



Executive Summary

The APPG on RJ is undertaking an inquiry into the current state of restorative practices in England and Wales. The first phase of the inquiry took evidence from key stakeholders, and the second phase examines some of the key issues that arose from that work, under four work streams.

Workstream 2 undertook further work examining the current delivery of both adult and youth RJ in the criminal justice sector (CJS). This briefing note confirms 3 key recommendations from the initial inquiry:

1. Standardise the Sharing of Information

A standard, nationally agreed information sharing agreement for Restorative Justice should be developed by, and used by, all commissioners, providers and referring agencies/partners.

2. Review Ring Fenced Funding for Restorative Justice Practices

The Ministry of Justice should introduce a dedicated Restorative Justice budget external to the Victims' Grant, and PCC/Mayoral areas should be required to use that dedicated funding to provide Restorative Justice services.

3. End to Blanket Bans

Access to Restorative Justice services should be universal, with the removal of any local or national blanket bans or exclusions, so that no victim is prevented from accessing Restorative Justice by the virtue of type of offence, location or time of offence, location of offender.

KEY RECOMMENDATIONS FOR THE APPG:

1. The Ministry of Justice, in consultation, should produce a **national information sharing template for adult RJ** to be adopted by all providers, agencies and partners:

- A standard national information sharing agreement for adult RJ, developed and used by all commissioners, providers, and referring agencies/partners, would support consistent models of delivery.
- That standard information sharing agreement should allow for both public task and consent based referrals, and enable partnership working/liaison between RJ services in cases where the location of the victim, offender and/or offence cover multiple areas.
- A parallel national information sharing template should be developed between all Youth Offending Teams (YOT) and police forces.

2. The Ministry of Justice should instate **minimum dedicated funding for restorative justice services** in the adult RJ sector as a **percentage of overall victims' services funding**, to ensure equal access for victims across all areas of England and Wales:

- That "minimum percentage" in all areas should be in the range 10%-15% of the core Victim's Grant.
- All commissioners (Police and Crime Commissioners (PCCs)/Mayors) should be required to allocate this minimum percentage as a dedicated budget for RJ, or publish reasons why a lesser percentage has been allocated; commissioners should be free to increase the percentage allocation if they choose to do so.
- Contracts should be tendered for a minimum of five years to ensure consistency of service (subject to robust accountability).
- Funding should cover adequate training, awareness raising, volunteer management and outreach work into all communities.
- Any funding used to commission/deliver RJ by other government departments (Home Office, His Majesty's Prison and Probation Service (HMPPS)) should be linked to MoJ funded PCC/Mayoral commissioned services, not operated in separate silos.
- In youth justice, the Youth Justice Board (YJB) should continue to require YOTs to report on RJ provision in their Youth Justice plans, including a requirement for YOT management boards to ensure there is adequate funding for RJ provision.

3. **Commissioners should remove any blanket bans for access to RJ services – a victim's choice to access RJ services should be universal, no matter the type of offence, location or time of offence, or location of offender:**

- That universal access to RJ services should be a given, with the removal of any local or national blanket bans imposed by commissioners, CJS agencies or partners.
- This should be underpinned by a robust national policy that provides referring agencies and potential service users with a clear rationale as to why any case can or cannot be progressed.
- Commissioners should provide services to residents of their area, irrespective of where the crime occurred, and should ensure equal access across all protected characteristics.
- All parties (commissioner, CJS agencies, delivery organisations) should adopt nationally agreed standards, policy and guidance. A single body (Restorative Justice Council (RJC)) should review policy implications and make recommendations annually. Appropriately trained staff should deal with sensitive and complex cases.
- Since the formation of YOTs in 1998, RJ has been much more consistently applied in youth justice than for adults, supported by early legislation and guidance from the Youth Justice Board. This consistency of approach should be mirrored in the adult RJ sector.

EVIDENCE, FINDINGS & CONCLUSIONS

From responses, 66% of adult RJ services are delivered by externally commissioned providers; 33% are delivered in house by Police and/or Office of the PCC.

94% of youth RJ services are delivered in house by YOTs; 6% are externally commissioned by the local YOT.

Standardise the Sharing of Information

- 100% RJ services accepting referrals from multiple agencies/partners supported this recommendation. Police forces providing a wholly internal service, taking no referrals from other agencies/partners, saw no need for any data sharing agreements.
- The lack of a national information sharing agreement requires all services to develop agreements with all referring partners, diverting funding and resources from service delivery.
- Each area shares data differently, impacting on cross border working and creating blockages which ultimately prohibit victims from accessing services.
- Obtaining and/or recording victim consent consistently is an issue in the youth RJ sector. A national information sharing agreement between YOTs and police forces would enable standardisation.

Review Ring Fenced Funding:

- Levels of funding for adult RJ delivery across England and Wales are highly inconsistent, creating a postcode lottery for those wishing to access services.
- In 2014/15, when Victims' Grant funding from the MoJ to all commissioners was introduced, the MoJ suggested indicative amounts from that Grant which should be allocated to provision of an adult RJ service – those figures, although not ring fenced, totalled £12.8m/annum and represented 21% of overall funding in every area.

- No similar indicative amounts are currently suggested to commissioners; for 2020/21 or 2021/22 funding stated as being allocated by commissioners/police forces for adult RJ totalled £5.15m/annum, ranging from less than 1% to 26% of overall funding; over half at 10% or less, over a quarter between 11% and 15%, and less than a quarter at 16% or above.
- 63% of respondents felt their local RJ budgets needed to be increased to support demand.
- Short contract lengths, coupled with sometimes limited funding, results in commissioned services struggling to become embedded and effective.
- The lack of transparent, dedicated adult RJ budgets within the prison and probation service is further contributing to a lack of information about/delivery of RJ. Evidence shows that RJ is one of the most effective tools in reducing recidivism.
- Delivering RJ is a statutory duty for YOTs. However, only two thirds of YOTs responding felt that their funding for RJ is adequate..

End to Blanket Bans

- There are significant differences across areas around access to services. Some areas exclude certain offences, some will only work with victim-initiated referrals and others will only work with those post sentence.
- The location of the offence, offender or victim also determines who can access services in different areas.
- The most common exclusion is for cases involving domestic abuse, with 11% of respondents relying on historic policies and Association of Chief Police Officers (ACPO) guidance from 2011. The remaining 89% accept victim-initiated referrals for DA cases, supported by appropriately trained and experienced practitioners.
- None of the YOTs have blanket bans of any sort, and consider each case on an individual basis, undertaking careful risk assessments.

