



Department of
Justice

An Roinn Dlí agus Cirt

Máinnystrie O tha Laa

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Development of an Adult Restorative Justice Strategy for Northern Ireland

Summary of Consultation Responses

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INTRODUCTION

The Department of Justice recently conducted a consultation on proposals for the development of an Adult Restorative Justice Strategy for Northern Ireland. The consultation ran from 22 June until 11 September 2020 and this document provides a summary of the responses that were received.

2. The purpose of the consultation was to invite views on the development of a strategic approach to restorative practices at all stages of the criminal justice system, from early intervention in the community, formal diversion by statutory agencies, court-ordered disposals, custody and reintegration.

BACKGROUND

3. In recent years, Northern Ireland has seen the introduction and significant growth of the use of restorative practices both within and beyond the criminal justice system. There have been two main drivers behind these developments. First, the desire to better meet the needs of, and provide redress for the harm caused to, victims of crime; and second, to find an effective alternative to punitive responses and establish positive ways of dealing with children, young people and adults when incidents occur.

4. To date, the most extensive, formal application of restorative justice in Northern Ireland has been in the area of youth justice, where provision for the use of restorative justice has been placed on a statutory footing, and the practice is now firmly embedded in both pre-court and court-ordered disposals. Some progress has been made in the application and use of restorative practices with adults, but to date there has been no overarching strategic or co-ordinated approach to its development in spite of the proven benefits of this approach.

5. The Department of Justice has therefore been engaged with a range of partner organisations in the development of a consultation document to gauge views on whether, and how, restorative justice could become an

established process within the adult criminal justice system. Colleagues from the following organisations were part of this development work: Public Prosecution Service for Northern Ireland (PPS), the Police Service of Northern Ireland (PSNI), the Probation Board for Northern Ireland (PBNI), the Northern Ireland Prison Service (NIPS), Victim Support NI (VSNI), and the two accredited community groups – Community Restorative Justice Ireland (CRJI) and Northern Ireland Alternatives (NIA). Comprehensive input was also received from a wider participant group through a series of stakeholder workshops and bilateral discussions.

6. The aim of the consultation was to consider the development of a strategic approach to the utilisation of restorative practices at all stages of the adult criminal justice system, given the current absence of any such strategy. The criminal justice system focuses on whether or not a crime has been committed or the criminal law has been broken; the use of restorative justice as part of the process provides an opportunity to focus on repairing harm and minimising the impact of offending on victims.

7. Whilst acknowledging the potential for the use of restorative practices across far wider applications, for example in schools, the consultation limited itself to those aspects of the criminal justice system which were within the remit of the Department of Justice.

8. The introductory pages of the consultation document set out the desire for any Adult Restorative Justice Strategy to:

- place victims front and centre;
- develop appropriate structures and opportunities to allow victims to be involved, whether directly or indirectly, in the criminal justice system and in decisions which affect them;
- engage and challenge offenders with the effects of their actions on victims and the wider community; and
- improve outcomes for all those affected by offending behaviour, whether victims, offenders, families or communities.

9. Whilst not a primary driver, the consultation document acknowledged that the current economic climate within which the criminal

justice system is operating provides a further incentive for change. Developments in the youth justice system, including the introduction of statutory restorative disposals, have led to hugely significant decreases in the number of youth defendants disposed of in the youth court. Restorative justice has the potential therefore provide an opportunity to similarly reduce adult court caseloads through the use of effective diversionary restorative options.

10. Longer-term, such an approach could deliver numerous benefits, aside from any financial savings. It could impact on delay, with fewer cases moving through the system more quickly and thus providing swifter justice for victims of crime. Diverting individuals from prosecution also benefits them as contact with the formal justice system often leads to poorer outcomes, criminal records, and increased reoffending rates.

11. It is therefore reasonable to assume that the potential exists for restorative justice to play an important and positive role in the adult criminal justice system, and it was on this basis that the consultation was launched, in order to garner views from stakeholders and other interested parties.

THE CONSULTATION PROCESS

12. The consultation was launched on 22 June 2020, through the issue of departmental press release and a social media campaign which ran throughout the consultation period. Emails containing a link to the consultation information were issued to all those on the Department's consultation list, which contains over 500 organisations and individuals, both on launch day and as a reminder prior to the closing date. Recipients were encouraged to share the links with colleagues and interested parties.

13. To facilitate as many responses as possible, respondents were given options on how to respond – via a bespoke online consultation on citizen space or via a word template which could be downloaded, emailed or posted, for completion either online or in hard copy. A number of respondents also chose to submit a written paper rather than using these options, and these were also accepted. Key stakeholders were also offered the option of 'virtual' consultation events online.

14. It had been the Department's intention to hold a number of public/community consultation events supported by a range of partners including the Community Based Restorative Justice (CBRJ) organisations, Victim Support NI and Policing and Community Safety Partnerships (PCSPs). Unfortunately, the emergence of Covid-19, and the associated lockdown and social distancing rules prevented these from taking place. To combat this, and in an attempt to reach as wide an audience as possible, the consultation period was extended to 12 weeks from the usual eight, and ran from 22 June until 11 September 2020 although a number of responses were received, and accepted, well beyond that date.

15. In addition to the main document, an 'Easy Read' version was developed which drew out the key aspects of what was a very detailed consultation.

OVERVIEW OF RESPONSES

16. A total of 41 written responses were received by the Department. A list of all those who responded is attached at **Appendix A**. Two of these were short covering letters: one expressed general support for the idea of an Adult RJ Strategy, and the other was from an umbrella group which provided an endorsement of two of their members' responses. Neither of these letters contained any other comment on the consultation. The other 39 responses provided answers to some, or all, of the 26 questions contained in the consultation document with varying degrees of detail.

17. Of these 39 responses, 6 questionnaires were completed via the online Citizen Space option; 15 were submitted on the word template provided, and 18 were provided as a written paper.

18. The majority of the questions in the consultation document, mirrored in both Citizen Space and the word response template, began with a yes/no option, and then allowed readers to expand on this further by providing space for additional detail.

19. A number of those who provided written responses did not follow this structure and provide direct 'yes/no/no view' answers to some or all of the questions. Where a clear indication of views on an issue was expressed, we have included this in our overview count of responses for each question.

20. In providing detailed written responses a number of respondents addressed a range of issues, some of which had not been included in the original consultation document. The Department has taken note of all comments received and will reflect on those responses as part of its consideration of the next steps.

CONSULTATION QUESTIONS AND SUMMARY OF RESPONSES

21. The following section provides an overview of the questions posed within the consultation document, and summarises the responses that were received from the individuals and organisations listed at Annex A.

22. As part of the consultation process, respondents were informed at the outset that their responses may be published as part of the reporting process. Given the number of responses received, and the significant length of some of the documents provided, it is not now the Department's intention to publish each one. However, copies of full consultation responses can be provided on request, by emailing:

RJ.Strategy@justice-ni.gov.uk

CONSULTATION: INTRODUCTION AND BACKGROUND

23. The consultation began by setting out the background to the work, and the rationale as to why the Department was looking to develop an Adult Restorative Justice Strategy. The first question asked for general views on this:

Q1: Do you agree that a Restorative Justice approach should be introduced for adults who offend, which builds on the work that has already been undertaken, particularly in the youth and community sectors?

24. There were 39 responses received to this question. All of the respondents were unanimous in their wish to see a restorative justice approach introduced for adults, and all 39 answered 'yes' to the question. Some pointed to the success of restorative approaches in other sectors and commented that it was:

"a positive and welcome aspiration" (NIA/CRJI);

"a significant opportunity to develop more progressive, effective and accountable criminal justice" (R.A.P); and, if delivered well, could

“provide an unparalleled opportunity for victims to have their voices heard their individual needs addressed” (VSNI).

25. However, some of the responses indicated that whilst they agreed with the introduction of an Adult Strategy, this was agreement in principle, or with qualifications. Such qualifications were, in the main, dependent on the way in which any such Strategy was introduced, rolled out and resourced; the need for victims to be at the centre of the process; and the fact that it may not be suitable for all offence types. Comments received included:

“placing victims at the centre of process is very important” (various);

“must be equally available across Northern Ireland. This will require additional and appropriate funding” (Quaker Service);

“with qualifications...it does not work for all offences and situations” (WSN);

“there are some types of offences and some situations where it is potentially inappropriate and may even be counterproductive” (Raise your Voice);

“with qualifications. Must operate within a framework of human rights and the rule of law” (CAJ);

“There are important lessons to be learned from the work that has been undertaken in the youth and community sectors, both in terms of what works and what doesn’t” (Sinn Fein).

CONSULTATION: VISION, AIM, PURPOSE & PRINCIPLES

26. The next section of the consultation set out the Vision, Aim, Purpose and Principles which would be used to underpin an Adult Restorative Justice Strategy. These can be found on pages 5 and 6 of the consultation document, and are reproduced at **Appendix B** of this summary report for reference. Readers were asked:

Q2: Do you agree with the vision, aims, purpose and principles as set out above?

27. 35 respondents answered this question, with 33 responding 'yes' and two responding 'no'.

28. A number of responses welcomed what they felt were clearly defined vision, aims, etc., with one particularly welcoming the commitment to working in partnership with the community. Some of the positive comments received included:

“we support an ambitious vision for the adult restorative strategy, but also one that is realistic” (RP Forum; T. Chapman);

“[they] reflect the centrality of a partnership approach that acknowledges the value of all those involved” (NISCC);

“we value the language and practice of consent of all parties and assessment for safety” (Time-Out Assessment Centre);

29. Some respondents did provide qualifications or caveats to their support, as follows:

“there will need to be a process of raising awareness of key stakeholders including the public, legal representatives and the judiciary to create a culture and mindset of restorative justice” (PBNI);

“the challenge for RJ practitioners is how this is to be implemented in the unique circumstances of a post conflict society in Northern Ireland” (NIA/CRJI);

“care must be taken when ‘consent’ is obtained...to ensure that they are fully informed as to what it is they are consenting to” (Law Society).

30. A small number of respondents provided additional or alternative wording for some aspects of the vision and principles, which will be considered when the draft Strategy is being developed.

31. In the two instances where respondents disagreed with the definitions as set out in the consultation document, they did so on the grounds that:

“the Vision section...has no clear meaning, demeaning its purpose” and “the reference to international standards are restricted to those dealing specifically with restorative justice and the rights of victims. Broader human rights commitments are engaged by such a proposed change to the criminal justice system. Stormont Departments are obliged by law to act within the provisions of the ECHR and this obligation should be referenced in the Principles” (CAJ); and

“We believe the CJS should be striving towards Transformational Justice as opposed to Restorative Justice” (Abolitionist Futures)

32. The issue regarding the wider application of human rights commitments was also raised by the Northern Ireland Human Rights Commission, who met with Departmental officials to discuss the consultation, although they did not submit a formal response. The views expressed will be used to inform the draft Strategy.

CONSULTATION: THE CURRENT POSITION

33. The next section of the consultation provided a snapshot of the current provision of restorative justice by a range of organisations across the criminal justice and third sector, and how this work had developed. The work of CBRJ organisations involved in restorative work in the criminal justice arena is governed by a Government Protocol which was developed and published in 2007.

34. Since its publication, this Protocol has directed how referrals are made to CBRJ organisations, as well as how such organisations become accredited to undertake this work. To date, no review of this Protocol has taken place since its introduction, therefore the consultation asked:

Q3: Do you agree that there should be a review of the Government Protocol? If so, what particular elements do you think should be changed and why?

35. There were 29 responses to this question, with 28 of them agreeing that yes, there should be a review of the Protocol carried out. Only one individual responded 'no' to this question, but they did not expand on their answer.

36. The overwhelming view was that a review was long overdue, given that *"Society in general has changed considerably since the Protocol was introduced in 2007. It is imperative that a periodical review period is included in the revised version to ensure that it keeps apace with societal changes going forward"* (Law Society).

37. Many of the responses pointed to the fact that the current Protocol was no longer fit for purpose, as evidenced by the extremely low number of referrals being received from criminal justice bodies. The comments below represent a cross-section of opinions expressed:

"community based restorative organisations have developed and kept pace with the needs of the community but the document has remained static and does not reflect contemporary issues faced by victims or offenders...[it] offers the victim less options in their pursuit of justice [and] it also does not afford offenders alternatives to court sanctions" (Upper Falls Community Safety Forum);

"[a review] has the potential to allow CBRJ to fulfil a role in working effectively with more cases in ways which lead to better justice outcomes, including more effective early intervention" (UU);

"A more dynamic, less risk averse system is needed...[this] should allow for increased referrals, a quicker decision making process" (Quaker Service)

"the referral system is a major obstacle to rapid and effective delivery of RJ. It creates delays, it reduces referrals to a minimum and it undermines local confidence in the justice system" (T.Chapman);

38. However, whilst people were keen to review the Protocol, many affirmed the need to maintain certain aspects of it, particularly in relation to a robust accreditation and governance:

“The credibility of all CBRJ programmes will hinge on the suitability and professionalism of the delivery organisations and...must therefore be subject to robust scrutiny mechanisms and regularly reviewed” (SDLP);

“The Government protocol will need to be reviewed to ensure that...clear criteria is established as to the range and type of low level offences that can be referred...and robust procedures are in place to monitor the quality, delivery and outcomes of the community based schemes” (PBNl);

“It is important that there remains an accreditation, monitoring and inspection protocol for organisations delivering restorative justice...the formal system needs to play a supervisory role to ensure the process does not contravene existing statutes” (RP Forum)

CONSULTATION: EVIDENCE AND RESEARCH

39. The consultation document contained a detailed section on existing evidence and research with a view to demonstrating the effectiveness of restorative approaches. It provided the reader with information and a wide range of regional and international research in which positive outcomes were proven for both victims and offenders. It was recognised, however, that the information was by no means exhaustive, and posed the question:

Q4: Are you aware of any further evidence or research which should be taken into account?

40. There were 29 responses received in answer to this question. 26 respondents indicated ‘yes’, and 3 answered ‘no’. Many respondents took the time to quote a number of additional research reports and evidential pieces as part of their response. These additional examples will help to inform the future direction of the Adult Strategy and Action Plan. A list of

the additional research and evidence which was put forward by respondents can be found at **Appendix C**.

41. Whilst not all respondents were able to provide specific pieces of research, a number did suggest additional areas which could be examined as part of the evidentiary basis for the use of restorative justice. These included objective financial cost-benefit data; the use of restorative approaches in dealing with hate crime and elder abuse; and the experiences of other international jurisdictions including Australia, New Zealand, Thames Valley and the Republic of Ireland.

42. Remaining with the issue of research and evidence, and in addition to the benefits discussed as part of the consultation, readers were asked:

Q5: Please identify any further benefits that should be referenced.

43. There were 21 responses received in answer to this question. Some of these repeated the benefits to victims, offenders and communities which were already included as part of the consultation document. However, a number of other benefits were noted, with one of the most comprehensive replies coming from the Restorative Practices Forum NI, which stated:

“In addition to the many benefits of restorative practice already recorded, we would emphasise the potential positive impact in respect of:

- i. The satisfaction of victims through validation of their experience of harm and vindication of the wrong that they have been subjected to.*
- ii. The involvement of the community in supporting victims to recover and offenders to reintegrate.*
- iii. Those who offend have the opportunity to signal to the community that they are righting a wrong and taking steps to desist, thus reducing stigmatisation.*
- iv. A positive impact on many aspects of personal trauma.*

- v. *A more effective way of dealing with some specific groups/offences (i.e. women who offend, young adult offenders and crimes motivated by prejudice or hate)."*

44. Respondees provided suggestions as to a range of additional benefits, not already referenced in the consultation, which could potentially be delivered through increased use of restorative practices and the implementation of an Adult Strategy. It was suggested that benefits could accrue at individual, community or societal level through, for example:

- Delivery of more effective – and possibly swifter – justice;
- The potential to avoid a criminal record;
- Reduction in community tensions through, for example, addressing anti-social behaviour in a restorative way;
- Community projects benefitting from unpaid work via reparative programmes;
- Providing a legitimate alternative to the use of punitive measures and punishment by armed groups;
- Development and enhancement of individual skills and expertise through training of volunteers and professionals to deliver restorative interventions; and
- The opportunity to better inform the public about underlying issues, such as mental ill-health, which can lead to offending and raise the profile of restorative approaches in addressing it.

45. It was also suggested that the use of restorative approaches might assist with increased reporting of certain offences if the victim was assured that the perpetrator would not be dealt with through the formal criminal justice system. Hate crimes and elder abuse were seen as particularly relevant in this regard. This might be because the perpetrator was a family member, or because the victim did not wish to bring formal charges against an individual but still wished for the underlying issue to be addressed. In this respect, they were looking to use restorative justice to heal relationships:

“For our area of concern, the abuse of older people...a restorative approach holds the opportunity to increase reporting of this often hidden harm” (Hourglass);

“clients benefit from restorative approaches...within family life. [Staff] are often involved in helping to bring about an improved understanding between our clients and family members...where relationships are fractured, restorative approaches are necessary” (NIACRO);

“restorative practices are a collaborative approach to problem-solving which have desired positive outcomes for victims, offenders and the wider community by reintegrating individuals back into a community, which in turn can repair the damage caused in a community” (Sinn Fein)

CONSULTATION: STRATEGIC OBJECTIVES

46. The next section of the consultation document considered the evidence discussed in the previous section and set out a number of strategic objectives which an Adult Restorative Justice Strategy would seek to achieve. Readers were asked:

Q6: Are these strategic objectives appropriate – are there any others that should be considered?

47. There were 21 responses to this question. Those who responded were unanimous in agreement of the strategic objectives included, with all 21 respondents answering ‘yes’. Whilst the other 20 respondents did not specifically answer the ‘yes/no’ aspect of this question, some of them did provide written comments, which are reflected in the detail below.

48. A number of suggestions were made in answer to whether the objectives were appropriate, which included the use of SMART objectives and an Outcomes Based Accountability (OBA) model; the need to align objectives with measurements and with the Programme for Government; the potential to condense the number of objectives to a more manageable number; the need to be realistic; and to find a balance between being ambitious and raising expectations too far.

49. With regards to the second part of the question and whether there were any other strategic objectives not already listed, responses included:

“It is difficult to say...as we go through the RJ journey other objectives may organically arise” (Upper Falls CSF)

“We would welcome the added recognition by the individual of their obligation to address harm caused” (Time-Out Assessment Centre);

“Faster, swifter justice might be something to aspire to, however the protection of everyone’s rights...is vitally important” (Law Society);

“We would add a strategic objective to contribute to reduction in the re-victimisation of vulnerable groups” (Hourglass);

“Monitoring participation in restorative practices (of both victims and perpetrators) from minority groups including people with a learning disability...to identify potential barriers these groups may face in engaging in restorative justice” (Positive Futures)

50. The inclusion of objectives around increased public credibility and confidence in the justice system, and training and research activities were also proposed.

51. Having considered the strategic objectives, the next question wanted to know:

Q7: When measuring success, what should we focus on?

52. There were 29 written comments in answer to this question. By far the most common answer was that there should be a particular focus on victim engagement and satisfaction in the process, with comments such as:

“any adult restorative justice should place victims at the front and centre of the process...victim satisfaction should perhaps be the biggest indication of success” (PPS);

“[focus on] the victim’s satisfaction and that they are feeling safer again after going through the process, and that they have had a form of closure” (R.Ellison)

53. Others suggested that the levels of engagement by all stakeholders, not solely victims, was important and that a successful restorative approach was about balancing the needs of victims, offenders and the community :

“The most significant measurements for restorative practice should be in relation to positive outcomes for all the stakeholders involved” (R.P.Forum; Quaker Service);

“Success should focus on the level of engagement from both victims and offenders...evaluation tool that measures 'distance travelled' by the participant would also be good to assess the impact” (NIA/CRJI).

54. Aside from the direct participants involved in restorative justice, a number of other measures were suggested that could be useful to focus on, including:

- Reoffending rates;
- Enhanced processes relating to protocols and increased referrals;
- Reduction in delay in criminal justice processes;
- Improved public confidence in the criminal justice system;
- Changes in behaviour, wellbeing and relationships;
- More effective use of resources and long-term cost/benefit; and
- Reduction in court cases and admissions to custody.

CONSULTATION: WHERE DO WE WANT TO GET TO?

55. Having examined the evidence supporting the use of restorative justice, and proposed a number of strategic objectives that could be achieved through the introduction of an Adult Strategy, the consultation then turned to the specifics of where this work could lead and how it would engage and align with the current criminal justice system.

56. It is proposed that restorative approaches should be integrated into all stages along the criminal justice continuum, in a way which does not relax the application of the law to those involved in wrongdoing, but which can address this wrongdoing without recourse to formal prosecution where appropriate, or which can complement more formal proceedings to improve outcomes.

Early Intervention and Prevention

57. The next section of the consultation therefore examined each stage of the criminal justice continuum, and suggested ways in which restorative approaches might be included at each particular stage, based on existing evidence and practice. Readers were then asked for views on whether, and how, restorative justice might be incorporated at that stage of the process, starting with ***Early Intervention and Prevention***, and the question:

Q8: What role should the criminal justice system play, if any, in delivering work around early intervention/prevention?

58. There were 29 written comments in answer to this question. The replies received indicate that the majority of respondents would wish to see support for community based restorative justice groups to intervene early and deal with low level crimes whilst the formal criminal justice system proceeds to deal with those more serious crimes. Comments received included:

“focus group participants...were largely supportive. They noted that such processes could be very useful to challenge behaviours before someone started committing crime” (VSNI);

“voluntary and community organisations are inherently well suited to deliver Early Intervention, where people engage voluntarily and can avoid the stigma or ‘labelling’ that goes with a formal process” (NIACRO);

“Restorative Justice has a valuable role to play, both in terms of prevention when dealing with low level offences and keeping people out of the criminal justice system...[it] challenges individuals to

address the harm caused to those who have been impacted by their crime” (Prison Fellowship NI);

“Restorative practices can keep people out of the justice system while still holding them accountable...Non-justice agencies can often be experts in the field and have a reach within communities that helps make them more effective” (RP Forum);

“for low level anti-social behaviour or community disputes where an offence has not been committed, these matters are best addressed via a community restorative approach and should not be within the remit of the traditional criminal justice system” (PBNI)

59. In agreeing with this position, a number of respondents made the point that the formal, or statutory, justice system should still play some role in early intervention, particularly in terms of governance and support:

“The criminal justice system would need to be integral across the rollout...to ensure good governance, compliance and uniformity of actions” (Derry City & Strabane District Council; Derry & Strabane PCSP);

“Criminal Justice partners can offer support to CBRJ organisations in educational programmes...it is in the interests of the entire community that CJ partners work with and support CBRJ organisations in diverting those at risk of offending” (PSNI);

“intervention should take place as early as possible, and should begin in the community. The statutory agencies have a role to play in engaging with the community...including working alongside accredited CBRJ organisations and by referring those displaying offending behaviours to those CBRJ organisations for interventions” (Sinn Fein);

60. There was, however, a recognition that if restorative interventions were to become an integral part of early intervention, this would require both increased funding for the work in the community, and changes to the Protocol to enable larger numbers of referrals to be made (as per Q3). It

was also pointed out that there was an inconsistency that the current situation was “*on one hand frustrating the purposes of RJ in community resolutions by the use of the Protocol, which can be transformative for many, while at the same time mooting RJ as an alternative for serious crimes such as sexual offences, hate-motivated offences and paramilitary activities*” (Raise Your Voice).

61. A small number of respondents also noted that the consultation included involvement in paramilitary activity within this “Early Intervention and Prevention” section, which seemingly viewed it as a minor or trivial matter which could be dealt with through community interventions, when the reality was far from this.

62. Continuing with the theme of Early Intervention and Prevention, and in light of the examples that were presented in the consultation document, readers were asked:

Q9: Are there other applications for this work for those on the cusp of the criminal justice system that justice partners/agencies should be involved in?

63. There were 25 answers received to this question, with 17 respondents replying ‘yes’ and 8 respondents answering ‘no’. Those who answered yes were able to provide useful and informative examples of how restorative approaches could be, or indeed were currently being, used in the community as part of effective interventions.

64. These examples included:

- Mediation on behalf of individuals with specific services e.g. Jobs and Benefits, housing associations and GPs, where an individual may have previously caused a breakdown in relationship through aggression or other issues;
- To address neighbourhood or family disputes without recourse to formal justice systems and the associated ‘criminalisation’;
- To prevent family breakdown and/or exploring options for children returning from care;

- Within residential settings to address conflict and or resolve issues within hostels and groups to prevent homelessness;
- Within education as an alternative to suspension and expulsion;
- As a community 'buddy' system to deal with trans-generational issues and attitudes; and
- As a targeted initiative with marginalised adults, such as those with a learning disability, who are more vulnerable to becoming both a victim and a perpetrator of crime.

Diversion

65. The next stage of the criminal justice system which was considered in the consultation document was that of ***Diversion***. This was described as an alternative to prosecution because it 'diverts' offenders away from court by offering a range of out-of-court disposals where there has been an admission of guilt. It is often seen as an effective response in appropriate cases, based on factors such as the seriousness of the offence, previous offending history, the extent of any loss or damage, an expression of guilt and/or remorse, and the views of the victim.

66. The section discusses the suitability of using restorative approaches as part of a diversionary disposal, seeing it as an opportunity to take appropriate and effective action to hold an individual to account for any harm caused and to make some kind of reparation to victims, whilst supporting offenders to address the underlying causes of their offending behaviour. Both PSNI and PPS currently use diversionary disposals, particularly within the youth justice system, and the consultation sought views on expanding and enhancing existing options for greater application to the adult system, with the close involvement of victims and communities. The question was posed:

Q10: Do you agree with these proposals?

67. There were 26 answers received to this question, with 25 of them signalling their agreement with a 'yes' answer. Of those who responded, only one indicated their disagreement with the proposals, commenting

that “we do not agree using the police to administer restorative justice is the way forward” (Abolitionist Futures).

68. Comments from those in support included:

“It is a less time consuming process and can be dealt with in a speedy manner which the victims require” (R.Ellison)

“The benefits of applying a restorative justice approach in terms of victim, offender and community are well documented. The process is more efficient and cost effective” (M.O’Hara)

“not everyone wants to go through a court case” and “having effective alternatives available might be helpful” (VSNI);

“It seems quite arbitrary...that once an individual becomes an adult, they no longer have access to certain disposals” (PPS);

“Youth Engagement Clinics have worked well for young people and could be developed for adults as part of a range of diversionary disposals” (PBNI)

69. There was, therefore, overwhelming support for the introduction and expansion of restorative justice as part of a suite of diversionary measures for adults. In doing so, it was noted that the success of such disposals in the youth justice sector could be built upon, but that they would need to be suitably adapted for the adult system, including how victims can be meaningfully engaged in the process. The use of such diversionary disposals must also be proportionate, and the decision to divert should be based on the merits of each case.

70. As with the earlier section, having considered the examples set out, readers were asked:

Q11: Are there any other proposals not included here?

71. There were 25 answers received to this question, with 13 respondents replying ‘yes’ and 12 respondents answering ‘no’. Some of the examples provided in the comments under this question involved

court-based disposals, such as Enhanced Combination Orders (ECOs), which will be discussed in the next section of this report; these comments are therefore not reflected below.

72. A number of other examples were provided on how restorative justice could be incorporated into diversionary disposals. These included:

- Circles of support and accountability;
- Pre-court reparation panel
- School courts;
- Support for children who were looked after and/or excluded from school;
- Alcohol awareness and 'blue light' awareness sessions;
- 'Red Hook' Restorative Justice House;
- Vermont community reparative panels;
- RESPECT training programme for young people at risk in communities;
- Training of local PSNI neighbourhood teams in the use of restorative justice interventions; and
- Picking up litter.

73. A small number of the comments reflected the need for caution in developing any new approaches, to ensure they were appropriate and effective for both victims and perpetrators:

“though victims do not have a ‘veto’, they should be able to have meaningful input in a timely manner...In our view, police should be required to seek and record victims’ views as a mechanism to ensure that victims are being included in the process, and there should be a quality assurance mechanism to dip sample cases...to ensure that diversionary options are being utilised as envisaged”
(VSNI)

“There are concerns about disclosure and admission of guilt emanating from the restorative process in incidences where a young complainant changes their mind” (NSPCC)

74. Finally in this part, although they did not answer yes/no to Q11, one respondent commented that *“a restorative approach must entail understanding of the root causes of harm in society. The Department of Justice’s focus on reducing crime by only concentrating on methods used after arrest, fails to account for the social, economic and cultural drivers of crime” (Abolitionist Futures).*

Court Ordered Community Sentences

75. The next stage of the criminal justice system that was examined is that of **Court Ordered Community Sentences** i.e. where offences have been formally prosecuted at court and the outcome is a community – rather than a custodial – sentence.

76. The Department’s view is that where diversionary disposals are not suitable, the fact that a case is progressed through the formal court process should not mean that opportunities for restorative justice cannot be considered. This section of the consultation therefore set out the rationale for this position, and asked:

Q12: Do you agree with the inclusion of RJ processes in formal court sanctions?

77. There were 28 answers received to this question, with 28 unanimously agreeing with this position, at least in principle. It is clear that respondents felt that restorative justice can be complementary to the court process, but that engagement must be voluntary and that it would not be suitable in all cases. It was also important that victims were fully involved and kept informed at all stages.

78. Comments in support of the inclusion of restorative justice process in formal court sanctions included:

“It is important that the judiciary have this option available. Victims and the courts may well find a reparative system more appropriate than short sentences being issued” (PSNI);

“The use of a voluntary approach places an emphasis on the offender to take responsibility for their actions and will help redress the harm caused to the victim” (Derry City & Strabane District Council; Derry & Strabane PCSP);

“can be an indicator of the desire of the offender to make amends in some manner and could be taken into account as part of the overall sentence” (Sinn Fein);

79. Whilst agreeing with the approach in principle, a small number of respondents expressed some reservations:

“we agree in principle with this idea whilst understanding the conflict between delivering restorative interventions within a broadly punitive system” (NIA/CRJI);

“we are supportive of this option in principle...victims should never be compelled to take part in a restorative justice process because it has been designated as part of an offender’s sentence, and that similarly an offender’s involvement should also be voluntary for maximum effectiveness” (VSNI);

“PPS would broadly welcome the inclusion of restorative processes as part of formal court sanctions, but only in appropriate cases... appropriate structures must be in place with programmes delivered by trained facilitators” (PPS)

80. The success of Enhanced Combination Orders (ECOs) was provided by some respondents as evidence that the approach can work. Some also felt that to ensure consistency and governance, it would need to be led by a statutory agency, such as PBNI, although voluntary and community organisations could be involved in service delivery.

81. Indeed PBNI themselves suggest that any action plan developed to deliver on the Strategy could include the piloting of ‘Adult Restorative Justice Courts’, in the same way that ECOs and Substance Misuse Courts

have been developed as part of the Department's Problem Solving Justice approach to tackling crime and its root causes. This pilot court could deal with a limited range of offences in the first instance to take the learning from it before rolling out to other/all offence categories.

82. Aside from the examples provided in the consultation document as to how restorative justice could be incorporated into formal court sanctions, readers were asked:

Q13: Are there any other ways not discussed?

83. There were 21 responses to this question: 8 respondents answered 'yes', with the other 13 respondents answering 'no'. Suggestions for other ways to support restorative justice as part of community sentencing were:

- Replicate court ordered youth conferencing provision for adults;
- As part of a deferred sentence;
- Enhanced victim impact statements, as used in New Zealand;
- PBNi engagement with victims as part of pre-sentence reports to recommend appropriate restorative interventions;
- A RJ programme that supports the individual from incarceration to reintegration;
- using experience from Vermont.

84. Concerns were voiced that there was a risk victims will be excluded, so a conscious effort was needed to include them, and one respondent commented that greater restorative justice knowledge or experience was needed to reflect some of the more complex situations dealt with by court:

“Court proceedings are different from CBRJ processes. However, I do agree with RJ in the court system albeit a higher level of RJ should be applied” (Resolve)

Custody and Reintegration

85. The next section of the consultation looked at the potential for using restorative justice as part of custodial orders and as a means of improving integration back to the community following a period spent in custody. Readers were asked:

Q14: Do you agree that aspects of RJ can be successfully incorporated into custodial sentences?

86. There were 26 answers received to this question. All of the 26 respondents who answered indicated 'yes', to signal their agreement with this question. As with earlier responses, there was a clear emphasis on the need for engagement to be voluntary in nature, and for the offender to have accepted responsibility for their actions before engaging in the process.

87. There was also a recognition that the often serious nature of offences for which a custodial sentence has been given would require highly skilled restorative justice practitioners working with the parties involved, and that each case would require thorough assessment and preparation, as well as sensitive handling. One respondent also believed that to be successful, cultural change would be needed within prison establishments.

88. In spite of these potential issues, respondents were nevertheless very positive in their support for the introduction of restorative justice into custodial sentences, both to address issues whilst they are in custody but also to improve outcomes and assist with reintegration:

“Current and historical research...suggests that the prison regime is not successful in terms of delivering a rehabilitative process. For meaningful change to take place, elements of restorative justice must be incorporated” (D Bell);

“the more choices at a judge’s disposal, the better the outcome” (Extern);

“Restorative education/awareness and interventions should begin as soon as the offender begins a custodial sentence...This work

helps the offender to begin to think differently about their behaviours and their choices” (NIA/CRJI);

“there is huge potential in relation to induction, personal development plans, reduction of violence, improving relationships with family, resettlement into communities, and building a sense of community in houses or landings” (T.Chapman);

“The potential for reintegrating persons into the community and providing victims with a voice even in the most serious of cases should be taken forward” (PSNI)

89. One use of restorative, or more general reparative, programmes that is advocated in the consultation document is as part of the current NI Prison Service Conditional Early Release Scheme, suggesting it could provide some type of community reparation with a view to helping to develop positive relationships within the community, preparing the way for more effective reintegration. This suggestion was put to readers:

Q15: Do you agree that there is potential for the use of reparative programmes to be used as part of the Conditional Early Release Scheme?

90. There were 24 respondents who answered this question. As with the previous question, all those who responded answered ‘yes’. Some did, however, express caution that the individuals would need to be genuine about their wanting to be involved in a restorative or reparative process, and not simply because it was a way of leaving prison early. There would, therefore, need to be a thorough assessment process.

91. Comments in support included:

“Such an incentive would be attractive to an offender and potentially be of benefit to the community” (Law Society);

“interventions are victim-led with the emphasis on voluntary participation. Should a victim choose not to participate in this or where there is no direct victim as such, then options of general reparative programmes could be explored” (M.O’Hara);

“When used appropriately, reparative programmes as part of Conditional Early Release can assist in healing hurt caused to a community and support prisoner rehabilitation into society” (Derry City & Strabane District Council; Derry & Strabane PCSP);

“Agreement to participate in a community based restorative programme could be a useful tool...this work would need to begin in prison to assess the level of interest and authenticity of the individual” (NIA/CRJI);

“there is a cautionary note...that the prisoner does not seek access to any reparative programmes merely as a way of getting more favourable treatment” (Prison Fellowship NI);

92. Having considered the examples provided in the consultation document as to how restorative justice might form part of custodial sentences, including the Conditional Early Release Scheme, we wanted to know:

Q16: Are there other opportunities for RJ to be used with individuals in custody which have not been explored in this section?

93. There were 23 answers received to this question, with 17 of these responding ‘yes’ and 6 responding ‘no’. Examples of other opportunities which respondents highlighted in this section included:

- Development of restorative cultures on landings to resolve inter-prisoner and staff-prisoner conflict and restore relationships;
- Sentence planning informed by restorative principles;
- NIACRO’s “Get Real” programme currently being delivered in NIPS establishments which uses restorative processes to challenge hate crime;
- Victim-initiated restorative meetings, where all parties consent.

Promoting Rehabilitation and Desistance

94. The final stage of the criminal justice system which was examined for the potential to incorporate restorative approaches was that of ***rehabilitation and desistance***. Much of the discussion around this had already been incorporated into the other sections of the consultation document, given that there is evidence that restorative justice can deliver improved outcomes for stakeholders at all stages of the system, aiding desistance and reducing future offending. However, to ensure all aspects of the system had been covered, readers were asked:

Q17: Other than those discussed in this consultation document, are there further opportunities for restorative or reparative practices as part of the management and rehabilitation of those who have served a custodial sentence?

95. This question received 23 responses, of which 17 respondents answered 'yes' and 6 answered 'no'.

96. Some respondents pointed to research which showed that the likelihood of reoffending is greatest in the first few months post-release, and to the importance of social capital in supporting desistance. They suggest, therefore, that the targeted use of restorative approaches during this key period might help. This could be through helping to heal harm caused and restoring relationships in families and communities, demonstrating remorse and a change of ways, and encouraging community acceptance.

97. It could also be used to reduce the impact of negative social or other media, and possibly to isolate paramilitaries or other gangs seeking to exploit community fear and anxiety around offenders returning home. One respondent also suggested it may be a way of better informing victims, or the general public, about the underlying trauma, mental health or addiction issues which contributed to the offending in the first instance.

98. Other specific suggestions for further opportunities for the use of restorative or reparative practice given by respondents included the following:

- Use of restorative interventions instead of automatic recall for technical licence breaches;
- Use of Circles of Support and mentors to support those who are isolated, both towards the end of a sentence in prison and continued into community on release;
- Use of family group conferencing to have agreed plans and build support for those leaving custody.

99. Finally on the issue of rehabilitation, one important point was made from a victim perspective, that *“While rehabilitation of offenders is a positive goal and outcome of restorative justice, it is not the responsibility of victims to make offenders better people. Victims must have sufficient agency within any restorative process so that they are deemed to be key actors with their own needs to be addressed, and not merely facilitators of an offenders’ improvement”* (VSNI).

CONSULTATION: FUNDING FOR RESTORATIVE APPROACHES

100. Moving on from examination of the various stages of the justice system continuum, the next section of the consultation dealt with funding issues. The document set out the current arrangements in place for funding both existing community based restorative justice work and wider restorative interventions through not only the Department of Justice but also other Departments and agencies. It also touched on reviews conducted into funding for the Voluntary and Community Sectors in Northern Ireland more generally, and acknowledged recommendation A9 of the Fresh Start Panel report which proposed a dedicated long-term fund for restorative interventions, including the development of a Centre of Restorative Excellence.

101. Having considered this information, the following question was posed:

Q18: Should funding arrangements be changed to support the delivery of an Adult Restorative Justice Strategy, and if so, how?

102. There were 25 written comments in answer to this question and all the respondents indicated 'yes', there was a need to review and revise funding arrangements. Virtually all of these responses commented on the need for long-term, sustained funding to be provided if an Adult Strategy were to be successfully introduced and implemented:

“resourcing lies at the heart of the system’s ability to effectively implement restorative practices” (NSPCC);

“Delivery of this strategy will require (among other things) investment, resource and commitment. The current ad hoc, piecemeal and short-term nature of funding will not support project delivery. It is therefore essential that a long-term funding policy is established.” (D.Bell);

“present funding arrangements in respect of restorative justice initiatives are unsatisfactory and tend to be short term and limited” (PPS)

“The strategy will require its own dedicated funding stream to demonstrate that this approach has value and is sustainable” (NIACRO).

103. This short term nature of current funding was viewed as restricting the full potential of those who delivered restorative justice, although given these limitations, the ability of the two accredited CBRJ organisations to survive for the past 20 years was commended. It was recognised, however, that the need for long-term funding applied not only to community and voluntary organisations but also to the statutory sector if the intention was to incorporate restorative approaches across the criminal justice system.

104. There was an acknowledgement that short-term funding hindered planning for the longer term, and such uncertainty can lead to organisations experiencing high staff turnover, losing experienced staff and thereby receiving no benefit from any investment – whether financial or in terms of time – spent on their training.

105. The availability of funding was also linked to the ability to ensure equality of provision for everyone engaged in restorative justice: the roll out of any new or additional restorative approaches to increase the breadth and depth of coverage both geographically and at all stages of the justice system was clearly dependent on the provision of financial investment. This included the provision of funding for training staff to deliver restorative interventions:

“the Full Cost Funding Model proposed should include funding for comprehensive training across the range of areas noted” (NISCC);

“We found it impossible to access funding for training...this highlights the importance of RJ training being adequately funded and offered across a wide range of services” (Extern)

106. One respondent suggested that money seized through both the Asset Recovery scheme and Unexplained Wealth Orders could be used to help fund the Strategy.

107. One final note of caution was expressed in relation to the availability of funding:

“There is a balance to be struck to ensure funding of services delivered within community settings and those delivered within prisons. There is a concern that the direction of travel may be to only fund organisations who are accredited by a Centre of Restorative Excellence, and depending on the approach taken, this may be to the detriment of smaller organisations” (Prison Fellowship)

108. This comment provides a timely link to the issue of a Centre of Restorative Excellence for Northern Ireland, or CORE. The potential development of a CORE was a recommendation in the Fresh Start Panel report, and is a piece of work being taken forward by the Department in parallel with, but independent of, the Adult Restorative Justice Strategy. Without wishing to focus too much on the potential for a CORE and how it might operate in practice, the consultation document did nevertheless ask:

Q19: Please share your views on how these arrangements might link to the wider aspects of a potential Centre of Restorative Excellence.

109. There were 23 written comments received in answer to this question, with 18 respondents offering no view. There was a clear view that the establishment of a CORE would be a positive development, and could play an integral part in the delivery of an Adult Restorative Justice Strategy and in the expansion of restorative approaches more generally. Comments in favour included:

“CORE is vital and central to the development of any new restorative piece of work” (NIA/CRJI)

“The success of CORE is crucial to this strategy. If led by the statutory sector, it must have all the relevant community/voluntary and victim representatives around the table as active partners” (RP Forum)

“The link with other statutory agencies would be much stronger...[CORE] would strengthen the bond between government and community” (Resolve);

“important that RP and mediation services/practitioners are skilled and regulated to ensure standards...[CORE] could play a valuable role...if it operates as an inclusive, co-ordinating body, ensuring standards, providing training options, dispersing financial support” (ICRC);

“Such a centre has the potential to be the governing body for standards and governance for RJ practice” (PBNI)

110. There was agreement on the need for consistency of standards, training and accreditation, and that a CORE could be central to this, but there should be a commitment to affordability and accessibility by communities:

“The strategy should recognise restorative justice work is often facilitated by volunteers, therefore the cost of the accreditation for

delivering restorative interventions and diversions should be accessible and affordable” (NIACRO)

111. In terms of funding for a Centre of Excellence, it was noted that this should be drawn from a wider source than solely the Department of Justice, given its potential for developing and expanding restorative practices across a multitude of settings:

“Any [CORE] needs to engage a range of providers who offer services within the restorative continuum. Some of these will be more aligned with community work and therefore funding need not only be from the justice sector” (R.A.P)

“we would encourage a commitment to engage with other Departments on an ongoing basis to spearhead the eventual roll-out of restorative practice...This may be what is envisaged for the CORE and we would welcome this development” (VSNI)

112. Finally in relation to CORE, there was one respondent who suggested that the original proposal for such a centre had now been lost:

“Unfortunately, in our view, that proposal for a [CORE] has been lost as a competitive culture for prominence in ‘restorative initiatives’ has emerged. The varied proposals for a Centre of Excellence are now a misnomer and a potential waste of critical resources” (Time-Out Assessment Centre)

CONSULTATION: DELIVERING OUTCOMES AND ACTIONS

113. The next section of the consultation document focused on what particular outcomes it was hoped that an Adult Restorative Justice Strategy could achieve, and the specific actions which might be included in an Action Plan to deliver on this. In total, twelve actions were listed in the consultation as examples of what might be required, and the question was asked:

Q20: In general terms, do you think that the key areas for action have been captured above?

114. There were 25 responses received to this question. Of these, 22 respondents answered 'yes' and 3 answered 'no'. Those who answered no pointed to the following as additional areas where action should be considered:

- Roll-out of a comprehensive training plan for staff in statutory agencies (PSNI, PPS etc.) to provide clarity on how restorative justice should fit with their daily work and how it can be endorsed and incorporated into decision-making. This would encourage a change in mentality across the justice system (*VSNl*);
- Development of robust procedures to address the lack of clarity around the criminal records process and how information is recorded where a restorative intervention is undertaken by an offender. This is particularly important in cases of abuse, or sexual or violent crime to ensure that records are kept for safeguarding and protection purposes (*NSPCC*);
- Re-instatement of accreditation process to address the issue of groups that have applied for accredited status (*Resolve*).

115. One of the respondents also suggested that *“it may be helpful to include overt reference to more marginalised groups and those who are more likely to be impacted, either as victims or perpetrators of crime”* (*Positive Futures*).

116. Having considered the twelve actions set out in the consultation document, the vast majority of which were seen as appropriate and key to taking the work forward, we then sought to establish what should be the priority areas for action by asking:

Q21: Are some more important/urgent than others and should be prioritised?

117. There were 19 answers received to this question. 16 respondents indicated 'yes', that some actions should be prioritised as more important than others. The other 3 respondents answered 'no'.

118. In addition to a simple yes/no answer, respondents were given the opportunity to number the twelve actions in priority order, from one to twelve. Not all respondents did so, with some preferring to simply provide comments. For those who did indicate what priority they assigned to each action, their responses can be seen in the grid at **Appendix D**.

119. While there was a range of views on what the top priorities should be, it was clear that five of the actions in particular were given a high ranking by those who responded. Therefore the top five actions were:

Action 1: Promote restorative justice practices to aid greater understanding, acceptance and engagement.

Action 2: Review 2007 Protocol with a view to enabling greater numbers of referrals to CBRJ schemes.

Action 9: Provide access and support to those victims of crime who wish to engage in restorative justice.

Action 10: Consider the need for, and scope of, legislative change to establish restorative interventions in the statutory criminal justice sector.

Action 12: Assist with the work towards the establishment of long-term funding arrangements for the delivery of restorative practices in Northern Ireland.

120. Of these, the need to provide access and support to victims (Action 9) was seen as the number one priority by many:

“the most critical action is to provide access and support to victims of crime...To state that victims are front and centre requires more investment in them” (R.A.P);

“Given that the success of this process will depend on the victim’s willingness to participate and engage in the process, it is important that their needs are addressed” (PPS)

121. In delivering on this action, it was noted that there was a need to develop opportunities for victim-initiated and victim-led restorative justice, rather than it being driven by the criminal justice system. Other comments that were made in relation to the top five priorities included:

“We emphasise the need for quality restorative practice; legislation as a driver/enabler; an enhanced role for victims; stakeholder support; additional funding and interdepartmental working” (RP Forum);

“PBNI strongly supports providing legislation for restorative practice with adults” (PBNI);

“one of the priority issues is to sort out long-term funding to support the activities and actions” (M.O’Hara);

“The effective integration of restorative justice practices into the formal criminal justice system has the potential to significantly improve the criminal justice system and therefore appropriate resourcing is a necessity” (Sinn Fein)

122. Conscious of the fact that not all key actions may have been covered in the consultation document, readers were asked:

Q22: Are there any priority actions which do not appear?

123. There were 21 responses to this question. Although 8 respondents answered ‘no’ to this question, 13 respondents answered ‘yes’, that they considered there to be additional priority actions which could be included in an Adult Strategy. The two most commonly identified priorities were:

- (i) the need for comprehensive training, delivered to agreed standards, and available across all sectors to ensure quality of service and equality of approach; and
- (ii) the establishment of an independent, robust research strategy along with the development of mechanisms to monitor and evaluate the effectiveness of work.

124. Comments in support of these included:

“We strongly recommend that there are defined and tangible standards for the ‘trained and accredited individuals’ who will deliver restorative interventions” (Time-Out Assessment Centre);

“Priority actions should reflect the [DoJ’s] commitment to prioritise restorative justice approaches that are accessible across all groups and communities in Northern Ireland. Third sector groups with specialised knowledge of different communities should be consulted at every level of design, commission and delivery” (Hourglass)

“There are opportunities to bring attention to the value of restorative approaches within vocational social care training and in social work education” (NISCC);

“an action for monitoring and evaluating the success of the restorative approach should be included as this is a key element in ensuring that the process is effective” (PPS);

“[we propose] the establishment of a research strategy which funds independent examination of restorative justice practice” (UU);

125. Aside from these two specific actions, additional suggestions included:

- The establishment of protocols and data-sharing agreements to enable statutory organisations to better engage with victims and offer restorative options;
- A joint statutory and community response for reintegration;
- The inclusion of victim awareness programmes as a standard component of all sentences;
- Engagement with the team responsible for implementing the Gillen review recommendations;
- Action in relation to the discrepancies which are manifest when a case goes to trial, and the importance of equality of treatment for the accused, the victim and their family members.
- Development of a time-based ‘Masterplan’ with actions; and

- Picking up litter.

126. The final question in this section of the consultation sought readers' views on who needed to be engaged in the delivery of restorative justice through the implementation of the Adult Strategy. They were asked:

Q23: Are there any significant organisations or individuals in the justice arena that could play an important role in the implementation of these actions but who have not been mentioned in this consultation?

127. There were 22 responses received. 13 respondents indicated 'yes', that they were aware of additional organisations that should, or could, be involved. 9 respondents answered 'no', as they felt the key stakeholders had been identified. One respondent did not reply directly to the yes/no question, nor identify specific organisations, but made the general comment:

"Whilst the process of achieving restorative justice may technically share many similarities regardless of age, it is our belief that an adult version of the scheme may require the adoption of different approaches and agencies" (SDLP).

128. In those cases where respondents provided specific examples of organisations that should be considered, a number of organisations were repeatedly mentioned in the responses. These were the Restorative Practices Forum NI; NIACRO; the Quaker Service; Prison Fellowship NI and Family Group Conferencing NI.

129. The role of other government Departments – in particular the Departments of Education and Health – was recognised as important in both educating and informing people about restorative approaches as well as its application across a range of scenarios. The engagement of higher and further education institutions and training/awarding bodies, especially Ulster University and the NI Social Care Council, would be important in raising awareness and standards of service delivery.

130. There was also recognition that a range of other voluntary and community organisations could play a role, particularly where those engaged in a restorative process, whether as a victim or offender, are marginalised or have some form of disability. Specialist organisations would also need to be engaged for certain types of offending, such as domestic or sexual abuse. Such organisations included:

- Extern
- Nexus
- Women's Aid NI
- Men's Advisory Project (MAP NI)
- DV partners
- Hate Crime organisations
- Addiction services
- Adult mental health services

131. Finally, some respondents pointed to the involvement of local councils and general organisations, such as Tidy NI, who could be involved in the delivery of restorative or reparative activities in local communities.

CONSULTATION: EQUALITY IMPACT

132. The final section of the consultation document dealt with the Department's duties under Section 75 of the Northern Ireland Act 1998. In considering whether the development and implementation of an Adult Restorative Justice Strategy for NI might have a differential impact on any of the S75 groups, an equality screening exercise was undertaken and published alongside the consultation document.

133. As a result of this screening exercise, the Department did not consider that a full Equality Impact Assessment (EAIQ) was required, but undertook to review this position in light of comments received as part of

the consultation. The following question was therefore included to ascertain views:

Q24: What are your views on the potential equality impact of a new Adult Restorative Justice Strategy?

134. There were 21 written comments received in answer to this question. Of these, only one respondent suggested that there may be merit in the Department considering a full EQIA. Seven respondents agreed with the position as set out in the published document and/or commented that they had not identified any adverse impacts. Some replied with general comments about the proposed work:

“will improve the opportunities for restoring victims/offenders/communities” (R.Ellison);

“Multicultural society needs to be represented through the lens of equality. A balanced approach is paramount if the RJ strategy is to succeed” (Resolve);

“I think that a proposed adult RJ strategy can only be a positive way forward” (H.Sproule)

“We agree that the strategy of itself should not raise any adverse issues in relation to equality...However, it will be important to have in place robust monitoring arrangements” (NIACRO)

135. Some respondents pointed to the need to ensure that the Strategy would deliver equality of access across Northern Ireland, as those in rural areas may suffer if full geographical coverage was not provided. Also, whilst there may not be any adverse impacts on S75 groups, the way in which restorative interventions were delivered may need to be tailored to provide different models of practice appropriate for different S75 groups if it was to be successful.

136. There was a recognition of the background and roots of restorative justice in Northern Ireland, in that there was a diversity in the political opinions of community groups engaged in, or wishing to be engaged in, delivering restorative interventions; there was also a risk that due to the

perceived paramilitary association of some community projects, people in their catchment area may be reluctant to engage. These were issues which would need to be considered in any roll-out of services.

137. Finally, a number of respondents commented that the Strategy could provide an opportunity to deliver better outcomes for S75 groups where 'hate crime' had been committed, and that the work should be linked to any recommendations being taken forward following publication of Judge Marrinan's review.

138. As well as considering the differential impact of any new policy, Departments are also required to seek opportunities to promote good relations between persons of different religious beliefs, political opinions or racial groups. Again, readers' views were sought through the question:

Q25: *Is there an opportunity to better promote equality of opportunity or good relations, and if so, how?*

139. There were 14 responses in answer to this question: 11 respondents replied 'yes', 1 replied 'no' and there were 2 who answered 'don't know'.

140. As with the responses to the previous question, some respondents pointed to the opportunity to improve relationships and deliver better outcomes for victims of hate crime. Others provided more general comments, including:

"The opportunity exists to promote a greater confidence, trust and acceptance of Restorative Justice within NI" (PSNI);

"[use RJ] to recognise distinct differences and establish strategies that address the diversities...For example, society tends to neglect the experiences and gender-specific needs of women...they are the ideal subjects for restorative justice responses" (NIACRO);

"the promotion of equality of opportunity and good relations is core to Restorative Justice" (Prison Fellowship NI);

"We live in an ever changing society and CBRJ will underpin good relations" (Resolve).

Q26. Any final comments.

141. In concluding, the consultation questionnaire provided respondents with the opportunity to add any final comments they felt should be included but that they had not had the opportunity to express earlier in the consultation.

142. A total of 15 respondents provided comments in this section. Two of these were expressing their support for the strategy. Others used it as an opportunity to re-emphasise points that had previously been made throughout the consultation, in particular:

- A small number of organisations do not agree restorative justice is suitable for all cases, especially not for serious sexual, violent or domestic violence/abuse cases;
- The victim needs to be central to the process, and the focus should not be offender-led;
- There must be appropriate and sustained resourcing.

143. The final few comments received related to wider issues, beyond simply the justice sphere. The importance of community engagement was emphasised; the need to educate and inform the general public on how restorative practice can work to the benefit of all; and a recognition that restorative justice cannot be viewed in isolation of restorative practices in wider society.

KEY THEMES

144. Overall, there was almost universal support for an Adult Restorative Justice Strategy. It was seen as a significant opportunity to develop a more progressive, effective and accountable criminal justice system which could give increased voice to victims, as recognised by the following comment:

“A restorative process may not necessarily reduce the level of harm experienced by victims (they may continue to feel the harm caused); however it will strive to acknowledge the harm experienced by the victim, in giving the victim a voice which they may not always have in the retributive CJ process” (H.Sproule)

145. Some respondents were supportive in principle, as long as the outworkings of the Strategy had a strong rights-based approach, put victims first, and was truly voluntary in nature. There was also a view among a small number of respondents that there were certain offences – domestic abuse and sexual offences in particular – where restorative justice was viewed as potentially inappropriate and may be counterproductive or, as a worst case, could lead to revictimisation.

146. A number of key themes emerged from the consultation responses, namely:

- The need for a victims-first focus;
- The need for equality of provision, both geographically and in terms of standardised, accredited training;
- The need for long-term funding;
- The need for a review of the 2007 Protocol to increase community referrals and take account of progress in the interim, whilst still maintaining appropriate governance and safeguards;
- Consideration of the need for, and extent of, new legislation to place the work on a statutory basis;
- Links to, and potential centrality of, a Centre of Restorative Excellence;

- Support for mainstreaming restorative approaches in the wider community and other fields e.g. education, residential children's homes, neighbourhood disputes, to prevent entry to the justice system;
- The need for a public awareness campaign to promote understanding and use of RJ as an option to, or complementary to, the formal justice system, to increase acceptance and uptake.

NEXT STEPS

147. The consultation has shown there is strong support for an Adult Strategy, based on the proposals in the consultation document which envisaged the development and expansion of restorative justice across the full continuum of the adult criminal justice system.

148. That being the case, the Department and relevant partners who were engaged in developing the consultation paper will take some time to consider the issues raised in the summary of responses and use the views expressed to inform the development of a draft Adult RJ Strategy and associated Action Plan.

149. As with other Departmental strategies, the drafts emerging from this work will be subject to Ministerial approval in due course. The intention is to publish a final Adult Restorative Justice Strategy and Action Plan during the course of 2021.

APPENDIX A

LIST OF INDIVIDUALS AND ORGANISATIONS WHO RESPONDED TO THE CONSULTATION

No	Organisation/ Individual	Name	Surname	Name of Organisation
1	Individual	Robert	Ellison	
2	Individual	Peter	Patterson	
3	Organisation	Karen	McFarland	Derry City and Strabane District Council
4	Organisation	Brian	Gormally	Committee on the Administration of Justice
5	Organisation	Dermot	Harrigan	Derry City and Strabane PCSP
6	Organisation	Sam	White	Resolve
7	Individual	Michael	O'Hara	
8	Organisation	Paula	Kerr	Upper Falls Community Safety Forum
9	Organisation	Neil	Anderson	NSPCC
10	Organisation	Christine	Hunter	Restorative Practices Forum NI
11	Organisation	Robert	Murdie	Police Service of NI (PSNI)
12	Organisation	Catherine	Maguire	NI Social Care Council
13	Organisation	Paula	Hamilton	Information Commissioner's Office NI
14	Organisation	Val	Owens	Retired Associates of Probation (RAP)
15	Organisation	Geraldine	Hanna	Victim Support NI (VSNI)

No	Organisation/ Individual	Name	Surname	Name of Organisation
16	Organisation	Claire	Campbell	South Eastern Health & Social Care Trust
17	Organisation	Mary	Magee	Time Out Assessment Centre
18	Organisation	Aideen	McLaughlin	Probation Board for NI (PBNI)
19	Organisation	Christina	Cloyd	NIACRO
20	Organisation	Emma	Campbell	Abolitionist Futures, Belfast
21	Organisation	Anne	McMahon	Law Society of Northern Ireland
22	Organisation	Emma	Osborne	Women's Aid Federation NI
23	Organisation	Anne	Molloy	International Committee of the Red Cross (ICRC)
24	Organisation			SDLP Headquarters
25	Organisation	Veronica	Grey	Hourglass NI
26	Organisation	Elaine	Crory	Raise Your Voice
27	Organisation	Gavin	Adams	Extern
28	Individual	David	Bell	
29	Organisation	Karen	Sweeney	Women's Support Network
30	Organisation	Hugh	Campbell	Ulster University
31	Individual	Tim	Chapman	
32	Individual	Heather	Sproule	
33	Organisation	Lauren	Shaw	Positive Futures
34	Organisation	Rachel	Powell	Women's Policy Group NI
35	Organisation	Robin	Scott	Prison Fellowship Northern Ireland

No	Organisation/ Individual	Name	Surname	Name of Organisation
36	Organisation	Gabrielle	Smyth	Public Prosecution Service (PPS)
37	Organisation	Deaglan	McConville	Sinn Fein
38	Organisation	Shane	Whelehan	Quaker Service
39	Organisation	Dympna	Thornton	Northern Ireland Policing Board
40	Organisation	Debbie	Watters	Northern Ireland Alternatives (NIA) & Community Restorative Justice Ireland (CRJI)
41	Organisation	David	Brown	Irish Department of Justice

VISION, AIM, PURPOSE AND PRINCIPLES

OUR VISION: Restorative Justice should be second nature, not separate nature, within the Criminal Justice system and its accredited partner organisations. Restorative approaches should be utilised, with the consent of all parties and where assessed as safe and appropriate to do so, throughout the system from end to end, to resolve conflict and wrong-doing, and repair the harm caused by offending.

AIM: to build a restorative practices culture throughout the Northern Ireland criminal justice system and in partnership with the community. This culture is one that recognises restorative approaches, delivered by trained and accredited individuals, as an effective and efficient response to repairing relationships where harm has been caused.

PURPOSE: to set out a strategic approach to the establishment of restorative practices across the adult criminal justice system to secure benefits for the victims of crime, individuals who have offended, and the community. It makes explicit the direction of travel for the development of restorative justice, and provides a conduit for the Department and justice delivery bodies to work together towards agreed outcomes. It is intended to encourage the better alignment of resources in order to maximise impact and deliver policy objectives, and will provide a structured way forward to allow the development of a robust action plan designed to deliver identified outcomes.

PRINCIPLES

In consultation with stakeholders, a number of principles have been developed and agreed which will underpin a proposed multi-year Adult Restorative Justice Strategy.

The Strategy will:

- Develop flexible approaches and processes, within the boundaries of an agreed lawful framework, which meet both the needs of victims of crime and those who have offended.
- Communicate and promote the availability of restorative approaches to address offending behaviour and repair the harm it causes to victims and communities.
- Ensure that offending behaviour and wrong-doing is resolved in the most effective way, to address harm and seek satisfactory outcomes for all involved, and where appropriate, without resort to a formal criminal justice response.

- Promote positive change and development in the use of restorative practices in partnership with statutory, voluntary and community sector organisations.
- Focus specifically on the application of restorative practices across the breadth of the criminal justice continuum.
- Comply with international standards, in particular the 2018 Council of Europe recommendations, be informed by evidence and deliver the best possible outcomes within available resources.
- Be underpinned by the Restorative Justice Council Principles and Code of Practice, and aligned with the Northern Ireland Victim Charter.

LIST OF ADDITIONAL RESEARCH AND EVIDENCE

- “New Generation: Preventing young adults being caught in the revolving door” Burcu Borysik (April 2020)
- “Perceptions of Policing and Justice: Findings from the 2017/18 Northern Ireland Crime Survey” A Rice and P Campbell (May 2019)
- “Mental Health in the Criminal Justice System” NI Audit Office (May 2019)
- Ashworth, A. (2001), ‘Is Restorative Justice the Way Forward?’, *Current Legal Problems*, 54/1: 347 – 376.
- Warner, K. (1994), ‘Family Group Conferences and the Rights of the Offender’, in C. Alder and J. Wundersitz eds. *Family Conferencing and Juvenile Justice: The Way Forward or Misplaced Optimism?* Australian Institute of Criminology, Canberra, Australia.
- Skelton, A. and Frank, C. (2004), ‘How Does Restorative Justice Address Human Rights and Due Process Issues?’ in H. Zehr and B. Toews eds., *Critical Issues in Restorative Justice*, Willan, Cullompton, Devon.
- Skelton, A. and Sekhonyane, M. (2007), ‘Human Rights and Restorative Justice’, in G. Johnstone and D.W. Van Ness eds., *Handbook of Restorative Justice*, Willan Publishing, Devon.
- Jantzi, V. (2004), ‘What is the Role of the State in Restorative Justice?’, in H. Zehr and B. Toews, eds., *Critical Issues in Restorative Justice*, Willan Publishing, Cullompton, Devon.
- Ashworth, A. (2002), ‘Responsibilities, Rights and Restorative Justice’, *British Journal of Criminology*, 42: 578 – 595.
- Restorative Practice with Adult Offenders. C Hunter 2015: [Link to Restorative Practice - C Hunter paper](#)
- *International Journal of Offender Therapy & and Comparative Criminology*, Restorative Justice from NZ to Vermont, Kathy Fox

- Evaluating New Zealand’s Restoration Promise: the impact of legislative design on the practice of restorative justice. Sarah Mikva Pfander 27th Oct 2019, Kokuitui – NZ Journal of Social Services Online
- www.cjnvvt.org- Community Justice network of Vermont
- Conferencing in Northern Ireland: Implementing Restorative Justice at the Core of the Criminal Justice System By Estelle Zinsstag and Tim Chapman
- EU Directive on victims: [Link to EU Directive](#)
- Council of Europe Recommendation on Restorative Justice: [Link to CoE Recommendation](#)
- UNODC handbook on Restorative Justice Programmes: [Link to Handbook](#)
- EFRJ manual on Values and standards: [Link to EFRJ manual](#)
- Ashworth 2001: 364 – 65; Warner 1994; Skelton and Frank 2004: 205 – 06; Skelton and M Sekhonyane 2007: 583).Ashworth 2002: 581; Jantzi 2004: 194 – 195).
- Bazemore, G., 1999b. After Shaming, whither reintegration? Restorative Justice and Relational rehabilitation. *In G. Bazemore & L. Walgrave (eds) Restorative Juvenile justice: repairing the harm of youth crime. Monsey: Criminal Justice Press, pp. 155-194.*
- Christie, N., 1977. Conflicts as Property. *The British Journal of Criminology*, 1(1).
- Maruna, S., 2016. Desistance and restorative justice: it's now or never. *Restorative Justice: An International Journal*, 4(3), pp. 289-301 [Link to article](#)

ACTIONS AND PRIORITIES

The following twelve actions were listed in the consultation document and readers were asked to indicate what they felt the priority actions should be, from one to twelve. Not all respondents chose to answer this question, and some only listed a limited number of actions as priorities. Responses are found in the table overleaf.

ACTIONS:

1. Promote restorative justice practices to aid greater understanding, acceptance and engagement.
2. Review 2007 Protocol with a view to enabling greater numbers of referrals to CBRJ schemes.
3. Develop operational practice guidance for criminal justice organisations to maximise opportunities for the use of restorative approaches.
4. Consider the introduction of a diversionary adult restorative justice model for low-level offending.
5. Engage with the Gillen Implementation Team and key stakeholders in the delivery of RJ recommendations.
6. Introduce restorative and/or reparative actions into pre-sentence reports.
7. Integrate restorative practice into community and custodial sentences, and licence conditions.
8. Maximise options for community reparative work through partnerships with the voluntary, community and social economy sector.
9. Provide access and support to those victims of crime who wish to engage in restorative justice.
10. Consider the need for, and scope of, legislative change to establish restorative interventions in the statutory criminal justice sector. The expertise and advice of the Judiciary will be important in this regard as part of the oversight architecture.
11. Ensure links are made/maintained with the work on delivering a Centre of Restorative Excellence and wider restorative practices in non-justice settings.
12. Assist with the work towards the establishment of long-term funding arrangements for the delivery of restorative practices in Northern Ireland.

PRIORITIES:

Response No:	Action 1	Action 2	Action 3	Action 4	Action 5	Action 6	Action 7	Action 8	Action 9	Action 10	Action 11	Action 12
1	1	2	3	4	6	5	8	7	9	10	12	11
3	3	10	11	6	12	7	8	2	1	4	9	5
5	3	10	11	6	12	7	8	2	1	4	9	5
6	6	7	11	10	4	9	8	2	12	3	5	1
7	2	3										1
8	4	12	5	6	9	7	8	10	3	11	2	1
11	1	2	5	4	7	10	11	8	3	9	12	6
17	2	6	7	4					1		12	3
18	5	12	10	11	9	7	8	6	4	3	1	2
25	7	10	9	2	12	11	3	8	1	4	5	6
28	2	3										1
29												0
30		3	4				5			1	0	2
31		4	9	3	7	5	6	8	1	10	11	2
37		2					3		1	4		5