

Response to the Consultation on Improving the Victims' Code

The Restorative Justice Council (RJC) welcome the opportunity to respond to the consultation on improving the Victims' Code. Our responses to the consultation questions are outlined below.

Improving the Victims' Code

Do you think the proposal to restructure the Code into 12 overarching rights is the correct one?

The RJC agree with the proposal to restructure the Code into 12 overarching rights. The proposed format provides greater clarity on victim rights and who is responsible for ensuring this entitlement is delivered. However, whilst we welcome the inclusion of restorative justice within the Code, we feel that the potential value of restorative justice has been lost.

Do you agree that the rights we have identified cover the most important needs of victims?

In general, we agree that the rights which have been identified cover the most important needs of victims. We do have concerns with the wording relating to restorative justice within some of the rights.

Right 3 – To be provided with information when reporting the crime (p5)

The wording indicates victims *might* be told about restorative justice programmes. We feel this does not encourage service providers or local commissioners to deliver restorative services and potentially enhances the already prevalent 'postcode lottery' that already exists across the country. The RJC would recommend that this information *should* be provided.

It is also noted that the wording within this right refers to meeting with the suspect or offender. This is not always the case or the most appropriate form of restorative justice. We would recommend that this wording be amended to read ***'This should include services where you can potentially communicate with suspect or offender either directly or indirectly; this is known as restorative justice.'***

Right 3.4 (p8)

We are concerned that restorative justice has been included within the section relating to compensation. Placing restorative justice in this section creates an unconscious perception that engaging in a restorative process links to any compensation due. The RJC would recommend that restorative justice is referenced in separate clause with right 3. This clause should clearly outline that ***'the Police and PCC commissioned service will explain how to access restorative justice services.'***

Right 4 – To be offered a referral to victim support services and have services and support tailored to your needs (p9)

We have some concerns that restorative justice is not referenced within right 4, nor is it considered to be a '*specialist service*' under clause 4.9. This may be because restorative justice is not intended to be included under this right; if this is the case, we would recommend that a separate clause be added outlining the victims' right to be offered the opportunity to engage in restorative justice at any stage of the criminal justice process where this is assessed as being safe to do so.

Do you agree that these rights cover the key stages of a victim's journey in the criminal justice system?

Having reviewed the revised Victims' Code we agree that the rights included cover the key stages of a victim's journey in the criminal justice system. We have identified areas which could be further developed to ensure that a victim's entitlement to restorative justice information is clearer.

Information

We have included more practical advice and information in the draft revised code, do you agree with our proposed approach?

We welcome the inclusion of the restorative justice description with right 3.4(p8). Whilst the information included does provide an overview of restorative justice, we felt that this could be enhanced with some slight rewording. We would like to recommend that this text be amended as follows:

What is Restorative justice?

Restorative justice provides you the opportunity to communicate with the offender about the impact that their crime has had on you and others; it provides you a voice and can be valuable in moving forward in the future. Restorative justice takes many forms, for some this may mean meeting the offender face-to-face, for others, this could be communicating via letter, recorded interviews or videos. Which ever form of restorative justice is most suited to you, a trained facilitator will support and prepare you throughout.

You can ask to participate in restorative justice at a time that is right for you and you may be asked to take part because the offender has requested restorative justice.

Restorative justice is voluntary, you do not have to take part and you can withdraw at any time. It will only happen if you and the offender, having acknowledged the basic facts of the case, both want to take part and a trained facilitator decides that it is safe and appropriate. Even if both you and the offender want to take part, it might not be appropriate, a trained facilitator will make an assessment of this, the outcome of which should be shared with you. Your facilitator should also explore other suitable alternatives opportunities with you.

As the national independent body for restorative justice within the UK we would also recommend that victims are signposted to the RJC website (www.restorativejustice.org.uk) where additional information can be accessed, including frequently asked questions, case studies and a register of service providers and practitioners.

The Draft Revised Code

Do you have any further comments about the draft revised code?

The RJC welcome the revisions made to the Victims' Code, the proposed changes have resulted in a more concise and accessible document being drafted. Whilst we are supportive of the proposed revisions, we believe there should be greater clarity on restorative justice entitlements and have suggested how this could be achieved.