

Youth Restorative Intervention in Surrey

Background

Where did the YRI come from?

Surrey has been aspiring to become a restorative county in recent years, and a significant expression of this has been in its endeavour to improve criminal justice outcomes (and experience) for both victims and offenders. There has also been a desire to fulfil the legal duty under the Children Act 1989 to resist any unnecessary criminalisation of young people, where this can be responsibly avoided.

Surrey Youth Justice Service (now part of the Youth Support Service) had been striving to become a fully restorative service and had invested in restorative practices in its post court work over a number of years.

In partnership with Surrey Police the *Youth Restorative Intervention (YRI)* was designed to provide a more restorative alternative approach in the pre-court arena, alongside 'Effective Resolution', 'Reprimands and 'Final Warnings. Conceptually, this was about building the capacity to offer a high quality restorative justice offer to both victims and their offenders beyond the 'effective resolution' offer introduced by Surrey Public First and the return of police discretion, with a view to:

- improving victim satisfaction
- reducing re-offending
- further reducing numbers of so called '*First time Entrants*' and
- providing value for money

How are we different from everywhere else?

The Criminal Justice Joint Inspection report '*Facing Up To Offending: Use of restorative justice in the criminal justice system*', published September 2012 reported on an increased use of informal resolutions across the country from 0.5% to 12% of all cases between 2008 and 2011. It also found that

..... 'RJ was less bureaucratic than other more formal processes and had the potential to make savings and improve outcomes if used properly'...

However, it also recognised widespread variation in practices and some areas that have yet to embark upon restorative justice development at all.

Community Resolution, known as 'Effective Resolution' in Surrey, has been a feature of local justice since 2008 when Surrey became one of four police discretion pilot sites. Furthermore, Restorative Justice has been prominent in youth justice in Surrey for a number of years. A dedicated Restorative Practice team including a strong reparation scheme has been well established as part of the Youth

Justice Service (now the Youth Support Service) focusing principally on providing access for victims and offenders to restoration and reparation in statutory cases referred by the courts.

Against this background, combined with strong commitment to partnership working particularly between police, youth justice and the youth courts, the *Youth Restorative Intervention* was developed as an addition to community resolution to create two tiers of informal resolution. To our knowledge this is unique to Surrey and we are unaware of any similar models that exist elsewhere.

It could be that the closest comparison of the YRI can be found in the history of youth justice in Northamptonshire. In the 1990's Northamptonshire Diversion Unit, a multi-disciplinary team of police, social workers, probation, education health and mediators, offered multiple restorative cautions as a pre-court diversion, significantly reducing demand for court services and meeting the needs of both victims and young offenders in the process.

Chronology

Origins

Discussion and design work on the YRI began in 2010, principally driven by Surrey Police and Surrey Youth Justice Service but critically involving informal consultation across key local criminal justice agencies. The concept of the YRI was first formally unveiled at the *2nd Surrey Restorative Practice Conference* in September 2010. A joint agency YRI project team was developed as an action from the conference to refine and develop the model leading to a YRI pilot period - April 2011 to November 2011. The formal YRI launch was announced at the *3rd Restorative Practice Conference* on 22nd November 2011 by Chief Constable Mark Rowley.

Youth Restorative Intervention – What is it?

What is it?

A Youth Restorative Intervention (YRI) is a new way of dealing with youth offending in Surrey. It is based on the principles of restorative justice and is an alternative to formal disposals such as Reprimands, Final Warnings and prosecution. The YRI is a multi-agency initiative led by Surrey Police and Surrey Youth Support Service, sponsored by Surrey Criminal Justice Partnership.

Who does it involve?

A YRI allows **victims who have been affected by a crime and those young people who are responsible, a chance** to communicate about what has happened and to find a positive way forward. Its use is dependent upon the young person's acceptance of responsibility for any wrongdoing and their willingness to make amends. It is sensitive to the needs and wishes of victims and there is a strong commitment to keeping them fully informed throughout the process.

Why has it been introduced?

- To create opportunity at an early stage for harm to be repaired
- To increase victim satisfaction
- To reduce re-offending

- To deliver value for money by reducing the need for and use of formal court proceedings
- To reduce the number of 'first-time entrants' into the criminal justice system

CASE STUDY

Three young people who had committed vandalism and graffiti in their local areas agreed to be involved in painting out and cleaning a nearby drop in centre for young people at the request of the local shop-keepers who had been affected. Police and YSS supervised this activity to reach a satisfactory conclusion for all concerned.

How does it work?

Once suitable cases have been identified they are case managed by trained Restorative Justice Practitioners who work with those affected towards developing a bespoke agreement or YRI 'contract'. Reparation can take many forms but may include an apology or practical activity, either direct to the victim or to the benefit of the wider community.

The offender is expected to adhere to the agreed conditions in order to fulfill the contract and for the matter to be recorded as successfully resolved. In these circumstances they do not attract a criminal record for the offence in question. However, it is made clear that any failure to comply could lead to the use of formal sanctions in the future. The rationale for this is to ensure that all young people have the best possible prospects of making a successful transition to adulthood, uncompromised by criminalisation.

When are they used?

The Surrey Youth Integrated Offender Management Unit (IOM (youth)) give consideration to the suitability of the YRI in all cases where an offence is admitted unless it is 'indictable only'*. A key element of successful restorative practice is responding swiftly to a crime and so, if its use is deemed appropriate, the YRI is put into motion as soon as possible, in the interests of all concerned.

*'Indictable only'

Some offences such as murder and rape are considered so serious that they can only be tried on indictment at the crown court where the widest range of sentencing powers is available to the judge. The expression 'indictable-only offences' was defined by Section 51 (1) of the Crime and Disorder Act 1998, as originally enacted, as an offence triable only on indictment.

CASE STUDY

One looked after child (LAC) caused criminal damage in their local community but the victim had no wish to be involved. Instead the SCC LAC team who were in any event trying to reintegrate the young person back into the family home worked with us to support a suggestion from the young persons' grandfather that this young man makes amends by working at his local football club, helping to clear the grounds after matches and being a help on the day of the game. This proved to be an important development in accelerating his return to the family home, as he impressed everyone with his willingness to do something worthwhile for his local community.

YRI criteria, decision-making and case work

Referral and joint decision-making process

All potential YRI cases are referred by the officers in the case to the Integrated Offender Management Unit (Youth) for assessment of YRI suitability. Cases are discussed and decisions made at a **joint decision-making panel** with police and Youth Support Service representation. The Crown Prosecution Service (CPS) are contactable to offer advice if required. Decision-making in sensitive or complex cases are escalated to involve the IOM (youth) Inspector.

From the outset decision-making has been based on restorative principles. i.e. to take account of the circumstances, needs and interests of those individuals involved on a case by case basis, and cross-referencing this with *Joint Decision Making Panel Guidelines* (see Appendix 1). Account is also taken of any previous history or current issues including education and social care. This permissive approach has encouraged creativity, partnership working and a level of experimentation to test the efficacy of decision-making informed by learning from practice. The **YRI Quality Assurance Panel** (see section 8) also has a role in scrutinising the appropriateness of decision-making and supporting the development and revision of the guidelines.

Scope of decision-making

Decision-making is therefore not based on a rigid, inflexible set of hard criteria. Attempts are made to maximise the accessibility of a restorative process at an early stage for all that may benefit from this. Therefore, in practice the YRI is considered in all circumstances where an offence is admitted and where the offence type is not 'indictable-only'. Not all of these cases result in a decision to proceed with a YRI. A number will instead result in formal sanction by way of *Reprimand* or *Final Warning*. Others will be charged.

Who case manages YRI's?

YRI's are case managed by either

- Trained restorative practitioners (police) who form the IOM (youth)
- Restorative Practice Team (Youth Support Service) who are also part of IOM (youth)
- Or
- Restorative practice trained Youth Support Officers of the YSS working in the boroughs and district teams

Case type, allocation and casework

Case allocation is based on a range of considerations that include whether or not the young person is already known (e.g. already an open case to YSS), geography, offence type and case complexity.

Around half of all cases are managed centrally by IOM youth practitioners and the other half out in the borough and districts by YSS – youth support officers.

Cases where the offence type is substance misuse (including alcohol) are most often managed by health specialists in the YSS. Looked after children and Children in Need cases will generally be

managed by Youth Support Service staff also. Similarly, cases that feature complex family difficulties and where there may be a need to involve parenting support will be allocated to YSS staff.

YRI case types

Experience has shown that YRI cases range significantly in type and complexity. Many cases are relatively simple in nature and can be managed swiftly with a relatively 'light touch' approach. Other cases can be complex and sensitive and require considerable resources and time to achieve meaningful outcomes.

Similarly, some cases don't involve an identifiable victim whilst other cases may involve multiple victims and all of the associated additional work in our endeavour to involve them all in the process.

What if there's no victim?

Restorative Justice is often described as a process of bringing victims and offenders into dialogue leading to agreement about ways forward. Although this is very much true of YRI practice in many cases, the YRI has been used in circumstances where there is no identifiable primary victim. An example of this is in possession of cannabis cases. In such cases practitioners encourage offenders to consider who is harmed and affected by the behaviour and invited to consider how things can be put right, just as in other YRI cases. Involvement of parents and carers in this process is critical, as they are often secondary victims in these scenarios.

YRI's with Looked After Children and Children in Need

Care is taken with looked after children (LAC) and Children in Need (CiN) cases to involve all the key partners in working collaboratively and intelligently together to ensure the best possible outcomes and fulfil corporate responsibilities.

Looked After Children have traditionally been over-represented in the criminal justice system. The YRI has been a particularly significant instrument in reducing the numbers of Surrey LAC in recent years. See YRI – Looked After Children in section 7.

YRI's in cases of Domestic Violence and Sex Offences

All domestic violence cases are considered with particular care and with regard to the need to manage the potential for complainants to experience further harm. Decision-making in all such cases are referred to the IOM (youth) inspector.

All cases involving sexually harmful behaviour are subject to multi-agency protocol and the potential for AIM 2 assessment* to inform decision making on appropriate case disposal. The YRI is now available as one such case disposal option in appropriate cases, However, as with domestic violence cases final decision-making rests with the IOM (youth) Inspector.

*AIM 2 Initial Assessment reflects current knowledge and research relating to sexually harmful adolescents. The assessment focuses on 12-18 year old young men who display sexually harmful behaviours and who may require a response from either criminal justice or child welfare agencies.

