

## Somerset Youth Justice Team Restorative Justice Policy and Procedure

Lara Mellor: Team Leader

Version number	Date updated	Updated by	Review date
Version 1	April 2022	Lise Bird	April 2023
Version 2	April 2023	Lise Bird	April 2024
Version 3	December 2023	Samantha Fahey	December 2025
Version 4	May 2024	Lara Mellor Kayte Luton	May 2025

### Contents

1. Introduction	2
2. Aim	2
3. Significant Policies and Relevant Documents	2
4. Referrals	4
5. Purpose of Contact with Victim	4
6. Initial Contact	5
7. Intervention and Support	6
8. Custody and Resettlement	8
9. Representing the Victim	10
10. Restorative Justice	10
11. Restorative Approaches	11
12. Types of Restorative Justice	13
13. Recording	15
14. Closure	16
15. Complaints	16
17. Policy Ownership and Review	16
Appendices	17

## 1. Introduction

Restorative Justice is a process which enables the victim of a crime and the person responsible to communicate, repair harm and find a positive way forward. It encourages the person to take responsibility for the harm caused by their actions and gives them the opportunity to consider and agree a way to make amends.

## 2. Aim

The aims of this policy are:

- To provide a clear process for contacting and working with victims of crime that have been committed by children who have been referred to the Somerset Youth Justice Team (YJT).
- To set out the Restorative Justice interventions and reparative activities available to victims of crime and children who have harmed.

‘**Victim**’ in this document relates to identifiable individuals, including businesses, that have reported offences to the Police and where a young person has admitted or has been found guilty of committing an offence. The Code of Practice for victims in England and Wales –November 2020, states that a person can also receive Rights under this Code if they are a parent or guardian of the victim if the victim is under 18 years of age.

## 3. Significant Policies and Relevant Documents

All Somerset Council policies and relevant documents have been taken into consideration.

### Internal

**Tri.x:**

[Local Resources  
\(proceduresonline.com\)](http://proceduresonline.com)

Somerset Youth Justice  
Prevention and  
Diversion Policy  
Somerset Youth Justice  
Resettlement Policy

### External

**Youth Justice Board:**

Youth Out-of-Court  
Disposals; guide for  
Police and Youth  
Offending Services —  
2013

Referral Order  
Guidance— October  
2018  
Case Management  
Guidance—October  
2022 [Case  
management guidance  
- Guidance - GOV.UK  
\(www.gov.uk\)](#)

**Ministry of Justice:**

Measuring Outcomes  
for Victims of crime  
[https://measuring-  
outcomes-for-victims-of-  
crime.pdf](https://measuring-outcomes-for-victims-of-crime.pdf)

**GOV.UK:**

Standards for Children  
in the Youth Justice  
System—2019  
Code of Practice for  
Victims of Crime in  
England and Wales -  
November 2020 (last  
update 2021)  
[The Code of Practice  
for Victims of Crime in  
England and Wales and  
supporting public  
information materials -  
GOV.UK \(www.gov.uk\)](#)

Information about the  
Victim Contact Scheme  
[Information about the  
Victim Contact Scheme  
- www.gov.uk](#)

**Why-Me.org**

Youth Justice Services: Good Practice Guide – December 2022 [Youth Justice Good Practice Guide \(why-me.org\)](#)

#### 4. Referrals

Referrals will come from the following sources:

- Avon and Somerset Police and other Constabularies out of the area
- His Majesty's Courts and Tribunal Service (HMCTS)
- Other Youth Offending/Justice Teams nationally
- Youth Justice Case holders or other YJT colleagues

The Restorative Justice Worker is responsible for determining whether there is an identifiable victim from referred cases and in consultation with the appropriate colleagues and partner agencies. The Restorative Justice volunteers will be allocated low level gravity cases from the Out of Court panels; allocation decisions will be made by the Restorative Justice Worker.

#### 5. Purpose of Contact with Victim

The purpose of contact with the victim is to:

- Provide the victim with information and advice about the Youth Justice System and the role of Somerset Youth Justice Team as it relates to the particular offence and the child in question.
- Provide information on and the opportunity for the victim to engage in:
  - A Restorative Justice Conference
  - Receiving a restorative letter of explanation
  - Shuttle mediation or direct mediation
  - Any other way a victim wishes, which is assessed as safe and appropriate by the Restorative Justice Worker
- Gather information from the victim about the impact of the offence and seek their permission with whom this can be shared. The impact information and the victim's views towards Restorative Justice will be included (if consent

given) in Pre-Sentence reports, Referral Order reports and Out of Court proposals. The information will also be shared at relevant planning meetings and in ongoing intervention with the child responsible for the harm. It is important that the voice of the victim is heard throughout the justice process, but the views of the victim alone will not be conclusive in determining the outcome of a case.

- Offer to provide the victim with information on the child's progress while they are working with the Somerset Youth Justice Team. The victim's wishes will always be respected if they do not want to receive information.
- To signpost victims to appropriate services and report any serious safeguarding issues through the normal pathways.

## 6. Initial Contact

The Restorative Justice Worker will attempt to contact a referred victim within 5 working days of the allocation. Each victim must be given the opportunity to engage with the service or decline any engagement. The initial contact will be made by telephone; the Restorative Justice Worker should avoid using a withheld number when calling and consider sending a text to the victim in advance, so they know to expect a call. If the Restorative Justice Worker has not received a response from the victim after three attempts, they will write to the victim offering a final opportunity to engage with the service.

For any referrals that have come from His Majesty's Courts and Tribunal Service (HMCTS), the Restorative Justice Worker will need to make contact with the Police Officer in the case to obtain a copy of the victim impact statement and gain clarity about whether it is appropriate for the Somerset Youth Justice Team to make contact – particularly relevant when dealing with serious youth violence or sexual offences. This process must be followed before contact is made with the victim and will avoid any potential re-victimisation of the victim.

If a victim is vulnerable and/or has been a victim of serious youth violence or harmful sexual behaviour, initial contact can take place over the telephone, but this should be followed up with an offer of a home visit. In some cases, it may be appropriate to complete this home visit jointly with the Police Officer in the case, or the Restorative Justice Coordinator.

If a victim is below 18 years of age, the Restorative Justice Worker should ask the referrer or Police colleagues for the appropriate parent/guardian details. Initial contact should be made with their parent/guardian; they should be included in the consultation process and consent needs to be gained from them before any contact is made with the victim. This should include a children's unit manager, residential home manager or foster carer, as well as the social worker for a child who is looked after.

During the assessment period with the child who has caused the harm, there should be consultation between the Restorative Justice Worker and Case holder to explore whether the child has accepted responsibility and their willingness to engage in Restorative Justice interventions. A decision will then be made between the Restorative Justice Worker and Case holder regarding appropriateness of a joint discussion with the child about Restorative Justice interventions.

Where the victim is an immediate family member or someone with whom the child lives, a discussion should take place between the Case holder and the Restorative Justice Worker to decide who is best placed to support the victim before the initial contact is made. It may be appropriate for the Case holder to work with the victim and the child who has caused the harm. Any formal Restorative Justice meeting should be facilitated by the Restorative Justice Worker as a neutral team member.

For corporate victims, a telephone call, email, or letter, dependent upon the circumstances of the offence and the nature of the organisation, may be appropriate. A member of staff should be identified as the representative of that organisation and the Restorative Justice Worker should explore the Restorative Justice interventions with this person.

A victim must be made aware on first contact that any information regarding the case will be recorded on Pathways YOT, shared with Youth Justice Team colleagues and relevant partner agencies.

## 7. Intervention and Support

Upon speaking to the victim, the role of the Restorative Justice Worker and the Restorative Justice process should be fully explained. It should be made clear that any engagement is voluntary. The victim should also be made aware that they can withdraw from the process at any time. At this point, the Restorative Justice Worker will discuss with the victim if they wish to proceed with the process, if so, there should be an agreement about how future contact will take place.

Victims may not be aware of or had any previous experience or knowledge of the Criminal Justice system. All information must be given in plain, jargon-free language. The Restorative Justice Worker should provide their full contact details for updates and any questions during the process or in the future. This should be done through email where possible.

Confidentiality and UK GDPR regulations must be always followed. The Restorative Justice Worker must seek clarification with the victim over what (if anything) can be shared with the child, their parents/carers and any professionals working with that child. The Restorative Justice worker cannot pass on any personal details to the victim about the child who has caused the harm, without the express permission of the child, and, where appropriate, their responsible adult. This should not normally be considered unless it is to enable a restorative process and with prior discussion with a manager.

The Restorative Justice Worker will explore the offence with the victim (and their family/support network if appropriate) using the five restorative questions:

- *What happened?*
- *What were you thinking about when that happened?*
- *How were you feeling?*
- *How are you left feeling about it now?*
- *What do you need now?*

This discussion can also be used to identify any other people affected by the incident who should be given the option to be included in any Restorative Justice interventions.

Victims' options to engage in the restorative process should be fully explained; the Restorative Justice Worker will explain the different Restorative Justice interventions available to allow an opportunity for a full discussion about each. This will ensure that victims can choose the most appropriate one for them. It is important to allow the victim time to express their needs, but the Restorative Justice Worker should not make any promises in relation to sentencing or Restorative Justice. The process is also voluntary for the child who has caused them harm.

If a victim requests updates on the progress of a child's programme/Order, an agreement should be made about how and when these updates will be given. A victim can be updated on the following elements:

- compliance with the programme/Order
- completion of reparation
- revocation of the Order for good progress or being unviable
- breach of Order and outcome
- change of any Order if the new Order is against that victim
- transfer to Probation

- transfer of the Order to another area
- completion of the programme/Order

All handwritten notes or correspondence from the victim or other agencies should be recorded on Pathways within two working days and paper copies destroyed directly afterwards.

**Compensation:** The victim has a right, according to the Victim Code of Practice, to receive information about compensation. The Restorative Justice worker should establish from existing records, before contacting the victim, any potential financial loss, damage or injury caused as a result of the crime. Victims should be asked if there has been an initial financial loss and whether there will be ongoing or future financial loss. This should be recorded and reported to the case holder.

The victim should be informed that the Somerset Youth Justice Team cannot enforce any compensation from the child, any person/s or any parent or guardian for any financial loss. This should be recorded and confirmed to the victim, in writing. The Restorative Justice Worker can ask the question of compensation to the child or any parent or guardian and mediate any offer, but cannot enforce, as any agreement would be voluntary between both parties.

## 8. Custody and Resettlement

The Restorative Justice worker will remain the point of contact for the victim if a child receives:

- A custodial sentence for less than 12 months
- A community-based order
- A custodial sentence for 12 months or more for a non-sexual or non-violent offence.

The YJT case holder and Restorative Justice Worker (if applicable) must maintain regular contact throughout the child's sentence to ensure that victim feedback is considered in any planning work and that relevant information can be shared with the victim at the earliest opportunity.



The victim should automatically be referred from the Police Witness Care Unit to the Victim Contact Scheme (VCS) within 10 working days of sentencing in the following cases:

- The child is convicted of a specified violent or sexual offence and receives a custodial sentence for 12 months or more.
- The child is detained under the [Mental Health Act 1983 \(legislation.gov.uk\)](https://www.legislation.gov.uk).
- The child receives a custodial sentence for 12 months or more for any of the following offences: causing death by careless or inconsistent driving, causing serious injury by dangerous driving or controlling or coercive behaviour in an intimate or family relationship.
- If a child has committed an eligible offence (outlined in 8.3), the YJT Case holder should make contact with the Victim Contact Scheme by emailing [swps.victimcontact@justice.gov.uk](mailto:swps.victimcontact@justice.gov.uk) to check that a referral has been received for the victim/s.

In cases when the victim is eligible for the Victim Contact Scheme, a Victim Liaison Officer will be assigned to the victim. The Victim Liaison Officer will be the point of contact for the victim, responsible for gaining victim feedback and updating the victim on any progressions during the child's sentence.

The Victim Liaison Officer will contact the YJT Case holder prior to contacting the victim to confirm VCS involvement. At this point, the Victim Liaison Officer will also liaise with the Restorative Justice Worker to establish whether contact has already been made with the victim pre-sentence.

In some cases, it may be appropriate for the Restorative Justice Worker and Victim Liaison Officer to meet jointly with the victim/s to support case transfer. If Restorative Justice interventions have been initiated prior to the sentence, the Restorative Justice Worker will liaise with the Victim Liaison Officer to discuss future victim contact.

The Victim Liaison Officer should share an initial summary of contact with the victim to the YJT Case holder, confirming that the victim has opted into the VCS and outlining any concerns expressed by the victim and/or any licence conditions they would like in place when the child is released. This information should not be shared with the child who has caused the harm and should be treated as confidential.

The YJT Case holder should remain in regular communication with the Victim Liaison Officer throughout the child's sentence and is responsible for sharing information at key contact points with them. The Victim Liaison Officer will email a checklist of 'key contact points' to the YJT Case holder when they make initial contact. This will ensure that all relevant information can be shared with the victim at the earliest opportunity.

## 9. Representing the Victim

The Restorative Justice Worker will ensure that victim impact and their wishes in relation to Restorative Justice are recorded clearly, alongside any change in their wishes and the reasoning behind the decision. A victim's wish to change their mind at any point in the process should be respected.

The Restorative Justice Worker will attend all Out of Court panels to ensure that victim impact and views can be considered. If the Restorative Justice Worker is unable to attend, a written update must be shared with the chair of the Out of Court panels in advance. All victim feedback must be shared by the Restorative Justice Worker with the Case holder for inclusion in Referral Order reports, Pre-Sentence reports and at relevant planning meetings.

In cases where a Restorative Justice Conference or direct reparative activity is agreed, the Restorative Justice Worker should liaise regularly with the Case holder and attend joint appointments with the child.

The Restorative Justice Worker should attend the Youth Justice Team multi-agency risk panel (if applicable); particularly if direct restorative interventions are being completed and/or when dealing with custodial cases. This will ensure any consideration of victim safety requirements during the process.

Victims should be signposted to a relevant service if additional support is identified or requested.

## 10. Restorative Justice

*Restorative justice requires cognitive skills and the ability to: think things through and reflect on personal behaviour and understand the consequences of any actions and the impact of the offence on the victim. 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. This does not mean that restorative justice cannot be undertaken, it is rather a question of timing if it is to be meaningful. (Youth Justice Board Case Management Guidance – October 2022)*

When considering Restorative Justice, the suitability of the victim and the child must be considered.

Areas to consider in relation to the participants in a Restorative Justice are:

- Congruence of accounts
- Level of responsibility taken for the offence by the child
- Acceptance of and regret for harm and consequences caused to the victim
- Willingness to participate from both parties
- Vulnerability, special needs, communication skills and confidence
- Prior relationships between victim and child
- Post offence contact with victim
- Attitude and feelings of all parties attending the Restorative Justice Conference
- Any risk issues relating to venue, physical or verbal aggression
- Motivation to engage in a restorative process and their reasons for this

## 11. Restorative Approaches

*Restorative approaches are intended to help victims play an active role in the justice process and to support children to develop a pro-social identity and to help them to make a positive contribution to their community. (Youth Justice Board Case Management Guidance – October 2022)*

Restorative approaches are part of the youth justice system. They can empower victims, by giving them the chance to communicate with the child who has caused harm, to explain the real impact of the crime. They can also hold children to account for what they have done and help them to take responsibility for their actions and make amends.

The requirement to undertake a Restorative Justice approach can be part of an out-of-court disposal, a Referral Order or Youth Rehabilitation Order and can be a significantly helpful tool in YJT prevention and diversion.

Restorative Justice requires the child to think things through, reflect on personal behaviour and understand the consequences of any actions and the impact of the offence on the victim.

The life experiences of a child will shape how they view themselves and their identity, which affects how they think and behave.

Unfortunately, many of the children who become involved in the Youth Justice Service are from the most disadvantaged families and communities. It is not uncommon for these children to have been exposed to stressful or traumatic events.

Children exposed to trauma often develop in a way that will help them survive stressful situations. However, some of those developmental characteristics can increase the likelihood of anti-social behaviour and criminality, which helps to explain why there is a significant correlation between children involved in the youth justice system and adversity and trauma.

Through restorative approaches the child acknowledges the extent of the harm caused to the victim, their family and the wider community and it encourages them to take responsibility for their own actions. This can support the development of a 'pro-social' identity and helps them to make a positive contribution to their community. This can be achieved by helping children to engage in constructive activities for the benefit of the victim or wider community, and to develop valuable 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.

Restorative Justice approaches can take many forms and therefore can be tailored to the individual's understanding, ability, situation and circumstances. The reparation activity should be relatable to the offence committed and there should be consideration of whether it should directly or indirectly involve the victim. Reparation activity should:

- support children to recognise the positive contribution any reparative activity can have for themselves and others (e.g. community service)
- help develop the child's sense of self-worth by identifying something they would be good at
- recognise and acknowledge the child's skills, qualities, attributes and talents
- help them to reflect on their behaviour and understand that their actions have consequences for others
- be an opportunity to help the child to develop life skills and productive interests

- Step out of their comfort zone and explore new opportunities
- be a focussed activity which helps them to learn from their mistakes and make better choices for the future
- Restorative approaches provide the opportunity and support for the child to do something for the victim or the community, which allows the child gain something positive from the process, encourages desistance and builds a sense of community. Reparative activity should not be stigmatising, punitive or harmful. It should be a safe and beneficial process for all concerned.

## 12. Types of Restorative Justice

### Restorative Justice Conference

This is a formal, scripted meeting held between the young person and the victim, which is facilitated by a trained certified member of the Somerset Youth Justice Team or trained volunteer from the service. The process allows all participants to talk about the offence and the consequences of the offence in a controlled and safe environment. A full risk assessment should be carried out before a meeting is considered ([Restorative Justice Conference - risk assessment.docx](#)) and consent gained from all individuals ([Restorative Justice Conference consent form.docx](#)).

### Restorative Letter

If the victim indicates that they would be willing to read a letter from the child, the Restorative Justice Worker will report this back to the Case holder for discussion with the child. The Restorative Justice Worker will share any specific questions that the victim has said they would like answered regarding the offence. If a letter is completed it should be given to the Restorative Justice Worker to read to ensure that the contents are appropriate before showing the victim. The Restorative Justice worker will then contact the victim and arrange a home visit or phone call for the contents of the letter to be shared. The victim is not able to keep a copy of the letter. A child should only write a reparative letter if they genuinely feel remorseful. An apology is not an essential requirement.

### Shuttle Mediation

A process where victims get to have their 'say' but indirectly. The victim may want the child to be aware of the impact the offence has had on them or have questions that they want answered. The Restorative Justice Worker will facilitate through

'shuttle' between the two parties. There is no direct contact between parties but indirect through written or verbal communication - use of technology such as audio or video recordings. Any written responses or recordings can be shown to the victim and child, but no copies shared with them. The Restorative Justice Worker can undertake this process with the child directly or can pass the information through the Case holder.

Reparation - Direct and Indirect [see APPENDIX 2 Flow Chart](#)

**Direct** - In cases where the child has hours of reparation to complete the victim can propose the reparation is completed directly to them; appropriateness of this direct reparation will be risk assessed by the reparation Case holder. In these cases where a form of reparation has been arranged direct to the victim, but the child is unable to complete this reparation, the Restorative Justice Worker will inform the victim of the actions taken.

**Indirect** - If the victim does not want the child to complete direct reparation, the Somerset Youth Justice Team have a variety of community reparation projects available. Should the victim require feedback on reparation, an update will be shared with the victim by the Restorative Justice Worker following an update from the Case holder.

The Restorative Justice Worker should explore if the victim would agree to be contacted if the opportunity of Restorative Justice with the child presents itself at a later date. Not all children will be able to engage in Restorative Justice straight away, so sequencing must be considered in line with consideration of child first and trauma informed interventions. Community reparation may be a useful way to prepare a child to undertake more direct reparation at a later stage.

The Case holder should look out for signs that the child might be willing to engage in Restorative Justice. If the child does express an interest in a Restorative Justice intervention, the Restorative Justice Worker should explore with the victim. If the child is unable to meet the victim's wishes in relation to Restorative Justice, the Case holder should speak with the

Restorative Justice Worker to clarify the situation so that the victim can be consulted.

No restorative intervention should be proposed or undertaken that is solely for the benefit of the child involved, unless this is with the express and unsolicited wish of the victim and reason is recorded.

**If** the child has been sentenced to a Referral Order, the victim impact, and their wishes around Restorative Justice will be included in the Referral Order report by the Case holder. Alternatively, the Restorative Justice Worker can attend the panel meeting on behalf of the victim to represent their views. The Restorative Justice

Worker will feedback to the victim and if necessary, liaise between the victim, Case holder and child to identify a way forward in respect of any agreed restorative justice.

### 13. Recording

*All victim information obtained and held by Youth Justice Services should be stored and shared in accordance with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.*  
**(Youth Justice Board Case Management Guidance – October 2022)**

Accurate and timely record keeping is essential to maintaining a high-quality effective service. Any communication regarding victims will be held on the Youth Justice case management system – Pathways - in the secure victim area.

Relevant victims contact and/or feedback will also be recorded on the child's record in Pathways within two working days.

The Restorative Justice Worker is responsible for securely recording and updating all victim records within Pathways. All victim records must have victim name, date of birth, address, telephone numbers and self-defined ethnicity. Once contact has been made with the victim it should be recorded on the victim record; telephone calls, emails and victim feedback entered as a note. Any home visits to the victim/s or completion of direct restorative intervention should be recorded as an appointment and associated documents attached. Recording should happen within two working days of the contact.

Once an offence is linked to a victim on Pathways, the Restorative Justice Worker will be prompted to complete the victim support questionnaire on Pathways, which relates to the Youth Justice Board's Key Performance Indicators for victims. This questionnaire must be fully populated before the victim case is closed on Pathways.

Any information held on the child's record within Pathways relating to victim feedback or Restorative Justice intervention must not identify the victim. For example: no names, family names, telephone number, email, personal or business addresses should be entered. Any contact with the victim should be recorded as: victim 1,2,3 or victim of assault etc. If a victim is a family member or carer of the child who has caused the harm, then this might not be possible and should be discussed on a case-by-case basis with YJT management and agreed with the victim about how they will be referenced on the records.



The Restorative Justice volunteers **will not** have access to Pathways as part of their role and will need to share the victim feedback they have gathered with the Restorative Justice Worker who will record it. If the Restorative Justice Worker is absent from work for an extended period, the Restorative Justice Coordinator will be responsible for recording victim feedback gathered by the Restorative Justice volunteers.

#### 14. Closure

When victim contact and/or intervention is complete, the Restorative Justice Worker is responsible for ensuring all information has been recorded on Pathways YOT and closing the record with 10 working days.

The victim should be given the opportunity to give feedback about their experience with the Somerset Youth Justice Team and asked if they would complete an online survey (<https://somersetcouncil.citizenspace.com/comms/e19f1243>). This survey will be an opportunity for victims to share comments or questions. Any victim feedback will be responded to and recorded on Pathways.

#### 15. Complaints

If the victim is not happy with the service they have received, the Restorative Justice Worker should record this on Pathways YOT and notify a manager. The Restorative Justice Worker will confirm with the victim the contact details of a manager.

If a victim wishes to make a formal complaint the Restorative Justice Worker must signpost them to [Complaints, comments and compliments \(somerset.gov.uk\)](https://www.somerset.gov.uk/complaints) and immediately inform a manager.

#### 16. Statistical Data

Information must be recorded on the victim record by the YJT Restorative Justice Worker, to ensure that data linked to the Youth Justice Board's Key Performance Indicators for victims are captured.

#### 17. Policy Ownership and Review

Somerset Youth Justice Team is responsible for this policy. This policy will be reviewed every 12 months or sooner if significant changes in legislation are made.



## Appendices

### **Appendix 1: Restorative Justice process**

[1a. Restorative Justice Flow Chart for Court.docx](#)

[1b. Restorative Justice Flow Chart for Out of Court.docx](#)

### **Appendix 2: Reparation Flow Chart**

[2. Reparation Flow Chart.docx](#)