



Ministry of
JUSTICE



Process Evaluation of the Salford Community Justice Initiative

Rick Brown and Sian Payne
Evidence Led Solutions

Ministry of Justice Research Series 14/07
October 2007

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First Published 2007

ISBN 978 1 84099 111 6

Acknowledgements

We would like to thank all those involved at Salford Magistrates Court for their help and assistance throughout the research process. This report could not have been produced without the expertise of all the people we interviewed, from magistrates, to legal advisors, senior management, defence solicitors and CPS. Thanks also to all those involved in the steering group who assisted us.

Particular thanks go to Brendan Beckett and Caroline Earle, whose knowledge was invaluable in accessing the diverse groups required for this piece of research.

Thank you also to all those organisations involved in the Community Justice Initiative in Salford who allowed us access to their staff and knowledge. This includes Salford Victim Support and Witness Service and Salford Probation Service, who allowed us access to their clients and staff and supported us through this process. Thanks also go to staff at Salford Alcohol Services, the Salford Foundation, Salford City Council, Her Majesties Court Services, the Manchester Evening News and Salford Advertiser.

Finally, special thanks must go to the people of Eccles, Winton and Barton who agreed to be interviewed for this report and gave us their time and opinions.

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The views expressed are those of the authors and are not necessarily shared by the Ministry of Justice.

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Executive Summary

Introduction

This report outlines the process evaluation of the Salford Community Justice Initiative from its inception in February 2005 to January 2007. It provides an overview of the intentions of the initiative, how it has been implemented and delivered, and possible directions for its future.

The Salford Community Justice Initiative

The Salford Community Justice Initiative (CJI) was designed as a pilot project to test the extent to which the principles of community justice could be implemented within an existing magistrates' court. The Initiative began operating out of Salford magistrates' court in November 2005. It aimed to:

1. engage with the local community
2. speed up court processes
3. adopt a problem solving approach in court
4. develop sentences which punish but provide reparation to the community and help to the offender
5. monitor and support offenders to successfully complete sentences

In addition, three aims remained long term aspirations for the initiative. These were to:

6. improve support for victims and witnesses
7. promote early intervention with offenders
8. develop restorative justice approaches

This evaluation focuses on examining the nature of aims one to five, and extent to which they were implemented.

Methodology

The methodology for this study involved qualitative research, using face-to-face interviews. The research was conducted in two stages, which enabled changes in opinions to emerge over the course of the implementation. Overall, 156 interviews were conducted, involving engaged members of the community (those known to be involved in existing community activities), non-engaged members of the community (those who were not involved in any form of community activity), victims, witnesses, offenders, court staff, magistrates, representatives of partner agencies and representatives from the local media.

It is important to note that the use of qualitative interviews means that we are reliant on perceptions, views and opinions of participants to construct a picture of how the initiative developed. Management information is provided where this is available to provide context for the qualitative analysis but at the time of the research there had been an insufficient number of cases processed by the court to measure impact using quantitative data.

What is the Salford Community Justice Court?

The Community Justice Initiative at Salford Magistrates' Court was created in order to test a mainstream model of the Community Justice Centre in North Liverpool¹. The court deals with all offences committed in the areas of Eccles, Barton and Winton, as well as ASBO (Anti-Social Behaviour Order) applications from across the City of Salford. Cases are filtered into a designated community justice court which sits two days per week at Salford Magistrates' Court.

Cases are heard by a panel of trained magistrates and the court also incorporates the work of an existing Anti-Social Behaviour Response Court model².

The core elements of the Salford Community Justice Initiative are:

- Cases within the community justice court are heard by a non-statutory panel of community justice magistrates who have received training in community justice principles.
- The court is problem solving in approach, with increased interaction between magistrates and offenders, and the option to make immediate referrals to an alcohol worker, mentoring service or Together Women's Project³.
- The court is able to review progress on community orders using powers under Section 178 of the Criminal Justice Act 2003.
- The local community is given information about the work of the court via

¹ Opened in October 2005, the North Liverpool Community Justice Centre operates in a court building which houses representatives from the police, Crown Prosecution Service (CPS), youth offending teams, Probation Service and the council's anti-social behaviour team. Voluntary and support groups are also co-located in the building, providing services to tackle community issues and the underlying causes of crime.

² The model provides a problem solving approach to tackling ASB. The core components are judicial and staff training, an awareness of local issues, effective listing avoiding delay, witness care and the development of a media strategy. The model is being embedded within all magistrates' courts and is supported by a network of ASB champions.

³ Part of a national programme run by the National Offender Management Service but delivered locally which seeks to address the often complex and multiple underlying causes of offending for women. Support is provided through drop in centres, counselling, support in tackling domestic violence, home visits and training.

newsletters, local media and magistrates and court staff attending community meetings and events. Community members are given the opportunity to identify priority offences and projects for unpaid work via a community committee.

Implementation

In February 2005 a Change Manager was recruited to oversee the implementation and early stages of the Community Justice Initiative and a series of planning documents were produced. These provided the framework for the development of the initiative. A target area for the court was selected based upon analysis of crime and anti-social behaviour levels in Salford. This area was coterminous with the Eccles Neighbourhood Management Area (NMA) and provided a sound starting point for engaging with the community.

A project management structure was developed in which operational staff reported to the Project Board, which in turn reported to the National Programme Board. Project Board membership included representatives from a wide range of partner agencies and developing partnership working at the implementation stage represented a significant proportion of the work done by the Change Manager. In February 2006, the size of the Project Board was reduced and three working groups were established to support ongoing project development in order to allow a more focused approach to implementing process changes. As the initiative developed, project funding was provided to employ two additional members of staff to support the running of the initiative.

An initial lack of clarity in communicating the aims of the CJI to relevant stakeholders was widely reported in interviews with professional stakeholders. It seems that the aims for the project developed at the proposition stage were too ambitious and the more deliverable 'key elements' of the community justice model in Salford took time to develop. In hindsight a more realistic timeframe may need to be adopted at the implementation stage for effective relationships with partner agencies to develop and for stakeholders to be consulted.

The costs of the three dedicated posts, which have been funded nationally, will also need to be considered if elements of the Salford model are to be mainstreamed.

Community engagement

Two-way communication between the court and the local community is at the centre of the community justice approach. In Salford, strategies to inform and engage members of the community have taken a variety of forms, including: use of the local media, court open days, newsletters and attendance of court staff and magistrates at local events and community meetings.

The results of this community engagement work were mixed. Those members of the community already engaged in some way with community activities were successfully reached through the range of mediums employed. Some respondents reported that the court open days and sentencing events in particular had increased their confidence in the Criminal Justice System. Conversely, although efforts were made to reach non-engaged members of the community, success was limited. An appetite for more information about the CJI was identified among this group but at the end of the research period there was little understanding or knowledge of the CJI itself, although some individuals had been aware of the court open days.

The differing degrees of success in engaging with these two groups may be related to the strategic decision to focus community engagement on existing neighbourhood management structures. Although this approach made community engagement efficient in terms of staff time and resources, it also meant that direct engagement tended to be limited to community members already involved in community activities. If it is the intention that community justice engages all members of the community then greater efforts may need to be directed at wider-reaching communication strategies, such as the local media.

Robust and speedy court

The case management processes pioneered at the North Liverpool Community Justice Centre and the Salford Community Justice Initiative have been recognised nationally and informed the *Delivering Simple, Speedy, Summary Justice' (CJSSS)*⁴ report. CJSSS is a national reform programme to improve the effectiveness and efficiency of criminal justice agencies. Changes under CJSSS will be introduced across Salford Magistrates' Court in August 2007, but there have been a number of additional processes introduced as part of the CJI which are not currently part of the wider CJSSS roll-out, and constitute entirely new processes for a magistrates' court.

⁴ Home Office, Department for Constitutional Affairs, Attorney General's Office (2006)

The most significant change was the introduction of pre-court briefings and associated meetings. Many court staff felt that these meetings improved court procedures although some did feel that there was a limit to what could be covered in these meetings due to the time constraints of the court day.

Advance disclosure was made available to magistrates in the Community Justice Court. When a case involved a 'not guilty' plea, magistrates were given advance disclosure of the prosecution case. Magistrates were then able to retire immediately to read the relevant material and encourage the defendant to change their plea if appropriate. This could remove the need to hold a full case management hearing. Where a change of plea was not appropriate, or not successful, the availability of information allowed a date to be set for future hearings, or a trial date. Some defence solicitors and court staff expressed concerns about the equity of advanced disclosure of the prosecution case prior to the Magistrates' panel hearing arguments for the defence, although this view was not shared by other respondents.

Although it was not possible to measure quantitatively the extent to which each of these measures were successful in speeding up court process, the limited management information available does confirm that the court was operating well within national standards for time taken between charge and sentence.

Problem solving

A problem solving approach in the courtroom was utilised in the Community Justice Court to provide a way to identify and address underlying causes of offending behaviour. Magistrates were encouraged to engage more directly with defendants. Causes of offending behaviour could then be addressed by referring offenders to partner agencies and service providers, with the aim of reducing overall offending levels and repeat offending. Professional stakeholders reported that this aspect of the court's work (facilitated by the Court Co-ordinator) had been successful in helping magistrates identify problems faced by offenders and underlying causes of offending.

Due to the space restrictions within Salford Magistrates' Court, partner agencies and services providers could not all be co-located on site. Although some stakeholders saw this as a barrier to implementing the problem solving approach, processes introduced by the Court Co-ordinator meant that this was somewhat negated. Respondents reported that partnership working with external agencies, in particular the Probation Service, had improved as a result of community justice engagement.

However, it is not possible to say at this point whether, once causes were identified and offenders were referred, offenders actually took up the services made available to them and whether this ultimately led to a reduction in re-offending.

The Community Justice Court was also granted powers to review progress on community orders under Section 178 of the Criminal Justice Act 2003⁵. This allowed magistrates to require offenders sentenced to community orders to return for review hearings to monitor progress and praise or rebuke the offender, as appropriate. Some court staff reported that Section 178 reviews were effective in helping to motivate offenders to successfully complete their orders, although there were concerns amongst some professional stakeholders that they were being over-used by magistrates, a view which is supported by the management information.

Repairing harm

Reparation was felt to be the most appropriate way for the Community Justice Court to provide a visible outcome for the local community. This was largely achieved through the unpaid work schemes run through the Probation Service. However, the majority of community members interviewed (both engaged and non-engaged) stated that they had not had access to information on work that had been undertaken in their area. It seems that at the time of the research there was still a considerable way to go in developing this element of the initiative.

Recommendations for future community justice initiatives

Given that community justice projects are currently under development in 11 new areas of the country⁶, it was important to identify the key issues that should be put into place to facilitate the effective implementation of future schemes. As such, recommendations for setting up a Community Justice Initiative and for running a Community Justice Initiative have been included at the end of this report.

⁵ These powers were granted, on a pilot basis, to the Salford Community Justice Court and North Liverpool Community Justice Centre in April 2006.

⁶ The eleven new areas will include: Birmingham, Bradford, Devon & Cornwall, Hull, Leicestershire, Merthyr Tydfil, Middlesbrough, Nottingham; and 3 projects in London in the boroughs of Haringey, Newham and Wandsworth.

1 Introduction

This report provides the findings from an evaluation undertaken into the process by which the Community Justice Initiative (CJI) was implemented at Salford Magistrates' Court. The following section examines the history of the project and how community justice was conceived in Salford. It also provides an outline of the methodology that was applied to undertake this process evaluation.

1.1 Context of the Salford Community Justice Initiative

What is community justice?

Community justice is about engaging with the local community and working in partnership with the range of criminal justice agencies, support services, voluntary organisations and community groups to solve the problems caused by offending in the local area and represents an integral part of the Government's 'Respect' agenda⁷.

The core objectives of the Community Justice Programme are to:

- Make the court and criminal justice agencies more responsive to the local community by ensuring that community needs are listened to, acted upon and, crucially, are resolved.
- Break cycles of re-offending through a problem-solving approach, identifying causes of offending and linking directly with partner agencies to address these causes.
- Ensure offenders comply with community sentences through the use of Section 178 review requirement powers.

It is hoped that by strengthening the links between the criminal justice system and the local community, local people's confidence in the work of the court and the criminal justice agencies will increase. This in turn will empower the community to take more action to tackle anti-social and offending behaviour.

The UK's first Community Justice Centre, in North Liverpool, opened in October 2005. The community justice centre is a one-stop shop for tackling crime, problem solving for offenders, as well as providing preventative and social services for the wider community.

⁷ The Respect agenda is a cross-Government strategy to tackle anti-social behaviour. <http://www.respect.gov.uk>

Representatives from the police, Crown Prosecution Service (CPS), youth offending team, Probation Service and the local council's anti-social behaviour team are all based at the Centre as are voluntary sector organisations providing drugs and alcohol counselling, debt housing and educational advice and mentoring. A single Circuit Judge, HHJ Fletcher, is based at the Centre and hears all cases⁸.

Community justice in Salford

The Salford Community Justice Initiative was developed from the North Liverpool Community Justice Centre, and was created to test the extent to which the principles of community justice could be delivered *within an existing magistrates' court*. As the intention from the outset was to test the feasibility of a 'mainstream' model, the project received limited additional funding, which meant the more costly elements of the Liverpool model (i.e. the creation of a new Centre with CJS and other agencies located onsite and the appointment of a dedicated Circuit Judge) could not be replicated.

Aims of the Salford Community Justice Initiative:

The aims⁹ of the Salford initiative were to:

1. engage with the local community
2. speed up court processes
3. adopt a problem solving approach in court
4. develop sentences which punish but provide reparation to the community and help to the offender
5. monitor and support offenders to successfully complete sentences
6. improve support for victims and witnesses
7. promote early intervention with offenders
8. develop restorative justice approaches

In the time period examined for this research, aims one to five were implemented, whereas aims six to eight remained aspirations for the project.

Evaluation aims and objectives

This evaluation set out to examine the process by which the Salford Community Justice Initiative was implemented. During the course of the evaluation, the then Lord Chancellor, Lord Falconer announced that community justice projects would be set up in eleven new

⁸ Judge Fletcher hears all non-trial summary and most either way offences committed within the designated catchment area (Adult and Youth). He is also able to sit as a Crown Court Judge for sentencing purposes. There is a team of magistrates who hear summary trials

⁹ These were set out in the proposition document produced in the planning for the initiative.

areas across England and Wales¹⁰. These new projects are to be similarly located within mainstream courts, meaning that Salford would be a test-bed for community justice innovations which might be implemented more widely.

The aims of the evaluation were therefore:

- To undertake a detailed evaluation of the processes and procedures employed in implementation
- To identify the factors that facilitated and hindered implementation
- To provide recommendations on how future community justice initiatives might be delivered.

It is beyond the scope of this evaluation to quantitatively assess the impact of these processes against the aims of the Salford CJI. At the time the research was conducted insufficient time had passed for a large enough number of cases to have been through the court to allow for an impact evaluation. It was agreed that a process evaluation would provide a more useful document of how a CJI operates in practice and provide recommendations based on lessons learnt from early implementation.

The following section describes the methodology that was applied to meet the aims of the process evaluation.

1.2 Methodology

The methodology for this research involved a series of qualitative interviews with individuals involved in the Community Justice Initiative, as well as with a number of individuals who were not. Qualitative interviewing was considered the most appropriate method for this research as it provided an opportunity to develop lines of enquiry as the project progressed and to explore in detail emerging themes. It also provided an opportunity to gain an insight into the levels of understanding about the CJI, what it involved and how it had developed.

This research was conducted in two stages and this to some extent allowed the research to track changes in perception and experience over time. The first stage of research was undertaken between December 2005 and March 2006. At this stage, 77 interviews were conducted. The second stage of research was undertaken between September 2006 and January 2007.

¹⁰ Lord Falconer at the Community Justice National Conference, London, November 2006. The eleven new projects are in Birmingham, Bradford, Devon & Cornwall, Hull, Leicestershire, Merthyr Tydfil, Middlesbrough, Nottingham; and 3 projects in London at Haringey, Newham and Wandsworth. All will be up and running by January 2008.

At this stage, 79 interviews were conducted, of which 35 were follow-up interviews with members of the community interviewed at stage one.

The study included interviews with engaged members of the community, non-engaged members of the community, offenders, victims / witnesses and professional stakeholders (as illustrated in Table 1.1). Each of these groups are discussed in turn.

Table 1.1 Groups interviewed at each stage

| STAGE 1 <i>(December 2005 – March 2006)</i> | STAGE 2 <i>(September 2006 – January 2007)</i> |
|-------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| Engaged members of the community (20) | Engaged members of the community (19) <i>(18 of whom re-interviewed from wave 1)</i> |
| Non-engaged members of the community (20) | Non-engaged members of the community (18) <i>(17 of whom re-interviewed from wave 1)</i> |
| Victims and Witnesses (15) | Professional stakeholders (42) |
| Offenders (22) | |

Engaged members of the community

At the first stage, 20 engaged members of the community were interviewed. These included people that were involved in various community activities and who might be expected to be interested in getting involved with the project. This group was largely recruited through the membership list of the Eccles Community Committee as well as others known to the Eccles Neighbourhood Manager as engaging in community activities. These individuals came from across the three wards covered by the initiative.

Eighteen of those interviewed in the first stage of the research were re-interviewed in the second stage. In addition, one new engaged community member was included at this stage, giving a total of 19 engaged community members interviewed in stage two.

Non-engaged members of the community

At the first stage of the research, 20 'non-engaged' members of the community were interviewed. These were people that were not involved in community activities and who would

not reasonably be expected to become involved in the Salford CJI. Given the focus on community engagement within the community justice model it was important to seek the views of a sample of the wider community, beyond those with direct contact with the Initiative.

This group proved more difficult to recruit by virtue of the fact that there were no existing membership lists from which to draw this sample. Interviewees were recruited through two methods. Firstly, 1,000 leaflets were posted through the doors of households in the target area. These were split equally across the three wards, with a number of streets in each ward being sampled for inclusion in the study. This yielded relatively little return, with only six interviewees being recruited via this method. This approach was supplemented with door-to-door canvassing by a small team of fieldworkers. The same streets were selected for the canvassing and this eventually yielded the remainder of the sample.

At the second stage, 17 of those interviewed in the first stage were re-interviewed. One additional non-engaged member of the community was also interviewed, giving a total of 18 non-engaged community members interviewed in the second stage. These follow-up interviews were conducted to provide an indication of whether views or awareness of the CJI had changed over time.

Offenders

At the first stage of the research, 22 offenders were interviewed. These consisted of individuals that were undertaking unpaid work with the Probation Service. These interviews offered an opportunity to understand from the offenders' perspective their views on changes to the justice system. Fieldworkers visited the probation office over a number of daytime and evening unpaid work sessions and interviewed those willing to participate in the research. However, a decision was made not to include a sample of offenders in the second stage of the research. This was due to a shift in emphasis of the research after the first stage, with the research focusing more closely on internal processes and developments, therefore resourcing at Stage 2 was focused more at court-related staff and stakeholders.

Victims / witnesses

At the first stage of the research, 15 victims and witnesses of crime who had experience of Salford Magistrates' Court were interviewed. These provided an indication of how they were treated prior to the introduction of the Salford CJI. This sample proved the most difficult to recruit. It relied on the cooperation of the Victim Service and Witness Service in the court and a member of their staff was paid for four weeks to recruit the sample.

Professional stakeholders

At the second stage of the research, 42 professional stakeholders were interviewed. These consisted of individuals who were in some way linked to the operation of the CJI and who would be able to comment on the implementation process. These included 19 representatives of partner agencies, 11 court staff, 7 magistrates, 3 project staff and 2 representatives of the media.

Limitations of the study

It is important to note from the outset that there are clear limitations with this approach. Qualitative research is designed to reveal underlying patterns and themes, rather than providing representative results. This means the findings cannot be deemed in any way to be representative of the population of Eccles as a whole. Added to this, the non-random way in which interview subjects were selected means that one cannot be certain that the views are not biased in certain ways.

It is also important to note that the use of qualitative interviews means that one is reliant on perceptions, views and opinions of participants to construct a picture of how the initiative developed. Although management information is included where available to provide some context for the qualitative analysis it is not sufficient to report quantitative impact.

It should also be noted that the research was conducted between December 2005 and January 2007. Since that time, the CJI has continued to develop and some of the problems and solutions identified may have already been addressed, although it is beyond the scope of this evaluation to report these changes.

2 Implementation

This section examines the process of setting up the Salford Community Justice Initiative. It deals with the original targeting and planning of the initiative and how this began to be put into practice.

2.1 Developing the proposition

The challenge facing Salford was to deliver community justice in a mainstream environment, within an existing court building and without significant additional resources. It was an innovative project and, although there was the example of the North Liverpool Community Justice Centre to draw upon, there was no blueprint as to how it might be achieved within a mainstream magistrates' court. Accordingly, the first task for the Salford Change Manager (appointed in February 2005) was to work with the National Programme Team to develop a proposition paper outlining the aims for the Initiative. This proposition paper was submitted to Ministers for approval and in July 2005 it was formally announced that a community justice project would commence in Salford.

The Proposition was, however, a high-level, aspirational document. The challenge for the Change Manager and the Project Board, when this was set up, was to translate this concept into a functioning and joined up structure for delivering community justice.

The aspirational nature of the proposition appeared to cause some confusion amongst stakeholders and this was compounded by the fact that subsequent documents contained differing sets of aims. From reviewing the early documentation, there does not appear to be a single, clear picture of what community justice in Salford would be. Some stakeholders involved in the project in the early stages reported being unclear as to what the Salford CJI was or what it was trying to achieve. As one respondent put it, "[W]ell let's be clear, frankly there was very little definition. So incredibly little definition" (Project Board member).

Stakeholders were also unsure about what Salford might be able to deliver within the limited resources available, in particular when the only community justice comparator available was the highly resourced North Liverpool Community Justice Centre:

I mean obviously I was aware of... what Liverpool was doing and the set up there and of course the resources that they had... Salford itself is a court that's particularly engaging with initiatives...[I had] Some little concerns though - how it would operate because, of course, we didn't have the resources... that, in a way, is a bit disappointing" (Court staff)

Perhaps due to this early lack of clarity about what the project was setting out to achieve there was no clear framework around which the project would be monitored and the types of management information that would be required. Initially, attempts were made to adapt a management information template from the North Liverpool Centre, but this was never successfully implemented.

2.2 Jurisdiction

At a workshop of key stakeholders in February 2005 it was decided that the Initiative should begin small, initially covering only one of Salford's Neighbourhood Management Areas (NMAs), and then building on success in this smaller area, it could then expand across the City. It was felt that targeting a smaller geographical area initially would enable focused engagement work to be undertaken with local people and community groups. It would also help local criminal justice system agencies and service providers to develop closer working relationships.

In order to identify which NMA might be most suitable to pilot the initiative, the Change Manager undertook a comparative analysis of data from across the City's NMAs. The selection criteria applied included: levels of anti-social behaviour and quality of life crime; ranking in the index of multiple deprivation; areas identified as "vulnerable communities" or at risk by the local authority; census information on ethnicity and age; extent of local regeneration and other community activity. The results of this analysis identified Eccles NMA (comprising the wards of Eccles, Winton and Barton) as the best place to target community justice.

Following an analysis of caseload from the selected area it was decided that the court should sit one day a week, hearing adult cases in the morning and youths in the afternoon. From November 2006 the court introduced a second sitting once every two weeks to cope with increased caseload. The court deals with offences committed within the catchment area, and anti-social behaviour applications from across Salford.

2.3 Judicial model

It was decided that a specialist panel of magistrates would be established to hear cases in the Community Justice court. Existing magistrates were invited to volunteer and all 22 applicants were appointed to the Community Justice Panel. Panel members received specialist training in the principles of community justice, were given the opportunity to sit alongside the District Judge to develop their case management skills and were encouraged to take an active role in representing the CJI within the local community.

2.4 File identification

It was identified early on that case files to be dealt with in the Community Justice Court needed to be differentiated from other case files at the point of preparation. The police allocated a colour sticker to CJI case files. This process took some time to bed in, as although it did not represent a new system for those preparing case files, it was another detail to remember and could be forgotten.

As a further measure to prevent case files being incorrectly identified a different colour front sheet was included in CJI case files, which effectively represented a formal checking procedure into the process when the file reached the court.

2.5 Project structure

It was important to ensure that a sound governance structure with clearly defined project organisation and agreed roles and responsibilities was in place to design and deliver the implementation of the project. At the project level the **Change Manager** was responsible for developing and implementing the initiative. The Change Manager was accountable to the local **Project Board** and also worked closely with the **National Programme Team**.

The Project Board was established in July 2005 to facilitate the implementation of the CJI in Salford, and to make key decisions on the project's development. The Project Board comprised representatives nominated by the chief officers of the key criminal justice organisations. Membership initially included:

- Area Director (HM Court Service) – Senior Responsible Officer
- CJI Change Manager
- Greater Manchester Probation
- Crown Prosecution Service
- Youth Offending Service
- Legal Services Commission
- Victim Support and Witness Service
- Greater Manchester Police
- Salford City Council
- A community representative
- A District Judge
- Justices' Clerk
- Court Manager (Salford Magistrates Court)
- Head of Legal Services (Salford Magistrates Court)
- Community Justice Programme Team representative

As the Project Board membership demonstrates, partnership was, from the outset, central to community justice. The full commitment of a range of agencies was particularly important in Salford as the limited resource available meant that many of the process changes in the court relied on the co-operation and good will of a wide range of external agencies and related organisations. Indeed a large part of the work done by the court during implementation was in developing these relationships.

2.6 Changes to the project structure

As the project progressed, it was recognised that changes would need to be made to the governance structure to support the CJI. Initially it had been felt that creating a wide group was essential to establish a strong basis for partnership working, but it became apparent that involving many different agencies was preventing the Board from operating effectively. Some Project Board members felt that too many conflicting voices made it difficult to move the project forward.

“ It was a conversation among strangers at the beginning and that can lead to a lot of turbulence... and I think, I hope, that the movers and shakers in this sort of thing have learnt a bit about that and how, if they were to do it again, they would approach the various constituent elements... if the meeting is overwhelmingly people who have no concept of the technicalities but understand from their legitimate point of view the failings, all the two or three professionals get is this wall of people who think that they are the enemy. And it's about the balance I think, a bit more about the people who have to deliver it, but you absolutely need a good proportion of people who say 'I hate this'”
(Project Board member)

In February 2006, Board membership was reviewed and *whittled down* to those most closely involved in the development and delivery of the initiative. Three work streams were then developed out of the Project Board, These were:

- **Operational Delivery and Performance Management Workstream¹¹** - mainly focussing on aspects of community justice relating to court processes, such as: case identification / listing of cases, case management, etc. This group also oversaw performance management issues.
- **Communications and Public Relations Workstream¹²** - focussing on internal and external communications, publicity, marketing and community engagement.

¹¹ This group was formed by the merging of the Operational Delivery Group and the Trial Process Group in October 2006. Membership included representatives from Youth Offending Service, Probation Service, Head of Legal Services (Salford Magistrates Court), Legal Services Commission, Crown Prosecution Service, Police, Chair of the Bench, a Community Justice Panel Magistrate, Victim Support and Witness Service, a District Judge, a legal advisor and a defence solicitor.

¹² This groups comprised the communications lead from each of the organisations involved in the Operational Delivery and Performance Management workstream and the communications lead from Salford City Council.

- **Business Development¹³** - focussing on development of new community justice features (mentoring, links with Respect agenda, etc) and roll-out issues

Representation in these groups comprised relevant individuals moved from the Project Board¹⁴ and representatives from a wider range of partners and service providers. These included Salford Foundation, the Eccles Neighbourhood Management Team and the Drug and Alcohol Team.

As part of the restructuring process, it was decided that the community representative would be moved from the Project Board onto the business development group where it was felt he could have more input. Clearly there were reasons why this was felt to be preferable but these reasons were not effectively communicated to the community and their representative decided not to take up the offer of a place on the business development group. As a result, the community felt that their ‘voice’ had been lost:

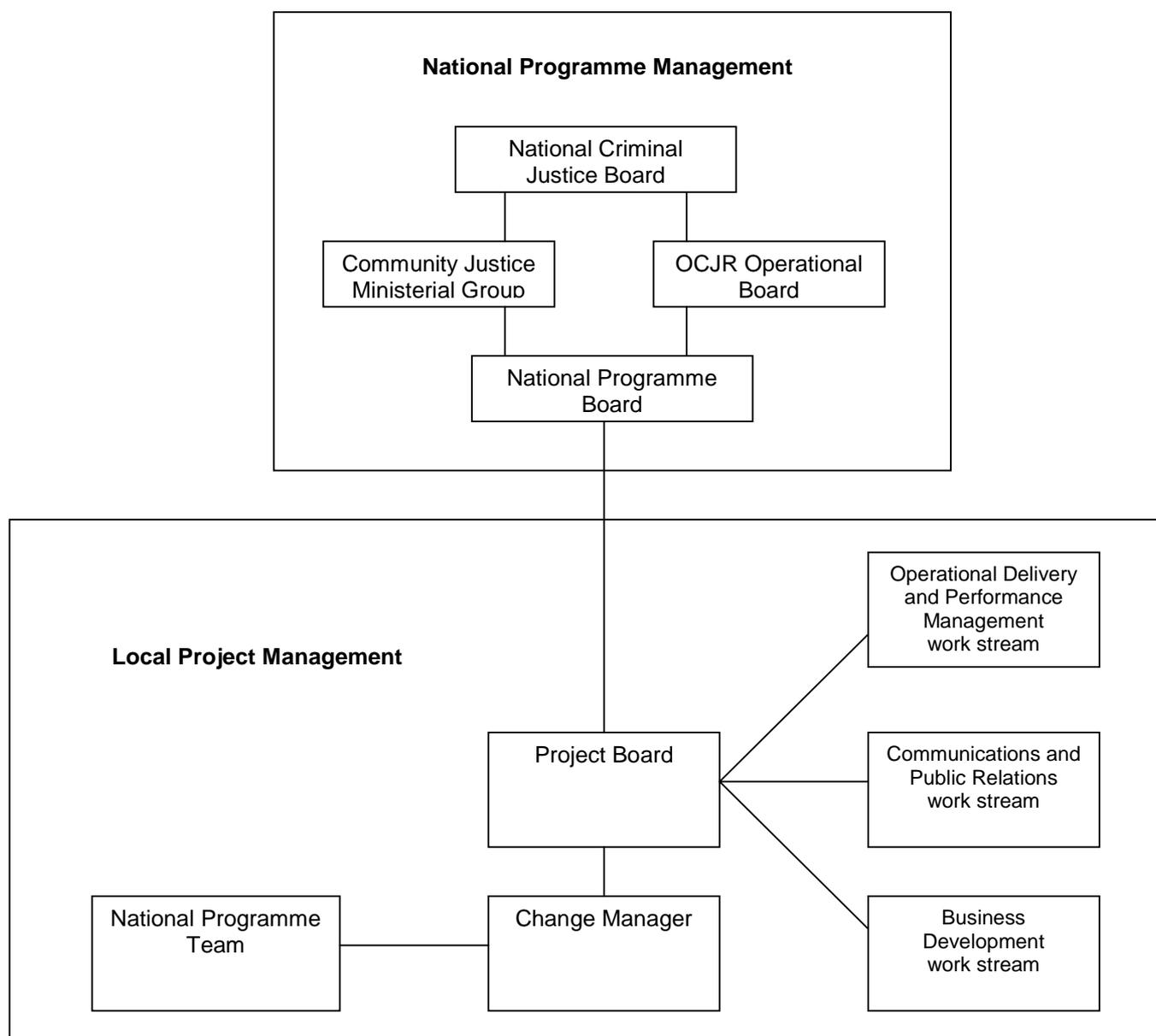
“My only other criticism is where the community voice now is. At one time we were at the board... we had a wholesale change about three month ago (around July/August 2006)... so we are not on the Community Justice Board” (Engaged community member)

In April 2006, magistrates elected a Chair and Deputy Chair for the CJI Magistrate Panel and these individuals sat as magistrates’ representatives on the Project Board. The revised project structure is shown in Figure 2.1.

¹³ Membership of this group is based largely upon need and includes a number of project groups with specialised membership focussing on specific areas of business development, such as restorative justice. This group also ensures that the Community Justice Initiative links into other local agendas by providing appropriate representation on these.

¹⁴ Those moved from the Project Board included representatives of Victims and Witness Support, Head of Legal Service (Salford Magistrates Court), Court Manager (Salford Magistrates Court), Legal Services Commission, Youth Offending Service, Probation Service and the community representative.

Figure 2.1 Project organisational structure from February 2006



2.7 Staff changes

As the CJI progressed, the Project Board recognised the need to increase the number of project staff to support further development. Over time, two extra members of staff were employed: a Communications Manager¹⁵ in August 2005 and Community Justice Court Co-ordinator in October 2006. Funding for both posts was provided by the Ministry of Justice (formerly the Department for Constitutional Affairs).

¹⁵ This post was originally advertised as Deputy Change Manager, but shortly after the individual began the post was renamed to reflect the key responsibilities of the role.

These posts have allowed dedicated staff to focus on the implementation, development and promotion of specific elements of the CJI. The Communications Manager co-ordinated communication both internally and externally. She played a role in the engagement with the community by canvassing views of local community members and ensuring information from the Community Justice Court was fed back to the community.

The Court Co-ordinator provided support for the project in terms of engaging and sustaining relationships with partner agencies, developing internal CJI processes and supporting case management and continuity. The Co-ordinator also sat in court during the Community Justice Court sessions and liaised with both magistrates and offenders regarding the suitability of particular services.

The funding of these posts will need to be considered if elements of the Salford model are to be mainstreamed nationally.

2.8 Key elements of the Salford Community Justice Initiative

The key elements that comprised the Salford model by the end of the fieldwork period represented a significant development from the initial proposition paper. Although the core objectives of community justice had remained in place, court processes became more focused on meeting tangible and deliverable outcomes. A number of mechanisms were put in place to achieve the aims of the initiative:

Aim 1: Engaging with the local community

The mechanisms established to engage the community included magistrates and court staff regularly attending community meetings and events and holding court open days. A newsletter was produced to give local residents feedback on the work of the court and case outcomes along with a Salford community justice website. As well as providing the community with more information, these engagement mechanisms were also used to give local people opportunities to identify priority offences for the court and potential unpaid work projects.

Aim 2: Speeding up court processes

In order to make court processes faster and more robust, dedicated magistrates, CPS, probation and legal advisors were identified thus ensuring continuity of personnel. Pre-court briefings were introduced to improve case management along with advanced disclosure of prosecution evidence.

Aim 3: Adopting a problem solving approach in court

A specialist magistrates' panel, trained in community justice principles was established to hear all community justice cases. Magistrates were trained in engaging directly with offenders about problems and motivation for offending. A directory of local services was developed to enable swifter referral onto services. An alcohol worker was present in the court, and access to a drugs worker was established for immediate referral.

Aim 4: Developing sentences which punish but provide reparation to the community and help to the offender

Magistrates were encouraged to include reparation as an element of sentences wherever possible. Offenders sentenced to unpaid work had to carry this out in the same area in which they had offended. The court and Probation Service worked together to encourage the community to make suggestions for work to be undertaken by offenders.

Aim 5: Monitor and support offenders to successfully complete their sentences

The court used powers under section 178 of the Criminal Justice Act 2003 to review offenders' progress on community orders through regular court reviews.

2.9 Summary of findings on establishing the Community Justice Initiative

A number of key findings emerged in relation to the establishment of the CJI:

- The proposition documentation provided a steer for the project but the aims outlined were too aspirational. Although still adhering to the core objectives of community justice the key elements of the CJI became more focused on deliverable outcomes.
- There was a lack of clarity at the outset regarding the aims of the initiative and this led to confusion amongst some stakeholders.
- A clear framework for the collection of appropriate management data was not established during at the outset, which may hinder future assessment of the success of the Salford CJI.
- It took time to develop an appropriate project governance structure. An initial project board with a wide membership was later reduced to make governance more effective, although the decision to move the community representative without full consultation was regrettable.

3 Community engagement

Prior to the implementation of community justice, engagement between the court and the community served was limited. Under the CJI, community engagement was absolutely central. The aims of these activities were to make the workings of the court more transparent and to demonstrate how the court was serving the needs of the community. The project also gave local people the opportunity to make the court aware of their crime concerns and to enable them to identify suitable projects for unpaid work by offenders. It was hoped that by opening a two-way communication process, the community would learn more about the work of the court, this in turn was expected to raise their confidence in the court and criminal justice agencies.

The Chair of the Eccles Community Committee was an original member of the local Project Board. This helped to shape initial plans for engaging the community and to ensure that early planning took account of community views. To assist the process of community engagement, the local project team also developed a Communication Strategy. This outlined the key messages that were to be communicated to a wide range of stakeholders, including members of the community, and was based on the action plan featured in the proposition document. The key communication objectives identified in this strategy included increasing awareness of community justice, promoting buy-in for the project and creating a *“dynamic two-way relationship between the local community and the initiative with effective feedback mechanisms to ensure that queries, concerns and good ideas are picked up and addressed”* (Salford CJI Communication Strategy 2006).

3.1 Implementing a strategy for communication

The Communications Strategy identified a number of methods by which to consult the community. It was recognised that the ‘community’ was not a homogeneous entity, but comprised a number of different ‘communities’, who would need to be approached using different methods. The following pages describe a number of the methods that were used.

Attendance at community meetings

To access those members of the community already engaged in local activities, the CJI was able to tap into the well-established Eccles Neighbourhood Management Area (NMA) structure. This structure was used to carry out initial community consultation and establish a platform for continuing open dialogue between the community and the court, via the Eccles Community Committee.

Information about community justice was provided to community meetings and groups by CJI project staff and the Chair of the Magistrates panel. This was achieved through attendance at, and presentations to, the bi-monthly Eccles Community Committee meetings and the Community Safety Task Group¹⁶ which, with assistance from the NMA, the CJI had been involved in setting up. At least one member of project staff attended each meeting, in addition to magistrates and representatives from partner agencies. These meetings also provided an opportunity for the CJI to feedback to the community the outcomes of the Community Justice Court. Project staff attended a total of 33 meetings during the research period.

Organisation of community events

The CJI was involved in organising two interactive sentencing events and a court open day. These events were held in conjunction with partner agencies including the CPS, Probation Service and the Local Criminal Justice Board. They were intended to raise awareness and increase public knowledge of the criminal justice system. Over 1,500 people from across Salford and the surrounding area attended the court open day, while approximately 75 members of the public attended each of the sentencing events.

Distribution of newsletters

The team developed a quarterly newsletter, which covered an update on the initiative, case studies and articles. The newsletter also encouraged community members to get in touch and make suggestions and featured unpaid work being carried out as a result of community payback. Newsletters were distributed to doctors' surgeries, libraries and through the Community Committee. In December 2006, circulation of the newsletter was increased and delivered to every household in the CJI jurisdiction. Between November 2005 and December 2006, three editions were circulated, resulting in the total distribution of 24,500 newsletters.

Distribution of posters

Posters were produced and disseminated to partner agencies, with 1,500 hard copies being circulated and many others being circulated electronically. A poster to describe processes of the community justice court was displayed in the court building.

Local media

The Communications Strategy identified the local media as a key method through which to reach the community. In September 2005, in advance of the launch of the court, a media briefing was held to build relationships with, and gain support from, the local press.

¹⁶ This group included volunteers from local community groups, CJI and Police representatives.

This involved a number of partner agencies, including Greater Manchester Police, the National Offender Management Service, the Eccles Community Committee and the City of Salford Bench.

Attendance at community events

Representatives from the Salford CJI, along with representatives from the Probation Service and the Magistrates Advisory Committee, had a stall and distributed flyers at the Eccles Friendship Festival in September 2006 in order to raise awareness of the CJI. In addition CJI staff attended local Eid Festival celebrations in November 2005 and a 'Positive Mix' event in December 2005 to raise awareness of the CJI among local Black and Minority Ethnic communities. The Change Manager and Communications Manager also attended a 'Home Watch Conference' in September 2006, also with the aim of increasing awareness of the project.

Community justice website

A Salford community justice website was created and hosted on the national community justice website. The Communications Manager was responsible for updating the content of the Salford pages, which included an outline of the work of the CJI along with copies of the newsletter and press briefings. However, neither professional stakeholders nor community members made any reference to the website in evaluation interviews and a review of the website itself indicated that it was infrequently updated.

3.2 Effectiveness of community engagement

The effectiveness of some of the existing methods of engaging with the community can be assessed, and suggestions for improvements made. However, it should be noted here that the following is based upon statements made during evaluation interviews by professional stakeholders and members of the community and as such is not necessarily representative of the views of all residents in Eccles, Barton and Winton.

Attendance at community meetings

Engaged community members noted that CJI staff attendance at community meetings represented a significant departure from how courts had previously operated. Many individuals stated that it had increased their knowledge of how magistrates' courts operated, and many displayed a well-developed understanding of the aims of the CJI. However, the level of knowledge engaged community members had of the CJI appeared to become diluted the further removed members were from the Community Safety Task Group and the Community Committee.

Organisation of events

The community events run by the CJI were seen as innovative by those members of the community who had attended them. Engaged community members reported that these events allowed individuals to obtain a 'behind the scenes' knowledge of the magistrates' court, which in turn helped to demystify court processes. There was some evidence from interviews with engaged community members who attended these events that they helped to instill confidence in the criminal justice system. As one community member explained:

"As I say, I think it's more local, and I think that's what I've found more than anything else. It didn't feel as though it was out of my area of reach if you know what I mean... the people who are involved in it, they are more accessible to me... You know, you go to these different meeting places and you've got more confidence in the police and the courts, I think that's one of the main things for me." (Engaged community member)

Some community events, including the 'You be the Judge' sentencing events, also helped to liberalise opinions surrounding sentencing by explaining guidelines imposed on magistrates and the positive results that could be achieved. A number of engaged community members reported that having attended these events, they were much better informed regarding what magistrates could and could not do.

"I am a lot more familiar because I have been to a couple of the sentencing sessions and so I would say the average person hasn't a clue what goes on in there until they're called to either stand in the dock themselves, or give evidence and they are then scared out of their wits, one way or the other" (Engaged community member)

Distribution of newsletters

The newsletters had not led to an increased awareness of the CJI amongst the non-engaged community members interviewed. However, interviews were conducted before the increase in distribution to all households, which may have subsequently increased awareness among this group of community members.

Local media

A number of community members and professional stakeholders stated that the features in the local media would be a particularly effective method of communicating the work of the CJI to the local community:

"that's an opportunity, because I'm sure again a lot of people do read who's in front of the bench just in case it's a name you know" (Engaged community stakeholder)

"I think it's important to try and find a way that Joe Public can see it like in the Advertiser... Again, that's getting it over to people" (Engaged community stakeholder)

“...If you opened the Advertiser and saw half a page of these lads, these people cleaned this and did that up, people would think at least they [offenders] are doing something in the community” (Engaged community stakeholder)

However, though this had formed part of the Communications Strategy, representatives of the two main newspapers covering Salford, the *Salford Advertiser* and the *Manchester Evening News* stated that there had not been as much contact or co-operation with the CJI as might have been possible¹⁷. They stated that this was surprising, as the CJI had launched with an excellent media presence originally and members of the press had expressed a willingness to promote the work of the CJI. However, links had not been sustained after this point. From discussions with representatives of the newspapers, there were felt to be a number of reasons for this:

- **Failure to provide details of newsworthy cases in advance.** It was felt that there had to be a newsworthy story to justify sending a reporter to spend a day at the court. This kind of information was not frequently provided in advance of court cases. Where news stories were submitted, there was some concern expressed by the media staff regarding the lack of newsworthiness of some of the stories, with news-desks not feeling they were strong enough, meaning that stories “*never saw the light of day*” (Media representative).
- **Lack of photographs accompanying stories.** A news story was more likely to be given greater prominence in a newspaper if it was accompanied by a photograph. However, the courts do not have pictures of offenders and trying to obtain these from the police had proved to be very time consuming.
- **Timing of the Community Justice Court.** The Community Justice Court is held on a Tuesday. However, the *Salford Advertiser* goes to press on a Wednesday, which means that Tuesdays are usually very busy finalising the copy for the newspaper and tying up loose ends. From the newspaper’s perspective it was suggested that a Thursday or a Friday would be more suitable for the court to sit if they wanted journalists to attend, as these days tended to be quieter.

¹⁷ The Communications Strategy presented a media protocol for use in all CJI communications with the media. This stated that, as a high profile initiative that had received some negative press coverage in the past, careful media management was necessary. The protocol was agreed between the National Press Offices; National Programme Team and Project Board. In summary it lays out processes for press releases, whether they are issued by the court, the Programme Team or an appropriate stakeholder.

- **A need for stronger relationships between the CJI and newspapers.** There was a feeling that work had only just begun on building good relationships between local journalists and the CJI. Better lines of communication between the parties involved could be developed, including more “*joined up work*” (Project staff) between project staff and the press offices of the Local Authority, Probation Service and Greater Manchester Police to provide combined stories for the media. A number of professional stakeholders felt that an identifiable figurehead could act as a focal point in the same way that HH Judge Fletcher does for the North Liverpool Community Justice Centre. This would then provide an element of continuity for news stories, and a figure with whom the local community could identify.

It should be noted that professional stakeholders reported regularly trying to convey stories to the community through this medium. Efforts were made to engage the *Salford Advertiser*, *Manchester Evening News*, and *Key 103* radio station, amongst others, to promote the work of the CJI. Three radio interviews were undertaken between November 2005 and December 2006 and some reports were successfully published in the *Advertiser* and the *Manchester Evening News*.

3.3 Success in communicating with the community

The success of these communication strategies in connecting with engaged members of the community was evident. Engaged community stakeholders had a well-developed knowledge of what the initiative aimed to achieve and who was involved in delivering it. Some also displayed a high level of knowledge of magistrates’ court processes and how sentencing decisions were reached. There was also some evidence that involvement in CJI events had led to an increase in their confidence in the criminal justice system.

However, those who were not already engaged with community activities showed little knowledge of the CJI. Most stated that they would not know where to start looking for information. A few said that they knew they could phone the courts directly, or check on the Internet if there was specific information that they required.

Some non-engaged members of the community did report seeing, at various times, articles on recruiting more magistrates and adverts for the court open day and sentencing events in the *Advertiser*, but that they had not linked these to the community justice project. Although all non-engaged members of the community interviewed had only heard of the CJI or the Community Justice Court through contact with the researchers, the fact that some interviewees had been

made aware of these events represented a degree of success. Some further consideration may need to be given to whether recognition of the CJI 'brand' or a greater awareness of the work of the court and criminal justice agencies and increased confidence is a more appropriate measure of success.

Part of the aim of community engagement was to promote recruitment of magistrates from the local area. Although only one formal advertisement was placed to recruit magistrates¹⁸, the CJI newsletters frequently provided information on how to become a magistrate. From CJI activity, three applications were made from Eccles residents to become magistrates between November 2005 and December 2006. This was the same number of applications as were made between November 2003 and October 2005, indicating a slight improvement on recruitment in the Eccles area.

3.4 Areas for further development in community engagement

Improving communication

More needs to be done to reach those local people who are not currently engaged in community activities (likely to be the majority of the local population). Given the widespread popularity of the 'Before the Bench' section in the *Salford Advertiser*, it was suggested by many of the non-engaged community members that more needed to be done to build relationships with the local newspapers as a means of imparting information.

The effectiveness of other forms of communication remains unclear, although traditional methods of consultation were popular among non-engaged community members, such as adverts and articles in the *Salford Advertiser*, open community meetings and newsletters or leaflets posted to each house. All of these methods were already in use by the CJI and it was accepted by all engaged community members and most professional stakeholders that efforts had been made to engage all parts of the community. Conversely, most non-engaged community members felt that little had been done to engage with them, as they had not seen anything being undertaken to inform them of what was happening.

It is clearly an enormous challenge for any court to undertake community consultation and communication on this scale and it may be symptomatic of an overly ambitious proposition that such a high level of community engagement should be achieved from the outset. The project has made some significant inroads in developing consultation platforms within pre-existing community networks. However, a renewed effort to develop strategies for communicating

¹⁸ Featured in the *Advertiser* in late 2005.

with all members of the local community may need to become a priority as the initiative continues to develop.

3.5 Summary of findings on engaging with the local community

There are a number of key findings to emerge in relation to community engagement by the Community Justice Initiative:

- The CJI largely focused on existing community structures to consult with the community on their views about local priorities.
- The CJI undertook a wide range of activities to inform the local community about outcomes. This included attending community meetings, organising community events, producing newsletters, distributing posters, working with the local media and attending community events.
- Although efforts were made to work with local media, more could be done in this regard. Relationships with the local newspapers needed to be improved and the flow of newsworthy stories to them increased.
- Overall, the Salford CJI would appear to have been successful at consulting with engaged community members and there was some evidence that this had led to an increase in confidence in the CJS among interviewees from this group.
- Little success was achieved in engaging with non-engaged members of the community at the time of the research. Despite the efforts that had been taken to inform the community about the work of the CJI, those interviewed remained unaware of the initiative.

4 Speeding up court processes

Community justice aims to increase efficiencies in court processes, through improved case management, a partnership approach among the key agencies and improved information flow between agencies. It is hoped that this will lead to a reduction in the average number of hearings per case, total length of time between first hearing and sentence and an increased guilty plea rate at the first hearing.

A national programme of reform aimed at improving the efficiency of courts has been developed drawing on best practice developed in the community justice courts. This reform programme was set out in the Criminal Justice Review, 'Delivering *Simple, Speedy, Summary Justice*'¹⁹ (CJSSS) published by the Home Office, the Ministry of Justice (then the Department for Constitutional Affairs) and the Attorney General's Office in July 2006.

The approach to achieving a robust and speedy court developed in Salford has some additional unique features, not included in the CJSSS programme; these include:

1. The introduction of a Court Co-ordinator
2. The introduction of pre-court briefings
3. Advance disclosure

4.1 The role of the Court Co-ordinator

The unique role of Court Co-ordinator was introduced on a temporary basis in October 2006. It was intended that the primary role of the co-ordinator would be to facilitate problem solving and partnership working, providing an alternative model for comparison with the single judge model of problem solving in the North Liverpool Community Justice Centre. Discussion of these aspects of her role is contained in the following chapter. In addition however, the Court Co-ordinator has played a central role in implementing changes to improve the efficiency of the court.

4.2 Pre-court briefings

The Court Co-ordinator introduced pre-court briefings after observing them at the North Liverpool Community Justice Centre and hearing anecdotal evidence that they were working well as a method to resolve issues in advance and therefore to improve case management in the court.

¹⁹ Review document published July 2006: Home Office, MOJ and Attorney Generals Office.

Pre-court briefings are held between 9.00 and 9.30 am on the days the Salford Community Justice Court sits. They are attended by the Legal Advisors, Probation Service and the Crown Prosecution Service. The aim of the briefings is to discuss cases listed that day, in order to provide clear case management direction for magistrates and to identify any missing documentation. Papers from the case files are examined, along with the offender's progress and compliance with any existing orders. The briefings are also used to identify any underlying problems an offender may have so that recommendations can be made to the magistrates of any requirements or services that might be appropriate. This is designed to make problem solving in court quicker and easier.

This briefing is immediately followed by a meeting between the Legal Advisor and the magistrates, before the court session begins at 10.00am. This latter meeting enables the Legal Advisor to make the magistrates aware of any relevant information associated with the progress of individual cases and to highlight any aspects which might need further exploration with the defendant and defence counsel.

4.3 Advance disclosure

Disclosure is the documentation that comprises the evidence on which the prosecution case is based. It must be presented to the defence counsel prior to the case commencing, so that they are aware of the prosecution case against the defendant. The contents of advance disclosure will often determine the advice that a defence solicitor will provide to a client and therefore it is imperative that it is provided in sufficient time for the solicitor to examine. When disclosure is received late, defence solicitors often request that the hearing is adjourned on the basis that evidence is outstanding or that disclosure has not been received in enough time to prepare the defence case.

In the Community Justice Court, as part of the pre-court meetings, advance disclosure is also made available to the magistrates. When a case involves a 'not guilty' plea, advance disclosure enables the magistrates to retire immediately to read the prosecution evidence. This makes it possible to set a date for future hearings, or a trial date, as all the relevant information is available. In some cases, access to advance disclosure has removed the need for an entire case management hearing and thus resulted in a speedier resolution of the case.

4.4 Increased agency cooperation

Community justice also seeks to strengthen the links between the agencies in the criminal justice system. As identified in the CJSSS review, delays and inefficiencies in magistrates' courts are often related to poor exchange of information between agencies involved in a case. The Community Justice court has tried to identify the causes of these blockages and to introduce solutions.

In Salford there was a particular issue with information exchange between the police and the CPS. Prosecutors complained that too often case files were received too late for them to adequately prepare for a hearing, or were incomplete, which meant they had to immediately request an adjournment for the case file to be completed.

One piece of information that was identified by the CJI as often being missing was Police Officer availability and this was having a big impact on the court efficiency, as without it a trial date could not be set. The solution identified by the court to this problem is explained in the following quote:

"... the Police when they prepare the cases, in the normal course of events they will never prepare the full file until they know whether it's a guilty or a not guilty plea. Their attitude of course is, some of it quite rightly, if somebody is going to plead guilty, what's the point of wasting time in filling 55 forms in which is not necessary if they plead guilty as long as they've got all the facts there. So what we are trying to do now is to get them to fill in at least all the availabilities and everything else that we could then set a trial because you can't set a trial with all your Police Officers without their availability. Or it's pointless, no good saying we'll have it in a month when he's on nights, for instance, so you have to have some cooperation between the Police and the courts... we don't like setting cases until we know they are available" (Magistrate)

A second issue identified was the delay in obtaining probation reports for court hearings, especially if required at short notice. In order to tackle this source of delay a Probation Service Officer (a member of Probation staff who supports Probation Officers in their work) was allocated to the Community Justice court, so that there was a resource available should reports be required at short notice. Although this officer is not qualified to write the reports herself, she is able to interview the offender and obtain a written report from a Probation Officer working within the magistrates' court.

4.5 Effectiveness of changes

Interviews with the professional stakeholders explored how effectively they considered these processes were implemented. The findings allow a qualitative assessment of how successful the changes have been in making the court more efficient.

Pre-court briefings

During interviews with professional stakeholders, the concept of the briefings was identified as a very beneficial one:

“... the idea behind that is a very sensible idea because if you can identify the issues there you might eliminate a full case management hearing, because you might be able to find out what the issue is straight away... even if you don't avoid a trial you've identified and narrowed the issues a lot more than you would at an earlier stage so you can't disagree with the principle of that because it makes sense, but how effective it will be will remain to be seen because it depends on so many factors really. It's how good the disclosure is, at what stage it's there, how voluminous it is, the confidence of the particular magistrate and whether you've got a co-operative defence lawyer” (Court staff)

However, it was apparent that the CPS solicitors still did not always receive the case files prior to the hearing date, which meant that they did not have the time to check the file before the pre-court briefing.

The time frame in which it was possible to hold these briefings was also considered to be very challenging by the majority of people involved. It was felt by Legal Advisors especially that half an hour for each for the pre-court briefings with the CPS and meeting with the magistrates was not sufficient time to do either properly.

The timing of the briefing immediately prior to the court sitting also meant that, in most cases, there was insufficient time before hearings to resolve problems with case files. Nor was it realistic in the time available to carry out thorough examinations of each case to glean the amount of information necessary to enable the magistrate to engage effectively with the defendant.

An informal meeting between the CPS and Court Co-ordinator on the afternoon preceding the Community Justice Court was introduced in order to address some of these problems. This meant that, where case files had not been submitted, or were incomplete, action could be taken in good time to locate them and resolve any issues that arose from them. However, it was noted that these were informal meetings and it was not always possible to hold them. There is also an issue around the long-term sustainability of this arrangement.

Advance disclosure

Concern was expressed by defence solicitors and some court staff regarding the practice of giving magistrates access to the prosecution case prior to a hearing. It was felt that this might risk prejudicing the magistrates in the case and might lead them to form an opinion without having heard the full case (including mitigation) from the defence.

“Where are the defendants rights? Where are they being respected? Magistrates already come in with a fixed mindset and once they’ve read prosecution statements, that’s just going to be enforced, and they’re already looking at the defendant thinking ‘you’re guilty, why on earth are you messing us about?’... I think that’s wholly wrong.” (Professional stakeholder)

This was felt to be of particular concern in a ‘not guilty’ case when magistrates might, after reading the advance disclosure, challenge the defendant’s plea on the basis that the evidence in the disclosure documents made it clear that they were guilty. However, this view was not expressed by any of the other professional stakeholders interviewed.

Agency cooperation

Interviewees, including court staff and professional stakeholders reported that the provision of a dedicated Probation Service Officer helped to improve and speed up processes. It was anecdotally reported by people involved directly in the courtroom process that the number of adjournments required for probation reports to be written had reduced. Although Probation Service Officers are not fully qualified and cannot write reports, the nature of the cases heard within the court and the ability to obtain reports from other qualified probation staff in the magistrates’ court meant that it was adequate for the purposes of the Community Justice Court.

4.6 Impact of changes

A limited amount of management information is available from which it is possible to make tentative observations about the impact of the processes described above on the speediness of the Community Justice Court.

During the time period of the evaluation the average time taken from first hearing to sentence in the Community Justice Court was 35.3 days²⁰ for adult defendants. This indicates that the Community Justice Court is operating within the ambitions outlined in by CJSSS²¹. However, it is possible that this is a function of the particular types of cases brought before the Community Justice Court. For example, it would be expected that cases with an initial guilty plea would be completed in a much shorter time period than other cases. The national standard for adult ‘initial guilty plea’ cases, outlined by the Ministry of Justice in December 2006, was 59 days²².

²⁰ Management Information supplied by the Ministry of Justice, February 2007.

²¹ Published July 2006: Home Office, MOJ and Attorney Generals Office.

²² DCA (now Ministry of Justice) Statistical Bulletin: Time Intervals for Criminal Proceedings in Magistrates’ Courts, December 2006

4.7 Summary of findings on speeding up court processes

Without baseline data from before the implementation of the Initiative, or data from another court which deals with the same types of cases it is not yet possible to draw robust conclusions about whether the processes outlined above have had a positive impact on the speediness of the court.

However, interviewees reported that a number of positive steps were taken in order to try and achieve this aim.

- Pre-court briefings between the Legal Advisors, Probation Service and the CPS were held immediately prior to the Community Justice Court. These offered the opportunity to go through the case files and identify services that could be proposed for the offender, as well as identifying the existing orders that were in place and progress made with these. Following these meetings, the Legal Advisors met with magistrates to brief them on relevant information associated with cases.
- The Court Co-ordinator met with a CPS representative the day before the Community Justice Court hearing to go through case files and ensure they were complete prior to the hearing.
- Advance disclosure was made available to magistrates, which meant that when a case involved a 'not guilty' plea, magistrates were able to retire immediately to read the relevant material. This made it possible to set a date for future hearings, or a trial date, as all relevant information to do this was present.
- The introduction of the Court Co-ordinator has been important in facilitating the process of creating a robust and speedy court.

5 Adopting a problem solving approach in court

In a 'standard' magistrates' court hearing defendants play a relatively minor role in the proceedings. Engagement with the defendant tends to be either through the defence solicitor, or effectively 'out-sourced' to a probation officer who prepares a pre-sentence report on the defendant.

In a community justice context, problem solving involves magistrates engaging directly with defendants to better understand any underlying issues contributing to offending and ensure that sentences, wherever possible, are designed to address these contributory issues. There were a number of aspects of the Community Justice Court that encouraged magistrates and other court figures to actively pursue a problem solving approach. These are discussed below.

5.1 Dedicated magistrates' bench

Part of the Community Justice model is that defendants appear before the same magistrates throughout their order, first at sentence and then at any subsequent reviews. It is anticipated that continuity of magistrates should create a greater sense of personal accountability on the part of the offender, leading to improved compliance with sentence requirements. In stage one of the evaluation interviews (prior to the implementation of the CJI), a number of the offenders interviewed reported feeling a sense of injustice that, each time a case was adjourned, the next hearing would involve a different set of magistrates. Some stated that this affected the extent to which they felt that their cases had been given proper consideration.

"That's why I couldn't be bothered. Because I am getting different people all the time. They don't know the full story. It's better if you have, like, one judge and one solicitor who knows everything, instead of just passing it along." (Male offender)

Achieving continuity

Sitting rotas were produced six months in advance, and every effort was made to ensure that each magistrate sat at the same point in the six-week turnover cycle. Reviews and other hearings were scheduled at six-weekly intervals, to therefore ensure that the magistrates present at the initial hearing would be sitting at any subsequent hearing involving that offender. Unfortunately it is not possible to confirm the extent to which this process succeeded in achieving continuity without conducting a quantitative impact analysis. Professional stakeholders did however report anecdotally that they felt a good level of continuity was being achieved.

The rotas were amended in November 2006, when a second court sitting was introduced. The court sat for a morning session on the same day once a fortnight (meaning the two Community Justice Courts were sitting concurrently). This meant that a Community Justice Panel magistrate could be expected to sit up to fifteen times in one year, more than doubling the requirements. This is a greater commitment to sessions than voluntary magistrates would ordinarily be expected to undertake and thought will need to be given to whether this requires an increase in the number of magistrates on the Community Justice Panel or a commitment from magistrates on the Panel to sit more often.

Training

Magistrates received a two-day training course delivered by the Head of Legal Services in Salford Magistrates' Court, at the outset of the project. This training was supplemented by ad hoc training as required as the project developed. The initial two-day course included training on how to engage with defendants in the court, during which a prompt sheet with appropriate questions for magistrates to refer to while speaking with the defendant was developed.

Impact of a dedicated magistrate bench

The intention of maintaining a small panel of magistrates was to allow magistrates to develop a 'specialism' in community justice, as is the case for magistrates who sit in the youth court and domestic violence court. In fact, many of the Community Justice Panel had previous experience of sitting in a youth court. However, some professional stakeholders felt that the panel size was too large for its purpose. Some stated that the single Judge sitting in the North Liverpool Community Justice Centre provided a more effective judicial model as he was able to act as a figurehead for the court and hear every case that came in front of the Community Justice Court.

There was also concern about the adequacy of training, especially considering the size and frequency of the panel sitting.

"I hadn't realised that twelve months on it would have been such a long process for us to get that understanding, but with the infrequency of our sittings and meetings I suppose it was inevitable, twelve months is not that long a time, I know it's a long time for ministers who are watching it but for us it's actually quite a short time to be able to try various things out, try our own style, try the styles out for ourselves" (Magistrate)

It was recognised by professional stakeholders, as well as magistrates, that the part-time nature of the role would mean that it would take time for meaningful changes to be made.

“So it’s basically inter-personal skills in that context and essentially it is a significant change for lay-Magistrates. So the regime is... training and materials to support its introduction and then ongoing talking... and then reviewing how we did it. It’s the basic ongoing learning in the workplace... But it’s particularly challenging and takes longer because Magistrates are lay-volunteers... they are here today and they are back in a month. So it takes longer to introduce more meaningful change than it does for people who are here full time” (Project Board member)

Engagement with the defendant

The introduction of increased courtroom interaction with defendants was viewed by professional stakeholders as one of the most innovative changes made to the court dynamic by the CJI. The overarching intention of this enhanced engagement with defendants was to help identify underlying causes of offending and signpost suitable interventions and services to help defendants find long-term resolutions to their offending.

Engagement differed in two ways from mainstream courts. Firstly, magistrates engaged directly with the defendant instead of communicating through a defence solicitor. Secondly, all three magistrates were provided the opportunity to engage with other parties in the courtroom. Previously, Wingers (the two magistrates who sit on either side of the Chair) were only able to communicate with the court through the Chair.

Impact of engagement with the defendant

Many professional stakeholders felt that direct engagement assisted defendants in feeling part of the process, rather than simply having justice ‘done to them’.

“... they are made to engage in the court process much more and made to accept responsibility for what they have done rather than have people sit around talking to them while they sort of drift off really. Or sit in a very, very nervous state, like an anxious state. So I think they... will be able to take ownership of what they have done in the public arena more. But when the engagement is done well, and I have seen it done extremely well,... the magistrates can discover things that they would never have discovered about the defendant had they not engaged” (Project staff)

Despite the reservations some stakeholders had about magistrates engaging with defendants many felt that the process did allow magistrates to obtain more information about the defendant, which could help in the decision making process when it came to sentencing. This, together with information identified through examination of case files by the Court Co-ordinator, allowed magistrates to effectively identify possible causes of offending and suggest service providers to which defendants could self refer to seek help.

5.2 Community Justice Court Co-ordinator

The Co-ordinator was a dedicated resource for the Community Justice Court and was responsible for a number of tasks relating to the continuity of magistrates and problem solving approaches:

- Providing continuity between hearings based on extensive written notes and knowledge of services available for referral. This meant that all members of a bench could change between hearings, but the new bench could be made aware of events in a previous hearing.
- Promoting the use of the 'Directory of Services' for use by magistrates in the courtroom to quickly identify suitable services that could be suggested for offenders, and developing links and relationships with these external service providers.
- Liaising with agencies to obtain updates on offender take up of services following up voluntary referrals. Together with the information from Probation on an offender's progress on the court order, this gave the court a more complete picture of progress prior to Section 178 review hearings.
- Providing information packs for magistrates, including lists of unpaid work projects in Eccles, the contact details of services for referral and the main community priorities of Eccles.
- Assisting offenders in the referral process, where a service provider was not 'on-site'.
- Holding informal meetings with the Crown Prosecution Service on the day prior to the Community Justice Court sitting to ensure case files were complete.

A number of professional stakeholders identified the Court Co-ordinator as the single most important difference between the operation of the Community Justice Court and mainstream courts as she was able to act as a link between the magistrates, the defendant, the wider community and partner agencies/service providers.

The importance of this link was highlighted in interviews carried out with stakeholders:

"What you need is the agencies there to help you problem solve... we've got a Co-ordinator now which is a good appointment and maybe that is what a Community Justice Court needs... having the Co-ordinator who can point people towards those who can help address the problem" (Professional stakeholder)

However, it remained uncertain at the time of the research whether it was intended that the Court Co-ordinator would be employed on a permanent basis or whether her role would be to establish new processes and systems in the court which could continue to operate without her oversight. Some court staff held the view that processes introduced by the Court Co-ordinator

could be 'self-managed' by existing court staff in the future.

"The co-ordinators role at the moment is to bring everything you know, it's to get us more structured, get us more organised and get us more slick. Once you've got those in place and you front end it in terms of resource then we should be able to self-manage it. That's what I would be looking for." (Court Staff)

5.3 Services available

Problem solving requires access to services to address underlying issues, but at Salford there is limited capacity for the provision of on-site services due to space restrictions and budget limitations of both the CJI and individual service providers. Dedicated on-site services include: a Probation Service Officer and an alcohol services worker.²³ The alcohol services worker was brought into the CJI within the first few months of it commencing. The service is purely voluntary for offenders, as there exists no statutory power to enforce alcohol treatment.

The court also has access to a drugs worker, as do all of the courts at Salford. The Court Co-ordinator arranges referrals to additional services on behalf of the offender immediately after the hearing. Links were also being made in the latter stages of the research to a local mentoring project and the Together Women's Project²⁴, both run by the Salford Foundation.

In addition to these services, Salford adopted a model of service providers operating 'off-site'. Offenders would be referred by the Court Co-ordinator to the service providers and would then be offered an appointment for an assessment. Off-site services that can be accessed by court staff include housing services, financial and debt services and health related services.

Impact of available services

Salford was considered to contain a good range of services available to individuals who would benefit from them, but there was recognition that these services had a tendency to work in silos and were infrequently drawn together. The CJI was seen as working towards breaking these barriers down by drawing agencies together:

"... with the agencies working more closely together, so you have court staff, police, probation, victim workers all meeting together in these regular meetings... you don't work in that way with the other courts... so it's a more coherent way of working, there is a lot more liaison" (Professional stakeholder)

²³ The alcohol worker only attended morning sessions of the Community Justice Court, when adult cases were heard.

²⁴ Part of a national programme run by the National Offender Management Service but delivered locally which seeks to address the often complex and multiple underlying causes of offending for women. Support is provided through drop in centres, counselling, support in tackling domestic violence, home visits and training.

The Court Co-ordinator provided information regarding available off-site services, both in person in court and through court packs that she provided to magistrates at the start of every community justice session. This meant that information was available to magistrates to suggest possible problem resolutions to defendants. Previously in the Community Justice Court (and indeed across mainstream courts) this type of information was unavailable in such an accessible format.

On the whole, professional stakeholders felt the system worked reasonably well and it was recognised that its success relied heavily on the work of the Court Co-ordinator. However, it was also noted that the role of the court ended at the referral stage (although information regarding engagement with services could be considered where an offender was subject to further hearings or a Section 178 review). This meant there was no guarantee that the offenders would attend the appointments that had been arranged, or that the service providers would assess them as suitable for the service. By contrast, 'on-site' service delivery would mean that assessments could be made immediately, which would mean that magistrates would be aware of the appropriateness of particular services at the sentencing stage.

Improved partnership working was considered to be an important consequence of the CJI engaging with various service providers. For example, the Probation Service reported that the introduction of the CJI had led to increased opportunities to work with other agencies. This was particularly true in relation to the provision of unpaid work projects involving other partners, such as the Fire and Rescue Service. Partnership working was further promoted by the willingness of project staff to become involved in steering groups and project boards of relevant services.

5.4 Supporting offenders to complete sentences: applying Section 178 of the Criminal Justice Act 2003

Section 178 of the Criminal Justice Act 2003 provides for the court to regularly review an offender's progress on a community order. This section was enacted, on a pilot basis, for the Salford Community Justice Court and North Liverpool Community Justice Centre in April 2006. It is hoped that requiring offenders to return to court for reviews might improve compliance by increasing the offender's accountability to the court and offering further opportunities to address the offender's problems. The number and timing of reviews is at the discretion of the court, and is decided in response to the offender's progress.

By 20 February 2007, 36 offenders had been given community orders with a s178 review requirement attached. Of these:

- 4 breached their order before reaching their first section 178 review.
- 7 successfully completed their order and are no longer subject to reviews.
- 9 were still subject to review but good progress was being made, with an expectation of successful completion.
- 10 were still under review but there were concerns with their progress.
- 3 were under review but progress was unsatisfactory and they were breached.
- 3 had only recently been sentenced and had yet to undertake their first review.

Impact of reviews

Magistrates interviewed as part of the evaluation felt that the review process was a very positive feature of community justice:

“If the defendant knows that they are going to come back to court and explain themselves if they haven’t attended, it does make an impact, it does help... if they come back and they’ve done it and they get some praise... it does have a very positive effect... If you are doing well you don’t have to come back and that will be great, we will think you are doing wonderfully well. However, there are some of them you ask them to come back in the first month to make sure that they’ve actually started it, whatever the community penalty is... I don’t think there are many down sides to this because if they aren’t doing it, we get them back early... they know we are serious about it, so that’s one of the major benefits of that” (Magistrate)

Interviewees also reported that the review process in Salford provided a new opportunity for magistrates to encourage and praise offenders where progress was good.

“... this might be the first time anybody’s been praised for anything and that’s sometimes what turns people around, rather than being told off all the time or criticised all the time... some positive feedback can make all the difference” (Court staff)

A minority of professional stakeholders were concerned that reviews were over-used by magistrates, resulting in unnecessary extra hearings that represented a duplication of monitoring of offenders by the court and by the Probation Service. Of the 38 offenders who had received community orders (since the introduction of s178 reviews in April 2006 up to February 2007), 36 (95%) of these orders also had a review requirement attached. It appears therefore that the review requirement is almost automatically attached, regardless of the likelihood of the offender breaching the order. This process is different from how the s178 power has been implemented in the North Liverpool Community Justice Centre, where a review requirement is attached only where His Honour Judge Fletcher has serious concerns about the offender’s ability to comply with the terms of their order. Clearer guidance may need to be developed to enable magistrates who may feel less confident about the sentencing options available to them to decide when a s178 requirement is necessary or appropriate.

Unfortunately it is still too early to assess the impact of these s178 reviews on compliance with community orders as it will require a much larger number of offenders to receive such reviews for a comparative analysis of differences in breach rates between offenders.

5.5 Summary of findings on problem solving processes

The problem solving approach developed by the CJI represented a significant development from standard magistrates' court. It involved magistrates engaging directly with offenders in order to identify the most appropriate disposal that would meet the needs of both the offender and the community. A number of key findings emerged from this:

- Due to an increased throughput of cases in the Community Justice Court, a second session was added and this resulted in an increase in workload for magistrates that were members of the Community Justice Panel.
- The Community Justice Court Co-ordinator played an essential role in the problem solving process. A number of roles carried out by the Co-ordinator had not been fulfilled prior to her employment, but further examination of the nature of these is required to ascertain if they could be carried out by existing resources.
- Limited 'on-site' services were provided by some agencies. Offenders were also referred to 'off-site' services. This was due to resource constraints, which meant that representatives of all the service providers could not be present in the Community Justice Court.
- Section 178 reviews provided the opportunity for magistrates to recall offenders to hear how they were progressing with community orders. By 20th February 2007, 36 offenders had received such orders and the majority view was that these offered a valuable opportunity to hold offenders to account and to give praise where merited.
- One of the by-products of the problem solving approach was increased partnership working across criminal justice agencies and with service providers.

6 Repairing harm

In a standard magistrates' court setting, sentencing is undertaken on the principle of ensuring that the punishment is suitable for the offence and the primary concern is ensuring that justice is done. This remained the case with the Community Justice Court, but was taken a step further by attempting to give something back to the community. While this is not unusual in a standard court setting, the difference was that it was one of the guiding principles in *all* sentencing in the Community Justice Court. Providing reparation to the community was deemed to be vital in ensuring that not only is justice done, but also seen to be done.

The original intention of community justice in Salford, as outlined in the proposition document, was to implement strong restorative justice principles. However, the need to utilise mainstream facilities and budget constraints restricted the ability of the project to deliver this. These have not been removed from the scope of community justice altogether, although at the time of research it was recognised that progress had been limited.

6.1 Reparation to the community

The concept of 'pay back' to the community is centred around the belief that reparative punishment will make offenders more accountable for the damage that they do to the community in which they live or offend and that the community will benefit from work carried out. Reparative punishment was utilised in the CJI most frequently in the form of unpaid work orders as part of community sentences. Three provisions were made for the implementation of unpaid work schemes in relation to community justice in Salford:

- The Probation Service attempted to ensure all unpaid work was carried out in the area in which the offence was committed (i.e. within the community justice jurisdiction).
- Local people were able to nominate unpaid work projects, either through the community committee or directly to the court.
- Magistrates had information about specific work projects and could give direction as to where unpaid work should be carried out.

Examples of projects undertaken as part of unpaid work included:

- Assisting with a lunch club at the United Reformed Church in Eccles
- Washing cars on a Sunday at the United Reformed Church car park in Eccles
- Working in the Scope Charity shop
- Assisting with the Eccles Youth Club

- Painting railings at Clarendon Road Primary School
- Undertaking basic gardening on footpaths in the area

Out of a total of 50 community orders made by the Community Justice Court by March 2007, 22 (44%) had involved unpaid work orders.

'Pay back' in the community

Most members of the community who were interviewed were positive about the concept of 'pay back' to the community. They felt that it was important that offenders were seen to be making amends for what they had done. This was seen to be important because:

"... its not only a punishment, but it is a making right, because being in jail is clearly a punishment but doesn't make anything right. Whereas doing something in the community that may well make other people's lives a bit better is making it right" (Non-engaged community stakeholder)

Visible reparations

The majority of stakeholders felt that more could be done to inform the community about the outcomes of cases. It was felt to be important for 'pay-back' to be visible to the community so that offenders could be seen to be making amends to the community in which they offended:

"... I do think if people see them, they actually see the community being repaired by these people who have to do it... I think it's like a visual thing where people notice it and it's could be taken on board that things are being done" (Non-engaged community stakeholder)

Further work could be done to ensure projects suggested by the community are undertaken by offenders who have committed crime in those areas and that this 'virtuous circle' is explained and reported back to the community.

Magistrates direction

In mainstream courts, the decision about type and location of the unpaid work to be undertaken is made entirely by the Probation Service. In the Community Justice Court in Salford the Bench suggests the location and type of project that the offender should be considered for. This suggestion is based on a list provided to the sitting magistrates, within the information pack compiled by the Court Co-ordinator. Magistrates' on the CJ panel also spent half a day visiting unpaid work projects as part of their training to reinforce the importance of reparation in the community justice model. The direction given by magistrates is taken into consideration by the Probation Service when deciding suitable unpaid work, although the ultimate decision will be dictated to a large degree by the Probation risk assessment.

6.2 Rehabilitation and reintegration of offenders

Community members also recognised that direct pay back through unpaid work orders helped offenders by giving them a stake in their local community – “*some of them lads like doing it... and that helps them not to re-offend*” (engaged community stakeholder). One professional stakeholder relayed a story regarding an offender who had been so proud of the work he had done on an unpaid work project that he took his children to the site to show them what he had achieved. There was also recognition from many community and professional stakeholders that community punishments could help offenders and that positive results could be achieved through unpaid work and community reparation schemes.

“I think that sometimes with offenders they are putting something back into the community that they have lived in maybe all their lives but never felt a part of and they can get something out of that as well” (Magistrate)

As part of the evaluation process, offenders were interviewed and asked about the concept of ‘pay back’. There was support for unpaid work in the community. This was evident both in terms of the local community directly benefiting from the work done by those on unpaid work orders:

“...I see the benefit of it for other people, because, obviously, there’s a couple of benches there that I’ve been working on...they go to a veteran’s home...like, somebody else is benefiting from my crime if you know what I mean. So, I’m happy with that, I’m glad of that kind of payback, that somebody is benefiting.” (Male offender)

and also in terms of reparation being made to members of the community:

“I think it’s a good idea, you know, to do it where you’ve offended because it serves the people that you’ve done it to.” (Female offender)

“Yeah, you’re giving back, aren’t you really. You know they won’t forgive you for what you’ve done but you are trying to put things right for the people you’ve done wrong to in that community.” (Male offender)

A new element of unpaid work orders was introduced during 2006 that allowed some time to be spent working towards accredited qualifications that could then be used to find employment, where such needs existed. There was no record of how often such training was utilised as part of unpaid work orders sentenced to offenders through the CJJ.

6.3 Summary of findings on punishment and reparation

Reparation to the community was an important principle of the Community Justice Court with all sentencing designed to put something back into the community wherever possible. A number of findings emerged in relation to this aspect of the work:

- The national unpaid work scheme run by the Probation Service was utilised by the CJI to deliver the principle of direct pay back to the community.
- Magistrates were provided with a list of unpaid work projects by the Probation Service and were able to suggest where and how an unpaid work order should be completed.
- By March 2007, 22 unpaid work orders had been made by the Community Justice Court.
- It was also noted by some community members that undertaking unpaid work could help to give offenders a stake in their community.
- There is still some way to go in developing this element of community justice in Salford, particularly in increasing nominations from the community for unpaid work projects and communicating the outcomes of these nominations back to the community.

7 Conclusions

This report has provided an analysis of the issues arising from the process evaluation of the Salford Community Justice Initiative. In this final section we summarise the key findings and provide the recommendations for the future development of community justice.

7.1 Community engagement

The CJI appeared to have been successful with engaging with people in the Eccles, Winton and Barton areas where individuals were already engaged in community activities. 'You be the Judge' sentencing events and court open days were shown to be popular methods of engagement for this group. Some respondents reported that engagement with the court via these events had increased their confidence in the Criminal Justice System. However, it seems that it was much more problematic for the CJI to access members of the wider community who were not engaged with existing community groups. Local media was identified as an effective way to inform and consult with this group via the free weekly newspaper the *Salford Advertiser* but links with this and other media types were not consistently upheld despite a strong media launch.

The problems in sustaining a consistent relationship with the local media had a knock on effect in terms of informing the community of what was being achieved by the CJI. Although a wide range of methodologies were utilised non-engaged community members reported not having received information regarding outcomes from the Community Justice Court (though this situation may have improved following a decision to increase the distribution of the CJI newsletter to every household).

7.2 Robust and speedy court

The CJI introduced a number of new practices to speed up the court process, including pre-court briefings, informal case management meetings, advance disclosure available on the date of a hearing, the introduction of the Court Co-ordinator providing continuity between hearings, and the provision of a dedicated Probation Service Officer to enable cases to be stood down and reports to be written on the same day. Interview data suggests that these processes were successfully implemented, although subject to limitations because of the time-scales available in the court day. The limited management information available also indicates that these processes may have been effective in speeding up the time taken between an offender being charged and sentenced.

7.3 Problem solving

Professional stakeholders felt that better sentencing judgements were made and that direct engagement provided a platform for defendants to inform the court of any skills they might have which could be utilised in unpaid work orders. Respondents reported that magistrates were better able to identify the causes of offending and to make referrals to appropriate service partners, although it is not possible at this time to measure the impact of these referrals on re-offending.

Improved partnership working was considered to be an important achievement of the project. Probation staff for example, reported that the introduction of the CJI had resulted in increased opportunities to work with other agencies.

Powers under section 178 of the Criminal Justice Act 2003 were used to enable the court to review offender progress on community orders. Professional stakeholders reported that these reviews were successful in motivating offenders to complete their orders, although there were some concerns that magistrates needed more training in engaging with defendants and that reviews were being used even when there was a low risk of offenders breaching their orders.

7.4 Repairing harm

Reparative punishment as used in the CJI provided a visible, direct response to community concerns about crime and anti-social behaviour. However, few community members reported being aware of unpaid work projects being carried out, either during or after the fact. This indicates that more needs to be done to inform the community about what has been done as part of an unpaid work project ordered by the Community Justice Court so that the positive impact of the court can be seen.

7.5 Recommendations for future community justice initiatives

Given that community justice projects are currently under development in 11 new areas of the country²⁵, it was important to identify the key issues that should be put into place to facilitate the effective implementation of future schemes.

²⁵ The eleven new areas will include: Birmingham, Bradford, Devon & Cornwall, Hull, Leicestershire, Merthyr Tydfil, Middlesbrough, Nottingham; and 3 projects in London in the boroughs of Haringey, Newham and Wandsworth.

1. **Be clear from the outset on the aims and objectives of the project and focus on what is achievable rather than aspirational.** Initially, there was a lack of clarity regarding the intentions and remit of the project among stakeholders.
2. **Communicate the aims and objectives as early as possible to key stakeholders associated with the project.** Significant effort needs to be invested in explaining how community justice differs from mainstream courts and how this operates in practice.
3. **Establish a small multi-agency project board to oversee the development of the project.** It is important that the project board is not too large but that it has sufficient authority to take important decisions on the direction of the initiative. The project board should provide a lead on partnership working and build on existing structures, such as the Local Criminal Justice Board.
5. **Ensure that management information statistics are developed and collected from an early stage in the process.** Failure to collect information and failure to provide sufficient resources to collate the information will mean that it may prove difficult to measure success.
6. **Encourage community engagement through attendance at meetings and events and by organising events.** Community members reported attending sentencing events run by the CJI, in which other agencies were also represented. All those who attended stated that they felt they had a better understanding of the sentencing process in the magistrates' court and that the event had changed their opinions on how sentences are reached.
6. **Access and utilise existing forms of media where they are present.** Local newspapers have an existing readership that can represent a ready-made information point. Interviews with community members showed a very strong readership of the local weekly newspaper, with all interviewees reading it. Where items had been featured in the *Salford Advertiser*, community members who were interviewed could recall seeing these.
7. **Provide briefings to back office staff and staff from other agencies involved in periphery CJI work to ensure they are familiar with processes.** These were provided to a number of stakeholders identified in the Communications Strategy, which gave a

basic knowledge of the CJI. This was felt important for developing future relationships with different agencies.

8. **Implement pre-court briefings to facilitate the use of case management principles in the courtroom.** These provide Legal Advisors, CPS and service providers a better knowledge of each case to be heard; allowing each party to be better prepared for every hearing.
9. **Provide guidance to magistrates on the use of review powers under s178.** It was felt by some agencies that the number and frequency of reviews that magistrates set was not always an informed decision and better use could be made of the review hearing process.
10. **Establish criteria for the selection of Magistrates onto a Community justice Panel.** This criteria should be established early on in the process, and be based on the aims and methods of delivery in each community justice area.
11. **Ongoing support and training for magistrates should be provided for continued engagement and effective propagation of community justice principles through the court.** The CJI represents a number of new processes and practices for magistrates and support needs to be provided to them throughout implementation and early delivery so that they remain confident in what they are doing and can develop these skills to improve courtroom interaction.

Ministry of Justice Research Series No.14/07

Process Evaluation of the Salford Community Justice Initiative

This report provides the findings from a qualitative process evaluation of the Salford Community Justice Initiative. The research involved 156 interviews with a range of different stakeholder groups and was designed to gain an understanding of how the initiative was implemented.

The research examined various aspects of the initiative, including the set-up phase, community engagement activity, problem solving processes and court processes. The findings showed that the Community Justice Initiative had, on the whole, been well implemented. The report concludes with a number of areas for future development that could improve the roll out of the initiative to other areas.

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