

RJ AND THE CODE OF PRACTICE FOR VICTIMS OF CRIME

A Scoping Review of Service Provision in
England and Wales



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Glossary of Terms

| | |
|--------------------------|--|
| Code | Code of Practice for Victims of Crime |
| CJA | Criminal Justice Alliance |
| HC | House of Commons |
| HL | House of Lords |
| HMPPS | Her Majesty's Prison and Probation Service |
| MoJ | Ministry of Justice |
| PCC | Police and Crime Commissioner, also encompassing Police, Fire and Crime Commissioners (PFCCs); the City of London Police Authority; the Mayor's Office for Policing and Crime for the Greater London Authority (MOPAC); the Greater Manchester Combined Authority (GMCA); the West Yorkshire Combined Authority, and Jersey Police Authority |
| RJ | Restorative Justice |
| RJC | Restorative Justice Council |
| Service providers | Referring to commissioned service providers in PCC areas, encompassing third sector providers and RJ hubs within individual police forces |

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Executive Summary

There have been four iterations of the Code of Practice for Victims of Crime ('Code') in England and Wales since 2006. Restorative Justice ('RJ') features in all versions of the Code. Yet, the scope of RJ entitlements/rights and to whom they apply has changed over time. In 2006, only victims of offenders under the age of 18 were eligible for RJ and Youth Offending Teams had to give victims access to RJ services. This changed in 2013 when victims of adult offenders also became eligible to receive information about RJ and how to access RJ from the police.

To reflect new PCC commissioning models, the 2015 Code expanded responsibility for notifying victims about RJ and how to access it to any '[...] organisation that delivers RJ services' (Section 7.7). To more closely align the Code with the cross-government 2018 Victims' Strategy, the government reduced the scope of the Code to '12 key **rights**' in a revised 2020 version. Now, the police must inform victims about RJ **within 5 working days** of reporting a crime, and all service providers 'must consider providing information about RJ at any stage of the criminal justice process' [Section 3.5]. Victims also have a right to be referred to a RJ service **within 2 working days** of reporting the offence.

Service provision across England and Wales is highly variable which leads to a 'postcode lottery' of information about, and access to, RJ (CJA 2019; Clamp and O'Mahony 2019; RJC 2018). We know that victims are not routinely made aware of RJ, and RJ services are not sufficiently funded (Baird 2020; Banwell-Moore 2020). Yet, there is little understanding of how RJ service provision varies across PCC areas. We also have little insight into how RJ service providers prepare for the implementation of a new Code. This study sought to plug these gaps by exploring RJ provision in England and Wales against the entitlements contained in the 2015 Code and the activities undertaken to prepare to meet the new rights contained in the 2020 Code.

Thirty-seven (out of 42) PCC areas completed a MS Forms survey (see Appendix A), representing an 88% completion rate. The high response rate means that we can be confident that the findings reflect practice across the country. The survey gathered data before the 2020 Code came into effect, and the May 2021 PCC elections took place. The contents of this report do not reflect any changes made after April 2021.

Key findings

Local RJ provision

All PCCs invest in RJ provision, but the amount of funding varies from £50,000-£250,000 across PCC areas. This has an impact on the scope of service provision and the type of activities a service can undertake. Almost all respondents (97%, N=36) said their PCC is supportive of RJ. Pre-populated answers revealed a variable investment in:

- promotional materials (84%, N=31),
- a RJ strategy (49%, N=18),
- a RJ network/board (32%, N=12), and
- an evaluation of RJ provision (24%, N=9).

In some areas (14%, N=5), support for RJ was conservative and limited to the commissioning of a RJ service provider. Yet, other respondents (8%, N=3) felt their PCC support was progressive, evidenced by investment in activities perceived to raise the profile of, and further embed, RJ as a legitimate response to crime through:

- regular media and other social communications,
- a dedicated telephone line and website, and
- the PCC completing RJ training themselves.

The survey revealed a minority of PCC areas (16%, N=6) do not commission a service provider. Instead, the local police service receives funding for the provision of RJ. Where contracts are awarded (84%, N=31), this is given to RJ Hubs within the local police, third sector providers, or as part of the local commissioned victim service contract. Almost three-quarters of respondents (71%, N=22) reported their service provider held registered status with the RJC.

Most respondents (97%, N=36) said statutory agencies in their PCC area also deliver RJ services. This is most often YOTs (95%, N=35), followed by the police (76%, N=28), probation (65%, N=24), and prisons (62%, N=23). Respondents also revealed other services are involved in the provision of RJ including victim services, local authorities, children's homes and services, and as part of in-house PCC initiatives. In some areas, non-commissioned services will only discuss RJ with clients and then refer suitable cases to the service provider or YOT for assessment, and where suitable, facilitation.

Compliance with the 2015 Code

To ensure that access to information about RJ is available throughout the criminal justice process, respondents stated partnership working between the service provider, statutory organisations and voluntary agencies is essential. Where victims and/or offenders show an interest in RJ, respondents noted that the relevant agency assesses the suitability of the case for RJ and/or makes a referral to the service provider.

All respondents (100%, N=37) confirmed they promote RJ to victims and almost all respondents (95%, N=35) confirmed they promote RJ to offenders. The data showed that practitioners provide this information more actively to victims:

| Victims | Offenders |
|---|---|
| ▪ verbally by police officers (84%, N=31) | ▪ by handing out leaflets (70%, N=26) |
| ▪ via the local PCC website (84%, N=31) | ▪ verbally by police officers (68%, N=25) |
| ▪ by handing out leaflets (81%, N=30) | ▪ verbally at beginning of CJ process and/or after sentencing (57%, N=21) |
| ▪ by telephone (81%, N=30) | ▪ providing information on the PCC website (51%, N=19) |
| ▪ in writing (65%, N=24) | ▪ via telephone (43%, N=16) |
| | ▪ in writing (32%, N=12) |

A minority of respondents (5%, N=2) said they will only accept victim-initiated referrals, particularly in cases of interpersonal violence. A small number of respondents stated they will not deal with cases involving sexual assault or rape (8%, N=3), and domestic violence (11%, N=4). In contrast, more than three quarters of respondents (76%, N=28) stated there are no automatic exclusions for RJ. This extends to not only the type of offence, but also who initiates the referral. As such, most practitioners tend to assess the suitability of RJ on a case-by-case basis, rather than against objective criteria.

RJ service providers make stakeholders aware of their responsibilities to meet the requirements of the Code and any changes that will affect practice. More than two-thirds of respondents (70%, N=26) said they monitor compliance with the Code and that they had well developed processes for compliance monitoring in place. Compliance monitoring occurs primarily through performance reporting and, to a lesser degree, dip-sampling procedures. Performance reporting involves the collection of both aggregate statistics and service user data. Individual role holders, service providers, or sub-groups that report to the local Criminal Justice Board tend to be responsible for compliance monitoring. A minority of respondents (N=3) identified this as an area of ongoing development due to uncertainty of the implications of monitoring the new Code, the procurement of new software, and/or holding a new contract.

Responding to the 2020 Code

Over a fifth of respondents (22%, N=8) had not made changes to their practice in preparation for the 2020 Code coming into effect. For those PCC areas that had made changes, this involved:

- increasing awareness of RJ throughout the criminal justice process,
- new training packages,
- updating informational materials, and/or
- changing local operational arrangements.

1. Meeting the 'right to be referred'

More than two thirds of respondents (68%, N=25) said they can refer victims to a RJ service within 2 working days of reporting the offence. Some respondents reported the service provider accepts referrals from all agencies, as well as self-referrals by offenders and victims. Most respondents explained buy-in from criminal justice practitioners is essential for securing referrals. In particular, respondents identified good working relationships, visibility, and proactive engagement as the basis for strong referral pathways.

Yet, almost a fifth of respondents (19%, N=7) were unsure if they could inform victims about RJ and refer them to a RJ service within the new timeframes. A minority of respondents (5%, N=2) said they would be able to refer victims to an RJ service within 5 days. These respondents gave no information about why this was the case. It may be due to a limited understanding of the requirements of the 2020 Code and so these areas have not updated their practice.

2. Meeting the 'right to information'

Most respondents (76%, N=28) confirmed they can provide information about RJ to victims within 5 working days, but some respondents (13%, N=5) stated they could not do so within that timeframe. These respondents gave no information about why this was the case.

For those respondents who explained their practice, the data demonstrated variation in practice across PCC areas comprising:

- *who provides information to victims about RJ,*

- *how* they do this, and
- *when* they do this.

While practice variation has always characterised RJ provision for victims of adult offenders, the survey findings demonstrate this variability now also extends to victims of young offenders. YOTs have traditionally been responsible for all RJ provision involving young offenders, but some PCCs now fund RJ provision within YOTs, third sector providers are getting more involved in the delivery of RJ involving young offenders, and responsibility for providing information about RJ now also falls to police officers and/or service providers.

Service providers are instrumental in ensuring that all statutory and third sector agencies involved in criminal justice are aware of, and can discuss, RJ with victims and/or offenders. This occurs through awareness sessions and/or online resources, nominated RJ champions, secondments, and co-location within criminal justice agencies. All agencies have promotional materials to give victims to ensure they are aware of their right to RJ throughout the criminal justice process. Respondents noted several benefits of a good working relationship with the police, including better access to RJ, legitimising RJ and the service provider, and collaboration in problem solving.

While victims are made aware of RJ following the initial reporting of an offence, later communication is subject to an assessment of suitability. A few respondents said they could provide information about RJ '*if someone asked*', '*where appropriate*', or if '*referred to us*'. This implies the criminal justice practitioner who is in contact with the victim undertakes an assessment of suitability and that not all victims will receive information about RJ after initial reporting. This extends to enhanced provision for vulnerable victims where a single point of contact *may* provide information about RJ or consider RJ following *some* court outcomes.

3. *Monitoring compliance*

Respondents acknowledged the importance of monitoring the rights to RJ, but there is variation in the extent to which this is occurring. Those areas monitoring compliance are doing so through working groups, a multi-agency compliance group, measuring performance against organisational action plans, and as part of contract reporting. Those that identified this as an area of development stated that the local Criminal Justice Board would undertake compliance monitoring, that a RJ Steering Group would be responsible, or that standard

contract reporting processes would cover this. As such, there appears to be similar trends in how compliance monitoring will be conducted against the 2020 Code.

Issues to note

Respondents raised several issues, including a caveat that information provided about how process *should* work may not be how they *actually* work in practice. For example, while police officers *should* provide information about RJ to victims, one respondent said they did not believe this was happening routinely. Another respondent said that funding cuts meant they are no longer providing training for frontline officers at all.

Awareness raising is not only an issue within policing, but also post-sentence, particularly in prisons. In 2019, HMPPS established a restorative practice hub called *re:hub* with the objective of supporting prisons that already used, or wanted to use, restorative practices. Yet, as one respondent noted, there are still significant access issues particularly when offenders are relocated to a different prison and the new Governor is not supportive of RJ. This can result in *revictimisation* because access to RJ is not occurring within a reasonable timeframe and according to the participant's wishes.

The variable buy-in and funding arrangements for RJ across England and Wales has a significant impact on the experience of those who encounter the criminal justice system. The reluctance by government to provide a national steer on RJ reinforces this divide. The result is a fragmentation of how RJ is:

- defined and communicated,
- funded and delivered, and
- accessed and experienced.

For the government to meet the aims of its Victims' Strategy (MoJ 2018) adequate funding of, and equal access to, RJ provision is essential to reduce secondary victimisation, and to build confidence and trust in the criminal justice system. This report demonstrates that a crucial aspect that frames RJ provision is 'buy-in' by both criminal justice practitioners and PCCs. It is impossible to create equal access when local provision is determined by local buy-in. It is this aspect of the commissioning and operational environment that has received little attention to-date, and that is key to addressing the post-code lottery of access to, and information about, RJ.

Recommendations

1. To eradicate the postcode lottery in RJ provision, RJ needs a statutory footing that clearly outlines what it is and what it is not, and mandates practice throughout the criminal justice process, much like in Northern Ireland.
2. To increase the amount of buy-in and stimulate further support for RJ, RJ skills (or techniques) and theory should be a mandatory part of training for all criminal justice practitioners and PCCs. This will ensure that they understand *why* RJ is important and *how* it works.
3. To cease 'selling' RJ as a means to reduce workload and instead make the value of RJ for victims, offenders and the broader community evident through the dissemination of relevant evaluation data. This will support the implementation of RJ as a central part of the criminal justice response, and stimulate a shift towards a justice response that works for *people*.

1. Introduction

This section provides an overview of RJ in the Code of Practice for Victims of Crime ('Code') between 2006 and 2021. The Domestic Violence, Victims and Crime Act 2004 (England and Wales) mandated the Secretary of State to issue the first Code. This came into effect in 2006, outlining 'a minimum level of service' (Section 1.5) for victims of crime. The 2013 and 2015 versions of the Code expanded these 'entitlements' and in 2020, these entitlements reduced in scope and became 'rights'.

Restorative Justice ('RJ') features in all versions of the Code. Yet, the scope of RJ entitlements/rights and to whom they apply has changed over time. In 2006, only victims of offenders under the age of 18 were eligible for RJ. The police gave the victims' contact details to the local Youth Offending Team ('YOT') unless the victim said they did not want this. YOTs then gave victims 'access to reparation or other RJ type initiatives' (Section 5.27).

This changed in 2013 when victims of adult offenders could also receive information about RJ and how to access it. Two developments stimulated this change:

1. The first elections for Police and Crime Commissioners (PCCs¹) occurred in 2012. PCCs oversee local responses to crime, hold Chief Constables to account, and increase attention to community concerns.
2. The Crime and Courts Act 2013 placed pre-sentence RJ on a statutory footing for the first time. This made the development of RJ provision for adults necessary.

As such, the MoJ gave *guidance* to PCCs about how much funding from their victim services budget to spend on RJ (Lee 2017). From 2013-2016, the MoJ also produced several 'action plans' to guide the provision and delivery of RJ.

The 2015 Code acknowledges the emergent nature of practice by stating access is 'dependent on Restorative Justice being available in the relevant area' (Section 7.4). PCCs have commissioned third sector providers, RJ hubs within police forces/ Constabularies, or civilian police staff to deliver RJ. The changes in the 2015 Code reflect this shift in provision

¹ There are regional variations in the names used for this role. These are: Police and Crime Commissioners (PCCs); Police, Fire and Crime Commissioners (PFCCs); the City of London Police Authority; the Mayor's Office for Policing and Crime for the Greater London Authority (MOPAC); the Greater Manchester Combined Authority (GMCA); the West Yorkshire Combined Authority, and Jersey Police Authority. For ease, reference to PCCs throughout the report encompasses all these variations.

by expanding responsibility for notifying victims about RJ and how to access it to any '[...] organisation that delivers RJ services' (Section 7.7).

A desire by the government to improve the victim's experience of criminal justice underpins the most recent Code. In 2018, the government launched a Victims' Strategy (MoJ 2021: 7) to:

- reduce secondary victimisation², and
- build confidence and trust in the criminal justice system.

To achieve these aims, the government reduced the scope of the Code to '12 key **rights**' (MoJ 2021: 7, **emphasis** added) to make it clearer to victims what they could expect from the criminal justice system. The 2020 Code refers to RJ provision under:

- Right 3 'The right to information', and
- Right 4 'The right to be referred to services that support victims and have services and support tailored to your needs'.

Yet, the 'summary of victim's rights' only refers to RJ in Right 3:

*You have the **Right** to receive written confirmation when reporting a crime, to be provided with information about the criminal justice process and to be told about programmes or services for victims. This **might** include services where you can meet with the suspect or offender, which is known as RJ.* [MoJ 2020: 1, **emphasis** added]

This implies a more restricted scope for RJ provision than the Code contains, which can have a limiting impact on local RJ service provision (i.e., '*A new strategic plan will be forthcoming soon, hopefully and it will be pinned to Right 3 of the Victims CoP*').

Furthermore, as this report will show, the qualifying language (i.e., 'might include') has resulted in more limited access to RJ in some PCC areas.

The full text of the Code states victims must receive information about RJ **within 5 working days** of reporting a crime [Section 3.6]:

*If the offender is an adult, you have the **Right** to receive information about RJ from the police and how to access RJ services in your local area. If the offender is under the age of 18, you have the **Right** to receive information about RJ from the Youth Offending Team.* [Section 3.4]

² '[...] that a victim's journey – whatever the path and outcome – should not result in them becoming a victim of the process, as well as the crime' (MoJ 2021: 7).

This right to information extends throughout the criminal justice process:

Although the police are responsible for providing you with information on RJ initially, all service providers must consider whether you would benefit from receiving this information at any stage of the criminal justice process. [Section 3.5]

Furthermore, a referral to a RJ service must occur **within 2 working days** of reporting the offence:

*If you report a crime to the police, you have the **Right** to be referred to a service that supports victims, including RJ services. The police will tell you about all the support services available in your local area. [Section 4.5]*

While the 2020 version of the Code adopts the language of 'rights', there is no recourse for victims to enforce these rights where they are not met. This renders the contents of the Code to guidelines that PCCs *should* consider, like all versions of the Code since 2006.

Furthermore, because funding for RJ is not (and has never been) ring-fenced (HC Deb 12 January 2017), there is variable practice and investment in RJ across England and Wales.

A recent report shows funding for RJ varies between £50,000 and £250,000 across PCC areas (APPG 2021). This variability leads to a 'postcode lottery' of information about, and access to, RJ (CJA 2019; Clamp and O'Mahony 2019; RJC 2018). Indeed, recent research and policy reports confirm victims are not routinely made aware of RJ, and RJ services are not sufficiently funded (Baird 2020; Banwell-Moore 2020). Thus, many in the RJ field want the MoJ to renew national action plans and 'ring-fence' funding for RJ (APPG 2021).

In 2021, Amendment 265 to the Police, Crime Sentencing and Courts Bill sought to reintroduce RJ action plans (HL Deb 17 November 2021). While many in the House of Lords support this, there is resistance within government. The Parliamentary Under-Secretary of State, Lord Wolfson of Tredgar, rejected the proposal on the basis that 'rolling action plans will simply create an unnecessary and overly bureaucratic burden. It will cost a lot more without any concrete benefit' (HL Deb 12 January 2022).

One of the challenges in RJ provision is that there is little insight into how practice varies across PCC areas or how PCCs prepare for the implementation of a new Code, particularly with respect to RJ. This study sought to plug these gaps by exploring RJ provision in England and Wales against the entitlements contained in the 2015 Code and the activities undertaken to prepare to meet the new rights contained in the 2020 Code. This allows us to

chart how practice has changed since provision was last explored in 2018 (see Clamp and O'Mahony 2019). It will also serve as a baseline for future surveys. The following section explains the collection and analysis of data that form the basis of this report.

1.1. Methodology

The University of Nottingham granted ethics approval before fieldwork began (ref: 2021-057-Staff). This study gathered data on:

- PCC support for RJ and the scope of RJ service provision,
- Approaches to providing information about and access to RJ, and compliance monitoring, and
- The extent to which existing provision meets the rights afforded to victims in the 2020 Code.

In March 2021, I distributed an MS Forms survey to each PCC area using a purposeful sample. This meant existing professional contacts completed the survey for their PCC area. Where I did not know anyone in a particular area, my contacts also helped to identify RJ leads in those areas. Where they could not help, I contacted OPCCs with an invitation to take part in the study. Thirty-seven of 42 PCC areas completed the survey, representing an 88% response rate. Appendix A contains a full list of PCC areas represented in the study. The high response rate means that we can be confident that the trends in this report reflect practice nationally.

The survey comprised of pre-populated answer choice and open-ended questions (see Appendix B). This allowed respondents to provide further detail about the arrangements in their area where the pre-populated answer choice questions did not reflect local practice. The report does not identify any PCC areas in the findings because the focus is on trends in RJ provision nationally.

The survey gathered data before the new Code came into effect and the May 2021 PCC elections. Over two thirds of respondents (62%, N=23) confirmed their PCC was standing for re-election (see

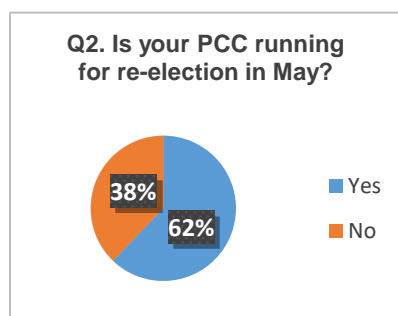


Figure 1

| Contract expires | Number of respondents |
|------------------|-----------------------|
| 24/05/21 | 1 |
| 4/01/22 | 1 |
| 31/03/22 | 16 |
| 31/03/23 | 3 |
| 31/03/24 | 2 |
| 6/01/23 | 1 |

Table 1

Figure 1). The survey also asked respondents when their commissioned contract ends (see

Table 1). This data helps us to understand if, and when, practice might change in PCC areas. This report does not reflect changes to practice after the survey was distributed. Future surveys will allow us to determine how practice changes over time.

2. Findings

The subheadings of this substantive section reflect the three areas investigated. The first provides an overview of RJ across PCC areas. The second explores practice against the 'entitlements' contained within the 2015 Code. The final section reflects the activities undertaken to respond to the 'rights' contained in the 2020 Code.

2.1 Trends in RJ provision

This section presents two key aspects of RJ provision. The first is an overview of the *perceived attitudes* of PCCs to RJ. The second outlines the arrangements in place to deliver RJ.

2.1.1 PCC support for RJ

In 2020-21, PCCs invested a total of £3.7 million in RJ services from their victim budget (HC Deb 17 Nov 2021). In 21-22, PCCs received £115m of grant funding for victims' support services, including restorative justice, from the MoJ (Pursglove 2022). Yet, we know there is wide local variation in funding provision for RJ, which has an impact on the scope of services on offer. Even so, almost all respondents (97%, N=36) felt their current PCC is supportive of RJ (see Figure 2). This is because PCCs invested in activities perceived to raise the profile of, and further embed, RJ as a legitimate local response to crime (see Table 2).

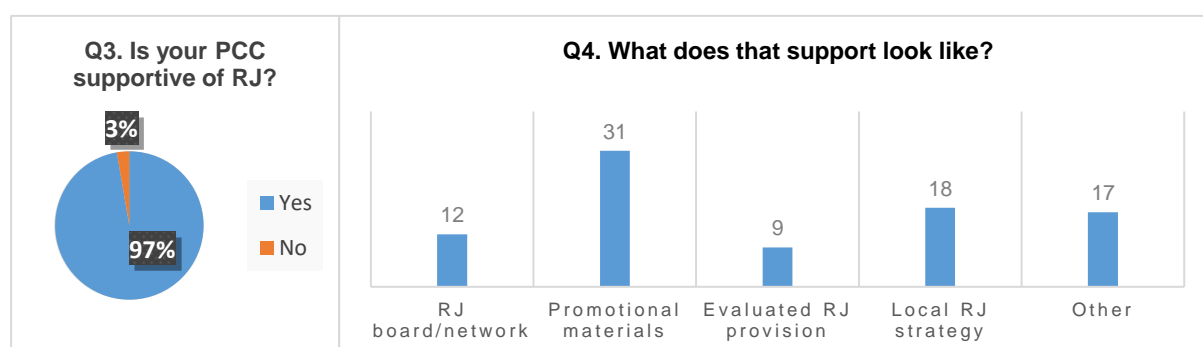


Figure 2

Table 2

This is most often (84%, N=31) through the design and distribution of promotional materials that explain what RJ is and how to access it. Almost half the respondents (49%, N=18) said they have a local RJ strategy, with another respondent stating this is '*in progress*'. More than

a third of respondents (32%, N=12) confirmed they have a RJ board/network reporting to the criminal justice board, or a subgroup designed to:

- address victim concerns (i.e., '*We report to both the Victims & Witnesses Subgroups of the LCJP*'), or
- prevent re/offending (i.e., '*...our victim service sits on the LCJB Prevention and Rehabilitation subgroup in which RJ is discussed amongst all the agencies in attendance*').

These boards/networks will:

- review local delivery of restorative practice,
- identify gaps in service/training provision,
- establish service improvement priorities,
- identify and manage risks to service delivery,
- seek to influence local strategic priorities,
- establish a strong evidence base for outcomes achieved, and/or
- create a space for networking, genuine partnership working, and sharing resources/good news stories.

Almost a quarter of respondents (24%, N=9) said their PCCs have invested in an evaluation of their RJ provision. One respondent said PCC funding for accreditation/registration is evidence of PCC support for RJ (i.e., '*We are [...] getting RJC accreditation...this is being encouraged by the current PCC*'). Another referred to financial investment in initiatives that will further expand the RJ offer locally (i.e., '*OPCC are funding a number of innovative projects involving RJ to take learning and explore future services through procurement on the dynamic framework at a wider level to extend our offer of RJ in [location]*').

In some areas, respondents (N=3) viewed their practice as progressive as it went beyond the pre-populated options and practice in other PCC areas. The free text comments reveal support for RJ through activities that:

- raise awareness in the community (i.e., '*Regular social media and other comms*'),
- support the delivery of RJ (i.e., '*PCC funds telephone line and website*'), and
- prove a personal commitment to RJ (i.e., '*PCC completed RJ training and attends local forums*').

A small proportion of PCC areas (14%, N=5) are more conservative in their support, limiting investment to commissioning a RJ service. Regular service reviews form part of commissioning contracts to ensure the service responds to local needs (i.e., *'Regular meetings with the head of strategic partnerships and commissioning whereby updates/ideas are shared...met with the PCC to provide an overview of changes due to the pandemic'*).

2.1.2 Provision of RJ

Over three quarters of respondents (84%, N=31) confirmed they commissioned a RJ service provider in their area³ (see Figure 3). PCCs often award contracts for the provision of RJ to:

- the police (i.e., *'Commissioned RJ within Policing Organisation'*),
- third sector providers (i.e., *'We have a dedicated external RJ provider'*), or
- a holistic victim service (i.e., *'We have commissioned an RJ service as part of an integrated victim and witness service'*).

The most well-known third sector service providers comprise more than half (55%, N=18) of those awarded contracts to deliver RJ (see Table 3). Almost half the respondents (45%, N=15) disclosed they commissioned bespoke services in their PCC area, often in conjunction with the police. This represents a slight increase since 2018, where third sector service providers held 50% of the contracts awarded (see Clamp and O'Mahony 2019).

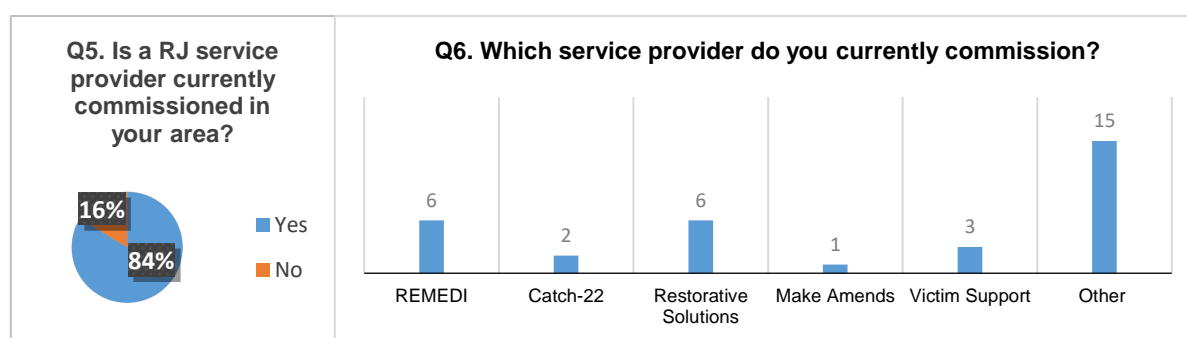


Figure 3

Table 3

The first RJ action plan recommended the development of a national standards practice framework (MoJ 2012: 6). Service providers that can demonstrate they are meeting high standards of practice can apply for 'registered' (previously referred to as 'accredited') status. The Restorative Justice Council (RJC) assesses and monitors these applications. Almost three-quarters of respondents (71%, N=22) said the RJC has awarded 'registered' status to their service provider (see Figure 4). Additionally, RJ practitioners can obtain registration for working at different levels of case complexity. This means PCCs can be confident that RJ

³ Those reporting they had no commissioned service provider will often have provision carried out by police (i.e., *'funding for RJ provision is embedded into the Police force'*).

practitioners working in their area have the skills to deal with a vast range of offence types at a high standard (i.e., '*Victim Care Coordinators are trained to RJ Facilitator Level, with an additional portion of these, trained to Serious and Complex Level*').

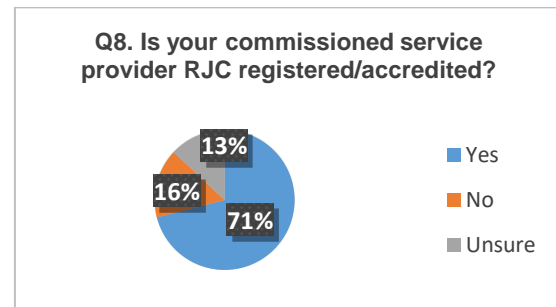


Figure 4

RJ practice in PCC areas is not limited to commissioned service providers. Almost all respondents (97%, N=36) reported statutory agencies also deliver RJ services in their area (see Figure 5). This is most often YOTs (95%, N=35), followed by the police (76%, N=28), probation (65%, N=24), and prisons (62%, N=23) as shown in Table 4.

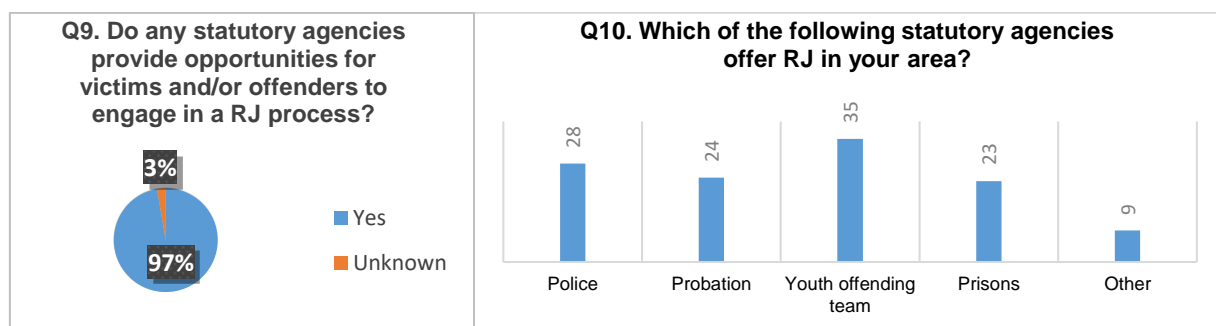


Figure 5

Table 4

Some respondents (11%, N=4) identified additional services that offer RJ to their clients, including:

- local organisations ('*Victim Care and Advice Service*' and '*Local Authorities*'),
- services for children (i.e., '*some Local Authority Children's Homes*' and '*Children's Services*'), and
- a bespoke service operated within the Office of the Police, Fire and Crime Commissioner (i.e., '*in-house service run by paid OPFCC staff*').

In some PCC areas, while these agencies will promote RJ, they do not always deliver RJ interventions and/or processes. Instead, they will refer suitable cases to:

- the commissioned service provider where the perpetrator is an adult (i.e., '*We provide the service for all the other statutory agencies in [location], such as prisons and probation*'), or
- the YOT where the perpetrator is a juvenile (i.e., '*The YOT raise RJ as an intervention with all offenders including those receiving a conditional caution and those under supervision*').

2.2 Compliance with the 2015 Code

Several survey questions gathered detailed information about how PCC areas meet the duties outlined in the 2015 Code. This includes:

- activities to promote RJ to victims and offenders,
- how those involved in (or affected by) crime can access RJ, and
- how compliance monitoring works.

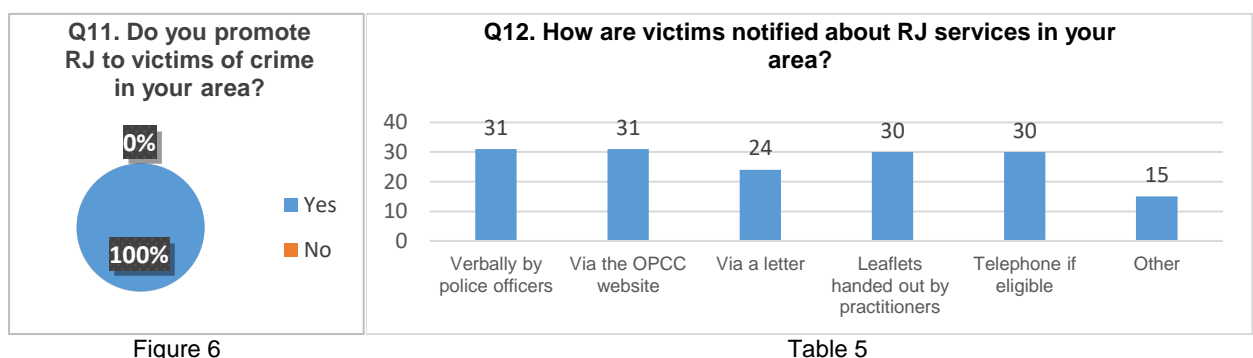
These questions asked about existing service provision. As such, they are not related to the 'rights' contained within the 2020 Code, which forms the focus of the next substantive section.

2.2.1 Providing information about RJ

2.2.1.1 Promoting RJ to victims of crime

All respondents (100%, N=37) confirmed they promote RJ to victims of crime (see Figure 6).

Table 5 shows the most popular (84%, N=31) ways to do so is verbally by police officers and/or via the local PCC website.



More than two-fifths of respondents (41%, N=15) stated RJ is also promoted on the websites of:

- the police (i.e., '*Information available on the Constabulary website*'),
- victim services (i.e., '*Information provided on [X] Victim Services Website*'), and/or
- the commissioned service provider (i.e., '*We also have a dedicated website for RJ which is linked to the PFCC website*').

Another popular method of communication (81%, N=30) is via informational materials provided:

- at first contact with the police (*'Through the Information for Victims of Crime booklet handed out/sent/emailed by police'*),
- during verdicts and sentencing (i.e., *'Leaflets at Courts'*), and/or
- when accessing additional support (i.e., *'Other victim service providers'*).

Where cases are eligible for RJ, practitioners also telephone victims (81%, N=30). The least popular method of communication (65%, N=24), but still common across most PCC areas, is via letter. One respondent stated several teams are involved in making victims aware of RJ in their area (i.e., *'Victim Care Unit. Witness Care Unit. Pathfinder. Investigation and Resolution Centres'*). They also reported using direct (i.e., *'Text'*) and indirect (i.e., *'Social Media'*) forms of communication.

In some areas, it is evident RJ is embedded across the criminal justice sector. One respondent explained in detail how this works locally:

RJ is well integrated into policies and procedures for partnership working, alongside police-led out-of-court disposals, including community resolutions and the Divert Project (adult-deferred prosecution scheme). As such, victims are advised of their right to take part in RJ, as part of the police response to the crime reported. Victims are also introduced to the option of RJ via the National Probation Service (including at the pre-sentence stage), the courts, the Victim Liaison Unit, Family Liaison Officers, and the Victim Care & Advice Service (providing emotional and practical support to those directly or indirectly affected by crime). The Witness Care Service write to victims of crime in relation to court proceedings and within their correspondence, refer to the victim's right to receive information about RJ.

More generally, if victims show an interest in RJ, respondents noted that the relevant agency will:

- make a referral (i.e., *'partner agencies such as probation referred cases into [service provider] as the RJ provider for [location] to pursue an intervention'*), and
- assess the suitability of the case for RJ (i.e., *'When a referral is made to [service provider], they contact victims to have a restorative conversation to raise awareness and determine suitability'*).

2.2.1.2 Promoting RJ to offenders

Almost all respondents (95%, N=35) confirmed they promote RJ to offenders, only two (5%) said they did not (see Figure 7). The most popular method (70%, N=26) to inform offenders

about RJ is by handing out leaflets⁴ (see Table 6). Respondents stated these documents are generally handed out by police officers and/or offender case managers.

Over two thirds of respondents (68%, N=25) said police officers will discuss RJ with offenders. This is most common where RJ forms part of disposals used to respond to low-level offending (i.e., '*Dedicated condition on OCDs*' [out-of-court disposals]).

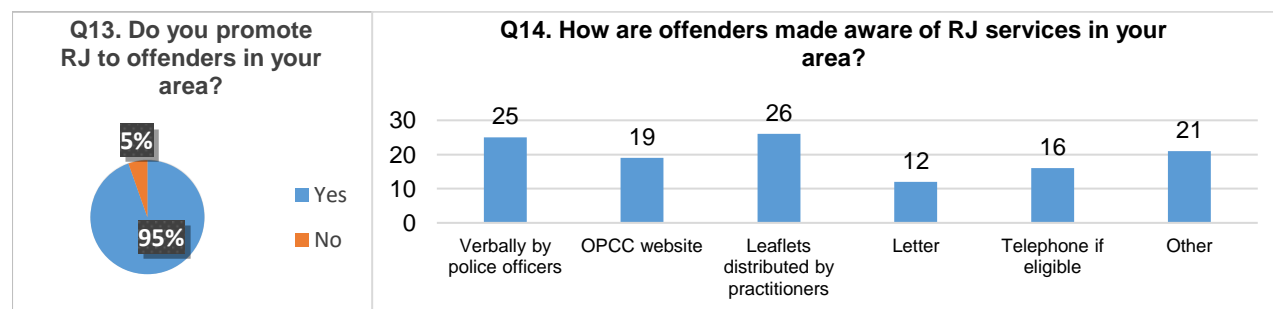


Figure 7

Table 6

More than half of respondents (51%, N=19) reported that information about RJ is available to offenders through the OPCC website. Some noted this is also available on the Constabulary and/or commissioned service provider website.

In some areas (43%, N=16), practitioners call offenders to assess suitability for RJ (i.e., '*When referrals are made [...] the [service provider] has a restorative conversation with the offender, to raise awareness and determine suitability etc.*'). The least popular method of communicating with offenders (32%, N=12) is via letter (i.e., '*...in writing by other organisations such as NPS and CRC (Victim Awareness Module)*'). One respondent stated they also promote RJ to offenders via direct (i.e., '*Text*') and indirect (i.e., '*Social Media*') means.

Almost two-thirds of respondents (57%, N=21) provided more information about how they inform offenders about RJ. This included:

- proactive awareness raising at the beginning of the criminal justice process (i.e., '*Verbally by offender supervisors, leaflets at Court*'), and
- following sentencing (i.e., '*Via probation officers in the community and VLO or RJ practitioners within custodial settings*').

⁴ See Clamp et al. (2022) for an analysis of how these documents communicate what RJ is and how to access it.

Some respondents said partnerships are key to providing information to offenders about RJ (i.e., ‘*through our partnership work with relevant agencies/voluntary and statutory*’). One respondent provided insight into how this works in their area:

Strong partnerships are held with all local criminal justice agencies, to ensure the offer of RJ is made available to offenders. Accessibility to RJ is firmly embedded within Policing in [location], encouraging officers to liaise directly with [service provider] for guidance and advice regarding eligibility criteria and proportionate responses to offending and the victim’s wishes. The promotion of RJ and how to contact [service provider] is communicated via a specialist section on the Police Intranet, within the Front Desk areas of Police Stations (via a static tv screen advert), via pop up banners displayed within each local prison and the identification of RJ SPOCs within partner agencies, enabling the maintenance of strong referral pathways and better-informed professionals.

Despite the right of information and access being exclusively aimed at victims, it is evident that many PCC areas are proactively promoting RJ to offenders to ensure that all criminal justice practitioners are aware of RJ. This creates an environment where the suitability of RJ is assessed on the merits of a case and opportunities for victims to access RJ is maximised.

2.2.2 Providing access to RJ

More than three quarters of respondents (76%, N=28) stated there are no automatic exclusions for RJ (see Table 7). This has increased since 2018 where only 58% reported no automatic exclusions (Clamp and O’Mahony 2019). This shows a broader trend to assess suitability for RJ on a case-by-case basis, rather than by crime type. No respondents reported that RJ is only for first time and/or minor offending.

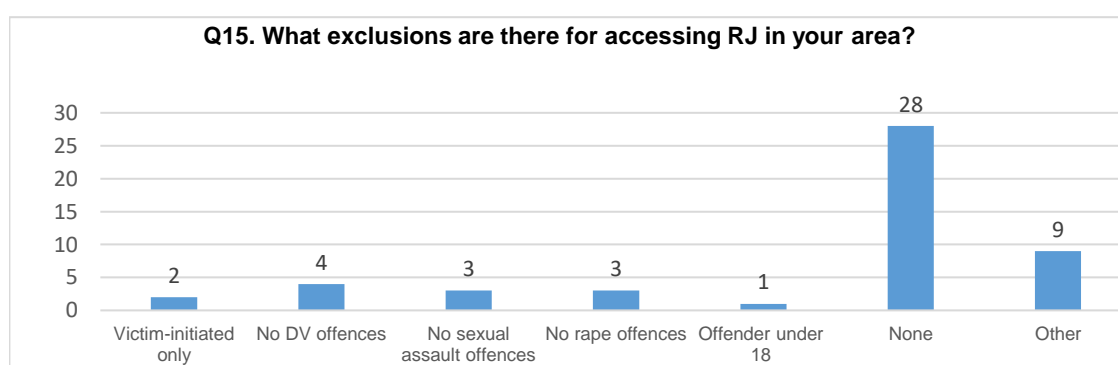


Table 7

Thus, most respondents said they assess each case on its merits. This extends not only to the type of offence, but also who initiates the referral (i.e., ‘*Referrals can be both victim-/offender-led and are assessed accordingly*’). One respondent said it did not matter who initiated the referral, their approach gives priority to the needs of the victim (i.e., ‘*Regardless of the referral’s origin, all cases are progressed as being victim-led*’).

A small number of respondents stated they do not deal with cases involving:

- sexual assault (8%, N=3),
- rape (8%, N=3), and
- domestic violence (11%, N=4).

A minority of respondents (5%, N=2) said they only accept victim-initiated referrals. This is particularly true for interpersonal offences where the victim knows the perpetrator (i.e., '*We only accept victim-led cases for the following: domestic abuse, sexual abuse, harassment, stalking & hate crime*'). One respondent also included '*deportation*' and another said they do not consider cases where courts have limited contact between parties (i.e., '*No offer made if a restraining order or any other protective order is in place*'). Often safeguarding concerns underpin these restrictions.

2.2.3 Monitoring compliance

RJ teams or commissioned service providers ensure relevant stakeholders are aware of:

- their responsibilities to meet the requirements of the Code (i.e., '*Reference to the Code is included in every training session delivered by the [service provider] team to partners*'), and
- any changes that will affect practice (i.e., '*The [location] Service has recently presented a briefing of the changes to the Victims Code to the RJ Strategic Board and an action plan reflects the work each partner is doing to ensure compliance. This briefing is also being presented to the PFCC*').

One respondent outlined how practitioners promote RJ throughout the criminal justice process in their area:

In our victim-initiated process, victims are informed of RJ at the beginning of the service, at the review stage and finally at the closing stages of the case. With offender-initiated, we work hard to sustain the awareness with our probation service by having RJ champions who remind their colleagues at team meetings. We offer training, and we have a [location] RJ champion's quarterly meeting with [service provider] and the probation service. With prisons, we have a couple of associates who work in the prisons and lead on this prison work. We have a telephone conversation with Governors, reminding them every 6 weeks of cases in progress.

More than two-thirds of respondents (70%, N=26) said they monitor compliance with the Code (see Figure 8). The open-ended responses show this occurs:

- primarily through performance reporting (i.e., *'Via contract monitoring meetings with the Commissioner's team and via the Local Criminal Justice Board'*), and
- to a lesser degree dip-sampling procedures (i.e., *'Due to the manner that RJ is monitored on force IT systems, it is not currently possible to obtain accurate data routinely but check compliance by dip sampling crimes'*).

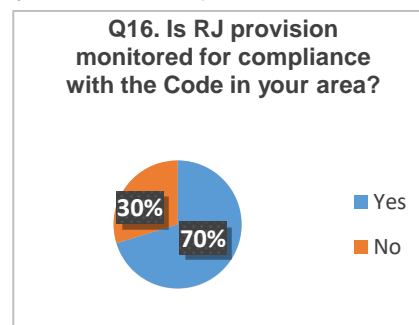


Figure 8

Performance monitoring varies according to local arrangements in place. Those who have responsibility for this are:

- individual role holders (i.e., *'Monitored by the CR/RJ Officer'*), or
- commissioned service providers (i.e., *'RJ provider undertakes a VCOP compliance audit of service provision and reports findings/recommendations'*), or
- sub-groups that report to the local Criminal Justice Board (i.e., *'At regular intervals and via the [location] Victim and Witness Subgroup Meeting which feeds into the [location] Criminal Justice Board, RJ provision is monitored and feedback on compliance to the Code is fed through to these groups'*).

Performance monitoring involves the collection of both:

- aggregate statistics (i.e., *'The service is assessed by producing reports that include how many victims have been offered the service, how many have engaged and how many interventions completed'*), and
- service user data (i.e., *'Quarterly performance reporting to the OPCC, including reflection of victim satisfaction and whether identified needs have been met'*).

Most respondents said they have well developed processes for monitoring compliance in place (i.e., *'An Excel spreadsheet is used to record and monitor performance of VCOP compliance by all relevant CJS agencies'*). A minority of respondents (N=3) identified this as an area of ongoing development due to:

- uncertainty of the implications of monitoring the new Code (i.e., *'[Service provider] are monitored against VCoP as part of the regular OPCC contract reviews. However,*

the new VCoP means this piece of work is in progress and in flux, and we are still waiting for updated guidance from the MoJ to inform how we can best do this going forwards'),

- the procurement of new software (i.e., *'With introduction of NICHE in Spring 2022, work is underway to ensure that performance information in relation to RJ is readily available and has automated reporting function'*), and
- recent commissioning (i.e., *'There is no formal structure presently, we are currently looking at a new strategic plan as both the Victims CoP and our contract are new. Compliance with the CoP will be very much a driving force of our strategy, moving forwards'*).

2.3 Responding to the 2020 Code

Over a fifth of respondents (22%, N=8) have not made changes to their practice in preparation for the 2020 Code coming into effect (see Figure 9). One respondent explained they are already providing a service that met the requirements of this Code (i.e., *'We already comply with the enhanced offers discussed and requirements laid out'*).

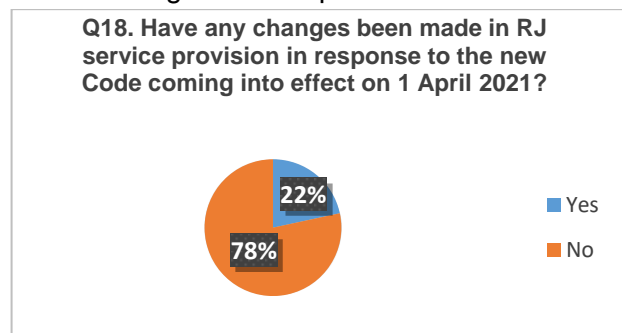


Figure 9

For those PCC areas that had made changes, this involved:

- increasing awareness of RJ throughout the criminal justice process (i.e., *'More awareness of the Code and the duties of those named in it. No changes to practice for the ERMS team, however, more discussion is being had to ensure all victims receive their right to RJ information via other agencies such as Police and Victim Support'*),
- new training packages (i.e., *'Mandatory e-learning for all officers and staff on the new Victims Code reminding them of their obligations. New Victims Code added to RJ input given to student officers'*),
- updating informational materials (*'New information leaflets issued by police that lay out full VCOP entitlements and explicitly reference the availability of RJ services'*), and/or
- changing local operational arrangements (i.e., *'A review with the OPCC, Force and [service provider] regarding the offer for victims accessing RJ via an out-of-court disposal. Also, the development of the RJ Steering Group which will allow partners to*

meet on a regular basis to discuss strengths, challenges, and opportunities. The development of a [service provider] website and Twitter page to promote RJ services across [location], including self-referral information’).

The remaining survey questions sought to explore in more depth, the existing practices in place to refer cases to a RJ service and to inform victims about RJ as stipulated in the 2020 Code.

2.3.1 Meeting the ‘right to be referred’

More than two thirds of respondents (68%, N=25) said they can refer victims to a RJ service within 2 working days of reporting the offence (see Figure 10). Some respondents reported they accept referrals from:

- all local agencies (i.e., *‘We receive referrals from police, lighthouse, ascend, and other CJS agencies’*),
- offenders (i.e., *‘Referral pathways have been set up across the area for offender-led access with the local prisons and probation services’*), and
- victims (i.e., *‘The [provider] working for the OPCC delivers RJ and informs/provides access to all victims of crime, where appropriate, of RJ. All other OPCC commissioned services supporting victims of crime are informed of this provision and where/how to access support’*).

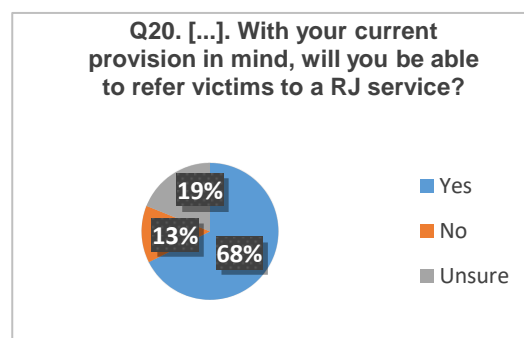


Figure 10

Respondents also referred to activities that raise public awareness of RJ to increase self-referrals (i.e., *‘promoting our work through social media, website...part of appropriate weeks/events, i.e., international RJ week, National Hate Crime...to raise awareness’*).

Most respondents explained buy-in from criminal justice practitioners is essential and based on:

- good working relationships (i.e., *‘We have both victim and offender-initiated referral routes in place. We have established referral routes and good relationships with organisations across the CJ process, these include: NPS & CRC, Witness Care, Witness Service, Victim Support, Local prisons, Local DA/SV services, Police’*),

- visibility (*'The RJ provider attends Team Meetings of these partners making and maintaining a positive working relationship for those supporting victims and having a positive working relationship'*), and
- proactive engagement (*'We are also currently exploring some pilots and receive regular crime reports so we as an agency are doing more scoping ourselves to identify potential cases that we can prompt officers/victim witness care officers to remind them to discuss with victims'*).

One respondent noted victim case workers are responsible for providing access to RJ and that the service provider also checks cases for suitability:

All referrals received into Victim CARE (Catch22) are informed of RJ upon initial contact from a victim caseworker. Referrals are also looked over by an RJ practitioner to look for cases where the intervention might be particularly useful. We work with caseworkers to ensure that there is an on-going offer of access to RJ throughout their case'.

Yet, almost a fifth of respondents (19%, N=7) were unsure if they could inform victims about RJ and refer them to a RJ service within the new timeframes. A minority of respondents said they could not refer victims to an RJ service within 5 days (5%, N=2). These respondents gave no information about why this is or how this could be addressed. It may be that these respondents have limited the scope of RJ to the contents in the summary rights of the Code.

2.3.2 Meeting the 'right to information'

The final three questions of the survey explored how current practice complied with the 'right to information about RJ'. This section outlines the processes in place to promote RJ:

- to victims of adult perpetrators by the police (2.3.2.1),
- to victims of juvenile offenders (2.3.2.2), and
- by practitioners throughout the criminal justice process (2.3.2.3).

Most respondents (76%, N=28) confirmed they can provide information about RJ to victims within 5 working days of reporting the offence (see Figure 11). One respondent reported changes to the Code creates an opportunity to increase the scope of local RJ provision (i.e., *'The change to VLO practices following VCOP will mean that we're*

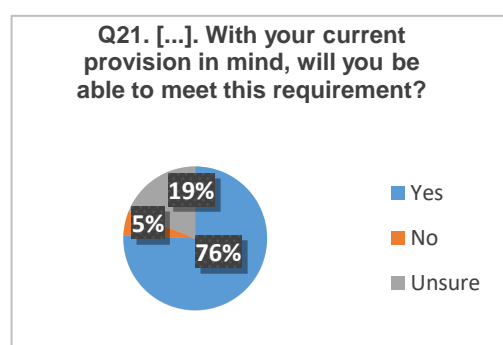


Figure 11

more able to access victims of higher tariff cases who may otherwise have been difficult to get in contact with').

Yet, some respondents said they could not inform victims about RJ within 5 days (13%, N=5). One respondent explained the difficulty with meeting these timescales is insufficient to complete investigations (i.e., *'Timescales of contacting victims have improved, where needed – although issue within 2 days (it is 1 day for victims with enhanced needs) because sometimes offender is not known by then'*). It is not clear why the identification of an offender is necessary to provide information about RJ.

2.3.2.1 Providing information to victims of adult offenders via the police

ensure Frontline officers receive information about RJ from:

- service providers (i.e., *'As a provider we deliver briefings, training, awareness sessions to police, provide them with information about suitable cases, how to refer, the processes, the benefits of RJ, as well as leaflets, referring information etc.'*), and
- their supervisors (i.e., *'Frontline Sgts have received victim based CPD, covering a refresher of what RJ is and the requirement for officers to tell victims about the service, under the new Victim's CoP'*).

Some commissioned service providers reported they also contact victims where cases are eligible for RJ to ensure the right to information is met (i.e., *'Contracted provider additionally adopts a proactive approach to offering RJ directly to victims'*).

Commissioned third sector providers noted several benefits of a good working relationship with the police. This includes:

- better access to RJ (i.e., *'We commission an independent RJ provider to deliver in the area. We also work with prisons and the probation service. Training and briefings are delivered to police officers highlighting the service and how the RJ provider and Police can work together. Officers are encouraged to contact the RJ provider when working with victims. This is reciprocated by the RJ provider who contact Police officers to discuss possible suitable cases'*),
- legitimising RJ and the service provider (i.e., *'The employment of a Police RJ Coordinator from [location] Police, seconded into the [service provider] team to offer additional specialist consultancy for officers, to strengthen the referral pathways*

between key police departments and the RJ service, to ensure quality assurance of restorative practice within Policing and continued promotion to victims of crime'), and

- collaborative problem-solving (i.e., *'This will also feature further in our new strategic plans, to work with the Force to find processes that cement this requirement into the initial service that all victims receive'*).

Officers involved in making victims aware of RJ varies across PCC areas, with respondents stating this occurs via:

- dedicated role holders (i.e., *'Via the victim liaison officers' / 'We have a CR/RJ Officer'*),
- frontline officers responding to low-level offences (i.e., *'Through the out-of-court disposals process' / 'Police explain RJ and how this can be accessed as part of a Community Resolution Outcome in suitable cases for victims of adult offenders. This will involve the officer delivering low-level street RJ and referring through to [service provider] for cases that require more time and preparation/risk assessment'*),
- victim support officers (i.e., *'Victim support officers have received training around restorative conversations and are encouraged to signpost victims to the force RJ officer'*), and/or
- specialist officers who deal with vulnerable victims (i.e., *'In addition, victims of hate incidents are written to individually by the force diversity officer with additional information (leaflet) around RJ and a personal introduction from myself'*).

A further distinction in practice is *how* victims receive information about RJ. Respondents stated this occurs through:

- an automated process (i.e., *'An information letter goes out to all victims named on a crime report as soon as the crime is recorded on Police Systems'*),
- a routine needs assessments for victims of crime (i.e., *'RJ forms part of the [location] Victims Needs Assessment and the Victim Contact Contract'*), and/or
- verbally by officers and/or the service provider (i.e., *'There is a prompt for officers to discuss this at the start of witness statements and signpost them accordingly. All Conditional Cautions with a victim are tasked to [service provider] who proactively call these victims to offer RJ. Guilty plea court cases are tasked from Witness Care for the same phone calls to be made'*).

There are also differences between those areas that:

- actively promote RJ to all victims throughout the criminal justice process (i.e., *'The Victims' Bureau provide written information on RJ and how to access it via their letters & Victims' Leaflet. [Location] Police ensure victims are made aware of the service throughout their journey including after the court stage'*),
- are more conservative in their promotion of RJ (i.e., *'RJ disposals are available if a victim would like to pursue this option. Victims can self-refer'*), and
- only provide this information following an assessment of suitability (i.e., *'Witness Care Unit (police) will offer RJ in most cases if they deem it appropriate'*).

Some respondents stated they are experimenting with new processes that make RJ:

- more visible (i.e., *'The role of [service provider] is included in training for all officers to ensure they are aware of it. Our website link is shared to all officers. Our Resolution Centre (call takers) is changing its policy to ensure that those reporting crime are informed of RJ at the same time they are informed of Victim Support. RJ is included in our community remedy, and this is printed on the community resolution forms to ensure victims are offered it in these cases. Links to RJ are included in letters sent to victims and our Witness Care Team have RJ training as part of their induction. Other departments also receive dedicated RJ training such as the Domestic Abuse team, Family Liaison Officers and Detectives'*)
- easy to access (i.e., *'Reporting officers will discuss RJ with the victim as part of an initial investigation. They will also provide them with a victim's leaflet which includes details of the RJ offer. They are currently rolling out electronic content via their mobile devices. The crime recording system has a direct 'tick box' referral to the victim care and advice team. We are currently trialling this approach as a single front door for all victim needs hence a triage is in place at that stage for RJ intervention. Prior to that, officers completed a form and emailed that to the RJ service provider'*), and
- flexible (i.e., *'Working on a piece for a CPD portal on the intranet for Officers to view at their convenience, to remind them they must inform victims about RJ'*).

Others said they have changed their initial approach because it was not yielding the desired result. This has resulted in:

- the service provider, rather than the police, providing information about and access to RJ (i.e., *'Victims are introduced to RJ by our victim service provider and not the police. All victims are referred to the victim service provider at the point a crime is*

recorded, but it may be more than 5 days after the crime is recorded before the victim receives the letter/leaflet from the provider'), and

- *delays in contacting victims until the offender is identified (i.e., 'It is recognised that RJ at time of reporting is NOT the appropriate time to refer. Our model introduces RJ at initial report, but it is not actively promoted until a suspect is identified and again at finalisation')*

Some respondents also elaborated on the arrangements in place to raise awareness:

- *amongst offenders (i.e., 'We have promotional materials for offenders from our RJ provider available which can be provided to any offenders as required by any officers and staff dealing with them specifically within our Pathfinder and IOM teams and a bespoke video available on YouTube and force channels'), and*
- *the public (i.e., 'RJ information displayed via TV screens, within the Front Desks of each main station').*

These proactive approaches to awareness raising seek to increase uptake of RJ because:

- *the public will already be familiar with RJ as a concept, and*
- *offenders can self-refer where they want to take responsibility for the harm caused their victim/s.*

2.3.2.2 Providing information to victims of juvenile offenders

The responses to this question revealed variable practice across E&W in several respects.

First, funding arrangements are not consistent. In some instances, this had an impact on how much information respondents could provide (i.e., one respondent wrote '*Don't know*').

Other respondents reported:

- *no relationship between the YOT + PCC (i.e., 'Youth Offending Services have dedicated RJ provision, offering both out-of-court and post-sentence interventions. The OPCC is not directly involved in the commissioning of Youth RJ (YOTs are responsible)'),*
- *the PCC funds RJ provision in the YOT (i.e., 'OPCC funding to each local Youth Offending Service to enable the promotion and delivery of restorative practice. Each YOS has a Victim Liaison/RJ Officer based within the team, to facilitate and maintain victim contact'),*
- *the funding arrangements varied according to the location of the YOT (i.e., 'In the City YOT, this service is provided by [service provider]. In the County, this is provided*

in-house. The victims are contacted as part of an out of court disposal panel and post-sentence to discuss RJ and the options available to them'), and

- the PCC funds a bespoke multi-agency service to provide a restorative response for all young people (i.e., *'The Children First Scheme is a local youth diversion scheme with RJ embedded. This partnership scheme includes YST (YOT), Police, [service provider], CAMHS (Mental Health Services), Social Care, Victim Support. A weekly panel looks at disposal options including RJ where possible'*).

Second, while youth offending has been the domain of YOTs, third sector providers are getting more involved in the delivery of RJ. Respondents reported:

- some work together in identifying and facilitating eligible cases (i.e., *'The RJ service works very closely with the YOT service to ensure RJ can be delivered where possible'*),
- the YOT collaborates with the service provider on complex cases (i.e., *'The local youth offending service facilitates cases, although the RJ Specialist team have co-facilitated on occasions'*),
- referrals to service providers occur where cases fall outside the scope of the YOT (i.e., *'There is an agreement with the local YOT for regular meetings to discuss possible cases. Also, where a young person has been referred to the YOT and it does not meet their criteria it is passed to the RJ provider. Either way RJ is offered'*), and
- service providers are solely responsible for providing access to RJ (i.e., *'Victims of offenders of any age are referred automatically to [service provider] who offer RJ. Witness Care Unit (police) will also offer RJ in most cases of correspondence if they deem it appropriate'*).

Third, the role of the police in providing information to victims of young offenders also varies. Respondents reported that:

- frontline officers make victims aware and then refer suitable cases to the YOT (i.e., *'The same prompt for officers taking statements. Victims interested in RJ are then referred to the YOT RJ practitioners to make further contact. This is done via RJ conditions being placed on Community Resolutions and Conditional Cautions'*),
- YOTs are responsible for contacting victims and making them aware of RJ (i.e., *'[Location] Youth Offending Team hold the RSQM and have a dedicated RJ Team who contact all victims from OoCD through to Custody. Initial contact is by letter (with*

information leaflet), this is followed up by a telephone call. Initial contact is made within five working days of panel or court’),

- all practitioners involved in youth justice are responsible for making victims aware of RJ (i.e., *‘Police Officers, YOT, and YRI [youth restorative intervention] Panel’*), and
- responsibility for making victims aware of RJ falls to the local service provider (i.e., *‘In the county, RJ information is provided by [service provider], in the city, the information on RJ is provided by [service provider]’*).

Some respondents also explained that:

- cases must pass a risk assessment to be eligible for RJ (i.e., *‘Subject to risk assessment, all options of restorative intervention are available’*),
- YOT practitioners discuss RJ with all offenders (i.e., *‘The YOT raise RJ as an intervention with all offenders including those receiving a conditional caution and those under supervision’*), and
- data sharing agreements are necessary to overcome data protection concerns (i.e., *‘Memorandum of Understanding allowing for details to be shared with the Youth Offending Team for them to make and offer of RJ to victims of young offenders’*).

2.3.2.3 Providing information to victims throughout the CJ process

Finally, respondents elaborated on the arrangements to meet Right 3.5: ‘[...] all service providers must consider whether you would benefit from receiving [RJ] information at any stage of the criminal justice process’. All respondents, except two (i.e., *‘n/a’*, and *‘I have no information about this’*), explained how victims receive information about RJ after reporting a crime.

Commissioned service providers/RJ teams are instrumental in ensuring that all statutory and third sector agencies involved in criminal justice are aware of, and can discuss, RJ with victims and/or offenders. This occurs through:

- awareness sessions (i.e., *‘We conduct regular promotional sessions with all our partners who form part of the CJS process to educate and provide guidance of how to recognise when a victim may benefit from a referral. These services include the following: CJS internal teams, [location] Victim Services, Probation Victim Liaison Officers, Police Family Liaison Officers, Counselling Services, [location] Women’s Centres, and Various Partnership Boards’*),

- presentations to relevant stakeholders (i.e., *'The [service provider] team deliver presentations to all of the CJ groups. We intend for them to deliver more presentations now we have a new PCC, to groups such as Criminal Justice Board etc. I know in the last 12 months they have delivered presentations to the Recorder in [location] Judge [name] who has asked for a further presentation for his colleagues when 'lock down' is lifted. They have also recently contacted the Ambulance, Paramedic and Fire and Rescue leads, to ensure their staff have awareness and access to the service'*),
- creating RJ champions in criminal justice agencies (i.e., *'RJ SPOCs identified within partner agencies, covering all key contact points with victims of crime, from early intervention/out of court disposals, through to pre-sentence RJ and post-prosecution/historical cases'*),
- seconding police to work with the commissioned service provider (i.e., *'Inclusion of a Police RJ Coordinator with the service provider team'*),
- co-location (i.e., *'Co-location of Restorative [location] with the Victim Care & Advice Service [...] enabling more integrated working and the opportunity to support victims more holistically, with the option to explore RJ at any stage within the CJ process or to review at a later stage within this'*), and/or
- online resources (i.e., *'Access to information contained on the [location] RJ hub'*).

A frequent response was that RJ is generally promoted following initial reporting of an offence, but that later communication is subject to an assessment of suitability (i.e., *'[Service provider] discuss with the victim their choices and options at the initial point of contact and thereafter subject to suitability (offender identified and is remorseful etc.)'*). Three respondents said victim and witness caseworkers are responsible for promoting RJ to victims throughout the criminal justice process (i.e., *'The integrated [location] Victim and Witness Service caseworkers receive training and guidance on RJ and are able to offer (re-offer) RJ services at any stage while supporting the victim, including pre- and post-trial'*).

Most criminal justice agencies give victims promotional materials so they are aware of their right to RJ throughout the criminal justice process (i.e., *'Front line officers as well as victim and witness service and Victim Support staff have all received an RJ awareness input and have leaflets about the RJ Hub, they can give to victims at any stage of the CJ process'*). A few respondents said practitioners could provide information about RJ *'if someone asked'*, *'where appropriate'* or if *'referred to us'*. This implies the practitioner who is in contact with

the victim undertakes an assessment of suitability and that not all victims will receive information about RJ.

One respondent noted that providing information to victims throughout the criminal justice process is being developed, but that they are looking to embed the right to information across the system (i.e., *'This will be part of our new strategy...a victim should have heard about RJ multiple times and will be able to take that knowledge with them and contact the service when or if they want to'*). Another noted that the new Code will increase the opportunities for victims to access information about RJ (i.e., *'[...] the VLOs within NPS are one of the key partners in place [...] their outreach to victims will increase and this will allow us to offer RJ to more victims of crime'*).

Only two respondents referred to enhanced provision for vulnerable victims. The approach to meeting this right varied:

- one provides these victims with a single point of contact (i.e., *'Within [location] Police, the Horizon Victim and Witness Care Team supply all victims with a VCOP leaflet following police report within 2 working days. Vulnerable victims are provided with a Horizon SPOC who will discuss varying support options with the victim (incl. RJ)'*), and
- the other specifically considers these cases following court outcomes (i.e., *'As part of the [service provider] Enhanced Model, victims who have gone through the court process are further considered for RJ – again subject to suitability. Additionally, [service provider] are housed alongside [location] Police' Court Liaison Unit so that both services can work together in communicating court outcomes so that the [service provider] service can further explore RJ choices and options'*).

2.3.3 Monitoring compliance

Respondents acknowledged the importance of monitoring rights to RJ, but there is variation in the extent to which this is occurring. Those actively monitoring compliance are doing so through:

- working groups (i.e., *'The Local Criminal Justice Partnership and PCVC have identified a series of 'critical contact points' in a victim's journey through the CJS. Working groups are in place across the partnership to monitor the input of providers in relation to the span of victims needs at each of these stages'*),

- a multiagency compliance group (i.e., *'We have just reconvened a VCOP compliance group comprising HCTS, CPS, Police, Victim services and Probation. This will be the forum at which that Right is monitored'*),
- performance against organisational action plans (i.e., *'Our RJ Strategic Group includes representatives from the Fire and Rescue Service, [location] Police, [location] Youth Offending Service, NPS, CRC, Victim Support and Local Government. Each organisation has an action plan to ensure that they are considering RJ'*), and
- as part of contract reporting (i.e., *'Services commissioned by the PCC are expected to support the delivery of the Victim Code – it is included within the service specification. The Victim Gateway, our front door service, sends RJ information to all victims of crime who have been directly transferred from the Force'*), and/or

Those that identified this as an area of development (i.e., *'Currently under review to ensure compliance across all levels of the CJS'*), stated that compliance monitoring will be undertaken:

- by the local criminal justice board (i.e., *'VCU and Witness Care Units speak to victims. Probation, YOTS and other providers will provide information to both victims and offenders, although further work needs to be undertaken through the Local Criminal Justice Board and other forums to ensure this is implemented in a strategic and joined up manner'*),
- at a newly established RJ Steering Group (i.e., *'Pre – Court referrals from the Police for Community Resolution cases and youth OOC cases. Post – Court referrals from Witness Care, Witness Service, Derbyshire Victim Services, Probation, VLO's, Prisons and other victim agencies. i.e., DV/SV services. The development of the RJ Steering Group will also bring partners together on a regular basis to review how this is progressing'*), and
- as part of reporting processes (i.e., *'Once our joint victim's partner [service provider] receives a referral, when case workers have their first meeting with the victim they inform them of RJ, as well as the midway and at the end of the service. This is all recorded in the paperwork of the assessment process. [Service provider] attends the VFSS monthly case discussion meetings, reminding them of RJ, exploring cases for RJ and we also do micro training for the teams'*).

Tom Pursglove (2022), Under-Secretary of State for Justice and Tackling Illegal Migration, has said the following about the current monitoring processes and potential amendments to how RJ is delivered:

PCCs are required to report to the Ministry of Justice every six months on the delivery of the funding, which we monitor closely. The National Probation Service is developing a new framework for restorative justice to ensure a more consistent approach, focusing on the people for whom it will make the biggest difference. I am carefully considering the recommendations of the All-Party Parliamentary Group on Restorative Justice's report and will respond in due course.

It is still too early to tell how the new Code will shape practice and if the changes will eradicate the postcode lottery of information about, and access to, RJ. However, several issues were raised by respondents that demonstrate the implementation of RJ is not as advanced as some of the survey answers suggest.

2.4 Issues to note

A few respondents (14%, N=5) provided additional information about RJ service provision in their area. One is a caveat about the information that they had provided given that their contract is so new (i.e., *'I have answered as fairly as I can, given the new contract and a complete change of staff for RJ in [location]'*). We know that contract lengths vary and that it takes time to embed a service within the local PCC area. At times, this can inhibit the impact the service provider has locally and their ability to demonstrate value for money in their quarterly performance reports. Furthermore, the needs of victims, offenders and agencies involved in criminal justice can result in quite a significant departure from what is initially contained in the commissioned service provider contract (RJC 2018). This can pose a challenge for service providers who receive contracts that are not as expansive as the needs of the local population.

Another respondent said there is often a distinction in how process *should* work on paper and how they work in practice:

Just to note that policy vs practice can vary significantly amongst providers and front-line professionals. I am not convinced officers regularly offer RJ even though they are advised to do so. Furthermore, RJ is over demanded and under resourced and long waiting lists are in place.

Like this respondent, another indicated suspicion that frontline officers do not always implement the guidance that they are given (e.g., *'Information by police officers will be*

inconsistent regardless of guidance'). This highlights a difficulty in implementing the Code, which states the police should be responsible for initially discussing RJ with victims. They are an overburdened service in terms of the amount of competing information they are required to disseminate. High staff turnover rates compound this, which means regular training is essential to ensure that officers are aware of RJ, and they keep RJ in mind during their normal duties. For some respondents, limited funding is having a negative impact on the extent to which this can be undertaken locally:

In the past we did work hard informing police of RJ by doing early morning and afternoon police briefings, but our resources have been cut and we are unable to sustain this. Currently, I am not sure of the situation. I think there should be training of RJ within the Police academy of training for the new recruits as a continuous offer.

In some areas, as this report has shown, the difficulty in relying on frontline officers to disseminate this information has been addressed by automating information about RJ and changing who provides information to victims. Nevertheless, in others, it is evident that excluding frontline officers can have a 'distancing effect' where they do not understand what RJ is and do not support access to RJ, unless it is for very minor offending (Clamp and O'Mahony 2019; Clamp 2020).

Access and awareness issues are not only present within policing, but also post-sentence, particularly in prisons. In 2019, HMPPS established a restorative practice hub called 're:hub' with the objective of supporting prisons that already used, or wanted to use, restorative practices. However, it is not clear how far reaching this ambition has been realised, as one respondent noted:

We have in the past had difficulties with other HMPs when we have done the prep work, ready for conference and then the prisoner moves, and the new Governor does not allow for the RJ conference to happen. This clearly is re-victimising the victim who has had the courage to start the process for then staff to gate keep whether the RJ goes ahead or not. I also think that within prisons across the county, it is very patchy of the awareness of RJ with OMs, prison wardens, prison staff. Also, the funding of RJ in prisons all depends on the local governors if they want to fund it. We have not been able to have a sustainable long-term source of funding to develop RJ within prisons.

The variable buy-in and funding arrangements across England and Wales has a significant impact on the experience of those who encounter the criminal justice system. The reluctance by government to provide a national steer on RJ reinforces this divide. The result is a fragmentation of how RJ is:

- defined and communicated,
- funded and delivered, and
- accessed and experienced.

For the government to meet the aims of its Victims' Strategy (MoJ 2021: 7) adequate funding of, and equal access to, RJ provision is essential to reduce secondary victimisation, and to build confidence and trust in the criminal justice system. This report demonstrates that a crucial aspect that frames RJ provision is 'buy-in' by both criminal justice practitioners and PCCs. It is impossible to create equal access when local provision is determined by local buy-in. It is this aspect of the commissioning, and operational environment, that has received little attention to-date and that is key to addressing the post-code lottery of access to, and information about, RJ.

3. Recommendations

4. To eradicate the postcode lottery in RJ provision, RJ needs a statutory footing that clearly outlines what it is and what it is not, and mandates practice throughout the criminal justice process, much like in Northern Ireland.
5. To increase the amount of buy-in and stimulate further support for RJ, RJ skills (or techniques) and theory should be a mandatory part of training for all criminal justice practitioners and PCCs. This will ensure that they understand *why* RJ is important and *how* it works.
6. To cease 'selling' RJ as a means to reduce workload and instead make the value of RJ for victims, offenders and the broader community evident through the dissemination of relevant evaluation data. This will support the implementation of RJ as a central part of the criminal justice response, and stimulate a shift towards a justice response that works for *people*.

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Appendix A: PCC Respondents

| | Area | Response received |
|----|--------------------|-------------------|
| 1 | Avon & Somerset | √ |
| 2 | Bedfordshire | √ |
| 3 | Cambridgeshire | √ |
| 4 | Cheshire | √ |
| 5 | Cleveland | √ |
| 6 | Cumbria | |
| 7 | Derbyshire | √ |
| 8 | Devon & Cornwall | √ |
| 9 | Dorset | √ |
| 10 | Durham | √ |
| 11 | Dyfed-Powys | √ |
| 12 | Essex | √ |
| 13 | Gloucestershire | √ |
| 14 | Greater Manchester | √ |
| 15 | Gwent | √ |
| 16 | Hampshire | √ |
| 17 | Hertfordshire | √ |
| 18 | Humberside | √ |
| 19 | Kent | |
| 20 | Lancashire | √ |
| 21 | Leicestershire | |
| 22 | Lincolnshire | √ |
| 23 | Merseyside | √ |
| 24 | MOPAC | √ |
| 25 | Norfolk | √ |
| 26 | North Wales | √ |
| 27 | North Yorkshire | √ |
| 28 | Northamptonshire | √ |
| 29 | Northumbria | √ |
| 30 | Nottinghamshire | √ |
| 31 | South Wales | |
| 32 | South Yorkshire | √ |
| 33 | Staffordshire | √ |
| 34 | Suffolk | √ |
| 35 | Surrey | √ |
| 36 | Sussex | |
| 37 | Thames Valley | √ |
| 38 | Warwickshire | √ |
| 39 | West Mercia | √ |
| 40 | West Midlands | √ |
| 41 | West Yorkshire | √ |
| 42 | Wiltshire | √ |

Appendix B: Survey Questions

1. Which PCC area are you from?
2. Is your PCC running for re-election in May?
3. Is your PCC supportive of RJ?
4. What does that support look like? [please select all that apply, if you select 'other', please elaborate in the box]
 - a) We have a restorative justice board/network that reports to the local criminal justice board
 - b) We have promotional materials to draw attention to what restorative justice is and how to access it
 - c) We have invested in an evaluation of our restorative justice provision
 - d) We have a local restorative justice strategy
 - e) Other
5. Is a RJ service provider currently commissioned in your area?
6. Which service provider do you currently commission [if you select 'other' please type the name of the service in the box]?
 - a) REMEDI
 - b) Catch-22
 - c) Restorative Solutions
 - d) Make Amends
 - e) Victim Support
 - f) Other
7. When does their contract end?
8. Is your commissioned service provider registered/accredited with the RJC?
9. Do any statutory agencies provide opportunities for victims and/or offenders to engage in a RJ process?
10. Which of the following statutory agencies offer RJ in your area? [please tick all that apply, if you select 'other' please write the additional agencies in the box]
 - a) Police
 - b) Probation
 - c) Youth offending team
 - d) Prisons
 - e) Other
11. Do you promote RJ to victims of crime in your area?
12. How are victims made aware of RJ services in your area? [please tick all that apply, if you select 'other' please write how you do this in other ways in the box]
 - a) Verbally by police officers
 - b) Access to information is available on the OPCC website
 - c) Via a letter

- d) Through leaflets handed out by practitioners
 - e) Via telephone if their case is deemed eligible
 - f) Other
13. Do you promote RJ to offenders in your area?
14. How are offenders made aware of RJ services in your area? [please tick all that apply, if you select 'other' please write alternative approaches in the box]
- a) Verbally by police officers
 - b) Access to information is available on the OPCC website
 - c) Through leaflets handed out by practitioners
 - d) Via letter
 - e) Via telephone if their case is deemed eligible
 - f) Other
15. What exclusions are there in accessing RJ in your area? [tick all that apply, if you select 'other' please write the additional exclusions in the box]
- a) Referrals must be victim-initiated
 - b) No offences involving domestic violence are eligible
 - c) No offences involving sexual assault are eligible
 - d) No offences involving rape are eligible
 - e) Only cases where the offender is under the age of 18 are eligible
 - f) RJ is only available for first time offenders
 - g) RJ is only available for minor offences
 - h) There are no automatic exclusions, each case is assessed on its merits
 - i) Other
16. Is RJ provision monitored for compliance with the Code in your area?
17. Please provide further detail about how RJ service provision is assessed against the Code in your area.
18. Have any changes been made in RJ service provision in response to the new Code coming into effect on 1 April 2021?
19. Please provide further detail about the changes you have made.
20. Within the revised Code, victims will have the right to be referred to local services that support victims, including RJ services. With your current provision in mind, will you be able to refer victims to a RJ service within two working days of reporting their crime?
21. Within the revised Code, victims have a right to be informed about RJ within 5 days of reporting their crime. With your current provision in mind, will you be able to meet this requirement?
22. What local arrangements are in place for victims of adult offenders to receive information about RJ from the police?
23. What local arrangements are in place for victims of juvenile offenders to receive information about RJ from the youth offending team?
24. Right 3.5 states 'Although the police are responsible for providing you with information on RJ initially, all service providers must consider whether you would benefit from receiving this information at any stage of the criminal justice process.'

Please explain what arrangements are in place to meet this right across the CJ process in your area.

25. Feel free to write any other information that you feel relevant that I have not asked here.