

# 16. Restorative Justice

## 16.1 Purpose

The Restorative Justice module assists practitioners to consider the appropriateness of restorative justice in the context of repairing harm as an outcome for the young person's plan. The module can also be used as a referral to restorative justice providers or workers who may be responsible for exploring the use of restorative justice in more depth. The Restorative Justice module is compulsory in AssetPlus.

For victimless offences or behaviours, this module can still be used to record the young person's views and to consider whether restorative interventions to repair the harm caused to the community are appropriate.

The module can be used to initially identify whether the repairing harm outcome is relevant to the young person and their offending and whether there has been any previous involvement with restorative justice processes. It can then help to determine the type of approach or intervention that might be most appropriate.

Victim participation, satisfaction and the outcomes of restorative justice for the victim are outside the remit of this assessment, but are still important and should be captured in the main case management system.

Any potential repairing harm outcomes for the young person and their offending or behaviour are important. Therefore any activities they do as part of restorative justice should be included amongst the targets within their intervention plan and progress or outcomes should be monitored as with any other target.

### Practice Point

It should be noted that all RJ interventions should adhere to the Restorative Justice Council's (RJC) Best Practice Guidance for Restorative Practice<sup>62</sup>.

## 16.2 Overview

The module will pre-populate from other areas of AssetPlus. There are six sub-sections to complete:

- **Young person's details**
- **Parent or carer details**
- **Key areas of intervention**
- **Offending and anti-social behaviour**
  - Offence and anti-social behaviour details

---

<sup>62</sup> [Best Practice Guidance for Restorative Practice \(2011\) | Restorative Justice Council](#)

- What happened
- Attitudes to the offences
- **Young person's views**
- **Tailoring interventions**

## 16.3 Section guidance

### 16.3.1 Young person's details

Young person's details are pre-populated from the Core Record where available or entered here.

### 16.3.2 Parent or carer details

Parent or carers' details are pre-populated from the Core Record where available or entered here.

### 16.3.3 Key areas of intervention

Key areas of intervention details are pre-populated from the Pathways and Planning and Foundations for Change sections, where available.

### 16.3.4 Offending and anti-social behaviour

Offending and anti-social behaviour, what happened and attitudes to offences details are pre-populated from the Offending and Anti-social Behaviour section for all current episodes, where available.

This sub-section assists in understanding potential motivations for the offence which are important to consider prior to undertaking any restorative justice work. This information may also include how the young person feels about the victim in the present as opposed to how they felt at the time of the offence.

### 16.3.5 Young person's views

The young person's views are pre-populated from the Offending and Anti-social behaviour section where available. However there are two additional questions that are not pre-populated.

#### Practice Point

The young person's self-assessment will record if they have admitted guilt and accepted responsibility for their actions. The young person's acceptance of responsibility for the offence is fundamental to engaging with restorative justice processes; without which it is not possible to take steps to repair the harm done to the victim. Their attitude to the offence should be reviewed as restorative justice may be an option at a later date should their attitude and views change.

**Q. What is the young person's current attitude towards the victim?**

You should consider:

- the young person's current thoughts and feelings regarding the victim; and,
- whether these are significantly different from their previous attitudes

A link to the offending section of the young person's self-assessment is also provided here for you to review the young person's general views about repairing harm e.g. 'Do you want to make up for what you did?'

**Q. What are the young person's views about: face-to-face contact with the victim or other RJ options (e.g. reparation; shuttle mediation; letter of apology)?**

The young person's views of different restorative approaches should be recorded here. These may give a useful indication of what interventions they may or may not be willing to undertake as part of their intervention plan. Where a young person has displayed reluctance towards direct restorative processes, it could be that indirect approaches can be explored as an alternative.

The young person should be asked whether they would agree to face-to-face contact with the victim. Their response should be carefully considered to identify broadly whether direct contact would be possible at any point and any if there are any potential risks (including any risk of future harmful behaviours) to either the victim or the young person themselves as a result of direct contact. Any identified risks should be highlighted in the next sub-section.

**Trigger question for further exploration**

**Q. Are there any victim safety concerns that need to be considered when determining appropriate RJ interventions?**

A link to the future behaviour sub-section in the Explanations and Conclusions section is provided in order for you to review any concerns.

If the answer is 'Yes', you should complete the further exploration question to capture the details around the concerns identified:

**Further exploration**

**Please provide details**

Record the specific nature of any victim safety concerns.

- Is there a clearly identifiable risk to the victim which makes direct restorative interventions impossible?
- If this is the case can indirect interventions be used instead?

## Practice Point

There will be cases where the YOT can, and should, record the names of real or potential victims within the young person's record if this is in the interest of risk management and public protection. The critical factor is whether you consider there is a real and potentially significant impact for the victim or potential victim and that their name needs to be recorded in order to mitigate against the risk. If there is no risk or limited risk then there is no justification for recording the victim's name.

Recording victim's details without using the information for the purpose of preventing offending or reoffending removes the legitimate purpose for recording and may breach the Victims Code of Practice and Data Protection Act. Victim details may be recorded and shared with police, MAPPAs or probation, for example, in a meaningful attempt to manage risk to this individual. However, information recorded should be kept to the minimum required to help safeguard that individual. Defensible decision making for doing so is vital, so the rationale for doing so must be clearly evidenced and recorded.

### 16.3.6 Tailoring interventions

Tailoring interventions details are pre-populated from the Core Record, Personal Family and Social Factors and Pathways and Planning sections where available.

This information may include additional factors that could be relevant to assessing the appropriateness of different restorative justice processes for the young person. They should be considered alongside the rest of the assessment.