



Restorative
Justice
Council

Restorative
justice and
policing –
what you
need to know

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Introduction

Restorative justice supports offender rehabilitation and puts victims at the centre of the criminal justice process. Robust evidence demonstrates that it works, and every police force in the UK plays a crucial role in ensuring its widespread availability.

With the emergence of new restorative justice services across the country, the police play a key role in its delivery and in the provision of victims' information to other agencies. This booklet has been developed to allow every force to understand their role in the process and to recognise what quality restorative justice looks like in a police force.

To ensure that restorative justice is used appropriately and safely, the full commitment and support of senior leaders in the force is essential. Senior staff need to endorse the process and communicate their expectations for restorative justice among officers and staff. They also need to make sure that the values and principles of restorative justice are understood

and upheld and that policies and procedures are in place to ensure that the process is safe, effective and responsive to the needs of those taking part.



This booklet highlights some of the key considerations for police forces when implementing restorative justice. It is intended to be used as a checklist against which senior officers can measure current provision in order to determine how effectively restorative justice is being delivered within their service.

Further information on restorative justice can be found at www.restorativejustice.org.uk/policeinfopack

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Agreeing a definition – what is restorative justice?

Restorative justice gives victims the chance to meet or communicate with their offenders to explain the real impact of the crime and find a positive way forward. It can be used whether the offender is an adult or a young person. Restorative justice needs to be entered into voluntarily – it can only take place if both the offender and victim are willing.

The process can take the form of a face to face meeting between the victim and offender or via letters, audio recordings, video or by communication through a facilitator. The process must include two-way communication (directly or indirectly) between the victim and offender – a letter of apology does not in itself necessarily constitute restorative justice. Restorative justice often leads to an outcome agreement where the parties agree certain actions the offender can undertake to repair the harm they have caused.

The preparatory stage of restorative justice is key. A skilled facilitator risk assesses each individual to determine their suitability and, in more serious cases, this can take time. If deemed inappropriate or unsafe for either party, then the restorative justice process will not take place.

The evidence – why does restorative justice work?

Restorative justice helps offenders take responsibility for their crime, express remorse and make amends. It holds offenders to account, providing them with an opportunity to learn from their actions and reintegrate into the society they have harmed. It also empowers victims and communities by giving them a voice and a chance to explain the real impact of the crime.

The evidence for restorative justice is strong. A government-funded £7 million, seven-year research programme into restorative justice demonstrated it reduces the frequency of reoffending by 14%. Eighty % of offenders who take part in restorative justice think it will lessen their likelihood of reoffending.

The research also confirmed that more than half of victims who take part in restorative justice conferences think their offenders have received the right sentence, and 85% of victims are satisfied with the process.

What is the role of the police in restorative justice?

The police play an important role in restorative justice both in terms of delivery and the provision of information on victims.

For low-level crimes, the police can make restorative justice available as part of an out of court disposal – either as part of a community resolution or conditional caution. Officers equipped with Level 1 training are able to directly deliver restorative justice for these crimes or refer a case to a local restorative justice service for delivery. If the case is beyond the scope of the police officer's expertise, they must refer the case to a local restorative justice service.

For cases that are too serious to be dealt with through an out of court disposal, the police can still play an important role in ensuring that restorative justice can take place, delivered by another criminal justice agency or restorative justice provider. This could be at the pre-sentence stage in the court process, in which case the police may need to provide relevant information to support the safe provision of restorative justice, as part of a community sentence or alongside a prison sentence.

The newly updated Victims' Code entitles victims of adult offenders to receive information on restorative justice, including on how they could take part, and entitles victims of young offenders to be offered the chance to participate in restorative justice where available and appropriate. The police should make sure that the victim is given information on restorative justice at the first point of contact. The Victims' Code also states that the police must provide restorative justice service providers with victim contact details unless the victim opts out.

Effective partnership working and formal arrangements for sharing information with other criminal justice agencies and organisations are therefore essential. Police and Crime Commissioners, Community Rehabilitation Companies, the National Probation Service, Victim Support and voluntary services all have a role to play in the restorative justice process and the police must work with them to enable this to happen.

Community resolution and restorative justice – understanding the distinction

Community resolutions and restorative justice are distinct and separate.

Restorative justice is not a disposal – it is a process which can be used at any stage of the criminal justice system for any level of crime. It can sit alongside or as part of an appropriate sentence or out of court disposal. Community resolutions, on the other hand, are an out of court disposal the police can use to deal with antisocial behaviour and low-level crime. They are an informal disposal and can be used with or without restorative justice.

It is extremely important for the police to recognise this distinction. If an officer goes to a scene, conducts an assessment and speaks to the victim about what they would like to happen next, that is a community resolution not restorative justice. It is only considered restorative justice when it has involved communication, whether direct or indirect, between the victim and offender about repairing the harm caused by the crime.

Community remedy and restorative justice

Community remedy is a requirement of the Antisocial Behaviour, Crime and Policing Act 2014. It is a menu of options available to allow victims a choice in deciding how their offender is dealt with if the disposal is either a community resolution or conditional caution. Restorative justice can be one option on the community remedy menu. Where it is an option, the benefits of restorative justice need to be explained to victims so that they can make informed decisions.



How can the police support quality restorative justice?

Quality in restorative justice delivery is essential to provide the best possible chances of a successful outcome, to safeguard the wellbeing of participants and to build public confidence.

Any officer who is expected to carry out restorative justice needs to be appropriately trained at the relevant level.

‘Street’ restorative justice – Level 1

This is the most basic level of restorative justice training. It will equip officers to use restorative techniques to deal with low-level crime and antisocial behaviour and may be used with out of court disposals.

The Restorative Justice Council (RJC) recommends that this training should involve a minimum of five to eight hours of training and include the following areas:

- an introduction to the concepts and philosophy of restorative practice, including the RJC principles of restorative practice
- using informal restorative processes to resolve minor conflicts



Restorative justice conferencing – Level 2

Level 2 training teaches the necessary skills for using restorative justice where a more formal and structured approach may be necessary. This could involve more serious crime types or cases with larger number of victims or offenders. The RJC recommends that Level 2 should involve a minimum of 20 hours’ training.

Sensitive and complex cases

Sensitive and complex cases are those involving actual (or threats of) serious or sexual violence, vulnerable participants, domestic abuse, risk of continuing harm (or intention to cause further harm), harm caused over a long period (over three years), more than three perpetrators or victims or multiple agencies. These cases should only be undertaken by practitioners with appropriate training and experience, and as such, may necessitate working with external partners.

Training should come from providers listed on the RJC's Trainers Register, who have agreed to adhere to the RJC Code of Practice for Trainers. Visit www.restorativejustice.org.uk/trainers-register for more information.

Demonstrating quality

The RJC has developed accreditation mechanisms to enable organisations and individuals to demonstrate that they meet our standards. Find out more about the Restorative Service Quality Mark and practitioner accreditation at www.restorativejustice.org.uk/standards-and-quality.



About the Restorative Justice Council

The RJC is the independent third sector membership body for the field of restorative practice. We provide a national voice advocating the widespread use of all forms of restorative practice, including restorative justice, and raise public awareness and confidence in restorative processes.

The RJC sets and champions standards for the restorative justice field, provides quality assurance, and supports organisations in the field to build their capacity and accessibility. The aim of the RJC is to enable safe, high quality restorative practice to develop and thrive.

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