

COMMUNITY JUSTICE FILES 7

Jane Dominey, De Montfort University

Best Practice Guidelines for Restorative Justice

This report, published in March 2004, provides best practice guidelines for all those engaged as practitioners in restorative justice. In particular, these guidelines are intended for 'anyone bringing victims/persons harmed, offenders/perpetrators and any other stakeholders in an incident of harm, into face to face or indirect contact'. It is the work of an advisory group led by the Home Office and comprising representatives from a number of organisations including Nacro, Mediation UK, Victim Support and the Youth Justice board.

The report encompasses the following areas, describing best practice in each:

- Managing and assessing risk in restorative processes
- Selecting a restorative process appropriate to the particular case
- The particular skills needed for indirect restorative processes
- Follow up after restorative contact, particularly ongoing monitoring of outcome agreements
- Restorative elements of family group conferences

It is intended that this work will inform the development of national occupational standards, a project for which the new Justice Sector Skills Council 'Skills for Justice' is responsible. It is intended that new awards in restorative justice will be available from the end of 2005.

The report considers the level of competence needed by workers dealing with cases which vary in complexity. It deals with a number of restorative models, including indirect approaches, face to face contact and family group conferences, although it acknowledges that not all practitioners will be using each model.

A number of areas are highlighted as requiring further attention. In developing occupational standards, Skills for Justice will need to do further work on the underpinning knowledge for restorative justice. The use of restorative approaches in domestic violence cases is a contentious area where there is no agreed policy at present. If, following further consultation, it is agreed that this is an area of work appropriate for experienced and specialist practitioners, further best practice guidelines will be required.

Relevant training, reflecting these practice guidelines, is planned for youth justice workers, probation staff engaged in victim contact work and police officers involved in restorative approaches. The advisory group now moves on to consider the following issues.

- Supervision and assessment of restorative practitioners
- Co-working cases where practitioners can bring different skill sets
- Existing and potential routes to accreditation for restorative practitioners
- Restorative justice training and accreditation in criminal justice agencies
- Further ways to assure the quality of training and accredited practitioners, beyond the development of national occupational standards and accredited awards
- Working with corporate victims

A final report is due later this year.

For further information, see

<http://www.homeoffice.gov.uk/docs3/bestpracticeforrestorativepractitioners.pdf>

The Drug Treatment and Testing Order: Early Lessons

The National Audit Office has investigated the effectiveness of the Drug Treatment and Testing Order (DTTO). It concludes that the DTTO can be a successful non-custodial option for some offenders who would otherwise have been sent to prison. However, it notes that only 28 per cent of orders terminated in 2003 were completed in full or terminated early for good progress and acknowledges the difficulty of ensuring that people with significant drug problems comply with a community sentence. The report notes that some programme staff assessed younger offenders as less likely to be sufficiently motivated to comply with a DTTO and asks whether this group of offenders are failing to benefit from programmes intended to reduce their risk of reoffending and improve their health. The report makes a number of recommendations, including:

- more work to assess the effectiveness of local initiatives intended to increase and sustain offender motivation for the order
- collection of data about age, sex and ethnicity of offenders on DTTOs to improve performance review, programme content and future development
- effective arrangements so that those coming to the end of a DTTO can continue support and treatment if necessary
- improved monitoring of outcomes achieved and, in particular, reductions in drug misuse and reconviction rates.

Sir John Bourne, Head of the National Audit Office, said:

Probation areas made rapid progress in establishing the Drug Treatment and Testing Order, meeting the target for commencements by April 2003. The Order can help some offenders turn their lives around and reduce their use

of drugs. However, the high drop out rate and evidence from pilots of the Order of a high rate of reconviction need to be addressed.

For further information, see <http://www.nao.org.uk/pn/03-04/0304366.htm>

Criminogenic Needs of Black and Asian Offenders

This study is based on interviews with 483 offenders under supervision by the Probation Service who were identified by probation records as black, Asian or mixed heritage. The report considers the following issues.

- Criminogenic needs (i.e. the characteristics or circumstances of people which are associated with an increased risk of offending).
- Experiences of supervision by the probation service
- Contact with other parts of the criminal justice system
- Wider experience of life as black and Asian people in the UK.

The findings of the report will be of interest to all those involved in the planning, management and delivery of interventions for diverse groups of offenders.

For the purposes of this report, criminogenic needs were assessed using the CRIME-PICS II questionnaire and by using interviews to elicit more qualitative information. The report finds that offenders from minority ethnic groups show less evidence of pro-criminal attitudes and beliefs and report fewer problems than a comparison group of white offenders. There is no evidence to suggest that offenders from minority ethnic groups have distinctly different criminogenic needs from their white counterparts. There is some evidence of different sentencing patterns for white and minority ethnic offenders, for example minority ethnic offenders may receive community sentences when equivalent white offenders are dealt with more leniently. The report argues for vigilance and attention to diversity issues in the preparation of pre-sentence reports.

The offenders in the survey are generally happy with their experience of probation supervision, a finding in common with other consumer studies which have largely recorded the experience of white probationers. The skills of a good probation officer are identified as the ability to listen, understand and treat people fairly and respectfully. The sampled offenders were also asked about their experiences of groupwork programmes. Only a few (5%) support the idea of groups exclusively for minority ethnic offenders, with the majority supporting mixed groups. The findings about placing a sole black offender into an otherwise all white group are less clear, particularly when the alternative may be to exclude this individual from groups altogether.

Many offenders in this survey cite ways in which they feel that they have been unfairly dealt with by key players in the criminal justice system. The largely positive feedback about white probation staff is not mirrored by similar comments about the police, with

Jane Dominey

examples of poor practice including rudeness and frequent use of powers to stop and search. The report concludes that probation staff need to be aware that some offenders will have strong negative views of the criminal justice system which impact on their level of motivation.

The report reveals that this group of offenders experience significant social disadvantage in areas such as employment and income. On average, these offenders are no more disadvantaged than white people on probation but the findings show noticeable differences between ethnic groups. For example, 35% of mixed heritage offenders had been in local authority care, compared to 22% of black Caribbeans, 9% of black Africans and 4% of Asians.

The report concludes with a reminder that probation practice must be based neither on a 'colour-blind' approach that ignores differences of culture and experience nor on assumptions that ethnicity is the defining issues from which all other needs and characteristics can be inferred.

For further information, see <http://www.homeoffice.gov.uk/rds/pdfs04/hors277.pdf>

Domestic Violence, Sexual Assault and Stalking – Findings from the British Crime Survey

These important findings come from the 2001 British Crime Survey (BCS) which included a self-completion questionnaire designed to produce an accurate estimate of the extent and nature of domestic violence, sexual assault and stalking. The findings are drawn from a survey of more than 22,000 people (women and men) aged between 16 and 59 living in England and Wales.

The BCS estimates that, in the year prior to the survey, 13% of women and 9% of men had been subject to domestic violence, sexual assault or stalking. Women reported a greater number of incidents than men, leading to an estimate of 12.9 million incidents of domestic violence against women and 2.5 against men in the year covered by the report. Overall, the BCS estimates that one in five women and one in ten men have experienced at least one incident of non-sexual domestic violence since the age of 16.

The BCS also reports on those who are subject to the more extreme levels of violence and frequency of attack. Women form the significant majority of this group, making up 89% of those subject to four or more incidents of domestic violence at the hands of the same perpetrator.

64% of women and 94% of men reporting domestic violence did not think what had happened to them was a crime. People were more likely to identify themselves as victims of crime when they sustained injuries or were subject to repeated or severe acts of violence.

The BCS reveals that much domestic violence goes unreported. 31% of women and 63% of men had not told anyone about the worst incident of domestic violence that they had suffered during the last year. 40% of women had told no-one about their worst experience of rape suffered since the age of 16. A number of reasons were given for this low level of reporting of domestic violence.

- Incident too trivial to report (41% of women and 68% of men)
- Incident a private family matter (38% of women and 39% of men)
- Did not want further humiliation (7% of women and 5% of men)
- Fear of more violence or a worsening situation if police involved (13% of women and no men)

Only a minority of people suffering injuries as a result of domestic violence sought medical help. 94% of women receiving medical attention were asked about the cause of their injuries, 74% disclosed a cause, but only 26% were referred on for relevant help or advice.

For further information, see <http://www.homeoffice.gov.uk/rds/pdfs04/hors276.pdf>

Safety and Justice: Sharing Personal Information in the Context of Domestic Violence

This guide is a product of the Home Office's crime reduction project, the Violence Against Women Initiative. The guide's aim is to highlight good practice in the area of information sharing in multi-agency work. It aims to provide:

- a brief overview of why responsible information-sharing is so important in the context of domestic violence, including how it benefits clients and the agencies that serve them.
- a brief introduction to the key legal provisions that relate to lawful information-sharing.
- an introduction to good practice in information-sharing
- sources of further information and advice, including guidance, toolkits and templates.

The report uses case study information to highlight the dangers both of failing to share information and of exchanging information inappropriately. It outlines the legislative framework, including the Data Protection Act (1998), the European Convention on Human Rights and the Crime and Disorder act (1998), that is relevant here. The guide gives specific and detailed advice about how consent to share information should be obtained and recorded as well as advice about the content of protocols for inter-agency working. The report concludes with an extensive list of sources of further information and advice as well as flowcharts illustrating good practice procedures.

For further information, see <http://www.homeoffice.gov.uk/rds/pdfs04/dpr30.pdf>

Jane Dominey

Information Sharing - Challenges and Opportunities: A Guide to Sharing Confidential Information Concerning Mentally Disordered Offenders

Nacro has recently published a guide intended to assist professionals working with mentally disordered offenders. Information Sharing is a guide to the legal issues, to systems that help decision-making and to the practicalities of sharing information. Sue Kesteven, co-author of the report said:

‘There is no shortage of guidance on information sharing but this does not seem to make it easier to negotiate the pitfalls. Professionals are often torn between concerns for confidentiality and the dangers of retaining confidentiality. Information Sharing is a straightforward guide to this complex issue. Not only does it explore the legal issues, but also highlights the importance of working with mentally disordered offenders on disclosure of information and informed consent. The guide is a comprehensive and practical resource for all professionals working with mentally disordered offenders.’

Copies of the guide, which cost £5.00+p&p, can be obtained from www.nacro.org.uk