

Restoring Relationships, Redressing Harm

**DEVELOPMENT OF
AN ADULT RESTORATIVE JUSTICE
STRATEGY FOR
NORTHERN IRELAND**

June 2020

CONSULTATION ON A DRAFT ADULT RESTORATIVE JUSTICE STRATEGY FOR NORTHERN IRELAND

PURPOSE

The Department of Justice is seeking your views on a proposed Adult Restorative Justice Strategy for Northern Ireland.

This consultation document has been developed in partnership with colleagues from the Public Prosecution Service for Northern Ireland, the Police Service of Northern Ireland, the Probation Board for Northern Ireland, the Northern Ireland Prison Service, Victim Support NI, Community Restorative Justice Ireland and Northern Ireland Alternatives. Information on each of the organisations represented can be found in the relevant sections of this consultation document.

You are invited to share your views on the information contained in each section of the document, and on the use of Restorative Justice more generally. **Responses should be made using the Consultation Response Template, which can be found at:**

<https://www.justice-ni.gov.uk/consultations/development-adult-restorative-justice-strategy-ni>

The consultation will run for 12 weeks. The closing date is **Friday 11 September 2020**.

This extended period for consultation consideration reflects the current unique circumstances resulting from the COVID-19 pandemic.

This consultation document on a Draft Adult Restorative Justice Strategy has been developed in partnership with the following organisations:



Keeping People Safe



CONTENTS

SECTION:	PAGE NO:
INTRODUCTION & BACKGROUND	1
OUR VISION	5
Aim	5
Purpose	5
Principles	6
THE CURRENT POSITION	7
EVIDENCE AND RESEARCH	13
STRATEGIC OBJECTIVES	19
WHERE DO WE WANT TO GET TO?	21
FUNDING FOR RESTORATIVE APPROACHES	37
DELIVERING OUTCOMES AND ACTIONS	41
EQUALITY IMPACT	44

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. In the coming sections, we look at what restorative justice is, how it has developed in Northern Ireland to date, evidence of its positive impact here and in other jurisdictions, and begin to think about how it might be embedded as a key principle in our criminal justice system.

This work has its origins in Ministerial commitments expressed prior to the suspension of the Assembly in 2017. In 2013, Ministers approved a cross-Executive Strategic Framework for Reducing Offending¹, which amongst other things acknowledged the value of restorative justice and set out a desire to build on work to extend and integrate restorative approaches across the whole of the criminal justice system, in association with key partners. To deliver on this aspiration, the then Justice Minister gave an undertaking in the Department's Desistance Strategy, "Supporting Change"² to develop an Adult Restorative Justice Strategy. This consultation takes us a step further in delivering on this commitment.

BACKGROUND

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

The development of restorative justice in Northern Ireland began in the mid- to late-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). To date, the most extensive, formal application of restorative justice in Northern Ireland has been in the area of youth justice. Acting on the recommendations of the Criminal Justice Review³ in 2000, restorative approaches were introduced into youth justice legislation⁴ as a statutory disposal and are now firmly embedded in both pre-court and court-ordered disposals. In a wider context, restorative practices are used in the community by criminal justice organisations and a range of community and voluntary sector groups.

¹ "Strategic Framework for Reducing Offending: Towards a Safer Society", Department of Justice (May 2013)

² "Supporting Change: A Strategic Approach to Desistance", Department of Justice (September 2015)

³ "Review of the Criminal Justice System in Northern Ireland", Criminal Justice Review Group (2000)

⁴ The Justice (NI) Act 2002

Some progress has been made in the application and use of restorative practices with adults, through community-based interventions in particular, but to date this has largely been driven by individual organisations. Until now there has been no overarching strategic or co-ordinated approach to its development in spite of the proven benefits of this approach.

The Lord Chief Justice publicly acknowledged the progress made in the use of restorative approaches within the youth justice system in Northern Ireland and expressed a desire to develop similar options for the adult system which would “allow for better victim engagement and the use of restorative approaches, where appropriate”.⁵

Similarly, the DoJ’s five-year Victims and Witnesses Strategy⁶ aspired to learn from the youth justice system through the provision of increased opportunities for victims to take part in restorative interventions, and ultimately to reduce the number of people who become victims of crime.

In 2016, the Fresh Start Panel’s report on the disbandment of paramilitary groups⁷ 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”.

The aim of this document is therefore to consider the development of a strategic approach to the utilisation of restorative practices at all stages of the adult criminal justice system, given the current absence of any such strategy. By ‘all stages’, we mean from early intervention in the community, formal diversion by statutory agencies, court-ordered disposals, and custody and reintegration. Examples of how restorative interventions may be used across each of these stages can be found under the “Where do we want to get to” section later in this document.

It should also be said that whilst acknowledging the potential for the use of restorative practices across far wider applications, for example in schools, **this consultation limits itself to those aspects of the criminal justice system which are within the remit of the Department of Justice**. It does not discuss the wider use of restorative practices more generally, nor seek to extend consultation beyond the justice system into other Departments’ responsibilities.

⁵ LCJ’s Annual Address, Opening of the Legal Year (September 2015)

⁶ “*Making a difference to victims and witnesses of crime: Improving access to justice, services and support*”, A Five-Year Strategy, Department of Justice (June 2013)

⁷ “*Fresh Start Panel Report on the Disbandment of Paramilitary Groups in Northern Ireland*”, NI Executive (May 2016)

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.

At the heart of any Adult Restorative Justice Strategy will be the desire to:

- place victims front and centre;
- develop appropriate structures and opportunities to allow victims to be involved, whether directly or indirectly, in the criminal justice system and in decisions which affect them;
- engage and challenge offenders 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. An agreed Strategy would seek to introduce and test these approaches within the adult justice system. The following sections explore options for the introduction of restorative and reparative practices at a number of stages throughout the justice system, all of which are intended to allow those who offend the opportunity to acknowledge the impact of their behaviour on their victims and others, and provide opportunities for redress.

Whilst not a primary driver, the current economic climate within which the criminal justice system is operating provides a further incentive for change. During his Annual Address at the opening of the legal year in September 2015, the Lord Chief Justice stated that “*if we are to make best use of the available resources, we need to take a fundamental look at what we do and how we do it.*”⁸

In 2018, Northern Ireland Magistrates Courts dealt with 38,837 adult defendants. Whilst these disposals have decreased by 28% between 2011 and 2018, this still represents a substantial caseload⁹. Developments in the youth justice system, including the introduction of statutory restorative disposals, have led to a **52% decrease** in youth defendants disposed of in the youth court¹⁰ between 2011 and 2018. It would therefore be remiss of any Strategy not to examine opportunities which could reduce adult court

⁸ Op.Cit 5

⁹ “*Judicial Statistics 2018*”, Northern Ireland Courts and Tribunals Service (June 2019)

¹⁰ *Ibid*

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

It is therefore reasonable to assume that the potential exists for restorative justice to play an important and positive role in the adult criminal justice system. What follows is an examination of how that may be developed and extended, ensuring that at all times the victims of crime are central to the process.

This consultation document has been developed in partnership with colleagues 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), Victim Support NI (VSNI), and the two accredited community groups already mentioned – CRJI and NIA. Comprehensive input has also been received from a wider participant group through a series of stakeholder workshops and bilateral discussions.

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 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.

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

OUR VISION

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

AIM

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

PURPOSE

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

PRINCIPLES

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

The Strategy will:

- Develop flexible approaches and processes, within the boundaries of an agreed lawful framework, which meet both the needs of victims of crime and those who have offended.
- Communicate and promote the availability of restorative approaches to address offending behaviour and repair the harm it causes to victims and communities.
- Ensure that offending behaviour and wrong-doing is resolved in the most effective way, to address harm and seek satisfactory outcomes for all involved, and where appropriate, without resort to a formal criminal justice response.
- Promote positive change and development in the use of restorative practices in partnership with statutory, voluntary and community sector organisations.
- Focus specifically on the application of restorative practices across the breadth of the criminal justice continuum.
- Comply with international standards¹¹, in particular the 2018 Council of Europe recommendations, be informed by evidence and deliver the best possible outcomes within available resources.
- Be underpinned by the Restorative Justice Council Principles¹² and Code of Practice¹³, and aligned with the Northern Ireland Victim Charter¹⁴.

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

¹¹ "Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters", Council of Europe (October 2018);

"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).

¹² "Principles of Restorative Practice", Restorative Justice Council (August 2015)

¹³ "RJC Practitioner Code of Practice", Restorative Justice Council (2016)

¹⁴ "Victim Charter: a Charter for Victims of Crime", Department of Justice (September 2015)

THE CURRENT POSITION

Particular organisations, which operate across the public, voluntary and community sectors are already taking forward restorative initiatives, and have been for some time. There was, however, an acknowledgment during the development of this consultation document that the work to date has been rather piecemeal, often dependent on the local environment and available funding, which has tended to be short-term in nature. There now exists a collective will and commitment to further develop restorative justice approaches with adults on a more consistent basis. The development of a strategic approach will build upon the good practice already being developed and delivered by providers.

Protocol for Community Based Restorative Justice (CBRJ) Organisations

The starting point for this good practice was the establishment of a Government Protocol in 2007¹⁵. The work of Community Based Restorative Justice (CBRJ) organisations involved in restorative work in the criminal justice arena is governed by this Protocol, which established a framework for relations between these statutory organisations and community schemes, and set out the process of how referrals are made to these organisations, as well as the accreditation of such organisations to undertake this work¹⁶. This framework was 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;
- 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 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.

¹⁵ "Protocol for Community Based Restorative Justice Organisations", NIO (2007): https://wayback.archive-it.org/11112/20100218164110/http://www.nio.gov.uk/protocol_for_community_based_restorative_justice_scheme_5_february_2007.pdf

¹⁶ Accreditation: formal recognition to deliver services to the standards and procedures set out in the Government's Protocol

In the development of this consultation document, positive aspects of this Protocol-led relationship have been identified which underpin and ensure the independence, monitoring and accountability aspects of current community based restorative practice, for example the accreditation process. There are, however, certain aspects which some feel are limiting the impact of the schemes. The low number of cases being referred to the schemes from PPS is one example of how the structure of the current criminal justice system, and in some cases the delay experienced through the system, has not easily lent itself to the use of community restorative justice.

A clear view has emerged that a review of the 2007 Protocol and its operation should be carried out with the aim of increasing appropriate referrals from statutory bodies and expanding the work of restorative practice generally.

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

As well as operating within this Protocol-led framework, statutory criminal justice bodies have developed their own standards of practice, some of which may include the application of restorative interventions, which are subject to independent scrutiny as part of wider CJINI inspections.

When examining the current situation in Northern Ireland regarding restorative justice, the recent developments have evolved beyond accredited community organisations and cases governed by the Protocol. To give readers an understanding of the extent of the work to date, the following sections take a closer look at the current provision for restorative justice approaches **with adults** across a range of organisations. The chronology in which they appear below reflects the full extent of the criminal justice continuum, beginning with community safety work, prevention and diversion through to formal adjudication at court, community based sentences, custody and reintegration. Whilst the organisations discussed in the sections below are key in the delivery of restorative practices within the criminal justice system, it is not intended to be an exhaustive list, and there may be other organisations that play a role in the delivery of restorative interventions in some way.

Community Based Restorative Justice (CBRJ) Organisations

The push for restorative justice was initiated within local communities in Belfast 20 years ago, and these organisations are still at the forefront of developing and delivering community restorative interventions and supporting community safety schemes. Two of these Community Based Restorative Justice (CBRJ) organisations were recognised and have been accredited since 2007 – Northern Ireland Alternatives (NIA) and Community Restorative Justice Ireland (CRJI). Their restorative activity and interventions are guided by the agreed Protocol. CJINI reports on these organisations acknowledge how they have

grown and matured, the standards of their work, and the valuable work they do as they continue to expand. The most recent CJINI report¹⁷ views them as being “especially important in terms of community engagement and linkages between the police and the community. The restorative justice bodies also promote and develop non-violent community responses to the issues of low-level crime and anti-social behaviour in areas across Northern Ireland.” To date, 16 schemes have been accredited to provide restorative justice interventions in Northern Ireland. A register of accredited schemes can be found on the Department of Justice website¹⁸.

CBRJ organisations deliver a range of prevention and diversionary programmes in the communities they serve, alongside their direct justice-related work under the auspices of the Protocol arrangements. Their wider community work in areas such as community safety, neighbourhood mediation and support for victims of crime has been acknowledged by other statutory bodies and Government Departments beyond the Department of Justice. This contribution was also recognised by the Fresh Start Panel who, in their report, commented that the CBRJ groups and the work they do “could usefully be extended to become a more mainstream part of the justice system”.

The Police Service of Northern Ireland (PSNI)

The Police Service of Northern Ireland (PSNI) has been engaged in restorative cautioning for juveniles since 2001, and is also a partner in both statutory Youth Conferencing and the recently-developed Youth Engagement Clinic model. Since 2007, PSNI has been actively engaged with CRJI and NIA in the greater Belfast area and elsewhere as schemes have developed. In relation to adults, the PSNI currently undertakes restorative practice through the use of Community Resolution Notices (CRN) – formerly known as police discretion. CRNs are an alternative way of dealing with less serious crimes, allowing officers to use their professional judgement when dealing with offenders. This method can be used for low level offences such as public disorder, criminal damage and minor theft where the suspect has not previously been involved in offending, and involves the co-operation and support of the victim and/or local community.

PSNI is currently working with the CBRJ organisations to explore ways of promoting restorative practices across the Service, and developing practices to identify cases appropriate for restorative interventions at an early stage.

The Public Prosecution Service for Northern Ireland (PPS)

The PPS has been at the forefront of restorative justice in the youth justice system since the introduction of Diversionary Youth Conferencing in 2002. More recently, it has played an important role in the piloting and subsequent roll-out of Youth Engagement

¹⁷ “Equal Partners? An Inspection of the Voluntary, Community and Social Enterprise Sector’s Engagement with the Criminal Justice System in Northern Ireland”, CJINI (May 2019)

¹⁸ <https://www.justice-ni.gov.uk/articles/register-community-based-restorative-justice-schemes>

Clinics as a method of diverting cases from court and dealing with youth offending through a less adversarial and more restorative process. More generally, the Victim and Witness Care Unit (VWCU) has been rolled out across all PPS functions. The role of the VWCU is to keep victims of crime informed and updated about the progress of criminal proceedings in their case. The VWCU service covers the process from the point of file submission from the investigating authority through to the point of sentencing, and the conclusion of any appeals process. The VWCU also offers information on support services, including information on the process for making a Victim Personal Statement.

The Probation Board for Northern Ireland (PBNI)

In recognition of the importance restorative justice can play in delivering their work, PBNI developed a Restorative Interventions Strategy (2014 – 2017) to ensure that victim needs and restorative principles are further integrated as components of PBNI's practice with adult offenders. Work stemming from this Strategy focused on restorative training for PBNI staff, and embedding restorative interventions within everyday PBNI practice, with all staff now trained in the use of a Victim Toolkit. PBNI has also funded a number of pilot restorative justice projects in partnership with accredited CBRJ schemes, most significantly the introduction and delivery of Enhanced Combination Orders (ECOs), an alternative to custodial sentences of less than 12 months with a greater focus on rehabilitation, reparation, restorative practice and desistance. Following a successful pilot¹⁹ in Armagh/South Down and North Down/Ards delivered in partnership with CBRJ organisations, Barnardo's and Victim Support, ECOs were extended to the North West in October 2018, with a further roll-out across all court areas to be considered as resources allow.

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. Victim and offender evaluations have been positive (see case studies under "Where Do We Want To Get To?" later in this consultation document).

In cases where Community Service Orders are made, victims have the opportunity to influence the type of work undertaken by the offender who caused them harm. In addition, reparative work, (approximately 185,000 unpaid hours in Northern Ireland per year), performed through Community Service, directly benefits the community.

As part of the Criminal Justice (NI) Order 2005, PBNI offers a post-conviction Victim Information Scheme to direct victims of crime, where the individual who offended is subject to a PBNI supervised order. Victims who choose to register for this information

¹⁹ https://www.pbni.org.uk/wp-content/uploads/2015/04/ECO-Evaluation_Final-Report-04.12.17.pdf

scheme may also later become involved in a restorative process where this is assessed as possible, and the consent of both parties (victim and offender) is given.

The Northern Ireland Prison Service (NIPS)

In 2002 the NIPS had a small number of prison staff trained to facilitate restorative meetings between victims and offenders. This was further developed between 2007 and 2010 when NIPS sponsored a larger group of staff to complete the Post-Graduate Certificate in Restorative Practice at Ulster University. However, despite small-scale attempts to pilot the use of restorative justice between victims and offenders, most notably at Magilligan Prison, the skills and learning attained via this investment was underutilised, due in no small measure to the operational pressures of the day-to-day working environment.

There remains a cohort of staff committed to developing the use of restorative practices within NIPS. In 2018, Ulster University delivered training in restorative practice to a group of prison staff from Maghaberry Prison. This led to the piloting of a ‘restorative landing’ in Quoile House in Maghaberry. Specially trained staff are now using restorative techniques – most noticeably restorative circles – to improve staff/prisoner and prisoner/prisoner relationships, reduce conflict and tension, increase respect and develop effective practices to address day-to-day issues that arise within a prison environment. As a result, tensions have been de-escalated, the number of alarms have reduced and a number of former ‘keep-aparts’²⁰ are now housed together without incident.

The Prison Fellowship has also delivered the Sycamore Tree restorative programme during recent years in both Maghaberry and Hydebank Wood College. This is a volunteer-led victim awareness programme that teaches the principles of restorative justice to those in custody. Learners on the programme explore the effects of crime on victims, offenders, and the wider community, and discuss what it would mean to take responsibility for their personal actions

Victim Support NI (VSNI)

VSNI has been involved in numerous restorative interventions where a victim has requested support. They can act as a representative for victims who choose to register for the PBNI-managed Victim Information Scheme and have supported victims who have chosen to meet adult offenders in face-to-face restorative interventions in prisons. They have also delivered a programme of work to prisoners within Magilligan prison outlining the impact of crime on victims. VSNI is a partner in the PBNI initiative of Enhanced Combination Orders and will meet with consenting victims to identify their views on what should be involved in any community sentence undertaken by the offender.

²⁰ Prisoners who have reported histories which indicate that accommodating them together or being co-located within a prison area at the same time creates risks.

Victims report that restorative justice helps to give them a voice, which they do not often have in the formal criminal justice system. It allows them to get answers to questions which can aid in their recovery and help to reduce fear of future crime. As part of the EU Directive on minimum standards for victims and the Northern Ireland Victims Charter, victims are entitled to access safe and competent restorative justice services and have the right to be safeguarded from secondary and repeat victimisation.

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.

The research from Northern Ireland and elsewhere is clear that restorative justice is not just useful for criminal justice, but that restorative practices are a popular tool in schools and workplaces to deal with every level of dispute or wrong doing (Cameron and Thosborne, 2001²¹; McCluskey et al, 2008²²; Restorative Justice Council 2011²³).

On a restorative practices continuum, practices 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 practices, although it is not exhaustive:

Victim / Offender Restorative Continuum



²¹ 'The School System: Developing its capacity in the Regulation of Civil Society', Cameron, L., and Thosborne, M. (2001)

²² "I was dead restorative today": from restorative justice to restorative approaches in school", Cambridge Journal of Education. Vol. 38 (2) G. McCluskey, G. Lloyd, J. Stead, J. Kane, S. Riddell and E. Weedon, (2008)

²³ "Restorative Justice in Schools", Restorative Justice Council Schools Briefing, (December 2011)

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 their victims or 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, 1990²⁴; Braithwaite, 1999²⁵). Evidence suggests that restorative justice practices have positive outcomes for victims and offenders even when offences are serious (McNeill et al 2012²⁶).

Victim Impact

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 a future strategy is to be victim-centred, it is important to ensure restorative practice results in positive outcomes for victims of crime.

Restorative Practice is concerned with the human impact of crime on the victim, the offender and the community. There is evidence that restorative justice provides an encouraging tale to tell in relation to victim satisfaction rates. 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”.²⁷

Sherman and Strang (2007²⁸) 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, in their series of reports, Shapland and her team found both victim participation rates and victim satisfaction rates to be very high across the 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 offenders²⁹. Of these participants, 86% expressed satisfaction with their experience³⁰. Interestingly, although victims tended to opt for indirect restorative justice (via the use of a facilitator

²⁴ “*Changing Lenses: A New Focus for Crime and Justice*”, H Zehr (1990)

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

²⁶ “*Offender Supervision: New Directions in Theory, Research and Practice*”, McNeill, F., Raynor, P. and Trotter, C., (Eds.) (2010)

²⁷ “*Restorative Justice Action Plan for the Criminal Justice System*”, Ministry of Justice (November 2012)

²⁸ “*Restorative Justice: The Evidence*”, Sherman, L. and Strang, H (2007)

²⁹ “*Restorative Justice in Practice*”, Shapland, J et al (2006) - The second report from the evaluation of three schemes.

³⁰ “*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.

exchanging information) when this was offered, these indirect processes tended to lead to lower levels of victim satisfaction than face-to-face meetings. Nevertheless, it is important that victims should be enabled to choose how they will engage in restorative processes; some victims will be more comfortable with certain approaches than others.

Serious offences

With rigorous assessment and thorough preparation, restorative practices have the potential to be utilised in all types of cases, even those involving serious 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, 2005³¹; 2008³²).

The applicability of restorative approaches to such serious offending has already taken place to a limited extent by PBNI, NIPS and YJA following considerable and detailed preparation. CRJI has also engaged in restorative interventions in highly sensitive cases, including mediating with extended families and the community following a murder. Vital to the process is having the key safeguards of informed consent from all parties, experienced organisational practice and a well-controlled environment. In spite of these safeguards, victims may still choose not to proceed, and that is entirely their right. Further debate will be important to consider research and practice in this sensitive area of work.

Newell (2007³³) reviewed the use of restorative practices in work with prisoners awaiting sentence for serious burglary and robbery offences and these also showed positive benefits (McNeill et al 2012³⁴).

Shapland et al, (2008³⁵) suggest that where victims of serious crime wish to meet with the offender who is serving a custodial sentence, this service 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.

³¹ "The use of shame with sexual offenders", A McAlinden, Oxford University Press Centre for Crime and Justice Studies (2005)

³² "Restorative Justice as a response to sexual offending: addressing the failings of current punitive approaches", A McAlinden, Sexual Offender Treatment, Vol 3 (2008)

³³ "Face to face with violence and its effects: Restorative justice practice at work", T Newell, Probation Journal (September 2007)

³⁴ Op.Cit 26

³⁵ "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.

Northern Ireland Government statistics³⁶ on reoffending levels published in November 2019 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%, 17% and 31% respectively. These compare to a reoffending rate of 42% for those adults released from custody (although it should be remembered that the characteristics of these cohorts will be very different). It is considered that the inclusion of restorative practice across these disposals could further contribute to their effectiveness. The Home Office research conducted by Shapland et al demonstrated a 27% drop in the frequency of re-offending following a restorative conference³⁷.

Restorative Approaches to Sexual Offences

The use of restorative approaches for victims of sexual offences is a highly emotive subject that requires sensitive handling: whilst it is important to ensure that victims of any offences are in no way re-victimised by a restorative justice process, it is even more important in these complex – and often harrowing – cases.

That is not to say that it cannot be done. In fact, PBNI has already undertaken some of this work. Such cases require a significant amount of preparation with both the victim and the perpetrator prior to any face-to-face meetings taking place. Evidence has shown that, with rigorous assessment and thorough preparation, restorative practices can be utilised in cases of sexual violence and other forms of violence, and would be considered by some researchers to be a more integrative approach to sex offender management and rehabilitation (McAlinden, 2005³⁸; 2008³⁹).

It is an issue which was considered in some detail by Sir John Gillen in his independent review⁴⁰ of the arrangements to deliver justice in serious sexual offence cases, which was commissioned by the Northern Ireland 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 goes 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.

³⁶ "Adult and Youth Reoffending in Northern Ireland (2016/17 Cohort)", Research and Statistical Bulletin, S Brown (November 2019)

³⁷ Op.Cit 35

³⁸ Op.Cit 31

³⁹ Op.Cit 32

⁴⁰ <https://gillenreview.org/>

Following a public consultation, the final report and recommendations were published on 9 May 2019⁴¹. 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.
- 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.

Given that these issues have already formed part of a major consultation exercise, we are not seeking views on this specific topic here, merely acknowledging the issues and the potential for using restorative approaches in dealing with sexual offences. The Department has already established a group to oversee the implementation of the recommendations in the Gillen Review. It is intended that any developments relating to these two specific recommendations on restorative approaches will be taken forward as a strand of work under a Departmental Restorative Justice Strategy, in partnership with criminal justice agencies and other relevant organisations, and will report to the Implementation Group.

Hate Crime

One further potential application for restorative justice which is currently under review is in relation to Hate Crime. The Department has commissioned an independent review of hate crime legislation in Northern Ireland, to be 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 will also specifically examine whether there is potential 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 will be able to provide informed comment on the approach. It is expected that the Review will provide a written report for consideration by August 2020

⁴¹ <https://www.justice-ni.gov.uk/publications/gillen-review-recommendations>

Cost Effectiveness

Finally in relation to research and evidence, we turn to look at the issue of 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*⁴² in Limerick (Ireland) highlighted a 300% return on investment. Likewise, Home Office research⁴³ established evidence that restorative justice provides value for money: overall they found a costs to savings ratio of 1:9.

In summary, evidence and research suggests 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.

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

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

⁴² "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)

⁴³ Op.Cit 35

STRATEGIC OBJECTIVES

In further developing and integrating the use of restorative approaches with adults across the justice system and beyond, the evidence demonstrates that there is the potential of less crime being committed and consequently fewer victims of crime, a lesser cost of justice administration, greater public confidence, a reduction in harm to victims, and effective and efficient use of available resources.

In keeping with the Department's Strategic Framework for Reducing Offending⁴⁴, Supporting Change: Desistance Strategy⁴⁵, and Making a Difference⁴⁶ Strategy for victims and witnesses of crime, the implementation of this strategy and the broader use of restorative justice practices across the criminal justice system will seek to achieve a range of objectives. These are set out below for the reader's consideration:

- Reduce the level of harm experienced by victims through a restorative process.
- Reduce the number of victims by intervening earlier and more effectively.
- Promote safe and timely victim involvement in criminal justice processes and increase rates of victim satisfaction and confidence in the justice system.
- Create opportunities for improved community safety and cohesion by promoting understanding of restorative justice and enabling a dialogue which repairs harm and restores confidence in the justice system.
- Hold individuals accountable for the harm caused and ask them to make acceptable and appropriate reparation, whether financial or otherwise.
- Contribute to a reduction in the number of first time adult entrants to the justice system.
- Promote desistance from offending by delivering person-centred, flexible, restorative, and bespoke interventions with individuals to assist them to address their offending behaviour, repair the harm caused to others, and deter further involvement in offending.
- Increase understanding and promote the sharing of knowledge and skills in the use of restorative approaches between restorative justice providers.

⁴⁴ Op.Cit 1

⁴⁵ Op.Cit 2

⁴⁶ Op.Cit 6

- Assist in the further development and delivery of a range of quality restorative practice approaches and services within the criminal justice system and its organisations, and within communities.
- Extend the geographical coverage of community based and other statutory restorative justice interventions beyond the current localities.
- 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.

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

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

WHERE DO WE WANT TO GET TO?

Through the development of an Adult Strategy, we are proposing that restorative practice should be integrated into each stage of the criminal justice process, and 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 with young people and adults in the community, formal diversion by statutory agencies, court-ordered disposals, and custody and reintegration

Any proposed Strategy would not relax the application of the law on those involved in offending, but would apply appropriately weighted justice which addresses wrong doing 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 Department recognises that “*restorative justice can complement traditional criminal proceedings, or be used as an alternative to them*”⁴⁷. An agreed Strategy will promote opportunities for people to be held accountable for their actions and provide an array of ways that the harm suffered by victims can be redressed.

There would, of course, be a need for safeguards to ensure all parties are sufficiently well informed and engaged in the 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.

The use of restorative justice should not be seen as 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. 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 and which 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.

The following sections detail how the Department and its partners across the statutory, voluntary and community sectors might look to fulfil this vision for an Adult Restorative Justice Strategy, particularly given the current absence of a legislative imperative for promoting restorative justice for adults which was introduced for the youth justice system.

⁴⁷ “Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters”, Council of Europe (October 2018).

The introduction of an Adult Strategy would formalise the use of restorative approaches across prevention/diversion, custody and re-integration and community settings, and explore how restorative justice providers across the statutory, voluntary and community sectors can creatively work together to repair the harm done by offenders and meet the needs of victims of crime and the community.

Whilst it is recognised that restorative practice has a wide range of applications, it was agreed that the development of an Adult Strategy should be limited to the commitments and remit of the justice system. Any work to take restorative interventions beyond that should be developed in partnership through the Northern Ireland Executive and its various Departments. This approach is in line with the findings of a Feasibility Study, commissioned to examine the potential for a Centre of Restorative Excellence for Northern Ireland and which recommended that “*an Executive-wide RP [Restorative Practices] policy should be progressed at the earliest possible opportunity*”. Aside from the development of an Adult RJ Strategy, the Department is also currently engaged in work to scope out how a potential Centre of Restorative Excellence (CORE) might be delivered and operate. Discussions with stakeholders have identified certain key functions, 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.

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. A CORE could assist with increasing the breadth and depth of restorative interventions offered, as well as the geographical spread.

How will victims benefit?

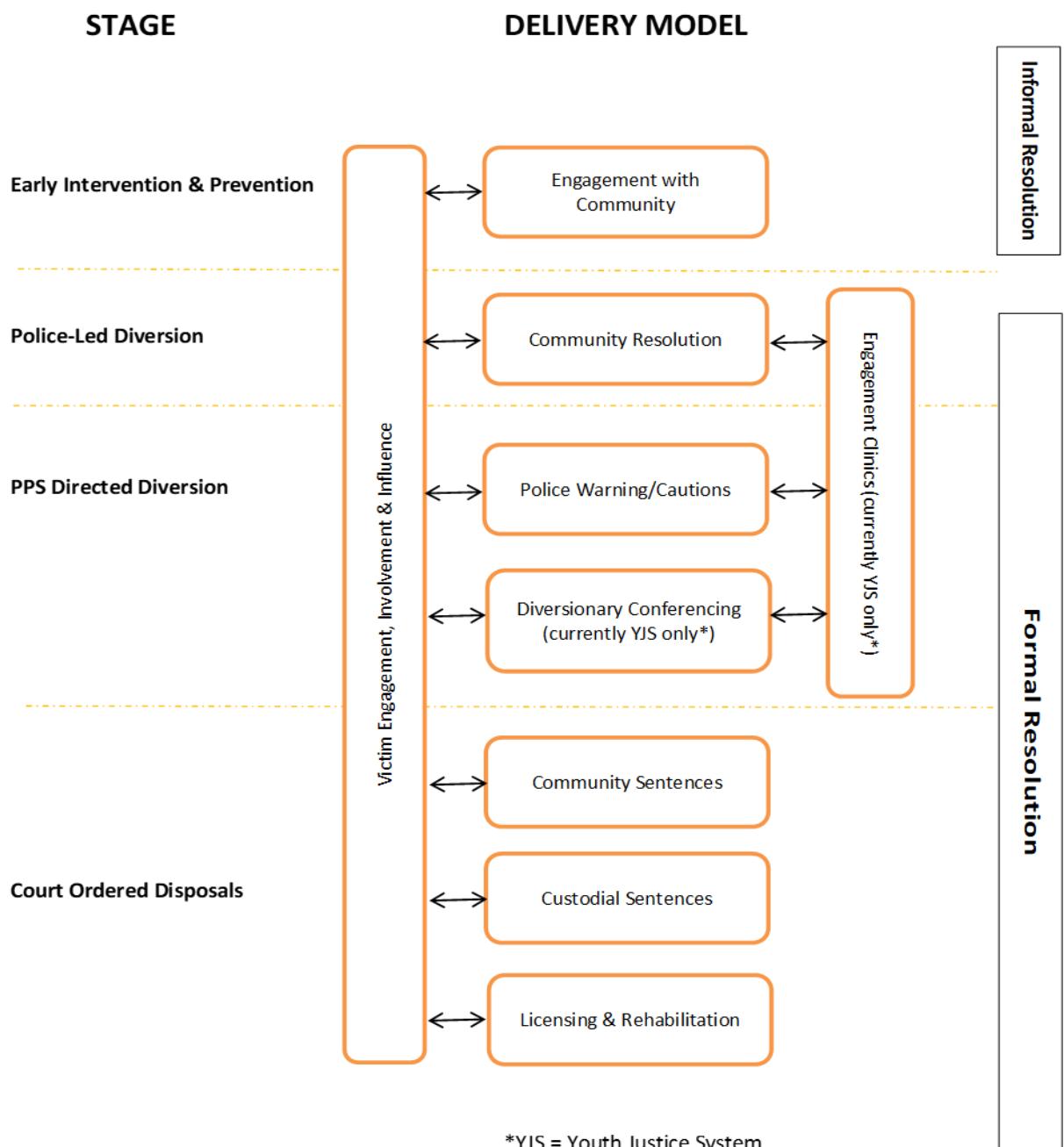
The development of an Adult Restorative Justice Strategy will provide opportunities, at each stage of the criminal justice continuum, for victims and communities affected by anti-social or criminal behaviour to play a direct role in the process, in a safe and structured environment.

Involving victims and communities in the application of restorative justice has the benefit of enabling them to make clear on what constitutes acceptable behaviour within the society in which they live. It will help communities to define their own expectations and influence a positive culture of lawfulness. 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 enable them to voice the harm felt and to help shape the redress an individual should make as a result. There may be opportunities not currently being utilised to engage victims in the process in a meaningful way, for example, through greater promotion of

restorative justice by victims' organisations or by increased signposting to Victim Information Schemes post-conviction.

What can we do?

The diagram shown below, and accompanying explanation, has been developed in order to assist the reader's understanding on the number and range of stages at which there exists the potential to apply restorative justice:



Throughout each and every stage detailed in the sections below, opportunities will exist for victims to be directly or indirectly involved in the process, thereby providing greater victim involvement and redress for the harm that has been caused.

Early intervention and Prevention

As the title suggests, this form of intervention comes early on in the continuum, prior to the involvement of the formal criminal justice system, with the aim of intervening in an issue early to prevent an individual or family from travelling down a route which could draw them into the formal system. The phrase ‘Early Intervention’ is usually associated with children and young people, meaning early years intervention. However the context within which it is used in the justice system is more early stage intervention i.e. where an issue is at the early stages of development, and can apply equally to adults or children.

There is strong evidence⁴⁸ that intervening early to address issues can prevent people from becoming involved in offending at a later stage in their lives, and efforts to prevent people becoming involved in offending are more effective than working with people once they have offended. Emphasis should be placed on identifying and working with those people on the cusp of the criminal justice system and at risk of offending. Therefore, building restorative practice into our communities is key to preventing people from getting involved in offending behaviour and the consequences which follow once they are brought into the criminal justice system. Such interventions, in addition to preventing further offending, also serve to reduce the number of potential victims in future years. It can also provide an earlier 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 – a formal justice system response may not always be required and in many cases restorative approaches should be community led and community supported. The voice of victims should be listened to and given weight in the process, wherever possible. There continues to be a need to build community acceptance, commitment and confidence in restorative justice principles and approaches. The Government Protocol was developed and agreed for the purpose of providing this measure of confidence and reassurance, but more needs to be done. Whilst all CBRJ schemes providing restorative practices in conjunction with the police and other statutory organisations in the community will continue to be governed through an agreed Protocol, there is potential for some early intervention/prevention work in the community to be undertaken without recourse to the formal system and this should be explored. This is how, for example, the accredited groups are used by the Department for Communities and the NI Housing Executive to mediate in housing/neighbourhood disputes. In all cases, CBRJ organisations will work closely with the relevant statutory agencies in line with the agreed Protocol.

⁴⁸ Op.Cit 1

CBRJ organisations will also be encouraged to work closely with people in local communities with the purpose of building and recognising the desired behaviours within given communities; clearly each community has a vested interest and a key role to play in reducing harm and vulnerability within the locality, and building a safer place to live. The key outcome will be securing acceptable behaviour identified and agreed by communities for communities, in order that people respect and adhere to the behaviours expected in their community.

The Fresh Start Panel recognised the potential for CBRJ organisations to provide early identification and support for those within their communities who were at risk of being drawn into criminal or paramilitary activity. The resulting recommendation in their report proposed:

“an initiative focused on young men who are at risk of becoming involved, or further involved, in paramilitary activity. This initiative should be a collaboration between government departments and restorative justice partners to combine restorative practices and peer mentoring with targeted support” (Rec B12)

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

Q9: Other than those set out above, are there other examples where justice partners could apply a restorative justice approach for those on the cusp of the criminal justice system?

Diversion

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;
- to engage the offender in a restorative process with the victim and community in order to repair harm;

- to reduce to a minimum the offender's involvement with the criminal justice system; and
- to enable victims to express their views.

When considering the appropriateness of diversion, 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 taking appropriate and effective early action to hold the individual accountable for any harm caused and to make reparation to victims, whilst supporting them to address the underlying causes of offending behaviour. Aside from the benefits which restorative interactions can have for the victims of crime, which have been explored earlier in this document, the engagement of offenders, particularly those who are vulnerable or at risk of social exclusion, in any form of positive and productive activity can be regarded as a valuable act. For those that are potentially being drawn into offending for the first time, or have committed a low-level misdemeanour, diversion is about providing them with the chance to repair any harm caused and exit the justice system at the earliest possible stage when they have owned up to their offending and accepted responsibility. The current justice system in Northern Ireland already provides opportunities for diversion, particularly in the youth justice system where there is statutory provision. We are seeking your views on whether consideration should be given to the inclusion or extension of restorative practices across both police-led and PPS-directed diversionary options for adults, as explained below.

Police-led Diversion

As mentioned under the current arrangements section above (see page 7), Police in Northern Ireland can, in compliance with agreed guidelines, use a proportionate disposal as a means of dealing with an approved list of specific offences which are comparatively less serious. This is known as **Community Resolution** (formerly called Police Discretion). The focus will be on cases with an identifiable victim and the application of a restorative type of resolution, where possible, to deter re-offending. In making this decision, consideration is given to issues such as the nature of the offence, can the offence be proven, is the offender eligible when taking previous offending history into account, and is it the most appropriate outcome.

Often, this decision is made in conjunction with the victim(s) of any offence that has been committed, as their views on the appropriate manner of redress are important in the process. Where an adult is involved in a misdemeanour there needs to be a mechanism that allows individuals to be subject to an appropriate and proportionate means of

administering justice, and one which allows the involvement of victims. However, victims do not ultimately have a right to ‘veto’ a decision to use Community Resolution if the Investigating Officer considers it to be the most appropriate method of disposal.

The development and use of a recognised and agreed level of discretion by the Police so that the individual can be dealt with and managed within the community is key. Confidence with this approach will need to be promoted by partners in both the statutory and community sectors, and the process could involve restorative practices that make explicit the reparative action by the individual who has offended, based on the views and/or direct involvement of the victim. In doing so, the case can be dealt with swiftly, proportionately and without the need for recourse to the formalities of a prosecutorial system whilst still acknowledging, and hopefully repairing, the harm caused. The case study below gives an example where this approach could have been considered.

CASE STUDY:

On receiving upsetting news about the death of a grandparent, person A went for a walk to clear his head. When passing a local school, he shook the gates out of frustration, and in doing so caused damage to the pillar supports. The school reported the matter to PSNI, as well as a local CBRJ group. The individual concerned, on hearing that the incident was now a police matter for causing criminal damage, requested an intervention to put things right. Despite the CBRJ scheme’s intercession, and agreement with the school on a range of appropriate actions to redress the harm caused, it was not possible to deal with the case in this way at that time as it had already been formally entered into the criminal justice system and therefore became the subject of a police investigation. The potential for a swift community resolution existed but could not be implemented in this case due to the current constraints of the system.

PPS Alternatives to Prosecution

In those cases where the Evidential Test is met, the Public Prosecutor may decide that it is in the public interest to dispose of the case by way of an alternative to prosecution at court, known as a diversionary disposal. This may be by virtue of the offender’s age, clear record or one of a range of other factors, such as their mental health.

The range of discretionary disposals includes:

- Informed Warnings directed by PPS and administered by police;
- Cautions directed by PPS and administered by police;
- Driver Improvement Scheme; or
- CBRJ disposal in line with current Protocol.

Additionally, in the youth justice system, PPS-directed diversion has been placed on a statutory footing through the introduction of Diversionary Youth Conferencing, in which referrals are made to the Youth Justice Agency by the PPS in appropriate cases. Whilst none of the options listed above is classed as a conviction, these disposals are all currently recorded on the individual's criminal record for a period of time, dependent on the age of the offender and the nature of the disposal. These disposals divert individuals from being drawn deeper into the system through a court process. More importantly, such alternatives to prosecution are underpinned by the importance of engagement with the victims of the crimes committed and whose views are given appropriate weight as part of the process.

CASE STUDY:

Victim Support NI supported a couple through a Youth Conference with Child B, who had taken a car and crashed into their garden. He had no licence and no insurance. The victims were clear that they did not want this young person criminalised; they did, however, want him to understand the extent of the damage caused, and to consider what the consequences could have been had there been, for example, children playing in the garden. One of the victims had, in fact, been working in her garden shortly before the crash. They wanted to try and help the young person to think of what could have happened with a view to stopping him behaving in a similar way in future, possibly ruining either his life, or the life of others. They also wanted him to pay for repair, which they could not afford to pay for themselves. The views of the victims were vital in this process, and all parties were agreed on the outcomes.

As part of this consultation we would like to hear views on whether all forms of diversionary disposals discussed above, either at the discretion of the police or decided by the PPS, should be explored for greater application to the adult system. Existing options could be enhanced and expanded to include restorative and reparative actions, with the close involvement of victims and communities.

Consideration could be given to adapting the Youth Engagement Clinic (YEC) model (see below for a brief explanation), currently used within the youth justice system, for cases involving adults. The learning from the PSNI Community Resolution pilot could be used with a view to extending it on an incremental basis to include those adult cases referred to PPS which are deemed suitable for diversion with a restorative element.

Youth Engagement Clinics

The YEC model helps young people make earlier and better-informed decisions about their options. Where they are considered eligible for a diversionary disposal, they can access legal advice as to the consequences of accepting that diversion and can be offered support, where needed, to address any underlying issues. Participation in the clinic allows each child to take responsibility for their actions at an early stage and begin the process of understanding and addressing the consequences of their actions without entering the court system.

Q10: Do you agree with these proposals?

Q11: Are there any other proposals not included here?

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. Embedding restorative practice at all stages of the continuum, and allowing a victim access to redress through these methods, means this should extend to disposals and sentences handed down at court. Aside from the positive bearing it can have on victims, evidence would indicate that reparative and restorative activity 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 reparative component in all legally-mandated orders given at court.

The type and duration of court disposals will reflect the gravity of offence, and likewise the type and length of disposal can impact on the ability of the criminal justice system to work with individuals. This should not preclude restorative practices from being incorporated into elements of the disposal decision and structure; the successful Enhanced Combination Order (ECO) initiative is testament to how this can be delivered, even for relatively serious offending, as an alternative to a short custodial sentence.

The option to provide someone who has offended with a chance to make a voluntary reparative activity or engage in some type of mediation with the victim could, for example, be included in PBNI pre-sentence reports. Such an option, on a voluntary basis, may be an indicator of the desire to make amends in some manner and could be taken into account as part of the overall sentence. Indeed, consideration could be given to promoting voluntary options for offenders to undertake reparative activities at both

pre-disposal stage and as part of a formal disposal. This use of such a reparative element could help to demonstrate how an offender can provide a form of pay back to the victim directly or to society in general.

Use of a voluntary approach places emphasis on the offender to take responsibility for their actions and will help redress the harm caused. The detailed case study shown overleaf provides a very specific example of one instance where the intensive involvement of a CBRJ group, combined with the desire to make amends where significant harm has been caused, led to a positive outcome for a range of stakeholders involved in the incident even though the offending was dealt with through the formal criminal justice system.

The voluntary nature of these actions reflects the values within restorative justice, and the lack of a legislative requirement to do this places even greater value on the restorative act being taken by the offender. That said, statutory restorative justice in the form of Court-Ordered Youth Conferencing has also been shown to be effective in Northern Ireland, following the introduction of legislation in 2002. Therefore adult conferencing may be considered as an option to progress any Strategy that is developed, albeit that this is likely to be a longer-term action as it would require legislative change. The Council of Europe recommendations leave the decision 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*”.⁴⁹

The timing of any such restorative or reparative activities may, in some cases, have an impact on the effectiveness or outcome of the action. Some offenders may be unwilling to acknowledge the hurt and harm caused by their actions at the start of the justice process or when they have just received a disposal. In those cases, it may not be possible or practical to arrange any kind of reparation or restorative interventions – indeed the potential exists to compound problems and cause further harm or upset to victims. However given time, this may change. Therefore 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.

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

Q13: Are there any other ways not discussed?

⁴⁹ Op.Cit 47

CASE STUDY: POLEGLASS SHOPS

In September 2013, a block of shops was set on fire and totally destroyed, resulting in 37 local jobs being lost. The landlords estimated the damage at half a million pounds and the local community was incensed. CRJI made an appeal in the local press for calm and asked those involved to come forward. They also supported the shopkeepers with practical help and support.

The following evening a lady made contact to say her granddaughter had been involved, along with three other young people whom she named. CRJI explained that they would make contact with the PSNI on her behalf and outlined the process that would take place, advising the young people to seek legal advice with a view to handing themselves in to the Police the next day. Each of the families was contacted that night so that everyone was aware of what was taking place. CRJI made contact with the Chief Inspector and together they worked out what was needed to ensure that confidence in the legal system was maintained and also that the community could see that this was the way to deal with all such issues. CRJI ensured that no evidence was destroyed, clothes washed or phonecalls deleted etc., and in return they requested that the Police did not search houses in the area. A huge amount of trust was required by all involved and many phone calls were made into the small hours between Police and CRJI. CRJI staff kept the community informed of developments, particularly as the young people's names were now being spoken of freely in the area and local people were organising pickets at their homes.

The following morning CRJI staff picked up the young people and accompanied them to the PSNI Station where they all made full and frank confessions, explaining that it had been an accident – they had lit a fire for heat due to the winter weather and an oil tank had ignited. Through CRJI, they sent sincere apologies to the shopkeepers.

There were a number of positive outcomes in this case. The perpetrators were held accountable and confidence in the PSNI was maintained. The shopkeepers appealed publicly to let the legal system take its course (as had been agreed with CRJI) and those from within the community who wanted to impose their own form of justice were left isolated. No homes were searched, and none were picketed, meaning public order was maintained. From a policing perspective, this meant huge resources were saved. Evidence that may have been destroyed was preserved and handed in. The trial was straightforward as all young people offered a guilty plea.

All those involved were offered support i.e. shopkeepers, families, perpetrators and the community. Restorative conferences were arranged with the young people and the shopkeepers. The partnership working between the Community and Police using Restorative Justice as a bridge was an extremely positive example of "justice being done and being seen to be done".

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 way.⁵⁰ For that reason, 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.

In examining the issue of restorative approaches in relation to adults in custody, there are a number of aspects which can be considered: the use of restorative practices as part of the sentence, as an aide to reintegration and as part of the approach 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. In all interactions with individuals held in custody, prison staff should adopt a restorative and pro-social modelling approach and actively work to build positive, supportive, respectful and empowering relationships. Staff should espouse the expectation that an individual admitted to custody should be supported to consider the impact of their offending behaviour on their victims and others, and the possibility of repairing, or working towards repairing, any harm caused to others through their actions or involvement in offending.

Prison staff could 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. The restorative landing in Quoile House (see page 11) is an example of where this approach is being used within NIPS.

On the issue of restorative justice as part of a sentence, individuals detained in custody have Personal Development Plans (PDPs), which are 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 (Probation Officer or Prison Officer) and could incorporate a restorative element to assist the individual to recognise the consequences of their offending, the hurt and harm caused, provide an opportunity to address this, and also to undertake reparative actions.

⁵⁰ See, for example, “*Restorative Justice in Custodial Settings*”, Restorative Justice Council (Feb 2016)

Research suggests that individuals who have a restorative element to their disposal are less likely to reoffend⁵¹.

The extent to which 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.

CASE STUDY:

Person C 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.

⁵¹ Op.Cit 35

The case study above 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. Even where there is no opportunity or desire for direct victim-offender reparation, there may be still be opportunities for indirect reparation of some sort to be incorporated into the PDP.

Even where it has not been possible to deliver restorative elements through the course of a custodial sentence through a PDP or other mechanism, it is still possible for restorative approaches to play a part in the reintegration and resettlement process. For those individuals who may be nearing the end of the custodial part of their sentence, there may be potential for the use of general reparative programmes (not specifically victim-related) delivered through NIPS, 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.

The use of restorative practice as part of an individual's disposal could contribute to improving the community's receptiveness of the offender. 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.

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

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

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

Promoting Rehabilitation and Desistance

Reoffending statistics⁵² 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

⁵² Op.Cit 36

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 D, 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 D 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, stable accommodation and 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.

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

FUNDING FOR RESTORATIVE APPROACHES

Current Funding Arrangements

As is the case with many Voluntary and Community Sector (VCS) organisations in Northern Ireland, the current arrangements through which the CBRJ organisations are funded have developed in an ad hoc fashion over a number of years. 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 (approx. £50k per annum for each of 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 specific projects including Tackling Paramilitarism, ECO and PCSP projects. By far the largest funder is 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 programme.

In recent years, the current financial climate has meant that baselines across the VCS have come under increasing pressure 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 in the medium- to long-term, and often need to divert resources from front line engagement to the development of funding bids to seek financial security.

Funding for the Future

The statutory partners involved in the development of this consultation document are in 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. Whilst the current funding available to deliver on the Tackling Paramilitarism (formerly Fresh Start) Programme has provided some financial security for the CBRJ organisations by supplementing the DoJ core funding, this Programme is time-bounded and is not a viable long-term solution. Often CBRJ organisations, and third sector organisations in general, are involved in the development of restorative initiatives largely on the basis of good faith and the desire to improve the lives of others, with little or no additional funding. There is little doubt that the current funding position restricts the potential for strategic and innovative developments from being established and upscaled.

This lack of secure, long-term 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 a specific recommendation aimed at addressing the problem:

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. (Recommendation A9)

A number of options for a dedicated fund for restorative justice initiatives, which will provide enhanced levels of resource over longer periods of time and deliver positive outcomes for individuals and communities, are available. TEO is developing a draft Options Paper to help identify the preferred approach to satisfying this strand of the A9 objective.

There are two further elements of the Fresh Start report which are relevant in the context of future funding. The first is the potential establishment of a Centre of Restorative Excellence, as recommended by the second part of Rec. A9. Whilst there are a number of issues to be worked through before any such Centre can be established, including location, functions, governance etc., clearly funding is also a major issue – both in terms of the funding of the Centre itself and also the question of whether the Centre provides funding to other organisations or bodies. The answers are likely to be dependent on the agreed role of the Centre and how it relates to the accredited organisations.

The second element arises from Fresh Start Recommendation B4, which recommended that the Executive should establish a fund to “support ambitious initiatives aimed at building capacity in communities in transition”. To deliver on this recommendation, eight geographic areas across NI have been 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/Justice. Following the participatory design phase of the Project, a number of projects have come forward to propose the development of restorative approaches in some of the areas. These projects will be subject to a procurement process to identify a suitable delivery partner(s) and would assist with building capacity to delivery restorative justice across new communities – a positive development which could ultimately assist with the implementation of an Adult Strategy. However, this funding is again time-bound and consideration will need to be given as to how the work can be maintained once the project funding has ceased.

Overarching Review of VCS funding

Both the Department⁵³, and more recently CJINI⁵⁴, have conducted reviews on how the wider VCS is, or should be, funded. With the move to Outcomes Based Accountability

⁵³ <https://www.justice-ni.gov.uk/consultations/voluntary-community-and-social-enterprise-sector-funding-model>

⁵⁴ Op.Cit 17

(OBA) measurements to evidence progress against Programme for Government commitments, there is a need for statutory organisations to align their priorities and to promote partnership arrangements focused on shared outcomes. This will be particularly important in light of the ongoing challenging economic environment.

The DoJ review examined the need to move to a new funding model based on OBA and a shift away from core funding arrangements into full cost recovery for projects or services provided. It also proposed the introduction of longer-term (three to five year) funding agreements.

The CJINI report welcomed this proposed move to longer-term funding, seeing it as a positive shift enabling long-term delivery and meaningful evaluation of programmes. The report does, however, point to potential pressures placed on VCS organisations through the need to develop appropriate data capture to evidence outcomes (and thereby justify their ‘product’). As a result of the planned changes to the funding model, the report contains the following Strategic Recommendation for the Department:

The introduction of the Full Cost Funding Model should include safeguards including:

- *a rolling introduction with core costs being gradually replaced by apportionment of overheads in the bid process;*
- *co-ordinating of replacement of core funding across other funding departments (through the Joint Forum) to prevent unfair advantage; and*
- *a comprehensive training programme incorporating a programme covering outcome-based commissioning, using co-design, balancing competition with partnership and capacity building, to develop a consortia delivery model into both the Departmental approach and the Third Sector response.*

The report also exhorts a proportional approach to financial compliance and accountability demands on VCS organisations to reduce unnecessary bureaucracy.

Whilst there has been no move to this new model of funding to date, the Department is continuing its preparatory work, with monitoring and reporting moving to more outcomes-focused targets. It is also engaged with the Department for Communities as part of a wider review of VCS funding which will take account of the CJINI report and recommendations. Any move to a three year funding cycle will require Executive approval.

Conclusion

As you can see from the preceding sections, the funding arrangements for CBRJ organisations, and for the VCS as a whole, are at best short-term and subject to baseline

pressures and changing priorities. In light of this, the Department is seeking views on how best to support the work of CBRJ groups and to deliver on an Adult Strategy, once agreed.

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

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

DELIVERING OUTCOMES AND ACTIONS

Under the draft Programme for Government (PfG), and subsequent Outcomes Delivery Plan, the Department and its statutory bodies work with partners to lead on delivering Outcome 7: We have a safe community where we respect the law, and each other.

The indicators which will tell us if we have been successful in achieving Outcome 7 are:

- the reduction of crime and the harm and vulnerability caused by crime;
- a reduction in reoffending rates;
- increased collective respect and reconciliation; and
- the speed at which the justice system operates, ensuring it is effective for all.

Reducing reoffending and increasing respect and reconciliation collectively play a crucial role in creating a safe community and in diverting people, especially young people, from entering the justice system. Through this Outcome, we want to create an environment where people can feel safe and respected regardless of their background and beliefs. We also want to increase the degree to which we respect each other and what makes us unique. It is important that we address the harm and vulnerability caused by crime, and reduce offending. We want to do this by helping and supporting people to change and assisting those in custody to make better life choices when they are released.

As discussed throughout this consultation document, available evidence indicates that restorative justice and wider restorative practices can provide a significant impact on reducing offending and reoffending, provide fairer and faster justice for victims, often with their direct involvement, and assist those on the cusp of offending to make more positive choices and avoid being drawn into the criminal justice system. Each of these benefits help to deliver on our PfG commitments, and for that reason we wish to develop a comprehensive Strategy to ensure that restorative justice policy and practice is integrated into key stages of the criminal justice system.

Whilst staff within the statutory sector can, and do, play an important role in the development of this work, it is recognised that a substantial portion of the work – particularly in the prevention/diversion stages – could be delivered by partners in the community. This will only be possible if the Department and its agencies encourage and support the continued development and growth of CBRJ organisations, both in policy and resource terms. These organisations can be encouraged to undertake more proactive work in communities to help individuals avoid coming into the criminal justice system. They can help to develop behavioural norms in communities, making clear what acceptable behaviour is, providing guidance and support to individuals, and managing low level offending behaviour.

The role of other Departments in wider societal issues is also important in the development of prevention policy. Recognising a lot of the influencers and levers which

help to address prevention sits outside the justice system, for example with Health and Education, a collaborative approach is necessary to help tackle root causes of behaviours leading to offending. (see links with a Centre of Restorative Excellence, pg 22).

As part of the discussions with stakeholders in the development of this consultation paper, a number of actions were suggested which could be taken forward as part of an implementation plan to deliver on an Adult Restorative Justice Strategy. These actions included the following:

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

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

Q21: Are some more important/urgent than others and should be prioritised? (Please use the table in the response document to number in priority order with highest priority #1)

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

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

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 consultation document, the Department of Justice has considered the impact it will have on different groups. We do not consider that the conduct of this consultation will 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.

The policy proposal has been subject to Equality Screening and, at this point, we do not consider that an Equality Impact Assessment (EQIA) is required. We will take account of the evidence gathered through this consultation in developing final policy proposals which will be subject to fresh equality screening at that stage. A copy of the screening document is being published alongside this consultation for information.

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

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