

Restorative Justice: summary of evidence and the current UK position



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The use and impact of Restorative Justice

Restorative Justice (hereafter, RJ) is an increasingly used practice in the UK and in many countries around the world. In Europe, the Council of Europe and the EU have published a range of guidance on its use with, and integration in, criminal justice systems. In England and Wales, RJ plays a significant part of most OPCC crime reduction plans; in Scotland, the Scottish government has a roll-out plan for a national RJ plan; and in NI there is a comprehensive adult RJ strategy. The [Restorative Justice Council](#) (RJC) plays an important role as the national membership and standards body, and the All Party Parliamentary Group for Restorative Justice, formed in 2021 to advocate for the expansion of RJ, have relied several key reports over the last few years detailing some of the key challenges and benefits. Through all of this, the evidence for the impact of RJ is clear, supported by a large and growing body of empirical evidence.

- For every £1 spent on RJ can result in up to £9 saving, RJ can provide £185m savings over two years and a net benefit of £1billion over ten years (Shapland et al, 2008)
- 90% of the victims who participated in a RJ process stated that they were very satisfied or satisfied with the process (Shapland et al, 2011)
- RJ has been found to reduce re-offending by 14% (Shapland et al, 2011)

The All Party Parliamentary Group for Restorative Justice

The ‘mission statement’ of the APPG-RJ is: ‘to examine the use of restorative justice principles within the UK justice system and beyond; to raise the profile of restorative justice principles within Parliament; to provide opportunities for policy discussion and consultation’ (2022: 8). Over the past two years the APPG-RJ have conducted a number of detailed evaluations of the RJ sector. The 2022 Inquiry report (available <https://rjappg.co.uk/inquiryreport/>) is the largest collective commentary on the state of RJ in England and Wales in recent years, and the dataset is unique in terms of its volume and the breadth of responses received. Aligning with the goals of the most recent Ministry of Justice RJ Action Plan (2017), the inquiry’s themes focused on access to RJ, the capacity (including the quality) of RJ services, and awareness in the criminal justice sector and among the public. The report made nine key recommendations.

Table: 2022 APPG Inquiry report recommendations

1. For PCCs to require that commissioned services register with the RJC	2. For the Ministry of Justice and its partners to produce a national, standardised information sharing template
3. For the Ministry of Justice and its partners to develop guidance to support data collection, monitoring and evaluation	4. For the Ministry of Justice and Home Office to publish a new joint Action Plan
5. For the Home Office to consider ringfencing funding for restorative justice	6. To include a right to referral and access in the forthcoming Victims’ Bill
7. For PCCs to end blanket bans on funding restorative justice for certain offence types	8. To develop a communications plan, with experts, to raise public awareness
9. To create a government minister with responsibility for restorative justice	

The 2022 report was followed up with a series of four Briefing Papers, examining key issues emerging from the initial work (see: <https://rjappg.co.uk/briefing-papers/>)

1. Raising practitioner standards within the criminal justice sector
2. Opening up universal access to restorative justice in the criminal justice sector
3. Implementing restorative practices in education, health and social care – **due for publication May 2023**
4. Evidence Base for recording, evaluation

Definition (and principles) of Restorative Justice

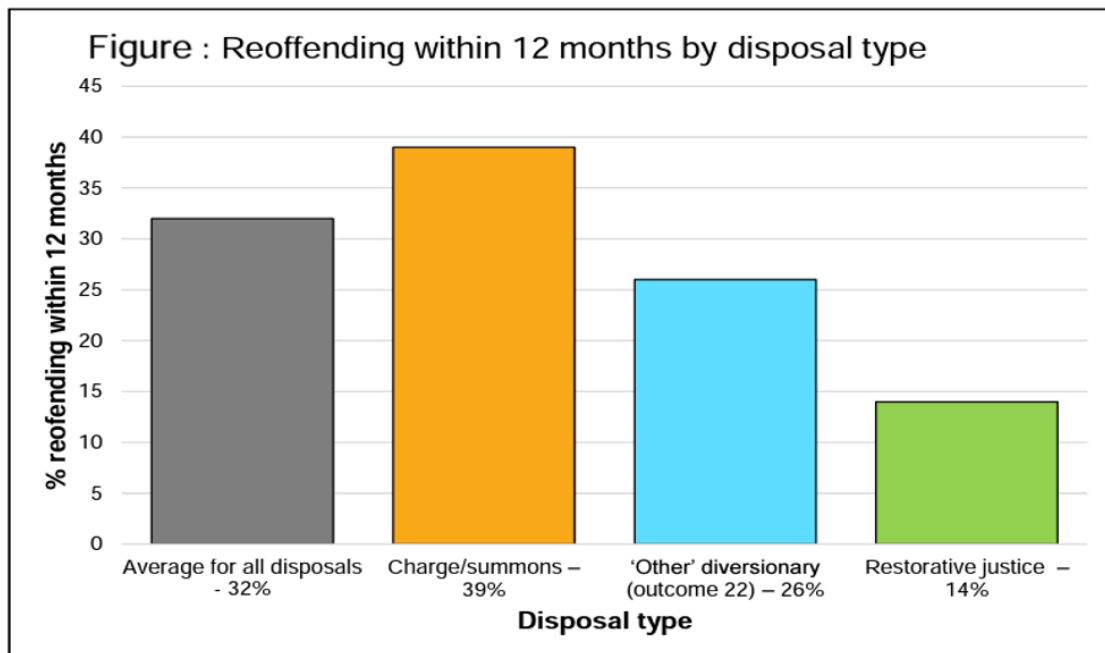
RJ is a 'justice mechanism' that can enable victims to have an active part in the justice process, to be included, to be empowered, to have a voice, to ask questions and get answers, and to gain closure and move forward (Zehr, 1990; Shapland et al; 2011). The definition of RJ adopted by the Ministry of Justice (MoJ, 2014) defines RJ as the 'process that brings those harmed by crime or conflict, and those responsible for the harm, into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward'. There are several main 'ingredients' necessary for a justice process to be deemed as RJ. These include: the importance of the stakeholders involved in the offence coming together directly or indirectly to discuss what has happened, the harm caused and what needs to happen to repair that harm; empowering those affected by the crime; addressing the injury and the needs that result from the harm; and inclusion in the decision-making process and outcomes (Johnstone and Van Ness, 2007). The essential principles of 'inclusivity', 'stakeholder involvement', 'empowerment' and 'engagement' (Braithwaite, 2002, 2004; Zehr, 1990; Van Ness, 2007).

Victim specific benefits

Extant research demonstrates that RJ is hugely beneficial to victims (see: Angel, 2005; Banwell-Moore, 2019; Braithwaite, 2002; Shapland et al, 2011; Van Camp and Wemmers, 2013; Zehr, 1990). Victim-specific benefits include: having a voice; explaining to the offender the impact the offence had on them; gaining answers to questions; being part of the decision-making process; being empowered; gaining closure; and reducing levels of stress and fear. Regardless of the outcome victims want to be offered the opportunity to participate in a RJ process (Banwell-Moore, 2020; 2022). Being offered the opportunity, to make an informed decision in whether to participate or not, is in itself empowering and provides victim agency and satisfaction (Banwell-Moore, 2019; Van Camp and Wemmers, 2016). Research funded by the UK government found that 90% of the victims who participated in a RJ process stated that they were very satisfied or satisfied with the process (Shapland et al, 2011). Higher levels of victim satisfaction, procedural fairness and trust are found within RJ in comparison to mainstream criminal justice (Shapland et al, 2011; Van Camp and Wemmers, 2016).

Offender specific benefits

RJ can 'provide a solution and deliver justice in relation to the most serious crimes' (Herbert, 2011). Research has evidenced that RJ can be a highly effective response for victims and offenders alike, and in serious and violent cases, including sexual violence (Daly 2006; Shapland et al, 2011). Evidence shows RJ can reduce re-offending by 14% (Shapland et al, 2011). RJ can enable offenders to reflect meaningfully on their use of violence, foster guilt and concern for the hurt caused, therefore enabling offenders to reconsider the use of violence altogether (Wallis et al. 2013). A recent evaluation of the use of RJ in Out of Court Disposals found they were associated with a significant reduction in reoffending (Hobson et al, 2022).



Source: Hobson et al, 2022

Access to RJ

According to international and national instruments, access to RJ should be equal for all victims regardless of the type of offence and regardless of the stage in the criminal justice process they are at when they elect to participate in a RJ intervention (European Parliament, 2012; Ministry of Justice, 2014; Ministry of Justice, 2015). Access to RJ, according to international and national instruments should be equal for all victims, at all stages of the criminal justice process, and for all types of offences (Ministry of Justice, 2014, 2022, Council of Europe, 2018, 2021).

International standards including the Council of Europe Venice Declaration and the EU Victims Directive all provide further support to RJ being integrated as a key justice mechanism and promote universal availability and individual assessment (Council of Europe, 2018, 2021). The most recent iteration of the Victim's Code of Practice (VCOP) (2022) "upgraded" victims' "entitlement" (outlined in the 2015 iteration) to information on, and how to access, RJ to a "right". Victims have the "right" to receive information on about RJ and how to access RJ services in their local area from the police (if the offender is an adult) or from the youth offending team (if the offender is under the age of 18). Statutory organisations have an obligation to adhere to the "rights" stipulated in the VCOP (MoJ, 2022).

Despite the introduction and inclusion of RJ in multiple statutes, national action plans, the VCOP, government victim services funding, and the expansion of localised RJ services, RJ still remains an 'optional extra' in criminal justice. It is clear that the proposal set out in the 2018 Victims Strategy, to 'require PCCs to make sure that restorative justice services are available in their areas, victims know how they might access them and the services they commission are safe' (HM Government, 2018: 31) has not been achieved: there has been no new legislation; the RJ Action Plan expired in 2018 with no new plan published; funding for RJ services is no longer 'earmarked' and victim awareness; and participation in RJ remains low. The Crime Survey for England and Wales found that only 5.5% of victims were offered an opportunity to participate in 2019/20, down from 8.7% in 2012/13 (Office for National Statistics, 2021). Some of the barriers to this include:

- The implementation, delivery, and therefore the "offer" of RJ is inconsistent. Consequently, victims continue to be excluded from RJ and awareness levels are low (Banwell-Moore, 2019; 2022; Marder, 2020; Clamp and Paterson, 2019; Shapland et al, 2017).
- Implementation and delivery challenges include: a lack of formalised referral pathways; lack of statute, clear policies, national action plan(s); loss of funding ringfencing, national funding, local funding, short-term funding, fragile services, and an inconsistency of funding.

- Selective and protective offers only made to ‘ideal’ victims (and offenders) even though criminal justice professionals are ‘statutorily’ obligated to provide victims with information.
- Non-standardised offer insofar as there are inconsistencies in the method of invitation and how information on RJ is provided (written communication only/verbal offer/ home visit).
- A lack of formal processes as to when to offer RJ should be offered, unlike the VIS which victims are ‘entitled’ to make at the same time as giving a witness statement – often professionals do not know when is the ‘right’ time to make the offer of RJ and therefore due to a lack of any formal process it is ‘forgotten’.
- Training/staff awareness/knowledge/confidence - lack of awareness across criminal justice professionals of their statutory obligations; professionals not trained in, or aware of, RJ.
- Lack of cross-sector working, cooperation and engagement.
- Institutional inertia and lack of institutional buy-in.

The Victims and Prisoners Bill

The Victims and Prisoners Bill is a key opportunity to improve victims’ rights. Introduced to Parliament (end of March 2023) the Bill will enshrine the principles of the Victims Code in law. However, the Bill does not refer to RJ at all. The Justice Select Committee, recognising the importance of RJ within its pre-legislative scrutiny of the draught Bill, noted that the legislation ‘should include a provision for victims to have a legislative right to access restorative justice services’. The APPG Advisory Board have proposed three amendments to strengthen victims’ rights and access to RJ. Chair of the APPG, Elliot Colburn MP, plans to table an amendment to provide for the right to be referred to a restorative justice service for information. These three amendments are 1) provide for the full Victims Code in primary legislation to enshrine victims’ rights and strengthen their access to RJ 2) provide for the right to be referred to a restorative justice service for information 3) improve strategic oversight of RJ with a national action plan.

National RJ Action for the Criminal Justice System

A national action plan is a mechanism that would provide support to the implementation of RJ in the criminal justice system and ensure inter-agency cooperation (Council of Europe, 2021a). The publication of a new Action Plan could serve to legitimise and reinvigorate the sector (Marder et al, forthcoming). However, most recently, on the 17th April 2023, the MoJ, responding to a written question tabled by the APPG-RJ as to whether the MoJ planned to publish an updated RJ Action plan for the Criminal Justice System, stated: “we do not currently plan to publish a restorative justice action plan because it is not clear that this is necessary or an appropriate fit with the existing activity to improve the consistent and targeted provision of restorative justice services at a local level” (MoJ, 2023).

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