

Overview and Scrutiny Commission

Date: 18th March 2020

Subject: Restorative Justice in Merton

Lead officer: Roberta Evans, Youth Offending Team

Lead members: Councillor Kelly Braund, Cabinet Member for Children's Services; and Councillor Edith Macauley, Cabinet Member for Voluntary Sector, Partnerships and Community Safety

Contact officer: Neil Thurlow, Community Safety Manager

Recommendations:

That the Commission discuss and comments on the operation of Restorative Justice in Merton.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. An outline of Merton's approach to Restorative Justice has been requested. This report provides an outline of the Youth Justice Team's approach, compiled by the Restorative Justice and Partnerships Operational Manager in the team.
- 1.2. In London the Mayor's Office of Policing and Crime leads on restorative justice for adults through the MOPAC Victims Board. In Merton the service is provided by Calm Mediation. A representative from Calm Mediation will provide a presentation to the Commission's meeting on 18 March so that members can ask questions and comment on the service provision for adults.

2 DETAILS

Restorative Practice in Merton Youth Justice Team

- 2.1. Merton Youth Justice Team (YJT) receives the outcomes for all young people (aged 10 – 18) in the Criminal Justice System, including those with Pre-Court disposals, first time entrants and those receiving a Court order in the Magistrates or Crown Court. The team adheres to the Victim Code in regard to offering all identified victims of a young person's offence (whether a child or adult) information about the outcome, opportunity to engage in Restorative Justice and access to support services.

‘Restorative Justice brings those harmed by crime and 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 2012)

Victim Support Process

- 2.2. Merton YJT attempts to contact all victims of young people subject to out of court disposals, Referral Orders, Youth Rehabilitation Orders and Custodial Sentences. Whenever possible contact will be made prior to the young person’s plan of intervention being agreed in order that the victim voice can be taken into account in regard to safety plans and restorative processes.
- 2.3. In line with GDPR regulations, the Youth Justice police officer will make initial contact by phone or letter to ask for permission for the Youth Justice team to make contact in order to provide information on the sentence imposed on the young person, the services and support available to the victim from other services and details of possible restorative justice options. If the victim has not responded to a letter within five working days, their details will be passed to the RJ Manager and Reparation co-ordinator for consideration of how to progress and contact the victim, depending on the complexity of the offence. They will attempt to make contact by telephone and whenever possible, meet with the victim (and parents or guardians if under sixteen).
- 2.4. Initial contact will involve assessment of the victim’s needs, wishes, thoughts and feelings plus a risk assessment in regard to their safety. This will be recorded on the Youth Justice Service Careworks database but anonymised and kept separately from the information on the young person.
- 2.5. All victims will be treated with respect, are not coerced and are offered a genuine choice of restorative interventions, including a meeting with the young person following a risk assessment and written consent from both themselves and the young person. An indirect process of communication between the young person and victim can include written, video or audio communication. The Victim may also choose not to have any form of communication but may wish to give their views with regard to the type of reparation activity undertaken by the young person as part of their sentence or to be kept informed of the progress and completion of the young person’s court order.
- 2.6. Victims are offered information regarding a range of support services such as Jigsaw4U who offer one to one emotional support for young victims. The Victim Support LVWS was developed in response to The Mayor’s Police and Crime Plan 2017-2021. It provides Victim support services for victims 18 years+, Domestic abuse services for victims 16 years+, Access to Restorative Justice, Pre-trial outreach services & Major incident responses. A Pan-London offer includes CALM mediation, they are a lead Restorative Justice provider under the LVWS delivering services to provide resolution to conflict for over 20 years. Offers include Restorative Justice, Workplace and community Mediation across the UK. The pan-London RJS model is

available in all 32 London boroughs for victims of any age who reside or were victimised in London and where there is an identified or identifiable offender. The RJ process can take place at any stage of the criminal justice proceedings and is victim led.

- 2.7. Referrals can also be made to Victim Support for both emotional and practical support (for children and adult victims). Victim Support's pan London Children and Young People's (CYP) service provides confidential support for children and young people aged 4-17. The service works with young people up to the age of 21 if the needs and risks assessment identifies that it would be more appropriate that support be provided by the CYP service instead of the adult service (LVWS). The CYP services works with children and young people who have been affected by crime regardless of whether it has been reported to the police. The National Homicide Service supports those who are bereaved through murder or manslaughter and those who are an immediate family member of the deceased.
- 2.8. The Youth Justice Service will work with all young people to enable them to have an understanding of the consequences and impact of the offence on all victims and the local community. They will also work with the young person to prepare them for a restorative justice meeting where requested and agreed by both the victim and young person. This can include a variety of victim awareness tools.
- 2.9. Diversity issues are taken into account in all work with victims and young people. For example, the team will utilise interpreters, make adjustments and use direct work tools for those with learning needs, undertake home visits and other settings rather than office based meetings.

Face to Face Restorative Meeting

- 2.10. Following an assessment as to whether the parties are ready to meet, the facilitator then brings them together and in each other's hearing, often using a talking piece, the questions are then asked of both parties again. This is followed by their conversation, as to where they want to take the matter from here. They will discuss their needs and the options they each see for the resolution of the matter and a strategy to prevent such incidents being repeated.
- 2.11. Evaluation of victims' experience and satisfaction is offered by written or verbal feedback and recorded on the victim tab in Care works.

Restorative Enquiry Process: Young Person and Significant Other

- 2.12. The merits of Young People and their families being engaged in Restorative Practice at every level of the YJT is seen as an essential component in service delivery. It is recognised that both the young person and their family will be impacted by their offending behaviour, by having to attend the Police

- station, Court and Youth Justice offices. This can increase the sense of shame and impact on the emotional dynamics within the young person's life.
- 2.13. Merton YJT staff and partnership agencies were recently trained in a process of Restorative Facilitation. The Restorative Practice Enquiry approach gives consideration to the values and ethos of a Restorative Approach to conflict resolution, relationship building, models of intervention and neuroscience perspectives on the impact shame, emotional literacy and trauma informed practice.
 - 2.14. This process of restorative facilitation requires an individual meeting with the young person and their significant other using a set of Enquiry Questions. The next stage would then involve a shared dialogue between both parties to help explore the identified thoughts & feelings generated in the one to one discussions to aid communication and ensure a systemic whole family approach from the outset.
 - 2.15. The aim is for this intervention to occur at the earliest opportunity with a young person coming into contact with the YJT. To ensure the approach is embedded we will be convening weekly restorative forums at the Youth Justice offices. This will help stream line the collaborative approach, ensuring all families have the opportunity to benefit from the offer and embed a layered approach to Restorative Practice across the team.
 - 2.16. Through the use of restorative enquiry questions, the process also enables staff to identify whether or not there is scope for further restorative work to be undertaken between those who have caused harm and those who have been harmed.
 - 2.17. Having this process early in the young person's involvement with the criminal justice system can support their engagement in the restorative enquiry with their direct victim.

Restorative Justice Case Examples

**The names used in case studies have been changed to protect the identity of those involved*.*

Reparation

- 2.18. Tim was made subject to a 12 month Referral Order for conspiring to commit a burglary of a dwelling with intent to steal and conspiring to steal a motor vehicle. Through further conversation with the reparation coordinator the young person expressed an interest in bikes and it was agreed he could attend the 'Recycle a Cycle' project to complete his reparation hours. This was set up in partnership with the local safer neighbourhood team and bikes that have been previously stolen or abandoned are donated from Wimbledon Police Station. Once received the young people are taught how to repair and service them before they are offered to victims of bicycle theft.
- 2.19. Tim has successfully repaired and serviced many bikes since starting the project, 3 of which have been given to victims of bike theft involving a direct hand over and conversation between Tim, staff and the victim about the

impact of bike theft. Tim is now using the knowledge he has learnt to repair and sell bikes in his free time and one of the project facilitators has offered to introduce him to a careers advisor to develop a business plan in this regard. Tim is now fully focused on using his new skill set to carve a career path for himself in the future. There has been no further arrest for offending behaviour.

Direct RJ

- 2.20. In this instance the offence was Criminal Damage in the home. The young person had become frustrated towards his mother who had in his view 'snatched' his PlayStation controller away in an attempt to stop him playing video games. In an angry outburst he proceeded to smash the coffee table. During the one to one RJ Enquiry process he explained to the Police and allocated Case Practitioner he feels trapped at home sometimes, can't walk away and cannot deal with his mum's shouting.
- 2.21. When the family were brought together to explore the issues the young person was able to articulate himself with the support of the Case Practitioner and even resulted in an apology to his mother for breaking the table. The young person's mother then spoke re her feelings about the anger and why she was frustrated over his use of video games. He was able to hear Mum's perspective and agreed his reaction was disproportionate, albeit the family recognised the problem wasn't 'located in the young person' and was more related to the family system. They started to consider other underlying issues that may have been contributing to the use of video games to 'self sooth' and why it's hard to stop play and end the immersion. They then explored how the situation could have been managed differently and thought about how they may respond should a similar situation arise in the future. Since the offence there has been a recent shift which led to the young person taking medication for his ADHD diagnosis and attending the gym which is proving positive.
- 2.22. In summary the RJ process helped facilitate a voice within the family and they were appreciative to have had the opportunity to go through the process with YJT staff.

Indirect RJ

Example 1:

- 2.23. The following is a write up by YJT Police Officers who led on a positive piece of RJ work during the course of their involvement with a Pre Court case of blackmail.
- 2.24. During a home visit with the victim it was explained what a Youth Conditional Caution is, what this means and what will happen should the suspect fail to complete the conditions. 'Reassurance sessions' were conducted with both the Victim and her mother on Police outcomes and RJ.

- 2.25. The young person who caused the harm completed a letter of apology at school and this was given to the victim within the school. However, this occurred without the victim being consulted before hand and he was therefore spoken to by the YJT/Police about how the process should have taken place. The victim was reassured that no further work would be completed without a joint plan being set. This reassured the victim and mother to continue engagement with the YJT Police Officer who advised in the interim how the victim should respond to the young person involved in the blackmail should she meet him at school before his move away from the area, how to maintain her safety within the community and what she should do should there be unplanned contact again or made to feel uncomfortable in any way.
- 2.26. The victim and her family were advised about internet security and how photos once passed using social networks are no longer under her control and can be further passed on without her knowledge or permission.
- 2.27. Upon further discussion it was jointly agreed that it would be more appropriate for a female worker to go over the victims feelings due to the age and gender of the male Officer leading the case which could lead to embarrassment given the sensitive subject matter. This consideration of individual needs was welcomed and appreciated by the family. A female colleague from 'Spectra' attended the victim's home address and went over the victims feelings which then fed into victim empathy sessions with the young person who caused the harm.

Example 2:

- 2.28. In this example, a young person was the victim of a knife point robbery. For some time after the offence, both the victim and his parents were concerned that the boys who committed the robbery were still at the same school and came into school wearing the jacket that was stolen. The parents were worried that their son would be expelled even though he was the victim in this instance whilst the victim was concerned he would be accused of being a "snitch" and remained anxious about having any communication with the police. Despite this they remained open to support and were happy to communicate the way they felt.
- 2.29. The family were asked if there is anything they would want the young people who caused the harm to know. The mother explained that she wants them to know that she is worried for them and any other young people who carry knives as they will end up ruining their own lives as well as others. She understands that young people are impulsive, hopes that they have learnt an important lesson and manage to put it behind them. So whilst the family were reluctant to pursue face to face contact with the young people who caused the harm, their voice has been heard and fed into the wider restorative process.

Example 3:

- 2.30. A recent Out of Court case resulted in a young person receiving a Youth Caution for an offence of 'possessing indecent photograph/pseudo-photograph of a child'. This case falls into the category of 'sensitive and complex' and took 4 months of careful consideration and case management to conclude which is an unusual time frame for a pre court matter.
- 2.31. The complexity of the case was compounded by the young person living abroad meaning cross border liaison was required. Merton YJT were required to come up with a robust package of support to address the sexually harmful behaviour and consider both the risk of re-offending but also risk of further harm being caused to the victim and/or others.
- 2.32. The case involved regular communication and correspondence with the victim who accessed counselling support throughout. Following consultation with a UK specialist a referral was made for therapeutic support to a Restorative Justice Organisation in the country where the young person goes to school. Whilst there was the option for international RJ work to occur, the victim chose not to proceed in this regard. However, RJ work will still proceed with the young person who caused the harm.
- 2.33. The victim's mother is very concerned of re-victimizing her daughter and fully believes that she herself is also a victim in this case due to all she has had to endure. She agreed to send an e-mail capturing her and her daughter's thoughts and feelings now but also what her daughter felt at the time of the offence. This helps to reveal what the family feel the on-going challenges are in the past, present and future following the offence. The aim is for this information to feed into restorative sessions abroad with the young person who caused the harm.

Reparation Projects

Merton YJT have a range of reparation projects outlined as follows:

- 2.34. Street Doctors - This is run by Junior Doctors from St George's hospital and covers how to deal with first response first aid; bleeding, burns, bandages and CPR. It aims to equip young people with life skills to assist others in the community who are in need of medical assistance and contact emergency services. It also aims to develop awareness of the links between substance misuse, violent crime and injury to self/others. Certificate are issued to young people upon completion.
- 2.35. The Dog Trust - This covers the legal status of dogs, breeding guidelines, spaying nurturing, training and definition of responsible ownership. The young people make dog toys/treats to be donated to the kennels at the Dog Trust. It promotes a sense of responsibility in the community re pet ownership and helps to develop an awareness of need and empathy, promoting kindness, respect & consideration for others. The extension to human relationships is a key theme of the course, making these pertinent

links. It also aims to help young people develop an awareness of illegal breeding and animal exploitation for financial gain.

- 2.36. Recycle a Cycle – Victims of bike theft are offered the opportunity to collect a restored bike that is donated by the Police from recovered / lost bikes. The session covers all aspects of repairing and maintaining a bike. The young people are present when a victim collects a bike and are able to see the worth of the project and the impact of stolen bikes on the community first hand. The young people are supported with an AQA certificate on completion of a number of sessions.
- 2.37. Food and Hygiene Cooking project – The food cooked is given to local nursing homes. The course also provides skills that could lead to careers in catering. This in turn reduces the risk of reoffending and makes a positive contribution to wider society.
- 2.38. Stable management – The maintenance of the stables is vital to ensure young people with disabilities are able to use the facilities. The bushes and trees along the local walk ways and access are also pruned as required by the young people involved which helps benefit the local community.
- 2.39. St Marys Church Court Yard gardening project - For many years we have helped the parishioners maintain the grounds. Many benefit from this project as the church is also a local historical attraction. Elderly community volunteers also assist the young people in this project which provides a shared learning process between those who have caused harm and the wider community. This brings about a sense of healing within the community and embraces historical restorative practices.
- 2.40. Gardening Renal Unit - Colliers wood Renal Unit have a garden funded by the national lottery for the patients who are having dialysis. Those who attend will therefore benefit from the maintained/improved grounds as a result of the gardening work.
- 2.41. The Garden at Vestry hall - Maintenance benefits local community who attend for a range of activities/projects/clubs and staff.

Community based offence projects

- 2.42. The YJT respond to rises in particular crime through Restorative processes and involving communities affected. The following projects were delivered in 2015-2018 and could be delivered again when needed or other projects may be developed in response to spikes in certain offences.
- 2.43. Shop Theft– the Reparation worker has delivered group work with young people when there is a rise in Theft from Shop offences. This involves a four week programme whereby the last session involves community representatives who will be able to hear presentations from young people about what they have learnt about the impact of shop theft on stores and the public. Following the delivery of these groups the team saw a drop in theft offences.

- 2.44. Moped theft and related crime - following a rise in moped theft in 2017 the Youth Justice team, together with Police and Ambulance services delivered two 'call in' sessions with young people identified as involved in moped crime. They were provided with hard hitting presentations about the impact of moped crime, including on themselves and the risk of accidents. All young people that attended were offered the opportunity to have their licence paid for and the 'Call in' was followed up with one-to-one sessions with the young people to apply for a licence offering further opportunity for reflection. These call-ins were highlighted by Police as a successful contribution to the reduction in moped crime in Merton.
- 2.45. Group violence – in response to serious incidents that can involve young people from rival groups the specialist workers in the service will utilise restorative questioning and practices to support those involved to consider the impact and what needs to happen next to resolve the issues. Together with proactive work by Police and allocated services, this approach has seen significant success after spikes in violent incidents in 2015/16 and in 2017/18.
- 2.46. We have identified that the next priority offence is Possession of Cannabis and have liaised with specialist services about their involvement in Pre-Court decision making panel and in delivering a bespoke group programme.

Training of staff

- 2.47. In the past Volunteer Panel Members completed the initial four day Restorative Justice training as part of Referral Order training. However, this training process has been revised and a new model is due to be implemented in 2020/21. RJ Operational Manager and Reparation Co-Ordinator are due to attend the 'train the trainer' in March at which stage a new Referral Order panel member recruitment process will be initiated.
- 2.48. All new staff within the Youth Justice Service are inducted on the Victim and R.J. procedure and offered the opportunity to complete R.J. training when available.
- 2.49. Moving forward it is hoped there will be a borough wide commitment for Restorative Practice across all services working with people who cause harm and those harmed. This can be as simple as a restorative conversation facilitated by a police officer for a low level offence, for example an altercation in a school corridor between pupils. A planned restorative meeting between two people or a full restorative conference for complex/sensitive and violent offences, including not only the harmed and harmer but immediate family and relevant agencies/services and local community.
- 2.50. The YJS has funding for specialist complex R.J. training for both the Youth Justice Team which took place in February 2020. The training offer was extended to partners to help encourage a collaborative, progressive approach to Restorative Practice.

- 3 ALTERNATIVE OPTIONS**
N/A
- 4 CONSULTATION UNDERTAKEN OR PROPOSED**
N/A
- 5 TIMETABLE**
N/A
- 6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**
N/A
- 7 LEGAL AND STATUTORY IMPLICATIONS**
N/A
- 8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**
N/A
- 9 CRIME AND DISORDER IMPLICATIONS**
N/A
- 10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**
N/A
- 11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**
N/A
- 12 BACKGROUND PAPERS**
N/A