

## HAMPSHIRE COUNTY COUNCIL

### Report

<b>Committee</b>	Children and Families Advisory Panel
<b>Date:</b>	10 October 2022
<b>Title:</b>	Hampshire Youth Offending Team (HYOT) Report on Restorative Justice
<b>Report From:</b>	Director of Children's Services

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#### **Purpose of this Report**

1. The purpose of this report is to provide the Children and Families Advisory Panel (CFAP) with information on the Restorative Justice (RJ) provision within Hampshire Youth Offending Team (HYOT).

#### **Recommendation(s)**

2. For the committee to note the value of Restorative Justice within the work of Hampshire Youth Offending Team.

#### **Executive Summary**

3. This report seeks to provide background information to the concept of Restorative Justice and show how it works within HYOT. It provides details of the cost to the service and its current measured performance. It provides details of some of the wider national work in relation to Restorative Justice. Finally, it details the range of reparation placements we currently provide. In providing this information it seeks to assure the value added to the provision of Youth Justice within Hampshire.

#### **Contextual information**

4. Restorative Justice is an approach used for both the benefit of children and those who are harmed by their behaviour. It provides the opportunity for the harmed person and the child to communicate either directly or indirectly and to repair the harm done. This is done through shuttle mediation, a direct meeting, or a letter of apology.
5. The objective is for the child to understand the impact of their behaviour on the harmed person and where appropriate repair the harm. This will reduce the risk of the behaviour being repeated. It is a collaborative approach, which

avoids apportioning of blame. Accordingly, it is voluntary process, which both parties must consent to participate in.

6. Restorative Justice is delivered within HYOT by a team of 6 Restorative Justice Officers (RJO's) led by a Team Leader located within the wider Specialist Services Team within HYOT. The officers are based in the 4 geographical teams providing coverage across the county. They work with children and harmed people subject to the potential statutory outcomes (see appendix 1 for details of the outcomes HYOT covers).
7. There are three key processes where the Restorative Justice Officers apply their interventions, these are the joint Decision-Making Panel (JDMP), the Referral Order Panel process and the Pre-Sentence Report process.
8. The Joint decision-making panel is where HYOT and its partners come together to decide on the outcome for children referred to them by the police. This is a Pre-Court system and is designed to divert children away from court. The options available to the panel include:
  - A Youth Conditional Caution (YCC)
  - A Youth Caution (YC)
  - A Community Resolution (CR/C32)
  - A Youth Diversion Programme (YDP/Outcome22)
9. Both a YC and a YCC make the child a first-time entrant into the criminal justice system. Whereas a YDP diverts children away from the criminal justice system, whilst providing them the required interventions to change behaviour. The outcome is decided following an assessment which includes a contribution from the Restorative Justice Officer (RJO) who speaks with the child to ascertain their attitude to the offence and their views and what restorative work they are prepared to do. Taking this and the harmed persons views ascertained by the Police into account, a plan is developed to be delivered post decision. Following the outcome decisions, the RJO contacts the harmed person and works with them to identify a planned way forward.
10. A Referral Order is a disposal imposed by the court and starts following a panel meeting. This panel includes a group of volunteers who decide, in collaboration with the child, on the work the child can do on the disposal. To support this both the child and the harmed person are contacted prior to the meeting to ascertain their views and support the delivery restorative work.
11. The provision of Pre-Sentence Reports is an occasional piece of work where again both parties are approached in advance of sentence.
12. Linked to Restorative Justice is the concept of reparation. This is run separately to the Restorative Justice Team and is open to all children under our supervision. Reparation is where children "make up" for their behaviour through the completion of specific tasks. One of the obvious tasks usually associated with reparation is litter picking. This is especially useful for children where the harm is not caused to a specific individual but a business or public

space. As with Restorative Justice, HYOT is unable to compel a child to engage.

13. During the last 12 months HYOT has been seeking to expand the use of reparation and has identified a range of placements. In addition, we are building a suite of reparation placements which include Petersfield Community Garden, Furniture projects, Bike Start, Woodland Trust, Scratch, Friends of the Homeless, Lakeside County Park, Basic's Bank, Eastleigh Football Community Trust, Southwest Rail and Community Shops.
14. The work of Restorative Justice nationally is overseen by the Restorative Justice Council (RJC). Currently, HYOT is assessed by the RJC as having the Restorative Service Quality Mark. However, the RJC is changing its registration process to one where organisations are registered as a Service Provider. This new process goes live in March 2023 and HYOT are required to meet the Restorative Justice practice standards and pay a registration fee. HYOT is pursuing registration as it is seen as best practice by those who oversee our work; specifically, the Youth Justice Board (YJB) and Her Majesty's Inspectorate of Probation (HMIP) Further it does support the future ability to apply for funding stream and attract income.

### **Finance**

15. The RJ team is funded from HYOTs budget. This budget consists of a variety of cash contributions, grants, and payment in kind in the from our partners. The main contributors are the Local Authority Childrens Service Department and Youth Justice Board.
16. The cost of becoming registered as a Service Provider is £1560 for the initial assessment and first year. Then an annual renewal fee of £306 after the first year of registration. There is an additional cost to register our staff as practitioners at approximately £300 per person. HYOT is in the process of seeking permission to spend this from the Management Board.

### **Performance**

17. There are no formal national key performance indicators related to the restorative Justice function or activity, however, performance is monitored locally by our management board. During 2021/22, 588 harmed persons were contacted by the RJOs, of those 97 chose to be involved in a restorative process. In addition, they worked with 361 children.

### **Other Key Issues**

18. There is a current All Party Parliamentary Group for Restorative Justice which is currently enquiring into the current state of Restorative Practices in England and Wales. The second phase of the inquiry, taking place in 2022, has four work streams:
  - Raising practitioner standards within the criminal justice sector

- Opening universal access to restorative justice in the criminal justice sector
- Implementing restorative practices in education, health, and social care
- Developing the evidence base for recording and evaluating projects

HYOTs view is that by registering as a provider under the RJC we will be in a position of advantage when the group makes its recommendations regarding raising practice standards.

19. Locally HYOT is connected to work in the adult's part of the criminal justice system and criminal justice partners through the Restorative Justice Joint Working Group. This group is chaired by the Office of Police Crime Commissioner who commissions services for adults.
20. Restorative Justice is also available as a support and intervention to other areas of Children's Services, for example, residential services, where we are obviously very keen to improve behaviour and keep our Looked After Children out of the criminal justice system.

## **Conclusions**

21. This completes the summary of Hampshire Youth Offending Team's work in relation to Restorative Justice. It shows the significant positive contribution it makes to the children we work with, the people harmed and the local communities within which they live. It gives children the opportunity to understand the impact of their actions on others, increase their self-esteem and to develop a sense of belonging to their communities. Further, harmed people feel listened to understand and are empowered to have a role in the process.

Therefore, we request the committee to note the value of Restorative Justice within the work of Hampshire Youth Offending Team.

## **Appendix 1**

List of disposals managed by Hampshire Youth Offending Team

### **1) Orders Imposed by the Court**

#### **Referral Orders (ROs)**

A Referral Order requires the child to attend a panel (made up of two members of the local community and a YOT member of staff). The panel meets and agree a contract, for a period of between three months and a year.

The aim is for the child or young person to make up for the harm they have caused. An order *must* be imposed for a first offence where the child has pleaded guilty (unless the court decides that another sentence is justified) and may be imposed in other circumstances.

#### **Youth Rehabilitation Orders (YROs)**

A Youth Rehabilitation Order is a community sentence. It can include one or more requirements that the child must comply with and can last for up to three years. Some examples of the requirements that can be imposed are a curfew, supervision, unpaid work, electronic monitoring, drug treatment, mental health treatment and education requirements.

#### **Custodial Sentences (DTO/Sec90/91)**

Children can receive custodial sentences. It is a sentence to be avoided as far as possible. When they are given, they aim to provide training and education and rehabilitate the offender, so they do not reoffend. Sentences can be spent in secure children's homes, secure training centres and young offender institutions.

### **2) Orders imposed by the Joint Decision-Making Panel**

#### **Youth Caution (YC)**

Where the child admits the offence, but an intervention is not assessed as required. They can however engage voluntarily should they so wish for a period of 12 weeks.

#### **Youth Conditional Caution (YCC)**

A YCC is given where a child admits the offence and it is assessed they need an intervention. This intervention is 16 or 20 weeks in length and is delivered by the YOT. If they do not comply, they can be sent back to court and resentenced for the original offence.

#### **Youth Diversion Programme (YDP)**

This is offered to the child by a Joint Decision-Making Panel (JDMP). Unlike all the above, the child is not considered as a First Time Entrant (FTE). The length of intervention is 16 weeks and if they do not comply, they are referred to JDMP for reconsideration.

### **3) Youth Crime Prevention**

This is a voluntary intervention offered by the Youth Offending Team. In other Local Authorities this can be delivered by other parts of the Local Authority. There are two routes for a child to gain access: The first is direct referral from other agencies and the second when it is attached to a **Community Resolution**. A Community Resolution is issued by the Police at the point of arrest.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	yes/no
<b>People in Hampshire live safe, healthy, and independent lives:</b>	yes/no
<b>People in Hampshire enjoy a rich and diverse environment:</b>	yes/no
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	yes/no
<b>OR</b>	
<b>This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:</b>	
<i>NB: Only complete this section if you have not completed any of the Strategic Plan tick boxes above. Whichever section is not applicable, please delete.</i>	

*NB: If the 'Other significant links' section below is not applicable, please delete it.*

**Other Significant Links**

<b>Links to previous Member decisions:</b>	
<u>Title</u>	<u>Date</u>
<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u>	<u>Date</u>

<b>Section 100 D - Local Government Act 1972 - background documents</b>	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	

## EQUALITIES IMPACT ASSESSMENT:

### 1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act about the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation) and those who do not share it.
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

### 2. Equalities Impact Assessment:

See guidance at <https://hants.sharepoint.com/sites/ID/SitePages/Equality-Impact-Assessments.aspx?web=1>

Insert in full your **Equality Statement** which will either state:

- (a) why you consider that the project/proposal will have a low or no impact on groups with protected characteristics or
- (b) will give details of the identified impacts and potential mitigating actions