

Restorative Justice works – improving victims’ access to justice

A joint briefing for parliamentarians in advance of the Victims and Prisoners Bill

March 2023

About us

The Criminal Justice Alliance (CJA) is a network of over 180 member organisations working towards a fair and effective criminal justice system (CJS). Many CJA members provide victim support and restorative justice services across the CJS, including [Why me?](#), and the [Restorative Justice Council](#) (RJC).

The evidence

Restorative Justice improves victims’ experiences and repairs the harm caused by crime.

Restorative Justice (RJ) allows people affected by crime and other harmful behaviour to communicate with the person responsible. It **gives victims the opportunity to seek answers, express how they were affected, and explain what could be done to put things right.** It **holds the person responsible to account, helps them see the impact of their actions, and encourages them to change their behaviour.**

RJ is a voluntary process and can take place alongside criminal proceedings or any other criminal justice intervention, such as an Out of Court Disposal or a prison sentence. **RJ will only happen if both parties want to take part and a trained facilitator agrees that it is safe.** The [Victims’ Code 2020](#) entitles every victim of crime to receive information about RJ (Right 3) and to be referred to an RJ service in their area (Right 4).

Evidence shows that Restorative Justice works, it means there is less crime and fewer victims.

Research and testimony from parliamentary inquiries, academics, expert organisations and victims who have experienced RJ shows that it is a common-sense solution to crime and other harmful behaviour.

- **It gives victims a voice.** *‘I attended court but the process allowed no voice for the victim... it was extremely important to be able to sit in front of the young man who had caused so much upset within my family and explain the impact of his actions. I was finally able to have a voice.’* [Rob](#), whose son experienced a robbery.
- **It supports victims to cope and recover.** Why me? have found that following a restorative intervention, most victims report having improved health and wellbeing; increased feelings of safety; were better informed and empowered; and better able to cope with their lives.
- **It encourages people who have committed crime to take responsibility.** *‘It’s more than hearing that they’ve confessed or been found guilty. This part, sitting with them, holding them accountable yourself, and getting answers is massive.’* [Lisa](#), who was a victim of an assault.
- **It improves victim satisfaction.** Government-commissioned research found that RJ achieved a victim satisfaction rate of 85 percent.
- **It reduces reoffending.** A Ministry of Justice (MoJ) study showed a reduction in reoffending of at least 14 percent.
- **It is cost effective:** An economic evaluation of Restorative Justice by Why me? found that the cost-social benefit ratio of Restorative Justice was £14 per £1 invested.

The problem

Victims aren't supported to access Restorative Justice, despite their Code entitlement.

Despite victims' rights under the Victims' Code to receive information about RJ and access RJ services, often set up by Police and Crime Commissioners (PCCs) and Youth Offending Teams (YOTs), **this is not happening in practice**. In fact, **most victims of crime never know that another way to have their voices heard exists**. Office of National Statistics data shows that **only five percent of victims recall receiving any information about RJ at all**.

This problem is made worse by a lack of strategic direction on RJ. Police and other criminal justice agencies are not always held to account on whether they offer RJ services or not. Money spent on RJ provision varies considerably in different PCC areas, which leads to a 'postcode lottery'. PCCs are not allocated sufficient funding to widen access to RJ and many PCCs do not prioritise it, as the MoJ removed the indicative funding set out in the Local Victims Services Grant.

Evidence shows that **RJ can be beneficial for victims of [domestic abuse, sexual offences](#) and [hate crime](#)**. Many domestic violence victims have been through restorative processes. RJ will **only take place** when a **victim and the perpetrator both give consent**, and when **the sensitivities of a victim's experience and their relationship with the perpetrator have been thoroughly considered**.

Facilitators are specifically trained to handle complex and sensitive cases very carefully, to make sure all those involved are safe and to deliver RJ to a high standard. This is particularly important with domestic abuse cases where concerns may exist about persistent coercion and control. The approach to RJ needs to be on a case-by-case basis, so victims can decide whether such an approach may be beneficial for them.

'The meeting changed my life. It's why I stand by Restorative Justice, because it allowed me to have closure to a certain extent, to face the man who tried to kill me and hold him accountable for his actions. I would encourage anybody to do Restorative Justice because if a victim knows they need it, there's a reason why. They may not be able to articulate that to other people, but it's really important for you to do what you need to do in your healing and recovery process.' [Janika](#), who experienced a violent knife attack by her ex-partner

'If someone had said 'no' to me having Restorative Justice, I would be just a nervous wreck, panicking about everything, every sound.' [Lucy](#), who experienced a violent attack by her ex-partner

RJ policy and guidance is behind on this issue overall and does not reflect existing practice. Current guidance from the National Police Chiefs Council (NPCC) in 2012 and the MoJ in 2014 is out of date, although the NPCC guidance is currently under review. HMPPS issued [a policy framework on restorative practice](#) in February 2023. The RJ sector has a number of [concerns](#) about this new policy, which have been discussed by the APPG on Restorative Justice. It is not clear that it is consistent with the responsibilities that HMPPS has under the Victims Code.

This means that some **victims who would benefit from RJ are being denied access**, and an **evidence-based tool for reducing reoffending is being overlooked**.

The Victims and Prisoners Bill is a missed opportunity to increase victims' access to Restorative Justice.

The MoJ have recently acknowledged and recognised the importance of RJ, including committing to:

- increase its use through deferred sentencing and Out of Court disposals (A Smarter Approach to Sentencing White Paper 2021);
- increase victims' awareness of RJ services (parliamentary debate on the Police, Crime, Sentencing and Courts Bill 2022); and
- conduct a pilot to understand the gaps in RJ provision, so as to make access more consistent (Government response to the Delivering justice for victims consultation 2022).

Despite these commitments, as it stands the Victims and Prisoners Bill will not improve victims' access to RJ.

What is the solution and what can parliamentarians do?

MPs and Lords can solve this by strengthening the Victims and Prisoners Bill's provisions regarding Restorative Justice.

Now that the Victims and Prisoners Bill is introduced to Parliament, we ask parliamentarians to push for three amendments to strengthen victims' rights and access to RJ.

Amendment 1: Provide for the full Victims' Code in primary legislation to enshrine victims' rights and strengthen their access to Restorative Justice.

The Victims and Prisoners Bill is intended to improve victims' experiences of the CJS and strengthen victims' rights. However, the legislation does not place the 12 rights of the Victims Code into primary legislation. Instead, the Bill enshrines four vaguely worded overarching principles. We are concerned this does not go far enough and agree with the Justice Select Committee:

'We are not convinced that the overarching principles, as drafted, are strong enough to drive the necessary cultural change in the treatment of victims in the criminal justice system.' Justice Select Committee Pre-Legislative Scrutiny of the draft Victims and Prisoners Bill, January 2023

Nearly half (44%) of respondents to the MoJ's recent consultation were in full or partial disagreement that these four principles were 'right'. ***Distilling victims' entitlements from 12 rights to four key principles risks diluting rather than strengthening them. We ask MPs and Lords to schedule amendments to the Bill so the 12 rights in the Code are included in the primary legislation, instead of the four principles. This will strengthen victims' entitlements, including receiving information about and access to RJ.***

If the full Code as it stands is enshrined in primary legislation, the wording of the Code should be amended to explicitly mention RJ on the face of the Bill. For example, Right 3 should explicitly refer to information about RJ being provided, and Right 4 should explicitly mention that victims can be referred to RJ services.

Amendment 2: Provide for the right to be referred to a Restorative Justice service for information.

Restorative justice services have high levels of satisfaction from victims but many victims have no recollection of an offer being made and data shows that demand is not being met. The Crime Survey for England and Wales Victimization Data has shown that the proportion of victims who were offered Restorative Justice decreased from 7.5% in 2017–18 to 5.5% in 2019–20.

A right to information about restorative justice and how to access local Restorative Justice services is already an entitlement in the Code but it is not being delivered consistently. Providing victims the right to be referred to their local Restorative Justice service will enable the victim to make a better informed decision about whether Restorative Justice is right for them. Given the low levels of public trust in the police, in particular Black, Asian and minority ethnic communities, hearing about RJ from a specialist service, rather than just the police, will help ensure all victims receive the full information from a trusted source to make an informed choice in line with the Public Sector Equality Duty.

'We heard consistently that trained restorative practitioners are best placed to explain the process to a victim and answer their questions or concerns. Where this information is provided by a non-practitioner, there is a risk that the person giving the information will not be able to discuss the options, explain the benefits and answer the victim's questions as effectively. A greater risk is that this information may not be passed on at all.' RJ APPG Inquiry into Restorative Practices 2021/22

The Justice Select Committee recognised the importance of Restorative Justice within its pre-legislative scrutiny of the draft Victims and Prisoners Bill, noting that the legislation *'should include a provision for victims to have a legislative right to access Restorative Justice services'*. We support the recommendation the Committee made that:

'Criminal justice agencies must provide victims with the information they need throughout the entirety of their case, from reporting through to post-conviction in a language or format that they can understand; this should include information on restorative justice where appropriate.'

The government rejected the recommendation, stating that as RJ is always voluntary for all parties then a right to access RJ is *'not practical or appropriate.'* However, the intention of the recommendation was not a right to have a RJ conference, but a right to be referred to a restorative justice service so victims can receive full information to make an informed decision. **We ask that parliamentarians to table an amendment which would provide for the right to be referred to a Restorative Justice service for information in a language or format that the victim can understand.**

Amendment 3: Strategic oversight is needed to widen victims' access to Restorative Justice through a national action plan.

The MoJ has previously produced an RJ Action Plan aimed at widening its use throughout the CJS and overcoming the structural barriers limiting its effectiveness. However, the MoJ have not produced a RJ Action Plan since 2018, leading to a lack of strategic leadership and oversight. ***We want to prevent the production of action plans lapsing again, so victims have consistent and improved access to RJ.***

We ask parliamentarians to table an amendment to the Bill so the government reinstates their Restorative Justice Action Plan for the Criminal Justice System for England and Wales, which will operationalise their commitment to RJ, support victims by putting their rights into practice and reduce reoffending. The purpose of the plan would be to improve access, awareness, capacity and evidence of the use of Restorative Justice and practices across England and Wales. The MoJ and the Home Office should be jointly responsible for the plan, so RJ is available throughout the CJS. It should be produced every five years and progress reports published annually. An amendment was tabled by the House of Lords to this effect to the Police, Crime, Sentencing and Courts Bill in November 2021. The government responded that a statutory framework for an action plan would create an *'unnecessary bureaucratic burden'* and that *'work is already underway to improve the current position of RJ.'* However, since then a year has passed and the government have still not published an updated RJ National Action Plan. Instead, HMPPS have issued a policy framework on restorative practice in February 2023, without any consultation, which we have a number of concerns about the impact on victims accessing restorative

justice. *If the action plan is not provided for in legislation, we are concerned the lack of strategic leadership on RJ will persist and victims will continue to miss out.*

As expert organisations in RJ, we would be happy to work with you to develop written amendments to the upcoming Victims and Prisoners Bill. For further details, please contact Mark Blake, Policy Manager at the Criminal Justice Alliance: mark.blake@criminaljusticealliance.org.uk.

These solutions already have wide-ranging support

There is national and international support for an action plan

Justice departments in the [Scottish Government](#) and the [Northern Ireland Executive](#) both have an action plan or strategy in place, leaving England and Wales behind the rest of the UK. The government has publicly committed to a [Council of Europe declaration](#) on RJ in criminal justice that encourages member states (which includes the UK) to develop action plans.

There is cross-party and independent support for strengthening legislation

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

'Despite a clear entitlement in the Victims' Code for victims to have Restorative Justice explained to them, this rarely happens in practice. [Introducing an action plan in legislation] will help improve access and awareness of Restorative Justice and I'm happy to add my support.'

Katy Bourne OBE, Police and Crime Commissioner for Sussex (Conservative), said: *'I know from my own investment in Restorative Justice and practices in Sussex that it improves victim satisfaction and wellbeing, as well as reduces re-offending... I fully support any measures to improve access, awareness, capacity and evidence for the use of Restorative Justice and practices across the country. The last national action plan for Restorative Justice ended in 2018 and unfortunately has not been renewed, leading to a less cohesive service for victims to access. [Introducing an action plan in legislation] provides an opportunity to re-establish some strategic oversight and re-galvanise Restorative Justice as a readily available offer for all victims of crime.'*

Baroness Molly Meacher, a crossbench peer in the House of Lords and former Acting Chair of the Police Complaints Authority, said: *'I have been convinced for many years of the value of Restorative Justice...the aim is to increase and improve its use by ensuring regular national action plans are produced by the Home Office and Ministry of Justice. This will also help to raise awareness of how Restorative Justice and practices work more widely with the public and across the criminal justice sector.'*

The APPG for Restorative Justice, chaired by Elliot Colburn MP (Conservative) and vice-chair Christina Rees MP (Labour), recommended: *'The Ministry of Justice and Home Office should publish a new joint national action plan for Restorative Justice and practices...The plan should be reviewed every three years.'*

Sir Robert Neill MP, Chair of the Justice Select Committee, said: *'The priority must be to ensure that victims of crime are properly informed. The Ministry of Justice should focus its resources on ensuring restorative justice is well understood by bodies within the criminal justice system who can then convey*

this information to victims. A rigorous system should be introduced to improve compliance with the police's requirement to inform victims."

What to do next

Contact us

For any questions about this briefing or to work with us to develop amendments to the upcoming Victims and Prisoners Bill, please contact:

Mark Blake, Policy Manager at the Criminal Justice Alliance:

mark.blake@criminaljusticealliance.org.uk

Meka Beresford, Campaigns and Communications Manager at Why me?: meka.beresford@why-me.org

Jim Simon, Chief Executive Officer at The Restorative Justice Council:

james.simon@restorativejustice.org.uk

Useful resources

To find out more about the evidence for RJ and how it works, see the following resources:

- [What is Restorative Justice? Video](#) and [more video resources to understand how RJ works](#).
- [Evidence for Restorative Justice](#).
- [APPG on Restorative Justice](#).
- See pages 16-17 which sets out [when a victim can access RJ throughout the CJS](#).
- [Restorative Justice case studies from Why me?](#)
- [Why me? 'Valuing Victims' report 2021/22](#).
- [CJA report on increasing Restorative Justice 2019](#).
- MoJ Restorative Justice Action Plans from [2012](#) and [2017](#).