



Engaging the public in the justice system

Report of a seminar hosted by Opinion Leader, April 2008

On 24th April 2008, a range of practitioners from across the justice sector met with practitioners from Opinion Leader to discuss experiences of engaging the public in the justice system. It was an issue that all felt passionate about but not all were confident in delivering.

The diversity of audiences that the system needs to engage with – from established Black and minority ethnic groups to more newly-arrived communities; from young people to pensioners; and from victims of crime to witnesses to crime – meant that audience segments were by no means mutually exclusive – the public were likely to present with a range of overlapping experiences, concerns and attitudes that made effective engagement particularly complex – was there a natural entry point? Which groups had comparable needs?

While a range of case studies were discussed – for example, where projects had targeted victims of crime, users of the coroner's court, inter-faith groups and witnesses – the complexity of a system that included criminal, civil and family justice, meant that 'friction points' between different parts of the system and – on occasion – conflicting priorities were inevitable. These were likely to be frustrating to those working in the system and infuriating to those coming into contact with it. But they reinforced the need to share information and experience of what works and what does not.

Some of the key themes discussed by participants included:

How to join up a fragmented system

"The major issues are out of our hands. It really does depend on the police's relationship with the public as they have first contact."

Each part of the system has its own history, culture, processes, targets and communications. All this makes consistency a difficult issue. That said, there was good evidence from organisations such as the Office for Criminal Justice Reform and from individual Local Criminal Justice Boards that improved communication between different parts of the system is leading to more consistent approaches to public engagement; and greater awareness of where and how targets in one part of the system could affect the performance of another.

It was acknowledged that while the police are not advocates for the entire CJS, where the system works well – the North Liverpool Community Justice Centre was cited as a good example – levels of public confidence have risen noticeably. Good practice examples included Cardiff (where the local hospital gives police information on violence crime that may otherwise

fall under the radar) and Barking & Dagenham (where the local authority and police work particularly well together). Often, developments were kick-started by proactive individual members of staff rather than through any conscious corporate decision and that aside from OCJR there needed to be more senior-level practitioners (such as Chief Constables and Chief Crown Prosecutors) focusing on the need to 'join up'.

How to know what the public wants and needs

With so many potential audiences, it was difficult to know exactly where to start in identifying local needs. As one participant commented:

"I'm not sure what the appropriate level of contact is when dealing with victims. How closely do they want to engage with us?"

People's needs tended to be individual and subjective – some victims of crime, for example, wanted as little contact as possible with the system while others wanted information at every stage. A framework of options was therefore suggested that victims and witnesses in particular could 'pick and choose' from.

There were excellent examples of where proactive community engagement had led to better understanding. For example, the Community Justice Project had helped magistrates engage with communities from certain geographical areas and ethnic groups. They used existing community groups and meetings such as Neighbourhood Policing Meetings rather than setting up their own. Their experience was that this was a better way of getting people to come to events and connect with practitioners.

What was really vital was a clear understanding of public perceptions and how best to manage them. There were well-recited examples of the problems that can arise where services assume that they know best what communities need or want.

Justice is the system that no one really wants to have to use. But regardless of background, when the public do encounter it, research and experience has shown that they tend to want similar things, albeit to different degrees of involvement – to be treated with dignity and respect; to know who to call if they have a problem; consistent and up-to-date information on their case, for instance.

There was general discussion on the importance of giving feedback to people who had contributed to the system (for example as a witness). This was seen as very important, particularly when discussion reached the issue of community ownership: communities have actually been engaged with for a long time (e.g. police being the public face of the justice system) but what is important now is improving and changing engagement – not just presenting to the communities but feeding back to them as well; ensuring dialogue is bottom up as well as top down.

Opinion Leader talked about, for example, their experiences of helping the Home Office identify the specific needs of victims of crime; and the impact that coroner's proceedings had on the relatives of service personnel killed in Iraq. Both projects had led to changes in the system to better meet public needs and were driven by public experiences.

There was a discussion about people not wanting to engage with the justice system because they didn't think anything would happen as a result. The consensus was that it's important to

manage expectations and be honest and transparent about what you can and can't deliver via community engagement but that engagement was often a necessary precursor to encouraging some marginalised groups to get involved.

Increasing confidence and trust

A key issue from the discussion led on to the role of trust in the system – are there lessons to be learnt from services such as the Fire Service where they focus on creating familiarity within the community – speaking to community groups and explaining when and how the service gets involved with different situations. Ultimately it is about helping people understand the system at a more relaxed juncture.

Programmes such as *You be the Judge* had shown some success in overcoming negative attitudes towards the perception of overly-lenient sentencing programmes. Should these be rolled out more widely, particularly among older age-groups? Is there one issue that people have different perceptions of the system in different areas of the country? (With Victim Support moving from a federation to a national organisation, will victims suffer less from this as a result?).

The role of magistrates was felt to be particularly pivotal. Magistrates were felt to be rarely representative of the community in which they sit. Is engagement the answer – ‘meeting the audience’? Can they be teamed up with other parts of the justice system – for example the probation service – to run familiarisation schemes?

But do people really want to be engaged with by magistrates? It is indeed important for magistrates to see first hand what is important to local people and for communities to see that magistrates “don't just sit in ivory towers”. But no one had the silver bullet that would encourage particularly marginalised communities to want to engage proactively in the system.

Conducting effective engagement

“The reason why we are not very good at approaching the problem is that we are not approaching the people affected by the problem.”

Unsurprisingly, the importance of engaging with victims and witnesses was stressed – without them justice cannot be delivered. But it was felt that particular groups of victims or witnesses (from some minority groups for example) needed greater encouragement to come forward and give evidence because they may lack trust in one or several parts of the system. Work by organisations such as Operation Black Vote was cited as an example of where well-known, trusted community organisations could achieve real change.

Trust can be affected by a range of issues, mostly outside of the control of practitioners – for example, television crime series and soap opera storylines; the behaviour of a minority of the judiciary; comments made by politicians; and particularly heinous crimes such as the murder in Liverpool of Rhys Jones.

The group regarded it as important to target engagement to ensure the right areas are being covered and that certain areas/communities are not ‘over-engaged’ (as has been the experience in certain areas of Liverpool) or treated like ‘research fodder’. It is essential to find out what research has already been carried out in a certain area (by local authorities or voluntary groups, for example) and build on it rather than duplicate it. There was a general

sense that community engagement is very fashionable at the moment and that people shouldn't do it just for the sake of it.

Effective engagement was felt to be:

- **Targeted** – addressing the specific needs of specific audiences (for example, young people who are more likely to be victims than perpetrators of crime; some close-knit communities that felt able to take the law into their own hands; and some minority communities whose previous experiences of justice in the UK or elsewhere had destroyed their trust);
- **Sensitively organised** – examples were given where parts of the system had expected the public to 'come to us', rather than to reach out into communities. The importance of location was stressed. Workshops held in parliament, for example, were cited as being inappropriate because the location was intimidating to the audience;
- **Two-way** – where audiences could raise concerns and questions and get them answered;
- **An ongoing process** – public engagement could do more harm than good if the public did not trust the commitment of justice organisations. As one participant put it:

My problem is engaging the public and making sure it doesn't look like a PR campaign. There is a lot of pressure to do something but does the end result actually help people in need?

A distinction was made between service users (those who come into contact with part of the justice system) and rest of public. The CJS doesn't engage with users in the way that the NHS does – there's a problem engaging with the public in a way that goes beyond PR and activities such as Citizens' Panels and more deliberative workshops (where the public and practitioners can discuss and unpick complex issues and reach shared solutions) were seen as possible solutions. The issue for some was of how to do something interesting and meaningful which was also convincing from a reputational point of view. There was felt to be great pressure at the moment to 'do something' but short-term, one-off, quick fixes were not seen as the answer.

It was felt important that engagement activities were not measured with targets; rather that activities were monitored and Key Performance Indicators put in place. When monitoring ethnicity, it was very important that these systems were transparent.

Education, education, education

Justice is understandably complex and very few members of the public comprehend all parts of it. And what they may see on television is not necessarily an accurate depiction. The need to engage with journalists – as the Ministry of Justice had been done on the issue of reporting restrictions – was seen as a common sense move. A better-informed media would help create a better-informed public.

"People don't understand how the system really works. They watch TV and see something that is totally different to real life. It's very hard to engage with these people as we're trying to get across complex issues and yet they don't even know the basics."

The example of Kosovo was given where the government of this new nation had launched *Justice Kid* – a cartoon character that educated young and old alike about the justice system, how it worked and reassured them that it represented all Kosovars, regardless of ethnic origin. While such an extreme example of social marketing was felt to be unnecessary in the UK, it was felt that civil society could play a greater role in informing and educating the public about justice-related matters.

Justice isn't just criminal justice

There was a sense that most of the discussion centred around criminal justice but participants also wanted to hear more about how to engage with those involved in the civil justice service, for example children and guardians. There was a feeling that civil courts had progressed in terms of dispute resolution but that they worked more closely with certain groups than with individuals.

It's not just about the public!

Participants agreed that there was another key audience in justice practitioners across the full breadth of the system. This would encourage greater confidence as staff can be negative or positive advocates for the system. A comparison was made with how the NHS had identified frontline staff as influencing opinions of the public.

Additionally, most of public don't engage with services for offenders – there is extreme community disengagement and widespread opposition around issues such as bail hostels; the citing of probation offices in residential areas; and negative reaction to payback systems. However restorative justice had worked well in Northern Ireland – lowered reoffending levels and raising victim confidence rates – but this could not take place without community representation.

“We have extreme disengagement when we try to open an offenders' hostel in a residential area. It's difficult to talk to the public about such sensitive issues as they just don't want it there.”

Summary

While a range of good examples of engagement were quoted by both Opinion Leader and workshop participants, it was agreed that there is no silver bullet or panacea. Rather, the system needs to get better at communicating and sharing examples of emerging and good practice. Participants also felt that there was much to be gained by looking at the work of other public services – the NHS, local authorities, the Fire Service – for example, to gain an insight into how they were successfully engaging with diverse audiences with differing needs.