All Party Parliamentary Group on
appg | Restorative Justice

Restorative Justice APPG Inquiry into Restorative Practices in 2021/2022

Report on the Inquiry into Restorative Practices in 2021/2022

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1 Foreword by the APPG Chairman

As Chair of the All-Party Parliamentary Group on Restorative Justice I am delighted that the following report has been produced after many months of evidence gathering. I would like to pay tribute to all those that submitted written evidence towards the Inquiry as well as those that provided oral evidence at our virtual hearing sessions in July.

I endeavoured to form this APPG after hearing the emotional story of Ray and Vi Donovan, whose son Chris was sadly taken from them following an unprovoked attack in 2001. Following their journey with restorative justice I sought to set up this cross-party network of MPs & Peers to finally raise awareness and bring reform to restorative justice and restorative practices in this country.

After speaking with a number of local and national organisations, service users and training providers it is clear that the impact of restorative justice and restorative practices is immense. However, through these conversations it has become clear that there is scope for improvement, particularly in the areas of access, awareness and capacity.

The diverse range of evidence provided during this Inquiry has made it clear that the effective use and provision of restorative practices do not only affect victims and offenders but have wider societal impacts, right from the classroom and into the community. An example of this in a criminal justice setting is that restorative justice programmes can secure reductions in re-offending rates and provide a potential cost-saving of £9 for every £1 invested in restorative justice and of £6,000 per offender in reduced reconviction rates.

As Chair of the APPG I welcome the report's findings and very much look forward to acting upon the recommendations. I will now work with the Vice-Chairs and all other Members of the APPG for Restorative Justice, as well as our Advisory Board to make a compelling case to the Government for reform in this sector.

Elliot Colburn MP

Chairman

2 Foreword by the Advisory Board Chairman

This Inquiry focused on establishing the current use of restorative justice and practices across the country and to identify focused recommendations to improve access, awareness and capacity to deliver. Stakeholders from across the restorative sector have embraced the opportunity to contribute evidence to demonstrate the sector's successes whilst also highlighting where we can improve.

Throughout this Inquiry we were reminded of the power of restorative justice in repairing harm and improving the emotional well-being of those who have been harmed by crime. This was most evident during the testimony of those with lived experience. We also heard how restorative practices have been effectively applied outside of the criminal justice system; the most compelling evidence being examples of how restorative practice has been successfully embedded within some of our schools and, more recently, within several forensic mental health settings.

We learnt that too often, commissioned restorative justice services are inadequately funded which has led to a 'postcode lottery' for those wishing to participate in restorative justice. Since the launch of the first restorative justice action plan in 2012, the Government has continually made a commitment to deliver good quality, victim-focused restorative justice at all stages of the criminal justice system in England and Wales. However, the evidence gathered during this Inquiry demonstrated these plans were not translated into tangible actions and subsequently access, awareness and capacity to deliver remain the most significant barriers.

Outside of the criminal justice sector, the implementation of restorative practices often relies on a commitment from senior leaders both in terms of vision and funding. We heard the risk this posed to a setting should there be a change in leadership. Those working within the education and forensic mental health sectors also told us that a siloed approach to the implementation of restorative justice / practice has been detrimental to the wider roll out in their settings. Any future government plan must encompass all government departments.

The Inquiry unearthed a depth and breadth of experience of, and commitment to, restorative justice and practice which we can harness. However, as outlined within the Inquiry Report, there is much work to be done if we are to realise the true potential of working restoratively. The Advisory Board is committed to supporting the APPG to call on the Government to implement a credible, detailed plan to make the recommendations within this report a reality.

I would like to thank all those who gave evidence to the Inquiry, especially those with lived experience of restorative justice, and of course my fellow-Advisory Board members for their thoughtful contributions.

Jim Simon

Restorative Justice Council,
Chief Executive Officer

Chair of the APPG Advisory Board

3 Executive Summary

This report sets out some of the current uses of restorative justice and restorative practices across England and Wales. In its recommendations, it identifies 9 key suggestions for what more can be done to increase performance and outcomes.

Prepared by the All-Party Parliamentary Group (APPG) for Restorative Justice, this report is based on written evidence received from 57 services providers, practitioners, national organisations and academics, and from ten oral evidence sessions with key stakeholders and those with lived experience of restorative justice.

The APPG sought to replicate the themes from the 2012 and 2017 government reviews into restorative justice by examining three key areas: **access**, **capacity**, and **awareness**. These themes form the basis for the analysis that follows and underpins the key recommendations.

The majority of evidence received by the APPG came from organisations related to the criminal justice system, and material from the many organisations working elsewhere was limited. Consequently, further investigation of the role of restorative practices in non-criminal justice settings would provide valuable additional insight into the breadth and value of restorative work taking place.

While there have been improvements to the provision of restorative justice, particularly across the criminal justice sector since the Government's first Action Plan in 2012, this Inquiry makes it clear that more needs to be done. This report suggests that there is no single solution to resolve the problems that we have identified. Instead, action needs to take place at multiple sites across the criminal justice system and beyond in order to ensure that the provision of restorative justice, where appropriate, is accessible. Concrete commitments from central government, local authorities, Police and Crime Commissioners and other key stakeholders are required to implement the recommendations.

The Report recognises that currently there is no government action plan for restorative justice. The last Action Plan from the Ministry of Justice expired in 2018 and the sector has subsequently been lacking clear direction. A new restorative justice action plan could accelerate and coordinate good practice across the country. To reduce the risk of 'siloed' working across government, future plans must reach beyond the Ministry of Justice to reflect priorities across all government departments. The benefit of such an action plan and policy direction would be further supported by the appointment of a minister with clear responsibility for restorative justice.

A government commitment to producing an action plan for restorative justice which focuses on the key themes outlined below, alongside a minister with responsibility for its implementation would demonstrate the Government's commitment to this sector and the benefits it brings in terms of outcomes and cost-savings.

ACCESS

Throughout the process, the Inquiry was reminded of the power of restorative justice in repairing harm and improving the emotional well-being of those who have been harmed by crime. However, all too often inadequate funding for commissioned restorative services has led to a 'postcode lottery' for those wishing to participate in restorative justice. Furthermore, disparities in the type of offence considered 'appropriate' for restorative justice present further barriers to equal access.

The Inquiry repeatedly heard that access is also hindered by 'gatekeepers'; where professionals such as probation staff, victims services, police and prison officers make a decision on behalf of either the victim or offender about the suitability of restorative justice. The evidence presented to the Inquiry suggested that these decisions are often made by individuals who do not have the skills, experience, or knowledge of restorative justice to make an informed decision about its suitability.

The Inquiry Report also highlights significant challenges with existing contracting arrangements for commissioned restorative justice services. Evidence presented demonstrated that providers that are tied into short contracts are often focused on trying to win the next contract, which distracts from delivery and innovation. This report acknowledges that, of course, there must be a fair and robust tendering process, however this should not be to the detriment of commissioning services. Those responsible for commissioning services should increase minimum contract terms to provide greater consistency and stability for providers to develop and nurture their restorative justice provision.

The Inquiry also heard evidence of the challenges service providers face in negotiating information sharing agreements; too often this requires providers to negotiate multiple agreements which is time consuming and potentially negatively impacts service delivery through unnecessary delays. This could be rectified if the Ministry of Justice, in consultation with partners, were to produce a national information sharing template which can be adopted by all providers and their partners.

The Inquiry was concerned to learn that currently there is no accessible national picture of the quality and quantity of restorative justice. Performance data is inconsistently recorded and only made available through Freedom of ınformation requests. The report recommends that further investigation should be undertaken, involving the Ministry of Justice and other partners, to develop guidance for gathering and using data to monitor and evaluate restorative justice.

CAPACITY

The Report recognises that although funding is available to commission restorative justice services within the criminal justice sector, in most cases this is insufficient and has not enabled the sector to professionalise or raise its standards of practice. Short-term funding often leads to services recruiting to fixed term roles which offer little job security and provide challenges in attracting the right level of candidate. The sector also relies heavily on the use of volunteer practitioners to deliver services, although current funding models often do not provide sufficient funding to train and support these volunteers, or for them to achieve registered status. This poses a significant risk that these volunteer practitioners are not held to the same standards as paid practitioners, which is at the disbenefit of the service user.

The Report recognises that at the present time there are no mandatory requirements for restorative practitioners to hold any formal qualifications prior to facilitating restorative processes. Whilst it is widely accepted that practitioners should complete, as a minimum, initial practitioner training, this is based on good faith and services could be provided by individuals with little or no training. The report recommends a far greater emphasis on the consistency of practice standards, and a movement towards professionalising the sector.

AWARENESS

The Inquiry has demonstrated that awareness of restorative justice is lacking in both sector professionals and the wider public. This results in 'gatekeeping', ineffective communications, and missed opportunities for services and individuals to access restorative services.

A key constraint with the effective delivery of restorative justice is how and when victims are offered an opportunity to participate. We heard consistently that trained restorative practitioners are best placed to explain the process to a victim and answer their questions or concerns. Where this information is provided by a non-practitioner, there is a risk that the person giving the information will not be able to discuss the options, explain the benefits and answer the victim's questions as effectively. A greater risk is that this information may not be passed on at all.

The Inquiry has shown that there is a need for a national public awareness campaign to help re-frame restorative justice, particularly beyond a narrow definition of meetings between a victims and offenders. Additionally, there is a need for a targeted campaign for sector professionals, prison officials, and those who were earlier referred to as 'gatekeepers' to raise awareness of restorative justice.

Overall, the report provides a timely insight into some of the successes and challenges of restorative justice and practices in England and Wales, and the opportunities this presents for development in policy and practice. The report has also identified some important further questions which the APPG will consider within their future workplan, particularly around the broader use of restorative practices in schools, forensic mental health, housing, and a range of other key sectors.

4 Introduction to the Inquiry

The Restorative Justice All-Party Parliamentary Group was established on the 21st April 2021 by Elliot Colburn MP, along with Fiona Bruce MP, Crispin Blunt MP, Neale Hanvey MP, Tony Lloyd MP, Christina Rees MP, Baroness Molly Meacher, and Baroness Sally Hamwee. At this meeting CalComms were appointed Secretariat of the APPG.

The mission statement of the APPG is:

To examine the use of restorative justice principles within the UK justice system and beyond; to raise the profile of restorative justice principles within Parliament; and to provide opportunities for policy discussion and consultation.

Following discussions between stakeholders and Members of the APPG a formal work programme was agreed at the end of May, which included the establishment of an inquiry in the early summer. As the last five years has passed without any formal government review into Restorative Justice it was decided by the APPG that this Inquiry should review the current status of the sector and identify where there is good practice, as well as areas for improvement. The Inquiry comprised three parts:

1 Written evidence, from organisations and individuals with expertise in Restorative Practices.

2 Oral evidence, taken at oral evidence sessions with invitations extended to the Advisory Board.

3 This report, based on the evidence collected.

The Inquiry sought to replicate the themes from the 2012 and 2017 government reviews into Restorative Justice by examining three key areas: **access**, **capacity**, and **awareness**. These themes form the basis for the analysis that follows, and underpin the 9 key recommendations

The APPG received evidence across a wide range of practitioners, advocacy groups, academics, and those who have been part of restorative processes. The report that follows provides an overview of these responses, weighted based on the volume of evidence provided to the Inquiry. It is not a full account of all the evidence given to the Inquiry, but a summary of key points that provides an evidence base for the 10 key recommendations at the end of this report.

An Advisory Group, formed of leading stakeholders in the UK involved in the research and delivery of restorative practices, was formed to support the APPG. This Advisory Board provides strategic counsel and support to the APPG, along with contributions towards the running costs of the APPG.

The advisory group comprises of:

Chair - Jim Simon:

Nina Champion:

Tony Walker:

Kate Hook:

Julie Clark:

Dr Jonathan Hobson:

Steve Jones:

Lucy Jaffé:

5 Summary of Findings

A) ACCESS

A wide range of both written and oral evidence was provided during this Inquiry focusing on access to restorative practices and restorative justice. A number of clear themes were repeatedly raised and the following evidence will focus on the recurring points surrounding funding, information sharing, gatekeeping issues and disparities amongst Police and Crime Commissioners (PCCs).

Firstly, the services of restorative justice and restorative practices in the criminal justice system are generally funded through PCCs through their victims' services fund. According to Freedom of Information data we estimate that this often sits between £50,000 and £250,000. Between 2013 and 2016 restorative justice received support from the Ministry of Justice via ringfenced funding to PCCs. However, this allocation has since ended and it is now the responsibility of individual PCCs to decide how much they spend on restorative justice from their victim's budgets. A 2017 Why me? report concluded that support for restorative justice in PCCs dropped significantly following the end of the Ministry of Justice funding, including some PCCs dropping their restorative justice allocation to under 5%. Consequently this varied nature of funding between each PCC has led to a 'postcode lottery' for victims of crime, whose access to restorative justice depends on the local authority or PCC region they are situated in or where the crime took place. The lack of guidance or a framework around the recommended level of investment in the provision of restorative justice services further heightens this issue.

The 'Journey of Learning, Growth and Change' report by the Criminal Justice Alliance highlighted this disparity further and noted that '...an uneven approach to implementing restorative justice and restorative practices has been propelled by the devolved budget of the Ministry of Justice to Police and Crime Commissioners'.

We also heard evidence from representatives working outside of the criminal justice system including those working restoratively within our schools and mental health services. Most notable in the evidence provided was a lack of dedicated funding for restorative practice. Senior leaders from both Iffley Academy and South London and Maudsley NHS Trust commented that their success relied on enlightened and progressive leaders who committed funds from their core budgets. This is a concern and potentially restricts the wider implementation of restorative practices in our schools, health and social care settings. Given the evidence received from organisations outside of the criminal justice system was limited, the Inquiry feels that further investigation of the role of restorative practices in these settings is required.

In addition to the funding disparities between PCCs, evidence also highlighted an inconsistency in the types of services being offered across PCC areas. For example, some PCCs state which types of offence can be considered which, in turn, impacts on who can be referred. Additionally this system is complicated further as some services are limited to only accepting victim initiated referrals. Offender initiated referrals are the responsibility of either Probation (in the case of an adult offender) or a Local Authority Youth Offending Service (in the case of a young person).

Evidence provided by the Association of Police and Crime Commissioners highlights further disparities between PCC areas. They refer to the example of the provision of restorative justice services around domestic/sexual abuse cases where certain areas work with criminal justice partner agencies and victim support providers to manage the cases safely, so harmed parties are not 'blocked' from accessing restorative justice. However the willingness to do this for these types of cases varies across PCC areas. The Crown Prosecution Service states that:

"Whilst the Victims' Code allows victims of domestic violence to take part in restorative justice techniques, the National Police Chief's Council (NPCC) policy does not support the use of restorative justice in these cases. Where a victim of domestic abuse demands restorative justice, it should only take place after careful consideration and advice from supervisors or experts".

Therefore, this Report recommends consideration of restorative justice processes be made on the basis of an assessment of individual risk and not through a blanket approach to one crime type. There has to be due consideration given to the safety of participants particularly in cases of sexual and domestic violence cases and those involving hate crime. Decisions based on risk avoid situations where harmed parties are disempowered if decisions are made on their behalf. However, other contributors did note that restorative justice may be justifiably prohibited for some subtypes of crime, specifically regarding domestic abuse taking the form of 'coercive control'. The 'Beyond Violence: Breaking Cycles of Domestic Abuse' report (Farmer & Callan, 2012) stated that 'we envisage restorative justice programmes to be unsuitable when abuse conforms to coercive controlling patterns.' This Inquiry calls for increased national guidance and recommendations for PCCs produced in collaboration with organisations with specialist knowledge and experience of these crimes.

Furthermore, contractual issues surrounding the provision of restorative services have caused concern from those providing evidence towards this Inquiry. Whilst there should of course be a fair and robust tendering process there have been concerns around the length of contracts provided. For example, some PCCs only offer two to three year contracts for restorative services which means that far too much of the time is focused on transition arrangements and future tendering arrangements. One contribution towards the Inquiry stated that:

"...the fact that restorative providers are tied into short contracts is also a challenge, as they are often focused on trying to win the next contract, which distracts from innovation or delivery".

Stakeholders have noted that this length of contract causes uncertainty across all levels of the service, including issues with staffing towards the end of contracts. Inquiry stakeholders provided considerable evidence to show that longer contacts would allow organisations to embed relationships within the local community and reduce concerns with transitional arrangements. This of course is public money and it needs to be an accountable process but also one that delivers the required services to an appropriate standard.

To create consistency across PCC areas this report recommends, in line with the evidence received, that the Ministry of Justice should seek to reinstate minimum ring-fenced funding for restorative justice services to ensure greater consistency in accessibility across different PCC areas. Additionally, to create transparency around funding the Ministry of Justice should publish outcome framework returns including how much money is being spent on restorative justice services, rather than data having to be collated through annual Freedom of Information requests. Minimum contract terms should be longer, to provide greater consistency and stability for providers to develop and nurture partnership arrangements.

A further blockage to accessing restorative services is what's referred to as 'gatekeeping', which a number of contributions focused on. This is where professionals such as probation staff, victims services, police and prison officers make a decision about the suitability of restorative justice. This decision can be based on the crime type or the individual's perception of suitability. This is particularly detrimental for people with protected characteristics and/or those with a mental health diagnosis. This Inquiry heard repeatedly that those wishing to access restorative justice should be given information and an option to be referred. This Inquiry recommends that professionals working with people affected by crime should be provided with guidance and information to help them understand how effective restorative justice can be and how to refer.

University of Sheffield, 2007

After receiving written and oral testimony from service users, practitioners, charities and academics it has been made clear that in order for restorative justice to operate effectively the provider must work in partnership with a range of other institutions and services, from victims services to the police, prisons and probation service.

Those responding to the Inquiry often expressed that limited information sharing between organisations undoubtedly hampered the effectiveness of restorative justice provision. This often originated from service providers who noted that individual information sharing agreements simply take too long to negotiate especially for those providing services across a number of areas.

Restorative Solutions noted that a national information sharing agreement between their organisation and Her Majesty's Prison Probation Services took five years to be achieved. However, it is more common for restorative justice providers to broker information sharing agreements locally which, if not forthcoming in a timely manner has a significant impact on service delivery. This Inquiry recommends that the Ministry of Justice produces a national template which can be adopted by all providers and their partners.

The Inquiry heard evidence that performance data is not consistently gathered or analysed. This means that there is no national picture of the quality and quantity of restorative justice; where this is available it is reliant on the Ministry of Justice responding to Freedom of Information requests. Data gathered by service providers is undoubtedly commercially sensitive information but should not prevent basic demographic data on the uptake of restorative justice. Based on the evidence gathered, further investigation should be undertaken by the Ministry of Justice, in consultation with partners, to develop guidance for gathering, standardising, and using data.

Whilst the need for information may differ between organisations it is clear that if there was at least a national guidance framework it would inform all parties to create an efficient and effective restorative justice network. It is possible that this could be supported by a future Victims' Law.

B) CAPACITY

Although funding is available to commission restorative justice services within the criminal justice sector, Inquiry respondents stated that they are concerned that funding overall, in most cases, is insufficient to professionalise and standardise practice delivery. One such contribution stated that

'We regularly see that the role of restorative practitioner is an 'add on' to an existing role. This can have a significant impact on the quality and sustainability of practice. For example, if budgets are cut or there is a critical need somewhere else within the service, these individuals are often moved or redeployed'.

Additionally, short-term funding often leads to services advertising fixed term roles which offer little job security and can provide challenges in attracting the right level of candidate. The current funding model also places an over reliance on recruiting volunteer practitioners to deliver restorative services. Whilst this does potentially reduce the costs associated with service delivery, it presents additional challenges in professionalising and standardising practice.

Given the nature of the sector it is clear that it's heavily reliant on the use of volunteers to deliver services in full. However, as it stands, current funding models do not always provide sufficient funding to support volunteer practitioners develop their skills through additional training or to achieve registered status. This therefore means that volunteers are not consistently required to uphold the same standards as a paid practitioner, which is at the disbenefit of the service user. Consequently, to allow more people access to restorative justice it is important that a set of requirements are put in place to allow minimum standards for practitioners providing services. This is recommended to take shape via a national organisation, such as the Restorative Justice Council, which can provide appropriate and independent support for those interested in gaining registered status.

A further issue surrounding minimum standards is that, at the present time there are no mandatory requirements for restorative practitioners to hold any formal qualifications prior to facilitating restorative processes. It is widely accepted that practitioners should, as a minimum, undertake an initial practitioner training course delivered over a period of at least 24 hours. However, this understanding is based on good faith and in reality, any individual and/or service could offer restorative processes without completing any formal training. At this moment, organisations are able to tender for commissioned services with no previous registered status, restorative experience or requirement to offer their staff any form of restorative training. This is an area of concern and creates opportunities to indirectly harm service users.

Training delivered by a registered training provider is also a necessity in order for their training to meet minimum standards. At this moment there are no mandatory controls in place to ensure that practitioners facilitating complex and sensitive cases have the skills, knowledge and experience to do this safely. Therefore, it is possible that a

practitioner could complete an initial practitioner training course and immediately facilitate restorative processes on all manner of cases. Current initial practitioner training does not provide the necessary knowledge to safely facilitate complex and sensitive cases. This is particularly relevant when it comes to domestic abuse cases which necessitate high-level domestic abuse specific training to adequately safeguard the victim. This can avoid situations where an inadequately trained facilitator may fail to recognise gestures used by the abuser to control their victim and enable abuse to be perpetuated.

There are currently national occupation standards for restorative justice but these are lengthy and the majority of practitioners and/or service providers could not be expected to demonstrate how they meet each of the numerous criteria set out within the standards. However the Restorative Justice Council's Practice Guidance and Registration Frameworks could be used as the minimum practice standards for those facilitating restorative processes. These were initially developed in partnership with the Ministry of Justice based off the National Occupation Standards.

When compared to similar positions in other professions a number of respondents referred to 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. Subsequently it has been suggested through this Inquiry that all practitioners should be required to be a registered practitioner and their work should be subject to independent monitoring.

Given its national remit, the Restorative Justice Council should be given sufficient funding to undertake this role to deliver practitioner and service provider registrations. However, this report acknowledges that not all organisations will have the ability to fund the costs of independent evaluation or practitioner registration and therefore appropriate funding from the Government must be made available to organisations, many of whom which are volunteer reliant..

One stakeholder commented the following:

'Minimum core standards for restorative practitioners must reflect the wide variety of case type and complexity of cases. The currently accepted standard of a 3-4 day course to train to be a restorative practitioner at literally any level of the criminal justice system or crime type is at best insufficient and at worst potentially dangerous.'

Based on this extensive feedback, our overall recommendation here is that there must be a greater emphasis on the consistency of practice standards; Police and Crime Commissioners must make it a mandatory requirement for all commissioned services to be registered with the Restorative Justice Council and to ensure integrity of practice and that restorative practices are only facilitated by practitioners who are also registered, regardless of whether they are paid or unpaid. Commissioners must additionally ensure that the level of funding they provide is sufficient to meet the cost of registration and ongoing independent monitoring.

96%

of offenders taking part in restorative justice stated that the process **directly increased their motivation to not re-offend**

Remedi: Restorative Services, 2021

> Why me?'s **Valuing Victim report (2020) found that over**
>
> **half of victims reported improvements**
>
> **across the four outcome measures: being better able to cope with aspects of life; having improved health and wellbeing, having increased feelings of safety and feeling better informed and empowered**
>
> Why me?, 2020

C) AWARENESS

This Inquiry has shown that not only public awareness of restorative justice is lacking but also that sector professionals are often lacking understanding, which in turn results in 'gatekeeping', referred to earlier in the Access section. This Inquiry has found that there is often a lack of expert communications support to publicise the work of restorative justice.

Studies by the Mint House Oxford suggest that people need to see how restorative approaches can be helpful in their own relationships, as well as recognising the benefits to society. Further feedback from stakeholders also indicated confusion between restorative justice and restorative practices.

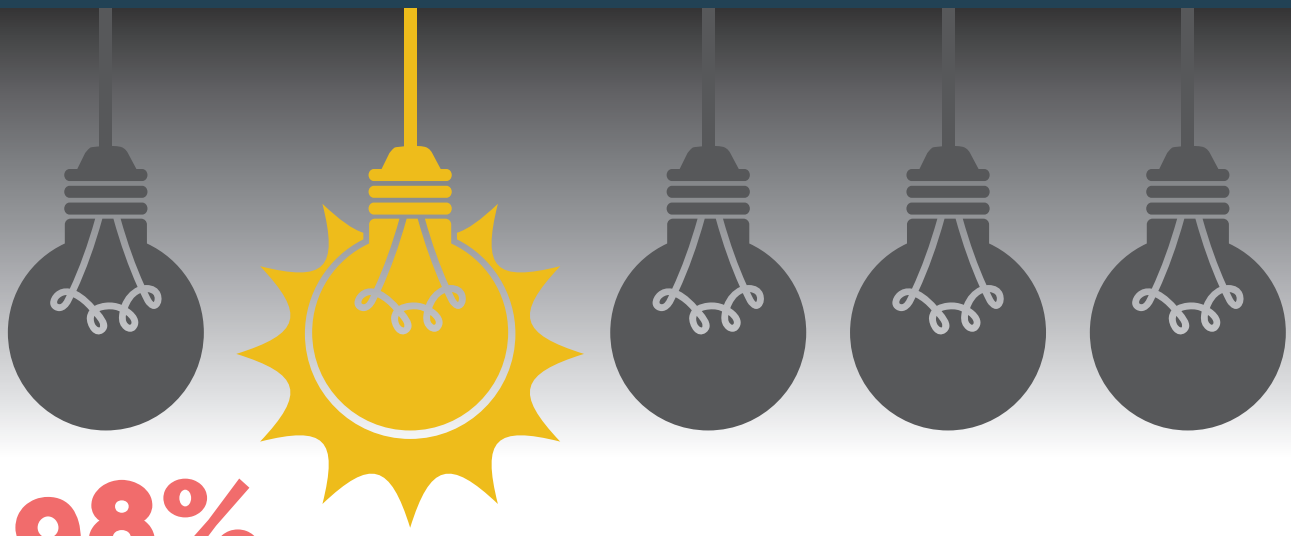
Research from Mint House Oxford further suggests that emotive stories and imagery can help explain these concepts for public consumption. The wide range of oral evidence from service & ex-service users provided at the APPG hearing sessions supported this point as often complicated and difficult stories can be far better expressed by the individual themselves, instead of text based content. However this is understandably difficult given the personal nature and anonymous nature of much work within restorative justice. Currently, many organisations including Why me?, Restorative Solutions and the Chris Donovan Trust do an excellent job of raising the profile of restorative justice within print and digital media.

Many respondents indicated that they would opt for a national public awareness campaign which would raise awareness and help re-frame restorative justice, particularly to beyond a definition which merely involves the meeting between a victim and offender of crime.

Other Inquiry respondents expressed a preference for targeted campaigning and awareness raising, where the focus would be on sector professionals, prison officials and others who were earlier referred to as 'gatekeepers'.

A key constraint with the effective delivery of restorative justice is how and when victims are offered restorative justice. In April 2021 the new Victims' Code of Practice stated;

'If the offender is an adult, you have the Right to receive information about restorative justice from the police and how to access restorative justice services in your local area. If the offender is under the age of 18, you have the Right to receive information about restorative justice from the Youth Offending Team.'



98% of offenders taking part in **restorative justice** stated that the process **directly increased their personal understanding of the impacts/harms caused by their offending**

Remedi:Restorative Services, 2021

Additionally it now notes that:

'Although the police are responsible for providing you with information on restorative justice initially, all service providers must consider whether you would benefit from receiving this information at any stage of the criminal justice process'. Under Right Four 3.4 it adds that 'If you report a crime to the police, you have the right to be referred to a service that supports victims, including restorative justice services. The police will tell you about all the support services available in your local area. You will be referred to a support service within 2 working days, and these services will endeavour to provide timely access to support based on availability.'

Evidence demonstrated that respondents welcomed this recent change in the Victims' Code of Practice but indicated that it still falls short of providing victims with a specific right to be referred to a restorative justice service. Trained restorative practitioners are best placed to explain the process to a victim and answer their questions or concerns, including their personal safety throughout a restorative process, so they can make a fully informed decision. Where information is provided by a non-practitioner, there is a risk that information will not be passed on, or the person giving the information will not be able to discuss the options, explain the benefits and answer the victim's questions as effectively. This is not a new suggestion, and questions why the Justice Select Committee recommendations in 2016 have not been implemented.

Knowing when and how to engage with people affected by crime is fundamental to increasing overall participation. From the studies of Rebecca Banwell-Moore (University of Nottingham) (2019) and Shapland et al (2011) it was found that the method of invitation varied greatly, from opt-in letter only, to a letter followed by a phone call, to just phone calls, to phone calls and home visits. Contributors state that there is no uniform process for contacting victims about restorative justice. Studies show that victims who only receive a letter of invitation rarely engage however, are more likely to participate if contacted over the phone.

In Rebecca Banwell-Moore's (2019) study it was found that staff edited out restorative justice information from generic crime victims' correspondence as they deemed them unsuitable for restorative justice. Ultimately it has been left to the professionals what form of contact they opt for, if at all.

An area of potential improvement would be in relation to the level of awareness of restorative justice within the Metropolitan Police and other police forces. Feedback from the Criminal Justice Alliance indicated that there is a need to embed a restorative culture within police forces so that progress is not lost when there is a change in senior leadership. One particular response commented that:

'Police Officers have struggled with understanding the various types of restorative interventions, the value of restorative justice and the differences between restorative justice and community resolutions etc.'

To improve this the Inquiry seeks to recommend that the National Police Chiefs Council, College of Policing and the Association of Police and Crime Commissioner's should work closely together to improve understanding and encourage greater use of restorative justice and practices amongst senior leaders in the police and in the workplace.

Prior guidance from the Victims' Code stated that there are three stages in the victim's journey through the Criminal Justice System when the victim should be offered restorative justice. These three stages are: 1) when the victim is told that the offender has been arrested; 2) at the stage when they are informed about the offender's plea and where there is a guilty plea; 3) when the victim is informed of the sentence and provided with an explanation of the outcome. However due to this fluidity the offer is, in the main, left until the court outcome or post sentence. However this can often be too late. The Inquiry feels that while there is no 'right' time to offer restorative justice there is most certainly a wrong time if approaches are made at the court outcome or post-sentence stage where victims' may feel that it's too late.

Additionally the Inquiry notes that it was essential that multiple offers are given to victims and its noted that often victims need restorative justice offered a number of times as they may have little awareness of restorative justice prior to initial offerings. Clearly participation should not be forced in any way but the offer should be consistent and shouldn't rely on a victim accepting the offer on the first occasion.

Lastly many of the contributions felt that an established set of communication tools would assist in how to make a referral, and would assist victims and offenders in understanding more about restorative justice and how they can benefit

The final theme of evidence related to awareness amongst government departments. Currently there is not a minister with clear responsibility for restorative justice and therefore accountability is lacking. Additionally a government action plan on restorative justice is required, and along with ministerial responsibility it would clearly demonstrate the government's commitment to this sector.

The last Restorative Justice Action Plan from the Ministry of Justice expired in 2018 and the sector has been lacking clear direction from the government ever since. A new Restorative Justice Action Plan could accelerate and coordinate good practice across the country. Many of our stakeholders added that the next Restorative Justice Action Plan must reflect priorities across all government departments, and not just the Ministry of Justice.

94%

of offenders taking part in **restorative justice** stated that **they would recommend restorative justice to others**

Remedi:Restorative Services, 2021

6 Key Recommendations

1. **Registration of commissioned services.** *Police and Crime Commissioners and other relevant bodies should make it a mandatory requirement for all commissioned services to be registered and to ensure integrity of practice, that restorative processes are only facilitated by practitioners who are registered, regardless of whether they are paid or unpaid. This registration process should be managed by the Restorative Justice Council, who should be given sufficient funding to support this task.*

2. **Standardise the sharing of information.** *The Ministry of Justice, in consultation with partners, should produce a national information sharing template which can be adopted by all providers and their partners.*

3. **Improving quality through effective monitoring and evaluation.** *Further investigation should be undertaken by the Ministry of Justice, in consultation with partners, to develop guidance for gathering and using data to monitor and evaluate restorative justice.*

4. **Publication of a new Action Plan.** *The Ministry of Justice and Home Office should publish a new joint national action plan for restorative justice and practices. This should include internal actions for criminal justice settings and providers, such as embedding restorative principles into HR policies and processes, awareness raising, training involving people with lived experience in the design and delivery; and ensuring adherence to the Public Sector Equality Duty. The plan should be reviewed every three years. Alongside this, the National Police Chiefs Council, College of Policing, and the Association of Police and Crime Commissioner's should work together to improve understanding and encourage greater use of restorative justice and practices amongst senior leaders in the sector.*

5. **Reviewing ring-fenced funding for restorative justice practices.** *The Home Office should review minimum ring-fenced funding for restorative justice services to ensure greater consistency in accessibility across different PCC areas. This funding should also be sufficient to cover adequate training, awareness raising, volunteer management and outreach work. There should also be minimum contract terms to provide greater consistency and stability for providers to develop and nurture partnership arrangements (subject to robust accountability mechanisms).*

6. **Explore automatic rights for victims through the Victim's Law.** *The new Victims' Law should include a specific right for victims to be referred to and access restorative justice services.*

7. **End to blanket bans.** *PCCs should remove any blanket bans on funding restorative justice for certain offence types, instead they should ensure that there are specialist staff trained for serious and complex cases available to assess the risks associated with a particular type of offence or additional need. This should be underpinned by a robust organisational (or ideally a national) policy that provides referring agencies and potential service users with a clear explanation as to why a case cannot be progressed.*

8. **More and better communications.** *A new national action plan should include a specific communications plan to raise awareness amongst the public of restorative justice and practice. This plan should be co-produced by communications experts, who have a good understanding of how to frame issues, along with restorative professionals and people with lived experience.*

9. **Government minister with specific responsibility for restorative justice.** *A government minister with responsibility for restorative justice and practices should be appointed, or this responsibility should be incorporated into a Minister of State's role or Undersecretary of State. This should initially be focused on the Ministry of Justice, though with potential for cross departmental working where it may be applicable in future.*

7 Acknowledgements

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Dr Rosie Chadwick	The Mint House, Oxford Centre for Restorative Practice
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Nina Champion	Criminal Justice Alliance
Ben Andrew	Why me?
David Smith	West Yorkshire Combined Authority
Carolyn Graham	Merseyside OPCC
Marie McLaughlin	Manchester Youth Justice Service
Dr Rebecca Banwell-Moore	University of Nottingham
Sara Hagel	Peacemakers/RESTORE Group
Harry Maguire	Community Restorative Justice Ireland
Emma Goddard	Essex Restorative and Mediation Service
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Julia Houlston-Clark	Wales Restorative Approaches Partnership
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Linda Millington	Why me?
Dr Gerard Drennan	Restorative Justice Council
Rebecca Beard	Restorative Justice Council
Reverend Shawn Verhey	HMP Thorn Cross
Dr Kerry Clamp	University of Nottingham
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CALCOMMS.

Phone **0203 813 5559**
Email **info@calcomms.**
Website **www.calcomms.co.uk**

Calvert Communications LTD
15th Floor, Millbank Tower,
21-24 Millbank Westminster SW1P 4QP UK