YJS Case Management Guidance

## Section 1 - How to work with Children (Victims & RJ)

## **Restorative approaches and how to use them**

1. Restorative approaches are part of the youth justice system and the requirement to undertake this type of activity can be part of an out-of-court disposal, a Referral Order or Youth Rehabilitation Order.
2. Restorative approaches support children to develop a ‘pro-social’ identity, and to help them to make a positive contribution to their community. Identity is the way we think about ourselves and our place in the world. It is shaped by our experiences in life and affects the way we think and behave. Children can be supported to develop a pro-social identity by helping them to engage in constructive activities, to develop beneficial interactions with others and to understand the implications of their offending with appropriate support. The focus of reparative activity should be to help the child to move forward by understanding and learning from the impact of their actions on the victim and community.
3. Restorative justice is an approach which can take many forms and therefore be tailored to the individual’s ability, situation and circumstances. There should be a connection between the offence committed and the proposed activity and consideration of whether it should directly or indirectly involve the victim. Reparation activity should:

* help children to recognise the positive contribution it (the reparative activity) can have for themselves and others (e.g. doing something useful for the community)
* help to build the child’s sense of self-worth by identifying something they would be good at
* notice and praise the child’s positive skills, qualities, attributes and talents
* help them to reflect on their behaviour and understand that actions have consequences
* be an opportunity to help the child to develop constructive interests and widen their horizons
* be purposeful forward-looking activity which helps them to learn from their mistakes

1. Restorative approaches support the child to find their own way of doing something for the victim or the community and therefore gain something positive from the process to encourage desistance and build a sense of community. Reparative activity should not be punitive, harmful or shaming and should be a safe process for all concerned. Restorative approaches should be driven by the aim to:

* engage children in their community
* be a learning process and help the child to think about what is important in the future and to move on from past mistakes

1. Further information on restorative justice can be found on [The Restorative Council website](https://restorativejustice.org.uk/criminal-justice) and the [Association of Chief Police Officers website](https://restorativejustice.org.uk/sites/default/files/resources/files/ACPO%20restorative%20justice%20guidance%20and%20minimum%20standards.pdf).

## **What restorative approaches are appropriate and when they are not**

1. Restorative approaches are intended to help victims play an active role in the justice process as well as helping children to learn from their actions. The nature and type of reparation can vary considerably.
2. It may involve direct contact between the victim and the child (if both parties agree and this can be safely managed) or take a number of indirect forms, involving doing something for the victim which does not involve personal contact, or doing something to assist their local community.
3. In selecting an appropriate restorative process for a particular victim and child, case managers and restorative justice practitioners need to think about what would be suitable. This is based on their discussions with the child and victim and is likely to be informed by:

* whether or not they want to meet each other
* how this could be facilitated
* whether other restorative options would be more appropriate

1. Decisions should be guided by an assessment of the risks, needs and wishes of both parties. Parents/carers should be included in the process.
2. Restorative interventions can follow a lengthy period of preparation as children and victims may need time to consider the options to make an informed choice about what they feel comfortable doing and may change their minds throughout the process of engagement.
3. This [best practice guide](https://restorativejustice.org.uk/sites/default/files/resources/files/Best%20practice%20guidance%20for%20restorative%20practice%202011.pdf) provides further information on what to consider when assessing, preparing for and delivering various forms of restorative activity, the skills required and the processes to follow. [Crown Prosecution Service guidance](https://www.cps.gov.uk/legal-guidance/restorative-justice) also provides useful information on restorative justice practice.
4. You should be clear about your reason for utilising a restorative approach with a child. Case managers have the responsibility for determining what the plan of activity should look like for the child and to agree it with them. This should be supported and informed by the views of specialist restorative justice workers within the service.
5. When assessing what form reparative activity should take, there is no ‘one size fits all’. You should consider the child’s maturity and cognitive ability; and use approaches which are meaningful to them and within their capability. This involves exploring what they feel they would like to do, what would make a difference, how this could be carried out and by giving them the opportunity to think about what would help them, their victim and community.
6. Restorative justice requires cognitive skills and the ability to:

* think things through and reflect on personal behaviour
* understand the consequences of any actions and the impact of the offence on the victim

1. Children who have experienced developmental trauma may be unable to do this until they have developed positive relationships, have processed some of their own trauma and have the perception to process the requirements of reparation. For further information, see [Trauma and ACE Informed Reparative Work](https://yjresourcehub.uk/images/Cwm%20Taf%20YOS/Trauma%20and%20Ace%20(TrACE)%20Informed%20Reparative%20Work.pdf).
2. Children who have learning difficulties and disabilities, speech, language and communication needs and other needs may also have difficulties with comprehending restorative approaches and processes. They may be less able to think about the impact on others or communicate their views and therefore have a voice which limits participation and engagement and the potential benefit. They may need additional support to take part, if reparation is considered appropriate for them, or require more creative approaches.
3. Direct reparation (letters of apologies/conferences) require executive cognitive skills and may be appropriate for children who are demonstrating emotional maturity and an understanding of consequences.
4. For this type of reparation to be effective, children must have experienced empathy and be able to have empathy for others. For children who have experienced trauma, this comes from having their own experiences of being a victim (e.g. adverse experiences) validated by a trusted adult.
5. This does not mean reparation cannot be undertaken, it is more a question of when, if it is to be meaningful. You should give attention to questions of timing. Where there is a victim, restorative approaches will only be effective when both the child and the victim are ready and able to engage in a positive way; and should not be used if this is not the case. Community reparation may be a useful way to prepare a child to undertake more direct reparation at a later stage.
6. Restorative approaches should be planned with the child and be supportive of their identity development and movement forward. You should be aware of the power dynamics on your relationship with a child in the justice system, and not aim to inflict shame or frame it as the child ‘paying their dues’. Rather than repaying society, the child is re-engaging with it; facing the future and shaping their place in it

## **What services the YJS should offer victims**

1. Youth justice services (YJSs) are referred to as service providers under the [Code of Practice for Victims of Crime](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/974376/victims-code-2020.pdf) and have several duties placed on them.
2. The Code states that victims, whether an adult or child are entitled to the following:

* information about the progress of the child’s case upon request.
* information on appropriate victim services if a request for additional support is made
* In the following cases, you must notify the [Victim Contact Scheme](https://www.gov.uk/get-support-as-a-victim-of-crime) about all relevant victims within one working day of sentencing:
  + the child receives a sentence of 12 months or more for a violent or sexual offence
  + the child is detained under the Mental Health Act 1983

1. All victims are also entitled to be offered the opportunity to engage in voluntary restorative justice activities. Victims can however ask for their details not to be passed on (to the YJS) if they do not wish to participate. In every case a decision must be taken to invite the victim to take part in a restorative activity taking into account:

* their wishes
* feelings and concerns
* any sensitivities in the case, including the vulnerability of the victim
* whether the child is able and willing to engage

1. The process should determine whether reparation is appropriate, what form it should take (direct or indirect) and what the victim and child feel comfortable with. The process should also manage expectations of what is and is not feasible, realistic and safe. Informed written consent must be obtained for every victim who agrees to take part in restorative justice or direct reparation.
2. All YJS staff who work with victims must receive appropriate training (including facilitating restorative justice processes, particularly mediation and conferencing) and be familiar with the Code of Practice for Victims of Crime.
3. Certain types of victim have ‘enhanced entitlements. These are:

* vulnerable or intimidated victims (including victims under the age of 18 years)
* persistently targeted victims who may require specialised assistance)
* victims of the most serious offences (including a bereaved close relative)

1. You should also ensure there is a process to request and receive feedback from victims which you should periodically analyse and review. This might include numbers of:

* victims contacted and response rate (pre-court and for statutory orders)
* reparations offered and received by type e.g. direct or indirect reparation
* victims offered reparation but who did not want it
* instances where the YJS assessed reparation was not appropriate

1. You should also consider asking victims if they were satisfied with the service offered. There must be a complaints process in place so that victims who feel that their rights have not been met can raise their concerns. Complaints should be acknowledged and the processes and timescales for a response explained. Victims dissatisfied with the response may appeal to the [Parliamentary Ombudsman](http://www.ombudsman.org.uk/).

## **How to manage victim information**

1. All victim information obtained and held by youth justice services (YJSs) should be stored and shared in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. You should ensure that there are robust arrangements in place for managing information and ensuring it is retained only for as long as is necessary. You should follow local policies and procedures in this respect.
2. In managing protection of the public and risk of harm there will be instances where you can, and should, record the names of real or potential victims within the child’s case record. You should note that the [Code of Practice for Victims of Crime](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/974376/victims-code-2020.pdf) only covers actual and not potential victims. The critical factor in your decision is whether you consider there is a real and potentially significant impact for the victim or potential victim and their name needs to be recorded in order to mitigate against this.
3. If there is no or limited risk of harm, there is no justification for recording the victim’s name on the child’s case file. The victim’s details should be held in a separate system. You may also record the following information:

* whether the victim is a child or an adult
* known or unknown to the child
* their sex
* their ethnicity

1. Recording victim’s details on the child’s case file without using the information for the purpose of preventing offending/reoffending removes the legitimate purpose for recording and may breach the Code of Practice for Victims of Crime and GDPR.
2. You may share the victim’s details with the police, MAPPA or the probation service, for example, if it is within the context of public protection. However, information recorded should be kept to the minimum time necessary to help safeguard that individual(s) and the rationale for sharing must be defensible, clearly evidenced and recorded.
3. An example of when it is appropriate to record the victim’s details might be where a child has made threats towards another child (also subject to YJS supervision) which are assessed as real and there is concern they will act upon these if the opportunity arises. In this instance it may be appropriate to include these concerns in the Risk Assessment and Planning Process in AssetPlus, for example ‘to ensure that appointments with (named child) and (other named child) do not coincide with one another, to avoid the risk of physical harm from one to another’.
4. Given that plans should be shared with the child and their family you must ensure that you do not include the name of a victim/potential victim in any information provided. Where it has not been considered necessary to record the victim’s details, it is important to be aware of where this information can be obtained should there be a change of circumstance which would necessitate the information being held.
5. As Data Controllers, YJSs should be aware of the lawful basis of recording such information and if further information is required the local authority should be consulted.

## Support for victims and witnesses of crime

**Victim Support**

Victim Support operates a free and confidential 24/7 Supportline and live chat service, every day of the year - offering specialist support to anyone who has been a victim of crime or a witness. If you’d prefer to access interactive self-support guides, visit My Support Space.

Telephone: 0808 16 89 111

Live chat: [victimsupport.org.uk/live-chat](https://www.victimsupport.org.uk/help-and-support/get-help/support-near-you/live-chat)

My Support Space: [mysupportspace.org.uk/MoJ](https://www.mysupportspace.org.uk/moj)

More information can be found at [www.victimsupport.org.uk](https://www.victimsupport.org.uk/)

**Support for victims of sexual violence and abuse**

<https://sexualabusesupport.campaign.gov.uk/> provides a list of support services for victims of sexual violence and abuse.

**Sexual Assault Referral Centres (SARCs)**

Sexual assault referral centres - or SARCs - provide a safe space and dedicated care, through the NHS, for people who have been raped, sexually assaulted or abused and are here for everyone, regardless of when the incident happened. They are located across the country and offer specialist practical, medical and emotional support 24/7.  These services are commissioned by NHS England and NHS Improvement and police and crime commissioners.

SARCs offer a range of services, including crisis care, medical and forensic examinations, emergency contraception and testing for sexually transmitted infections. They can also arrange access to an independent sexual violence advisor, as well as referrals to mental health support and voluntary sector sexual violence support services.

If you have been raped, sexually assaulted or abused and don’t know where to turn, search ‘sexual assault referral centres’ to find out more or head to [www.nhs.uk/SARCs](https://www.nhs.uk/SARCs) to find your nearest service.

**The National Male Survivor Helpline and Online Service**

The National Male Survivor Helpline is a confidential helpline for male victims of sexual violence and abuse. They also provide emotional support via telephone, SMS (text), live chat and email.

Phone: 0808 800 5005

Email: [support@safeline.org.uk](mailto:support@safeline.org.uk)

Text: 07860 065187

Please access our live chat service via our website at [www.safeline.org.uk/contact-us/](https://www.safeline.org.uk/contact-us/)

More information including opening hours can be found on [www.safeline.org.uk](https://www.safeline.org.uk/)

Information including opening hours for the National Male Rape and Sexual Abuse online helpline can be found at [www.survivorsuk.org](http://www.survivorsuk.org/) or by contacting:

Email: [help@survivorsuk.org](mailto:help@survivorsuk.org)

SMS: 020 3322 1860

WhatsApp: 07491 816064

**The Survivors Trust**

The Survivors’ Trust offer a free and confidential helpline to any survivor anywhere in the UK and Ireland that feels like they need to talk.

Phone: 08088 010 818

More information including opening hours can be found at [www.thesurvivorstrust.org/](https://www.thesurvivorstrust.org/)

**Rape Crisis England and Wales**

The National Helpline offers confidential emotional support, information and referral details.

Phone: 0808 802 9999

Open 24 hours, every day of the year.

More information including opening hours and access to our [Live chat service](https://rapecrisis.org.uk/get-help/live-chat-helpline/about-the-live-chat-helpline) can be found online at <https://rapecrisis.org.uk/get-help/want-to-talk>.

**Support for victims of domestic abuse**

If you are experiencing domestic abuse, you are not alone. Please contact: the Freephone, 24-hour National Domestic Abuse Helpline, run by Refuge: 0808 2000 247

You can also find support and information including opening hours and our live web chat service and secure web contact form - at [www.nationaldahelpline.org.uk](http://www.nationaldahelpline.org.uk/)

**Women’s Aid**

Information including opening hours can be found online at [https://www.womensaid.org.uk](https://www.womensaid.org.uk/)

Webchat service: [chat.womensaid.org.uk](https://chat.womensaid.org.uk/)

**Men’s Advice Line - the helpline for male victims of domestic abuse**

Offers non-judgemental emotional support, practical advice and information.

* Telephone and email support: Monday-Friday 9am-8pm
* Email support only: Saturdays and Sundays 10am-12pm and 4-6pm
* Webchat: Wednesdays, Thursdays and Fridays 10am-11am and 3-4pm

Call 0808 8010327 (free from landlines and mobile phones)

Email: [info@mensadviceline.org.uk](mailto:info@mensadviceline.org.uk)

Webchat support via the website [https://mensadviceline.org.uk](https://mensadviceline.org.uk/)

[Further advice and guidance](https://www.gov.uk/government/publications/coronavirus-covid-19-and-domestic-abuse) for those who are experiencing or feel at risk of domestic abuse is available.

Use this [guide to apply to the family court for a domestic abuse or violence injunction](https://www.gov.uk/guidance/applying-for-a-domestic-violence-family-law-act-injunction-for-unrepresented-applicants) if you don’t have a solicitor to help you.

Find out more about [how to identify if you or someone you know is a victim of domestic abuse](https://www.gov.uk/government/publications/coronavirus-covid-19-and-domestic-abuse/coronavirus-covid-19-support-for-victims-of-domestic-abuse), and how to get help.

**NAPAC (National Association for People Abused in Childhood)**

NAPAC offers support to adult survivors of all types of childhood abuse, including physical, sexual, emotional abuse or neglect. More information including opening hours can be found on [NAPAC’s website](https://napac.org.uk/) which offers a large range of resources for survivors, as well as those who care for and work with them.

Private and confidential helpline: 0808 801 0331

We also offer a support email service for those who feel more comfortable seeking support in writing. Please contact us at [support@napac.org.uk](mailto:support@napac.org.uk).

**Karma Nirvana**

Supporting victims of honour-based abuse and forced marriage

Phone: 0800 5999 247

Email: [support@karmanirvana.org.uk](mailto:support@karmanirvana.org.uk)

More information including opening hours can be found online at [https://karmanirvana.org.uk](https://karmanirvana.org.uk/)

**Support if you are worried about hurting someone**

If you have concerns that you may commit sexual abuse or sexual violence yourself or are concerned about another person’s behaviour, or a child’s behaviour, you can contact the Stop It Now helpline.

Telephone: 0808 1000 900

More information including opening hours can be found online at [Stop It Now](https://www.stopitnow.org.uk/).

If you are worried about domestic abuse and hurting the ones you love while staying at home, call the Respect Phoneline for support and help to manage your behaviour.

Telephone: 0808 8024040

More information including opening hours can be found online at [Respect Phoneline](https://respectphoneline.org.uk/).

**Witness Service**

Citizens Advice provide free, independent emotional and practical support to victims and witnesses of crime required to attend court to give evidence.

[Self-referrals can be made online](https://www.citizensadvice.org.uk/law-and-courts/legal-system/going-to-court-as-a-witness1/get-help-and-support-being-a-witness/witness-referral) on the Citizens Advice website.

**Updates to this page**

Published 5 July 2022