

Institution: University of Sheffield
Unit of Assessment: 20 - Law
Title of case study: Restorative Justice Research Influences Practitioners and Shapes Governments' Policy on Victims and Offenders' Rehabilitation
<p>1. Summary of the impact</p> <p>The research has influenced governments' policy and professional practice in the development of Restorative Justice (RJ) both nationally and internationally, through its evaluation of the effectiveness of RJ schemes in promoting rehabilitation of adult offenders while also considering the views of victims. Policy makers and practitioners have drawn on the research evidence specifically as regards the relative merits of two types of RJ intervention: 'conferencing' involving a meeting of victim and offender with their supporters and with a neutral facilitator; and 'indirect mediation' involving 'shuttling' on the part of the mediator between victim and offender. The research has played a major part in the Ministry of Justice's commissioning of sentencing options in England and Wales, and has directly informed legislation implementing RJ (the Crime and Courts Act 2013).</p>
<p>2. Underpinning research</p> <p>The research was funded by a Home Office/Ministry of Justice (MoJ) grant of £1.3m to Professor Joanna Shapland (Director) and colleagues at the University of Sheffield between 2001 and 2008. Those working on the research were Professor Jim Dignan (2001-2007); Dr Gwen Robinson (2002-2008); Anne Atkinson (2002-2007); Helen Atkinson (2004-2006); Emily Colledge (2002-2005); Lucy Edwards (2006-2007); Dr Angela Sorsby (2001-2008), Marie Howes (2001-2007), and Jennifer Johnstone (2001-2005). The research team included staff employed by the Home Office – Rachel Pennant (2001-2002) and Becca Chapman (2002-2004) – together with Jeremy Hibbert (consultant Chartered Accountant: 2001-2008), and survey company NFO Europe.</p> <p>Beginning in summer 2001, the research provided an evidence base on the effects on victims and reoffending of three RJ schemes: Justice Research Consortium (JRC: London, Thames Valley and Northumbria); CONNECT (London) and REMEDI (South Yorkshire). Building on previous experience which had been limited mainly to young offenders and less serious offences, the research was the first major evaluation in the world of the use of RJ to promote rehabilitation of adult offenders whilst also considering the views of victims. It also provided the first direct comparison of the relative merits of two types of RJ intervention: 'conferencing' involving a meeting of victim and offender with their supporters and with a neutral facilitator (known as 'direct mediation' where supporters are absent); and 'indirect mediation' involving 'shuttling' on the part of the mediator between victim and offender. In addition, the evaluation of the JRC scheme was the first major study of a randomised controlled trial in criminology in the UK.</p> <p>The research found:</p> <ul style="list-style-type: none"> • A majority of victims chose to participate in face-to-face meetings with the offender when offered by a trained facilitator; • Over 80% of victims who took part were satisfied with the process and outcome; • Victims who took part were more satisfied with the criminal justice response than those who did not; • Victims of more serious offences found it particularly helpful; • Taking part in RJ conferencing reduced the frequency of re-offending; • RJ conferencing was value for money, in that the savings in terms of reduced re-offending were considerably more than the cost of running the schemes (£9 savings for every £1 spent). <p>The evaluation was conducted in four stages, each resulting in the publication of a separate report which fed back results to the schemes and informed on-going policy development. The first stage (2001-2003) involved following the schemes as they were set up, including interviews with referring agencies and scheme personnel [R1]; the second stage covered the main operation of the schemes (2002-2004), including observation of RJ meetings and final interviews with referring agencies and scheme personnel [R2]; stage three (2002-2005) involved interviews with victims and offenders [R3]; the final stage (2006-2008) examined re-offending over the next two years, taking</p>

account of costs of reoffending (in collaboration with the Economics Unit in the Home Office to develop new methods of measuring costs and undertaking cost-benefit analysis) [R4]. The conclusions and implications of the research were set out and further explored in a journal article [R5] and book [R6]. Professor Shapland was awarded the Outstanding Achievement award of the British Society of Criminology 2013 principally for this research.

3. References to the research

The research was funded by a Home Office/MoJ grant (£1.3m), 'Evaluation of Restorative Justice Schemes' (Crime Reduction Programme), 2001-2008.

- R1. **Shapland, J., Atkinson, A., Colledge, E., Dignan, J., Howes, M., Johnstone, J., Pennant, R., Robinson, G. and Sorsby, A.** (2004) *Implementing Restorative Justice Schemes (Crime Reduction Programme): A Report on the First Year*. Home Office Online Report 32/04. (London: Home Office) (<http://www.homeoffice.gov.uk/rds/pdfs04/rdsolr3204.pdf>).
- R2. **Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Colledge, E., Dignan, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A.** (2006) *Restorative Justice in Practice: Findings from the Second Stage of the Evaluation of Three Schemes*. Home Office Research Findings 274. (London: Home Office) (<http://www.homeoffice.gov.uk/rds/pdfs06/r274.pdf>).
- R3. **Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Dignan, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A.** (2007) *Restorative Justice: The Views of Victims and Offenders*. Ministry of Justice Research Series 3/07. (London: MoJ) (<http://www.justice.gov.uk/docs/Restorative-Justice.pdf>).
- R4. **Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A.** (2008) *Does Restorative Justice Affect Reconviction? The Fourth Report from the Evaluation of Three Schemes*. Ministry of Justice Research Series 10/08 (London: MoJ) (http://www.justice.gov.uk/docs/restorative-justice-report_06-08.pdf). Selected for summarising in *Criminological Highlights*, vol. 10. no. 1, by the University of Toronto for the Department of Justice Canada (only the most important 50 or so criminological/criminal justice articles each year worldwide are included).
- R5. **Robinson, G., and Shapland, J.** (2008) 'Reducing Recidivism: A Task For Restorative Justice?', *British Journal of Criminology* 48(3): 337-358. (Selected for summarising in *Criminological Highlights*, vol. 9. no. 5).
- R6. **Shapland, J., Robinson, G., and Sorsby, A.** (2011) *Restorative Justice In Practice* (London: Routledge).

4. Details of the impact

The research has had an unprecedented influence on government policy makers and practitioners in England and Wales, where there has been a significant shift towards using RJ driven directly by the research findings. The research has also had impact internationally.

(1) Influence on government policy and on practitioners in England and Wales

The research has directly provided the evidence base for legislation to promote pre-sentence RJ in the Crime and Courts Act 2013 (s.44 and Schedule 16), whilst also informing the government's policy Action Plan and guidance to practitioners. In November 2012, Jeremy Wright MP (Minister for Prisons and Rehabilitation) wrote in the Foreword to the Restorative Justice Action Plan for the Criminal Justice System [S1]:

"When the Bill is enacted, restorative justice will then be accessible at every stage of the criminal justice process, from initial arrest through to prison, for those victims and offenders who are willing.

The benefits of restorative justice are well known by those working within the sector. 85% of victims who go through restorative justice conferences find it helpful. For offenders who take part in restorative justice, there is a 14% reduction in reoffending rates. However, despite this, restorative justice is not being used enough.

This action plan sets out a series of actions which the Government will drive forward, with our partners in the restorative justice field, to bring about real change in the delivery and provision of restorative justice across England and Wales."

At the end of the document, the source for 'further information on the evidence base for restorative justice' directs the reader to the Restorative Justice Council (RJC) website, which states [S2]:

“Restorative Justice Works

There is a strong and growing evidence base that restorative justice meets the needs of victims and reduces the frequency of re-offending.

The Evidence

The Government funded a £7 million 7 year research programme looking into restorative justice. In her independent evaluation, published in four reports (see 'Ministry of Justice Evaluation' below), Professor Joanna Shapland found that in randomised control trials of RJ with serious offences (robbery, burglary and violent offences) by adult offenders:

- The majority of victims chose to participate in face-to-face meetings with the offender, when offered by a trained facilitator;
- 85% of victims who took part were satisfied with the process;
- RJ reduced the frequency of re-offending, leading to £9 savings for every £1 spent on restorative justice.”

The pathway to this policy action has included presentations to key practitioners and policy makers as well as direct advice by Professor Shapland, drawing upon the lessons from the research.

The initial invited keynote presentations by Shapland include: 5th Annual Conference on Restorative Approaches (London, June 2008); Restorative Justice Consortium Annual General Meeting (London, July 2008); Independent Commission on Youth Crime and Anti-social Behaviour national conference (May 2011); Restorative Justice Council Annual Conference (London, February 2010). The RJC, formerly the Restorative Justice Consortium, is the key practitioner forum issuing guidance on RJ practice and is becoming the main path to accreditation.

Shapland attended meetings and question/answer sessions with: Chief Scientific Advisor to the Home Office (London, July 2008); Youth Justice Board Strategy Group (London, September 2008); sentencers in Thames Valley (April 2009); Commission on English Prisons Today (London, November 2008); and senior civil servants from the MoJ/the Victim and Witnesses Unit (London, January 2009).

In December 2010, the Coalition government issued a Consultation Paper which drew on the results of the research in identifying increased opportunities to use RJ approaches in England and Wales [S3], accompanied by Green Paper evidence which directly quoted the research [S4]:

“A joint Home Office and Ministry of Justice commissioned evaluation of a number of restorative justice pilots found that 85 per cent of victims who participated in the restorative process said they were satisfied with the experience. The evaluation also found that when looking at these pilots together, they were effective in reducing the frequency of reoffending (Shapland et al. 2008).”

The government response to the results of the consultation in June 2011 confirmed the value of RJ approaches to victims and endorsed the research findings on this point [S5]. The research formed the basis of a BBC Panorama programme in November 2011, in which the then Minister of State at the MoJ, Crispin Blunt, confirmed that the government was developing policy to provide RJ in relation to both adult and young offenders [S6]. In 2012, the National Offender Management Service (NOMS) commissioned trainers to develop the expertise base across the country to undertake RJ in accordance with the recommendations made in the research [S7]:

“Many victims say the best way harm can be repaired is through participation in restorative justice. We are proposing using restorative justice interventions at each stage of the justice system.”

The research has influenced the RJC through regular briefings and updates, with several chapters of *Restorative Justice in Practice* being serialized in *Resolution*, the Council's magazine for practitioners:

“This seven-year study is the most important research evidence on restorative justice (RJ) in this country. The work has challenged some of the myths around RJ; confirmed earlier findings of the strong victim benefits from RJ; and provided new evidence of the impact of RJ in reducing re-offending, leading to cost-savings across Criminal Justice” (Lizzie Nelson, Director

Restorative Justice Council, flyjacket endorsement of *Restorative Justice in Practice*.)

Shapland has been responsible for drafting several sections of the *Best Practice Guidance for Restorative Practice*, which RJ providers are now expected to meet, in her capacity as a member of the joint Working Group of the RJC and the MoJ established to formulate professional guidance [S7].

Shapland was invited by the MoJ to join their Steering Group which met in summer/autumn 2012 to draft the government's Action Plan for the development of RJ policy and practice. She was the sole academic on the Group [S1]. The government also commissioned 'train the trainers' work in 2012/13 to increase national capacity to deliver the new plans for RJ in England and Wales [S8]. Shapland continues to advise the RJC and MoJ on specifications for data recording and monitoring for the new provision of restorative justice.

(2) Influence on government policy and practice in other jurisdictions and internationally

The research has influenced policy and practice in several jurisdictions. In Scotland, Shapland gave a keynote presentation on 'Restorative Justice: the Research Evidence' to the Scottish Government Conference (Edinburgh, 21 February 2008), and contributed to roundtable discussions with policymakers (Edinburgh, 22 February 2009), with discussion continuing into 2013. In Northern Ireland, the research was discussed with senior policy makers and practitioners (Belfast, 9 March 2011). The research has been referred to extensively by the Republic of Ireland's National Commission on Restorative Justice – this 'important piece of recent research' [S9] providing the basis for the Commission's recommendation for nationwide implementation of RJ services by 2015.

The research informed the successful application by the European Forum for Restorative Justice (the European NGO for RJ schemes across Europe) for an EU grant (2009-2011: 291,000E, Shapland was on the Steering Group), to explore more widely schemes' experiences with conferencing and mediation. Shapland gave keynote presentations at the Forum's 6th Biennial Conference (Bilbao, June 2010) to some 600 practitioners, and the biennial conference of Dutch and Belgian police chiefs (14-15 May 2009), subsequently published in the Dutch/Belgian series on policing and practice.

5. Sources to corroborate the impact

- S1. Ministry of Justice (2012) Restorative Justice Action Plan for the Criminal Justice System, launched during Restorative Justice Week, November 2012.
(<http://www.justice.gov.uk/publications/policy/moj/restorative-justice-action-plan>),
- S2. Restorative Justice Council
(http://www.restorativejustice.org.uk/restorative_justice_works/#.UPVK7_LwuYE)
- S3. Ministry of Justice (2010) Consultation Paper, 'Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders' (Cm 7972).
- S4. Ministry of Justice, Green Paper evidence accompanying Consultation Paper
(<http://www.justice.gov.uk/downloads/consultations/green-paper-evidence-a.pdf>)
- S5. Government Response to the Consultation, June 2011 (Cm 8070).
- S6. 'Meet the Burglars', BBC Panorama programme, broadcast of 21st November 2011 – statement by Crispin Blunt (Minister of State at the MoJ).
- S7. Restorative Justice Council and the MoJ, 'Best Practice Guidance on Restorative Practice', (February 2011).
- S8. National Offender Management Services (NOMS), Commissioning Intentions Plan 2012/13, Discussion Document p.12 (<http://www.justice.gov.uk/about/noms/commissioning.htm>) and Guidance for Commissioning Restorative Justice and Victim Awareness Locally (Feb 2012).
- S9. Republic of Ireland, National Commission on Restorative Justice, 2009
(<http://www.justice.ie/en/JELR/NCRJ%20Final%20Report.pdf/Files/NCRJ%20Final%20Report.pdf>) para. 9.58, also 4.21-31, 9.25-35 corroborates that the research was discussed, and para. 11.37 that it provides the basis for the Commission's recommendation for the implementation of nationwide RJ services by 2015.