



# **Gateshead Youth Justice Service**

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

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### **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 an Out of Court Disposal (OOC), Court Order or has the court asked for a Pre-Sentence Report.
- Speak to the Police about the circumstances of the offence.

### **First Contact**

- Contact by phone or letter to the victim, this is informing them that the Restorative Practitioner will be in touch. This letter will also include a Restorative Justice leaflet. The Restorative Justice practitioners details will be included.
- 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 Restorative Justice practitioners role.
- Discuss how best to continue the discussion, if the victim would like a face-to-face meeting, this will be arranged where possible. If not, continue the discussion over the Phone.

### **The first appointment**

- Arrive on time
- Use Care Call
- 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

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- 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 can not be shared.

### **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?**

- Ask if they would like to tell you what happened?
  - Use active listening techniques and encourage them to talk freely.
  - Try and draw out key phrase from this discussion.
  - Feedback to the victim, what you pulled from the discussion using the key words.
- *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.*
- 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 the person is unsuitable for RJ.
- What can the Youth Justice Service do to assist the victim?
  - Change focus from the past to the future. From the information, using key words provided from the victim try and identify any underlying needs.
  - 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.” - Need of acknowledgement – ‘They have no idea what they have put my family through’.
  - Identifying and naming needs can be deeply affirming for people

- From the discussion with the victim, they may describe a process which matches the ethos of Restorative Justice – this will promote engagement, allowing victims to feel ownership for the decision.
- 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 halfway 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 decide throughout the sentence of the young person.

### **Methods of Restorative Justice**

- Restorative conference - This is only suitable where both the victim and the young person agree to meet and risk assessments indicate this is appropriate. There will be liaison with the case manager to understand the young person's views, their level of remorse and suitability for a face-to-face meeting. The young person will be assessed and there will be a completed 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 Victim Liaison Officer and Case Manager.
- Letter of apology / explanation – to answer questions the victim may have.
- Reparation – either a specific request from the victim, ie the young person 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.

### **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 some NFA disposals so victim information will be kept within a locked folder in the M Drive 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.
- Database – this is a subfolder saved in the Victim folder in the M Drive. There is an excel spreadsheet recording victim information for Out of Court Disposals 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 – information in relation to Restorative Justice can be provided for the Youth Justice Board and managers.

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- Out of Court Disposal Panels - discussion of initial cases and to review progress. Victim views are shared at these meetings and actions are agreed.