



Probation Board for Northern Ireland
Restorative Justice Practice Framework

2020-2023

Strategic Objective

Shaping and Influencing Criminal Justice Policy and Practice

Restorative Justice: A Framework for Practice

Probation Board for Northern Ireland and Restorative Context

The aim of PBNI is “changing lives for safer communities” and we lead in the reduction of reoffending by tackling the root causes of offending behaviour and rehabilitating people. Our vision statement highlights that “*We will be collaborative and transformative to reduce the number of victims of crime and build safer communities*”. (PBNI Corporate Plan 2020-23)

PBNI work directly and indirectly with victims of crime. In supervising those who have offended, we work restoratively and challenge them to look at the impact their crime has had on victims, families and communities.

In 2014, PBNI developed a Restorative Interventions Strategy (2014 – 2017) to ensure that victim needs and restorative principles were further integrated as components of PBNI’s practice with adults who offended. Work arising from this Strategy focused on restorative training for PBNI staff, and embedding restorative interventions within everyday practice, including case management supervision, custody and programmes. As part of this Strategy, PBNI Psychology and Programmes Teams designed the Victim Awareness intervention which all staff are now trained in.

PBNI has developed a strong practice base for the delivery of Restorative practices which has been referenced by the DOJ in its recent consultation on the Adult Restorative Justice Strategy:

“PBNI has delivered restorative interventions in response to direct victim requests, particularly in more serious cases including those resulting in a death or serious violence. In line with victim choice, the majority of these cases have resulted in an indirect restorative intervention, however, a number have included a victim offender meeting”. (Page 10, Consultation on a Draft Adult Restorative Justice Strategy for Northern Ireland, 2020).

Strategic Priority 1 of PBNI’s Corporate Plan 2020-23, PBNI commits to ‘developing restorative practices with adults who have offended’ and prioritising victims. The development of the framework is an objective within PBNI’s current Business Plan 2020-21 and also links to the strategic recommendation from the CJINI Inspection Report, December 2020 “Probation Practice: An Inspection of the Probation Board for Northern Ireland, that *the Probation Board for Northern Ireland should refresh its restorative justice strategy within six months of publication of this report, giving consideration to current and future opportunities for restorative practice and how these could be enhanced further to utilise the skills of probation staff and restorative justice delivery partners.*

PBNI believe that a restorative justice perspective which places victims at the heart of our practice is central to our work with individuals who have offended. We have provided Restorative Justice Training for approximately 30 staff across the organisation over the last number of years. This framework has been informed by the views of these trained staff and builds upon our previous Restorative Interventions Strategy.

PBNI works collaboratively with the community based restorative justice organisations and Victim Support NI to deliver restorative practices, and has close working relationships with the Youth Justice Agency and Irish Probation Service to share developments in practice within the two jurisdictions. PBNI is a member of the Restorative Practices Forum (NI) and maintains links with the European Forum for Restorative Justice (EFRJ) regarding research developments and practice.

This paper details how we will further progress the operational delivery of Restorative practices within the organisation. The framework will be amended to consider the outworking of the DOJ's Adult Restorative Justice Strategy; the Sentencing Review (October 2019); and the RJ recommendation 19 of Judge Murrin's Independent Review of Hate Crime legislation in Northern Ireland (November 2020). A number of actions and training objectives have been aligned to the framework and are designed both to enhance the knowledge and skills of staff and be flexible and responsive to changes in legislation or policy including the Adult Restorative Justice Strategy and the Review of Hate Crime.

Principles of Restorative Justice

Restorative Justice seeks to repair the damage to social values and relationships caused by crime and whilst there are a number of definitions of restorative Justice which are used to describe the approach that is used with victims and offenders the primary aim is victim-focused and to repair harm wherever this has occurred.

For the purposes of this Framework the definitions that are used are those that have been used in the DOJ's Draft Adult Restorative Justice Strategy and 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 their 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.

There are many different applications of Restorative practice and in addition to victim offender conferencing, PBNI undertakes a range of restorative activities which do not bring the victim and offender together in a face to face conference. These include shuttle mediation or exchange of letters between victim and offender; or a meeting with a community representative for the person who has offended to understand the harm their actions have caused. PBNI's victim awareness

interventions are also restorative as they aim to teach people to understand the impact of their crimes on victims and the community.

The values that underpin restorative justice are fundamentally basic human values of justice, responsibility, respect and honesty. These are values which are closely aligned with PBNI's values of respect, integrity, openness and accountability. Probation staff work to a set of guiding principles which are informed by a social work approach which recognises and encourages people's capacity to change and transform their lives, is based on partnership and collaborative working, and which values equality and diversity.

Current Restorative Practices within PBNI

PBNI staff can undertake restorative practices with offenders at all stages during their involvement at all stages with PBNI, however at present this is on an ad hoc basis, and there is a need to develop consistent practice across all areas of PBNI's work.

- a) **Pre-sentence reports:** PBNI prepares in the region of 4000 Pre-sentence and Magistrates Court reports each year and works with the individual pre-court to challenge them to consider the impact of their offending on the victim and others. Pre-sentence reports address the impact of the crime on the victims and the wider community. When an individual is sentenced by the court the victim has a right to register with PBNI's Victim Information Scheme which enables them to receive information regarding the type of sentence the offender is on and details regarding any release.
- b) **Victim Information Unit:** Probation staff in the Victim Information Unit have direct contact with victims and have facilitated restorative conferences between the offender and victims/ family of the victim for some of the most serious offences including murder. They undertake shuttle mediation and face to face meetings between parties, and support offenders to write reflective letters for victims. The views of the victim are also included in reports to the Parole Commissioners. Restorative practice is an integral part of the work of the Victims unit's practice and features in supervision sessions and on team meeting agendas. The Victims unit maintains a database of all restorative interventions delivered by the team.
- c) **Custody:** For PBNI staff in custody the opportunities to undertake restorative practices are more limited. Where there are disputes between prisoners NIPS staff will often work restoratively to address the conflict and probation staff support this.
- d) **Reports for the Parole Commissioners:** Similar to Court reports, recall reports address the impact of the individual's actions on the victim and the wider community and provide an insight into the level of remorse demonstrated by the individual.
- e) **Supervision of Orders / Licences:** As part of ongoing supervision, restorative interventions are delivered via the victim awareness interventions which are undertaken by the supervising PO or PSO in all orders. Letters of reflection are prepared by the service user to help them consider the harm caused to the victim as a result of their offending and where possible links are made with the Victims unit to assess whether a restorative meeting between both parties should be considered. In addition staff make use of restorative

practices to support service users to rebuild relationships with family and when addressing conflict between the service users and other statutory services or with the community.

- f) **Community Service:** Community Service Orders provide a clear demonstration of how those who have offended can undertake reparative, unpaid work in the community to make amends for the harm caused. The work is of direct benefit to the local community where the person has offended and where possible the victim of the offence will have an opportunity to make suggestions as to the type of Community service they would like the offender to undertake.
- g) **Programmes and Interventions:** PBNI's Victim Awareness intervention and the Accepting Differences Programme challenges beliefs, attitudes and stereotypes of those who have offended and help identify how their thoughts contribute to their behaviour which can be harmful for themselves their victims, their social network, and the wider community. Other PBNI programmes and interventions have a restorative element including the Domestic and Sexual Violence Programme and the programmes to address violence.
- h) **ECO and Aspire:** PBNI lead on the delivery of Enhanced Combination Orders (ECOs) and our Aspire Programme both of which have restorative elements delivered in partnership with Community based restorative justice organisations Community Restorative Justice Ireland (CRJI) and Northern Ireland Alternative (NIA). PBNI's work with the community based organisations, as well as with Victim Support NI, enable service users to understand the impact of their offending on the victim and others and to support reintegration into the community.

PBNI Restorative Justice Framework

PBNI's Restorative Justice Practice Framework sets our ambition for PBNI to be the leading organisation for the delivery of Restorative practices for adults at all stages of the criminal justice system.

Our vision is to have all PBNI staff delivering Restorative practices and the first step in progressing this is to make use of the skills and knowledge of the trained staff within the organisation and to further embed restorative practices in our standards and operational practice.

The actions set out in the Action Plan will detail how we will apply restorative practice to all elements of PBNI practice.

Systems will need to be established to record the number of restorative interventions being delivered and the outcomes for both victims and those who have offended. Managers and staff at all levels will need to have an understanding of restorative practices and how they might be applied within their teams, and all operational PBNI staff will need to have training at a level commensurate with their role.

Supervision and support for those undertaking restorative work needs to form part of monthly case discussions and there are opportunities to develop peer support for restorative practitioners to share learning with one another. This framework builds on existing working relationships and partnerships that PBNI have with other restorative organisations such as NI Alternatives and

Community Restorative Justice Ireland and it would be hoped that this could be further developed. PBNI has a commitment to continuous professional development for staff and we contribute to wider restorative justice forums including the Restorative Practices Forum (NI) and European Forum for Restorative Justice (ERFJ) to share knowledge and practice as well as taking opportunities to present our work at conferences and seminars.

An Action Plan will accompany this strategy and will demonstrate how PBNI will make use of existing staff skills, develop the confidence of practitioners and create new opportunities for the development of restorative practices across all aspects of PBNI's work and in all settings. Time-scales for each action will also be included. A number of the actions are resource neutral and only require a small change in practice however others will require an investment in training and additional staff to deliver face to face restorative meetings where needed.