Brief Guide for Practitioners
Restorative Justice in the National Offender Management Service (NOMS)

Making things better and safer for everyone
Your Guide to using
Restorative Justice in NOMS

Introduction
Here is your copy of a brief guide to using Restorative Justice Approaches in NOMS. You are one of a growing number of people, who have now been trained to use the powerful restorative justice tools to help give crime victims and offenders who acknowledge they have caused harm a better service. We know done properly restorative justice works. It:

- Helps victims get over the harm they have suffered
- Reduces the risks of offending and offensive behaviour happening again in the future
- Builds confidence in the justice system by involving those directly affected in deciding how offenders can make good the harm they have caused
- Resolves many types of conflicts

To make a success of using RJ you need to:

- Prepare thoroughly
- Put the RJ principles into practical action
- Stick to the script
- Make reparation work for the victim, the offender and the community

The research evidence indicates that good quality RJ Conferencing has the potential to deliver:

- Achieve victim satisfaction levels of 75%-85%
- Reductions in re-offending of 14%-27%
- Reductions in the costs of crime of up to £8 for every £1 invested in RJ
- Reductions in health care costs related to the improved wellbeing of participant

We hope this guide will help you to make things better for victims, offenders and communities.

The RJ work to be undertaken in NOMS is based on solid research evidence and a set of principles published by the Restorative Justice Council. These principles provide an ethical framework which underpins our work and ensures that we do no harm and work for the equal benefit of both victims and offenders. The RJC principles are set out below.
Principles of Restorative Processes

1. Primary aim to be the repair of harm
2. Agreement about essential facts of the incident and an acceptance of some involvement by the person who caused the harm.
3. Participation to be voluntary for all participants and based on informed choice. This also applies to what is included in any outcome agreement, and any consequence for non-participation/compliance to be made clear. Note: offenders who voluntarily agree to participate may find that there are consequences if they subsequently withdraw without good reason.
4. Adequate time to be given to participants to decide whether to take part and to consult with others, if they wish.
5. Acknowledgement of the harm or loss experienced by the person harmed, respect for the feelings of participants and an opportunity for the resulting needs to be considered and where possible met.
6. The person(s) who have been harmed or suffered loss to be (if they wish) the primary beneficiary of any reparation agreed with the person who has caused the harm.
7. Where harm is repaired or amends made this to be acknowledged and valued.
8. The person(s) who has harmed and the person(s) harmed are the primary participants of any restorative process.
9. Restorative practitioners to be seen as neutral by participants and to act impartially. Note: this means that it is very unlikely the person who facilitates the RJ Process will be the caseworker/manager of the offender or victim.
The Restorative Justice Tool Kit

People involved in different disputes in different situations may need different ways to find ways to resolve their disputes; one size does not fit all.

*All the approaches set out below are based on established RJ principles and practice.*

**Restorative Conference**
All those affected by harmful incidents – including victims, offenders and their families or supporters, those with a professional role e.g. offender manager/ offender supervisor and others – come together for a structured meeting that is managed by a skilled RJ facilitator(s); everyone takes turns to explain the impact the incident had on them, and they jointly decide what can be done to make things better.

**Indirect processes**
Only used when either the victim or the offender are unable or unwilling to take part in a face-to-face meeting. Sometimes known as ‘shuttle mediation’, the process uses the restorative questioning and enables facilitators to pass information between the victims and the offender so that everyone has a chance to explain what impact the incident had on them, decide what can be done to repair the harm and reach a restorative outcome.

**Mini meeting**
The person who is dealing with the incident can hold a “mini-conference” involving just the immediate people involved without requiring supporters to be present. By using restorative questions the facilitator encourages the parties to identify the harm that has been done, invites them to say what they think should be done to make things better and agree a restorative outcome.

**Restorative Meeting (victim not present)**
Only offenders, their supporters and those with a professional role – come together for a structured meeting, managed by a skilled facilitator. Following the script, everyone takes turns to explain what impact the incident had on them and they jointly decide what can be done to repair the harm. The views of those harmed can be fed in by the facilitator.

**Community Conference**
The restorative process is used to manage incidents that have harmed a number of people sometimes over a long period of time. Several facilitators, through group work and flip-chart recording give an opportunity for all those affected to explain the impact the incident has had on them. The meeting that may include community representatives then decide on what can be done to make things better.

**The Restorative Conversation**
The practitioner asks the ‘restorative’ questions as set out below to encourage people to identify the harm that has been done and invite them to say what they think should be done to make things better.

*General Note: NOMS seek to maximise the number of face to face conferences because the evidence of benefits related to victim satisfaction and reduced re-offending have been built on this work.*
Introduce yourself and your role and explain the process and purpose of meeting.
RJ is about enabling those who have caused harm to make amends. It involves victims and offenders meeting to talk about what happened, who was affected by the crime or incident and what can be done to repair the harm. Your role is to facilitate this process.

Understanding what happened and confirming that the offender admits responsibility
What happened? How were they and others affected by what happened? What questions and concerns are they left with following the offence and its aftermath? What can be done that would make things better?

Ensure participants are willing to attend
At this meeting the participants should be given the options of agreeing to start preparations for a face-to-face meeting or more time to think about it or involvement in some other form of reparation or not take part. Supporters of both victims and offenders can be invited to the conference.

Ensure practical arrangements in place including travel to the venue
Overlooking the practical arrangements can if not, carefully planned and arranged cause unnecessary stress to participants. Don’t forget such things as access to buildings for those with mobility problems, childcare for participants’ children and interpreter services

Carry out the risk assessment
You should see the risk assessment as an ongoing process and be prepared to introduce additional safety or control measures if needed by the participants; like ground rules, additional supporters, extra facilitators, changes to venue or time. Risk assessment is paramount and no restorative intervention should result in harm to any of the participants.

Decide the most appropriate process
As the facilitator it is your responsibility to decide on the most appropriate process taking into account the identified needs and wishes of the key participants. Face to face meetings are proven to have positive outcomes. However, just because a face to face meeting cannot be arranged does not mean a restorative approach cannot be used. For other options see above
Introductions: introduce all the participants including facilitators, and their reasons for attendance.

Focus of the meeting: why we are here, use clear terminology, e.g. “We are here because John stole Jane’s purse and punched her in order to escape”. This helps the offender with their account of the incident.

Ground rules: state, re-establish and remind all about the ground rules of the meeting; this helps a sense of safety and aids your control of the meeting.

Offender’s account: Allow the offender to give their account first. Being questioned about it immediately enables them to begin to take responsibility and also allows the victim and other attendees to hear that.

Victim’s account of how they were affected: Asking for the victim’s contribution next identifies their importance to the process, empowers them and allows their immediate response. The offender cannot challenge the account of the victim’s feelings and a conflict over the details of the incident is thereby prevented.

Victim supporters: Inviting the victim supporters to follow maintains the importance of putting victims first. With multiple victims or supporters, the order should follow on the basis of those most affected speaking first.

Offender supporters: Allows the offender to hear that their own supporters have also been affected by what has happened. (they are or may be secondary victims).

Other parties: including the offender manager, the police officer in the case, or community members affected by the incident: Allows a range of perspectives to be taken into account and stresses the ripple effect of incidents of harm.

Offender’s response: Having heard the accounts of others, any expression of remorse is likely to be experienced as more genuine than those made before hearing how others have been affected.

Return to victim/victim supporters to find out what can be done to repair the harm: Allows them to have a dialogue with the offender, express their wishes for reparation and have their questions answered.

Conclusion: Facilitator clarifies the agreement as appropriate, but does not contribute to it. Facilitator begins the process of re-integration by offering refreshments after the structured part of the meeting is concluded.

Below is a copy of part of the ‘PS SMART’ agreement template; it is entirely relevant to the agreement within the RJ conference.
The Restorative Questions are the essence of any restorative approach and form the basis of the script below; they are flexible and can be used with offenders, victims, and supporters in addressing behaviour, in restorative conversations or mini-meetings or with individuals in the preparation phase of the process. Remember asking people questions about their needs is more helpful than telling them why RJ is good for them.

- **What happened?**
- **What were you thinking?**
- **What were you feeling?**
- **Who has been affected?**
- **What needs to happen now?**
- **What do you need to do now?**
The Concise Script

Introductions – Focus of the Conference – Ground Rules

Offender or person responsible for the harm caused

- Tell us what happened?
- What were you thinking at the time?
- What were you feeling at the time?
- Who do you think has been affected by what happened?
- Do you think . . . . . (name of victim - if not mentioned) has been affected by your actions?

Each person affected – in order victim, victim supporter, offender supporter

- How did you become aware of what happened? (if necessary)
- What were you thinking at the time?
- What were you feeling at the time?
- What have your thoughts been since?
- How do you feel now?
- What has been the hardest thing for you?
- Has anyone else been affected by this?

Offender / person responsible

- You have heard what everyone has had to say about what happened and the harm that has been caused. Is there anything you want to say?
- Do you see the choices (you) made have caused harm?
- Do you think you need to do something to make things better?

Each person affected – in order victim, victim supporter, offender supporter

- What do you want to come out of this meeting?

Offender / person responsible

- What do you think needs to happen?
- What do you think is the right and fair thing for you to do?

Summary of what has been said and agreed – ask if you have understood correctly? Is that correct (PS SMART)

- Is there anything else that anyone wants to say?

Thank everyone for their contribution

Close the meeting
Outcomes and Agreements

Outcomes and agreements should be clear. When written use the participants, language (appropriately) e.g. ‘A’ said she was sorry to ‘B’ for stealing the money. It need not be written in ‘legalese’. It should then be signed by all present and a copy given to each person.

PS SMART
Simply follow the plan below and answer the prompts. Your action plan should be smart and try to identify tangible areas for development, tending towards behaviours which are measurable rather than nebulous areas like ‘I will be better at …’

P - PROPORTIONATE
S - SUPERVISED/SUPPORTED
S - SPECIFIC
M - MEASURABLE
A - ACHIEVABLE
R - RELEVANT
T - TIME RELATED

From the RJC published Principles of Restorative Processes in 2004. These remain the framework for your work.

Agreements/Outcomes
Restorative processes should be monitored and action taken should a problem occur. Any developments should be communicated to participants, unless they have asked not to be contacted.

An evaluation of processes and outcomes should be carried out wherever possible.

Learning from restorative processes can contribute towards to a reduction in harm and the fear of crime and encourage the development of more resilient communities.

What are you going to do differently?

How will you measure your progress?

When will you review your progress?
(We suggest a maximum of one month between reviews.)

Who will follow up the completion of actions agreed. Remember the best outcomes are achieved for victims and offenders when outcome agreements are followed up and competed?
Reparation Activity

The reparation activity may be the restorative meeting itself and this may be all the victim wants, however if the victim does not wish to meet the offender this does not preclude the use of other restorative interventions, options include:

• A meeting with the offender and others affected not including the ‘primary victim’
• A meeting with the just the offender and practitioner
• Indirect communication leading to a reparative outcome

In all cases the views of the victim may - with the victim’s consent - be presented to the offender together with any requests for reparation.

The offender may offer reparation without prompting to the victim (e.g. letter of apology). Any offer of reparation towards the victim MUST NOT be accepted by the practitioner without reference to the victim.

The option also exists for the offender to undertake some form of service to the community and the victim may have suggestions to make about the nature of this service.

If you have any concerns about the restorative work you are undertaking please seek advice by contacting:

• Your trainer on.........email and phone
• Your RJ Champion on.........email and phone
• Your project leader or manager on.........email and phone