



Ministry of
JUSTICE



RESTORATIVE JUSTICE ACTION PLAN
FOR THE CRIMINAL JUSTICE SYSTEM

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MINISTERIAL FOREWORD

For many victims, seeing the perpetrator punished for their crime helps to bring closure, enabling them to get on with their lives. For others, the judicial process is not enough. Rather than relief, victims may feel frustrated that they were not able to describe the hurt, stress and anxiety caused by the crime to the one individual who needed to hear it most; the offender.

Restorative justice can help in this respect. It can take the form of a face to face meeting between the victim and the offender, or a group conference involving members of the community, who have been affected by a particular crime.

My Department has recently tabled amendments to the Crime and Courts Bill which will give judges explicit powers to defer sentencing to allow restorative justice to take place. It is intended to address the major gap in the use of restorative justice between conviction and sentence.

When the Bill is enacted, restorative justice will then be accessible at every stage of the criminal justice process, from initial arrest through to prison, for those victims and offenders who are willing.

The benefits of restorative justice are well known by those working within the sector. 85% of victims who go through restorative justice conferences find it helpful. For offenders who take part in restorative justice, there is a 14% reduction in reoffending rates. However, despite this, restorative justice is not being used enough.

This action plan sets out a series of actions which the Government will drive forward, with our partners in the restorative justice field, to bring about real change in the delivery and provision of restorative justice across England and Wales.

I want restorative justice to become something that victims feel comfortable and confident requesting at any stage of the criminal justice system. But this process has to be led by the victim and be on their terms. If it doesn't work for the victim, then it should not happen. Restorative justice is not an alternative to sentencing; a way of an offender getting a lighter sentence by expressing insincere remorse. I'm very clear that restorative justice will not lead to offenders escaping proper punishment.

We also need to set minimum standards for restorative justice practitioners to assure the quality and consistency of the service across England and Wales. To do this, guidelines for practitioners working within the sector will be made available early in the new year. It is my intention that this will ultimately lead to the development of a quality mark which only those that meet the standards will be able to use. This will help to increase public confidence in the service being provided by practitioners in their community.

Restorative justice has the potential to break the destructive pattern of behaviour of those that offend by forcing them to confront the full extent of the emotional and physical damage they have caused to their victims. I believe that its increased use can help put the power back in the victims' hands, rehabilitate those that offend, and bring down reoffending rates.

The Restorative Justice Steering Group was brought together to deliver this action plan. I am extremely grateful to them for sharing their expertise and enthusiasm and for their continued support in helping to make restorative justice both scalable and sustainable in the future.

Jeremy Wright MP

Parliamentary Under-Secretary of State, Minister for Prisons and Rehabilitation

November 2012

INTRODUCTION BY RJ STEERING GROUP CHAIR

An introduction from Graham Robb, Chair of the Restorative Justice Council and Co-Chair of the Ministry of Justice Restorative Justice Steering Group

Restorative justice gives victims a voice in the Criminal Justice process – something which Police processes and Court alone often denies them. As one victim of crime said:

“At the end of trial the Judge told him he’d destroyed my life. But he hadn’t, and I wanted to meet him to show him he hadn’t destroyed me. They told me he was doing victim awareness work in prison – but how can anyone tell him the impact of his crime – except me telling him myself?”

The Steering Group met with a shared vision and belief – that all victims of crime – at whatever stage of criminal justice, should have access to a high quality restorative justice process. And because we know that the experience of restorative justice can change the lives of offenders.

The Steering Group also recognised a chance to make a step change in the provision of RJ for victims at a national level through this action plan, and also by enabling local agencies and Police and Crime Commissioners to provide high quality local RJ services.

Published in September 2012, the Joint Inspectorates report on restorative justice highlighted how far we are from that goal.

“This flexibility in how and where it can be used is a benefit; but in the absence of a clear strategy, it also introduces the risk that RJ approaches will be applied inconsistently. This could mean that people are being treated differently depending on where they live or what criminal justice agency they are involved with; and this could lead to the perception of unfairness.” (HMIC 2012)

To ensure that all victims of crime get access to high quality restorative justice key strategic actions are needed. The Restorative Justice Council has taken the lead in promoting national evidence-based standards for RJ practice and in accrediting practitioners to ensure that RJ practice is effective and safe. But we all share responsibility for ensuring that these recommendations are implemented, and the recommendations in this action plan document are clearly attributed to specific agencies and actors within the Criminal Justice System (CJS) and beyond. We know that if we all play our part, restorative justice can be made much more widely available at local level, so that victims have a real chance to be heard, and ensuring offenders face up to and take responsibility for their actions. We all assert that victims of crime deserve no less.

Graham Robb

Chair, Restorative Justice Council

Co-Chair, Ministry of Justice Restorative Justice Steering Group

Scope

This action plan is a joint commitment to develop a more strategic and coherent approach to the use of restorative justice in England and Wales. It sets out the steps that we will take to achieve this aim.

This action plan is not for Government alone. To make a real difference, support is required from all our partners from within the criminal justice system (CJS) and beyond.

Background

Restorative justice (RJ) provides opportunities for victims to be heard and to have a say in the resolution of offences. It has the potential to transform the way in which the needs of the victim are met. Importantly, restorative justice also enables 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 stop offending.

Restorative justice is used in addition to a CJS penalty or sentence. It can involve victims:

- explaining to an offender the impact of the crime on them
- seeking an explanation and apology from the offender
- 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.

RJ can be delivered through:

- A 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 or conflict. This is facilitated in the same way as a restorative conference. But it differs from the restorative conference in that it can involve many people.

- Contact between victim and offender through a mediator/facilitator, to discuss the offense. 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.

Ministry of Justice 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 reoffending. 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 fully trained and accredited RJ practitioners.

Restorative justice is used in both the youth and adult criminal justice system, with restorative techniques being used throughout the criminal justice system by the police, probation and prison services. Within communities there is an increasing use of restorative justice approaches by Neighbourhood Justice Panels, voluntary sector organisations and the education sector.



A victim said:

“My wife and I left that meeting feeling like a weight had been lifted. We know that without the help of restorative justice this would never have happened.”

An offender said:

“I reflected more on that meeting than on the whole of my time in prison. To hear their side of the story and look him in the eye was hard.”



Current limitations

The views of our partners and the findings of the Criminal Justice Joint Inspectorate (CJJI) Report *'Facing up to Offending: Use of restorative justice in the criminal justice system'* (September 2012) have been helpful in establishing some of the key issues that need to be addressed to achieve a consistent implementation of RJ techniques.

These can be summarised as:

- low public awareness of RJ especially among victims
- lack of clarity, often misunderstanding of what 'RJ' is
- need to strengthen the 'statutory footing' of RJ in the CJS, particularly with adults
- patchy understanding in criminal justice agencies of the role and outcomes of RJ
- patchy provision of RJ across the 'justice chain' i.e. out of court, in-court, community sentencing and prisons
- access to RJ in both youth and adults can be radically improved
- need for on-going monitoring and evaluation of RJ practices
- need to ensure best practice is upheld and maintained
- lack of a government-based forum to discuss the future policy and operational direction

This plan aims to tackle these limitations through the actions detailed below.

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Restorative Justice Council:
 “Restorative processes bring those harmed by crime or conflict, 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.”

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EMBEDDING RESTORATIVE JUSTICE WITHIN THE CJS

Through this action plan we are seeking to establish the necessary levers to enable RJ to be embedded nationally, and remove unnecessary barriers that prevent victims benefitting from restorative justice.

We are not looking to prescribe a centrally driven approach to embedding RJ nationally. This action plan acknowledges that there are evolving strategies for restorative justice across the National Offender Management Service (NOMS), the Youth Justice Board, the police forces and the voluntary sector. The actions underpin and support those strategies in considering how RJ can be integrated within existing systems.

Our vision is that:

- RJ should operate at scale, with specified standards, and be effective in meeting the needs of victims and offenders
- key standards should be established that enable local areas to develop innovative service delivery models
- RJ should be integrated with other interventions e.g. drug treatment, housing, employment support
- RJ should only be used when appropriate to suit the needs of victim and offender

The action plan will address this through:

- 1. Access** – providing timely, high-quality and easy access to RJ
- 2. Awareness** – making the public and CJS practitioners aware of RJ as an option
- 3. Capacity** – making skilled RJ facilitators available nationally
- 4. Evidence** – understanding the impact on victims, offenders and the community

1. 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 request 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. Research shows that many victims would like access to RJ sooner rather than later.

Currently the major gap in the usage of RJ is between conviction and sentence (pre-sentence). Steps are being taken to broaden the use of RJ for more serious offences as part of options available to the courts. An amendment to the Crime and Courts Bill will allow courts to defer sentencing to allow an RJ intervention.

We are also working with 15 local areas use Neighbourhood Justice Panels to respond to low-level crime. These will bring together the offender, the victim and representatives of the community and use RJ and other reparative processes.

To make sure that the public are able to access trained RJ facilitators, and that local services are receiving referrals, the following actions will be taken:

- a. Consider whether new legislation or amendments to existing legislation are required. *Moj*
- b. Improve the existing public database of RJ Facilitators, allowing people to locate their nearest service or local accredited practitioners. *RJC*
- c. Introduce a national protocol for information sharing within the CJS to allow the identification of suitable cases. This will improve the quantity and quality of referrals. *Moj with RJC*
- d. Build partnerships, involving both victim and offender services, to improve the availability of RJ locally. *NOMs, YJB, HO and PCCs working with local CJS forums like Community Safety Partnerships and Local Authorities.*
- e. Identify local RJ champions to represent victims' interests. They will work with Police and Crime Commissioners to establish the multi-agency approach needed to make referrals to practitioners quick and easy. *NOMs, YJB, HO and PCCs working with local CJS forums like Community Safety Partnerships and Local Authorities.*

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, which reduces its use.

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 response to the "Getting it right for victims and witnesses" and the "Effective community sentences" consultations.

To raise awareness of RJ the following actions will be taken:

- a. Develop how the new Victims' Code will include RJ for adults as well as young people and act as a means of empowering access to RJ. *MoJ*
- b. Consider how the Victim's Personal Statements and Community Impact Statements will be used to explain RJ to the victim and record their interest in participation. *MoJ*
- c. Enable speedier contact with victims through the identification and selection of cases suitable for RJ so that RJ referrals across local CJS service practitioners are more effective. *MoJ and Commissioning Bodies*
- d. Deliver a communications campaign to raise awareness of RJ with the public, CJS practitioners and senior leaders across other sectors i.e. schools and local authorities. *MoJ Comms, RJC (National); local agencies/service providers (local media)*

3. 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 working to agreed standards.

To strengthen capacity and ensure the quality of delivery across the CJS, the following actions will be taken:

- a. Develop Key RJ Standards for training, practice, supervision, and service provision of RJ – *RJC with MoJ, YJB, ACPO and NOMS*
- b. Develop a national accreditation framework to ensure standards are met and upheld, following independent review of the Restorative Justice Council. *RJC*
- c. Provide operational guidance to help ensure the provision of RJ services. *NOMS, YJB and The "College of Policing" with ACPO.*
- d. Encourage RJ providers within the CJS to meet the Key RJ Standards and Quality Assurance criteria. *MoJ and RJC*

These actions will build on on-going work to increase capacity for the delivery of RJ in England and Wales. The Police have trained more than 18,000 police in RJ and the Youth Justice Board and NOMs are also building their capacity to deliver RJ.

4. Evidence

Commissioning bodies will have a responsibility to ensure that evaluation is undertaken as they develop their programmes. This should be carried out within services and by RJ facilitators. The evidence gathered will be used to understand the effect on victims and offenders of different RJ activities across a full range of offences at various stages of the CJS.

The recent CJI report on RJ 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 restorative justice, the following actions will be taken:

- a. Make data recording/monitoring a requirement of national accreditation standards. *RJC.*
- b. Set-up a 'community of practice' to share information. *RJ Provider Community; RJC*
- c. Agree priorities for research and encourage commissioning bodies to fund and facilitate evaluation. *Commissioning Bodies, MoJ*
- d. Assess the effectiveness of the implementation of the RJ action plan. This should include the availability of RJ in different geographical areas and at the different stages of the CJS. *CJS agencies, MoJ*

GOVERNANCE AND ACCOUNTABILITY

The Government intends that the responsibility for overseeing the delivery of this action plan will pass to a new Restorative Justice Implementation Board. The Board will report regularly to Ministers on the progress being made.

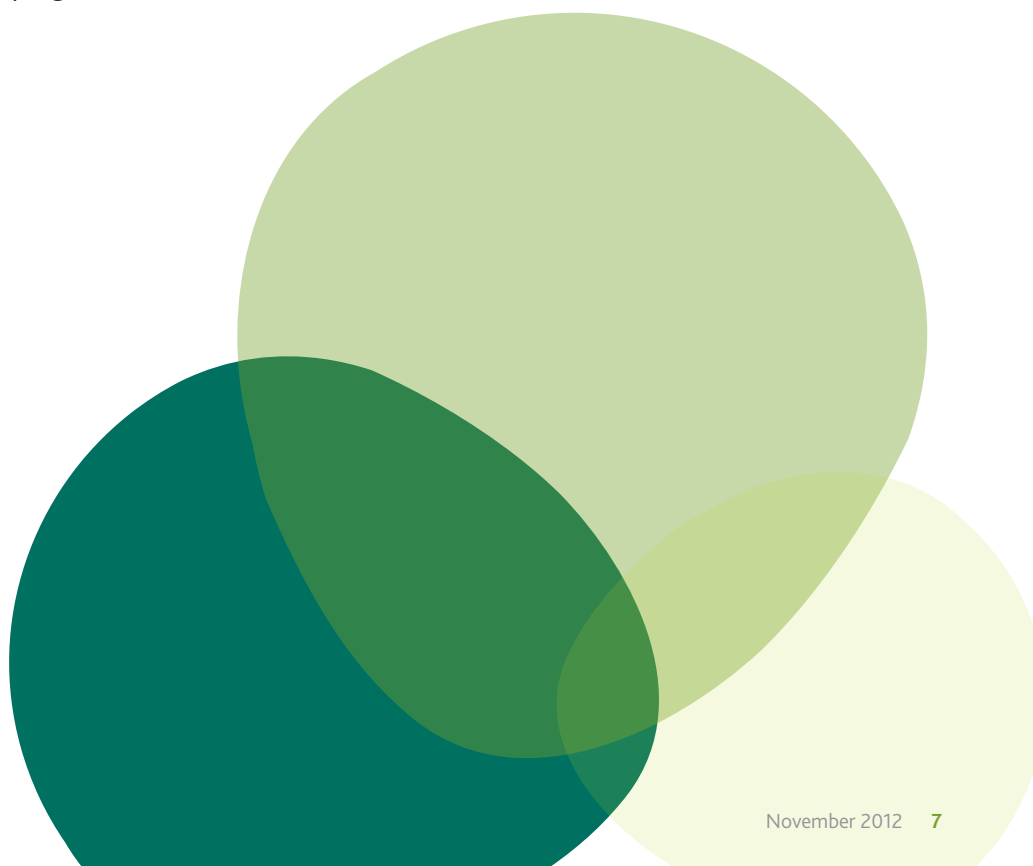
The primary objective of the Restorative Justice Implementation Board will be to improve coordination and increase consistency in the provision and availability of RJ. This will be delivered through an agreed programme plan, which will focus on capacity building and ensuring services meet certain standards.

The membership and terms of reference of the Board will be agreed with key partners.

Accountability for delivering the actions within this plan will remain with the Board until responsibilities for commissioning RJ are transferred locally. Youth Justice Board and NOMs already commission RJ locally and it is expected this will also be carried out by PCCs in the future.

Over time, accountability arrangements can be developed to focus not just on the expansion and development of RJ within the CJS, but in other areas such as education services for children and families to achieve improved preventative outcomes.

The programme's success will depend on wide engagement, nationally and locally. Some partners will have specific contributions to make and will be directly engaged in the formal governance of the programme.



RESTORATIVE JUSTICE STEERING GROUP

The Ministry of Justice facilitated the formation of the Restorative Justice Steering Group, which met during 2012. The group provided practical input to producing this cross-criminal justice system (CJS) action plan for restorative justice approaches.

The group aided a cross-CJS approach to be taken in delivering victim-focussed RJ services by:

- providing a strategic role in facilitating the change required to enable victim-focussed RJ services to become an integral part of the criminal justice system
- championing professional recognition of RJ and continuing professional development of RJ practitioners;
- sharing good practice and promoting continuous improvement in delivering RJ services
- providing better access to recognised and appropriately trained RJ services
- improving the quality of RJ practice through developing a monitoring and evaluation programme
- promoting the work of the steering group across other networks and consulting with groups and committees as necessary

The group set out to inform government policy and the work of the Restorative Justice Council to make RJ scalable and sustainable within the CJS.

The group met three times between July and September 2012.

Group membership

Graham Robb, RJC (Chair)

Atul Sharda, MoJ (Chair)

Alyson Sprawson, CPS

Ben Lyon, IARS

Brian Dowling, Fair Process Ltd

Chris Igoe, RJC

Ghulam Chowdhury, MoJ

Ellie Acton, Cheshire Constabulary

Nigel Whiskin, Restorative Solutions

Gary Stephenson, Restorative Solutions

David Simpson, (Retired District Judge)

Bill Kerslake, Youth Justice Board

Wendy Freshman, Mediation Service

Chris Stevens, Surrey Youth Justice Service

Kate Lloyd, Home Office

Lizzie Nelson, RJC

Richard Monkhouse, Magistrates Association

Ray Fishbourne, Thames Valley Partnership

Paul Eveleigh, HMIC

Professor Joanna Shapland

Rebecca Newby, NOMS

Steve Jones, Remedi

Susannah Hancock, Victim Support

Stewart Morris, NOMS

Toby Hamilton, MoJ

Tony Rafter, MoJ

FURTHER INFORMATION

To find out more about restorative justice:

www.justice.gov.uk/restorativejustice

To find a registered training provider:

www.restorativejustice.org.uk/trainers/

To find an Accredited practitioner, or to find out more about Practitioner Standards and Accreditation: |

www.restorativejustice.org.uk/practitioners/

To see, or put your restorative justice service on the Restorative Justice Council online map:

www.restorativejustice.org.uk/restorative-services-map/

For national opportunities for training, events, and continuing professional development:

<http://www.restorativejustice.org.uk/events/>

For more information the evidence base for restorative justice:

http://www.restorativejustice.org.uk/restorative_justice_works/

For case studies and video content:

http://www.restorativejustice.org.uk/resource/rjc_video_wall/

Relevant legislation:

The Crime and Courts Bill

The Criminal Justice Act 2003

The Youth Justice and Criminal Evidence Act 1999.

EU Directive 2011/0129 (COD) on Rights, support and protection of victims of crime:
minimum standards

[http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2011%2F0129\(COD\)](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2011%2F0129(COD))

