



STRENGTHENING THE VICTIMS AND PRISONERS BILL TO IMPROVE ACCESS TO RESTORATIVE JUSTICE A BRIEFING FOR PARLIAMENTARIANS

This briefing provides reasoning for the enhancement of the Victims and Prisoners Bill. Its purpose is to ensure that all victims of crime have access to high-quality restorative justice services at a local level. The **Restorative Justice Council (RJC)** believe this can be achieved through supporting two key amendments to the Bill:

- The right for victims to be referred to a local restorative justice service to obtain information about restorative justice
- The right to access high-quality restorative justice through the registration of commissioned services.

ABOUT THE RESTORATIVE JUSTICE COUNCIL

The RJC is a non-governmental organisation that represents the restorative practice field. We provide support to both individual practitioners and organisations operating in various sectors, such as criminal justice, education, health, social care, and workplaces.

THE EVIDENCE FOR SUPPORTING RESTORATIVE JUSTICE

Restorative justice (RJ) provides a platform for individuals affected by crime and harmful behaviour to have a dialogue with the perpetrator. It grants victims the chance to express their grievances, articulate the impact it has had on them, and suggest ways to rectify the situation. This process also holds the perpetrator accountable, encourages them to understand the consequences of their actions, and motivates them to make positive changes in their behaviour.

RJ is a voluntary procedure that may accompany legal proceedings or any involvement in the criminal justice system, such as receiving an Out of Court Disposal, community or prison sentence. This process is only initiated if both parties consent, and a trained restorative practitioner has conducted a thorough evaluation to ensure the safety of the process.

Restorative justice has consistently shown promising results in reducing crime rates and, consequently, the number of victims affected.

THE ARGUMENT FOR LEGISLATIVE CHANGE

The Victims' Code (2020) explicitly states that all victims of crime have the right to be informed about RJ (Right 3) and the right to be given the chance to access RJ services in their

area (Right 4). Whilst this should increase opportunities for victims of crime, recent data from the Crime Survey for England and Wales suggests that a mere 5.5% of victims were presented with the option of restorative justice in the 2019-2020 period, reflecting a decrease of 2% from the previous year.

Furthermore, in a report prepared for the **All-Party Parliamentary Group for Restorative Justice**, it has been noted that commissioned restorative justice services often suffer from insufficient funding, resulting in unequal opportunities for individuals seeking to partake in restorative justice. Despite the Government's consistent pledge since 2012 to provide effective and victim-centred restorative justice throughout the criminal justice system in England and Wales, the evidence gathered during this inquiry showed little progress in translating these plans into practical measures. Consequently, the main obstacles hindering access, awareness, and capability to implement restorative justice are still prevalent.

PROGRESS TO DATE

We are pleased to have received support in both Houses, with Members endorsing restorative justice and calling for measures to increase access for victims of crime. The efforts of the All-Party Parliamentary Group, supported by an Advisory Board chaired by the RJC, have resulted in significant strides towards garnering cross-party support for enhancing the Bill.

As a result of the work led by the All-Party Parliamentary Group, we have been assured by the former Minister for Victims and Sentencing, the Rt Hon Edward Argar, that he will implement non-legislative tactics to support the use of Restorative Justice. This includes providing detailed information about restorative justice in the commissioning guidance for Police and Crime Commissioners.

Although we appreciate the planned non-legislative revisions, we maintain there is still a strong argument for legislative changes. Enabling victims to be connected with a nearby restorative justice service is a critical measure in ensuring they receive the necessary assistance to recover from their experience of crime.

HOW PARLIAMENTARIANS CAN STRENGTHEN THE VICTIMS AND PRISONER BILL

Members of the House of Commons and the House of Lords have requested information to support their work. The following is reflective of the work done by the APPG.

Amendment One: The right for victims to be referred to a local Restorative Justice service to obtain information about restorative justice

The Code already grants individuals the right to access information about restorative justice and local services, but there is a lack of consistent delivery. By giving victims the option to be referred to their local restorative justice service, they will have the necessary information to make an informed decision about whether it is the best course of action for them.

This is crucial considering the lack of trust towards the police, particularly in marginalised communities. By having a specialised service deliver information about RJ, rather than solely relying on the police whose knowledge may be limited, we will ensure that all victims receive information from a reliable source and are able to make an informed decision when accessing RJ.

We are of the opinion that enacting legislation that guarantees the "right to request" a restorative justice service, and to be provided with information from a trained restorative professional, will alleviate challenges to entry and result in a higher number of victims being informed.

Amendment Two: The right to access high-quality restorative justice through the registration of commissioned services

National Occupational Standards for restorative justice do exist, however, these standards are extensive, and it is unrealistic to expect all practitioners or service providers to meet every single criterion outlined. Instead, the Restorative Justice Council's Practice Guidance and Registration Frameworks could serve as the minimum standards for those who facilitate restorative processes. These guidelines were originally developed in collaboration with the Ministry of Justice, in alignment with the National Occupational Standards.

According to a report presented to the All-Party Parliamentary Group, it was observed that the restorative sector lacks strong regulation compared to similar positions in other professions. There was strong support from the sector to put in place mandatory requirements to be registered within a professional body. This in turn would provide greater confidence to those accessing services that they are being supported by a suitably qualified and experienced professional.

It is imperative for Police and Crime Commissioners and other pertinent bodies to require the mandatory registration of commissioned services and ensure that the practitioners facilitating restorative processes are also registered. This responsibility should be overseen by an unbiased organisation, such as the Restorative Justice Council, which should receive appropriate funding for this purpose. The registration process must be implemented to maintain the integrity of practice.

CONTACT US

For any questions about this briefing or to work with us to develop amendments to the upcoming Victims and Prisoners Bill, please contact:

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USEFUL RESOURCES

To find out more about the evidence for RJ and how it works, see the following resources:

[About the Restorative Justice Council](#) - weblink

[What is Restorative Justice](#) – weblink

[The RJC’s Practice Registration Framework for Commissioned Services](#) – weblink

[The RJC’s Practice Registration Framework for Practitioners](#) – weblink

[National Occupational Standards for restorative justice](#) - weblink

[All Party Parliamentary Group for Restorative Justice Website](#)

[All Party Parliamentary Group for Restorative Justice Inquiry Report](#)

[All Party Parliamentary Group for Restorative Justice Briefing Papers](#)

[Code of Practice for Victims of Crime in England and Wales 2020](#) (page 16)

Ministry of Justice Restorative Justice Action Plans from [2012](#) and [2017](#)