

Why me?

**Criminal
Justice
Alliance**

Police, Crime, Sentencing and Courts Bill

Proposed amendment to promote the use of Restorative Justice to support victims and reduce reoffending

The amendment

PART 2 PREVENTION, INVESTIGATION AND PROSECUTION OF CRIME
CHAPTER 4 OTHER PROVISIONS (AFTER 54.)

The Secretary of State for Home Affairs and the Secretary of State for Justice must, every three years:

1. Prepare a joint Restorative Justice Action Plan for the Criminal Justice System, which aims to improve access, awareness, capacity and evidence of the use of Restorative Justice and practices, and
2. Lay a copy of the Action Plan before Parliament, and
3. Report on progress against that Action Plan to Parliament.

Background

The Police, Crime, Sentencing and Courts Bill will have its second reading in the House of Lords on September 14th.

Why me? and the *Criminal Justice Alliance* are third sector organisations with expertise in Restorative Justice and the positive effects it can have for victims of crime, people who have offended, and the wider justice system.

We have worked with Baroness Molly Meacher who will be tabling an amendment to the Police, Crime, Sentencing and Courts Bill (as above).

Baroness Molly Meacher, former Acting Chair of the Police Complaints Authority, said:

'I became aware of Restorative Justice and practices when I was at the Police Complaints Authority because some forces were using them very effectively. I realised that it helps not only the victim and the person who has caused them harm, but also relatives and the wider community.'

'I have been convinced for many years of the value of Restorative Justice, which is why I am tabling this amendment to the Police, Crime, Sentencing and Courts Bill. The aim is to increase and improve its use by ensuring regular national action plans are produced by the Home Office and Ministry of Justice. This will also help to raise awareness of how Restorative Justice and practices work more widely with the public and across the criminal justice sector.'

Restorative Justice in the Government's Sentencing White Paper

Before introducing the Police, Crime, Sentencing and Courts Bill, the Government published a White Paper outlining reforms which it intended to make to sentencing. This White Paper highlighted the importance of Restorative Justice:

A Smarter Approach to Sentencing, Ministry of Justice White Paper, 2020:

'We believe Restorative Justice is an important part of the justice system and has significant benefits both for the victim and for the rehabilitation of offenders.'

The White Paper also highlighted opportunities to increase the use of Restorative Justice, such as by utilising deferred sentencing and setting restorative conditions as part of Out of Court Disposals. However, despite this recognition in the White Paper, the Police, Crime, Sentencing and Courts Bill, as it stands, will do nothing to increase access to Restorative Justice.

About Restorative Justice

Restorative Justice allows people affected by crime and other harmful behaviour to communicate with the person responsible, often with the aim of a face-to-face meeting. This gives the person who has been harmed the opportunity to seek answers, express how they were affected, and explain what could be done to put things right. It also helps the person responsible see the real impact of their actions and encourages them to change their behaviour. The process is managed by a trained facilitator, who speaks with both parties in advance to prepare them for the meeting and helps them to explore their feelings and needs following the incident. Restorative Justice is a voluntary process and can take place alongside any other intervention in the justice system, such as alongside an Out of Court Disposal or a lengthy prison sentence. The only requirement is that both parties want to take part, and a trained facilitator agrees that it is safe to do so.

Evidence supporting Restorative Justice

Restorative Justice has been shown to improve victim wellbeing and reduce reoffending, and to be cost-effective.

The Ministry of Justice commissioned research between 2001-2008 which found that Restorative Justice achieved a victim satisfaction rate of 85 percent, a reduction in recidivism of at least 14 percent, and saved £8 for the justice system for every £1 invested (due to reduced reoffending).

More recent research continues to highlight the benefits of Restorative Justice. *Why me?'*s Valuing Victims paper in 2021 showed that most victims across the country report having improved health and wellbeing; increased feelings of safety; being better informed and empowered; and better able to cope with aspects of their lives, following a restorative intervention.

At a recent event to launch this amendment, hosted by Baroness Molly Meacher, Peers heard from Rob, who has lived experience of Restorative Justice. His story, [as well as many others](#), illustrate the positive and long-lasting impacts Restorative Justice can have:

Rob, Restorative Justice Ambassador for Why me? said:

'I felt it was extremely important to be able to sit calmly in front of the young man who had caused so much upset within my family and explain the impact of his actions that night. I was finally able to have a voice and equally listen to this guy and have consideration for what he had to say.

'It became a turning point for me, where I was able to release the feelings and frustrations within a controlled environment and subsequently, once the meeting was complete, get back on with my life without the mental burden I had been carrying around with me.

'That one meeting and its process has transformed me into a better person. I have much broader consideration towards individuals and their circumstances. I feel it also became a turning point for the young man who had had the courage to come and meet me, as when we parted, we shook hands and wished each other well.

'Without Restorative Justice being offered and agreed, this rebalance may never have occurred. I was fortunate to have had it offered and I truly feel that it should be offered more widely so individuals can make up their own minds whether it may be beneficial to them.'

The problem

Every Police and Crime Commissioner area in England and Wales has a local restorative provider which takes referrals for Restorative Justice. And Youth Offending Teams have a member of staff who leads on Restorative Justice and can work with victims and young people who have offended. The Victims' Code of Practice 2020 entitles every victim of crime to receive information about Restorative Justice and how to access it in their area. However, this is not happening in practice. Office of National Statistics data shows that only 5 percent of victims of crime, where there was a known offender, recall receiving any information about Restorative Justice at all.

The Victims' Commissioner for England and Wales, Dame Vera Baird QC, said:

'As the Victims' Commissioner, I recognise how Restorative Justice can be a valuable tool for helping some victims to understand and come to terms with the crime committed against them. Restorative Justice can empower victims, affording them the opportunity to be seen and heard, and helping them to rebuild and restore their lives in the wake of an offence committed against them. Yet despite a clear entitlement in the Victims' Code for victims to have Restorative Justice explained to them, this rarely happens in practice. This amendment will help improve access and awareness of Restorative Justice and I'm happy to add my support.'

Despite services being set up and ready to take referrals across the country, most victims of crime never know that this opportunity exists. This problem is driven by a lack of strategic direction on Restorative Justice. Staff on the ground are rarely scrutinised on whether they are offering Restorative Justice or not. PCCs are not allocated the funding needed to widen access to Restorative Justice, and many of them do not prioritise it themselves since the ring fence on RJ was removed. Misconceptions continue to hinder the ability of people affected by certain crimes to be considered for Restorative Justice. And policy and guidance making bodies such as the Ministry of Justice, Home Office, National Police

Chiefs' Council and Crown Prosecution Service are not leading on this issue. This means that victims are being silenced and an evidence-based tool for reducing repeat offending is being frequently overlooked.

The solution

We need strategic leadership to drive forward the use of Restorative Justice and practices. But the Ministry of Justice has not had a Restorative Justice action plan since 2018. We are proposing that it commits to having a regular action plan outlining how it will widen the use of Restorative Justice and overcome the institutional barriers which are limiting its effectiveness.

This should be a joint Restorative Justice Action Plan for the Criminal Justice System between both the Ministry of Justice and Home Office, as many different parts of the system - such as Youth Offending Teams, police forces, victims' services, judges, the Crown Prosecution Service and probation - need to take action in order to unlock the potential of Restorative Justice.

The plan would commit to working to improve access, awareness, capacity and evidence of the use of Restorative Justice and practices across the country.

At the recent launch event for this amendment, Peers heard from Police and Crime Commissioner Katy Bourne OBE, who supports this amendment and is a strong advocate for Restorative Justice:

Police and Crime Commissioner Katy Bourne OBE said:

'I know from my own investment in Restorative Justice and practices in Sussex that it improves victim satisfaction and wellbeing, as well as reduces re-offending. That is why I fully support any measures to improve access, awareness, capacity and evidence for the use of Restorative Justice and practices across the country.'

'The last national action plan for Restorative Justice ended in 2018 and unfortunately has not been renewed, leading to a less cohesive service for victims to access. The proposed amendment to the Police, Crime, Sentencing and Courts Bill provides an opportunity to re-establish some strategic oversight and re-galvanise Restorative Justice as a readily available offer for all victims of crime.'

Contacts

If you want to ask anything about Restorative Justice, please contact ben.andrew@why-me.org or nina.champion@criminaljusticealliance.org.uk.

If you want to confirm your support for this amendment, please contact Baroness Molly Meacher: meachermc@parliament.uk.

Useful resources

[Restorative Justice case studies from Why me?](#)

[Why me? Valuing Victims Report \(2021\)](#)

[CJA 'A Journey of Learning Growth and Change: A Roadmap to Increase Restorative Justice' \(2019\)](#)

[Restorative Justice Action Plan for the Criminal Justice System, Ministry of Justice \(2012\)](#)

[Restorative Justice Action Plan for the Criminal Justice System, Ministry of Justice \(2017\)](#)