

PBNI Response to Adult Restorative Justice Strategy consultation

Introduction

The Probation Board for Northern Ireland (PBNI) welcomes the opportunity to respond to this important consultation. PBNI is committed to delivering restorative practices across the range of statutory functions that we deliver, working closely with partners from both the statutory, voluntary and community sectors to deliver interventions for offenders and victims. PBNI have significant experience of delivering a range of restorative justice practices including facilitating RJ conferences, and undertaking shuttle mediation with victims and offenders, particularly in situations where very serious offences have been committed. PBNI notes that our current work in restorative justice has been recognised and referenced within this strategy and that case examples have been cited. PBNI also work with colleagues in ROI in delivering RJ interventions.

PBNI Corporate Plan 2020-23

Under strategic Priority 1 of PBNI's Corporate Plan 2020-23, PBNI commits to 'developing restorative practices with adults who have offended' and prioritising victims. This is work that we will carry out in partnership with the accredited restorative schemes and Victim Support NI. Within PBNI's current Business Plan 2020-21 under Strategic Priority 2 - Shaping and Influencing Criminal Justice Policy and Practice, PBNI plans to develop a Restorative Justice Practice framework within Probation. The DoJ Adult Restorative Justice Strategy will help inform this framework.

PBNI's work is about preventing victims of crime, by reducing re-offending. We work directly and indirectly with victims of crime. In supervising those who have offended, we challenge them to look at the impact their crime has had on victims, families and communities. Pre-sentence reports and reports for the Parole Commissioners address the impact of the crime on the victims and the wider community. Many of our offending behaviour programmes and interventions are restorative, and challenge the behaviour of the individual who has offended with the impact of the harm that has been caused. Through our Community

Service Orders, victims can have a say in what type of work an individual completes to make reparation. PBNI lead on the delivery of Enhanced Combination Orders (ECOs) and our Aspire Programme which have a restorative element, in partnership with CRJI/NIA.

We believe that a restorative perspective which places victims at the heart of our practice is central to our work with people who have offended. PBNI have embedded restorative practices over the years, and have invested in accredited training for staff with Ulster University in the facilitation of restorative interventions. PBNI Psychology and Programmes Teams have also developed Victim Awareness programmes and intervention which all staff have been trained to deliver with service users.

General comments

PBNI believes that this strategy provides a real opportunity to develop restorative justice for adults at all stages of the criminal justice system. As an organisation, PBNI believes that we are best placed to deliver this at key points throughout the criminal justice journey.

There are three distinct areas where PBNI believes that further development and consolidation of restorative justice for adults will have the greatest impact:

1. **Early intervention.** PBNI would hope, in collaboration with other partners in the criminal justice system, to deliver restorative justice to divert adults from the formal criminal justice system. The model would work in a similar way to that within the youth justice system, where individuals who have been involved in offending behaviour admit their guilt and consent to the process, would be referred to PBNI for a restorative conference and have the opportunity to meet with the victim, agree a plan to repair the harm, and complete actions to promote desistance. Plans would be completed in partnership with the community and voluntary sector with PBNI having lead responsibility for overseeing completion of these diversionary plans.

- 2. Pre-sentence.** PBNI would expand our delivery of restorative justice as part of the report-writing stage (Pre-sentence reports) to ensure that the victim's voice is heard and the interventions take account of what the offender needs to do to repair the harm. This would enable PBNI to deliver restorative conferences with the victim and offender and for an agreed plan to be included in the Pre-Sentence Report to assist the court at the point of sentencing.

PBNI always recognise the importance of and values hearing the views of victims at the earliest stage of the process, but has no legislative authority to contact victims of offences prior to the individual who has offended being sentenced at court.

Therefore, in partnership with Victim Support NI, PBNI is able to gain the views of victims by Probation Officers making referrals to Victim Support NI at the pre-sentence stage in cases where an Enhanced Combination Order (ECO) is being recommended as a sentence (where there is an identifiable victim). Victims are contacted by Victim Support NI, with which in many cases, they already have a working relationship. The content of the order is explained and their views on a potential sentence are sought. Victims are asked for their input regarding the type of community service the person who has offended should complete and if they would be interested in working restoratively with them. In the 2017 evaluation of ECOs, the majority of the victims contacted supported an ECO as a sentencing option and said they would be willing to work restoratively with their offender.

- 3. Post-sentence.** Restorative justice would enable actions to be taken in order to reduce the risk of reoffending and address the harm caused to victims and the community as part of statutory supervision, whilst serving a custodial sentence or post-custody.

PBNI already have an established Victim Information Scheme (VIS) which provides information to victims about what it means when someone is sentenced to an order or licence, supervised by PBNI. It provides opportunities for the victim to:

- Participate in the preparation of a Victim Report for the Parole Commissioners where the offender is in prison.

-receive information about the specific sentence made in Court and general information about PBNI's supervision of offenders.

-discuss concerns, which may inform the supervision of the offender.

Individuals can choose to receive information in writing, by phone or in a face-to-face meeting with a Victim Liaison Officer (VLO) -Information can be provided, if appropriate, about other organisations who may be able to offer specific support to the victim.

Victims can also be involved in direct or indirect restorative contact with the offender if this would help address issues resulting from the offence.

As well as providing this information, PBNI listen to victims' concerns which informs our work with service users. All those registered with PBNI's VIS are also invited to join a victim service user group. The service user groups enable victims of crime to have a say in how services are delivered. PBNI view the victims' voices as critical and we want victims to be able to tell us how we can continue to improve our services. Evidence demonstrates that being listened to and contributing to a more effective system can be valuable to the rehabilitation process and, for victims, can give back an element of control.

Problem-solving justice is a relatively new approach in Northern Ireland, led by the Department of Justice aimed at tackling the root causes of offending behaviour, reducing reoffending and the impact of the harm caused. PBNI leads on the operational delivery of problem solving justice initiatives including the Enhanced Combination Order (ECO), the Substance Misuse Court, Domestic Abuse programmes, and is involved in the scoping exercise for a Mental Health Court.

The development of restorative justice for adults should also be viewed as another element of problem solving initiatives and until such times as legislation would be brought forward PBNI would be keen to be involved in working with the DoJ to develop Adult Restorative Justice Courts, in the same way as ECO and the Substance Misuse Courts have been

implemented. It would be helpful to align the feedback from the consultation on the Sentencing Review in regards to the development opportunities for restorative justice.

In tandem with this strategy, legislation will be needed to consolidate restorative justice within the adult criminal justice system and work will need to be undertaken to enable the public to have confidence in this new way of working. Protocols and data-sharing agreements will need to be established to enable PBNI to have access to victim details pre-sentence.

Whilst it is noted that restorative justice will deliver savings to the public purse, PBNI would want to highlight the importance of ensuring that funding arrangements are in place for both community based and statutory restorative justice and that the focus on delivering quality interventions is maintained. For PBNI the development of adult restorative justice will require an expansion of the Victims unit and additional resources to deliver restorative conferences both pre and post sentencing. It is important therefore that consideration is given to scoping the cost of implementing this Restorative Justice strategy and ensuring that resources are in place for delivery.

PBNI believes that a cross-departmental approach involving Health, Education and other Government Departments in partnership with Justice, would benefit the implementation of the Adult Restorative Justice Strategy.

PBNI note that this strategy does not address in any detail the roles and function of the proposed Centre of Restorative Excellence (CORE). It would have been helpful to have greater clarity within the strategy about how this will be progressed in order to provide comment at this stage.

Response to specific questions in consultation

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?

Yes. Consolidating a Restorative Justice approach for adults would be a welcome development within Northern Ireland's Criminal Justice System. As the lead organisation in supervising and delivering interventions for adults who offend, PBNI should be at the centre of this new approach. The developments in the youth justice system since the Review of the Criminal Justice System in Northern Ireland in 2000 and the implementation of the Justice (NI) Act 2002 have demonstrated that restorative practices are effective in reducing the numbers of young people appearing in court and diverting them from the formal criminal justice system and indeed 13.8% of all referrals for the Youth Justice Agency in 2018/19 were for early intervention¹. Research has demonstrated that for those victims who have participated in restorative interventions within the youth justice system they have high satisfaction levels (95%) regarding their involvement in youth conferences.² PBNI believes that it is important that this way of working is extended to adults.

As highlighted in the introduction, PBNI already deliver a range of restorative interventions for victims who register with our Victim Information Scheme and those victims with whom we work via ECOs and Aspire.

Within PBNI we are keen to develop our restorative work and believe that there are opportunities to build on our restorative practices and interventions. It would be helpful and informative to also understand the outcome of the consultation on the Sentencing Review undertaken by the DoJ earlier this year, given the proposals on restorative justice practice.

PBNI would hope that having an Adult Restorative Justice Strategy in place would enable PBNI to make direct contact with all victims and offer them an opportunity to be involved in a restorative intervention. It would also enable victims to have a say in a wider range of criminal justice arenas such as Parole Commissioner Hearings. For this to be progressed, data-sharing agreements similar to those for YJA would need to be in place for PBNI.

Implementing a Restorative Justice approach for adults would enable PBNI and other Criminal Justice stakeholders to learn from best practice within the youth justice sector and

¹ Northern Ireland Youth Justice Agency Workload Statistics 2018/19 (NISRA)

² Northern Ireland Youth Justice Agency Workload Statistics 2018/19 (NISRA)

widen delivery to a much broader number of victims and offenders. This ultimately should support our aim of reducing the number of future victims.

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

Yes PBNI agrees with the DOJ vision that Restorative Justice should be an integral part of the criminal justice system at all stages. PBNI welcomes the acknowledgement within the vision that the principle of consent should underpin the victim and offender's participation in any restorative process and this is of paramount importance. Preparation and assessment are fundamental aspects of restorative interventions and the vision highlights this. The aims of the strategy are clear and the aspiration to build a restorative culture within the criminal justice system is welcomed. It is acknowledged however that there will need to be a process of raising awareness of key stakeholders including the public, legal representatives and the judiciary to create a culture and mindset of restorative justice. Those who have caused harm and those who have been harmed will also need assurances that restorative justice will be a safe process for them to become involved in and that it will enable participants' to experience a sense of control over the process and of justice having been done. The intended purpose of the strategy is to safely deliver benefits to the victim, offender and the community and the strategy promotes a partnership approach between the Department of Justice and the justice delivery bodies which include PBNI. Working in partnership with a range of statutory and community and voluntary sector organisations to deliver restorative interventions is the corner-stone of PBNI's approach and we welcome this.

Point 3 of the Principles highlights 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."

PBNI would suggest that in addition to addressing offending in the most *effective* way that it should also be addressed in a **safe and timely manner**, to avoid delay and meet the needs of both victims and offenders. It should be emphasised however that both victims and offenders will have different needs in terms of their readiness to become involved in a restorative process and it will be important that the restorative justice system for adults enables victims and offenders to

participate at whatever point in the criminal justice process they are ready to do so. For some it may be at the point of sentencing and for other victims it may be a number of years post sentence before they wish to participate in a restorative process. There is a need to ensure that the restorative justice process for adults is sufficiently flexible to meet these needs.

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?

PBNI agrees that there should be a review of the Government Protocol at this juncture. The consultation document provides the background to the setting up of community based restorative justice projects and it is noted that they have developed in context specific to the conflict in Northern Ireland as an alternative to other forms of community justice that were being delivered within local communities. The protocols ensured that safeguards were in place to uphold standards of practice and to ensure that referrals were subject to due process and were made to the community based schemes by the statutory partners. The PPS also provided direction to the schemes as to the required outcome, namely an informed warning or restorative caution. The schemes were also subject to inspection and monitoring by CJINI to ensure robust policies and procedures were in place to safeguard both the offender and the victim. In recent years representatives from the community based restorative justice projects have become more closely involved with other community safety / criminal justice fora and a number of representatives have been members of the Policing and Community Safety Partnerships.

The Government protocol will need to be reviewed to ensure that a referral pathway is in place for a range of offenders; clear criteria is established as to the range and type of low level offences that can be referred to these projects; and robust procedures are in place to monitor the quality, delivery and outcomes of the community based schemes. Such a review would also provide opportunities for the development of new community-based restorative justice schemes to ensure services are accessible across the whole of NI. Oversight of community-based schemes should be transferred to the new Centre of Restorative Excellence (CORE) once established.

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

It may be helpful to reference the work that has been undertaken within the Republic of Ireland and the developments there have been in this jurisdiction to work restoratively with adults.

Research-based consideration should be given to the inclusion of Restorative justice in domestic abuse. Similar to sexual offences this is a contentious issue and the research in this area is inconclusive. These type of offences may be seen to be unsuitable for restorative justice practices because of the possibility of re-traumatising the victim. The argument is often used that in cases of domestic violence there is often a power imbalance between the victim and offender. PBNI acknowledges that restorative justice is not appropriate in some cases of domestic abuse however we would suggest that there needs to be further research in this area and these type of offences should not automatically be excluded from being referred.

The use of restorative justice practices in cases of domestic violence has gained increasing attention in Europe over recent years. In some European countries, like Austria and Finland, domestic violence has been dealt with by victim-offender mediation (VOM). Empirical studies, particularly conducted in Austria, show encouraging results in terms of participants' satisfaction with RJ practices in cases of domestic violence and reducing re-offending.³

Shapland et al (2011) argue that there is no evidence that certain types of offences or offenders are more or less suitable for restorative justice. Factors such as age, gender and ethnicity showed no difference in terms of the benefits restorative justice can bring. (Shapland j, Robinson G,& Sorsby A (2015) RJ in Practice: Evaluating what works for victims and offenders.

³ See *Liebmann/Wootton* 2010 w. f. r. Restorative Justice and domestic violence/abuse. A report commissioned by HMP Cardiff Funded by The Home Office Crime Reduction Unit for Wales. Online available at <https://www.restorativejustice.org.uk/sites/default/files/resources/files/Restorative%20Justice%20and%20Domestic%20Violence%20and%20Abuse.pdf>.

The strategy may also wish to reference the paper written by Tim Chapman; “A More humane Approach to Addressing the harm of Criminal Behaviour starts with Victims” Irish Probation Journal vol 15 October 2018.

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

Efforts have been made by PBNI to raise awareness of the benefits of unpaid work and reparative activities. For example, PBNI has highlighted the work of the Graffiti Removal Scheme, the Braille Unit in Belfast, the unpaid work/Community Service that takes place in community centres and churches and environmental projects. PBNI have launched a number of campaigns to explain the importance of giving back to the community through unpaid work/Community Service.

Involving the community in restorative justice can assist in rehabilitating and integrating offenders back into communities and assist in risk management - Circles of Support and accountability provide a network of volunteers within the community which work restoratively and can, along with the statutory organisations hold individuals to account and support risk management in the community.

The justice system does not operate in isolation and if restorative justice is to be developed for adults, consideration needs to be given as to what other restorative approaches are being used downstream within schools and communities for example. Research has shown that children who are excluded from school are more likely to become involved in offending behaviour. A study published by the Youth Justice Board in 2000⁴ highlighted the link between patterns of truancy and school exclusion and offending by young people. The survey of nearly 3,000 regular school attendees indicated that 72% had not committed any offence in the last 12 months. In the survey of those children excluded from school 72% admitted offending during the same period.

If we are to reduce the number children and adults becoming involved in the criminal justice system and the number of future victims, this strategy needs to be linked with the work that is taking place within education.

⁴ MORI on behalf of the Youth Justice Board 27 March 2000

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

Yes – it should be noted that in the third objective “Promote safe and timely victim involvement in criminal justice processes and increase rates of victim satisfaction and confidence in the justice system” the timeliness for victim involvement in the cj process must be based on the victim’s assessment of when would be most suitable for them. It could be pre-sentence, as part of an intervention or when an offender is in custody, prior to release. For an adult Restorative Justice Strategy the approach to victim involvement must include flexibility in the timing of a restorative intervention so that RJ can be considered at any point in the criminal justice process and be responsive to needs. This is an important distinction between the proposed adult restorative justice model and how the youth justice system currently works. PBNI is of the view that this flexibility would better meet the needs of victims and offenders and provide greater responsivity.

PBNI believes that restorative interventions should be accessible across all parts of NI and be available to all victims and offenders regardless of where they live and regardless of their gender, race, ethnicity sexuality or political belief.

PBNI has a long tradition of working in partnership with other statutory and community and voluntary sector partners in the delivery of supervision of offenders within the community and in restorative practices. We are committed to continuing to work in partnership. As part of our restorative work, PBNI allocates funding to VCS organisations to deliver interventions for offenders and we recognise the contribution these organisations make in this area

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

Measuring success must be aligned to Outcomes Based accountability and linked with the Programme for Government (PfG) objectives. Comparative studies will need to be established to measure the impact on re-offending for those offenders who undertake restorative justice compared with a cohort are subject to the traditional justice system. Such measures will need to be in place from the start of implementation. It will be important to have systems in place

that will enable levels of victim satisfaction, participation and attendance as well as exploring whether involvement in a restorative process has increased confidence in the criminal justice system and contributed to the victim's feelings of safety.

It will be important also to measure the offenders' satisfaction with the process and levels of participation in a restorative process, given the voluntary nature of this process. It would be important to measure completion rates of orders where there has been a restorative intervention with the victim as compared with orders where restorative justice has not taken place. Where there are specific tasks requested by the victim have these been completed by the offender.

Longer term it will be necessary to invest in longitudinal research with the academic institutions and the Centre of Restorative Excellence (CORE) to ensure the effectiveness of this approach but also to help shape future practice and policy.

Within the wider measures as part of the NI Crime Survey it would be helpful to measure community perceptions of RJ as an adult restorative justice process is implemented – is there an increase in awareness of RJ and an understanding of how it works? How confident are the public in the outcomes of RJ?

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

It is important in any discussion about early intervention / prevention to have clarity about the meaning of these terms. This is important for both those who are reading the strategy and those who are delivering restorative justice in communities and within the criminal justice system. PBNI takes the view that for low level anti-social behaviour or community disputes where an offence has not been committed these matters are best addressed via a community restorative approach and should not be within the remit of the traditional criminal justice system.

For low level first time adult offenders PBNI proposes the introduction of a system similar to the one in place within the Youth Justice Agency (YJA) for young people who offend. This system would operate on a referral basis from PPS where an adult who has been involved in

a minor offence and where the offence reaches the threshold for prosecution is referred for a restorative intervention provided they admit guilt and consent to diversion. PBNi using trained facilitators would deliver a restorative intervention between the victim and the offender and seek to reach agreement on the actions to be taken to repair the harm and ensure there is no repeat of this behaviour by the offender. Any plan agreed would be delivered in partnership with the community by the VCS and the current community-based restorative organisations. This approach would ensure that there is consistency in the delivery of diversionary options, that low level, first time adult offenders are kept out of the formal CJS and that the community has a role in delivering interventions to support both the victim and offender.

It would be important to have guidance / clear criteria on the types of offences which would be suitable for a diversionary restorative intervention. Research-based consideration would need to be given to the inclusion of sexual offences in a diversionary process for example and it is therefore important that this strategy links with the recommendations arising from the Gillen review.

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?

PBNi currently deliver Domestic Violence programmes with non-adjudicated adults, and subject to the necessary safeguards, high standards of professional training, and preparation of both the victim and perpetrator some of these cases may be suitable for restorative interventions.

As highlighted in Q4, PBNi recognises the complexities associated with facilitating restorative interventions in situations of intimate partner violence /abuse and acknowledges the views of organisations such as Women's Aid and Victim Support in this area. It may be helpful however to explore this area further.

Q10: Do you agree with these proposals?

Yes PBNi agrees that all of the forms of diversionary disposals available to children and young people could be established for adults. The suggestion of using the learning from the PSNI

Community Resolution pilot as a starting point is useful and would provide the basis for expanding services to adults. It would be important however to ensure that all of these disposals enable victims to participate at a point when they wish to do so and that a range of methods are available to them to enable participation including having a supporter with them. Diversionary disposals should also involve the community.

Youth Engagement Clinics have worked well for young people and could be developed for adults as part of a range of diversionary disposals. The key for effective delivery in clinics is that they can be accessed equally by victims and offenders across NI. PBNI have office premises which are accessible and where diversionary “clinics” could be facilitated. Young People’s clinics have the principle of legal representation enshrined as a part of the process and this facility would also need to be available in the adult model to ensure that the legal rights of the offender are upheld. Consideration may need to be given to what these clinics may be called as the current terminology is more closely associated with a medical model and not immediately identifiable as being restorative in nature.

Consideration should also be given to the establishment of reparation panels in cases where a victim cannot be identified or does not wish to be involved in a restorative process. This would enable representatives from the community along with a PBNI staff member to meet with the offender and agree a plan which would take account of the harm caused and address the risk of reoffending.

Q11: Are there any other proposals not included here?

No

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

Yes. PBNI support the inclusion of RJ processes in formal court sanctions and the consultation provides an example of how this has already been delivered by PBNI via the Enhanced Combination Order (ECO). PBNI agrees that consideration of restorative / reparative actions should happen with the offender at the earliest opportunity and this currently would be at the point of writing a Pre-Sentence report for Court. Whilst PBNI receive the depositions in

Crown court cases which includes statements from victims we do not receive contact details for victims and we do not include victim's views in our reports. The Court may receive victim impact statements which will assist in sentencing but PBNI do not consider what actions the offender might take to make reparation or restitution to the victim. In order to consider what actions the offender could undertake PBNI would need to hear directly from the person who has been harmed or their representative. Protocols and information-sharing agreements would need to be set up to obtain these details. PBNI would only engage with a victim on the basis of their informed consent and ensuring that participation by both victim and offender was on a voluntary basis.

PBNI accepts that legislative change is needed to introduce restorative justice for court-ordered Adult Conferences and would suggest that this is progressed as part of the action plan following the publication of the agreed strategy. It will be important to take account of the resourcing implications associated with implementing an Adult Restorative Justice model and this will need to be scoped and costed for PBNI and other restorative justice providers.

PBNI takes the view that not all cases will be suited for restorative justice and that victims and offenders may not be ready to be involved in a restorative meeting at the point of sentencing. Embedding the principle of restorative justice in the legislation should mean that it is available to the victim and offender at any point either pre or post sentencing. This would result in victims and offenders being able to opt in to a restorative process at a time when they feel ready to fully participate. Thus restorative justice could be incorporated equally into all community orders supervised by PBNI and at the pre-sentence stage.

Victims have the opportunity to register with PBNI in order to receive information regarding the general supervision of an offender subject to Probation supervision and when the offender is in custody to be notified of their date of release. They also have the opportunity to become involved in a restorative intervention if it will assist them in dealing with the impact of the offence. There are opportunities as part of this strategy to further develop PBNI's Victim Information Scheme and to consider how the service might be offered to all victims where PBNI is working with the offender.

PBNI notes that once those who have been harmed are involved with the formal Criminal Justice System they tend not to be classified as victims but instead become witnesses and other than submitting Victim Impact Statements they do not have an opportunity to share the impact of the offence on them. Incorporating RJ processes into the formal court sanctions would ensure that the victim has the opportunity if they choose to be involved to explain to the offender and to the court via PBNI's report how they have been affected by the offence and what they need to happen to repair the harm. It would enable the victim to have a direct input into the sentencing of the offender.

Q13: Are there any other ways not discussed?

Yes. In situations where a sentence is deferred to allow the offender to demonstrate his / her commitment to avoid further offending. Restorative justice as part of a deferred sentence may provide an opportunity for the victim to have their voice heard and for the offender to demonstrate that they have understood the harm caused and have an opportunity to make amends. The outcome of any restorative intervention could then be provided to the court at the end of the period of deferment. Participation in a restorative intervention would not be viewed as a mitigating factor in sentencing but would, along with other factors such as no further offending, engagement in training and employment etc provide some indication of the offenders level of motivation to desist from offending. It would also provide the victim with an opportunity to be involved in the CJ process that otherwise might not be available to them.

Information from the NI Reoffending Statistics (2016/17) indicates that the highest reoffending rates are for offences of burglary and robbery (43.3% and 42.3% respectively) (NISRA). PBNI would suggest that in advance of a legislation change there may be an opportunity to obtain judicial agreement similar to the implementation of ECOs to pilot a restorative justice intervention in all cases of burglary and robbery over a period of time and assess the outcomes before further rolling out this way of working with other offences. The

model for delivering Restorative Justice aligns with how the Substance Misuse Court is operating and a similar way of working could be implemented. .

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

Yes. As detailed in the case study on page 33 of the consultation document, PBNI have evidenced how restorative interventions can successfully be incorporated into custodial sentences and be delivered while the offender is still in custody. The key to successful delivery of RJ in this setting is having a highly skilled staff team who can work with both the victim and the offender and who can take the time to support and work with each party to prepare them for the restorative intervention. Partnerships with key voluntary sector organisations are also key to successful delivery and PBNI would work closely with partners in Victim Support and community-based Restorative Justice projects to provide additional supports for victims and offenders.

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?

Yes. Reparative programmes do have a part to play in helping the individual undertake community reparation and take responsibility for making amends for the harm caused. However, this should not be a pre-requisite for conditional early release. Within our existing partnership arrangements, PBNI would welcome the opportunity to explore further, potential interventions in partnership with the NI Prison Service, CRJ organisations and other statutory partners in Health and Social Services.

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

PBNI believes there are potential opportunities to be explored and developed, under the oversight of the Centre of Restorative Excellence (CORE), and implemented within the Adult Restorative Justice Strategy, and we would welcome further opportunities to explore more interventions in custody in partnership with the NI Prison Service, CRJ organisations and other statutory partners in Health and Social Services.

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?

Yes. There are opportunities pre and post release for restorative interventions to be applied such as family conferences, a restorative approach to breach of licence conditions which PBNI would welcome, in partnership with the NI Prison Service, CRJ organisations and other statutory partners in Health and Social Services.

Such restorative interventions have the potential to build a community of support for the person leaving custody. Ultimately this could result in a reduction in the number of recalls and breaches requiring a return to custody.

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

Introducing an Adult Restorative Justice Strategy for adults will undoubtedly require additional resources across both the statutory (PBNI) and community sectors and this will need to be scoped and costed. PBNI supports the view that funding for Restorative Justice within the community and voluntary sector needs to be linked to OBA and projects need to be funded for 3-5 years in order to provide stability and consistency of delivery. Core funding in particular will be required to develop and implement the Centre of Restorative Excellence (CORE), which is the foundation for coordinating RJ structures and delivery. PBNI welcomes the steps that TEO is taking to develop a draft Options paper to identify how a dedicated fund might be established for restorative justice initiatives. We do not have a view on how funding arrangements might be changed but it is suggested that an element of funding needs to be sourced from other government departments beyond the Justice Department.

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

PBNI supports the concept of a Centre of Restorative Excellence (CORE) and would view this as an opportunity to promote NI's high standards of restorative practice on a European and worldwide scale. Such a centre has the potential to be the governing body for standards and governance for RJ practice. However, we recognise that the development of this initiative is at a very early stage, and would therefore welcome the opportunity to engage with all statutory and community partners to agree how this should be progressed.

In the PBNI response to the Department of Justice Hate Crime Review consultation in April 2020 we responded to questions 55/56 in regards to restorative practice being placed on a statutory footing and if there should be a formal justice system agency responsible for the delivery of adult restorative justice for hate crime **with** the following reply

'PBNI strongly supports providing legislation for restorative practice with adults who have offended. While there is legislation regarding young people (youth conferencing) no legislation exists regarding adults. PBNI would strongly support such legislation and believes that our trained practitioners could assist in delivering this service. PBNI believe that we are well placed to be this responsible agency.'

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

Yes the suggested actions have all been captured. PBNI would like to re-emphasise the importance of research and would strongly advocate that a robust research programme is incorporated into the development and implementation of the Adult Restorative Strategy.

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)

PBNI have prioritised the core strategic actions required to implement an adult Restorative Strategy followed by those actions that fall within the remit of PBNI's work, and which we can begin to deliver without wider legislative changes:

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

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

No

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?

Departments of Health and Education have an important role to play in the delivery of early interventions and this should be reflected in the Strategy. The wider community and voluntary sector have a long history in working with both victims and offenders in both a voluntary and contractual capacity. Organisations such as NIACRO, Extern, Quaker Service and Prison Fellowship could all play a role in implementation and the NI Restorative Practices Forum will be interested in supporting the implementation of restorative justice for adults.

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

Currently within the community based restorative justice schemes delivery across NI is limited to those areas where CRJI or NIA are delivering services. This has resulted in restorative practices being limited to these areas and as part of the equality screening there would need to be equality of access to diversion / early intervention schemes across NI.

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

Yes PBNi would advocate for legislative and practice changes in respect of hate crime offences where the PSNI/PPS/ Court depending on the seriousness of the offence must consider a restorative approach where a direct victim has been involved. This would ensure that the victim's voice is heard within the system and as part of an intervention plan the offender would be involved in completing a programme of work to challenge his / her belief and attitudes.