



Report to the Crime Prevention Unit of the Ministry of Justice

A Stocktake of Restorative Justice Providers in New Zealand

April 2007

**Stocktake conducted and report compiled by Restorative
Justice Aotearoa Incorporated**

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- The Executive Committee of Restorative Justice Aotearoa

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Executive Summary

The primary objective of this survey funded by the Ministry of Justice (MOJ) and carried out by Restorative Justice Aotearoa (RJA) in April 2007, was to complete a stocktake of all known community-based restorative justice service providers in New Zealand. Although the quality, consistency and accuracy of responses varied, a 100% response rate was achieved from all current providers.

Two groups of providers were surveyed – those working within the criminal justice system and those working outside it. Some providers do both. The main part of the report relates to work within the criminal justice system, not withstanding the value in restorative justice services carried out in other areas.

The objectives of the stocktake were to:

- Create a picture of all adult offender restorative justice services
- Identify gaps in service provision
- Discover developmental needs of existing providers
- Contribute to planning for future development
- Produce an overview of community-based restorative justice service provision in other fields.

35 groups provide restorative justice services to courts, police, and prisons across New Zealand, with the majority using victim-offender conferencing, and some using a community panel process for a range of offences. Providers have their own legal structure or operate under the auspices of larger bodies such as District Councils. Nine services are provided by iwi organisations.

Many providers have been operating since 1999 and 30 were funded by the Ministry of Justice (up to June 2007). The staffing of individual groups ranges from full-time coordinators carrying out most tasks to part-time coordinators and facilitators, who are often contracted. Most groups have a significant voluntary component. Māori are strongly involved as both participants in and providers of restorative justice services.

The level of policy development within groups is generally high, particularly in areas such as complaints, confidentiality and codes of practice. (The quality of policies and procedures was not measured). The majority of groups require participation by the victim, or by a victim nominee. Processes around follow-up and monitoring of plans vary, with the community panel model providing considerably more involvement in this area.

Stakeholder relationships are seen as crucial to the initial part of the process and contact ranges from formal meetings to informal interaction. Satisfaction with these relationships varies considerably from provider to provider.

Data was collected for the period 1 July – 31 December 2006. More than 1000 referrals were made to providers during this time; most of these were received from District Courts, the majority being at the pre-sentence stage of the Court process. The largest groups of offenders were young, male and non-European and the highest volume of referrals was for violent offences (excluding sexual and domestic violence). Almost 600 victim-offender conferences or panel meetings were held, with victims present at more than 450 of these. Victim uptake

varied considerably between groups. The rate of agreement at conferences/meetings and completion of plans was more than 90%.

There are 62 District Courts in NZ, and 43 have access to restorative justice services. Many of the courts not covered are in small towns but 4 are in larger centres. Some of the courts with access to restorative justice services, including several larger ones, have minimal coverage from a nearby service. Only a few areas have restorative justice services available in all parts of the criminal justice process; from diversion to post-sentence, or for all types of offences (minor to very serious). Few post-sentence referrals are received and no regular government funding is available for these. Even where services are available there are considerable variations in how much they are used.

Respondents provided a glimpse into their 'world', detailing areas they consider are working successfully, areas they find difficult and suggestions for how restorative justice service provision can be further developed at local, regional and national levels. Many groups indicated a wish to increase the number of referrals undertaken. Some would like to increase the range of offence types they deal with, this being a lower number partly because of the more complex development and training involved.

A constant theme throughout the responses was the respondents' perception that they lack sufficient funds to provide more than an 'adequate' service. Additionally the cost of travel in rural areas is significant. A second recurring theme, partly related to lack of funding, is the difficulty in recruiting and retaining suitable staff due to the demanding and variable nature of what is often a part time role.

Suggestions for future and ongoing training included areas such as governance and management, victim issues, advanced facilitation, communication skills, cultural issues, participant assessment, plan monitoring, and such specialist areas as mental health, addictive behaviour, sexual offending and domestic violence.

Respondents expressed concern about the lack of understanding of restorative justice by some key stakeholders and the public, which appeared to result in low referral numbers and a lower uptake by victims. Some of the responses indicate that the provisions of the Sentencing and Victims' Rights Acts 2002 are not used to their full potential. Activities that would raise awareness at all levels were strongly advocated.

Some provider groups also offer restorative justice services outside the criminal justice system; the most popular being to schools. Three community-based groups work solely outside the system in schools, workplaces and other government areas.

The Stocktake data and conclusions are now available to contribute to planning for future development that will enhance the quality and quantity of restorative justice services. A large amount of work is needed to have such services accessible to all victims and offenders in the criminal justice system. Many stocktake respondents showed enthusiasm for this development. There is much exciting and challenging work ahead!

Objectives of the Stocktake

The purpose of this Ministry of Justice funded Stocktake, as agreed between the Crime Prevention Unit of the Ministry of Justice and Restorative Justice Aotearoa, was to:

- create a picture of all adult offender RJ services
- identify gaps in service provision
- discover developmental needs of existing providers
- contribute to planning for future development
- produce an overview of community-based restorative justice service provision in other fields

Background

Restorative justice is relatively new in New Zealand, with only four provider groups providing services for 10 years or longer. At that time, provider groups varied both in size, and the extent to which they interacted with other groups who provided similar services. Models of practice also varied considerably and statistics for the outcomes of interventions were limited.

Since 1996 we have seen a substantial expansion in the number and geographical spread of restorative justice practitioners. The Ministry of Justice now contracts thirty community-based providers of restorative justice and only a few providers today receive no government funding. However, the level of funding available for restorative justice service provision has been the subject of some concern, and the Ministry of Justice is currently investigating options to establish a framework for funding.

Restorative justice gained legitimacy in 2002 with the Sentencing, Parole and Victims' Rights Acts encouraging the use of restorative justice processes, requiring consideration of outcomes in sentencing, and allowing adjournment of proceedings for such processes to happen and agreements to be completed.

In 2005 a collective formed from restorative justice providers collaboratively produced the seminal Statement of Restorative Justice Values and Processes which was included in the Restorative Justice in NZ Best Practice document produced by the Ministry of Justice. Further collaboration resulted in the formation of Restorative Justice Aotearoa Inc., which was duly constituted and registered, with the Companies Office in May 2005.

In 2005, the Ministry of Justice undertook a stocktake of the 19 community based restorative justice programmes, funded by the Crime Prevention Unit. The Stocktake was compiled using Ministry information and six-monthly provider reports.

Whilst this gave a valuable insight into what was happening within the programmes funded by CPU, it was not a comprehensive survey of all providers working in restorative justice. Subsequently, in 2006, the Ministry contracted RJA to carry out a comprehensive national stocktake of restorative justice programme providers.

Methodology

The terms of reference for the Stocktake were agreed by both CPU and RJA personnel, with both parties contributing to the list of information to be sought and the methodology to be used. The desired information consisted of a combination of quantitative data and qualitative open ended questions. It was agreed that the Stocktake would extend to all restorative justice providers irrespective of whether they were members of RJA.

Before questionnaires were distributed a scoping exercise was undertaken to determine the names and contact details of all restorative justice providers in New Zealand. These providers fell into 5 main groups:

- providers funded by MOJ; originally part of the Courts' pilot
- providers funded by CPU
- providers working completely outside the criminal justices system
- providers working within the system but not yet funded by it
- one national provider

Scope

- Time was spent initially exploring who provides restorative justice services both within and outside of the criminal justice system and ensuring all such groups could be included in the stocktake process
- Past and present provider lists from the MOJ and RJA were examined and enquiries made
- Larger courts were contacted where no service appeared to be provided
- Police Youth Aid and Child, Youth & Family Youth Justice personnel were contacted regarding possible restorative justice services outside the youth justice system

Communication with potential respondents

- The project was introduced to potential respondents by way of an article in February RJA News
- A letter about the Stocktake project was sent in March to all known providers, including a request for information about other providers, within and outside the criminal justice system
- An email letter was sent to all known groups to introduce the project
- New additions to the provider list were contacted by telephone to explain the process and purpose, and invite participation – all agreed to participate
- When the Stocktake questionnaire was distributed, prompt phone follow-up was made to discuss plans for completing the survey by the required deadline
- Further phone calls were made to each group at respectful intervals as necessary

Confidentiality of restorative justice providers' responses

- Included with the questionnaire was a clear statement regarding how responses made by providers would be treated. It was clearly indicated that the Stocktake was a joint project with MOJ.

Questionnaire(s)

- Time and funding constraints impinged on decisions regarding the methodology to be used to obtain the desired outcomes. It was agreed that the key tool to be used would be a paper based questionnaire followed up with telephone calls and site visits if necessary to obtain a completed return. [As all respondents provided written and telephone responses, no site visits were required to be made.]
- Providers who operated outside the criminal justice system were asked to complete a shorter version of the master questionnaire.

Content

- In order to ensure the comprehensive questionnaire was user friendly, RJA decided to base some statistical questions on the reports that restorative justice providers contracted by CPU submit every six months. The period chosen was 1 July – 31 December 2006.
- Questions were formulated by RJA and CPU staff and revised following feedback from a small representative pilot group of restorative justice providers.

Pilot

- Prior to circulation a small representative group, including a Māori provider, from the range of potential respondents was asked to partake in a pilot survey and provide feedback on the questions being asked. Their feedback was incorporated into the final comprehensive questionnaire.

Distribution and return process

- All the identified restorative justice providers received an email copy of the questionnaire. Respondents were also asked if they would like a paper copy. Four groups selected this option.
- RJA received the majority of the responses by email. Some were returned by mail; the data having been entered electronically or answered by hand.

Responses

Points to be noted for reviewing the following information:

- Quotes are noted in Italics
- 'N' refers to the number of responses received to a specific question.
- Maximum numbers:
 - Providers within the criminal justice system – 35
 - Providers solely outside the criminal justice system – 3
 - Provider total - 38
- The shorter questionnaire completed by providers working outside the criminal justice system contained most of Section 1, excluding questions on contracts, criminal justice agencies and funding; the policy and procedure document list (Section 3) and Restorative justice services provided outside the criminal justice system (Section 8)

Response rate

- Despite the length and complexity of the questionnaire it is pleasing to report that a **100%** response rate was achieved when the two recently disbanded groups were excluded.

Number Sent	40	100%
Groups Disbanded	2	5%
Returned	38	95% (100% of current providers)
Interim Member RJA	29	77% of responses
Associate Member RJA	2	5% of responses
Non-members	7	18% of responses
Groups providing services solely within criminal justice system	21	55%
Groups providing services solely outside the system	3	8%
Groups doing both	11	29%
Unable to determine from responses	3	8%

Completeness and limitations of data

- The quality and completeness of data reported was variable. Feedback from respondents suggests that the main problem with the questionnaire was the time required to complete it, particularly if more than one person was required to contribute to it.
- Although occasionally some respondents misunderstood some questions, overall respondents did not appear to have difficulty in understanding what information was being sought.
- A number of questionnaires were not fully completed because
 - some groups did not keep the type of data sought
 - information was difficult to access because a member of staff had recently left
 - information is destroyed after a case is complete
 - the question was not relevant to that provider
- Questions relating to the time spent by paid and unpaid staff on restorative justice work elicited the widest range of responses including *'guess work'*, *'not known'* or *'not collated'*.
- It is apparent in some responses that data provided in some sections did not correlate with data provided in other sections e.g. the response to 'number of panel meetings' held did not match data for 'outcome from panels held' later in the questionnaire. The results that follow then are an indication only and can not be considered to be statistically significant.

Section 1 Profile of restorative justice providers

- The first part of Section 1 consisted of questions relating to contact details for each group. RJA intends to use these details [with permission] to form a database on RJA's website, which has recently been developed.

1.1 Distribution of providers N = 38

Auckland /Northland Region	13
Bay of Plenty	4
Waikato	3
Lower North Island	6
South Island	11
National	1

- 9 providers are part of a larger Iwi organisation

1.2 Legal structure of providers N = 38

Trust	24 (63.1 %)
Incorporated society	4 (10.5%)
Company	3 (7.8%)
Other	7 (18.4%)

- A number of groups operate under the umbrella of a larger trust. Others indicated some affiliation, not necessarily formal, with a larger group.

Some of these affiliations include:

- District Councils (initiated originally by Safer Community Councils)
- Churches
- Māori/Iwi
- Other: e.g. *Members of National Network of Stopping Violence Services, Prison Fellowship International*

1.3 Other services provided by umbrella organisation

- Responses to the previous two questions indicated that for many restorative justice providers, their service was a relatively small part of a range of other services provided by the umbrella organisation. Allied services included provision of a funeral parlour, and religious services in addition to the more predictable range of community services such as counselling, mentoring, and prison visiting services.

1.4 Length of time restorative justice service has been delivered N = 38

- Responses ranged from 1976 to 2006 (two providers).
- Mode is 2001 with 8 groups starting in this year. Likewise 1999 had 6 and 2000 5 groups commencing delivery of restorative justice services.

No.	1	1	1	1	3	6	5	8	3	2	1	4	2
Year	1976	1986	1995	1996	1998	1999	2000	2001	2002	2003	2004	2005	2006

1.5 Who contracts restorative justice providers N = 35

The Crime Prevention Unit of the Ministry of Justice	21 (60%)
The Courts Operations Unit of the Ministry of Justice (formerly part of the Courts' pilot)	9 (26%)
Not contracted by an agency for restorative justice services	5 (14%)

1.6 Additional funding sources for providers who also receive CPU or MOJ funding

- A range of responses was received with lawyers and legal aid figuring prominently, followed by Police, schools and City Councils
 - *Lawyers, Solicitors, legal aid through offender's counsel*
 - *Schools,*
 - *City Councils [including for Resource Consent,]*
 - *Prison Parole Board,*
 - *Community Probation*
 - *Offender*
 - *Community Agencies*

1.7 Geographical boundaries and court coverage

- Many areas in New Zealand have restorative justice services available; these areas include Northland, Auckland, Waikato, Bay of Plenty, Taupo, East Coast, Hawke's Bay, Taranaki, Wanganui, Wellington, Nelson, Marlborough, West Coast, Canterbury and Otago. Coverage within these areas varies.
- From the data received, it appears there are courts that are not covered

- Gaps identified:
 - North Island District Courts - Fielding, Huntly, Levin, Masterton, Morrinsville, Palmerston North, Papakura, Pukekohe, Taihape, Taumaranui, Te Awamutu, Te Kuiti, Warkworth
 - South Island District Courts - Alexandra, Balclutha, Chatham Islands, Gore, Invercargill, Queenstown
- In one location lawyers have cases transferred to a nearby Court where a service is available.
 - *Sometimes we get to work with Palmerston North offenders who are represented by Counsel who work in both areas. They get their clients transferred to the Courts we service to have access to RJ as there is no RJ provision in Palmerston North*
- The fact that providers will accept referrals does not necessarily result in referrals being made to providers by the Courts.
- Responses to the question ‘*From which Courts does respondent accept referrals?*’ (1.7) were compared with data regarding the number of Court referrals (4.1) each provider received.
- This revealed a large variation in the numbers of referrals received in proportion to the size of the Court/s covered; e.g. one group servicing one provincial city Court received 87 referrals from 1 July – 31 December 2006. In the same period another group covering two larger provincial courts received 28 referrals.
- The questionnaire did not ask which Courts the provider has a presence in when they cover more than one Court. Verbal clarification identified that not all providers have a presence in all Courts they provide services to. This is likely to result in less service provided and a lower uptake of restorative justice services.

1.8 Type of service delivery model used N = 38

Victim-offender conference only	19 (50%)
Panel process only	8 (21%)
Both	6 (16%)
Other	2 (5%)
Combination of various models	3 (8%)

- Some respondents use more than one model and some combine parts of both processes
- Reasons given for choosing one model over another included
 - *Panel where charges are being diverted. Conference for post conviction cases, generally more serious charges.*

- *If victims are unable/unwilling to attend but would like their views expressed through the panel process then we would conduct a panel process*
- *Process is dependent on situation, availability of RJ facilitators, victim, offender preference within RJ framework expectations & situation realities. Given our limited resources we need to be innovative entrepreneurial lever off at times victim or offender resources eg have them travel to us for pre conference meetings.*
- *Mostly we use a panel process for community diversion and pre sentence R J conferences. There are occasions when a panel is not used usually for practical reasons where it is uneconomic to transport panel members to out of the way locations*
- *First preference is victim/ offender conferencing or if a victim cannot be identified or if they wish to have their views presented on their behalf a community representative will attend.*

1.9 Descriptions of other models

- *Use process similar to victim / offender conferencing process involving whole workplace team focusing on wrongdoing with each person taking responsibility for their part.*
- *Use a combination of victim offended conference process with two community experts, one a sexual violence victim representative from ASAH and one a sexual violence treatment rep from either SAFE network or private therapist*
- *Mediation*
- *Prison programme which allows victims to interact with prisoners [not related by crime](The Sycamore Tree programme is run in 14 prisons across NZ and is funded by the Department of Corrections, prisons and fund-raising)*
- *Consultation. Project development, one on one coaching in communication skills, training in low level conflict resolution using RJ principles, mediation between two employees, consumer complaints processes*

1.10 Victim-offender conference – numbers of facilitators involved N = 26

	Singly	Pairs	Both
Victim interviews	9	15	2
Offender interviews	8	15	3
Conference facilitation	2	21	3

- Some respondents commented on the factors they take into consideration when making a decision to use one or two staff [where providers have this option] including:
 - *taking safety considerations into account*
 - *if there is more than more victim*
- Other combinations included having others present such as recorder, Iwi Liaison Officer, trainee, trainer, and/or panel members.

Section 2 Personnel, paid and voluntary

2.1 Number of personnel involved in provider group N = 35

- Figures provided by some providers were high. On checking to clarify these responses some respondents have included their community panelists, and/or trust board members and/or staff whose primary role is with another service provided by the umbrella organisation; all of who are perceived to 'be involved'. Other groups have interpreted the word involved less widely.
- Some groups have no dedicated staff, but use staff from other services within their organisation.
- Responses ranged from a high of 47 [35 community panelists] people to providers with only 1 member of staff (two groups).

Total personnel (including volunteers) nationally	519
Average number per group	15
Most common number in group	20

2.2 Who manages personnel (paid & voluntary)

- This question elicited a range of responses. Some one word responses were received e.g. *Coordinator*. Some respondents included a paragraph about the functions of several different staff and/or board members. One large Iwi provider included a copy of their structure. The range of responses may have been due to lack of understanding of the question itself due to its broad phrasing, or an indication of the variety of way restorative justice services are supervised and managed.

2.3 Paid and voluntary roles

- Respondents were asked to complete a table relating to paid roles and a table relating to voluntary roles. These two sections proved the most difficult for groups to answer and for RJA to quantify.
- The objective of the tables was to quantify how many hours are spent on restorative justice work [paid or otherwise] and what kind of environment workers [paid or otherwise] have.
- Some respondents detailed hours spent per month down to a fraction of an hour. [*Coordinator 43.3*] Other responses included 'not known', 'depends' or no answer at all. Some included externally paid staff such as clinical supervisors.
- Some overall conclusions can be made by loosely grouping staff hours:

	10 hrs or less	11 - 29	30+
Number of staff working per week	156 [82%]	27 [14%]	8 [4%]

- Most (82%) paid staff and almost all voluntary staff work less than 10 hours a week on average.
- The lower the number of hours worked, the less likely the worker is to have the regularity of set hours or an office from which to work. ‘Low hour’ staff are also more likely to be contractors rather than salaried.
- Many staff are paid on a fee for service basis with no regularity of income.
- Many voluntary workers, including board members and community panelists, only have their petrol reimbursed.
- One group provides a free annual Christmas dinner for its large number of volunteer panelists
- Some volunteer workers get no reimbursement at all.

2.4 Who completes the following tasks in the referral/case process

- Responses indicated that overall the coordinator has responsibility for the widest range of roles. Every task had ‘coordinator’ mentioned at least once.
- The two most common roles for the coordinator was ‘Receiving referral and acquiring necessary information’ and ‘Assessing the referral suitability’
- The Coordinator is least involved in the ‘note taking and recording of conference outcome’ and ‘Receiving and paying invoices relating to court cases’
- Some specific tasks are more frequently undertaken by a coordinator rather than a facilitator and vice versa, eg.

Receiving and assessing the referral – *Coordinator*
Facilitating the conference, taking notes – *Facilitator*

- The responses to this question show that the role of the coordinator is wide-ranging and there is no national consistency in how this role is defined.
- Some tasks were carried out by a range of roles eg. “Receives and Pays Invoices” was the responsibility of a Director in one group, CEO coordinator in another and facilitator in another.

2.5 Responsibility for completion of contractual requirements

- **If group is funded by the CPU or MOJ who:**

Completes required documents such as the six monthly report N = 28	Coordinator 74%
Ensures contract requirements are being met (e.g. documentary requirements, case numbers, etc) N = 30	Coordinator 63% - but more commonly in conjunction with Manager, Administrator

- These two areas are primarily the responsibility of the coordinator although there is evidence of management/administrative supervision for the completion of contract accountability reports.

2.6 Attendance at court N = 35

- 4 District Courts (Auckland, Waitakere, Hamilton and Dunedin) employ a Restorative Justice Coordinator to receive and allocate referrals to 9 Ministry-contracted provider groups. Therefore these 9 groups do not usually have a representative who attends Court.
- Of the 24 groups who attend court 18 (75%) have a seat reserved. The other 6 groups do not have allocated seating and sit with others who attend court, or find other ways to be present in Court. There is often limited space:
 - *Limited space, sit with Prosecuting Sergeant.*
 - *Allowed to sit with Court reporters & forensic nurse. However often asked to move due to lack of space.*
- Attendance at Court is considered to be the responsibility of the coordinator for 18 (75%) of respondent groups. One group uses a volunteer.
- Attendance at Court can have a direct relationship to the number of cases referred to a group. Some providers with limited staff resources rely on the fact that other stakeholders such as victims' advisors are present at Court to ensure that referrals are made to them. This does not always work to their advantage.
 - *Referrals are solely dependent on the Victim Adviser who works for the Court and not a lot has been received. She is the person that markets the conference to the Victim. We have decided to market this ourselves by providing a bit of detail on a card format i.e., Notice to Defendant and Notice to Victim, in the hope that we receive more than one referral every three months which is what we are currently receiving. This card will also be provided to Victim support in order to enable the Victim to make a decision based on correct information that is received.*

2.7 Other comments about referral/case process

- Only a few additional comments were received about this process and no recurring theme is evident. This question may have been too broad.
 - *Mentor is available to facilitation team at any time via phone to debrief or assist in decision making processes. Meets with facilitation team face to face after conference held and prepares report for trust on process. Assists with issues between facilitators informs trust on practice issues and training needs. i.e. each case has a mentor, usually a trustee*

2.8 Location where participants are usually interviewed

N = 30	Home Only	Office only	Both
	12 (40%)	9 (30%)	9 (30%)

- Responses indicate that the decision to use home or office, for those who have the choice, is often determined by who is to be interviewed i.e. offender in the office, victim at home
- Distance of the victim or offender's home from the office was also a factor for rural providers
- Preference between home and office was equally divided.
- Some providers indicated that they liked the flexibility that having both options gave them in determining how best to work with all parties
- 2 respondents noted '*it would be nice to have the choice*' as their groups do not have offices.

Section 3 Policies, procedures and relationships

3.1 Policy and procedure documents N= 38

- Some respondents chose not to complete the ‘no’ section. [Non-responses were recorded as ‘no’] However most respondents were open about policy development being a work in progress [WIP] or not yet started.
- The Stocktake was not designed to measure the quality of policies or adherence to them.

Title		Yes	WIP	No	Title		Yes	WIP	No
a)	Code of ethics	32	2	4	l)	Code of practice	36	2	0
b)	Complaints policy	36	2	0	m)	Confidentiality policy	36	2	0
c)	Safety policy	35	2	1	n)	Supervision policy	30	3	5
d)	Personnel training policy	28	5	5	o)	Performance management procedures	28	6	4
e)	Cultural respect policy	27	3	8	p)	Participant feedback procedure	29	6	3
f)	Family violence policy	16	6	16	Other policies/procedures				
Referral procedures including e.g.-									
g)	Assessment	35	1	2		Financial	4		
h)	Preparation	34	1	3		External Audits and Approval processes	4		
i)	Panel/conference process	32	1	5		Internal Audit processes	1		
j)	Report Writing	33	2	5		Strategic Plan	1		
k)	Monitoring Plans	29	3	5 & 1 N/a		Relationship with external stakeholder, community groups	3		

- Policies held by 95% of provider groups; *Complaints policy, Code of practice, Confidentiality policy*
- The 4 policies least likely to be developed by provider groups: *Family violence policy 42%, Cultural respect policy 71%, Personnel training policy and Performance management procedures 74%*

3.2 Other policies developed by individual providers

- *Work with protagonist*
- *Risk Management*
- *Prevention of Abuse*
- *Management*
- *Monitoring*
- *Police vetting*
- *External Performance Appraisal systems*
- *OSH*
- *Confidentially agreement - volunteer*
- *Facilitator contract*
- *Membership*
- *Media, Governance*
- *Conflict Resolution*
- *Facilitator Contact*
- *Community work process*
- *Best practice Committee*
- *Criminal Record Check*

3.3 Stakeholder relationships

- There was a range of responses to the questions “*With which stakeholders do restorative justice provider staff meet, how often and are meetings formal or informal?*” The following is a typical response from one provider:
Formal meetings with Judiciary and Police Prosecutions
Informal meetings with Court Staff (eg: Registrar, Victim Advisers), Defence Counsel, Victim Support, Community Probation Services, Māori Police Liaison Committee: Trust Board Representation

3.4 What works well in stakeholder relationships

- Responses to questions about what works in these relationships affirmed the value to provider groups of regular meetings, whether formal or otherwise, as a vehicle for sharing and obtaining additional information and for expanding their networks and knowledge base. Regularity of meetings was a common theme
 - *Kanohi ki te kanohi (face to face)*
 - *Kai (food)*

3.5 Difficulties in stakeholder relationships

Responses related to these areas:

- Lack of understanding about restorative justice
 - *Preconceived ideas of what restorative justice is and who is entitled to it*
- Relationship is minimal or limited to a small number
 - *No relationship at all with Victim Support and the Victim Advisors*

- Timeliness of exchange of information
 - *Police sometimes take time to get reports to us in a timely fashion*
- Limited resources
 - *With limited resources, it is difficult to have as much contact as we would like with stakeholders. For example, training for lawyers and police, attend court more often, have regular meetings with probation*
- Process - sometimes the process has to be started again when a group is new, as demonstrated by the response below:
 - *a new kid on the block*

3.6 Suggestions for improving relations

Responses can be grouped into one of the following categories:

- Coordination of approach:
 - *Liaison at a regional/national level between MOJ and other government agencies to streamline implementation of RJ processes where they are to be made available at other levels of offending*
- Funding:
 - *Adequate funding for the resources required to improve stakeholder relationships*
- Education:
 - *...although our Court Coordinator has formally spoken with all the stakeholders in an effort to apprise them of RJ process and co-operative communication*

3.7 Responsibility and consent for obtaining victims' details N = 34

- Providers receive victim details from a variety of sources but primarily the Courts, Victims' Advisors and Police.
- Respondents are not always aware of the victim giving consent for the information to be passed on to them:
 - 12 (35%) of providers are confident that the victim's consent has been obtained, a further 5 (12%) replied '*sometimes*', '*usually*' or '*not always*'.
 - 4 (12%) know that it has not.
 - 13 38% don't know and may have assumed someone else eg Court Coordinator has obtained consent.
- Providers use a variety of strategies to obtain necessary information about the victim including asking the victim themselves. These options are used by one provider:
 - *'Lawyer, Police Prosecutions, O/C case, Victim Adviser, Victim Support or contact the agency/ person that can provide the information'*
- Some responses suggest that key stakeholders hold onto important information
 - *Victim advisor acts as gatekeeper*

Section 4 Referrals

- Sections 4 – 6, covering the period 1st July – 30th December 2006, relate to providers working within the criminal justice system only.
- Two new providers could not provide statistics for this period.

4.1 Referral Source

N = 33	Total number referred	Total numbers accepted*	Numbers accepted <u>NOT</u> covered by MOJ or CPU funding
Community policing (no charges)	12	12	17
Police prosecutor at diversion – (i.e. from registrar’s list)	90	87	0
Court*** following guilty plea - minor & likely to be withdrawn or offender discharged after RJ	348	328	10
Court following guilty plea – more serious offending	448	349	16
Court minor and serious not defined	116	116	0
Probation Service after sentence	14	5	0
Prison Service after sentence	12	15	10
Offender	27	19	12
Victim	2	3	3
Lawyer	2	2	0
PARS	2	2	0
Sycamore Tree	6	5	0
Parole Board	13	13	7
Total for 6 month period	1092	956 (87.5%)	75 (6.8%)

* “accepted” means the number of referrals accepted for investigation into panel/conference process suitability. ** the offender may not have actually attended court. *** actual referral from Court could be made by judge, lawyer, prosecutor, victims’ advisor, probation officer.

- 912 cases were received nationally from the courts, 83.5% of total referrals
- 87.5% of all referrals were accepted
- Referrals from courts had a similar acceptance rate: 793 referrals accepted (86.9 %)
- 2.4% of all referrals were directly from the offender
- Police [community and diversion combined] provided 9.3 % of referrals

4.2 Reasons for non-acceptance of referrals

- Reasons for non-acceptance varied but two common themes related to the offender's history and/or attitude to restorative justice.
- Referrals received directly from offenders have a lower acceptance rate: 70%
- Some groups had a policy not to accept offences of a certain nature such as sexual or family violence.
- Respondents consider that the rate of non-acceptance could be reduced if referrers had a clearer understanding of restorative justice, particularly regarding the suitability of the offender to be involved in a restorative justice process.

4.3 Development of services N = 35

- The objective of this question was to ascertain if groups would like to take on additional referrals. Some answers, relating to widening the range of offences accepted, are considered later in Section 5.7.
- 25 (71%) respondent groups indicated that they would like to receive more referrals.
- Perceived barriers included lack of money; difficulty in recruiting; training and retention of staff; not enough awareness of the benefits of restorative justice in the community.

Section 5 Cases (all accepted referrals)

- A number of respondents indicated that they did not keep this information, or keep only partial information.
- Some of the 9 Court-funded providers indicated that the Court Coordinator, who makes the referral, would keep this information for individual providers.
- One large provider could not provide figures for age but did for gender and ethnicity which have been included in Sections 5.2 and 5.3

5.1 Offender age, gender and ethnicity N = 24, total number of offenders = 724

Age group	Māori		Pacific Island		Asian		New Zealand European		Other or unknown	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
Under 20	92	26	27	16	2	0	75	21	6	1
20-29	87	26	30	3	3	10	64	11	8	3
30-39	49	7	9	4	1	1	27	7	5	0
40-49	17	3	8	2	1	1	20	5	2	0
50 plus	7	5	1	0	0	1	25	4	0	1
Total	252	67	75	25	7	13	211	48	21	5

- Some results are similar to the findings of the CPU 2005 Stocktake:
 - offenders are predominantly male, at 78%; with the exception of Asian offenders (35%)
 - offenders are predominantly young, with 36.7% under 20 years of age and 33.7% between 20 -29 years

Age Group	Under 20	20 -29	30 -39	40 -49	50 plus
Total = 724	266 (37%)	245 (34%)	110 (15%)	59 (8%)	44 (6%)

• 5.2 Gender, total number of offenders = 786, N = 25

Males = 613 (78%)
 Females = 173 (22%)

- For the Asian offender group females (65%) outnumber males (refer following Table).

5.3 Ethnicity, total = 786, N = 25

Ethnicity	Māori	Pacific Island	Asian	NZ European	Other
	329 (42%)	102 (13%)	20 (2.5%)	309 (39%)	26 (3.5%)

- The percentage of NZ Europeans is lower (39%) than the 49% found from the CPU 2005 Stocktake. Percentages in all other ethnicity categories are higher than recorded in the CPU 2005 Stocktake.

5.4 Offences and outcomes:

Offence Type	Number Accepted N = 30	Number diverted N = 7	Number sentenced N = 13
Violence (not sexual violence or involving family)	286 (27%)	26	116
Violence (family violence*)	141 (13%)	26	63
Violence (sexual)	18 (2%)	0	7
Burglary / receiving	147 (14%)	8	72
Theft of and from cars	39 (4%)	6	7
Fraud	27 (3%)	8	10
Other dishonesty	78 (7%)	41	15
Drugs	23 (2%)	7	9
Property damage	83 (8%)	19	19
Disorder	24 (2%)	15	7
Traffic	102 (10%)	3	34
Other	84 (8%)	18	21
TOTAL	1052	177	380

*Family violence means violence against a person by any other person with whom that person is, or has been, in a domestic relationship. A person is in a domestic relationship with another person if the person – (a) is a spouse or partner of the other person; (b) is a family member of the other person; (c) ordinarily shares a household with the other person; or (d) has a close personal relationship with the other person

- 7 groups completed the ‘diverted or discharged’ column. These actions usually relate to diversions or minor offences, for which many groups do not provide services. One group recorded discharges for more serious offending.
- 13 groups completed ‘number sentenced’; column. Many groups do not, or are unable to, access information about sentencing or do not keep such records

- Respondents commented that often an offender would have more than one category of charge which may partly explain the higher number of offence types (1052) than of referrals accepted (956).
- Respondents also noted that drugs were often a factor in offenders' behaviour even if the actual offence was not related to possession of drugs.
- Largest offence type - Violence [excluding family or sexual violence] 27%.
- Second largest category Burglary / receiving 14%

5.5 Other offences

- A number of 'other' offences were included, some of which were able to be reassigned to a listed category within the previous table.
- Some specified 'other' offences were categorised in the following table.
- A few offences that were not specified are grouped as 'other' in the list below.
- Limited details for 'other' offences relating to numbers diverted and/or sentenced were provided by respondents.
- Findings are similar to the CPU 2005 Stocktake including 'offences involving a weapon' - the most common 'other' offence type

Nature of offence	Number
Offences involving weapons	14
Neglect of animals	1
Arson	1
Graffiti	1
Misuse of telephone	3
Milling Indigenous Timber	1
Gives False Details	1
Prepares to commit crime in public place	3
Trespass	1
Possession Explosives	3
Failing to comply with fire control	11
Breach Liquor Ban	1
Indecent act, Threatening behaviour, Trespass, Resists Police	11
Not specified	32
Total	84

5.6 Offences not covered by CPU or MOJ funding

- Only a few categories of offences not covered by providers' funding were reported
 - *family violence,*
 - *historical abuse cases*
 - *youth offending*
 - *community policing, no charges*

5.7 Interest in working with a wider range of offences

- This question had a different focus to question 4.3 asking if providers would like to receive more referrals. The purpose of this question is to find out if providers are interested in working with a wider category of offences
- Only 48.5 % want to deal with a wider range of offences as opposed to 71% who wanted more referrals
- A frequent response was *'anything'*
- Examples
 - *Sexual violence*
 - *domestic violence;*
 - *people already in prison,*
 - *Traffic*
 - *Death by driving / multiple burglaries*
 - *'early offending' referrals*
 - *any appropriate offence where community involvement would assist the victims and offenders*
 - *Referrals from the community before court cases are warranted,*
 - *Schools*
- Some provider groups are quite specific about the offence type they will NOT accept
 - *Will not take conferences for sexual or violent offending*

5.8 Additional requirements to work with a wider range of offences

- Funding is an issue for some groups particularly for those who want to work with victims and offenders for whom there is no certain source of funding
 - *Lower end offending*
 - *Post sentence*
 - *We receive no funding at all or resources to provide conferences*
- Accessing specialized training is also an issue
 - *Specialised training in domestic violence and sexual abuse.*
 - *Good on-going training, 'refresher course' training, including role plays, would be helpful, especially in the Domestic Violence area which has not been included in the MOJ referrals.*
 - *Specialised trainers to develop new areas of restorative justice eg Environment Court cases*
 - *Facilitating conferences where children are present*
- Increased awareness of the value of restorative justice
 - *Better relationship with victim support*
 - *More public awareness of rj's policies, practices and processes*
 - *Shared training with the stakeholder groups*
- One response covered all three areas.
 - *Funding, training and the development of a wider rj network in the region*

Section 6 Community panel meetings/victim offender conferences

- Data provided by some respondents for this section is inconsistent with figures reported previously in Section 5.4
- The breakdown of data in the following Tables does not add up to the overall total provided for each set of data
- Respondents were re-contacted but some responses remain inconsistent because:
 - Staff were new and had difficulty accessing old records
 - Statistics not actually kept
 - Some included cases which began prior to the 6 month period
 - Unable to give time required to recheck figures
- Of the number of cases (1106) accepted 377 (34%) did not proceed to either a panel or conference process.

6.1 Community panel process N = 11

Total number cases accepted over six month period 1st July – 31st December 2006	Number of panel meetings held	Number of panel meetings not held	Number of cases under investigation as at 31/12/06
439	346 (79%)	72 (16%)	22

6.2 Victim-offender conference process N = 25

Total number cases accepted over six month period 1st July – 31st December 2006	Number of conferences held	Number of conferences not held	Number of cases under investigation as at 31/12/06
667	308 (46%)	305 (46%)	78

- The higher level of process completion for the community panel model could only be partly attributed to some groups not requiring victims to be present. Where victims were invited to participate there was generally a higher victim uptake in both diversion and pre-sentence cases using the panel model.

6.3 Processes involved in cases for which a panel meeting or conference did not eventuate

- Data for this question varied as it is not always kept. Responses included a number of guesses or estimates. However it highlights the invisible work on cases, which does not appear in the statistics required for completed cases.

Panels Not held = 32 Conferences not held = 212 N = 30	Total number of face to face meetings with offenders	Total number of face to face meetings with victims	Other activities e.g. number of significant phone calls, etc
By facilitator	218	122	334
By coordinator	128	43	183
By administrator	16	0	85

6.4 What is working well in the assessment/preparation process N = 19

- There are a lot of things going well for providers. Common themes included:
 - Experienced trained facilitators
 - Thorough preparation including having all the required information.
 - *Kanohi te kanohi*
 - Assistance from Victim Advisor

6.5 Difficulties in the assessment /preparation process

- A range of responses was obtained. The common themes were:
 - Getting a mutually convenient time
 - Lack of details re victim
 - Engaging the victim

6.6 Development and training to assist in assessment/preparation process

- Respondents provided a range of suggestions for assisting the assessment process and the conference process. Some of the suggestions overlapped. Common themes were:
 - *Training the public*
 - *Communication techniques for facilitators*
 - *More information to lawyers re process*
 - *Training around innovative or entrepreneurial concepts of resolving issues rather than monetary solutions*
- One novel suggestion - *a helicopter!!*

6.7 What is working well in the meeting/conference process

- Themes included
 - *Victim participation, giving victim a chance to be heard*
 - *Parties who are well prepared*
 - *A relaxed, not rushed atmosphere*
 - *Having two facilitators*
 - *Use of Tikanga where possible*

6.8 Difficulties in the meeting/conference process

- A range of responses were obtained. Common themes:
 - *Availability of participants for pre-conference meetings*
 - *When hidden agendas or power struggles are apparent*
 - *Venue for conferences*
 - *Not trusting the process*

6.9 Development and training to assist in meeting/conference process

- Respondents provided a range of suggestions for development and training that would assist with the meeting/conference process. Common themes:
 - *Any and ongoing training in facilitation, cultural and disability awareness and “management”, conflict management (with parties and with co-facilitators), self-awareness, etc.*
 - *Communication skills understanding different cultures*
 - *RJ education around benefits, so that RJ can be pro actively accessed rather than reactively accessed eg as a first option not a last option. Participants are better able to meaningfully participate in RJ process*

6.10 Level of victim participation required for a panel meeting or conference to take place

N = 33

Victim attendance required	23 (70 %)
Victim consent required but not attendance	6 (18%)
Neither victim consent nor attendance required	2 (6%)
Varies	2 (6%)

- Relatively few meetings or conferences take place without the victim present

6.11 Community panel meeting or victim-offender conference outcomes N = 29

Total number panel meetings or conferences held	Number of cases where victim identified	Number of cases where no victim identified	Number of cases where victim or victim's nominee present	Number of cases where victim identified but not present
601	520 (87%)	64 (11%)	452 (75%)	80 (13%)

- A number of groups did not complete this section or parts of this section which accounts for the discrepancy in the totals

6.12 What works well with victim engagement

- Multiple responses were obtained to the following sections. Quotes detailed cover common areas:
 - *Ensuring victims are allowed to express themselves in their way and that victims are listened to*
 - *Having the help of community panel members who listen*
 - *Having well trained facilitators who are skilled at engaging with victims*
 - *Respecting cultural matters*

6.13 Difficulties in victim engagement

- *When a participant does not turn up*
- *Misconceptions about process, mistrust, miscommunication, power games*
- *Fear of retribution*
- *Money to involve counselling or other resources*
- *Not being able to have direct contact with the victim and solely depending on the victim adviser to give the rj process out – majority of clients are Māori and yet the adviser is European*

6.14 Development and training to assist with victim engagement

- *More information available to victims in the courts, leaflets, posters*
- *Funding to enable a personal approach to occur*
- *Perhaps the Court victim advisor could also attend R.J. training*
- *Grief processes/victimology training*
- *Role plays are effective for some people*
- *Making good, effective use of Cultural Advisory group*

6.15 Plans/agreements

Outcomes of community panel meetings or victim-offender conferences N = 29

Number panels or conferences held	Number where plan agreed	Number where no agreement reached	Number where no specific plan required
602	553 (92%)	5 (1%)	18 (3%)

- A number of groups did not complete this section or parts of this section which accounts for the discrepancy in the totals.
- One group chose to give feedback relating to the question itself.
 - *Every conference has its outcomes, but because of sentencing being at the discretion of judges, very few agreements made that require action. More, wishes of courses to do; direction that victims want offenders to take*

6.16 Outcomes of agreed plans: N = 24

Total number of plans agreed to	Number of offenders in process of completing plans	Number of offenders who fully completed their plans	Number of offenders who did not complete their plans	Number of offenders who partially completed their plans
496	97 (19%)	355 (71%)	32 (6%)	16 (3%)

- A number of groups did not complete this section or parts of this section.
 - *Our records don't differentiate between someone who does nothing or half completes their plan*

6.17 Monitoring progress of plans

- Some respondents reported that they do not monitor agreed plans, although processes are put in place to try and ensure that some monitoring occurs by another party including the offenders support network.
- Where plans are monitored, monitoring is usually the responsibility of either a facilitator or coordinator. Other options include
 - *using a responsible family member to monitor and support the offender*
 - *community probation and the court;*

- *a panellist is chosen to become the case manager ... and it is their responsibility to monitor the progress of the referral.*
- *We have discovered that this area is especially fraught with difficulties and has potential for derailing all the good work done so therefore we have the offender community rep work with the offender to ensure outcomes are completed and the victim rep keeps in touch with victim to ensure satisfaction*
- Lack of funds to follow up on plans is a problem for many groups. The offender and/or their family make some contribution but often cannot afford the full cost of counselling or other beneficial courses.
- Some groups provide or have access to free counselling services for offenders.

6.18 Completion / non completion reports

- This is also a task which some groups do not do, particularly when completion of a plan is not required by the Court process
- The question requested information covering ‘to whom’ were reports provided, and ‘how many were provided’. Not everyone answered both parts of the question; consequently it was not possible to obtain any meaningful ‘average’ or ideal process. Examples:
 - *18 letters requesting police withdraw charges and 36 Memos sent to the judge out lining completion/non completion*
 - *21 to Court, victim, offenders, solicitors*
 - *29 reports to Police and Courts*
 - *21 cases completed and reports sent to Police prosecutions*
 - *Verbal report to coordinator*

6.19 Processes that work well in monitoring plans

- For those groups who do monitor plans, processes that work well include
 - *Honesty and cooperation by offender*
 - *Good records and systems*
 - *Making it simple and achievable before sentencing.*
 - *Appropriate and involved support people – often family members.*
- Not all groups have the time or funds to monitor plans as completely as they would like
 - *If probation officers take over the monitoring of outcomes that needs to be followed-up. Facilitators only have limited time to deal with a case and implementation of outcomes can best be met or monitored by probation officers or similar personnel.*

6.20 Difficulties encountered in monitoring plans

- Respondents reported a number of barriers to successfully monitoring agreed plans
 - *Lack of follow-up system – it is not part of our time frame with a case,*
 - *we don't have authority to enforce the plan,*
 - *we change role from facilitator of victim-centred process to 'policer' of offender if we follow up.*
 - *Process moves away from voluntariness*
 - *The sentencing may affect the possibilities of the agreements*
 - *Victim & offender being influenced by what their supporters want rather than what they want.*
 - *Victim expectations and offender economic realities*
 - *Re-victimising of victim(s) when outcomes are not completed.*
- Development or training to assist in monitoring plans

6.21 Development and training to assist in monitoring plans

- Responses ranged but indicate overall that this is an area where further development would be beneficial to all stakeholders in restorative justice
 - *Provider to be clear re how, when and who should be responsible for follow-up and negotiate an appropriate system with MoJ – with decent payment*
 - *Training on innovative outcomes, eg alternatives to money*
 - *More training on outcomes writing and monitoring and how to make sentencing recommendations. Policies around supervising community work*
 - *Some assistance/training in managing addicted clients*

6.22 Congruency of plans and actual sentence N = 20

When the restorative justice process is between a guilty plea & sentencing how often is the meeting/conference outcome reflected generally in the sentence

usually	12	sometimes	6	rarely	2
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- Many respondents were unable to answer this question, as they do not have systems in place for finding out what the sentence is.
- Only 60% of providers who answered this question are confident that plan outcomes will be reflected in sentencing.
- For some providers the system works well – sometimes!
 - *Judges adjourn sentencing for rj plan to be completed then sentence accordingly. Does not always happen with visiting judges.*

6.23 Managing the possibility of a different sentence outcome

- Responses were very similar
 - *Prepare during pre-conferencing*
 - *This is managed by informing all participants that the outcomes are recommendations only and that the Judge has the final say as to the disposal of the case*

6.24 Managing when sentences are different

- This question generated only a few responses. This is a stressful experience for all parties included restorative justice staff. The following quotes sum up the options used:
 - *Still do what is agreed anyway plus sentence!*
 - *Integrity of RJ process challenged by this. Listen & reinforce process. Can be very difficult for victims. Use good follow-up.*
 - *Does little as does not have resources. Refers victim back to police to update victim impact statement. Refers offender back to lawyer*

Section 7 - Funding

7.1 Funding sources N= 36

Funding Sources	Funding from any of these sources	Major source of funding
CPU under RJ contract	21	20
Courts – fee for RJ service	9	8
Trusts	6	2
Lottery Welfare	5	1
Other Government contracts (please specify)	3	1
Legal Services Agency (legal aid)	15	1
Individual participants	7	
COGs	2	1
Foundations/Trusts/Umbrella Trusts	1	
Local District Council	3	
Other	5	2

- 55% of respondents receive their major funding from the CPU and a further 22% from Courts as fee for service.
- One provider is in danger of discontinuing restorative justice services because of funding issues. Another's umbrella organisation [a local District Council] will no longer carry out this role as from 1st July 2007.

Section 8 – Restorative justice services provided outside the criminal justice system

N = 14

8.1 Referrals for 6 month period 1 July 2006 – 31 December 2006

- 14 (37%) groups accept referrals from outside the criminal justice system
- The total number of referrals (52) received was very small compared to 1092 referrals received from within the court system
- Broken down by referral source most referrals are received from schools (48%)

Referral Source	Numbers
Schools	25
Workplaces	3
Community groups	2
Professionals (e.g. doctors, etc)	1
Government agencies (<i>please name</i>)	1
Lawyer	5
Victim	2
Council	3
Whanau	1
Police	3
Labour Department	6
Total	52

8.2 Funding sources for ‘out of system’ referrals

- *Mainly offenders directly or through their lawyers*
- *Schools*
- *Private contract*
- *Other one-off funding such as Lottery welfare, Safer Community Council*
- *Coordinator did it unpaid*
- *Use MSD Community Initiative Funds*

8.3 Offending/wrongdoing type – number of referrals and cases

Offence/wrongdoing type	Number of referrals	Number of completed cases
Historical offences e.g. sexual abuse	3	2
Family violence**	2	2
School misconduct e.g. bullying, violence	30	13
Workplace issues e.g. bullying	5	4
Accidental injury	1	1
Accidental death	9	7
Environment issues	5	3
Community groups	2	0
Other	7	0
TOTAL	64	32

** Family violence means violence against a person by any other person with whom that person is, or has been, in a domestic relationship. A person is in a domestic relationship with another person if the person – (a) is a spouse or partner of the other person; (b) is a family member of the other person; (c) ordinarily shares a household with the other person; or (d) has a close personal relationship with the other person

- Offence type totals are greater than total referrals. Some referrals may have been considered to fall into two categories
- The type of offence referred most frequently was school related issues eg bullying (47%) followed by ‘accidental death’ (14%)

8.4 Development of ‘out of system’ referrals

- There were several comments relating to raising community awareness and education of community. Others suggestions included:
 - *Membership of RJA Inc. Training opportunities, more expense, journal articles*
 - *RJ first needs full recognition, resourcing and support from within the CJ system, because everyone sees offending as a CJ matter when in fact it is a community in particular family issue. Because crime ripples across all government agencies and communities. What is needed is a comprehensive intersectorial government agency and community response. Like anything, how things are received in particular supported is how they are perceived, eg “like minds like us” campaign for the mental health destigmatisation programme. There are sufficient strategies in place but RJ ranks low on the funding criteria. What is needed is a meeting with the chief executives of all agencies that are affected by crime to equally agree on making RJ a priority, and equally ring fencing funds for RJ purposes.*
 - *I believe that there are corporate companies eg Vodafone who have social responsibility values and would be prepared to chip in to help lift the profile and vale of RJ but do not know about RJ or how to access any opportunity.*

Section 9 – Further development of restorative justice services in the criminal justice system

- Whilst 35 groups had the opportunity to respond to this Section the actual number of responses received varied for different questions within the section
- Responses to some of the questions suggested that, although questions in this section have a different focus, respondents indicated that they had already replied fully to similar questions earlier in the questionnaire.

9.1 Local group development – utilisation of groups N = 30

- ‘No’ responses to the question *‘Is your group being fully utilised’* were more prevalent than ‘yes’ responses. Some responses were mixed.
 - *Sometimes – but often we are able to take more cases than we are offered.*
- Some responses indicated that they were being fully utilised up to funding available.
 - *Yes given level of staffing and other activities we are involved in.*
 - *The workload is manageable with the existing staff*
- ‘No’ responses included
 - *No. Lack of enthusiasm from stakeholders generally*
 - *No as we are solely dependent on the Victim Advisor at Court*
 - *No – not enough cases to keep facilitators in anything other than very part-time work*
- Other issues include
 - *We also are asked to provide services from time to time in areas outside of our area. These areas have no rj services of their own.*
 - *Victim take-up for post-conviction victim offender conferencing is disappointingly low. This is despite very positive publicity from a high profile case.*
 - *Insufficient understanding and relationships at MoJ contracting and funder level around Maaori issues and perspectives*

9.2 Ways in which groups can be further developed N = 28

- A range of recommendations were received
 - *Suggest a central office for all Provider groups in our area with a meeting room where RJ Conferences can be held*
 - *We need more trained facilitators*

- *We have the appropriate skill base, systems, accreditation, infrastructure and capability. What we lack is sufficient funds to provide RJ in a stand alone manner.*
- *Development of policies and procedures. Guidelines were promised at a national level, but were not forthcoming. We are aware of not having a lot of policies and procedures committed to paper, but simply do not have the time to devote to this task*

9.3 Barriers to group development N = 27

- Over 50% of comments received related to lack of funding, followed by lack of staff.
 - *Funding issues are biggest barriers*
 - *Volunteer burn out & lack of available personnel in the management area*
 - *Lack of time to commit to development as most of those involved are working at other employment*
 - *Lack of trained facilitators*
- Some groups indicated that the lack of staff was a direct consequence of funding issues
 - *Insufficient funding for good admin support*
 - *Insufficient funding to offer financial remuneration to Trustees to enable increased roles and responsibilities*

9.4 Individual practitioners - are there barriers N = 17

- 49% of a possible 35 respondents consider that there are barriers for individual practitioners
- Two groups responded 'no' but proceeded to illustrate barriers, as did 9 groups who specified training they would like

9.5 What are the barriers for individual practitioners N = 19

- Responses mainly referred to lack of funding which does not allow their hours to grow, or allow for adequate training. Other responses:
 - lack of community awareness around restorative justice;
 - *Increased capacity required at MoJ level to better appreciate Treaty of Waitangi based commitments and processes as fundamental to RJ progress*

9.6 Training for individual practitioners N = 26

- There was a wide range of responses to this question relating to the type of training that practitioners feel would be of benefit to them. Common themes:
 - *Drug & alcohol*
 - *Cultural*
 - *Domestic violence*
 - *Sexual abuse*
 - *Additional training for facilitators, professional qualification would be welcome.*

9.7 Ideas for regional development N = 22

- Common responses were:
 - *Some training in strategic planning would be helpful.*
 - *Some courts in the area are not covered by RJ.*
 - *Post release would be a natural progression for development*
 - *A national awareness drive – TV, major dailies, etc – which is regular, engaging and much broader than promoting RJ in the court system.*
 - *...hapu, whanau and iwi development plans reflect that Maaori for Maaori by Maaori is an approach fundamental to Maaori progress, indeed progress for all. This will include the development, implementation and evaluation of R..J*
 - *The South Island groups organise and run 6 monthly huis, which are tremendously successful and valuable. We use the 24 hour time together to debate issues, show support for each other, and develop thinking by bringing outside guest speakers in. The ability to continue to organise and pay for these gatherings would be appreciated.*
 - *It would be useful to have formal professional development opportunities organised and funded by the Ministry or the RJA budget e.g. the workshop on Supervision was very useful last year*
 - *Video conferencing would be a great help, we have explored the benefits and believe that this would play an important part in how RJ moves ahead,*

9.8 Ideas for national development N = 20

- Common responses were:
 - *Continually raise the restorative justice flag*
 - *An increased development of general public and stakeholder awareness of restorative justice*
 - *Get online and sort out an online reporting template and interactive online 'help desk'*
 - *Setting of a research agenda in relation to RJ.*
 - *A more transparent system of funding and planning*
 - *A national database on line*
 - *Any national strategy must take into account what is occurring within the regions. The message will be uniform but acknowledge that each region is unique.*

Conclusions

With a hundred percent response from restorative justice providers who are currently operating, we now have a clearer picture of the range and diversity of service provision than has previously been collated.

The quantitative data obtained shows similar trends to the analysis completed for the CPU 2005 Stocktake. The largest number of referrals comes from the courts. The same provider accepts the highest number of referrals. The largest groups of offenders are young, male and non- European.

39% of offender referrals are European (lower than the ethnic breakdown of the general population), 42% are Māori (higher than the ethnic breakdown for the general population), 13% Pacific Island, 2.5% Asian and 3.5% 'other'. Of interest was the higher percentage of Asian female than male offenders although 'N' for this category was only 20.

The services provided by respondents do not cover the whole of New Zealand. Analysis of the courts serviced by providers shows that in some areas restorative justice is not an option. Even in the areas covered by providers there are barriers, such as non-attendance of providers at court (particularly in rural areas where providers cover a number of courts) and 'gate keeping' by key stakeholders that restrict the number of referrals made.

In addition, providers do not usually provide services to all parts of the criminal justice system in their area or for all types of offences. In the wider community lack of understanding as to what restorative justice is about is also a barrier to effective use being made of restorative justice services.

The primary source of funding for the majority of providers is the Ministry of Justice, either from Courts operations or from the Crime Prevention Unit. However a significant number of providers also look to other sources to lessen their dependency on the Ministry and to allow for items such as training, renting an office or developing policies. Funding, lack of it, irregularity, how it is allocated and time spent to acquire more funds was the biggest source of concern for respondents.

There is a very real tension in providing equal justice to all and the costs involved in that, particularly in sparsely populated rural areas.

Responses to questions regarding barriers to development illustrated that when paid time is limited policy development falls behind. It is also apparent that, because of funding issues, there is a heavy reliance on volunteers. Additionally some aspects of working with offenders, such as monitoring, are not completed as providers would like.

The relative newness of restorative justice service delivery means there is limited organisational memory and knowledge. This, combined with the fact that many providers have only small numbers of staff and/or rely on volunteers, puts some provider groups at risk, especially when key staff leave taking their knowledge and skills with them.

Some providers may not survive were it not for the protection/assistance of the umbrella group to which they belong: sharing offices, computers and even staff of other services to assist with the restorative justice role. One provider does not have any staff specifically employed to do restorative justice work but uses staff of the other services to assist in their 'spare time'.

Having a large number of personnel does not necessarily produce better services (most common number, including volunteers, 20). When a large number of staff is employed usually for less than 10 hours a week this has implications for training, consistency of practice, supervision, communal meetings and stakeholder relationships.

At the commencement of the Stocktake two groups disbanded, one because a key member of staff resigned and the other when a 'specialist' left the provider to set up his own practice. We are also aware of a group, receiving no regular funding, which may not be able to continue service provision for financial reasons. A fourth is to finish at the end of June as its umbrella District Council no longer wishes to continue this service.

Many groups have developed policies in a wide range of areas. (The survey did not address the quality of these policies and adherence by staff to them.) Additionally a number of groups do not have policies around family violence and cultural respect. Policy development appears to be concentrated around receiving referrals, the panel/conference process etc – all client issues. There is less evidence of robust policies relating to staff health and well-being, recruitment, performance management and training.

Whilst many respondents reported having excellent relationships and networks with key stakeholders there is still further work required by all parties. Clear communication channels are essential for safe practice and to eliminate the need to seek information such as victim details from the victims themselves, and/or providers to be confident that the victim's consent has been obtained for information to be passed on.

Although there were no specific questions relating to the use of IT, including using such technology to keep statistical and demographic data relating to victims and offenders and outcomes, it was apparent that there is wide variation in access to computers, the use made of computers for work related issues, such as recording data, and in IT skills. These variations need to be considered and addressed as RJA and the Ministry of Justice move towards using the Internet as a primary source of communication with providers.

Although the victim-offender conferencing and community panel process models have many aspects in common four significant differences were noted:

- The victim-offender conference process is largely begun by a coordinator and carried out by separately contracted facilitator/s. The panel process is usually almost entirely carried out by the coordinator.

- The panel process includes community representatives. Policy around victim attendance varies among groups using this process. The victim-offender conference does not take place without a victim/victim representative.
- The panel process (for providers where a victim presence is usually required) has a significantly higher victim uptake, and therefore completion, than the conference process.
- There are considerable differences in follow-up of outcomes. In the victim-offender conferencing model the outcome is more likely to have arrangements which include the participants monitoring plans, with minimal input from the provider. In the panel process the provider often assists with arrangements to complete the plan, does the follow-up and reports to stakeholders accordingly. This can take a considerable amount of coordinator time. This difference is significant in the development of restorative justice in diversion, using the panel model, across the country

Use of the provisions in the Sentencing Act 2002 by judges, particularly relating to adjournments for a restorative justice process to be held and for plans to be completed, varies considerably. It is also noted that the lack of funding for post-sentence conferencing inhibits the opportunities available in the Parole Act 2002. The availability of restorative services to victims, as offered in the Victims' Rights Act 2002, is limited by lack of geographic coverage and knowledge among stakeholders.

Concern was expressed about understanding and relationships around Māori issues and perspectives, along with a desire for services to be developed by Māori for Māori. This is significant in view of the number of Māori involved in the process and the growing number of iwi organisations providing services.

Continued desire for training opportunities, ranging from local practitioner workshops to a national recognised qualification, was a recurrent theme.

There is a growing awareness of the potential of the restorative justice process in other areas of harm. Development of services outside the criminal justice system is hindered by the availability of resources (although a number of schools have developing their own processes).

Providers are positive about the services they offer, in spite of difficulties in some areas. A majority of providers would welcome further development of their services if resourced to do so.