

STEPHEN CZAJEWSKI

The impact of Transforming Rehabilitation (Probation Change agenda in England and Wales) on Restorative Justice

RISK TRAINING 2006

Development of risk related
practice

HAVEL CHAIR OXFORD



History – Thames Valley

- One of original pilot areas – much interest
- RJ in TV championed by police and in prisons
- Kept with it when it wasn't trendy
- The silent years
- Ran it as a Specified Activity – National Standards
- Victim voice
- People started to come to see us – NOMS, Ministers, international focus

History – Thames Valley and wider

- 'The whole world's gone RJ dance crazy'
- RJ at every stage of the adult sentencing process

Pre Sentence – deferred

Specified Activity

Integrated Offender Management

Prison

More Serious Harm cases

- Police and crime commissioners legislative responsibility for victim (and RJ) issues

TRANSFORMED REHABILITATION LANDSCAPE

- Politically TR combines public ownership of some service with privatisation of others
- The opening up of Offender Management to new rehabilitation providers, while retaining court services and management of offenders who pose a high risk of serious harm (or who have committed the most serious offences) in the public sector

TRANSFORMED REHABILITATION LANDSCAPE

- The aim was to improve reducing re-offending performance by opening up the delivery of probation to the market and introducing payment by results contracts.
- An additional aim was to deliver more for less – to make savings plus expand services to offenders sentenced to less than 12 months' imprisonment.

TRANSFORMED REHABILITATION LANDSCAPE

Community Rehabilitation Companies (private company, deliver outsourced services, centrally contacted by MOJ/NOMS).

Management and supervision of:

Low to medium Risk of Serious Harm offenders in the community or custody
Prisoners serving less than 12 months (includes additional licence supervision for 12 months)

Where there is actual or likelihood of escalation of Risk of Serious Harm, a case will be immediately transferred to NPS.

Delivery of:

- Integrated Offender Management
- Domestic Abuse programmes
- General offending programmes
- Activities designed to reduce re-offending (as part of the new Rehabilitation Requirement)
- Unpaid Work

TRANSFORMED REHABILITATION LANDSCAPE

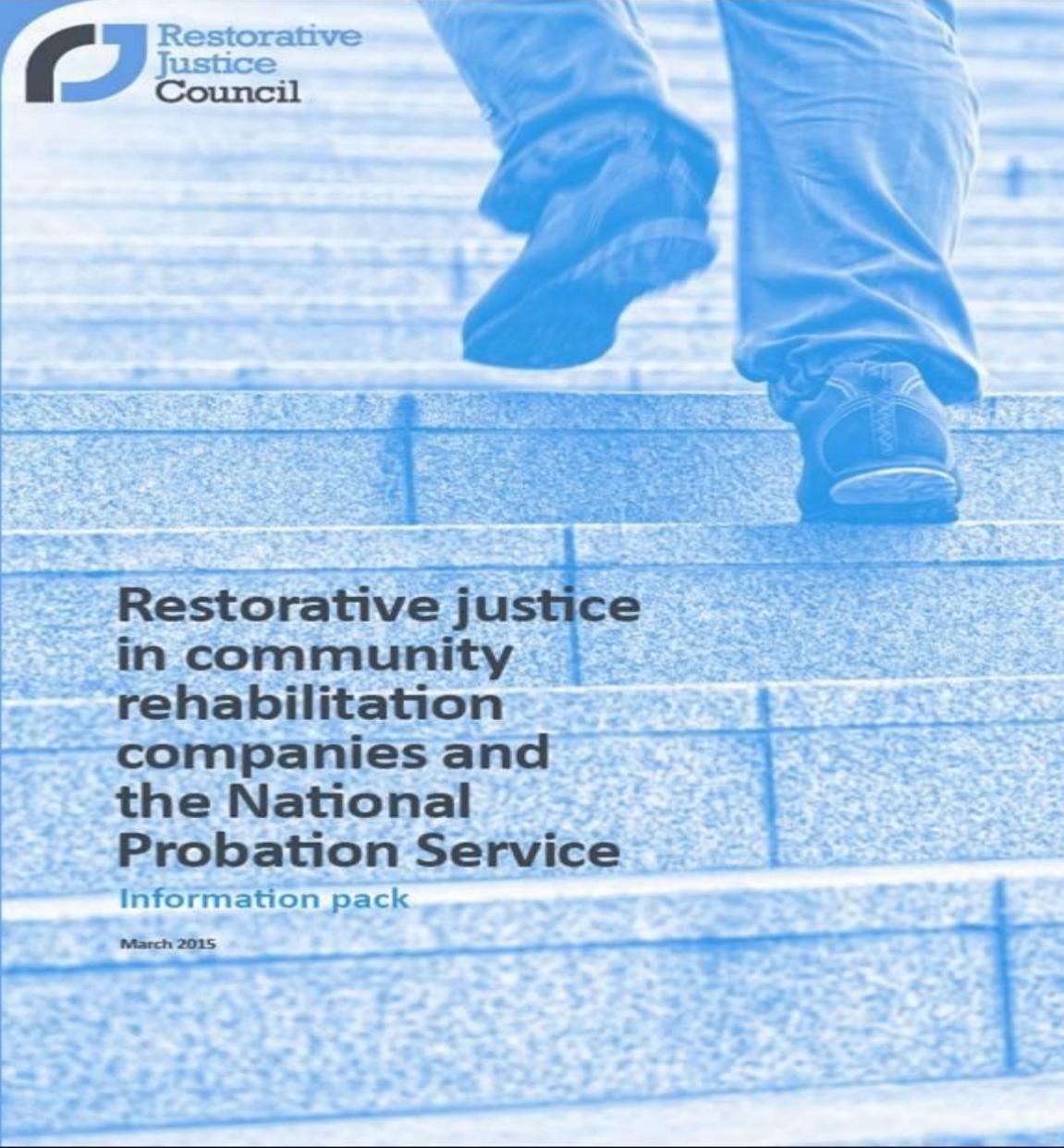
National Probation Service (part of civil service)

Management and supervision of:

- High Risk of Serious Harm offenders in the community or custody
- All MAPPA offenders
- Victim Liaison Service
- Approved Premises

Delivery of:

- Court services, including all pre-sentence reports, breaches/enforcement (both for NPS and TV CRC cases)
- Recalls as above
- Risk assessments and allocation of all cases to either NPS or TV CRC
- Sex offender treatment interventions



**Restorative justice
in community
rehabilitation
companies and
the National
Probation Service**

Information pack

March 2015

RJ IN CRCs AND NPS

NPS IN THE COURTS – REHABILITATION ACTIVITY REQUIREMENT

The Offender Rehabilitation Act (2014) mentions that RJ can form an element of a RAR. NPS court staff play a role in assisting sentencers to identify cases suitable for a RAR. The CRC provider ultimately determines whether RJ forms a part of this requirement.

NOMS probation instructions state that “the RAR is designed to allow providers of probation services flexibility to deliver innovative rehabilitative interventions and thus advice to the court should not be overly prescriptive”.

This means sentencers are not required to determine whether RJ forms a part of a RAR but it is, nevertheless, fundamental that the NPS court staff assist sentencers in their understanding of the possible interventions and that RJ may be implemented as part of sentence.

RJ IN CRCs AND NPS

NPS IN THE COURTS – PRE-SENTENCE RESTORATIVE JUSTICE

NPS court staff have a contributory role to play in helping identify cases that might be suitable for pre-sentence RJ. The Crime and Courts Act (2013) gave courts the explicit opportunity to defer proceedings post-conviction and pre-sentence to allow a restorative justice activity to take place. NPS' role, particularly in Magistrates' Court settings, is to assist other providers, often from a victim or witness service background, in identifying potentially suitable cases.

Pre-sentence RJ is a valuable intervention in its own right, providing the opportunity for victim and offender to engage at an early stage in the criminal justice process. It also introduces the concept to victims who might not be ready to engage pre-sentence but who might wish to return to address issues at a later stage. It is imperative for NPS court staff in particular to understand the workings of the process and the requirements for identifying potentially suitable cases at pre-sentence stage.

RJ IN CRCs AND NPS

THE ROLE OF THE NPS IN HIGH RISK OF HARM CASES

The NPS is responsible for the management and supervision of high risk of harm offenders. Although probation practice in England and Wales has not widely embraced engagement in RJ for extreme, high risk of harm offences, attitudes have changed in recent years.

In **Manchester**, for example, the following rules apply:

‘No offence is specifically excluded from the use of RJ, although its use for some offences, including sexual offenders, hate crimes and domestic violence, is subject to special consideration and approval.’

Pilot schemes are taking place in other parts of the country with victims of sexual harm, violence and murder.

RJ IN CRCs AND NPS

THE ROLE OF THE NPS IN HIGH RISK OF HARM CASES

Thames Valley - An innovative consortium project delivering Therapeutic Interventions and Restorative approaches for victims of serious crime who are experiencing trauma symptoms. This work is funded by a Ministry of Justice fund, via Thames Valley PCC. Project works with surviving loved ones of homicide or road death, victim survivors of sexual violence or other serious physical violence and with victims from the refugee sector. It includes those from black and ethnic minority communities who are particularly vulnerable due to language or other factors.

RJ IN CRCs AND NPS

KENT EXAMPLE

Has taken a multi-agency approach to RJ through its Criminal Justice Board, involving probation, police, prisons, Courts and Tribunals Service and the voluntary sector.

Have a shared vision that RJ should be available at every point in the criminal justice process, not just pre-sentence, but whenever the time is right for those involved. Kent have jointly commissioned the provision of conference facilitation and are able to offer this as part of a sentence for virtually all offence types, whether the offender is in the community, in custody, or even on licence.

RJ IN CRCs AND NPS

CRC - RESTORATIVE JUSTICE

Thames Valley CRC - is working with the new management organisation (MTCnovo) to review and maximise delivery of Restorative Justice as part of RARs.

Process to enable RJ to be commissioned out to a voluntary sector provider.

London CRC - currently delivers Restorative Justice as a post-sentence community penalty RAR or on request by prisoners or victims either during the prisoners' time in custody or after their release.

RJ IN CRCs AND NPS

CRC - RESTORATIVE JUSTICE

South Yorkshire – prior to TR, considerable effort had been made to develop Restorative Justice in the adult criminal justice system. Limited by poor take-up from sentencers and report writers.

Was one of three pilot areas involved in developing pre-sentence RJ. Take up of this was again limited.

PCC office had been a 'champion' of restorative development, ranging from adult conferencing and mentoring, to the identification of victim cases that might benefit from Restorative Justice approaches (including some high risk of harm cases).

PCC has also supported the development of local Community Justice Panels applying restorative solutions to neighbourhood disputes.

A partnership-based model has developed in South Yorkshire through the Criminal Justice Board including the police, Witness Service and Victim Support as identifiers, and the use of partnership agency, Remedi. Remedi is used as the deliverer of RAR interventions.

RJ IN CRCs AND NPS

CRC - RESTORATIVE JUSTICE

Manchester (and Cheshire) - take up slowed down post TR. Prior to these developments, there were 96 facilitators in the Manchester Probation Trust providing restorative facilitation. The vast majority of these individuals were redeployed to work in the NPS. Only 17 facilitators remained in the Manchester part of the CRC. The need to review RJ has been established across the CRC and to that end local CRC champions are in place.

The engagement of the new management company (Purple Futures) in RJ and a decision about the delivery model design is a vital next step.

PCC is commissioning new restorative work and the need to tap into that agenda is also considered to be vital to both CRC and NPS.

ONE STEP FORWARD, ONE STEP BACK?

The post-Transforming Rehabilitation infrastructure is an opportunity to strengthen the Restorative Justice landscape in the future.

- The benefits of high quality Restorative Justice are clear – reductions in re-offending, increased victim satisfaction and significant cost savings.
- There is a challenge for all those involved in Restorative Justice to ensure effective delivery, avoiding gaps and duplication in provision. Those in key probation positions, ranging from strategic leads to deliverers, must 'champion' the potential of Restorative Justice.
- A multi-agency model ensures effective communication and information sharing across agencies.
- As the CRCs and the NPS find their footing in the new probation landscape, it is essential that Restorative Justice takes a prominent role.

ONE STEP FORWARD, ONE STEP BACK?

Potential mainstreaming – importance of targeting and assessment

Reduced statutory framework – are there organisations ready to take over?

Commissioning – local need.

Tight budgets – is it affordable?

Expensive – takes time and skill – even if delivered by volunteers in mixed economy the training and quality assurance is costly.

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