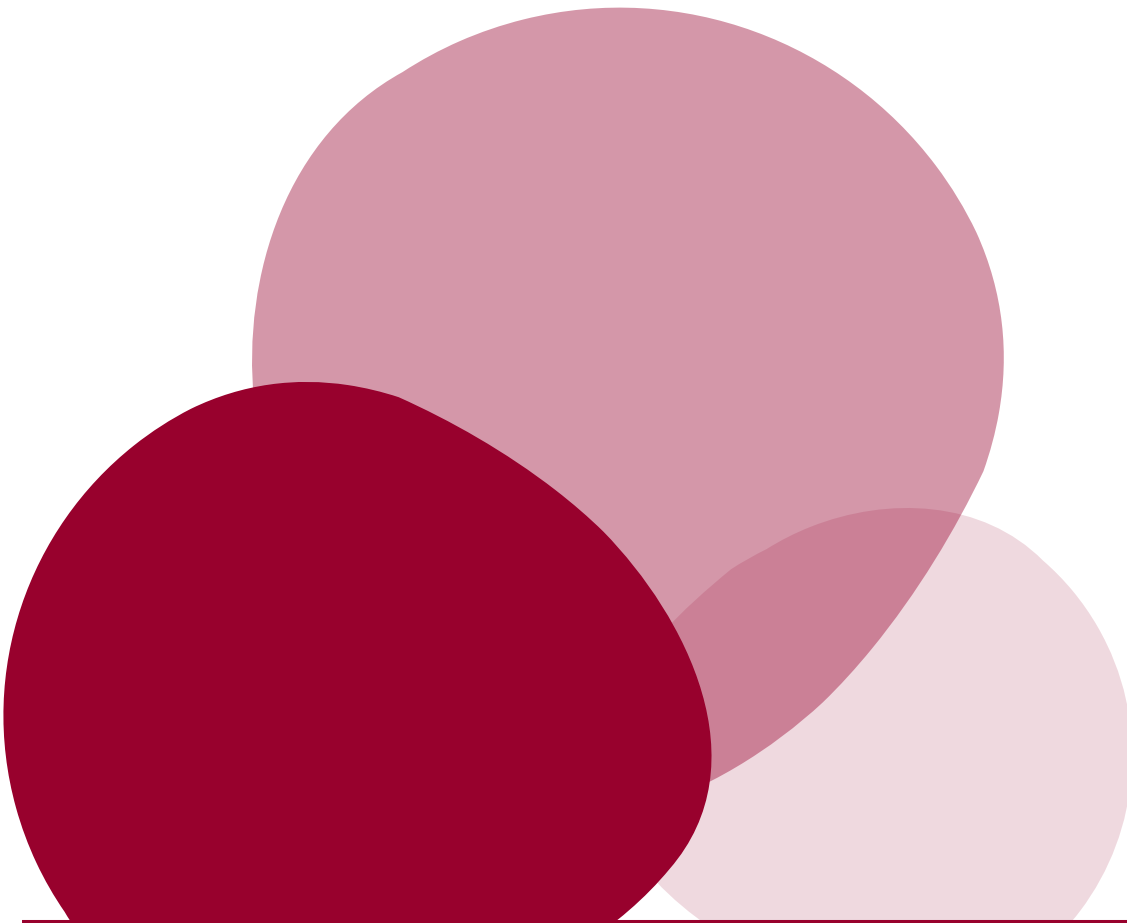




Ministry
of Justice



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

REPORT ON PROGRESS FROM NOVEMBER 2014 TO OCTOBER 2016

The Restorative Justice (RJ) Action Plan for the Criminal Justice System for the period to March 2018 was published in November 2014. It set out overarching objectives related to equal access to RJ, increasing awareness and understanding of RJ, and ensuring that good quality RJ is delivered by trained facilitators. These objectives were supported by detailed actions for the period November 2014 to March 2016.

The Action Plan took into account the evolving criminal justice landscape, the significant progress already made in the development of RJ provision and the need for the Ministry of Justice (MoJ) and other organisations to adapt their roles to support RJ development in this new environment.

We have made excellent progress against the Action Plan over the last two years. Key achievements include the implementation of a revised Victims' Code in November 2015 which includes a requirement for the police to provide victim's contact details to providers of RJ services unless the victim opts out (subject to certain cases where explicit consent of the victim is required). It also sets out the duties on service providers when delivering RJ services, and clearly states that RJ is entirely voluntary.

Ongoing delivery of the action plan means that we are moving closer to achieving our vision for RJ where good quality, victim-focused RJ is available at all stages of the Criminal Justice System in England and Wales.

An updated Action Plan covering the period November 2016 to 31 March 2018 is being published in February 2017.

1. EQUAL ACCESS

Objective 1.1: to ensure 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.

<p>A. Advise, support and provide tools/guidance to PCCs and the Association of Police and Crime Commissioners on the design and development of RJ services and act as a conduit for highlighting and sharing good practice and to report on progress and present findings by March 2015.</p>	<p>B. Advise, support and provide tools/guidance to PCCs once their commissioned RJ services are up and running to identify and address any barriers to delivery of RJ (including data sharing) and to report on progress and present findings by March 2016.</p>	<p>C. Map and review current learning/research evidence in relation to the use of RJ in serious and complex cases in conjunction with the Experts on Restorative Justice Group and to present findings by March 2016.</p>	<p>D. Ensure prisons provide a supportive environment for RJ which allows Community Rehabilitation Companies and new providers commissioned by PCCs to deliver victim-offender conferencing (RJ) where the offender is in custody and to report on progress by 2016.</p>	<p>E. 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 2016.</p>	<p>F. Working alongside the MoJ out-of-court disposals review team, ensure that RJ is appropriately used and monitored as part of the out-of-court arena and is understood and used appropriately by police officers. Pilot runs to November 2015.</p>
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Progress against actions is as follows:

- Visits were made and contact has been maintained with all the Offices of Police and Crime Commissioners (PCCs) between November 2014 to January 2016. Advice and guidance has been provided to PCCs to develop their options in delivering effective victim-initiated and pre-sentence RJ services.
- Regional workshops were held throughout September 2015 to enable stakeholders to share good practice and the experiences of designing and/or commissioning a RJ service.
- The Restorative Justice Council (RJC) commissioned the Institute for Criminal Policy Research to conduct a mapping exercise of RJ provision across England and Wales. The work enabled the RJC to construct, and make publicly available, a RJ services directory online. The directory was developed for a dual purpose: for victims to be able to contact direct RJ providers in their area, and for professionals working in the field to understand provision in more detail.
- Through '*National Offender Management Service (NOMS) Commissioning Intentions from 2014*' Prisons and the National Probation Service (NPS) were asked to provide a supportive environment to enable delivery of RJ services. This approach is designed to preserve existing RJ capacity which prisons have developed and to ensure prisons are able to facilitate delivery of conferences by other organisations.
- A range of materials have been produced to help support prisons to deliver RJ victim-offender conferences and to create a supportive environment to enable external providers to deliver RJ victim-offender conferences within the estate. For example:
 - Restorative Solutions in collaboration with NOMS have published '*Restorative Justice in Prisons; Guide to Providing a Supportive Environment*' (March 2015).
 - The RJC have published an information pack '*Restorative Justice in Custodial Settings*' (February 2016).
- Under the revised Code of Practice for Victims of Crime (the Victims' Code), introduced in November 2015, those who have been the victim of a crime committed by an offender under 18 and are being supervised by a Youth Offending Team (YOT), will be contacted directly by the YOT about RJ.
- Guidance with clear instructions on the use of RJ was provided to police officers in the three forces (West Yorkshire, Staffordshire and Leicestershire) participating in the out of court disposal pilot.

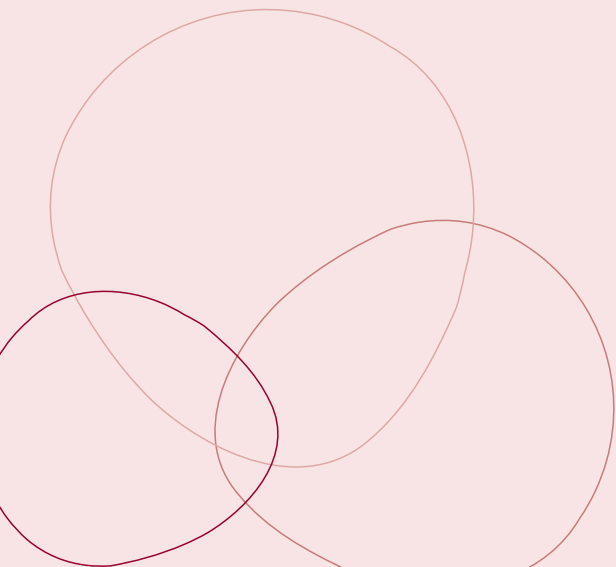
2. AWARENESS AND UNDERSTANDING

Objective 2.1: to raise awareness of RJ and its potential benefits and ensure 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).

<p>A. Develop key messages and produce and deliver a communications strategy which identifies the best means of sharing the key messages incorporating lessons learned from previous campaigns and includes appropriate measures of success and deliver by November 2015.</p>	<p>B. Produce a clear definition of RJ and its fit within the wider CJS with a focus on the terms government use which are often confused with or relate to RJ such as community resolution working with colleagues across the MoJ, Home Office and other organisations, including the police and deliver by November 2015.</p>	<p>C. Identify opportunities to develop relationships and share learning with other government departments and relevant organisations (such as Local Government Association). This may lead to future actions.</p>
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Progress against actions is as follows:

- A national conference was held in February 2015 which showcased projects including the courts pre-sentence pilot, post sentence RJ delivery and complex cases projects (including those focused on supporting victims of domestic violence and sexual violence). The event facilitated and stimulated discussion to progress the provision of RJ nationally and was attended by police and Police and Crime Commissioner representatives.
- The Ministry of Justice, in partnership with RJ practitioners, ran a locally-led campaign during International RJ Week (15-22 November 2015) to raise awareness of the benefits of RJ for victims and to showcase how RJ benefits victims using case-studies of people who have been through the process. The campaign 'I've got something to say' was a follow-up to 2014's campaign theme 'what would you do?'
- Highlights from the campaign included:
 - An increased reach compared with the 2014 campaign through Facebook and Twitter.
 - Campaign materials were downloaded 326 times from our GOV.UK resource page.
 - A significant spike in conversation using the hashtag (#RestorativeJustice).
- A paper on RJ terminology (see Annex A) has been produced by Ministry of Justice. It is intended that interested parties will use it to reduce misunderstanding of the term by providing a consistent definition of RJ.



Objective 2.2: to work with PCCs, NPS, YJB and prisons to ensure that local mechanisms are in place to so that victims and offenders know how to access RJ and can make informed decisions about participating in RJ.

A. Advise, support and provide tools/guidance to PCCs/police to ensure that mechanisms to refer victims to relevant services include RJ, taking account of the requirements of the 2013 Victims' Code and any recommendations arising from reviews of compliance with the Code and to report on progress and present findings by March 2016.

Progress against action is as follows:

- The revised Code of Practice for Victims of Crime (the Victims' Code), which came into force in November 2015, includes a requirement for the police to provide victims' contact details to providers of RJ services unless the victim opts out (subject to certain cases where explicit consent of the victim is required). It also sets out the duties on service providers when delivering RJ services, and clearly states that RJ is entirely voluntary.
- Where service providers fail to deliver the services required, the victim is entitled to make a complaint. All service providers are required to have a clearly identified complaints procedure through which victims can complain if their entitlement as set out in the Code have not been met.
- The Victims' Commissioner published the first part of a two-part review undertaken on RJ in March 2016. The first part focused on whether victims receive the entitlements afforded to them in the revised Victims' Code and the quality of services being commissioned by Police and Crime Commissioners. The second part of the review was published in November 2016 and focuses on victims' experiences of RJ services. Any work that emerges from the recommendations of the report will be taken forward.

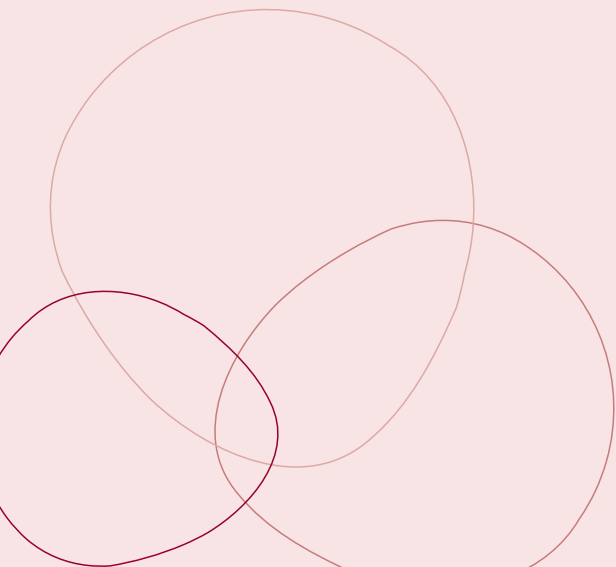
3. GOOD QUALITY

Objective 3.1: to ensure RJ is safe, competent (in line with the EU directive on victims’ rights), 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.

<p>A. Address mixed RJ practice within the police by developing new guidance on RJ which provides greater clarity on the use of RJ at all stages of the CJS taking account in particular of the outcomes of the recent MoJ review of out of court disposals. Guidance to be published by June 2015.</p>	<p>B. Raise standards within the CJS by working with stakeholders to promote the Restorative Justice Council’s Restorative Services Standards and Restorative Services Quality Mark (RSQM) and encourage take up by organisations involved in the delivery of RJ and to report on progress by October 2015.</p>	<p>C. Establish an RJ Experts Group (with an open and transparent mechanism to determine membership) to identify and test good practice and obtain expert feedback and recommendations in relation to the Restorative Justice Action Plan for the CJS and emerging topics and issues relating to RJ. The first meeting of the group to take place in January 2015.</p>	<p>D. 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 2016.</p>
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Progress is as follows:

- Guidelines have been produced and a revised action on publication will be included in the next iteration.
- Additional funding was provided to the Restorative Justice Council to allow a number of organisations that might not be able to afford the Restorative Service Quality Mark to apply free of charge.
- An Experts in RJ Group was established, with members providing advice and guidance to the Ministry of Justice on a range of issues to support effective delivery of RJ. Members made a significant contribution to the development of RJ policy.
- The revised Code of Practice for Victims of Crime (the Victims’ Code) requires service providers to make sure any RJ is delivered by a trained facilitator and is in line with recognised quality standards, such as the Restorative Service Standards. Service providers must make sure that appropriate safeguards are in place to protect the confidentiality of all discussions relating to, or that are part of, a RJ process.
- If Prisons, Community Rehabilitation Companies and National Probation Service choose to deliver RJ they are required to adhere to the National Offender Management Service service specification which outlines a minimum level of service to ensure RJ practice is safe.
- Police and Crime Commissioners (PCCs) grant conditions require PCCs to ensure RJ services they commission are safe and competent in line with article 12 of the EU Directive on Victims’ Rights. As of October 2016, thirteen PCC commissioned services have achieved the Restorative Services Quality Mark, and nine are in the process of applying.



ANNEX A

RESTORATIVE JUSTICE TERMINOLOGY

PART A – terminology directly linked to restorative justice as the Ministry of Justice defines it

Restorative justice brings those harmed by a 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. The fundamental element is the dialogue between the victim and the offender (although it doesn't have to be face to face). Restorative justice can take place at any stage of the criminal justice system. While restorative justice is the term generally used to describe what takes place within the criminal justice system in England and Wales, **restorative process** is the term used to describe what takes place more widely across various sectors (such as education) and the whole field is collectively described using the term **restorative practice**. Other terms which may be used include **restorative principles, restorative approaches, restorative interventions** and **restorative activities**.

Restorative justice can be delivered in a number of ways:

- A **victim-offender conference** (sometimes called a face-to-face meeting or RJ conference) involves a trained facilitator bringing the victim(s), the offender(s) and supporters, usually family members together in a meeting. Professionals, such as social workers, and representatives of the wider community may also be involved. On some occasions it may be necessary to use live video or audio/telephone as a means of bringing parties together.
- A **community conference** involves members of the community which has been affected by a particular crime and all or some of the offenders. This is facilitated in the same way as a victim-offender conference but can involve many more people.
- **Shuttle RJ** (otherwise known as in-direct communication) involves a trained facilitator passing messages back and forth between the victim, offender and supporters. The victim and offender do not meet. Messages can take the form of recorded video, audio or written correspondence.
- **Neighbourhood justice panels (NJPs)** provide a form of restorative justice conferencing. NJPs involve trained volunteers from a local community facilitating meetings between victims and offenders for low level crime and antisocial behaviour. Referrals can come from a range of agencies including police, local authorities and housing associations.
- **Street RJ** or level 1 restorative justice is usually facilitated by police officers or police and community support officers who have been trained to facilitate a conversation between offenders, victims and other stakeholders at the time of attendance at the incident. Street restorative justice can be used in conjunction with community resolution or a conditional caution. It is most commonly used for offences of shoplifting, criminal damage and common assault.

Any of the restorative justice activities listed above may conclude with an **outcome agreement** of further steps to be taken by the offender, such as some sort of reparation or rehabilitative activity. Participants in the restorative justice activity will agree who will monitor the outcome agreement and the victim will also be asked whether they want to be kept informed of progress. However, the outcome agreement is not mandatory and cannot be enforced.

PART B – terminology sometimes confused with restorative justice

Mediation brings together conflicting parties with the help of an independent mediator to resolve or settle differences/ disputes. In mediation both parties are equal and the key aim is not to apportion blame, but to negotiate a settlement. Mediation is used in a range of setting including cases where there is a crime related element. However, it is different to restorative justice where an initial requirement for participation is that a person accepts responsibility for the actions they have committed and roles are normally clearly identified whether it be victim and offender (in a criminal justice setting) or harmed and harmer (in other settings such as schools).

Reparation involves an offender undertaking actions to make amends for their wrongdoing. Such actions can include, for example, writing a letter of apology, paying back stolen money or mending something they have damaged. Sometimes, during a restorative justice conference, the victim and offender will agree the offender should undertake some form of reparation. This would be the outcome of restorative justice (sometimes called an outcome agreement), not restorative justice itself.

Victim awareness programmes aim to teach offenders to understand the physical, financial, and emotional impact of their crimes on victims and the community. Such programmes may introduce the principles of restorative justice to offenders and may be used as part of an offender's preparation for participation in restorative justice. These programmes may also involve activities where offenders meet victims of offences similar to the ones they committed (sometimes called **proxy** or **surrogate** victims).

Community remedy gives victims a say in the out-of-court punishment of the perpetrators of low-level crime and anti-social behaviour. The community remedy document is a list of actions that may be carried out by an offender or a perpetrator of anti-social behaviour as a sanction without going to court. Actions may include mediation, a written or verbal apology, participation in restorative justice activities, reparation to the community, paying an appropriate amount for damage to be repaired or stolen property to be replaced, participation of the perpetrator in structured activities or the perpetrator signing an Acceptable Behaviour Contract. Police officers must make reasonable efforts to obtain the views of the victim(s) as to whether the perpetrator should carry out any of the actions listed in the Community Remedy document when a community resolution or conditional caution (including a youth caution) is to be used. If the officer considers that the action chosen by the victim(s) is appropriate, the perpetrator will be asked to carry out that action. The police officer or investigating officer makes the final decision on what action is appropriate for the perpetrator to undertake.

Community resolution is a non-statutory out of court disposal used by the police to deal with low-level crime in a way which is proportionate and appropriate, when it is not in the public interest to prosecute. The purpose of the Community resolution is to divert the offender away from their offending behaviour, encourage them to face up to the impact of their behaviour and to take responsibility for the outcomes. Restorative justice can be used as part of a community resolution but the two are distinct and separate and community resolutions can take place without restorative justice.

Conditional caution is a statutory out of court disposal used by the police to deal with low-level offending outside of the formal court system, for cases which would be suitable for prosecution but where the public interest is better served by the offender complying with suitable conditions. The purpose of the conditional caution is to formally record the offender's behaviour and impose conditions that the offender must comply with within a specified period. A conditional caution should be used when the offence requires a more formal outcome than that delivered through the community resolution. This may be because of previous offending history and/or the severity of the offence. Participation in restorative justice can be a condition of a caution providing both the victim and offender agree.

BASIC RJ PROCESS CHART

(can occur at any stage during or after the criminal case)

