



House of Commons
Home Affairs Committee

Restorative Justice, Norfolk

Oral and written evidence

21 June 2011

*Councillor Brian Hannah, Norfolk County
Council Champion for Restorative Justice,
Sergeant Andy Smith, Norfolk Constabulary,
and Carey Cake, Children's Services Officer,
Norfolk County Council*

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The Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

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Oral evidence

Taken before the Home Affairs Committee

on Tuesday 21 June 2011

Members present:

Mr David Winnick (Chair)

Nicola Blackwood
Michael Ellis
Lorraine Fullbrook

Steve McCabe
Alun Michael
Mark Reckless

In the absence of the Chair, Mr Winnick was called to the Chair.

Examination of Witnesses

Witnesses: **Councillor Brian Hannah**, Norfolk County Council Champion for Restorative Justice, **Sergeant Andy Smith**, Norfolk Constabulary, and **Carey Cake**, Children's Services Officer, Norfolk County Council, gave evidence.

Q1 Chair: Good afternoon. Thank you very much indeed for coming along today. The topic could not be more topical, restorative justice. We want to explore briefly, because time is brief, what has been happening in Norfolk. Could you explain to the Committee what success you have had in Norfolk using restorative justice? The politician among you, of course, is Mr Hannah.

Councillor Hannah: That is right, yes.

Q2 Chair: You are a sergeant and Ms Cake, you are the Children's Service Officer, Norfolk County Council. Mr Hannah, what would you say, therefore, has been any success in this form of trying to ensure justice in the community?

Councillor Hannah: I think the success is proved particularly with the work that we, through the County Council, are doing with our schools. We have proof that two schools have been turned round from special needs to running quite smoothly. To me, that is a success and although we are talking about the police today, there are many issues to do with the police, and the one we are particularly highlighting today is a total success story with the victims of the playgroup itself and the perpetrator.

Q3 Chair: A Ministry of Justice report published in 2008 found that for every £1 spent on restorative justice, at least £1 is saved by reducing reoffending. Does that more or less match the analysis in Norfolk?

Councillor Hannah: I would say that is probably understated. I think we probably save more than that.

Sergeant Smith: Norfolk Constabulary has implemented restorative justice since 2007. Approximately 9,000 people have been through the process since that time as witnesses, victims and wrongdoers. As far as Norfolk Constabulary is concerned, 411 officers have been trained in a one-day course and 238 have been trained to three-day conference level courses. Restorative justice is split into street conferences and also the conference of the larger parties.

As far as reoffending rates are concerned, I obviously cannot speak for Norfolk in general, but with regards

to our area that we cover in Sheringham we have only had one person who has come back to our notice in the period that we have been carrying out restorative justice, which is a significant reduction in what we would normally expect for people who we deal with. It is certainly very impactful and very successful.

Q4 Chair: How much would a victim of crime particularly want to meet the person who has been the offender?

Sergeant Smith: It is surprisingly high. I think victims of crime like to have some kind of closure and they find that by meeting the wrongdoer, as we call them, they tend to find that closure in noticing that they are a 14-year-old boy as opposed to, in their mind, some kind of monster who has done harm to them. By seeing them in the flesh, sat in front of them, very apologetic, it reduces their fear of crime and obviously brings them closure too.

Q5 Chair: When the offence occurred, probably the 14-year-old was a monster.

Sergeant Smith: Quite potentially at the time, yes, that is the case. But it is the victim's perception of who this offender is and that the streets are not rampaging with mindless hoodlums; that they are children who perhaps have gone astray on one or two occasions and this is one way of putting them back on the correct path.

Q6 Chair: Ms Cake, do you take all that on board? Is that your view as Children's Officer?

Carey Cake: Yes. Certainly we are seeing at the schools that use it a reduction in exclusions. I think one school in the last year saw a 50% reduction in an exclusion rate. We are seeing improved school attendance, which was not an outcome we originally had measured, but what we are seeing, in terms of improved emotional literacy in schools and children being able to have places where relationships are built and harm is addressed in an appropriate sense, is that children are coming back into schools. So schools using it are seeing an improved attendance.

The youth justice system is seeing a reduction in first-time entrants into the youth justice system, and what Norfolk has recently done is significantly reduce the number of its looked-after children who offend. We had a particularly high proportion of our children who lived in our care who offended, it was higher than the national average. All of our children's homes are now working to implement restorative approaches in partnership with the police. What we are seeing is a significant reduction in looked-after children who are entering the criminal justice system. Of course, as corporate parents, that is great for us and obviously the outcomes for our children are better. We could give more evidence regarding this way of working in our children's homes, if you wanted it.

Q7 Steve McCabe: I just want to understand the figures a bit better. It says in my brief that 9,000 people have been through the restorative justice system since November 2007. Could you give me some idea of what proportion or percentage of potential offenders that is? Also, can I just check, is the 89% of participants who were satisfied the people who were referred to it for their offences, or do we have an indication of what the satisfaction level was among victims?

Sergeant Smith: The figures I have are for the satisfaction level of victims who have been through this process.

Q8 Steve McCabe: So when it says here "participants" it means victims?

Sergeant Smith: Participants is everybody who is involved, be it victims and wrongdoers.

Q9 Steve McCabe: So the statistic mixes the person who was on the receiving end of the crime with the person who committed the offence?

Sergeant Smith: That is the total number. The figures I have been given, that is the total number

Q10 Steve McCabe: Where it says 89% of participants were satisfied, that includes quite a high proportion of those who committed an offence and avoided going to court and took part in this as an alternative?

Sergeant Smith: The figures I have in front of me, and these are the ones obviously I will work from, are the percentage of victims satisfied with the outcome, as to whether there is another list of how much percentage total—

Q11 Steve McCabe: I am not trying to trick you, I am just trying to understand the figures, because it does make a significant difference to the information, obviously. Would it be possible to get some clarity on what proportion of those who could have been prosecuted in another way for these offences took part in restorative justice and what the satisfaction figures relate to?

Chair: Perhaps Ms Cake can take responsibility for writing to us about that.

Carey Cake: That is fine, yes.

Chair: Thank you very much.

Q12 Steve McCabe: I notice that one of the options in the restorative justice model is reparations. Would you have any idea of what percentage of the participants engaged in some form of reparation?

Sergeant Smith: Personally I don't have those statistics before me.

Chair: On all that, if we could be written to, that would be very helpful indeed.

Carey Cake: Certainly in our youth justice system, reparation is something that is included in every single order issued to young people. Once they have an order, our Youth Offending Team put reparation into every one; it doesn't necessarily have to be a reparation order, but all other orders use reparation in them.

Q13 Steve McCabe: That is not what it says in this article I am reading about Norfolk. That is why I asked you that question. It says that some people take part in reparation work directly to the victim, and I wondered what proportion take part.

Carey Cake: Excuse me, I didn't mean it went just directly to the victim; I meant reparation to the whole of the community.

Steve McCabe: It describes in the article that you define reparation as unpaid work directly for the victim, doing something for them. You make a distinction between community payback, which is general work activity, and reparation that is a direct response to the victim, and that is why I am asking about reparation.

Chair: What would be very useful at this stage is if we could be written to, perhaps by next week, so that we could have the relevant answers to the questions Mr McCabe has asked. They are relevant questions.

Q14 Mark Reckless: In this *Resolution* magazine article on Norfolk we have a diagram to show the governance structure for restorative approaches in Norfolk, and we have about eight organisations and various arrows going from one to the other. I am not very clear from that as to how it works, but I wonder could I ask you, in terms of other places perhaps looking to do what you are doing in Norfolk, who are the key organisations who have to give a lead in order to make the restorative approach work?

Councillor Hannah: For us, of course, the key organisation was the County Council. The County Council put £150,000 into a budget and from that we set up an overarching Norfolk Restorative Justice Strategic Board, which is made up of magistrates, probation, police, Children's Services, the Youth Offending Team, and the leader of the district council, which is Broadland, attends. From that, we sit as the umbrella above the Children's Services Group, and we also have Restorative Approaches Group, which deals with community. We also have a Restorative Justice Group, which deals with justice, the police and probation. Is that helpful?

Q15 Mark Reckless: Do you need any co-operation from the courts to make this work?

Councillor Hannah: It is strange you should say that. Last Thursday we met at the Norfolk Magistrates AGM and we did a presentation with the agencies—

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Carey was there, the police, the Youth Offending Team, and Broadland District Council—and that was very, very well taken. Of course you are correct. One of the pitfalls I always felt with this would be the magistracy and the courts, but it has been embraced and the criminal justice service, as such, is very, very interested and is taking it on board.

Q16 Lorraine Fullbrook: In your experience, are there particular types of crimes that are more suited to a restorative justice approach?

Sergeant Smith: The majority of crimes can be dealt with with the use of restorative justice. For the more serious offences, it can be used post sentence, in prisons and after court appearances. Our statistics show the majority of restorative justice cases are related to theft, whether that be shoplifting or other minor theft, assaults and criminal damage. Those are the three main types of offences that we use it for, and it has proved very successful.

Q17 Lorraine Fullbrook: Are there any crimes for which you would rule out the restorative justice approach?

Sergeant Smith: There is no crime as such. Obviously some matters can be dealt with purely by restorative justice. That is not relevant for the more serious offences; that needs to go through the usual processes. However, as I said before, it can then be used as an add-on. If the victim wanted to meet the perpetrator, it gives them the opportunity to do so post sentence.

Q18 Lorraine Fullbrook: That is at the victim's request, presumably?

Sergeant Smith: All the restorative justice has to be at the victim's request and also with the permission of the wrongdoer as well. We can't force anybody to do this. This is a purely voluntary scheme from both sides.

Q19 Chair: But the victims give consent, always orally or necessarily sometimes in writing?

Sergeant Smith: Yes, we will sit down and speak to them and discuss the pros of restorative justice and explain the benefits of it, and the vast majority take it up.

Q20 Chair: Vast majority; 90%?

Sergeant Smith: I couldn't give you figures across the county, but just from my personal experience within the Sheringham area, it is a very large majority, 75% plus.

Q21 Nicola Blackwood: In your experience, I wonder whether you think that the fact that ARDs and YRDs are not included in detection figures discourages forces from taking up restorative justice roots?

Sergeant Smith: I would like to hope not. The Chief Constable of Norfolk, Phil Gormley, has publicly stated that Norfolk Constabulary will be a restorative justice-led county by 2015, and where possible we should look to use restorative justice due to the fact that this is what gives the victims of crime the most satisfaction and, importantly, as I said before, closure.

Whether other forces tend to shy away from the use of restorative justice due to that reason, I am not sure, but in Norfolk obviously the most important person, as far as we are concerned, is the victim of the crime and getting the correct outcome for that person.

Q22 Nicola Blackwood: But you would view it as a detection where there has been an outcome?

Sergeant Smith: We would view it as a detected crime, yes, absolutely.

Q23 Alun Michael: We noted the remarks by the Commissioner for Victims recently when she said that she was expressing concern that restorative justice could be too tailored towards the need of offenders rather than those of the victims. Do you agree with that?

Sergeant Smith: Not at all. From a personal level, it has been mooted that this is perhaps an easy way out for any wrongdoer. As far as I am concerned, it is far more difficult for somebody to sit in front of somebody they have offended against, apologise and then work together to look for a way to achieve a satisfactory outcome that is suitable to all. The figures of reoffending within the Sheringham area, I think, show that. Only one person has since come back to notice, having been through that process, whereas before you would probably find a significant number more would have continued along that line of—

Councillor Hannah: Where I feel we are doing something exceptional here is the work that Carey is doing with training teachers, and so on, embedding a process, a restorative approaches process within the schools. For me, that approach is particularly important in primary schools, because we are bringing the youngsters up with the circle time and all of the related issues, which is teaching them a personal responsibility, if you like.

Q24 Alun Michael: May I just understand what you are saying there? In other words, it goes beyond how you deal with people who are formally identified as offenders back into the wider environment of—

Carey Cake: Yes. There are thoughts about when harm has been committed, that is harm to the direct victims and then there is harm to a community, so within a school environment we would talk about the whole system operating a restorative environment where we proactively build positive relationships with children and we then proactively deal with any harm that is committed within the community by various different ways. Schools that may use a restorative approach may use a suspended sentence rather than exclusion.

Q25 Alun Michael: So it is not just about a formal process of dealing with specific offenders? It goes wider than that.

Carey Cake: Yes. Absolutely. In Norfolk we have always said this is a multi-agency approach, that we want the whole system to be able to operate restoratively and any person can ask for a restorative approach at any age.

Q26 Alun Michael: Can I go back to the report of the Victims' Commissioner then, because she warned against treating restorative justice as the new kid on the block—that seemed a little bit surprising because for many of us it has been around for a long time and it seems surprising it is not more embedded—but went on to warn against seeing restorative justice as the solution to everything going in town. What is your comment on those remarks?

Councillor Hannah: Personally, it is not. It is not the answer, but it is part of the process and for me, by bringing it, as I again say, into the primary schools, we are embedding it in the ethos of the school for youngsters to stop and think how their behaviour is affecting other youngsters. For me, personally, this as they grow up will be how they will act in society, we hope. There is a cost effective issue here. We will never save them all, we know that.

Q27 Chair: You could invite the Commissioner down to Norfolk so she could see for herself what is happening. That would not be a bad idea as well.

Councillor Hannah: Absolutely. She would be very welcome.

Carey Cake: I just want to say schools who use the approach don't not exclude children. They would say that restorative approach has a credible place at the table in the school, but what we want is children to take responsibility for what they have done, not necessarily be punished and excluded from the school, when possibly that evening they will see the same children that they may have caused harm to in the community anyway. So it is about taking responsibility and repairing harm, but exclusions will be used.

Q28 Lorraine Fullbrook: Can I just follow on from that? The Commissioner for Victims and Witnesses also gave evidence to the Justice Select Committee that she was concerned that a defendant or offender was asked to put himself forward for the restorative justice approach in return for a lesser sentence and that conversation was had with the offender before the victim was asked or before the victim was brought into the story. Do you always put the victim first? You ask the victim first, do you?

Sergeant Smith: Absolutely. As I said before, the most important person throughout this whole process is the victim in any matter, and to make sure that it is the desired outcome for them we wouldn't approach the offender and say, "This is what we are looking at doing with you". We would go to the victim first and ask what they would like, and we would always mention restorative justice because the majority of people are not aware of this option. The majority like the idea of that and take that on. Once we have their acceptance that is when we will then approach the wrongdoer and ask whether they would be prepared to participate or if not, then we look at alternative methods of disposal.

Q29 Chair: Sorry to interrupt, Mrs Fullbrook, but it would be unthinkable for anything of this sort to be undertaken without the consent of the victim always, absolutely?

Sergeant Smith: I can't speak across the board but from a local level and for my team I would certainly not entertain that idea of speaking to—

Chair: I accept that entirely.

Q30 Lorraine Fullbrook: But you would never offer a lesser sentence to an offender?

Sergeant Smith: No, I would offer them the restorative justice approach, having got the authority from the harmed person, absolutely.

Q31 Michael Ellis: Our colleagues on the Justice Committee here, in a report that they compiled entitled *Justice Reinvestment*, said they were surprised that the previous Government had been what they described as cautious. They had taken a cautious approach towards restorative justice. What I want to ask you is, to what extent is the restorative justice system that you use in the county of Norfolk replicated in other parts of the country that you are aware of? Do you know whether there is any replication elsewhere?

Sergeant Smith: That is not a question I could possibly answer without—

Councillor Hannah: Hull is working towards being a restorative city and there is much good work—Thames Valley Police have taken that on, I think they still use it, but not to the degree that we have in Norfolk. Mr Chairman, as you have just heard, our main goal is that Norfolk shall be a restorative county by 2015.

Q32 Michael Ellis: So you are leading the way?

Councillor Hannah: We are trying.

Michael Ellis: That is probably why you are here.

Councillor Hannah: We are very trying.

Q33 Michael Ellis: But you know that Hull is working at it as well?

Councillor Hannah: Absolutely.

Q34 Michael Ellis: Anyone else?

Carey Cake: I am not aware of anywhere else that is taking the systems approach where it is children's services, the police, the district council—that whole multi-agency; I am not aware of any approach of that kind. Certainly when we are asked to go to national and international conferences, it is the approach across the piece that we are asked to talk about.

Q35 Michael Ellis: Are you in receipt of encouraging messages from the current Government on the subject, would you say, about the use of restorative justice?

Councillor Hannah: I have to say it would fit in ideally with the principles of the Big Society and what the Prime Minister said several weeks ago. But if I can just add—

Q36 Chair: That would be described in the law courts as a leading question, but perfectly in order. Mr Hannah?

Michael Ellis: Like so many others in this Committee.

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Councillor Hannah: If I can just add, we are also, as a county, trying or hoping to take it into the travelling community and use that sort of restorative approach. We are making or trying to make Aylsham, which is a town in the Broadland area, a restorative parish. Also Broadland is putting in a human resource within its authority. There is no end of issues that we are trying to use this for. As I say, the goal is a restorative county.¹

Chair: Thank you very much. We are very impressed indeed by what has been happening along these lines, and I congratulate you on behalf of the Committee on the work that you are doing and pioneering to a very large extent, regardless of the remarks of the Commissioner for Victims and Witness and, as I have suggested, you may wish to invite her at some stage to go along to Norfolk. Thank you very much for coming along today.

¹ Councillor Hannah later stated, 'Also Broadland District Council are looking to use Restorative Approaches in its Human Resource Department.'

Supplementary written evidence submitted by Norfolk County Council and Norfolk Constabulary

1. PROPORTION OF WRONGDOER PARTICIPANTS IN RESTORATIVE JUSTICE WHO HAVE MADE REPARATIONS DIRECTLY TO THE VICTIM

Police—this is not measured per se. What we know is that there is 100% reparation to the victim/community/society. The victim will always be offered some form of reparation if it is reasonable and appropriate to do so. It is up to them whether they wish to accept personal reparation. If neither victim or community indicate they want direct reparation we have adopted the “Yukon Social Services Model” from Canada, whereby we hold a list of civic/community activities that our communities through engagement have identified as the type of activities valued by them, which define “citizenship”; and which we view as reparation to society. We have included on our lists:

- Gardening at a local Hospice.
- Anti-Graffiti and beach cleaning activity.
- Working in Charity Shops.
- Helping with fund raising activities.
- Doing inter-generational work.
- Helping out with Homeless Charities.
- Helping to maintain civic monuments.

Children’s Services—I can only respond in relation to those young people who the Youth Offending Team (YOT) has been involved with under a Final Warning or Court Order, not those that have been dealt with solely by the Police as a pre-court disposal such as informal restorative intervention or Youth Restorative Disposal.

Of the 507 closed cases to Norfolk YOT in the year 2010–11, 178 victims (roughly 35% but sometimes a single closed case will have more than one victim) participated in a restorative process. As well as direct reparation—unpaid work—to the actual victim of the specific offence this will include all restorative activity that has been directed by the victim. We do not record the specific information requested.

Comparator figures from previous years are:

2007–08	-	170/666	25.5%
2008–09	-	182/513	35.5%
2009–10	-	256/699	36.6%

2. PROPORTION OF WRONGDOER PARTICIPANTS WHO COULD HAVE BEEN PROSECUTED FOR THEIR ACTIONS

Looking at the incidents where Restorative Justice was used:

- 7% were done with Children below the age of responsibility.
- 40% were for non-crime incidents that would not have resulted in a conventional justice outcome.
- 53% were for crimes where the offender was criminally responsible.

We do not, however, record whether the alternative would have been a prosecution, or another criminal justice disposal like a Penalty Notice for Disorder or a reprimand.

3. VICTIM SATISFACTION RATES SPECIFICALLY FOR THESE INSTANCES

We do not separate out satisfaction “by outcome or offence or categorisation type”.

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