



# **WOKINGHAM BOROUGH COUNCIL**

## **Wokingham Prevention and Youth Justice Service**

### **Case Management Guidance: Victims Support and Restorative Justice**

**Document Control Information**

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## **Acronyms**

**YOT1:** Police document which captures the details of the charge/diversion.

**IYSS:** case management information system used to record our work

**PYJS:** Wokingham Prevention and Youth Justice Service

**TVP:** Thames Valley Police

**ATM:** Assistant Team Manager

**TM:** Team Manager

**RJW:** PYJS Restorative Justice Worker

**RFO:** Referral Order

**RJ:** Restorative Justice

The Code of Practice for Victims of Crime (Victims' Code) sets out the services and a minimum standard for these services that organisations in England and Wales must provide to victims of crime. The PYJS is committed to having the victim's best interests as our primary consideration and to deliver appropriate and effective victim support and restorative justice service that meet the victim's needs.

The victims of crime committed by children we work with should expect to be treated with respect, dignity, sensitivity, compassion, and courtesy; be able to make informed choices that are fully respected; have their privacy respected by our service; be offered victim support and restorative justice processes to understand and engage with the criminal justice process.

To achieve these high standards, the PYJS has a specialist member of the team designated to deliver victim services. This guide is intended to clarify the PYJS's victim support process and standards. In addition, there is an expectation that every case worker delivers a "victim awareness" intervention to the child they are working with, to enhance their understanding of the wider circle of harm resulting from their actions.

The victim support service available to victims of crime will be tailored to each victim's needs and it might also be impacted by the child's willingness to engage with the process.

## Overarching principles underpinning Community Resolution programmes

- 1. Engagement:** the RJ worker will seek to engage with the victim and will work to ensure they receive all the necessary information to be able to make informed decisions about restorative justice processes. The process needs to be prioritised at the very start of the order and work should be sequenced considering the length of the intervention programme set by the Court or the Diversion and OOD scheme.
- 2. Trust:** the RJ worker will seek to establish meaningful and trusting relationships with the victims, considering the possible trauma they may have experienced as a result of the offence.
- 3. Diversity:** the RJ worker will consider the diverse needs of each victim and will promote equality in access and engagement. The RJ worker will be culturally aware of victim's cultural and ethnic background and consider how they may impact on their engagement and their trust of public services.
- 4. Understanding:** the RJ worker will ensure that the victim is aware of their rights and responsibilities throughout their involvement with the service. Language and communication should adapt to meet the victim's needs and level of maturity.
- 5. Consistency in practice:** the RJ worker will ensure that victims' cases are managed and supervised in line with the relevant Wokingham Borough Council Practice Standards, as well as the Victims' Code.
- 9. Safety:** the RJ worker will ensure that any risk to the victim as a result of the RJ process is assessed and managed effectively.

## Referrals in/General Guidance/Allocations

1. All cases (statutory and diversion schemes) are allocated on a Thursday and notified to the team via an email. The allocation email will also indicate whether victim consent has been provided for PYJS to contact them.
2. Where the victim has given consent to be contacted by the PYJS, the Restorative Justice worker will always be the allocated victim worker, unless exceptional circumstances require a different allocation.
3. The victim's consent and RJ worker allocation will be captured by admin when creating the IYSS file; admin will also upload the YOT1 form to the multimedia tab of each case.
4. All contact with victims should be recorded on the victim tab of IYSS and be completed within two working days of taking place. All documents and forms related to the victims should also be saved in the multimedia section of the victim tab of IYSS.

5. The first contact with the victim should be over the phone if the relevant contact details are available. This allows for a more personalised communication. If we are unable to get through on the phone or we do not have phone contact details a letter should be sent to the victim including the nature of our support; our contact details; a date by which we would welcome contact from them (5 working days); and a leaflet that explains our role more in detail. This letter should be sent within five working days of the case being allocated to the main worker.
6. If the victim has not contacted us within the deadline set in the initial letter, a second and final letter should be sent to the victim letting them know that the case in their respect will be closed but that we are able and willing to re-open the case should they decide to contact us later. This letter should be sent within 10 days after the initial letter.
7. Location of meetings with the victim will be flexible and led by victim's wishes and where they feel safe. The RJW must ensure that any meeting location is appropriate for the discussion of sensitive information.

## **Week 1-2: Contact with the victim**

### **Statutory Orders**

### **PSR Request**

1. Where a direct victim has been identified, at the point of PSR allocation, the RJW should also be allocated the case.

2. Within 5 days of allocation RJW to contact the victim (reference 11.6 of Victim's code) to seek victim's views prior to sentencing and to explore whether they want to get involved in any Restorative Justice (RJ) initiatives. If the identified victim is a child under the age of 18 the RJW would make initial contact with the parent/carer. This is for the purpose of consent to speak with the child, but it should always be the victim's voice that should be heard and acted upon. PYJS should only contact victims that have consented to be contacted on the YOT1. Contact should follow the guidelines set in paragraphs 5-7 of the General Guidance section.

3. The information obtained by the RJW should be shared with the case worker with sufficient notice so that it can be included in the PSR. All PSRs should indicate whether the victim was contacted and their views about RJ. The PSR must not include any victim impact views other than those included in the CPS bundle (i.e. any views around the impact of the offence that may have been provided to the RJW must not be included in the PSR).

4. The RJW will also explore with the victim whether they want to be contacted

Private: Information that contains a small amount of sensitive data which is essential to communicate with an individual but doesn't require to be sent via secure methods.

again post sentence to exercise their right to obtain information about the progress of the offender's case; and/or to receive information on appropriate services that support victims.

### **Post Sentence**

5. For all cases where children have been sentenced following a PSR and provided the victim has agreed for the RJW to contact them post sentence (see point 4 above) the RJW will contact the victim within **five working days of sentencing** to a) keep them updated about the outcome and b) explore victim support services available. This contact should be done as indicated in paragraph 5-7 of the General Guidance section.
6. For all cases where children have been sentenced to a RFO (with or without a PSR) and provided the victim has agreed on the YOT1 for the PYJS to contact them, the RJW would contact the victim within **5 working days of sentencing** to a) keep them updated about the outcome; b) explore victim support services available and c) offer the victim to take part in the RFO Panel Meeting or for their voice to be heard at the panel through a statement read by the RJW.

### **Diversion and Out of Court Disposals**

7. For Community Resolutions, Youth Cautions and Youth Conditional Cautions where a direct victim has been identified and on the YOT1 they have provided their consent to be contacted by the PYJS, the RJW will contact the victim within **five working days of sentencing** to offer and explore victim support services available. This contact should be done as indicated in paragraph 5-7 of the General Guidance section

### **Ongoing victim support after the initial contact**

8. The RJW will use the Wokingham Victim Contact template to explore the victim's needs and wishes. There will be no set number of meetings or timeframe to complete this piece work, which will be led by the victim's needs.
9. Available victim support and guidance will include.
  - a. Referral to SAFE Programme (for underage victims)
  - b. Referral to Victim First programme
  - c. Restorative Justice opportunities
  - d. A Victim Statement for Referral Order Panels

- e. Letter of Explanation
  - f. Say in direct/indirect Reparation
10. The RJW will support the victim to engage in any of the above-mentioned processes although the victim will also have the right to withdraw their engagement at any stage of the process.
  11. See appendixes for guidance about how to support the victim with any of their chosen victim support processes.
  12. Should the victim miss two appointments without notice or explanation the RJW should contact them on the phone to explore their current wishes regarding engagement. If the victim indicates that they no longer want to participate in the process the RJW will acknowledge their views and send a closure letter with an accompanying leaflet about how to access support in the future. If the victim indicates that they want to remain engaged, the RJW will revisit the contact frequency agreement and will explore any barriers to engagement (i.e. time/location of the meetings).
  13. When the victim support intervention chosen by the victim has been completed (i.e. referral to Victim First programme; receiving a letter of explanation; participation in a restorative justice conference, etc), the role of the RJW will be completed.
  14. Within **five working days of completion** of the victim support intervention the RJW must send a closure letter to the victim. This will also be an opportunity to request for Service feedback from the victim.

#### **15. No Direct Victim**

- 15.1 If there is no direct victim identified (victimless offence) and as per the case management guidance, the child must still engage with a piece of work around victim awareness and empathy based on the impact that offending has on the community. The work completed must still be tailored to that specific offence and will be completed by the allocated case worker.

#### **16. Corporate victim**

- 16.1 A corporate victim has a right to access and become involved in restorative justice. They also have a right to receiving information regarding the outcome of the process.

#### **17. Cross border victims or with co-defendants in other areas**

- 17.1 In cases where the victim lives in a different area (i.e. not in Wokingham Borough), the Youth Offending Service “home” to the victim will be responsible for contacting them and for following the contact stages on the post court section. The RJW is responsible for contacting the victim’s “home” YOS to this effect.
- 17.2 When there are co-defendants living in other areas, the RJW is responsible for consulting with the victim worker of those other areas and ascertaining who is best placed to make the initial contact with the victim.
18. When the victim is contacted by another YOS it is the Wokingham PYJS RJW responsibility to consult with other victim workers to establish and record in our case management system the development of the victim work.
19. When there are multiple co-defendants and the restorative justice conference is arranged by an out of area victim worker, Wokingham PYJS RJW should be involved in the process as a co facilitator. They will also be the worker responsible for completing preparation work with the Wokingham child.

## **20. Restorative Justice Conferencing (RJC)**

- 20.1 A risk assessment form should be completed with both the victim and the child prior to preparation work for a restorative justice conference being started. The risk assessment is to ascertain potential risks that may stop the RJC from taking place. If any risks are identified the RJC must be stopped at that stage (see Appendixes 4.1 and 4.2) and a discussion be had with a manager as to the next steps.
- 20.2 If the risk assessment does not identify any risks, the preparation for the RJC can start and the RJW will be the facilitator of this conference.

### **Preparation with the victim must include:**

- 20.3 What a restorative justice conference is
- 20.4 Examples of restorative questions that could be asked at the meeting
- 20.5 Any special requests by the victim (i.e. specific questions or topics; location of the meeting)



20.6 Any person of support that the victim may want to have on the day. In this case, a risk assessment should also be completed with this support person, and they must also be involved in the preparation stages.

20.7 The victim may also use the preparation sessions to help them to voice their opinions, emotions, and thoughts on the offence appropriately and effectively.

**Preparations with the child (offender) must include:**

20.8 What a restorative justice conference is

20.9 Examples of restorative questions that could be asked at the meeting

20.10 Any special requests by the child (i.e. specific questions or topics; location of the meeting)

20.11 Any person of support that the child may want to have on the day. In this case, a risk assessment should also be completed with this support person, and they must also be involved in the preparation stages.

20.12 The child may also use the preparation sessions to help them to voice their opinions, emotions, and thoughts on the offence, appropriately and effectively.

20.13 There is a resource called “the Woolf within” on YouTube that could be used to help the child to identify positive outcomes of a RJC

20.14 The child and the victim must feel completely prepared and comfortable when going into the RJC.

21. The facilitator is responsible for organising the logistics of the Restorative Justice Conference, ensuring the basics such as having a “break out” room etc.

**22. After the conference**

22.1 After the conference has been completed the RJW is responsible for completing a review and follow up appointment with both parties and identifying if any additional support is needed by either party.

22.2 The RJW should also complete their own evaluation in supervision to

reflect and share good practice.

### **23. Victims attending a Referral Order Panel**

If the victim would like to attend the RFO panel the RJW should:

- 23.1 Give the panel members notice and meet with them prior to the Panel to share any preparation work completed with the victim.
- 23.2 The RJW should complete preparation work with the victim and the child prior to the panel.
- 23.3 The same questions will be asked during the restorative panel as they would in a RJC.
- 23.4 The restorative part of the panel should happen first, and the Panel chair should tell victim in advance that they will be asked to leave after the restorative work is completed as there may be some confidential information about the child shared within the panel that the victim is not invited to hear.
- 23.5 The RJW should complete a debrief with the victim after the panel is completed.

**Appendices for pack:**

- **Appendix 1:** a template Dialog of conversation for the initial call to the victim.
- **Appendix 2:** Victim Contact and Consultation Form
- **Appendix 3a:** Victim Initial Contact Letter – Court
- **Appendix 3b:** Victim Initial Contact Letter – OOC
- **Appendix 4:** Victim Closure Letter
- **Appendix 5:** Victim Leaflet (to be enclosed to initial/closure letters)
- **Appendix 6:** Template statement for RFO Panel
- **Appendix 7:** Victim Face to Face Assessment Tool Guidance
- **Appendix 8:** Child RJ Face to Face Assessment Tool
- **Appendix 9:** Victim RJ Face to Face Assessment Tool
- **Appendix 10:** List and contact details for other agencies able to offer more tailored victim support
- **Appendix 11:** Feedback form following Contact
- **Appendix 11a:** Feedback form following RJ Meeting
- **Appendix 12:** Victim contact flow chart following sentencing or delivery
- **Appendix 12a:** Victim contact flow chart for PSR
- **Appendix 13:** Victims Code