

## Restorative Justice with Adults who Have Offended

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**Summary:** In recent years, Northern Ireland has seen the introduction and significant growth of the use of restorative justice practice within the criminal justice system. There have been two main drivers behind these developments. First, the desire to better meet the needs of, and provide redress for the harm caused to, victims of crime; and second, to find an effective alternative to punitive responses and establish positive ways of dealing with children, young people and adults when incidents occur. Within the adult criminal justice context, restorative justice is not generally the way in which crime is addressed. Courts will have regard to the Victim Impact Statement to aid sentencing, but victims will not normally have an opportunity to participate in a dialogue with the person who has harmed. Victims of crime have not had the opportunity to ask questions of the person responsible for the crime, about how and why the crime occurred, to share the impact of the offence on them and to share their views on what could be done to repair the harm and reduce the likelihood of further offending. To date, the most extensive, formal application of restorative justice in Northern Ireland has been in the area of youth justice. Some progress has been made in the application and use of restorative practices with adults, through community-based interventions, in particular; but to date this has largely been driven by individual organisations. Until now, there has been no overarching strategic or co-ordinated approach to its development, in spite of the proven benefits of this approach.

The Department of Justice (DOJ), in conjunction with the Probation Board for Northern Ireland, the Public Prosecution Service for Northern Ireland, the Police Service of Northern Ireland, the Northern Ireland Prison Service, Victim Support NI, Community Restorative Justice Ireland and Northern Ireland Alternatives, is now developing a strategic approach to the use of restorative justice at all stages of the adult criminal justice system. In June 2020, the DOJ held a full public consultation on the proposed *Adult Restorative Justice Strategy for Northern Ireland*, and the responses were shared with the Justice Committee on 9 March 2021 (<https://www.justice-ni.gov.uk/publications/adult-restorative-justice-strategy>). It is anticipated that the strategy will be published later this year. The Probation Board for Northern Ireland (PBNi) has contributed fully to the development of the

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strategy and is now developing a Restorative Justice Framework, which will flow from the *Adult Restorative Justice Strategy for Northern Ireland*.

This practice piece outlines the origins and development of restorative justice in Northern Ireland; reviews current practice in the Probation context; identifies the core principles in the forthcoming justice strategy, and reflects on the shape and content of the PBNI framework. The paper also draws from the experience of the author as a former facilitator of restorative justice interventions with young people.

**Keywords:** Restorative justice practice, victim/s, probation, strategy, community, conferencing, pre-sentence, interventions, opportunities.

## The origins of restorative justice in Northern Ireland

Within the statutory criminal justice sector, restorative justice has its origins in the 1998 Good Friday Agreement,<sup>1</sup> which provided for a wide-ranging review of criminal justice. A Review Group commissioned research relating to restorative justice and its applicability in Northern Ireland and, in 2000, it recommended that a restorative justice model should be established to deal with young people who had offended, through a process of 'youth conferencing', which would be based in statute. The model proposed had similarities to the New Zealand family group conference system, though there were several differences, including an emphasis on the rights of victims of crime and the need to involve victims and offenders actively in a process of dialogue (O'Mahony, 2012).

It was hoped that centring the youth justice process around restorative justice principles would considerably enhance community participation and bolster confidence in the justice system.

The Justice (Northern Ireland) Act 2002 makes provision for the delivery of both diversionary and court-ordered conferences for young people.

## Restorative interventions with young people

The Youth Justice Agency (YJA) was subsequently established in April 2003 with the principal aim of reducing offending by children. Initially the remit of the YJA was to work with children under the age of 16 only, but this was

<sup>1</sup>The Good Friday Agreement, also known as the Belfast Agreement, was an agreement between the British and Irish governments, on how Northern Ireland should be governed. The talks leading to the Agreement addressed issues which had caused conflict during previous decades. The aim was to establish a new, devolved government for Northern Ireland, in which unionists and nationalists would share power (<https://www.gov.uk/government/publications/the-belfast-agreement>).

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extended in September 2005 to include 17-year-olds. The Agency's Annual Report for 2004/2005 notes that the emphasis of the work:

... is on helping children to address their offending behaviour, diverting them from crime, assisting their integration into the community and also meeting the needs of the victims of crime. (YJA, 2005, p. 8)

The 'youth conferencing' process, is a meeting between the victim and young person who has offended, providing the victim with an opportunity to talk to the young person about how they have been affected by what has happened and to hear why the young person committed the offence. The conference is chaired by a professionally trained conference co-ordinator. The overall process is designed to give the offender an understanding of the impact of their actions and to help them understand the victim's perspective. For the victim, it gives them the opportunity to understand why they were victimised and to separate the offender from the offence (O'Mahony, 2012). By 2006, youth conferencing was fully operational in all court areas of Northern Ireland.

The implementation of restorative justice for young people under 18 years of age, and particularly the diversionary aspects, has had a marked impact on the number of children and young people coming into the formal justice system.

For example, in the 18 years since the establishment of youth conferencing for young people, there has been a marked decrease in the number of children being referred to the courts for offending and admissions to custody. The children in the Juvenile Justice Centre (JJC), the custodial facility for under 18s in Northern Ireland, may be held on a Police and Criminal Evidence Order (PACE),<sup>2</sup> remand or when committed, and information is recorded on each admission and each change of status (for example, when a child transfers from PACE to remand), and each discharge. The Youth Justice Agency's report for 2004/2005 notes that there was a total of 197 PACE admissions to the JJC, 216 remands and 52 committals.<sup>3</sup> Care must be taken in interpreting these figures, as one child may have had multiple admissions. In 2019/20, although the number of PACE admissions remained the same at 197, there was a decrease in remands down to 95 and only six young people were committed (NI Youth Justice Agency, 2020).

<sup>2</sup> Police and Criminal Evidence Order (1989) makes provision for the detention of children following a serious alleged offence.

<sup>3</sup> Committals to the Juvenile Justice Centre relate to Juvenile Justice Centre Orders

Restorative justice has become the established way of working with *young people* who have offended and their victims in Northern Ireland. The restorative process has enabled those victims who wish to participate to share the impact of the offence, and to contribute to the youth conference plan, supporting the young person to desist from offending. Studies have found it to be an effective way of working. Of the individual victims identified during 2018/19, 83.5 per cent participated in the YJA conference process and 95.7 per cent of victims surveyed expressed satisfaction with the restorative process.

It is a process where young people also report that they have felt fairly treated and are satisfied with the conference process.

Research has shown that this approach works, and statistics from the Youth Justice Agency (2019) confirm that there are 54 per cent fewer young people reaching the formal court system, compared to five years ago; this reduces the likelihood of these young people entering the adult criminal justice system (NIYJA, 2020).

Joanna Shapland in her 2008 research (also research on conferencing) for the Ministry of Justice concluded that:

Restorative Justice reduced the frequency of reconviction on average by 27%–33% when delivered to prisoners just prior to release; and by 55% when delivered to prisoners serving community sentences.

Given the positive outcomes for the application of restorative justice with young people, might its application with adults yield similar outcomes? If we can intervene at an early stage with adults who get into conflict with the law, and provide a restorative response, might we achieve the same results? For those who have been harmed by an offence, might restorative justice offer an opportunity for restoration, for the victim's needs to be addressed, for them to regain a sense of control over their lives, and for healing?

## **Restorative justice practice in PBNI**

Since 2005, PBNI's restorative model has been delivered through a hybrid approach. In the first instance, the process can be victim-initiated, with requests being made via PBNI's Victim Information Unit; secondly, the process can be offender-initiated. The latter generally evolves when a Probation Officer identifies a suitable case, and a referral is made to external community-based restorative justice organisations for a restorative intervention.

Since 2007, PBNI staff in the Victims Unit have, in response to victim requests, facilitated restorative interventions in cases of death by dangerous driving, manslaughter, murder, attempted murder, rape, hijacking, robbery, intimidation and grievous bodily harm. Our trained staff have facilitated these restorative meetings with offenders in custody and with the direct victim or the families of victims.

The community-based restorative justice organisations with which PBNI works are NI Alternatives (NIA) and Community Restorative Justice Ireland (CRJI), which are accredited providers designated by the Minister for Justice. NIACRO and Barnardo's also have a role to play in the delivery of restorative interventions. These organisations have worked restoratively to address local community disputes, incidents of hate crime and anti-social behaviour by both young people and adults, and have helped to address conflict in children's homes. They have been successful in preventing escalation of issues and involvement in the formal criminal justice system. PBNI has worked closely with the community-based schemes in the delivery of our Enhanced Combination Orders (ECOs)<sup>4</sup> (Doran, 2017) and our Aspire Programme<sup>5</sup> (Ritchie and McGreevy, 2019) to assist service-users to reintegrate into their local communities. Delivery, however, has been on an ad-hoc basis and often dependent on whether or not the community organisation operates in a particular area. This presents some challenges in that restorative justice is not offered consistently to all victims across Northern Ireland, and in practice it means that victim surrogates are used within many of the restorative interventions.

In 2014, PBNI developed a *Restorative Interventions Strategy, 2014–2017* to ensure that victim needs and restorative principles were further integrated as components of PBNI's practice with adults who offended. Work arising from this Strategy focused on restorative training for PBNI staff, and embedding restorative interventions within everyday practice, including case-management supervision, custody and programmes. As part of this Strategy,

<sup>4</sup> Enhanced Combination Orders (ECOs) have been developed by PBNI as an alternative to short prison sentences (12 months or less). Based on existing legislation, ECOs combine community service and probation supervision along with a range of community interventions including, restorative justice, and they offer courts a community-based sentencing option in a more intensive format. ECOs are currently available in three court areas, including Belfast.

<sup>5</sup> The Aspire Programme is led by PBNI, and delivered in partnership with the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) and other voluntary and community-sector groups. It works with young men, aged between 16 and 30, who are marginalised in communities and at risk of becoming involved in criminality. It combines restorative practices and peer mentoring with targeted support in relation to employment, training, housing, poor mental health and addictions issues.

the PBNI Psychology and Programmes Teams designed the Victim Awareness intervention in which all staff are now trained. However, four years on from the completion of this Strategy, feedback from staff reflected that further work was needed to embed PBNI's restorative practice more widely and to ensure that there was consistency in how it was being delivered across all aspects of the work.

Over the past number of years, PBNI has invested resources in providing accredited Restorative Justice Training delivered by Ulster University for approximately 30 staff across the organisation. In November 2020, two focus groups were held with staff to review how they had integrated this training into practice. The focus groups explored what changes staff had made in their interactions with victims and offenders, and gathered ideas for developing restorative practices across PBNI. The staff were drawn from across the organisation within custody and community settings. They included Probation Service Officers (PSOs)<sup>6</sup> as well as Probation Officers. Most of the staff in the focus groups had undertaken their training with Ulster University between 14 and 22 months earlier, and all were extremely positive about how useful it had been in helping them to approach their work with offenders, helping them to develop a victim perspective and focus on the harm that had been caused.

The findings from the focus groups unsurprisingly were that those staff who had most opportunities to make use of their training with both offenders and victims were those working within the Victim Information Unit. They provided examples of having facilitated restorative conferences between the offender and victims or family of the victim for some of the most serious offences, including murder. They had undertaken shuttle mediation between parties and supported offenders to write reflective letters for victims. It was evident that a restorative approach was an integral part of their practice, featuring in staff supervision sessions and included as a standing item on team meeting agendas. In addition, the Victims Unit had created a process which tracked progress and reviewed the restorative interventions delivered with registered victims. For practitioners in the Victims Unit, the impact of COVID-19 restrictions had limited their opportunities for face-to-face contact with victims and the delivery of conference meetings, but they were continuing to undertake preparation work with the intention of facilitating meetings at a future date. At the time

<sup>6</sup> Probation Service Officers (PSOs) perform a support role within PBNI, assisting Probation Officers with supervision, assessment, community service and programme delivery.

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of writing, one full restorative conference has been facilitated, with all participants participating remotely.

For those working in generic teams, their restorative work was less visible, less about the direct engagement with the victim and more about the way in which they engaged with the offender. Being restorative was evident in how they delivered their day-to-day supervision — using restorative language in their interactions to address issues of non-compliance and to support the individual to recommit to their order. They actively considered potential cases for restorative interventions and were open and alert to the possibilities of restorative meetings between the victim and offender, making referrals to the Victims Unit on a regular basis. They also saw the opportunities for wider applications of restorative practices, repairing fractured relationships within families or between the individual and other service-providers where communication had broken down.

Only those staff working directly in the Victims Unit had the opportunity for direct involvement with victims since receiving their training, but other practitioners noted that they had changed their practice as a result of the training, and from the time of the initial meeting with the service-user, they were maintaining a focus on the harm to the victim. It had been hoped that the trained staff would have carried out restorative justice interventions, but undertaking such a role in addition to case supervision and report-writing was not achievable; instead, Probation Officers have been working collaboratively with the Victim Information Unit to undertake this work jointly. In their case supervision with offenders, techniques such as role plays were used in individual supervision sessions. Through enabling the service-user to put themselves in the shoes of the victim, Probation staff were always keeping the possibility of a restorative intervention on the agenda.

A Probation Service Officer in the focus group reported that she makes use of a short video, *What is Restorative Practices?* (International Institute for Restorative Practice Graduate School, 2013), and DVD resources such as *The Wolf Within* (Restorative Justice Council, 2018) with her service-users to prompt discussion on restorative practices. In victim-awareness sessions, practitioners made use of storytelling with the service-user for other offences, to help them to understand how actions have consequences and cause harm, before moving to consider the index offence.

It's very hard if you don't do victim work to deliver for the victims. (Focus group participant, November 2020)

On 31 March 2019, PBNI had 4,552 orders on the caseload, relating to 1,415 individuals. Of this caseload, more than three-quarters of orders being supervised (3,551, 78 per cent) were allocated to PBNI teams in the community, with the remainder in custody (1,001, 22 per cent). The main type of order was a probation order, and the top four offences recorded by persons on the PBNI caseload in March 2019 were:

- Violence against the person
- Drugs offences
- Theft, and
- Sexual offences.

It is suggested that many of the offences where there was a direct victim may have been appropriate for consideration for a restorative intervention. However, unless the victim has registered with PBNI's Victim Information Unit and expressed a desire to participate in a restorative process, a restorative option will not be considered. Shapland *et al.* (2017) argue that the research evidence tends to show that restorative justice is as effective, or more effective, with more serious offences, and indeed with adult offenders, and it is these types of offence which can have the greatest impact.

## Significant policy developments

The prospect of an Adult Restorative Justice Strategy for Northern Ireland opens up opportunities for adults across the whole region to benefit from this way of working, to reduce the number of people appearing in court and ultimately to reduce the number of victims.

In part, the impetus driving restorative practices for adults at both national and international levels has come from the recent Council of Europe Recommendation (2018), which called for governments to make restorative justice services widely available. This has helped to focus minds on how to implement restorative justice within the criminal justice system generally, and within probation services more specifically. The recommendation states that:

[R]estorative justice should be a generally available service [Rule 18], available at all stages of the criminal justice processes [while] victims and offenders should be provided [...] with sufficient information to determine whether they wish to participate [Rule 19].



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Ian Marder (2020) notes that:

Restorative justice can represent a new direction for probation practice internationally. We know that almost everyone who commits an offence is also a victim at some point in their lives, and vice versa. Restorative justice gives us the language and the tools to overcome a zero-sum approach to meeting the needs of citizens engaged with the criminal justice process.

He contends that probation services are generally involved in delivering restorative justice in one of three different ways. Firstly, there are those services that are mandated by the state to use victim–offender mediation as part of the criminal justice process. The Czech Probation Service would be one example of this. Secondly, there are those services that can provide restorative practices when either a judge directs that a case should be considered, or the individual Probation Officer identifies a suitable offence; such is the current practice in the Irish Probation Service. Finally, there is a model whereby the case is referred to an external organisation for the restorative process. Examples of this can be seen in Norway, where a national mediation service is in place, and cases are referred into that service.

From a Northern Ireland perspective, new directions for restorative justice interventions as part of Probation practice are currently under discussion.

For example, *Gillen Review: Report Into the Law and Procedures in Serious Sexual Offences in Northern Ireland* (Gillen, 2019) highlighted the need to be innovative when looking at new mechanisms to deal with sexual offences, and this should include a restorative approach. The *Gillen Review* highlights the importance of victim-sensitive engagement, stating:

[A]ny new process must be victim-focused and based on the needs of the victim. It must put victims at the heart of the justice process, empowering and helping them to move on. It can be triggered only if the victim genuinely wishes to do it. It must never be allowed to become yet another instance of re-traumatising the victim.

The report also points to the fact that the Probation Board already has in place trained facilitators who could carry out this work.

Sir John Gillen admits that the recommendations in relation to restorative justice within the review are one of the more controversial issues, and states that how to approach it has split opinion. Gillen believes that there is

potential for such a scheme to encourage more victims to enter the criminal justice system, especially those who want to see an accused held accountable but do not wish to engage in the court process. He adds that given the level of people that the system is currently failing, the state has an obligation to consider an alternative.

According to Gillen:

Some might see this as a soft option. That there are people who won't go to jail, while others might for similar offences. My response to this is that this is already occurring given the level of under-reporting, drop-outs and system defects.<sup>7</sup>

*Hate Crime Legislation in Northern Ireland*, an independent review conducted by Judge Marrinan (2020), similarly highlighted the importance of a restorative approach when dealing with hate crime. Of particular interest to PBNI is recommendation 17, which states: 'It is desirable that such a statutory restorative justice framework be established with the necessary financial funding' and that such a scheme should 'be independent of the Department of Justice'. He continues at Recommendation 19 by stating:

As such a scheme will involve referrals from the *Public Prosecution Service* and the *Courts*, it is recommended that it should be run by a statutory agency such as the *Probation Service for Northern Ireland*.

## **PBNI's 2021 strategy on restorative justice**

PBNI's 2021 strategy, *Restorative Justice: A Framework for Practice*, details how PBNI will progress our restorative justice practices, how we will identify and assess appropriate referrals, and how our work will align with the proposed DOJ *Adult Restorative Justice Strategy*.

The proposed DOJ strategy sets out proposals for the use of restorative approaches as:

- An alternative to the Criminal Justice System, diverting those who have offended before they come to court
- The sentence itself, or part of the sentence, and
- In addition to a sentence imposed by the courts.

<sup>7</sup> AgendaNi Interview with Sir John Gillen, available at <https://www.agendani.com/the-gillen-review/> (accessed 6 July 2021)

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One of the proposals is for a system for adults to be developed, which is similar to that delivered by the Youth Justice Agency. This would mean that, in addition to a diversionary process, adults would also be afforded the opportunity of a restorative meeting at the point of court appearance, where it would form part of sentencing. PBNI works with those who have been before the courts and are subject to a legal sanction as a result of their offending. Until legislative changes are in place, however, any delivery of restorative practices within PBNI must be undertaken within our current statutory remit — within our practice, we can support and encourage our staff to be creative and innovative in how they work restoratively. Marder (2019) in his article for the *Irish Probation Journal* describes what this might look like within the Irish Probation Service:

Whenever an offender is sentenced to supervision in the community, the first port of call would be to identify whether there are any direct or indirect victims and other stakeholders (e.g. the parties' families) who would be willing to engage. These parties would be invited to a restorative process at which they discuss the harm caused and what could help improve the situation and prevent it from reoccurring. Practitioners could revert to traditional decision-making approaches if nobody wanted to engage with this process, or in any other situation where a restorative process is not viable. However, when it is viable, the outcomes agreed by participants could inform — or, potentially, become — the sentence plan.

PBNI prepares in the region of 4,000 pre-sentence and magistrates court reports each year. Whilst these reports address the impact of the crime on the victims and the wider community, our 2021 strategy challenges us to do more. Within our court reports, we should give greater prominence to the insights of the individual as to the harm caused and, in consultation with the service-user, how they might take responsibility for repairing the harm and undertake reparation. We will ensure that our recommendations are linked to increasing the person's victim awareness, supporting them to undertake reparative projects within the community as part of their community service, and building their resilience by way of specialist interventions and programmes to address their offending behaviour. In this way, sentencers can become more familiar with how PBNI can work restoratively, hopefully mainstreaming this work, and paving the way for legislative changes in the future.

At the pre-sentence stage, when writing the court report, the Probation Officer will ask the individual to consider how the offence may have affected the victim. In many cases, the individual will not be able to place themselves in the other's shoes and consider the impact, but our revised strategy will prompt report-writers to make use of the restorative questions with the service-user:

- What happened?
- What were you thinking of at the time?
- What have you thought about since?
- Who has been affected by what you have done?
- In what way have they been affected?
- What do you think you need to do to make things right?

In so doing, service-users are introduced, at the earliest opportunity, to the concept that their actions have consequences and may have caused harm to others. By inviting them to consider what they might do to put things right, report-writers can support the service-user to begin to accept responsibility for their actions and believe in the possibility that they can take steps to repair the harm.

Where assessed as appropriate, report-writers will explain the opportunities for restorative interventions that may be available at some point during their supervision or custodial sentence.

Community service is potentially restorative if a victim has had a say in the type of unpaid work being carried out. Within PBNI, there is no legislative basis for Probation Officers to engage directly with the victim pre-court, so we are unable to hear the victim's views as to the type of community service they would like the person to undertake. In our practice with offenders, we can make the links with the offence and the type of unpaid work they are undertaking and advise the service-user that where we are in contact with the victim, they will be offered an opportunity to input into the type of community service work. Where possible, the community-service placement will be matched to the offence type and will make links to undertaking reparation for the benefit of the community/victim.

The second driver for restorative justice is changing the culture of the organisation and 'being restorative'. Probation staff can undertake restorative practices with offenders at all stages during their involvement, and working restoratively will be a continuous and explicit theme throughout all aspects of

supervision, both within the community and in custody. At induction meetings with service-users, staff will create the expectation that the service-user will engage in restorative practices and that a face-to-face meeting with the victim is a possibility. In order to implement fully this way of working, however, it will require a change in how we do business, a change in our language and our approach. In our practice standards, we have induction 'interviews', which almost suggests that the individual is having to endure a process rather than be an equal and contributing participant in their supervision. Some Probation Officers still use terminology such as 'disciplinary' when referring to meetings with a service-user where there have been issues of non-compliance, and there have been instances where verbal abuse by a service-user at a community-service placement has resulted in the placement being suspended and the order being returned to court for breach.

Whilst not suggesting that this type of behaviour is in any way acceptable, it should be noted that non-compliance and expressions of negative behaviours present opportunities for learning and for a restorative approach, enabling the service-user to be actively engaged in how they participate in their order, how they are able to take responsibility for their actions, to learn from their mistakes and to put things right in order to move on. The outcome of a non-compliance meeting where the person gets to consider the consequences of their actions, to identify what has not worked for them and consider how they can recommit to the requirements of supervision can have a more positive outcome than adopting a rigid approach of issuing formal warnings and being punitive in our response. A restorative conversation with the Community Service Supervisor can assist both parties to understand one another's perspective, to make amends and continue working together, rather than terminating the placement and initiating breach proceedings.

Even when an order needs to be returned to court for non-compliance, this can be managed in a restorative way, helping the person to understand what actions have led to the proceedings taking place and enabling them to take responsibility for re-committing to their order (if they choose to do so) and avoid a custodial sentence.

Such opportunities build resilience, restore relationships and build social capital, all of which in turn supports desistance.

The values that underpin restorative justice are fundamentally basic human values of justice, responsibility, respect and honesty. These are values that are closely aligned with PBNi's values of respect, integrity, openness and accountability. Probation Officers are social-work trained and they work to a

set of guiding principles which are informed by an approach that recognises and encourages people's capacity to change and transform their lives, is based on partnership and collaborative working, and values equality and diversity.

PBNI's 2021 Framework will ensure that Probation staff keep the victim at the heart of our practice when working with those who have harmed. As part of ongoing supervision, Probation staff will continue to support service-users to write letters of apology/reflection following completion of work on victim awareness. PBNI's Restorative Justice Strategy challenges staff to enhance and develop practice and to embrace fully a restorative approach in everything we do with victims and offenders.

There is a real opportunity for PBNI to develop its restorative work on hate crime and to begin to pilot restorative approaches for offences where the offence is motivated by hate. Likewise, there are opportunities to look at how we can contribute to the *Gillen Review* recommendations in a way that might better assist victims of sexual offences.

## **Getting from here to there**

Implementing a more consistent application of restorative practices across all of PBNI's work will require some shifts in our current practice with service-users. At the core of interventions, Probation Officers will need continually to motivate and encourage people to consider the harm their actions have caused, identify what they can do to put things right, and prevent the same happening again by understanding and linking the consequences of their offending with their ability to make different choices in the future. Further staff training in delivering restorative practices is required. Already, 30 staff are trained, and it is planned that some of those staff will train and mentor others in the organisation to deliver restorative interventions.

The importance of training for staff cannot be underestimated as we have an obligation to victims to ensure that no further harm is caused as a result of a restorative intervention. PBNI staff need to 'be restorative', not just to 'deliver' restorative practices, and they need to own this way of working, and be both comfortable and competent in dealing with the strong emotions that are often expressed by both parties. Having trust in the process of the restorative conference is about enabling those parties who have a stake in the wrong that has happened to agree collectively the actions that are needed to repair that harm. This necessitates Probation staff creating that safe space for both offender and victim, and facilitating the dialogue, without imposing their views about what should happen.

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Sharing of experience is important in progressing this work. A restorative practice forum is to be established within PBNi to bring together practitioners, managers and community-service supervisors to share good practice and develop guidance for other staff about how they can be more restorative. This will include making changes to our practice standards so that staff routinely assess an offender's suitability for a restorative process, at all stages during their probation supervision. We will also explore how restorative practices can be used in re-contracting offenders when they have breached hostel rules or are at risk of recall because they have not adhered to the requirements of their order — before breach is initiated.

As part of our strategy, we hope to expand the reach of the Victims Unit to create additional capacity for staff to engage with victims and give them opportunities to be involved in a restorative process. Where the direct victim does not want to be involved, we plan to develop victim panels where an offender will have an opportunity to meet with someone who can represent the views of the victim and can talk with authority about how they have been affected and what is now needed to put things right.

It is, perhaps, the work with victims that presents the greatest opportunities for Probation Officers. Our staff have many years' experience in working with those who offend, and challenging their behaviours and attitudes. Working with victims is very different, creating anxiety amongst staff as to how victims might present, how they as staff members might react to expressions of anger, resentment, sadness, and loss. There will be work to do in gaining the trust of the general public. PBNi is an organisation that works with offenders, which begs the question: why are we now involved with victims and engaged in this restorative work? The fact is that work has been ongoing for a number of years with over 340 victims currently registered with the Probation Service.

Developing our restorative practice is something that PBNi is committed to progressing, and we hope that legislative change will enable Probation Officers to make direct contact with victims at the point of referral/presentation, so that we can truly involve them at all stages, from the point of court through to completion of an order or custodial sentence.

The Council of Europe recommendation stresses the importance of safe and effective processes, ensuring that facilitators and their managers have the required skill-set to deliver restorative justice so that it is experienced by all parties as a safe and fair process. Within the DOJ strategy, there is a proposal for the establishment of a Centre of Excellence, which would

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provide the lead for ensuring adherence to best practice and oversight of all of the organisations delivering restorative justice in the jurisdiction.

## Conclusion

From a PBNI perspective, we welcome the opportunity that an Adult Restorative Justice Strategy presents to address the needs of victims; to enable those who have harmed to accept responsibility for their actions; and to offer members of the community a meaningful role in the justice process.

PBNI has developed a strong base for the delivery of restorative practices and has been cited by the DOJ in its recent consultation on the Adult Restorative Justice Strategy for the work we have been doing, in partnership with others, with adults who have been involved in very serious offending. From the feedback collated from PBNI practitioners, it is apparent that where face-to-face meetings have been facilitated between the offender and victim, these have been particularly valuable in assisting the offender to gain an understanding of how others have been harmed, and have helped the victim to have their voice heard. The process has also enabled the victim to hear the perpetrator accept responsibility for the harm caused.

We recognise that it is not a 'one size fits all' approach, and we need to provide a flexible and responsive approach to restorative justice, listening to the views of victims and working restoratively in all the interactions we have with our service-users.

Shaping and developing the culture of practice within PBNI to become more restorative will take time, but there are immediate actions that we can take to shift the balance, including using restorative language with service-users, and undertaking enforcement in a way that holds service-users to account but also reminds them that the reason why they are subject to PBNI supervision is the harm caused to victims. We can work to ensure that where the offence is relevant, practitioners keep restorative justice at the core of each of the supervision and case-planning sessions and undertake programme work with the intention of supporting the service-user to gain insight into the consequences of their actions.

It is hoped that PBNI's Restorative Justice Framework and Action Plan will provide a strong foundation on which PBNI can build our restorative practices with adults and align with the DOJ's overall strategy for Restorative Justice for Adults.



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