

Restorative Justice

Information for legal representatives



Department of
Justice

An Roinn Dlí agus Cirt

Männystríe o tha Laa

www.justice-ni.gov.uk

What is Restorative Justice?

Restorative justice aims to address and repair the harm caused by crime. Used widely in our criminal justice system, it gives those who have caused harm through crime the chance to meet with the person they have harmed and take responsibility for what happened, hear about the impact and consequences of their actions and find ways in which to make amends. It is also an opportunity for the person who has caused harm to learn about their behaviour, so that they can recognise what needs to happen to avoid further offending.

Restorative justice allows the person who has been harmed to ask any questions they might have, to share how the incident affected them and to identify what they need in order to repair the hurt caused.

“ Why me?

“ Was this planned?

“ What did they hope to achieve?



How does it work?

Individuals will be considered for suitability following an admission of guilt to the Public Prosecution Service, or a guilty plea or a finding of guilt at Court.

Before any meeting takes place the person who has caused harm will be assessed to ensure that they take responsibility for the crime, and are willing and able to participate. The restorative process is led by a trained and experienced practitioner, accredited by the Department of Justice. They will support and prepare the person who caused harm and the person harmed, and will ensure that it is safe for them to engage, either directly or indirectly. They will facilitate the process, making sure that all parties are treated fairly, and with respect.

The practitioner reserves the right to terminate this process at any time if the person who caused harm is assessed as being unsuitable.

To be clear, this is a voluntary process and parties must give their full, and informed, consent to participate. They have the right to withdraw at any stage.

“ What are they going to do to repair the harm caused?

“ Will they do this to me again?



Referrals

Referrals for a Restorative Justice Conference can be issued as a diversion to prosecution by the Public Prosecution Service or directly from any criminal court.

A **'Diversionary Restorative Conference'** is directed by the Public Prosecution Service and takes place after the individual has signed an 'Admission and Agreement' form confirming that they admit to the offence and agree to take part in the restorative justice process.

A **'Court-Ordered Conference'** is requested by the Magistrates or Crown Court when an individual pleads guilty or is found guilty of a crime and agrees to take part in the restorative justice process.



Restorative Processes

A restorative justice process can take place in different ways, directly or indirectly. The person who has caused harm and the person harmed may meet face to face (in person or virtually). Alternatively, communication might be indirect. It is important to note that a conference must take place if the person who caused harm wishes to proceed, regardless if the person harmed chooses to have no input.

Face to face meeting

A face-to-face restorative justice meeting is known as a restorative conference. This will be co-ordinated and facilitated by the practitioner who will prepare parties beforehand to ensure that they are ready and willing to participate. Both the person who caused harm and the person harmed are welcome to bring support to this meeting if considered appropriate. This support might include you, as their legal representative.

Indirect communication

Should the person harmed prefer not to meet the person who harmed them face-to-face they might choose to engage in indirect communication. This might be done through shuttle mediation (where they are in separate rooms), correspondence through letters or a statement provided by video link/recording.

Both approaches must have full, and informed consent. Participants have the right to withdraw from this process at any time.



What is my role in a restorative conference?

Your role is not to speak on behalf of your client but to listen to all that has been discussed and provide legal advice in relation to any Agreement made at the conclusion of the conference. An Agreement is an action or set of actions to be undertaken by your client to meet both the reparative needs of the person who has been harmed and help reduce any risk of re-offending.

Agreements must be fair and appropriate to the level of harm caused.

When the restorative conference – either direct or indirect – is completed, the practitioner will prepare a short report for the PPS or Court. This report will be a synopsis of the process, and will include any Agreement being proposed by participants as a just, fair and proportionate outcome of the conference. If the referral is Court-ordered, this report will be available for the date of sentencing.



It was something that I needed to do for me. I needed the questions answered.



What happens next?

A practitioner will meet with your client to discuss their interest in participating. The practitioner will provide them with further information about the process, and will be able to answer any questions or concerns that they might have. If they consent to continue, the practitioner will make a further appointment to begin preparation.

You will be contacted by the practitioner should the individual request your attendance at the conference. You might also be contacted if there are any issues relating to the progress of a referral.



