



Ministry
of Justice



2013 RESTORATIVE JUSTICE ACTION PLAN FOR THE CRIMINAL JUSTICE SYSTEM

RESTORATIVE JUSTICE

Restorative justice (RJ) activities provide opportunities for victims to be heard and to have a say in the resolution of offences. RJ has the potential to transform the way in which the needs of the victim are met. Importantly, it also provides an opportunity for offenders to face the consequences of their actions and the impact that it has had upon others. This has been shown to be effective in motivating offenders to change, make use of support being offered, and reduce re-offending. It can involve victims:

- explaining to an offender the impact of the crime on them;
- seeking an explanation and apology from the offender; and
- playing a part in agreeing restorative or reparative activity for the offender e.g. working for free for a charity, paying to repair any material damage, or keeping the victim informed of their progress in getting off drugs or finding a job.

An RJ process can be delivered through:

- A face-to-face restorative group conference, involving a facilitator, the offender and victim and their supporters (usually family members). Professionals, such as social workers, Youth Offending Teams (YOTS), probation, police or prison staff, and representatives of the wider community may also be involved. These conferences follow a clear structure, with some facilitators choosing to follow a 'script' of set questions, and may conclude with an agreement for further steps to be taken e.g. a form of reparation.
- A community conference, involving members of the community affected by the crime. This is facilitated in the same way as a restorative conference. But it differs from the restorative conference in that it can involve many more people.
- Contact between victim and offender through a mediator/facilitator, to discuss the offence. This contact might result in an agreement for further steps to be taken e.g. some sort of reparation, but this is not a necessary outcome.
- Indirect communication is also possible. This can be via telephone or video conferencing, written correspondence or 'shuttle mediation' through the facilitator. All of these can lead to a face-to-face meeting at a later stage.

Current evidence suggests that a face-to-face meeting between victim and offender is the most effective form of RJ in terms of outcomes for victims and offenders. However, it is important that the right type of RJ is delivered for the individual circumstance, therefore wherever possible, a face to face meeting should be the aim, but with a suitable alternative used where a face to face meeting is against the wishes of participants or is not safe.

Ministry of Justice (MoJ) research has shown that RJ can benefit both the victim and the offender. Evaluation of pilots found that RJ was associated with an estimated 14% reduction in the frequency of re-offending. The evaluation also found that 85% of victims that participated in the conferencing method of RJ were satisfied with the experience. Both the victim and offender must be assessed and fully able, willing and suitable to engage safely in a restorative process. This assessment is carried out by trained RJ practitioners.

RJ processes are used in both the youth and adult criminal justice system (CJS). Within communities there is an increasing use of RJ approaches by Neighbourhood Justice Panels, voluntary sector organisations and the education sector.

RJ is not the same as Community Resolution. Community Resolution is an informal police disposal that enables the police to deal more proportionately with low level crime and anti-social behaviour, outside the formal criminal justice system. Community Resolutions are primarily aimed at first time offenders where they have taken responsibility, and where the victim has agreed that they do not want the police to take formal action. Community Resolution can in some cases include RJ approaches.

SCOPE

The Action Plan applies to the criminal justice system, by which we mean Ministry of Justice, victim services, National Offender Management Service, the Youth Justice Board for England and Wales, youth offending teams, the police and voluntary sector and other organisations working with victims and/or offenders.

EMBEDDING RESTORATIVE JUSTICE WITHIN THE CRIMINAL JUSTICE SYSTEM

We are not looking to prescribe a centrally driven approach to embedding RJ nationally. As with the 2012 action plan, the refreshed plan acknowledges that there are evolving strategies for RJ across the National Offender Management Service (NOMS), the youth justice system, the police forces and the voluntary sector. The actions underpin and support those strategies in considering how RJ can be integrated within existing systems. The action plan also serves as a framework to enable the delivery of RJ within different delivery models that meet the needs and aims of a range of agencies.

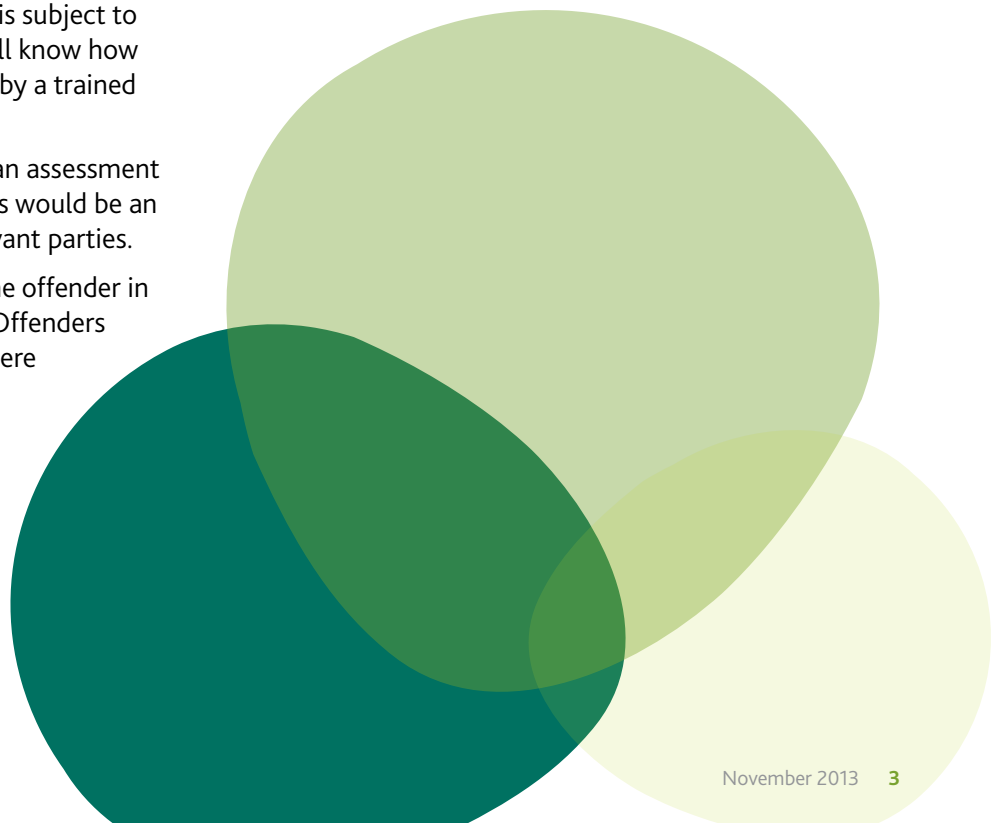
Our vision is that:

- RJ is safe, of a good quality and focused on victims' needs.
- Victims can make informed decisions about participating in RJ at appropriate points in the criminal justice process.
- If victims want to participate in RJ (this is subject to the agreement of the offender), they will know how to access it and any RJ will be delivered by a trained facilitator.
- A RJ activity will only take place where an assessment by a trained facilitator indicates that this would be an appropriate course of action for all relevant parties.
- RJ is available irrespective of whether the offender in the case is an adult or a young person. Offenders will be encouraged to take part in RJ where appropriate.

THE REFRESHED ACTION PLAN

The action plan will facilitate the delivery of this vision through:

- **Capacity** – making safe, good-quality RJ available nationally;
- **Awareness** – making the public and CJS practitioners aware of RJ as an option;
- **Access** – investigating levers for, and addressing barriers to, the provision of timely, good-quality and easy access to RJ; and
- **Evidence** – understanding the impact on victims, offenders and the community.



1. STRENGTHENING CAPACITY

Skilled practitioners are needed to work safely with victims and offenders. To ensure the quality of service is consistently high they should be trained and working to agreed standards. To strengthen capacity and ensure the quality of delivery across the CJS, the following actions will be taken:

- 1a. Develop Key RJ Standards for training, practice, supervision, and service provision of RJ. Standards to be in place by December 2013, subject to results of evaluation and agreement by MoJ.
- 1b. Develop an accreditation framework to build and enable the growth of quality services, enable standards to be met and monitored and quality provision to be recognised. Accreditation to be available by December 2013, subject to results of evaluation and agreement by MoJ.
- 1c. Carry out a thorough assessment of what products and guidance already exists and if necessary develop high-level strategic guidance on the development of RJ services that will be underpinned by existing more detailed guidance. Any such guidance to be published by October 2014.
- 1d. Explore methods by which RJ providers within the CJS can be encouraged to meet the Key RJ Standards and Quality Assurance criteria. Propose methods of encouragement by April 2014, subject to evaluation and launch of standards and accreditation.
- 1e. Contribute to the development and delivery of other relevant Government policies, such as the Rehabilitation Programme, to ensure that RJ is properly considered and any mechanisms available to increase and improve RJ provision are utilised. Ongoing, as and when new programmes are developed.

2. RAISING AWARENESS

The Government is committed to increasing the use of RJ across the CJS. However, there is currently low awareness of RJ with both the public and criminal justice professionals. We need to have consistent messages related to the purpose and value of RJ, presented in a way that captures the victim's attention and builds confidence. Information and guidance needs to be shared between the local CJS, community services and networks, including local authorities. These aims are consistent with the Government's 2012 responses to the Getting it right for victims and witnesses and Effective community sentences consultations. To raise awareness (and therefore increase its use) of RJ the following actions will be taken:

- 2a. Identify points in the criminal justice (CJ) process at which information about RJ and/or the offer of participation in a RJ process can be made to victims and consider whether any wider process changes (other than possible data sharing arrangements - see 3c.) could lead to speedier contact with RJ providers. Mapping process to be completed by December 2013, proposals for process changes to be developed by April 2014.
- 2b. Deliver a communications campaign to raise awareness of RJ with the public, CJS practitioners and senior leaders across other sectors e.g. local authorities. Ongoing, with initial communications activity on the launch of the standards and accreditation by December 2013.

3. IMPROVING ACCESS

The Government supports the vision that access to RJ should be available for victims at all stages of the criminal justice system. This will allow victims to ask to participate in RJ at a time that is right for them. For some victims, this may happen immediately after an incident, for others it may be post-sentencing. To make sure that the victims can access trained RJ facilitators and that local services receive referrals the following action will be taken:

- 3a. Consider whether new legislation or amendments to existing legislation are required. Map existing primary and secondary legislation for both the adult and youth justice systems by December 2013 and consider gaps by February 2014.
- 3b. Improve the existing public database of RJ Facilitators, allowing people to locate their nearest service or local accredited practitioners. Further development of RJC online map of service providers to fully reflect national provision of RJ by September 2014
- 3c. Introduce a high-level agreement / guidance document on information sharing within the CJS to increase referrals and ensure that information can be passed quickly and easily. This should acknowledge and compliment existing data sharing arrangements and comply with relevant legislation. Document to be published by October 2014.
- 3d. Take steps to encourage local services to build partnerships, involving both victim and offender services to improve the availability of RJ locally. Linked to actions 1c, 1d and 1e

4. EVIDENCE

Commissioning bodies will have a responsibility to ensure that data collection and where possible detailed evaluation is undertaken as they develop their local models, processes and programmes. Data collection will help improve local performance and monitoring ability. More detailed evidence gathered during evaluations may be used to understand the effect on victims and offenders of different RJ activities across full range of offences at various stages of the CJS. The 2012 Criminal Justice Joint Inspection report Facing up to Offending: use of RJ in the criminal justice system provides a good account of thematic issues. However, it does not provide a detailed account of RJ practice and its effect in each of the sectors - youth, adult, out of court and pre- and post-sentencing. This lack of knowledge needs to be addressed. To improve our understanding of RJ and to influence policy development the following actions will be taken:

- 4a. Make data recording / monitoring a requirement of national accreditation standards without placing an undue burden on providers. Consider how to encourage data collection and monitoring from organisations that do not apply for accreditation. Linked to action 1a.
- 4b. Identify gaps in knowledge of the effectiveness of RJ processes and recommend future research projects. To be completed by July 2014.

