

## About the Restorative Justice All-Party Parliamentary Group

The Restorative Justice All-Party Parliamentary Group (APPG) was established by Elliot Colburn MP and held its inaugural meeting on Wednesday 21st April. The mission statement of the APPG is:

*To examine the use of restorative justice principles within the UK justice system and beyond; to raise the profile of restorative justice principles within Parliament; and to provide opportunities for policy discussion and consultation.*

CalComms provides the secretariat to the APPG.

## Introduction to the inquiry

The Restorative Justice APPG is launching an inquiry into the current state of Restorative Practices in the England and Wales. It will seek to take evidence from key stakeholders and reflect on the 2012 and 2017 government priorities (as established then) to review how these are progressing and what changes need to be made to improve the quality and availability of restorative justice and practices.

For the purposes of this inquiry, the Group have adopted the following definitions of restorative justice and restorative 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 of 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.

## Structure of the inquiry

### 1. Written evidence

The APPG will issue a call for written evidence from organisations and individuals with expertise in Restorative Practices. Evidence will be gathered through the development and publishing of a dedicated website with a fully interactive feedback facility.

### 2. Oral evidence

The APPG is planning to hold a number of oral evidence sessions with invitations extended to the Advisory Board. It will be at the discretion of the APPG, in consultation with the Advisory

Board members, as to the extent of these oral evidence sessions and who else, other than the members of the Advisory Board, should be invited.

### 3. Report

A report, based on the written and oral evidence, will be produced which will make clear recommendations for the government on how to better improve access to and the delivery of Restorative Justice/practice.

## The Advisory Board

On the instruction of the APPG, an Advisory Board has been established to guide the Group through the agreed Work Programme. As agreed by the Members this Advisory Board comprises of senior stakeholder groups. In order to extend the scope and opportunity for consultation two Members of the Board, the Restorative Justice Council and Criminal Justice Alliance, have agreed to act as 'umbrella' groups for smaller stakeholders.

## **Current Membership (note that this is subject to change)**

**Jim Simon:** Restorative Justice Council

**Nina Champion:** Criminal Justice Alliance

**Tony Walker:** Restorative Solutions

**Kate Hook:** Restorative Solutions

**Julie Clark:** Calm Mediation

**Dr Jon Hobson:** University of Gloucestershire

**Steve Jones:** Remedi

**Lucy Jaffé:** Why me? Transforming Lives through Restorative Justice

### **Focus of the inquiry:**

The APPG is seeking evidence to address the following questions, which are separated into two sections; setting the scene and areas of discussion from within the Restorative community.

Within section one, setting the scene, the APPG is seeking evidence across all sectors including but not limited to criminal justice, education, health, social care and the workplace.

Section two, areas of discussion, focuses specifically on restorative justice and practices within the criminal justice sector.

## **Restorative Justice in 2021: Setting the scene / Gathering evidence**

- Q1: What are the benefits of using restorative principles and what recent evidence of the benefits are you aware of?
- Q2: In which areas is/are restorative justice/practices being applied effectively? Please provide examples of how practice has been effective in these areas.
- Q3: In your view, what measures should be used to determine effectiveness? Where possible, please provide examples
- Q4: What in your view makes a good restorative culture in a setting, institution or community? Please cite examples if you have any.
- Q5: In which areas is/are restorative justice/practices not being applied effectively? Please provide evidence of where there are blockages, and what could be done to overcome these.

## **Restorative Justice in 2021: Areas of discussion**

### **Access:**

- Q1: What areas of Restorative justice/practice are being funded and by whom?
- Q2: What areas of Restorative justice/practice are not being funded? In your view, please explain what impact this has on access?

Q3: Why is there still such a disparity between different Police and Crime Commissioner / Mayoral areas in terms of the types of offence which are considered suitable for Restorative Justice? Where this occurs, please provide examples of the impact this has on victims and offenders

Q4: What in your view makes an inclusive restorative service/culture that enables and supports the participation of people with protected characteristics? Please cite any examples you are aware of.

Q5: What are the current information sharing issues and how could these be overcome?

Q6: Where, in your opinion, are there good examples of the voices and views of people who have participated in restorative justice/practices being heard and acted on in the design and delivery of restorative services?

### **Capacity:**

Q1: Should there be a greater emphasis on the consistency of practice standards and a requirement from the Department of Justice to ensure those engaged in the facilitation of restorative practices meet minimum standards. If so, what would the minimum core curriculum look like?

Q2: There has been a far wider rollout of Restorative Justice practices in privately run prisons. What could be learnt from these to increase capacity in other prisons?

Q3: There are many examples of effective practice within courts, youth offending teams, probation, victim services and health settings. What could be learnt from these to increase capacity more widely in other settings?

### **Awareness:**

Q1: What more could be done to improve public awareness and understanding of Restorative justice/practices?

Q2: How and when are victims and offenders being offered restorative justice? What could be improved when making the offer?

Q3: How do agencies ensure they are adhering to their Victims Code of Practice obligations of providing victims with information on how to access restorative justice?

Q4: Does there need to be greater access of relevant information to ensure Restorative Justice practices can be widely available across the country? If so, who within the criminal justice system would benefit from greater access to relevant information, training and/or awareness raising about restorative justice / practices in order to increase access?

Q5: How could data recording and analysis be improved? Should there be a nationally agreed framework for recording across the country? Perhaps a specific set of criteria that can be uniform across all regions and relevant authorities?

Q6: Does there need to be a targeted approach at a senior level to improve the overall understanding and encourage wider use of Restorative Justice within the Met and other police forces? If so, what should this look like?

### **Other:**

Q1: What is your vision and your hopes for a more restorative future? What innovations would enable this to become a reality?

Q2: What are the top three things would you like to come out of this enquiry?

Q3: Is there any other information that is relevant to Restorative Justice in 2021, not otherwise covered in the questions, you would like to share?

**THE INQUIRY PANEL WELCOMES WRITTEN EVIDENCE AND SUBMISSIONS ON ANY ASPECTS OF ITS INQUIRY.**

### **Restorative Justice APPG Members**

- **Elliot Colburn MP** (Chair of the APPG, Conservative)
- **Christina Rees MP** (Labour and Co-Op)
- **Tony Lloyd MP** (Labour)
- **Crispin Blunt MP** (Conservative)
- **Fiona Bruce MP** (Conservative)
- **Neale Hanvey MP** (Alba)
- **Baroness Sally Hamwee** (Liberal Democrat)
- **Baroness Molly Meacher** (Crossbencher)

Submitting your evidence

Email your interest in submitting evidence to [asa@calcomms.co.uk](mailto:asa@calcomms.co.uk)

Evidence can also be submitted online via [rjappg.co.uk](http://rjappg.co.uk).

If you have any questions then please do not hesitate to contact our secretariat, CalComms, at the email address above.

We may publish the written evidence that we receive or make reference to it in the final report. If you do not wish your evidence to be made public, then please say so in your submission.

## Appendix B Oral Transcripts (Session 1-10)

**Elliot Colburn MP:** This is the first in a series of oral evidence sessions that we will be taking over the course of the next two weeks. That will also be complemented by our online written evidence portal where we are inviting anyone and everyone to submit evidence about restorative justice via our online portal to help inform the outcome of this inquiry. And our aim is to put that together over the parliamentary summer recess, and present that back in the early autumn. I'm delighted to be joined by parliamentarians and members of our advisory board this afternoon, and we are going to kick off our first session this afternoon, with Tony Walker from restorative solutions. And I believe Tony, you are being supported by ■■■, who is a service user of yours as well. So you're both very, very welcome. Our first session this afternoon will go from 12:00 to 12:45. And then we will have a second session from 12:45 to 13:00. Tony, I'm going to hand over to you please fire away.

### Session 1

#### Tony Walker

Thanks very much, Elliot. And thanks for the introduction. Yes, ■■■, I would say as well can I put it as an ex service user, just to be clear, because that's something to do with the language. Just by way of introduction, I think it's good to see so many friends around, not seen for a while. Hi Vi. So onwards and upwards, I will try between ■■■ and I to give you some oral evidence we will obviously support it in writing, presently. But we will give an opportunity those 45 minutes, for any questions if there are any. Also, I would say if you do want to ask some questions, please just wave shout. And just ignore all the usual protocols go old fashioned and shout. The way we're going to run the presentation, I'll just give myself a brief introduction, very brief half a minute, and ask ■■■ to do the same. And just to perhaps to contextualize ■■■ role here as well, she will give you again, 30 seconds on how she ended up or how we ended up meeting, I suppose is probably the phrase. As Elliott said, I am one of the directors for Restorative Solutions, the director responsible for practice delivery, also registered with the RJC as an advanced practitioner, and registered training provider. Personally, I've worked nationally on restorative approaches, and justice for about 25 years, and as well as internationally and various other criminal justice arenas in New Zealand, Northern Ireland, Norway, Czech Republic. So hopefully, we can bring that context to what's we say. ■■■, has been a victim of serious crime. And I would set the stage she's now studying for a PhD. All good evidence for RJ as well, ■■■ is here, hopefully to endorse

and highlight some of the issues that were raised today. ■■■, did you want to say hi?

■■■

Hi, everybody. I think some of these names are very familiar to me. And some faces are as well. As Tony said, I was the victim of a serious crime. My assault was a historic crime from 96, and I did my RJ in 2017. I'd had a long period where I've accessed lots of different services that was a serious sexual assault. I've gone through various different agencies and psychologists and psychiatrists, and the only thing that helped me to move on was the RJ. So hopefully, we'll get that message across to you today. Any questions as Tony said, you know, please give me a dig in the ribs and ask me anything apart from what I weigh and how old I am. And I'm more than happy to elaborate. Thank you.

#### Tony Walker

Thanks, ■■■. The way we've decided to present this is in line with the questions presented with the terms of reference, with ■■■ contributing. Some of those will in the nicest possible way, be covered by others we'll just ignore and try and cut to the chase as far as the others are concerned. Immediately in terms of setting the scene, then jumping straight to question two, about where it's being applied effect, where is restorative justice being provided effectively, and I should say that we will major on the criminal justice system, we run Restorative Justice Services for seven Police and Crime commissioners, hopefully can provide quite a good overview in contrast, so I would have said, Where's it been done? Well, and that's in would

like to say in the Police and Crime Commissioner areas that we're delivering in and as well as many others, so I'm not going to say that that's unique. Where it allows and where the remit, and we'll come back to this point consistently, whether the remit allows for the delivery to be crafted around victims needs. And there's a requirement to deliver to meet delivery standards and, an echo straight away to another point that we will probably consistently come back to is about standards and RJC registration, which I alluded to. ■ did you just want to just spend perhaps a moment just explaining how you came into contact, and some of the issues that you were presented with by not having effective RJ services?

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I initially tried to have RJ, when I say it was historic crime, the offense happened in 96, but the offender wasn't. He wasn't caught until 2010. In 2010, that's when I decided that I did want to meet with this individual. And I did have all these burning questions and all the things that literally tick box, but for what the RJ victim needs. And I was rejected three times, for various reasons. And it was the gatekeeping was mainly at the prison. And the basis was that they were saying that it wasn't a commission service. And that was the problem that they were having. So not just anybody could go in and deliver the RJ. For me that level of frustration when you've gone through something like that, and you finally think you're going to get something that's going to help you move forward to then have somebody else make that decision for you. It's secondary victimization, I was so incredibly angry, I still carry a great amount of anger for this one particular prison governor who halted me at the three different stages that I went through. Finally, on the fourth attempt we managed to get in and the relief that that gave me was a little bit of control. I felt like I've got some of my power back. And I felt that I was being heard and I was being listened to. The main frustration for me and for the offender was that we both agreed that we did want to meet. And it's not a one time trying to get that across to people as well. It's not one time ever want to be in a room with

him ever again. I never wanted to be in a room with him then, I needed to be. And that is massively important. And I think it's important that we get it right. We get it right for victims so that they're not going through what I went through.

### **Tony Walker**

Thank you very much ■ I think points quite eloquently made? What I would say in that respect is it's rather likely the curate's egg, if I may good in parts, and again, we'll come back to that that postcode lottery, which is affected by any number of reasons, leaping on to question three, what measures? It goes without saying victim satisfaction must be at the height of any measurement of restorative practice. It also needs to be cost effective I mention here. Heather Strang's work in reviewing the outcomes of restorative justice, not in terms of its cost effectiveness. But going further than that, and the other reviews that she did around health outcomes for those who go through restorative processes, and how there was a reduced demand on the health service. There's lots of different ways of actually measuring effectiveness, measuring the outcomes to meet the victims needs. So again, what does that mean? It means meeting or communicating safely, with an opportunity to ask questions, and to move on. And again, to make the point about moving on as eloquently she, ■, just has, there's a need for consistency in data that is recorded what data is reported. And also that definitions of outcomes. In one area, a phone call to a victim apparently an outcome that is just ticking a box. In another, it must be a full restorative meeting. Now interestingly, restorative justice is now defined in statute. We'll see. But anyway. Moving on to question four. What makes good restorative culture? I would say, lots of these are obvious answers, but I think it's the obvious answers need to be obviously spoken. It needs leadership, it needs leadership at all levels. If we talk about institutions, ■, again, mentioned the governor of prison, you can have 300 members of staff in a prison that afford restorative justice. If the governor says no, it's no for everybody.

Yeah. Yeah.

### **Tony Walker**

I think it goes to government as well, if I may say is there needs to be that buy in at all levels, because again, the boss says you've got to do this. But hey, we don't think we can pull them in we're a little bit busy. So that commitment needs to be throughout an organization, I think it would be helpful if you if you just want to spend 30 seconds because I'm watching the clock all the way through this to try and get it all in on your experiences of the staff from the prison, probably mostly in the pre visit, but as well on the day of the meeting, and their support.

The staff were incredible. They were absolutely incredible. And I did write to the Minister of Justice and the victims Commissioner, because I think when people go above and beyond their role that needs to be recognized. They were absolutely outstanding, they arranged for me to have a pre visit. So that was twofold, really one for me to have a look around, but mainly to get me through security so that on the day, that process was as seamless as possible. And the room that we used was I had a massive say in in where we sat, I mean, I didn't want an open circle, I wanted a barrier between myself and the offender, we had choice of rooms, one of the rooms was very small. And they said that if he'd have actually stretched his leg, he would have touched me. And you could imagine what but you know, I'd have probably ripped the prison apart, if that would have happened. They cancelled all domestic and legal visits on that day so that I didn't have to interact with anybody. There was a breakout area for both he and I, I was shown exactly where he was going to be, at which point. So when they would say to me, he's in the holding cell, I can visualize exactly where he was, because I'd seen that the week before. They couldn't do an appointment, they clean the carpets. And they didn't even do that when Princess Ann visited. So we were kind of up there, you know, we were the

first victim that they had in. And they were they were amazing, they were absolutely amazing, I'd met the staff that were going to be present, they could not have made that that whole process any easier for me. And as a result of that I have been in since and delivered training to their staff around RJ I'm challenging those views. And one of the I mean, we'll probably touch on this in a second. But one of the staff members, there was his personal officer who said I never wanted to meet you never, because I'm just a name and a file. So then to meet me and put a face to that person was quite difficult for them as well, but really empowering for them. And it's something that they will now promote and encourage and enhance. So it was I love to say I couldn't praise them enough. They were absolutely incredible.

### **Tony Walker**

Thank you. So question five, whether or not its being applied effectively. The phrase, you'll hear it? Well, if you don't hear it consistently, I'll be very, very surprised is a single word gatekeepers. And those gatekeepers come in every shape and size. They are individuals, whether it's the individual governor, the head of security, particular probation officer, a particular police officer, social workers, and you can get the drift here, they're all professionals. But there's also I think, the system it can work against this. And another point that we'll come back to as we go through this is this process cannot be dependent on people. Mostly, it's a personal it's a relational process between professionals, it needs a system that people cannot circumvent, so that if the governor of x prison if the head of probation in x area, if the Chief Constable in particular force leaves, it doesn't stop. And that is a consistent danger and a consistent problem that you get in delivering services. And again, I echo what said, why wasn't able to access restorative justice in the first instance, because of a personal decision by an individual that shouldn't happen? Based on what criteria? We could probably wax lyrical for some time. But it also needs those clear systems performance measure, which is based on people's cooperation. Does restorative justice feature in the remit of all these other organizations? Because

if it's not my business, I don't need to do it. I'm not affected by it. Access? what areas restorative justice has been funded and by whom very, very quickly, to my knowledge, systemically the only one, is the criminal justice system with Police and Crime commissioners, Ministry of Justice by the victims fund. Everything else to my knowledge is ad hoc, an individual head teacher, the head of care children's services in a particular region, who wants all their staff in children's care homes trained, so it's absolutely ad hoc. But again, in where it's ad hoc, it's motivated by an individual usually motivated by a senior manager, or senior leader in that organization, seeing the value of using restorative approaches. Leads to question three. Why is there a disparity between Police and Crime commissioners? Probably I can allude, again to my previous answer. In the nicest possible ways people, people are different opinions are different. And therefore different decisions are made in different areas, both on budgets, because across our seven areas, and I'm sure you'll hear this from Steve, when he gives his evidence is those budgets are massively different area to area with no consistency on the size of the area at all. And again, the importance of restorative justice to those individuals, and it does become an individual basis. There's also various decisions on the remit of the service and the appropriateness of restorative justice for different offences. ■■■ I'm sure won't mind me saying hers was a very serious sexual offence. And the postcode lottery, which is restorative justice, means that if she'd have been in a neighbouring county, she wouldn't have been able to access the service. And so the but is that divergence of remit in and I'll confess it was it was at least 13 years ago, but I spent 30 years in the police. There's a manual that big on crime recording standards, everybody knows how crimes are recorded who's got to investigate it, where it's got to be done. In RJ there are 43 different remits the 43 different services across the country. I jokingly said and I'm going on holiday on Saturday, you'll be pleased to know, well, maybe not pleased to know to Dorset. And in that area, if I'm a victim of crime, I can't get a service because I'm a visitor. It's only open to residents. Whereas if I live in

Kent, and I visit Dorset, I can get restorative justice because it's open to residents of Kent wherever the crime happens. You can see the ludicrousness of that situation, not just on the remit, so it's in one area, it's all crime, and another area it's no sexual offending and other areas, no domestic violence. In another area, it has to be reported to police. We offer the service to any victim of crime, whether or not it's reported to police, whenever historically it occurred. That's not the case in all areas. So, again, what we probably echo is consistency. That remit must be consistent. And I think the phrase postcode lottery is referred to and applies to countless different situations. Looking on in terms of what makes inclusive restorative service, and culture, the captures participation, I would have said quite simply where we operate. Pardon me, for us it is engaging with communities and community groups. If you don't engage with them, you can hardly expect them to engage with you. It is about making the service as accessible as possible. I give the example of the service in West Yorkshire, where we have initially developed and now rolled it out across all our areas a BAME action plan. An action plan specifically aimed at being inclusive and attracting those divergent communities. And add to that we work or have worked and do work historically with the Bradford Hate Crime Alliance, where they have third party reporting options. They provide advocacy for individuals. And so we can, via third parties, open up access with the endorsement of individuals who are important in those communities. Information sharing issues, excuse me, I know we haven't got another six hours, and if this one doesn't echo through the halls, minute by minute, I'll be very, very surprised. Those that wonderful phrase GDPR this huge disparity between forces on the interpretation of GDPR, let alone its existence or otherwise, we work on in one area, we'll work on a consent basis. In another area, we'll work on a public task model which you can do within the context of GDPR. The differences are significant in one area, we're allowed access to police systems in another we're not. So different, we also have to have a different information sharing agreement in every place with every organization in every place.

I would commend my colleague Kate, who spent five years and hoorah restorative solutions now have a national information sharing agreement with HMPPS. It only took five years. But that's an indication and if we move, the next organization will may potentially have to start from scratch. So there's again, it's crazy. Where in your opinion are the good examples, I'm going to question six now on that one. I'll let ■ speak again? To just highlight that, but probably that is people who've participated, how do we use their voice? There's ■, and I'm sure you'll hear plenty more of those voices. But ■, if you want to spend a moment just describing the work you've done for the PCC, victim and witness group and the specialized input that you provide for us on our trade show.

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I, following the RJ, I worked with the OPCC in West Yorkshire and we developed a victim strategy that's been rolled out across the borough. We're also something we were looking at potentially getting a victim's Ambassador because West Yorkshire is such a large area, but obviously COVID hit us, and that's on hold. I've also delivered training to prison staff to probation and also to police staff. And I'm in the process of putting some videos together some training videos for West Yorkshire Police on how to work with victims, because one word can break somebody, just one word can completely ruin everything for anyone. I've also I deliver on the training for restorative solutions for the it's the enhanced to me my writing is the enhanced course for those that.

### **Tony Walker**

Attend enhanced training for those that deal with restorative justice in harmful sexual behaviour cases. Thanks to you.

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And I'm now doing my own research into the impact of RJ on sex offenders. I've been busy.

### **Tony Walker**

We keep her busy. So to capacity. Question one, should there be a greater emphasis of consistency

of practice standards? You'll be surprised I won't just use a one word answer, but I could Yes. What I'd say is, and Jim, the restorative justice Council have just revisited, I was privileged to work with them way back into 2004. On best practice guidance, then. And the latest iteration of that is the practice guidance from 2020. It's the newly refreshed and introduced registration scheme for practitioners at three different levels, for services for training providers, and for organizations. Don't reinvent the wheel. It's there it exists. I think it will be fair to say that that the mandatory application of that was stepped away from decades ago. By the then what is still the Minister of Justice. But we have a simple insistence, every single service we have is registered, or is actually in the process of being registered and every practitioner who we employ is registered. If you if you want to reassure victims and offenders, then actually here's a thing, show that you are professional. And that's the process. So I think it will be simple to say on that on that question. But there's a big kind of a big, big suggestion. Question two, there's been a far wider rollout in privately run prisons. I guess, you know, why is that? I would suggest they have freedom, freedom of decision, freedom of budget, they decided to invest in staff dedicated specifically to restorative justice. They include the roles positively, we are working with some of the prisons, in the areas that we work around introducing restorative justice into the whole prison adjudication process . We do get significant interest, in buy, from some prisons, so I wouldn't decry all prisons. But I would have said the flexibility of budget and such like is key also major awareness programmes, what could be done to improve public awareness and understanding. As I said, I'll ask all of you this. When was the last time you saw an MP on television talking about restorative justice? When do government influencers talk about restorative justice, that's publicity That needs to be, frankly, state run. We keep being told restorative justice. nobody's heard of restorative justice. You know, why not? And so straight in there. If I'm going to be critical, sorry about your victim, victims code of practice. What does it say about restorative justice? It says, people have the right to information,

where services are available. That's not a commitment. I'm being absolutely blunt. I've been working in Scotland recently, they have a vision for restorative justice by 2023. That says, it's a vision for access for all to restorative justice by 2023. They've got a mountain to climb there. But I think it's a statement and it's a vision. The provision of information, we hear that only 6% of victims and can recollect being told about restorative justice. I'm not surprised because generally, it's delivered at the time the crime occurs when they get another stack of papers, with everything from this is how to get now locks on your doors. And somewhere buried in there's restorative justice. So, again, we'll come to the right time, right place for the delivery of information about restorative justice and who should be delivering it. In terms of other issues a continued belief that restorative justice is only for minor crimes, a confusion between the difference for restorative justice and what are described as out of court disposals, there's still a confusion about is one the other is the other one, cautions, conditional cautions, etc. That runs on to this next question, which is about how and when victims are being offered restorative justice. Without decrying the police, I can't because I was one of them. Detection rates currently 15%. And on generic statement, sometimes high, sometimes lower. What's the point in offering restorative justice to a victim at the time they report a crime, when 85% of them will never be able to avail themselves of that service? Because we don't know who did it. Think about when you can actually offer a service that can be delivered. So for example, I use the term witness care units, it changes depending on where you are witness care units, work for the police, and they advise victims of crime, the outcome of cases and the outcome of their case. Post the criminal justice system, which is another issue, but being offered something that even if they know who did it, you can't have it till everything's been to court 12 months later, because of fears of disclosure and such like. So I think right time, and the right place is absolutely critical to that that's not to suggest that there shouldn't also be publicity at all levels. Does there need to be. Question four, does there

need to be greater access to relevant information to ensure restorative justice? Yes, we are again, provided in a variety of different areas in a variety different ways. But almost every single RJ service, I know, trains, offers training and awareness to the police staff, their local probation, the local prisons, and judiciary, but we include that in various specialist courses, but particularly in the basic training, but as well as that the CID training, but it should be in basic training across every public sector and private sector, Criminal Justice organization. Whether that's police, probation, prison, CPS, the judiciary, there should be no excuse for public sector organisations, every individual not to know about restorative justice. It's key to their services. How could data recording analysis be improved? Agree the outcomes and stick to them. I think they change every six months. Well, not quite every six months now. I think they've been settled for 12. But think about case management systems. We have now got a very professionalized restorative justice services across the country, particularly in the criminal justice system. But there's about, and I echo the same problem with police, computer systems and IT systems. There's 43 different IT systems. We use systems such as MyRJ Esins even in sevens in seven different areas, we have about three or four different systems that were obliged to use. If you agree those outcomes, if you agree, a system, agree a case management system, you can download information at the click of a button and save, frankly, save our staff and probably lots of other staff days every month in pulling information off to provide performance reports, which we provide on a monthly basis across all our contracts. So standardized performance data, standardized definitions, standardized reporting processes, whether it's MyRJ, whether it's Esins, whether it's orcuma, and I could go on, it needs to be standardized. Does there need to be a Leaders at senior levels. I can't remember the last member of the National Police Chief's Council, who was the lead for RJ. And that lead for RJ needs to be different than the lead for out of court disposals, they're different issues, and that difference matters. There's the APCC haven't got a lead for restorative

justice. Ministry of Justice, I can't remember the last time or job description of any individual within government, let alone the Ministry of Ministry of Justice. So sorry, I'm having a good rant at you and rant at your colleagues. So I apologize. Again, it can't rely on people come to my last couple of points. On the other category one, what's your vision I've said and echo again, systems, not people, this process cannot be dependent upon individuals, it needs to be systemic.. What would I like to come out with? We would like access to restorative justice not just information, is the first one you'll be surprised to hear. Resources we'd like those appropriately allocated, because the bottom line is, where's the money? Think of the savings, money and people if you look at, and I'm sure you'll hear from victims and offenders. I am not sure what you're going to hear from Peter Woolf who went through a restorative process nearly 20 years ago, he has never reoffended since was he was reoffending at the rate of about 10 burglaries a day, do the maths, over 20 years. That's something like 35,000 less victims and less cost. What would those victims have cost the state and it drifts into millions. It needs so appropriately allocated a clear funding model fairly applied across the criminal justice system, which is somewhere where we can actually have sight of it. And it needs to be long term commitments. We have contracts that run year to year. We have contracts that pause. We don't hear from for six weeks after the contract ended that it's been continued because the funding has not been pushed through from central government. So that I'm sure you hear that about pretty much every subject. And again, surprised if the third thing on my list there is remit of services that needs to be consistent, so that there is no longer a postcode lottery. ■ I've ranted on do you want a last word? And then we'll give 10 minutes for questions.

■

I cannot I mean, I can't gush enough about how amazing RJ is. You know, it's something I feel incredibly passionate about because it has changed so much in my life. I hadn't slept with

the light off for 21 years, I now can't sleep with a light on my energy provider thinks I've died. It's changed so much. And it's also changed the way in which I perceive the individual involved and the way he perceives me. We've had a couple of interactions since where I recently applied for sexual harm prevention order. The assault actually occurred in my home when the offender had hid there for several hours. So for me, once his license conditions ended, I felt I needed that additional security given the nature of the offense. And he signed that no problem he signed to say he wouldn't oppose that. He initially asked me to change my victim personal statement for the parole hearing. After the RJ he asked that you know he said that he wouldn't ask me to do that. He felt it was unfair to ask me to change. There's almost some empathy there from him now. And quite recently his location because he's back in the community. His location was compromised, his address was posted on social media. And the first thing I did was I phoned the police. And I said, you need to get him out for his own safety. So there's, in the loosest sense, a little bit of respect for each other, having gone through the RJ process, and I think if we can maintain as we are, then we will both succeed from this, you know, we will both recover and move on from this. Thanks to make it available for everybody. Everybody,

### **Tony Walker**

Only slightly eloquent. Today's understatement. But back to you and your colleagues, or anybody for questions.

### **Elliot Colburn MP**

Thank you, Tony. And thank you, ■, as well for coming along and sharing your experiences that's incredibly powerful and very useful for us to hear as part of this inquiry. So really, really grateful to you for doing that. If I can perhaps kick off with a question, Tony, is based on obviously, with all of this evidence that you've provided today, and the benefits, obviously, that that deal was a perfect, you are a perfect example of, of doing it. What is the blockage in government? In your opinion,

having been involved in RJ? For as long as you have what has been the prevention? Has that been an individual ministers priorities? Has it been difficulty getting through our stop? I'll stop making guesses. But is there any Is there any kind of insight you can give us into why the government has been so slow to take this up?

### **Tony Walker**

So rather than a barrier? I would have said, I mean, we've been privileged to meet to deliver briefings in Downing Street. And to be hosted there. We've had broad access. But rather than say there's a barrier, it's more like there isn't. There isn't somebody with this job description in the Ministry of Justice, there isn't anybody with responsibility in government for restorative justice. And so surprise, it's just not on the list. And if there's a barrier is because when I look at my priorities, restorative justice isn't on there. And there's plenty of others. I would have said almost the absence rather than anything else.

### **Elliot Colburn MP**

Thank you for that, Tony. And do we have any other questions from anybody? Vi if you're shouting at us? Oh, yeah, sorry. Are you trying to ask a question? You're right. You're unmuted. Hi.

### **Vi Donovan**

Can you hear me now? Yes. Great. Okay. Tony. Hi. It's nice to see you again. And you? Do you believe that there should be more training on how to treat and talk to victims because it's where we've been up and down the country, me and ray listening to victims of crime and listening to how they've been, not listened to, by those that should be? And that I know, I don't want to name so many groups, but they're, you know, what I'm talking about what, when, when we've, when we've trained people in RJ and they've gone in to talk to that victim? Suddenly that victim, as you well know, pours it out, because nobody else have been listening to how they really felt? Do you think there should be more training on how to treat and talk to victims? Right across the sector right now, that means police, even victim support all of them? How to talk to them? In an RJ way in in a I'm listening? What do you need? Why?

### **Tony Walker**

I think I, you know, my answer is going to be yes. services do need a greater understanding of the impact of trauma and crime and conflict upon individuals. Certainly, I think they that that issue of enhanced training will assist and support. The only point I'd make is what we consistently say, to all the services that we deal with is the best person to describe what restorative justice, is a restorative justice practitioner. And so listen absolutely, be sensitive, absolutely. But leave describing what restorative justice is to restorative justice practitioner who knows what they can offer and knows what they can't. Because we don't want to come along behind and say, Well, I want x I was told I could get x actually can't have such and such. So yes, I agree. But right person to describe the service, I think is also fundamental.

### **Vi Donovan**

Yeah, yeah. And the reason I asked that is so we just trained some groups in our area, first ones ever. And it was a hate crime. But wasn't listed as a hate crime by the police. And the victim didn't feel as if she'd been listened to by them was very angry was not wanting to talk to anyone. But when our lady went in, in with our RJ head on, if you like, and was able to sit and listen, she never offered RJ with the person who hurt her straightaway. It was just the fact that this group work in the community anyway, with disadvantaged people and underprivileged people, all sorts of people. They're a small group, but because they actually use the training in an RJ way in that way was I'm listening, was able to go back and talk to the police again on her behalf. And I was able to ascertain that it was a hate crime in the end. And that woman hadn't been listened to for months and months. That wouldn't have happened if these people hadn't trained in that, RJ way, and that's why I asked that question is that even if they never offered an RJ this RJ training, as you well know, gives them a greater insight into helping victims and the health reasons for that. I think there's more to this.

## **Tony Walker**

Oh, yes.

### **Elliot Colburn MP**

Thank you. Absolutely. No, thank you for that Vi. If I can have one more question, Tony, if that's all right. Before we head on to the second panel, you mentioned the difficulty in the difference in approach and the difference in data sharing or difference in information gathering between different forces and different organizations around the country? Is that exclusive to RJ? Or is this a problem more endemic within the criminal justice system, county to county, um,

## **Tony Walker**

I think you're on the inside or on the outside other party's will probably comment on this. You're either on the inside or you're on the outside. And as a third sector organization, we're on the outside. And so it's not so much the application between you know, you phoned probation, what can you tell me? They'll tell you everything if you're the police, and vice versa. You go there as a third sector, one service will tell you another won't. The information sharing agreements are very explicit on why the information we shared and for what purpose and rightly so they are protections. But they're also vulnerable to individual data protection officer's interpretation.

### **Elliot Colburn MP**

Right, Right. No, that's really useful. Thank you for that, Tony. And thank you again, both to you and to ■ for giving evidence to us this afternoon, and really look forward to seeing some of the written evidence as well as a follow up. But thank you so much for that. And I hope you'll stay for our second session as well.

## **Session 2**

### **Elliot Colburn MP**

So moving on to our second panel of the afternoon, I'm delighted to be joined by a panel of academic experts in this field. And we have got Dr Jon Hobson, from the University of Gloucestershire, who's also a member of our advisory board. We have Dr Rebecca Barnwell more from Nottingham University, Dr Ian Marda, from Maynooth University in the Republic of Ireland, and Dr Brian Payne from Ulster University, as well, you all are very, very welcome, indeed. And thank you so much for taking the time to give evidence to us this afternoon. Jon, if I can turn to you to kick us off. And I will leave the afternoon session in your hands. Oh, Jon, I can't hear you for some reason, but doesn't know that you're muted. So yeah.

### **Dr Jon Hobson**

How's that? Is that a bit better?

### **Elliot Colburn MP**

Perfect, perfect,

### **Dr Jon Hobson**

Fantastic. Multiple microphones is always going to work out which one's the right one to turn on. So thank you, thank you all very much for taking the time to listen to us as part of this inquiry, looking to examine the use of justice principles in the UK and beyond in this session, and what we're hoping to do is provide a brief overview of some of the contributions that academics have made to the understanding and the development of restorative justice and restorative practices. And in doing so, we're seeking to address two of those broad questions from the inquiry that idea of, setting the scene establishing some of the evidence around benefits, how and where restorative justice is being applied, and the outcomes of some of that. And then secondly, some of those key areas of access and capacity and awareness, and coming at that from the academic angle. As part of that, and we've already seen some discussion today heard some discussion today about those different

terms of restorative justice. In restorative practice the terms of reference detail very nicely. They are sometimes used interchangeably. And you might hear us and you might hear people throughout the inquiry is there so slightly interchangeably. I think, broadly speaking, we start with restorative justice is that is often used as a catch all term for some of these processes, but is often used specifically for those processes that happen in and around the criminal justice system. Whereas restorative practice is something that is often used as a broader reflection of sets of practice and activities, create those circumstances that can proactively prevent harm, and can develop organizations and organization of practice. So across both of those different applications of restorative justice and restorative practice, we've got a really wide breadth of practice, really wide breadth of organizations and types of service and types of intervention being new. However, the underlying philosophy is the same. This is about helping people to overcome the issues and their circumstances they faced. It's about reducing harm and reducing reoffending. It's about tackling problem behaviour. And ultimately, it's about looking for effective and often more cost effective ways to address the drivers and outcomes of the circumstances. So as academics, our evidence here is going to be slightly different from some of the other fantastic people that you're going to hear and the very powerful evidence that you'll hear throughout this inquiry, and that we've already we've already heard today, because we're talking not as practitioners, as people that have been necessarily been through the processes. But we're here as academics, talking about the What Works questions, those questions that academics have been engaged in working in the field for a number of years. So for us, it's about empirical evidence, the empirical evidence of restorative justice, restorative practices, it's about that evidence based practice, and we're all engaging as academics speaking to you today. Today, we're all engaged in developing that evidence base for this kind of stuff. So it's important to note then that this academic evidence for success in restorative justice and restorative practice isn't anecdotal. It's based on extensive peer reviewed research. So

for example, just as a brief taste of before I hand over to my colleagues in the area of restorative justice work on restorative justice in complex and sensitive cases. So the work of people like doctors instead, Dr Keenan are on justice in sexual violence cases. And we also heard from ■ today, who's conducting research, PhDs that work on restorative justice in policing, and how to effectively integrate that into policing from people like Dr Kerry Clamp , who will be talking to you later on during the evidence sessions here. It's a very extensive work from people like Dr Shapland or their colleagues on the efficacy, impact and outcomes of restorative interventions. And then in restorative practices, there's a growing body of work on restorative work, restorative justice, restorative practice in schools, people like Belinda Hopkins. So you've been working in this area for, you know, a good number of years, and the growing evidence base that shows how restorative schools have impact on people behaviour, and exclusions on school culture, on teacher sickness on well being, and all of the metrics that come after that, and the money that that can save for schools. And you've got some fantastic people talking to you later on in this series that are going to give you some more information on. Work in Adult Social Care from people like Kate Parkinson and Sarah Polycon, and Deanna Edwards, and how restorative interventions in social care can impact significantly on the outcomes for various different groups. And those lessons presented their permission areas, sort of including police use dialogue and probation, supportive housing, and how restorative practice restorative interventions can be used. And in good academic practice, we're going to reference some of this stuff as we go through more provide a bibliography because I'm sure you'd expect that obviously, given our roles, so I'll hand you over now to the other people that are talking today that will give some examples in these various areas. So we'll start with Dr Payne from Ulster University about the important history of restorative justice and restorative practice in Northern Ireland and its role in helping to overcome the troubles and the ways in which this practice now continues to support communities, and how it's becoming embedded in criminal justice

agencies and the system in Northern Ireland, will then go on to Dr Banwell-Moore, from University of Nottingham I'll talk to you a bit about restorative justice services for victims and offenders, including some of the barriers to those services and how we can make those offers more proactive, and more systemic. We've heard some of that already this morning. And then we'll finish with Dr Marder from Maynooth will talk to you a bit about the growing international context of restorative justice and restorative practices, and the ways in which these services are developing elsewhere. So that's enough for me to start with I shall hand you over to Dr Payne.

### **Dr Brian Payne**

That's me unmuted, I think Can everybody hear me okay? Hello, everybody, and welcome from just outside Belfast. And it's great that that you guys are giving me the opportunity to meet us today and have a bit of a chat about restorative practices now as the dominant way of describing it. And our jurisdiction here, it's quite a complex story, I think, talking about restorative practice, particularly its evolution. Here in the Northern Ireland context, I don't have very much time. So apologies if I rush a little bit, but there'll be plenty of time at the end, I think for you guys to ask me questions and anything that you want to tease out a little bit more information on. Last year, we had our 50 year anniversary conference of restorative practices forum, and I so it just sort of gives an idea of how long restorative practices been, you know, a big deal here in Northern Ireland many ways. And that has been indelibly linked, I think, to the conflict here and this province. And so it began at a time of heightened conflict as a way of trying to, to progress, peace, and try to move away from you know, what is commonly known as the troubles. And then I think it really achieved a much, much more momentum then in the wake of the peace process, and has come to be something, which is, you know, basically huge synergies with peace itself. And restorative practices done great work, and trying to bring about more peace in in local communities, particularly to bring together the state with previously disenfranchised members

of the community. So there's two strands really to high restorative practice has evolved. And this particular jurisdiction, one of them is statutory, and one of them grew endogenously and local communities. The first one I'm going to talk about is the statutory youth justice system. This was enshrined in legislation in the wake of the peace process, and was recommended through the criminal justice review group. And they felt that in order to progress, the peace process, there should be a new form of justice system put in place, which included restorative principles, particularly enhancing the needs of victims, promoting rehabilitation, preventing reoffending and maximizing the potential for reintegration, and local communities. This was enshrined in legislation and became a new service called the youth conference service. And basically what the youth conference service puts forward is that restorative practice must be the mainstream response to children and young people when they come into conflict with the law. And so that made it quite striking, I think, in the UK perspective with respect to this, because it moved quite far ahead, considering what was happening and the rest of the jurisdictions across the UK. And this has had some notable successes from the off, consistently reoffending rates and cases involving arrest or disposal are about 35 to 40%. This is in contrast to perhaps 63%, for cases where a probation or supervision order is put in place. So it's quite striking in terms of that. But also, I think, in more recent times, where the youth justice system has been making great progress is in putting satellite offices all across the jurisdiction, which seek to improve access to restorative practices by victims by offenders, and most particularly those stakeholders living in local communities. And I'll talk a little bit more that in a couple of minutes with respect to the planned future for restorative practice in this jurisdiction. So the second way that restorative practice has evolved here was probably the one which is really internationally remarkable. And it's something which is had a lot of attention from international scholars with professors from all over the world coming to Northern Ireland to hear about the community based projects and,

and because of the conflict, community policing was something that was very difficult and this jurisdiction, even a case such as, you know, a serious domestic violence 999 call, for example, would produce, you know, a heavily militarized police response due to the threat of potential snipers and improvised explosive devices and all sorts of things which sort of show is just how strange a place this was I suppose to police for a very sustained period of time, that also had the impact of meaning that the police were not able to effectively police local communities. So those communities started the police themselves with armed grips, being tasked with that job. And from that a very nasty practice of paramilitary punishment violence came to the fore, with young people in particular being seriously maimed in a punitive response to perceived wrongdoing through kangaroo courts, basically, where justice would be provided in the form of kneecappings where young people were shot through their knees or feet or elbows and things like that. So a really horrible violent practice. Restorative practice came about as a direct response to this from leaders and local communities who wanted to try to provide a viable alternative that would be popular with local people, because punitive justice was actually quite popular because it's seen as swift and fast and easy to dispense. And restorative practices, then was born with agencies being brought about including community restorative justice, Ireland and Northern Ireland alternatives. And they sprung up in some of those local communities and states that were real epicentres for the conflict. And were places where violence was something which was quite commonplace. And instead of people having, you know, violent retributive justice applied to them, suddenly no victim or somebody with a complaint was being referred to a restorative justice agency where they got to meet the offender. And there was huge community engagement in this process. And the process of paramilitary punishment, violence collapsed effectively within a year with suffering like only about 5% of previous amounts of these very violent incidences occurring. So that's where it takes me to the second where we are in the

second stage of this where we have these two quite parallel restorative justice systems which evolved and both are quite internationally remarkable in terms of how they went about things, but also they haven't really been linked up very well, together, they exist in parallel. One operates outside of the criminal justice system effectively and its origins on has only made a very slow journey to become fully integrated into criminal justice. And that has brought about a series of challenges. These include, you know, having a restorative practice schemes, which have true victim, offender and community engagement. For example, the statutory system is only operating for young people, it doesn't operate for adults, the community system only operates in some communities. So if you live in an area where this organization does not reach, you might not actually have any access to restorative practices. But also there's issues with compatibility with mainstream justice processes. For example, trying to get a restorative order passed a judge or a prosecutor who is sceptical that it wouldn't meet public expectations, and particularly more serious offenses. But also, you know, another series of challenges that we have, I suppose, are that sustainable funding is something which the community organizations in particular have really struggled to achieve, and also challenges of trying to bring about multi agency working with police, probation, prosecution, courts, communities, and schools all working together to try to deal with this issue. And that sort of has created a momentum for a new initiative, which was mandate the public consultation last year, and that is for a new adult restorative justice strategy for Northern Ireland that transcends the state justice system, and communities with the idea of putting in place a facility which we call a core, a centre of restorative excellence, that can bring all the different people who are involved, and helping young people and adults who have come into conflict with the law, put them all in, in one place or several satellite places, and purchase an enhanced form of multi agency working to produce better outcomes, and try to satisfy some of those key challenges with restorative practice that we're dealing with in this

jurisdiction. And so the ambition is to realize the strength of both approaches really transforming justice, purchasing safer and more cohesive communities, and overcoming remaining divisions from conflict that we still see from that the actual troubles where we have quite a heavily divided society or segregated society in many ways. So I think that's my seven minutes up. I better stop there before Jon starts getting nervous. And but yes, I'd welcome any questions. Thank you very much.

### **Dr Jon Hobson**

Fantastic. Thank you very much, Brian. Dr Banwell-Moore.

### **Dr Rebecca Banwell-Moore**

Hey, hope you can all hear me I think I've unmuted so yeah, good afternoon to you all. So I'm going to just present a summary of the main findings on the academic research that's been conducted in England and Wales over the past decade on restorative justice in the criminal justice system. So there are two main areas I'm going to focus on. So how services delivered restorative justice, so the culture, mechanisms and approaches adopted, and secondly, the barriers to access for both victims and offenders. So how criminal justice agencies are delivering restorative justice to the culture mechanisms and approaches. Despite governmental support and good practice guidance, research has determined that there continues to be reoccurring shortcomings of the practical application of restorative justice in England and Wales with regard to the number of victims who are given or take up the opportunity to participate in RJ intervention, there is significant demand from victims for restorative justice and the benefit for victims a huge however, research has been conducted by myself Shabnam Patel in 2011, and 17, and Ian Marder in 2018, just to name a few have all found that there are many inconsistencies in the way in which criminal justice agencies are delivering and offering restorative justice. So, there's differences in the mechanisms and approaches. So, who RJ is offered to how it's

offered, and when it's offered. And all of this impacts on victims' participation levels. So, if it is going to have equal access to restorative justice, then criminal justice agency agencies need to systematically and proactively offer restorative justice in accordance with governmental policy and guidance. So, these, these differences really do impact on victim participation levels, and what we found is that research notes that there's a lack of standardization of referral processes. And there were issues around data protection sharing with impact on the delivery of restorative justices. So, there's a need for systematic guidance in the form of set delivery criteria, clear structures, policies and accountability to ensure that RJ is incorporated into standard working practice across the criminal justice system, and as I say, to ensure that it systematically and proactively offered to all victims. So, what are the barriers to access, we've been a number of valuations restorative justice or back to the early noughties by Hoyle et al, and others, and more recently myself that determined that there appears to be very few victim specific factors that prevent victims from participating. It is actually the organizations and restorative justice services providers themselves that hamper participation. So, the main barriers to access for both victims and offenders are that professionals are not aware that they have a statutory obligation under the victims code practice to offer restorative justice. Many professionals do not say as part of their role to offer it. So, it's just seen as an optional mandatory non mandatory extra a bolt on, that they can select as and when, there's also no clear time to offer it unlikely bits in personal statement, it has to be secured by certain times through the process. So, it's left it tends to be left until the last point or to another time or it's just completely forgotten. in criminal justice professionals do not see it as a mandatory part of their job role. And victims and offenders are denied equal access to RJ by criminal justice professionals. Because professionals are quite protective of their clients, and many have a professionals know best attitude. So, they select ideal restorative justice victims offenders and offenses. So, offenses such as burglary, whom they deem is appropriate or

suitable. So, they're making decisions on behalf of victims and offenders based on if the victim is too upset, too angry, whether they deem it to be the right time, so they think the offender is in the right place. And some agencies do not offer restorative justice for sex or domestic offenses. Others only accept victim-initiated referrals, not offender initiated. And I find there's some confusion amongst probation staff. In particular, as to whether offenders have to show remorse whereas remorse is an emergent value is not the same as responsibility. Also, the method of invitation differs. So, the method and timing of the offer is inconsistent, and it's a barrier to access and impact on levels of participation. Some agencies only provide information on a letter others follow up with a call professional across two police force areas in my study actually edited or omitted restorative justice information from the standardized victim correspondence if they felt that RJ wasn't appropriate. Some agencies only offer an opt in process rather than opt out. And many professionals wait for triggers and indicators when victims themselves before making the offer. Therefore, they're not making these proactive and systematic offers and the timing of the offer also in practice and written participation levels. Few victims are offering restorative justice at the early stages of the criminal justice process. So pre court or pre-sentence unless they're part of an out of court disposal. So, professionals tend to wait until later on in the criminal justice process. So, after court outcome to make that offer. However, making that offer a call outcome or post sentence can actually be too late. Research shows us that at this stage, victims are usually either despondent, frustrated, or relived and they just want to move on and therefore they reject the offer many victims. Not the least of have been offered restorative justice earlier. So actually, the offer can be too late. There's no optimum time to offer but offering it very early on in the criminal justice process is okay. It plants the seeds with new expectations must be managed that it's a tentative offer. It's dependent on whether the vendor is charged or agrees to take pi etc. And most of it has only been offered restorative justice once. So, we're taking a snapshot

of victims pain at just one sort of snapshot moment in time. So, the offer needs to be made multiple times. Because victims do not make as one tenuous decision they need time to think about this participation needs to be seen as a continuum throughout the victim's journey. So, with the criminal justice system, there's a lack of awareness as well and knowledge amongst criminal justice professionals as to what RJ actually is. And this lack of awareness results in a lack of confidence. And many studies have found that levels of participation improve once professionals have the necessary knowledge and confidence to make the offer. And there's a need for training of the staff. Many staff trained in restorative justice are no longer in posts due to funding cuts, and training needs to be ongoing to maintain momentum. Criminal Justice agencies have voiced that funding issues to cost and short-term contracts have also resulted in the method of invitation the victim offence type been narrowed that incident some youth offending teams only offer restorative justice to young offenders who have been sentenced to a referral order. And furthermore, in PCC funded victim services, it's been found that funds were diverted from restorative justice to other victim areas due to the RJ funding no longer being ring-fenced. So again, to conclude, Criminal Justice agencies need a culture that is conducive to restorative justice delivery. And as noted in Shapland et al (2017), police RJ research and with an in-house RJ CT study. And we know that when the overriding ethos of criminal justice organizations is based upon the principles of restorative justice, then higher levels of victim and offender participation are secured. So there needs to be a shared receptivity, which encompasses both management and staff buying across the board. So, if RJ is to be finally become fully integrated in the criminal justice process, a culture of restorative justice based upon the principles and values of inclusivity agency, procedural fairness, and empowerment needs to be embedded. And finally, the offer must be systematic and proactive and offered at every stage. Thank you.

## **Dr Jon Hobson**

Fantastic, thank you very much. And then finally, Dr Marder.

## **Dr Ian Marder**

Thanks very much, Jon. And thanks so much, everyone, for having us here today. I know I'm in the Republic of Ireland now. And I'm from Canada originally, but I spent 20 years in the UK. And I don't have my passport with me, but fully fledged UK. And I conducted a lot of research in this really interesting period of time since around 2010 or so when there was a huge amount of investment in the police a huge amount of investment in the court's probation and indeed, in the Police and Crime Commissioner funded services at the local level. And I think what's really interesting about a lot of that work, and a lot of the research done around that is there's so many lessons that are relevant internationally around really the implementation of restorative justice, the successful implementation, as well as you know, what Rebecca was talking about there in terms of the outcomes and the impact of restorative justice. But likewise, what I'm going to talk about today are some of the lessons that the UK can learn in from international evidence from international research on the implementation of services in other countries, and indeed, the international legal and policy framework to which the UK is part. So, the first point I want to make is that there's now a really clear global consensus around comprehensive and accessible Restorative Justice Services. The new United Nations handbook published last year is really clear that restorative justice should be available for all different types of offenses at all different stages of the criminal justice process. And indeed, the Council of Europe recommendation on restorative justice that was adopted in 2018, in which the UK played a role in developing and is still a party to also talks about comprehensive accessible services, and now that's being implemented across the continent. So, a lot of the work that I do in addition to empirical research on things like restorative justice in the courts, and the police and so on, is policy work with justice ministries with criminal justice

agencies, implementing that 2018 Council of Europe recommendation, and indeed, there's a really interesting combination of some countries that the UK can look to where there's really good legal frameworks really systematic and comprehensive services in place. I'm thinking about Belgium, New Zealand, parts of Australia, Norway and Finland, parts of the US and Canada, and so on. But also, a really big number of jurisdictions that are now deciding, we need to implement this in a very significant way and are taking a comprehensive rather than piecemeal approach. And as Tony said, Scotland is one of those Estonia, Italy, a number of other jurisdictions right now working really hard on comprehensive implementation of restorative justice, in terms then of the International evidence around accessibility, you know, it's not that any jurisdiction has totally cracked that necessarily, but we do know from a number of studies, including a very comprehensive overview on accessibility and initiation from a number of countries in Europe, that, you know, as a couple people have said, already, restorative justice is best offered by criminal justice practitioners who themselves are trained in the facilitation of restorative justice. And even ideally, the person who would be facilitating is also the one that makes the offer and explains it. And that's really important, because when it's offered, the demand is really quite high. If you don't offer it to people demand can look quite low. But we've seen from even the crime survey for England and Wales, that when you explain to people what restorative justice is, there's actually a really quite significant amount of demand among victims and offenders to participate in that. And of course, that requires the capacity to deliver restorative justice equivalent to that demand. But indeed, this this making of the offer, and this is something that's really important in the Council of Europe recommendation is that it's all about individual assessment, not assessment on the basis of well, these types of offenses are okay or not or this stage of the process. But as Rebecca was saying, they're giving people the information and the opportunity to determine whether restorative justice is right for them. And in terms of

service provision, there's a lot of different options in different countries, it's not necessarily obvious whether NGO lead professional facilitation service volunteer led service, like it's not totally obvious that one of those is necessarily superior. Although I would say it depends on what already exists in the jurisdiction in question. There's definitely quite a lot of research around the effective implementation of whatever model of service is determined for that jurisdiction, including Janet Bolitho's work in Australia. Jennifer Llewellyn is in Canada in Nova Scotia, and particularly, in particular, lots of work by Katrine Rasmus in Denmark and Norway, Shan Silva in the US, Evo Aartsen, and colleagues in Belgium, have been studying again, not necessarily just the outcomes, but the implementation of restorative justice in recent years. And I think when you marry that, up to some of the research Rebecca was talking about England and Wales, we do see a few lessons in that in terms of partnership working, this multi-agency approach is so important in restorative justice, because even if it's an independent provider that delivers it, they need the information, they need the risk information, the contact details, and there needs to be this really close, smooth working, because restorative justice is so different in its rationales and its processes from criminal justice, that it needs to be really well embedded in the criminal justice system, so that it can work within that context. The other point I would make there is around a long-term approach. And I know that when I was conducting research around PCC services in 2013/14, a little bit after that, one of the really big challenges is that this does take a little bit of time to set up, because it's so different, because it's so you know, poorly understood in some areas, because you need to develop those relationships with the criminal justice institutions with you on whom you rely for referrals for information and so on. You know, it takes a couple of years to get this going. And so, you really need to have a long term vision for how you're going to give it that space, the restorative justice service, that time that autonomy, from the rationales of the criminal justice system, to be able to set up an approach. And that autonomy is really important,

because as I was talking about, in terms of restorative justice being so different, the rationales of the criminal justice system are one thing, but the rationales of restorative justice are different. So there needs to be that balance, that really difficult balance between the autonomy of services, but the need for it to have the support of the criminal justice system. And I think a couple of points that Vi and Tony and others have been making around the principles, and that's why I was really interested actually to see this emphasis on principles in the terms of reference for the inquiry, and to see the incorporation of restorative practices in the proactive sense to that because these principles can be used also to change the culture of criminal justice agencies. And indeed, what makes this Council of Europe recommendation, so progressive is it's very explicit about that, unlike previous international agreements, that recommendation adopted in 2018 says, These are the principles of restorative you, you have to apply them as safeguards in victim offender dialogue. But all criminal justice practitioners can be trained in these to enable them to implement procedural fairness, to enable them to support people to repair harm. And that helps with the delivery of restorative justice, as has already been mentioned. But also, it helps them in their one on one engagement with victims and offenders, and indeed, with their colleagues. And if you hear from people, you know, working on restorative practices in prisons, you're going to see a lot more about that as well. So, I think that's more or less everything I have. So, I'll pass back over to Jon. Thanks, Jon.

### **Dr Jon Hobson**

Ian, thank you very much. And thanks again, to all of those that have come there and spoken. And of course, thanks to all of all of you for listening to us. And hopefully, what we provided for you, there is a bit of a snapshot of the broad, broad snapshot of the valuable work was being done by universities and by academics looking into this, you know, this process, these processes are starting to justice restarted practice in the UK and across the world. I started off by telling you that they were interested in this because we're

interested in this what works question mentioned, much of the evidence that hopefully we've given you today and that we work on in our in our day jobs shows that this stuff does work. It's not it's not a risk, it's been done in many places. It's feeding into government policy and institutional practice across the world. Across the rest of these evidence sessions, you hear a lot of people talk about these tried and tested methods and these approaches, and the services in which they're going to go as well as the as well as those people that have been part of restorative interventions or started practices and the powerful impact it's had on their lives. And that doesn't necessarily mean as you've also heard that it's working, wherever it's deployed, that things can't be better, that we shouldn't take those opportunities to develop the awareness of services for individuals. The awareness for organizations to support access and availability of services to consider implementation and integration of restorative justice and practice into services need to enter different sort of areas of society, strengthen regulation, strength and training of practitioners, which, you know, there's some fantastic work underway for in in the UK, Restorative Justice Council, and many of these other organizations are going to hear from so hopefully be able to show to this session today. But there is a valid contribution from, from our academic colleagues into this process. And we're looking forward to submitting some written evidence into this and very happy now to answer any questions that you might have.

### **Elliot Colburn MP**

Thanks so much, Jon. And thank you to everyone for that evidence. It's been really, really interesting to hear and really would be interested as well, to see the written evidence as well. On top of that, I do have a few questions, which I hope are okay. Brian, if I can come to you first, the Northern Ireland example is really, really interesting, because of course, there's such unique circumstances in Northern Ireland, and how much would you say the unique circumstances of Northern Ireland make that model of RJ unique? And how much can be used as a template for good practice elsewhere?

### **Dr Brian Payne**

Thanks for the question. I think that's brilliant question. I think it's sort of sums up pretty much what Ian was talking about, as well, in terms of looking to see what resources are already available in a jurisdiction and then taking advantage of those in some ways. and Northern Ireland is remarkable, I suppose. But because of the conflict that has a high degree of community capacity, in order to conduct restorative practices at the community level, you know, you tend to get very quick uptick in any new initiative, as long as it's people who are respected in the community that is that are putting it forward. And so from that point of view, our centre of restorative excellence, for example, must have a very strong community elements for it to be seen as a success and this jurisdiction, but I think a similar model would be applicable to any jurisdiction, but it just might be a little bit more work in terms of getting that, you know, community buy in, I think, and, and based on the fact that some of the other jurisdictions in the UK and these can be a little bit more estranged, I suppose in terms of some of the social relations that that exists there. But that doesn't mean that there isn't now quite a strong demand, I think, for communities to try to, you know, have initiatives within their local areas which promote cohesion and give them a little bit more ownership, you know, of these broader processes that we see at the national level as well. So, so I think it's in terms of the nuts and bolts the actual structures of an adult restorative justice strategy here in Northern Ireland, many of the issues correspond very closely, I think, with similar issues in England, Wales, and Scotland as well, I just think that the, the application of it might be a little bit suddenly different. And I think that sums up quite well that, you know, there isn't one sort of set solution for every jurisdiction, I think it'll be a much, much more subtle undertaking, but, but certainly promoting greater community engagement, and subsequently, you know, providing the victims in particular with the option to pursue arrest or disposal and then have a various range of support mechanism put in place to actually underpin that are the foundational principles, I think of any such centre. Ian did you want to come in on that?

### **Dr Ian Marder**

Yeah, it's Could I please, that's okay. Just to know, in particular, the youth justice work in Northern Ireland, I think what was unique was that, as Brian said, the post conflicts situation gave the space to make a change. But the elements of the youth justice legislation there, which include requirement that judges make a referral to restorative justice in between conviction sentencing that exists in other places, including in New Zealand, or in Belgium, there's a prosecutor's requirement that they have to make referrals in advance of not charged, I think, post charge for pretrial. And in New Zealand A few years ago, 2016 or so they brought in this pre sentence requirement for adults as well. So legislation mandating referrals, I think is transferable. And indeed, you know, in Northern Ireland, it says, then that the judge can take that into account in sentencing that's transferable. And then likewise, in terms of, you know, having professional youth justice, people who are restorative justice people as well who facilitate who have the capacity to work restoratively with young people, even in situations where the victim doesn't want to participate as well, that I think also is transferable.

### **Elliot Colburn MP**

Thank you Ian, and yeah, Ian and Rebecca, you were both talking about the importance of timing and the way the approach is made? Is it fair to say that, you know, that that need for repetition, at various stages throughout the process of the criminal justice system and beyond, but also the who is making the approach how they make the approach actually has a lot of influence on the success of whether restorative practices will actually be taken up in there for work rather than just an address, let's say and admin professional pushing a button and sending a letter which says, would you like RJ and leaving it, leaving it at that? Does that have some bearing on the on the success of it?

### **Dr Rebecca Banwell-Moore**

Um, well if I come in here, I think what I found is

a victim. So they couldn't actually be called who had given them the information or told them about restorative justice, whether it was a police officer, a victim, witness care unit officer, or an actual ology facilitator. I think what's key is that the person that is making that offer or providing information has knowledge of how RJ works, but actually that they then signpost them to facilitator that can have that conversation. And even just having that conversation for a victim is really empowering. Even if they decline, then know that there are victims who say, I don't want to take part when it's first offered, however, because that seed has been planted. If they then open it again, it's like, oh, yeah, you talk to me about that. Actually, I'm in the right place. Now. That's I want to take I want to know a little bit more. Yeah, yeah.

### **Dr Ian Marder**

Can I follow that up? But yeah, yeah, please. Yeah. So I mean, I'm thinking about here when they implemented a restorative justice program within youth diversion. And that is led and facilitated by specially trained police officers, juvenile liaison officers, who have a week of restorative practices training, or four days maybe, and also 40 hours of mediation training. And that's also supported in statute. And when they evaluated that 73% of cases where there was an identified victim, the victim participated. So I think that the victim participation rates really can be quite high, depending on the way in which it is offered, definitely, I'd only just add one thing to what Rebecca said as well, which was that some of the PCC services I was looking at that were kind of trying to build restorative justice into kind of this victim hub work where it's like a one stop shop for victims and then they get signposted in different places. And they were very careful to do a little bit of work around, making sure that someone who offers restorative justice to a victim for the second time knows that they had been offered it already, and so can build You know that knowledge and so the victims not thinking? Well, I already said no to that. But then, but the person who says, You know, I know you were talking to about this a year ago, just I raised again, in case you happen to be interested. I think that's a

lot about, you know, again, the victim engagement side, yeah.

### **Dr Rebecca Banwell-Moore**

Repeating units, they are there throughout. So by that they're there throughout the whole sort of journey for the victim. So they are in a place where they can offer it to victims right from the beginning. However, they wait until the court outcome. And as I say, it's too late then. And also in youth offending, that the victim isn't actually approached until the young person is sentenced. Now we know that can take 18 to 24 months. And that's a long time then. So it's like, a year and a half to two years later, you're then picking up the phone and saying, Oh, hi, I'm here from New fenders. Would you like to take part in? Justin?

### **Elliot Colburn MP**

Absolutely. I mean, I, I had asked myself, the actually, when someone drove in and knocked down my front wall, and three years ago, they've only just been sentenced. So we I think we all know how, how long the criminal justice system can take. Vi? We do. We do? We do have a couple of minutes. Yeah. So go on by.

### **Vi Donovan**

Yeah, can I just start? This is about empowering victims. And one of the things that really stuck it in our minds was way back when our son was killed, was we knew instinctively when we left the call, that we got to her lies, and we hadn't heard the truth. And the only people that could tell us the truth, were those people who did this, who killed our son. And, and what we felt was all the system had not empowered us. It wasn't about us. They were talking about us. But RJ is about empowering victims, letting them make the decision themselves. So one of the things that when we went around the country, and people were training in this and victim support youth offending police, the one question they always asked me Ray was, when is the best time to come talk to you, after a murder? When is the best time we feel nervous when we're worried about this? And, and, and it was often about their fears. But

we knew instinctively straight away from that call what we needed. We knew it. And what we said to them was, if you did offered it to us, if you just said RJ Do you want to speak to the boys, he murdered your son straightaway, we probably would have said no in all honesty. But inside the mask was something about wanting to know the truth. If you had like the police give you a homicide pack when you lose a child on things like that. And, and inside of it were information they told us that we might need later on that we might want to look through and they left it on our table could not have been RJ inside there that information, if they did just put you on a coffee table. And we would have chosen to pick it up that's empowering us then not about a professional saying, Oh, this is how it is. We've got this thing. It's about us making the decision and our choice, isn't it? Because everybody else has taken those choices away. And I think that's worth bearing in mind when you're thinking about when is the best time is it's not about asking how many victims when is the best time. It's more about making sure they have the information in front of them. So that they may pick it up when they feel is the best time. And I think Yeah, I just needed to say that because I think that's very important here. When you're talking about RJ. I'm saying no.

### **Elliot Colburn MP**

Thank you so much. Thank you very much indeed. And, and can I can I thank everyone for coming along this afternoon for providing evidence and for listening in to our advisory board members and to the representatives from parliamentary offices as well. This has been a fantastic first session. I'm looking forward to the remaining evidence sessions that we've got on you're all very welcome again to tune into all of our upcoming evidence sessions and to and to take part in those. And we will continue collecting this oral evidence we will continue collating this written evidence if I've one plea to everyone here is to please push the written evidence portal out to as many people as you can think of who will be interested to partake part in that way. We've really, really interested to gather as much as possible to know we have the very best information at our fingertips to put this report

together. But thank you for a fantastic first session. This was fun. It was really, really great. And I look forward to seeing you all at the next one. So have a great afternoon, everybody. Cheerio.

## Session 3

### Julie Clark

Okay, thanks a lot, everybody for welcoming us today. So, give a little bit of background about calm mediation. So, we're a charitable organization established in 1995, to support people to resolve conflict using restorative approaches. And in April 2019, we became a partner of the newly formed London victim and witness service, which is headed up by victim support who commissioned to deliver the pan London restorative justice service. So, the LBWS itself is funded by the mayor's office for policing and crime. And James and I today will aim to give you a bit of an overview as to where we are now, identify any barriers that we've come across and explore how awareness of and access to restorative justice might be improved in the future. So, if I'm able to hand over to James, he's going to provide a little bit of setting the scene from MOPAC perspective.

### James Tate

Thanks, Julie. Yes. Part of the mayor's first policing crime plan 2016 2017 time, he made a commitment to put victims at the heart of all of our policing and crime work. And we as MOPAC officers were tasked to putting that commitment into effect, to the commitment included making sure that the offer of restorative justice was available to all victims of crime, where that approach is, is appropriate. So, we set up London's first pan London RJs service in 2017. Prior to that, there was lots of RJ provision in London, but it tended to be more localized. And while there were and still are many very good providers, we wanted to do what we could to try and ensure a consistent offer across the Capital. Another long-standing commitment was to do what we could to integrate the services that victims received. So, victims and victim groups had described how traumatic it could be having

to having to retell their experience as they move from one specialist service to another. And as a result, we established the London and Victim Witness service with the RJs service as part of that integrated offer. So, Julie and I are going to talk through the service and what we've learned and what we know are based on the questions that were circulated in advance. So, looking at the gathering evidence section in question, one about the benefits of restorative principles and recent evidence that we're aware of. The RJs service that we have more back Commission's is very much victim LED, in fact, it's funded from our victims' budget, and the feedback collected from users of that service is very positive. It indicates that Victims of Crime certainly feel that the use of restorative principles is something that they have benefited from, and that depends on whatever level of service they've engaged with. But we're in a position now where we're exploring the wider use of restorative principles. So, we're having discussions with the Met police and with community organizations, because there's the suggestion there that there may be benefits in using restorative approaches in a number of different areas such as anti-social behaviour, community and neighbourhood disputes out of court disposals for non-serious offenses. Now, these discussions are at an early stage. So, the only evidence we're aware of so far is largely anecdotal. But it's certainly we want to take it there's an appetite to take restorative principles beyond simply the provision of a restorative justice service. And see how restorative approaches can work in lots of different settings around community safety. Julie

### Julie Clark

Thanks, thanks. So, we will look at question two, exploring where restorative justice is being applied effectively. Can't believe that the key to an effective service is about a multi-agency approach. And this is this is going to be a common theme throughout our presentation. So restorative justice offers victims who are being supported by the London victim and witness service works really well. And it accounts for over 50% of our referrals. So, the LVWS model is designed to provide end to

end support for victims throughout their Criminal Justice journey. So that means that RJ Converse conversations can be had a different varying time, including pre and post sentencing. And at a time, that's right for the victim. So calm is an RJ service, we provide advice and support and answer to the random victim or witness service staff to increase their confidence to introduce restorative justice as a right under the victim's code. And to explain to them and I think this is really important that they may be offered it more than once as they need to change. So, we know that our victims' journey is different for everybody and their needs may change as they go along and navigate the criminal justice system. So, it's really important that they're offered it more than once. And that that's explained to them from the beginning, so that they understand it and recognize that that might happen. However, jumping forward to question five, this model does exclude victims who choose not to engage with or withdraw from their support from LVWS. So, the relationship between the RJ service and statutory agencies is of huge importance to make sure that the offer is being made by all the professionals who have contacts with victims at the different stages of the victim journey. So, a lot of work has been done around making sure that we do have good links with statutory services, and that we've established the links and the working relationships, delivered awareness sessions, and provided them with resources that they can draw on. However, issues such as staff turnover, and priority of workload can all have an impact on sustaining that satisfactory level of offers made. So that's something that we need to look at. And we need to address and we'll talk a little bit later about how we can improve that going forward. And I think James, you have something to add to question five.

### **James Tate**

Yeah, yes. So, staying with question five for now. And we'll go back to questions three and four. But staying with question five for the time being. So, the single truth is not enough victims are aware of or being offered restorative justice or not offered at a time or in a way, that they can get a sense of the potential benefits to them. So, in London,

the bottleneck is, is the referral pathways, the knowledge, awareness and skills to understand how, and when and where a conversation about restorative justice can be offered. This needs to be embedded within those agencies that have most contact with the victim. So primarily the police and the initial victim support provider. We are aware of this in London and police and providers are working hard to address it with training and awareness sessions delivered by calm. The further bottleneck is the challenge around information and data sharing between police and service providers. So, the absence of direct access to police databases for service providers, for very good reasons around data protection, of course, but this means that the sharing of relevant information on victims' offenders, the circumstances of the crime, it's completely reliant on a police officer to be available to provide that information and that data. And you know, resources are always an issue. So, the lack of an available police officer at the right time can hinder a prompt and effective service. So, flipping back now to question three, about measures to determine effectiveness. Again, from the point of view of provision of commissioners, commissioners of a victim led service, we regard the benefits to the court and recovery of the victim as the absolute paramount measure of effectiveness. So, all victims who engage with our commission service have the opportunity to feedback on how effective it was for them. And that feedback is generally really very positive. We would also regard the conversion rate of referrals into clients' victims who engage with the service as a measure of effectiveness of the referral pathways, and how effectively The service was being offered to those referred. But I would see any further benefits such as a reduction in reoffending, for example, we would regard as welcome and important but certainly secondary to the needs of the victim. So just to spell it out a bit a bit more firmly. We wouldn't regard a scheme as effective if the benefits were enjoyed by the offender and therefore society in terms of reducing reoffending if this came at the expense of re traumatizing the victim engaged in the service Julie,

## **Julie Clark**

Moving on to question four. So, what makes a good restorative culture? I think that many in the RJ field will agree that a good restorative culture is one where the use of RJ promoted and encouraged from the top down. So things like ensuring the in house policies are restorative and outwardly facing, there needs to be sufficient funding to ensure that the recruitment and the retention of experienced staff a commitment to maintaining quality assurances by the restorative justice Council, accreditation model, and ongoing training and development of volunteer practitioners, and for external agencies, I think this means a commitment to ensuring that their teams are knowledgeable or have access to resources to provide basic restorative justice information to victims and offenders to enable them to make informed choices. So, we've spoken a little bit about that we do have a number of key champions within the met who understand RJ and we know that where there's a good level of understanding the quality and the quantity of referrals improve. If we take a bit of a look at access, moving on to access, and James talking about the areas where restorative practice is being funded and buy whom, and again, we can only really speak about, about what happens in London.

## **James Tate**

Yeah, yeah. And, and within London we, I can only really speak about those services that we that we fund us as MOPAC. So, we as we've said, we commissioned upon London RJ service as part of the integrated London victim and witness service. The aim of that service is so that an RJ offer can be made to every victim of crime in London for which RJ would be appropriate. Services involving non adult victims and offenders are provided through the local authority, youth offending services. And there are other independent RJ services throughout London who have their own funding arrangements were not funded by Moorpark.

## **Julie Clark**

So, in terms of what karma funding for, so this is not really a funding issue, as such, but an access

issue that I feel is worth noting, under this question. So, we know from our self-referrals, that there are victims who choose not to report to police, but who do you have identified self-identified needs in regard to restorative justice? I've heard about it in one way or another. And I think that it's something that could help them to move forward. So, the police and sometimes housing providers are two of the very few bodies to whom both the harmed and the harmer are known. And in an instance of a self-referral, if neither of these agencies are involved, calm mediation wouldn't be able to support them individuals, because we're a consent-based service. So, data protection would prevent us from contacting the harmer, even when a harmed person can provide contact details for them. And subsequently, that creates a cohort of people who are declined access to restorative justice. So, there's a bit of a gap there and some people that we're not reaching. So that's something that perhaps we need to think about for the future. It James, yeah.

## **Julie Clark**

So, question three in terms of access talks about the disparity between Police and Crime commissioners and moral areas in terms of the types of offense that are considered suitable for RJ. Again, my knowledge of this isn't extensive and is pretty much limited to what to the service that we offer. So, I'm not aware of the details of what other Police and Crime commissioners on as offer in terms of which specific offenses are considered suitable or unsuitable. But what I can say in regard to the commission service in London, is that no offenses are considered off limits for RJ approaches to be used. Having said that, there are of course, significant safeguarding and risk management processes in place, which must be followed before any interaction takes place. So wireless services victim led these processes mean that the victims wish to engage with RJ is not the only deciding factor. So, the RJ practice practitioner will need to be sure that the service will not put anyone participating at risk. So, an example of this may or may apply would be in cases of domestic abuse or sexual abuse. But the safeguarding and risk management principles

apply whatever the offense so it's not about the offense. It's about the approach to safeguarding and risk management. My understanding is that the only time RJ will not be considered is when there's a restraining order or some other kind of prevention order in place. Though that is more about the specific circumstances of the case rather than the nature of the offense. Julie?

### **Julie Clark**

Thanks, James. So, question four asks about what makes an inclusive restorative service culture that enables and supports the participation of people with protective protected characteristics. So, for calm, inclusivity starts with our own organization. So, we need to ensure that our staff and our volunteers are reflective of London's demographic. And we do that by having a targeted approach to recruitment. So, make sure that we're recruiting for everybody and giving everybody the access, to join our training and to become a volunteer with us and also a member of staff. So, there's also a need, I think, to draw on specialist partner agencies to provide support and awareness where appropriate, and it's and thirdly, it's really important to promote open and honest conversations. So have those conversations that might be considered difficult to identify and respond to an individual's needs, because nobody can tell you what their needs are better than the individual themselves. So rather than making assumptions about what people need, it's really important that we have open and honest conversations with them, and that we draw on support from partner agencies who can offer us and our service users that specialists support where that's appropriate.

### **James Tate**

Question, question five in this section asks about information sharing issues and how these could be overcome. Well, GDPR legislation appears to have made data protection more robust, but also more much more complex. So, I'm sure you can imagine an organization the size of the of the Metropolitan Police Service requires a huge number of data sharing arrangements with multiple agencies and services. And when you

add into that mix, the upheaval that most of the criminal justice agencies have gone through in recent years. But specifically, the police and the probation services. That's meant but you know, getting the right agreements in place, remains very challenging. Do you want to add something to that, Julie?

### **Julie Clark**

And yes, we persevere. But I would add to that, that also as well as kind of, as well as kind of the difficulties that we've had with getting an information sharing agreement in place with the Met, is that also within the prison service, there's an issue of what might be referred to as gatekeeping. So, access to prisoners can be dependent on the prison itself, the prison resources, and sometimes even the allocated offender manager. So, a national information sharing agreement with RJ providers who are quality assured, would be incredibly helpful as would a single point of contact for prisons such as an RJ coordinator. And if I may skip forward slightly to talk about privately run prisons, I think that their success boils down to being better resourced and having control over their own policies. So, getting data sharing agreements in place is a much simpler process. And they seem to be better resourced in terms of providing that crucial single point of contact that helps to streamline processes in order to take cases forward. Question number six asks about where participants are being heard. And their voices are being considered when looking at the design and delivery of restorative services. So, the new mass Police and Crime plan will again, as James said earlier place victims at the heart of the criminal justice system. And Claire Waxman, who is the London's first victims Commissioner, has been appointed for further three years. So, I've had a conversation with Claire this week. And she wanted me to let you all know that she's planning a number of engagement sessions with victims over the coming months to ensure that their experience directly feed into the mass Police and Crime plan going forward. So that'll be for 2021. You're also going to hear from Why me later in this inquiry. So why me are particularly

committed to service user participation projects, and they regularly publish their research, so we look forward to hearing from them. And I will say that whilst we're all aware that focus groups and service user participation are an essential tool to evaluate and evidence success, they can be time consuming and costly. So, it's certainly something that can't hope to improve on over the next year. And we're actively seeking funding to enable this to happen. Moving on to capacity. So, in terms of practice standards, again, it also comes at a cost and does need to be considered by funds. In bodies when commissioning services. So, the concern that we have is that providers will secure contracts from services who don't require quality assurance, and the quality of restorative practice over time will become watered down. And this obviously puts service users at risk of further harm. I would also add that there's some inconsistency with the RJ practitioner training being offered at the moment. And this is partly as a result of the pandemic and the transition to online training, where providers have had to adapt their training for an online platform. But this does cause a bit of an issue for providers who are hoping to accept practitioners were trained externally. So, I think it will be helpful to see some standards, some standards set in regard to training providers in the course content, particularly when it comes to assessment time, and whether or not that's done face to face or online, and what that might look like if it was if it remains online. So, we move on to awareness, which is a very large topic. So, I've tried to keep it as brief as I can. But I'll hand it over first to you, James. Yeah.

### **James Tate**

So, this talks about what question one talks about what could be done to improve public awareness and understanding of restorative justice and the practices. And I think they are two separate things, I think, I think, awareness raising is the kind of easier part but making sure that how RJ works and get an understanding of that, I think is a bit more of a challenge. So really, anything that helps get rid of the perception of RJ as a soft option for offenders would be a start. Or that offenders may

be granted a lighter sentence or earlier release from custody by offering some kind of contrived expression of regret. We know that much of that perception is created or fed by the media. So perhaps one way to challenge that would be through more testimonies of victims who'd actually, you know, directly experienced RJ and had benefited from that, I think more effective and more frequent training to give all those who come into contact with the victim and understanding of the role of RJ, and how when, when it should be discussed and by who, and the potential benefits. And that's certainly something calm or working alongside the Met police to try and put in place. And I think, I think some victim services are often quite guarded about offering RJ services to their clients, kind of seemingly concerned that it may put them at risk, risk of direct harm or, or re-traumatization. And again, this is this is not a, this is not me being critical of Victim Services who do fantastic work. But this is this is simply about a kind of misunderstanding of the nature of much of RJ provision, where the interests of the victim are paramount and RJ providers, RJ practitioners will put the victims, the interests of the victim, you know, will be paramount, in the same way that the victim services put the victims' interests as the most important factor. I don't know if there's anything you want to add to that, Julia about awareness and understanding.

### **Julie Clark**

And we talked earlier on about how we might be able to improve the statutory services offer of restorative justice to victims, because we were talking about things like staff turnover, and priority of workload. So, we're exploring what more we can do. And I think that there's more that we can do by using the technology that's available to us. So, one example is last year in collaboration with victim support, we created an online learning module that's mandatory for all new victim support staff and all their volunteers. So, it's an interactive platform that provides a good understanding of restorative justice and it's got links to resources. So, they're getting that right at the very beginning of them of their employment with victim support,

and it's something that they can keep with them throughout their employment with victim support. And it just keeps RJ at the at the forefront of their minds and in an in their toolkit that they use to support Victims of Crime on a more generalized level. So, it would be great if we were able to roll this out to statutory agencies such as police witness care and HMPPS. Obviously, again, we always come back to money that does have a cost attached. But we've also started to create three-minute videos for police officers explaining the RJ process, the benefits, and the referral pathway. So, we plan to create similar videos for victims and offenders respectively. And it's our hope that all Met officers will be able to download the video to their iPads or their phones, and they can send them to victims that they're engaging with to watch at their convenience. So that takes away that difficult conversation of knowing how to how to start the conversation. They can literally say, you know, as part of as, as one of your rights under the victim code of practice, you have the right to explore your restorative justice options, and I have a video that I can send you so we're hoping to be able to roll that out over the next year. So, we look forward to that.

### **James Tate**

Question two in this section was about how victims and offenders are being offered restorative justice and what could be improved. I have to say I can only speak from the victim's side, I work in the MOPAC victims team, Julie may be able to add something about the offender side with every victim in London receives information about victim services, including RJ as part of their initial encounter with the police. So that those officers with the appropriate level of knowledge and understanding can make direct referral referrals to the commission dodgy a service basting based on their understanding of the circumstances of the offense and they're their interaction with the victim. The routine consent-based transfer of victim information to our primary victim services provider provides a further opportunity for discussion with the victim about RJ and where it may fit into that care package of support that they're being offered. Anything more you want to add to Julie.

### **Julie Clark**

And now I'm keeping a close eye on the time when we don't have a lot of time left. So, we're going to submit our evidence in writing as well. So, I'm going to skip forward a bit to something that I feel like it's quite important how data recording and analysis can be improved. And should there be a nationally Agreed Framework. So, a lot of RJ services frequently use RJ, my RJ Sorry, excuse me. But it doesn't sort suit all service providers and as a significant cost attached. So, for services like ours, where RJ is not the only service we run, and we've got several mediation services as well. It's not viable case management system. So, we've recently started using Salesforce, which is a platform that you can build on to meet your specific needs. But it definitely would be helpful for a nationally Agreed Framework regarding the definitions of outcomes and how these are recorded across the country. That will be hugely beneficial and enable the collection of more up to date statistics for our day generally, which when we're promoting restorative justice, and more activates the statistics would be really useful. It's been quite some time now since the last large-scale study. Do we have a little bit more time?

### **Elliot Colburn MP**

Yep, sorry, I was muted there. No, you still got a bit more time, Julie. So particularly.

### **James Tate**

Thank you. Okay. Shall I jump on to question three, though? Yes, please. Yeah. So how do agencies ensure that they're adhering to the victims Code of Practice obligations? Well, Police and Crime commissioners now have a duty to ensure agencies are adhering to their vehicle obligations. And I understand that guidance on how this has to be delivered is pending. But, you know, normal contract management processes enable us to ensure the adherence of the services we directly commission. Julie, do you want to say a bit more about that?

## **Julie Clark**

Yeah, I think I think this is something we do really well on in certain areas like victim support, who introduce the victims code at all stages of their contact with victims. So, they've got a number of different roles within victim support. And right from their very first contact with victims, they're talking about the victim code of practice, it's recorded on the system, and it's picked up by anybody else that they may engage with as they go through their criminal justice journey. So, in regard to the Met as well, we're making huge strides to address this, we've collaborated with the Met, to ensure that restorative justice is included in the police education Quality Framework modules. And victim care is a common theme throughout this university level degree. In addition, we're delivering face to face awareness sessions to new recruits in southern Lambeth, and that's come about because of our connections we've recently merged with Southern mediation. So, we've got some really good networking connections in southern Lambeth, but a cold native approach from Barrow commanders. In the other BCUs could see that take shape right across the mat. And I think that would be really beneficial. So that new recruits, they're getting that they're getting that education and that and that information, while they're on their degree, and then as soon as they move into frontline policing, they're getting a face to face session from us where we can answer lots more of the questions that they might have. There's been a really good response to that as well. The questions are the questions that they have a sometimes challenging, but really important, and they're really getting the message. And that comes across in the in the sessions that we're delivering.

## **James Tate**

Okay, we'll look at question four, does there need to be greater access of relevant information to ensure RJ practices are widely available? And who would benefit from greater access? I think my simple and brief answer to this is that all those all those who come into contact with a victim would benefit from an understanding of the role of RJ and how and when it should be discussed. And by who

and what the potential benefits for the victim are. As I mentioned earlier, calm and the Met police are doing some really good work around raising that awareness and embedding that understanding. But of course, you know, this, these are many of these issues are kind of universal issues. So, we're always very open to hearing about what colleagues in different services in different parts of the UK are doing to achieve that. You want to go on to question five, Julie?

## **Julie Clark**

And I think I've covered question five. And can I leave you to do our final question, which is question six. Yeah. And then I'll just very short summary.

## **James Tate**

Okay. Yeah. So, question six in the section does there need to be a targeted approach at a senior level to improve the overall understanding and encourage the wider use of RJ? Yeah. And it specifically refers to in the Met and other police forces, I think that would be a really positive step. I've engaged with a number of RJ services throughout the country, focusing on those who appeared to be the most successful in terms of their numbers, the numbers of referrals, and the conversion of referrals into clients who engage with RJ services. And, I mean, there were no, there was no magic bullet. And some providers had methods or initiatives that were geared to increasing the take up of services that were kind of particularly specific and relevant to where they were. But one common attribute in those services that were doing well, was that they had a buy in to the benefits of RJ. At the senior level, both in the police service, and in the office of the Police and Crime Commissioner. In one force area, they had a strategic RJ board, chaired by the actual Police and Crime Commissioner. And this was really helpful in driving RJ as an integral part of the services that they were offering. From the point of view of London and the Met, there is there are, of course, questions of skill. So, there are some force areas are kind of similar in size, and numbers to a single kind of met basic command unit. But I think the principle of proactive involvement by senior leadership certainly appears to work really,

really well. So that's something I would very much welcome.

### **Julie Clark**

Yeah, thanks, James. And so, in summary, and in short, our vision is for RJ to become a widely known concept, not just for victims of crime, but for the general public, and that it's embedded into the criminal justice system alongside traditional criminal justice methods. So, we know that there's lots of good practice happening. But we also know that there's still more to do. And I'm, you know, we're proud to be a part of that. So that's us. Thank you. Thank you,

### **Elliot Colburn MP**

Julie. And, James, thank you so much for taking the time to give us evidence this afternoon. And we do have time for some questions. So, if anyone present would like to ask one, please do wave at me. Molly, and then Tony. You're just on mute Molly.

### **Baroness Meacher**

I became very aware of restorative justice in the 90s 1990s ages and ages ago, when I was in charge of and involved in the Police Complaints authority. And it was used extremely well in one or two forces like Evelyn Somerset, and so on. And the restorative justice seems to be run actually, by the service by the police service itself. And I just wonder, I mean, I've got lots of thoughts really. What do you feel about the police actually taking this on to a degree I mean, obviously, you know, volunteer organizations are incredibly important work, and I'm a passionate believer. It seems to me it should be absolutely integral to the certainly criminal justice system? I'm not aware of it in other systems. And you mentioned the need to embed this. Absolutely right. It's got to be embedded. But I just wonder, it's just weird to me that it's not already embedded. And I just wonder, what is the view of the leadership at the Met police, for example? Would they like this to be embedded in the way they respond to crime? So those two questions amongst others? The Met Police and Crime plan did you want to go James?

### **James Tate**

Very briefly, yes, I know, a number of services. Police forces and police services around the country are much more directly involved in the delivery of RJ. And certainly, if you talk, if you talk to a police officer, they will see RJ begins and ends with the police. And I've got some sympathy with that point of view, absolutely an integral part of delivering that service. Each service, you know, the kind of complexion of the services is going to vary across the UK. I mentioned earlier about the scale of the Met. The Met Police Service is an absolute monster. It's a giant, giant organization. And you mentioned about senior leadership. One of the one of the peculiarities of the Met Police Service is that there's a lot of churns because of the size of the organization. So, you can often get officers who senior officers in a position where they can really drive and influence any policies, you know, whether it be RJ or some other kind of initiative. Unfortunately, within a year or two, you can find they've moved on to a different role. And they may be replaced by someone who has a different sense of priorities. That's why we were pushing to get the very senior leadership or kind of to embrace our gear, because that's the only way it's going to be getting better. It's going to get embedded. Sorry, Julie, you wanted to say something?

### **Julie Clark**

Yeah, just really kind of, from a basic level with restorative justice being in the mass Police and Crime plan. And with, you know, the introduction of the first victims Commissioner, I mean, she's had a lot to do in our first time, and plenty more to do in a second. But those two things together aren't? Well, you know, we're heading in the right direction. And I think in terms of your question about whether restorative justice should be delivered by the force itself, I think that there's an argument there that there's a there's a there's a need for some independence there. The victims want and welcome that independence, and they trusted, and they and you know, there's a level of confidentiality, that I think is most definitely needed.

### **Baroness Meacher**

Now, I understand all that very well, actually. Yes. I'm just interested to know how it should be done it. Can I just very quickly before you go on to other people say that we've got this police and sentencing bill coming up. And I just wonder whether we shouldn't be trying to get something on restorative justice into that bill. Somehow to embed it, you've talked about embedding it, embed it in in policy for every police service that this is, you know, work that they need to be doing not doing themselves necessarily, but certainly making sure happens. So, I don't know whether any of you have worked on, on that sort of thought at all.

### **Elliot Colburn MP**

Sorry, Julie, go on.

### **Julie Clark**

No, I think that may actually have been a question for you. But I was just about to say that. It's not something that we've been actively looking at, but perhaps something that can come out of this inquiry.

### **Elliot Colburn MP**

Absolutely. So sadly, I think that the bill timetable fell at the wrong time, given that we're having an inquiry at the same time, but we have to send it out to the House of Lords. So, Molly, so if you fancy putting in an amendment to chuck it back to the Commons. Well, certainly. I'm sure I can garner support in the Commons for it. Well, Justin, and thanks very much. Tony, over to you. I saw you had your hand up.

### **Tony Lloyd MP**

Yeah, thanks. Thanks for thanks for this session as well to us to our respondents. It's really very useful to watch one comment. I mean, I do tend to agree with the idea that the if you want in any case to challenge the variability even within a police officer. Because it is useful to have an external agency working with them to deliver our job. Anyway, that's a personal view. But I just express it. The two questions I wanted to ask really one, James made reference earlier on to the fact that other

than in those cases where the perpetrator of the harmer had some form of restraint order against them, that's the only thing I think you mentioned as being a limitation on the use of RJ, but I just wondered whether there are categories where I've known, for example, a rape victim, who was prepared to go through restorative justice, and to that individuals benefit, I think, not the rest, but that is difficult. And actually, in case, it has to be victim led. But I want I wondered, really, are the limitations that James and Julie feel in terms of where RJ is appropriate? That's one. The second one is more boring question. Julie mentioned, the value of national statistics. And actually, in terms of monitoring what RJ is doing and what RJ can do, having some national monitoring framework it would be useful. But have you, Julie, given any thoughts as to what statistics would actually be useful? And it may be actually, this is better rather than that an answer. Now, if you want to consider that and come back to it, that would be really helpful thing to know.

### **Julie Clark**

Yeah. I mean, just addressing your second question, first, what would be helpful, so we already kind of assess our own situation in London, so we do an annual report. So that's a way for us to use us look at what's happened over the past year, identify the gaps, make recommendations, but in terms of on a wider scale, it'd be really useful to, to be able to see where it works, why it works, and how it works. And for other people to be able to learn from that. So, something may work well in one area, but lots of well in another area. So those are the things that I think we kind of need to learn from. And we and we won't be able to do that on a large scale unless we have some really good data to use. And in terms of your first question, I think you were asking, were you asking specifically about restorative justice for sexual violence,

### **Tony Lloyd MP**

No limitations on where restorative justice is, it may or may not be appropriate. So, I don't know that I think there are any. But I'd be interested to know as long as this victim lead, and as long as the victim is safe, but I'm interested in your views.

## **Julie Clark**

So in our service, in calm mediation, we are working with victim support to put together and operate a domestic abuse operating procedure. So that that's the risk management is in line with the with what an editor would do. So, an advisor would use the risk management checklist. And we also use the same one. And the beauty of us being working in partnership with the random victim and witness service means that we also have access to their influence. So, we do insist that, that when we get to the point where this operating procedure is finalized, and our practitioners have received their training, their domestic abuse training, that we will insist that victims of domestic abuse are supported by any advice, because we recognize that our restorative practitioners are excellent at restorative practice. But we do need to, we do need to draw on the skills of an independent domestic violence advisor to really be able to recognize those skills that might not be obvious to somebody who doesn't work in domestic violence and doesn't have that level of understanding. So that's really that's really the only point where we are at the moment where we're not able to accept the cases until we finalize that operating procedure. And like James said, where there's a restraining order in place, and we will always recognize the risk management of another service. And we wouldn't seek to undermine that. If there's a restraining order in place. It was it was put there for a reason, because another authority organization felt like that was needed in order to prevent further harm from somebody. So, we wouldn't undermine that.

## **Elliot Colburn MP**

Thank you. Sorry. That's right, James. Sorry. Go. Yeah,

## **James Tate**

There seems to have been a long-standing policy in the in the Met police. I don't know if it was ever a written policy, which certainly was a policy that was active. Domestic Abuse and hate crime were complete no-no's in terms of restoring and not position was often one that was supported by the victim services who supported those

cohorts of victims. There has been movement in recent years. So, Julie talked about that kind of mutual support work with domestic abuse services. So, there's a mutual understanding of amongst our practitioners about the risks around supporting domestic abuse victims, and amongst the Domestic Abuse Services themselves about how anyone potentially any victim can benefit from certain restorative approaches. And this has also now been taken up by hate crime services as well. So, there's a recognition that particularly where you've got neighbourhood and community disputes that can spill over into here. This, there's potentially a really positive role for restorative approaches around specific crimes that were once a complete no-no, but approach is no longer kind of set-in stone. And now it's very much about the circumstances and on the merits of each case.

## **Elliot Colburn MP**

Fantastic. Thank you for that, James. We have we have run out of time on this first session, I'm afraid. So, for those who did have questions if you perhaps want to put them into the chat. I'm sure James and Judy will be happy to stay on the line and pick those up from the chat and not to put words in your mouth. You two. But thank you, Julie, and James for that, that is incredibly helpful and really useful. So, it really, really valued that input. So really appreciate you coming along this afternoon to give us that evidence.

## **Julie Clark**

Thank you very much.

## **Elliot Colburn MP**

Not so at all. And please, please do stay with us for our afternoon session.

## Session 4

### Elliot Colburn MP

I'm delighted to welcome Julia Houlston Clark from the Wales Restorative Approach Partnership. But restorative approaches partnership or rap and Tom Proctor leg from the Iffley Academy. Julia and Tom, you are both very, very welcome as well. And thank you so much for appearing in front of this inquiry to present your evidence as well. So, Julia, I will hand over to you to kick us off this afternoon. Oh, you're just on mute. Julia. Sorry. Sorry. No, you're still on mute Julia.

### Julia Houlston-Clark

Something keep unmuting me. Yeah, mute me. There we go. We're all good. There we go. It's a shame because new people in life, can you.

You may want to do that with me in a minute anyway. So, I'm really glad to be here love you see colleagues and new people and greetings from Wales. So, I'm Julia, and I'm Chief Executive of Wales restorative approaches partnership. And I'm going to tell you a bit about my restorative journey, because it might explain why I'm interested in restorative practices the wider field as well as RJ. So, I've got 22 years restorative experience. And that began 12 years full time in Cardiff prison, then I worked with Ministry of Justice, on innovation in restorative programs in which crossings of the prisons for 12 years, then I became the strategic leading Cardiff counsel for developing cross sector, restorative practices. So, working in education, housing, social services, to try and prevent the harms that we know lead to potentially poorer life outcomes, whether that is in crime, or homelessness, all sorts of mental health challenges. And then I've been I was the founding director of our organization, because we wanted to connect the silos up. What I discovered, though, you know, from working in different sectors is that actually, we're working with the same families too often intergenerationally, the same communities. And actually, if we address the factors that lead to poor life outcome sooner, restoratively, then we get better outcomes in all these different places, which are referred to later. The other interesting

thing about it is two other private and directors of ours were ex-lifer prisoners. So, our organization is a multi-stakeholder organization. And we are really, really keen on actively recruiting people with lived experience. And I'll come back to that later, when we talk about effective good practice. So, so my passion is about using the same restorative principles for the earliest intervention and prevention, to wrap around a system for systems change, because sometimes the system can escalate the harms. So sometimes the punishment and sanctions which sometimes you have no choice about, but sometimes you do, can actually re traumatize or really escalate the harm for the most vulnerable communities and people. So, we are very keen on breaking the school to prison pipeline, very keen on looking at preventing the harm intergenerationally we know we know the families, we know the risks. We know their strengths very much about strengths-based working as well. And we're very passionate about skilling people and families themselves up. So, when we're gone, it's not just restorative one off intervention, they can actually practice restorative Lee themselves within the home, within the prison within you know, all the different sectors I'm going to talk about now. So just a quick definition. From our point of view, restorative practices are all about building, maintaining and repairing relationships, building strong communities, and building social capital. So, it's not just about the amazing, powerful restorative justice conferencing, which I used to facilitate in in prison, which is amazing can be life changing. It's also about creating a culture where that change, motivation to change can embed and carry on when the person leaves prison when they go back to family. And in those really tricky transition points, and all different ages throughout the lifecycle. I'll give you some examples now as I talk through, but we work across sectors, so we work in any way where people meet people. So, education, families, communities, criminal justice, and businesses that work frontline with the most vulnerable communities as well. We totally adhere to the restorative justice council standards and guidance, and we will come back to that later because we believe that is one of the routes through for good quality. So, I'm not going to

answer all the questions in the inquiry, but I'll focus on the ones that I can bring something maybe additional to. So, in terms of setting the scene and gathering the evidence, the benefits for me of using wider restorative principles and those shackles of evidence, I will send some written evidence as well with the embedded links, is why do we wait until the harm is up here before we practice being restorative? When we know these principles work? For so for me, that the main benefit of analysis across sectors and I'll give you examples in the next question, whether we're talking about housing, schools, we work in security, secure units, children's homes, what we want is to build a positive healthy relationship in the first place. So, harms are reduced, they're mitigated quickly, and we're not resorting to those sanctions that can sometimes escalate the problem. We want to teach people the social emotional skills that maybe they haven't had, through their own life journey, so that they can be restorative themselves when we're not there. It prevents escalation quickly by early intervention and problem solving. And very interesting loads of evidence recently on adverse childhood experiences and trauma informed practice. They're actually it can help heal and mitigate the risk that trauma creates in people. You know, when I was in the restorative justice leading in Cardiff prison, I was also a chaplain, and I don't think I ever met a prisoner who hadn't complex needs and trauma in their history, ever. So, and, and often victimhood of all different sorts that they thought was usual it was their norm, which, which is tragedy, you know, it doesn't excuse the behaviour, but it does explain the behaviour. And so those are the big areas, we want to work on those early traumas, using these restorative practices. And the other evidence suggests that actually, punishment does not change behaviour. In the longer term, there's very little evidence across sectors that punishment alone is the rehabilitation side of prisons, that potentially works, you know, and I'd include restorative practice in that rehabilitation community. So, and that's true, whether we're talking about parenting orders, school exclusions all the way through to repeat charges and the revolving door. So, I was seeing

that across sectors all the time, which is why we created our organization. So, question two, in which areas are restorative practice being applied effectively, I'll give you some very concrete examples about outcomes as well. So, in education, we work with 70 schools now. And usually in areas where communities are struggling, multiple challenges, multiple deprivation. For me, being restricted takes time, culture shift takes time, if you've relied on punishments and sanctions as a way of changing behaviour, it takes time to shift the mindset of the adults first. But when they do, we've been able to work with schools with the highest excluder of the most vulnerable children, who then went on to be groomed to be part of county lines, because they weren't, they weren't in school, they weren't getting the educational outcomes that were most at risk in the community, and families were struggling to. So, we've managed to work with schools with the highest exclusions to be zero excluding schools, or when they did do an exclusion, it was towards a multi-agency restorative conference. So, and the way that happens is everybody in that community behaving restoratively thinking differently about why all behaviour is communication? What's going on underneath here? So really thinking about the source as the source of the harm the same in in children's homes, you know, police were being called when a child pulled the curtains down and could have been charged with anti-social behaviour. Now, this is that you don't end up in a children's home by having a nice day, you know, so it was it was it we're trying to really think about a problem-solving educational approach, because you learn at those times. We're teaching people a different way of behaving in that moment. So, it's nonviolent problem solving strengths based in housing we do. We've worked with 30 social housing providers across Wales, including hospital providers. And again, hostels, how's the most vulnerable people who had all sorts of trauma over time. And the outcomes there are reduced police correlates for harm, because they problem solve early, huge amounts of circle practices, we train tenants to be peer mediators. Wherever we go, whether it's in school housing, social care, secure units, where we are really committed to

peer led problem solving, we train them to be restorative facilitators, themselves. And then when we're gone, it carries on, we are to that culture shift, so that everybody has the benefit. And I'll talk about hate crime in a moment, because that that's really interesting. When we work in secure units, again, we want to stop the use of controlling restraint to be used for some of the most harm damage in people. And we've got evidence about the reduction in that by using the restorative language restorative questions, the same questions I would have used in preparing for restorative conference early. So, it's the language that children and young people and families start to use. And they don't need us when we're gone. We want to shift culture, we want to change the way people behave, so that it's positive and compassionate and trauma informed. The other interesting thing, particularly the pandemic is our history, we still practice restorative justice techniques and tools and interventions. We've been asked more and more often to be involved to prevent evictions. So again, some of the most vulnerable tenants present with some of the most complex needs and behaviours often and criminalizing that behaviour doesn't solve the problem. So, whether it's anti-social social behaviour, or behaviours due to mental health challenges increasing in the pandemic, social housing providers, don't evict have an alternative to way a hostile, you know, so. So, we've had massive increase in those requests recently. And again, for frontline staff using this is interesting, well, being restorative circles for the stuff that have carried on working during the pandemic even more, we've always practiced that, so that they're getting good supervision because trauma sticks, so whether that's the hospital staff, school staff who've carried on working is our professional behaviours aren't the best, and we can escalate the problem is sometimes so very much about equipping people with the schools themselves. So, in terms of measuring effectiveness, we listen to the outcomes people are trying to achieve better. So, whether that's reduced evictions in social housing, reduced exclusions in school, and a positive climate, a positive relational climate in the first place, secure units reduced use of control

and restraint. And actually, what you find is, the positive outcomes increase when the harm reduces. So, the attainment in the schools increased. The children wanted to come to school again, because they weren't being barked out or excluded all the time. In the secure unit, there's earliest de-escalation so it doesn't resort to violence. So, the building, maintaining repairing all the way and wellbeing increases. So, we've done some wellbeing measures using, you know, a number of scales, all sorts of different scales and wellbeing of everybody increases over time, which is fantastic, that the staff are in tough, tough, tough jobs, and they need to be worked with restoratively too, because workplace conflict goes up. And the other interesting use where we're working with the courts recently is and with local solicitors who work in housing is diversion from court, because actually, the key housing solicitor in Wales was saying they're almost embarrassed to bring some cases in front of a judge because they knew of the trauma in the story. So, we're working collaboratively with solicitors to actually problem solve between communities and neighbours. And when the relationship with the agency breaks down. So sometimes people resort to sanctions because the professional is run out of steam. So, we're being invited in as a neutral body, not part back to your comment there, you know, Baroness Meacher about you know, should the agency what why we in the third sector, were independent, because sometimes the harms are caused by the agency. And I'll come back to hate crime in a moment. And so, what I think, is really important for me as well, you know, how do we know we've got there, it's embedded, it's in policies and procedures, you can see a relationship policy. So, we shift from behaviour policies to relationship policies. And everybody is really clear in the employers Handbook, employee handbook, when you're in the children's home, the school, this is the way we do things. It's not just the thing we do when things go wrong. It's the way we are with each other. How you can actually feel the difference in the air Yeah, you really can and children. So, we train children as young as eight to be peer facilitators for conflicts in the playground. Wonderful. And so going back to the questions, access, in terms of who funds us,

that's really interesting. And it's a problem and a solution. We tend to work with local authorities as a whole, which is great, so that we haven't got social services working over there. restoratively when community safety is putting the sanctions on the time, we haven't got schools working on what you know. So actually, for us, that's great if it if a local authority Commission says because it stops the silos, and it helps you know, not 40 door 40 people knock in the door of the same family. So if you can get a multi-agency approach, place based way of working, that means we can stop scatter gunning resources and be really, really targeted in our in our restorative interventions, police Crime Commissioner calm, I agree with everything they said, it depends on the priorities of the Police and Crime Commissioner, the amount of spend, schools come to us directly school clusters are brilliant if they come as a cluster, because we're starting as young as nursery teaching the children this big, how to work with each other restoratively. And there's no shame from the family to have that restorative conversation when things are going wrong in the home. We need to work through the shame, really, really powerful. And it you know; funding is a problem. Public Sector resources are going down. It's really tricky. We've had a lot of charitable grants, actually. People are interested in innovation, interested in early intervention, social change, because I think there is a social justice, strong strand through this everybody having a voice, particularly the vulnerable, because they usually don't.

So, I'm going to move on to question four in terms of access, what makes an inclusive restorative service and culture, I think we have a duty to actively involve people with lived experience. And, you know, just obviously, risk aware, but we always have members of our team who have had some form of lived experience, whether that's in prison, or neurodiversity, no additional learning needs disability, really, really important. Because what do I know, you know, not very substantial, but adds another layer of power in there. So as an example, around protected characteristics, people with protected characteristics, a brilliant piece of work funded by Welsh Government was

with an organization around preventing hate crime and responding in local communities. And it was an organization called Women Connect first, they reached out to women in Cardiff, who are from a range of black minority ethnic communities, who otherwise aren't involved in have their voice heard. We trained women from the community to become restorative justice facilitators, because the relationship with the police had broken down locally, there'd been a too much stop and search locally. There had been incarceration and death of somebody who had a whole range of complex needs that hadn't been identified. And so, the benefit of that was encouraged people from the different communities to engage in restorative practices more because they weren't going to. So, they weren't reporting. They weren't even coming forward. So, the benefit of representation from that community was amazing, you know, increased conversations with the police and how they talked about the death of the young man in prison recently in police custody. So, they were able to have these difficult conversations with emotional safety, towards solutions, and really, really powerful. And like I said, we always try to enable peers from whoever we're working with, to be trained as well in restorative approaches, and restorative facilitation, with qualifications as well. So, we're also a qualification provider, it's called a guide in Wales, because these are skills for life and skills for employment. So actually, you know, to go to an employer and say, I'm restorative facilitator it means they've got really good communication skills, social skills, and it may be the only qualification they've ever had. So that's been a real door opener for lots of the peers that we work with. Just a couple more questions now. One of the joys, good examples, good examples of involving people in restorative practices. So apart from Women Connect First, we work with Vinnie Green Secure Unit, and if you can go there, I'd encourage you to wear even during the pandemic, we trained some of the young people who could be serving up to five years at the age of 13. In prison, while secure unit to become peer restorative facilitators, we were able to do that online. And we're just training another cohort now face to face, so that they run their own circles in the dorms, and they

problem solve early and controlling restraint has gone down massively. And we're teaching those social, social emotional skills, tenants, we've done a lot of circle consultation with tenants who are in real fear of losing their homes in social housing, because of non-payment of rent during the pandemic. And they've lost Zero Hour contracts, they can't afford the rent. So, we've had solution circles with staff and tenants about what would be a way forward, because of course, the housing provider needs some form of income, and they don't want to evict a huge number of tenants who've lost their jobs during the pandemic. That was a really good example as well.

I agree with everything Calm's said about private prisons, by the way, they're creative as well, a bit of a can-do mindset. I think sometimes the public sector having been in it, most of my life, comes up with the reasons why and the risks, why not first, rather than it can do mindset. So, I think that's really important. And just a couple of notes, I know, I don't like over time, I'm going to go to my vision and hopes for a more restorative future. I think having been in criminal justice, local authority, cross sector now. Just stop the silos, you know, if we can join together, around best practice for the target communities, families, you know, it's the same family suddenly, more involvement to people with lived experience listening to those stories, don't think we know, unless we listen. And enabling communities to practice themselves without us. So, they're not we're not creating a dependency culture on our services. So that we're actually enabling people as we go along. To be restorative, when we're gone. Definitely more joined up funding, I think we do have a problem, where the I mean, it's different in most government for some funding. So, the, you know, got the Department of Education having a different behaviour strategy to the home office to the Ministry of Justice. So, I think something about coherent principles across funding providers as well, commissioners, and when the ring fence removed from restorative justice, Police and Crime commissioners, that meant, you know, what was a ring fence restorative fund, got spread all over everywhere. So, if that could come back, that'd

be great. And earliest intervention. And generally, around us is on the screen, just more collaboration and less competition. So actually, you know, we join that together. Yeah, thank you. Thank you, Ray and Vi, for your thumbs up, that we we've got so much more in common than we got different. I mean, we're a cooperative. So, you know, we always think like that. But I think that's really, really important. And we involve local people in the solutions. So, we don't just, you know, fly in and fly out that we're embedded in there. And I think that's it. So, for me for now, but I will submit written evidence as well. But and I you know, and I said that the data got some data to show you that the shifts, and but welcome any questions.

### **Elliot Colburn MP**

Thank you, Julia. And if we could leave questions until the end if that's okay, I want to give Tom time to do his pitch as well. So, thank you so much, though, Julia. And please, so please hang on to your questions, everyone. We will get round to them. But Tom, if I can hand over to you to take it from here.

### **Tom Procter-Legg**

Yeah, sure. No problem. Firstly, just to start really enjoyed listening to this afternoon. And Julia, I agree with so much of what you're talking about, like the fact you said this is the way that we do things. Because it's so true, isn't it? And I think a restorative mindset is massively important. I need to say that I'm talking from a school's perspective, and I'm a head teacher, a restorative school. We're a secondary special school for children with complex special educational needs and disabilities. And it's a really complicated school, we can have very busy days. But my key point is, if restorative practice can be successful here, it should be successful in any school. So, I think the definition of restorative justice is a broad philosophy is really good. And I know the terms of reference to find restorative practice as those activities used to create a culture. Well, in terms of answering your question, Where has restorative justice been applied effectively, and very simply is where that culture has been created. So today, much like

Julia I guess I'll be talking about culture. First thing is important to mention that that word was in that sentence, culture has been created and created is really, really important. Restorative practice is not administered is not applied, is created, and it's grown with other people. A lack of understanding of that is often a common implementation error in schools. Okay, so I'm going to give you four high level outcomes from restorative work at our school. Firstly, high levels of attendance, we have examples of children have attended, well over 90% of the time where previously they've been out of education for over three years, their siblings don't attend school, and their parents do not attend work. These students attend school because they know that we're working with them to solve problems rather than provide punitive outcomes. Second, is behaviour it's excellent. And whilst we do work with children with challenging behavioural needs, they understand that our expectations are incredibly high. Racism, bullying behaviours are low, and they're significantly below the national average for schools. Parents, engagement is extremely positive, and the feedback we receive is overwhelming. And finally, our exclusion rate is zero return. That's really significant. And for some students is a bit of a culture shock when they join our school. So, I'll give you an example of a year 11 child he's leaving this summer, when he joined us in year nine, he was using aggressive and abusive behaviour on a daily basis. And he once said to me out of frustration, what do I have to do to get excluded from this school? Anyway, he needed a huge amount of help and support. But now he's past his level one maths, and his level one English. And he's actually now peer mentoring younger students. Last week, he said to me, I used to be the one needing the help. And now I am the help. So obviously, these are really powerful outcomes. But they don't come by simply by running a restorative meeting. They come through a restorative culture. So recently, our staff to put down some ideas about restorative culture, and what that looks like in our school, I'm going to read you a few quotes to give you a window into our restorative world.

Okay, so this is from our therapeutic Support

Manager. And it's important to say who it's from, because we're really invested in our therapeutic team. And many schools don't do this. She says, I've worked at our school for over 16 years. And Phil, my restorative practice is a natural process of my everyday work. Being restorative is not something you dip in and out of the restorative values are embedded within our structures of the school, its ethos and policies, I truly feel that being restorative is about the whole picture, and not about turning it on and off. So, she's been here a long time being cast. In contrast to that, sorry, a new member of staff recently told me that from the minute they stepped through the door, at Iffley they knew there was something tangibly different, you can breathe in restorative practice before you really know what it is. Now, it's quite an interesting point. And they can tell that the hardest place there is an ethos where relationships matter. So again, a really key link here to culture. But I think one of the biggest mistakes for implementation is that schools begin the journey, but they don't fully invest in it. They implement a process, but they don't embody it in leadership, and in wider school systems and processes, and they don't believe in a restorative mindset. All those things are essential if you don't have those things is not going to work. Staff at our our school also talked about how it has to be consistent for it to work. And again, this is where I feel that many schools are falling down. Staff talked about consistency throughout the school, both between students and adults alike, providing a safe community for our students to grow and interact with each other. Staff said that our school there is a wide sorry, there's a school wide culture of helping students build strong positive views of themselves and others. Students are not humiliated or dressed down. They are supported and directed to manage their own behaviours and their emotions. Students managing their own behaviour is really important, and it's essential to what we're doing. But that doesn't mean that we have poor standards of behaviour. And as I said earlier on, actually they're incredibly high. Talked briefly about systems and processes. And it's important to note that we've invested in group

supervision, and this is a key point for any kind of implementation. We also provide training for all staff, including members of our admin team, our site team, everybody. Lock, stock and barrel. And we have extensive high-level training for specific individuals. So, people within our therapeutics team, for example, and that training is provided by specialists. So, we've been working with Belinda Hopkins now for probably about 18 years. I think that consistent training link is one of the things that provided us with so much success. Most importantly, is not a train and hope model. This is a model where you build a relationship with a trainer, there is expectations that it will take a long time, it will take you that time to implement it, and it will be a continued journey of school improvement. So, returning quickly to behaviour, staff talk about restorative practice, rather than telling off students rolling by fear or getting into a battle of wills. They say it's our agenda to bring students back to a place where they are safe and ready to engage and enjoy their friendships, their learning and their interactions with class staff. Surely, that agenda should be the agenda of all educational professionals. There are of course challenges for implementation it takes time more time than most people will want to give, and you will need to prioritize it. But that time invested will live for a foundation where teaching and learning can take place and be really successful. Too often, you read headlines saying that teachers are unable to teach every if only we had a pound for that phrase. To be fair, I think that if schools had a better understanding of restorative practice and restorative culture, that wouldn't be the case. I do, however, understand that not all schools are at the same stage of their restorative journey. And therefore, interventions need to be designed specifically for each school. And this is where I think it gets tricky. I recommend that we design a new audit tool that would allow for a tiered program of implementation and training. If schools look to implement a restorative approach alongside their current punitive model is unlikely to be successful, and they need to know that straight away. However, implementing small things like regular staff circles, restorative check-ins could

easily be the first steps to a successful journey, and can be implemented with basically no cost. Apart from training and some desire to achieve something new. There has to be an appropriate match between what you're doing and what you're trying to achieve, and what you what you're also going to run in tandem with restorative approach. I also think it's incredibly important to establish a clear definition of restorative practice in schools and what that looks like. And what best practice looks like. That's echoed in outcomes from Mind the Gap, which is systemic review from 2020.

There's much literature about that. But it doesn't have to be a one size fits all. And it's likely to be a tiered definition that articulates culture across a wide range of educational scenarios, rather than a specific intervention. So, I'm getting my words muddled up. It's been a long day today. So, for example, there are models in other areas that we could use to draw on. And a while ago, I worked for whole school send, designing a reflection framework tool, which was very successful. And that kind of model could be used for restorative practice, I think we can borrow from other forums where we've seen success in terms of change management. So, if wider rollout of restorative practice was possible in other schools, I believe that we could have some of the following benefits. Firstly, opportunities for children who have negative prior learning experiences to fulfil their potential regardless of their starting points, and regardless of what schools that they attend. And this obviously would make an inclusive restorative educational system, which is something we want to achieve. I think that we'd be able to achieve significant improvements in social, mental, emotional, mental health development, young people. I think there's a strongly linked to positive recruitment and retention of staff, which we know is an issue in education, and we know is a positive outcome of restorative work. I also know from experience that it will give us a positive staff wellbeing. And that includes senior leaders, which is massively important. And if you look at the data of senior leaders, there's a huge number of head teachers that don't make it past their third year.

And that is all to do with wellbeing in my opinion. I think it would make a huge difference in terms of families and how they're feeling supported by schools that they work with. And I think he would give trusting relationships, which would become the foundation for excellent educational outcomes, which of course, is the thing that is being measured. And I feel like the thing that these being measured misses the foundational structure that it sits on, looking at how we can work with our schools across our educational system. Firstly, there has to be a better understanding of it as culture rather than intervention. I'd like to see a stronger emphasis on restorative leadership programs, and I know that there are models for those of this happening. And it'd be interesting to see how that develops. I'd like to see included in initial teacher training, and a greater focus on restorative practice in SEN training. So, including things like the Senko qualification, when we're looking at those additional needs in education. And then finally, I think it's positive to see it mentioned in government guidance and initiatives such as the behaviour hubs. But there needs to be a greater specificity of how it is to be included so that people don't just pick it up as a bolt on tool with expectations, which are misaligned with the reality of the actual work we need to do, hope that was interesting for you, and thank you for listening.

### **Elliot Colburn MP**

Absolutely, Tom, thank you so much for coming on this afternoon to share that with us. Particularly, to give us a new perspective in the in the sphere of, of education. And Julia, same to you as well. A lot of our conversations so far has been obviously majored on the criminal justice system. But what has come through loud and clear through our engagement with stakeholders, and particularly our advisory board as well, is the potential of restorative justice far beyond the criminal justice system, exclusively. So, it's really, really great to have you both feeding into this. So really appreciate that. So, opening up to questions again, if people want to wave at me if they have questions. Molly coming to you first. Sorry, Molly, you're muted again.

### **Baroness Meacher**

Um, I'm sorry, I feel a bit greedy here. But thank you for a couple of inspiring contributions. Absolutely, Tom, you mentioned models for leadership training. I just wonder, have you had any discussions with ministers or others about training, the basic training of teachers made it feels to me as though every teacher, as part of their basic training, as a teacher should really have a strand on restorative principles. I mean, every teacher should be just doing this automatically. Forgetting about all the other sectors of life, it just be very interesting to know where you've got to in terms of actually trying to make this happen, nationally.

### **Tom Procter-Legg**

Yeah, absolutely. I mean, your kind of looking at to two ends there, you mentioned, that kind of leadership training. And you also mentioned the kind of every teacher, and, you know, I'm somebody who's got huge background in SEND. And it's now understood nationally that every teacher is a teacher of a child with SEND is not marginalized, we need to be at that point with restorative practice. And that's why I'm talking about the fact that you can look at a model and say, okay, what's worked here? How can we use that as a model for change in terms of restorative practice? But in answer to your question, the answer is no. And unfortunately, in initial teacher training, yes, we have a section for everybody that is around behaviour management. But behaviour management just is not. It's just not joined up enough. It's not intelligent enough. It's not it's not understanding the pedagogy of teaching and learning enough. And when you see restorative justice mentioned in those documents, what you see is an adult asking for an apology with the expectation that a child apologizes. Anybody on this screen knows that is not how it works. And I know for a fact that nobody on this screen has been asked to contribute to those documents. So, for me, there's an avenue for it, there's an opportunity, there's a model that works, but it needs to be done still. In terms of leadership, I know that there is a leadership program that's been designed at the moment in Gloucestershire, which Jon already

knows a little bit about. So, there's, there's people on the screen that know about those things, too. And in terms of how we can support professionals, I do you think supervision is coming through, which is good. And there seems to be appetite for that now, post pandemic. Before the pandemic, we didn't seem to see there was a need for any of that. But hopefully, there's some positives that can come from it, to answer your question.

### **Baroness Meacher**

Thanks so much. Thanks.

### **Elliot Colburn MP**

Thanks, Molly. Jon.

### **Dr Jon Hobson**

Thanks. And thanks, Julian and Tom, for a fascinating second session there. As Tom says, Yeah, there is an evaluation or there's a leadership program and, you know, in schools' leadership program in Gloucestershire at the moment, Gloucestershire's doing a lot in them, you know, integrating restorative and trauma informed practices in schools. And we're just the university just in the process of evaluating that sort of certainly keep you abreast of how that's going. But the question I wanted, wanted to ask you both was, one of the things that strikes me from what you're talking about from the stuff that I've been looking at is that, as well as all of these very significant benefits to schools and for behaviour and for children and for teachers. There's also potentially a very significant short- and long-term cost saving implication in less teacher illness. In less exclusion and all that kind of stuff, and is that in supported housing, less eviction? I mean, is that something that you'll find in in both your settings as well?

### **Julia-Houlston Clark**

Yeah, yeah, definitely, I think we've got to be careful about response we often get. So, this takes time, it's always going to take time, it's just how we're going to spend our time on something positive, it's going to problem solve in the longer term, or chasing the conflict round and round wherever

it is, you know. So, I think I'll be careful about an end being cost saving, but in every experience I've seen, Yes, it does. I find out recently that an injunction taken in attendance to an injunction cost 25,000 pounds and eviction. 25,000 pounds, that's it, there's a shortfall of year-on-year restorative training. So definitely. And it's the human cost. You know, it's kind of the health costs posttraumatic stress. So, there's a whole bunch of you know, trying to do the cost analysis is tricky, isn't it? But yeah, definitely. And I just think, you know, Tom will talk about schools, but the higher the intervention, the more senior staff, if you're always rugby balling an issue of the more senior staff, their salaries are more. So, we ought to be resolving issues at the lowest possible level, and teaching people to resolve things themselves. That's the cheapest option. You know, over to you Tom.

### **Tom Procter-Legg**

Yeah, and I really agree with that last point about empowering people. And I think if I go around the school constantly solving problems for people, it just undermines them and de-skills people. So really agree with that. And just in terms of recruitment, Jon, recruitment is in education is quite difficult. But we do have a really good I guess, supply of people wanting to work here, which is great. And we build into our recruitment process, restorative process, and what we find is that people arrive here knowing about it and wanting to work here because of it. So obviously, I know that we're maybe a bit of a niche kind of school, and you know, a bit of a specialist in that area. But I think that the people are interested in that, and they want to want to work with us because of it.

### **Elliot Colburn MP**

Thank you, Jon, any other questions from anybody? Nina?

### **Nina Champion**

Hi thanks, this actually links, what I was going to ask before, actually. I really love Juliet's example of the work with the police and local communities and the black, Asian and minority

ethnic communities. We do a lot of work at the CJA around issues around stop and search and trust and confidence with communities. And that was a fantastic example. So I guess my question was how scalable is that in terms of thinking about how we reach out to those particular communities and are the examples you give around the police and communities being used in London, given that the capital is the most diverse area. Are there other options and opportunities for greater use of those small examples that Julie was talking about across the country and in London?

### **Elliot Colburn MP**

You're on mute, Julie.

### **Julie Clark**

Sorry, I have to say, I have to be honest, I was trying not to sneeze. And I missed the first part of the question. I'm so sorry.

### **Elliot Colburn MP**

Sorry, did you just want to repeat the question?

### **Nina Champion**

Yeah, it was just referring back to Julia's example, in Cardiff, working with black, Asian and minority ethnic communities and training, peer, restorative facilitators and the work that was then done between those communities, and the police residents, a particular lack of trust and confidence in the police, and how that could be scaled up and potentially used in London. And it also refers to Baroness Meacher's previous point about the police and trust and confidence and certain communities that that might not hear that information directly from the police in the way that we might want them to, and you know, how it can be used to increase access and the scalability really of those approaches?

### **Julie Clark**

Yeah, so we I mean, London is a vast area, we're covering 32 boroughs in the City of London. So, there's lots of good ideas that are floating around the event really quite difficult to implement. But again, being part of the London victim and witness

service, we are working with Sister Space as one organization. So, they came in and they did a session with that with us during RJ week, just to raise awareness. And we're hoping that they're going to come in and work with our staff as well and our practitioners. But in terms of getting that out to the service users, the I can honestly say that the best that we've been able to offer, in that respect is our targeted recruitment when we look at bringing in new practitioners, so we make sure that first of all, the cost is huge. So, we need to be offering free training to make it accessible to everybody. We need to be reaching out to organizations and different faith communities, to make sure that everybody has access to become a practitioner. They want to. So, we were doing small pockets of things where we can, but like everybody, we could do better.

### **Elliot Colburn MP**

Thanks, Julie. And Julia, did you want to touch on that point about the challenges in scaling up?

### **Julia Houlston-Clark**

Yeah. And it was Welsh government funded. So, from our vision of the home office in Welsh government, and it looks from grant to grant. So that's the problem is, you know, the continuity of funding would be really important, because they've all said the women would love to support other women to become trained, you know, as well, they're not trying to do honestly. So, I think there's there is potential, and again, online, this is out in the wilderness, we've been having global conversations recently, there's actually no reason why we couldn't connect up cheaper like this, to start off with at least, and create cooperative networks where we could actually, you know, get to meet and encourage each other. There's nothing better than a peer invitation. You know, I'm sitting here, and I've got, you know, dyed blonde hair. And I'm white Welsh. So, I that's quite different from somebody who's, you know, from Somalia, and you know, wears the veil and speaking to another person, so, so I would love more cooperation around that and needn't be hugely expensive. It needs to be for long enough, not one year grant,

a one-year grant or something, something if we're serious about inclusion, and equality and diversity, we need to invest in it.

### **Elliot Colburn MP**

Thank you so much. And sadly, we share we could go on forever. But sadly, we have reached the end of our session today. And could I thank again, all of our witnesses for taking time out of their day to come and give evidence to us today. It's been incredibly informative session. So, so grateful to all of you for doing that. And can I thank all the attendees, especially our advisory board, for coming along today, again, for this session. We'll be having another session this week. We've got a few more left to go. Before the evidence sessions are concluded that can I just put in one final plea again, as I did last time to please do keep pushing out the inquiry portals for anyone and everyone you can think of, to submit evidence in writing to us as well as we put this report together. So please do keep sharing that far and wide and get people engaged with it. But thank you all for attending and have a lovely rest of your day. Cheers all.

## **Session 5**

### **Steve Jones**

Thank you for the opportunity to speak, I'm going to rely quite extensively on my pre prepared script today for two reasons. One, because there's quite a lot for us to get through and I'm very conscious of time. Secondly I am very well aware that I don't have a reputation for being the most succinct person in the world. So, I'm Steve Jones, and I'm the Director of Remedi. We are a restorative justice services provider and have been since 1996. We're currently contracted to provide RJ for seven Police and Crime Commissioner areas, nine Youth Justice Services and the National Homicide Service.

I'm extremely grateful today to be joined by two of our service users, Valerie and Helen. My intention is to take a whistle stop tour of the terms of reference, to give a brief overview of Remedi's response to those questions and then to invite Valerie and Helen

to share their experiences of restorative justice and taking part in the process. I'm a firm believer that there's no better way to understand and raise awareness of RJ than hearing directly from people who have actually engaged with the process and I genuinely can't thank them enough for taking the time and giving us their time today to do that.

So, in regard to the terms of reference. The first section asks us to look at 'setting the scene' the benefits of restorative justice and what evidence exists. As we've heard in previous oral sessions, so far, there's a wealth of evidence already regarding the benefits for victims and for offenders taking part in a restorative process. As we heard in the second oral session from Dr Jon Hobson and his colleagues, there have been a number of academic research reviews in recent years, and there's been a hugely effective identification of the potential benefits of RJ and the potential barriers that exist. What more can I tell you? How can I bring that up to date? Well, what I can tell you is what I know and that is- what our teams have undertaken in this last year, where despite the massive challenges of COVID, we completed 1836 restorative processes in the adult criminal justice arena, and 1149 in the youth criminal justice arena. Just to give some clarity in regard to what I mean by 'a process'- That's a completed piece of communication, facilitated by one of our practitioners, between a victim and an offender be that a direct or face to face meeting, or an indirect form of communication most typically a letter. Our evaluation processes, as with many providers, takes the form of a pre and post evaluation study looking at the impacts that the work has had.

So, what more can I tell you that we gleaned from our evaluation processes? I can tell you that 98% of victims, who took part in a restorative process expressed satisfaction that 89%, who took part directly pointed to RJ as a source of increasing feelings of safety, 87% pointed to RJ in regard to reducing feelings and sense of fear, 90% said it had a direct impact on their health or wellbeing, 89% said it increased their overall satisfaction with the criminal justice system on a wider basis and 92% would recommend RJ to other victims of crime. Furthermore our evaluations tell us-

99% of offenders said that the restorative process directly enabled them to better understand the impacts and consequences of the harms that their offending behaviour had caused and 98% of offenders said that it directly increased their motivation to not reoffend.

The terms of reference then ask us in which areas is RJ being delivered effectively, and why that is?

As we've heard, and as I'm sure we will hear far more reasons via the written responses, there are excellent pockets of work being undertaken across criminal justice, and across a wider community setting, within schools, directly within prisons, etc. We hope that the written evidence section of this process will give the opportunity to share far more detail about those wider benefits and implications and uses of RJ.

What commonality is there in regard to where success exists? Firstly, meaningful funding, meaningful funding exists in those areas, and effective RJ cannot be delivered without dedicated funding. Secondly, genuine partnership and genuine partnership that's embraced fully by all of those vitally important partnership agencies to make restorative justice happen. Third, we'd say that restorative justice in those areas experiencing success is recognized as both a specialism and a full-time job. Bolting restorative justice onto already busy, full-time jobs and roles simply doesn't work. We've been there and we've tried that in the past. It simply doesn't work. And that's not a criticism of those agencies, but rather a recognition that they're already hugely busy with their existing roles and jobs. Restorative justice is not something that can simply be seen as an 'add on'.

A further common factor in success is where contractors listen to and work collaboratively with their restorative justice provider and don't set any ill-informed parameters regarding RJ. It has to be said that contractors are not always to blame. The restorative justice guidance, for example, provided to PCCs, when they were tasked with developing and creating restorative justice in their areas, was deeply flawed, and steered them in the wrong direction. It didn't help RJ- it hindered or stifled RJ.

We're then asked to consider what measures should be used to determine the effectiveness of restorative justice, we'd point to the need for pre and post assessments being fundamentally key to enabling a meaningful assessment of distance travelled and the impact that services have had. We should be outcomes focused. We fully embrace the fact that we should look at the wider outcomes of any restorative intervention, considering the impacts, like the examples I gave earlier in regard to feelings of safety, increased abilities to cope and recover, and so on. We need to challenge and change some of the misconceptions that have developed around restorative justice, and what success looks like that have developed over a few years. For example, the belief that direct or face-to-face restorative justice is the only model that really matters, and the best measure of success, and the frequently entrenched idea that there are offence type 'no go areas'.

And finally Whilst we recognise that RJ can and indeed is effectively delivered at all tiers of CJS ...data returns and evaluations need to be split with OUT OF COURT and POST COURT processes distinctly separated.

With regard to a good restorative culture.... There are certain key elements from our perspective. Firstly the need for widespread understanding and respect for different perspectives.

Let's get to basics- In the criminal justice arena for example, if I want to deliver an RJ process then I need a victim of crime/harmed person and an offender/harmer or I am simply dancing in the dark. So I NEED the Police, I NEED the Probation Service, the local prisons, the Youth Justice Service, local victims services- I need to be where both sides of that restorative equation are. We have been massively fortunate to work with some exceptionally open and driven professionals in our areas from all of these agencies.

A good restorative culture is one in which we all get it, respect each others focus, each others lived experiences, each others operating models and demonstrate commitment to partnership working. We really do all, ultimately, want the same thing

Regarding areas where RJ isn't delivered and what the blockages are...

When you don't have the above 'good culture' elements then you're going to have problems.... I love an analogy and the above stated 'ingredients' for success make a great cake, miss one out and its just not right.

So what are the common blockages? Information sharing agreements are possible but can be difficult to negotiate. There should be an expectation that they are in place to enable RJ and compliance with the Victim Code of Practice.

Ill informed Gatekeepers – delivery is frequently reliant on one or two people understanding RJ and if they don't you're blocked, if they do 'get it' and leave you start again and hope the new lead 'gets it'.

In simple terms- RJ needs access to victims and offenders so we need those professionals to be on board. Unfortunately too often you can be met with a Gandalf like 'None shall pass!' attitude- primarily borne of fear and a lack of understanding. If we've heard it once we've heard it a thousand times... "NONE OF MY VICTIMS WANT RJ"- think about that language. When we know from 25 years of practice that 80% do want to know more. Who's failing who?

So how might we overcome that? Awareness, awareness, awareness. A re-invigorated national awareness campaign both for professionals and from a public facing point of view is vital.

Under the Access section we're asked, What areas of Restorative justice/practice are being funded and by whom?

In his evidence session Tony from Restorative Solutions used the term 'postcode lottery' and I couldn't agree more. We've delivered adult criminal justice arena RJ since 1996 and had to fund it ourselves until the inception of Police and Crime Commissioners in 2014. We are massively fortunate to have the PCC partners we do who commit meaningful levels of funding but that is not the case everywhere and the disparity in funding

is incredible. For example in the last two years tendering opportunities for the provision of RJ in regions of the UK have been released that we as a provider have not even thrown our hat into the ring for because the resource available simply would not enable any real meaningful work to be achieved. If funding means I could potentially provide 1.5 staff to provide RJ for an entire Police area I simply can't and won't do it as it is impossible on that basis to demonstrate what RJ can really achieve.

Our Youth Justice partners are fantastic and have supported the delivery of RJ in some instances since 1999. However there is far less emphasis from the YJB regarding National Standards/ reporting in regard to RJ over more recent years and this stifled the wider spread development of RJ in the youth justice arena leading to pockets of excellence and vibrant practice and minimal delivery elsewhere.

Question 2 asks, What areas of Restorative justice/ practice are not being funded? And the impact this has on access.

Restorative work outside of the Criminal Justice System has nowhere near enough funding.

Restorative approaches in schools, in families, in communities are all hugely beneficial but currently rely on succeeding in a game of 'hunt the funding'. We have developed and delivered countless out of Criminal Justice System restorative projects over 25 years having secured multiple grant funding opportunities open to the third sector- all of which have proven successful I hasten to add. The harsh reality however is that once the funding ends there is frequently no funding to continue these services to pick them up.

The impact on access? If you don't have a provider you don't have a service if you don't have a service there is no access.

Question 3 asks why there is such a disparity between different Police and Crime Commissioner areas?

We would identify the first reason for this is FEAR and lack of understanding. We have to understand

and recognise those fears and work with the contractor to challenge those.

The impact from a victim and offenders perspective are potentially devastating when we know that this can be the service that makes the difference for them.

To understand the potential impacts for victims and offenders of not having access to RJ more fully- all we need to do is really listen to the service user voices that are a key part of these sessions and truly hear what they have to say... then just imagine them not having access to RJ and what that would mean to them.

Question 5 asks What are the current information sharing issues and how could these be overcome?

In negotiating Information Sharing Agreements I have been told directly by senior statutory agency leads that Data Protection Law and GDPR trumps a code of practice. Much safer to do nothing than risk the wrath of the GDPR gods. The solutions?

National information sharing agreements would be really useful but we accept this can be challenging in regard to recognising and accommodating local resource availability. In the absence of national agreements then for me the solution is...

To create the EXPECTATION that local info sharing agreements with an RJ provider in place. Preferably backed up by a Victims Law rather than a Code of Practice and for these ISAs to be required as a minimum national standard for statutory bodies such as the Police, Probation and Prison service.

The next question asks where service users voices are heard with regard to developing practice...

Well REMEDI of course and of course other providers who dedicate themselves to the delivery of RJ. When you get out of bed to do this on a daily basis you want it to be the best and you want to learn from your service users. Restorative practitioners do not need convincing of that. Look at how each provider has insisted on 'lived experience' being an integral part of these hearings.

Any national advertising campaign should focus entirely on these stories, these experiences not just what a professional or provider has to say. I after all have a vested interest in saying how great it is... it is both my job and my passion and has been for 20 years but if you really want to know what are RJ can achieve don't listen to me listen to those who have actually taken part

Having said that please listen to me a little more- I've nearly finished I promise

The next section of the consultation focuses on CAPACITY. Question 1 asks Should there be a greater emphasis on the consistency of practice standards

YES. The work the RJC has undertaken in recent years has been excellent and this responsibility should sit with them.

The work undertaken by the Restorative Justice Council (RJC) in formulating a quality assessment framework and quality mark should not be lost. We believe that the RJC is best placed to act as an independent standard setting body and that the quality standards they have already finalised are the right ones. However we firmly believe that funding to the RJC should increase to ensure its full independence and to ensure it has the capacity to undertake inspections of the standards already set. There should be a contractual requirement subsequently from statutory bodies that any RJ provider they contract is a member of the RJC and has signed up to the agreed standards of practice. These standards should then be audited by the RJC via inspections akin to those undertaken by HMI Probation/Prisons. Rather than a model which requires a frequently already financially challenged RJ provider to self fund and call down the existing quality mark process.

This model ensures that all contracted providers meet the same minimum standards and that a single assessment body for adherence to those standards is in place.

Onto the AWARENESS section. The first question asks What more could be done to improve

public awareness and understanding. A national advertising campaign with service user voices at the heart of that is vital- This needs to be multi media and co-ordinated around the same visual to give a consistent message. I don't believe you need a celebrity spokesperson to get this message across- our service users are the celebrities in that sense- they are far more powerful voices.

We're asked, How and when are victims and offenders being offered restorative justice? What could be improved when making the offer? For us- we offer RJ when we get the contact details and then leave the door open for both. We strive to make personal contact rather than a letter- letters don't work.

In the second session Dr Rebecca Moore was absolutely right when she said that 'the right time' to offer RJ differs from one individual to the next and the answer to this would be multiple offers throughout.

I'd agree fully with that with one huge caveat- namely that the contracted provider alone simply cannot be the sole agency responsible for that. My teams for example simply do not have the capacity to keep re-visiting potential cases as new referrals are ever present. That doesn't make the suggestion wrong however but identifies how vital it is that RJ is seen as a TEAM GAME. We need the professionals that are present in the lives of victims and offenders throughout their journey to be aware of RJ, to be able to confidently and accurately explore the idea of RJ and to then have the mechanism in place to refer to a provider for the next steps to be taken.

Question 3 asks how do agencies ensure they are adhering to their Victims Code of Practice obligations of providing victims with information on how to access restorative justice?

Honestly?

IF the agency is committed and on board they 1. Have read the code 2. Have amended practice where necessary to ensure services are effectively communicated and accessible

and 3. Have undertaken VCOP audits across all areas of operation (we've done that in each office in collaboration with each statutory partner for example) and created a SMART action plan to address any shortfalls

IF the agency however isn't committed and on board they either- don't do it at all or look for the path of least resistance. The code affords these agencies the opportunity of dodging responsibility. For example victims have the right to information regarding RJ. So just include reference to it on a website or include it somewhere in a letter or leaflet- job done. No engagement, no RJ but job done. It has to be about more than compliance it has to be driven as a desired outcome.

Question 4 asks if there needs to be greater awareness and who needs training.

Yes there does but we need to learn the lessons of the past

Who needs training?- EVERYBODY needs awareness training but not everybody needs training to be a facilitator as the reality is they may never do it AND if when they do 'do it' the instances may so be so few and far between that practice gets rusty, potentially unsafe and certainly doesn't develop.

We're building a house here and we all want to live in it and it could be fantastic, it could be a palace but to make it work I need a builder, a plumber, an electrician, a plasterer- experts at what they do. All working collaboratively towards the same end goal. I told you I like an analogy and that fits with RJ for me- for it to work I need the Police, the probation officer, the case manager, the prison etc to do what they do so well and let me do what I do well. We all want the same thing.

The RJ world itself recognises it has a key part to play in this but equally has to acknowledge that messages in the past have not been clearly communicated well enough. The messages need consultation clearly and agreement to ensure consistency. When that has become muddled it is small wonder that confusion and

misunderstanding has developed

Question 5 asks how to improve recording and reporting

How to improve? Well first stop trying to make RJ simply fit with wider victim service returns. They need to be their own thing- we've provided a full suggested data returns model in our written evidence response.

And YES there should be a national framework which also splits the return to ensure the tiers of the CJS are reported on in both the youth and adult criminal justice arenas

In the OTHER QUESTIONS SECTION we are asked what is your vision and your hopes for a more restorative future?

The vision? A restorative drop in/walk in centre in every high street- all encompassing one stop shop from a crime, community, family conflict, bullying etc- basically wherever there may be a harmed person and a harmer. Not acting alone but as the restorative approach provider and acting as the conduit into a myriad of other specialist support providers.

Youth Justice services are an excellent example of multi agency delivery- all under one roof , all focused on one goal. How brilliant would it be to have the same single point of access for all victims?

How do we get there? We embrace the process that we are now going through and get the justice arena aspects of this right first. Because what I do know is it works by any measure you wish to approach it with

We are also asked what are the top three things would you like to come out of this enquiry?

1. Commitment and a timeframe for agreeing the content of a national awareness campaign
2. Commitment and a timeframe for creating contractual expectations for RJ across statutory bodies

3. Commitment to the meaningful inclusion of Restorative Justice within a Victim Law

Just one point I'd like to emphasise

Our average initial victim engagement rate in the adult CJS (7 PCC areas) is 80% In the youth arena its 85%. There is no debate regarding whether victims 'want' RJ. That's great and I'm hugely proud of our teams but lets not lose sight of the 20% or so who say no- that's just as great because at least they were given the opportunity to make an informed choice. That's what we need to focus all of our actions on- how do we get that choice to every victim and every offender in a meaningful way.

And now on to far more important speakers than me. I'd like to introduce Val who will talk to you about her experiences.....

### **Valerie Young**

Hi, good afternoon. Can everybody hear me I trust you can? I'm a widow living alone in a detached house set back from the road with a burglar alarm, six-foot slight railings with a padlock gate either side of the house. I left home at 93 one morning with the property secure, returning just after 10am during which time I'd been burgled. Two lads were involved. One climbed over the railings smashed the bifold doors at the rear of the house attempted to stop the alarm causing damage and the property stolen was a jewellery box containing sentimental items of small value and cash from a handbag following the burglary. My worries were that my home had been specifically targeted, and I had been watched. The sentimental value of the item stolen is irreplaceable. I was boarded up for three months due to COVID because it was impossible to get anybody to repair it. My house insurance premium rose by 100 pounds on renewable and the worry of leaving the house unoccupied as I was going on holiday two days later. approached by the restorative justice team, I was impressed with their concern of my wellbeing, and agreed to meet up with the lads who were by then serving prison sentences at three and four years respectively. Of concern one lad had only been released from a

previous sentence days before the burglary and train tickets in their possession were purchased before his release from prison. The lads agreed to meet me on Teams individually, and I accepted their apologies and explained how I felt especially the sentimental value of the personal possessions. And when I mentioned being targeted, both assured me that that was not, so I also asked them about their personal circumstances and showed an interest into the background of their offending. a bouquet of flowers was sent on their behalf with a letter of apology from each lad Following this, and I replied to them both and agreed to keep in touch. This appeared to have an effect on both, and one offered in a letter to me to show me where the jewellery box and contents were dumped. My background has been a magistrate for 30 years, half of that time was in the Youth Court. As a governor of our local secondary school, I mentor students who are struggling, in particular with maths and who often have disruptive home lives. I also chair the permanent exclusion panel within our multi-Academy Trust Board. Now, shortly before I retired from the bench, we were piloting a restorative youth justice scheme, which would involve social services, the youth offending team, police, education, medical, and magistrates all working as one team with the defendant and his or her family to offer an individual package. And as much as magistrates, we could see this as an excellent program. But thought this will prove too costly, and I don't imagine it was ever activated beyond the pilot, I firmly believe in restorative justice. But for many folks who've experienced trauma, it's far from easy to face or forgive the perpetrator. However, from my experience, it is well worthwhile. And I appreciate that my background meant that I did not suffer trauma. And I was just frustrated by the inconvenience but do genuinely feel very sad for the loss of my belongings. Now, following from what Steve has said, I've recently had to deal with a permanent exclusion, whereby the student was manipulating one agency against the other. And it is so right that every agency should work together as a team for each individual. Because otherwise, you're just repeating the same work over and over

again, questions, questions, questions, and every team must get together. And that's how I feel. So, I hope that's put it over. Well, thank you.

### **Steve Jones**

Thank you, Val, and from one excellent restorative champion to another. I'd like to introduce Helen, who's going to tell us about her experiences, Helen.

### **Helen Hope**

Hi, I'm Helen and I lost my son, Matthew to run punch, kill 2018. And when we were working with the police officers, they've mentioned restorative justice quite a lot. Anyway, in 2019, and the perpetrator, the offender, and I contacted each other because I wanted to meet him, because the sentence he was given was five years. And I didn't feel that was justice for losing my son, my son was only 31. At the time, he'd just finished work. And this guy had hit him for no reason whatsoever. He was waiting to go home to his family. So, my only way of getting justice was to meet with the restorative justice team, and talk to him and find out why he'd done it. And also, to give him an opportunity to put his story over. And for me, it was making him accountable for my son's death. You know, it's the only way I could get justice because the justice system, in my opinion, had failed me with the sentence. Five and a half years, two and a half served in prison and two and a half on license. That's not enough. By but by meeting him he was able to put over how, why he did it. And he come from a really sort of background where you had to keep up appearances for his friends, his brothers and whatever. And for me, I've worked In a pupil referral unit when I started working in schools in 2004, and I've met a lot of people like this guy, and I only wish we started justice have been used in the, in the pupil referral units before, it got to this kind of level of where somebody was killed. You know, a preventive preventative is better than cure. You know, when I think it should be used in schools on school, teaching myself, and I'm going to say I haven't forgiven him but I'm glad to have met him, you know, I'm holding them accountable. And

he's promised me that he will never offend again. And I know that he's tried to introduce it into the prisoners whilst he was in their restorative justice. And during this time, I've become a peer supporter of the victim support, and restorative justice are keen to work with me to put it over to are the victims of homicide, to give them an opportunity to take part in it, because I think it needs to be put out there. You know, if the justice system isn't going to give us some sort of like, real realistic offenses or sentences, then we've got to find some other ways of making them accountable. And also, if we've changed this one person's life to become different, and he doesn't offend again, then my son's life will have some meaning. That never was apparent on what I ever have to go through that again. And, you know, that's my story, really.

### **Steve Jones**

Thank you very much, indeed, Helen. And thank you, Valerie, for sharing those experiences and forgiving your time today. It doesn't matter to me how long anyone's been involved in the restorative justice world, hearing directly from people like yourselves, never loses the power and never loses the impact, even for someone who's been involved in that world for some time. So, thank you for saying everything you've had to say. And thank you for being part of this process. And at that point, that's the end of our presentation. And I'd like to invite any questions that you might have.

### **Elliot Colburn MP**

Thank you so much, Steve. And thank you, particularly Helen and Valerie for coming along as well and sharing those very powerful stories with us. And I think Steve hit the nail on the head there, nothing can ever substitute, I think hearing straight from those who have been through the restorative justice process themselves, just how powerful this can be. So, we really, really appreciate the both of you coming along this afternoon to give your experience. Thank you so much, genuinely. And at this point, I would like to hand over to the rest of the rest of the meeting. Does anyone have any questions for Steve, Valerie? Or Helen? you've cut, you've been very comprehensive. Very

comprehensive. So that's great. Okay, go far away, Kate.

### **Kate Hook**

Thank you earlier, Steve, you suggested a national advertising awareness raising campaign, which I have absolutely wholeheartedly support? Is that something that you think that the RJC perhaps sorry, Jim, should be funded to coordinate? Or is it something that you think that government should actually be doing with the support of the providers and so on and so forth?

Steve Jones

That's a really good question, Kate. And my honest answer to that is, I don't know, but someone needs to coordinate it, and I don't want it to be me. So, whether that's a government driven initiative, or whether that's something that sits with the RJC. I think the important thing is that it's coordinated and it's something that organizations like your own, like Why me? And like Remedi, can all be supportive of and agree- Yes, that's the message that we would like to get across. I think it's much, much needed.

### **Elliot Colburn MP**

Jon, over to you.

### **Dr Jon Hobson**

Thank you very much. And, you know, thank you to Helen, Valerie there as well, you know, for some really moving testimony as well, as Steve, you're talking about, you know, the power to some extent of standardization there. And it's just an interesting reflection, perhaps, that this is something we've seen in a lot of other parts of public life in organizations and in public life and systems of states, you know, the College of Nursing the College of policing through these this similar kind of process? And is, is that kind of is that the kind of thing you've got in mind there that the restorative justice council could sort of follow that trajectory of those organizations and provide that sort of professional standards and accreditation that I mean

## Steve Jones

To some extent there should be better standardisation but I don't think that that need risk stifling creativity and development. I think the standards that have already been extensively developed under the quality mark and the National occupational standards and so on, encompass a lot of the standards that we need to deliver already. It's simply a mechanism by which we can be held accountable to get to those standards that is needed. I don't fear that process, I want an external pair of eyes to say, yes, that practice meets the standard. Because I want to be able to point to that. I know what we do is good. I want somebody else to tell me it's good.

## Elliot Colburn MP

Perhaps piggyback on the back of that question, actually, Steve, you mentioned information sharing agreements, and the issue with the dreaded GDPR word, which I'm sure everyone on this on this call can sympathize with. That does seem to be a running theme. I think a lot of the evidence we've received now we're into our third set evidence session here seems to be sharing that frustration. Just how much can you give us just a bit of a bit more information of just how much this is a struggle and a barrier to providing effective RJ, in the UK, this this lack of this lack of standardization in terms of information sharing, and this complete divergence and interpretation of GDPR rules, what just how much of that on a on a scale of nought to 10 is that is that preventing effective RJ from taking place?

## Steve Jones

In some areas, it would be a 10. In other, after a huge amount of time and effort it would be zero. So for example, in the areas in which we operate, after lots and lots of toing and froing, I would say the problem is now low but was huge whenever we first start in an area. We know if we win a new contract that we will build into our mobilization process, at least a three month window to get an information sharing agreement established, because it's not one or two meetings, its extensive.

I have to put half of one of my assistant directors time for the best part two or three months against nailing down an information sharing agreement. And thankfully, they do that exceptionally well. But it shouldn't be that hard. It shouldn't be that difficult. And the motivation and why it's a barrier is entirely around fear and I respect that to some extent, I understand that. We have a lot of challenges when it comes to getting into prisons, for example, some prisons- it's fantastic, some prisons- it's a real challenge. Where does that fear come from? It's a terrifying prospect for a governor to bring a victim into their establishment into the same room as the person that's harmed them. That's, you know, much easier to say no, than to explore how do we go about doing that safely?

## Elliot Colburn MP

Oh, absolutely. And I remember when GDPR came in just the sheer the sheer scare stories that were sent our direction, about just how much trouble we would be in if we fell out of the rules. So, no one wants to be that, that that one and Lucy did I see your hands up?

## Lucy Jaffé

So, I wondered about the Steve, where you saw opportunities of the new national probation service. So now we've got a new national probation service and 12 new probation areas. I mean, there seems to be no drive from the offender side of you know, we have it from the victim side, what do you think could be done? to address that?

## Steve Jones

I think we need to let the dust settle and let the national probation service get back to being the national probation service. And I think it will come back I think at the moment, we have a number of struggles as the probation service as it is now tries to re find its feet and re fully re-establish itself. If I hark back to the, I won't use the expression the good old days, but they were the good old days, we did huge amounts of work collaboratively with Probation where I would have practitioners within probation services, working alongside probation officers, it worked a treat. At the moment, there

doesn't seem to be that focus in regard to how do we incorporate restorative justice as part of the work that we're undertaking with offenders. But I am genuinely optimistic that it will come. Because I think that the champions that existed for restorative practice at a senior level still exist. And I think that time will come back. I think we need to push the evidence agenda. I think we need to push the impact of RJ the and build awareness. And I think ultimately, we will be pushing against an open door. But unfortunately, I do think it'll take time to for it to right itself again.

### **Elliot Colburn**

Thank you for that Steve. And I've got one final question, if I may, to Helen and Valerie, if you'd be so kind. We've heard in other evidence sessions, that it would be advisable to offer restorative justice repeatedly throughout the process, because As the earlier on in the process, the more likely is it, the more likely it may be for someone to refuse it. And their mindset may change as they go through the process of being of being a victim. What would be your experience? What would you be your mindset behind that? Would you say that that is a good idea? I appreciate? I think it's fair to say that you both, you both accepted it, was it fairly late on in the process when there was already a conviction in place? But can you give us a bit of your point of view, perhaps, Helen, if I come to come to you first?

### **Helen Hope**

Well, when it first happened, it was referred to that we I might want to meet the perpetrator later on. And at that point, when it happened, I didn't want to because obviously, it was very low. But then when the perpetrator and I contacted each other, it seemed that that we needed to meet. I don't think it needs to be forced on a person. And personally, depending in depends on the crime really, you know, as a victim of homicide, and we're about to deliver it to other people who've been victims, just homicide as well. You don't want to push it too much, because it's still a very, you know, delicate subject, you know, but all I can say is this when we stay. I did a conference with Steve in the October

2019. I know a lot of like, there was prison officers, police officers, they're very keen to promote RJ because I know they don't want to see people suffering. They wanted to have preventatives, more so than cures. And for me, if that could have been done before with this perpetrator, and his issues addressed beforehand, then we won't be in this first issue. So, refer back to your question. I think it depends on what's happened to that person. I don't know.

### **Elliot Colburn**

Thank you, Helen. And, Valerie, same question. Um,

### **Valerie Young**

I did mention earlier that I was approached by them later on, but by the team, but in fact, it was before they were actually caught you see on the on the day, which is very rare for burglars to be caught on the day they were chased, and they were caught. One was kept in custody. One wasn't and obviously it was a long time before the trial. As it happened. They said they were guilty because of the evidence. But yes, I think it should be spread out. Some people are not able to respond immediately. But when they've had time to think about it, maybe yes, they may come round to it. It everybody is different. As was said earlier in Steve's talk, everybody is different. And I think it takes extra time for the panel, though, doesn't it? It all takes time for follow up, follow up, follow up. I appreciate that. But at the end of the day, everybody is different. So, who can tell? a very difficult thing to say?

### **Elliot Colburn MP**

Yeah, no, thank you, Valerie. And that brings us to the end of our first session this afternoon. Can I again, thank Steve, Helen and Valerie for coming along and giving us your evidence. But please do. Please do stay on, you're more than welcome to stay on and listened to our second session this afternoon. You are very welcome to stay on for that. And indeed, to keep in touch with the rest of this inquiry. We're very happy to have you this afternoon. So not so at all.

## Session 6

### Elliot Colburn MP

So, our second session this afternoon. We're delighted to be joined by Lucy Jaffé, from Why me? and Paul who is a service user, as well. Lucy is also on our advisory board. I should have mentioned that with Remedi to Lucy, thank you very much for coming along. And the second session is over to you.

### Lucy Jaffé

Oh, hello, Elliot. Thank you very much indeed. Yes. My name is Lucy Jaffé and I'm the Director of Why me?. We're a national independent charity, which has been promoting and delivering restorative justice since 2009. And I'm here today with Paul Kohler, who's an academic and a man who's been through restorative justice after being a victim of crime. So, we're here today to talk about three main things that we want to come out of this inquiry. First of all, an intelligent approach for restorative justice, an intelligent investment approach. Secondly, a Ministry of Justice action plan and named civil servants who will lead the joined-up police prison probation and Victim Services framework on the ground delivery. And thirdly, we need to understand what works, where it works and how to improve it. So those three things I'm here to talk about today. So, after 10 years of working to promote them and widen access to restorative justice. I am absolutely delighted that this All-party Parliamentary Restorative Justice inquiry is taking place, and that there's so much interest in it. A decade ago, it was a struggle to make anyone listen. So, I'm glad that Elliot Ray and Vi and everyone else is here. So, this is my first point. And it's really the point about intelligent investment. I'm going to tell you a story which illustrates the benefits to individuals affected by crime of how good investment and restorative justice can really make a difference. Why me? was established to offer hope, where it was most needed by promoting and delivering restorative justice. It was founded on a relationship that started with a crime. Will Riley was burgled

and assaulted by Peter Woolf in his London home and left bleeding on his doorstep after the two men struggled. He was taken away in handcuffs to prison - another day at the office as he puts it, with guaranteed meals. Will was taken to hospital and his young daughter witnessed her father with a bleeding head. Will just felt he let his family down and could not protect them. The two men met in HMP Pentonville in a restorative justice meeting along with several other victims of Peter's crimes, and Will had a chance to ask questions. Why me? Why my house? Do you really realize what impact this has had on my family, he could tell his own story, take back control and face his fears and get his questions answered. And it's so much more powerful than a witness statements or indeed a victim personal statement, where the questions are all one way, and there's little chance of getting them answered. So, what's really fascinating is that for Peter, the penny drops when he realized he was not the only one being punished for his crime. And indeed, it was the first time he actually realized that he had hurt someone. So, you'll hear from Peter yourself on the 21st of July along with Ray and Vi, so I won't steal his story here. The meeting transformed both men's lives Peter has never committed another crime and Will could return home without fear. So that meeting alone, save the public purse an estimated one and a half million pounds. And this is based on the monetary value of the crimes that Peter would have committed had he not been through RJ. Whereas the restorative justice meeting cost about £800. And of course, there's the hidden costs, the emotional and mental trauma suffered by victims long after the crime, and the hidden costs of health, relationship breakdown and loss of work, and all the other potential future victims of Peter's crimes if he had not stopped. And that's what is so cheering about hearing Helen and Valerie talk about their hope that those people don't do it again. So, their meeting was part of the Home Office randomized control trials in 2002 to 2007, which can be read in the Shapland reports. This government invests billions of pounds in managing and funding through prisons, private probation, and recently 20,000 more police, but where's the investment

in people to find their own answers in recovery or make choices for themselves? restorative justice offers both things and more. So, my first point is we need intelligent investment that's going to get good returns for both for the Government but also the public and for victims. Then I'm going to go to my second point, which is about a national coordinated picture. But before I do that, I'm going to hand over to Paul, who's going to talk about his own experience of restorative justice. So, Paul, please go ahead.

### **Paul Kohler**

Thank you, Lucy, back in August 2014, I was sitting at home with my wife. There's a knock on the door. I opened it and four men rushed through and started beating me up, while my wife had just come upstairs. One of them went upstairs, made her lie down and put a makeshift hood on and over her head that scared her. Unbeknownst to the attackers, my eldest daughter was on the top floor and could hear what was happening. She thought she heard her parents being murdered, she rang the police and within eight minutes they got to my house and saved me. They arrested two of the attackers on the night and two of the attackers subsequently who had run off. They pleaded guilty, and they got very long sentences. I almost felt guilty about how long they got, with the maximum discount they got between 13 and 19 years after the discount had been applied. So, the process was very quick. And they admitted their guilt. There was lots of publicity, I was the mad dog story of that Summer. It was quite some news and was all over the press. There's lots of speculation. And of course, the press went wild. The Daily Telegraph, I remember, suggested it might be because I own a bar in Covent Garden, from the sublime to the ridiculous. The Daily Mirror suggested I had a royal connection, because they discovered that Prince Edward would have been on my May Ball committee at University. So, everyone was speculating and I was as well, I was on the radio talking about it and asking why me? Lucy heard me asking, you know, 'Why did it happen?', 'Why did that happen?' and she contacted me. Now, I don't recall anyone mentioning Restorative Justice, until

Lucy contacted me. To my embarrassment, I didn't even know anything about Restorative Justice, and I was an academic, I went to law school. Some of my colleagues are experts in Restorative Justice but I knew nothing about it. So, Lucy explained it to me, then what it could help. And we talked about the possibility. And it was really important because we were, all three of us, me, my wife and my eldest daughter in different places. I just wanted to find out why they'd done it. My wife was angry, really angry. She wants to tell them what she felt about it, what they've done to her, you know, how they've made her feel. And Eloise at that point was just very terrified she'd been in her place of safety, her bedroom, she never saw anything. It was all in her mind, of course, where she went to sleep every night was the place where she'd heard what she thought was her parents being murdered. So, it really scared her so much. So much, in fact, that she moved out soon afterwards. So, we all wanted to do it for different reasons. And we went through the process and talked with Lucy and her colleagues, about you know, what we wanted from the process, how it would actually happen, the mechanics of it. Were we in the right frame of mind and also towards the perpetrators? Were they the right people to go through it? Only one of them was there, out of four of them only one was. So, the meeting took place. Again, ground rules, we met in a prison, a high security prison. I've never gone anywhere like it before. It was incredibly intimidating. But we went down, we sat down, we sat around as agreed, and we met the perpetrator who was also absolutely terrified. He came out trembling. What's interesting is, though, about our different approaches. I wanted to know he had done it, my wife wanted to tell him what she felt. Eloise by then, all she wanted to know was, was he going to change his life, was he going to change his ways, and she said that before the meeting. We thought that was very weird. We thought, how naive, you know, he or she just wants to think about, you know, will he be a good person? What's interesting in the meeting, was that was the only question that became important to us, because I was unable to find out why he did it. Because it was no doubt some sort of higher

decision made. And they got the wrong address. But he was never going to tell me the detail of that. My wife touched me as she said how she felt, he said, I know I saw your face, or I know how you felt. But my daughter's question became all important. When he apologized, we wanted to try and judge the truth of his apology. And the only way of doing that was to quiz him on how he's going to change his life. And so, the conversation turned to his plans for the future and what he was going to do. And that became incredibly important. At the end of about two hours, we stood up and we all shook hands. And here's an important point about this. What was the effect of shaking hands? I found that incredibly empowering. Here was meeting someone who I'd last seen standing over me beating me as I lay on the floor. Eloise found it incredibly powerful because they were just monsters in our head and suddenly it was a person she was looking at, it demythologised the monster. It was a human being and that helped to deal with her fear. Sam also shook hands, but Sam regretted shaking hands. Sam felt the manners, human manners, the meeting meant it was the right thing to do then, but afterwards, she felt she regretted shaking hands. And that takes me, I think to the point I want to leave you with, which is, I think this came from Steve, Valerie and Helen's point, we mustn't caricature victims of crime. Victims of crime are all different. As Valerie said, and for Sam, I think, in retrospect, it probably wasn't the right thing for her to do. She didn't find it powerful. She was one of those who didn't find it a useful process. But for me in other ways, it was a fantastic, fantastic process. So that process where you do, as Steve said, offer everyone the possibility of Restorative Justice, it cannot be seen as a universal panacea that works for everyone. And lastly, the point I really want to make, because Lucy and I gave some evidence to the Justice Committee and Bob Neill a few years ago, and he would produce an excellent paper. But at one point, just written in that paper, they say that every victim of crime deserves to meet the perpetrator or something along those lines. It's important, we never say that, because some perpetrators are simply not right. They're not right for it, that they can't partake in the process. Tools

never give victims of crime the impression they have the right to meet with the perpetrator, what they have, as Steve said, is the right to know about Restorative Justice and to begin that process. But sometimes, even if they wanted, it will not be right because of the perpetrator. And that's something we need to make clear. Thank you.

### **Lucy Jaffé**

Thanks very much, Paul. It was an honour to be part of that process that we went through in 2016. And I feel very fortunate to have been part of it. So, my second point, is having talked about intelligent investment, is that we need a National Government action plan, and an identified lead in government at senior civil service level. We used to have the national government action plan until March 2018. Where's it gone? So, it's really amazing that everyone's agreed that restorative justice should be part of victim recovery. Indeed, it's right in the middle of the Victim's Code of Practice, and a duty for Police and Crime Commissioners to deliver against. And we can see excellent foundations laid by successive Governments. And on paper we have a lot but in practice, it's not happening. Only 5.5% of victims with a known offender, were aware of the offer of restorative justice in 2020. What about the 94.5%? The rest of them? And that, you know, that's just one part of the people who've been affected, let alone their families, friends and neighbours. So, we need the paper. Sure, we need the national victim strategy 2018 we need the victims Code of Practice 2021. But what we need is as well we need commitment and leadership to really make a change in practice. Victims simply aren't being made aware of restorative justice. Why is that and here there may be a bit of repetition, but I agree with Steve, and others who've gone before us, Tony Walker as well from Restorative Solutions. Because some companies and victim support staff don't see it as a priority, don't understand it and actually don't know where to refer people. Here are some examples. Those professionals who do see the relevance of restorative justice can often only mention it to people who they assume will want it or who they think are appropriate, or to particular people who've been victims of particular types

of crime. Assault and burglary are particularly popular, whereas hate crimes, sexual violence are often avoided. Also, people who are from particular groups, such as disabled people who may be assumed cannot speak up for themselves. We know they come through our work with Barnett Mencap and often have a lot to say about hate crime, mate crime, cuckooing and all those sorts of crimes which happen to them, or black people maybe who are assumed to be angry or threatening because of the way they're expressing themselves, and assumed to be too angry to go through the process. So, what we need to do is, is to is for professionals to really understand the power and potential of restorative justice, not to be scared to give people the information so they can make their own choices, know how to refer and also know how to refer people to independent organizations, if they prefer, rather than say police or statutory organisations. Here's another example. We need joined up policing . Police officers are absolutely vital in communicating the option of restorative justice to victims and referring them to local services.

Or the force leads, the Restorative Justice force lead. Police would benefit from clear instruction and training and how to ask open questions, understand when to refer to Restorative Justice Services, and how to do that in their region. Some really, really great examples, Durham Checkpoint; Surrey, also similar to Checkpoint. Devon and Cornwall police, for example, have an RJ lead where police officers can refer to that person who then works with victim services to make sure that that's an appropriate referral and so an initial restorative justice conversation can take place. We also really need leadership at the National Police Chief's Council. So, there's a commitment to use restorative justice in Out of Court Disposals. But there's really an absence of national leadership on this. Sara Glenn, who was the RJ lead, tried but didn't really have the time to make it work with the chief constables and senior leadership in forces across England and Wales to make a difference. And then we need those police officers to meet at national level and regional level to coordinate to make sure that restorative justice is joined

up for victims so that they can get restorative justice when they need it. So, we have the okay on paper. But what needs to happen to expand its use is National vision and strategy. And that's why today is so exciting. And this restorative justice inquiry, because it will really shine a spotlight on what is missing. The knowledge in this country is really good. Restorative justice has matured in the last 10 years to the point where we have several providers, we have a lot of frontline line practitioners, youth justice service, adult services, we have a lot of people who know about how we should be monitoring, and evaluating. But what we really need is a senior government commitment to making it happen, a coordination across the board. So, let's see the rights to restorative justice to be referred to a restorative justice service enshrined in a victim law that's coming down the line, the Victim Law consultation in the Autumn is my understanding. Let's also see that victims are referred to a commissioned or an independent service. Because some communities really don't trust the police, they need to know that they can go to, for example, in LGBT hate crime to a service like Galop. So, Galop is an LGBT specialist. People feel comfortable, they feel people understand them, and may they may decide to use restorative justice as a way of recovering. But they may not do that, if they see the police as the only option, or the local statutory commission services, the only option for them. So, our view is that with leadership and accountability, and a national plan championed by ministers, there's a really exciting potential to turn this around. So that was my second point, we need good investment, we need a national action plan. My final one is we need better data; we need to be on top of our data, we need to know what works, and we need to know where it works. And then if it doesn't work, how to make it better. So, we've got a senior group of senior leaders invested in and committed to restorative justice, we've got an intelligent investment plan. And those leaders have to have the data so that they can understand what's going on and be able to monitor and evaluate the intentions expressed through the laws and the duties in the Victims Code of Practice. So, when I worked in business, you would never

just throw money out into the wilderness and hope it worked. You'd always want to know, what's the impact? Is the client happy? And are we going to get re-contracted to do more work with these people? At the moment, it feels like that's a gap in this in the way that restorative justice happens at the moment. We need to know where the best outcomes are happening, why they're happening, what are the ingredients that make that happen, where the duty is not being met, where is good practice. And there needs to be consequences for agencies that have responsibility to deliver.

So, the Why me? Valuing Victims project which we run every year since 2015, looks at the data coming back from Police and Crime Commissioners. And what we ask is, what restorative activity and outcomes are being measured. How are they being measured? Does the data tell us what we need to know and what sense can we make of it? At the moment that data is really inconsistent and unreliable and it's just not publicly available. And we don't understand why that would be an easy win for the Government to publish the data. And there appears to be no analysis of what is coming back, and then any action based on that understanding of what's going on. And yet it's relatively easy to solve, because the restorative justice regional services and providers, as we've heard from Restorative Solutions and Remedi, have the knowledge and intelligence to put together a national reporting framework for restorative justice. But what we need is essential leads in the civil service and time to make it work and roll it out consistently across England and Wales. So, I'm going to come to an end quite soon, because I like questions and answers. And it'd be good to have some engagement with people here today. But we would call for the Ministry of Justice to liaise with the Home Office to set standards for national reporting, including qualitative reporting on restorative activity. So, a national picture can emerge with a clear criteria for different types of activity and intervention, and how to measure outcomes across the adult and Youth Justice Services. Those returns just need to not be sitting in a cupboard or in someone's top drawer, but they need to be analysed, and then advise Government

on what direction to take next, we need to map the touchpoints where victims and offenders should or could get information about restorative justice and compare that with the data, monitor the data, and identify an action plan where there are gaps. We also should be asking our inspectorates, at the moment that the HMI Probation, barely look at restorative justice. And yet 152 Youth Justice Services across the country are delivering restorative justice, why are they not interested in whether that's impactful, risky, and whether those risks are being managed properly. That would be a relatively easy win as well. We need to strengthen compliance. And the powers, for example, of the National Victims Commissioner, to request Police and Crime commissioners to provide reports on what's happening in relation to the Victim Code of Practice. And there's an opportunity for that in the upcoming Victim Law. Victim Bill, rather, it's not a law yet. So just finally, to reiterate, I mean, restorative justice gives a voice to the victim and a human face to addressing crime and its causes. It has huge potential to save money with intelligent investment, senior leadership, and improve data evaluation and accountability. And I wondered if Paul, did you want to add anything before we open to questions?

### **Paul Kohler**

No, no, I would agree with all of that. But no, I'd like to hear some questions.

### **Elliot Colburn MP**

So, a fantastic thank you that Lucy and Paul, thank you both so much for coming along. And giving us evidence this afternoon. I will throw it straight open to the floor and people to please do wave at me if you have questions. If Vi Oh, you're just on mute as I can. It's very professional. If I might say look at that microphone.

### **Vi Donovan**

Yeah, my question to Lucy is, looking back in the past, of the work that we've done on television, and with the Restorative Justice Council and things like that, it's always been a kind of one off, let's do it one week like Restorative Justice week, and nothing

else. And, I just wanted to see, do you think that victims of crime like us who are willing and able and want to push this out across the country, are they being used enough? And if they're not, well then why not, I don't understand it. I know that we don't want to go on telly all the time, but you know, it seems that everyone's saying that we're the ones that can actually really make people sit and listen. People have done this and yet we haven't been used all the time. We haven't done a proper program on telly about this. We haven't done anything with the government on this and it's I just feel it, Lucy, it frustrates us.

### **Ray Donovan**

One more thing, when you see it on the telly like the program 'Time' for example, they did a Restorative Justice meeting and they made a muck up of it. That's going to put victims off. It needs to be good. Whenever any television company come to us and ask for advice, and we didn't get this from 'Time', we say to them, you know, you got to do it properly, you got to show the ins and outs. But then we need to have someone talk to the TV properly.

### **Lucy Jaffé**

So I have big views about communications. So, you can't do one off, you've got to keep doing it. So, the standard rule in marketing is you have to get up to somebody seven times with different kinds of messages. We need leaflets in police stations, we need it across social media, we need landing sites where people can come and you might be a young person, that could be a site, that's something that you know might be TikTok might be Instagram, I'm personally I don't go on TikTok, but you know, I'm the wrong age. And, or it might be a specialist site, you know, organization or an organization talking to you. But I think we should have you on Newsnight. You know, I'd love to pump the PR on this. I'd absolutely love it. I think we should have you and Ray on Newsnight. I think we should be, you should be on the 10 O'Clock News. I think Elliott will be taking you to see the Minister of Justice to explain the case. You know, we should have websites, I think where we have all

the victims, lots and lots of different victims' stories. So as Paul said, it's not just one person, you're not an exception, not an exception, not just Ray and Vi Donovan. You know, they're just strange, because they like doing that kind of thing. Well, no, it's Paul, it's Vi, it's Ray. You know, it's everybody. It's every shape, every colour, every background every age, and that, for me, would be so powerful. So, you know, I kind of see this site where there's lots and lots of pixels and soon can't see anyone's face, because there's so many people all talking at once. They go - I did it. I did it. I did it. You know, it could be very exciting. I don't think it's one agency. I think you have to have lots of people talking and reinforcing each other.

### **Ray Donovan**

We've met so many Ministers of Justice. Yeah. I mean, we met one in Kelly's office, she said, I want you to help me with the Victims Charter. Next day, she was moved on to somewhere else.

### **Elliot Colburn MP**

Yeah, I remember that.

### **Ray Donovan**

And when you meet your man in the Houses of Parliament, it's just a lot of here, meet Ray and Vi. And our chairperson is like oh not again. This is the frustrating part of being a victim, you know, why can't they do what they do in America where Ministers stay for the full four years, instead of moving around.

### **Elliot Colburn MP**

Is just as difficult with that isn't it and because one of the members of the same APPG was Crispin blunt, who couldn't be here. And he was a minister in that department at the time and this was a very big priority for him. But every individual minister brings with it their own views of how things should be done on this and inevitably the priority changes. So, I think hopefully, what this APPG can do is make sure it is firmly on the agenda no matter who is in that post. And that really is the ambition to make sure that it's not just on the whim of an individual

minister, bearing in mind, I don't think we've had one since Crispin was there which was some time now.

### **Lucy Jaffé**

Totally back you up on that. And I think that mirrors what's goes on the ground, so we cannot no longer rely on champions. You know, what's really remarkable in this Inquiry, I know a lot of the people in this room. And because I've worked alongside them all for so long. What we need is to know is that when we walk away, which we will one day, or we will get tired. We need other people to be there and the systems to be there not to be reliant on a single champion, Chief Constable or Minister. A national action plan is what we need.

### **Elliot Colburn MP**

Yeah, that's my apologies. Let's see if you can hear the cockerel in the background. That is actually a chicken. That's not myself. That's not the chicken currently running around my garden making a lot of noise. So, I apologize. We're not going to get a goat. Like not yet.

### **Ray Donovan**

We did do a Ministry of Justice publicity event. Maybe that was it, there was a gentleman there called Mark. And they had us come into the Ministry of Justice and do an hour of Twitter feed questions and answers on Twitter. And that was pretty powerful that day, coming in asking questions, and we were friendly. Brian said that could be an ongoing thing, he's on social media as well.

### **Paul Kohler**

One thing to think about beyond the pipe PR, which is so important is thinking about embedding it in the process. I do quite a lot of work with the police now and at the moment. Those who know it, say a tick box exercise, I think because they're under pressure with time, all the other things they have to do. So, we've got to really think about how it becomes just part and parcel of the criminal justice process. And that's not easy. That's what we really need to think about.

### **Lucy Jaffé**

There's great opportunity with that when there's so much change with the Policing Bill. Let's go through this Policing Crime, Sentencing and Courts Bill. Issue an Out of Court Disposal framework, that's part of that, which will then give police very clear guidance about disposals and how to use restorative justice. And not just to use it as a disposal, but to offer it to people and be used as a disposal but also continue to be an option if you choose another route, or there's another way chosen. So restorative justice is always on the table.

### **Elliot Colburn MP**

And actually, on that point, I know that our colleagues who sit on this APPG, who are members of the House of Lords are currently looking at the potential of amending it whilst it's in the Lord. So, that may well happen with it, which is good news. But Lucy, as you mentioned, I know there is a Victim's Bill due this year as well from the autumn. So that will also be a great opportunity. But we will make sure we're capturing every parliamentary opportunity we can find on that. I think we've got a few more questions. I can see Kate, and I think Jon had his hand up as well. So, if we go Kate and Jon.

### **Kate Hook**

Thanks, Sally. It's not really a question. It's just a reflection on a couple of things that have been said in the last couple of minutes. And Steve, particularly I look at you, I guess, to respond to this; there is a danger if it's only associated with the outcome of any sentencing guidance that police and we have this experience, Steve, I'm sure that you do as well, in some areas. The assumption is that it's only an out of court disposal, and it's only for low level offending. And I think that we just need to be very careful about the messaging we give out so that we don't go down that rabbit hole again. Yeah, yeah.

### **Elliot Colburn MP**

And yeah, sorry. Lucy, feel free to respond to that.

## **Lucy Jaffé**

No, I agree. I mean, I agree. You know, yes, we should do it and ask for disposals. Yes, it should be available for serious crime. And I agree about being very careful about that messaging. One of the things that we come up against continually is, gatekeeping: you would never do that if you're a victim of homicide, you never do that if you're a victim of sexual violence, and particularly hate crime, which is an area that Why me? has specialized in. Have you asked the person who's been harmed if they want to get to that. So, who's making those sorts of decisions? But yeah, point well made. Kate.

## **Dr Jon Hobson**

Thanks very much for the sound of your lunch in the background there. Elliot is getting closer. And thank you. Thanks, Lucy, you're fantastic. And it's a similar question in some ways that I asked Stephen, when you're talking about the importance of getting this kind of stuff integrated, so becomes part of the system rather than based on champions, and about the value of data for that, but then also to some extent, you're talking about the standardization of some of that data? And I wondered, what types of data, when you're talking about standardization there in terms of successful outcomes and how and what they recorded, what makes that standard data useful in that process?

## **Lucy Jaffé**

That's a good question. So it's activity. It's outputs. And it's also outcomes, I do think we have to be careful not to over bureaucratize. So, you suddenly have this barrier to entry, because you say excuse me, before I can do any restorative justice will ask you like, a quick 50 questions, fill out an evaluation feedback form, and then another one when we finished? So, I think that's tricky. In some services on violence against women and girls or survivor services, they actually don't they ask that first set of questions. They just say you come, and you talk to us, because they recognize it's the needs they're answering. So, I do think we have to be very, very careful about over bureaucratization. I

think we have to agree on outcomes. I think that's very difficult. So, I know some people use the five star outcome framework and all that? Yeah, I think we have to do both. What happens so that's the type of activities that a conversation how many conversations was it? What over what period of time did they meet? Or was there a letter of apology, was there a shuttle or whatever it was and then, When did you find out about it? So, some of that kind of information, judging outcomes, big conversation, but we've already had lots of these conversations, you know, I don't think we're a million miles away from some of them at the moment. Frankly, the way that the performance framework is structured is absent, it's not fit for purpose. It doesn't do what it needs to do. And it wastes lots of frontline services time filling out the forms, which then sit in a dusty cupboard. So, if we're going to do it, let's do it and get the data measured. Is that an answer? So, answer your question.

Absolutely. And, you know, when you have something embedded in a system, you and have a way of standardizing and measuring some of those outcomes without losing the importance. Without losing the importance of the relationship and the context. So, thanks very much.

## **Elliot Colburn MP**

Thank you, Jon. not seeing any more hand so, Jim. Thanks,

## **Jim Simon**

Lucy, we've heard over the previous sessions quite a lot around funding. And I was just interested in the point you made about people being able to be referred to a commission service and an independent service. So, two questions really, firstly, how do you envisage that independent service being funded when commissioned services are already saying that they're struggling financially to offer a wide service? And secondly, how do you then make sure that those independent services are actually delivering to a high-quality standard, and not just taking advantage of an easy opportunity to get some funding? Yeah, yeah.

## **Lucy Jaffé**

Good questions, challenging questions. So, start at the bottom first. My suggestion is not that they do the Restorative Justice. My suggestion is that people are referred to the restorative services by specialist providers such as Galop, the LGBT organization, to be supported, and to learn more about restorative justice. And then they, you know, they would work with a regional restorative justice service. And Why me? advocate partnerships with those organizations. So, when there's original restorative justice service, they would know who those sorts of trusted third parties were, who would refer into them. It may not be possible for all communities, but there are some particular communities who don't want to go to the police or may be concerned if the services police run. And in those instances, I would say, you know, partnership approach is a good one to have. In terms of funding, I think that is challenging. The way we've run it is to where we've come in as a third parties to train the specialist provider in restorative justice knowledge and knowing how to refer and work with a restorative justice provider. And the other way to go, this, I mean, this is another model is to have a national restorative justice service. So instead of dealing with 42 providers across the areas across the board, you have one restorative justice service, which is central neutral, is neither victim nor offender. And we'd be a place where any victim could go for restorative justice. And that organization would have links with specialist organizations like Mencap, like Galop.

## **Jim Simon**

So, we'd be working with specialist organizations, is that almost about growing their referral network? So that providers who are commissioned have got specialist organizations who can refer to them as a first point of contact?

## **Lucy Jaffé**

Yeah, I mean, I think I'm answering two different questions. So, one is there's a need for referral.

And there's also need for support for people going through restorative justice who have protected characteristics. Okay. And then the second one is, and I think this is more problematic, but it is part of the Victim Code of Practice, is that your entitlement is to be given information about commissioned or independent service. And I don't have an answer to that one. I think we have a lot more discussion today about how that entitlement can be met.

## **Elliot Colburn MP**

Thank you. Thank you very much, Jim. And I can't see any more hands. So, we have reached the end of our second session this afternoon. Can I thank Lucy and Paul for coming along? For giving us evidence this afternoon. And thank you all for attending our third inquiry session in this inquiry. So far, we've got two more next week, on Monday and on Thursday. So, I hope to see as many of you there as possible. And again, as I've pleaded on the other sessions that we've done, please, please do make sure you're submitting written evidence via the online portal, but also push this out to as many people as you can think of who may be interested in submitting with written evidence, you can help them form this inquiry. And it's been going really well. So far, it's been really exciting to hear all of this evidence. And I think we're already seeing some common themes and patterns emerging, which can help make some pretty strong recommendations. I think once this report comes together, and hopefully we'll be looking to welcome you all to the Houses of Parliament sometime in the autumn term to launch this properly. So very much looking forward to that. And can I just wish all of you a very, very happy rest of your day. Hope you have a wonderful weekend, and I hope to see many of you next week. Cheers, everybody. Thanks. Thanks. Bye, everybody.

## Session 7

Jim Simon

Thank you, Elliot, appreciate that. Presenting alongside me today will be Dr Gerard Drennan, the RJC's, Chair of Trustees and consulting clinical psychologist in the NHS, and Rebecca Beard, also a trustee and policy officer for Gloucestershire Office of Police and Crime Commissioner. Before presenting our evidence, I thought it'd be useful to give you a brief overview of the Restorative Justice Council. We were incorporated 20 years ago to promote restorative justice for the public benefit as a means of resolving conflict and promoting reconciliation. We achieve this by promoting the use of restorative justice in the criminal justice system, our schools, workplace and elsewhere in the community where conflict may arise. We develop and promote standards and principles for evaluating and guiding restorative practices, and we collaborate with our academic colleagues, to advance education and research on restorative justice. Historically, we were funded by the Ministry of Justice. This funding was withdrawn in March 2019. Since then, we've self-funded our work, our membership fees, practice registrations and private donations. During the session today, I don't intend to address all of the questions within the terms of reference but will provide evidence against each of the themes. We will, of course be submitting a comprehensive written response to the inquiry. We've worked closely with our colleagues in the Criminal Justice Alliance to host a series of evidence sessions with our wider memberships; six sessions have been hosted over the past two weeks, which focused on key themes of the inquiry terms of reference. These were well attended, and I've reflected some of the views gathered within our references today, as I'm sure Nina will do in her session later. I'd like to start our evidence presentation with setting the scene. During the previous evidence sessions, we've heard from Restorative Solutions, Remedi, Wales Restorative Approaches, Partnership, Why me? and those with lived experience. Their evidence has been extremely powerful, and quite rightly, those on the frontlines and with lived experience

are better placed to talk about the effectiveness of restorative justice based on their own experiences as service providers, practitioners and participants. So, I'm going to focus on question three within this section, what measures should be used to determine effectiveness. We know there are many examples of effective practice, we see it daily through the registration assessments that we undertake for practitioners and service providers. During our registration process we focus on effective practice by assessing the consistency of practice, the implementation of practice guidance, and most importantly, the impact the restorative processes have on the individuals involved. Our assessors don't focus on the volume of cases undertaken or the number of face-to-face meetings which have been facilitated. We're far more interested in a practitioner's ability to engage participants and facilitate high quality, safe and effective restorative processes, which meet the needs of those participating. When we consider the measures of success which service providers are required to report against by those commissioning restorative services, the focus is on the volume of work undertaken. Typically, this is the number of referrals received, conversions into active cases and the number of direct outcomes. This makes me question whether commissioners are confusing efficiency with effectiveness. An efficient service is not necessarily an effective service. If we want to identify effective practice, we need to be measuring the positive impact on those participating in a restorative process. We can't do this by relying on efficiency markers. I'm going to pass over to Dr Drennan, who's going to talk briefly about how restorative justice has been applied effectively within forensic mental health and more importantly, what we can learn from this work in terms of measuring effectiveness. Gerard, if I can hand over to you.

### Gerard Drennan

Thanks very much for that introduction, Chairman. Hello, everyone. As Jim said, I've joined the RJC in the role of Chair of Trustees, and that was almost a month ago to the day. So, this is something of a baptism by fire. But I believe that this is the first time

that there's been a health sector representative on the board, and so certainly an exciting opportunity for me. As Jim said in the introduction, my role is as a consultant clinical psychologist and head of Forensic Psychology at the South London and Maudsley NHS Foundation Trust. But that isn't where I began to pursue my interest in the role of restorative justice in forensic mental health. I began a project in Sussex almost 10 years ago, and then develop that further when joining the South London service. And this has now also been taken up in a limited number of other trusts mainly in the Southeast. But we're beginning to see some traction in the North as well. But sadly, we have also seen projects start, stutter and stop when a particular culture carrier leaves the service, for example. I don't want to suggest today that restorative justice practice is embedded in mental health at all, we really are at a beginning. But I wanted to say at the outset that, in a way, our rationale for restorative justice in the health service is to treat it as a health intervention. Now, this may seem like a paradoxical thing to say, because most of the perspective on restorative justice is from point of view of a criminal justice investigation. But in fact, the best evidence base for the effectiveness of restorative justice is in the health and wellbeing of victims. And it is in the recovery and the remoralization of victims. That is the necessary and sufficient justification for restorative justice interventions. So, the field of restorative justice, though, tends to really only measure health outcomes in formal research projects, there doesn't appear to be routine, health, and indeed mental health, or wellbeing assessments of effectiveness that are being applied across the field. And it will be useful to hear from other contributors whether that is the case. But certainly, we're not seeing clear evidence of that at this stage. So, from our point of view, we would want to see this change as being a key recommendation we'd wish to make regarding the improvement of the evaluation of effectiveness across the sector. It's not only my view, but I think the view of others as well as there has perhaps been an overemphasis on the imperative to reduce reoffending, that has had a somewhat distorting effect on the

drivers for restorative justice interventions. It's important to say that there are health benefits and wellbeing benefits for offenders who participate too and these of course, have a positive impact on reoffending. But we see these most strikingly, in the case of the mental health and wellbeing benefits for people with mental health patients who have committed offenses. Just a few words about the introduction of this work into mental health. Our first obstacle was the very low level of awareness within mental health practitioners, they really know very little about restorative justice. And some of what they know, is in fact, misinformation and distortions, which is, for example, that there is a very poor evidence base. And if for example, psychiatrists, who often the gatekeepers of access to interventions are not well informed about restorative justice, then you are often on a nonstarter.

So, this is a point that we will expand upon later. But we did want to make the point that general awareness campaigns that target the amorphous general public could actually do better to target specific professional groups who have the possibility of making appropriate referrals. So, for example, GPs, nurses, psychiatrists, and in fact, all the allied health professionals could do well to be better informed about the evidence base for restorative justice. But the second difficulty that we heard was the presumption within mental health, that patients who are detained under the Mental Health Act don't have capacity, or in fact, anyone with mental health difficulty, doesn't have capacity to participate. And of course, there are a small number of patients a vanishingly small number of patients who don't have capacity, but the vast majority do. So, we've approached the introduction of mental health interventions using restorative justice in a number of ways using a whole system's approach. But one of the key ways in which we've done that is to recognize that there are relatively few patients who are able to participate without having a greater awareness of how they can participate first. And we've benefited from having the support of people like Ray Donovan, who I think are on the call, to help us to introduce victim

awareness or restorative justice into our patient population at South London and Maudsley. And of course, it's so powerful to hear not only about what restorative justice is, but how you do it from people who have got lived experience of participating and what we felt we evaluated our interventions to do that. I don't know I think I'm using our valuable minutes in our precious time already. So, I'll come on to the point there are two specific points we wanted to make about our evaluation. And that is, firstly, have we evaluated shame and guilt before and after the intervention. Now remember, it wasn't former restorative justice this was preparatory to moving on. But in our pre and post measures for introducing restorative justice, what we found was that there was a subgroup of patients who had very high levels of shame and guilt. And these are the patients who have had usually adverse childhood experiences, or what we now call aces. And they've got too much shame and guilt, or what we might call toxic shame and morbid guilt. And I think that that it's not only mental health patients who have this, this is very common across the prison estate as well. And what we found was that our intervention actually reduced their shame and guilt, so that they would be less likely to relapse in their mental health, and therefore less likely to go on to reoffend as a result of poor mental health. But there was also a second group. And those were a group who had low levels of shame and guilt. This is what you might call a more anti-social group, perhaps more like a significant portion of the prison population. And what we found was that the intervention increased their shame and guilt. And so, if I could use another medical metaphor, we see this as being like a broad-spectrum antibiotic, that the intervention affects you, depending on where you start the journey. If you start the journey from a place of being excessively guilty and shameful, it can ease your burden. But if in fact, you need the impact of hearing from victims, in order to be more aware of the impact of your offense, then it can have a positive impact there as well. So, in summary, what we want to say is that evaluation of effectiveness in the routine delivery of restorative justice interventions would benefit from going beyond questions of satisfaction to assessing a

wider range of parameters, including health and wellbeing for both victims and offenders. I'm going to hand back to Jim now. Thank you.

### **Jim Simon**

Thanks, Gerard, I'd like to move on to the question of access. The questions within the access section of the terms of reference, particularly what areas of restorative justice practice are being funded and where they're not being funded. We've heard very clear messages throughout the evidence session so far that there's considerable disparity in funding for commission services. This certainly became clear when the funding for the services was transferred to Police and Crime commissioners, and the loss of ringfenced funds and the introduction of competitive tendering has certainly had a negative impact across some areas of the sector. I'm going to ask Becky, who is one of our trustees, but also works with Gloucestershire Police and Crime Commissioner, to share her views on the current funding models and the disparity that exists in contract requirements. So, thank you, Becky.

### **Rebecca Beard**

I apologize to everyone. I seem to be having a few issues with my camera this morning. And I just want to say that there is currently an inconsistency of funding provided across the country for a number of different reasons. One example of this is that within the criminal justice system, the funding is predominantly given to PCCs through the victim services fund. This amount varies across each PCC area and is dependent on a number of factors. This includes the police force and population size. The amount that's available for RJ is not ring fenced, each PCC area has discretion on how much they choose to spend. In some areas, this could be 50,000 pounds, but in other areas, it could be 250,000 pounds. There is also a large difference between what PCCs will agree to fund as part of the service. For example, some areas will only take victim-initiated referrals and any offender-initiated referrals need to be managed by the probation service. This can also mean that any cases that do

not have an identifiable victim cannot be included. This means the cases such as neighbourhood or community disputes miss the opportunity for early intervention. In Restorative Gloucestershire, the PCC funded service takes a holistic partnership approach, which involves the sharing of resources, training and support to allow other organizations to deliver restorative interventions themselves. And this can include social housing, landlords, schools, police officers, and even HR departments, where other areas have strict referral criteria. This not only creates a postcode lottery, but also dramatically reduces the opportunity for referrals, which can mean that it appears the service is not needed, and budgets are then reduced.

### **Jim Simon**

Thanks Becky, just to follow on from that our service provider members highlighted several concerns with the current funding model. And of course, they were concerned about the disparity of funding levels which has led to this postcode lottery of access. But they also raised concerns around the length of contracts awarded. There are variances between areas however, most spoke about a three-year contract in period, the first year of this being developing the service, the second year being delivering, and the third year worrying about what the tendering arrangements were going to be. I was quite surprised to learn in the evidence sessions that we hosted that there's no requirement placed upon the outgoing provider, where a new service is commissioned, to ensure any form of smooth transition. Many stated that it was facilitated between organizations, but it was based on goodwill. So, commissioners need to review their existing commissioning arrangements to make sure that they have in place within their contracts provision to allow smooth transition between services where they change. All commissioned contracts should set out clear expectations for this transition. And that should be focused on minimizing the risk and ensuring a continuity in the restorative process. We can't solely rely on the goodwill of ethical providers to make this happen. I also want to reflect on what's currently not being funded. So, we know outside

of the criminal justice system, the implementation of restorative practice is very much reliant on an individual's commitment, passion and desire. It relies on senior decision makers releasing funding for training, implementation and continued professional development. Tom Proctor Legg head teacher for Iffley academy told us last week that the key to success is embedding restorative culture that doesn't rely on any one individual, that restorative practices need to be part of the very fabric of an organization and funded through core budgets, we certainly see this within the education sector where core budgets are protected. Bolt on applications of restorative practice, which are reliant on either short-term funding, or an individual are unlikely to be effective in the long run, and this equally applies to poorly funded commission services within the criminal justice sector. I'm going to pass over to Gerard just to share his views on some of the challenges that we face with the current funding model. Thanks.

### **Gerard Drennan**

Thanks, Jim, I want to just add a few additional thoughts from my perspective of working in health provision, where we see that there is perhaps an easier information sharing easier dissemination of learning and knowledge and, and new developments. I mean, you can imagine how difficult it would have been to approach how we've responded to the pandemic, for example, had we not had national level cooperation in the interests of the health of the population. But I have certainly been struck at the in a way, the chilling effect of the competitive commercial environment that restorative justice practice providers have to operate in, in their freedom and their capacity to develop collaborations and to share information. So, for example, basic demographic information about uptake nationally, you know, are we able to say, for example, what the ethnicity profile are of people who take up restorative justice, we possibly can't, and that may be because of the degree of fragmentation, because currently provision is as a marketplace, less as a as a community wellbeing intervention. And, similarly, we've seen that and in fact, there's been conversations that that I've had

as a mental health provider with providers who are part of this contribution and, that is that I represent only a small portion of the NHS. But if providers who operate across the region or nationally, are looking to have a health collaboration, then they need to be able to do that at scale rapidly. And there isn't an easy way in which to engage with collaborations with health providers. And in fact, what we've seen in the tender process, for example, within the London region, where SLAM contributed to one of the tenders that was in fact unsuccessful. But I then became aware in the process that there is no requirement in current commissioning frameworks for a health and wellbeing partner to be included in the model of provision. And I think that there would be something that we would really like to see being set out in tenders going forward. I did also just want to say that it's important to acknowledge that within the health service and Mental Health, there is currently no dedicated funding for restorative justice provision. And I've been very fortunate in my service at SLAM, by having an enlightened and progressive leadership team that has funded that dedicated restorative justice practitioner post. And this is the first of its kind in the country, and I think, perhaps anywhere internationally. And we're currently collating the evidence of our first 50 referrals over an initial two-year period. And I think in the previous two-year period, there might have been no specific mental health referrals, certainly across South London, but perhaps across the region. Whereas as soon as we've got a dedicated practitioner, who personifies restorative practice in a mental health service, we have attracted a great many referrals. But what I would also say is that what we're trying to do in order to embed this is that there are currently no job profiles within the NHS for a restorative justice practitioner. All NHS jobs, except for medics are on what's called an agenda for change framework. And you can only recruit to posts that have been job matched against other posts. So, what we're trying to do is to create a suite of job descriptions that has got a career pathway for restorative justice practitioners within health. And we hope in that way to get to the point where mental health commissioners can expect services to provide access for victims for restorative justice

when their harmer has been someone with a mental health difficulty. Thanks, Jim.

### **Jim Simon**

Thanks Gerard. Becky, is there anything that you want to add?

### **Rebecca Beard**

Thanks, Jim. My main concern is regarding the lack of funding available to professionalize and standardize the restorative justice sector. As Gerard said, there are currently no defined job descriptions or career pathways for a restorative practitioner. And this is usually an add on to someone's day job. This is often seen in the police and there can be a huge impact of working in this way. For example, if budgets are cut or there are critical needs somewhere else, these individuals are often moved or redeployed. The short-term funding as previously mentioned, is also a concern as the roles are often advertised as fixed term contracts, and offer little job security, meaning it can be difficult to attract the right level of candidate. The majority of funding is being spent, for example, on an RJ manager or coordinator, and maybe one or two practitioners for an entire PCC area. This funding model means an over reliance on volunteers, which is not appropriate for many reasons. For example, in Gloucestershire, we have many serious and complex cases that will take up to three years to complete. We also have no local prison, which means that practitioners can be traveling across the country to work with individuals. We are very fortunate that we have a fantastic and dedicated group of around 40 volunteers. But this has taken around 12 years of steady funding, a committed volunteer's manager and regular investment in additional training. A lot of this would not be possible if Gloucestershire was in the similar position as other areas and there is uncertainty around future funding.

### **Jim Simon**

Thanks, Becky. I'd like to move on to why there is such a disparity between different areas in terms of the types of offence which are considered

suitable for Restorative Justice. Our members tell us that this disparity is problematic and, in some cases, discriminatory. The use of restorative justice in cases of domestic violence is just one example of this disparity. The use of restorative justice for cases of domestic violence has been widely debated over the past 10 years and yet we are no further forward in ensuring policy reflects current practice. Decisions on whether restorative justice can be offered for cases of this nature are being made based on guidance issued by the then Association of Chief Police Officers in 2011. This guidance clearly states at present, ACPO policy for domestic abuse/domestic violence does not support the use of RJ in determining outcomes in this area. DA/DV represents serious risk to the victims of such offences and is often subject to a complex and protracted investigation. As such there will be little opportunity for the use of RJ in the vast majority of such offences. It goes on to say we do recognise that RJ is a customer focussed methodology and if a victim of such an offence demands RJ then it is for the individual officer to consider, in line with their respective force policy and the guidance already issued by ACPO DV as to whether furtherance under RJ is appropriate. It's not difficult to see how these two statements cause confusion for those who are likely to make a referral, for practitioners and for participants. I'd like to ask Becky to provide some context to this.

### **Rebecca Beard**

Thanks, Jim, the scenario you mentioned above can have a huge detrimental impact on victims and offenders, especially when the crime is of a very serious nature, or the type of intervention required is not supported by PCC funding. In Gloucestershire, we have a very supportive PCC, and this has meant we have often taken cases from outside of our area so as not to deny a service. One example of this was a case we received from a woman in our local prison and the victim was in Cardiff. We continued to work the case for a few months, and she was then moved to another prison in Derbyshire. We obviously didn't want to stop working the case, but this then meant we were sending volunteers to Cardiff to meet the victim

and then up to Derbyshire to meet the offender.

### **Jim Simon**

Thanks, Becky. We've heard consistently throughout the evidence sessions that restorative justice must be victim led and based on their needs. In reality, this is true unless a professional or gatekeeper decides otherwise. We need to understand why there's a reluctance to consider a restorative process for cases of this nature. At a basic level, this is ill-informed decision making based on outdated guidance and a sense of fear in making the wrong decision: what if it goes wrong, would I be held to account? The Justice Committee's Fourth Report of Session 2016 - 2017 which focused on Restorative Justice summarised: We agree in principle that restorative justice should be available for all types of offence. While restorative justice will not be appropriate in every case, a brightline exclusion rule is contrary to the aims of the Restorative Justice Action Plan. Despite this, given the clear risks of restorative justice for certain types of offence, we understand why some service providers have restricted use of restorative justice for certain types of offence, particularly domestic violence and sexual offences. They also went on to suggest that in order to help promote the use of safe restorative justice in such cases, that the Ministry of Justice should work alongside the restorative justice council to create and fund training and promote guidelines and best practices facilitators in such cases. The Justice Select Committee were right to recommend that restorative justice should be available to victims of all types of crime. While some types of crime, and particularly domestic abuse, require robust risk management, wherever possible victims themselves should be able to decide whether restorative justice can help them to move on. We would strongly recommend that national practice guidelines be developed to ensure that restorative justice practitioners are able to safely manage cases involving domestic abuse. Specialist training on domestic abuse and especially coercive control must be developed and undertaken by all restorative justice practitioners who facilitate cases of this nature.

So, there are also concerns raised around information sharing, Gerard has already touched on this, and it's dominated a lot of the discussion. At the evidence sessions that we've held, service providers tell us that the process of negotiating an information sharing agreement is challenging. For providers working on a national basis this often requires multiple agreements to be negotiated, which is time consuming, resource intensive, and therefore impact significantly on budget. Why this process has become so difficult is not so clear. I would imagine that it's fear over GDPR rules, and that's probably one of the biggest contributing factors. But there are also challenges when the harmer becomes a health client and the RJ intervention being pursued by criminal justice agency or another funded provider. Because this then provides additional barriers around patient confidentiality, which then adds on yet another layer of complexity and trying to get the right support to the right people. So, we need more national information sharing agreements between providers and police forces, the health and social sector and government departments. If local agreements can be reached then national agreements are doable given the right parties. There's also an opportunity within the victim's law to make it mandatory for statutory services to share information with RJ providers.

So, moving on to capacity. One of the questions asked whether or not there should be a greater emphasis on the consistency of practice standards, and a requirement for the Ministry of Justice to ensure those engaged meet these minimum requirements. We've worked closely with the Ministry of Justice over a number of years to develop rigorous practice standards and a framework to ensure that practitioners and service providers are implementing these in practice. This work resulted a suite of accreditation awards which were offered to both commissioned and non-commissioned services. The cost of providing these awards was subsidised by the MoJ however, this funding was withdrawn in March 2019. As a direct result of this loss of funding, the RJC were no longer able to deliver

these accreditations in their current form. Without a subsidy, the costs to administer these became unviable. Shortly after I took up post with the RJC in April 2019, I committed to undertaking a review of these awards and to develop a financially viable model of practice standardisation. I've been clear from day one of my appointment, the standards work undertaken by the RJC will focus solely on raising the bar and professionalising the sector. The consistency of practice is the bedrock of high quality, safe and effective delivery. But simply talking about what could or should be done just leaves us standing still. I could have decided in April 2019 to simply stop providing accreditations; funding had been withdrawn so it was no longer financially viable for the RJC to continue. I could have made the decision to no longer update our Practice Guidance as we received no funding to do this. I should have tried to source grant funding to undertake this review and perhaps, at some point in the future we could have found a funder. I didn't do any of these; I committed funds to update our Practice Guidance because it is right for the sector. I committed funds to develop an updated suite of Practice Registration Frameworks because it is right for the sector. Many of our members, both service providers and practitioners are committed to becoming registered with us because they want to ensure integrity of practice. They do this despite the funding challenges we know they face. Lucy Jaffé from Why me?, said during her evidence session last week, that we need smart investment. The Ministry of Justice has invested considerable funds to develop the RJC's practice guidance and accreditation offer over the years. There is no need to invest new money in recreating new processes. The smart investment would be to work with the RJC and commissioning bodies to build on what already exists and works. Our view as to whether there should be a greater emphasis on the consistency of practice standards is clear; commissioners must make it a mandatory requirement for all commissioned services to be registered and to ensure integrity of practice, that restorative processes are only facilitated by practitioners who are registered, regardless of whether they are paid or unpaid. To enable this

to happen, commissioners must ensure that the level of funding they provide is sufficient to meet the cost of Registration and ongoing independent monitoring. This shouldn't be a service providers issue to resolve, they should have the finances to do this and to do it properly.

We're just going to quickly move on to awareness. The terms of reference ask us about how and victims and offenders are being offered restorative justice and what could be improved for making that offer. Now we've heard about the need for a national campaign to raise awareness. And in principle, I do agree with this. However, simply providing funds to undertake this type of activity is not going to be enough. Gerard is going to provide a bit more information about that. So, Gerard over to you.

### **Gerard Drennan**

Thanks, Jim. I suppose my perspective on this would be as a behavioural scientist. And we've seen that in the pandemic, we've heard much more from behavioural scientists than I think we ever did before, because of how important public information and messaging and public behaviour has become in managing the pandemic. But it's long been known that awareness doesn't change behaviour. Awareness alone is never going to be enough. And it's especially been the case when there have been health campaigns, for example, smoking cessation, or healthy eating, just knowing that something is not necessarily healthy for you isn't necessarily going to change your behaviour. So, I suppose what I'm hoping to be able to contribute and what I think we can support through the RJC is a more sophisticated approach. It's the nature of the offer, that incorporates learning from other branches of health-related behaviour change. There needs to be multiple points at which the offers made and in multiple formats, and also to the wider network. Perhaps it's not only victims or offenders. But the people as we know from a restorative intervention, the people who support them also need to know the value of encouraging and supporting and enabling participation. And of course, that information that

awareness knowledge is based on an emotionally knowledge-based campaign needs to address myths and misinformation as well. So especially if we're asking people sometimes to do something that's terrifying. And because they're terrified, that is exactly the reason why we need to support them and encourage them to be able to consider that this might be something that would be helpful. But we think that restorative justice awareness campaigns also need to have a human face. And we've seen that, you know, Ray and Vi have been able to publicize and promote RJ, there're great champions, and, of course, Peter Wolf, and Will Riley, he set up and started, Why me, they are exceptional champions. But of course, we need more people. And we need to promote our champions to show the human side, the human experience of restorative justice interventions. And of course, we've recently had the television portrayal in the series Time, a very powerful portrayal of a restorative justice intervention, but we need much more of that in ways that are relatable, and, also that then allows us to link with what in psychology we call observational learning. And that is that people often learn by watching someone else do something and learning how it can be done. So, it's linked to what I said about other professional groups not necessarily being aware of restorative justice interventions. In the summer, I'm going to be writing an article for the National newsletter for psychotherapists across the United Kingdom, in order to reduce risks, introduce restorative justice awareness to that group. Because I know as a psychotherapist myself, that there's often the presumption that all your traumatized patient needs are what is in the consulting room. And there isn't necessarily a recognition and awareness that in fact, there are really important steppingstones towards trauma-based recovery, that don't just involve what the practitioner can offer. But practitioners don't necessarily realize that there are more resources out there that they could be supporting their patients to think about engaging with. So that that is another example of a way in which we can have targeted awareness of people who can carry a narrative in a more meaningful way. It's all I was going say on that. Thank you, Jim.

### **Jim Simon**

Thanks, Gerard, I'm very conscious of time. So just wanted to quickly touch on the issue of data recording and data analysis. We are very much of the view that there needs to be a standardized method for doing data collection. The current model is so high level and changed so frequently, it doesn't allow us to use comparative data to measure any sort of effectiveness, or impact. So, what we would like to see is a standardized recording framework for all providers. But we need to work closely with our academic colleagues, commissioners and service providers to develop this, so that it's not only measuring efficiency, but it's measuring effectiveness and impact. Alongside this, we need to develop clear guidance on what constitutes a successful or effective outcome. More importantly, we need to have clear guidance on how we measure impact, because at the moment that isn't well known, and a lot of what would be classed as soft outcomes are very difficult to measure. So, we need to have very clear guidance around what that is and how we measure it. Just to conclude, we were asked what we'd like to come out of this inquiry. And there are a few things. We know there's pockets of restorative work being undertaken across a range of government departments. However, this is often siloed. We do support the call for the development of a government action plan, but it needs to go further than previous plans. In our view, any future plan needs to reflect priorities across all government departments, not just Ministry of Justice. Developing an action plan is of course, a good starting point, but it needs to be delivered. So, to ensure this a Minister with responsibility and accountability for restorative justice and practices across all government departments should be appointed. An appointment at this level clearly demonstrates the government's commitment to making this work. Likewise, given the evidence that we've heard around commissioning, the Association of Police and Crime commissioners should also have an identified lead, who has a portfolio accountability for restorative justice. And finally, we'd like to see a recommendation

for mandatory registration as a requirement for all commissioned services. This should include a recommendation for the Ministry of Justice and Association of Police and Crime Commissioners to work closely with us to develop our existing registration framework. Thank you very much for allowing us to present evidence today. Thank you.

### **Antony Calvert**

Again, thank you very much for that. Elliot is being called away. So, he's just asked me to conclude the session by thanking yourself, Gerard and Becky for your contributions and we have five minutes for questions. So, if any member of the APPG who is on or indeed any other MP or member of the House of Lords who's on the line would like to ask the first question, please just fire away.

### **Baroness Molly Meacher**

Can I interject? Can I ask the question Molly Meacher from the House of Lords? Fantastic contributions, Gerard, thanks so much for what you were talking, saying about shame and guilt. I mentioned in a previous session, I was very involved many, many years ago, in restorative justice in the police services. What I was just wanting to make the point, I hope the inquiry report will have a very powerful section about perpetrators shame and guilt and the amazing contribution that restorative justice can make to reducing crime, whether by people with mental health problems in the mental health services or elsewhere. And but I just wanted to ask any of you actually, because I've been so out of touch. Is there any good research published showing efficacy of restorative justice? Not forgetting for the moment, the victims, which obviously was central to all of this, but actually in reducing crime? Is there any research you can refer me to? Thank you.

### **Jim Simon**

So, I'm going to refer to Jon.

### **Dr Jon Hobson**

So, evidence of reducing offending in mental health population, some?

### **Baroness Meacher**

Any, frankly, what I'd love to read some, evidence of the efficacy I know it works, do you not? I mean, yeah, it's just pieces. But we really need some evidence, you know, stand up in Parliament and talk about this, it would be so helpful.

### **Gerard Drennan**

So, I'll just respond very briefly. If that's all right, and I see other nodding heads to say that, in fact, there was a recent Campbell systematic review of randomized control trials that has, and that certainly is the most recent large-scale review of the evidence base that showed very strong evidence across a range of offense types, and defending groups, older and younger. And some very interesting findings, that, paradoxically, the older offender, more likely to benefit also, the more serious crimes with increasing evidence of efficacy and reducing reoffending. But I can see other contributors wanting to, to come in as well.

### **Antony Calvert**

I'd love a reference, by the way, if you could, I'll bring it in the chat and got a handout from Tony Lloyd Tony Lloyd MP.

### **Tony Lloyd MP**

Yeah, thanks. Thanks, Antony. It was really a quick comment, actually, that one of the things that comes out in across the piece, really is the need for if use the word holistic approach to RJ but by which I mean, it's obvious that there should be many, many different routes in and it's interesting that listening this morning to Gerard, that they're very health based approach, because I think even when I was involved, as when I was a Police and Crime Commissioner, very much, I suppose the emphasis at the time was on, if you like, a kind of unorthodox approach, but nevertheless, the Orthodox problem of crime, punishment, and the ways of taking people through that process, both victims and perpetrators. But in actual fact, and then what does come out in the various sessions we've had, is the fact that we need to weave

an awful lot of professional structures into the restorative justice family framework in order that we can maximize the, the benefits, there's different approaches. And it's a comment that I'm not sure anybody needs to respond to it. But I just wanted to get this on the record.

### **Antony Calvert**

Jim do you, just want to very quickly, maybe respond to that before we move on, because we're conscious of time.

### **Jim Simon**

Yeah, certainly. I totally agree. I totally agree. And I think it goes to the point about this siloed practice in that, that we're very isolated in what we do, and we don't necessarily know what other government departments or sectors are doing, and I think That's a really important point. And certainly, something that any future action plan we would want to see is far wider than just what we've been experiencing over the past 10-15 years. But thank you. It's a very good point.

### **Antony Calvert**

Fantastic. I'm afraid we're out of time for questions. But it just remains for me to say thank you very much to Jim, Gerard, and Becky for an incredible contribution.

## Session 8

### Antony Calvert

We're going on to the second session of the day, if I can just hand over to the vice chair of the APPG to chair this session in in Elliott's absence. Christina Rees, MP Christina.

### Christina Rees MP

Thanks Antony. And Alice asked me just a second, so anything could happen. But I'll do my best and very, very interesting session. So, Bob really enjoyed it. So, I think we're over to Nina champion now. And I work dinner, and we're looking forward to listening to your evidence. Thank you. Lovely, thank you. Can you hear me? Okay? Yeah, great.

### Nina Champion

And so, I'm Nina Champion, the director of the Criminal Justice Alliance. We're an alliance of over 160 organisations working for a fairer and more effective criminal justice system. We define fair and effective as being safe, smart, person centred, trusted, and most importantly, in this context, restorative. And as Jim said, we've been delighted to have run a number of focus groups over the past two weeks in partnership with the RJC, focusing on certain areas of the terms of reference. And so, we'll be focusing on three areas that we touched on in the focus groups during this oral evidence session today and will provide written evidence in relation to all the questions. And we'll be drawing on those focus groups and also on 10 years of work carried out by the Criminal Justice Alliance promoting restorative justice and understanding the barriers to its wider use. In our 2019 briefing, it reported the findings of a survey that we carried out across police force areas, which found that there was a postcode lottery for people to access restorative justice conferencing, with 40% of respondents saying their services are hampered by low referral rates. Some of this, of course, will be due to funding mechanisms that have been described in the earlier session. But there's other barriers. The name of the report in 2019 was 'a journey of learning growth and change.' And this

was from a practitioner, who was frustrated that many people didn't see restorative justice as a sort of a one-off intervention, instead of this learning, a journey of learning growth and change, whether for those individuals that have taken part but also for the organisations and agencies themselves. And therefore, the report highlighted that awareness raising, particularly amongst the public was key to tackling myths and misconceptions about restorative justice. And I'm delighted to be joined today by Jacob Dunn who used his own lived experience of restorative justice in developing a radio documentary series called The Punch which won the CJA's Outstanding Documentary at our Media Awards last year. So, he's going to answer the inquiry question about raising public awareness. Also, in our report, we found that where there was a whole system approach to embedding restorative rather than just as an intervention. But in terms of using restorative practices, that was much more likely to successfully embed restorative justice conferencing in those settings and could be used in a whole range of different criminal justice settings, from policing to prisons, to working with prisoners' families. And I'm delighted to also be joined today by Charlotte Crowther from Restorative Engagement Forum, who's going to talk about some of her work and research working in criminal justice settings. Although her work does also use restorative practices elsewhere, she'll be focusing really on her working with prisons, police and prisoners' families today. And actually, in our briefing, we found that 80% of respondents had said that they're looking to expand the scope of their restorative services. So, there's a real appetite and some fantastic work going on a bit under the radar with restorative practices in criminal justice settings that we feel has great potential. And the third barrier, which we'll address today, as well in this oral evidence session, is that services are not necessarily sufficiently inclusive to meet the specific needs of people with protective characteristics. And also, services could do more to involve and include service users or former service users in a meaningful way in the design and delivery of their services to make them more effective and engaging. And despite some good

practice, much more could be done in this area. So, I'll be discussing those questions at the end. And just at this point, I'd really want to echo the evidence given by Why me previously and also by Jim just now, in calling for that renewed action plan, but to go much further than the previous action plan to include a workforce strategy, to include a communication strategy, and to include restorative practices, as well as restorative justice conferencing to really see the full potential. And as one of our members said, with restorative approaches, there's potential to give the criminal justice system a real sense of legitimacy. So, I'm now going to pass on to Charlotte to talk for 10 minutes about restorative practices in the criminal justice system. And then she's going to take questions for five minutes after that, because she has to go off and do some restorative practice work after her lunch break. So, she's very kindly joined us during our lunch break today. So, thank you so much, Charlotte. And I'll pass on to you now.

### **Charlotte Calkin**

No, you're welcome. Thank you very much for inviting me to speak. It's lovely opportunity. I am a practitioner, and a trainer and a consultant and run a company delivering restorative practices and restorative justice in every sector. I've done a master's on restorative practice in UK prisons. And we're currently working in several prisons in the UK. And I've personally worked in over 40, as well as with countless police forces, probation and youth offending. And we are finding more and more that what people are coming to us for is what Nina is talking about, this whole system restorative practice. And we're not just working in the criminal justice system. Actually, today I'm working with a Premiership football club. Why am I working with the Premiership football club? Because of exactly what Nina is going to be talking about – inclusivity and diversity issues. On the back of the Me Too and BLM movements, people are looking for a far more nuanced response to the punitive right or wrong approach. And if you ask those harmed in the workplace by sexual harassment, or racial profiling, what they're often saying is that what they want is for the person to not do it

again, not for the person to be punished. So, we haven't got systems in workplaces or football clubs or anywhere that are responding to this more nuanced need. And that's where restorative practice can come in. And we're missing a trick if we're not using it. And what is utterly thrilling to me, is the number of organizations who are getting in touch with us, because they're discovering that it might offer a broader response. So, I'm not going to go into that. But Baroness Meacher was asking about evidence. And I think, you know, we have a good bit of evidence from one organization we've worked with, which is a social housing organization with 1500 employees. If you think that the most recent ACAS June 2021 report said that 28.5 billion pounds is spent on workplace grievances, which is over 1000 pounds per working individual. In this housing organization, we've reduced grievances by 60 percent, and performance issues by 55%. Within one year of introducing restorative practices, that's better than many stats you'll find anywhere else, frankly. So, um, you know, I'm going to talk about the criminal justice system now. But I do want to look at this far more broadly, as Jim was saying, this doesn't need to sit just within the mha. And it's, it's a mistake to think of it sitting just there. So let me give you some examples of how restorative practices worked within the criminal justice system. I've had permission to share this one, which was a piece of work we did in 2017, with the Independent Office for Police Conduct, which was a seven-year inquiry that was not getting resolved and was costing millions of pounds. We did one day's work with the 18 participants who were affected and impacted by that. There were three outstanding lawsuits. And I found out last year, that everything stopped after that one day. So, seven years, and an awful lot of money. And it all stopped, because everybody got what they needed from that one day, which was to be heard, and to be part of creating a solution moving forward. So, how do you measure that? Do you measure it in the money that then doesn't get spent? I don't know. But I think that's a pretty remarkable result. I didn't know about it until I started working for them again last year, and they told me that it all stopped. Prison work. Let's have a quick look at how it's working in prisons.

What my master's showed me is that all over the UK there are pockets of extraordinary restorative practice happening, which are radically improving the culture of prisons. They are impacting on self-harm in prison, assaults in prison, assaults on staff. They're impacting on staff sickness and staff absences because the culture and the climate is improving. In fact, one prison that I work with a lot doesn't have a segregation unit because it doesn't need one. Now, that is very similar to the evidence that we know from schools, which is if you embed a restorative culture in schools, you get rid of the isolation units. And the same is happening in prisons that are embedding a restorative culture. So, I think those are the ways that you can measure it through how it's impacting on the culture through staff sickness, and absences, through assaults on staff and assaults on residents. And what's fascinating to me is when you go into an environment that is restorative, you can pretty much instantly recognize it, which is fascinating and needs to be captured and needs to be shared. We're also working in a youth offending institution at the moment to take a relational skill, training posts based on restorative practice, onto the wing, working with the men with officers, the officers are doing the work with the men. So, what we're doing here is we're improving relations on the wing, we're building officers skills, we're building resident skills, and those are then leading to conversations with loved ones or family members to improve relationships. Because we know from the Farmer Risk Report that the golden thread of desistance is through family relationships. So, we're embedding right at the heart of the prison at the moment, with relational skills training, with restorative work. I'm worried about time, I want to tell you about lots more, and I can't.

### **Nina Champion**

Can give an example around policing before you finish?

### **Charlotte Calkin**

Yeah, for sure. So policing, this is quite an old piece of work now. We responded to the white paper, it's all about trust, and did a really nice piece of

work between police and young people all over the country, bringing them together. How did we measure what difference that made? When have we met with the police officers? We asked them. What could you do differently in your relationship and communication with young people? And they universally said nothing, we couldn't do anything differently. And at the end of the piece of work, we would ask them, what can you do differently? And they'd say, Oh, we could do this, we could do that, we could do the other. So, for example, they didn't know that when they put their arms inside their waist coats or body vests, the young people find that deeply intimidating, because they would just feel, we're not allowed to put our hands in our pockets. So, when we ask them the same question, at the end of the work, they knew how to create relationships, and they knew how to de-escalate. We're being asked to come into work with people in prisons, and the police and youth, because people want to know how to deescalate, they want better boundaries, they want to understand how to challenge. They want to know how to build rapport. These are all areas where restorative practice can profoundly help to improve environments. Nina knows I call it the WD 40. You know, it's the WD 40 that you use alongside the wheels and cogs of systems to make them work better. And we've got evidence all over the place of that happening. So yeah, we need to inform people, get the word out there. Prison officer training, police training, we devised a one-day training and Wiltshire police force, every single police officer in Wiltshire is trained to have an understanding of when to put their restorative hat on. Every officer of Wiltshire gets that that's the kind of thing that I think we just need to be spreading it far more broadly. I think I need to shut up now.

### **Nina Champion**

That's brilliant. Thank you so much, Charlotte. And it's really great to see that these examples are just the tip of the iceberg, but it's about how we scale those up. And having restorative practices as part of the action plan is absolutely critical. And I think just reflecting on timings as

well. Particularly in our prisons. We know that there are worries about reopening prison after this period of the pandemic, and how to do that safely, and how to reduce violence. The answer wouldn't be to keep everyone behind their cell doors, but actually to incorporate restorative practices and approaches within prisons, to have people engaging in activities, but in a safe way. And absolutely, in terms of policing, a lot of the work we do at the Criminal Justice Alliance is on stop and search and issues around the black community, particularly in policing and how you build that trust and confidence. And the use of these sort of restorative approaches is so vital. And in the pandemic, we saw the police using the four Es in some areas. So, before enforcement, looking at engaging, explaining and encouraging. And the feedback that we got from one of our members Leaders Unlocked is that where the police use that restorative approach with young adults as the initial communication, actually, they get much greater compliance and much more positive outcomes than police that immediately went into that enforcement mode. So, I think this work that Charlie is doing is absolutely important, I just want to stop there because I know that Charlotte has to leave. So, if we're going to do quick questions at this point, just for Charlotte before Jacob and I continue. So, any questions for Charlotte?

### **Christina Rees MP**

I please ask her rather a specific question. In Neath, we have hillside secure children's home, which is quiet, it's quite well known, and children come from all over the UK to have placements there. And they, they are turned around through education and care and various programs. And then they go back into the community. I wondered if restorative justice was used in hillside because I just don't know. And also, what we've been campaigning for quite a while but unsuccessfully is to have a step-down unit on the same site, as hillside. So troubled children can go into the unit and learn how to live together and share facilities before they go back into the community. So, I wondered what your opinion on that was, as well, Charlotte, thank you.

### **Charlotte Calkin**

Thank you. So, I don't know the specific provision that you're talking about. But I'd be surprised if it wasn't using restorative principles in there. Because my experience of a lot of the evidence of residential placements like that, is that the reason why they're working is because they're creating environments where communication is done in a restorative way, which is de-escalating the tensions because people know how to do it. So, I'd be surprised if it wasn't, but I can look it up. Any other questions?

### **Nina Champion**

Thank you, Charlotte. And I think what's the other thing I wanted to pick up from what Charlotte was saying was about the Human Resources aspect of this. That's something that we heard in the focus group around restorative practices, which was a real plea for HMPPS and others to lead by example, and to use those restorative approaches within their own HR mechanisms, as part of their workforce plans and strategies, to teach those skills and to embed it in criminal justice. Also with police departments and Police and Crime Commissioner offices and other settings so that people really understand them because they are using them as part of their own processes.

### **Charlotte Calkin**

Actually, that's such an important point you're making Nina. Can I just say one thing on that, which is Gloucestershire police, who have a fantastic RJ provision, and are now also using restorative practice inwardly and, within their HR team and within the whole force. The Independent Office for Police Conduct, they now have a resolution policy in their HR team, so that it's not just outward facing how we talk to people who come to us with a complaint, but it's how we work together. And that's starting to happen in prisons as well. So, it's not just how do we deal with the man or the woman or the resident, but it's how are we working amongst ourselves to create a better climate. And this is absolutely essential.

## **Nina Champion**

Thank you, Charlotte. I just want to pick up on the question in the chat about the comment in the chat about young people services using the framework of non-violent communication work and may not call it restorative practice. And that's absolutely something that came up in the focus groups about language, and really helping people to understand that this isn't something vastly different. This is a tool to make this happen. And we don't need to necessarily use those words. It's about how we describe it to different audiences. But Jim, and I will probably remember, we went to an event where they were looking at prison adjudications. And Jim and I were talking about restorative approaches to prison adjudications. And someone came up to us, I don't know if you remember Jim, saying 'we're already doing a rehabilitative culture, we can't then now do a restorative culture as well, this is too much.' And actually, there's a real message there. This isn't something else that we're adding to already overwhelmed people. These are the tools and approaches to enable you to actually do this in practice. But no, thank you so much, Charlotte for that. And we'll definitely include lots more on research practices in our written evidence. I know you're submitting your research. So, thank you. You're welcome. Baroness Meacher, did you want to come in?

## **Baroness Meacher**

Could I? Have you had any contact with the National chief police? countless, I can't get the name right now. Chief, Police Counsel at all, because I we know that a number of police services are doing very, very well. Others are doing a little better, or a little worse. But it does need that leadership right from the top, doesn't it to introduce this right across the piece? And I just wonder whether there's anyone here who has actually engaged with them? Probably I'm talking about?

## **Charlotte Calkin**

Yes, I can I completely agree with you. I think that actually, we have to start at the top, we have to get in there. In the same way when I go and work

in prisons, if I don't get the team all together, all singing the same song she did. It's not going to filter them. So, I work with them. But I think Lucy has.

## **Nina Champion**

Yeah, there's definitely a role for that, and a role for the College of Policing and some other agencies in promoting this. Thank you very much for you for your questions. And thank you, Charlotte, for joining us. I'm going to now pass on to Jacob Dunne, who, as I explained, is going to address the question, which is what more could be done to improve public awareness and understanding of restorative justice and practices. So, thank you, Jacob.

## **Jacob Dunne**

Lovely. I hope you can hear me all right. I come to you from my lovely work van, which, ironically, I've done all the proudest pieces of work from a vehicle or a car during lockdown. I recorded the Radio Four series, The Punch, which documented my restorative journey and tried to raise awareness of restorative justice and how it can apply to the everyday person. Because my own personal experience with restorative justice is a very extreme case. And you might think, well, how can anybody else learn anything from that. I threw a single punch on a night out in Nottingham in 2011, and that punch sadly led to the death of the man that I punched. And, you know, cut a long story short, I ended up meeting the parents of the victim. And we went on a restorative kind of conference journey that lasted for five years. And then we agreed that this is something that could help a lot more people, both victims and perpetrators, and we should share the message. Now, I've been on a public campaign, trying to do that noble work. And either one, my expectations are too high. And or I've just been doing a really bad job at getting the message across and getting buy-in from people. So why did I choose to do The Punch? I wanted to connect my unique story to the average person's story and make restorative practices or restorative justice something that is relatable to anybody. And this goes right to the heart of this question, the

importance of public awareness and understanding. So, the response that I got was amazing, and I think it did exactly what I set out to do. I think one thing to bear in mind as to why it was so well received this time around, because I have shared my story in other formats before, is because of the national lockdown and the pandemic that we've been in. What I would say is it's made, generally speaking, people a little bit more susceptible to thinking about difficult things. Just because many people have had, you know, lots of difficulty in their lives over the last year, 18 months. And so, I think my message of restorative justice and how using this particular set of questions can help you get out of your own cult, your process, whatever it is, you're going through, whether that's benefits for mental health, having better relationships with the people that matter to you. So a big part of the people who reached out to me were, you know, say single moms struggling to keep their teenage kids who they're worried about on the straight and narrow, or how to have a conversation with them, that doesn't get their backs up and create more anger. I got teachers saying, I'm going to try and use some of this stuff in schools to resolve conflict better there. I had young people themselves saying, you know what, when I get put in a situation like that, when I'm with my mates, and it's all getting a bit too aggressive, or confrontational, you know, I'll remember this story. And remember that I do have a choice as to how I act. And I'm going to make better choices in the future. So, there's a whole range of people who related to my story of restorative justice and the applications of it, whether that's from a parent's point of view, whether that's someone working in the public sector, whether that's a young person themselves. But what the issues, as I said, I think we're in a really good moment to get this message across where people are going to be able to relate to it. Just because of the public mood, and the need for hope to navigate our problems, especially, you know, as we've all been locked up, when we're unable to run away from them as easily. And that goes to one of my first recommendations, which is, is we've got to somehow, within our public messaging, promote having difficult conversations as the best thing, as the best way forward.

And that's what restorative justice does, but always start with restorative practices. Whenever there's conflict, you know, fundamentally, it's just about trying to bring people together in a safe space that allows everybody to have a voice, and they want to be heard. And for everybody to be able to come up with the solutions forward, that's going to prevent future conflict. Well, that's difficult when you first think about it. So we need to create a culture that allows people to give more praise to people who say, you know, what, I'm going to have a restart of conversation with my wife, because we haven't been getting on for so long and it's affecting the kids, you know, enough' s enough. Every single person on this call will have some sort of difficult conversation that they've been putting off. And that's where the restorative practices come into this. That's how we make this messaging relatable to everybody. Because we need to encourage. It's no good kicking the can further down the road, because it's only going to snowball, and that issue is only going to get bigger and bigger. So, what restorative justice and restorative practices has the power to do, is to allow us to face head on challenges that we have, instead of waiting for them to become even bigger, which I think is what we see, naturally, with all the public inquiries that go on, you know, we'll hear about county lines or violent crimes going on, we're very responsive. You know, we only respond with inquiries and conversations once the problems become too big. We need to be selling restorative justice as a way of getting ahead of the problems that we have and coming up with the solutions. So, it's a preventative problem. It might not be difficult in the short term, having these difficult conversations, whether that's around race, or whatever it is, in our culture, and in our workplaces that are the topics of discussion at the time. But at the moment, I just see culturally that we put off a lot of these difficult conversations until the problem becomes too big. And that's one way of messaging restorative justice. So that it relates to as many people as possible and doesn't put them off because it is a difficult thing to do. I wish restorative justice was an easy thing, but having difficult conversations is never going to be easy. So, we've got to instil confidence in people

that you know, people, facilitators and practitioners and workplaces that are going to adopt these approaches are confident in delivering them. And that there's a good track record. Another solution would be a comment I heard earlier, actually, which was about just knowing isn't enough to change behaviour. We've got to make it more relatable, which kind of speaks into what I was saying earlier. We've got to really do our best to separate the assumption that everybody has, that restorative justice is just about offender and victims, because then, you know, we're asking people to have difficult conversations. And if we give them an easy way out, which is that your problems aren't, you know, criminally related, so you don't usually have to consider this as an option for you, we really have to kind of get rid of that, if we're going to make the most of these restorative principles and practices. Another thing, if we're going to think about getting ahead of the curve of conflict and violence in our society, we need to make it a number one priority in schools. And teachers have so many different jobs, but we've got to create a way of being able to make schools adopt a more restorative approach, so that we can keep kids in schools so that they can don't suffer with mental health issues that many of our young people are suffering with at a difficult time in their lives, we've got to see as a key part of improving public wellbeing and mental health, that's what we've got to attach it to more, this is a way of you being able to find the answers to your own problems. This is a way of you having ownership and feeling more in control of how you think, how you feel. And for you to be able to find your own solutions that work for you. Because when somebody else finds a solution for you, or when someone else imposes justice on you, or whatever the situation may be, you just don't know what was wasted. What I'm trying to say is that a restorative approach makes people more accountable, just by the nature of what it does on the tin.

It makes people talk about stuff from their point of view, from their own facts, it makes them think about their own feelings and how they're feeling which a lot of young people don't even do ever. I've worked in prisons with people who are 40/50.

And, you know, I'll ask them, you know, how they're feeling or what actually happened? A lot of the time, they don't know. One of the questions I use, which is a restorative kind of question to people in prison is, how are you kind to yourself? How do you identify what your own needs are? And they literally stuck, they have no idea. So, adopting all these approaches at every possible stage, especially through the early years and schools, prevents so many people growing up, not feeling that they're in control of how they feel, and what they need to move forward with, what's gone wrong in the past.

### **Nina Champion**

Thank you so much Jacob. Sorry, to,

### **Jacob Dunne**

There we go.

### **Nina Champion**

Ask questions. And I know that some people will want to ask you questions. But that's absolutely fantastic. And I think really speaks to the broader focus group that we had on this issue as well about how do you make this relatable? How do you make this not about specific conferences? How do you make it relatable? And I think Jacob has explained that really brilliantly. So, thank you so much for doing that. I just want to take five minutes or so before the questions to come back to other questions that we looked at as part of our focus groups, and one that was around developing a more inclusive service for people with protected characteristics, and the other which is about how to include the voices and ideas of those who've taken part in restorative justice, in the design and delivery of services. So, I started by asking people what they meant or understand by an inclusive restorative justice, restorative service, and people talked about being able to fully participate. Practitioners being mindful and not assuming helping people feel comfortable, being flexible, adaptive and creative. And importantly, back to a point made by Dr Drennen earlier about asking, knowing as well, who we include and who we

don't include. Who are we reaching or who we not reaching and why?

And I think there was an also important point made by people saying that actually, this is something that isn't just something that's good to do. It's actually the law in terms of the public sector equality duty. And there was a real feeling that there's not enough notice taken off how to include people with protected characteristics or a combination of protected characteristics. And people felt that restorative by its nature had a core principle that was around inclusion. And so, this area should be looked at in more detail. And some examples that they gave about what would improve and make a service more inclusive, was, firstly, about the ability to be able to collaborate with specialist organizations. Say, for example, there was a charity that worked with travellers, for example, or different racial communities, or different people with different backgrounds to have an input into the design and delivery. Because there was a real sense of a lack of trust that runs very deep for some communities and the police and victim services. And that can be a real barrier to people engaging. And so, there's need to have trusted organizations embedded with those communities to support that engagement. And there's also specialist organizations that really well understand, for example, different learning difficulties and disabilities. So, an example was given of working with an autism charity and an autism lead in a local authority to help facilitate a restorative justice conference between two people who had autism. And in order to, for example, take them to the venue beforehand, to climatize them and do things which would make the process more comfortable for them. There was also a sense that a good inclusive service should co-produce an equality impact assessment with specialist organizations and that everyone in the service would know about them. And it was quite telling, but none of the people on the focus group had been seen or involved in developing the equality impact assessment for their service. And something else that was talked about was about minority stress and improving awareness and

competence around protected characteristics. The sense that someone with a protected characteristic will be thinking, Am I safe to come out as my full identity in this space? Can I bring my whole self? Do I have to talk about this with every new professional, and therefore they felt that effective training was vital, not just tick box. And also, it was felt that input by people with protected characteristics and with lived experience in training can make it more memorable. And there was a real sense that there wasn't sufficient training in some of these areas. And that someone said, sometimes people are winging it, it can lead to high levels of disengagement. It's about people feeling safe and bringing their whole selves to the process, we must do better. There was also a recommendation about more reflective supervision, and more robust procedures to challenge people's own conscious and unconscious biases, and having proper HR processes, both for staff and for volunteers. And that, for example, interviews should elicit those values and prejudices about how tolerant someone will be. And there was a real call as well for more HR support in terms of recruiting more diversity. One participant talked about that in her predominantly white area. This can lead to a core volunteer group that is predominantly middle class white and over 60 professional people. While they brought a huge amount to the service, they weren't representative for the young people coming through that service. Someone identified that their work for volunteers was always between three and 6pm during the week, when most people were either at work or collecting children from school. So, it ruled out being able to get more representation. So, there was a real need to have a specific role and support in recruiting and supporting people. In order to improve diversity. There was also a conversation about the importance of intersectionality. Because often we just look at one area rather than how two protected characteristics or more can overlap. And someone gave a great example of collaborating with a charity that worked with LGBTQ+ plus Muslim people about their specific cultural barriers and were then working with them around hate crimes. And people were saying that a lot of these things were projects, they might get some short-

term funding for projects to work with people with particular characteristics. But once that funding ran out, it wasn't embedded. So, it was a real call to have this sort of more mainstreamed as an approach. And someone also gave a particular call out for people working on hate crime cases, to specifically have sort of anti-racism and an awareness training before working on these cases, like you would get with complex and sensitive cases, and they particularly called out the great work that Why me? have done on this around hate crime and ask for those recommendations in that report to be supported.

And in terms of inclusion, again, there were some really good examples of involving victims and young people in designing leaflets, and having sort of feedback processes, having young people on interview panels, people service users taking part in training. And there was a really good discussion about how we value that time, and that it shouldn't be something that's assumed that someone can give for free of charge, that people should be rewarded for that time, whether it's vouchers, skills, development, opportunities for them to get training to go into professional roles in this area. So despite some good examples, there was an overall feeling from people in the focus group that while they're still doing to people a lot of the time rather than doing with, so I just want to end really with, you know, on these focus groups around involvement and inclusion, one of the main barriers to this was around capacity and resource to pay the specialist organizations to have someone whose role was focused on looking at these issues to provide specific training and support and supervision that's required. But without it, participants felt that they weren't adhering fully to their legal duties under the Equality Act. And most importantly, that people were being missed out and voices weren't being heard, which would lead to a less effective service. So, I think really incoming back to the point right at the beginning, the renewed action plan needs to take this into account and have mechanisms for holding commission services to account on inclusion and involvement, but also, most importantly, properly resourcing them and to enable them to do this, because there's a lot of

willingness on services to take action on this. But most of the time, it's an individual with a particular interest that's doing it and on top of that job, or with some short-term funding, rather than embedded into their service. So that's something. Thank you.

### **Christina Rees MP**

Thank you, Nina. And my thanks to Charlotte and Jacob as well. We just got a few minutes left. So, are there any questions? I think Baroness Meacher is having the sandwich but no. Yes. I can't see anyone else is there? So, a quick look? No, I can't. So, I just like to say that. My thanks. And our thanks to Jim, Becky, Gerald Nina, Charlotte, and Jacob for some great evidence today. We always run it right up to the clock, because you're also passionate about the great work that you're doing. And I'm learning so much by being on these evidence sessions. And my thanks to you all, all the evidence givers and all the people on the call who have joined us today. So, I'll just wrap up this section alone. Sure, that Elliott will be back to the next one. And my thanks again and see you soon. Thank you. Thanks, Jerry. And thanks, Jon, to me and Isa as well. Thank you. Thank you very much, Christina. Thank you all. Thank you. Thank you. Bye. All right.

## **Session 9**

### **Rev. Shawn Verhey**

I'm the Managing chaplain at HMP, YOI, Thorn Cross. It's a young offender and adult prison facility in Cheshire and Warrington and we've been running Sycamore at Thorn Cross since 2007. Although I have been involved Sycamore in closed prisons and HMP Wymott for example, I was there seven and a half years Garth and Buckley hall so, but I've just got a certain overview for you about the national picture of Sycamore and then I'll try to focus in on what's been going on at a thorn cross. So just too you're aware, between April 2017 and March 2018. Prison fellowship UK who are the organization who runs Sycamore,

they ran 127 sycamore tree courses in 44 different prisons across England and Wales, that the comes to a total of impacting the lives of 2271 prisoners to explore the impact of their crime on their victims, and also to help them engage on a journey into forgiveness. And to help their victims also have an opportunity. As on week three, sometimes Ray and Vi Donovan will come, or our newest surrogate victim, Dr Nasser Kirti, who is a victim of a stabbing attempted murder in Manchester, he will come and give an impact. Sort of a session for our lads. And it's an 18-inch journey between what prisoners know is wrong in their mind. They already have the head knowledge. But what the week three Sycamore impact session does is take that journey from the head to the heart, and they actually see the impact of their offense to the behaviours on victim. So very powerful stuff. And then on Week Six, as well, we have our cert, symbolic acts of restitution and our surrogate victims come to those events as well as men as well as other peers of the prisoner's staff, offender management unit, chaplains Community Church loads. In fact, one of our greatest supporters is MP Fiona Bruce, who's so thrilled to see she's on the other panel here. Since day one at Sycamore Fiona has been on board with us. And you know, restorative justice is about leading by example, and inspiration leadership. And I don't know if Fiona will hear this, but from 2007, Fiona and her family have come every Christmas day to be with our people in prison on the most difficult time for them. They've come to our sycamore tree events, they come to weekly worship every third Sunday for breaking free event anyway, I don't want to digress too much. But that's just a little bit of a big picture. So, what's happening at Thorn Cross locally? Well, as I say since 2007, I've been privileged in to set up the way we do Sycamore Thorn Cross. And we target lifers and IPP prisoners, those indeterminate life sentence prisoners who are probably the people who need the greatest impact of what their actions have made on to victims. And so, we specifically targeted those four, we've not excluded anyone. But if you want the greatest miracle, if you want the biggest change, go for the greatest need. That's what I say. And that's what we do. So that's

what we've been doing at Thorn Cross. So, I say we run six sycamore tree courses a year, you know, without the exception of COVID, I should say. And that means 20 prisoners precession since 2007. Now you can work that out yourself. But for me, it's not about crunching numbers. For me. It's about seeing the lives of people in prison and victims and communities. And their peers changed, and their families changed. So that's a little bit about sycamore tree. I'd also like to just give a word about some of our surrogate victims, because really, there is a cognitive process that our lives go through that they are issued with two workbooks. Right. And they'll go through the workbooks that helps them work through the nuts and bolts of the restorative justice journey into forgiveness. But for me, it's that huge impact of session three, the victim impact. And we've been so blessed to have Ray and Vi Donovan, we've had Linda McCauley we've had Dr Nasser Kirti is that say he's been one of our surrogate victims fabulous. And as I say, you can see the impact in the faces and lives of our guys for our prisoners. It's not just ticking a box. If you give a prisoner, a workbook or a set of questions, he'll tick it but when they're looking into the face of a victim, speaking with passionate feeling, this is something that is entirely a different thing. And it helps prepare them for that sort of the paramount pinnacle of restorative justice, which other restorative justice conferences. So that's why I'm very passionate about this. I'm trying to keep an eye on the time as well to Asa tell me to shut up if I'm going over won't be a friend.

So, I just wanted to mention a couple of things so much I'd like to share. Unfortunately, I've had to self-isolate the past 10 days, my son had COVID, I've not been able to get to the office, I'm kind of winging it, but I'm doing my best. So, there's some things I think would really help Sycamore in the future and help victim awareness to restorative justice. And that would be if we could make this a part of the mainframe of every prison in the United Kingdom. Just imagine if we could have as part of the rollout for new prisoners, that every new induction gets to have a little talk with presentation about somebody who's passionate about restorative justice and victim awareness. Imagine if every new

staff had an opportunity to have an engagement encounter with somebody who's passionate about restorative justice restorative culture, because it's, it's bringing a transformation to our victims, its preventing victims, it's transforming our prisons, it's transforming the families and communities. It's, it's transformed the whole country really from the inside out. And I can't think of anything better than to invest in this and it is about leadership by example. So, it's something I'm very much in department and I think we can do that in the prisons, we can do that. And community myself, one of my personal pet projects is I love doing it by going to radio stuff or TV stuff in Canada, UK, to help promote sycamore tree restorative justice. That's something I'm all in for. as well. I'm blessed in Cheshire diocese because we have something called Christian controversies of the cathedral, I get to go over a year and speak to hundreds of wonderful college students about restorative justice Sycamore, and they get passionate about this. It's changing in the next generation as well. Also, whenever I have free time, I like to go to schools, colleges, universities, so I'm going to churches, I don't ask for a nickel. This is something I really believe in with all my heart. So, I probably have gone over time, please forgive me. Is that okay?

### **Elliot Colburn MP**

Shawn, thank you so much. That's fantastic. Really appreciate that. We'll hold questions to the end colleagues, if that's okay with you. I want to give Kerry time to come in and give her presentation first. So, Kerry, over to you.

### **Dr Kerry Clamp**

Thank you very much. Elliot's Good afternoon, everyone. So, I thank you so much for giving me the opportunity to do discuss my work with you today. I'm an associate professor, as Elliot said of criminology at the University of Nottingham. And I was until recently also the chair of the restorative justice Council. I've been researching restorative justice since 2005. But I'd just like to speak to you today about some research that I've been undertaking over the last four years, because it's

focused on contemporary practice and provision of criminal justice. restorative justice, and criminal justice in England and Wales, and therefore, I think has most relevance for the inquiry. But before I do that, if you don't mind earlier to know you and your car, but I'm going to pick on you, I just like to use you to illustrate a point, ask you few questions, if I may. Is that okay? Of course, fire away. So, can you tell me what the purpose of a prison is? So, what it's designed to do in a very, very basic level, physically, and I understood

### **Elliot Colburn MP**

My understanding as a, as an MP is a lay person would be that a prison is there to, to punish and rehabilitate an offender of crime.

### **Dr Kerry Clamp**

Okay, and at a physical level, if you think about their experience, what does it do?

### **Elliot Colburn MP**

And I suppose on a physical level it contains those offenders within a confined space. Yeah,

### **Dr Kerry Clamp**

Yes. So, it keeps people isolated. right to control them in effect, right? Yes. Now, what if we kept that building? So, the prison exactly the same? We kept the prison guards and the governor, but we decided that we wanted to turn the prison into a school, how effective Do you think that would be?

### **Elliot Colburn MP**

I imagined it would be quite a fit. I imagine it would be quite effective. Depending on the individual. And their willingness to engage. That might be a politician's answer. I do apologize.

### **Dr Kerry Clamp**

So, if we, you know, so the building is, so we know that offenders are most often kept in prison cells for most of the day, and there's not lots of communal space, and there's going to be no interactive whiteboards and activities for the kids to do and lots of opportunities for them to come together.

we'd expect that it would be quite ineffective, right? Yeah. So, I guess what we talk about in academia is instead of institutional arrangements, and so if you build an institution to do one thing, so for example, in a prison to keep people in isolated parts, but then you come up with a different mentality as to what it should be used for, but you don't change the institution. That institution is going to bring you right back to the same place that it was originally intended for. Right? So, the objective of my testimony today is to convince, I guess, the APPG that any meaningful change in the relationship between restorative justice and criminal justice is going to have to require a really serious reconsideration of what this means to people, what it looks and feels like. And if we take restorative justice seriously, of the implications of that for our current criminal justice institutions and responses to crime. So, I just want to highlight four quick issues that my researchers are raised with the current provision of restorative justice across the country. So first of all, there's widespread ambiguity about what it is right? So, the current commissioning model at the forefront of practice is creating what I like to refer to as a distancing effect, whereby criminal justice practitioners are not really concerned with or being given the opportunity to engage with restorative justice, beyond knowing how to complete a referral. And if we return back to why restorative justice was initially created, I guess for want of a better word, it was to respond to the very expensive and ineffective criminal justice process, one that also marginalize victims and did little to respond to the underlying causes of offending. So, in essence, there was a desire to create a new toolbox, right, a different way of responding to crime. But increasingly, what we're seeing is that an evolution of restorative justice from an alternative way of responding to crime to an industry that seeks to provide a service within all add ones to the criminal justice process. So, in other words, new tools for the existing toolbox, not a new toolbox and recall the issue that I raised with the prison example. So, to give one example, my research has demonstrated that there's real confusion about the relationship between

restorative justice and community resolutions, for example. So, some forces record community resolutions as restorative justice whereas other forces do not record any force practices restorative justice, because they view it exclusively as a meeting between a victim and an offender that only trained independent practitioners can develop. Now, each of these extremes are the result of misunderstandings about what it is, and it limits access to good quality restorative justice. Broadly, there is widespread debate in the field about the appropriateness of police officers to be involved in restorative justice, but in my experience, they do make the best practitioners when they understand it. And we really do need police officers to buy in to restorative justice because they determine what enters and stays out of the system, whether we like that or not. The second issue is that there is a current postcode lottery in terms of local awareness about restorative justice, but also in terms of service provision. So, because restorative justice doesn't foreground punishment, this leads some to perceive restorative justice as a soft option. And so, the amount of support and investment in restorative justice is highly variable across the country. In effect of the Police and Crime Commissioner, local police use offending team judges' magistrates in prison and probation officers don't support restorative justice victims and offenders won't get to hear about it, and resources certainly won't be invested in it so that they can access it. And to illustrate this further, I have a quote from a recent survey that I undertook on restorative justice provision, which states we have in the past had difficulties with other HMPs. When we've had, when we've done preparatory work, we've got the participants ready for the conference, and then the prisoner moves, and the new governor decides not to allow the restorative conference to happen. This is clearly revictimizing the victim who has had the courage to start the process. But then actually, Criminal Justice practitioners determine whether or not restorative justice goes ahead. So that Brian is really important. Now, this runs contrary to the victim's code of practice where access should be a right for all victims. But we know that

this is not happening routinely. And in one PCC area, for example, that I surveyed two years ago, a kitchen commissioned service had only facilitated one face to face meeting in a 12-month period. And we also know that awareness raising is not the only problem, even where we increase knowledge of restorative justice and interest in it. There isn't always sufficient capacity in terms of local provision, should they wish to take it up. So, for example, in another PCC area, there was initially significant buy in from the local Constabulary, but the Commission's service provider was unable to cope with the number of referrals which led to a withdrawal of the contract and a devastating impact on the perceived legitimacy of restorative justice amongst both police officers and the public. And this has been reconfirmed in my most recent survey where respondents stated that restorative justice is currently over demanded and under resourced, and we have really long waited lists. A third issue? Sorry, is the way that restorative justice is communicated in written materials can be unduly influenced by popular thinking. So criminal justice retribution approaches and raise expectations beyond what is reasonable. So, our research that evaluated how restorative justice was communicated in documents across the country, we noted that there was a tendency in some of them to frame restorative justice as a confrontation as an opportunity to dominate offenders a process that does things to offenders, and the term it forces them was literally used, which was interesting. And means to achieve specific outcomes such as an apology, an approach that has a hierarchy of concern. So, where there's a conflict of needs between a victim and offender, it's explicitly stated that the victim will win out, and also means to it to an end. So, you know, a tool to be used for rehabilitation. And we've also noticed at times that documents can place an unreasonable onus on victims to engage in restorative justice so that they could prevent other people from experiencing victimization. And this is sometimes articulated as a consequence of the process. And an example is through this process, you may be able to influence the offender's behaviour thereby helping to reduce

the potential of further crime and other people becoming victims. But in some placated is explicitly written as a reason why victims should become involved in restorative justice. So, the quote, an example here of a statement is helping to prevent the same thing happening to somebody else. And this is, you know, problematic and has led a well-known scholar in restorative justice, to claim that there has been a tendency to use victims in the service of severity in the service of offenders, which broadly amounted to a form of victim prostitution. And this isn't, you know, only a Comment Commentary about practice currently, or in the UK, this is a this is an issue where we see restorative justice when it's aligned in criminal justice. Overall, broadly, restorative justice is constructed as a meeting that will lead to transformational outcomes because it can heal the emotional impacts of crime and help offenders to realize the errors of their ways. But this can also, you know, this approach can raise expectations beyond what is reasonable. So, to be clear, this doesn't mean, and I don't want to diminish the really great work that happens for some people in the system who'd become involved. And it can be completely, you know, transformative as testimony of Peter, and Ray, and Vi Donovan, will demonstrate. But for all those success stories, there are also cases where victims and offenders have felt worse, because victims are being used to hold offenders to account or one party doesn't want to participate, which leaves the other feeling that that person still has power over them. The participants are just not emotionally ready, and the process goes ahead, or the experience just isn't that transformative, and the individual starts to wonder what's wrong with them, because it's meant to have that effect. Right. The final issue I just want to raise is that the claims about restorative justice, often based on research that can be taken out of context. So, in 2019, I read a letter project that's scoped to restorative justice scholarship within the UK. And we found 211 scholars who had produced research outputs and or publications and topics across a range of sectors right criminal justice, social work, family support services, education, health, etc. And this year, I led

another follow up project that identified 181 evaluations on the application of restorative justice within criminal justice specifically. Yet, when we discuss restorative justice, this richness is not reflected in the voices that we hear or the names that we know and the evidence that is cited. So, for example, within criminal justice, most practitioners, including the RJC use as their primary source of evidence, a home office randomized control trial, involving the use of restorative conference in with adults who had committed moderate to serious offenses. But this runs counter to contemporary mainstream practice that primarily involves juveniles who have committed relatively minor offenses. And this has led us to question why local evidence is not being used, especially given that this is collected routinely on a quarterly basis, as required by commission contracts awarded by OPCC's. So, you know, that sounds highly negative. And it's not meant to be right. But I think that being honest and taking those issues into account that any recommendations would have to include the following. So first, restorative justice needs a statutory footing, that clearly outlines what it is and what it is not and mandates practice throughout the criminal justice process that should be supplemented with a rigorous implementation plan that not only sets minimum standards, but that also returns to a ring fenced funding model to eradicate the postcode lottery of have access to restorative justice that can exist across England, Wales currently, second restorative provision needs to be evaluated independently using rigorous methodologies and this will ensure that practices and outcomes are mapped, and objective recommendations can be made to ensure that practice aligns with the philosophy of restorative justice. This will also hold governments and practitioners to account for the objectives that have been set and helped to create a system of transparency and justice for the public. And finally, restorative justice skills and techniques and theories should be a mandatory part of training for all frontline criminal justice practitioners, so that they can have better interactions with all members of the public that they encounter, and then secure better outcomes for all involved, we simply seem

to have this slightly strange perception that restorative justice is only a meeting. And it's much more than that. And my research shows that that where this training does happen, that it can have a significant impact on staff morale, too, because most criminal justice practitioners become that because they want to make a difference. And unfortunately, the system doesn't allow them to do that. So, to conclude, I think that restorative justice is essential for the trajectory of criminal justice, if it's to remain legitimate in the eyes of the public. I'm a strong advocate for choice, I believe that everyone has a right to have a say, in the decisions and processes that affect them. And the code of practice for victims of crime is explicit that RJ is right. But for restorative justice, to move from the margins to the mainstream, we need PCCs criminal justice agencies and politicians to create the infrastructure to make that right in reality, and that, that involves not only resourcing but also changing hearts and minds about what justice is, and what is needed to achieve it. And I'm going to leave that there. Thank you very much. Excellent.

### **Elliot Colburn MP**

Kerry, thank you so much, really, really appreciate that. And we can see a couple of hands have flown up already. And I can't see everyone on my screen. So, if people can go into the participants section, and use the raise hand function if they would like to ask a question, but I can see Fiona Bruce, and then Christina Reese. So, Fiona, over to you first.

### **Fiona Bruce MP**

Well, thank you very much to both of our witnesses today, for their really informative evidence. I have a question for Shawn and, Shawn, thank you for all that you do. And I can justify myself of how impactful that is on the lives of the young men that you work with. And indeed, the old men now because of course, it's not just a youth institution. But Shawn, I'd really like you to ask to just tell us something of the impact maybe on one or more prisoners lives of Sycamore how that's changed them. And also, if it's helped change, perhaps the community is where you work around them as they've changed as characters

## **Rev. Shawn Verhey**

I'd love to. Oh, thank you very much Fiona and it's lovely to see you. God bless you. Yes, um, well, can I tell you a story about Pat, and Dave Rogers? Some of us might be aware of Pat, and Dave or not. They're on the national international sycamore tree training DVD that's used as resource. But that restorative justice conference took place in Thorn Cross. And what's amazing, is it the young man, I won't mention his name because I don't, I haven't been able to talk to anyone this week. I've been in isolation, get a hold of people. But when this young man went through Sycamore, his life has really transformed he became a Sycamore mentor. So, he went to further Sycamore courses, took training, wore the literally wore the T shirt. So, he was he was being a signpost for other prisoners on his landings in wings. We used to call them residents, now I have to call them prisoners. They're all our people. And so, this young man was so passionate about Sycamore, he was like our greatest PR resource as well. And then one day put in for the mediation. And this young man met Dave Rogers. And the most incredible thing about that mediation was to see Dave, and this young man put beforehand, I was able to pray with this young fella, and with Dave as we're both people of faith, which is neither here nor there, they aren't a thing they just happened to be, so I happen to do my thing. But at the end of this, Dave sort of put his hand on his shoulder and said, Listen, I don't want prison to ruin your life. And I forgive you. And you see, the very fact that this young man's not been back to prison. He's living a law-abiding life. He's a really upstanding young man. He's doing great. I think that is so wonderful. And this is a problem with evidence. Is it many people once they've been transformed by Sycamore that they're so happy to have a brand-new life, that they'll leave prison behind them? But I know people I'm in contact with every week, ex-offender's ex residents who call and say, listen, Shawn, I'm doing this. I'm doing that I know two that are Pastors now. I mean, it's amazing, but lives in are transformed, you're sick of what really is amazing. And that's just one of hundreds and hundreds. I mean, that's one of the more extreme ones. But it's interesting. They're

not always easy. It's not an easy fit. Because this second conference I was involved with, with a governor called Anna Selvy, few years ago, Anna and I went to Wales to do this conference with one of our Sycamore graduates, he too, had become a sycamore mentor he wrote to his victim victims had Yes, and we have that conference. Now, it's not a soft option, because the victim really poured out a heart he was absolutely broken. But in that time of seeing and understanding each other in a safe, mutually respectful environment where, you know, there was real healing and transformation for both. So, I've got to say that it's not a soft doctrine. And some of that was visceral. I mean, when this first young man shared his story, he must have shed about a litre of tears. But there's healing in that as well. And our victim, they shed tears as well. There's real healing in this. Now I know, it's hard to quantify things that seem to be emotional or fuzzy. But this really is changing people's lives. And I wish I could bring you to Thorne cross and meet some of these amazing people. It is quiet, quite wonderful.

## **Fiona Bruce MP**

Well, as you know, I have met some of them, Shawn and Dan, you know, it's a pleasure to talk to them and to hear them speak. And thank you for what you've said today. To Elliot, thank you.

## **Elliot Colburn MP**

Thank you, Fiona. Thank you. Shawn, Christina, you're next.

## **Christina Rees MP**

Thanks, Elliot. And thank you, Shawn, and Kerry, for sharing those with us today. to Shawn, Reverend Shawn. Just a question about remand prisoners are prisoners, remand, prisoners have been remanded for longer periods of time because of the court backlogs certainly in my beautiful South Wales area, which you must have been to from what you've just said. But is it possible to do something along the lines of the sycamore program with remand prisoners? Please, if you could explain that because you said he was part of the induction process. And presumably, all prisoners go through the induction process. So

maybe it could be implemented, actually, before their sentence. That's what I'm trying to spit out in a very delicate way. And then to Dr Kerry shown is answered in some part, but I was going to ask about the perceived nature of it being a soft, soft option. And that you said you'd have to change the culture, change people's belief. So, have you in your research, have you actually come across evidence that for perpetrators of crime and for the public general public, it's seen as a perceived as a soft option? Thank you.

### **Dr Kerry Clamp**

Yeah, I think that they are members of the public, my dad, be warned, because he believes in punishment, you know, he, he and I don't think that he's in the minority either. You know, he's very much if somebody steals and struggled for hand if they still would struggle with another hand, because it's very difficult to, you know, still have young fingers or anything to grab with. So, I think that that kind of punitive mindset does exist. But I think that when you start unpacking, will find so we do all those things. Why in those countries where we do have corporal punishment, where we do have, you know, physical punishments, or crime rates, not non-existent, right, because it doesn't necessarily work that way. And so, again, you know, and I can get on board with that kind of stuff. In some respect. My argument always is certainly to my students, you know, I generally teach first year core module, criminology, and a lot of our students are very punitive, and they believe in punishment. And you say to them, okay, well, what's the point of sending somebody to prison? They said, well, because they deserve it. You said, Okay, fine, and we have a 70%, roughly a 70% recidivism rate when they come out of prison. What's happened there? You know, we are creating more victims and more perpetrators through our criminal justice policies, and our beliefs about what works around punishments and controlling crime. And if we start to unpick some of those assumptions, then it becomes very apparent that people at a base level do understand that we need a slightly more nuanced or informed approach to crime. So yeah, but I think having those conversations

is really important and challenging them is really important. We don't do that enough.

### **Elliot Colburn MP**

Thank you, Kerry, and Shawn I think there was a question directed to you as well.

### **Rev. Shawn Verhey**

Okay, great. I think that's about doing Sycamore to remand facility so I guess you can do Sycamore in a remand facility. And just to clarify as well, not all prisons make Sycamore part of their induction I'm one of my pet passions is to see Sycamore really promoted and restorative justice. Of course, any form of restorative sort of justice is great, but I think Sycamore puts people on the ladder, it starts people in prison, on the journey into forgiveness, a lot of offenders can't forgive themselves, and they'll block things out. This is why we have in some prisons, many prisons, drug abuse, all sorts of different ways of damaging themselves as a way of killing the pain. But the only way of really killing the pain is taking responsibility and starting our journey into restorative transformation into forgiveness. So yes, you can run Sycamore in a remand facility. Now I normally run Sycamore over six weeks at six Monday afternoons or six Thursday afternoons for 20 prisoners. But you could do that in a week, you could do the sycamore course in one week. And certainly, that that's very achievable in any remote facility. But I think what's important about restorative culture as well, is it leaders and that means governors, it means orderly officers, it means prison officers, people in education, everybody getting on board with this. Because really, people in prison, I have had enough people tell them how bad they are, how horrible what they've done it and people do horrible things. But I believe everybody has a possibility to change. And everybody has a part in the heart where they want to be forgiven when they want to do the right thing. And Sycamore does that. It puts us in a place where it starts them on the journey into forgiveness. Is that okay?

### **Christina Rees MP**

Thank you.

### **Elliot Colburn MP**

Thank you, Shawn. Thank you, Christina. James Daly, I can see he's got his hand up.

### **James Daly MP**

Yeah. Hi. Thanks, Elliot. I was a criminal defence lawyer for 16 years. And I applaud any individual or agency that is trying to contribute to the rehabilitation.

### **Elliot Colburn MP**

We can hear you fine, James I can.

### **James Daly MP**

Alright, sorry. All right. My oh, I do apologize. We're on I can hear you. Right. I would I was just going to say that. That I think what Kerry seems to be arguing is that we shouldn't have a system where people are sent into prison that we should have that the prison doesn't work. I, from 16 years of dealing with 1000s of people who were involved in the process. I completely disagree with that. I think that the nature of sentencing and the nature of deterrent sentencing is the biggest impact on criminality. When I was during my time as a criminal lawyer, one of the major legislative steps within the criminal justice system that stopped people going to prison was the three strikes and you're out for domestic burglaries. Because people understand. And I know it's very, an easy statement to make say that prison doesn't work. The other thing that we know, certainly doesn't work is rehabilitative sentences. That does not mean that we don't continue to try to do everything possible, but the reoffending rates and the success rates of non-custodial disposals are negligible. I was on a Monday, I was on a call a few days ago, with just a select committee, speaking with offenders who had come off there, and then it was very clear and very passionate. I think they would share many of the views that I've just heard being espoused. But what came coming back was that prison saved me one of them said I had to be in that place to be in a position to understand what I've done. So, like Shawn is just saying. So, I just think that I think that we I don't think we can stigmatize prison as a as a uniquely bad situation, or you call

it bad option for disposing of criminal defendants within the criminal justice system. In many cases, it is the prompt to change lives within it. And I think that the desire to say start a debate with students by saying, well, you shouldn't send people to prison because it's it. It's not, it doesn't achieve anything does. It's a really, really important tool in rehabilitation. And we shouldn't understate that is my view, but I don't Shawn and the work you're doing is incredible and the work that restorative justice is part of a package of clearly things that can impact individuals lives, individual lives. But we can't just see this as a panacea as part of a sort of community panacea. Because I, I've been over 16 years, every possible community order has been tried by various governments of various different shades, none of them have been successful, none of them in terms of the wider criminal justice system. So, it's challenges, but it's a good job that people are showing about and to continue this this work, because impacting one person's life, you know, is hugely, hugely significant. Sorry, that rambling on a bit.

### **Elliot Colburn MP**

Thank you, James. Kerry over to

### **Dr Kerry Clamp**

Thank you. I just want to clarify, James, I never said that. So, I'm not quite sure why you think I said that. I certainly have never said to any students, that prisons don't work, or we should abolish them. I don't have that position at all.

### **James Daly MP**

So, you said that the first thing we said that with your first-year criminology students, the question that you asked them, is, why do we what does prison what are the phrase used? But why do you punish but you're, you're arguing that we shouldn't have a prison system, we shouldn't have prison placed, it doesn't work.

### **Dr Kerry Clamp**

Why would I say that? You're putting words in my mouth; I would never say such a thing. We need

prisons, because there are people that need to be kept away from the public. That is indisputable. So, I think you're putting words into my mouth. What I was trying to illustrate is the point around how people think about punishment. And if you speak to people about punishment, what they think of is prison. That's it, and they assume that prison is going to fix things. And that's not what we need to do is unpack the rationales that accompany that, and imprisonment, people associate with punishment. They don't think about rehabilitation programs, you know, are not very well funded. They're not they're very effective. And there are countless, you know, evaluations that will counter your position that community-based penalties do not work.

### **James Dalt MP**

So, you know, statistics Kerry the statistics would show that they are not successful in terms of addressing underlying either rebuild the refunding rates of non-custodial disposals are incredibly high.

### **Kerry Clamp MP**

I mean, I would like to see your research that shows that prisons do any better.

### **James Daly MP**

Well, I certainly think that in terms of it depends on the nature of the funding and the length of the sentence, short-term, short-term prison sentences. So, when I was in the courts, and people getting a month in prison, for shoplifting wasn't achieving, you know, two months here three months there. Certainly, I agree with you in respect of that. I think there is for lengthier sentences, I think there is clear evidence to suggest that they work as a deterrent upon further offending.

### **Kerry Clamp MP**

I mean, criminology as a discipline has proved time and time and time again, that deterrence doesn't work. So, you know, this is I think that this is News to us.

### **Elliot Colburn MP**

I think if we, if we if we can, if we, I think can carry on this discussion offline, we'd rather get into a back and forth. But thank you, James, for your question. And, Kerry, thank you so much for your insight as well. It's incredibly it's incredibly useful. And I think, you know, maybe just to clarify that this, this APPG is not established to replace the entire criminal justice system with one that's that is somehow restorative justice is the replacement for the criminal justice system. I think it's very much the talking about how restorative justice can be a part of that system, and how restorative justice can play a role in reducing reoffending, but we never yard so there's no problem. But we're just talking about the benefits of how it can contribute, and why it's important to have a well-funded, well organized restorative justice culture within the UK, it's I don't think anyone's arguing that this is the this is the catch all solution. But we have reached the end of our first session, everyone. So very interesting discussions, which I'm sure we can carry on offline. But I do want to make sure that we have enough time for our second set of panellists to come in and talk about their experiences as well. But Shawn, and Kerry, thank you so much for your evidence, and you're very welcome to stay on for the rest of the session to hear from our second our second panel.

## Session 10

### Elliot Colburn MP

In doing so I'd like to welcome Linda from Why me?, and Peter and Janika, who have lived experience of Restorative Justice. And I'm very, very excited to also be welcoming Ray and Vi Donovan, the founders of the Chris Donovan trust, who really are the inspiration for me setting up this APPG. I'm sure once you hear their story, you can understand why it's become so important to me to do this and why I've become so interested in it. So, I'm very, very excited to have Ray and Vi here. So, Linda, Peter and Janika, I'm going to ask you to kick us off by talking about their experiences and taking questions from our members here today. And then I'd like to end with Ray and Vi, if that's okay, so perhaps Linda, if I hand over to you first and then over to Peter and then Janika?

### Linda Millington

Yeah, and thank you, Elliot. And I'm not going to say a lot here. I'm just going to help guide some of the some of the questions to Peter and Janika if that's okay. Would you mind if I start with Janika, and I'll just introduce them? They've both been through Restorative Justice, they both experienced face to face meetings from very different perspectives. Janika, do you mind if I start with you? Could you tell us how you heard about Restorative Justice?

### Janika Cartwright

Yes, hello, everyone. I don't know if everybody's aware, so just to give a very short synopsis of what led me to Restorative Justice; after ending a five-year relationship with my partner, I was stabbed eight times, while I was pregnant and with my nine-month-old daughter in a public car park with 20 odd witnesses there present. I was stabbed eight times and stabbed in my heart. He fled the scene, and I was dying. The next thing I knew I woke up in intensive care the next day, having had open heart, life saving surgery. I hadn't realized I'd been stabbed in the heart at the time. The doctor told me it was a miracle, because there's no medical evidence or science he could give

that explained how I survived, I shouldn't have survived those injuries. So, as you can imagine, that was very traumatic for me. But when I woke up in intensive care, the first thing that came to my mind was that I knew it was going to be traumatic. I knew it was going to change my life forever. And the first words that came to me were I was a victor not a victim. So, I knew that I had to have a conversation with my ex. That is common sense to me that I needed to know why he was emotionally and mentally abusive, not physically abusive. And so, I started asking that question. So, the answer to your question is, I didn't hear about it. I went searching for it. And when I asked and asked and asked for three years to the police, victim support, women's aid, victim liaison, anybody that I've come into contact with, because I've started researching and realised there's something called Restorative Justice, how do I get access to this? Could you help me get access?

By asking a police officer I thought I could access Restorative Justice easily which I knew I need for my healing.

But it didn't go that way. For me, unfortunately, I was hit with so many barriers, so much ignorance and defensive attitudes. So, every single service that I listed that I asked to help me to get access to Restorative Justice actually said to me, one of two things: either, why on earth would you want to see the man that tried to murder you? Or, with a lot of anger and venom when they're saying it to me, is it because you want to be with him? Why do you want to be with that man? And I was so taken aback, like, hold on a minute, what? Why are you so angry with me?

I just need to have a conversation in a safe place, and they said the risks are too severe, the crime is severe, that would never happen in this country, forget about it. But the kind of person that I am, I'm very tenacious, I know what I need. I'm a woman of faith. I knew God saved my life that day. And I knew that this was the key that was going to unlock my future. I just felt it with all of my being, and I wasn't going to stop until I got it. But I will always say, and I've always said that the fight for

my healing was actually harder than the fight for my life. And, excuse my emotion, and it was hard. Because every service that was put in place to support me, didn't support me, wouldn't help me. And this is for my life. This is for my future. And I refuse to stay in that victim place, I refuse to be full of trauma. And as soon as I knew that I'd found it in my heart to forgive him again, I lost friends, I lost family members. I was judged for that, but people misconstrued forgiveness and what that means. And I will never say that what happened is okay, it will never justify his actions, but it set me free from all the hatred and anger and toxicity that was trying to plague my heart. Because it was for me, all of this was never about what I was going to get from him. It was about what I needed to say, I needed to sit in my power as a victor and take that power back. And now I could hold him accountable. It's a bit of a long answer to your question Linda.

### **Linda Millington**

But you did get Restorative Justice, if you just could just briefly say, if that's okay, how did you get Restorative Justice in the end?

### **Janika Cartwright**

I spent a long time researching and didn't sleep for three years. I was up all night with the worst insomnia. And it's quite ironic, the words that kept going round. Why has this happened to me? Why has this happened? Why am I so alone in this? Why do I feel like I'm the only person that sees the logic in a conversation? And it only happens in America, I don't understand why. And I must have put that into Google on my phone without realizing and Why me? came up, I phoned them in the morning and said 'that it says on your website you do Restorative Justice' and explained my situation. The woman on the phone said 'I'm really sorry you've had that experience and we'll do everything in our power to help you.'

So, then I started that process with Why me? because what I was realizing is that I'm an educated woman, an intelligent woman, and that I hated the word victim for a long time because it came with a very negative connotation. It came with

the connotation that I was weak, I couldn't think for myself, I didn't know what I needed, I didn't know what I wanted, and I hated that. I refused to let anyone call me a victim for a very long time. Now I can say I'm a victim of attempted murder. That is what I was, but that doesn't define who I am. And in order for me to move forward and heal, I needed that conversation. So, I got the meeting, it was everything that I could have hoped it would be. It was three and a half years after fighting for it and feeling like I'm getting nowhere, but I knew in my heart that if I kept going, I would get it. And finally I got to see him face to face. And people could say it's like facing your demons or putting me in a room with the lions in the lions' pit. But I knew that it would mean the world to me to look him in his face. To see him walking in; he was six foot four and is built like a bodybuilder, he's absolutely humongous in stature, and all I could see was the shame, the absolute shame. He had his head down for 10 minutes, he couldn't look me in the face. He was trying to address the facilitator. And they said, "No, you need to address Janika not me". As soon as his head looked up and our eyes met we were both in tears, I never could have seen that in a letter, in a phone call. I had to face him, face to face, and I was sobbing my heart out. The first thing I said to him was "Why did you do this to me?", "How could you do this to me?". And he said, "I'm so sorry for what I did, I will never forgive myself" And even that, even though I didn't go for sorry, I could see how sincere that was. And that in itself did help a lot. But then I went on to tell him the impact, showing the pictures, what I lost, the impact of the injuries, my injuries left scars, all of that I needed to hold him accountable for and know why he did it. It meant the world to me and it changed my life.

### **Linda Millington**

Thank you Janika. If you don't mind, can I move over to Peter now? Peter, if you want to give us a brief outline and background to you as well. But I know you wanted to talk particularly about how we improve public awareness of Restorative Justice?

## Peter Woolf

Yeah, so my involvement with Restorative Justice within the criminal justice system was as an offender. And in March 2002, I committed the last crime I ever committed and went to Pentonville Prison. And it coincided with the period where the Sherman Strang research was going on, where the Home Office had been commissioned to look at the value of Restorative Justice for serious crimes. So I was approached, initially by police officers, as it was police officers who were facilitating these RJ meetings in the Metropolitan Police area. Thames Valley and Northumbria were the areas where research was going down. To cut a long story short, I ended up face to face with victims and to say that it was humbling experience would be an understatement, to say that it was an epiphany, I don't think so. But it was the door; it opened a door for me to open my mind. And what we did, as a group of people, we shared our pain. I started to understand that the people who I met were victims, and suddenly took on that, you know, I was a career criminal. I took on the role as representative of all the people I've ever harmed, and it was quite overwhelming. I was serving a prison sentence so I had time to think, you know, perhaps one of the values of prison, I had time to think about the whole thing. This is 2012, we're talking 19 years ago. So, we're still having this conversation now, about Restorative Justice, and why isn't it implemented into the criminal justice system? Why haven't we made restorative approaches part of the national curriculum for school children? Why haven't we gone out and, and educated the public or done a good promotion, around public awareness? Because 10 minutes or an hour on the television recently, or a little bit on Coronation Street isn't a fair representation of Restorative Justice? In fact, it does more harm than good. Because it's totally false and it doesn't give a fair representation. I spent 18 years of my life in prison. So does prison work? Prison works because it does what it says on the can, it locks people up, they keep the public safe. And rehabilitation is another question. Yes. It can rehabilitate if the finances go into it, if it wasn't so understaffed and undermanned and underfunded. Yes, there could

be good rehabilitation taking place. I can only look at this how I see things, you know, I'm not going to take sides of it. This is about how I see things. And for me, Restorative Justice is probably the best tool that the criminal justice system doesn't use. The Office of National Statistics show that very few victims are informed about the facility of Restorative Justice. I was with someone just yesterday, and I said, I'm doing this thing tomorrow about Restorative Justice, and he said to me, and this is a guy who has been around a block sort of thing, and he said to me "I don't know what that is, I've never heard of it". I'm always saying, if a cab driver doesn't know what it is, no one knows what it is because they're like the news of the world. I often jump in taxis, and you get talking on the journey, and I talk about Restorative Justice, and most people think it is scrubbing the graffiti off the wall. And that's it. People just don't understand. So, I'm really in favour of a good, concerted effort in public awareness. This is not just about victims, this is about people. This is all about people. This is humankind we're talking about, I would like to see people informed. I don't want people to be victims, I want people to understand that this is an option. I want young people to understand that this is an option. This is a way of sort of solving a bullying problem or solving a conflict. And it is coupled within a personal skill, this has got to be a win for young people, because the young people are the future. And if we educate young people, and we start educating the young adults because this is the future, we're talking about the future. And I think probably in my own opinion, it's been poorly managed over the years. But that's my own opinion. And I don't want to go in and point fingers, but that's just my opinion. I also think I agree with Kerry that police officers make the best facilitators, and I would like to see it handed back to the police and regionalized and groups set up and this would be their role because a lot of the facilitators in the Sherman Strang research were police officers. And I'm pleased to say, I'm friends with those police officers today. This is what Restorative Justice is, and has done for me. It's not what it gave me, it's what it's not given me, it's not given me anymore victims. It's not given me any more sleepless nights.

It's not given me all this worry. Because today, I understand just how impactful the smallest thing can be to another human being, let alone the huge things, it's still an impact on a human being. It's given me an understanding of behaviours and an understanding of people's needs and wants. And so Restorative Justice can unlock the first step to the pathway for rehabilitation for the victim. And for me, I was a by-product, I believe that I was there at the right time and the right man got me, and I loved it. And for the last 19 years, all I've talked about is the power of Restorative Justice, about both of my films about it. And, I just still think we need to operate in the public awareness field. Sorry, if I've gone on a rant, Linda.

### **Linda Millington**

Thank you, Peter. I don't know if we are taking questions now? Or, or at the end? With Ray and Vi?

### **Elliot Colburn MP**

That would be great. I think if we can take some questions now, if colleagues have any, before we move on to Ray and Vi. So again, if people want to put their hands up, use the hand raise function, that will be great. And I can see Christina is already in there with her hand. So over to you, Christina.

### **Christina Rees MP**

Thank you, Elliot, Janika. So brave of you to share your story with us today. And, you know, it made me feel very emotional, as well. You're a woman of faith and I am as well, it means a lot to me, and I find forgiveness is a very healing part of my life. And do you think that with some people, it takes a long time to come to terms with things, and decide to do what you wanted to do? So, do you think that with some people it takes much longer? Do you think that the Restorative Justice system would be able to cope with that time lag? And when you actually met your former partner, you saw genuine remorse, and that had an effect on you? Were your family influenced by his genuine remorse as well, and your children? So that's my question to you, Janika. And then just a little question to Peter if I may. Peter, you really wanted to change, and you brought that change about. So, do you think that it was meeting

your victim or victims that brought that into reality? You actually saw the effect that your criminal action had on your victims, and that was the powerful. You said, it's not an epiphany, or the powerful effect that it had on you that made you want to change. And I must thank you for campaigning for Restorative Justice for the last 19 years as well. So, thank you. Thank you both. Thank you, Christina.

### **Janika Cartwright**

Appreciate that. The first question about types of people taking a long time, what I would say to that, because obviously, there's a short amount of time, so I didn't have scope to go into everything. But you know, agreeing with some of the things that Dr Kerry Clamp says, under the Victim's Code of Practice, every victim has the right to be informed of Restorative Justice, which is not being met at all. If it was being met, then I believe that timeline will be shortened. I believe that if every victim was aware of what their rights were, they would not be in the midst of their trauma, trying to navigate through life. I've suffered with depression, anxiety, PTSD, as a single mother of three children, I had to move home, move my daughter's school. There were a plethora of things that I had to go through and this should not have been a part of what I had to go through and fight for. It should not be [this way], I was never informed about it. It was actually the people putting barriers stopping me to get it. And why were they putting in barriers? I understand the reason now I'm eight years in, have trained victim support, I've trained some of the police on Restorative Justice and I'm all for having these conversations. It is about fear, lack of knowledge and lack of education. This is why lived experience for me and Peter, I think both ends of the scale, is needed. And Ray and Vi as well, the amazing work that they do, they're just amazing. And so is Peter. And I just think this is why it's so important. Because those who feel know it, if you have never lost a child, been a career criminal, been judged and thrown away by society or had a knife plunged into your heart, you're never going to understand the full impact that Restorative Justice can have on a person's rehabilitation, on a person's healing journey, you're never truly going to get it until you

hear from people like us. Even when you hear from people like us, some will get it and some are like, wow, but you're the minority. You know, that doesn't happen for everybody. But my point is always that I've always said I do talks on domestic violence all the time, it's not for everyone. But if it's for you, then let them have the right to have access to it. Do not ever stand in the way of a person doing what they need to move forward in whatever way that is. It's not always about forgiveness, either. That's another misconception; I respect the work that she does. And I respect all academics. You know, I'm at university myself now. But I feel that you know, what's missed in this all the time is knowing that you've got statistics, and all that is great, but get on the ground and speak to people that have actually had these experiences and how it's changed their life. The second part of your question, quickly, sorry, I'm going on to that second part of your question about my family. So, my daughter and my mother, I had a 13-year-old daughter at the time. So, at first, my daughter was very against me having it, very upset about it, but she was 16 when I got it [Restorative Justice], she is now 21. And it will make me emotional. Last year, she went through the process with my ex as well. Last year, my mother also went through the process with my ex myself because they saw the freedom that I was walking in with, the power that I was able to gain back, and it changed their lives for the better as well. My daughter has not forgiven him, and it wasn't about forgiveness for her it was about releasing her from fear that he had over her that was stopping her from moving forward and needed to tell him that she wouldn't his victim either.

The bravery, the tenacity and the courage it takes for anyone to do this, and then for a professional service to shut them down is so disrespectful, victimizing and awful. Punishment is needed 100,000,000%, I would never go to court to say my ex couldn't go to prison. However, punishment on its own, I don't believe it works. There has to be some level of rehabilitation, and I would go as far to say that Restorative Justice is the most powerful tool in a healing or rehabilitation journey for both ends of the spectrum. So, thank you for your question. Thank you.

## **Elliot Colburn MP**

Thanks so much for that. Janika, that was incredibly powerful. And I think Peter, there was a question directed to you as well.

## **Peter Woolf**

Okay. About change. I'm not sure if you can hear me. Yeah. So initially the question about going into this restorative meeting wasn't about change for me. And as I really had no desire to change, I was institutionalized in every sense of the word both inside and outside of prisons. And prison to me was just where I lived. And so, it held no fear and I just carried on because you know, you can carry on using drugs while you're in prison. I was a drug addict. You can get hold of alcohol if you want. You know, you can just carry on doing the madness and getting involved in all the horrible stuff if that's what you chose. And so initially, it was feeling magnanimous on that day I suppose. I read a book years ago by a fellow called Desmond Morris called male watching. And then I started looking at habitual behaviour patterns and body language and the like. So that's how I went through life thinking I was some sort of body language guru. I was deluded really. But that's just how I live my life in a deluded status so I agreed to go. I thought I'll just go over there and I'll give them a bit of waffle, keep them happy. I know what to say, I look guilty enough, and so that's what I've done initially for the first 45/50 minutes of this meeting. I went through a process, but it all changed over the catalyst, and it was Will Riley who I was with the other day. We are still good, good, good friends. The other day I am having a coffee and chewing the cud the usual rubbish, like we usually do. But he also pointed out that I wasn't a fool and there was another victim there who pointed out, actually you're quite a nice chap. And suddenly things started to change, you know, you're quite a nice chap, but what you do, and what you've done to people wasn't very nice. And we talked and talked about, you know, consequences of behaviours and for the first time in my life, I started understanding the consequences of behaviour. So, I wanted a change there and then the change came later. The change came from actually when

I started working on drug rehabilitation and prison officers who have been the mortal enemy for most of my life now weren't really a mortal enemy, that's what we used to say. I've been on the other side of the fence and you know, to keep things running smoothly suddenly it was no longer my enemy that was coming up to me and pulling me you know, saying you're doing really well Peter you know, being nice being human being. Because I didn't see anything like that, then seeing people as anything but vessels for what I needed at the end of this. Criminality is a selfish behaviour. And coupled with drug addiction or whatever, you know, it's the selfishness. But suddenly the people over all of those years who have been my keepers, so to speak, were coming up and giving me this real positive affirmation. And once I started getting this affirmation from these people, I understood the value of what was going on, I understood that and I was pleased to see what was going on because I was tired. I was an awful person to be around and suddenly I was an okay guy, and I realized it was okay to be okay. And I just carried on being okay. And I like being okay. And so suddenly, you know, from not wanting to change, I've done everything in my power to change and you know, and I continue to do so on a daily basis now. And, you know, that's what I do, so, yeah, it had a massive impact on me, but it also opened the door for me to walk through, you know, I had the courage to walk through the door and start doing certain things, accessing courses and study, you know, that was a big thing. For me, academia was a massive thing. And I think, you know, probably, getting involved, I'm involved, I'll go to self-help groups still. And, you know, the anonymous type and academia. I love looking at research, and I like life. And this is what it's given me.

### **Elliot Colburn MP**

Thank you so much Peter. And it's been so great to hear from your experiences about the impact it's clearly had on you and Janika as well, speaking so powerfully and for being so brave as to share that story. We are incredibly grateful as a group to have you both come here today to share that with us. So, thank you so much for coming along, and

for speaking up, we really do appreciate it. I want to give enough time for Ray and Vi to come in. So, I'm going to move on to Ray and Vi but if we have some more time at the end I'm sure we can take some more questions. But as our residents of the borough that I represent as an MP, Ray and Vi I've had the privilege of knowing for quite some time now. And it's because of this story that I decided to set this up in the first place. And the reason that we're all here. So, I'm delighted that they've come along this afternoon to give evidence. So, I'm going to stop talking. And I think you'll understand why this has become an interest to me once you hear from them. So, Ray and Vi fire away, it's over to you.

### **Vi Donovan**

Hi, there.

### **Ray Donovan**

We're so confused, because on the email, we were told we had to answer questions. And now we've been told we're going to tell a story. So, a bit.

### **Vi Donovan**

I think we're doing a bit of both. Yeah. How many were doing from a victim's point of view?

### **Ray Donovan**

Well, first of all, we've heard about restorative justice all day and all week. And all sounds happy clappy. restorative justice is not a fairy tale. Christina is dead. We still have to live with that. The boys are killed Chris still had to live with that. Yes, we shook hands we cuddled we hug. But there's still that bit in between in there. Yeah, very much. So you know so and there's I think this the thing the media gets everybody's happy, clappy in it all go everything's good. But it's not. It isn't the simplest thing you can do. So, some of you academics know that you come to the graveyard, but our grandkids are cleaning his headstone and Christmas and birthdays everything else, then you really know what restorative justice is? Yes. So anyway, I don't know if you all heard our story.

## **Vi Donovan**

I think some of you have. Some of you haven't. So, we have to tell you a little bit.

## **Ray Donovan**

Well, if this is going, this is going surprise you. Because someone said to us the other day, you're not unique because you met three people. You must be the only people in this country who's had three meetings. We're going to have done a surprise. Well, we had seven. Seven RJ meetings. When Christopher was found, went through Christophers killers was found guilty in a call. We were taken upstairs into the restaurant by the police. A mob were up there, and one of the fathers walked in, and held his hand like this. He was crying and went "I'm very sorry". I just went over and hugged him. We had a talk and a chat. Nothing nasty was said. We went home we had to go back two weeks later for sentencing. We're in the same canteen when you go into court, the same father come up. Went and bought a cup of tea and on his way back, I stood I put out my hand we shook hands. And we talked and Colin Sutton said he's never seen such compassion in all his life. We talked for about 20 minutes. And that man said to me, I followed you up two weeks ago for one reason I said whatever that is, I wanted you to hit me. He wanted me to hit him because of the son. So, we had a very RJ interesting RJ meet and to the noise of the other parents me and him walked into the court together. Because behind the shaking, he was in disbelief. That was meeting number one. Meeting number two we were on in what was the name. Trish Goddard show talked about again, this and again. I'm gonna repeat what I said earlier. restorative justice is not about forgiveness. It's not about your faith. It's about getting answers to questions, but most of the time it can lead to it. Yeah. Because I was doing a program on the BBC documentary story. When I was doing a program BBC One, they will talk about restorative justice. And I was doing it for my office. And live at this moment said, Well, I'm not religious. People have got this idea that restorative justice is about religion. We got to make that and make them understand is not about religion is about you getting answers. Anyway. Rather, Chris Goddard

show talking about forgiveness with me. Two days later, my phone rings. And it's a local church. She said, one of the boys' modes, one of Christophers murders wise has been on the phone. Steven is having nightmares. We're like to meet you. And I say give me 10 minutes while I ring Vi.

## **Vi Donovan**

What's up? I'm not repeating on what I said at the time, because at the time that Ray asked me that, I felt that they were animals, that anybody that killed our son the way they did, didn't deserve to anything, lock them up and throw away the key was how I felt. And but of course, I hadn't actually met them then as human beings had I.

## **Ray Donovan**

So, we decided to go ahead. So, I rang this lady up. We arranged it we didn't know what restorative justice was. We arranged a meet I don't know if have you heard this one of you? So, we arranged a meeting. And we met her in a restaurant and a fish restaurant in York weekend with a friend. So, she couldn't say we were saying nasty things to her. We had a witness. She came in around I think she's a bravest woman ever met. The meeting was two hours. And in that meeting, I said, oh we didn't know he was married. Now they're on bail, but they weren't allowed in London. They had to be on bail outside. I was like conditions. Oh, she said, Well, we met in Herne Bay, got engaged, and got married and Feltham prison. So, he still showed no remorse this boy. But anyway, when we meet him then I made the biggest mistake of my life. I ran into professionals. Yeah, I'm so sorry. Sorry. Thank you. Now this we're not going to knock them there was no training no proper training back in them days. That's why we love with this is why when we do training, we do it to the letter. Absolutely. Yeah. And then they came to our house, but we were about 2 hours on the phone to them. Then it came to our house Vi walked them into the living room. And she went this is my husband, Ray? This is how they spoke to me. Go upstairs while we talked to Vi. They were like nasties coming into our jackboot nasty walk into our house, up in my office for four hours nearly while they grilled Vi

and I thought, but the time she left this woman and this man had left our home. I said, if that's restorative justice, I don't want any of it. But the thing is, we know we needed it. We didn't it was restorative justice anyway.

### **Vi Donovan**

But we didn't know what we needed. We didn't have a name for it. But we knew as soon as we left that courtroom, that we sat and listened to lies and lies about how they were trying to get their selves off of this case. And after they went off to prison. We walked away from that courtroom from the Old Bailey thinking, well, we got justice for Chris. But we never got the truth. And we know we couldn't live on our move on

### **Ray Donovan**

And in the court. I says, look, you got another call system, I still go to court now and help with the murder victims, I help them through the court case. Because every time I'm not being I'll name him because I don't care. Every time victim support comes in this picture support coming to this mother and father whose son was murdered in a witness protection room. Anyway, I've got 10 minutes you need counselling, I didn't see him or no one else for two weeks after that, that at the end of the case, he came back and give her 30 pounds worth of tokens. And that's supposed to be support for victims. And that was recently Yeah. And that really shocks us. It breaks our heart the first time you've heard this, it breaks our heart, the people who are supposedly trained in this, that we went around the country, with Peter Wolf for five years or more, helping for those to understand from the senior to down to the lowest, helping them understand what is needed on both sides. This is still happening. Our hearts break for other victims of crime, because we had a fight for 11 years to get ours, to get our meeting. Well, it will happen now beforehand, we're in the job, we're in a call. And on day three, the jury said can we ask you a question to the judge? He said yes. We know who these people are sitting beside us the families, who were they at the other side of the court, we're in a well at a call on wooden chairs.

And they didn't even know who we are I made a bit of a victim's mum and dad.

### **Vi Donovan**

So, could judges have known about RJ back then? Could juries have known about RJ and treat you just with a kindness that we deserve? Yes, definitely. So, all week long I've listened to about the culture of RJ. And I've just heard Peter say, consequences of behaviour are what needed in schools. We've been doing it. We go into schools. And we tell our story. And we tell it warts and all, we don't hold back. We're now into year six in primary telling them. And we know that what's needed is to understand the consequences of behaviour. Everybody should be brought up that way. Everybody, and everybody should be brought up with an RJ school, all schools, teachers should be trained as part of their teacher training RJ so that we don't have to listen to jack who killed our son. When we met him. He was 26 when he killed our son, he was 15 years old. We don't have to hear him say actually Ray and Vi. Why didn't someone like you come into my school when I was a school bully? Why didn't someone come and tell me about the consequences? Well, we're doing that. And so are many of you guys around the country.

### **Ray Donovan**

People think we just do prisons. We don't. We're very fully trained facilitated trainers. Yeah, we go into schools, we go in prisons we go we help with criminology in universities, students if you're interested in this. And Shawn this is going to blow your mind. JACK said they put me on a victim awareness coach. He says something like what you do in prison. It was a sycamore tree. And it wasn't a murder victim. It was a break in. A little old lady said he went from that day to days. I can't get Chris out of my heart and that my head and every time you mentioned was nine years ago in his heart. In court when he was found guilty. He shouted out at his Dad. I'm innocent Dad, I didn't do nothing. But we got the to sit down in front of us and said I was a 15-year-old, covered and murdered your son. And I'm sorry. That's all we wanted. We had six weeks of sitting in a court not being able to talk. Hearing

lie after lies being said, and then all of a sudden, it takes two people are coming to our house from calm mediation, confidential mediation, Helen and mine will tell you how that happened in a minute. So, and we tried again, with the BBC to me, one of the boys, this is where the professional start making you split up. And he said, we met the three boys, these are these words, not ours. He said two are scum. One is very emotional, which is totally unhelpful. So, he said, yeah, we mean, so he went to prison, spoke to the prison governor. And the prison governor said if every member of Ray and Vi's family says yes, then we'll do it. My daughter Paul is going to be something like Jeremy Kyle. She said no, so it was cancelled. So, we wrote them a letter to him how much we've been given, and we want to see the move on. About four years later, one of the boys went up to the chaplaincy in a prison. So, he said to the chaplain, see you I hear this he showed me the letter and said, I want to meet Ray and Vi the chat, he said, You're not ready.

### **Vi Donovan**

Oh, but he was. Oh, but he was. You know, he wanted to tell us the truth. All of that time, so he had to wait 11 years holding on to that. What damage did that do to him apart from the damage it did to us

### **Ray Donovan**

When he came when he walked in the room now, we didn't meet him altogether. What I said was it was getting near the end of their time. I said we'll meet him how we got to meet him Is this it was Sian West from what she was the CEO for Why me back then. She came to Christopher's 10th anniversary. We're doing one this year for his 20 if we don't do any versus every year, we do award nights we give all our charities that people don't award we give them award as to how come you've been doing this prison but now, we've been doing Sycamore Tree now for about 16 years and is the best thing for victims in prisons. I'll tell you anything we have seen so we got we got a young man Follow us on Facebook,

### **Vi Donovan**

Who came out of prison and now follows us with his wife, and it's rehabilitated his life simply because of Christopher's story so Shawn thing about him just started there?

### **Ray Donovan**

So, Shawn said may be doing was prison work and never met the boys says like there's people got in the way we wrote them another letter, so we won't bother you The more we already got in touch with us. And she went can I have a go at it. We went Yeah. So she went that said introduce us to calm they can know we only got to meet one boy. At first, we're going to meet the Ryan. They went away came back so we met all three boys. No free. Want to meet you. Well, that was a bombshell. So, we agreed to meet, and we didn't do the first one Jack he walked in the room. This was in 2011. As he walked in a room, I stood up with me arms. He walked over, put his arms around me and whispered Thank you. He then looked at you. And he said Can I hug you? Do you know what I didn't know quite what to say to that one? But I said come on then. And this boy, this 26-year-old just still look like a 15-year-old to me. And suddenly I saw him as a human being, and it changed my heart. And it made me, it may be not hold on to that rage anymore. At that moment, that moment of meeting changed everything. And just like Jannika described. It's that moment of seeing the animal that murdered your son as a human being.

### **Vi Donovan**

I always say why wouldn't a government ever fund this. Why wouldn't a government ever give that that freedom to any victim of crime in this country? I do not understand it beggars' belief.

### **Ray Donovan**

I always say restorative justice turns a monster to human being. The second boy we met was Steven, the one who wanted to meet us in the first place who would be everybody put barriers in. There was a long hall in Epson long room as he came down the stairs towards me at a turn to come in like this.

As he came in, I stood up and up me. He didn't walk up to me. We broke every risk assessment go in. He read to me. He ran up to me grabbed hold of me so tight, I couldn't breathe. And he kept crying on my shoulder saying he was sorry, he was sorry, not the 10 min. I'll tell you what, I'm tuned into radio for tonight at four o'clock. And you will hear his probation officer speaking she was at the meeting. And he grabbed hold of me didn't even know what to do me.

### **Vi Donovan**

Absolutely. And he hugged and I thought we'd never get him to sit now. And calm down because he waited so long. All of those years, how terrible for him because the professionals got in the way and I find myself caring about how terrible it was. And

### **Ray Donovan**

I got to tell you something, right? We're professionals. We were in a university a long time ago. And there was someone in charge of another support group and he kept saying my victims, my victims all day long. And by the end of the day, I got fed up with him, I would have smacked him in the face probably sobered up to the mic, and I said, we are not your victims. We are your clients. When your clients stopped wrapping us up in cotton wool and more, we have a brain we can use it you want Restorative Justice? Yes, no, is a booklet, which we're writing. Now a special booklet we're hoping that Elliot might support us for that. And but Jack is sorry, Steven wrote a letter that we had to read a 600 probation officers conference. I'm not gonna read the whole letter got me here. He got his tassel. My name is Steven Andrews. I and my associates were involved in the death of Christopher Donovan. On the 26th of May 2000.

### **Vi Donovan**

This is him own in it, but not just owning it, putting it in a book, putting it in a booklet to the world. This is me; I did this. No, no rehabilitation in prison could have given him that. didn't give him that. So, we're not talking about an either or we're talking

about Yes, it must be a sentence for these boys. You know, and just like you said, Kerry, I'm not talking about either or. We're talking about a co joint work of RJ. And that takes victim awareness in prisons, such as Sycamore that takes people real good people coming in, just off the back of that. And actually, taking up all of those men or women or kids, whoever does it in the prisons, saying whoever wants to think about this meeting their victim, now's the time to start thinking. I'm here. But we're always seeing around the country when we've been in prison recently in in Ford prisons. And we saw a young lady come in from probation, and she was good for probation. facilitator, she stayed for 15 minutes. And she just gave him a word. She didn't stay to talk to anyone. She didn't take up anything. And there were four guys who would generally listen to her story. And on Week Six, were broken. And Peter can identify with that, but really started to think about their victims. These are guys that should have been picked up on in Swansea. Prison was in Swansea prison on Week Six, probation will come with a clipboard. And she would talk about restorative justice and about meeting the victims anything else. And she was standing with a clipboard. And at the end of the meeting, she was saying who we'd like to meet their victims. She would take their names and go to the cells and visit them. This is what we need. We need this in prison. That's one prison and we've been in so many prisons, one prison, we've had that only one conscious of presence in this country. And then that shouldn't be like that, should it and then talking about joined up. She wanted to be talking.

### **Ray Donovan**

And another thing, Bullingdon prison, the main handle speaking Bullingdon Prison went to the governor. So can we have restorative justice on the wings. They're fed up with all the fighting. We were talking in a conference; I think Pete was there and all. And I started to mention about the first policemen that come in my house. And Christopher was murdered. And I said he had a personality of a snake, worshipers and thank God

he left, and Colleen Sutton turned up Colleen Sutton walked in. He didn't look to treat us like we were idiots. He sat down said Ray, I would never lie to you. But after that conference, a police Crime Commissioner come up to me and said, as from tomorrow, I'm retraining all my police because we lost a human factor.

### **Vi Donovan**

And he did. And that human factor is RJ, isn't it? What we've all been describing for days, and days now is RJ that human factor, even our own police commissioner, here, we spent an hour in his office explaining to him why would we want this telling our story to him? And he said at the end of it, well, actually, we do that in schools. And I said, What are you doing schools describe it. And he went, well, my officers actually go in. And what he was describing was mediation, which is something they've been doing for years. And we said no, no, no, we're not talking about mediation here. This is something else. And he said, Well, you know, it's about funding and all that blah, blah, blah. And he just went on and on like that. And even an hour with us couldn't convince him, could not convince him that it was something that we need in Sutton. So, you know what we went out and we started, we trained we Gloucestershire police trained us as facilitators to victims of murder. Are trained as facilitators. And we went and got trained. And we what we've done is we've set up our own funding. Our charity is funding this in Sutton to train others, or groups that are already working in the community. Already and already on the second day of training, this lady who runs this group got handed a hate crime from a lady who was in that community, and our husband, who are ethnic minority, and been picked on by the community. And it got so bad that it became physical violence outside our door. Our husband was hurt seriously. And this is local. This is Sutton

### **Ray Donovan**

Yeah, leafy Sutton,

### **Vi Donovan**

leafy, suburban area. And, and, and what happened was, she didn't feel listened to by the police, because these police are not trained in RJ as far as victims. So, they don't know how to talk to her. And so, she feels not listened to is that she rang me up as an evidence for you.

### **Ray Donovan**

She rang me up she went right. Do you feel good enough to do it suggests remembering what you were told? She spoke? Yes. And she went into her house sit down and said, what are your needs? What can I do for you? Ray exactly as you said in the in the training. The woman wouldn't stop talking. She said, he was so excited. I'm going to make you a cup of coffee. And I said, did she make anybody else a cup of coffee? She went no.

### **Vi Donovan**

But the police didn't list this as a hate crime. And she insisted it was it had been going on for a long time. So, what she did this wonderful lady that we trained, she went and saw superintendent in our local police and spoke to her. And when she looked it up, she actually rang up. She did, the young lady was in our home, and we would do briefing at the time about what had happened that day. And she rang her up and said, actually, you're right. It is a hate crime, and our officers got it wrong. And it's all about their fear, isn't it?

### **Ray Donovan**

It's all about fears, does it do it work in schools, we've got a school in the corner here is a referral school. And we've got the teachers trained to achieve that normally meet before we go. Not the train about six months after one and young boy said to her teacher, I want an RJ meet Miss so and so. Okay. So, you've got the room, they've got the circle made? And the teacher said, well, what's wrong? And he went up shouted at me. She said, Well, you keep shouting at me. Well, yes, she said, because you keep slamming doors you keep running around and the idea when I told you don't listen, so I got a raise my voice and he went,

I thought you hate me. She said, No, I really love you and care for you. But can I give you a hug, miss? Hmm, we're not supposed to. But right. It was a bit longer than that. And he was the best boy in school after that. had no trouble.

### **Vi Donovan**

It could be something as simple as that. Why couldn't someone have been there for jack who kill Chris? Why couldn't someone like that in an RJ have been there? When you know now why we're so passionate about this. And we've got to get this right.

### **Ray Donovan**

To make to make something right before we had the mayor of our council, the mayor of Sutton with us as such as station we were going to 10 size prisons. She was coming to see week three and week six a sycamore tree. We're standing outside waiting for half nine so we can use our pension policies. As he stands out in the main compartment Ray and Vi, Yeah. You don't know me know. I'm from so and so school. Yeah. You trained our teachers here. Yeah. Well, the teacher the teacher got them on train. And then he said the school has never been the same since fantastic. He said the bullying has gone down. The grades have gone up, he said, and they know what the head teacher was trained. We trained the head teacher. And on week three she came in she went. My daughter was kicking up last night. Yeah. And I use restorative justice on what made you want to do that. She's a robin show, though. We did a restorative justice conference. Really? Yeah. So anyway, look, we got a go

### **Vi Donovan**

I want to finish on these words. Yeah. This is from the Chris Donovan trust as a whole the rest of our trustees and everyone we all feel this way. And from us. We know we can do better. We can do better in this country. Why do we go around the country training everyone? When what's the point? If we're failing? We can do better.

### **Ray Donovan**

That's it. And another thing we don't get no government funding, no local funding. All our money comes from people donating money to a charity who believes the work we do.

### **Vi Donovan**

We can do that.

### **Ray Donovan**

Yeah, we can all do better.

### **Elliot Colburn MP**

Thank you so much, to Ray and Vi for coming along and sharing your story with us and sharing your experience and I think everyone on this call could appreciate why this has become such a passionate interest of mine after hearing that story, I think it's impossible not to be moved by Ray and Vi's story. So, I'm so pleased that we have the interest in saving APPG as a result, we do have, we have run over a little bit, but I'm keen to make sure that we do get some questions in So, Christina, I'm going to come to you first.

### **Christina Rees MP**

Thanks, Elliot. Thank you, Ray and very, for such a powerful testimony. You really, really moved me. And thank you for mentioning swans, you prison. Thank you very much for that. And I'm sure that the great steps forward that have been made in Wales with restorative justice have been due to Alun Michael South Wales Police and Crime Commissioner, who's been a passionate advocate for restorative justice for many, many years. I first met Alan in 1983, before some of you on this call were born, no doubt. But he's, he's remained a firm friend. And he said that wrap the Whales restorative approaches partnership as well. And Julie Houston Clark gave evidence in a in a previous session that we've held. So, I'm also the work of the youth justice board. Camry has been very instrumental in restorative justice as well. So not really a question. Just a huge thank you for everything you've done. Thank you so much.

## **Ray Donovan**

We were, we worked out one day me and Chaplin traveling to and from Swansea had done 9000 miles. Just alone, just that person alone. That's what I Canada, Africa, and America.

## **Vi Donovan**

But hey, you're living proof. It works. Yeah. All of you that you're doing such great work.

## **Ray Donovan**

Swansea there are some other reasons just come on. It's brilliant. Yeah, there's Thorn Cross. We've got to say that Shawn's here.

## **Vi Donovan**

But how can you use it? How can you use offenders and victims more to do this kind of stuff to go around this country? into communities and make sure they really understand? Not just the trainers, but people? Sorry? We can't hear you. I think we lost you, Elliot.

## **Antony Calvert**

Yeah, I think it looks as though we may just have lost Elliot. I'll pop in. It's Antony here.

## **Elliot Colburn MP**

I'm here. I'm here. I'm back over. Oh, sorry. Sorry about that. Sorry. I was just saying. Shawn and I can see your hand are up. Is that an old hand? Or do you have a question far away? If you do. You're just don't leave Shawn. Sorry. I'm muting. Shawn. Um, mute. You're still muted. Okay.

## **Rev. Shawn Verhey**

Okay sorry I'm not great with technology. If it's a Bible, I'm fine. That's good. Okay. I just wanted to say that the one thing the one word that comes to my mind when I hear Jenny is incredible testimony. And when I see Peter Wolf, and when I see Ray and Vi wonderful, wonderful brothers and sisters in Christ, I just love them. The bit is courage. It's courage. And, you know, I'd like to invite all of you to throw across now, but I just want to say two little stories, just to sort of exemplify that courage. When Pete when

Ray and invite came to full cost for the first time, probably around 10 years ago, Ray and Vi's very first session that phone cost only had young offenders and juveniles. We had 55 young people in the chapel, and Ray and Vi shared their story. It wasn't Sycamore was a victim impact session and sharing their faith. And at the end, we always call people out. Would you like God to change your heart? Are you sorry for the harm you've done? Because, you know, I believe we've got to be responsible with these things and Ray and Vi and you put your hand up. I said, No boy, he said, Come to the front here. If you're serious, you come to the front, and you see you say and pray that prayer and we will pray over you. And of the 55 young people 53 had never done anything like that before. We're already Christians to already been in Sycamore. But that's the impact almost every single person because of the courage of Ray and Vi. And the other story, I want to tell Peter Wolf, but last time I saw Peter, it was a big training event, potential police, and it was a toughest venue. I mean, they're wonderful folk, the Cheshire police, but I could see it was really it wasn't an easy ride for Peter. But Peter had such courage, such courage, and he never backed down. And he never wavered, what he said, and I think all of you, all of you have such incredible courage. And I'd love to invite you all to Thorn Cross when COVID is done and dusted. Come to Thorn Cross and wants to come across as well. Because what you're doing is changing lives. You're setting victims free, you're setting prisoners free, and you're freeing up communities to be safe, and happy and helpful places. So, if I had a hat on, I take it off to you. That All right.

## **Ray Donovan**

Well, sorry to say about the railway statement? Yeah, I think she would have picked up on that. I said, we need this in Sutton, wouldn't you? I'm not being political.

## **Elliot Colburn MP**

You would have thought so?

## **Ray Donovan**

But no, they don't want to close roads. Let's not get there. Anyone else?

## **Elliot Colburn MP**

Absolutely. Absolutely. Thank you so much. Thanks so much for that, Shawn. And can I thank everyone who's come along to give evidence today, but also, those who have given evidence throughout this inquiry. I think this has been an absolutely fantastic set of sessions. And I personally have learned a lot. And I really, really looking forward to sitting down with our advisory board and collating this evidence, putting it all together and forming that report that we hope to launch in the autumn, hopefully in Parliament, and hopefully invite you all to come to come to the estate for a formal launch event and have you guys up here. But this is only the beginning of the work to say APPG we're very keen to get out and see practices in person. So, we'll be delighted to accept that invitation to come to see you, Shawn, we'd be delighted to do that. There's a lot more work to be done. Can I just remind everyone on this call that the written evidence portal on the RJ APPG website is still open and will be open until the 15th of August? I believe. So please, please do submit written evidence.

And please do encourage others to submit written evidence as well, to really make sure that we have the best possible information when forming this report. 15th of August, I've just been told apologies for that to go to two full extra days isn't that great? And so please, please do get online and submit their written evidence and encourage others to do so. But it just remains to me to say thank you so much, again, to everyone for this advice to these five evidence sessions we've had, I've learned a lot I'm sure everyone else has learned a lot. We've got some great work to undertake here. So, I look forward to seeing you all on the other side of the summer. Have a great, great summer. Enjoy the nice weather that we have. And I look forward to seeing you in September to launch this and the beginning of what I hope is a very, very happy story in bringing about change. So, thank you everyone so much.

## Contact Details - Step 1 of 6

### Contact Details

Please complete the following so we are able to contact you with the findings of this report:

**Name \***

**Organisation \***

**Role \***

**Email \***

Next

## Restorative Justice in 2021: Setting the scene / Gathering evidence - Step 2 of 6

### Restorative Justice in 2021: Setting the scene / Gathering evidence

What are the benefits of using restorative principles and what recent evidence of the benefits are you aware of?

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In which areas is/are restorative justice/practices being applied effectively? Please provide examples of how practice has been effective in these areas.

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In your view, what measures should be used to determine effectiveness? Where possible, please provide examples

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What in your view makes a good restorative culture in a setting, institution or community? Please cite examples if you have any.

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In which areas is/are restorative justice/practices not being applied effectively? Please provide evidence of where there are blockages, and what could be done to overcome these.

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## Access

What areas of Restorative justice/practice are being funded and by whom?

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What areas of Restorative justice/practice are not being funded? In your view, please explain what impact this has on access?

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Why is there still such a disparity between different Police and Crime Commissioner / Mayoral areas in terms of the types of offence which are considered suitable for Restorative Justice? Where this occurs, please provide examples of the impact this has on victims and offenders.

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What in your view makes an inclusive restorative service/culture that enables and supports the participation of people with protected characteristics? Please cite any examples you are aware of.

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What are the current information sharing issues and how could these be overcome?

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Where, in your opinion, are there good examples of the voices and views of people who have participated in restorative justice/practices being heard and acted on in the design and delivery of restorative services?

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## Capacity

Should there be a greater emphasis on the consistency of practice standards and a requirement from the Department of Justice to ensure those engaged in the facilitation of restorative practices meet minimum standards. If so, what would the minimum core curriculum look like?

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There has been a far wider rollout of Restorative Justice practices in privately run prisons. What could be learnt from these to increase capacity in other prisons?

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There are many examples of effective practice within courts, youth offending teams, probation, victim services and health settings. What could be learnt from these to increase capacity more widely in other settings?

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## Awareness

What more could be done to improve public awareness and understanding of Restorative justice/practices?

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How and when are victims and offenders being offered restorative justice? What could be improved when making the offer?

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How do agencies ensure they are adhering to their Victims Code of Practice obligations of providing victims with information on how to access restorative justice?

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Does there need to be greater access of relevant information to ensure Restorative Justice practices can be widely available across the country? If so, who within the criminal justice system would benefit from greater access to relevant information, training and/or awareness raising about restorative justice / practices in order to increase access?

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How could data recording and analysis be improved? Should there be a nationally agreed framework for recording across the country? Perhaps a specific set of criteria that can be uniform across all regions and relevant authorities?

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Does there need to be a targeted approach at a senior level to improve the overall understanding and encourage wider use of Restorative Justice within the Met and other police forces? If so, what should this look like?

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## Other - Step 6 of 6

What is your vision and your hopes for a more restorative future? What innovations would enable this to become a reality?

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What are the top three things would you like to come out of this enquiry?

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Is there any other information that is relevant to Restorative Justice in 2021, not otherwise covered in the questions, you would like to share?

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**GDPR Agreement** \*

I consent to having this website store my submitted information so that it can contribute to the findings of the APPG Inquiry.

Submit

Dear Sir/Madam,

On behalf of Elliot Colburn MP I am delighted to formally invite you to participate in the Restorative Justice APPG 'Inquiry into Restorative Practices in 2021/2022'.

### **Call for Evidence**

**The Restorative Justice APPG is pleased to announce a call for evidence for its 'Inquiry into Restorative Practices in 2021/2022'.**

**The APPG plans to take evidence (written and oral) from across the restorative practice industry and aims to address a number of key questions set out in the Terms of Reference (Attached). You are not obliged to answer all of these questions, nor is there a minimum number of answers required.**

**Written evidence can be uploaded at [rjappg.co.uk](http://rjappg.co.uk) from the 5th July and until the 15th August.**

**We do hope you choose to engage with this APPG inquiry and the wider group moving forward.**

**If you have any further questions please email the group secretariat at [asa@calcomms.co.uk](mailto:asa@calcomms.co.uk).**

### **PRESS RELEASE**

#### **For immediate release**

### **Inaugural Restorative Justice APPG Inquiry Launched**

The All-Party Parliamentary Group for Restorative Justice has launched a ground-breaking inquiry into Restorative Practices in 2021/22. The Inquiry marks the first major piece of work for the APPG, which was only constituted in April 2021. The Inquiry will look at the current use of Restorative Justice and Practices across the country and seek to identify focused recommendations to improve the performance and outcome.

The Chairman of the APPG, Elliot Colburn MP (Carshalton and Wallington) announced the formation of an Advisory Board and the accepting by the APPG of their proposed Terms of Reference at the recent meeting of the APPG. He commented:

*"I have been struck by how effective restorative justice can be through speaking with two residents of Sutton, Ray and Vi Donovan. Their story is inspiring and I am delighted to be working so closely with the industry to find areas where the government may be able to improve its support for these practices.*

*"This Inquiry can act as a real springboard to bring both practitioners and also those who have experienced the benefits of Restorative Justice together. I am very much looking forward to hearing their stories over the next month."*

The Inquiry will be guided by the newly established Advisory Board, comprising of seven organisations from across the Restorative Justice sector. The Chairman of the Advisory Board is Jim Simon, the Chief Executive of the Restorative Justice Council. He commented:

*"This Inquiry will bring many stakeholders together to reflect on the 2012 and 2017 government priorities for Restorative Justice and assess how these are progressing. We want to consider what changes may need to be made to improve the quality and availability of restorative justice and practice.*

*"I am really looking forward to hearing from the industry and to prepare constructive recommendations to the APPG and government."*

The Inquiry will run from the 5th July through until the 15th August. Those wishing to contribute are encouraged to contact CalComms, the Group secretariat, at [asa@calcomms.co.uk](mailto:asa@calcomms.co.uk) or to access the APPG website at [www.rjappg.co.uk](http://www.rjappg.co.uk).

For further enquires contact Asa Mallon the Group secretariat on [asa@calcomms.co.uk](mailto:asa@calcomms.co.uk) or 0203 813 5559.