

# Win-win Outcomes for Communities CHC Annual Conference

November 2018



HUGH | JAMES

Understanding law, understanding you

# Introduction

- Today we will be looking at:
- The background to the Hugh James/WRAP collaboration
- Welsh Government
- Wales Restorative Approaches Partnership
- Restorative approaches in context
- What can you expect to see from the collaboration



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Wales Restorative  
Approaches Partnership



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# A The HJ / WRAP Collaboration

## Background

- Social rented sector moving towards restorative practices,
- The increased knowledge around ACEs and psychologically informed (PIE) prevention and early intervention
- The Well-Being and Future Generations (Wales) Act 2015
- The move towards establishing the root cause of ASB
- The call for a change in ASB case management
- Long term and sustainable solutions to community issues
- Value for money



# B Welsh Government

## Working Together for Safer Communities

December 2017

### ***The vision***

- *Every community is strong, safe and confident in a manner that provides equality of opportunity and social justice, resilience and sustainability for all;*
- *The shared responsibility of government, public and third sector agencies is to work together with the communities they serve and the private sector to address activity or behaviour that is unlawful, anti-social, harmful to individuals and society and to the environment;*
- *Sharing knowledge and ensuring early intervention with prompt, positive action tackles issues and addresses vulnerabilities*



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# B Welsh Government

## Working Together for Safer Communities

December 2017

### Role of Community Safety Partnerships (CSPs)

- A direction to “*understand the root causes of issues to prevent them from occurring*”
- *Requirement of a more holistic and sophisticated approach in order to find shared sustainable solutions that look to the long term ..... not compromise the ability of future generations to meet their own needs*



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# B Welsh Government

## Working Together for Safer Communities

December 2017

### Evidence

- Youth offending system – putting first time offenders through criminal justice system is counter-productive
- YOT approach – why did offence occur; diversion away from offending
- Led to reduction in number of first time entrants to CJ system and reduction in recorded crime
- Research around ACEs helped to understand the causes of ASB
- Adoption of trauma-informed approaches i.e. Triage and Enhanced Case Management



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# C Wales Restorative Approaches Partnership

- Who we are – co-operative social enterprise, Welsh
- Cross sector – housing, families, education, criminal justice, community, business
- Quality assured and accredited by the Restorative Justice Council
- 80+ years' cross sector restorative experience in the team
- Training, service delivery, strategic development, qualifications
- Working across Wales, with 14 RSL's and LA's
- [www.restorativewales.org.uk](http://www.restorativewales.org.uk), twitter @WalesRAP



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# C WRAP – Restorative Justice/ Approaches

- RA wider than RJ – earliest intervention and response as well as RJ
- Definition- building, maintaining, repairing relationships
- Restorative mindset and value based work throughout
- Person centred/ ACE aware for all involved, including staff
- Listening early using the same restorative skills and questions to de-escalate and problem solve and repair relationships
- Training and skills coaching alongside delivery



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# D Restorative approaches in context

## The importance of early intervention in ASB cases

- Early intervention can improve long-term outcomes for all parties involved and the wider community
- Importance of identifying unmet support needs early on
- The ability to “nip it in the bud”
- The Renting Homes (Wales) Act 2016 ASB provision in contract



# D Restorative approaches in context

## The importance of early intervention in ASB cases

- Are traditional early intervention methods effective:
  - ♦ warning letters
  - ♦ ABCs (or similar)
  - ♦ offering support
- Are we asking the right questions of those involved?
- Do we involve all key parties in problem solving?
- Are we making the best use of the opportunities available at the early intervention stage?



# D Restorative approaches in context

## Early intervention in ASB cases

- Crucial to set the right tone at the outset
- Build positive relationships and values based working from the outset
- Shift in focus from the incident itself to the behaviours, strengths and needs of all parties involved to problem solve
- Enabling the people involved to be part of the problem solving process
- Should specialist ASB/Community Safety teams be handling cases from the outset?
- Front loading multi-agency involvement?



# D Restorative approaches in context

## Early intervention in ASB cases

- An RSL that has adopted the restorative triage approach found it:
  - ♦ Inspires confidence
  - ♦ Better manages expectations
  - ♦ Builds skills and resilience with tenants and communities
  - ♦ Decreases stress for those involved
  - ♦ Minimises the re-traumatisation that comes with multiple individuals handling a case



# D Restorative approaches in context

## Making “proportionate” decisions

- Inevitably there are still going to be cases that require legal intervention
- The restorative approach is not an “either or”
- The test of reasonableness in possession claims
- Equality Act and Human Rights Act defences
- Any tenancy enforcement action a social housing provider decides to take must be proportionate to the objective sought to be achieved
- The importance of recording decision and the reasons for them
- Being able to demonstrate that no lesser remedy will suffice in stopping the harm being caused



# D Restorative approaches in context

## Making “proportionate” decisions - where can RA help here?

- Gives a new or refreshed lens for problem solving
- Offers a neutral independent party to “cut through” embedded issues and perspectives
- Includes everyone affected, including staff - meeting needs
- If sanctions including evictions are unavoidable, enabling communication throughout and enabling amicable separation and better transitions or endings
- Ensures a whole organisational and team consistent approach
- Includes staff/ multi-agency issues and strategic/HR needs



# Harmed and Harmer - Needs after harm

[freshspectrum.com](http://freshspectrum.com)



# D Restorative approaches in context

## Where WRAP can help:

- Quality assured advice on possible restorative responses
- Neutral party to deliver bespoke RA – independent, (re)build relationships
- Advice/ delivery/ co-facilitation/ supervision to improve existing restorative services systems
- Increase confidence with existing restoratively trained staff
- Provide additional skills and experience in complex and sensitive cases
- Co-facilitate multi-agency responses bespoke to needs
- Be time and cost effective



# D Restorative approaches in context

## Dealing with serial complainers

- Often the most difficult and costly of issues to manage in any organisation
- Staff health and well-being a paramount concern
- Any court proceedings can become drawn out; expensive and add to the stress
- Traditional mediation often fails to achieve long-lasting results
- Ultimate aim should be to attempt to repair the broken relationship
- Injunction may still be required to protect staff and residents in interim



# D Restorative approaches in context

## Dealing with serial complainers

### Case study

- Tenant aggrieved by unavoidable RSL support services and staffing changes
- “Mr J” – complained to RSL daily, Ombudsman, Welsh Government, First Minister.....
- Relationship and communication breakdown, RSL staff affected, reputation
- WRAP asked to work restoratively as a neutral party
- One to one restorative conversation to identify needs, realistic boundaries
- Mr J over time agreed to communicate differently, needed to be listened too and listen, agreed to meet, accepted changes
- Not sure it had “worked” until RSL fed back Mr J mindset change



# D Restorative approaches in context

## Post-court

- Traditionally we think of the conclusion of court proceedings as the end of the matter. Is it?
  - ♦ Support for the victims/wider community to move on following a stressful/traumatic experience
  - ♦ Support for the tenant subject to the proceedings
  - ♦ How do we ensure sustainability of a suspended order or demoted tenancy?
  - ♦ Building resilience in communities
  - ♦ Feedback from victims/witnesses? Victim satisfaction highest with RA.



# E The HJ/WRAP Collaboration

## What can you expect to see

- Entirely voluntary – can choose to opt in or out
- HJ assess initial enquiry – “Triage”
  - ◆ Relationship/communication breakdown?
  - ◆ Assumptions about harmer and harmed
  - ◆ Complex needs
  - ◆ Multi-party issues
  - ◆ Multi-agency response potential
  - ◆ Need for a neutral party



# E The HJ/WRAP Collaboration

- HJ consider suitability for restorative referral
  - ♦ Assess level of immediate risk – some form of legal intervention may still be appropriate in addition to any possible referral
  - ♦ Restorative intervention offered as first stage i.e. early intervention
  - ♦ Restorative process alongside legal proceedings i.e. mediation/restorative meeting
  - ♦ Post court referral to build, maintain, repair relationships or aid amicable transitions and endings



Any questions?



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