formerly independent projects were brought into the Yot and, in several others, members of staff felt it necessary to move into the Yot in order to improve communications and increase the level of referrals. The independent model suffered particularly from the split of responsibility between the Yot and the project for assessing offenders and victims, and this was a factor in lower-than-expected referral rates. The experience of hybrid projects was mixed; the hoped-for advantages of improved communication and access to victims did not always materialise. While the hybrid model offers the opportunity to overcome the problems of communication and the low level of referrals associated with the outsourced model, it does not guarantee it, and, as the quotation from the evaluator for IS85 shows, communication needs constant reinforcement:

The hybrid model has been an effective means of service delivery for the NCJP [Nottingham Community Justice Project] specifically. They have been able to provide non-coercive/voluntary service delivery, aimed at balancing the needs of both victims and offenders, while still adhering to breaching procedures in co-operation with the Yot. Yot staff indicated that it is the ability of the NCJP staff to remain as a neutral party involved with both victims and offenders that is effective... However, Yot staff emphasised the need for the NCJP to remain flexible in assisting the Yot with completing their required duties and the need for the NCJP to maintain a regular presence within the Yot [and] the continued importance of clear communication...

(iii) Changes to the projects from descriptions given in the bid

2.28 The bidding process was hurried with the result that those writing bids were often unclear as to the objectives of the project or set out unrealistic targets in terms of numbers of interventions. It is not surprising then that for 83% of projects local evaluators reported one or more alterations to the original proposal. The most common change (31%) related to the range of interventions offered. For example, in three projects, the failure to meet the original targets for numbers of conferences or mediations resulted in a diversification into community reparation or victim assessments. The stage in the youth justice system (i.e. at Reprimand, Final Warning or court order stage) at which interventions were offered also changed in a fifth of the projects. In most, this related to a widening of the original criteria in order to increase referrals. Some change was made to the location of staff in a fifth of projects. Staff in at least four projects, who were initially based in separate accommodation to the Yot, moved either permanently or on a part-time basis into the Yot in order to improve communication with the Yot and so increase referrals. Where projects were outsourced, local evaluators suggested that location of project staff within the Yot was one of the most important steps that could be taken to ensure an adequate level of referrals.

4 COST OF PROJECTS

2.29 Given the limitations of the data available to us on both costs and benefits, it has not been possible to conduct a cost benefit analysis of the projects. Cost benefit analysis requires the collection of data on all the costs, financial and otherwise, of a project and on all relevant programme effects. In the absence of a reliable predicted rate of reconviction for the sample, it is not possible to estimate how many crimes have been prevented (or not) by the intervention (see the reconviction study below for details). Other possible benefits, such as victim satisfaction, were not always measured and, where they were, not in a consistent manner. Project costs were also not measured in a rigorous manner.

2.30 However, the main obstacle to a cost benefit analysis is the design of the evaluation. Welsh and Farrington (2001) recommend that cost benefit analyses be limited to programmes that have been evaluated with an experimental or strong quasi-experimental design, so that the balance of benefits against cost in the intervention group can be compared to a control group. The way in which the projects we evaluated were implemented did not allow for an experimental or quasi-experimental research design.

2.31 The Board agreed that national evaluators would present the overall costs of the projects and make an estimate of unit costs. Project staff were asked to record basic financial information about the project, such as staff, training and accommodation costs. In order to facilitate this, the Board sent to each project a standard template and asked staff to return these quarterly to the national evaluator. We received completed templates from only seven projects (15%)¹¹. We therefore had to rely on the information held by the Board on each grant in order to estimate the total cost of each project.

2.32 We were able to estimate for each project the total financial cost, although the figures were not always reliable. For around half the projects, we found that the actual costs claimed, and costs as outlined in the bid, were more or less the same. Where there was

¹¹ The reasons for the low response rate appear to have been that it was not made clear to project staff from the beginning of the funding that such information would be required, and the template was considered to be difficult to complete.

a significant difference between the two figures, this was usually an under-spend, as a result of delayed implementation of the project. Only three projects had received substantially greater funding than outlined in the bid. The total financial cost of the 46 projects was around £13.3m (over half of which was provided by the Board); this equated to over £280,000 per project.

2.33 The data on costs were not sufficiently detailed to allow unit costs to be calculated. For example, it was not possible to separate start up costs from ongoing running costs, and it would therefore be misleading to try to provide an 'average' cost of an intervention by project. In fact, since most projects started only in April 2000 and had significant up-front costs in terms of staff recruitment, training and accommodation, unit costs would be distorted by the fact that referrals in most projects only reached their peak towards the end of 2001. Other evaluations which have been able to look at costs in more detail include Miers et al (Miers et al, 2001:61-78) which estimated the unit costs of seven adult and juvenile restorative justice schemes to range from £177 to £712 per case, while Holdaway et al (2001:71) calculated the costs of delivering reparation orders to be approximately £410 each.

3 PROJECT PROGRESS AND IMPLEMENTATION

3.1 Local evaluators were asked to describe the main issues which had been encountered in implementing and evaluating their projects and how any difficulties had been overcome.

1 VICTIM CONTACT AND DATA-SHARING

3.2 It is widely agreed that a key element of restorative justice is the involvement of victims in a dialogue with the offender and other parties affected by the offence. It is therefore important to investigate the extent to which projects were successful in contacting and involving victims, and, if they were, the reasons for this.

(i) The legislative context

3.3 There are two pieces of legislation which govern the sharing of information between agencies involved in youth justice - the Crime and Disorder Act 1998 and the Data Protection Act 1998. One consequence of this legislation has been to affect, adversely in some cases, the ability of project staff to contact victims.

3.4 In order to contact a victim, a project worker needs access to the victim's contact details, i.e. name, address and telephone number. Such details are considered to be 'personal' information under the Data Protection Act 1998 and the police are the designated 'data controllers' of this information. This means that the legal responsibility for complying with data protection legislation lies with them. The Data Protection Act 1998 states that personal information should only be shared or held if one has 'the consent of the data subject, or where the processing is necessary for ... the exercise of a legal obligation'. It would appear that such an obligation does exist, as the Crime and Disorder Act 1998 section, 68 (1) states:

Before making a Reparation Order, a court shall obtain and consider a written report ... indicating ... the attitude of the victim or victims to the requirements proposed to be included in the order.

While this might appear to legitimise the communication of victim details by the police to other Yot members or to agencies contracted to the Yot, the Board's guidance on information-sharing states that

The police will need to seek the informed consent of victims to their participation in a restorative process before the details are disclosed' (Board, 2000). This would seem to suggest that only the police officer in the Yot should make the initial contact with victims.

3.5 The guidance to the Crime and Disorder Act (Home Office, 1998) provides information on data-sharing. Section 5.5 notes that the Act

provides that any person can lawfully disclose information, where necessary or expedient for the purposes of any provision of the act.

However, while the guidance states that organisations, including the police, have a power to disclose information, the act 'does not impose a duty to disclose'. Thus, the ultimate

decision on whether to share data (such as victim details) rests with the ‘data controller’ in the relevant organisation; in the case of police forces, with the chief constable. Given the lack of a national ‘steer’ on this issue, it is not surprising that the approach taken to, and the responsibility for contacting victims has varied considerably across the country, and that this has affected the quality of work of restorative justice projects.

3.6 It was reported in two areas that police refusal to enter into a data-sharing agreement with the project severely limited the quality of work that could be done, as the following comment made by one local evaluator indicates:

The police have not given [project] personnel access to any information about victims of crime so they have not been able to approach the victims and make them aware of the services available to them.

3.7 However, most projects drew up data protection protocols in order to facilitate and legitimate the sharing of information such as victim details. In many areas, such protocols took time to implement and, as a result, staff in many projects experienced initial difficulties in contacting victims.¹² In two projects, it was reported that project staff were contacting victims without the protection of such protocols, and this raises the possibility that, in attempting to help the victim, project staff are encroaching on their right to privacy.

(ii) Those who contacted victims

3.8 In 61% of projects, the police officer on the Yot made the initial contact with victims, in line with the more restrictive interpretation of the legislation. In the rest, a dedicated project worker or victim liaison/contact worker carried out this task. The role of the police officer in relation to victim contact varied. In some projects, the police officer merely asked the victim whether they would consent to being contacted by a restorative justice worker. In other areas, the police officer explained the options available to the victim and then decided whether or not to refer the victim to the restorative justice project.

3.9 Although there were potential advantages to the police making initial contact with victims, in that they are able to make contact more quickly as they already have victim details, and have experience of talking to victims of crime (Holdaway et al, 2001), several local evaluators mentioned serious disadvantages to this approach. In most projects, there was only one police officer seconded to the Yot, and making contact with victims was not always their only task. When they were absent or faced with a heavy workload, victim contact could be delayed or dealt with peremptorily. Three local evaluators stated that lack of police time to explain properly to victims the options available was responsible for the low level of referrals to their projects. One local evaluator, quoting a project worker, pointed out that allowing victims sufficient time to decide was an important consideration: On one occasion and by chance, I met the victim. The form back from the police officer said this victim wants nothing. When I spoke to the victim for an hour and a half, the victim said: Can I please have mediation and I would dearly like for him to come and work in my shop.’ Now the difference was not my ability and the police officers’ inability, it was

¹² It is interesting to note that one of the most successful projects in terms of victim contact (IS111, where almost 400 victims were contacted) predated Board funding and had agreed protocols with the police before the more restrictive interpretations of the Data Protection Act 1998 came into effect. In this area, the police were happy for project staff to make initial contact with victims.

the timescales involved, i.e. an hour and a half, not to sell it to them, but to explain it fully to them

3.10 This suggests that victims would be more inclined to participate if initial contact were made by a project worker who has both the time and training to explain adequately to victims the restorative process. According to local evaluators, another potential disadvantage which can arise when police make the initial contact is that the assessment and work with the victim will then be carried out by someone else and, as one project worker states: ‘It’s a jump many victims can’t make.’

3.11 Table 7 shows that on a number of indicators, projects which relied on the police to contact victims experienced more problems (as reported by local evaluators) than projects where initial contact was made by restorative justice staff.

Table 7 A comparison between projects where either police or project staff made initial contact with victims

	Initial contact made by:	
	Police (n=27)	Project (n=17)
Average no. of victim-offender meetings per project	14	25
% of projects with low level of referrals	56%	24%
% of projects where victim contact a problem	56%	24%
% of projects where victim participation low	70%	53%

3.12 Of course, without controlling for other factors, such as project size or type (in-house or independent), it cannot be proven that police contact per se was more likely to lead to the problems identified above. Due to the small numbers in both categories it was not possible to control the data in this way. However, the findings do suggest that this is an area worthy of more detailed investigation.

(iii) Method of victim contact

3.13 Did it matter how victim contact was made? In 30 of the 46 projects (64%), initial contact with victims was normally made by letter. There are two main types of letter sent to victims: ‘opt in’ and ‘opt out’ (these are described below). In one third of projects contact was usually by telephone.¹³ Only one project routinely used home visits to make the initial contact.

‘Opt in’ letter

3.14 Typically, a standard letter was sent to the victim containing information about the restorative options available and asking the victim to contact the Yot or project staff if they wished to have any further involvement. In some cases, this letter contained information about their case, such as the likely outcome for the offender. In one project, victims were asked in the letter to provide information about the impact of the offence on them for use in court reports. The ‘opt in’ letter required some effort on the part of the victim to become involved (active consent), and, unsurprisingly, this method had a generally low take-up rate. In one such project, only 4% of the 345 victims contacted were willing to meet the offender, and most did not reply.

¹³ Further details on the assessment process and examples of good practice in the area of victim contact can be found on the website set up by the national supporters, Crime Concern (www.rjkbases.org.uk).

'Opt out' letter

3.15 In an 'opt out' letter the victim was usually provided with details about the restorative options available, and information about the likely court disposal was sometimes provided. The victim was told that someone from the Yot or partner agency would contact them shortly unless they indicated, by telephone or letter, that they did not wish any further contact. If the victim did not make contact within the specified period of time (usually a week to 10 days), it was assumed that the victim consented to further contact. The success of this method relied on the fact that most people did not respond to the letter, and the victim's consent in such cases could be described as passive. The letter was then followed up by a phone call and a visit if appropriate. Far higher victim contact rates were reported when this method was used (for example in IS111, 83% of victims were contacted). In a few projects, the initial letter made an appointment for a member of staff to visit the victim's home and asked the victim to phone if they wished to rearrange the date.

Telephone contact

3.16 This method was most commonly used when the police were responsible for initial victim contact. It was quite rare where projects contacted victims themselves, as it could be argued this would fall foul of data protection legislation. Holdaway et al (2001) argue that the advantages of telephone contact are that it is more personal than a letter, and is the quickest way to contact a victim. It is also easier to explain the range of options available and to answer questions by telephone than it is by letter, and this method can achieve a high take-up rate. On the other hand, victims may find this approach intrusive and feel obliged to agree to a home visit. Since data protection concerns mean it is usually the police who use this approach, it may be that the officer concerned does not have adequate knowledge and experience of the options available and may not complete the task with adequate sensitivity.

Type of victim

3.17 In three projects, it was reported that the method of contact differed according to whether the victim was personal or corporate (e.g. shop employee). Corporate victims were contacted by telephone rather than via an 'opt out' letter, on the assumption that contacts with corporate victims were less sensitive and did not breach data protection regulations. One local evaluator reported problems with contacting corporate victims, especially where the organisation was large:

- ❖ It was not always apparent who within the organisation should be contacted.
- ❖ It sometimes took considerable time to get hold of the person who was able to give authorisation for reparation to take place, or for a member of staff (e.g. security guard) to attend a conference or mediation.
- ❖ Such authorisation was not always given.

3.17 As regards personal victims, a further distinction was sometimes made between victims who were under 16 and those who were over 16. In project IS44, if the victim was over 16, a letter together with an appointment time for a home visit was sent out. Where victims were under 16, a letter was sent to the parent/carer advising them of an appointment at their home and suggesting that they discuss with their son or daughter whether they would wish to participate in a restorative process

prior to the home visit being made. Contacting personal victims raised a number of different problems from those relating to corporate victims:

- ❖ Victims were not always contactable by telephone.
- ❖ Leaving answer-phone messages could breach confidentiality.
- ❖ Some victims wanted more time than the court adjournment period allowed to decide whether and how to participate in any restorative process.
- ❖ Where victims did not respond to the first phone call or letter, a decision had to be made as to where to set a 'cut-off point' in trying to make contact.

Liaison with victim support

3.19 Following an offence, the project worker was not always the only person contacting a victim about that offence, since victim support schemes operated in most areas. There was, therefore, the potential for confusion or frustration if people from two different agencies contacted the victim separately for similar reasons. It is an example of good practice that in project IS133, project staff liaised with the local victim support scheme to check whether they had been involved with the victim prior to referral. If so, the victim support volunteer then introduced and explained the possibility of a family group conference and offered to attend the conference with the victim.

(iv) Victim participation

3.20 It is important to note that there were considerable differences between in-house, generalist projects and independent conferencing or mediation projects and, therefore, the meaning of victim participation varied according to the type of project. It would be misleading, then, to compare the victim participation rates (defined as the percentage of offenders meeting victims) of projects whose referrals consisted only of those people willing to consider mediation with generalist projects, which dealt with far greater numbers of potentially less motivated victims. For example, victim participation in conferencing or mediation projects required attendance at the meeting, whereas victim participation in more generalist projects could have a wider meaning: agreeing to give feedback to the young person; receiving a letter of apology; or making a suggestion as to the kind of reparative activity the young person could undertake.

3.21 Local evaluators for four projects stated that most victims did not wish to meet with the offender directly or to receive any direct reparation. Some of the reasons they suggested for this was that victims:

- ❖ were concerned for their safety;
- ❖ were too busy;
- ❖ believed that engaging in the process would be a waste of time;
- ❖ believed that the offence was too trivial to deal with in that way.

3.22 One local evaluator suggested that the type of participation that the victim wanted varied according to the age of the victim or whether the victim was corporate or personal:

Victims that normally opt for direct reparation are, in the majority of cases, corporate victims such as retail shops, schools, etc. Victims that request a letter of apology are normally children/young people and the elderly. The age cohort between these two groups usually opts for indirect reparation.

3.23 Evaluators pointed out that it should not be assumed that a low level of meetings, especially in generalist projects, is evidence of failure to engage victims, as many victims seemed to want nothing more than information or an apology from the offender. One local evaluator put it like this:

The majority of victims have wanted feedback on the outcome at court, or some form of apology – few have wanted indirect mediation and none have been willing for face to face contact.

3.24 In an ideal evaluation, it would have been desirable to compare the victim participation rates of similar projects. While local evaluators for 30 projects did report on the proportion of victims who ‘participated’, it was not always clear how they had defined participation. The proportion of victims ‘participating’ varied considerably both across projects (0-100%) and within categories of projects such as independent (3-100%), in house (35-100%) and hybrid (11-100%) projects. It was clear that, in order to make valid comparisons between projects, it would have required the national evaluator to have had access to much more detailed information than was available, including: a clear definition of what victim participation means; a detailed profile of the types of victims and offenders involved; the type of area in which the project operated (anecdotal comments suggest that victims in inner cities were more reluctant to meet the offender); and information on what was said to victims, by whom, and how consistently the approach was used.

3.25 Since such detailed contextual information was not made available to the national evaluator, comparisons between the victim participation rates of different projects will not be made in this study. We can report that the aggregated information on victim contact and participation indicates that some progress has been made. The data from local evaluators for 32 projects show that, in relation to 3,702 cases where there was an identifiable victim,¹⁴ 79% (2,920) were contacted. Of those victims who were contacted, 67% (1,949) agreed to some form of participation in the restorative process.

3.26 Thus of all identifiable victims, 53% (1,949 out of 3,702) agreed to participate. As mentioned above, the definition of participation was not always clear, but it did not mean that 53% of victims agreed to meet the offender. In most cases, this participation meant the victim agreeing to his or her views being made known to the offender, agreeing that a letter or apology could be sent, or that the offender could carry out reparative work in the community. Around a fifth of victims were not contacted and, therefore, did not have the opportunity to engage in a restorative process, although this proportion varied considerably according to the method of victim contact.

3.27 Getting victim contact right is essential if interventions are to be delivered that serve the interests of victims and offenders and of the wider community. There were examples of successful independent or hybrid projects that conducted their own victim contact (e.g. IS111, IS29). However, independent schemes that relied on the police to make this initial contact almost invariably faced problems such as delays and low numbers of referrals beyond those experienced by in-house projects.

¹⁴ There were a further 351 cases dealt with by the projects with no identifiable victim, representing 9% of all cases.

(v) Effective practice

3.28 Local evaluators suggested that projects could take a number of steps to improve victim contact, including: agreeing, early on, an effective information-sharing protocol involving the police, Yot and other agencies involved in delivery; training restorative justice staff to contact victims; making initial contact with victims through ‘opt out’ letters; and ensuring that the project had access to all offenders (rather than relying on the police officer or Yot staff to refer or screen potential cases).

3.29 Finally, it was felt by many local evaluators that the crucial issue of how to interpret data protection legislation should not have been left up to local discretion, but resolved at a national level. The different interpretations made by police forces of their responsibilities under the Data Protection Act 1998 significantly inhibited the Board’s expectations in relation to the development of a victim-centred approach. The impact of the legislation has been to push victim contact onto the police, whereas evidence from local evaluators suggests that this is best left to restorative justice staff.

2 LEVEL OF REFERRALS

3.30 Over two-thirds (68%) of independent or hybrid projects experienced lower-than-expected referrals and a lower-than-expected proportion of cases progressing to the intervention, compared to just a quarter (26%) of in-house projects. The impact of victim contact procedures on referrals has been noted above. This section will focus on other factors relating to these two issues.

Unrealistic expectations

3.31 Local evaluators found that referrals were low when compared to the numbers forecast in the original bid. However, it was apparent from reading the bids, that in many, the number of cases forecast was overly optimistic, especially with regard to mediation or conferencing. For example, in two bids it was estimated that over 70 family group conferences could be convened each year. Thus ‘low referrals’ may not necessarily be a reflection on the performance of the project but on the quality of the bid. A similar argument can be applied to participation rates. Some bids indicated that 50% of referrals would result in direct mediation or a conference which, in the light of experience from previous research, may have been too optimistic. Indeed, it may be the case that direct mediation or conferencing, which is dependent on the voluntary participation of both parties, is suitable only in a minority of cases.

Communication

3.32 Communication difficulties were most likely to be experienced in independent and hybrid projects. This was most frequently apparent in the lack of feedback from the project to the Yot or vice versa. In the absence of feedback from the project, it was difficult for caseworkers to see any ‘tangible results’ from mediation. Local evaluators suggested that a lack of regular communication between projects and Yots meant that potential referrers did not appreciate the project’s potential and either did not make sufficient referrals or referred inappropriate cases - as one evaluator noted:

The need to remind Yots of the availability of the service has been a recurrent theme. Referrals have dried up when memories of presentations about the project have begun to fade.

3.33 Local evaluators have highlighted a number of other reasons for relatively low referrals and/or participation rates.

- ❖ Yot staff in some projects thought that making a referral to the project created more work for themselves, either in terms of paperwork or attendance at a family group conference.
- ❖ In three areas, the introduction of referral orders resulted in a decline in the number of reparation and action plan orders imposed by the courts, and introduced competing priorities in terms of restorative justice. If the victim attended the panel it was felt that there would be no need for a family group conference.
- ❖ A lower-than-expected level of relevant court orders (e.g. Reparation Orders).
- ❖ Courts were sometimes unaware of existing service provision.
- ❖ Parents of young victims were unwilling to allow them any further contact with the offender.

Effective practice

3.34 Many projects, however, successfully overcame these problems, and one of the most important changes that could be made was to improve relationships with the Yots and courts to ensure that referral criteria were understood, and to provide feedback on outcomes, for example through presentations, joint training or attendance of project staff at Yot case planning meetings. For projects which were not in-house, communication with the Yot was often a problem, and the most effective solution was to base project staff in the Yot (i.e. moving from a totally independent to a hybrid or in-house model).

3.35 It was important to provide sufficient information to victims, offenders and the community, not only so that all parties could make informed choices, but also to publicise the project. For example, one project made a video to demonstrate to both victims and young people how direct mediation works. In another, project staff contacted the local press in order to raise awareness of the project and distributed leaflets to the public to explain the work of the project. It was also considered important to ensure consistency in the assessment and delivery of the intervention, for example by having the same mediator working with the victim and offender throughout the contact, whether direct or indirect mediation (IS157).

3.36 The low level of referrals led staff in some projects to expand the referral criteria or range of interventions offered. For example, in IS28 and IS30, the concept of 'indirect mediation' was expanded to include cases in which the victim was contacted via the scheme, and information was shared for the writing of the PSR. This information could then be fed back to the young offender, with permission, even though the victim did not necessarily want any further mediation. In IS85, the referral criteria were extended to include those on Supervision Orders and Intensive Supervision and Surveillance Programmes (ISSPs) and emphasised its potential as an alternative restorative intervention for Referral Orders. This allowed victims not interested in the referral panel process to explore the potential of mediation.

3.37 Other changes were made to the process of victim contact and referral procedures - for example in IS30, the project co-ordinator agreed to contact all victims on behalf of the Yot and all cases were referred to the project regardless of offence or plea. In another

project, they identified a liaison person in the police force who could be contacted when victim details were missing.

3 FAST-TRACKING AND THE RELATIONSHIP WITH THE COURTS

3.38 One of the key aims of the Crime and Disorder Act 1998 is the swift administration of justice. One consequence of this for Yot officers is the requirement to write court reports within 15 days of request. Local evaluators for 56% of the 46 projects reported that this requirement left staff with insufficient time to contact the victim; to prepare him or her; or to allow the victim sufficient thinking time to prepare an input into PSRs.

3.39 An example of how one project addressed the tension between fast-tracking and assessment was given by the evaluator for IS406. When this project was set up, case managers had responsibility for the initial discussion with the young offender about mediation and reparation, but it became apparent that their main focus was on producing reports on time for the court. It was, therefore, decided to employ sessional workers to make this assessment so that they could talk to the young people exclusively about restorative justice without the pressure of having to write PSRs within a certain timescale.

3.40 The two court orders most likely to involve a restorative element (Reparation and Action Plan Orders) last for three months. Having only three months to carry out up to 24 hours of reparation meant that, in some cases, there was insufficient time to complete the reparation (since this was mainly carried out at weekends for those of school age), or to initiate breach proceedings in the case of non-compliance. Local evaluators for two projects reported that the limited length of these orders posed problems for projects which organised mediation or conferences from which some reparation may result:

For reparation orders we have three months. The average time to take from order to conference is 4 to 5 weeks. So if a family group conferencing agrees to indirect reparation, there may not be enough time on the order to finish it.

3.41 The approach of the courts to the new orders varied across the country. Some courts reimposed reparation orders in cases where the original order was breached, which one local evaluator suggested could send out the wrong message to young offenders about the importance of reparation. Other courts were very prescriptive in the orders they gave, and specified in detail what the mediation and reparation activity would involve. Ideally, of course, the nature of the reparation should be decided as a result of the mediation.

Effective practice

3.42 The pressure to reduce delays will always be a feature of the system, since delays do not benefit either the offender or the victim. However, the impact of time constraints can be minimised by developing good relationships between projects and courts. To this end, some project managers have ensured ongoing information-sharing, consultation and liaison with their local courts via joint training and providing courts with feedback on the outcomes of their cases (so that magistrates know how successful different types of interventions are). The following quotation from a magistrate (IS122) shows the importance of providing information and feedback to the courts:

[Project staff] send us updates and annual reports, and they are represented at the open evening at the Yot. We have a lot of contact with [them]. It gives you more faith that it's

not going to be a quick letter dashed off, sorry and here's five quid. We have confidence in them as an organisation because of the way they have approached the information for us.

3.43 An example of what can be achieved when projects work with courts was provided by project IS111, where an informal 'flexible order' agreement had been negotiated with the court which enabled reparative work to be undertaken after sentencing without incurring unnecessary delays by seeking adjournments for victims to be consulted. Similar flexibility was achieved by IS85, which negotiated with the local court for orders which suggested, but did not stipulate, reparation being made direct to the victim or indirect to the community. This allowed the responsibility for determining which restorative justice interventions were most appropriate to be left to project staff, and made it possible for mediation to be explored even if victims had not been consulted at the sentencing stage.

4 OVER-RELIANCE ON COMMUNITY REPARATION

3.44 Local evaluators for some projects expressed concern at what they believed was an over-reliance on community reparation, either as a result of the local courts' policy, or the project's failure to meet its targets in more direct restorative interventions. Holdaway et al (2001:38) quote a member of staff in one pilot Yot who thought that some court-ordered community reparation was little more than 'a form of junior community service with minimal reparative benefits'. Of course, whether or not a high proportion of community reparation represents a 'failure' depends both on the nature of the project and on the quality of work.

3.45 A high level of community reparation could, of course, be an indication that the project was facing problems. For example, most work in one mediation project was community reparation, because of the problems involved in contacting victims and the fact that reparation was easier to deliver than mediation. In this case, it could not be said that the reparation was benefiting victims, since they were rarely contacted.

3.46 There were a number of other factors which encouraged the use of community reparation over direct work with victims. One was that community reparation was more easily accepted by the courts since specific details about what was involved could be provided. In cases of direct reparation or mediation, fewer details as to what the young person would be doing could be provided at the assessment stage since this was obviously dependent on the victim's willingness to co-operate within a given timeframe. In three projects where victim contact was not a problem, the high level of community reparation was said, by local evaluators, to reflect the choice exercised by victims.

Effective practice

3.47 In an attempt to address concerns that community reparation did not become community service, a number of suggestions were made by the national supporters (Crime Concern¹⁵) as to good practice in this area. These included offering reparation opportunities that: relate to the offence as far as possible; match the young person's interests and skills (or develop new skills); encourage the young person to consider the consequences of their actions on the victim and the community, and to address issues such as unsupervised and unstructured leisure time and peer-group pressure.

¹⁵ See the website www.rjkbases.org.uk

3.48 Evaluators for four projects reported that the community reparation in their project observed these good practice guidelines. For example, in IS17 the Yot tried to relate interventions to the types of offence committed, so there were schemes which focused on shoplifting (Retail Awareness Programme) and arson (Fire Awareness and Child Education Programme); while in IS397 the activities ranged from decorating a community centre, or painting a mural in a youth club, to repairing obsolete prosthetic limbs to be sent to land-mine victims. In IS29, staff identified the interests/skills of the young people and encouraged their development, for example through a county sports leader award, or progression to Millennium Volunteers.

3.49 However, in the few cases where local evaluators were able to assess whether reparation projects met the above aims, the results were not favourable. In interviews with young offenders, one evaluator found that they tended to view community reparation as a punishment with no direct benefit to victims or the community. In another, when reparation supervisors were asked to rate to what extent the placement had met certain objectives, they were least likely to think it had benefited the victim or been clearly relevant to the crime. In practical terms, trying to set up a placement that is applicable to the offence has met with health and safety issues on many occasions, especially with offenders under the age of 14 where there are more restrictions on what can be done.

3.50 Community reparation accounted for over a third of interventions with young people and, in some projects, was as high as 95%. But it was impossible, in most cases, to say whether the actual rate for a particular project was suitable, since data on victims' wishes have not generally been available. One can conclude that community reparation could be a creative disposal where it was in response to victims' wishes and to offenders' needs and interests. Yet, in other projects, local evaluators reported that community reparation was used as a substitute for more direct work with victims, and that placements were not in keeping with the offence or the young person's interests and abilities.

5 RECRUITMENT AND TRAINING OF STAFF

3.51 Projects differed in the nature of the restorative justice training received by staff. As noted in the introduction, there are a number of models of restorative practice (e.g. mediation, conferencing), and one might expect the training received to have an impact on the interventions delivered. Table 8 shows the types of training received by at least one member of staff in each project.

Table 8 Type of training received (data relating to 41 projects).

Type of training	%	N
Thames Valley Police restorative conferencing	41%	17
Crime Concern victim offender mediation	38%	16
Board restorative justice training	29%	12
West Midlands (Barbara Tudor) mediation	24%	10
Victim Support victim contact	31%	13
Mediation UK victim contact/mediation	14%	6
Nacro restorative justice training	7%	3
One or more of the above	84%	34
In house training	21%	9
Other	31%	13
None needed, previously trained	5%	2

3.52 It can be seen that a small number of organisations were responsible for the majority of training, and this training tended to focus on those restorative interventions where the victim meets the offender. It is interesting to note that, although the restorative conferencing training provided by Thames Valley police was the most popular (17 projects received this), only four projects ever carried out any restorative Cautions or conferences. Most of the other training courses focused on mediation, both direct and indirect; but, again, this sort of work formed the minority of interventions carried out with young people. Given the fact that victim awareness, indirect reparation to the community or writing letters of apology accounted for the majority of restorative interventions, one might question how relevant this training has been. There is perhaps a need for training which focuses on making community reparation as restorative as possible, and on ensuring that victim awareness sessions effectively challenge young people's offending behaviour. The category 'other training' included courses at educational institutions or training provided by other organisations such as the Society of Volunteer Associates (SOVA), Essex family group conferencing project, Real Justice and the Youth Justice Trust.

3.53 Almost 60% of projects experienced problems in either recruiting or training staff. In the initial stages, the main problems related to late recruitment of key workers, which delayed the implementation of many projects. These delays in recruiting staff were perhaps inevitable, as so many Yots and projects were recruiting at the same time for people with similar skills. Since then, many projects experienced high levels of staff turnover, which significantly reduced the capacity of some projects. One local evaluator suggested that the limited funding period (two years in most cases) exacerbated this problem, since project managers were often unwilling to fill vacant posts (due to the time and expense required to train new staff) towards the end of the funding period. Since training resources were concentrated on the first year of the projects, new staff may not have received adequate training.

3.54 The quality and coverage of training was variable across the projects. In some, training was concentrated on the project co-ordinator and one evaluator reported that this resulted in other Yot staff seeing restorative justice as a specialist and separate activity. On the other hand, in some projects all members of the Yot received training, for example in conferencing, which many staff never made use of. One Yot manager commented that, while there had been an abundance of training in the different restorative approaches, there was a lack of guidance as to how all the different elements of restorative justice could be integrated into the Yot.

3.55 Many projects used volunteers, with obvious advantages in terms of cost, flexibility (able to work weekends or evenings) and having more time to devote to individual cases. IS139 made use of a substantial number of volunteers for its mediation and victim awareness work and, in line with good practice on training, held regular support meetings and provided ongoing training. However, two local evaluators mentioned potential difficulties including the inability of volunteers who had day-time paid work to supervise sessions which were held during the day and to attend volunteer forums. Volunteers who went for long periods without casework were frustrated.

3.56 As part of the funding of these projects, 'national supporters' were appointed and played a key role in providing and organising training for restorative justice projects. While most projects were happy with this, a number commented that the supporters were difficult

to contact or ignored their requests for help. Staff in some projects were also unaware that they were entitled to a certain number of days of consultancy or training each year.

4 OUTCOMES OF THE RESTORATIVE INTERVENTIONS

4.1 This section reports the outcomes of restorative interventions in terms of completion of the order, reconviction rate and feedback from victims and offenders.

1 COMPLETION RATE

4.2 Table 9 shows that the overall successful completion rate was high (83%). The main reasons for non-completion were breach of order or 'other non-completion' (this included cases where the order had expired before the hours were completed or informal warnings). The level of new criminal proceedings was surprisingly low (1.9%), considering that almost half of the offenders followed up in the reconviction study were reconvicted within 12 months. Partly, this may be due to the fact that Reparation and Action Plan Orders are only three months in length and, thus, subsequent offending may not result in a conviction within this timescale. A further possibility is that Yot staff were not always aware of new court proceedings when they completed the evaluation form.

4.3 Males were slightly, but not significantly, more likely to have completed their order or Final Warning. Black and black British offenders were significantly less likely to complete successfully their order or Final Warning (63%) than other ethnic groups (86%). There were no significant differences in completion in terms of the referral point¹⁶, type of offence leading to referral, age or type of restorative intervention.

Table 9 Completion rates for those starting restorative interventions (40 projects)

Completion	Total	% of total*
Successful completion	5,029	83.3
Breached only	246	4.1
Warned only	48	0.8
New criminal proceedings	117	1.9
Referred to other agency	62	1.0
Other non completion	287	4.8
Two or more of the above	178	2.9
Total non-completion	1,008	16.7
Not known	708 (11%)	
Total	6,745	

*excluding missing cases

2 FEEDBACK FROM PARTICIPANTS

4.4 Local evaluators for almost half the projects were unable to interview or survey victims or offenders. Where this was done, the data have been very hard to summarise since, in many cases, the questionnaires that national evaluators provided were modified, or local evaluators used their own. There was great variation in the level of detail provided, ranging from a couple of paragraphs to over 30 pages of analysis of interview and

¹⁶ The only exception to this was the relatively low 62% completion rate for Reprimands. This may reflect the fact that there is no legal penalty for non-compliance with an intervention at this stage. More details on completion rates can be found in Appendix 7.

questionnaire data, and in the numbers interviewed or surveyed, ranging from one to several dozen. The way in which the data were reported ranged from frequencies to vague text descriptions such as ‘most’ or ‘a few’.

4.5 These data have been summarised here by selecting those responses that were most frequently reported. We have presented the range of reported percentages, the number of respondents providing data and the number of projects for which data were available. Based on the total number of respondents agreeing, an average percentage has also been calculated.

Offenders’ views

4.6 Where evaluators were able to interview or survey offenders, the results are encouraging, as Table 10 shows. Almost nine out of 10 offenders agreed that the intervention had helped them to take responsibility for their offence, that they had been treated with respect and listened to, and that they were satisfied with the outcome. Where offenders had participated in a meeting with the victim, 87% believed this to have been fair. Offenders were slightly less likely to agree that their participation in the process was clearly voluntary (80%), or that they had a better understanding of the impact of their offence on the victim (71%), and only 61% thought the outcome of the intervention was fair to the victim.

Table 10 Offenders’ responses to selected questions from interviews/questionnaires

Question asked	Range	Average	No of respondents	No of projects
% agreeing the intervention helped them to take responsibility for their offence	71-100%	88%	320	9
% agreeing they understood better the effect their offence had on the victim	51-100%	71%	384	11
% able to put offence behind them	77-100%	89%	198	8
% agreeing they were treated with respect/listened to	68-100%	87%	270	11
% who felt they were well prepared by project staff for the process	67-100%	76%	217	8
% agreeing that their participation was clearly voluntary	62-100%	80%	160	6
% agreeing that the meeting was fair	63-100%	87%	103	7
% agreeing that the outcome of the intervention was fair to them	73-100%	79%	163	5
% agreeing that the outcome of the intervention was fair to the victim	48-100%	61%	107	4
% who were satisfied with the outcome	83-100%	93%	109	3
% saying that the intervention had reduced or stopped their offending	21-100%	69%	208	7

4.7 In four projects, young people who participated in mediation were asked about their main reason for taking part. In three of the projects, the majority of offenders said that the main reason was to apologise to the victim; in the fourth, it was to be able to explain to the victim their reasons for committing the offence.

4.8 Evaluators for two projects were able to compare the responses of offenders who had undergone different types of intervention. In one case, the comparison was between

direct and indirect mediation; in the other, between mediation and reparation. In both cases, those who had participated in direct mediation were more likely than those taking part in indirect mediation or reparation to say that they understood the impact of the offence on the victim and that they took responsibility for the offence. They were also more likely to be satisfied with the process - for example, they were more satisfied with the preparation they had received and more likely to think they had been treated with respect. However, the differences were not large; neither were they statistically significant due to the small numbers involved in direct mediation. The evaluators for IS133 were able to administer the young person's questionnaire before and after the family group conference. They reported a statistically significant improvement in attitudes towards offending after the conference, although the effects had worn off by the time the follow-up interview was conducted.

Victims' views

4.9 The response from victims was also encouraging, although average levels of satisfaction were slightly lower than for offenders. As Table 11 shows, more than four-fifths of victims agreed that they had been treated with respect, felt well prepared for the process and thought that their participation was clearly voluntary. Just under two-thirds thought that the outcome of the intervention was fair to them or to the offender.

Table 11 Victims' responses to selected questions from interview/questionnaire

Question asked	Range	Average	No of respondents	No of projects
% agreeing the intervention helped the offender to take responsibility for offence	64-100%	76%	51	5
% agreeing the offender understood better the effect of the offence on them	67-72%	69%	13	2
% who thought the offender was genuinely sorry	30-80%	74%	54	5
% who were able to put the offence behind them	64-100%	79%	62	6
% who thought they were treated with respect/listened to	59-100%	84%	111	10
% who felt they were well prepared for the process	64-100%	84%	68	7
% who agreed it was made clear that their participation was voluntary	75-100%	87%	55	5
% agreeing that the meeting was fair	95-100%	95%	22	2
% agreeing that the outcome of the intervention was fair to them	30-100%	65%	37	4
% agreeing the outcome of the intervention was fair to the offender	30-100%	65%	49	5
% who were satisfied with the outcome of the intervention	58-100%	69%	98	8
% who would recommend process to others	53-86%	62%	50	3

4.10 Evaluators for nine projects asked victims about their main reason for participation. The most common reasons given for participation were: to get answers from the offender; to ensure that the young person gets help; to let the offender know how they felt and to hold the offender accountable.

4.11 One local evaluator reported that victims who participated in mediation found that a face-to-face meeting helped to break down the stereotypes between the two parties, and challenged victims' preconceptions of an 'offender':

Meeting him was a shock – he was hardly any bigger than my 10-year-old son, and this took away many of the fears I had had before the meeting. He told me that he had not deliberately picked on my house, and he did say that he wouldn't go near me or my house again and now I know what he looks like, I feel a lot safer. When I got home I explained to my children that I had met the person who burgled the house, and they are a lot happier now. I think all victims should have the opportunity to meet the person who burgled them.

3 SUMMARY

4.12 Outcomes relating to young people on restorative interventions are broadly encouraging. The vast majority (83%) of offenders successfully completed their orders or Final Warning interventions (despite the fact that 46% were reconvicted). The data provided by local evaluators also demonstrated that most victims and offenders found the process to be fair and well prepared. They believed that the intervention had helped the offender to take responsibility for their offence and understand how it affected the victim.

5 RECONVICTION STUDY

1 INTRODUCTION

5.1 The main objective of the Board is the reduction and prevention of youth offending and, to this end, national evaluators were asked to conduct a reconviction study for each area of intervention. It is well known that reconviction is a proxy for a higher, but unknown, level of reoffending. Reconviction rates are also affected by a number of factors external to an intervention, such as the willingness of victims to report crime, the effectiveness of the police in detecting crime and the actions of the Crown Prosecution Service and the courts. Nonetheless, reconviction studies are an important tool in assessing programme effectiveness (Kershaw, 1999).

5.2 In order to determine whether or not an intervention such as restorative justice has reduced the reconviction rate, one would need to estimate how many crimes would have been committed in the absence of the intervention. There are three main ways in which this can be done (Lloyd et al 1994).

- ❖ Experiment - offenders are allocated randomly to either the experimental group (receiving the intervention) or control group (not receiving the intervention).
- ❖ Quasi-experiment - offenders who receive the intervention are matched (on relevant variables such as age and criminal history) with offenders who receive a different intervention.
- ❖ Statistical method - statistical techniques are used to compare a predicted rate of reconviction (calculated, for each offender, on the basis of factors such as criminal history and age), to the actual rate of reconviction for those subject to the intervention.

5.3 It was obvious from the early stages of this evaluation that none of these options would be available for this reconviction study. None of the projects was designed to allow the random allocation of offenders between an experimental and control group. National evaluators gave consideration to whether it would be possible to construct a national comparison group of young offenders, for use in a quasi-experimental design. It was felt, however, that this would not be feasible, due largely to the nature of the youth justice system. There was no readily identifiable group of comparable offenders who had received no intervention, and national evaluators agreed that it would not make sense to compare, for example, those receiving a restorative intervention to those receiving a cognitive behavioural one, since the differing referral criteria meant that there would be systematic differences in the characteristics of offenders in the two interventions. Finally, it has not been possible to use the statistical method, since a reconviction prediction score such as OGRS¹⁷, for adult offenders, does not yet exist for young offenders. In the absence of these options it was decided that all national evaluators would use as a comparison group a sample of offenders, provided by the Home Office.

¹⁷ The Offender Group Reconviction Score (OGRS) gives a probability of reconviction on the basis of criminal history variables, sex and age.

5.4 Since writing the draft version of this report, the Home Office has published a reconviction study of young offenders sentenced in July 2000 (Jennings, 2002). This coincides with the sample period for our reconviction study (July-September 2000), and provides a more suitable comparison group than the one we had originally been provided with (young offenders sentenced in 1997). However, for the reasons discussed above (lack of a control group or predicted rate of reconviction), the results from this reconviction study will not be able to demonstrate whether or not restorative interventions have ‘worked’ in comparison with other types of intervention. Rather, they will provide baseline data relating to the reconvictions of young people participating in restorative interventions in 2000.

2 RESULTS OF THE RECONVICTION STUDY

5.5 The Home Office provided us with data from the Police National Computer (PNC) relating to the convictions of the offenders in our sample. The PNC records the date of offence as well as date of conviction, so it was possible to exclude pseudo-reconvictions.¹⁸ These results relate to offenders from 34 restorative justice projects.¹⁹ The sample period for the reconviction study relates to those young people on restorative interventions who were sentenced between July and September 2000; the follow-up period was 12 months. The original sample of 827²⁰ offenders was reduced by 12% to 728, due to a variety of problems regarding the quality of data received from the PNC (see Appendix 5 for details). The average size of sample in the 34 projects was just 21 cases and 11 projects had fewer than 10 cases. This has made it impossible to make valid comparisons between projects, since one cannot control for the relevant differences between offenders on different projects (such as age, gender, offence and criminal history) with such small numbers.²¹

The reconviction rate

5.6 Nearly half (46.6%) of the offenders were reconvicted within 12 months of the date of conviction.²² Table 12 shows that gender, age at first conviction, number of previous appearances, number of offences at current appearance and type of disposal are all strongly correlated with the reconviction rate (as has been found in previous studies, e.g. Lloyd et al, 1994).

¹⁸ These are reconvictions arising from offences committed before the index or target conviction (Lloyd et al, 1994:x).

¹⁹ 12 projects were not included in the study, either because the project was not operational during this period, the Yot or police were unwilling to release the names of the young people or the local evaluator was unable to collect the information in time.

²⁰ See appendix 5 for details of the problems involved in collecting the data for this sample.

²¹ The sample size and reconviction rate of each project can be found in appendix 6. In order to make comparisons between categories, there should be 50 cases in each category.

²² All cases were followed up for 12 months from date of conviction for the offence leading to referral.

Table 12 The 12-month reconviction rates of selected variables

Variable	Category	No. in category	% in category	% reconvicted
*Sex	Male	593	81.5	48.6
	Female	135	18.5	37.8
Age at target conviction	10	7	1.0	71.4
	11	13	1.8	46.2
	12	33	4.5	39.4
	13	83	11.4	45.8
	14	134	18.4	49.3
	15	174	23.9	46.6
	16	171	23.5	46.2
	17/18	113	15.5	45.1
*Age at first conviction	10	40	5.5	77.5
	11	65	9.0	49.2
	12	123	16.9	51.2
	13	162	22.3	45.1
	14	139	19.1	53.2
	15	104	14.3	40.4
	16	58	8.0	22.4
	17/18	35	4.8	25.8
Main offence at target conviction	Violence	155	21.3	43.9
	Sex	1	0.1	0.0
	Burglary	123	16.9	52.8
	Robbery	13	1.8	38.5
	Theft and handling	266	36.5	46.2
	Fraud	7	1.0	57.1
	Criminal Damage	94	12.9	47.9
	Drugs	13	1.8	30.8
	Motor	12	1.6	50.0
	Other**	44	6.0	43.2
	*No. of offences at current appearance	1	427	58.7
2-3		222	30.5	55.0
4-5		59	8.1	57.6
6 or more		20	2.7	85.0
*No. of previous appearances	0	166	22.8	18.7
	1	198	27.2	37.4
	2	119	16.3	59.7
	3	88	12.1	58.0
	4-9	145	19.9	69.7
	10 or more	12	1.6	91.7
*Disposal	Caution, Reprimand or Final Warning	214	29.4	27.1
	Custody	20	2.7	55.0

Supervision Order	58	8.0	56.9
Action plan Order	105	14.4	54.3
Reparation Order	270	37.1	52.6
Other community	36	4.9	66.7
Fine	9	1.2	33.3
Discharge	5	0.7	60.0
Other	11	1.5	72.7
All offenders	728		46.6

*indicates difference statistically significant at p=0.05 level. **includes 2 not known

Comparing the reconviction rate to the Home Office July 2000 sample

5.7 The overall reconviction rate of 46.6% for our sample compares to 26.4% for the July 2000 sample. While this may appear to be high, there are significant differences between the two samples. The Home Office sample is representative of all those who received a police disposal or conviction during July 2000. Of these, 71.1% had no previous convictions. In the restorative justice sample, just 29.4% of offenders had no previous convictions. The reason for this difference is that restorative justice interventions were concentrated on those receiving court orders (especially Reparation and Action Plan Orders) or Final Warnings and were very rarely used for Reprimands.

5.8 A sensible way to compare the two samples is to try to make them as equivalent as possible in terms of the variables most likely to predict reconviction. The two samples had a similar age and gender distribution²³ - the main difference between them was criminal history. The far higher proportion of offenders receiving police disposals in the Home Office sample meant that, on average, they had fewer previous convictions. When the restorative justice sample was weighted according to the number of previous appearances (i.e. so that the proportion of cases with n previous appearances in the restorative justice sample was the same as in the Home Office sample) the reconviction rate for the restorative justice sample became 28.6%. This is slightly higher than the reconviction rate for the Home Office sample (26.4%), but this is not a statistically significant result.²⁴ Indeed, it might be expected that the reconviction rate for the restorative justice sample would be higher than the Home Office one. In Final Warning cases, for example, interventions were not undertaken with every case: in 2000, approximately 40% of Final Warning cases did not receive an intervention. It is likely that interventions were targeted at those with a higher risk of reoffending (although this is not something we were able to explore). Since the restorative justice sample consisted only of those who received a restorative intervention, their average risk of reoffending may well have been higher than for the Home Office sample of all offenders receiving a police disposal or court conviction.

Seriousness of offending

5.9 There are at least three ways to describe seriousness of offending: by way of the gravity score of the offence; court disposal; and by offence category. The gravity of the offence was measured using the Board approved gravity scores.²⁵ Almost 40% of those who

²³ For details of the Home Office sample, see Jennings (2002:11).

²⁴ Chi square, p>0.1. A larger sample would be needed to control for other factors associated with reconviction.

²⁵ Scores range from 1 (least serious) to 8 (most serious).

were reconvicted, were reconvicted for an offence of the same gravity as the offence leading to referral (target offence). Thirty-seven percent were reconvicted for less serious offences and just 23% for more serious offences. Due to the large proportion who were reconvicted for an offence of the same gravity, the median gravity score of the target offence and the offence at first reconviction were the same (three), although the distribution of scores (as described above) indicated a slight, but statistically significant, reduction in seriousness.²⁶ Tables 13 and 14 show the offence category and main disposal for the target offence and offence at first reconviction.

Table 13 Offence category at target offence and first reconviction

Offence category	Target conviction % (n=728)	First reconviction % (n=339)
Violence	21.3	20.9
Sex	0.1	0.6
Robbery	1.8	0.6
Burglary	16.9	10.3
Theft	36.5	38.3
Fraud	1.0	0.6
Criminal damage	12.9	9.7
Drugs	1.8	5.9
Other	5.8	8.8
Motoring	1.6	2.9
Not known	1.2	1.2

5.10 Table 13 shows that the proportion of cases in the different offence categories at target conviction and first reconviction are very similar. This does not mean that most of those who were reconvicted received a conviction for the same category of offence. In fact, of those reconvicted, just 28% were convicted of the same category of offence at both target and first reconviction, although the proportion varied according to the offence category. Those who received a conviction for theft were most likely, on reconviction, to have another conviction for theft (46%). This compares to 20% and 25% for burglary and violent offences respectively.

Table 14 Disposal at target offence and first reconviction

Disposal	Target conviction % (n=728)	First reconviction % (n=339)
Custody	2.7	6.8
Supervision order	8.0	12.4
Action plan order	14.4	13.9
Reparation order	37.1	11.5
Other community disposal	4.9	15.9
Fine	1.2	14.5
Discharge	0.7	14.7
Caution, Final Warning or Reprimand	29.4	4.7
Other	1.5	-
Not known	-	5.6

²⁶ Wilcoxon test, $Z=-3.415$, $p<0.001$.

5.11 Disposals at first reconviction were, on average, more serious than disposals at target conviction, as shown in Table 14. For example, a Caution, Final Warning or Reprimand accounted for almost 30% of disposals for the target conviction, but less than 5% of disposals at first reconviction. This is to be expected, since those on Final Warnings cannot receive a second Final Warning and will, instead, receive a court order. There has been a large decline in the proportion of offenders receiving Reparation Orders at first reconviction, compared to the target conviction, perhaps reflecting a belief on the part of magistrates that restorative options are to be used only once. Further research involving interviews with magistrates is recommended to test this hypothesis.

5.12 One way in which the effect of an intervention could be assessed is to look at the proportion of offenders who are convicted in the 12 months before the intervention and to compare this to reconvictions within the 12 months after intervention:

Table 15 Percentage of offenders receiving convictions 12 months before and 12 months after target conviction.

No of convictions	Convictions up to 12 months before the intervention	Reconvictions up to 12 months after the intervention
None	44.9%	53.4%
One	30.6%	19.8%
Two	13.0%	13.5%
Three or more	11.5%	13.3%
One or more	55.1%	46.6%

5.13 As Table 15 shows, the percentage of offenders with one or more convictions decreases from 55.1% in the 12 months before the target conviction to 46.6% in the 12 months after target conviction. This is a difference of 8.5 percentage points, equivalent to a decrease of just over 15%. While this may appear promising and seems to indicate a trend towards desistance from offending, the Home Office did not analyse their data in this way. Therefore, we have no information relating to the expected rate of desistance (i.e. from the comparison group), and cannot say whether or not this decrease is better or worse than would have obtained had there been no intervention.

3 RECONVICTION BY TYPE OF RESTORATIVE INTERVENTION

5.14 By using the categories of restorative intervention described in paragraph 2.16 above, it is possible to compare different types of intervention.

Table 16 Reconviction rate by type of restorative intervention (34 projects)

Restorative intervention	Number in sample	% of sample	% reconvicted
Direct meeting (fully restorative)	89	12.2	41.6
Indirect mediation (mostly restorative)	42	5.8	52.4
Direct reparation (mostly restorative)	145	19.9	47.6
Community reparation (partly restorative)	201	27.6	47.3
Victim awareness (partly restorative)	126	17.3	42.1
Other	21	2.9	66.7
Not known	103	14.2	47.6

5.15 Although interventions involving meetings between victims and offenders had the lowest reconviction rate, there was no clear association between the reconviction rate and the degree to which the intervention was restorative. For example, the reconviction rates for reparation, whether direct or indirect were virtually identical (one might have expected direct reparation to have had more of a preventive effect on reconviction), whereas the reconviction rate for victim awareness (the least restorative of the categories) was relatively low. This would suggest that the impact of the intervention was relatively small compared to factors which are known to be strongly associated with the risk of reconviction, such as previous criminal history. Given the small numbers in some of the categories of intervention type, it was not possible to explore this hypothesis.

4 CONCLUSION

5.16 Due to the limitations of the research design described above, it has not been possible to assess whether or not restorative justice interventions ‘worked’ in terms of reconviction. The overall reconviction rate for the restorative justice sample (when adjusted to take account of previous criminal history) is slightly, but not significantly, higher than for the Home Office sample. A possible explanation for this difference would be if those receiving interventions (especially at Final Warning stage) had a greater risk of reconviction than those who did not. There is a small decline in offence seriousness at first reconviction compared to target offence and an increase in severity of disposal, although the latter finding probably reflects the progression ‘up the tariff’ which is a feature of the current sentencing framework for young offenders. The proportion of offenders receiving a conviction in the 12 months following the target offence was 15% lower than in the 12 months prior to the target offence, although it is not possible to say whether this is better or worse than would have been expected. The reconviction rates for different types of restorative intervention were not found to be related to the degree to which they were restorative. A supplementary reconviction study has been undertaken and will be reported on separately.

6 IMPACT OF THE PROJECTS ON THE OBJECTIVES OF THE BOARD

6.1 The main aim of the Board is to prevent offending by children and young people. Underlying this aim, the Board has set six key objectives that all agencies involved in youth justice are asked to promote:

1. Confront young offenders with the consequences of their offending.
2. Tackle risk factors and/or strengthen protective factors.
3. Punishment to be proportionate to the seriousness and persistence of offending.
4. Encourage reparation to victims by young offenders.
5. Reinforce the responsibilities of parents.
6. Swift administration of justice.

6.2 It is clear that not all these aims are equally applicable to restorative justice projects. The responsibility for meeting some of these aims is shared between a number of different agencies, including Yots, the police and the courts. Each of these aims will be taken in turn, and the contribution of restorative justice projects to them will be discussed, where applicable.

Confronting offenders with the consequences of their offending

6.3 This is one of the key aims of restorative justice. It is through the facilitation of communication between victim and offender that offenders can be held accountable for their actions. It is also an objective the achievement of which cannot easily be measured; one cannot assume that, simply because a meeting has taken place, the offender has been confronted with the consequences of his or her offence. For this, we have to rely on the interview and survey data reported in the previous section, and those results appear to be encouraging.

6.4 Where victims' and offenders' views were sought, about three-quarters believed that the intervention had helped the offender to understand the victim's point of view. One local evaluator was able to distinguish the views of victims who had engaged in a meeting with the offender from those who had indirect contact, and found that the former were more likely to feel that the offender had been held accountable. Although these views represent victims from just one scheme, it does suggest that this objective would be better met if schemes were more successful in encouraging victims to participate in direct meetings. It may be that victim awareness programmes also achieve this objective, although no evidence was provided to support this. The interviews conducted by one local evaluator with offenders who had taken part in community reparation suggest that, this alone, is unlikely to confront them with the consequences of their offending, for they saw this as punishment and of no benefit to victims (*see paragraph 3.49*).

Tackling risk factors

6.5 The objective of tackling the risk factors associated with offending is one of the main areas of work for Yots. Yot staff undertake a structured assessment of offenders,

using the Asset²⁷ assessment tool and design a programme of work to address an individual's particular risk factors. Although a restorative intervention may form part of this plan, for example where attitudes to offending are considered to be a problem, this is not one of the central aims of most restorative justice projects.

6.6 The exception to this is the family group conference, in which the family is encouraged to draw up a plan to support the young person and to address those issues putting the young person at risk of offending. However, the data provided by local evaluators do not allow us to say how successful such conferences have been in this respect.

Ensuring punishment is proportionate to the seriousness of offending

6.7 The responsibility for meeting this aim lies mainly with Yot staff (through the recommendations for sentence made in PSRs) and with the courts themselves when sentencing. Most of the restorative interventions delivered by the 46 projects were carried out as a result of a court order. However, in mediation or conferencing projects, it can be the case that reparation additional to that imposed by the court may be imposed as a result of an agreement made in a meeting. Again, it is not possible to say from the data provided whether or not such additional reparation represents a disproportionate response to the offence.

Encouraging reparation to victims

6.8 This is another key aim of restorative justice and one that has increasingly been met. Reparation to victims normally involves an apology, either oral, where a meeting is convened, or in writing. It can be seen from the description of projects that offenders either met the victim or participated in indirect mediation in just over 20% of cases, and in most of these, an apology was offered. Victims in a further 19% of cases received some form of direct reparation, in most cases a letter of apology – although, where the victim was corporate, this sometimes involved working for the victim. Project staff have, therefore, successfully facilitated reparation to victims in around 40% of cases, and this represents a significant increase on the figures in our interim report in March 2001.²⁸ There is obviously scope to increase this proportion further, since 21% of victims were not contacted and of those who were, a third refused to participate in any form of restorative intervention. Examples of how projects have managed to increase victim contact and participation rates have been included above in Chapter 3, Project progress and implementation.

Reinforcing the responsibilities of parents

6.9 The responsibility for meeting this aim lies primarily with the Yot and the court (e.g. through Parenting Orders). It is the usual practice, where mediation or conferencing is to take place, that parents or carers are invited to attend. However, figures on the proportion of such meetings with a parent in attendance were not made available.

Ensuring the swift administration of justice

6.10 The swift administration of justice depends on the actions of the police, Yot, Crown Prosecution Service and the courts. As mentioned in Chapter 2, restorative justice projects

²⁷ A systematic assessment tool used by Yot practitioners for gathering detailed information about offenders' needs, leading to appropriate interventions and assisting in the evaluation of outcomes.

²⁸ The way in which the restorative interventions were classified in this report differs somewhat from those used in the March 2001 report, so are not directly comparable. However, less than a third of interventions taking place up to March 2001 involved direct reparation.

operate within this time-constrained environment and attempt to deliver the best service they can to victims and offenders, but it is not generally in their power to alter the speed of the process.

6.11 In conclusion, where the aims of restorative justice projects overlap with those of the Board, projects have been successful in meeting them. The level of reparation to victims has been quite high (40%), and the results of interviews with victims and offenders suggest that restorative interventions, especially where a meeting is involved, help the young person understand the consequences of their behaviour on victims and help victims come to terms with the offence.

7 LEARNING POINTS

Several important lessons have emerged from this evaluation of restorative justice projects. These relate both to the evaluation of the development fund projects and, more specifically, to the implementation of restorative justice schemes.

1 EVALUATION POINTS

There were a number of serious flaws in the design of the evaluation of the restorative justice projects (although these apply equally to the other areas of intervention). Chief among these were the decisions to:

- ❖ fund 46 projects and require each one to be evaluated locally;
- ❖ evaluate some projects more than once;
- ❖ allow projects the freedom to decide what they would offer under the label restorative justice;
- ❖ start the evaluation at the same time as projects were being developed;
- ❖ appoint national evaluators after decisions about funding of projects and local evaluators had been made;
- ❖ allow insufficient time for projects to be implemented and evaluated effectively.

Clearly this model of evaluation involving local and national evaluators and the mass evaluation of numerous diverse projects has not been ideal. The evaluation would have progressed far more smoothly had more consideration been given to the timescale and structure of the evaluation in particular:

National evaluators should have been appointed some months before awarding funding to projects and local evaluators. This would have enabled national evaluators to make project developers aware of the requirements of the national evaluation and they could therefore have allocated sufficient funding for the local evaluation. This would also have allowed national evaluators to design evaluation tools appropriate to the projects' aims before they became operational.

The time constraints within which the evaluation operated meant that much of the evaluation period covered projects' developmental phases. Those writing the bids would have benefited from a longer bidding process, so that they could have designed projects with more realistic objectives. Many local evaluators felt that evaluation should not have started until projects overcame their 'teething problems' and established a settled pattern of delivery. Not only should the evaluation have started later, but more time should have been allowed for the analysis of outcomes. It was not possible within the timescale, for example, to measure reconvictions over a two-year, follow-up period, as recommended by the Home Office.

The evaluation process was unnecessarily complicated by the involvement of both national and local evaluators and the requirement that all projects be evaluated. Money would have been better spent on more in-depth evaluation of fewer projects. Projects should not have been subject to more than one evaluation; rather they should have been designated as either

restorative justice or Final Warning for the purpose of the evaluation, since multiple evaluations of the same project alienated project staff and compromised data quality. It would also have been more efficient if local evaluators had been appointed centrally, and their role and responsibilities made clear from the start.

The role of national evaluator in trying to ensure consistency of data collection was hampered by the great variety of activities funded by the Board under the banner of 'restorative justice'. Funding bodies need to be more specific about the nature of the interventions they are funding, or else they risk funding non-restorative activities. There was a considerable amount of 'drift' from the aims stated in the bids, reflected by the fact that over 50% of interventions involved either community reparation or victim awareness only.

It should be pointed out that many of these lessons have already been acknowledged by the Board, since in subsequent funding rounds (e.g. ISSPs) national evaluators were appointed prior to project implementation and were responsible for recruiting a small number of full-time regional evaluators whose role it was to collect data in the manner specified by the national evaluator. It was also made much clearer to projects that their funding relied on co-operation with the evaluation.

2 IMPLEMENTATION POINTS

The main problems in the implementation of projects revolved around victim contact procedures and lack of communication between the different agencies involved in the youth justice system. Local evaluators highlighted a number of areas where projects had successfully addressed these issues.

Victim contact in many projects was hampered by the lack of a national information-sharing protocol between the Board, police and Yots. However, a number of projects agreed protocols with the local agencies involved in the delivery of restorative justice in advance of project implementation. In addition, it was important to consider the practicalities of obtaining victim information - for example, by identifying a person in the police force to contact in the case of missing victim details. It was suggested that the most successful method of contacting victims was by an 'opt-out' letter followed up by either a phone call or visit after a specified time (e.g. 10 days).

Victims were more likely to participate when contacted by trained restorative justice staff (rather than the Yot police officer) who have the time to see the case through from beginning to end (volunteers or sessional workers could successfully be used in this role). It should be recognised that contact procedures may vary according to the type of victim (personal or corporate) or their age (under or over 16). It is important to provide sufficient information to both victims and offenders so that they can make informed choices about whether and how to proceed, and to address any questions they may have, for example about personal safety. In order to achieve high victim participation rates, it is important that project staff negotiate access to all victims, rather than relying on the Yot or police to screen or refer cases. In one project, the co-ordinator secured the agreement of the Yot to conduct all victim contact on their behalf, and all cases were referred regardless of plea or offence.

Good communication between the Yot, project, courts and other agencies involved in delivery was crucial to securing an adequate level of appropriate referrals. Independent projects were more likely to experience communication difficulties with Yots and courts, which affected adversely their level of referrals. The most effective solution to this was to base project staff in the Yot (moving from a totally independent to a hybrid or in-house model). Other ways of improving relationships with the Yot or courts included holding joint training, making presentations to the Yot or court on the aims and referral criteria of the project, providing feedback on the outcomes of cases and attending Yot steering group meetings. It was also important to publicise the project, not only to victims and offenders, but to the wider community, for example by using the local press or distributing literature to explain the work of the project. In one project, a video was produced to show to both offenders and victims how mediation works.

In some cases, the original bid had been too restrictive and projects had to develop or expand their referral criteria or range of interventions offered in order to increase referrals. Examples of this included expanding the concept of indirect reparation to include cases where information from the victim was used in the writing of the PSR and shared, with permission, with the offender, even though the victim did not want any further mediation. In another project, referral criteria were extended to include supervision and referral orders. The latter allowing victims not interested in the referral panel process to explore the possibility of mediation.

The pressure to reduce delays sometimes hindered effective work with victims. However, by developing good relationships between projects and courts, through ongoing information-sharing consultation and liaison with their local courts, the impact on quality of service could be reduced. One example is where projects negotiated with the courts for informal 'flexible orders'. In such cases, courts agreed to make orders which suggested, but did not stipulate, reparation being made to the victim or the community. This enabled reparative work to be undertaken after sentence, without incurring delays by seeking adjournments for victims to be consulted. It also allowed project staff more flexibility to explore the possibility of mediation, even if victims had not been contacted at the sentencing stage.

Although there were concerns that in some projects community reparation was being over-used as an easy alternative to more direct work with victims, in others it was seen as a legitimate response to victims' wishes not to have contact with the offender. Examples of good practice in this area included offering reparation placements that related to the offence, matched the young person's skills and interests or developed new ones which encouraged the young person to consider the victim's perspective. Offence related placements included retail theft and fire awareness initiatives, while in other projects skills were developed through sports leader awards or through Millennium Volunteers schemes.

Since so many projects commenced at the same time, the problems of recruitment were perhaps inevitable. The limited funding period for the projects contributed to uncertainty and staff turnover, with the result that new staff were not always fully trained. If the implementation of the projects had been phased in and a commitment to funding beyond March 2002 been given, these problems would have been minimised. Projects would also have benefited from a clearer understanding of what types of training (and how much) was on offer from the national supporters - while most projects were very satisfied with the

support they received, others were unaware of their entitlement to a certain number of days consultancy and training. Since the Board had not specified what types of restorative activities projects should offer, the types of training on offer were diverse and not always clearly related to the work of the project. Many projects made good use of volunteers, who were able to provide flexibility and devote more time to individual cases at a lower cost than paid staff. It was important, however, to ensure that they received regular support to keep their skills up to date, and that they did not go for long periods without casework.

For reasons described in this report, this evaluation has not been able to assess whether the restorative justice projects ‘worked’ in terms of reconviction or cost effectiveness. However, the reports from local evaluators have allowed the national evaluation team to distil some important lessons about the process of implementing and evaluating these projects. If progress is to be made in assessing the outcomes of restorative justice projects, resources would be better spent on implementing well-designed projects with clearly defined aims and methods, and with evaluation built in from the start. Further thought should be given as to how adequate comparison groups will be found, and sufficient time is needed to allow projects to bed in and to measure outcomes over a timescale long enough to allow comparison with other studies.

3 CONCLUSION

While some problems have been encountered in this evaluation, it is apparent that much progress has been made in implementing restorative justice projects within a short period of time. In a little over 18 months of operation, the 46 projects have worked with nearly 7,000 young people. Victims were contacted in the vast majority of cases, and, where they were, most agreed to some form of participation in the process. Reparation or a direct apology was facilitated to victims in around 40% of cases. Just over 13% of cases involved a meeting between victim and offender, which compares favourably with other large scale restorative justice projects nationally. Where the views of participants were sought, the responses were positive. Over three-quarters of victims and offenders thought the process was fair, well prepared and that the intervention had helped the offender to take responsibility for the offence. It is hoped that these results and the lessons learned from the national evaluation will contribute to any future development of restorative justice projects.

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APPENDICES

APPENDIX 1: BRIEF DESCRIPTIONS OF EACH PROJECT

IS17: Plymouth restorative justice programme

In-house - generalist

The Plymouth Restorative Justice Programme aims to create an empowering partnership between five principal participants to reduce offending among young people, take account of victim interests, support and reinforce parental responsibility, and reintegrate young offenders into mainstream community life:

- a) victims;
- b) young offenders;
- c) families;
- d) community members;
- e) agency professionals.

It is based on a restorative model of justice that is grounded in community involvement. The Plymouth Yot provides a range of restorative interventions as part of this programme, including letters of apology, direct victim-offender mediation and reparation, shuttle mediation, family group conferencing, and community reparation. Victim awareness training and/or offending-focused work are included in most programmes.

For young offenders on court orders, the decision about which type of restorative intervention to recommend is made at the PSR stage after consultation with the victim and offender. Factors that are taken into account include the gravity of the offence, the wishes of the victim, and the young person's motivation, suitability and ability to complete successfully particular types of restorative activities. A similar set of assessment criteria are employed by individual Yot workers when selecting suitable restorative interventions for young people as part of Final Warning programmes. Currently, the most common restorative activities are letters of apology and community reparation. However, during the course of the programme's development, direct victim-offender mediation and reparation, shuttle mediation and family group conferencing have taken on increasing significance as restorative strategies. This is a trend which the Plymouth Yot intends to strengthen in future. It should be noted that in the Plymouth Restorative Justice Programme, family group conferences centre on offender/family issues and reintegrating the young offender into mainstream community life, rather than specifically addressing victim issues. This means that the victim may not necessarily attend the conference.

IS23: NCH Suffolk restorative justice services

Independent - family group conferencing and community reparation

This project provides family group conferencing support and victim offender conciliation for young offenders and others in Suffolk. The project is run by NCH as an independent voluntary organisation and is being delivered outside the Yot. During the pilot period, NCH has also taken on delivery of Community Reparations. The service is delivered by key NCH personnel and a team of specifically recruited and trained sessional workers.

IS24: Milton Keynes Victim Care Unit

Hybrid – victim-focused contact and information

The project was established in the autumn of 1999 with the aim of promoting and facilitating the involvement of offenders and victims in appropriate restorative activity. The role of the unit is to contact people affected by youth crime and provide them with the opportunity to become involved in restorative processes. It establishes how victims have been affected; obtains information about what has happened in their case; discusses any reparation that the victim might request and provides information about how they can become involved in the restorative process.

IS28: Brent and Barnet VOM service

In-house - mediation service

The aim of the project is to ensure action is taken wherever possible to assist victims' recovery and hold young offenders to account for their behaviour, while enabling them to be accepted back into the community, leading to a reduction in their offending. Specifically, to establish a VOM scheme across the two London Boroughs of Brent and Barnet, to help victims of crime understand what has happened to them and to help young offenders take responsibility for their actions. It aims to provide direct (face-to-face) or indirect mediation. The term 'mediation' is used to describe information exchanged through a third party or other medium, or other general restorative justice work.

In order to achieve the above aims and increase awareness of the scheme, the co-ordinator began to screen all PSRs and to discuss cases that seemed appropriate with the relevant worker. This led to a significant increase in referrals and an increase in contact with victims, which led to useful information being fed into pre-sentence reviews.

IS29: Lincolnshire reparation and mediation scheme

Hybrid - reparation and mediation

The project prepares individual reparation programmes following referrals from the three Lincolnshire Yots and then implements and oversees the programmes in line with National standards. The project uses trained SOVA volunteers for much of the one-to-one work with the young people. The programme includes both direct and indirect reparation, and emphasis is placed, where possible, on offence-focused programmes.

In December 2001, additional funding was received from the Board for a mentoring project to be attached to the SOVA reparation project. This will mean that young people who have taken part in a reparation programme may, if a need has been identified, be allocated a mentor when the reparation is finished.

IS30: Peterborough restorative justice initiative

Independent - generalist

The initiative began on October 1 1999. It is overseen by Peterborough Mediation's management group with the addition of a representative of the Yot. As well as the management group, a development and planning group was established in January 2000 to assist the project co-ordinator in developing and managing mediation services for young offenders and to oversee the monitoring of the initiative, in partnership with Crime Concern as local evaluators.

The Peterborough Restorative Justice initiative works with 10 to 17-year-olds referred by Peterborough Yot. The project offers mediation and reparation at predominantly the post-court stage, to support court orders involving a reparative element or where mediation may prove beneficial to both parties. Project staff are, however, willing to consider any young person who has pleaded guilty irrespective of status within the criminal justice system, if deemed appropriate.

The majority of work to date could not be considered mediation, as cases referred to the project have primarily consisted of victim awareness work with offenders, victim contact work, direct reparation and shuttle mediation.

IS38: Norfolk Yot restorative justice intervention

Hybrid - generalist

The programme incorporates several ways of working with young offenders and their victims. The team is based across three centres in Norfolk - Norwich, Great Yarmouth and Kings Lynn. Activities undertaken with young persons are wide-ranging: individual work with a young person that is appropriate, such as victim empathy or an apology in the form of letter writing; activities that afford an opportunity for some form of restoration; direct victim-contact work in the form of family group conferencing (not yet operational); and informal face-to-face contact between an offender and victim. Norwich offers VOM, and the other two areas offer restorative justice conferencing. In addition to this there has been informal face-to-face contact between victims and offenders. By informal it is meant that the formal procedure of Restorative Justice Conferencing has not been used, but at the same time a very strictly managed approach is used to protect the interests of both the offender and the victim.

Overall, there is evidence from staff focus groups (and the Yot data) that the emphasis of working with young offenders is based on a systems approach, incorporating an equal focus on the victim. As part of the assessment of all young persons/offenders, the perspective of the victim is sought where possible/appropriate. Even where it is not appropriate for victim offender contact to be initiated, restorative work is still attempted, but through more indirect means such as victim empathy work with the young offender.

IS41: Kingston Re-stores project

In-house - Mainly reparation and victim awareness

The principal aim of the project is to work with targeted groups of young people who have committed theft from shops through restorative conferences as an alternative to court proceedings. It builds on the experience of a restorative justice project launched by the Metropolitan Police in Kingston-upon-Thames in 1998. During the past two years, the project has consistently addressed (and partly extended) its principal aims, notably to:

- ❖ expose the myth of shoplifting as a victimless crime;
- ❖ develop a more comprehensive system of conferencing available to increased numbers of young people who steal from shops;
- ❖ provide support for volunteers who act on behalf of the business community;
- ❖ involve the business community in the town centre and other local shopping centres in a partnership approach that will include the development of preventive measures.

The restorative justice programme was established to target those arrested for theft from shops on a second occasion, and those first-time offenders whose initial assessment suggested the likelihood of reoffending. Its remit has been subsequently extended to include young people committing acts of criminal damage, assault and other detected offences.

IS44: Wolverhampton Yot reparation services

In-house - generalist

The project offers a range of 'restorative justice' services to victims and young offenders in the Wolverhampton Council area, including direct and indirect reparation and mediation between victim and offender where the parties agree to participate and it is considered appropriate to proceed in this direction. The project is essentially a victim offender mediation/reparation project aimed at all stages of the court process where restoration is an option as well as Final Warnings. The staff assess young people as to their potential for mediation and direct reparation to the victim. If this is not considered suitable, they identify an appropriate form of indirect or community reparation. They undertake all contact with victims and gauge the potential for mediation. They also act as a conduit for other members of the Yot who are considering reparation as a component in orders other than Reparation orders. In cases where a conclusion is made that the young person is regarded as not suited to direct contact with the victim, other forms of reparation will be arranged, and monitored by, the reparation officers.

Where the reparation worker finds there to be potential for direct contact between the young person and the victim, contact will take place with the victim to ascertain their views on the matter. In cases where the victim expresses a willingness to meet the young person, this will be facilitated by the reparation worker; and mediation/direct reparation or a face-to-face meeting between the two at which an apology may be delivered in person will take place as appropriate.

IS61: Lewisham restorative justice project

In-house - generalist

This project is led by the Yot in partnership with a range of statutory and voluntary agencies. The key aim is to reduce youth crime and recidivism (placing more emphasis on the victim). The young people referred to the scheme engage in direct or indirect mediation, community reparation or family group conferencing as appropriate.

IS67: Surrey restorative justice project

In-house - generalist

The Surrey Reparation Project draws upon the overall principles of restorative justice, emphasising the reparation made by the offender to the victim and the community. There is currently a project manager, two reparation officers and one community payback co-ordinator to deliver the restorative provision for mainly Final Warnings and Reparation Orders.

IS74: Neath Port Talbot effective supervision and restorative justice

In-house - generalist

The project offers one-to-one interventions with young people, and attempts to prevent further offending by offering in-depth assessment (particularly health) and effective supervision, and draws upon the various restorative justice methodologies to enhance learning. Additionally, volunteers are used to supplement the effectiveness of supervision.

IS83: Hull Remedy*Hybrid - generalist*

Established in June 2000, Hull Remedy offers a range of reparation activities, which include restorative conferencing, family group conferencing, VOM, victim- directed community reparation and indirect community reparation. The team consists of a project leader, three project workers and eight sessional workers. Since June 2000, the team have managed to diversify and increase the number of reparation sites provided, and have steadily increased the number of victim offender mediations and restorative conferences completed. So far, no family group conferences have taken place.

IS85: Nottingham Community Justice Project*Hybrid - mainly mediation*

The project aims to provide the opportunity for VOM for all young people (aged between 10 and 17) involved with the Yot and their victims. Referrals can be received at all stages of the criminal justice process and are generally selected according to the following criteria: the offender admits guilt; there is an identifiable victim; and both the victim and the offender are willing to participate. The project has been committed to maintaining a victim-directed policy requiring some level of victim participation for the intervention to continue (which can include the victim suggesting appropriate or potential community reparation for the offender).

IS101: Calderdale restorative justice programme*In-house - generalist*

The Calderdale restorative justice programme considers a restorative intervention for all young people in the criminal justice process who are assessed as suitable. Implementing a philosophy of personal responsibility through the application of restorative justice principles is a core feature of the Yot.

IS111: mediation and reparation service (MARS) Southampton*Hybrid - generalist*

MARS operates on a 'hybrid' basis, in the sense that it is managed by independent staff who are employed by a large, not-for-profit, non-statutory organisation, but is located in its own suite of offices within the Yot which it serves. The project pre-dates the current Board-funded evaluation, having started in spring 1999, during the piloting of the Crime and Disorder Act youth justice reforms. This means that the project has had time to develop its approach, negotiate protocols, forge good working relations with other relevant agencies and generally overcome most of the inevitable early 'teething problems' associated with projects of this kind. Consequently, it was already operational by the time the evaluation commenced. Another benefit of its early 'pilot' status is that the project got under way before the more restrictive interpretation of the Data Protection Act 1998 'kicked in', which may have enabled it to avoid some of the problems relating to victim contact and participation that other projects appear to have experienced.

It is important to note, therefore, that the MARS project may well not be typical of other projects being assessed as part of the current Board-funded evaluations, although it arguably offers a better guide to the potential advantages and limitations associated with this kind of approach.

IS120: Hampton Trust family group conferencing project

Independent - family group conferencing only

The project operates on a prescribed model that can determine the individual needs of the young person, victim and family, and those whom the offence has affected. Individual need is ascertained through the application of the New Zealand family group conferencing model which seeks to empower the family and their young person, and to help them take responsibility for the offending behaviour. In order to accomplish this, the conference is made up of three phases:

- ❖ the introduction and information giving stage;
- ❖ private family time;
- ❖ negotiating the plan.

However, the progress and outcome of each conference are dependent upon the needs of the young person, victim and family and, therefore, may vary in content. Admission to the project is based on the young person meeting the referral criterion. Thus the young person's eligibility depends upon whether:

- ❖ they are 10 to 17 years of age;
- ❖ they make an admission of guilt or are found guilty;
- ❖ they are involved in an offence with an identifiable 'personal' victim;
- ❖ the crime is serious enough for a community penalty;
- ❖ the young person and at least one adult family member agree to attend the conference.

The intervention is offered within the youth justice process with the family group conferencing plan being used to inform the action plan report. The process is reliant upon the court agreeing to two adjournments in order for the family group conferencing to take place and the Action Plan Report to be written.

IS122: SOVA Wessex reparation service

Hybrid - generalist

This project is an integrated service offering reparation and mentoring opportunities for young people in the North Hampshire Yot catchment area. It is linked to a national organisation, SOVA, which has a remit to involve volunteers in strengthening communities. The project takes the majority of its referrals from the Yot and is housed in the Yot building. All young people referred for reparation have come through court orders or Final Warnings.

This project primarily provides reparation opportunities. In a few cases, these are direct reparation with victims, but more often indirect community reparation, and/or victim awareness, via individual or group sessions and/or workshops. It also provides VOM, in a few cases, and represents the agency in terms of what reparation opportunities they can offer at family group conferencing arranged by another organisation.

IS125: Halton and Warrington restorative justice project

In-house (formerly independent) - reparation and victim awareness

All offences subject to prosecution and involving victims are screened by two restorative justice workers to ascertain the views of victims and to determine if reparative action can be

undertaken. The restorative justice workers liaise with Yot responsible officers to include reparative intervention proposals in court reports. The restorative justice workers undertake supervision of the restorative interventions, either under the order of the court or as part of a broader order (e.g. supervision).

IS133: Essex family group conferencing young people who offend project

Independent - family group conferencing only

This is a family group conferencing project receiving referrals from the Yot service from the top 20% of those young people considered most at risk of reoffending. The model of family group conferencing used follows the New Zealand model. Before the conference, a report is prepared and all participants are visited by an independent co-ordinator to ready them for participation. The independent co-ordinator assists the family by inviting members of the extended family and other people significant to the young person.

The meeting consists of three stages:

- ❖ an account of the offence, an impact statement from the victim or the victim representative, and the opportunity for the young person to make an apology;
- ❖ further information provided by key professionals and the opportunity for the family to ask questions of them;
- ❖ private family time in which the family make their own plan to address the offending behaviour and reparation.

IS139: Amends mediation service (Redbridge, Enfield and Haringey)

Independent - generalist

The project comprises three VOM services managed by Amends Mediation Services, an independent charity. The service is governed by a management committee; a voluntary body that includes advisors from the police, youth services, social services and community safety partnerships. Their position as trustees means that they act in a private capacity. The project offers a range of restorative justice-based interventions for young people (aged 10 to 17 years who have committed an offence which has been formally concluded and are resident in the London borough where the scheme is run) and victims of crime. It runs restorative/family group conferencing, and direct and indirect mediation. The service also operates a victim awareness programme for young offenders which focuses on victim empathy- and offence-based work such as drug/alcohol awareness and weapons awareness sessions. Despite being located within a Yot and working in partnership with it, Amends is an independent mediation service and believes that such independence enables it to deliver a service in which confidentiality and impartiality are core principles. A major feature of the service is its reliance on local community volunteers to help carry out these interventions.

The aim of Amends is 'to offer help to victims of crime to understand what has happened to them; and to help offenders to understand and take responsibility for their actions'. Other aims of the service include educating the public about the purpose and methods of mediation and, in particular, enabling the public to understand the nature of the causes of conflicts and the value of mediation as a means of resolving disputes peacefully.

IS143: Swindon family group conferencing project

Hybrid - family group conferencing only

This is a family group conferencing project for 12 to 17-year-olds. It was initially aimed at young people at the Final Warning stage, but the referral base was widened to all orders to increase referrals. Other selection criteria include high risk of reoffending and having an identifiable victim.

IS146: Monmouth Torfaen restorative justice project

Hybrid (formerly in-house) - generalist

A reparation officer has been employed to co-ordinate a proportion of the restorative activity undertaken by the Yot. The criteria used to refer young people to the reparation/restoration officer are as follows:

- ❖ a conference was to be facilitated;
- ❖ officers were tasked with carrying out some reparation which necessitated the use of sessional workers to supervise the task .

IS148: Remedi Doncaster Yot project

Hybrid - generalist

Remedi is part of South Yorkshire Mediation Services. It undertakes direct and indirect mediation and reparation with young people being dealt with by the Doncaster Yot. The target groups are young people referred for Final Warning and on orders, if assessed as suitable by the Yot worker dealing with their case (often at the PSR stage). The project does not impose any referral criteria of its own, and accepts referrals on the basis of Yot staff assessments. The scheme is co-ordinated by one person employed through Remedi and interventions are delivered by volunteers, recruited and trained by Remedi. The scheme is based within the Yot and has good communication and working arrangements with the Yot staff.

IS157: Southwark Restorative Justice Project

Hybrid - mediation and reparation

Southwark Restorative Justice Project is a partnership between Southwark Mediation Centre and Southwark Yot. The project provides the provision of victim contact and, wherever possible, the opportunity for direct mediation to take place between the victim and the young offender. The aim is to engage the victim and offender in discussion about the effects of crime. It aims to reach a realistic agreement to empower the victim and help the offender to desist from reoffending.

IS164: Greater Manchester Family Group Meeting Project

Independent – family group meetings only

The project is run by Greater Manchester Youth Justice Trust. As such, it is an outsourced family group meeting project which focuses on serious and persistent young offenders, and uses sessional workers to deliver the service. It serves 10 Yots. Parts of the Greater Manchester area are also served by four welfare-based family group conferencing projects. The Family Group Meeting project has evolved independently from these, although some links now exist.

IS165: Greater Manchester Yots restorative justice projects

Mainly in-house - generalist

Through the Youth Justice Trust, central support is provided to Yots throughout Greater Manchester with a view to providing a reasonably uniform service to courts in the area. A restorative justice co-ordinator has been employed for this purpose, although the future of this post now looks uncertain. A restorative justice steering group provides a policy overview (with representation from all the key agencies including Yot managers), and a periodic practitioners' meeting has also been facilitated. Staff training is centrally co-ordinated and delivered. Interventions are delivered by different types of staff in the different Yots. In some teams, the role of the police officer is central. In others, restorative justice co-ordinators with a social work or probation background deliver the interventions. In one or two teams, dedicated support staff have been appointed, for example to supervise young people undertaking community reparation projects.

IS181: Mid-Wales restorative justice challenge project

Hybrid - generalist

Restorative justice staff visit young people on bail (i.e. before Final Warnings). The project provides reparation and mediation services within the Yot. In two of the three areas, the emphasis is on Final Warnings and on post-court work. In one area, numbers permit work with reprimand cases.

Direct reparation is offered first, then, if the victim does not wish to have any involvement, other indirect means of progressing are considered. Mediation is also offered with the offender needing to agree to it before it is offered to the victim. It is essential that both parties are willing participants. Change programmes are also offered to offenders on Final Warnings. These are varied, tailored to individual needs, and relate to the offence committed.

IS186: Cheshire Yot restorative justice project

In-house - generalist

The project began as a development programme to enable restorative approaches to be established within the local system. Led by a development manager and a project worker the project initially:

- ❖ developed a range of community-based resources through which reparative actions could be provided;
- ❖ established systems of referral and assessment from within the three Yot sub-teams to capture relevant cases for restorative intervention;
- ❖ undertook victim contact and VOM (direct and indirect);
- ❖ supervised reparative actions undertaken by offenders (direct and indirect).

Phase II of the project aimed to ensure that the restorative justice infrastructure developed in the initial phase was rolled out into the three sub-units of the Cheshire Yot. Here the development manager co-ordinated restorative approaches and acted as consultant to the operational units of the Yot. During this phase of the project, the project worker was fully assimilated into one of the Yot operational units as a generic worker.

In the final phase of the project, the development manager looked at the dissemination of restorative approaches and services to forthcoming Yot developments, most notably the requirement to implement the referral order from April 2002 onwards. The manager continues to act as consultant and facilitator to the Yot operational units, and supporter

and recruitment officer to organisations that may provide opportunities for reparative and restorative interventions

IS198: Wandsworth family group conferencing project

Independent - family group conferencing only

The project built upon a Welcare family group conferencing service that already operated in Wandsworth, with a separate service being established for victims and offenders. Referrals are initially generated from the Yot and passed to the dedicated officer at Welcare. A conference co-ordinator is then allocated to the case and makes direct contact with the offender and their family. The Yot police officer makes initial contact with the victim in all cases and in those cases where a restorative element is being considered, either the Welcare co-ordinator or the relevant Yot officer also makes contact with the victim, subject to the victim agreeing with the police officer that such details can be released. A full explanation of the voluntary nature of involvement is stressed to all parties, as is the desirability of direct participants being accompanied by their family group. The conference process takes the following format:

- ❖ **Planning.** This involves consultation with all sides, including the Yot, to draw up an agenda for the conference, with the emphasis on the need for the offender and their family to take action to prevent reoffending, and on the needs of the victim in terms of the process and reparation they would see as appropriate. If the victim feels unable to attend, consideration is given to victim support providing an advocate to attend to speak on behalf of the victim or victims in general.
- ❖ **The Conference.** This begins with an introduction of the aims of the process by the conference co-ordinator, i.e. to facilitate communication between victim and offender in order to achieve a resolution and/or reparation, and also the joint primary role for the offender's family to produce a plan aimed at preventing reoffending. Both parties are then given private time to come up with a plan to achieve the aims, and the victim and their supporters are allowed time to discuss their needs in relation to the process. When this phase is completed all parties return to the conference meeting area and the offender is invited to present their proposals. The victim and/or their supporters are then invited to respond.
- ❖ **Post-Conference.** After-care and follow-up work with the victim should be carried out by victim support, and the plan should be implemented by the allocated Yot worker.

The service is aimed at young people aged between 10 and 17 years, and was initially available at the Final Warning stage but has moved to work with offenders post-sentence, including those on Detention and Training Orders (DTOs). This was a process created by design and not by accident, i.e. initial work was concentrated with lower risk offenders and, over time, the service has been offered to those at the higher risk scale.

IS216: Devon Making Amends project

In-house - generalist

Devon Yot is divided into three semi-autonomous units. Although, all three units report to Devon Yot management and pursue countywide guidelines, each unit shapes its projects according to local characteristics. Main traits shared by all three units are:

- ❖ provision of a wide range of restorative justice interventions;
- ❖ targeting of a broad spectrum of young offenders and of offences;

- ❖ focus on active victim involvement;
- ❖ run in-house by Yot staff.

IS221: Brighton and Hove reparation and mediation service

In-house - generalist

No information was provided by the local evaluator, however this reparation and mediation project has failed to develop the mediation side - over 95% of work is community reparation.

IS248/9: SOVA Ealing and Hounslow young people's crime prevention initiative

Hybrid - reparation with mentoring

The categories of intervention are mentoring and prevention, the project having been re-categorised in June 2000 from Restorative Justice (although the project has continued to offer restorative justice within its range of services). The profile of young people referred to the SOVA project represents a full spectrum of those at risk of being persistent young offenders, and covers a diverse cultural, linguistic and racial mix, in line with the local community. These young people may be:

- ❖ at risk of offending;
- ❖ subject to Final Warnings;
- ❖ subject to Reparation, Action Plan or Supervision Orders;
- ❖ on bail;
- ❖ in or recently released from custody.

A Supervision Order (in terms of reparation) requires each offender to perform up to 24 hours reparation, either directly to the victim of the offence, or indirectly to the community. The Ealing Yot had an initial estimate of receiving about 50 such orders per year, (of the 750 youths per annum remanded or warned by the police, and who are charged to appear at court). Over the total project period, the SOVA team received 108 referrals, mainly from Ealing Yot. The main objective of the project is to provide a restorative justice programme in Ealing (and initially in the London Borough of Hounslow) for young people on various orders.

IS293: West Berkshire restorative justice projects

In-house - victim focussed

The project was set up in 1998 based at the Newbury Police Station. The project is managed by the Victim Liaison Manager, which draws upon the input from the West Berkshire Yot. The project involves support to the aggrieved before a restorative Caution or conference. Its primary role involves the preparation of restorative conferences and Cautions. This involves contacting the victim first to see whether they would be willing to meet the offender and participate in a conference. If the victim agrees, the offender is then contacted. The staff contacts all victims in each case where a victim is present

IS303: Derbyshire and Derby City restorative justice project

In-house - generalist

This project endeavours to contact the victims of young offenders as early as possible in the process, and offers them information and support. It aims to empower victims by keeping them informed and encouraging their participation. While the victim may choose not to be involved, they are offered direct or indirect mediation, direct reparation or the opportunity

to make an input into the choice of community reparation. The project essentially regards their role as 'giving back the victims some control'. The majority of interventions undertaken by the project have been reparative, and diverse and innovative reparation schemes have been developed using agencies such as the fire service, an equestrian centre, local charity shops and a National Railways company.

IS312: Torbay community reparation project

In-house - generalist

The project works with young people from the Final Warning stage through to those sentenced with a DTO. The majority of young people brought into contact with the Yot are referred to the restorative justice co-ordinator for reparative consideration, other than those committing more serious offences. Where the young person is being supervised by another Yot team member, then that Yot team member may oversee the reparative work. Ultimately the restorative justice co-ordinator monitors the process. The Final Warning scheme has been supervised and overseen by the Yot police officer(s) and has not been wholly integrated into the restorative process within the Yot.

Where possible, victims are given consideration in the process. It is acknowledged, however, that the legislation aimed at the fast administration of justice contradicts the core aim of affording the victim time to consider what they would wish of the young person by way of reparation. All victim work is referred through the police officer.

IS317: Teesside restorative justice VOM project

Independent - mediation

The projects offers VOM and aims to effect positive change for and with young offenders - persistent and/or serious, or those at the Final Warning stage - and victims of crime in the Tees Valley area. Subject to the agreement of young offenders and victims, the work forms part of statutory court orders and Final Warnings. This approach establishes a direct link between young peoples' offending behaviour and its impact upon victims. Mediation provides young people with the opportunity to take responsibility and make amends for their actions by addressing the impact of crime upon victims. Trained project staff play the role of impartial facilitators during the mediation process, while assisting young people to implement the mediation agreement.

IS325: Kirklees restorative justice project

Depends on intervention - generalist

The Kirklees restorative justice programme is not a project to which referrals can be made. The programme has attempted to develop a holistic restorative approach to all young people receiving a disposal from the criminal justice system from Final Warning to DTO. The intention is to provide at least one reparative element as part of each intervention.

IS335: Hounslow reparation project

Hybrid - generalist

This project provided reparation to direct victims of crime and the community. It was aimed at 10 to 17 year olds, from Final Warning to court order. It was based in the Yot, although the project worker was an external employee. This project ceased to exist in mid-2001.

IS336: Cardiff Yot Bridge VOM project

Hybrid - mediation

The project provides direct and indirect mediation opportunities for young offenders at all stages within the youth justice system. By exploring mediation, the aim of the project is to raise the young person's awareness of the effects of crime on victims and to realise the potential for greater responsibility and reparation. The project is open to all young people aged 10 to 18 who admit guilt and are willing to express regret to the victim of the offence provided there is an identifiable victim and the victim has indicated a desire for mediation. A project co-ordinator was seconded from the Yot to Cardiff Mediation to provide the service and he is supported by a number of trained sessional workers employed by Cardiff Mediation. Referrals for the project are via the Yot. On receipt of referral, the project undertakes an assessment with the offender and victim and, if suitable, some form of mediation will go ahead as soon as possible.

IS348: Newham VOM Plus

Independent - victim awareness and mediation

The scheme has been developed to support the reparation responsibilities of the Yot, and is part of a wider Newham victim offender mediation Plus (VOM+) service. The service consists of two complementary strands:: a restorative justice project and a preventative programme that uses mediation and educational interventions. The VOM+ programme provides an integrated set of interventions to young people and is delivered by three voluntary sector agencies;

The primary aim of the VOM+ scheme is to provide direct and indirect VOM for young offenders between the ages of 11 and 17 years, and who have received a court order which includes a reparative element. The activities undertaken with young people are assessment and casework, victim awareness group work, and direct VOM.

IS362: Lancashire and Blackpool mediation project

Hybrid - mediation

This is a mediation project offered to 10 to 17-year-old offenders and their victims, and provides an opportunity for them to communicate, directly or indirectly, with one another. The project covers 7 Yots in Lancashire and Blackpool. When a caseworker engages with a young offender and they indicate a willingness to communicate, directly or indirectly, with the victim, the caseworker will contact the victim. If the victim is also willing to communicate with the young offender, the case will then be passed to mediators. The mediators will make arrangements to visit both parties at their home to hear from them what has happened. If both the parties agree, a meeting can be arranged, facilitated by the mediators, at a neutral venue. Alternatively, messages or letters can be conveyed between the parties. On conclusion, the result is conveyed back to the caseworker.

IS372: Greenwich VOM and community reparation project

In-house - generalist

The project delivers a range of restorative approaches. Direct reparation is actively promoted through victim and client consultation and assessment. If the victim is unwilling for direct reparation to take place, or there are factors which make it unsuitable, then indirect or community reparation is carried out. The project works closely with the courts and victim support in development and implementation of the service. A full-time reparation co-ordinator manages the project's work. From August 1999 to December 2000, development of the project was assisted by the provision of a part-time victims of crime

service worker, with Nacro management and consultancy support. Volunteers are used to deliver aspects of the service alongside other Yot staff.

IS397: Oxfordshire reparation project

In-house - reparation

The project enables young people to repair the harm that they have caused through crime, either to an identified victim (direct reparation) or to the wider community (indirect or community reparation). One of the key objectives of the Board is to 'encourage reparation to victims by young offenders'. In Oxfordshire, this is achieved through practical methods and/or symbolic measures. Practical tasks may include financial compensation, working with disadvantaged people, gardening, cleaning, or repairing the damage done to property. Symbolic reparation may take the form of a letter of apology, a gift or an explanation to the victim. Ideally, reparation is direct to the victim; however where this is not possible or appropriate, the scheme aims to set up reparation which is relevant to the offence, benefits the community, is appropriate to the age, ability and skills of the young person, and helps to reintegrate the young person into their community.

Despite a delayed start to this project, the reparation co-ordinator, who came into post in November 2000, has made extensive progress in establishing the reparation scheme as a credible intervention for Oxfordshire Yot. The project's co-ordinator has built up the scheme to meet demands for nationwide reparation which may be stipulated by the courts as part of any court order. Since February 2001, Oxfordshire Yot has employed 27 sessional workers to act as reparation supervisors and facilitate appropriate reparation activities for young offenders. In recent months, project staff have been able to work closely with the Yot's victim liaison officer and six victim sessional workers in order to gain a full assessment of the needs and wishes of the victims. One of the main aims of this collaboration is to provide appropriate information to victims so that they can make an informed decision about their level of involvement and the process of reparation. In addition, a voluntary consultant who is the chair of victim support in Oxfordshire is preparing a statement of victim policy for the Oxfordshire Yot.

In terms of future development, the reparation co-ordinator and the south unit Yot manager are in the process of seeking financial support from the Thames Valley Police. In partnership with a local voluntary mediation service, the Oxfordshire Yot are aiming to create a 'centre of excellence for restorative practice' through a 'joined-up' service of all restorative justice work in Oxfordshire and through the development of restorative justice in schools, prisons, etc.

IS406: Gateshead restorative justice project

Hybrid - mainly reparation

The project consists of an in-house community reparation scheme with direct VOM contracted out to Nacro. The mediation scheme offered by Nacro operated on referrals from Yot staff and, for a time, involved a member of Nacro being physically based in the Yot on a part-time basis. However, due to internal problems in Nacro in the north-east, at present the contract is not being serviced. (*see below*) The community reparation scheme, on the other hand, has been extremely successful in generating referrals from Yot staff and is fully integrated into the work of the Yot. The community reparation scheme involves a number of different projects - for instance, developing and planting a school garden, painting and decorating, a bike project and an art project. The focus is on the benefit to the

community. When specific schemes come to a natural end, others are found to replace them.

IS417: Sunderland restorative justice scheme

Independent - generalist

Sunderland Youth Offending Service contracted out the restorative work to Nacro. The project undertook a variety of different services including: family group conferencing; VOM – both direct and shuttle; supervised direct reparation; and supervised community reparation. The project was based in a separate location from the youth offending service, and had been in existence before funding from the Board. This project is no longer in operation as a separate entity. Instead, one of the project workers operates from within the youth offending service as part of a new way of working with restorative justice. A youth offending service reparations officer has been in post for a few months to begin developing this work, and a restorative justice manager has also very recently been appointed (from Gateshead Yot) to take this work forward.

APPENDIX 2: CASE STUDIES ILLUSTRATING DIFFERENT RESTORATIVE APPROACHES

The following cases studies are selected from those provided by local evaluators in their final reports.

(i) Family group conference

S, aged 16, had an argument with his mother, with whom he was living at the time. The argument was about his being unemployed and not contributing financially. She packed his bags and told him to leave. S left and almost immediately committed a burglary. He was apprehended by the victims (a couple) who found him in their bedroom.

The Yot worker went to court requesting a reparation order. S agreed to take part in a family group conferencing and that reparation could be decided at this meeting. The court made the order and agreed that reparation could be decided in the conference, but could not exceed 24 hours. The victims were willing to be involved from the outset.

Both S and the victims met the co-ordinator and expressed a willingness to be involved. The victims were clear that they did not wish for any form of direct reparation, but were consulted and had a view about indirect reparation. S, however, after initially agreeing to the full involvement of his family, retreated from this. He maintained a willingness to meet with the victims. In the course of planning the conference, S's grandmother was hospitalised, which caused some delay in the planning of the meeting. The meeting happened three weeks before the end of the order and was attended by the co-ordinator, the Yot worker, the two victims, S and his father.

S apologised to the victims and agreement was made that he would attend St. George's hospital and serve out the remainder of the hours of the order, having subtracted eight hours for the family group conferencing process. The victims were satisfied with the outcome of the conference. They felt the reparation was 'fitting, adequate and appropriate'. Both victims felt their views were 'treated with consideration, respect and taken seriously'. S expressed great relief at having completed the process and a sense of achievement at having done it.

(ii) Restorative conference

J and two friends had smashed some church windows. The church was next door to J's

home and tensions between the vicar, J and J's father had gradually increased. J agreed to take part in a conference as part of the Final Warning process. The vicar also agreed to participate, and both parties were prepared for the conference by Amends (in terms of the kind of questions that would be asked during the process). J's co-defendant was also supposed to attend the conference but decided not to, as J and he had fallen out with each other. J brought his father to the conference and the vicar bought the church warden and treasurer.

During the conference, J talked about the offence and why he had acted as he did. The vicar explained that it was the third time the church had been attacked in some way, and that the members of the congregation were fearful for their safety while in church. When was it going to happen again? Was it the same person/group who attacked the church the last time? The vicar also talked about the inconvenience of being woken up in the middle of the night and having to deal with the police. The church warden spoke of the hassle of clearing up the broken glass and having to chase the insurance company for payment. The treasurer explained that the women's groups that used to meet weekly were now scared to sit in the church hall. J's father then explained how he had been affected by the events. He said that he had been at a dinner party, had had too much to drink and, that when he first got the call, had thought it was a hoax. He had to travel across the city in the early hours of the morning. The father then broke down in tears and J started to cry as well. The participants took a break for 15 minutes before the conference started again. J acknowledged that he should try to do something to repair the harm. He agreed to do 30 hours of gardening at the church. The conference was then closed and, when the victims had left, J received his Final Warning."

(iii) Victim offender mediation

Two examples are given of direct mediation. The first is of a successful mediation which resulted in an agreement to carry out community reparation. The second one shows the importance of careful preparation with both parties. Where it is lacking, mediation does not always succeed in reconciling the victim and offender.

1 This case involved a young man aged 16 who became involved with the project when he was placed on an 18-hour reparation order for committing a theft from a local supermarket (first offence). The victim was a security guard who had been a victim of shoplifting on numerous other occasions (due to the nature of his job). Following initial assessments conducted by project staff, the security guard requested direct mediation which would allow him to share his views and to also get answers from the offender. The young person had already completed a letter of apology to the supermarket offering to participate in some form of community work. The direct mediation lasted 150 minutes. During the mediation the young person was very apologetic and surprised by the comments given by the security guard, specifically regarding how the crime had affected him. An agreement was eventually reached between the two parties, which involved the young person completing the remainder of his reparation hours at the City Hospital (due to a member of the supermarket staff being a volunteer there). The young person painted a picture in the children's ward. The victim was updated (by letter) at the end of the process

2 This case involved a burglary at a newsagent's/general store. Four young people were involved. Alcohol, cigarettes and other items were stolen to the value of £700.

Following arrest, one young person was given a Conditional Discharge, two received Final Warnings and one was given a Referral Order.

The co-ordinator visited the victims with a Yot-seconded police officer. The victims were a couple who had recently bought the shop, having moved from the north of England. They were both serving in the shop when the offence took place. They talked about their concerns and, while they were obviously frustrated about the stock being stolen, they were angrier about the fact that these four young people had 'marched' through their garden and into the store room. They have four small children who would normally have been playing in the garden. Their concern was that their children could have been at least distressed by witnessing the event or, worse, injured by the intrusion.

The victims were unsure about having any contact with the young people but wanted project staff to talk to them and find out what their feelings were. All four young people were visited. The first young person was not interested. The second was willing to write a letter of apology, the third originally said that he would write a letter explaining his actions but, thinking it through, decided he would rather meet with them face to face. The fourth young person said that he did not really feel any remorse but would be willing to meet with the victims and listen to their views. Further discussions took place with the victims and they agreed to meet with the two young people and accept a letter from the third.

The meeting began by setting ground rules. The young people were then encouraged to talk about their involvement. The two mediators ensured that both young people participated equally. The victims then had the opportunity to discuss their concerns about their children's safety expressing how angry they felt about the intrusion. Both young people acknowledged this. One young person offered an apology. The victims accepted this. The second young person said that, while he could understand the victims' concerns, he might well reoffend. The victims were disappointed by this and challenged him. He was adamant that, as yet, nothing had deterred him from further offending. The victims asserted their position that they were not a 'soft touch' and if either boys or any acquaintances of theirs were caught stealing from the shop, they would have no hesitation in prosecuting. They also expressed their concerns for the second young person's future if he continued to hold the attitude he had.

All parties agreed to leave the matter at this point. The option for further meeting (if there were any outstanding issues still to be addressed) was flagged up. In the de-briefing with the victims they expressed their disappointment at the attitude they had witnessed especially from one of the young people. They declined the offer of a follow-up visit from the co-ordinator and, via the satisfaction questionnaire, expressed their disappointment in the process. They felt that, due to the attitudes of the young people, the meeting had not been constructive.

The mediator questioned whether, in retrospect, more time should have been spent with the victims to consider the issue of the lack of remorse from some of the young people involved and the implications of this within a meeting

(iv) Reparation

The following are two examples of direct reparation. The first describes reparation to a shop, the second is an example of a letter of apology which was sent to a corporate victim.

1 J broke a shop window with the explanation that he was 'bored'. While the shopkeeper was particularly distraught about the incident and sceptical of young offenders, J was prepared to repair the window and the shopkeeper subsequently agreed. After a disjointed start, J eventually turned up and fixed the window with his supervisor and then went on to repaint the shop front. Once the hours of reparation were complete, J insisted he carried on until the job was finished. Meanwhile, the shopkeeper developed a friendly relationship with J and offered him paid work in his shop. J now works in the shop two or three times a week and as the shopkeeper stated to the project co-ordinator: 'He's quite a decent chap really. I'm pleasantly surprised and pleased that you [project staff] took an interest. Normally, they smash a window and get away with it..'

The co-ordinator feels that it is crucial to emphasise the importance of community reparation and the impact it can have on young people's lives. For example, at a community centre in Thame, one supervisor was able to draw out how an offender felt about their offence through artwork therapy techniques. The scheme's co-ordinator was then invited to attend the centre where the young person displayed his artwork to the community and told other young people about the benefits of the centre. The co-ordinator felt that, through this incidence of reparation, barriers were broken down between young people, adults and offenders in their local community

2 Letter of apology

Dear Sir,

I would like to start with that I'm sorry for the trouble my friends had caused on the train tracks. I have not written this letter to complain about my punishments. I believe these punishments from the court (as you may know of) were completely fair and necessary for the crimes I committed.

Just to let you know, I had my allowance stopped, I was grounded and my concert ticket was deprived of me.

I am almost certain you have, at one point, wondered why we were on the track in the first place, well, it may sound rude (so please excuse me) but we found it fun.

We are all 15 and just bored. I had never been on the track before and we found it exciting to be so close to a large, fast moving object. You may think "oh wow, a train" but it was all news to us and the fact that we knew it was dangerous made it all the more enticing. I would say this is why we went back day after day. I am unable, though, to

Explain why we damaged the boxes and the S.R.B's. All I can say is that it was stupid we, or I, took no thought of the consequences. I would again like to apologise as I draw the letter to an end. I would also like to decline from meeting any member of _____ as I am very ashamed of my actions. I honestly hope you accept my deepest apologies.

Yours Sincerely,

(v) Victim awareness

No local evaluators provided case studies to illustrate a victim awareness intervention.

APPENDIX 3: LIST OF PROJECT NAMES, IS NUMBERS AND LOCAL EVALUATOR DETAILS*.

IS no.	Name of project	Local evaluator	Details
17	Plymouth Community Justice Project	Dr Patricia Gray	University of Plymouth 01752 233203
23	Suffolk restorative justice services	Nicky Stevenson	The Guild 01603 615200
24	Milton Keynes Victim Care Unit	Janice Evans/Dr Mark Lemon	Cranfield University 01234 754191
28	Brent and Barnet VOM Service	Elaine Arnull/ Shilpa Patel	Formerly Hertfordshire University Shilpa Patel - sp_research@hotmail.com and Elaine Arnull EACONSULT@compuserve.com
29	Lincolnshire YP Reparation Scheme	Dr Bankole Cole	University of Lincolnshire and Humberside 01522 866198
30	Peterborough restorative justice Initiative	Fiona Cooper	Crime Concern 0115 9505550
38	Norfolk VOM and Reparation Service	Vicky Harris and Terri Van-Leeson	University of East Anglia 01603 592068
41	Kingston Restores Project	Dr Robert Gant	Kingston University 0208 5472000
44	Wolverhampton Reparation Service	David Co-op	Crime Concern 0117 9210080
61	Lewisham Reparation Project	Garath Symonds	Crime Concern 0207 8206020
67	Surrey restorative justice Project	Garath Symonds	As IS61
74	Neath Port Talbot Effective Supervision	Helen Davies	Nacro 01792 450875

83	Hull Remedy	Karen Taylor	GAL Humberside 01482 640228
85	Nottingham Community Justice Project	Shawna McCoy	Sheffield University S.McCoy@sheffield.ac.uk
101	Calderdale VOM & Victim Awareness	Peter Eccles	Huddersfield University 01924 493332
111	Southampton and South West Hampshire Mediation and Reparation Service	Professor Jim Dignan	Sheffield University 0114 2226718
120	Wessex Youth Justice family group conferencing Project	Nikki McKenzie	University of Portsmouth 02392 843929
122	Wessex SOVA Reparative Partnership	Shirley Jackson	University of Southampton 02380 849270
125	Halton Facing Up	Dr Henri Giller	Social Information Systems 01606 333222
133	Essex family group conferencing and YP who offend	Nuala Judge/Robin Mutter	Essex County Council 01376 555400
139	Redbridge etc AMENDS Project	Professor Chris Hale/Kate Doolin	University of Kent 01227 823898
143	Swindon family group conferencing Programme	Dr Anna Ross	Independent evaluator 01666 824585
146	Monmouth Torfaen restorative justice Project	Helen Davies	Nacro as IS74
148	Doncaster Mediation and Reparation Project	Jan Slater	Independent evaluator 0114 2302426
157	Southwark restorative justice Conferencing Project	Louisa Watkins	Nacro 0207 5010568
164	Greater Manchester family group conferencing Project	Dr Brian Williams	De Montfort University 01162 577898
165	Greater Manchester restorative justice Project	Dr Brian Williams	De Montfort University as IS165
181	Mid Wales restorative justice Challenge Project	Helen Davies	Nacro as IS74
186	Cheshire restorative justice Scheme	Dr Henri Giller	Social Information Systems as IS125
198	Wandsworth VOFG Meetings	Devinder Curry	De Montfort University 01162 577879
216	Devon Making Amends	Marcello Ramella	Policy Research Bureau 0207 2566300
221	Brighton Mediation and Reparation Project	Dr Linda Measor/Dr Peter Squires	University of Brighton 01273 643479
249	Ealing and Hounslow Children's and Young People's Crime Prevention Initiative	Julie Lawn	
293	West Berkshire restorative justice Project	Garath Symonds	Crime Concern as IS61
303	Derby and Derbyshire restorative justice Scheme	Phil Hodgson	Nacro 0115 9857744
312	Torbay Youth Community Reparation Project	Professor Rob Mawby/Gail Rogers	University of Plymouth 01752 233208
317	Teesside restorative justice Project	Wade Tovey/Dr Sam Taylor	University of Teesside 01642 384164

325	Kirklees restorative justice Project	Peter Eccles	Huddersfield University As IS101
335	Hounslow Reparation Project	Llinos McVicar	Nacro 0207 5010563
336	Cardiff VOM Project	Ann Crowley	Independent evaluator 01685 870155
348	Newham VOM Plus	Alice Sampson/Afsia Khanom	University of East London 0208 2234200
362	Lancashire and Blackpool restorative justice Service	Dr Janet Newman/Eileen Dunstan	Birmingham University 0121 4144972
372	Greenwich COM and Community Justice	Llinos McVicar	Nacro as IS335
397	Oxfordshire restorative justice Youth Justice	Catherine Appleton	01865 274443
406	Gateshead restorative justice Scheme	Kath Jones/Dr Frank Popham	Katharine.Jones@homeoffice.gov.uk
417	Sunderland restorative justice Scheme	Kath Jones/Dr Frank Popham	Katharine.Jones@homeoffice.gov.uk

*Some local evaluators have moved post since March 2002 and so contact details may have changed

APPENDIX 4: TYPES OF RESTORATIVE INTERVENTIONS OFFERED BY THE PROJECTS

Type of restorative intervention	Sum	% of total*
Community reparation	1246	20.5
Victim awareness	860	14.1
Community reparation and victim awareness	780	12.8
Direct VOM	526	8.6
Letter of apology written and sent	477	7.8
Indirect VOM	342	5.6
Victim awareness and letter of apology sent	334	5.5
Letter of apology written but not sent	293	4.8
Victim awareness and community reparation and letter of apology sent	203	3.3
Community reparation, letter of apology sent	157	2.6
Other contact	133	2.2
Community reparation, letter not sent	120	2.0
family group conferencing (victim present)	108	1.8
Victim awareness, letter of apology not sent	93	1.5
Assessment only	64	1.1
family group conferencing (victim not present)	53	0.9
Indirect VOM, letter sent.	52	0.9
restorative justice conference	49	0.8
Direct VOM, letter sent	39	0.6
Direct VOM and community reparation	34	0.6
Face to face meeting (not VOM)	25	0.4
Victim awareness, letter of apology not sent, and community reparation	24	0.4
restorative justice Caution	19	0.3
Face to face meeting (not VOM) and victim awareness	16	0.3
Direct VOM, community reparation and victim awareness	12	0.2
Face to face meeting (not VOM), community reparation and victim awareness.	10	0.2
restorative justice Caution, letter of apology sent.	7	0.1

Direct VOM, restorative justice Caution, letter of apology sent.	7	0.1
Indirect VOM and victim awareness	5	0.1
restorative justice conference and victim awareness	4	0.1
Missing (8.7%)	578	-
Total	6670	6092

*excluding missing

APPENDIX 5: METHODOLOGY OF THE RECONVICTION STUDY115

In order to conduct a reconviction study, the Home Office needs the names, dates of birth and PNC identifiers of the young people in the sample. Local evaluators for 20 of the 46 projects were able to provide such details, and the national evaluator visited most of the remaining projects in order to collect this information. There were considerable problems in some projects in identifying the relevant young people and in finding their details. This meant that our sample of 828 cases does not include all of those young people who started a restorative intervention during the sample period. The type of problems encountered in collecting the necessary data is illustrated by the following quotation from one local evaluator:

Because the data about interventions are incomplete and stored in a number of disparate sources including paper records maintained by the reparation staff themselves, in the court record book, in paper files maintained by the prime Yot worker who may have referred the young person to the reparation team for additional work to complete an order, and in computerised form, gaining a consistent picture of numbers involved and outcomes has been most difficult. While there may have been up to 443 referrals to the reparation workers over the period, full details are only available on 201.

Thus, there were 828 individuals in the original sample. When we received the data from the Home Office, there were 38 individuals who could not be traced. There were a further five cases where the PNC number we had supplied referred to another individual (not the offender we were trying to trace). In eight cases, the records of two individuals had been mixed up, and these were also excluded.

This left 776 individuals (93.8%) for whom PNC data were available. Before conducting any analysis, a number of checks were made in order to ensure that the individuals identified by the PNC were, in fact, the correct ones.

A check was made between the dates of birth as supplied by us and returned by the PNC. In around 20% of cases there was no exact match, the difference between the two dates varied from a day to four years. Cases where the difference was within seven days, or exactly a year, were taken to be the correct person, assuming that the difference was due to an error in entering data. The remaining cases were examined further, looking at dates of sentence to see if the correct person was involved. This resulted in a further six cases being excluded from the file.

When checking whether our target date matched the conviction date as given by the PNC, we found that in about half the cases, there was an exact match. As some of our dates were referral dates, which may be somewhat different from the conviction date, we defined a previous conviction as any PNC court conviction date which was 60 days or more before

our target conviction date, and a reconviction as being 60 days or more after our date. This left 953 court appearances within 60 days of our date. These were checked manually in order to categorise into previous conviction, target offence or reconviction. Forty-two individuals were excluded at this stage due to the dates and disposal not obviously matching the details we had - for example, by not having a conviction within the three-month sample period.

There were six court appearances which did not have a date, and these were excluded from the analysis because it was not possible to tell whether the offence was before or after target-conviction date.

Pseudo-reconvictions were excluded from the analysis (i.e. where the offence had been committed before the target conviction, but which resulted in a conviction within the 12-month follow-up period).

We were left with 728 people (88.0% of the original 828) for whom we had reliable reconviction data, and the analysis, is therefore, based on those cases.

Weighting the restorative justice sample by number of previous appearances

The following table shows the results of re-weighting the restorative justice sample so that the proportion of offenders with none, one, two, three, etc, previous appearances is the same as in the Home Office sample.

No. of previous appearances	Home Office sample			Restorative Justice sample				
	N	% of sample	% reconvicted	N	% of sample	% reconvicted	Re-weighted N*	Re-weighted N reconvicted**
0	7864	71.1	19.1	16	22.8	18.7	517.6	96.8
1	1514	13.7	34.7	6	19	27.2	37.4	37.3
2	576	5.2	43.6	8	11	16.3	59.7	22.6
3	324	2.9	50.6	9	88	12.1	58.0	12.2
4-9	570	5.2	55.1	5	14	19.9	69.7	26.4
10+	208	1.9	58.2	5	12	1.6	91.7	12.7
Total	11056			8	72		728	208

* calculated by multiplying the proportion of offenders in each band in the Home Office sample by the total number of offenders in the restorative justice sample.

**calculated by multiplying the re-weighted N by the proportion of offenders reconvicted in the restorative justice sample for that band.

Re-weighting the sample by number of previous appearances gives a figure of 208 people reconvicted, equivalent to a reconviction rate of 28.6%, higher than the 26.4% for the Home Office sample (although not a statistically significant result: Chi square $p > 0.1$).

APPENDIX 6: RECONVICTION RATE BY PROJECT

Project number	IS	Number in sample	% reconvicted within 12 months
17		30	50.0
23		28	53.6
24		12	41.7
28		1	100.0
29		48	54.2
30		9	55.6
38		34	35.3
41		7	57.1
61		19	26.3
67		38	31.6
74		13	30.8
83		40	65.0
85		28	46.4
101		39	46.2
111		35	51.4
120		9	66.7
122		45	48.9
133		6	83.3
139		24	50.0
146		15	40.0
148		40	55.0
157		2	50.0
181		16	37.5
186		25	28.0
216		5	80.0
221		32	37.5
312		19	57.9
317		3	100.0
325		33	30.0
336		2	0.0
348		3	33.3
362		7	57.1
406		31	48.4
417		30	43.3
Overall reconviction rate			46.6

APPENDIX 7: COMPLETION RATES BY SELECTED VARIABLES

Variable	Category	% successfully completing
Sex	Male	84.6
	Female	82.0
Age at referral	10	85.7
	11	83.2
	12	89.0
	13	85.8
	14	88.0
	15	84.6
	16	86.5
	17	81.7
Ethnicity	18	93.2
	White	86.0
	Black or black British	62.7
	Asian or Asian British	80.0
	Mixed	80.0
Referral point	Chinese or other	91.3
	Reprimand	62.5
	Final Warning	84.1
	Action plan	80.3
	Reparation order	87.8
	Referral order	89.4
	Supervision order	83.3
	Other	83.9
Offence leading to referral	Theft	84.9
	Violence	83.7
	Criminal damage	86.7
	Burglary	83.5
	Other	87.2
	Motor	84.2
	Drugs	75.3
	Fraud	83.7
Overall completion rate	Sex	90.9
		83.3

APPENDIX 8: THE LOCAL EVALUATION OF PROJECTS

In over a third of the projects, the original evaluator was replaced; three projects had three different evaluators; and a further three had four. This made communication between national and local evaluators more difficult, and undoubtedly affected the quality of the local evaluation. As the co-ordinator from one project (with four evaluators) said: ‘They come here and keep asking the same questions, but they don’t understand what we are doing.’ The high turnover is perhaps partly a consequence of the generally low level of funding (in some cases as low as £1,500 a year) set aside by Yots for the local evaluation.

In line with the requirements of the Board, we asked local evaluators to provide progress and interim reports throughout the evaluation (three progress reports, two interim reports and the final report). That 78% of evaluators submitted all six reports is a testimony to their commitment. All local evaluators provided the final report, although several were received two months after the deadline. This meant that it was not possible to give local evaluators the opportunity to comment on this report before its submission to the Board.

The amount of time local evaluators were able to devote to the evaluation varied considerably. At one extreme, one project had two half-time evaluators engaged throughout the project (equivalent to around 375 days in total). At the other extreme one evaluator was funded for only 12 days in total. Over half the evaluators had 45 days or fewer to devote to the evaluation. Inadequate evaluation resources restricted the extent to which the requirements of the national evaluators could be met, and also reduced the amount of qualitative data that could be collected. Two-thirds of local evaluators thought resources were sufficient only to meet the minimum requirements of the national evaluation. When we asked that additional data be collected for the reconviction study, many local evaluators were unable to do so due to lack of resources. Consequently, the national evaluator took on this task.

Most local evaluators reported that they had conducted some interviews and collected data, using questionnaires. However, the funding constraints, combined, in some cases, with difficulties in gaining consent from participants, meant that, for around a third of projects, local evaluators were unable to provide any interview or survey data relating to victims or offenders. In most of the remainder, the number of participants that they managed to interview or survey was small (on average, fewer than 20). This obviously limited the extent to which they could judge the project to have met its own and the Board’s objectives.