

Report for: Overview and Scrutiny Committee - 26 March 2018

Item number:

Title: Scrutiny Review on Restorative Justice

Report

authorised by: Cllr Hearn, Chair of Children and Young People's Scrutiny Panel

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Ward(s) affected: All

Report for Key/

Non Key Decision:

1. Describe the issue under consideration

1.1 Under the agreed terms of reference, the Overview and Scrutiny Committee (OSC) can assist the Council and the Cabinet in its budgetary and policy framework through conducting in-depth analysis of local policy issues and can make recommendations for service development or improvement. The Committee may:

(a) Review the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

(b) Conduct research to assist in specific investigations. This may involve surveys, focus groups, public meetings and/or site visits;

(c) Make reports and recommendations, on issues affecting the authority's area, or its inhabitants, to Full Council, its Committees or Sub-Committees, the Executive, or to other appropriate external bodies.

1.2 In this context, the Overview and Scrutiny Committee on 17 July 2017 agreed that the Children and Young People's Scrutiny Panel would undertake a piece of in-depth work on the issue of restorative justice.

2. Chair's Introduction

2.1 The Panel set up this review in response to worrying trends in levels of serious youth violence and school exclusions to see if restorative justice could play a useful role in addressing these. Restorative justice can be a very effective tool in resolving conflict but it is nevertheless a reactive process. Restorative practice goes one step further and is proactive in nature, seeking to prevent conflict happening in the first place. It has been used extensively and successfully in various settings and complements the Council's agenda for children and young people. We would therefore recommend that it's use be extended, not just within the Council, but also in the work that the Council undertakes with partners.

2.2 It is fitting that this is the final piece of work that the Panel has undertaken in this administration as restorative practice could also serve children and young people

well if applied to other areas of enquiry that we worked on during the last four year. For example, we are now seeing the rolling out of family group conferences. Repeatedly witnesses have told us that early trauma leads to big problems later on. The use of restorative practice, beginning with children as young as five, has the potential to impact positively upon their later lives.

- 2.4 The effects of 8 years of austerity, with the Council losing half of its budget, have been considerable. The resulting reduction in services to children and young people across the services of all partners has increased the likelihood of young people needing more support. We already have proposed that in the next administration the Panel explore the effects austerity has had on the lives of children. The use of restorative practice can begin to support children and young people disadvantaged by discrimination, poverty and exclusion to find their way out of this circle of deprivation.

3. Recommendations

- 3.1 That restorative practice provide the basis for the development of the new Young People's Strategy for the borough;
- 3.2 That the Council develop a specific and comprehensive plan for the adoption, development and implementation of restorative practice within services for children and young people;
- 3.3 That, as part of the above-mentioned plan, restorative practice is piloted in a specific area so that the learning from this can be incorporated into its further development;
- 3.4 That specific work be undertaken to encourage collaboration between schools in the development of restorative practice;
- 3.5 That a representative of the Restorative Justice Council and the Cabinet Member for Children and Families be invited to speak to future meetings of the Secondary Heateachers Forum and the Primary Headteachers Forum on restorative approaches and how they may be utilised successfully within Haringey schools; and
- 3.6 That "Outstanding for All" be refreshed so that it recognises a wider range of achievements and journeys that children and young people have taken.

4. Reasons for decision

- 4.1 The Committee is requested to approve the recommendations of the report so that it may be submitted to Cabinet for response.

5. Alternative options considered

- 5.1 The Committee could decide not to approve the recommendations but this would mean that the report could not be submitted to Cabinet for response.

6. Background information

- 6.1 As part of its work plan for 2017/18, the Overview and Scrutiny Committee agreed to set up a review that would look at the issue of restorative justice within services for children and young people. It was agreed that the review would consider the following issues:
- The current use of restorative justice and how successful this has been;
 - Best practice examples from elsewhere;
 - The potential for its extension in Haringey; and
 - Increasing take up and exposure amongst black and minority ethnic communities, especially young black men.
- 6.2 The review was undertaken in a “scrutiny in a day” format, with all the evidence being heard in the course of one evidence session, which took place on 27 February 2018.

Scope/Terms of Reference

- 6.3 The terms of reference that were approved for the review were as follows:

“To consider and make recommendations to the Council’s Cabinet on the potential for promoting and extending the use of restorative justice within schools, children’s social care and the youth justice system”

Sources of Evidence:

- 6.4 Sources of evidence were:

- Presentations and interviews with officers from the Council, partner organisations and schools; and
- Research and policy documentation.

- 6.5 The Panel received specific evidence from;

- Chris Straker - Interim Chief Executive of the Restorative Justice Council;
- Gill Gibson – Assistant Director for Early Help and Prevention;
- Jennifer Sergeant – Head of Targeted Response and Youth Justice;
- Carol Soverall – Team Manager, Children’s Services;
- Eveleen Riordan – Joint Assistant Director, Schools and Learning;
- Deborah Tucker – Alternative Provision Commissioner;
- Jo Arrowsmith, Dave Huxley and Stewart Johnson - Fortismere School;
- Superintendent Nigel Brookes – Haringey Police.

7. Introduction

Overview

- 7.1 The Panel received an overview of restorative justice and practice from Chris Straker, the Interim Chief Executive of the Restorative Justice Council. Restorative justice had originally been used mainly in the criminal justice system. It was now used more widely and, in addition, the wider concept of restorative practice had now been adopted in many settings. Restorative justice brought those harmed by

crime or conflict and those responsible for the harm into communication and was a reactive process. Restorative practice was proactive in nature and could be used to prevent conflict, build relationships and repair harm by enabling people to communicate effectively and positively. It aimed to do things *with* people rather than to them or for them.

- 7.2 Restorative practice was increasingly being used in schools, children's services, workplaces, hospitals, communities and the criminal justice system. He felt it could be used anywhere and was especially effective in schools. Adopting restorative practice could be challenging and there had to be commitment to it from across organisations where it was adopted it. It was important that there was consistency of approach and a culture of learning was developed.
- 7.3 Restorative practice could have a particular role in respect of school exclusions. These were often the result of an accumulation of issues rather than a single incident. It would not stop bad behaviour but it would reduce its repetition by the same individuals. Although it was difficult to find data to confirm this, restorative practice could lower exclusion levels and improve attendance. However, it could lead to higher levels of safeguarding referrals as it could make children and young people feel better able to disclose incidents by developing a more trusting environment.
- 7.4 In developing restorative practice in schools, there was a need to involve everyone who came into them. Pastoral care was particularly important and could need to be reconfigured. Schools should not be seen in isolation and a holistic approach was necessary. The Panel noted that the use of family group conferences in social care was also a restorative approach and had led to a reduction in the number of looked after children in Leeds, where they had been used extensively.

Youth Justice

- 7.5 Jennifer Sergeant and Carol Soverall from the Children and Young People's service reported on the how the restorative justice had been used in the youth justice service. Ms Soverall reported that its use was included within the Youth Justice Board's national standards, which emphasised the involvement of victims and reparation. It was intended to be a thread that ran through everything in youth justice and required the need for commitment. There was a trainer within the service and an annual training programme. All staff were trained in restorative approaches. There was also a Reparations Officer within the service.
- 7.6 The process was intended to be all about the victim and there was a need to consult with them before the process started. Restorative justice was not appropriate in all situations and some victims did not want to go through the process. It could help to keep some young offenders out of custody through making them aware of the harm that their actions had caused. It also provided victims with closure. However, not all exercises ended with the victim achieving all that they wanted.
- 7.7 Ms Sergeant reported that a National Audit had highlighted the need for improvements in the use of restorative approaches in Haringey and levels had since increased. Efforts were currently being made to further embed it within practice in Haringey and to learn from elsewhere. An application had been made

to obtain the Restorative Justice Council's Restorative Service Quality Mark. The use of it in youth justice complemented its use in other areas such as in social care and schools. It could help to increase levels of empathy, develop self-esteem and confidence and improve trust in professionals.

- 7.8 It was acknowledged that restorative justice could be time consuming and intensive in nature. Work was taking place with staff and there was a need for leadership. To this end, a restorative justice lead was being appointed to support its wider implementation. Consideration would be given on how to incorporate it within supervision and the management of the service. The National Audit had focussed on statistics but qualitative issues were also of importance.
- 7.9 The Panel noted that an analysis had been undertaken of the 20 most prolific young offenders in the borough. There was a key role for the whole of the family to be involved in finding solutions to offending. The role of partner organisations was also crucial.

Schools

- 7.10 Deborah Tucker and Eveleen Riordan from the Children and Young People's service described some of the ways in which restorative practice had been used in schools and education. In addition, Jo Arrowsmith, Dave Huxley and Stewart Johnson from Fortismere School described the work that they were doing to incorporate restorative practice into their school.
- 7.11 Ms Tucker reported that both Lordship Lane and Seven Sisters schools were now using restorative practice. Training had been undertaken for all staff with the aim of ensuring that the same approach was followed across the school community. It was not a quick fix and took time to be embedded. The language used felt awkward at first but soon became natural.
- 7.12 Mr Huxley reported that restorative practice was widely used in New Zealand. It could be a powerful tool and was not a soft option as it involved making children and young people accountable for their behaviour. It differed from punitive means of discipline, which could generate resentment. The impact was intended to be positive, with young people feeling that they were being listened to and valued. They were looking to implement it more widely within their school.
- 7.13 Part of this process would be ensuring that all staff shared the same ethos and a cultural shift was required. Mr Johnson stated that they would welcome the opportunity to work with other schools who were considering adopting a similar approach or had already decided to implement it. He felt that it could have a positive impact on children and young people by making them feel that they were being listened to and valued. The Panel noted the view of Mr Straker that embracing a restorative approach would not prevent poor behaviour but it could reduce levels of repetition.

Police

- 7.14 Superintendent Nigel Brookes from Haringey Police stated that developing relationships with young people were now starting to underpin their approach. It

was acknowledged that it was not possible to address crime purely through enforcement. Victims and offenders were often from the same cohort. Resources had been put into ward officers and a greater presence within schools, including primaries, in order to improve relationships with young people. Particular action had been taken to develop links with care homes within the borough, with a named officer linked to each of them. Children and young people from care homes were at a very high level of risk of coming into contact with the criminal justice system. Work had also been undertaken with Police officers to make them more aware of what it felt like to be subject to stop and search, which could have a negative impact on relationships with young people.

- 7.15 The changes to Police structures and the merger with Enfield would present challenges but the approach to neighbourhoods would stay the same could even be strengthened. Operation Trident had involved a partnership approach to victims and the involvement of a number of agencies to divert young people away from involvement with gangs. This approach was being adopted in Haringey. It was acknowledged that some gang members were the victims of exploitation.
- 7.16 All officers were being trained in community resolution. The aim of this was to address low level crimes outside of the youth justice system and therefore avoid criminalising young people. It was victim focussed and had to have their consent and agreement. It required the offender to accept responsibility and offer an act of reparation. It would not be used in situations where weapons had been used and in cases of domestic violence. In answer to a question, he stated that the legal advice that some offenders received in custody could be a barrier to restorative approaches as it precluded them accepting responsibility for the offence. They had engaged with the judiciary on this issue. Although the advice was legally sound, it might not be in the long term interest of the young person.

Discussion

- 7.17 Following presentations, there was discussion amongst Panel Members and witnesses on the issues raised and, in particular, actions that could be taken to extend the use of restorative justice. The following points were raised as part of this:
- The distinction between restorative justice and restorative practice needed to be emphasised. The former was a process whilst the latter was a way of doing things and required buy-in from the whole of the organisation. It could not be imposed from above and required a culture change;
 - Restorative practice complemented the whole of the Council's agenda for children and young people. In particular, it supported the voice of the child;
 - It was important that, if adopted, it became an integral part of partnership working;
 - Capacity to deliver a restorative approach needed to be built. There also needed to be political leadership;
 - Resources were scarce and would remain so and it was therefore important to target action where it most likely to deliver results;
 - Implementing a restorative approach would take time but some quick wins would assist in progressing it. There were pockets of expertise within the Council and a pilot project could be used as part of the development process and provide an opportunity for learning;

- Collaboration was important, particularly between schools but current arrangements tended to discourage this and promote competition;
- There was a correlation between exclusion and criminality;
- It was important that the achievements of a range of children and young people were celebrated and not just the high achievers; and
- Adopting a restorative approach would require engagement with a range of people, including professionals in teams, families and communities of young people. It would be necessary to find ways of doing this effectively and getting the message across. There was a danger that this could look like dictating if not handled well.

Conclusions and Recommendations

- 7.18 The Panel is convinced of the benefits of the restorative justice process as a means of repairing harm where conflict has taken place. It strongly supports its increased use across a wide range of settings, including both primary and secondary schools, the youth justice system and social care.
- 7.19 It also feels that the adoption of restorative practice as a way of doing things can bring additional benefits to the Council and its partners through preventing conflict taking place in the first place, improving relationships and facilitating positive and effective communication. Amongst the benefits that restorative practice has brought where it has been used extensively are a reduction in the number of looked after children, school exclusions and repeat offending.
- 7.20 Restorative practice is being increasingly used in a wide range of settings and the Council has already begun to use it in some areas. The Police and some schools have also used restorative approaches successfully. However, the Panel feels that it needs to be embraced more widely and across the whole of the Council and partnerships and a holistic approach adopted.
- 7.21 In order to take forward the use of restorative practice, a wider understanding needs to be developed, including a training programme. For this to work, it will be necessary to engage and involve a wide range of professionals as well as families, young people and community based organisations. It involves community empowerment and therefore will need to be progressed through collaboration rather than imposed from above.
- 7.22 Collaboration between schools would assist them in developing restorative approaches. In particular, closer links between primary and secondary schools would help to develop continuity in approach with clear expectations for children and young people.
- 7.23 Rewarding and celebrating achievement should be an important part of encouraging positive behaviour and providing motivation. Children and young people may face different challenges though and achievement needs to be put in context. “Outstanding for All” should be refreshed so that it recognises a wide range of achievements and journeys that children and young people have taken.
- 7.24 Restorative practice complements strongly the Council’s agenda in respect of children and young people. It also addresses the severe financial constraints that

public services face by emphasising prevention and a proactive approach. However, it will not deliver outcomes immediately and should be seen as long term process. It will require a high level of commitment to carry it through and not revert to reactive models of practice when setbacks occur.

7.25 The Panel would like to see the development of a specific and comprehensive plan for progressing restorative practice and for it to be at the heart of the Council's strategies for children and young people. In the first instance, it would recommend that restorative practice be piloted in discreet areas so that learning from them can be incorporated into the further development of policy.

7.26 The Panel's full recommendations are in paragraphs 3.1 to 3.5.

8. Contribution to strategic outcomes

8.1 This review relates to Corporate Plan Priority 1 – "Enable every child and young person to have the best start in life, with high quality education".

9. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)

Finance and Procurement

9.1 Where there are financial implications of implementing the recommendations within this report, it is important that the recommendations are fully costed and a funding source identified before they can be agreed. If the recommendation requires funding beyond existing budgets or available external funding, then Cabinet will need to agree the additional funding before any proposed action can proceed.

Legal

9.2 Under Section 9F Local Government Act 2000 ("The Act"), Overview and Scrutiny Committee have the powers to review or scrutinise decisions made or other action taken in connection with the discharge of any executive and non-executive functions and to make reports or recommendations to the executive or to the authority with respect to the discharge of those functions. Overview and Scrutiny Committee also have the powers to make reports or recommendations to the executive or to the authority on matters which affect the authority's area or the inhabitants of its area. Under Section 9FA of the Act, Overview and Scrutiny Committee has the power to appoint a sub-committee to assist with the discharge of its scrutiny functions. Such sub-committee may not discharge any functions other than those conferred on it.

9.3 Pursuant to the above provisions, Overview and Scrutiny Committee has establish Scrutiny Review Panels of which include the Children and Young People's Scrutiny Panel to discharge on its behalf defined scrutiny functions. On the request from Overview and Scrutiny Committee, Children and Young People's Scrutiny Panel has undertaken a review on restorative justice. In accordance with the Council's Constitution, the Panel must refer the outcome of its review to Overview and Scrutiny Committee for consideration and approval.

9.4 The remit of the Scrutiny Panel's review is defined in the terms of reference set out in this report. The Scrutiny Panel should keep to the terms of reference and ensure that its findings and recommendations are based on good evidence, accord with good practice and are reasonable and rational.

Equality

9.5 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between people who share those protected characteristics and people who do not;
- Foster good relations between people who share those characteristics and people who do not.

9.6 The three parts of the duty applies to the following protected characteristics: age; disability; gender reassignment; pregnancy/maternity; race; religion/faith; sex and sexual orientation. In addition, marriage and civil partnership status applies to the first part of the duty.

9.7 The Committee should ensure that it addresses these duties by considering them during final scoping, evidence gathering and final reporting. This should include considering and clearly stating: How policy issues impact on different groups within the community, particularly those that share the nine protected characteristics; Whether the impact on particular groups is fair and proportionate; Whether there is equality of access to service and fair representation of all groups within Haringey; Whether any positive opportunities to advance equality of opportunity and/or good relations between people, are being realised.

9.8 The Committee should ensure that equalities comments are based on evidence, when possible. Wherever possible this should include demographic and service level data and evidence of residents/service-users views gathered through consultation.

10. Use of Appendices

None.

11. Local Government (Access to Information) Act 1985