



Ministry  
of Justice



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# RESTORATIVE JUSTICE ACTION PLAN FOR THE CRIMINAL JUSTICE SYSTEM FOR THE PERIOD TO MARCH 2018

**COVERING THE PERIOD NOVEMBER 2016 TO MARCH 2018**

## FOREWORD FROM DR PHILLIP LEE MP

I'm pleased to present the latest Government Action Plan for Restorative Justice in the Criminal Justice System. The Government supports the provision of good quality, safe restorative justice (RJ) as one of a wide range of services to help victims cope, and as far as possible, recover from the impacts of crime. I am encouraged by the progress that Police and Crime Commissioners (PCCs) have made in developing and delivering RJ at local level, but I recognise that more remains to be done to make sure victims have equal access to RJ and services offered are of good quality.

My priorities for the future include improving our understanding of the way RJ services being commissioned by PCCs meet victims' needs and building up an evidence base for effective delivery of RJ. My officials will continue to work with PCCs and providers to identify and share good practice and develop outcome measures.

When delivered in a safe and competent way, RJ has the potential to help victims cope and recover, as well as reduce the frequency of re-offending. I trust the next few years' work, as outlined in this Action Plan, will improve the reach and quality of RJ across England and Wales.

## INTRODUCTION

This is the fourth iteration of the Ministry of Justice (MoJ) Action Plan for Restorative Justice (RJ) in the Criminal Justice System (CJS). The first was published in November 2012 and subsequent updated plans were published in 2013 and 2014. Achievements against previous Action Plans have been highlighted in Progress Reports, and the publication of this version of the Action Plan is accompanied by a Progress Report covering the period November 2014 to October 2016.

This plan sets out actions that MoJ and its agencies can deliver as well as actions where MoJ will influence and support others in delivery. There are a number of emerging and upcoming issues which may necessitate changes to the action plan and addendums may be published during the year.

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<sup>1</sup> By this we mean RJ is available to victims where an offender receives an out-of-court disposal, after an offender has been convicted, but before the offender is sentenced and while an offender is serving a sentence.

## THE VISION

The MoJ's vision is for good quality, victim-focused RJ to be available at all stages of the CJS<sup>1</sup> in England and Wales. Success will mean that:

- Victims have **equal access** to RJ at all stages of the CJS irrespective of their location, the age of the offender or offence committed against them;
- People have an **awareness and understanding** of RJ, it's benefits, what it entails and how to access it; and
- **Good quality** RJ is delivered by trained facilitators.

We will measure success using a range of mechanisms including:

- Monitoring RJ provision through on-going engagement with Police and Crime Commissioners (PCCs) via the PCC Relationship Managers;
- Monitoring take up of the Restorative Justice Council's Restorative Services Standards and Restorative Services Quality Mark;
- Working with the Victims' Commissioner to monitor compliance with the relevant requirements in the Victims' Code; and
- Continuing to work with the Restorative Justice Council to understand the extent and nature of RJ provision.

## SCOPE AND TIMESCALE

This action plan sets out how the MoJ will achieve its vision. In order to deliver it, the MoJ will need to work with PCCs, the National Offender Management Service (NOMS), Community Rehabilitation Companies (CRCs), the National Probation Service (NPS), prisons and the youth custodial estate, the Youth Justice Board for England and Wales (YJB), youth offending teams, the police and voluntary, community and social enterprise sector organisations working with victims and/or offenders.

This plan covers the period to 31 March 2018. It sets out overarching objectives supported by detailed actions for the period November 2016 to March 2018.

## DEFINITION

For the purposes of this action plan, the MoJ defines RJ as the process that brings those harmed by crime, and those responsible for the harm, into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward.

RJ offers victims an opportunity to be heard and to have a say in the resolution of offences, including agreeing rehabilitative or reparative activity for the offender. It can provide a means of closure and enable the victim to move on.

RJ also provides an opportunity for offenders to face the consequences of their actions, recognise the impact that it has had upon others and where possible make amends. In this way, RJ has the potential to help rehabilitate offenders and enable them to stop offending. It has the potential to motivate them to change and become responsible, law-abiding and productive members of society.

The MoJ definition of RJ is based on the definition set out by Braithwaite<sup>2</sup>. The fundamental element is the dialogue between the victim and the offender. In other sectors, for example, education terms such as restorative practice may be used to describe this process.

Programmes which involve 'proxy' victims, i.e. a victim of a similar offence, or introduce offenders to RJ principles do not fall within the MoJ definition. Such programmes may, however, be useful preparation for an offender's participation in RJ.

## KEY AREAS FOR THE CURRENT ACTION PLAN

As with the Action Plan published in 2014, key areas of focus and desired outcomes of the action plan will be:

1. **Equal access** – RJ is available to victims at all stages of the CJS irrespective of whether the offender in the case is an adult or a young person and irrespective of where in the country the victim lives and where the offender is located. Victims should not be denied RJ because of the offence committed against them.
2. **Awareness and understanding** – People are aware of RJ and its potential benefits (particularly for victims). They understand what RJ entails and its place in the CJS. Victims and offenders can make informed decisions about participating in RJ and know how to access it.
3. **Good quality** – RJ is safe, competent and focused on the needs of the victim. RJ is always delivered by a facilitator trained to recognised standards and only takes place where an assessment by the facilitator indicates that this would be an appropriate course of action for all relevant parties with a particular emphasis on ensuring there is no re- victimisation.

<sup>2</sup> 'Restorative justice is a process where all the stakeholders affected by an injustice have an opportunity to discuss how they have been affected by the injustice and to decide what should be done to repair the harm. With crime, restorative justice is about the idea that because crime hurts, justice should heal. It follows that conversations with those who have been hurt and with those who have afflicted the harm must be central to the process.' *The Good Society* Volume 13, No.1 2004

## 1. EQUAL ACCESS

**Objective 1:** to make sure RJ is available to victims at all stages of the CJS irrespective of: whether the offender in the case is an adult or a young person; where in England and Wales the victim lives; and the offence committed against the victim.

### Actions:

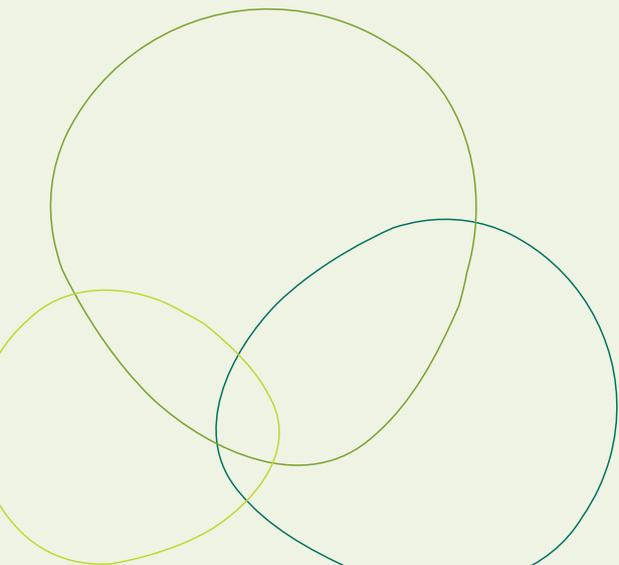
- A. Continue to work with the PCCs and police to make sure that police inform victims about RJ and pass their contact details to a local provider, in line with the Victims' Code. Report on progress and present findings by March 2018.
- B. Consider methods to make the Association of Policing and Crime Chief Executive (APACE) National Data Sharing Toolkit more widely available to those working in the RJ arena. Report on progress by March 2018.
- C. Make sure prisons and probation services provide a supportive environment for RJ which enables providers, including those commissioned by PCCs to deliver victim-offender conferencing (RJ) where the offender is in custody or under supervision and for post-conviction pre-sentence RJ. To report on progress by March 2018.
- D. Further develop, support and monitor the wider use of RJ and the increased involvement of victims within the youth justice system, including out of court, pre-sentence and post-sentence RJ and to report on progress by March 2018.

## 2. AWARENESS AND UNDERSTANDING

**Objective 2:** to raise awareness of RJ and its potential benefits and ascertain a consistent understanding of what RJ entails and its place in the CJS (messages to reach key target groups including victims, offenders, criminal justice policy developers, leaders and practitioners, the media and the general public).

### Actions:

- A. Continue to support PCCs and the Restorative Justice Council to raise awareness and understanding of RJ with the public and CJS practitioners. Report on progress by March 2018.
- B. Prepare and publish a paper setting out how RJ works within the CJS and the responsibilities of different CJS agencies in the successful delivery of RJ by March 2018.



### 3. GOOD QUALITY

**Objective 3.1:** to make sure RJ is safe, competent, focused on the needs of the victim and delivered by a facilitator trained to recognised standards so that it only takes place where an assessment by the facilitator indicates that this would be an appropriate course of action for all relevant parties.

#### Actions:

- A. Support PCCs and the Association of Police and Crime Commissioners in the delivery of RJ services for victims through the development of an evidence base including outcomes measurement and good practice. Report on progress by March 2018.
- B. Continue to address mixed RJ practice within the police by developing new guidance which provides greater clarity on the appropriate use of RJ, taking account in particular of the outcomes of the MoJ review of out of court disposals. Guidance to be published by March 2018.
- C. Continue to work with key target groups to promote the Restorative Justice Council's Restorative Services Standards and Restorative Services Quality Mark and encourage take up by organisations involved in the delivery of RJ. Report on progress by March 2018.
- D. Continue to identify opportunities and utilise levers available to MoJ, such as grant conditions and contract management, to influence commissioners of RJ services to commission services that deliver safe and competent RJ and to report on progress by March 2018.

