

## Rachel Clarke Laidlaw Scholarship Research Proposal

### **To what extent does Durham Police comply with the Restorative Justice article of the Victims Code?**

#### Proposed Project and Aims

The Code of Practice for Victims of Crime (Victims' Code) 2021<sup>1</sup> sets out the minimum standard of services that organisations in England and Wales must provide to victims. Ensuring that the victims' best interests are a primary consideration of service providers is a central pillar enshrined within the rights of the code. Unfortunately, the extent to which victims' rights are upheld in practice is both questionable and the subject of on-going concern and debate. At present, there is a lack of an evidence base examining the extent to which different organisations uphold their statutory obligations set out in the Victims' Code. There is a lot of work to do to understand how the Victims' Code is used and monitored by different agencies within the criminal justice system, and the subsequent impact that this has on victims. This project offers an innovative and distinct piece of work that will focus on the role of one key agency, namely the police, to begin a programme of work that has scalability in terms of geographical reach and professional agency extension.

The proposed research aims to begin addressing a gap in knowledge by exploring the extent to which police forces are meeting their statutory obligations under the Victims Code (2021) in respect of offering and providing Restorative Justice to victims and offenders. Under Section 4 of the Victims' Code, you have a right 'to be referred to services that support victims and have services and support tailored to your needs (p.17). The Victims' Commissioner, Dame Vera Baird, who is appointed by the Secretary of State and is independent of central government, is responsible for promoting victims' rights and interests, but lacks powers 'to fully oversee the delivery of the Code by keeping its operation under review' (see current consultation document). As such, agencies are not obliged to cooperate with her nor is there an onus on them to provide her with performance data or respond to her recommendations for change/improvement.

The police are often the first point of contact for many victims of crime. As one of the key organisations responsible for meeting the Rights under the Code, this proposed research is designed to gather information and data on up to two police forces' compliance with this aspect of the code as this is currently missing from the overall victim support services landscape to support her in her role, preventing improvement in service delivery.

The first step/stage within the project will be to conduct a literature review to provide a robust academic context for the study. The literature review will outline the relevant debates within the field and begin to identify some of the key areas that need to be addressed within the empirical phase of the study. This will enable the researchers to contextualise the study further before undertaking a small pilot with 1-2 constabularies (Durham and Cleveland in the first instance with a view to working with the one where there is the greatest ease of access to the data unless this can be done with both forces within the timescales) within the N8 Policing Research Partnership<sup>2</sup>, to test their compliance with the RJ provisions of the Code. This will be done by drawing on

---

<sup>1</sup> <https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime/code-of-practice-for-victims-of-crime-in-england-and-wales-victims-code>

<sup>2</sup> <https://www.n8prp.org.uk/>

existing connections with N8 Policing Research Partnership building collaborative relationships with the police partners and gathering some exploratory data to begin to shed light on this issue. The intention will be to design and ‘test-run’ a pilot survey instrument/toolkit with the identified forces using a survey schedule with senior stakeholders (including RJ commissioners within the Office of the Police Crime and Victims Commissioners’ Office, practitioners at PC/PCSO level, middle managers at supervisory ranks, senior leaders and data analysts from the police research and analysis teams) and RJ providers in those force areas. The learning from using the toolkit will be used to revise the survey and inform a national study which gives the overall picture in England and Wales of compliance by the 43 police forces. This would be through external peer-reviewed funding sourced from the Victims’ Commissioners Office, the Home Office, UKRI, ESRC or the College of Policing.

#### What is Restorative Justice?

‘Restorative Justice brings those harmed by crime or conflict and those responsible for the harm into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward’ (Restorative Justice Council, 2016: online).

Established as an effective intervention in the youth offending context, there is a growing evidence base suggests significant benefits for adults involved in more serious offences such as burglary and violence (Shapland et al, 2011). The benefits are wide-ranging such as improved victim satisfaction (Umbreit et al, 2007) compared to the adversarial system and a sense of closure (MOJ, 2014) which appears unattainable with a prosecution route only, combined with psychological and emotional health benefits (Angel et al, 2014; Hallam, 2015). Offenders, where guilt is admitted, are given the opportunity to make amends with correlations with community re-integration (Holye, 2010) and re-offending rates (Dignan, 1992; Sherman et al, 2015). The research suggests that this is a cost-effective option compared to the costs of prosecution (Audit Commission, 1996; the Matrix Evidence, 2009) while reducing the current heavy burdens on the court system through reduced throughout of cases due to reduced re-offending (Shapland et al, 2011). Heeks et al (2018) highlight the enduring financial impact of crime on victims who are left unable to continue working, there is a loss in economic output, affecting the economy.

#### What is the Victims Code?

The Victims’ Code was introduced in 2013 to improve services for victims and was subsequently revised in 2016, with the latest iteration in April 2021. The Code sets out the minimum standards of delivery of victim-related services from organisations such as the police, CPS, HMPPS (Her Majesty’s Prison and Probation Services) and HMCTS (Her Majesty’s Courts and Tribunal Services). The Code makes provision for Restorative Justice services. This Code makes provisions for RJ services with victims who were offended against by an adult entitled to provision of information about RJ and how they may access those services where available and victims who were offended against by a young person being entitled to RJ provisions by the Youth Offending Service. These statutory obligations need to be met by service providers. Acton (2015) found that there was a ‘postcode lottery’ throughout England and Wales, suggesting social injustice in the extent to which individuals have the opportunity to access the benefits described above, which appear to be fundamentally linked to life chances. Across England and Wales, the Office of the Police and Crime Victims’ Commissioner (OPCVC) is responsible for funding victims support services, and this causes difficulty due to variation geographically in the priority given by individual OPCVCs to victim related services such as RJ. A consultation process<sup>3</sup>, which ended on 3/2/22 in relation to the Victims Code provisions and the role of the Victims’ Commissioner will be relevant to our findings. This research would make an important contribution to these ongoing national debates/issues.

<sup>3</sup> <https://consult.justice.gov.uk/victim-policy/delivering-justice-for-victims/>

### Likely Impact of Proposed Research

The proposed impacts of the study are particularly significant due to the engagement of important stakeholders at all stages of the research, from research design through to dissemination. The PI and Co-PI already have a meeting scheduled with the VCs office to start initial conversations about the proposed research. This is to ensure that there is sufficient liaison with Dame Vera Baird's office from the outset of this project and that the project aims aligns with supporting her commitments against the reviews of the Victims Code and any changes made as a result of the current consultation process. Both the PI and CI also have longstanding connections with possible police partners through their research networks and strategic involvement with the N8 Policing Research Partnership.

There are inequalities of a significant magnitude confirmed by researchers (see above) in relation to the implementation of the Victims Code and in particular, the RJ obligations set out for those who have been victimised by adult and youth offenders. This postcode lottery signals injustice in the provision and availability of RJ to victims (and consequently offenders though this is not detailed in the literature available), preventing the benefits (detailed above) from being realised. This pilot research will help inform the above debate with the expanded project elaborating on the nuances of the postcode lottery injustices and make recommendations for improvement so that all victims, regardless of where they live and who has offended against them, have parity of access to RJ services and information about RJ. This will enable the Victims' Commissioner to gain access to the information which supports her to better be 'the powerful voice for victims' (p.22) as detailed in the consultation document. Police partners will be given the opportunity to reflect on current practice and consider how it can be improved in light of the research findings.

### **References**

Angel, C.M., Sherman, L., Strang, H., Ariel, B., Bennett, S., Inkpen, N., Keane, A. and Richmond, T.S. (2014) 'Short-term effects of restorative justice conferences on post-traumatic stress symptoms among robbery and burglary victims: a randomized controlled trial' *Journal of Experimental Criminology* (10): 291 – 307

Audit Commission (1996) *Misspent Youth Young People and Crime* Audit Commission: London

Dignan, J. Repairing the Damage: Can reparation be made to work in the service of diversion *The British Journal of Criminology* 32(4): 453 - 472

Hallam, M. (2015) 'Victim Initiated Restorative Justice Restoring the Balance' *Restorative Justice at the Post Sentencing level Supporting and Protecting Victims Final Report of the UK Pilot Project* available at

<https://restorativejustice.org.uk/sites/default/files/news/files/Final%20Report%20Restoring%20the%20Balance%20June%202015.pdf> (last accessed 22/1/22)

Heeks, M., Reed, S., Tafsirir, M. and Prime, S. (2018) *The economic and social costs of crime 2<sup>nd</sup> edition* Home Office: London

Matrix Evidence (2009) *Economic Analysis of Interventions for young adult offenders* Barrow Cadbury Trust: London

Restorative Justice Council (March 2016) *Restorative Justice and policing – what you need to know* available at <https://restorativejustice.org.uk/sites/default/files/resources/files/rjc-policeandri-5digi.pdf> (last accessed 22/1/22)

Shapland, J., Robinson, G. and Sorsby, A. (2011) *Restorative Justice in Practice Evaluating what works for victims and offenders* Routledge: London

Sherman, L, Strang, H., Barnes, G., Woods, D.J., Bennett, S, Inkpen, N., Newbury-Birch, D., Rossner, M., Angel, C., Means, M. and Slothower, M. (2015) *Twelve experiments in restorative justice: The Jerry Lee program of randomized trials of restorative justice conferences* Journal of Experimental Criminology 11: 501 - 540

Umbreit, M. Coates, R. and Roberts, A. (2007) 'The Impact of Victim-Offender Mediation: A Cross-National Perspective' Mediation Quarterly 17(3): 215 – 229