

Entering the Mainstream – Restorative Justice in England and Wales

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Restorative justice is approaching the tipping point – the point where it will be considered mainstream in the criminal justice system within England and Wales.

Despite radical reform to the youth justice system in 1999, which gave victims the opportunity to participate in a referral order panel if a young offenders pleaded guilty to their first offence, the use of restorative justice has remained relatively rare.

A decade has passed since these reforms, and yet victims only attend one in ten referral orders. The amount of resources and expertise in restorative processes varies widely from area to area. In some areas victims attend a quarter of referral panels, and some participate in three quarters when letters and video statements are included. However there are still other areas where not one victim will attend a meeting throughout an entire year.

When introducing the reforms to youth justice, the government commissioned extensive research into the use of restorative justice with adult offenders convicted of serious offences. The research revealed that face to face restorative justice conferences reduced victims' post traumatic stress by over a third, reduced the average number of crimes committed by offenders by over a quarter, and that for every £1 spent delivering the conferences up to £9 was saved through the reduction in crime (without considering fiscal benefits to victims or communities). Yet the government has been extremely cautious in its support for restorative justice in the adult criminal justice system. Restorative justice was 'promoted' as an optional extra which enhances victim satisfaction with the system and may help reduce reoffending. Consequently in the adult criminal justice system less than 1% of victims have the opportunity to meet with their offender.

Local enthusiasm for restorative justice has always championed its use and development beyond government support. Some youth offending services go beyond the statutory requirements, for example, by using restorative processes as a final warning when court (and consequently a referral order) is not warranted by the severity of the offence. Thames Valley Restorative Justice Service, set up as part of the government research on adult offenders, has managed to continue after funding from central government stopped thanks to local multi-agency support. Local mediation services have also had a large role to play in promoting and delivering restorative processes around the country.

Local projects have also pushed the envelope in terms of what offences can be dealt with by restorative justice. Specialist projects and experienced practitioners have developed effective approaches for complex and sensitive cases involving murder, manslaughter, domestic violence and sexually harmful behaviour - all of which were excluded from the government's research projects.

Whilst each of the above projects and developments have been important and praise-worthy in their own right, neither individually nor collectively could they be considered to be significant enough on a national scale to warrant the assertion

that restorative justice is about to reach 'the tipping point'. Rather it is the expansion of restorative justice into restorative practices and approaches, and the explosion of restorative justice into the work of the police which has provided the catalyst for restorative justice to enter the mainstream.

Restorative practices apply restorative justice's focus on the harm caused by an offence and engagement of the people most effected by the offence to non-criminal contexts. Restorative approaches are equally concerned with preventing conflict by being restorative in our relationships, as it is in dealing with conflict restoratively when it does occur. This expansion of the principles of restorative justice has led to a mushrooming of the use of restorative processes. The term 'restorative' is now as likely (perhaps more likely) to be used in the classroom than the local youth offending service.

By so expanding the context and utility of restorative justice, a common language has been created between local agencies. Restorative processes are no longer relevant to any one department of government – they are relevant to all of them. This has enabled local governments to train staff across agencies with a consistent message that is both relevant to their work and effective. By way of example, in Hull they are in the process of training every person who works with children in restorative practice. Through the Hull Centre for Restorative Practice and the International Institute for Restorative Practices 27,000 people have been trained, including teachers, dinner ladies, youth offending team officers, police, child psychologists and healthcare professionals. The aim is that no matter what agency of government a child comes in contact with they will be treated restoratively.

Hull is not alone. In fact, their aim to become the world's first restorative city has sparked healthy competition with other local authorities. Norfolk and Kent are among the other local authorities who could well stake a claim to becoming a restorative county first. Yet these authorities remain exceptional and such a holistic approach is still a pipe dream for most areas and could thus not really be considered indicative of a national movement. The same could not be said for the growth in restorative policing.

There has been an explosion in the use of restorative processes by the police to deal with very minor crime committed by young people. Restorative disposals enable police officers to deal with minor offences by involving the victim and agreeing to an appropriate response such as an apology or reparation. A restorative disposal is more demanding for the offender than simply accepting a reprimand in that he or she is confronted with the consequences of their actions and asked to make amends. For the offender, as well as having the opportunity to put right what they have done, the offence is not recorded on the police national computer and hence they do not receive a criminal record (although the offence is noted locally for future reference).

The evaluation of an official government pilot of 'youth restorative disposals' in seven constabularies was published in May 2010. Already half of all police forces have adopted some form of restorative policing. A change in police targets to focus on public confidence has contributed to this enthusiasm as the belief that engaging the public directly in the delivery of justice will heighten public confidence - a belief supported by universally high levels of victim satisfaction of over 90%. The other

key driver has been the efficiency savings the disposal has brought from resolving long running low level disputes – a notorious drain on police time – and from the lower amount of paper work associated with the disposals. Such is the enthusiasm for restorative policing that over four thousand police officers have received training in restorative justice approaches without any funding support from central government.

These developments have captured the imagination of campaigners for restorative justice reform. In 2009 the Centre for Social Justice, Local Government Information Unit, and Institute for Public Policy Research have all recommended the introduction of restorative justice. Prison Reform Trust's report on the success of restorative justice in Northern Ireland rose unprecedented levels of media interest in restorative justice. The Irish National Commission on Restorative Justice recommended introducing restorative justice, which they claimed (based in part on the UK research mentioned above) would save 8.3 million a year. Most recently, the House of Commons' Justice Committee's report into justice reinvestment noted their surprise at the government's cautious approach towards restorative justice and called for “a fully funded strategy facilitating national access to restorative justice for victims before the end of this Parliament.”

In the 2010 election year, all three of the major political parties supported the use of restorative justice, and there is every chance that it will feature in all three parties' parliamentary manifestos. From a political perspective, the opportunity to promote restorative justice as a service to victims avoids the risk of being portrayed as 'soft' on crime. Indeed Justice Minister Jack Straw spoke in glowing terms about the role of restorative justice at the launch of the National Victims Service in January 2010. The economic case for restorative justice is strong and in a difficult economic climate can be used to persuade voters unconvinced by anything but the hardest line on crime and justice.

Momentum behind restorative justice has never been stronger and if anything it is growing. It is crucial that when central government does act it does not restrain local innovation which has been so important to the development of restorative justice thus far. As restorative justice spreads from the practice of a few committed professionals to a mainstream practice, how will the standards of practice which achieved this be maintained? Another issue is how restorative justice can be integrated into the current criminal justice system which considers punishment to be a key aim? These will be the new dilemmas facing restorative justice as it joins the mainstream.

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