

**Working with Victims within the Restorative Justice process**

**Reviewed 01.10.18**

Prepare before meeting the victim of the offence.

Remember to gain knowledge of the literature on Victimisation, this includes:

* Cycle of recovery
* Four Categories of impact – Physiological, Psychological, Behavioural and Financial.
* Symptoms of Post-Traumatic Stress Disorder

**Gain Knowledge**

* Read the case papers and relevant reports (CPS) and Police Information
* Understand the progress of the case, is it a Youth Caution, Court Order or has the court asked for a Pre-Sentence Report.
* Speak to the Police about the circumstances and also the case manager to understand the young persons’ motivation etc.

**First Contact**

* If the Police are able to provide a telephone number, call the victim and introduce yourself and offer a face to face meeting at a location convenient for the victim. Follow this with a letter confirming the visit or the agreed action (ie just to be kept informed) and enclose a Gateshead Youth Offending Team RJ leaflet.
* If no telephone number send a letter to the victim introducing yourself, offering a home visit and enclosing one of Gateshead Youth Offending Team’s RJ leaflets.
* If the victim is Under 16, the letter should be addressed to the parents or carers.

**The First Telephone Call**

* Establish that you are speaking to the correct person. It may be crucial that no disclosure is made to the person answering the phone.
* Make sure that it is a convenient time to talk. E.g. the victim may be driving using loudspeaker and they may not want any passengers to hear the conversation.
* If leaving a message, practitioners should only provide their name and number.
* Advise about the Victim Liaison role and arrange a face to face meeting where possible.

**The first appointment**

* Arrive on time
* Establish that the person who answers the door is the right person to speak to. Make sure your identification is on view.
* If there are other people present it is useful to try and establish who they are.
* Outline the purpose of the visit.
  + Explain your role, describe the organisation
  + Give an update on the Court/Police process
  + Speak about what happened from their perspective
  + Explore what the victim would find helpful as a way forward
* Be clear and use simple language. Be aware that the victim may not be well informed about their case.
* Be clear that the victim understands that due to the age of the offender, their name cannot be shared.
* Record the impact of the offence upon the victim.

**Appointments with people under 16**

* Meeting should take place in the company of a parent or carer.
* Try and direct most of your attention, information and questions towards the young person, this is to try to stop parents taking over.

**How to include Restorative Justice options during your visit?**

* There is a victim risk assessment document that should be completed with the victim and signed by them (saved in YOT M Drive, Restorative Justice Folder, in Risk Assessments, in Blank Templates).
* Ask if they would like to tell you what happened?
  + Use active listening techniques and encourage them to talk freely.
* Be prepared, when speaking about what happened the victim may appear angry, frustrated and show other strong emotions. Some people may need to vent their anger and this is not personal. Do not jump to conclusions and automatically think that an angry person is unsuitable for RJ.
* Ask about thoughts and feelings
  + How has it been since the incident?
  + How are you feeling now?
  + What do you think about it all now?
  + What has been the hardest part of this for you?
  + Keep to open questions and try not to prompt or assume how they feel.
* Who else has been affected? How have they been affected?
  + Find out who else and how far this goes, such as family, friends and colleagues.
* What can the Youth Offending Team do to assist the victim?
  + Change focus from the past to the future. From the information given try and identify any underlying needs.
  + Need of safety – ‘I need (YP) to be locked away’.
  + Need of acknowledgement – ‘They have no idea what they have put my family through’.
  + There are some needs that only RJ can help with. “How might having the YP locked up help you to feel better? Because they cannot hurt you again? It sounds like you need reassurance.”
  + Identifying and naming needs can be deeply affirming for people
  + Enquire about RJ, the victim may describe a restorative process of their own accord when asked to consider ways forward that will address their needs.
* Useful questions
  + ‘You said that you needed reassurances and understanding, how do you think these needs could be met?’
  + ‘When you think about meeting (YP), what thoughts go through your mind? How do these thoughts make you feel?
  + What might you need to feel safe?
  + Might there be any benefits for you in meeting (YP)?

**Supporting people who agree to participate**

* Avoiding over encouragement, this could be tempting if the young person is remorseful. People who have been harmed had no choice in being harmed – it is vital that they are given a genuine choice when considering what they need to move forward with their lives. People who have been harmed should never be exploited for the rehabilitation of the person who caused them harm.
* Confirming that the timing is right. The pace of a restorative process is set by the participants and it can be a challenge to find the right balance between the timing needs of both parties.
* Offering plenty of time for reflection and the consideration of options. Any timeframe should be agreed with the victim.
* Stressing that the person harmed can change their mind at any stage, while avoiding raising unrealistic expectations
* Continually assessing the intellectual and emotional capacity of each party to take part. This includes considering their needs, suitability, ability and motivation. Practitioners should be aware of vulnerability issues and power imbalances in order to avoid re-victimisation.

**Supporting people harmed who decline to participate**

* Other options may be available for a person harmed if they ultimately decide not to participate in any restorative process their wish must be respected. This can be a success too as they will have been given some choice and control back and their voice will have been heard. Some people have moved on by the time restorative justice is offered or consider the matter satisfactorily resolved either by the criminal justice system or through their own initiative.
* A feeling of disappointment is natural if those who might benefit from a restorative process choose not to engage but practitioners must remain neutral, impartial and almost disinterested in outcomes. These outcomes belong to the participants rather than the professionals.
* From declining at the initial home visit or telephone call, a letter should be sent to the victim summarising what was discussed. Also stating that you will contact at a later date to offer Restorative Justice again at the half way point of the young person’s order unless the victim has specifically asked for no further contact. Emphasise that Restorative Justice is a process detailed in the Victims Code of Practice and it is their right to make a decision throughout the sentence of the young person.

**Methods of Restorative Justice**

* Restorative conference - This is only suitable where both the victim and the YP agree to meet and risk assessments indicate this is appropriate. There will be liaison with the case manager to understand the YP’s views, their level of remorse and suitability for a face to face meeting or other method of restorative justice. The victim worker will also have assessed the YP and completed the relevant risk assessment for their suitability for a restorative meeting. (saved in YOT M Drive, Restorative Justice Folder, in Risk Assessments, in Blank Templates).
* Mediation – this can be video or shuttle and will be facilitated by the Restorative Justice and Reparation Officer.
* Letter of apology / explanation – to answer questions the victim may have.
* Reparation –either a specific request from the victim, ie the YP to complete work on a particular scheme or a bespoke task for the victim. It can also be reparation on a local scheme for the benefit of the community.
* Be kept informed of the YP’s progress on their intervention.
* In cases where the YP is sentenced to a Referral Order the victim should be invited to attend although they remain under no obligation to attend.

**Recording**

* Childview Data Base – victim information is created through the ‘offence’ tab and victim’s names are protected so other staff only see an ID number. This is not possible for Triage cases so victim information will be kept on the printout from the Youth offending Team Police Officer and securely stored and disposed of when the intervention is completed. Actions are recorded in the ‘Involvement’ tab in the victim screen. Case recording is also made as a contact in the YP’s intervention screen, taking care not to identify the victim and only recording information that the victim has agreed to share. Also complete the relevant entry in the YP’s process screen.
* Database – this is a subfolder saved in the Victim folder in the M Drive. There is an excel spreadsheet recording victim information for Triage, Youth Caution and Court Orders. The information is in chronological order for the year and includes the ID number for the victim, name of YP, offence, date of intervention, victim request and is colour coded according to progress.
* Statistical Information – Each quarter, information about victim numbers and type of engagement is provided for the Youth Justice Board and managers.
* PODS meet weekly to discuss initial cases and to review progress. Victim information is shared at these meetings and actions are agreed.
* Management oversight – intervention plans are agreed by managers at the POD meeting and for Youth Cautions the intervention plan will always involve a discussion between the case manager, Police Officer, Restorative Justice and Reparation Officer and Manager. This ensures the most appropriate Youth Caution is delivered. Any case that is deemed to be sensitive owing to the type of offence or impact on the victim will also have management oversight.