

**Leicester City Youth Offending Service
– Restorative Justice Policy**

# 1. Definition of Restorative Justice

The Leicester City Youth Offending Service (YOS) works to the following definition of Restorative Justice:

*Restorative justice “brings those harmed by crime or conflict and those responsible for the harm into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward.”*

Restorative Justice Council 2016

This fits with the YOS’s vision to prevent and reduce youth offending; facilitate rehabilitation and ensure effective punishment; and promote positive opportunities.’

The YOS set out our obligation to consider the needs of victims and offer restorative outcomes where possible.

# 2. Legislation and Guidance

This Policy is governed by the following legislation and guidance:

* Crime and Disorder Act 1998
* Criminal Justice and Immigration Act 2008
* Legal Aid, Sentencing and Punishment of Offenders Act 2012
* Youth Justice Board (YJB) National Standards 2013
* Restorative Justice Council Occupational Standards
* Restorative Justice Action Plan for the Criminal Justice System Nov 2012
* Victims Code of Practice
* Youth Justice Board Referral Order Guidance
* Youth Justice Board AssetPlus Guidance
* Leicester City YOS Reparation Policy 2017

# 3. Restorative Justice at the YOS is built around meeting the ‘3 R’s’:

* Reparation: The young person is able to repair the harm their offending has caused by carrying out meaningful work either directly for the victim of the offence or more indirectly for the community.
* Responsibility: By facing up to the harm their behaviour has caused and agreeing to put this right, the young person is able to take responsibility for their actions and thus learns key lessons around the consequences of their actions.
* Reintegration: Demonstrating to the community that they are willing to take responsibility for their behaviour enables the young person to be accepted back into the community. This is coupled with the fact that Reparation enables the young person to carry out an activity within the community and thus become more aware of resources which are available to them to occupy their time more constructively. Additionally, the positive Reparation activity or mediation with the victim will equip the young person with new skills which they can apply to the world of education, training and employment thus reintegrating them further.

# 4. Restorative Justice at the YOS offers victims

* An opportunity to explain the impact of the crime.
* An acknowledgement of the harm caused.
* A chance to ask questions and have them answered.
* Some control and choice.
* Peace of mind and the opportunity to feel safer.
* Opportunity to have their dignity, self-confidence and self-respect restored.
* Chance to allay any desire for revenge.

It is recognised all victims, including vulnerable victims (those under 18, those who are elderly, disabled or victims of hate crime) are entitled to and will receive an Enhanced Service. This service will include regular subsequent meetings either at the address or within the local community, digital and video recording of interviews to ensure an accurate and sensitive re-telling of the impact, in addition to referring to relevant services where required i.e. counselling.

# 5. Restorative Justice at the YOS offers young people who have offended

* An opportunity to acknowledge and take responsibility for the harm caused.
* An opportunity to put right any harm caused.
* Re-integration into the community.

# 6. The YOS works to the following Restorative Justice Values

* Respect and honesty.
* Conflict can be resolved through discussion.
* Victims have a right to have a voice and feel safe.
* People are responsible for their actions.
* People are able to change.
* Those who commit crime can be reintegrated into the community.
* Healing the harm caused by crime is achievable.

# 7. Methods

The above principles are put into practice via the following processes detailed in the grid below:

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| --- | --- |
| Victim Contact | The Victim Contact Officer (VCO) contacts all victims of Out of Court Disposals (excluding standalone Community Resolutions) and Court Orders (excluding stand-alone Curfew, Unpaid Work and Attendance Centre) where consent has been given. A Risk Assessment (see Appendix 1) is completed by VCO prior to all initial face to face meetings to ensure the safety of the victim and all other parties involved. All victims are given the opportunity to engage in direct and indirect restorative processes including; * shuttle mediation process whereby they are supported to meet the young person who has offended against them
* have their views shared/represented with the young person by the VCO, either during the Referral Order Panel or as part of a one-to-one intervention session
* request a specific type of reparation/Licence condition
* obtain feedback on the level of engagement of the young person with their Disposal/Order
* request and receive a letter of apology/explanation
* further support through Victim First
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| Victim Impact Statement (VIS) | VIS’s are sometimes available from the Police who have completed them prior the young person’s disposal. However, the VCO will offer to take a detailed VIS as part of post-sentence contact. This is used to enrich the assessment of the young person and also to enhance YOS interventions. The expectation is that the statement is used in line with victim’s wishes and ensuring sensitivity as required. All young people at YOS should be in receipt of victim empathy intervention, the source of which is either the VIS or the original witness statements from the Police. |
| Reparation | Reparation can be direct to the victim or indirect to the wider community. All victims who engage with YOS are given an opportunity to request that the young person participates in specified community reparation projects. |
| Referral Order Panels | These Panels are restorative in nature. Victims are invited to the Panel and supported to do so by the VCO Liaison Officer or represent their views if preferred option. The Panels are mainly held in a community setting. Panel members are trained volunteers from the community and there is always a focus on the victim as part of the meeting. |
| AssetPlus RJ and Pathway and Planning | All work at YOS is undertaken as part of an assessment and planning within the AssetPlus framework. The mandatory Restorative Justice module within this framework further considers the victim and ways of making amends for the offence. All Pathway and Planning targets incorporate restorative processes.  |
| Intensive Supervision and Surveillance (ISS) | Restorative practice through reparation and victim awareness intervention is a core element with all ISS Requirements. |
| Attendance Centre | Reparation is undertaken at the Youth Attendance Centre. Additionally, the Officer in Charge works closely with the YOS to resolve issues restoratively involving minor offending or conflict with young people attending the centre. |
| Use of RJ for YOS incidents | Restorative solutions will always be considered when incidents take place at the YOS. For example, for criminal damage committed by a young person at the YOS office, it may be appropriate for that young person to carry out voluntary reparation at the YOS office rather than prosecuting. |
| Staff Training | The YOS have a commitment to enshrining RJ principles and as such there has been the roll out of the YJB RJ Train the Trainer training to YOS officers, Team Managers, YOS volunteer Panel Members and Mentors. This will enable practitioners and volunteers to embed RJ principles in their everyday work with young people and colleagues and strengthen the capacity to deliver RJ in a meaningful way.  |
| Role of Volunteers at YOS | Volunteer Youth Justice Mentors deliver victim empathy work with young people and support with supervising reparation alongside a YOS Advocate. |
| Partnership working | The YOS works closely with local partners including OPCC, National Probation Service and the Police.The YOS Victim Contact Officer attends quarterly regional meetings with colleagues from other YOS’s to discuss good practice, emerging practice, policy, new legislation and collaborative working practices.Referrals are made to Victim First when victims require additional support for example further therapeutic support, access to mental health services, housing support and so forth. Leicestershire Police, Leicester City Council and Leicestershire County Council have organised an event in Sept 2017 to promote meaningful restorative approaches to deal with incidents within Children Homes. The event will also introduce and launch an exemplar policy for Children’s Homes. The aim of the event is to reduce the number of young people entering the criminal justice system and in particular reducing the number of Looked After Children offending.  |

Revised by Parisha Pujara (RJ Co-ordinator) and Carol Hughes (Team Manager) on 9 August 2019.

# Appendix 1 – Restorative Justice Risk Assessment Form

## Guidance Notes

The purpose of this assessment is to enable victims and young people to be given the opportunity to be actively involved in a positive Restorative Justice process. It must be completed where it is considered a meeting is likely to take place.

Although this assessment will be used primarily to consider face to face contact, it can be used in all other aspects of the process. Participation must be voluntary for both parties.

The victim may be angry, the offender may be anxious, but these are emotions which are natural and should not, unless extreme, prohibit face to face contact.

The written assessment is a guide to the suitability of involvement in the Restorative Justice process. It does not replace professional judgement.

Some areas to consider: -

* Personal Safety of all involved
* Anger (acceptable/ extreme)
* Victim/Offender/Families
* Listening Skills
* Legal Obstacles (bail conditions)
* Intimidation/ Harassment
* Discrimination/ Insults
* Agreement of the Facts
* Lack of Remorse
* Mitigating Factors/ Excuses
* Access
* Attitudes of Parents/ Supporters
* Previous Victimisation
* Confidentiality
* Embarrassment
* Openness/ Honesty
* Re-victimisation/ Retaliation
* Relationships between

## Young Person

Name: DOB: Gender

Ethnicity:

1 Brief description of offence from the young person’s perspective

|  |
| --- |
|  |

 2 Any previous convictions of similar offences Yes/No

 If yes indicate a) Same Victim Yes / No

 b) Similar characteristics Yes / No

Current attitude towards the victim (include any difficulties that may arise should the two parties meet)

|  |
| --- |
| Comment |

Any difficulties that may need to be explored – such as literacy, learning disability, immaturity, substance misuse, mental health.

|  |
| --- |
| Comment |

5 Acceptance of responsibility for the offence (circle as appropriate)

None Limited Largely Accepts Fully Accepts

|  |
| --- |
| Comment |

6 Empathy with or for victim/s (circle as appropriate)

 None Limited Largely Empathetic Fully Empathetic

|  |
| --- |
| Comment |

7 Remorse for the offence and/or its consequences (circle as appropriate)

None Limited Remorseful

|  |
| --- |
| Comment |

8 Do any of the above answers prevent a potential face to face meeting with the victim/s of the offence/s? Yes/ No

|  |
| --- |
| Comment |

9 Has the possible meeting been discussed with the young person?

If not why not – when will this take place? Yes/No

|  |
| --- |
| Comment |

Completed by:

Date:

## Victim / Injured Party

Name: Age:

Gender: Ethnicity:

Brief description of offence from the victim’s perspective

|  |
| --- |
|  |

The impact / effect on the victim

|  |
| --- |
|  |

Does the victim’s attitude/ behaviour cause concern? If so what?

|  |
| --- |
|  |

 Does the victim have support? – family, friend

|  |
| --- |
|  |

 Are there any difficulties that need to be explored? –

 Literacy, learning disability, immaturity, substance misuse, mental health.

|  |
| --- |
|  |

In your opinion, can the victim control the emotions they are feeling, or

 could they present a risk at any meeting? Yes/No

|  |
| --- |
| Comment |

Does the victim express any empathy with the offender/s? (Circle as appropriate)

 Some Empathy

|  |
| --- |
| Comment |

8. What does the victim hope the process will achieve?

|  |
| --- |
|  |

In your opinion is this (Circle as appropriate)

 Realistic in Part

Do any of the above answers prevent a potential face to face meeting with the

Offender?

|  |
| --- |
|  |

Completed by:

Date: