



Ministry
of Justice



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

THE VISION

The Ministry of Justice's (MoJ) vision is for good quality, victim-focused restorative justice (RJ) to be available at all stages of the criminal justice system¹ (CJS) 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, its 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);
- 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 and build on research which has attempted to provide a benchmark.

Judging success, at a national level, by the number RJ activities undertaken is not considered appropriate at this point in time. Data on the use of RJ is not collected centrally and introducing a new system would increase administrative burdens. But more importantly, there are concerns that data collection of this type could have unintended consequences: RJ activities should take place with the consent of both the victim and the offender and when a trained facilitator has made an assessment that it would be appropriate.

¹ 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.

THIS ACTION PLAN

This is the third RJ action plan for the CJS; the first was published in November 2012. This plan takes account of the evolving criminal justice landscape, the significant progress already made in the development of RJ provision and the need for the MoJ and other organisations to adapt their roles to support RJ development in this new environment.

This plan acknowledges MoJ's changing role within the sector and includes 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, for example:

- Emerging findings from the out of court disposal pilot;
- Awarding of Community Rehabilitation Company contracts;
- PCCs implementation of community remedy documents which may contain RJ element;
- Transposition of the EU Victims' Directive by November 2015;
- Proposals to introduce a Victims' Law.

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, Community Rehabilitation Companies, the National Probation Service, prisons and the youth custodial estate, the Youth Justice Board for England and Wales, 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 2014² to March 2016. Detailed actions may be refocused during the year as the new landscape continues to bed in. In addition it will be reviewed and updated on an annual basis, when a progress report and updated action plan will be published.



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 Braithwaite³. 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, ie 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.

² The previous RJ action plans for the criminal justice operated from November to November (to coincide with International RJ week). This first iteration of the new action plan regulates that position, moving to a financial year.

³ '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.

BUILDING ON THE SUCCESS OF PREVIOUS ACTION PLANS

This third action plan builds on the successes of its predecessors. Key developments and successes since 2012 include:

- Almost £30million of additional revenue raised from offenders has been made available to fund RJ provision over the three years 2013/14 - 2015/16.
- Of this almost £23million has been allocated to PCCs to build RJ capacity and capability, and where that is sufficient to deliver pre-sentence and victim-initiated RJ. This funding has been provided as part of the grant to PCCs in relation to their new role to deliver services to victims. This action plan assumes that PCCs will continue to deliver victim services going forward.
- Just under £2.5million has been allocated to the Youth Justice Board to build capability in Youth Offending Teams.
- Ongoing delivery of the Transforming Rehabilitation programme meaning that commissioning and delivery of RJ also now involves the National Probation Service and Community Rehabilitation Companies, as well as the continuing role of prisons and Youth Offending Teams.
- Implementation of a new Victims' Code in December 2013 which includes for the first time, a requirement for victims of adult offenders to be provided with information about RJ and to be referred to services where these exist.
- Provisions in the Crime and Courts Act 2013 make it explicit that the courts can use their existing power to defer sentence post-conviction to allow for a RJ activity to take place.
- Provisions in the Offender Rehabilitation Act 2014 make it explicit that a rehabilitation activity requirement can include RJ.
- Launch of the RJ Council's restorative service standards and the restorative services quality mark (RSQM).

KEY AREAS FOR THE CURRENT ACTION PLAN

The 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 criminal justice system 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 revictimisation.

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.

Actions:

- 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.
- 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.
- C. Map and review current learning/research evidence in relation to the use of RJ in serious and complexes in conjunction with the Experts on Restorative Justice Group and to present findings by March 2016.
- 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.
- 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.
- 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 disposals pilot so that RJ is fully embedded within the out-of-court arena and is understood and used appropriately by police officers. Pilot runs to November 2015.

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).

Actions:

- 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,
- 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.
- 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.

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.

Actions:

- 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.

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.

Actions:

- 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.
- 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 and encourage take up by organisations involved in the delivery of RJ and to report on progress by October 2015.
- 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.
- 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.



