

Metropolitan Police Service restorative justice policy consultation report

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Introduction

Background and aims

This consultation was commissioned by the Metropolitan Police Service (MPS) to support the development of a revised restorative justice policy. The consultation involved discussions with service providers, statutory bodies, academics, and other experts involved in developing policy and practice. These discussions focused on a range of issues across policy development, including a focus on two key areas of interest to the Metropolitan Police Service: Youth Violence, and Violence Against Women and Girls (VAWG).

Methods

There were five consultation events over February and March 2022. Three were face to face, and two virtual. Members of the University of Gloucestershire team facilitated each session, all of which were attended by the Metropolitan Police Service representative, Police Sergeant Adam Timberlake, Criminal Justice Projects team & Restorative Justice operational lead for the Metropolitan Police Service. Each consultation event had a focus and an initial set of guiding questions used to initiate conversations (see table 1).

Table 1.	
Consultation event (and duration)	Guiding questions
Building restorative services 1 5 hours	Advice and suggestions on designing restorative services for police forces. The journey of a referral - how does this process align to policing? In-house provision models vs contracted services.
Embedding restorative cultures 2 hours	Key things to think about when designing restorative policies/practices for a police force. Challenges to expect and potential ways to overcome these. What the restorative justice conversation cards could look like/contain for the MPS. How to plan for the next steps in embedding RJ within the MPS.
Building restorative services 2 4 hours	Advice and suggestions on designing restorative services for police forces. The journey of a referral - how does this process align to policing? In-house restorative justice provision models vs contracted services.
Restorative justice with serious and violent crimes 2 hours	Blanket bans on RJ versus dynamic risk assessment. The importance of expert input to complex cases. Key things to keep in mind for an RJ policy that includes VAWG.
Restorative justice in international policy 1 hour	RJ in policy and practice: what is happening elsewhere in the world? RJ in policing and the CJS: what is happening elsewhere in the world?

After each event, the notes were organised and presented to the participants in a shared document, which they were then able to edit. The notes were then organised thematically and presented in this document.

Participants

The following individuals/groups took part in this consultation:

- Rebecca Richardson, Manager of Restorative Gloucestershire
- Franki Grant, Restorative Gloucestershire
- Paul Mukasa, Restorative Gloucestershire
- Jude Perez – Restorative Gloucestershire
- David Smith, Policy and communication officer for the Restorative Justice Council
- Terry O’Connell, restorative police service expert, Australia
- James Simon, Chief Executive Officer of the Restorative Justice Council
- Rebecca Beard, former manager of Restorative Gloucestershire (virtual)
- Nicola Coker, Restorative Practice Development Manager, Office of the Police and Crime Commissioner Wiltshire and Swindon
- Professor Jane Monckton-Smith, Academic, University of Gloucestershire
- Associate Professor Marie Keenan, Academic, University College Dublin
- Dr Ian Marder, Academic, Maynooth University
- Dr Daniel Ash, University of Gloucestershire.

The Consultation team

The consultation team was responsible for the organisation, oversight, and collation of the data. It comprises:

- Dr Jonathan Hobson – Project lead, Associate Professor of Social Sciences, University of Gloucestershire
- Dr Daniel Ash, Senior Lecturer in Criminology, University of Gloucestershire
- Dr Anamika Twyman-Ghoshal, Senior Lecturer in Criminology, University of Gloucestershire
- Ben Fisk, PhD student, note taker and scribe, University of Gloucestershire

Structure of the report

The material here is a summary of those consultation events. It reflects the substantive content of the conversations with the expert practitioners, academics, and regulatory and standards body members that took part. As such, it is not intended as a definitive guide on the issues discussed or the extent of opinion and evidence on the issue. The report summarises these issues under a series of headings, relevant to the design and delivery of a restorative service.

Key reflections from the consultation

Definitions and applications

There are different, sometimes competing, definitions for restorative justice and restorative practice. The work of the All Party Parliamentary Group on Restorative Justice (APPG RJ) outlined the need for greater understanding of what constitutes restorative justice in both concept and application, moving the conversation 'beyond a narrow definition of meetings between a victims and offenders' (APPG RJ, 2021a, p7). Consequently, the APPG RJ (2021b, p1) provide the following definitions for restorative justice and practice:

Restorative justice

Is the broad philosophy which argues that those most affected by harm and conflict should be involved in communicating the causes and/or consequences and empowered to make decisions about how to respond to that harm and/or resolve conflict. This can take place in any setting i.e., criminal justice, education, and health settings and even the workplace.

Restorative practice

Includes all those activities used to create a culture to proactively prevent harm and create resilient communities. This can include, but is not limited to, restorative dialogue, restorative leadership techniques, direct and indirect restorative processes.

Applications of restorative work

Given the breadth of the above definitions, it is clearly insufficient to consider restorative justice and restorative practices as only those approaches that bring victims and offenders face to face. Restorative tools involve a wide range of different approaches that might be broken down into four types:

- *direct contact (face-to-face)*: for example, victim-offender conferences, Circles;
- *indirect contact (non-face-to-face)*: for example, letter writing, shuttle work;
- *potentially overlapping processes*: for example, victim and offender circles that may or may not intersect, surrogate offender interactions;
- *discrete processes*: for example, healing circles for victims, community or family to repair relationships.

The Council of Europe Recommendation CM/Rec (2018) 8 concerning restorative justice in criminal matters makes further recommendations for the types of activity that can be considered as restorative if applied in accordance with restorative principles:

Council of Europe (2018, Rule 59): 'While restorative justice is typically characterised by a dialogue between the parties, many interventions which do not involve dialogue between the victim and offender may be designed and delivered in a manner which adheres closely to restorative justice principles. This includes innovative approaches to reparation, victim recovery and offender reintegration. For example, community reparation schemes, reparation boards, direct victim restitution, victim and witness support schemes, victim support circles, therapeutic communities, victim awareness courses, prisoner or offender education, problem solving courts, Circles of Support and Accountability, offender reintegration ceremonies, and projects involving offenders and their families or other victims of crime, inter alia, can all be delivered restoratively, if undertaken in accordance with basic restorative justice principles.'

Efficacy of restorative justice

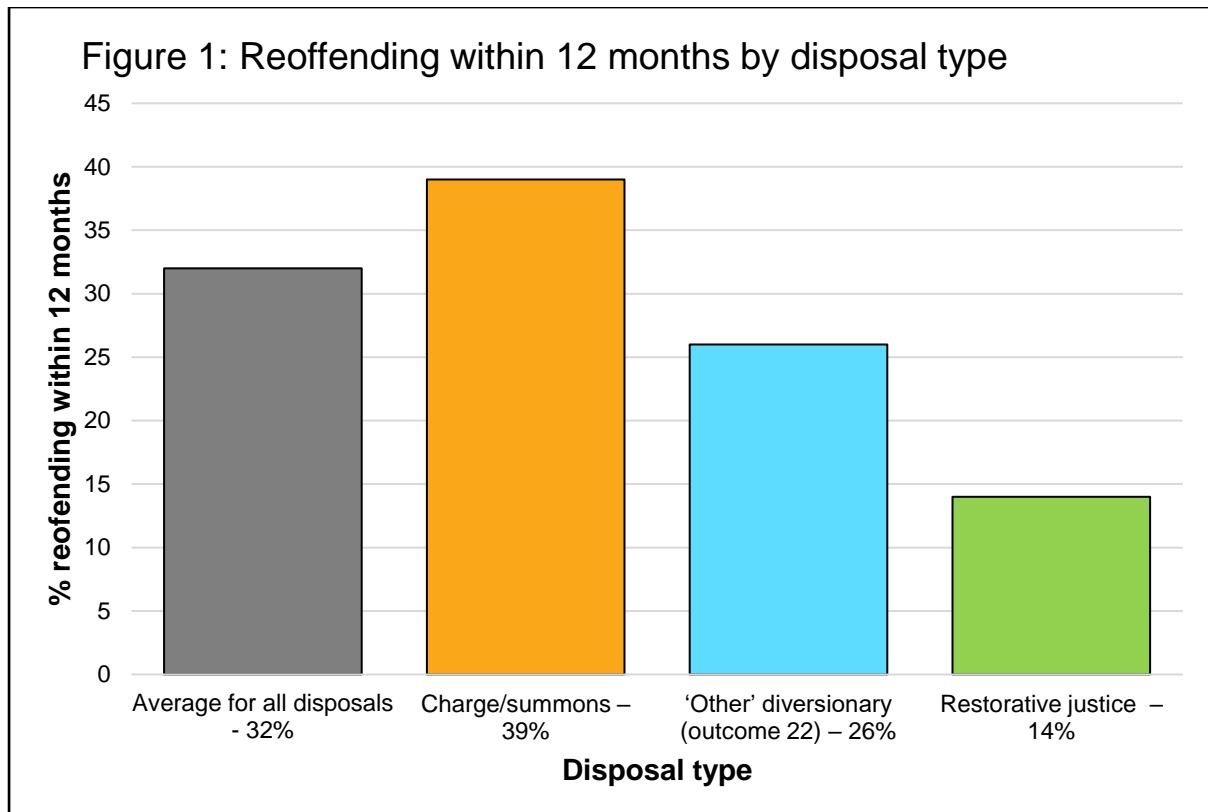
There is a great deal of evidence on the impact of restorative justice and restorative practices. This includes:

- Studies on the effective use of restorative justice in complex and sensitive cases, including sexual offences. For example, Dr Estelle Zinsstag and Dr Marie Keenan's (2019) work on legal, social and therapeutic Restorative responses to sexual violence; work by Prof. Nicole Westmarland, Prof. Clare McGlynn, and Clarissa Humphreys (2018) on the application restorative justice approaches to police domestic violence and abuse;
- Studies on the impact that restorative justice and practices can have within prisons and probation setting, including research by Dr Michelle Butler and Prof. Shadd Maruna (2016), Prof. Mandeep Dhimi, Dr Greg Mantle, and Dr Darrell Fox (2009) on Restorative Justice in Prisons; and Dr Steve Kirkwood and Dr Rania Hamad (2019) on social work and probation services;
- Studies on restorative justice approaches with young people, such as Dr Brendan Marsh and Prof. Shadd Maruna's (2016) research on the successes of Northern Ireland's Youth Justice Agency; Prof. David O'Mahoney and Dr Catriona Campbell's (2008) research on Mainstreaming Restorative Justice for Young Offenders; and Dr Nick Pamment's (2016) research on Community Reparation for Young Offenders;
- There are a number of excellent studies on the role of restorative justice in different aspects of policing, including the work of Dr Kerry Clamp and Dr Craig Paterson and application of restorative justice in policing (2012), and from Dr Kerry Clamp on the potential for a victim-focused policing strategy (2014); analysis by Prof. Lawrence Sherman, Dr Heather Strang and their colleagues (2015) on the training of police officers and the use of restorative justice in policing; and Dr Ian Marder's (2020a) analysis of institutionalising restorative justice in the police.

(See Hobson, 2021)

In the specific context of modern policing, the evidence for using restorative justice as one tool amongst others is increasingly clear. For example, data provided as part of this consultation from one police force in England (that wished to remain unnamed) highlights the value restorative justice can bring when it comes to reducing reoffending. Figure 1 illustrates the significant reduction in reoffending where restorative justice is used, in comparison to cases where other outcome types have been applied.

(Figure 1 represents 36 months of police data up to early 2022, with reoffending categorised as an offender committing a crime, having committed another crime within the last 365 days (multiple crimes committed by the offender on the same day are excluded - the measure only considers the first crime committed that day)).



Models of restorative service

The diverse nature of restorative service across the UK is partly the result of the funding landscape and of the needs of different services. Broadly speaking, in the context of restorative justice and policing this constitutes models that are based on:

- internal delivery (where services are provided in-house by specialist or generalist officers, or some combination thereof);
- external delivery (where services are contracted out);
- mixed delivery (where elements of services are provided in-house, and elements of services are contracted out).

Each model has benefits and challenges, as identified during the consultation.

Internal delivery model

Internal delivery models provide restorative services as part of in-house teams. This might be through a specific team established for the role, leads within existing teams, or the embedding of practice throughout a service.

Benefits

- Provides control over processes and the ability to react to the need to change process.
- Easier to manage data sharing arrangements.
- Can be more cost effective.
- Ability to utilise existing relationships that exist with the organisation (for example, where there are existing links with other criminal justice agencies).
- Can make restorative justice more visible within the organisation.

- Police officers are already engaging with one or more of the prospective participants as part of their existing duties.
- Can increase professional opportunity and progression when integrated into existing training and Continuing Professional Development (CPD) programmes.
- Can provide additional organisational credibility as part of developing services.

Challenges

- Rather than providing new or adapted approaches to dealing with issues, it can end up reflecting organisational culture/approaches.
- It can become absorbed by other work, and in doing so become diluted or subsumed.
There is a potential lack of external oversight in how services are delivered.
- There can be issues with offering (or being seen to offer) confidentiality and/or neutrality as opposed to being part of the service in question.
- Cannot accept payment from outside the service and as a consequence they cannot charge for services delivered out of normal operating sphere, which can impact on work done across operational areas.

External delivery model

Benefits

- Access to the expertise of an experienced provider, some of whom already have experience of providing services to large metropolitan PCCs / police forces).
- For external providers, this is their core business and therefore less distracted by other priorities and can use this autonomy to guarantee quality and fidelity to restorative principles.
- Can provide additional accountability and scrutiny, the benefit of disassociation from the organisation.

Challenges

- Data sharing agreements are required for services to operate, but in some cases may not be in place.
- The need to retender the contracting of services is time consuming, and changes in contractor may require rebuilding working and procedural relationships.
- There can be difficulties in ensuring suitable professional standards are met and maintained by individual practitioners and the service as a whole – for example, is the service/practitioners actively registered and trained to a sufficient level?
- Need clear reassurance that safeguarding issues are dealt with in a manner that reflect the requirements of the contracting service.
- The contracted services effectively represent the contracting party in their work.

Mixed model

The mixed model carries a combination of the benefits and challenges of both approaches, but in particular:

- It allows the service to decide which kind of cases it should retain as part of an in-house service, for example where data sharing might be problematic, where there is a need to control professional standards, and where there are valuable opportunities for service development and CPD;
- It provides the opportunity for services to access additional experienced practitioners and organisational expertise in key areas of service delivery.

However, in doing so it is important to consider:

- how to make it clear to services users which services are in-house and which elements are external;
- that there is an effective and open channel for dialogue between the different elements so that the overarching goal and approach to the different elements remains the same.

Managing different types of cases

In a restorative service attached to a police service, it is likely that a policy or approach will include a range of different types of restorative intervention ranging from those that are 'simple' and may be dealt with by officers as part of their routine work, those that need some form of guidance and advice before they are dealt with by officers (e.g. from Sergeants or an RJ Lead) or sent to specialist practitioners, and those that are of a serious and complex nature that require specialist restorative practitioner delivery. Understanding where this boundary exists is important for considering the types of service required, how many individual cases officers and other providers might undertake, and the policies that follow these cases.

- Where to draw the boundary between generalist officers doing RJ themselves, and when this goes to a restorative 'service' (whether internal or external specialists).
- Potential to adopt a 'tiered' model, such as that used by Restorative Gloucestershire and Gloucestershire Constabulary. This formalises the types of case that that might be dealt with by officers, versus experienced practitioners, and (potentially where used) external service providers.
- **See Appendix 1 for Restorative Gloucestershire's tiered intervention system**

Reflections specifically for the Metropolitan Police Service

- The 'hub-and-spoke' model in Gloucestershire is a good example of wholly internal delivery, funded by the OPCC and attached to the Police service. The service is run by police staff, with at least one officer attached to the team (See Hobson et al, 2022).
- The model in Avon and Somerset (Restorative Approaches Avon and Somerset (RAAS) provider Resolve West) may provide a good example of mixed delivery service.
- Durham police initially moved their restorative justice services to external providers but are now bringing this back in-house. As with Gloucestershire the service will sit within the police, but it is civilian posts that run the service.

Policy and Service design

Police officers and services have an essential role to play in ensuring that restorative justice is fully accessible for victims and offenders of all crime types, as envisaged by the victim's code, victim's strategy and RJ action plans. Police forces must develop systems for enabling RJ to be offered and delivered, whether internally or externally, in any case where the parties might benefit.

Embedding policy throughout the organisation

Developing effective policies includes ensuring that these policies are reflected across the organisation and become part of the working practices of other teams can be challenging. Suggestions for this include:

- blanket policies do not always work as they may not reflect the diverse needs of teams. A better approach is to have an overarching policy but then to build this into different parts of the organisation in specific ways;
- work specific elements of restorative justice policy in the policies of different teams within the service or into the policies of associated organisations (or different parts of the organisation);
- including restorative justice in the policies of different teams means it has a greater chance of becoming an embedded approach, is less likely to be removed than if it is a 'single source' and will support consistency of practice across the organisation.

Governance structures

Having a strong governance structure is key to both a successful rollout, to continued effective working, and to broadening the applications of restorative justice policy and practice. Considerations include:

- how a governance board can help with information sharing;
- how a governance board can support longevity and sustainability in an organisation by ensuring it is less than one or two staff members deep;
- how a governance board that includes members from a variety of teams or partners can support the embedding of policy across a wider range of teams / applications;
- that a successful governance board can support multi-stakeholder working, involving partners in decision-making and generating buy-in from key stakeholders. In the context of the Metropolitan Police Service, this might include MOPAC, community safety partnerships, Probation Teams, Youth Offending Teams (YOTs), Youth Offending Services (YOS) and other community agencies and groups where restorative services are being provided.

A key issue to emerge was the importance of achieving stability through established teams, including:

- the importance of continuity in staffing;
- the embedding of restorative working through established 'hubs'.

There are different models both in restorative services and other similar types of service. One successful approach is the 'Hub-and-spoke' model used by Restorative Gloucestershire, as set out in the points below:

- a PCC funded services that is provided as part of the local Constabulary; the team are police staff with a Police supervisor attached as liaison;
- this model sees a 'Hub' of experienced practitioners, providing policy and practice oversight as well as pool of trained facilitators, supporting the 'spokes' which are individual teams or associated organisations (e.g., youth justice services, housing services, probation, court teams);
- the support might include experienced practitioners to facilitate cases, logistical support, advice, and training for 'spoke' organisation staff;

For further details on this Hub-and-Spoke model, see Hobson et al (2022) and Restorative Gloucestershire (2022).

Data sharing

One of the most consistent issues to emerge from the consultation were the challenges around ensuring effective data sharing agreements and processes were in place. This is

essential, as the transfer of personal information (e.g., the contact details of prospective participants) is a key aspect of restorative service provisions. Key considerations include:

- where working with external partners, it is important to consider how service-level data sharing agreements are built into contract agreements. These service-level data-sharing agreements are essential for allowing the passing over of case information;
- where working internally, there is still a need to have policies and procedures in place that detail how information is collected from service users; that this information is not shared inappropriately within the organisation, and that privacy respected;
- in both cases, referrals will need to be made (for example to health services), so there will potentially be sharing of information across a range of different services.

Considering both victims and offenders

Whilst there is often a focus on the needs of victims, which is appropriate in many cases (in particular, see the section on serious and complex cases, below), it is important to consider how policies support both victims and offenders. Considerations include:

- eligibility criteria: what makes RJ inappropriate for a victim or offender? What risks are there? How can these be mitigated?
- what process are suitable when an individual is both victim and offender?
- What processes might you use where there is not a clear victim/offender?
- 'communities' are an important consideration, both because they can generate support for processes that are underway but also because they can generate wider support and buy-in for restorative processes as tools to overcome harm.

The Council of Europe Recommendation CM/Rec(2018)8 concerning restorative justice in criminal matters makes the following recommendations:

(Point 15) Restorative justice should not be designed or delivered to promote the interests of either the victim or offender ahead of the other. Rather, it provides a neutral space where all parties are encouraged and supported to express their needs and to have these satisfied as far as possible.

(Point 46) Restorative justice should be performed in an impartial manner, based on the facts of the case and on the needs and interests of the parties. The facilitator should always respect the dignity of the parties and ensure that they act with respect towards each other. Domination of the process by one party or by the facilitator should be avoided; the process should be delivered with equal concern for all parties.

Delivery of services

The delivery of services includes a range of considerations for how restorative justice provision might look, the challenges of undertaking work, and solutions that have been found to be effective elsewhere.

Developing awareness of services

One of the ways to develop a service is to increase those with buy-in, interest, and knowledge of the overarching purpose and approach. Those that took part in the consultation identified several approaches that are useful for this:

- developing an 'observer programme' so people across the organisation can observe how restorative processes work and the benefits achieved. This 'real world

experience is an effective tool to build interest and buy-in (the RJC and Restorative Gloucestershire might be able to facilitate this);

- having 'restorative champions' across the service can be an effective way to develop knowledge and capacity. Providing these officers with more extensive training means that they can advise other officers on approaches, provide information, and undertake cases. Other services have found that embedding champion officers across the organisation also means that referrals from across teams are higher.

Be conscious that it takes time to develop restorative services, particularly if they are to be spread across a number of teams/departments/partners services:

- case studies are a good way to show specific benefits to specific teams;
- a good strategy is to go and visit people in teams, be part of management boards, go to divisional training days rather than setting sessions up and expecting them to come to you;
- a communications plan is needed to tell internal and external stakeholders about the policy, and the public - especially 'hard to reach' groups.

Awareness of provision and the underlying principles is also important for achieving consistent, good quality service:

- it can challenge perception over crime types suitable for restorative interventions;
- how an offer is presented is important for how it is received; this requires consistent messaging for officer, victims, offenders, and communities;
- there is a need for 'street level' conversations so that cases can be dealt with at the lowest possible level, providing the opportunity for de-escalation and to avoid entrenching people in the criminal justice system.

Training and competency

The training of staff is an important consideration, not least in the need to ensure that those undertaking restorative work are doing so in a safe, competent manner. Training can take place in house or externally, and this might vary depending on the level and nature of the training, the expertise available within the service to provide training, and the needs of the service. Considerations include:

- contribute into training for new recruits, provide information on use and impacts early on to embed the idea as practice;
- consider how best to provide awareness and introductory training. Online training packages may not be sufficient for some circumstances;
- foundation level training can be difficult as it often encourages people to think different about issues. Consequently, training needs to show what the benefit is for people 'on the ground'. Experiential training can help this; for example, co-facilitating and/or observing cases when new;
- consider how to embed restorative practice into teamwork, particularly in a 'core' restorative team;
- training needs to be tailored to each setting, an 'off the shelf' training package does not always work and can be counterproductive;
- programs should also contain opportunities for mentoring and following up with refresher training/supervision/CPD. This would include regular mentoring and regular supervision;
- good practice also includes group-supervisions to support co-learning, providing a chance for case reflection, and help with service consistency.
- newly trained volunteer facilitators could be paired with a more experienced facilitator for their first cases so that they can learn from them;

- MPS could own and deliver their own training; this could allow training to be delivered in a bespoke manner, cost less money, and be more sustainable.

The Restorative Justice Council (RJC) are firm advocates that quality training ensures practitioners and organisations deliver safe and effective restorative practice. There are several ways in which they can support the Metropolitan Police service in their training requirements.

- **Internal MPS training delivery:** They can support in creating training courses and approving MPS as training provider, which would be more sustainable than purchasing in training and gives more flexibility overall to train from within. Whilst the RJC would not deliver these courses on MPS behalf, they would support its development and support identified trainers to deliver the course (shadow training). During this process the RJC could also work with the MPS to ensure that processes are put in place to meet the Registered Training Provider standards and that the course meets the approved course standards. In addition, the RJC could provide ongoing support to trainers over the first year of delivery and would suggest quarterly review / quality assurance meetings. The RJC could provide group supervision / supervision sessions either remotely or in person on a quarterly basis (minimum requirement for practitioners). The Metropolitan Police Service would own the copyright for the training materials.
- **External training delivery:** The 'Restorative Justice Council Training Provider Register' contains a list of externally assessed providers that have agreed to adhere to the RJC Training Provider Code of Practice and have demonstrated that they meet the performance indicators set out in the RJC Registered Training Provider Framework.
 - Registered Training Providers - <https://restorativejustice.org.uk/registered-training-providers/>
 - Approved Courses - <https://restorativejustice.org.uk/approved-training-courses>

Standards

The setting, maintaining, and certification of appropriate standards is important to ensure that services are both competent and safe.

- Consider certification of the team by the Restorative Justice Council; this process includes levels of support for developing services.
- Consider if/how individual practitioners should be certified to relevant levels depending on their caseloads.
- Consider how many staff are required to be at Foundation, Intermediate and Advance Practitioner levels. This is likely to change as the programme develops.
- Consider how standards are met and maintained for contracted out services – are these commensurate with the internal service?

Case management systems:

Tracking cases, providers and outcomes is an important part of providing an efficient service and can contribute to evidencing success. There are several case management systems that might be used. The Restorative Justice Council have a model/system that they are rolling out. Cleveland police have been using this so there is some police experience with this approach.

Staffing and volunteers

As with all services, it is important to consider how staff needs develop as provision expands. Capacity is key for delivery and sustainability/continuity. Many restorative services make use of volunteers, and there are considerations for this which include:

- how do you manage volunteers – do you need a dedicated post for this given the time commitment?;
- volunteers might often come from specific demographic groups – thought can be given for ways to encourage representation from different local communities;
- working with other local partners can be a good way to achieve this.
- volunteers represent a significant cost benefit: a rough estimate of a volunteer for 1 day a week is a cost-saving of £7,000 per year (based on the UK average wage);
- volunteers are not cost free; the above cost does not include training, oversight, facilities, travel, and their expenses;
- volunteers can be a valuable resource, to get the most out of their time it is important to consider how to support them in the role by providing opportunities for career development, pathways to paid work, and other opportunities for development.

Suggestions on how to make use of volunteers from services that do use them, include:

- volunteers should not be introduced as volunteers when working, they are trained practitioners and should be introduced as such;
- there is a need for effective systems to ensure volunteers are supervised properly, as with other staff;
- volunteers need to be vetted and embedded in the police systems, in effect treated in the same way as paid support staff. For example, Restorative Gloucestershire staff are police staff, which has benefits for data sharing.

Accountability

Accountability for services is important, both:

- **internal** accountability, which is partly related to standards and partly related to stability and integration of the team;
- **external** accountability, which considers how to manage the risk of RJ with the community; how to manage the work of partners (e.g., do they need to be recognised practitioners?); how to manage the risk of re-victimisation.

The importance of partnership working

Partnership working is key and is reflected in several areas of suggestion in this consultation report. Additional issues to consider include:

- what are the lines of responsibility for service provision – how might these differ depending on the service delivery model (internal, external, and mixed)?
- internal working requires good communication between teams. The Hub-and-spoke model is one way to ensure this happens.

International policy directions

There is a growing global consensus that restorative justice should be available to those that seek it and those for whom it may be beneficial.

- In several jurisdictions, such as Northern Ireland, Belgium, Norway, Finland and New Zealand, restorative justice services cover the breadth of the country and can be accessed by virtually any person, at any stage of the criminal justice process

- A number of jurisdictions have recently committed to making restorative justice widely available in a comparable manner, including Scotland, Ireland, Italy and Estonia.
- In the context of the EU, the 2012 Victims' Rights Directive (Directive 2012/29/EU), and the European Commission's 2020–25 EU-wide Strategy on victims' rights that identifies restorative justice as a valuable tool in helping to empower victims of crime
- In the context of the Council of Europe, in which the United Kingdom remains a member State, the 2018 Recommendation set out to 'develop and use restorative justice with respect to their criminal justice systems'. In particular:

Point 18. Restorative justice should be a generally available service. The type, seriousness or geographical location of the offence should not, in themselves, and in the absence of other considerations, preclude restorative justice from being offered to victims and offenders.

Point 19. Restorative justice services should be available at all stages of the criminal justice process. Victims and offenders should be provided, by the relevant authorities and legal professionals, with sufficient information to determine whether or not they wish to participate. Referrals could be made by judicial authorities or criminal justice agencies at any point in the criminal justice process; this does not preclude possible provision for self-referral to a restorative justice service.

- The Council of Europe 2021 Venice Declaration on the Role of restorative justice in Criminal Matters (Marder, 2020b) similarly stresses that RJ should be available to everyone and includes a broad list of cases where it could be suitable, including in cases involving radicalisation.
- Other important international policy documents make reference to the development and integration of restorative justice approaches, including the UN (2020) Handbook of Restorative Justice (see https://www.unodc.org/documents/justice-and-prison-reform/20-01146_Handbook_on_Restorative_Justice_Programmes.pdf) which outlines international evidence on best practice in service delivery, design and implementation.

Measuring and evaluating success

An important consideration in developing and delivering restorative justice services is how to measure impact and success. There are different models that exist for this, and the consultation discussion covers a range of useful factors in planning how to implement recording and the types of data to record.

Types of data

There are different examples of the ways in which Police forces might collect and use data for tracking the extent and impact of restorative justice.

- Wiltshire: Post process for those that engage in restorative processes for more significant offenses. These produce qualitative and quantitative data that needs collating and analysing.
- Avon and Somerset: have daily reports that highlights where RJ is being used and could be used more effectively
- Gloucestershire: live data generating from the dashboard (Unify) for tracking offending and reoffending rates. Outcome 22 is used for restorative justice processes, which means this data can be easily obtained.

There is the opportunity to work with other forces to develop recording system for restorative justice outcomes, and the Restorative Justice Council are active in supporting systems development in the area.

Police data

Recording the impact of restorative policies is important for evidencing the success of the programme. As the data at the start of this consultation report shows, effective restorative justice policies can reduce recidivism rate in some crime types by 14% (Shapland et al, 2011). To capture this is crucially important to make sure restorative outcomes fit within the police recording model.

- As the new two-tier framework is brought online, there is significant potential in the application of restorative justice for out of court disposals.
- Other forces are currently using 'outcome 22' for RJ disposals, which provides both an easy way to record those processes undertaken by officers but also the potential for a significant uptick in 'resolved' incidents.

As well as the statistical data, it is important to collect data from officers deploying restorative outcomes. Feedback mechanisms for officers can help to:

- see the impact and improve the quality of the service;
- give a chance for the team to reflect on what is and isn't working;
- close the feedback loop.

Partner data

Where services are contracted out, it is important to receive regular and good quality data on cases and outcomes.

- Discussion should be had on what this data looks like, where it is reported, and how it is reported is important for the police.
- Consideration should be made for how this information feeds into performance data?
- Could MOPAC add a question into their victim satisfaction survey around the offer of RJ?

Embedding a restorative policy and culture

One of the key themes to emerge from the consultation were discussions around how to create a 'restorative culture'. In this context, the contributing parties were identifying the ways in which restorative policies and restorative work can become embedded with an organisation, providing benefits beyond frontline interactions. Such 'restorative cultures' might include how practices can be used for internal disagreements or discipline, how it can help structure discussion within teams, and how it can help improve wellbeing and engagement in the workplaces (Daly, 2003; Clamp and Paterson, 2013; Hopkins, 2015; Stockdale, 2015; Marder, 2020b).

What are the 'routes in' for policy and practice development after initial deployment?

A restorative justice policy needs to be clear on what it is that makes a difference – why it is valuable to the work being undertaken. Some teams and departments might be more receptive to introducing restorative policy, for example:

- Police integrity commission and complaints
- learning and development teams

- effective outcomes can help convince senior leadership teams of further benefit. For example, the expanded use of Outcome 22 (as detailed earlier).

How does a restorative justice policy challenge the existing narrative/culture?

Those participating in the consultation were clear that culture change is difficult, particularly so in the police where a number had worked/are still working. Policing is about procedural and compliance process; however, policing as a profession is about relational practice; it is about navigating the relational world:

- officers are already developing many of the foundational skills for restorative justice work: they listen, they engage with those they talk with, they can de-escalate confrontational dialogue. However, they may not appreciate that they are doing this.
- You can support restorative approaches by embracing those things that officers do well (relational practice) and emphasising that this is not a new set of skills, but a new way of deploying those skills.

A key suggestion for this was around ways to change the prevailing cultures and narratives:

- when you change the conversation, you change the story;
- when you change the experience, you change the everyday conversations (culture).

Using 'Restorative Questions' as a tool to support change

A very effective model that has been used in several settings, including police settings, is the 'restorative questions cards'. These cards provide 6-10 questions that provide a guide to having more restorative conversations and are a useful aid to delivering a restorative justice outcome.

Where can the cards be introduced?

- Providing officers with the restorative questions can be an effective way to help structure conversations.
- Trained officers could receive these cards.
- New recruits could receive these cards as part of awareness programmes.

When introducing and teaching with the cards, you need to introduce them to the team/officers in a collaborative way as opposed to a compliance model.

- What you are doing is not just introducing the cards you are introducing the new way of thinking around engaging, collaborative, conversation.
- The importance of looking inward: "What I did? How I did it? Why I did it?"

The template for the Restorative Questions Cards can be used as shown or adapted for specific use by the Metropolitan Police Service.

- ***See appendix 2 for copies of the Restorative Question Cards, as developed by Terry O'Connell***

Reflections from the Wagga Wagga Restorative Policing Model

As part of the consultation, we spoke with Terry O'Connell, who developed and ran the Wagga Wagga restorative policing model and has contributed to developing restorative practice within police forces and other sectors across the world. Terry's reflection on deployment is summarised in his own words, below.

- Having a well-designed project with the right policy settings, sound messaging and detailed implementation and training strategies in place is really the easy part, getting

buy-in from operational Police is the real challenge. Unless you understand operational policing culture then what needs to change for cops to pay attention to what they think the project has to offer is not likely to happen.

- In 2016 Clamp and Paterson published “Restorative Policing; Concepts, Theory and Practice” and used the Australian Wagga Wagga model as the ‘comparative model’. This work explained ‘what happened’ but more examination is needed to understand ‘why’ these changes were able to take hold. Without the ‘why’ the ‘what’ looks like more of the same.
- My initial focus when I was put in charge of fifteen operational cops [1990] was to engage them in a conversation about making sense and meaning of policing; why they became cops; their beliefs and motivation, their expectations, what they liked and what challenged them; identifying what works and why. No surprise that these police had never been invited into a conversation that provided them with voice [agency] and the opportunity to interrogate their practice. Restorative conferencing was an outcome of a different policing narrative because it made sense and they understood why.
- What has never been understood was that the restorative process we developed and used to engage young offenders, victims and their respective families was the same process I used to engage our police. It should come as no surprise that a strong feature of our discourse was using [regular] circles to talk about what mattered. This process provided police with the opportunity to have a voice; feel valued; taken seriously and able to engage in conversation that helped them to learn and grow as professionals. Being connected emotionally with your colleagues is fundamental to wellbeing.

There are several questions that can be useful in planning the design and delivery of a restorative service for the police:

- Where does restorative justice fit in policing?
- What does it have to offer operational police, personally and professionally?
- What needs to change for operational police to view restorative as fundamental to how they police?
- What makes the greatest difference in policing?
- If ‘how people are treated’ is a major influence is why these people obey the law, what are its implications for policing?
- If police were asked to describe an incident that made a difference, what would be particular about the process [practice] they used?

One effective way for operational police officers to find the answers is not to tell them or to “make a case” for what you are attempting, but to engage them in a way that encourages them to work it out. They need to recognise that this project has something to offer them personally and professionally.

- The key to improving how operational cops engage vulnerable community members [women and girls in your project] is to provide them with a modelling that works for them [cops] in the hope that they will replicate this practice with those they are assisting.
- This means you need to recognise that operational police are the experts [in their personal and professional lives] and as a consequence, have the answers to what matters. Your [and my role] is to create the conditions needed for that to happen.

What this project offers can have significant impact on policing, but it requires a fundamental rethink of why contemporary policing is struggling. Given policing is essential about

relational interactions it would seem obvious is to start with cultivating a different conversation. Policing culture is like a story book, change the stories, change the culture. There is a desperate need for some new stories and this project offers that possibility. What all police culture surveys have in common is the toxic nature of its operational culture. Asks cops about police reform [not change] and the simple answers involve; being treated fairly and respectful, input and ideas valued and so on.

Serious and complex cases:

Several of the consultation sessions included discussion on serious and complex cases (including youth violence and Violence against women and girls), much of the detailed material summarised below came from the discussion with two experts in the field: Professor Monckton-Smith (University of Gloucestershire) and Associate Professor Marie Keenan (University College Dublin). This topic is particularly salient, as there is significant conversation around the ending of 'blanket bans' on using restorative justice in some areas for some types of crime.

Dealing with Serious and complex cases

It was clear in the consultation that the prevailing thought is that the criminal justice system is failing victims of serious and complex cases in several ways.

- That whilst the system has improved in many ways, the attrition rate for victims is remarkably high and consequently few victims get justice through the system.
- Those that get a conviction can find it effective, but they are often left with other justice needs.
- The reality is that the CJS is not about supporting victims to overcome their harms, it is about justice for offenders.

However, addressing these needs is not a 'one-size-fits-all'; victims are not a homogenous group, they have diverse needs.

- ***See appendix 3 for 'the importance of understating victim goals', as developed by Dr Diana Batchelor (2021).***

In the overall category of Serious and complex cases there can be big distinctions between the responses that are appropriate for different crimes, the needs of victims, the types of engagement with offenders that are suitable and safe, and the expertise needed to support processes.

Restorative justice for interpersonal violence (serious and complex cases) do have some common considerations when building and undertaking policy and practice. For instance, serious and complex cases:

- require a quite different conceptual and practice framework to RJ in other areas (e.g., youth crime and diversion);
- cannot be offender led or offender focused, it must be in the interest of the victim; all the operations of the practice must be victim centred and offenders cannot dictate circumstances around the discussion/events that are outside of standard confidentiality or other process dimensions;
- cannot be 'equal' process – you cannot use the concepts of neutral facilitator or impartial facilitator. It cannot be neutral or impartial. The victim must have the driving say, it must be the victims say on where this happens and on the questions;

- require restorative facilitators that understand the complex dynamics of these complex cases – it is essential that they have good levels of knowledge on these complex cases. Where facilitators do not understand the dynamics of these issues there can be significant danger of re-victimisation/harm’.

Sexual violence:

Several significant studies have reported on this topic in recent years (see: Mercer and Madsen, 2015; Bolitho, 2015; McGlynn and Westmarland, 2019; Keenan, 2018; Marder and Zinsmeyer 2021; Zinsstag & Keenan, 2022). Consequently, the use of RJ in this context is more established than in other types of serious and complex cases. Key overarching issues include:

- practitioners are ahead of policy makers and academics in this area: practitioners have been doing this for quite some time (Keenan and Zinsstag, 2019 found 40% of practitioners were using RJ for 10 years; 60% for 5 years);
- in some countries there are established practices; for example, Denmark, Norway, Netherlands, and Belgium – although approaches differ between jurisdictions. This includes CSE (Denmark);
- in the UK and Ireland, we are still questioning if we should be doing this kind of restorative work.

The body of evidence received through the consultation suggests that RJ in sexual violence can be appropriate and effective. There are a range of methodologies to do this safely. Considerations include:

- it should generally be post-conviction;
- it must be with the consent of both parties;

The low level of both reporting and conviction in SV cases makes the argument for considering restorative justice as part of the CJS compelling. Although restorative justice should not be an alternative to traditional justice methods, in reality it sometimes fills the space in justice provision because of the high attrition rates, low levels of reporting in these case types. In SV cases, restorative justice needs to come under a justice framework and be offered, managed, and run within the CJS/CJ family. Considerations around this include:

- cases where there is a decision not to proceed to trial (legally or through threshold or public interest);
- where victims want justice but do not want to make a formal report to the police (e.g., historical cases and historic and familial cases);
- the public prosecutor could be involved in these cases, and could refer suitable cases for restorative justice with consent of both parties;
- voluntariness, preparation of the parties, procedural safeguards, specialist training for facilitators are all essential

Domestic Violence, Stalking, and Domestic Homicide (DV/S/DH)

There should be a big distinction in the management of Sexual Violence (SV) and Domestic Violence, Stalking and domestic Homicide (DV/S/DH) cases:

- the reality for DV is that there is also a lot of SV, but for women in DV the most important thing is not prosecution it is getting safety and protection;
- where possible, there is a need to disaggregate the data and approaches between SV and DV/S/DH;

- DV is not about conflict, it is about abuse / violence / crime – the language of RJ if being considered in these cases needs to reflect this. RJ is not about reconciliation in these circumstances, it is about justice for victims and accountability for offenders. Mechanisms are Narrative, Dialogue, and Agreements with can be monitored by CJS

DV/S/DH is vastly different from SV - different considerations should be applied. There are specific risk and threat considerations:

- DV perpetrator programmes are not as developed in DV as SV (and problematic);
- the danger of weaponizing children from past and current (new) relationships;
- the danger of weaponizing the RJ process;
- the risk to increase femicide/familicide;
- the danger of Coercive Control.

Domestic violence and homicide are escalatory crimes, and carry significant risk of continued threat and violence:

- ***See Appendix 4 for the 'Homicide timeline, as developed by Professor Monckton-Smith (2020).***

DV/S/DH needs thought about how RJ might / could / should ever be used.

- From a risk and threat perspective – there is a lot of talk about robust process, but actually we know that a lot of assessment processes are not robust enough to detect the danger of familicide, homicide, femicide, so how can we be sure that the adequate and robust risk assessments are available for RJ? If we can not get this for other cases, can we be sure to get this for RJ?

There are specific dangers of Coercive Control:

- 60-80% DV/DA involved coercive control, it is important to have a strong knowledge base on what this is and how it presents;
- coercive control is about a power imbalance, so 'neutral' facilitators risk putting more power in the hand of the perpetrator. Neutrality of facilitators cannot apply here in these cases, restorative justice needs to reconceptualise its approach for these cases;
- coercive control is about manipulation, so there are significant issues about how this can be made safe;
- coercive control and stalking: it is important to be more cautious when approaching these types of crime, for example SV in some cases has a quite different power dynamic post-conviction;
- there remains serious doubts that coercive control could be eligible for RJ. Does the victim have a realistic idea about what the offender can give them? Do practitioners understand the danger of this? Often it is not the woman who may be in danger but the new partner.

However, across DC/S/DH, some of the other needs of victims might be able to be addressed if a victim wants a restorative process, and wants to confront the person safely, then there needs to be careful consideration of whether this request can this be refused.

- The criminal justice system often uses its professional power to tell victims that it 'knows best' about what is needed for them. Is the danger that 'blanket bans' and 'exclusion criteria' for restorative processes end up doing the same thing?

Professional decision-making on the behalf of victims, thereby disempowering victims?

- However, the offender's new partner could be at risk so even if a woman wants RJ with her former partner, a perpetrator of CC. consideration must be made of risks for current partners and children in those relationships.

Key considerations for processes if they are to be taken forward in Sexual Violence, Domestic Violence, Stalking, and Homicide

For assessing risk:

- make sure that the victim has not been coerced into engaging in the process;
- make sure there is no concept of 'reconciliation';
- there is a need to risk assess all the other people that are around the situation (including new partners, children, other people that are within the sphere). Risk assessment must be wide and dynamic;
- there must be clarity about issues creating risk through strong risk management processes;
- experts should be consulted, to identify dangers;
- these are complex, dynamic, criminogenic risk assessments that are informed by knowledge of the crime and offender;
- risk offending for the victim – they know the key issue(s) / trigger word(s).

For training:

- the importance of trained and competent practitioners: how do you get RJ and SV or DV practitioners to skill share. Who is best to be trained? How do you bring people together?
- the breath of restorative practice: broader restorative principles – not just about face to face (see earlier material for different types of direct, indirect, overlapping, and discrete restorative processes);
- the value of joint training programmes: mix those in the VAWG field that are very sceptical about the RJ field but have the knowledge; the RJ groups that are experienced practitioners but do not know enough about VAWG. The distinct groups deliver the content on each of their areas. Practitioners need to know what front-line workers know – this is detailed and complex information;
- some countries (like Finland) conduct some RJ in DV cases, but this is a relatively limited and there are questions around screening for suitable cases;
- who oversees this and brings this together?
- the frontline workers need to be central at training – bring that knowledge together;
- the importance of diversity within this and specific types of need or harm for diverse and minority communities (e.g., honour-based violence).

As the gatekeepers of services, there are a number of factors the Police service could consider:

- what about contracted out services – are they doing the job in the right way?
- what about ongoing risk?
- do we remove DA in this circumstance?
- do we use other methods outside of face-to-face (shuttle, letter, and others)?
- how do you embed a close working relationship with organisations providing services?

- how do you ensure that restorative justice referrals come through a centrally managed unit to ensure that the processes are delivered properly and based on the agreed characteristics?

Youth violence, particularly knife crime

Interventions based on restorative justice principles have been shown to reduce the risk of recidivism for young people when compared to court proceedings (Bouffard et al, 2017). An example of such programmes is the one run by 'Upskill U' in Haringey, seeking to offer restorative outcomes to young people aged 18-25 who might not be eligible for a 'low-level' disposal.

- The program has a significant community focus, with 13 local community members trained as 3 police officers.
- The approach of having fewer police officers involved supports the community-driven focus.

Reflection on the programme includes the opportunities for using such schemes to help divert from serious violence, particularly knife crime:

- the Circles of Support and Accountability (COSA) model they use is time and resource heavy, which means that it might over-resource some cases that may be better suited to level 1 or 2 (in the ACPO framework) disposals;
- however, such an approach could work very well for more serious incidents such as the carrying of a knife where there is not necessarily a victim or in cases where victims don't want to participate, but where there is value in dedicating ongoing resources to a restorative approach to supporting and reintegrating the person;
- there is also the potential to significantly engage the community in supporting such approaches, increasing the impact on problem and escalatory behaviours.

The deployment of COSA and other similar methods, such as 'Referral Order panels' can offer significant benefits, but need to be applied properly:

- whilst they can be designed as restorative, there is also a danger that they can become punitive/managerial in approach;
- within Youth Offending Teams, RJ is not perceived to be a core priority of professionals' roles, it is a 'bolt-on' additional service offered (when deemed appropriate) to select 'ideal' victims and young people. Few victims are invited to participate in the Referral Order panel process. To ensure that RJ is an integrated and integral youth justice process it must be systematically embedded into practice and routinely offered to all victims (Banwell-Moore, 2022);
- in Ireland there is the option to refer/divert cases to RJ to these types of outcomes, however there are issues where young people are being referred for intensive programmes when this is not required, so deployment needs to be mindful of this;
- the Council of Europe (2018, point 59) *Recommendations concerning restorative justice in criminal matters* clearly identify a range of similar approaches that, if applied correctly can be restorative in nature and outcome:
'community reparation schemes, reparation boards, direct victim restitution, victim and witness support schemes, victim support circles, therapeutic communities, victim awareness courses, prisoner or offender education, problem-solving courts, Circles of Support and Accountability, offender reintegration ceremonies, and projects involving offenders and their families or other victims of crime, inter alia, can all be delivered restoratively, if undertaken in accordance with basic restorative justice principles.'

Areas for continued development

The Metropolitan Police Service is in the process of developing and deploying a relaunched restorative justice provision. This is partly in response to the legislative change brought about by the 'Police, Crime, Sentencing and Courts' Bill, and partly in response to tackling known challenges from the 'business as usual' model. The MPS has created a dedicated restorative justice team to oversee this development, the first of its kind within the service, with the intention to support organisational change in relation to the delivery of policing. In discussion with the service lead, we have developed an outline action plan that is a suggestion for areas of continued focus and development.

Courts

There is scope to explore the use of restorative justice to reduce the number of cases in court backlog. This involves taking a partnership approach with HMICFRS and the CPS to develop a process for trialling restorative justice as a disposal for suitable low-level, post-charge, pre-trial cases. Working with HMICFRS and the CPS to offer RJ disposal to suitable cases within the courts backlog.

Crime

Delivering restorative justice as part of the revised two-tier framework of out of court disposals (OOCs). This includes exploring the opportunity for expanding the use of 'outcome 22' (see [NPCC briefing note March 2019](#)) with the potential for a significant uplift in MPS recorded judicial disposals. This will provide data for and examination of the impact restorative justice interventions have on reducing recidivism.

Communities

There is scope to support the roll-out of community-led restorative justice programmes, partly to develop restorative community conference outcomes, and partly to support motive relationships with local community organisations. This would include an evaluation of the impact community restorative programmes have on satisfaction/trust in communities disproportionately affected by crime and with low levels of existing trust in the MPS.

Culture

Training and supporting MPS staff as restorative practitioners would facilitate the wider use of restorative justice across the service. The impact of training on broader working practices, particularly in relation to organisation culture, is increasingly well evidenced. As the training and development program at MPS is rolled out, there is an opportunity to examine the impact on broader culture and staff satisfaction in the organisation.

Cost

The above areas of potential development, alongside the existing programme underway at the MPS have the potential to provide a significant value-for-money saving. Establishing these savings will enable the MPS to begin calculating the service-wide potential for cost-benefit savings.

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Appendices

Appendix 1: Example of a tiered intervention system, as developed and used by Restorative Gloucestershire

Restorative Justice decision-making guide

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The National Decision Making Model should be used to aid the process of deciding whether RJ is suitable as diversionary disposal for crimes.

This guide will help you decide which level of RJ intervention would be suitable for a particular offense:

RJ Intervention type decision	Suitability considerations / criteria
<p>RJ LEVEL 1</p> <p>Usually safe to facilitate an RJ intervention. Can be facilitated by RJ trained police officers or PCSOs. If unsure, please contact RJ SGT</p>	<ul style="list-style-type: none"> No public interest factors No reason to make a referral to or need for support from other agencies No vulnerability with any of the parties involved, consider victims needs and wishes Summary or either way offences Swift and completion within 3 months Harmer must accept responsibility
<p>RJ LEVEL 2</p> <p>Often suitable although not always straight forward, requires consideration. Refer into Restorative Gloucestershire. In all cases seek guidance and supervision from Restorative Gloucestershire</p>	<ul style="list-style-type: none"> Serious crimes by definition but minor in the individual circumstances (see Hate Crime Eligibility below) Crime that is local priority e.g., theft Serious acquisitive crime Consider risk of reoccurrence Consider offending history Dealt with slow time Where there may be vulnerabilities / additional needs Summary, either way and indictable offences
<p>RJ LEVEL 3</p> <p>Can be suitable, there are risks that would need to be carefully managed. Always refer into Restorative Gloucestershire. Seek advice from Restorative Gloucestershire team. All referrals of this nature require ratification by the RG Manager</p>	<ul style="list-style-type: none"> Domestic Abuse Hate Crime or Incident Sex offences / Harmful Sexual Behaviour A crime where formal sanction offers more appropriate support or intervention to either party e.g., vulnerable harmer A crime where formal sanction is essential to ensure that proper record is made of behaviour that is of 'significant risk' Post sentence intervention

Appendix 2: Restorative Question Cards - Terry O'Connell.

Restorative Questions I

When things go wrong.

What happened?

What were you thinking of at the time?

What have you thought about since?

Who has been affected by what you have done? In what way?

What do you think you need to do to make things right?

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Restorative Questions II

When someone has been hurt.

What did you think when you realised what had happened?

What impact has this incident had on you and others?

What has been the hardest thing for you?

What do you think needs to happen to make things right?

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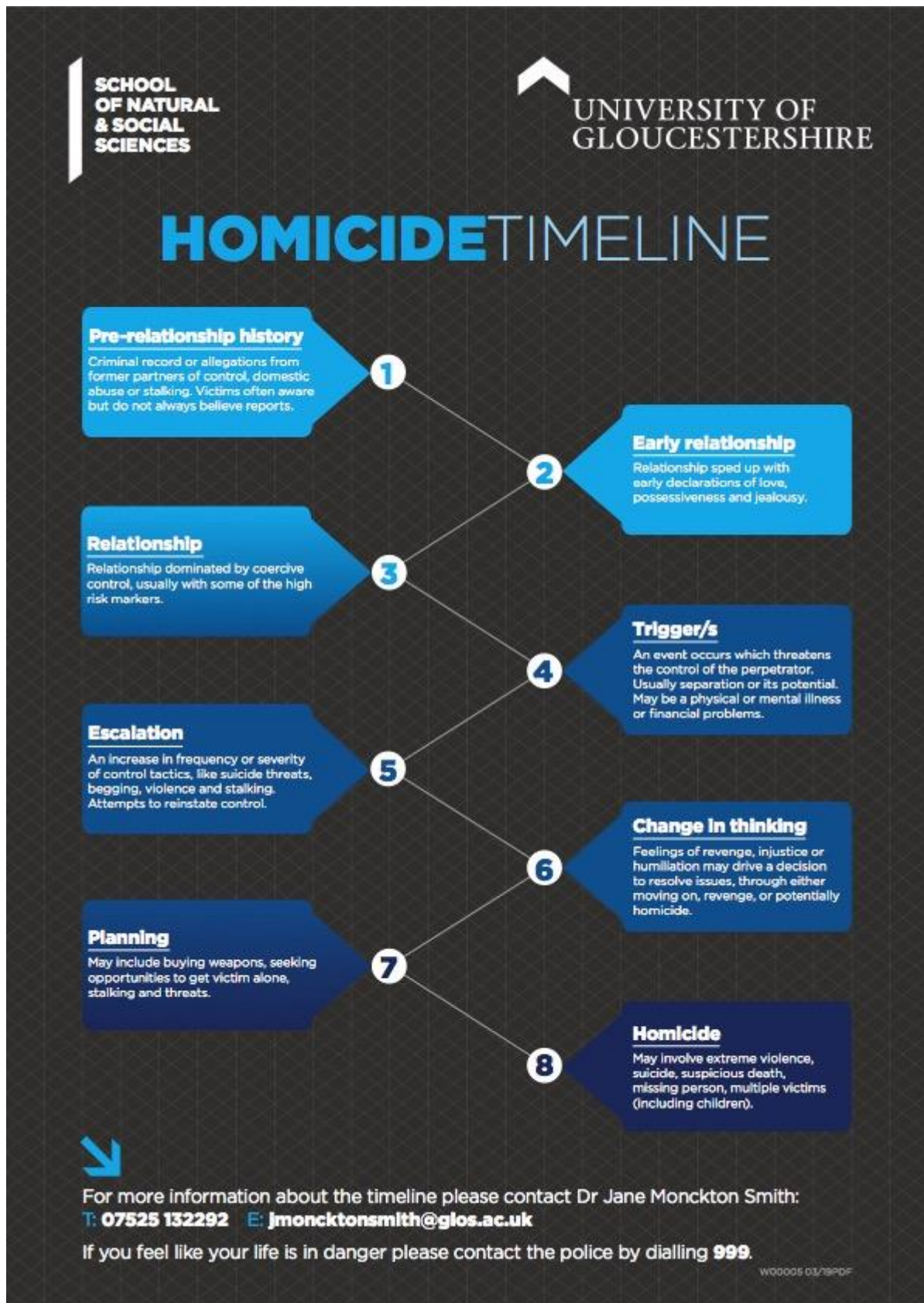
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Appendix 3: The importance of understating victim goals - Dr Diana Batchelor (2021)



Appendix 4: The ‘Homicide timeline’ - Professor Monckton-Smith (2020).



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