

## **Justice Select Committee: 'Restorative justice inquiry'**

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### **January 2016**

1. The Criminal Justice Alliance (CJA) is a coalition of more than 100 organisations - including charities, voluntary sector service providers, research institutions and staff associations - working across the criminal justice pathway. Our members employ more than 10,000 people between them. The Alliance works to establish a fairer and more effective criminal justice system.
2. The CJA welcomes the opportunity to respond to this inquiry. We believe that restorative justice has an important role to play in a 21<sup>st</sup>-century criminal justice system in meeting the needs of victims, and offering offenders the opportunity to repair some of the harm caused by their behaviour.

### **Restorative Justice Action Plan 2014 – progress and changes**

3. The Restorative Justice Action Plan 2014 listed three key areas of focus: equal access, awareness and understanding and good quality.
4. On equal access, we welcome the broadening of the definition of a victim in the Victims' Code to include victims of *all* criminal offences. The amendment properly recognises that the seriousness of an offence should not affect a victim's entitlement to the services provided under the Code, including restorative justice. This change is in line with the Action Plan's objectives.
5. The Action Plan also aimed to ensure that access to restorative justice is not limited as a consequence of where a victim lives. However, the availability of restorative justice services remains a 'postcode lottery' across the country. Even where services exist, they may not be available to all categories of victims, depending on the decisions of the commissioning authority.
6. The Victims' Code in its current form acknowledges this variation in availability - it only provides victims with an *entitlement to information* about restorative justice services, recognising that this information will depend on what services are provided in a particular locality.
7. On the issue of awareness [research](#) commissioned by the Restorative Justice Council (RJC) in March 2015 showed that public awareness of restorative justice had slightly increased over the last two years - 30 per cent of respondents in 2015 had heard of restorative justice, compared to 22 per cent in 2013. Most important, however, two thirds of respondents had still not heard of restorative justice at all.
8. However, while awareness of restorative justice is low public support for its principles remains high - the RJC research showed that over three quarters of respondents thought that victims of crime should have the right, if they want

to, to meet their offender and tell them the impact of the crime. For respondents who were victims of crimes this proportion was even higher, at 83 per cent.

9. We recommend that the '[Let me Explain](#)' toolkit published by Restorative Solutions be made available to all PCC areas in order to, at least, ensure effective and consistent communication about what restorative justice is and where to access it.
10. On the Action Plan's third area of focus, we understand from our members that the quality of restorative justice services risks being undermined in some areas by a lack of support and training for volunteers and paid practitioners.
11. However, participants in restorative justice encounters are often very satisfied with the experience. For example, the recent [evaluation](#) of the pre-sentence restorative justice pathfinder implemented by Restorative Solutions found that 95 per cent of participants said that the conference had a positive impact on them.
12. The Restorative Service Quality Mark administered by the RJC provides recognition for organisations providing effective services and boosts confidence for potential funders, commissioners and the general public. We recommend that all publicly-funded restorative justice services be required to demonstrate compliance with the Quality Mark's standards.

### **Victims' Code entitlements to RJ and implications for Victims' Law**

13. As stated above, the current entitlement under the Victims' Code goes no further than to 'receive information' about restorative justice services. However, the low number of referrals to restorative justice providers from the police and other criminal justice bodies indicates that even this limited entitlement is not being fully exercised in practice. Information and advice about what restorative justice is and how to access it needs to be provided at the earliest possible point in order to maximise the possibility that an intervention will eventually take place.
14. We recommend that the promised Victims' Bill enshrines in law the current Victims' Code restorative justice entitlements – to 'receive information' about available services - and goes further by creating an *entitlement to access* restorative justice. This will place the onus on agencies responsible for commissioning victims' services to ensure that there are at least some restorative justice services in their area. The current entitlement to information about restorative justice, even where it is exercised, is meaningless in practice if there are no services available.

### **NOMS Capacity Building Programme**

15. The robust study completed by the Institute for Criminal Policy Research in March 2015 offered a comprehensive evaluation of the Capacity Building Programme, and we support the conclusions of that report. In order for good quality restorative justice to be embedded in the criminal justice system there needs to be greater recognition of its positive effects across the various criminal justice agencies and greater collaboration between these agencies. The full report can be accessed [here](#).

### **Effectiveness of delivery of RJ (inc PCCs, HMPS, NPS and CRCs)**

16. As noted above, the effectiveness of restorative justice delivery varies materially across local areas and agencies involved.
17. However, other issues hampering effectiveness could be addressed. Firmer guidance from the Ministry of Justice around information sharing and performance measurement, and more emphasis on collaboration and awareness between the various restorative justice services already being provided at different stages of the criminal justice system would significantly enhance progress being made toward delivery of this effective vehicle for helping to support victims across the country.

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*This consultation response does not reflect the individual policy position of any member organisation of the CJA*