

Executive Summary

**The Restorative Justice Pilot Project at Nottingham
Community Justice Initiative:**

The views of the Practitioners

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Introduction

This document is centred around two key developments / principles of contemporary criminal justice within England and Wales, those of community and restorative justice.

The roll out of Community Justice (CJ) has been centrally directed by New Labour and has seen the development of a number of quasi-autonomous initiatives throughout England since 2005. Nottingham Community Justice Initiative (NCJI) is one such local scheme which was established in May 2007. In November 2008 the NCJI implemented a Restorative Justice (RJ) pilot project.

The use of a RJ approach within a CJ arena made this a particularly interesting project as even though there has been evaluative work undertaken on the CJ courts themselves (see McKenna 2007; Brown & Payne 2007) and a plethora of interest in a spectrum of RJ projects (see Johnstone 2003), there is a dearth of research around attempts to link the two together and to monitor the consequential ramifications and effects of this and hence why this research study was commissioned.

It should be noted that during the research period there was considerable ambiguity over the future of CJ generally and of the NCJI specifically. Changing political landscapes meant that alterations in the organisation, resourcing and direction of CJ were expected. This became evident when the much awaited Green Paper titled 'Engaging Communities in Criminal Justice' (2009) was published.

The future of CJ is perhaps a little unclear at this time, however, the commitment to engaging with communities and involving them in the criminal justice system has been reiterated in the Casey Report (2008) and Engaging Communities in Criminal Justice (2009) - the latter of which identifies the key role that RJ specifically has in achieving this. This indicates that the NCJI RJ project is indicative of the future direction of criminal justice policy and therefore shows the importance of evaluating such a scheme.

Research Issues & Methodology

The Nottingham project represented an attempt to implement RJ within a framework of CJ. At the time of implementation, this approach had only been attempted in one other CJ area in England and Wales (Liverpool) and the research that commented on this was part of a much wider evaluation (see McKenna 2007) and lacked specific analysis of this model.

The original research methodology for this project was by no means overly ambitious but proved impossible to fulfil due to the difficulty of the project to 'get off the ground'. As a consequence of this it was not possible to interview offenders / victims and this report therefore is based solely upon 13 interviews conducted with the practitioners involved in the set-up, organisation and running of the NCJI RJ project.

This report then is based upon a heavily restricted scale and scope of research data. It is based upon the opinions and views of the practitioners involved in the pilot and not on any tangible outputs that emerged from the project (as none were available). In essence this means that no comment can be made on the RJ project per se and therefore the comments within the report should be approached with a degree of caution.

The Nottingham Restorative Justice Project

The Nottingham project followed a specific model / principles:

- The RJ project was entirely voluntary – it was not attached to or was a condition of a sentence made by the court – therefore all referrals were voluntary, as was the involvement of the victim in the process.
- The project was solely for offenders who pleaded guilty to their offence.
- The whole CJ criminal justice process was normal until post-sentence.
- After being sentenced the offender was offered the opportunity to take part in the RJ project. If the offender declined, this was the end of the process. If the offender agreed, the victim was offered the chance to take part in the project. If the victim declined, this was the end of the process. If the victim agreed then the RJ process began.
- The RJ project was based upon communication between victim and offender through the medium of letter writing (although bespoke restorative methods were negotiable).
- A RJ facilitator was ‘in charge’ of the running of the whole project. This individual was responsible for the initial organisation of the project and the overseeing the project ‘in action’.
- The initial timescale for the project was set for October 2008 until March 2009.

The Nottingham Restorative Justice Project: The Status Quo

The NCJI RJ project was planned to be piloted from October 2008 until March 2009. Due to a number of reasons, the project was delayed and began in mid-November 2009. One of the initial concerns voiced by the researcher was that the timescale of the project was exceptionally short and that this would limit any evaluation that took place. Unfortunately these concerns became reality since even though there were seven cases identified as suitable for the RJ project during the pilot period, none of these went completely through the restorative cycle (although one case partially did).

At the end of the pilot period the RJ project was in a state of limbo as the RJ facilitator (who was the crux of the project) had left their post for another position. There appeared to be no other individual at the centre of the project and therefore the RJ project seemed to have been suspended.

Research Findings

Presented below are a summary of the research findings with analytical comments made on each:

Training, Preparation & Organisation

- Multi-agency ‘buy in’ to the project appears positive. This was aided by the design and management of the project which ensured minimal disruption (across agencies) to peoples ‘normal’ working practices, clear consultation amongst all involved and excellent communication and dissemination of information.
- Overall project organisation was carefully considered and co-ordinated but two key problematic areas were identified;
- It was noted that having a single person (the RJ facilitator) singularly responsible (and adequately trained) for the project placed restraints on its scope and sustainability from the outset.
- There was early identification of those individuals / agencies that required training, yet the lack of availability of this training appears to have been a major issue – indeed most practitioners did not receive training until the end of the pilot period.

Comment

Those involved in the project were positive about its organisation and the model which it followed. There appeared to be a readiness amongst all the agencies involved to play a part in the project and to embrace RJ as a tool which could make a valuable impact on offender, victims and communities alike. A crucial issue, however, and one which would further encourage participation and commitment in such a project is for the appropriate training to be front-loaded and available to all those that are involved in the project.

A key problem with the organisation of the project was the fact that one person was the crux of the project. When the RJ facilitator left their post (due to ambiguity over whether the position would be re-funded) there was no contingency plan for the project to operate in their absence – as a result the project in essence ceased to exist. This highlighted the dangers of a project such as this being organised around a single individual and questions the appropriateness of setting up such a scheme in a climate of ambiguity over the future of CJ and appropriate resourcing and funding.

Community Justice as a vehicle for Restorative Justice

- Practitioners were exceedingly positive about using RJ in general and specifically in conjunction with CJ - There was a consensus that the two could work together as they shared similar aims and objectives.
- The community impact that RJ *could* (potentially) achieve was a major theme running through the interviews.
- There was a belief that RJ in a CJ setting could have a wider and more general ‘community impact’ than simply affecting an individual offender and victim.

Comments

There was a great sense of positivity around the use of CJ as a vehicle for RJ. Both seem to compliment each other and fit in with each others beliefs and ethos. It is perhaps prudent, however, for such a scheme to identify how it can have the maximum possible impact on the community and for these issues and methods to be drawn into the aims and objectives of the project in more specific detail.

What will RJ achieve?

- There appeared to be great optimism and enthusiasm for the use of RJ amongst those interviewed due to the beneficial impacts that the project could have on offenders, victims and communities alike.
- The pilot project would enable the future use of RJ to be continued and expanded as working processes were now established.
- There was a grounded realism that the pilot project was limited and perhaps even fundamentally flawed due to its restricted nature.
- There was also an acknowledgement of the reluctance to accept and embrace ‘new’ approaches to justice shown by some individuals and agencies.
- The majority believed that RJ would be rolled out in Nottingham in the future regardless of what transpired in this pilot project.

Comment

There was optimism amongst those interviewed about what RJ *could* achieve although this diminished when practitioners highlighted what the project *would* achieve due to its restricted nature. There are arguments that the RJ project had to be limited initially, however, so that all the agencies would buy-in to the process (which they appeared to have done). There was still an apparent belief though that any such scheme would struggle due to the established and entrenched nature of the court system which means that ‘new’ directions (like RJ) may not be initially embraced amongst certain agencies and hence there maybe a need to test the water first. There was a belief amongst practitioners, however that no matter what transpired in this pilot project, the roll out of RJ in Nottingham was a fait accompli anyway.

Concerns, Problems & Difficulties

The main concerns that were identified were:

- Limited timescale.
- Limited scope of the project.
- Lack of resources that were available to the project.
- Letter writing as the key restorative medium.
- Project revolving around one person (RJ Facilitator).
- Practical problems i.e. the pilot not running as it should do.
- Established nature of the criminal justice system.

Comment

The primary problem with the organisation of the project was the size / scale / scope of the project. From the outset interviewees stated their specific worries around the numbers that would be involved, the timescale that the project would run for and the fact that it was restricted (in practice) to the medium of letter writing. *The* main issue really however was the timescale. The medium of letter writing was a sound initial process to implement and utilise. The numbers (it was believed) would grow the longer the project ran for. In essence therefore, the project just needed more time. In practice it ran for 4-months, whilst it should have run for 12-24 months. Given the extra time, further evaluation could have been made around how the project impacts upon victims, offenders and communities; how the process set out works in practice; how appropriate and effective letter writing is a restorative medium.

Recommendations

- The relevant practitioners and stakeholders should be identified at the earliest possible opportunity and undertake their training together. This training should take place well before the project is set to go live.
- The organisation of such a scheme must have a contingency plan built in so that the whole process does not revolve around one individual. There should be a number of individuals identified for facilitator training so that the sole responsibility for this does not fall within one persons (and therefore one agencies) remit.
- During the planning stages of any future scheme the issue of how best to maximise the ‘community impact’ of such a project should be considered alongside the methods that can be utilised to enhance and promote this throughout the relevant communities.
- During the planning stages it should be considered whether letter writing on its own should be utilised or whether such projects should offer a wider range of restorative methods from their introduction.
- The timescale of any such pilot project needs to be considerably longer. The pilot period was far too short and this can only have a negative effect on how people perceived the NCJI and the RJ project.
- It is vital that the project is re-piloted and an appropriate evaluation is undertaken alongside this (which takes into account the issues highlighted within this document).

Critical Thoughts

Knowing of the resources and financial ambiguity that existed (as well as the delayed start of the project) it has to be questioned whether this project should have been implemented at the time that it was or whether it was best kept on the back-burner until the longer term sustainability of the project could have been gauged.

Due to the ambiguity that surrounded CJ and the lack of resources available to the project the whole scheme was never going to fulfil its full potential. The project was never really advertised or championed by the NCJI due to its future being so unclear. A project of this magnitude needs to be actively marketed, especially if it is going to make an impact on the community, but also if it is going to be taken seriously by professionals (such as defence solicitors) who play a vital role in whether an offender agrees to take part in the RJ scheme.

There appeared to be an underlying sentiment and acknowledgement that the project was a piecemeal offering. There was commitment and willingness in abundance but a sense of fatalism surrounding the whole project and a concern that an opportunity may be missed here. This is perhaps a shame as if the concerns voiced over the practical problems and established nature of the criminal justice system are to be overcome, and for confidence to be built within the community towards the criminal justice process, then a project such as this needs a fully committed opportunity to show what it can *really* do.

Nonetheless, only seven offenders were deemed appropriate for the project during the pilot period. Even with an extended timescale just what numbers would have passed through the project is an issue. The fact that the process is a voluntary one (which all those interviewed supported) means that even when someone is judged as ‘appropriate’ for the scheme the attrition rate will be high as offenders and victims will opt out of the scheme. It therefore needs to be questioned exactly what numbers are required to justify such a pilot running.

Concluding remarks

There is perhaps an overall tone of negativity within the report but that is not necessarily the case. Quite simply, the project needs to be piloted for a longer period of time and with the appropriate funding and resources made available and the relevant training provided to all those involved. A full and frank evaluation of the project would then be possible and only then could we begin to gauge how the processes in the project function and what impact the restorative nature of the project can have (even though the numbers coming through the project would still be relatively small). A project like this needs the full commitment of those involved and the financial resources to enable this otherwise we will never be able to assert what it can truly achieve. In a climate of attempting to engage with local communities, RJ in a CJ setting appears to offer real opportunities however these have yet to be fully explored and built upon.

References

Brown, R & Payne, S (2007) Process Evaluation of the Salford Community Justice Initiative Ministry of Justice Research Series 14/07 London, Ministry of Justice.

Casey, L (2008) Engaging Communities in Fighting Crime: A Review (Casey Report) London, Cabinet Office.

Green Paper (2009) Engaging Communities in Criminal Justice London, Office for Criminal Justice Reform.

Jonhstone, G (Ed.) (2003) A Restorative Justice Reader: Texts, sources, contexts Devon, Willan.

McKenna, K (2007) Evaluation of North Liverpool Community Justice Centre Ministry of Justice Research Series 12/07 London, Ministry of Justice.

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