

Early Help and Integrated Youth Justice Service

Restorative Justice and Victim Policy

Revised Jan 2022

This procedure outlines the roles, responsibilities and processes to be followed by Sutton's Early Help and Integrated Youth Justice Service (EHYJS) in our work with those who have been identified as a victim of crime and harmed by young people subject to court orders which are overseen by Sutton.

Sutton does use a wide range of restorative approaches as one of their main models of practice within Children's Services; however this policy relates specifically to Restorative Justice within the criminal justice system.

For more information on the restorative model used within the council, please refer to <https://sites.google.com/sutton.gov.uk/suttonresearchpractice/home?authuser=0>

1. The purpose of victim work in Sutton Youth Justice Service

Sutton Youth Justice Service is committed to delivering a high quality service for victims of youth crime in line with the Ministry of Justice's (MOJ) Victim Code of Practice (VCOP), The Victim's Code for Under 18's and the Restorative Justice Council's (RJC) guidelines.

1.1

Victim classification

Victims of crime can be classified as **individual/s** or a **corporate victim** which could be a business or an organisation such as a school or a care home. This is for the purpose of recording victim work on Core+.

Victims under 18 qualify for an enhanced level of service under the VCOP and the Victim's Code for Under 18's. Parents and guardians of young victims under the age of 17 are also eligible to receive services under the VCOP (unless they are under investigations or being charged).

1.2

Victims are becoming increasingly central to the criminal justice system. The Victim Code of Practice states that a victim should be '**treated in a respectful, sensitive and professional manner without discrimination of any kind.**' Victims should receive appropriate support to

help them, as far as possible, to **cope and recover** and to be **protected from re-victimisation**.

The Victim Code of Practice states that each Youth Offending Service has a duty to:

- **Provide each victim with information** about the progress of the offender's case
- **Provide referral information on victim support services** if asked or where victim's needs are beyond Restorative Justice
- **Provide opportunity to take part in Restorative Justice** (if suitable)

In line with this, the Youth Justice Plan for Sutton YJS in relation to working with victims, states that:

“All identified victims are contacted, their views sought and opportunities given to engage in a restorative approach”

In cases where a victim cannot be contacted, or it is deemed unsuitable to do so, managers will be made aware of the reasons for non-contact and the victim's details will be deleted with immediate effect.

1.3

Sutton YJS' RJ team consists of a Restorative Justice Worker (2.5 days per week), and a Victim Liaison Officer (VLO; 2.5 days per week).

All Youth Justice case managers within the team have had extensive Restorative Justice training. All staff within EHIYJS have attended 3 day Restorative Practice Training and this training is deemed a mandatory training course for Children's Services staff. This training has been delivered to all staff in Children's Services since 2018.

1.4

Within Sutton EHIYJS, the Victim Liaison Officer provides information, advice and guidance to victims of crime. The VLO will also signpost and make direct referrals to specialist services both locally and nationally. This includes, but is not limited to, Victim Support, Jigsaw4U, Sutton Women's Centre.

The RJ team will work closely with YJS Case Managers and support them in their work with young people. The RJ team will also develop and deliver victim focussed group work (named Full Circle) and develop resources for use by practitioners. The RJ team will refer to the Restorative Justice Council's guidance on *How to engage victims of crime in a restorative process* to ensure Best Practice.

2. Case identification and referral processes

2.1

The RJ team will identify any pre or post court disposal that has a victim via allocation emails and court results.

2.2

New Data Protection rules were introduced by the General Data Protection Regulations (GDPR) in May 2018 which changed the way in which personal information, such as victims' contact details, are obtained and shared.

After extensive consultation with YJS police, senior managers and the Pan London RJ Network; from 2018, the following process was agreed:

1. The VLO will complete form 141a to request victim details.
2. The YJS Police will send a letter to the victim at the earliest available opportunity, to offer victims the opportunity to opt-out of their details being passed to the VLO (victim is given 7 days).
3. If the victim opts out of their details being shared, the VLO is made aware and the victim file closed.
4. If the victim does not respond, the details will be shared with the YJS VLO and attempts for the VLO to contact the victim will commence.

Interim process for obtaining victim details (in effect from November 2021)

Due to external audits regarding data storage within the Metropolitan Police, an interim process has come into effect which is used currently. This is as follows:

1. The YOT Police are required to make initial contact with the victim to gain explicit consent for their details to be passed to YOT VLO.
2. In order to implement this, the VLO and YOT Police Officer meet fortnightly in order to contact all newly allocated cases. The list for contact is provided by the YOT VLO.
3. If the YOT Police do not have any contact with the victim, the details will not be shared with the YOT VLO.
4. If the YOT Police are successful in contact, and the victim consents to details being shared, they will then be sent to YOT VLO for them to make contact with the victim.

2.3

Victim data will be used and stored in accordance with General Data Protection Regulations. Depending on method of contact, victims may be made aware verbally or writing how their details will be used and stored, and also redirected to Sutton Council's GDPR policy for further information. Victims are made aware they can request for the information to be deleted at any time.

Upon a victim case closing, the personal details held will be manually expunged by the VLO. They may then only be identified by a unique reference number for inspection purposes.

[Process flowchart](#)

2.4

When an offence takes place **outside of the MET police area**, the VLO will make contact with the VLO equivalent covering the offence location and ask for the victims' contact details to be requested from their police force. The relevant police force will then be responsible to obtain consent from the victim.

2.5

When a case is being **transferred out of Sutton**, the VLO will make contact with the victim to notify him/her about the transfer. At this point the victim can choose to continue receiving contact from the Sutton VLO or consent can be obtained to share his/her contact details with the YJS who will be overseeing the order.

2.6

When a case is being **transferred into Sutton**, the VLO will liaise with the relevant RJ team covering that specific area to ascertain what contact has been made and which VLO will continue the victim contact.

If it is a new disposal, then the VLO will agree with the relevant RJ team which YJS should be making contact with the victim to obtain consent. This is to ensure that the victim is not contacted by too many services and not having to repeat information,

This process also applies when two or more co-defendants are residing in different boroughs and have offended against the same victim.

2.7 Community Resolutions

Victims of Community Resolutions will not be contacted by the YOT VLO unless the victim gives consent to the OIC dealing with matter for their details to be passed on.

2.8 Out of Court Disposals (OOC): *includes Triage, Youth Cautions (YC) and Youth Conditional Cautions (YCC)*

If the YOT Police are successful in gaining consent from the victim, their details will be passed on as soon as possible to the VLO. This gives the VLO time to obtain the victim's thoughts on disposal and any impact information that may be relevant for the OOC panel.

If the information is not received in time or if contact with the victim is not possible within the given time frame, the officer delivering the OOC disposal will inform the young person and his/her parents or carers that contact with the victim will take place and that they could be contacted again with regards to the victim's wishes in relation to a possible restorative intervention.

The OOC Case Manager will explore the potential for restorative interventions with the young person and his parents/ carers as appropriate and will then feed back to the RJ Team

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so that a discussion can take place on how to proceed. Occasionally the RJ Coordinator may attend the OOC decision making panel, for example when there is a clear indication that RJ is what the victim would like or if there are particular concerns in relation to the victim/young person.

2.8. Court Ordered Disposals

Cases for potential victim contact come into the YJS from Court through two pathways:

1. Pre Sentence Reports

Pre-Sentence Report (PSR) stage

- The VLO will receive the sentencing outcome for each young person from Croydon Youth Court (or other court if the child is out of borough).
- The manager responsible for PSR allocations in the YJS will allocate the PSR to a YJS Case Manager and cc the VLO and RJ Coordinator in.
- The VLO will then meet with the YOT Police Officer for them to attempt contact with the victim for their details to be shared.
- If consent is gained, the VLO will contact the victim.
- The purpose of this contact is to introduce the service, build a relationship with the victim and gain their initial interest to engage in RJ in the future, so it can be recorded in the PSR. It is also to gain any safety information at this point so, if relevant, the YJS can request additional conditions to sentencing e.g. non-contact requirements/exclusion zones.
- In the event that the victim discloses new evidence to the VLO that needs to be passed on to the Court to inform the sentence, this will have to be done in the form of a Section 9 form to the Police, usually to the Officer in the Case (OIC).

2.9

If the victim asks for compensation, this query should also be directed to the Officer in Charge. The VLO should encourage the victim to liaise with the OIC directly in relation to compensation, if the victim feels that this is their desired outcome. In relation to victim safety, The RJ Coordinator will discuss this with the victim so that the victim's wishes can be added to the PSR as recommendations to the courts and can also inform the actual assessment.

2.10

The VLO will create a Core+ record using the Victims Intervention Programme tab and record each contact. This will be on both the victim screen, with a one a line overview on the young person's intervention programme for case manager perusal. The VLO will also send an email to the PSR author for inclusion in the PSR.

Post sentence stage - *Victims who have given an indication that they are willing to engage in RJ at PSR stage*

3.1

The VLO will make contact with the victim as soon as possible after the court outcome being received to inform them of the outcome. The allocated VLO may arrange a meeting with the victim to discuss the actual RJ process and explore opportunities to repair the harm.

3.2

The RJ Coordinator will liaise with the Case Manager to arrange a suitable time to meet with the young person to start preparing him/her for Restorative Justice. The RJ Coordinator will include and involve the case manager in the process, as appropriate.

If a volunteer is undertaking this work they should be supported by the RJ Coordinator in the process. In any case, a written risk assessment template, must be completed by the RJ Coordinator and discussed with the VLO and management prior to arranging a face to face conference with all the parties involved.

3.3

Referral Orders / Youth Rehabilitation Orders / Reparation Orders / Detention and Training Orders / Section 90/91

- The allocating manager will inform the RJ Coordinator and VLO via email of the allocation. If the Order is given following a PSR, then contact with the victim should have already taken place. In this instance the VLO will make contact with the victim again to inform them about sentencing, and if contact has not been established at PSR stage, to offer the opportunity to engage in RJ.
- When the Order is not linked to a PSR, the VLO will send a request to the YJS police via email requesting contact details for that victim (see 2.2 for guidance on data sharing process)

4. RJ Assessment

4.1

Assessing the needs of a victim is essential in order to ensure that each victim receives appropriate support to enable them to deal with the impact of the crime and to keep them safe.

Ideally it would be good to consult both parties around the same time so that the initial assessment with regards to suitability can be started promptly.

All YJS case managers are trained as RJ conference facilitators and Sutton EHIYJS encourages everyone in the team to use a restorative approach when dealing with young people and their families. For this reason, case managers are expected to complete an initial Restorative Enquiry with the young person and his/her parents/carers at the time when they complete their initial assessment (AssetPlus).

The rationale for these assessments are to identify the initial decisions regarding restorative approaches that can be added as requirements or contract elements and to support the planning and delivery in terms of RJ requirements for each Court Order.

While some commentators have suggested that the offender must be truly remorseful as a condition of undertaking restorative justice, given the sequence by which RJ works, it is inappropriate to require remorsefulness in advance. Remorse is almost always a result of restorative justice, not a precondition.

4.2

Victim awareness work should be included in every young person's interventions; or at least every young person who has a victim linked to their offence.

Resources have been created and are available to be used in a group and/or on an individual basis.

Sutton YJS' victim awareness programme, named Full Circle, explores identifying victims and the impact of crime on individuals. It also explores the Croydon Riots as an example of copycat crime and the Ripple effect; and it being an example of Restorative Justice.

The Full Circle programme was created by Keeley Wilcox (VLO) in 2017, and can be found here: [Full Circle workshop plan](#)

5. Victim case management process

5.1

The VLO is to initiate contact with the named victim within 48 hours of receiving their details from the YJS Police.

This should preferably lead to an arrangement for a home visit and will involve:

- Establishing the victim's views of the offence, the impact it had on them/their family and what the victim may need at that time.
- Explaining the options available to them, how they can become involved in the case e.g. updates/views on reparation projects, and what opportunities there are for them to participate in a restorative process.

- Encouraging the victim to make a Victim Personal Statement (VPS) giving them the opportunity to explain in their own words how the crime affected them. The VPS should be available in time for any initial or review Referral Order panel date.

5.2

If the victim is under 17 years of age, parental consent is to be sought prior or during the initial contact allowing the VLO to meet/talk to the young person and appropriate information to be shared. The parent/carer will be invited to participate and support in any work that is conducted with the young person where it is appropriate to do so.

5.3

When the offence is of a serious and/or sexual nature, the VLO will try to establish if there is a Police Victim Liaison Officer or a Sapphire Officer allocated to that victim and will make initial enquiries with them. This is to avoid the victim being contacted by a number of people, when a relationship of trust is already in place with the Police VLO / Sapphire Officer.

5.4

When there is an offence involving co-defendants from other local authorities, the VLO will make contact with the RJ/Victim worker in the relevant local authorities to coordinate victim contacts and to avoid the victim being contacted by a number of RJ workers in relation to the same offence.

5.5

When a young person receives a custodial sentence of 12 months or longer, or when a young person is sentenced for a sexual or violent offence, victims become eligible for referral to the Probation VLO. The case manager / PSR writer is responsible to make that referral and the VLO will obtain consent from the victim, if they have already made contact and pass on any relevant piece of information to the VLO to avoid duplication.

5.6

A primary aim of the YJS' victim work is to reduce reoffending by the young people we work with. Their involvement in RJ is a key factor in reducing their re-offending and risk of harm to the victim and wider public. The work of the VLO also aims to support the victims of our young people to recover from their experience by engaging them with specialist services and providing information, advice and guidance.

- If initial discussions show that the victim needs specialist support then the VLO must engage relevant agencies as appropriate e.g. referral to Victim Support, Social Care, Housing, DV or counselling services. A form to obtain written consent from the victim is available to the RJ team to comply with the GDPR regulations.
- As soon as it is appropriate the VLO must carry out the assessment to ascertain whether the victim is ready to begin the RJ process. If they are ready, RJ options are

then to be discussed and agreed and delivered as soon as the young person is assessed as ready.

- If after the assessment the victim is not ready to participate, then case closure and onward referral options are to be discussed with the victim. **Victims should have the option to engage or to withdraw at any time** during the course of the order and the case should then be closed or re-opened by the VLO accordingly. The VLO needs to explain this clearly to the victims, and their parents/carers where appropriate, so that they know their options.

6. Offender case management process

6.1

If it is assessed that young people need the expertise of the RJ Worker to engage young people in RJ work with a view to prepare them for a restorative intervention. The RJ Worker could in this instance deliver the Full Circle programme on a 1:1 basis, subject to capacity. This will be a voluntary arrangement and appointments with the RJ Worker are **in addition** to National Standard reporting requirements unless otherwise agreed with the Case Manager/Referral Order Panel. This should be a statutory appointment in line with NS, especially if part of the contract. By agreeing to this work the young person is demonstrating their motivation to change as well as accepting responsibility for their actions and as such this should be considered when assessing any early revocation of their order or early release.

6.2

The RJ Worker must work in collaboration with the allocated YJS Case Manager to assist the young person and his/her parents / carers to understand the benefits of RJ and types of restorative options available. Further appointments can be conducted without the allocated YOS Case manager being present if all parties agree to be a part of a voluntary process..

6.3

If a young person refuses to participate in any restorative process, their Case Manager must continue to work with them on victim awareness/empathy and review this again with them regularly for the duration of the Order. All restorative interventions are classified as **voluntary**, therefore, if it forms part of the young person's Intervention Plan or Referral Order Contract, then failure to engage will not be enforced. The RO Contract / Intervention Plan would need to be amended at the next Panel meeting / Planning meeting..

6.4

The Referral Order Panel process should involve the views of the victim in the case and where there is a Victim impact statement available. This will be shared during the Panel meeting.

6.5

Young people will be assessed by their Case Manager as to their willingness to engage. If they consent and they are assessed to be ready for RJ, the victim (or a surrogate victim) will be invited to attend the panel meeting. If they refuse or are not ready, the Case Manager will continue their victim awareness/empathy work to prepare them in time for a future review panel date. The VLO may also attend panels to represent the views of the victim and the offender must be informed of this in advance. If attending a panel meeting, the VLO can only state the exact views of the victim as per the MOJ Referral Order Guidance (December 2012).

6.6

It is hoped that young people who engage in a restorative process will gain a greater insight as to how their behaviour impacts others, as well as developing a greater awareness of their emotional literacy. This would also include widening their level of empathy and understanding of the impact of crime on communities.

7. Recording

7.1

The policy on recording and storing identifiable and confidential victim information is that this type of data is to be stored separately and securely and accessed only by the Victim Liaison Officer, Restorative Justice Worker and Managers within YJS. This is to ensure confidentiality.

A Core+ ID will be created for each victim and linked to the offenders' file. The Core+ file will also show any contacts made with the victim.

7.2

The Victim Intervention Programme will show the ID number and there will be **no other identifiable information** relating to the victim available in unsecured areas on Core+.

The VLO is responsible for updating the Victim Intervention Programme every time contact is made with the victim. This screen holds brief details of contacts only.

An overview of relevant information will be copied onto the offender screen starting with 'VLO CONTACT – XXXX'. This insert ensures that the victim remains anonymous.

The RJ Team is responsible for keeping the YJS Case Manager updated throughout the life of the case. Emails and professional discussions about the case will also be used to keep the Case Manager, and other professionals involved, informed about any progress made.

The VLO will use the Core+ generated Victim Identification (ID) number when discussing victim cases in supervision.

8. Restorative Justice Options

8.1

Sutton YJS will use a variety of tools to facilitate restorative processes with victims and offenders.

These currently include:

- Victim input into Youth Conditional Caution stipulations and where possible reparation activities.
- Written communication: letters of apology and other such communication will be facilitated by the RJ Worker/ YJS Case Manager.
- It has been agreed that when the police service is the victim and the offence is a Criminal Damage or an Assault PC and the direct victim is not willing / able to participate, then the YJS Police Officer will step in as a surrogate victim
- Shuttle mediation: this will be primarily carried out by the RJ Worker. If the offender refuses to engage with them, the allocated YJS Case Manager will collaborate with the RJ team.
- Restorative Justice Conferences: these face to face meetings will take place in a neutral, safe venue and will be delivered by two trained facilitators. Where a case has been through the Courts, the RJ conference will be delivered by the RJ Worker and / or 1 other.
- Regular updates to the victim. This includes information on the progress of a case which will be communicated to the victim using their preferred method. This includes breaches, revocation, resentencing and early revocation of Orders. The VLO is responsible for recording these contacts on Core+.

The VLO will also inform the victim when a young person is about to be released on licence and when appropriate will seek the victim's views on potential licence conditions, such as exclusion areas and so on to ensure the victim's safety.

It is the **responsibility of the Case Manager** to inform the VLO if any of the above actions are taken so that they can inform the victim in a timely manner.

9. Surrogate Victims

9.1

Sutton YJS will work with partners and the community to develop a network of surrogate victims. This will include the Police, businesses, schools, care homes and the secure estate. This will enable us to increase the opportunities for RJ whilst also raising awareness of RJ.

10. Working in partnership with other organizations

10.1

Sutton YJS will work with partners in the community such as Victim Support, please see the Memorandum of Understanding in place for more details.

Victim Support will provide ongoing emotional and practical support to victims. This support will include applications to the Criminal Injuries Compensation Authority (CICA). They will source specialist therapeutic interventions and / or direct the victim to the relevant services as deemed appropriate.

10.2

Section 69 of the Criminal Justice and Court Services Act 2000 places a statutory duty upon local Probation Boards to consult and notify victims about the release arrangements of offenders serving a sentence of 12 months or more for a serious, violent or sexual offence.

The Domestic Violence, Crime & Victims Act 2004 extended this duty to include the contact to victims of mentally disordered offenders, where the offender is sentenced to a hospital order with restrictions for a serious, violent or sexual offence.

In order to deliver this the RJ team will be the liaison with the relevant Probation Trust and work with the Probation Trusts Victim Care Unit as per agreed guidelines.

10.3

Sutton YJS intend to further develop their victim service by working with local and national support organisations. The VLO works closely with Jigsaw4u, CAMHS, Off the Record, Sutton Women's Centre, the One Stop Shop and other local and national agencies that offer services that may benefit victims according to their needs.

11. Monitoring and evaluation

11.1

YJS' work with victims will be monitored using data recorded in the victims file on Core+, the Restorative Justice returns and the victim report which is compiled and presented to the YJS board on a quarterly basis.

11.2

Regular monthly supervision ensures that individual cases are discussed at length by RJ team and their supervisor. The RJ Co-Ordinator and the VLO also attend a peer group supervision, the Pan London RJ Network as well as the South East / South West London RJ Network. These are excellent opportunities to network with other teams and ensure best practice is in place in relation to both practice and processes.

11.3

The opportunities for RJ interventions are also discussed during supervision with Case Managers and are standard items at New Case Panels, Risk Management Panels and Resettlement Meetings.

11.4

Capturing victim satisfaction is vital because it provides a means by which victims can input into the restorative justice process. Satisfaction data can provide feedback about services; identifying good practice and gaps in provision.

11.5

The VLO will record in the Victim Intervention section on Core+ any feedback received from the victims and their families or carers at any point throughout the intervention. If the victim engages in direct RJ then specific feedback will be sought as soon as possible and usually within 48 hours.

11.6

The London Borough of Sutton achieved the Training Provider Quality Mark (TPQM) in 2018 and as such are recognised as a Training Provider with the Restorative Justice Council which demonstrates good practice whilst adhering to the RJC Trainers Code of Practice. The RJ Coordinator is also an Accredited Advanced Practitioner with the RJC. The majority of staff within Sutton EHIYJS, including management, have been trained to the RJ Conference Facilitator level. Ongoing training is being made available to YJS Case Managers and Community Panel Members.

12. Complaints

12.1

If a victim feels that the YJS has not delivered services in accordance with the VCOP, then he/she should first discuss their complaint with the person who dealt with them. If this cannot be resolved then the victim should be informed about the Sutton YJS complaint procedures.

If the victim is not satisfied with the outcome, they can refer the issue to the Parliamentary Ombudsman through a Member of Parliament.

This Standard Operating Procedure will be reviewed yearly. It is an active document and will be updated to embed any learning gained from HMI Probation thematic or inspection reports relevant to RJ and victim engagement.

Useful links:

Victim Code of Practice:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/476900/code-of-practice-for-victims-of-crime.PDF

Under 18's Victim Code:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/831962/u18-victims-code-leaflet.pdf

RJC Guidelines:

<https://restorativejustice.org.uk/guidance-and-other-resources>

Full Circle programme: [Full Circle workshop plan](#)

Victim Process Chart: [Process flowchart](#)

Sutton's Restorative Practice Microsite:

<https://sites.google.com/sutton.gov.uk/suttonresearchpractice/home?authuser=0>