

Adult Restorative Justice Strategy for Northern Ireland

Restoring Relationships,
Redressing Harm
2022 - 2027

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Department of
Justice

An Roinn Dí agus Cirt

Männystríe o tha Laa

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1. Ministerial Foreword



In recent years, we have seen significant growth in the use of restorative practices in Northern Ireland – both within the criminal justice system, and beyond it. This growth has been driven by the desire to better meet the needs of victims of crime and to provide redress for the harm caused to them, as well as to find an effective alternative to punitive responses and establish positive ways of dealing with children, young people and adults when incidents occur.

Within the criminal justice system, restorative justice gives offenders a chance to understand how what they have done affects others, and an opportunity to address the harm caused to victims, families and communities. It also gives victims a mechanism by which they can seek answers to their questions and to express how they have been affected by their experience.

This Strategy builds on an ongoing programme of work being delivered by my Department and its partners across the Executive, local Government, law enforcement and civil society. It aims to place victims front and centre; to 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; to engage and challenge offenders with the effects of their actions on victims and the wider community; and to improve outcomes for all those affected by offending behaviour.

The criminal justice system is continually evolving, with restorative justice playing an ever increasing role. Experience from Northern Ireland and elsewhere has proven the benefits of a restorative approach across a range of applications. The importance of restorative justice has been uniquely highlighted by Judge Gillen and Judge Marrinan in their respective reviews of Serious Sexual Offending and Hate Crime Legislation, both of which make recommendations advocating restorative approaches. Developments in the youth justice system, including the successful introduction of statutory restorative disposals, have led to calls for a similar approach to be integrated within the adult system.

I am pleased that, in bringing forward this first Adult Restorative Justice Strategy and associated Action Plan, we are demonstrating our commitment to do just that. It is important, in that context, as we set out our overarching strategy and planned actions, we also set out the research and evidence which underpins it.

Clearly, this is only the start of the work and there is still much to do, but I look forward to continued collaboration with all of our partners towards our shared aim of building a restorative culture throughout the criminal justice system.

Naomi Long
Minister of Justice



2. Introduction

The aim of this document is to set out a comprehensive and strategic approach to the use of restorative justice in all aspects and at all stages of the adult criminal justice system. It examines what restorative justice is, how it has developed in Northern Ireland to date, and how it might be embedded as a key principle in our adult criminal justice system based on evidence of its positive impact here and in other jurisdictions.

Restorative Practice is an approach that is used to strengthen and repair relationships between individuals as well as within communities. It has a wide application as a tool to help build healthy communities, increase social capital, decrease crime and antisocial behaviour, repair harm and redress relationships. Restorative practices has deep roots within indigenous communities throughout the world.

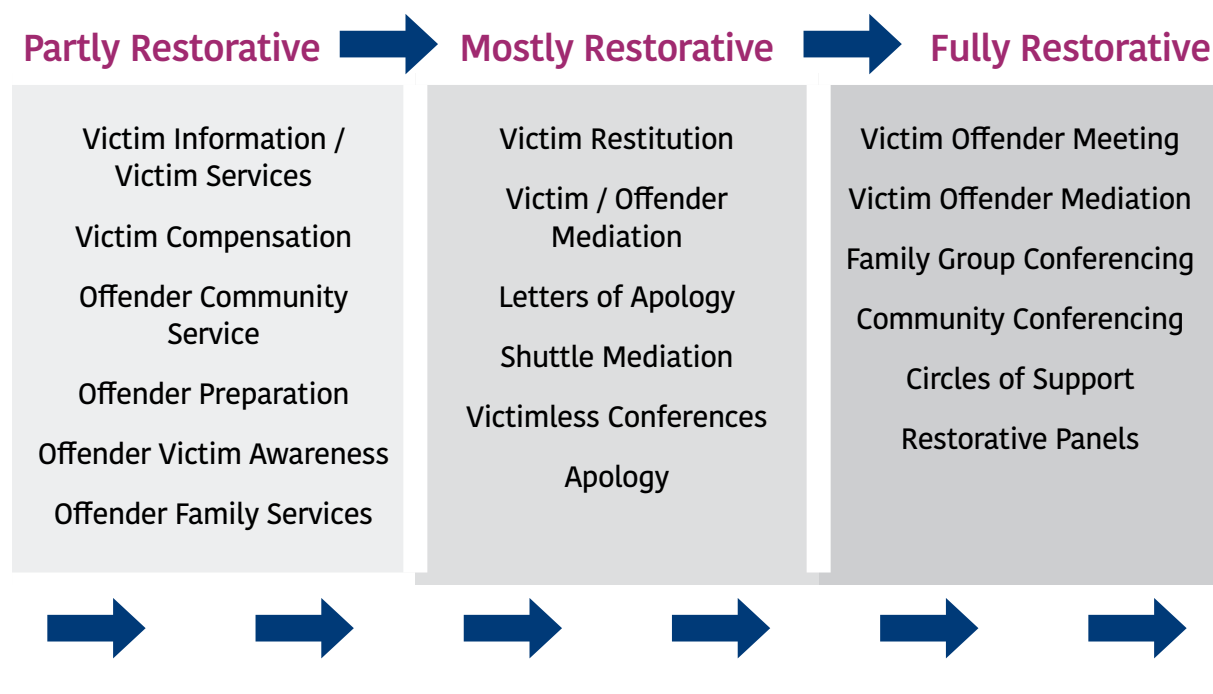
Restorative Justice is a sub-set of these wider restorative practices. It can be used as a response to crime and other wrongdoing after it occurs, to explore how individuals, families and sometimes communities have been affected by an offence and how to best repair the harm done. The criminal justice 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.

This Strategy focuses almost exclusively on the use of restorative practice within the justice system. Whilst acknowledging the potential for the use of restorative practices across far wider applications, for example in schools and social services, this Strategy and the actions flowing from it are limited to those aspects which are within the remit of the Department of Justice. It does not discuss the wider use of restorative practices more generally (other than as part of early intervention and prevention measures), nor seek to extend the work beyond the justice system into other Departments' responsibilities.

On a restorative justice continuum, engagement can be informal – including the use of affective statements and questions that communicate people's feelings and allow for reflection on, and learning about, how their behaviour has affected others, perhaps deterring the need for unnecessary escalation – through to more formal structured processes such as mediation and restorative conferencing involving direct or indirect contact between an individual wrong-doer and those who have been harmed. The diagram below shows a range of restorative justice approaches, although it is not exhaustive:



Victim / Offender Restorative Continuum



This Adult Restorative Justice Strategy has been developed in partnership with colleagues from a range of organisations who make up the *Restorative Justice Working Group (RJWG)*. In addition to Department of Justice officials, the RJWG consists of representatives from the 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), the Youth Justice Agency (YJA), Victim Support NI (VSNI), the Restorative Practices Forum NI, and two accredited community based restorative justice 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, bilateral discussions and a public consultation in 2020, all of which have helped to shape the content and ambition of this Adult Strategy and Action Plan. The continued support and engagement of these and other partners will be essential if we are to successfully deliver meaningful change.

During discussions over the drafting of this Strategy and Action Plan it was noted that the use of words such as “victim”, “offender” or “perpetrator” can have negative associations, or may imply some form of labelling or stigma. We acknowledge these concerns, but they are used in this Strategy for the purposes of simplicity, clarity and understanding given that they are universally accepted and understood. No negativity is implied or intended.



3. Background and Context

The development of restorative interventions in Northern Ireland began in the 1990s as a result of research and consultation with local communities in North and West Belfast, leading to the establishment of two groups – Alternatives (now Northern Ireland Alternatives (NIA)) and Community Restorative Justice Ireland (CRJI). In 2000, the publication of a comprehensive Criminal Justice Review saw 249 recommendations which re-shaped the criminal justice system in Northern Ireland, including a formal recommendation for the incorporation of restorative justice in the criminal justice system. The resulting changes introduced extensive use of restorative justice in the youth justice system, where its use is legislated for in both pre-court and court-ordered disposals known as ‘youth conferences’.

In relation to the adult system, some progress has been made in the application and use of restorative justice, through community-based interventions in particular, but to date this has largely been driven by individual organisations with no overarching strategic or co-ordinated approach. This Adult Restorative Justice Strategy aims to change that. At its heart is the intention to:

- place victims front and centre;
- improve how we meet the needs of, and provide redress for the harm caused to, victims of crime;
- 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;
- find an effective alternative to punitive responses and establish positive ways of dealing with crime and offending which reduces future harm;
- engage and challenge offenders to understand 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.

The experience of both youth conferencing and community based programmes has taught us that it is possible to undertake changes of both perspective and process, and successfully integrate restorative elements into an existing justice system at two distinct stages: pre-court (diversionary) and as part of a court sentence.



This Strategy seeks to introduce these approaches within the adult justice system, through the introduction of restorative and reparative practices at all stages of the justice system. By ‘all stages’ we mean from early intervention in the community, formal diversion by statutory agencies, court-ordered disposals, custody and reintegration.

In 2016, the Fresh Start Panel’s report on the disbandment of paramilitary groups¹ also recognised the importance of restorative approaches and the role they could play in communities by helping to, *“develop constructive relationships between the police and the community, encourage community support for the rule of law, support effective rehabilitation of offenders and, importantly, address the needs of victims”*. As a result, Recommendation A9 of their report recommended that the Executive should put in place a dedicated fund for restorative justice, and that it should be used to resource a centre of restorative excellence for Northern Ireland. Both these issues are dealt with in later chapters.

Since then, a number of departmental and independent reviews have also recommended the development of restorative approaches as new ways of working to address specific issues such as hate crime and sexual offending, and these too are included in this Strategy and Action Plan.

The [consultation document](#) seeking views on the development of an Adult Restorative Justice Strategy set out a number of potential benefits of using a restorative approach to a range of issues, particularly through the use of effective early intervention and diversionary restorative options. These included a potential reduction of adult court caseloads; an impact on delay, with fewer cases moving through the system more quickly and thus providing swifter justice for victims of crime; and improved outcomes for those diverted from prosecution, as contact with the formal justice system often leads to poorer outcomes, criminal records, and increased reoffending rates.

Responses received to the consultation confirmed there was unanimous support for the introduction of an Adult Restorative Justice Strategy, at least in principle. Where this support came with qualifications, these were generally dependent on the way any Strategy would be introduced and resourced, but most importantly that it should place victims at the centre of the process.

1 “Fresh Start Panel Report on the Disbandment of Paramilitary Groups in Northern Ireland”, NI Executive (May 2016)



Delivery of the Strategy should be underpinned by the general principles at the core of restorative practice, as described in the [Restorative Justice Council's principles of restorative practice](#):

- **Restoration** – the primary aim of restorative practice is to address and repair harm.
- **Voluntarism** – participation in restorative processes is voluntary and based on informed choice.
- **Neutrality** – restorative processes are fair and unbiased towards participants.
- **Safety** – processes and practice aim to ensure the safety of all participants and create a safe space for the expression of feelings and views about harm that has been caused.
- **Accessibility** – restorative processes are non-discriminatory and available to all those affected by conflict and harm.
- **Respect** – restorative processes are respectful to the dignity of all participants and those affected by the harm caused

Two other key messages came through clearly in the consultation. First, that the Strategy and resultant work must operate within a framework of human rights and the rule of law (discussed further in Chapter 5) and second, that it may not be suitable for all individuals or offences and that each should be considered on their own merit. Any development or use of restorative justice should also be in line with the [Council of Europe recommendation](#) to member States concerning restorative justice in criminal matters.

On a final note, the words “restorative” and “reparative” are used at various stages throughout this document. For the information of the reader, the following meanings are assigned to these words in the context of this document:

- **Restorative:** an action which, as a result of engagement – direct or indirect – between an offender and a victim, family or the wider community, improves some element of health, well-being, understanding, relationship, outcome or opinion.
- **Reparative:** an action which serves to make amends in a physical or tangible way to a victim, family member or wider community for earlier wrong-doing.



4. Vision, Aim and Purpose

Through discussion and consultation, stakeholders have contributed to an agreed vision for restorative justice in Northern Ireland in general, and for this Strategy in particular. This vision, along with the associated aim and purpose of the Strategy are as follows:

Our Vision

Restorative Justice should be second nature, not separate nature, within the Criminal Justice System and its partner organisations.

Aim

To restore relationships and redress harm through building an effective and efficient victim-centred restorative practice culture within the Northern Ireland criminal justice system and in partnership with the community.

Purpose

To set out a strategic approach to the establishment of restorative justice across the adult criminal justice system to secure benefits for the victims of crime, individuals who have offended, families and communities. It provides a common goal for the Department and relevant partner organisations to work towards, and seeks to ensure best alignment of resources in order to maximise impact.



5. Overarching Rights and Underpinning Principles

Our intention is to develop and introduce aspects of restorative justice into the adult justice system in a manner that is rights-compliant and in line with our international obligations, as set out in Section 26 of the Northern Ireland Act 1998.

In certain circumstances, Article 2 and 3 ECHR obligations could limit the application of restorative justice options, namely if there is real and immediate risk to life, or to ensure that it will not result in any kind of torture, or ill, degrading or cruel treatment. There will also be a need to balance the use of restorative options – particularly as a diversionary disposal – with the right to a fair trial (Art. 6), and to consider the physical and mental health of all parties engaged in a restorative process (Art. 8). If restorative justice is to be successfully applied, these and other human rights must form an essential part of its delivery. It will require specialist training for those engaged in delivering restorative interventions, and support for both victims and offenders as the process unfolds.



In addition, the following underpinning principles have been consulted on and agreed as the basis of which this Adult Restorative Justice Strategy is delivered. The Strategy will:

- Focus specifically on the application of restorative practices across the breadth of the criminal justice continuum.
- Develop flexible approaches and processes, within the boundaries of an agreed lawful framework, which meet both the needs of victims of crime, those who have offended, and the communities from which they are drawn.
- Raise general awareness of restorative justice and its incorporation into the justice system, and work in partnership with victims and communities to engage them in the process as far as is practicable.
- 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, and in a safe and timely manner, 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.
- Comply with international standards, in particular those relating to restorative justice and protection for victims of crime², be informed by evidence, and deliver the best possible outcomes within available resources.
- Be underpinned by the Restorative Justice Council Principles³ and Code of Practice,⁴ and aligned with the Northern Ireland Victim Charter⁵.

2 “Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters”, Council of Europe (October 2018);
“Venice Declaration on the Role of Restorative Justice in Criminal Matters”, Council of Europe (Dec 2021)
“Basic Principles on the use of Restorative Justice programmes in Criminal Matters”, ECOSOC Resolution 2002/12;
“Directive 2012/29/EU: Establishing minimum standards on the rights, support and protection of victims of crime”, The European Parliament (October 2012).

3 “Principles of Restorative Practice”, Restorative Justice Council (August 2015)

4 “RJC Practitioner Code of Practice”, Restorative Justice Council (2016)

5 “Victim Charter: a Charter for Victims of Crime”, Department of Justice (September 2015)



6. The Current Position

In spite of the absence of an overarching Adult Restorative Justice Strategy, a number of organisations, which operate across the statutory, voluntary and community sectors are already engaged in developing and delivering restorative initiatives, some of which are in the justice sphere. There is, however, an acknowledgment that this work has been rather piecemeal, often dependent on the local environment and available funding, which has tended to be short-term in nature and focused on addressing a particular issue. There now exists a collective will and commitment to develop restorative justice approaches with adults on a more strategic and consistent basis, building on the good practice already being delivered.

To give readers an understanding of the extent of the work to date, the consultation document took a closer look at the provision for adult restorative justice approaches across each of the organisations engaged in the paper's development. Whilst it was not intended to be an exhaustive list, and there may be other organisations that play a role in the delivery of adult restorative interventions in some way, nevertheless it provided a snapshot of service delivery and engagement at that point in time.

In delivering on this Adult Restorative Justice Strategy, many of our partner organisations will be engaged in specific actions aimed at expanding on the current use of restorative interventions, or developing new approaches. These have been included in the associated Action Plan attached at Annex A.

Protocol for Community Based Restorative Justice (CBRJ) Organisations

We cannot discuss the current position with regards to the use of restorative justice in Northern Ireland without referencing the [Government Protocol](#)⁶. This Protocol, established in 2007, governs the work of Community Based Restorative Justice (CBRJ) organisations involved in restorative work in the criminal justice arena. It established a framework for relationships between statutory organisations and community schemes, and set out the process by which referrals are made to these organisations. No referrals can be made to a CBRJ organisation unless and until they have been assessed as meeting certain standards, and have received formal approval from the Department of Justice – a process known as **accreditation**.

The framework as agreed in the Protocol is based on each scheme's compliance with the rule of law and full cooperation with the police and other statutory agencies, including requirements that CBRJ groups should:

- receive accreditation from the Department on a range of issues including staff training, human rights protection and complaints procedures;

6 "Protocol for Community Based Restorative Justice Organisations", NIO (2007)



- receive offence-related referrals only from statutory criminal justice agencies rather than from within the community;
- have no role in determining guilt or innocence; and
- be subject to regular inspection by Criminal Justice Inspection Northern Ireland (CJINI).

Where a CBRJ scheme becomes aware of circumstances where a criminal offence may have been committed, for example through the community sharing information, and considers that they have the ability to provide a worthwhile disposal as an alternative to prosecution, they are still required to refer the matter to the PSNI. Only once the full investigative and PPS decision-making processes have taken place does the case return to the scheme as an official referral, if appropriate.

Given the time that has passed since the Protocol was established, and the experience that now exists regarding its operation, the public consultation on an Adult Strategy provided an opportunity to seek views on whether or not there was a need to refresh it. Respondents were asked *“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?”*

Many of the responses received affirmed a number of positive aspects of the Protocol, particularly the robust accreditation, safeguarding and governance arrangements, and CJINI’s independent monitoring and inspection role.

There were, however, certain aspects which some felt were limiting the impact of the schemes, the most significant being that of the low number of cases being referred from justice organisations for a restorative intervention by CBRJ groups. There was a clear and comprehensive agreement that a review of the 2007 Protocol and its operation was necessary, and should be carried out with the aim of increasing appropriate referrals from statutory bodies and expanding the work of CBRJ generally. The general view was that a more dynamic, and less risk-averse, system was needed which would allow for increased referral numbers, swifter decision-making, and more effective early interventions with a restorative element.

Given our desire to expand the use of CBRJ and restorative interventions more generally through the development and implementation of this Adult Restorative Justice Strategy, a review of the Protocol is seen as a key action to support the advancement of this work. The Minister of Justice has therefore agreed that a review should take place as a priority, and arrangements are already in train. Completion of this review and implementation of any resulting recommendations will form a vital part of this Strategy’s Action Plan.



7. Evidence and Research

This recent growth in restorative practices in Northern Ireland is supported by an ever-increasing evidence base which highlights the value of using restorative practices to both prevent and address offending behaviour, and to repair the harm that it causes to individuals and communities. Our consultation document contained a range of detailed evidence and research which it is not intended to reproduce in full here. A number of additional references were provided by respondents to the consultation, for which we are grateful. These were produced as an annex in the [Summary of Consultation Responses](#) document which was published in May 2021, and provide further evidence on the benefits that can be gained through the use of restorative interventions.

Restorative approaches can be used to engage with individuals who offend to help them appreciate the consequences of their actions; to encourage appropriate reparation from those who have offended to victims or the wider community; to contribute to reconciliation, where desired and appropriate, between a victim and the individual who has offended against them; and, to contribute to the rehabilitation and re-integration of the individual who has offended (Zehr, 1990⁷; Braithwaite, 1999⁸). Evidence suggests that restorative justice practices have positive outcomes for victims and offenders even when offences are serious (McNeill et al 2010⁹).

7 “Changing Lenses: A New Focus for Crime and Justice”, H Zehr (1990)

8 “Restorative Justice: Assessing Optimistic and Pessimistic Accounts”, J Braithwaite, Crime and Justice Vol. 25 (1999),

9 “Offender Supervision: New Directions in Theory, Research and Practice”, McNeill, F., Raynor, P. and Trotter, C., (Eds.) (2010)



(i) Victim Impact

Restorative Justice is concerned with the human impact of crime on the victim, the offender and the community. Research confirms the effectiveness of restorative interventions and estimates that *“85% of victims involved in a restorative intervention find it helpful and that there can be an estimated 14% reduction in re-offending rates”*¹⁰.

Sherman and Strang (2007¹¹) concluded that victims of crime who engage in restorative justice *“do better, on average, than victims who do not, across a wide range of outcomes, including post-traumatic stress”*. Similarly, Shapland and her team found both victim participation rates and victim satisfaction rates to be very high across three schemes evaluated. They reported participation rates of up to 77% in cases involving adult offenders and up to 89% in those cases involving child offenders¹². Of these participants, 86% expressed satisfaction with their experience¹³.

Zehr (1990) recognises that the role of reparation can be pivotal to recovery because it achieves four things: it can help repair damage, vindicate the innocent, locate responsibility and restore equilibrium¹⁴.

According to Warner K. (1994) Victims are empowered by enhanced possibilities of reparation, by having the opportunity to confront the offender with their account of the impact of the crime and to have an input into the outcome¹⁵.

Research therefore clearly demonstrates the potential benefits of restorative justice when delivered in a professional manner by well-trained staff. As a key desire of this Strategy is to be victim-centred, it is important to ensure restorative practice results in positive outcomes for victims of crime. These are issues we will return to in the coming chapters.



10 “Restorative Justice Action Plan for the Criminal Justice System”, Ministry of Justice (November 2012)

11 “Restorative Justice: The Evidence”, Sherman, L. and Strang, H (2007)

12 “Restorative Justice in Practice”, Shapland, J et al (2006) - The second report from the evaluation of three schemes.

13 “Restorative Justice: The Views of Victims”, Shapland, J et al (2007) - The third report from the evaluation of three schemes. Ministry of Justice research series 3/07.

14 H. Zehr (1990) ‘The Reparative Conception of restorative Justice’ in G. Johnstone and D.W. Van Ness eds., Handbook of Restorative Justice, Willan Publishing, Devon.

15 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.



(ii) Offender Impact

Improving outcomes for victims of crime would be sufficient reason alone to consider the use of restorative justice in Northern Ireland. However, it is clear that there can also be benefits which accrue to those who commit crime when they are engaged in a restorative process.

The potential benefit of restorative justice for offenders is that it enables them to understand the consequences of their offence and to express remorse¹⁶.

Ian Marder (Restorative Justice for Young Adults 2013) notes that ‘Depending on the offender, Restorative Justice might either instigate the desistance process or provide additional motivation for those who have already chosen or begun to desist’¹⁷.

In addition to these, there is evidence that facing up to the consequences of your crime and restorative engagement with your victim can actually reduce future reoffending. The Home Office research conducted by Shapland et al demonstrated a 27% drop in the frequency of re-offending following a restorative conference¹⁸.

[Northern Ireland Government statistics](#) on reoffending levels published in November 2021 indicate that adults who received a diversionary disposal, a community disposal without supervision, and a community disposal requiring supervision had a one year proven reoffending rate of 13%, 18% and 32% respectively. These compare to a reoffending rate of 45% for those adults released from custody (although it should be remembered that the characteristics of these cohorts will be very different). Based on the evidence elsewhere, there is a real possibility that the inclusion of restorative interventions across these disposals could contribute to their effectiveness and reduce reoffending rates further, and in doing so, prevent future victims.

Some individuals engaging in low level criminal or anti-social behaviour may also benefit from the avoidance of a criminal record if the offending behaviour is dealt with by way of an early stage restorative process rather than a formal justice disposal. Opportunities for this will obviously be dependent on the nature and seriousness of the offence, and the willingness of the perpetrator and the victim to engage in a restorative approach, but the benefit of avoiding a criminal record can be significant in the longer term.

16 The New Zealand Model of Family Group Conferences Gabrielle M. Maxwell and Allison Morris in C. Alder and J. Wundersitz eds. Family Conferencing and Juvenile Justice: The Way Forward or Misplaced Optimism? Australian Institute of Criminology, Canberra, Australia. Pg 15

17 Restorative Practice with Adult Offenders. C Hunter 2015

18 “Restorative Justice: Does Restorative Justice affect reconviction”, Shapland, J et al (2008) - The fourth report from the evaluation of three schemes. Ministry of Justice research series 10/08



(iii) Cost Effectiveness

There have been a number of research reports and evaluations which, as part of the overall piece of work, have considered the cost of delivering restorative justice compared to more traditional forms of criminal justice disposals, and all of which have demonstrated value for money. For example, the evaluation and social return on investment analysis of the *Le Cheile Restorative Justice Project*¹⁹ in Limerick (Ireland) highlighted a 300% return on investment. Likewise, Home Office research²⁰ established evidence that restorative justice provides value for money: overall they found a costs to savings ratio of 1:9.

The Red Hook Community Justice Centre, opened in 2000 has resulted in a 10% reduction in reoffending and \$15 million saving through “procedural justice” (the perception of fairness in the decision making process²¹).

Based on the latest crime statistics, the Restorative Justice Council and Victim Support showed that, if restorative justice was offered to 75,000 victims of adult offenders, assuming just a 40% take up rate, the reductions in reoffending would lead to £185 million cashable savings to criminal justice over two years²².

(iv) Other benefits

When readers were asked for their views as part of the consultation exercise, a range of other potential benefits were suggested which could accrue through the use of restorative justice, either at individual, community or societal level. Examples of these include:

- Delivery of more effective – and possibly swifter – justice;
- A positive impact on many aspects of personal trauma;
- A more effective way of dealing with some specific groups/offences (e.g. women who offend, young adult offenders and crimes motivated by prejudice or hate);
- Diversion from formal criminal justice system;
- Reduction in community tensions through, for example, addressing anti-social behaviour in a restorative way;
- 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;

19 “Building Bridges: An Evaluation and Social Return on Investment study of the Le Cheile Restorative Justice Project in Limerick”, Quigley, M. Martynowicz, A. and Gardner, C. (2014)

20 “Restorative Justice: Does Restorative Justice affect reconviction”, Shapland, J et al (2008) - The fourth report from the evaluation of three schemes. Ministry of Justice research series 10/08

21 “Restorative Practice with Adult Offenders”. C Hunter 2015

22 <https://restorativejustice.org.uk/resources/victims-justice>



- 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;
- 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; and
- The building of relationships between the statutory, voluntary and community sectors.

These potential benefits, and how they might be assessed or measured, will be considered as part of this Strategy and Action Plan. In summary, however, evidence and research shows that the use of restorative practices within the justice system and in a wide range of other settings has benefit for individuals, communities, and wider society. Most importantly, the benefits for victims of crime who engage with restorative processes can clearly be demonstrated.



8. Strategic Objectives

We have examined the evidence which demonstrates that, in further developing and integrating the use of restorative approaches with adults across the justice system and beyond, there is a range of potential benefits which can accrue. What, therefore, will be the key objectives in implementing such a Strategy in Northern Ireland, and how do we measure success?

These questions were asked as part of the consultation, and a number of potential objectives were suggested for consideration. Those who responded were unanimous in their agreement with the proposed objectives, although some provided more detailed commentary and issue for consideration. These included the need to align objectives with the Programme for Government; the use of SMART objectives and an Outcomes Based Accountability (OBA) model for measuring impact; the need to be realistic; and to find a balance between being ambitious and raising expectations too far.

When considering how success is measured, and where our focus should be, victim engagement and satisfaction in the process was seen by the majority as the most important factor. That said, it was also noted that successful restorative justice system was one which balanced the needs of victims, offenders and the community, therefore levels of engagement by all constituent parties was important. A number of other measures were suggested which could be useful to focus on, including increased referral numbers; reduction in court cases and admissions to custody; improved public confidence; and changes in behaviour or reoffending.

As a result of these discussions and views, it is proposed that this Strategy aspires to achieve the following strategic objectives (*figures in brackets following them are references to the key actions in the Action Plan*):

- Reduction in the number of victims of crime, and/or the re-victimisation of vulnerable groups, by intervening earlier and more effectively. (*Actions 2.1, 2.2, 2.3, 2.4*)
- Promote improvements in the levels of victim engagement, satisfaction and confidence in the justice system, including those from vulnerable and minority groups. (*Actions 1.1, 2.1, 2.2, 2.3, 2.4, 3.1, 3.2*)
- Increased acknowledgement of, and accountability and redress for, harm caused by individuals who offend. (*Actions 2.2, 2.3, 2.4, 3.1, 3.2*)
- Promote desistance from offending by delivering person-centred and bespoke restorative interventions with individuals to assist them to address their offending behaviour, repair the harm caused to others, and deter further involvement in offending. (*Actions 2.1, 2.2, 2.3, 2.4, 3.1, 3.2*)



- Contribute to a reduction in the number of adult cases across the justice system. *(Actions 2.1, 2.2, 2.3, 2.4)*
- Create opportunities for improved community safety and cohesion by raising awareness and promoting understanding of restorative justice, enabling a dialogue which repairs harm and increases confidence in the justice system. *(Actions 1.1, 1.2, 1.3, 1.4)*
- Develop and extend the use of restorative justice interventions both geographically and at all stages of the criminal justice system. *(Actions 1.2, 1.3, 2.1, 2.2, 2.3, 2.4, 3.1, 3.2)*
- Promotion and exchange of research and best practice, training, knowledge and skills in the use of restorative approaches between restorative justice providers. *(Actions 1.2, 1.4)*
- Provide greater co-ordination of restorative justice services and greater utilisation of opportunities for joint funding and partnership working both inside and outside of the justice system. *(Actions 1.2, 1.4, 2.1, 2.2, 2.3, 2.4, 3.1, 3.2)*

Suggested measures by which progress or success could be assessed include:

- Reoffending rates;
- Crime rates;
- NI Safe Communities Survey;
- Victim engagement rates;
- Victim satisfaction rates;
- Improved public confidence in the criminal justice system;
- First Time Entrants Report;
- Court and Diversionary Disposals report;
- Judicial Statistics;
- Custodial admissions
- Changes in behaviour, wellbeing and relationships;
- Evidence of incorporation of restorative justice interventions in formal justice disposals;
- Register of accredited schemes;
- Numbers of individuals trained to deliver restorative interventions;
- Numbers of training events, seminars undertaken.

Other measurements may be developed as specific actions are implemented.



9. Where do we want to get to?

This Strategy seeks to integrate restorative approaches into each stage of the criminal justice process, and to ensure that sufficient opportunity is provided to those people on the edge of anti-social or offending behaviours to avoid them being brought into the formal system. As highlighted in the introduction to this document, by ‘each stage’ we mean from early intervention in the community, formal diversion by statutory agencies, court-ordered disposals, and custody and reintegration.

The Department recognises that *“restorative justice can complement traditional criminal proceedings, or be used as an alternative to them”*²³. This Strategy therefore seeks to promote opportunities for people to be held accountable for their actions and provide a range of ways that the harm suffered by victims and the wider community can be redressed. The use of restorative approaches to deal with offending behaviour does not relax the application of the law on those involved. Rather, it can be used to apply appropriately weighted justice which addresses wrong doing in a restorative manner without going through the formal criminal justice system where appropriate, or, in those cases of more serious offending, as people are dealt with by the criminal justice system.

The use of restorative justice is not an easy option; those who have been through the process often feel it is more difficult than the traditional disposals as it makes them accountable for their actions. This is particularly true where there is direct victim-offender engagement, for example through a restorative conference approach, although as we have already explored, restorative interventions can take many forms across the restorative justice continuum – see, for example, the case study overleaf with excerpts from a letter of apology to the victim of an assault.

Neither is restorative justice a lesser means of redress for low level offending. It is a different, complementary, approach to dealing with the wrong-doing; one which is proportionate and appropriate to the offence; which acknowledges the harm caused; gives the victim(s) a voice; and has the potential to be highly effective. Such an approach is aimed at ensuring those on the cusp of the criminal justice system recognise the error of their decisions and actions, and take steps to redress their wrong doings whilst taking account of the victim’s and community’s perspective. We have also set out the potential benefits to victims of such an approach (Chapter 7).

23 “Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters”, Council of Europe (October 2018).



Any restorative intervention must comply with international standards and ensure appropriate safeguards are in place to ensure all parties are sufficiently well informed and engaged in the voluntary process. This would prevent victims being re-victimised and offenders simply paying lip service with an apology. The most effective way of delivering this is through the use of fully-trained, experienced practitioners.

Responses from the consultation were overwhelmingly in favour of this vision for restorative justice and the adult justice system in Northern Ireland. The following chapters discuss how the Department and its partners across the statutory, voluntary and community sectors will seek to fulfil this and deliver on this Adult Restorative Justice Strategy. These discussions draw heavily on the views of respondents, and are divided into three distinct, but interrelated, themes:

- The overarching themes or issues which sit across the entirety of the Strategy and which are essential to enable its successful delivery;
- Options for delivering restorative justice at specific stages of the criminal justice continuum; and
- The delivery of restorative approaches aimed at meeting recommendations from a number of independent reviews.



CASE STUDY: Excerpts from a letter of apology

I want to give my apologies from the bottom of my heart, the harm I have caused... I had been going through a really bad patch in my life a few weeks before the assault. I had given up in life as I had my 13 year old daughter removed from our home due to my poor mental health. Over those weeks it escalated, I began drinking heavily on top of my medication to numb the pain I was feeling in my heart.

On the night I assaulted you, I went on a pub crawl by myself... I remember going to the shop and buying cigarettes and I felt uneasy at the time and I was rambling to myself. At this point I remember a crowd of teenagers laughing at me, I told them off and they ran away. From this point my memory becomes hazy and I vaguely remember asking someone for a light. My next memory is a large crowd of young people coming towards me. shouting at me and I felt under threat. I think they were shouting at me because of what I had done to you.

The next day when I woke I was numb and still wanted to die...the police were contacted as someone reported I was in distress. The police came to check if I was ok, they were informed that there was a warrant for my arrest because of what I done to you...the police told me that I had grabbed you around the neck and pushed you back and knocked your glasses off. I offered to pay for the damage for the glasses as it was my responsibility.

The judge... gave me an ECO which means I have two years probation and 80 hours community service... I have completed my 80 hours community service at a children's charity shop. I feel like I have more to give to the charity so I have decided to stay on and I now work there as a volunteer 18 hours a week.

I have engaged with Alternatives and their RJ programme. I have learned about the impact of my behaviours and I have been given this opportunity to think about the hurt and harm I have caused you and your parents and it has gave me a chance to apologise.

I am working hard on my mental health, I am now in a good routine with volunteering and family commitments. I am attending my appointments regularly and I am taking my medication as prescribed. I no longer drink alcohol or use recreational drugs. I just want to let you know how sorry I really am. Writing this letter has finally brought my offence into reality and for everything I have caused you and your family, I am deeply heartbroken.

I appreciate you taking the time to read this letter and I wish you all the best for the future.



10. Delivering the Strategy

Part 1 - Overarching Themes

(i) A Victim-Centred Approach

“Any adult restorative justice should place victims at the front and centre of the process.”²⁴

One of the most significant, and oft-repeated, view received throughout the consultation process was the need to ensure that an Adult Restorative Justice Strategy was victim initiated and victim-centred. These views very much echo those expressed earlier in this Strategy (see page 4). Implementation of a Strategy should provide opportunities, at each stage of the criminal justice system, for victims and communities affected by anti-social or criminal behaviour to play a role in the process, whether direct or indirect, in a safe, structured and supported environment.

With greater involvement in the process, it is hoped that victims will gain a greater understanding of all aspects of the justice system and see more appropriate outcomes, influenced by their input. Restorative justice will provide them with a voice to express the harm felt and to help shape the redress an individual should make as a result. In doing so, there is the potential for a restorative approach to increase victims’ confidence in the justice system.

A number of consultation responses 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 and for the abusive behaviour to stop.

There may be opportunities not currently being utilised to engage victims in the process in a meaningful and timely way, for example, through greater promotion and use of restorative justice by victims’ organisations or by increased signposting to Victim Information Schemes post-conviction. Wherever possible, we wish to see victims proactively engaged in restorative justice, rather than being asked to take part in a justice-driven process. Thus, the development of victim-initiated pathways will be explored and reflected in the Action Plan for this Strategy.



The benefits of such an approach can be clearly seen from the case study below.

CASE STUDY:

Person A was sentenced to an Enhanced Combination Order (ECO) for a dangerous driving incident during which an elderly lady suffered significant injuries. Although still suffering from PTSD and requiring several operations for the injuries, the victim expressed an interest in restorative options, facilitated through her engagement with VSNI. She wanted to share the physical and emotional impact the incident had on her to highlight the consequences, but was also motivated by helping the person who caused the harm to reflect and learn to make better decisions in the future. She also pushed for a lesser charge for the driver, due to their family circumstances.

Having agreed to engage in the process, the driver was helped to prepare by a Probation Officer trained in restorative justice, work that included a victim awareness course and a risk assessment. Whilst the victim did not wish to have direct face-to-face engagement with the driver, VSNI was able to share her story and its impact; it was agreed that a written response was appropriate. A letter from the driver was delivered to the victim through VSNI, who remained with her for support while she read it. The contents provided an explanation of the events surrounding the incident and helped increase her understanding of what had happened.

VSNI met with the victim a week later and the conversation focused on how she would use this letter to help her recover from the crime. It enabled the victim to leave her resentment behind and move on. It also affirmed her previous decision about wanting a shorter sentence for the driver.

This case demonstrates the significant added value that restorative justice can produce. It can enrich learning and progress for the person causing the harm and open up the opportunity of closure and improved recovery for the person harmed. The professional respect and trust between two partner agencies, based on recognised restorative justice training for staff, was an important platform for this partnership working.



This work will, however, be mindful of a number of issues to ensure the safety and satisfaction of victims. Victim involvement, and indeed that of any party, in restorative practices must be voluntary in nature; there should be no compunction to take part, nor should they ever be pressurised to do so. Where victims are engaged, they should be given the opportunity to withdraw their consent at any stage, and the process should aim to address their needs as victims of crime in addition to any rehabilitative effects it may be seeking to deliver for the offender.

Careful consideration will also need to be given to the type of offence and the circumstances surrounding it when deciding whether or not it is appropriate for a restorative intervention. There is a need for risk assessment and management in each case, to ensure appropriate safeguards are applied where necessary. Dependent on the specific dynamics of the case, there may even be examples where restorative conferencing is unsuitable despite the willingness of all parties to engage. This highlights the importance of professionally trained individuals working to agreed standards of practice, to ensure the safety of all involved.

There was a view among a small number of respondents to the consultation 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 re-victimisation. Whilst there are some very powerful examples where the victims and perpetrators of serious and/or sexual crimes have engaged successfully in a restorative process, any such work requires sensitive handling and thorough preparation by experienced professionals and must always be driven by the needs and wishes of the victim. This was recognised by Sir John Gillen in his report on serious sexual offending, which is dealt with in a later section.

(ii) The Need for Legislation

There currently exists no legislative or statutory basis for the use of restorative approaches in the adult justice system in Northern Ireland. This is not the case for youth justice, where there is statutory provision for a number of formal restorative disposals, both pre-court (diversionary) and as part of court-ordered community sentences for children, the most significant of which is [Youth Conferencing](#). This absence of legislative underpinning has not prevented the inclusion of restorative justice in adult disposals, with some operational practice evolving to incorporate restorative elements in existing orders. The most notable example is the development of [Enhanced Combination Orders \(ECOs\)](#) delivered by PBNi in partnership with NI Alternatives and Community Restorative Justice Ireland, who deliver restorative interventions with service users referred on a voluntary basis.



The Council of Europe recommendations leave the decision on whether or not to legislate up to Member States who, they say, “*may wish to establish a clear legal basis where restorative justice is referred to by the judicial authorities, or where it is otherwise used in a way which impacts, or which may impact, upon prosecution or court proceedings*”²⁵.

No specific question regarding the need to legislate for adult restorative justice was asked during the consultation. However, a number of potential actions were suggested in the consultation document which could be taken forward in implementing an Adult Strategy, with readers asked to consider both their relevance and the priority they should be given.

One such action was to: *Consider the need for, and scope of, legislative change to establish restorative interventions in the statutory criminal justice sector.*

While a range of views were received on what the top priorities for action should be, this particular action ranked in the top five, with a significant number of respondents agreeing that the issue required consideration. It will therefore form part of this Strategy’s Action Plan.

There are differing views on whether or not restorative interventions should be legislated for. Those in favour point to a number of benefits, including a formal recognition of the restorative process as suitable for the criminal justice system; promoting and enabling equality of provision across all areas; the introduction of standards around its use, etc.. The development of legislation was seen by some as a driver or enabler for mainstreaming the use of restorative justice, as well as an expression of commitment to its use, with the success of youth conferencing viewed as a positive example of this. Without this push, they felt that its use would continue to be limited and piecemeal as was currently the case, and that any Strategy would be less impactful as a result.

Primary legislation, and the scrutiny which accompanies its development, was also viewed as an important means to ensure restorative justice operated within a wider human rights framework and associated commitments.

As with the current youth conferencing legislation, the inclusion of specific timescales for delivery could potentially help to speed up justice for some cases by setting statutory targets, and enable the monitoring of performance and adherence to them. Whilst this was seen as a positive by some, a view was also expressed that care must be taken not to inadvertently, and unintentionally, curb victim engagement by adopting restrictive timeframes which reduce victims’ ability to appropriately consider their options. Victims of crime often need time and space to consider their involvement in restorative interventions, and the imposition of target dates may be counter-productive to this. There may well be a balance to be struck between the need to reduce delay/speed up case processing and the desire to develop effective victim engagement.

25 “Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters”, Council of Europe (October 2018);



As well as this issue, other potential disadvantages of placing restorative justice on a statutory footing have been identified. Rather than being seen as a positive, the imposition of a legislative framework for how – and when – the process will operate could be considered at best constrictive, or at worst coercive, reducing any flexibility or latitude there may be to introduce restorative approaches at a time which best suits the parties involved and with their full agreement. Use of a truly voluntary approach places an emphasis on the offender to take responsibility for their actions and address the harm caused, and reducing the potential for legislative requirements to be perceived as creating an imperative to do so.

Clearly any discussion around whether or not to legislate for this work will need to consider each of the issues above, and, if the decision ultimately is in favour of legislation, the key features of any resulting provisions will need to:

- be flexible and adaptable, allowing for the restorative process to be considered at any stage during the criminal justice process (pre-sentence, post-conviction; during a period of supervision within custody; or post-custody as part of rehabilitation);
- be decided on a case-by-case basis rather than requiring compulsory or blanket applicability;
- enable the voluntary participation of all parties at a time that suits them; and
- ensure there is no penalising of those who chose not to engage solely on the basis of their decision in that regard.

The Youth Justice Agency's experience of working with the youth conferencing legislation over a number of years will undoubtedly be a vital source of information when considering the issues. The recommendations of recent reviews, including the Department's review of sentencing policy and Judge Marrinan's independent review on Hate Crime Legislation, have also considered the use of restorative approaches and the extent to which this will require legislation – Judge Marrinan specifically recommended a statutory provision for restorative justice as part of his review. The views gathered in response to these will also inform the debate as the work progresses.

Finally, there are two further aspects which will need to be borne in mind in relation to legislation. The first is the need to deliver any legislative change that may be proposed as a result of the review of the 2007 Protocol, and the second is to regularise an existing anomaly relating to the Departmental responsibility for provisions governing accreditation functions which came to light in 2019. Whilst arrangements are in place to provide a work-around administrative solution to this issue, legislation will ultimately be required to transfer these functions from where they currently sit as the responsibility of the Secretary of State for Northern Ireland across to the Department of Justice.



(iii) Communication and Engagement

“There is a perception that restorative justice is a ‘soft option’ and such perceptions must be changed in order for restorative processes to be accepted as a viable form of disposal. Public confidence in this approach is key.”²⁶

Another key theme which emerged clearly from the consultation was the need for some form of public awareness campaign to promote understanding and use of restorative justice as an agreed alternative to, or an integral part of, the formal justice system.

Overall, it was felt that the Strategy would have more chance of successful outcomes if it was accompanied by effective plans for communication and public engagement. In doing so, the aims would be to inform and educate individuals of the positive benefits of restorative justice, and to increase acceptance and uptake for those who have been engaged in, or victims of, offending. Having an understanding of the purpose of restorative justice, and possessing information on how to initiate or access a restorative intervention, may provide individuals who do not wish to pursue an issue through the formal justice system with an alternative route, but one which is still governed or accepted by justice partners.

The development of a communications strategy would enable justice and other partners to promote a consistent message on the positive outcomes made possible through restorative justice, for both victims and offenders, as demonstrated by evidence and research (see Chapter 7). The success in reducing and preventing further offending is also a positive message worth promoting. Ultimately, the incorporation of a restorative approach in an adult criminal justice system could deliver increased effectiveness (including cost benefits) and a decrease in recidivism and future victims. These are all hugely positive messages to impart through public engagement.

In addition to the public, there was a view expressed that key stakeholders within the justice system, including legal representatives and the judiciary, could also benefit from a process of promotion and awareness raising, which would help to embed a positive culture and mind-set in the use of restorative justice.

In keeping with the theme of communication and engagement, consultation responses suggested the inclusion of objectives around increased public credibility and confidence in the justice system, with improved public confidence in the criminal justice system proposed as a potential measure of success for the Strategy.



One respondent with experience of working in the justice system highlighted the fact that crime can be the end result of many unmet needs or undiagnosed disorders. We are now more aware than ever about the role which trauma and Adverse Childhood Experiences (ACEs) can play in offending behaviour. This has led to an increasingly trauma-informed justice system. Restorative justice provides an opportunity to help identify the root causes of offending and to address these to prevent future victims. Improved promotion and communication, and increased use of restorative approaches, could also lead to victims being better informed, and developing a greater understanding of how or why the offending occurred.

There was also support for promoting the use of restorative approaches more generally in the wider community and other fields, for example in education, health, residential children's homes and neighbourhood disputes. In doing so, the aim was not only to increase awareness and extend the use of restorative practice more widely, but also as a means of preventing entry to the justice system for those who may be at risk due either to their needs, behaviour and/or circumstances. Whilst this wider application is beyond the scope of this Adult Restorative Justice Strategy, the rationale behind the proposal is very valid and any communication plan that is developed should link with any other communication plans within these sectors and highlight the potential for restorative practice benefits to accrue across a range of settings outside of the justice system.

Finally, for those who are already promoting and delivering restorative interventions, whether as part of the justice system or beyond it, there is an opportunity to showcase and celebrate the work that is going on across Northern Ireland and elsewhere, and to exchange good practice and research not only in Europe but worldwide.

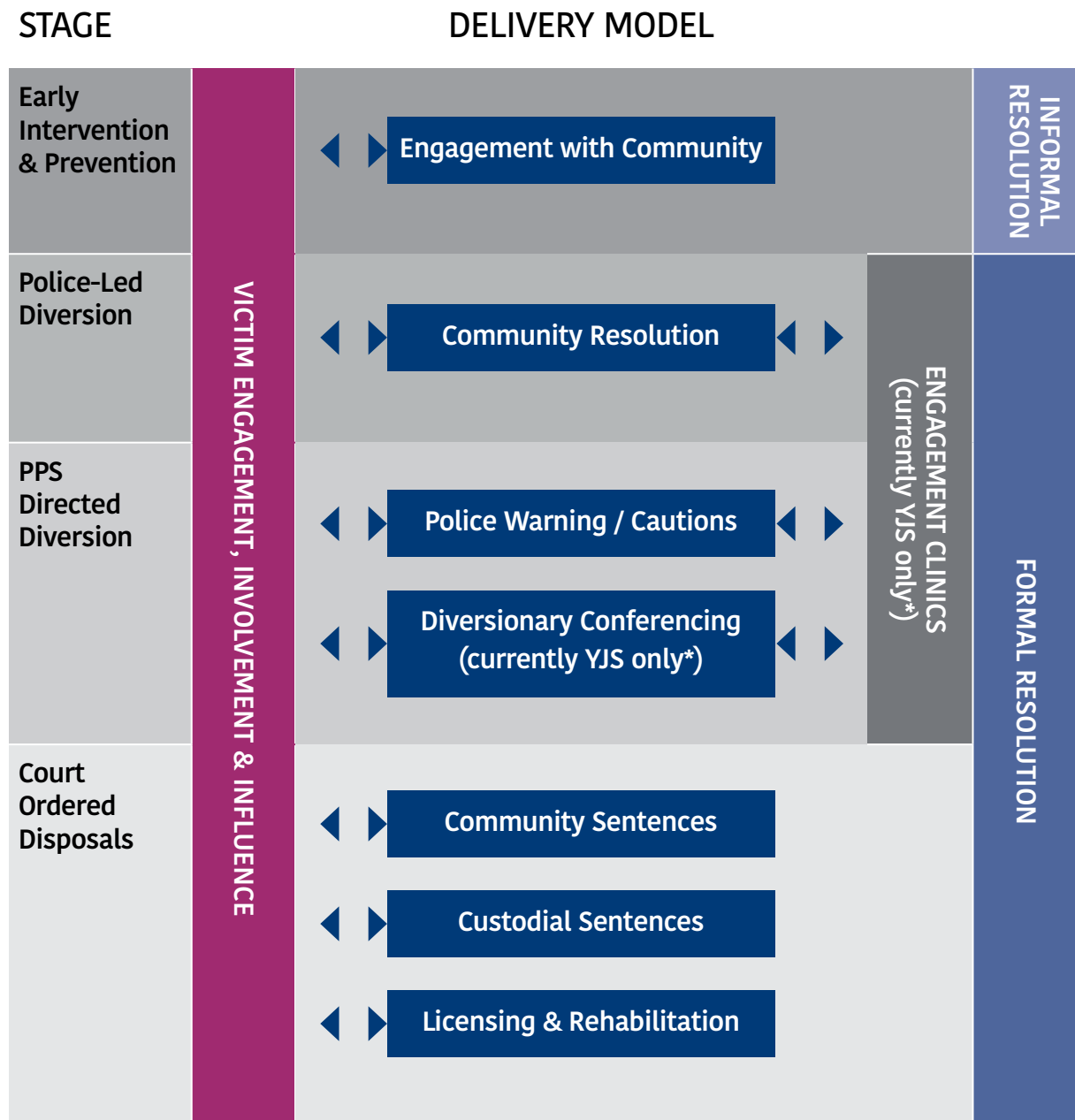
For all these reasons, specific actions have been included in the Action Plan around communication and engagement.



11. Delivering the Strategy

Part 2 - Criminal Justice Continuum

The development of an Adult Restorative Justice Strategy is intended to formalise and increase the use of restorative justice approaches across the full continuum of the criminal justice system, from prevention/diversion, through community settings and as part of custody and re-integration processes, including how restorative justice providers across the statutory, voluntary and community sectors could creatively work together to repair the harm done by offenders and meet the needs of victims of crime and the community at all stages. The diagram below sets out the various stages at which there exists the potential to apply restorative justice:



* YJS = Youth Justice Agency



Views were sought on whether and how restorative approaches should be integrated into all stages along the criminal justice continuum. Any such approach should not relax the application of the law to those involved in wrongdoing, but should address this wrongdoing without recourse to formal prosecution where appropriate, or complement more formal proceedings to improve outcomes. Respondents were in agreement that significant opportunities existed at each stage, and provided commentary, evidence and good practice to inform how this work could be taken forward. Regardless of the stage of the system, the process should be designed to ensure it facilitates victim involvement, whether direct or indirect.

(i) Early Intervention and Prevention

As the title suggests, this form of intervention comes early on the continuum, prior to the involvement of the formal criminal justice system, with the aim of addressing an issue early to prevent an individual or family being drawn into the formal system. The phrase 'Early Intervention' is usually associated with children and young people, meaning early years intervention. However the context in which it is used in the justice system is more early stage intervention i.e. where an issue or problem is at the early stages of development or manifestation, and can apply equally to adults or children. Intervening early to address such issues can prevent people from becoming involved in (re)offending at a later stage in their lives. Such interventions, in addition to reducing further offending, also serve to reduce the number of potential victims in future years. It can also provide a speedier resolution to issues than the formal system, meaning that victims are not subject to a long, drawn-out process.

Accredited community based restorative justice organisations have a significant role in this space. Whilst these organisations work closely with the relevant statutory agencies in line with the agreed Protocol, a formal justice system response may not always be required and in many cases restorative approaches should be community led and community supported. Clearly communities have a vested interest and a key role to play in reducing harm and vulnerability within the locality, and building a safer place to live, but there is a need to build community acceptance, commitment and confidence in restorative justice principles and approaches through the implementation of this Strategy.

Consultation responses indicate that there is a desire for CBRJ groups to be used when dealing with low level anti-social behaviour or those on the cusp of offending in communities, leaving the formal criminal justice system to deal with more serious crimes (although we know from experience and practice that these groups can also work with those found guilty of more serious offending). There was a role for the Department and justice agencies in terms of governance and support for this work, but many believed that the VCS were better placed to deliver services to communities.



CASE STUDY:

Person B was referred to Alternatives by his family as they were concerned not only about the harm he was causing within the community through anti-social behaviour and public disorder, but also that he had come to the attention of local paramilitaries as a result. He agreed to a restorative process which would look at the harm caused to himself; his victims; his family and the community. As part of this process, his support worker helped him develop a restorative plan which would help make things as right as possible for the harm he had caused.

Among other things, he had damaged a pensioner's property. After preparatory work and emotional support, the pensioner agreed to a mediation meeting where Person B apologised for his actions. He also participated in mediation with police as a result of the public disorder. He began to understand that this was not a 'victimless' crime and that the community as a whole, as well as the police, suffered because of this harmful behaviour.

As a result of participating in a community based restorative programme, this young man learned about the human consequences of his actions; apologised to his victim; did volunteer work within his community to give something back and began to change how he behaved not only at home but within the local community. Community members began to see him as something other than an 'offender' and began to treat him differently.

A grassroots approach to restorative justice can help to change not only the lives of individuals but also begin to transform how communities engage with issues of anti-social behaviour, crime and community safety.

In addition to those set out in the consultation document, respondents suggested a number of other potential examples of how restorative approaches could be, or indeed were currently being, used in the community as part of effective interventions, including:

- 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 disputes (such as those motivated by hate) 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; 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.

These will all be considered and opportunities identified to develop and establish early-stage restorative programmes to address harm and resolve issues without recourse to the formal justice system.

(ii) Diversionary Disposals

It is sometimes more appropriate and effective to deal with perpetrators of crime outside the formalities of the court system if certain criteria are met. This is known as diversion. Diversion is an alternative to prosecution, and is so-called because it ‘diverts’ offenders away from court by offering a range of out-of-court disposals where there has been an admission of guilt.

There are many reasons to consider the use of diversion, namely:

- to deal quickly and simply with less serious offences and offenders;
- to address underlying issues and the causes of offending behaviour;
- to reduce the risk of re-offending; and
- to reduce to a minimum the offender’s involvement with the criminal justice system.

These reasons provide benefits both to the justice system, in terms of reduced processing and case times, and to the individual, as we know that the further someone is drawn into the justice system, the worse their long-term outcomes can be. However, in addition to these benefits, the inclusion of a restorative element as part of a diversionary disposal could also provide a mechanism for victims to express their views and help to repair the harm caused.

When considering the appropriateness of a restorative diversionary disposal, each case should be assessed on its individual merits. This consideration could include factors such as the seriousness of the offence, the extent of the loss or damage, the offender’s previous offending history, whether there was an immediate admission of guilt and/or an expression of remorse by the offender, whether any restitution was offered or made by the offender, and the views of the victim, if appropriate and available.



Diverting away from the criminal justice system is not about ‘going soft’ on individuals who have offended, or letting them ‘get away with it’. It is about making reparation to victims and taking appropriate and effective early action to hold the individual accountable for any harm caused, whilst supporting them to address the underlying causes of offending behaviour. The current justice system in Northern Ireland already provides opportunities for diversion, particularly in the youth justice system where there is statutory provision, but some also apply in the adult system. In brief, they are:

- Community Resolution Notices administered by police;
- Informed Warnings directed by PPS and administered by police;
- Cautions directed by PPS and administered by police;
- Diversionary Youth Conferences (for children only);
- Driver Improvement Scheme; and
- CBRJ disposal in line with current Protocol.

Only some of these disposals currently contain a restorative element. As part of the consultation, views were sought on whether consideration should be given to expanding and enhancing these existing diversionary options, to include a restorative element, for wider application to the adult system. There was overwhelming support for this proposal, with significant numbers agreeing that restorative justice should be incorporated into the suite of diversionary measures for adults directed by both PSNI and PPS. A number of examples of good practice elsewhere were discussed in some responses, which will be considered as the work is taken forward.

It was also noted that the success of such disposals in our own youth justice sector should be built upon and suitably adapted for the adult system, including how victims could be meaningfully engaged in the process. Whilst it will be important to ensure their views are given appropriate weight as part of the process, victims will not however have a right to ‘veto’ a decision to use a diversionary disposal rather than see the case formally prosecuted if that decision has already been taken by the appropriate statutory organisation. They will, however, be given an opportunity to be part of the diversionary process, an option which is currently unavailable to many victims of adult offenders.

The development and piloting of diversionary restorative justice disposals for adults will be taken forward through this Strategy’s Action Plan, with consideration given to adapting the current youth practices and other successful models that have been highlighted to us.



(iii) Court Ordered Community Sentences

Where diversionary options are not suitable, the fact that a case is progressed through the formal court process does not mean that opportunities for restorative justice cannot be considered. Aside from the positive bearing it can have on victims, evidence would indicate that reparative and restorative activity as part of a court order can have a significant impact on individuals and help them to desist from future offending behaviour. We believe that all opportunities should therefore be utilised to increase the use of a restorative component in all legally-mandated orders given at court.

This position received unanimous agreement from respondents to the consultation, at least in principle. There was a clear view that restorative justice could be complementary to the formal court process, which currently was seen as broadly punitive rather than restorative. This aspiration aligns closely with problem solving approaches being taken forward by the Department and decisions taken following the 2019/20 Sentencing Policy Review, which recognised the purposes of sentencing as punishment, protection of the public, deterrence, rehabilitation and reparation. The significant caveat, however, was that for all parties involved in a restorative justice process, it was essential that engagement was voluntary and that no individual, whether a victim or offender, should be compelled to take part.

There was also an acknowledgement that it would not be suitable in all cases, and it would be important to ensure victims were kept fully involved and informed at all stages. Where direct victim-offender engagement cannot take place, restorative work could still be undertaken with the offender through options such as victim awareness interventions or via the offender completing a letter of reflection which can demonstrate their level of insight into the impact of the offence on the victim. In terms of process, the option to provide someone who has offended with a chance to undertake a voluntary reparative activity or engage in some type of restorative interaction with the victim could, for example, be included as a recommendation in PBNi pre-sentence reports, as highlighted in the next case study shown.

This voluntary approach places emphasis on the offender to take responsibility for their actions and can help provide redress for the harm caused. Willingness to engage in restorative justice could also be an indicator of the desire of the offender to make amends in some way, and could potentially be taken into account as part of the overall sentence handed down by court. Some respondents to the consultation suggested that use of restorative justice in this way could be trialled as part of a deferred sentence, where the eventual court order was influenced by a number of factors including the restorative element of a rehabilitation plan.



CASE STUDY:

Whilst in his early 20s, Person C broke his back which had a subsequent impact on his mental health and he developed a drug addiction to help him cope. Ultimately it led to him being charged with possessing cocaine and cannabis with intent to supply, having criminal property, and permitting his home to be used for the production of drugs.

As part of the justice process, he was keen to engage in a support programme to decrease his vulnerability to risk factors, identify positive social supports and ensure that he did not reoffend. The restorative elements of the programme allowed him to reflect on the harm caused and to take responsibility for it. He engaged fully in a Victim-Offender Restorative Mediation and displayed insightful empathy and learning because of it.

He developed a clear insight to the harm that he had caused through his behaviour, which he stated would strongly discourage him from considering reoffending or behaviours that may lead to this. In his feedback, he said the programme had “not only helped me take responsibility for my actions but also let me see the damage that my actions were doing to the wider community, by doing the mediation. Hopefully, when I get my sentence, I will be able to help other people that are in the position I was in by using my story to show them that you can always recover from the mistakes they have made earlier in their lives”.

Whilst this is one procedural option which will be considered as part of the implementation of this Strategy, we recognise that it may not always be possible to agree a restorative intervention at an early stage of the court process. Some offenders may be unwilling or unable to acknowledge the hurt and harm caused by their actions at the start of the process or when they have just received a disposal. Likewise, some victims may not want to engage with those who may have perpetrated a crime against them, particularly if the hurt and suffering it has caused them is still raw.

In those cases, it may not be possible or practical to arrange any kind of reparation or restorative interventions prior to, or as part of, a court sentence. Indeed the potential exists to compound problems and cause further harm or upset to victims. Given time, however, people’s views and attitudes may change. Working with offenders through the course of their order may allow the introduction of restorative language and the development of victim empathy, leading to a genuine act of reparation or a restorative intervention at a later stage. It is therefore important to recognise that the timing of any such restorative or reparative activities may have an impact on the effectiveness or outcome of the action, and the experience of trained practitioners will be vital in providing a professional assessment of what, and when, restorative interventions are appropriate.



In addition to the consultation specifically on the development of an Adult Restorative Justice Strategy, the Department has also undertaken comprehensive consultations on a Review of Hate Crime Legislation and on Sentencing Policy. With regard to the latter, a [Summary of Responses](#) was published in September 2020 and a [way forward document](#) published in April 2021. Responses to the chapter on community sentencing in the Sentencing Review echoed those above, with strong support for restorative and reparative elements being included in court orders, with the proviso that they should not be mandatory but decided on a case-by-case basis. The Minister has agreed this position.

Given the cross-cutting nature of this work with the Adult Strategy, officials across the Department will work to implement actions which will deliver on all of these policies. This is reflected in the attached Action Plan.

(iv) Custody and Reintegration

Custodial sentences are reserved for the most serious and/or persistent offenders in society. Yet even amongst this group of individuals, restorative justice has been shown to have a positive impact on those who have committed such crimes and, more importantly, on the victims who are left trying to get on with their lives following these offences. Arguably some of the most powerful, impactful case studies are those where victims of serious crimes, including relatives of individuals who have been murdered, have had the opportunity to face the perpetrator or hear from them in some way²⁷.

Shapland et al, (2008²⁸) suggest that if victims of serious crime wish to meet with the offender who is serving a custodial sentence, this should be facilitated. They further suggest that such a scheme would facilitate desistance from offending amongst those individuals who wish to change their behaviour. They conclude that if the conference results in an outcome agreement which targets problems related to offending, and that if the offender also gains support from victims regarding his ability to desist from offending, then the outcomes are likely to be positive in terms of reducing recidivism.

For these reasons, it is our view that any Adult Strategy should include proposals to incorporate restorative justice within a custodial setting, and beyond, through to reintegration in the community. There was unanimous support for this position from consultation responses, although again there was an emphasis on the need for any engagement to be voluntary in nature, and for the offender to have accepted responsibility for their actions before engaging in the process.

In order to promote and reinforce the positive benefits of a restorative approach within custody, some respondents commented that it should be utilised as part of the approach

27 See, for example, "Restorative Justice in Custodial Settings", Restorative Justice Council (Feb 2016)

28 "Restorative Justice: Does Restorative Justice affect reconviction" Shapland, J et al (2008) - The fourth report from the evaluation of three schemes. Ministry of Justice research series 10/08.



to managing and supporting prisoners day-to-day. It has been shown that where a restorative ethos underpins the operation and management of a custodial setting, it can contribute to the safer management and care of individuals detained. There is an opportunity for prison staff to be trained to use restorative knowledge, skills and language to support those in custody to exercise self-control in response to conflict or adversarial situations that arise within the custodial setting in order to retain, restore or repair relationships, and to assist individuals to develop new coping skills. More formal restorative approaches could be used, where necessary, to manage and resolve conflict between individuals detained or with members of staff. In doing so, the organisation can be seen to be ‘walking the walk, not just talking the talk’ in promoting the use of restorative approaches with those in their care, and in encouraging them to engage in restorative interventions as part of their custodial order.

The Northern Ireland Prison Service has previously piloted such an approach and demonstrated some significant successes as a result, but, as with adult restorative justice more generally in Northern Ireland, this work was somewhat limited in scope and scale. However, in partnership with Queens University, NIPS is currently engaged in a process to develop a Service-wide restorative practice framework for application across all establishments, and the implementation of this work will form part of this Strategy’s Action Plan over the coming years.

In terms of engaging those in custody in restorative justice, there is a continuum of opportunities to be explored, dependent on the nature of the offence and the willingness of the parties affected by it to become involved in a restorative approach. At the lowest level of engagement, the use of sessions exploring victim empathy and the impact of crime can be used to help offenders consider the consequences of their actions. This work is important in and of itself as a tool for enabling understanding, changing mind-sets and making better future choices. It can also be a building block towards further engagement in restorative justice, potentially involving those harmed by their offending behaviour. Of course, this type of learning approach is equally relevant and applicable (subject to individual assessment) across all criminal justice disposal types, not only for custodial sentences.

Where an individual is open to further restorative engagement, this could be identified and facilitated through the individual’s Prisoner Development Plan (PDP), which is designed to help address the risk factors behind the offending behaviours, to build on their strengths and to assist their effective rehabilitation. PDPs are agreed with the prisoner by their Co-ordinator (Prison Officer or Probation Officer) and could incorporate a restorative or reparative element to assist the individual to recognise the consequences of their offending, the hurt and harm caused and provide an opportunity to address this. Research suggests that individuals who have a restorative element to their disposal are less likely to reoffend²⁹.

29 “Restorative Justice: Does Restorative Justice affect reconviction”, Shapland, J et al (2008) - The fourth report from the evaluation of three schemes. Ministry of Justice research series 10/08



The extent to which direct or face-to-face restorative interventions can be incorporated as part of a PDP will rest to a large degree with the victims that have been affected by the crime. Statutory organisations will have an important role in ensuring victims have the opportunity, relevant information and support that is needed to engage in such work – this is reflected in the Strategy’s Action Plan. Consultation responses also recognised that, given the often serious nature of offences for which a custodial sentence has been given, this work will require highly skilled restorative justice practitioners engaging with the parties involved, and that cases will need thorough assessment and preparation, as well as sensitive handling.

The case study shown highlights the intensive work undertaken in advance of a face-to-face meeting between the perpetrator of a serious offence and his victim, and the importance placed on this engagement to ensure a safe environment and positive outcome for any restorative intervention



CASE STUDY:

Person D was sentenced to 10 years custody for the rape of his daughter and was due for release on licence, supervised by PBNI. From the outset, the victim made it clear she wanted face-to-face contact with the offender. Restorative preparation work was undertaken initially by her Social Worker, followed by a Victim Liaison Officer (VLO). In addition, PBNI staff met with her on four occasions to examine the complex issues involved. Advice and support was sought from a specialist Restorative Justice Manager and a counselling service for victims of abuse. Liaison was also ongoing with relevant probation staff working with the offender and there were a number of meetings with him and Victim Unit staff.

All parties agreed to a face-to-face meeting which would be carefully controlled. It would focus on questions posed by the victim which were shared with the offender in advance. At all times the purpose of the meeting was clear – to ensure that the victim, who had suffered serious harm, could receive answers to her questions from the perpetrator. All those present at the meeting understood the voluntary nature of the meeting, and the safety of those involved before, during and after the meeting was paramount.

The victim requested that the VLO ask the questions on her behalf, although she did at one point ask the offender what he felt her deceased grandmother (his mother) would have had to say about all this. It was evident that he knew his mother would have been devastated by his behaviour and he appeared stunned by the question. Nevertheless, he answered the questions put to him and although the victim felt initially she would have been unable to speak, she did challenge him in controlled, calm way.

In conclusion, the event was a positive and powerful meeting for all involved. Good preparation and thorough assessment were an essential element for this positive outcome.

Even where it has not been possible to deliver restorative justice through the course of a custodial sentence through a PDP or other mechanism, the potential still exists for restorative approaches to play a part in the reintegration and resettlement process. The use of restorative justice as part of an individual's custodial disposal could contribute to improving the community's receptiveness of the offender when they are released from custody. Seeing justice being delivered in the public eye can help communities to understand how justice has been achieved. It can build confidence in the system, and enable individuals to demonstrate how they are redressing their wrong doing, and allow them to show a change in their attitudes and behaviours.



For those individuals who may be nearing the end of the custodial part of their sentence, there may also be potential for the use of general reparative programmes (not specifically victim-related), for example as part of the Conditional Early Release scheme. The scheme can ensure that the offender commits to the scheme and delivers their programme to qualify for early release under licence. The scheme can be linked to delivery of community reparation with a view to helping to develop positive relationships with the community, preparing the way for effective rehabilitation. Whilst this suggestion was welcomed in the consultation, some respondents expressed caution that individuals would need to be genuine about wanting to be involved in a reparative programme, and not simply undertaking it as a way of leaving prison early. The inclusion of restorative or reparative elements in licence conditions was also suggested as a potential option, all of which will be explored as part of the implementation stage of this Strategy.

(v) Promoting Rehabilitation and Desistance

[Reoffending statistics](#) indicate that for those who reoffend, the likelihood of reoffending increases sharply in the first few months following completion of their disposal, whether custodial, community or diversionary based, although it is particularly true for those leaving custody. Given this, we believe there may be potential benefit for the targeted use of restorative practice interventions during this vulnerable period when individuals may require particular support as part of their rehabilitation and reintegration into the community.

The use of restorative practice can contribute to more effective rehabilitation in several ways. It can allow an offender to demonstrate that they have changed in a positive way; it can provide the opportunity to encourage community acceptance for a person returning to their community; it can help address the offender stigma by providing transparency and contributing to the local community; and it can contribute to reducing reoffending. Furthermore, it can provide the victim with the knowledge, understanding and support that may be needed to help them face up to the fact that the perpetrator of a crime against them is due to be released. There may be an opportunity for CBRJ organisations, working with justice agencies, to assist in the preparation of communities for the release of an individual from custody, and support their reintegration and rehabilitation. CBRJ organisations could undertake ‘through the gate’ approaches to developing a relationship with individuals, agreeing reparative activity in the community, and working with communities to assist an individual’s effective rehabilitation.



CASE STUDY:

Person E, having served a sentence for murder, was due to be released from custody under life-long licence conditions. When the PBNi Victim Liaison Officer (VLO) made the victim's family aware of this, and informed them of these licence conditions, they made a number of comments regarding the impact of the deceased's death on them as a family. Through the use of 'shuttle mediation', these comments were shared with the offender and his response was reported back. Eventually, the victim's family requested a meeting with the offender.

The assessment and preparation process for this meeting was intensive, thorough and took a substantial length of time; it included victim awareness work with the offender, establishment of ground-rules for the meeting, obtaining voluntary consent and an understanding of the facilitator's role. Present at the meeting was the offender and his support, the victims and their support, the facilitator and the VLOs who had undertaken work with all participants.

The meeting was positive, and at the conclusion agreements were made between both parties concerning the future, given that they all lived in the same area and were likely to meet each other once Person E was released. All parties felt that they would no longer fear having this unplanned contact and the victim's family recognised how difficult it may have been for the offender to meet with them and listen to their concerns.

Of course, restorative justice is not a panacea for effective rehabilitation, and it cannot be undertaken in isolation from other factors known to have a positive impact on rehabilitation and desistance, such as employment or training, addressing mental health or addiction issues, stable accommodation and a positive family life. But where these things exist, the addition of restorative practices can provide a further positive factor in returning an individual to their community and reducing their likelihood of future reoffending.

When asked as part of the consultation whether there were any further potential opportunities for restorative or reparative practices as part of the management and rehabilitation of those who have served a custodial sentence, respondents suggested the following:

- Use of restorative interventions instead of automatic recall for technical licence breaches;
- Use of mediation to ensure that people coming out of prison can safely return to the community of their choice;



- Use of Circles of Support and mentors to support those who are isolated, both towards the end of a custodial sentence and continued into the community on release; and
- Use of Family Group Conferencing to have agreed plans in place and build in support for those leaving custody.

We are grateful to those who took the time to suggest these additional proposals, which can be considered as the actions are delivered to implement this Strategy, and as the work develops over the coming years.

(vi) Summary

Evidence demonstrates that restorative justice can be effectively integrated into all stages along the criminal justice continuum, and the views from the Department's consultations on this Adult Strategy, the Hate Crime Legislation Review, the Sentencing Policy Review and the Gillen Review of serious sexual offences clearly support this approach. A range of actions will therefore be considered as part of the Strategy's Action Plan to pilot and develop these approaches in association with statutory and third sector partners.

In doing so, it is also important to recognise the need to ensure we provide equality of opportunity to all parties that are affected by offending, whether as a perpetrator, victim, family or community, and that the quality of services provided is appropriate and consistent. There should be a consistent geographical and standardised service provision across Northern Ireland. This was a clear message coming from the consultation responses and it must be borne in mind when the work is developing.



12. Delivering the Strategy

Part 3 – Relationship with other Justice Reviews

Over the past few years since the development of an Adult Restorative Justice Strategy was considered, there have been a number of independent reviews and reports on a variety of subjects affecting the justice system in Northern Ireland. One thing they have in common is the emergence of specific recommendations relating to the potential to use restorative justice in the delivery of change. This chapter examines the three main reviews and the relevant recommendations, and considers how they can be implemented as part of the work on this Strategy.

(i) Hate Crime

In June 2019, the Department commissioned an independent review of hate crime legislation in Northern Ireland, which was led by Judge Desmond Marrinan and supported by a reference group of relevant experts, and a broader forum of key stakeholders. As well as examining issues such as an agreed definition and categories of hate crime, current sentencing and legislation, the review specifically examined what potential existed for alternative or mutually supportive restorative approaches for dealing with hate-motivated offending. The current CBRJ groups are already engaged in some aspects of this work, in association with PSNI and the NI Housing Executive, and were consulted with to provide their views and informed comment on the approach.

The [final report](#), published in December 2020, contained 34 recommendations aimed at ensuring that existing hate crime legislation represents the most effective approach for the justice system to deal with criminal conduct motivated by hatred. As stipulated in the Terms of Reference for the Hate Crime Legislation Review, the report contained a dedicated chapter on restorative justice (Chapter 11) and the opportunities for its use in addressing hate crime and providing support for victims. This led to a total of 7 recommendations proposing how and when restorative justice might be used for instances of hate crime, and what the governing architecture surrounding its use might be:

1. There should be a new statutory scheme for restorative justice for over 18s, organised and delivered on lines similar to the Youth Justice Agency in Northern Ireland.
2. It is desirable that such a statutory restorative justice framework be established with the necessary financial funding.
3. The new statutory scheme for restorative justice should be independent of the Department of Justice.
4. As such a scheme will involve referrals from the Public Prosecution Service and the Courts, it is recommended that it should be run by a statutory agency such as the Probation Service for Northern Ireland.



5. The presently accredited restorative justice groups should continue to provide community support and support to the statutory agency, which would take the lead in any such collaboration.
6. There should be further consideration of the benefits of establishing a Centre of Excellence for Restorative Justice.
7. Diversion from prosecution is an appropriate method of dealing with low level hate crimes. The model as per the practice in Scotland appears to offer an efficient and practical template.

In reaching his conclusions, Judge Marrinan paid particular attention to the use of youth conferencing delivered as a statutory restorative justice intervention by the Youth Justice Agency, and was clear in his belief that a similar disposal should be developed for adults.

Readers will no doubt note the strong correlation between these recommendations and the wider discussions throughout this Strategy document. There are clear themes around the use of restorative justice as a diversion to, or a formal part of, the criminal justice system; the importance of CBRJ groups' experience and community links in delivering restorative interventions; and the potential need for a statutory framework or underpinning legislation to deliver adult restorative justice.

For that reason, it has been agreed that any work to deliver on these recommendations will not take place in isolation with a focus solely on Hate Crime. Rather, it will be undertaken as part of the overall actions agreed as necessary to implement this Adult Restorative Justice Strategy for all offence types and across the continuum of the justice system. As we look to develop and expand the use of restorative justice in a variety of ways, there may be opportunities to pilot or test some of this work specifically with hate incidents and/ or hate crimes where that is appropriate, or to offer universal restorative justice to all offence types, including hate crime, as part of a particular process or disposal. Both will help to deliver on Judge Marrinan's recommendations but we believe this wider development and application of restorative justice represents a more rounded process and a better use of resources than one which restricts our focus solely to one specific type of crime or incident.

In the same way, consideration around the development of a statutory framework and the need to legislate for an adult restorative justice order will take account of the report's recommendations and the views of its author. If the decision is ultimately to develop legislation, its application will cover all offence types, including hate crime.

Therefore, whilst the attached Action Plan includes a specific action around the implementation of recommendations in the Review of Hate Crime Legislation report, there are elements of these recommendations which will also be relevant to other actions in the Plan, and which will be considered alongside all other information as the work



develops. Officials from the Department's Hate Crime Branch, who are tasked with taking forward implementation of the overarching recommendations and monitoring progress, are represented on the multi-agency Restorative Justice Working Group that will be responsible for taking forward this Adult Strategy and will work with our criminal justice and third sector partners to deliver solutions that meet the needs and intentions of both.

(ii) Serious Sexual Offences

The use of restorative justice for victims of sexual offences is a highly emotive subject, with some people believing that it is not an appropriate approach for this type of offence. Others believe that, with rigorous assessment and thorough preparation, restorative justice can potentially be utilised in all types of cases, even those involving serious and/or sexual offending, and would be considered by some researchers to be a more integrative approach to management and rehabilitation of people at high risk of re-offending (McAlinden, 2005³⁰; 2008³¹). In fact, PBNi has already successfully undertaken some of this work in Northern Ireland.

All commentators agree, however, that if restorative justice is to be used, it requires sensitive handling to ensure that victims are in no way re-victimised or traumatised by the process.

It is an issue which was considered in some detail by Sir John Gillen in his independent review of the law and procedures in serious sexual offence cases in Northern Ireland, which was commissioned by the Criminal Justice Board in 2018. As part of his [comprehensive report](#), he examined a number of mechanisms by which various universities, cities and countries utilise forms of victim/offender mediation and restorative approaches both as an alternative to, or as an additional support for, the mainstream criminal justice system. Having set out these detailed examples and considered how they work in practice, the report went on to consider arguments both for and against the use of restorative approaches as an alternative mechanism in cases of sexual harassment and sexual offending.

Following a public consultation, the final report and [recommendations](#) were published on 9 May 2019. The recommendations relating to restorative justice are as follows:

- The Department of Justice should give serious consideration to providing State funding for a scheme of accredited practitioners to operate a system of restorative justice at any stage in the criminal justice process dealing with serious sexual offences where the offender has admitted their guilt, the victim has requested the scheme be invoked and the perpetrator has agreed to be involved. The scheme must be victim led.

30 The use of shame with sexual offenders”, A McAlinden, Oxford University Press Centre for Crime and Justice Studies (2005)

31 “Restorative Justice as a response to sexual offending: addressing the failings of current punitive approaches”, A McAlinden, Sexual Offender Treatment, Vol 3 (2008)



- The Department of Justice should, in time, give consideration to making available to complainants, a self-referral voluntary justice mechanism involving a restorative practice element as an alternative to participation in the criminal justice system in order to resolve certain serious sexual offences, provided it is victim led.

In making both recommendations, Sir John was explicit in stating any restorative process involving sexual offences must be **victim-led** and must be considered both in parallel with and independent from the conventional justice system.

Given that these issues had already formed part of a major consultation exercise, we did not seek views on these specific recommendations as part of the Adult Restorative Justice Strategy consultation. Rather, the issues were acknowledged, as was Sir John Gillen's belief in the potential for using restorative justice in dealing with sexual offences.

The Department has already established The Gillen Review Implementation Team (GRIT) to oversee the delivery of the recommendations in the Gillen Review. GRIT reports to the Strategic Justice Group on Sexual Harm (SJGSH) which ensures there is a coherent coordinated approach to sexual violence across justice bodies in Northern Ireland. An [Implementation Plan](#) was published in July 2020 and it sets out the key milestones and targets for the implementation of Gillen recommendations.

In relation to the two specific recommendations on restorative justice, it has always been the intention that they would be considered and taken forward as a strand of work under the Adult Restorative Justice Strategy, in partnership with criminal justice agencies and other relevant organisations. This is still the case, and a specific action has been included in the attached Action Plan to reflect this intention.

Unlike the recommendations from the Marrinan Review, the Gillen recommendations will require a more singular focus on how we deal with a particular offence type, given the sensitive and potentially contentious nature of the subject, rather than as part of the more general, overarching work to deliver this Strategy. Wider stakeholder engagement will be required to explore the feasibility, costs and benefits of such arrangements along with further research on existing restorative justice arrangements with regard to sexual offences in other jurisdictions.

Progress on the work will be reported jointly to the Strategic Justice Group on Sexual Harm and the Restorative Justice Working Group.



(iii) A Centre of Restorative Excellence (CORE)

In Chapter 3, we touched on the issue of developing a Centre of Restorative Excellence, or CORE, for Northern Ireland. Readers will also note that the establishment of such a Centre was also the subject of one of Judge Marrinan's recommendations above. This section examines the background to this work and the Department's intentions on taking it forward.

The proposal to develop a Centre of Restorative Excellence was contained in the 2016 [Fresh Start Panel's report](#) on the disbandment of paramilitary groups, informed by both the DoJ and the current CBRJ groups who advocated for such a development. The report recognised that *"restorative justice initiatives are an important part of both building confidence in the justice system and delivering better outcomes for communities"*. The report subsequently recommended that:

"the Executive should put in place a dedicated fund for restorative justice initiatives to provide enhanced levels of resource over longer periods of time to deliver positive outcomes for individuals and communities. This should include resourcing the proposal for a centre of restorative excellence (Recommendation A9)."

In its response to the report, the Executive developed an [Action Plan](#) which accepted Recommendation A9, and agreed that the Department of Justice would carry out a feasibility study to identify best options for a new Centre of Restorative Excellence. This independent study was completed in 2018, and concluded that the development of a CORE would enable a new, innovative approach to the delivery of Restorative Practice in Northern Ireland. It would provide an opportunity to explore the greater utilisation of restorative justice within the adult criminal justice system, as well as the expansion of restorative practice across a range of government departments, recommending that *"an Executive-wide RP [Restorative Practices] policy should be progressed at the earliest possible opportunity"*.

In line with this recommendation, there has been general agreement that the scope of any Centre of Excellence should encompass all restorative practices in their widest terms, rather than focusing on the narrower aspects of restorative justice. It is also felt that the development of a Centre would be better served if it was not driven by criminal justice, nor associated solely with tackling paramilitarism, to remove any potential for stigma and instead look towards the use of positive restorative approaches in a post-conflict society. That said, without one Department taking the lead on the early stages of development, there was potential for responsibility to fall between Departments, so the DoJ took the decision to begin the work to scope out how a potential Centre of Restorative Excellence might be delivered and operate.



There is undoubtedly a clear link between the work that might be delivered under an Adult Strategy and the work of a CORE, and it would be essential to ensure this work is properly informed and co-ordinated. Consultation responses affirmed the views that a CORE could assist with increasing the breadth and depth of restorative interventions offered, as well as the geographical spread and the quality assurance of services offered.

The Department therefore established a CORE working group which met throughout 2019 to discuss the scope of a Centre, issues around ownership and governance, and the role and function of such a Centre. A central issue to the establishment of a Centre of Excellence is also that of funding, which will be explored further in the next chapter.

Early discussions with stakeholders identified certain key functions for a CORE, including:

- Development of community capacity;
- Training and monitoring of practice standards;
- Partnership development and co-ordination; and
- Advocacy work to communicate the benefits of restorative approaches.

The onset of the COVID-19 pandemic in early 2020 meant that the work of this group was paused as Departmental priorities changed, but the CORE Working Group has now been re-established and the work will be taken forward in parallel with the work to deliver an Adult Restorative Justice Strategy. We felt it was important, however, to include the work on a Centre of Restorative Excellence as part of this Strategy's Action Plan as an acknowledgement of the interrelatedness of the two and the need for co-ordination throughout implementation.



13. Financial Considerations

“Resourcing lies at the heart of the system’s ability to effectively implement restorative practices”³²

The above quote, taken from one of the consultation responses, is representative of many such comments received when asked to comment on the issue of funding arrangements to support the delivery of an Adult Restorative Justice Strategy.

As is the case with the use of restorative justice for adults generally in Northern Ireland, the current arrangements through which this work is funded have developed in an ad hoc fashion over a number of years. For those statutory criminal justice organisations that are centrally funded by the Department of Justice, in particular PSNI, PBNI and NIPS, work to engage and include restorative elements in the delivery of their responsibilities has been undertaken as part of their baseline funding, often as part of small-scale pilot schemes to deliver good practice and improved outcomes. Little or no additional funding will have been provided for these schemes; rather, the organisations themselves have taken a lead in developing restorative justice as part of their service delivery due to evidence of positive benefits here and elsewhere. This creative use of budgets will continue to be necessary if justice partners are to drive the changes sought by this Adult Strategy.

Much of this work has engaged current accredited CBRJ organisations as partners in the delivery of the restorative elements, particularly the Enhanced Combination Order (ECO) in partnership with PBNI. A significant proportion of the annual funding for these organisations comes from central or local Government and statutory bodies. Currently the Department of Justice provides a limited amount of core funding to the two accredited organisations to sustain their administrative infrastructure. This is supplemented by further funding by the DoJ and a number of its Agencies for assisting with the delivery of specific projects or programmes including Tackling Paramilitarism, ECOs and PCSP projects. By far the largest funder of CBRJ groups over the years has been the Department for Communities, which provides finance for the delivery of a range of neighbourhood mediation services. The Executive Office (TEO) also provides funding through its Urban Villages and, more recently, the Communities in Transition programmes.

In recent years, the current financial climate has meant that baselines across Government have come under increasing pressure. Whilst criminal justice organisations have had to deal with the impact of this, there has probably been a more considerable impact on VCS groups, as Government funding streams have been reduced. Budgets are currently only agreed for 12 months at a time, often with some delay in confirmation of annual funding meaning that organisations are operating at their own risk at the start of the financial year. This situation means that there is a lack of stability for CBRJ groups, who can find



themselves in a precarious position in terms of their ability to ensure continuity of delivery, and often need to divert resources from management or front line engagement to the development of funding bids in the pursuit of financial security.

Those who commented on this issue as part of the consultation were in full agreement that the funding of restorative justice generally, and in particular the financing of the CBRJ schemes operating under the Protocol, needs to be placed on a more secure footing in recognition of the significant contribution made in the justice arena. The need for secure, long-term funding becomes even more important in the context of delivering on this Strategy and the desire to provide equality of service across NI. Lack of funding was recognised by the Fresh Start Panel as a major factor inhibiting the expansion of restorative approaches both across and within communities, and consequently led them to make Recommendation A9 (discussed in the previous chapter) aimed at addressing the problem and creating a dedicated funding resource for restorative justice. This dedicated fund was also to be used as the source of funding for the creation and operation of a Centre of Restorative Excellence. To date, this fund is yet to be established, although we are aware that TEO colleagues have developed a draft Options Paper to help identify the preferred approach to satisfying this strand of the A9 objective.

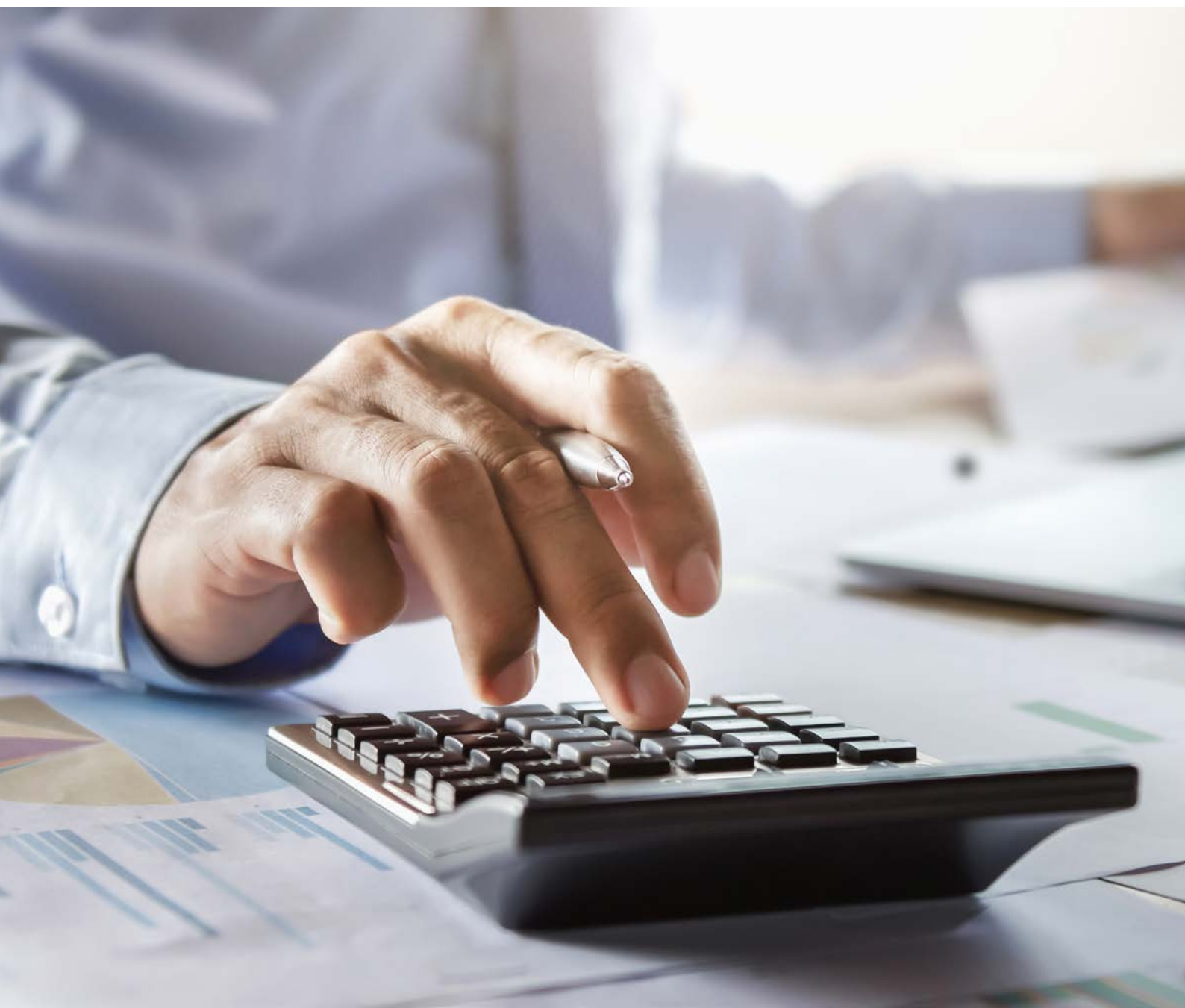
In the meantime, funding available to deliver on the Tackling Paramilitary Activity, Criminality, and Organised Crime Programme (formerly Fresh Start) Programme was able to provide some financial security for the CBRJ organisations, both by supplementing the DoJ core grants to accredited groups and also funding them to deliver on Fresh Start Recommendation B4, aimed at “building capacity in communities in transition”. Eight geographic areas across NI were identified as being the most impacted by paramilitarism, criminality and organised crime, and funding is being provided for a range of themed initiatives to build capacity within the communities and assist with a move away from these influences towards a lawful society. One of the key themes identified is that of Restorative Practice, and the accredited groups have been contracted as delivery partners to help build capacity to deliver restorative practice across new communities – a positive development which could ultimately assist with the implementation of an Adult Strategy.

Opportunities also exist through other, albeit far smaller, funding schemes created and managed by the Department for specific purposes – in particular the Assets Recovery Community Scheme (ARCS) & Victims of Crime fund. Both these funds have, in recent years, allocated funding for small scale restorative projects in certain areas across Northern Ireland.

Whilst these new funding opportunities are positive, particularly in bringing restorative justice to new areas, all of these monies are time-bound and not a viable long-term solution. Consideration will need to be given as to how the work can be maintained once the project funding has ceased. This will also be true for the establishment of any CORE, and whether there is a need for it to become self-sustaining in the absence of any other long-term, dedicated funding.



There is little doubt that the current funding position restricts the potential for strategic and innovative developments from being established and up-scaled. Unfortunately, the problems created by the coronavirus pandemic across all sectors in Northern Ireland have placed further pressure on already reduced budgets, and this is unlikely to change in the short-term. Thus, while the statutory partners involved in the development of this Adult Strategy fully recognise the need for dedicated, long-term funding to enable the effective inclusion and delivery of restorative justice as an integral part of the adult justice system, it would be inappropriate to commit to such funding in light of the ongoing pressures. Delivery of the actions in the accompanying Action Plan will therefore each be subject to individual affordability. Some may require resources of time, personnel and expertise rather than financial outlay; others may require the development of funding bids based on business cases. Opportunities will also be taken wherever possible to tap into available funding across the Executive, and to redistribute any potential savings created by changes to the adult justice system as a result of the implementation of this Strategy.



14. Establishing Priorities

The work to implement this Adult Strategy will need to be delivered across a number of years. This is partly of necessity, in light of ongoing financial, staffing and other pressures, including the impact of the pandemic and adjusting to new ways of working, but also due to the significant timescales which accompany some actions, particularly if legislation is required.

Setting aside the issue of how implementation will be funded, the prioritisation of the work as set out in the accompanying Action Plan will depend on a number of factors. Clearly, the wishes and priorities of the Minister and Executive are uppermost in this decision. We have already discussed the Minister's view that a review of the Protocol should take place as a priority. This review, and its eventual outcome, is likely to affect a number of other actions, particularly those aimed at extending accreditation and increasing capacity, meaning that this work will have to be done sequentially.

The Minister has also given commitments to action recommendations from a number of justice reviews, as discussed in Chapter 12, the timescales for which will help to inform our priorities for action.

As part of the public consultation, stakeholders were asked for their views on a number of proposed actions to be taken forward, and what they considered to be priority. The majority of these suggested actions were considered to be appropriate and key to implementation of this Strategy. While there was a range of views on which of these actions should be prioritised, a 'top five' emerged:

- Provide access and support to those victims of crime who wish to engage in restorative justice.
- Review 2007 Protocol with a view to enabling greater numbers of referrals to CBRJ schemes.
- Consider the need for, and scope of, legislative change to establish restorative interventions in the statutory criminal justice sector.
- Promote restorative justice practices to aid greater understanding, acceptance and engagement.
- Assist with the work towards the establishment of long-term funding arrangements for the delivery of restorative practices in Northern Ireland.

Readers will see that each of these identified priorities have already been captured both in this Strategy and its Action Plan, to ensure that we deliver on the views expressed during the consultation process. The indicative timescales alongside the actions are reflective of how long the work is expected to take, and rather than the priority which they are afforded.



15. Evaluation, Monitoring and Governance

Work to implement this Strategy, and delivery against the actions contained in the Action Plan, will be monitored by the multi-agency Restorative Justice Working Group. We have already set out the strategic objectives for the work, along with a range of measures and outcomes which will be used to assess progress (Chapter 8). The work will be reflected in, and reported through, the Department's Annual Business Plan and the Reducing Reoffending Strategic Outcomes Group amongst other fora. An annual progress report will also be developed to update the Minister, the Justice Committee and other relevant stakeholders.

Our partner organisations may also wish to include the work in their respective business plans, either the Strategy as a whole or those specific actions for which they have responsibility. As discussed in earlier chapters, some particular pieces of work will also be overseen by, and reported to, other relevant governance bodies such as the Strategic Justice Group on Sexual Harm.

In addition to the annual reporting processes, work to deliver the individual actions contained in the Action Plan will be subject to evaluation, where relevant. This will be particularly important where new and pilot projects are undertaken, to measure their success, build on lessons learned and assess the desirability for expansion.

We will continue to engage with stakeholders throughout the lifespan of this Adult Strategy.



16. Equality Impact

As a public authority the Department of Justice is required, under Section 75 of the Northern Ireland Act 1998, to have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; between men and women generally; between persons with a disability and persons without; and between persons with dependants and persons without.

Public Authorities are also required to identify whether a policy has a differential impact upon relevant groups; the nature and extent of that impact; and whether such an impact is justified. These obligations are designed to ensure that equality and good relations considerations are made central to government policy development.

Departments are also required to have regard to the desirability of promoting good relations between persons of a different religious belief, political opinion or racial group. During the development of this Adult Restorative Justice Strategy, the Department of Justice considered the impact it will have on different groups and the policy proposal was subject to an Equality Screening exercise, which was published alongside the consultation document. At that stage, we did not consider that an Equality Impact Assessment (EQIA) was required, but we undertook to review this in light of comments received during the consultation.

We received 21 written responses on this issue, of which 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 positive comments about the proposed work and whilst no adverse impacts were evident, it would be important to monitor this and keep it under review. 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.

In relation to the question of having regard to opportunities to promote good relations between persons of different religious beliefs, political opinions or racial groups, 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.



The work was also seen as having the potential to recognise distinct differences and establish strategies to address diversities, the main example of which was the gender-specific needs of women who could benefit significantly from restorative justice responses.

Having considered these views alongside our screening exercise, our view remains that the work to deliver an Adult Restorative Justice Strategy will not raise any specific adverse issues in relation to: religious belief; political opinion; racial group; age; marital status; sexual orientation; men and women generally; or those with a disability or dependents. It is our view that certain groups, namely those over 18, will in fact benefit from the development of restorative justice as part of the adult criminal justice system in Northern Ireland. This is particularly true for males, as statistics show that a far greater proportion of offending is committed by males than females. The potential to improve relations across and between a number of Section 75 groups, as suggested through consultation responses, is also a positive aspect of the work which should be promoted.



Annex A - Action Plan

1. Overarching Themes

Theme	Actions	Lead	Main Partners	Time Frame
1.1 Development of a victim-centred approach to delivering an Adult Restorative Justice Strategy	a) Engagement with victims and victim organisations in the development and support of sustained restorative approaches across the justice system. Ensure the needs of victims and communities are addressed in all developments and that victims are enabled to play a safe role in any process/engaged with in a meaningful way.	DoJ, VSNI	All	LT
	b) Review current Victim Information Schemes to examine potential for greater coordination and engagement of victims.	PBNI, NIPS, DoJ	VSNI	MT
	c) Development of a PBNI service user forum for victims.	PBNI		ST
	d) VSNI development and implementation of internal restorative justice strategy focusing on: <ul style="list-style-type: none"> • staff and volunteering training and awareness; • Needs assessments of victims; and • Development of victim initiated pathways. 	VSNI	PBNI, NIPS	MT
	e) Engagement with new Victim of Crime Commissioner to promote and develop the use of restorative justice as a positive alternative to prosecution.	DoJ		MT
	f) Explore the potential for victim initiated restorative diversion as an alternative to prosecution for low level offending, giving victims a choice of a traditional PPS-led process or early restorative engagement with the offender.	DoJ	PSNI, PPS, VSNI	MT

Key:

ST = Year 1; MT = Years 2-3; LT = Years 4-5



Theme	Actions	Lead	Main Partners	Time Frame
1.2 Capacity Building and Effective Delivery of Restorative Justice	a) Review and revise 2007 Protocol governing the accreditation and operation of Community Based Restorative Justice.	DoJ	RJWG	ST
	b) Provision of support – including financial support – to accredited groups to assist with capacity building, training and the delivery of effective CBRJ schemes.	DoJ	CBRJ orgs	Ongoing
	c) Agree a standardised schedule and programme of inspection with CJINI for the re-inspection of accredited groups and those seeking new accreditation.	DoJ	CJINI CBRJ orgs PSNI	MT
	d) Promotion of revised Protocol and associated arrangements to wider groups engaged in restorative work, with the aim of encouraging accreditation	All partners		MT
1.3 Legislative requirements	a) Establish and agree the need for, and extent of, formal statutory provision required to deliver adult restorative justice on a diversionary basis or as part of a post-conviction disposal.	DOJ	PBNI, YJA	MT
	b) Consideration of legislative changes that may be required as a result of a review of the 2007 Protocol governing accreditation.	DoJ		MT
	c) Regularise existing legislative provision governing accreditation through a transfer of functions from NIO to DoJ Ministers.	DoJ	NIO	ST
1.4 Communication and Engagement	a) Development of a public awareness approach to inform and educate on issues around restorative justice, including the rationale behind it and the potential for positive outcomes it presents.	All partners		MT
	b) Deliver a co-ordinated approach across all statutory and community / voluntary sector organisations with key messages to raise awareness of restorative justice/practice.	All partners		Ongoing
	c) Promotion of relevant restorative justice projects and celebration of successes. Showcase NI RJ initiatives during RJ week.	All partners		Ongoing

Key:

ST = Year 1; MT = Years 2-3; LT = Years 4-5



2. Restorative Justice as part of the Justice Continuum

Theme	Actions	Lead	Main Partners	Time Frame
2.1 Early Intervention and Prevention	a) Agree and establish the role of the Department in the promotion, delivery and monitoring/governance of restorative approaches as part of Early Intervention and Prevention of offending.	DoJ	RJWG members	ST
	b) In association with statutory and VCS partners, identify opportunities to develop and establish restorative programmes and pilots to address conflict and/or resolve specific issues without recourse to formal justice system.	DoJ PSNI PPS	RJWG members	MT
	c) As part of the Restorative Justice: A Framework for Practice, and subject to funding, PBNI will make use of the evaluation from the Aspire model to further embed the learning into practice with other service users.	PBNI		ST
2.2 Diversionary Disposals	a) Explore potential and capacity for the use of restorative interventions to divert adults from formal criminal proceedings, taking account of best practice from appropriate alternative models	DoJ	VSNI RJWG members	ST
	b) Pilot new adult restorative justice process for low-level offending as part of Community Resolution Notices.	PSNI	PPS CBRJ orgs	ST
2.3 Court Ordered Community Sentencing	a) Explore opportunities for the formal/informal inclusion of restorative justice in community sentences, in line with recommendations of the Sentencing Policy Review.	DoJ, PBNI	VSNI Courts & Judiciary	MT
	b) Consider the development of a pilot Restorative Justice court as part of the Department's wider Problem Solving Justice approach.	DoJ, PBNI	VSNI Courts & Judiciary	MT
	c) Establishment of PBNI restorative justice framework, to inform and embed RJ in their core work at all stages of PBNI involvement.	PBNI		ST
	d) Continued expansion of reparative and restorative work in delivery of current PBNI orders (ECOs, Community Service etc.) both within the community and in custody	PBNI	CBRJ orgs	Ongoing

Key:

ST = Year 1; MT = Years 2-3; LT = Years 4-5



Theme	Actions	Lead	Main Partners	Time Frame
2.4 Custody and Resettlement	a) Implement the use of restorative practice to respond to situations with people in custody and support harm reduction, through: <ul style="list-style-type: none"> • Development and implementation of a restorative practice framework, in partnership with QUB; • Learning interventions and operational procedures to support prison staff; and • Identify and implement opportunities to grow the use of restorative practice throughout NIPS. 	NIPS / DoJ	PBNI QUB	ST
	b) Encouragement of people in custody to consider restorative interventions as part of Prisoner Development Plans where appropriate	NIPS / DoJ	PBNI VSNI UU	MT
	c) Explore opportunities for the inclusion of restorative or reparative elements in licence conditions.	NIPS / DoJ	PBNI	MT
	d) Development of restorative practices to support people in custody, to help repair relationships between them and their families, victims and communities prior to release from custody.	NIPS / DoJ	PBNI VSNI	MT
	e) Explore potential for the development of restorative / reparative programmes delivered as part of a Conditional Early Release Scheme.	NIPS / DoJ	PBNI	MT

Key:

ST = Year 1; MT = Years 2-3; LT = Years 4-5



3. Delivering on Review Recommendations

Theme	Actions	Lead	Main Partners	Time Frame
3.1 Judge Marrinan's review of hate crime Legislation: recommendations relating to restorative justice	<p>a) In partnership with statutory and third sector organisations, consider the implementation of restorative justice recommendations published in the Marrinan review, as part of wider Adult RJ considerations and requirements, including:</p> <ul style="list-style-type: none"> • Develop opportunities for the use of diversion from prosecution as an appropriate method of dealing with low-level hate crimes; and • The development of a new statutory scheme for restorative justice for adults, if agreed. 	DoJ	PSNI PPS NICTS PBNI Hate Crime Advocacy Scheme/ NIACRO	MT
3.2 Sir John Gillen's review of serious sexual offences: recommendations relating to restorative justice	<p>a) In partnership with statutory and third sector organisations, consider Sir John Gillen's recommendations for changes on the law and procedures in relation to serious sexual offences, specifically:</p> <ul style="list-style-type: none"> • Explore benefits of victim-led restorative justice within the criminal justice system where the offender has admitted guilt, the victim has requested restorative justice and the perpetrator has agreed to be involved; • Consider a victim-led voluntary self-referral restorative justice service to resolve certain serious sexual offences where the victim may not wish to participate in the formal criminal justice system. • Consider whether legislation is necessary to support the Gillen recommendations in relation to restorative justice; and • Consider the mechanisms for reporting a sexual offence for those victims who do not wish to contact criminal justice organisations such as police 	Gillen Review Team	ROD PBNI Victim Support	MT

Key:

ST = Year 1; MT = Years 2-3; LT = Years 4-5



Theme	Actions	Lead	Main Partners	Time Frame
3.3 Recommendation A9 of the Fresh Start report: A Centre of Restorative Excellence (CORE)	a) In partnership with other Departmental, statutory and third sector organisations, examine and agree role of CORE across a range of issues, including: <ul style="list-style-type: none"> • Scope; • Quality Assurance framework, alongside CJINI etc in setting standards; • Training and delivery of restorative approaches; • Engagement and promotion to increase participation and understanding. 	DoJ / TEO / DfC	RJWG / CORE WG members	ST
	b) Develop and deliver a Centre for Restorative Excellence for Northern Ireland based on the recommendations in the Feasibility Study commissioned by DoJ.	DoJ / TEO / DfC	RJWG / CORE WG members	MT

Key:

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Annex B - Glossary of Terms

ACEs	Adverse Childhood Experiences
Accreditation	An official recognition and approval by the Department that an organisation has met specific standards to practice restorative justice
CBRJ	Community Based Restorative Justice
CJINI	Criminal Justice Inspection Northern Ireland
CORE	Centre of Restorative Excellence
Court-Ordered	Ordered by a Court of Law
CRJI	Community Restorative Justice Ireland
CRN	Community Resolution Notice
Custodial Sentence	A Judicial sentence that involves being imprisoned
Desistance	Process of abstaining from crime
DfC	Department for Communities
Diversionsary Disposals	An alternative to prosecution, diverts offenders away from court
DOJ	Department of Justice
ECO	Enhanced Combination Orders
EQIA	Equality Impact Assessment
GRIT	Gillen Review Implementation Team
Intervention	Process of intervening
NIA	Northern Ireland Alternatives
NICTS	Northern Ireland Courts and Tribunals Service
NIO	Northern Ireland Office
NIPS	Northern Ireland Prison Service
Out-of-court Disposals	A range of sentencing options available to the Police to use in certain cases as an alternative to prosecution



PBNI	Probation Board Northern Ireland
PDP	Prisoner Development Plan
PfG	Programme for Government
PPS	Public Prosecution Service
PSNI	Police Service Northern Ireland
QUB	Queens University Belfast
Rehabilitation	The process of re-educating and retraining those who commit crime
Reintegration	Integrating someone back into society
Reparative	An action which serves to make amends in a physical or tangible way to a victim, family member or wider community for earlier wrong-doing.
Restorative	An action which, as a result of engagement – direct or indirect – between an offender and their victim, family or the wider community, improves some element of health, well-being, understanding, relationship, outcome or opinion.
RJC	Restorative Justice Council
RJWG	Restorative Justice Working Group
ROD	Reducing Offending Division
SJGSH	Strategic Justice Group on Sexual Harm
SMART	Specific, Measurable, Achievable, Relevant and Time Constraint
Statutory Agencies	Organisations that are defined by a formal law or a statute
TEO	The Executive Office
UU	Ulster University
VCS	Voluntary and Community Sector
VSNI	Victim Support Northern Ireland
YJA	Youth Justice Agency



