

# Restorative justice and prison – a report for governors



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## About the project

This report is the result of a project that has formed part of the RJC's work funded by the Ministry of Justice in the year 2016-17. It aims to ensure access to restorative justice for victims of crime while their offender is in custody by developing a fuller understanding of how restorative justice can work in prisons and working with governors to enable them to make restorative justice more widely available.

The project was informed in its early stages by a roundtable discussion with key stakeholders with practical experience in the field, drawn from prisons, Community Rehabilitation Companies (CRCs), and third sector providers. In its later stages, prison governors and senior prison staff from across England and Wales were invited to give their feedback on and input into the project and this report.

We would like to thank everyone who kindly lent their time and expertise to support and contribute to this report.

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## About the Restorative Justice Council

The RJC is the independent third sector membership body for the field of restorative practice. It provides quality assurance and a national voice advocating the widespread use of all forms of restorative practice, including restorative justice. The RJC's vision is of a society where high quality restorative practice is available to all. The RJC role is to raise public awareness and confidence in restorative processes, while also ensuring quality in the delivery of restorative justice and supporting those in the field to build on their capacity and accessibility.

This includes setting and championing clear standards for restorative justice. As part of this work the RJC has developed, with the Ministry of Justice, the Restorative Service Quality Mark (RSQM), which provides organisations and partnerships delivering restorative justice with external validation that they are meeting the six Restorative Service Standards. The RSQM reassures participants in restorative processes that they will receive a safe, effective service. The RJC has also developed standards around restorative justice training. The Training Provider Quality Mark (TPQM) is an accreditation process enabling training providers to demonstrate that they meet those standards.

The ultimate aim of the RJC is to drive take-up and to enable safe, high quality restorative practice to develop and thrive.

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# Foreword

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**Jon Collins**  
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In February 2016, David Cameron, then Prime Minister, announced a programme of prison reform that would amount to, he said, “the biggest shake-up in the way our prisons are run since the Victorian times” (Cameron, 2016). The subsequent publication of a White Paper, Prison Safety and Reform (Ministry of Justice, 2016), has confirmed the Ministry of Justice’s ambitions for wholesale reform of the prison system, with greater autonomy for prison governors at the heart of the proposals.

These reforms will inevitably have an impact on the delivery of restorative justice. The time when an offender is in prison can be a key opportunity for restorative justice to take place, supporting their rehabilitation and providing victims with an opportunity to engage with the process. Ensuring that prisons play an active role in enabling restorative justice to take place must therefore be central to achieving the Ministry of Justice’s vision for restorative justice to be available at all stages of the criminal justice system.

The use of restorative justice can also play a significant role in making prisons more effective at promoting rehabilitation and reducing reoffending, helping to create the ‘purposeful centres of reform’ promised in the White Paper. As prison governors, charged with ensuring that the Ministry of Justice’s ambitions for prison reform are delivered, develop their plans, it is imperative that the value of restorative justice is recognised.

This report, therefore, aims to support governors in making restorative justice more widely available in their prisons. It sets out why and how to set up and carry out restorative justice within a prison, whether that process is managed internally or by external agencies. It does not attempt to describe in granular detail how to run individual restorative justice processes – that level of detail is available elsewhere – but it gives an overview of how different operating models may be applied to different prisons. It does not make recommendations for changes to national policy, but instead focuses on how to work in the current local operating environment.

I would like to take this opportunity to thank all the people who have contributed to the development of this report, including prison governors and staff, our members, and representatives of the National Offender Management Service (NOMS) and the Ministry of Justice. Their willingness to contribute to this work demonstrates the widespread support for the greater use of restorative justice in the prison system.

As anyone working in the prison system will be aware, this is a time of considerable policy change. Over the time that we have been writing this report, a new White Paper has been published, the Secretary of State for Justice has changed, the abolition of NOMS and its replacement with a new service has been announced, and a whole new agenda for prison reform has begun. It is impossible to predict how these changes will work in the long term, or what further developments there may be over the next few years of prison reform.

Because of this, some of the names and policies mentioned in this report may soon be out of date. The principles we have set out, however, and the recommendations we have given, are sufficiently general to work no matter what the forthcoming changes are.

We hope that prison governors will find this report a useful starting point in considering why restorative justice should be central to their work to reduce reoffending and how this can be achieved. We believe that every prison can and should play an active role in ensuring that every victim and every offender has access to restorative justice. We look forward to working with prison governors to ensure that this is the case.

1.

## About restorative justice



Restorative justice brings those harmed by crime or conflict and those responsible for the harm into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward.

It gives victims the chance to meet or communicate with their offenders to explain the real impact of the crime – it empowers them by giving them a voice. It also holds offenders to account for what they have done and helps them to take responsibility and make amends.

Restorative justice is led by a trained facilitator who supports and prepares the people taking part and makes sure that the process is safe. The facilitator will make sure that the victim and offender are taking part in restorative justice for the right reasons, and will monitor the risk of harm to both parties throughout the process.

Restorative justice often involves a conference, a face to face meeting between the offender and victim with the facilitator present. Supporters for both victim and offender can also be present. Sometimes, when a face to face meeting is not the best way forward, the facilitator will arrange for the victim and offender to communicate via letters, recorded interviews or video.

For any kind of communication to take place, the offender must have admitted to the crime, and both victim and offender must be willing to participate. Restorative justice can take place for any crime type where the victim and offender are both willing, although additional care will need to be taken in cases of domestic or sexual violence.

For offenders, the experience can be highly challenging as it confronts them with the personal impact of their crime. It can help them to consider their previous behaviour in a new way and often prompts a desire to change. For victims, meeting the person who has harmed them can be a huge step in moving forward and recovering from the crime.

There is often confusion about what the term ‘restorative justice’ means, and victim awareness courses can be incorrectly described as restorative justice. While these courses can be beneficial for offenders and can help to motivate them to take part in restorative justice, the evidence supporting restorative justice applies to the definition outlined above, which is used by the Ministry of Justice and the RJC. This report refers only to that definition of restorative justice.

In a field which is growing rapidly, consistency of quality in restorative justice delivery is absolutely essential. A high quality restorative justice service guarantees victims and offenders will be accessing a safe and effective process that will be subject to rigorous risk assessment at every stage. The RJC has developed clear, evidence-based standards and guidance to support the delivery of quality restorative practice and has put mechanisms in place to enable its members to demonstrate that they meet those standards. Working to RJC standards can help to ensure that restorative justice is delivered consistently and well.

Where a prison chooses to commission external agencies to train staff or deliver an in-house restorative justice service, the RJC recommends that those organisations should be able to demonstrate that they are working to the RJC's standards. They should either hold or be working towards the relevant RJC quality mark – the TPQM for training providers and the RSQM for delivery organisations.

## 2.

# Context and background



Over the last six years, following on from the 2010 white paper *Breaking the cycle* (Ministry of Justice, 2010a), improving the availability of restorative justice throughout the justice system has had significant government support. Successive action plans, a number of pieces of enabling legislation, the introduction of the current iteration of the *Victims' Code* (Ministry of Justice, 2015), and significant funding being given to police and crime commissioners (PCCs) have all supported restorative justice in becoming more mainstream and more widely available.

Arguably the most important development was the funding provided to PCCs to make restorative justice available to victims of crime in their areas. This funding, part of their grant from the Ministry of Justice for victims' services, was intended to enable them to offer victims of crime access to restorative justice. It was intended to complement, rather than replace, restorative justice that was already being provided by prisons and the probation service, for which the primary purpose was the rehabilitation of the offenders under their supervision.

As a result, new services have been developed or commissioned by PCCs in most areas, working to enable victims to access restorative justice. This has seen a significant increase in restorative justice capacity. But it has also created new demands on agencies managing offenders. Whenever a PCC-funded service identifies a victim who would like to access restorative justice, they then need to approach the offender to discuss their participation and, if they are willing to take part, work with them throughout the process. This must involve contact with the agencies that are responsible for their supervision, including the prison holding them if they are on remand or serving a custodial sentence.

In addition, legislation has been passed to support the use of pre-sentence restorative justice. The *Crime and Courts Act 2013* enables judges and magistrates to delay sentencing after a guilty plea to enable restorative justice to take place. In some cases the offender will be in prison on remand, in which case the prison will have a role to play in supporting the process.

The Ministry of Justice has been clear that prisons must support the delivery of restorative justice when it is being led by another agency. Successive Restorative justice action plans<sup>1</sup> in 2012, 2013 and 2014 have clearly stated that victims should be able to access restorative justice while their offender is in custody.

1 Available at [www.gov.uk/government/collections/restorative-justice-action-plan#action-plans](http://www.gov.uk/government/collections/restorative-justice-action-plan#action-plans)

Following on from this, the National Offender Management Service (NOMS) set a commissioning intention in 2014 that prisons should either develop capacity to provide restorative justice, or provide a supportive environment for delivery by external agencies (NOMS, 2013).

It is, however, difficult to get a sense of the scale of the use of restorative justice in the prison system. The RJC carried out a mapping exercise of restorative justice provision across England and Wales in 2016 (ICPR, 2016), and there were 32 responses from prisons which were using restorative justice. RJC members report that many prisons are not providing a sufficiently supportive environment, and the RJC encounters very few prisons with their own in-house restorative justice capacity.

This is a missed opportunity. There is much that restorative justice can offer to prisoners, prison staff and prison governors. As this report shows, restorative justice can help to engage offenders with their own rehabilitation and robust evidence shows that it reduces the frequency of reoffending by at least 14% (p64: Ministry of Justice, 2010b). It can also help to improve the prison environment and make it a calmer and safer place for staff and offenders.

It is recognised that there are barriers to restorative justice being made available to offenders. Most significantly, the prison system is currently facing real and significant challenges. Prisons are suffering from a serious reduction in resources. Between 2009-10 and 2013-14, direct prison costs have reduced in real terms by 12% per prisoner. Going forward, NOMS envisages ongoing savings of around 15% in the next year. This means that, alongside a growing prison population, prisons have reduced staffing numbers, staff have less time to do anything outside of their core work, and governors have a smaller budget to offer rehabilitation programmes. Prisoners in some prisons can spend up to 23 hours a day locked in their cells, as there are too few staff to let them out to take part in purposeful activity.

The facts, as collated by the Prison Reform Trust (2016), illustrate the scale of the problem. The prison population has increased by 91% since 1993, to 84,405 people in June 2016. Over the last six years the number of staff employed in public prisons has fallen by 30%. With this falling staff-to-prisoner ratio, perhaps it is unsurprising that conditions in prisons have deteriorated dramatically. An increasing number of prisoners are murdered, commit suicide, self harm or become victims of assault. In the year to March 2016 290 people died in prison, which is the highest number on record. One-third of these deaths were self-inflicted. Serious assaults have more than doubled in the last three years, with 2,197 serious prisoner on prisoner assaults and 625 serious assaults on staff in 2015.

Necessarily, the focus in most prisons is therefore on maintaining safety for prisoners and staff. The recent White Paper on prison reform (Ministry of Justice, 2016) describes the challenges facing prisons, particularly in light of the rise in use of new psychoactive substances:

**“Dealing with the effects of these substances has made it more difficult for many prisons to run full and purposeful regimes, occupying prisoners in activity to help their journeys to reform. It has made it more difficult for staff to build constructive relationships with prisoners, through which they can combine supervision with helping them to change their behaviour and attitudes.**”

**“Conflict in prisons can also come about under highly controlling regimes, which prison staff may be forced to impose when they have to manage serious incidents. In turn that leads to frustration if rules are seen as being applied unevenly, or when prisoners do not accept the fairness of staff decisions.”**

The resource required to set up and run a restorative justice service in a prison beset by drug use, overcrowding, understaffing, violence and mental health problems may seem too much, particularly as it is often seen as an optional add-on rather than a core service for the prison to offer. The most recent thematic inspection by the justice inspectorates into restorative justice (Criminal Justice Joint Inspection, 2012) found that prison governors were very concerned about the NOMS commissioning intention on restorative justice, as no additional funding was to be offered and it was to come from their core budget.

As this report will illustrate, however, restorative justice can be made to work, even within this context. How much a prison is able to commit in terms of resource and time will vary, but this does not mean that there cannot be a restorative justice service. This report outlines some of the main barriers facing delivery, and looks at ways that governors can move past them.

There are significant differences between prisons across the custodial estate. The nature of the population varies, as well as the length of time that prisoners are being held and the stage of their sentences. In a medium-security prison with a long-term, static population, for example, it might be easier to set up and run a restorative process with a prisoner than in a remand prison. Research has previously found that movement around the prison estate is a significant issue for delivery of restorative justice.

This does not mean that some prisons will be unable to deliver restorative justice, just that they will need to try different approaches, and may need to work with probation and other prisons more closely. Some of the recommendations in this report will not be applicable to all prisons, but should cover broad principles that can be adapted to meet the needs of an individual prison.

Whatever the individual setup of the prison, commitment from senior management is key in ensuring that restorative justice is made available and that prisoners and victims are enabled to participate and are supported both before and after the process. Governors need to be actively engaged in promoting restorative justice within their prison, and committed to working with staff or external agencies delivering restorative justice in order to make sure that their prison can gain its benefits.

For this report, the RJC held six regional roundtables attended by staff from 45 prisons. They had varying levels of experience in terms of restorative justice delivery, and different issues were raised depending on the types of prisons they worked in. Many common themes emerged, however, which are explored in more detail in the report. Overall, it was very clear that in order to make restorative justice work in a prison, commitment from the governor is essential. Once that is established, the rest is eminently possible.

## 3.

# Why offer restorative justice?



The new prison reform plans state that “governors will be given the powers to achieve reform and they will be held to account for it in an open and transparent way”. In her first speech on prison reform, Liz Truss, the secretary of state for justice, announced that the government will collect data on “how well prisons do in tackling some of [the] most fundamental drivers of reoffending” (Truss, 2016). New prison league tables are going to be created. Within this context, it is of real significance that restorative justice is an evidence-based, effective intervention to offer in a prison. This section of the report discusses what restorative justice offers a prison, and why it is important for prison governors to support its use.

The senior prison staff consulted as part of this project were concerned that there is no point in making restorative justice available in prisons as the likely take-up rate by offenders will be too low for the prison to see any benefits. This concern is unfounded. Research (Sherman and Strang, 2007) has demonstrated that take-up by offenders could be as high as 92%. The problems are more likely to be those of access – which is discussed later in this report. A prison which enables prisoners to take part in restorative justice is likely to see significant interest in taking part, leading to the benefits discussed in the following section.

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### 3.1 Reduction in reoffending

**“Going to prison, that’s just running away and getting away from it all. But to actually go into a room and sit down knowing that they’re going to walk through that door in a few minutes and want to know why you stole from them – that’s scary for me. Every time, it kind of broke me, but it made me as well.”**

Kelvin, former offender

There is robust and well-established evidence that restorative justice reduces reoffending. The largest study into this was a UK government-funded £7 million, seven-year randomised control trial in 2001-08. It looked at the use of restorative justice alongside the criminal justice process, rather than as a diversionary measure, including with offenders who were serving prison sentences. The study found that restorative justice reduced the frequency of reoffending by 14% (p64: Ministry of Justice, 2010b).

In New Zealand, restorative justice is embedded in the justice system. Analysis of reoffending rates found that offenders who went through restorative justice in addition to other criminal justice processes committed 26% fewer offences over the following 12 months than comparable offenders who did not (New Zealand Ministry of Justice, 2016). Consistently, research with both adult and young offenders has found that participation in restorative justice reduces reoffending.

Offenders who go to prison are particularly likely to benefit from restorative justice because the majority are either repeat or serious offenders. Analysis of the government-funded randomised control trial found that restorative justice had the greatest impact on reoffending for offenders who had the highest level of offending prior to their involvement, or for the offenders who had committed the most serious offences. A review of the evidence by NOMS, which concluded that restorative justice is effective at reducing reoffending, also noted that it is “likely to deliver the best outcomes when targeted to those who have committed violence or acquisitive offences, where there is a clear victim, and where the offender is medium or high likelihood of reoffending” (p.2: NOMS, 2012).

Research has also shown that 80% of offenders felt that their participation in restorative justice would reduce their chance of reoffending. This suggests that it helps offenders to reconsider their offending behaviour – something which is both essential and often extremely difficult to bring about. Even if it does not directly stop them offending, it could be the beginning of their rehabilitative journey.

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### 3.2 Prisoners’ involvement in their own rehabilitation

**“Restorative justice was one of the most difficult things I’ve ever done. Courses in prison give you skills, and sometimes understanding, but restorative justice isn’t something you learn. You absorb it. Restorative justice gave me a physical feeling that I’ll always carry with me and I’ll forever be able to draw on the experience. It made me feel as if I’d accomplished something – I’d done something positive.”**

Craig, former offender

Offenders are likely to have insights into which services they need to access in order to tackle their offending behaviour, and co-production offers a degree of involvement in decisions about their own rehabilitation and control over their future.

Increasingly, research on the rehabilitation of offenders has highlighted the role that co-production and tailored design of interventions can play in helping to make it less likely that prisoners will reoffend. For example, a recent RSA report (O’Brien and Robson, 2016) observes that co-production involves responsibility and decision-making, as well as listening and compromising – very important skills for an offender to develop in order to support desistance.

A report by Clinks (2016) also observes the benefits of the offender feeling ownership of the services they are involved in. Through participation in their own rehabilitation, prisoners feel it is something that they are doing, rather than something that is being done to them.

Participation in restorative justice is a significant way in which the offender – with the involvement of their victim – can become more engaged with their own rehabilitation. For example, it could support them to adhere to their sentence plan. Restorative justice often involves an outcome agreement, a formal agreement between the victim and offender about reparative actions the offender can undertake. While this is sometimes about reparations being made to the victim, it can also involve measures the offender can take to address their offending behaviour. An offender who had committed an offence while using drugs, therefore, might agree to seek treatment for their substance misuse issues.

Research carried out by the RJC (Marder, 2013) has suggested that restorative justice could form a ‘trigger point’ – it could be the single event that helps an offender to reconsider their offending behaviour and engage with their own rehabilitation. For offenders who have been hard to reach it could be one way to help them to face up to the issues in their life which make them keep reoffending.

The outcome agreement of a restorative justice intervention is, therefore, a particularly effective place for an offender to make decisions about their own rehabilitation. In part, this is because they have just spent time in a supportive atmosphere talking about how they came to offend. Restorative justice does not focus on blaming the offender, but instead brings both victim and offender together to talk about how to move forward from what happened. This may help the offender consider why they offended, and to feel more positive about their self-efficacy. They are encouraged to make amends for what they did, while understanding that their behaviour is something that can be changed.

It is also positive to involve the victim in helping the offender think about the rehabilitation that they need to stop offending. Offenders often report feeling that an emotionally significant part of the process is how understanding and supportive their victims are. Even where the victims are unable or unwilling to forgive the offender, they may still express a belief that the offender can change and a desire for them to do so. Having the person they have harmed express this view may make the prisoner feel empowered when considering their own rehabilitation.

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### 3.3 Resettlement

**“As it got closer to my release [from prison], I thought that it probably would be a good idea for the victims to have a bit of closure, and sort of for me as well...it might make me see what I’ve done.”**

Gillian, former offender

One of the main factors contributing to an offender managing to desist from crime is having strong family ties. Where families are involved with a prisoner during their sentence, this can have a huge impact on the prisoner’s experience. On release, having a family to return to can help to give prisoners a reason not to reoffend. The evidence for the importance of family connections to rehabilitation is very robust, supported by a large number of studies carried out both in England and Wales and overseas.

Restorative justice offers a chance for the prisoner's family to be involved in their rehabilitation and to see the offender take responsibility for their actions and make amends. Offenders can bring a supporter into the restorative justice meeting. This can be a family member or other individual with a stake in the offender's rehabilitation. They are allowed – and sometimes encouraged – to contribute in this environment, talking about how the crime affected them and how the offender can move on from it. Having the chance to air these feelings and discuss the problems that the offence has caused, in a controlled and structured way, can be a very important opportunity to rebuild and support relationships within the family.

Likewise, seeing them take responsibility for their actions and try to make amends can play a role in helping the family understand the remorse the offender feels. For the offender, having the support of their family and a chance to apologise to them, and being able to demonstrate their commitment to change, can be a very helpful process in terms of supporting desistance and reintegration on release.

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### 3.4 Offering prisoners a chance to make amends

**“When I walked out of that meeting, I felt as if I could knock out Mike Tyson – I could have taken on anything or anyone. In the days and weeks afterwards, it was as if a massive weight had been lifted off my shoulders. I'd been carrying it for so long that I didn't even notice it any more, so when it disappeared, it was amazing. I felt completely empowered.”**

Emma, rape survivor

Restorative justice offers prisoners a chance to communicate with their victim. This has significant benefits for the victim – research shows that 85% of victims who take part in restorative justice are satisfied with the experience. Research also shows that it has the biggest impact on victim satisfaction for victims of serious offences, whose offender is likely to have received a custodial sentence. While prisons do not benefit directly from greater victim satisfaction, there are benefits for the justice system as a whole and prisons can and should contribute to this.

**“Out of the whole process, the thing that had the most impact was when my victims said they would forgive me for the crime I'd committed. That's when I felt that burden – that weight – lift from my shoulders. I didn't go into the conference expecting forgiveness and that was the part that really brought me to tears.”**

Jason, former young offender

The involvement of the victim may also have a positive effect on offenders in custody. In the evaluation of the pre-sentence restorative justice pathfinder project<sup>2</sup>, for example, the offenders who took part were surprised by the kindness and understanding their victims showed them.

<sup>2</sup> The pre-sentence pathfinder was a project which looked at the efficacy of giving offenders and victims the opportunity to participate in restorative justice before the sentencing hearing.

The evaluation's authors describe this as having the "profound effect on them of being humanised" – with one offender saying "it meant a lot that I wasn't seen as a really bad person". This is supported by research in Brussels and Sheffield (Claes, 2016) which highlighted the humanising impact of restorative justice. Offenders felt understood and listened to when they participated in restorative justice.

This is particularly significant because a sense of humanity has been found to be key to a prisoner's personal development. Research by Alison Liebling and her colleagues has, on a number of occasions, demonstrated the importance that being treated like a human has for prisoners (for example Crewe et al., 2014). Dehumanisation is one of the factors which breeds tension and violence in prison. The Scottish Prison Service (2002) found that prisoners saw being 'treated as a human being' as the most significant factor for their personal development. Humanising treatment is a hugely important factor for a prisoner's experience of their time in prison (for detailed exploration, see Liebling, 2012).

While no direct links have been drawn between restorative justice and the experience of prisoners, there has been evidence to suggest that restorative justice can support a prisoner's personal development (Marder, 2013). Any interventions which support a prisoner's personal development and humanise them could have a role to play in helping to improve their experience – and therefore their behaviour – while incarcerated.

## 4.

# Making restorative justice work in your prison



Offering restorative justice to prisoners has multiple benefits for staff, prisoners, victims and prison management. This section explores how best to establish and run restorative justice processes in a prison. There are also a number of other helpful guidance resources that give advice on how to run a service in greater detail. They are listed in the Further reading section on page 45.

There is huge variation across the custodial estate, and this will determine the way in which restorative justice can be run in each individual prison. Certainly, it will be harder in some prisons than others, and there will be various methods of implementation which are more suited to your establishment.

The recommendations in this report are not exhaustive, nor are they a minimum standard that all prisons need to meet. They set out tried and tested strategies that have made restorative justice successful in prisons before. Some of them will take little staff time and are very low in cost. Others are more resource intensive. The more that a prison invests in restorative justice, the more it will be able to develop its service and the more it will be able to offer to prisoners and victims. There are, however, still benefits in running a low-cost service if that is all that is possible.

There is one theme which runs throughout the recommendations: restorative justice is a process in which the victim must hold a key position, even though the prison's main responsibility and aim is the rehabilitation of the offender. In order for the process to be effective, the victim needs to feel supported and safe to speak openly in a meeting with their offender. Prisons need to make sure that the restorative justice they carry out considers the needs of the victim.

Some of the following recommendations will take time, and are something that the prison will need to work towards as it develops its service. They can be included in plans for the future, or built into ongoing work. Some of them – such as handing out leaflets to prisoners and setting up a mailbox for referrals – are cheap and simple, and the prison can set them up immediately. Any small steps that can be taken to make restorative justice accessible in the short term can help to engage staff and governors with the process and provide a proof of concept.

## 4.1 Deciding on a delivery model

In discussion with prisons and restorative justice providers, two main ways of working have emerged that enable a prison to make restorative justice available to its inmates. A prison can either take steps to make it easy for external agencies to enter the prison, but beyond that make no effort to encourage restorative justice delivery. Or, a prison can take the initiative to actively try and ensure that they have systems, processes and structures in place for offender-initiated restorative justice.

### Creating a supportive environment

A prison can provide a 'supportive environment', when it does not have capacity for delivery or to manage relationships with external agencies in order to ensure that offender referrals can take place. This involves ensuring that external agencies are enabled to come into the prison to deliver restorative justice. There are requirements for the prison, but this is the minimum level of involvement as currently prescribed nationally.<sup>3</sup>

### Supporting offender-initiated restorative justice

Any prison providing a supportive environment will probably want to consider ways to make offender-initiated referrals. As prisoners do victim-initiated restorative justice, word is likely to spread in the prison and interest in taking part is likely to increase. Similarly, any prison running victim awareness courses, even if restorative justice is not discussed as part of them, is likely to see increased interest from offenders in meeting their victims.

In order to cater for this interest, the prison can work to set up a way to make offender referrals. This could involve making referrals on a case by case basis to the NPS or CRC, forming a multiagency relationship with independent providers or the local PCC-funded service, or developing an in-house capacity to deliver restorative justice (which will mean either training some staff to deliver restorative justice or commissioning a service provider to deliver restorative justice within the prison). These different options are discussed in the following sections. All of these will require a process within the prison to manage restorative justice referrals.

Every prison should create a supportive environment to enable the delivery of restorative justice by an external agency. Even where a prison has an in-house capacity, other external agencies may still need to come into the prison. For example, if a victim has initiated a restorative justice process with a PCC-funded service while their offender is in prison, the prison will need to accommodate this.

The next section of the report addresses what a prison should do in order to create the supportive environment needed for victim-initiated restorative justice to take place. The subsequent section, section 6, looks at how a prison can make sure that offenders are also able to request a restorative justice process.

<sup>3</sup> This is currently contained in the NOMS commissioning intentions (NOMS, 2013). At the time of writing, it is not yet clear how the recently-announced decision to replace NOMS with Her Majesty's Prison and Probation Service will affect national guidance and commissioning intentions.

## 5.

# Creating a supportive environment



As discussed in section 2, some of the most significant funding for restorative justice has been provided to PCCs to fund victim-initiated processes. There are also other agencies that will take referrals from victims and need access to offenders in order to carry out restorative justice.

To ensure that this can take place, prisons need to create systems and processes to enable external agencies and victims to come into the prison to deliver restorative justice – to form what is commonly known as a ‘supportive environment’. The systems and processes will require input from the prison – this is not a wholly effortless way of working. They need to make sure that the prison is a place that any agency delivering restorative justice can work with, if a victim wants access to their offender.

The prison also has a duty of care for the offender. Part of making a supportive environment is ensuring that the prisoner is adequately supported as they go through restorative justice, and that their needs are provided for.

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### 5.1 Senior level support

In order to ensure that time and resources are dedicated to making sure that restorative justice can take place, it is essential to send a clear signal to all prison staff that restorative justice is a priority for the prison. Having an engaged governor who makes their support for restorative justice clear is a powerful way of showing that it is a core part of the prison’s work.

**Recommendation 1: The governor should clearly demonstrate their support for restorative justice to all staff working within the prison.**

Senior level support is not, however, just about signaling. The governor needs to make sure that they are supporting their staff to make restorative justice available. Primarily, this involves ensuring that the other recommendations in this section are adopted. Ensuring that there is a designated time to discuss restorative justice at SMT meetings – perhaps with a standing item in the agenda – can ensure that it is not forgotten and that any updates can be shared.

It is also important that there is an individual at a senior level within the prison who has oversight of restorative justice and responsibility for its delivery.

In the public sector, this is normally the head of reducing reoffending, who should have responsibility for restorative justice in their job description. They need to be supported by the governor and the rest of the senior management team and take responsibility for strategic-level planning for restorative justice.

**Recommendation 2: The governor should ensure that the head of reducing reoffending (or equivalent) actively takes responsibility for restorative justice delivery within the prison.**

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## 5.2 Staff awareness

Even where the prison is solely enabling others to come into the prison to deliver restorative justice, rather than informing prisoners about it in order to encourage referrals, it is essential that staff are aware of what it is and what it involves. The delivery of restorative justice must be supported by a knowledgeable staff body. Having staff with awareness about restorative justice who understand the support prisoners need as they go through the service is vital.

The evaluation of the NOMS capacity building programme (Wigzell and Hough, 2015), which aimed to train staff across prison and the probation services, found that developing the understanding and awareness of staff – even those not delivering restorative justice themselves – was an important step to ensuring that prisoners were adequately supported throughout and after the process.

On a practical level, having staff who understand the process will make it easier for them to support those people who are delivering it. They can do this by, for example, supporting facilitators coming into the prison, helping to ensure that the prisoner is actually able to attend pre-meetings with a facilitator and the conference itself, and making the victim's experience of coming into a prison for a conference as smooth and easy as possible. The more prison staff understand about restorative justice and how it works, the more they will be able to help ensure that it runs smoothly.

It is therefore important to ensure that all staff have an awareness of restorative justice. Achieving this can involve having a brief awareness-raising session for all staff, and then distributing leaflets and posters. Putting up posters in the break room and leaving leaflets around for staff may seem very basic, but it will provide a baseline level of awareness and understanding.

All staff will need the awareness training initially, while new staff will also need it as they join the prison to ensure knowledge is not lost as staff leave. As part of prison staff's induction training, it is particularly important to identify the key individuals, both frontline and management, who need to be bought-in to restorative justice. For instance, staff in the offender management unit and offender supervisors are best placed to get prisoners involved in restorative justice, so are likely to be key stakeholders. When these individuals are identified, special effort can be made to ensure that they are aware of and bought-in to restorative justice.

Any training service that the prison commissions to carry out restorative justice awareness-raising work should hold, or be working towards, the RJC's quality mark for restorative justice training providers, the TPQM.

**Recommendation 3: Restorative justice awareness training and follow-up work should be carried out to ensure that all staff have a basic level of understanding of restorative justice.**

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### 5.3 Motivating staff to support restorative justice

Restorative justice in a prison environment needs not only a staff body that understands restorative justice, but one that is also supportive of it. As discussed in the previous section, awareness-raising among staff is important, but deeper engagement is necessary to ensure the longevity and effectiveness of restorative justice delivery within a prison.

First, prison officers need to be engaged with restorative justice. If the staff on the wings are not genuinely interested in or engaged with restorative justice, then they are less likely to offer practical and emotional support to prisoners who are going through the process. Communicating the benefits of participating in restorative justice, which awareness-raising will go some way towards doing, can be important in securing genuine engagement.

Seeing how well restorative justice works in practice is a very effective further way of engaging staff. While sitting in on a restorative justice conference can have a real impact, however, it may not be possible. Sharing stories and hosting case studies on the prison's intranet is a more achievable alternative. Good news stories can be few and far between in prisons. Positive stories about how well restorative justice is working will help to convince staff who are not supportive.

**Recommendation 4: Positive stories about prisoners who have participated in restorative justice and the difference it has made should be promoted to all staff.**

Second, it is noted in a thematic inspection by the Criminal Justice Inspectorates (2012) that restorative justice delivery is often driven by engaged frontline staff and there is the need to ensure that the right staff are involved in getting restorative justice to happen in the prison. There will be some staff who will need to deal with the external agencies that come into the prison to deliver restorative justice. These members of staff should be selected based on their interest and their aptitude, or should be the ones who volunteer to be involved. For instance, during the awareness training, the officers who are particularly enthusiastic could be invited to work with the external agency.

**Recommendation 5: Prison officers who are selected for direct involvement in supporting restorative justice should be those identified as the right people for the role, based on their interest and aptitude.**

## 5.4 Logistical considerations

Making restorative justice work in a prison involves a number of logistical considerations. A number of processes need to be put in place to ensure that delivery runs smoothly.

A specified contact person within the prison is required to liaise with external agencies delivering restorative justice, in order to provide key information and, where possible, arrange an advance visit. They will also need to make the arrangements for the restorative justice conference itself, including finding a room and ensuring that all the necessary practical steps are taken. Additionally, this person could provide essential information regarding the prisoner to external agencies making enquiries on behalf of victims who have initiated restorative justice. This person should be named and their details should be accessible externally.

**Recommendation 6: There should be a single specified point of contact (SPOC) inside the prison for external agencies to work with.**

One of the most basic considerations is where a restorative justice conference can take place in the prison. While it is clearly impractical for a prison to keep a room solely for the purposes of conferences, the designated space should be a room where restorative justice takes priority over other uses for it, particularly as external providers will not be there all the time so may lose priority or struggle to book rooms. The room needs to be somewhere that both victims and offenders can access and the room should be arranged to make it a suitable environment for victims, who may be anxious. It must be big enough to comfortably hold six to eight people sitting in a circle and there should be a breakout space attached to or near the room where participants can take time out during a conference.

**Recommendation 7: There should be a suitable place identified in the prison for restorative justice conferences to take place.**

Ensuring that prisoners are able to get to the right place at the right time to take part in restorative justice is also important. Prison officers are currently working in a challenging environment. With reduced staff numbers, an increased prison population and increased prison violence, finding the time to take offenders to restorative justice conferences or to get them involved in restorative justice may be difficult. One way to consider addressing this may be to hold conferences when the prison is in patrol state. As most prisoners will be in their cells, doing it then should require less input from prison staff. The amount of time required for the conference to take place – which in serious cases can be several hours – would, however, need to be taken into account.

**Recommendation 8: Prisons should work with external providers to ensure that restorative justice conferences take place at a time that least disrupts the work of prison staff.**

If the external agency delivering restorative justice is able to draw keys, this reduces even further the burden on prison staff. If the prison works regularly with a local external provider, it would therefore be helpful if they can draw keys, enabling them to move through the prison to find prisoners and talk to them while requiring no input from other staff. This will require trust and security checks, but the initial time investment will pay off in time saved further down the line.

**Recommendation 9: If possible, an external agency or external provider should be given the power to draw keys.**

Staff may also need to be flexible about the mealtimes of prisoners taking part in restorative justice. The RJC has heard from prisoners that due to the timings of some programmes in prison, they were faced with a choice between attending and getting to eat their lunch. If communication lines are maintained well within the prison, this sort of situation can be avoided.

**Recommendation 10: Prisoners who are taking part in restorative justice should be allowed flexibility around mealtimes to ensure that participating in meetings with facilitators or in the conference itself does not mean they have to miss a meal.**

Additionally, guidance published by the RJC recommends that restorative justice processes should not take place at any point where there are likely to be fewer staff on hand to offer support to the prisoner immediately after the conference (for example, on Fridays when fewer staff may be working over the weekend). The days following a conference can be a particularly vulnerable time for participants, particularly prisoners, and it is essential that they are monitored and that support is available.

**Recommendation 11: The timing of restorative justice conferences needs to be carefully considered to ensure that staff are available to support the prisoner in the days immediately afterwards.**

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## **5.5 Supporting prisoners who take part in restorative justice**

It is important that support is provided to prisoners who take part in restorative justice. During the preparation process, prisoners may face up to their offending behaviours in ways that they have not before. While the external agency delivering restorative justice will prepare the offender for the conference or process, they cannot be with them on a regular basis. Ensuring that staff working with them are able to talk with them about the process is therefore important, and may mean they are less likely to drop out.

The external agency delivering the process will also not be able to work closely with the prisoner in the days and weeks after the intervention, a time when they may benefit from additional support and discussion about the outcomes of the restorative process. Again, there is a role for staff working with them in providing support. This may require some additional training over and above the awareness training discussed previously (this higher level training is outlined in more detail in section 6.4.1).

The White Paper on prison reform discusses “a new way of working with dedicated officers taking on a personal caseload of prisoners”, arguing that this will lead “prison officers and staff to operate not just as security guards and minders but also as mentors – with the time to invest in relationships and run effective interventions” (Ministry of Justice, 2016). When introduced, these officers would appear best placed to provide support to prisoners both before and after the restorative justice intervention. In the meantime, offender supervisors may be best placed to provide this support.

**Recommendation 12: Offender supervisors and, in due course, dedicated officers should be trained to be able to support a prisoner through a restorative justice process.**

Broader support is also required, to ensure that prisoners are managing their involvement in the process. It is therefore essential that information about each prisoner's involvement in restorative justice is accessible to all officers to ensure that they can offer the prisoner the appropriate support. This could involve use of the intranet, ensuring that prisoners' files are kept updated with information about restorative justice, and facilitators being involved in meetings about the prisoner.

**Recommendation 13: Good communication channels need to be established to provide information to prison officers about any prisoner who is involved in restorative justice.**

In addition, many restorative justice processes result in an outcome agreement, an agreement between the victim and offender on what the offender will do to make amends for their offence and the harm that it caused. This often involves activities to prevent them reoffending, such as accessing drug or alcohol treatment, which are a part of the prisoner's rehabilitation and put demands on the prison. The prison should have a system in place to ensure that the relevant contents of the outcome agreement are passed to the prison and, where possible, the prisoner is enabled to complete them. External facilitators also need to know which rehabilitation services are offered by the prison and likely to be accessible for the prisoner, to help inform their contribution to the development of an outcome agreement that can realistically be delivered.

**Recommendation 14: A system should be put in place to ensure that outcome agreements from a restorative justice process are filed and accessible to those responsible for ensuring they are acted on.**

There is also the potential to encourage better peer support in prisons. For instance, the prison Listener scheme, run by the Samaritans, could be one way to support prisoners. Including an awareness-raising session for the listeners about the role that restorative justice can play in easing the guilt of prisoners, and training them in how to support a prisoner going through a restorative process, could be an effective way to ensure that prisoners are supported using an already available resource and without taking up too much staff time.

**Recommendation 15: Listeners should be trained to understand restorative justice and the impact it may have on other prisoners.**

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## 5.6 Supporting victims to take part in restorative justice

Restorative justice works because the offender gets to hear directly from the victim about how the crime affected them. To make this work, the victim needs to be supported to come into the prison, and needs to be comfortable to speak openly in a restorative conference. This will guarantee the best restorative process for both victim and offender.

A recent report by the Victims' Commissioner (2016) found that victims require support and information about going into prisons in order to participate in restorative justice. The report concluded that: "The best restorative justice services in prisons ensure that the needs of the victims are taken into account when planning the process."

Support provided to victims can be as simple as practical information, provided in advance, about what they can take in with them and where they can park. Where possible, it may also be helpful for the victim to visit the prison before the conference. They can familiarise themselves with the room the conference will be held in and it can help to reduce their anxiety on the day itself. Staff are likely to be accustomed to the various prison noises (like slamming doors, and alarms) and processes (leaving your phone behind, for example, and walking through a series of locked doors). A victim may never have been in a prison before, and could find the whole process more difficult unless they know what to expect.

While most of the planning will be done by the external provider, this is likely to involve the input and active co-operation of the prison. In general, though, there may be little interest among prison staff in working with victims. The RJC's initial roundtable discussion highlighted the fact that prison staff are used to focusing entirely on working with offenders, and so they may need encouragement to involve victims in a rehabilitative process.

**Recommendation 16: Prison staff should provide support to restorative justice delivery agencies in enabling a victim to access the prison.**

Inexperience in working with victims may lead to prison officers or senior team members being risk averse about allowing victims into the prison. This means that risk assessments may result in a decision that it is unsafe or unsuitable for victims to enter the prison and meet with the offender. Victim-focused agencies mention the need to 'persuade' prison staff to consider the idea of a restorative justice conference. These agencies, however, have more experience of working with victims and will have been in contact with this particular victim. Their views are likely to be invaluable in assessing whether it is appropriate for the victim to enter the prison. Any risk assessment carried out by the prison should draw significantly on their advice.

**Recommendation 17: The expertise of external agencies working with victims should be utilised to help make decisions about the safety and practicality of allowing victims into the prison.**

There could, however, be issues with victims coming in to the prison which cannot be resolved. Victims could be unhappy about doing it, it might not work in terms of finding a room or timings, or staff may not feel that they could ensure the conference would be kept secure and private. If this is the case, there is the possibility for an indirect restorative process, a discussion via video link, or for the prisoner to leave the prison to participate. Release on Temporary Licence (ROTL), or an escorted visit out of the prison for a low-risk prisoner, could enable the conference to take place. Discussing this with an external agency and being prepared to be flexible could allow the process to still go ahead.

**Recommendation 18: The prison should, where it is safe and practicable to do so, enable a restorative process to take place when the victim cannot enter the prison, including by using ROTL or an escorted visit.**

## 5.7 Sentence management

There is a lot of movement of prisoners around the prison estate. Sentence plans, for example, often involve a change in the kind of prison a prisoner should be detained in, which necessitates their movement. Moving around the prison estate may move the prisoner further away from their victim, which can cause logistical difficulties. The government study discussed throughout this report found that this was a particular issue with remand prisoners. Restorative processes which began while a prisoner was on remand were often dropped following sentencing.

Where a prisoner needs to be moved to a lower category prison it is very important that this happens, and waiting for a restorative process to take place may not be an option. In some cases, however, a prisoner is moved for different reasons and the restorative justice process may be disrupted unnecessarily. To prevent this, a 'hold' or OCA marker can be put on a prisoner when they are taking part in a restorative process. This should help to prevent them from being moved without notification being given, and provide the possibility that their movement – if not necessary – can be delayed or cancelled to enable them to complete the restorative process.

**Recommendation 19: Active steps should be taken to ensure that prisoner moves which would disrupt a restorative justice process are postponed wherever appropriate and possible.**

Even when a prisoner is being moved to a lower category prison, or one closer to their family, this is no reason for the process to stop – good planning can ensure there is a continuity of service. The external agency delivering restorative justice needs to be given as much notice as possible so that they can make sure that they are able to continue the service in the new prison. The details of the appropriate point of contact for restorative justice at the next prison should also be passed on to the external provider, to enable them to ensure continuity of the process.

**Recommendation 20: If a prisoner is moved while a restorative justice process is underway, the external provider should be informed at the earliest possible opportunity.**

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## 5.8 Information sharing

Information sharing is regularly highlighted as one of the main barriers to restorative justice. Services looking to deliver restorative justice with an offender in prison will need to access information about the offender. Yet there are significant and persistent problems for agencies that work with victims in accessing offenders' data.

One of the main issues is that pre-existing restrictions on data sharing mean that statutory agencies are reluctant to share information with other agencies or with non-statutory providers (Why me?, 2015). Where it is legal to share information, misunderstandings of what is permitted may still prevent organisations from being willing to do so. Particularly where providers are voluntary sector organisations commissioned to deliver restorative justice, there may be confusion over whether information can be shared with them.

The easiest way for prisons to facilitate information sharing for the purposes of restorative justice delivery is to develop or adopt a standard information sharing agreement that any external provider is required to sign and adhere to. With this available, any provider can simply agree to that, rather than developing a bespoke agreement.

**Recommendation 21: Prisons should generate or adopt a generic information sharing agreement which a restorative justice provider is required to sign.**

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## 5.9 Standards

Many governors may have significant concerns about letting external agencies work with their prisoners and bring victims into their prison. Making sure that the service they are using is a good one will help to allay these fears and will guarantee a safe and effective process for victims and prisoners alike. The RSQM – the RJC’s quality mark for a safe and effective restorative service – is a guarantee that the external provider will be offering high quality restorative justice to all participants.

High quality restorative justice is safe for both victims and offenders, and is more likely to be effective. A high quality restorative justice service ensures that risk is assessed on an ongoing basis and systems are in place to make sure that every participant is supported adequately.

Where a prison is solely offering a supportive environment, they are likely to have limited choice in the organisations which approach them about restorative justice. Prisons should, however, encourage external providers to work towards the RSQM, as this will guarantee that the service offered to the prisoners will be safe and effective.

## 6.

# Offender-initiated restorative justice



If a prison is running victim awareness courses, or if some prisoners are taking part in victim-initiated restorative justice, it is highly likely that the prison will begin to see an interest among other offenders about meeting their victims. There is also work that the prison can do to raise offenders' interest in restorative justice.

In order to meet this demand, there are, broadly, three ways that the prison can work to ensure that prisoners can initiate a restorative justice process. The method that the prison chooses to use will depend on the kind of prison that it is, the prison population that it houses and the victims that those offenders have, as well as the resources the prison has available. The first two ways suggested below would work for a prison which either worked to actively raise prisoner awareness and interest in taking part or did not. The third way would require the prison to take steps to encourage a good referral rate from the prisoners.

### Case by case referrals

Case by case referrals are most appropriate for a prison that does not have the available funding to develop an in-house capacity, and would not be suitable for multiagency working. (For instance, Category A and B prisons for long-stay prisoners would probably not find it helpful to work with the other agencies in their area as the victims and prisoners are both likely to be from outside the area.) Referrals can either be made through the probation services – either the CRC or the National Probation Service (NPS) as appropriate – or, where the victim is known to the offender, the correct PCC-funded service or an independent provider can be contacted.

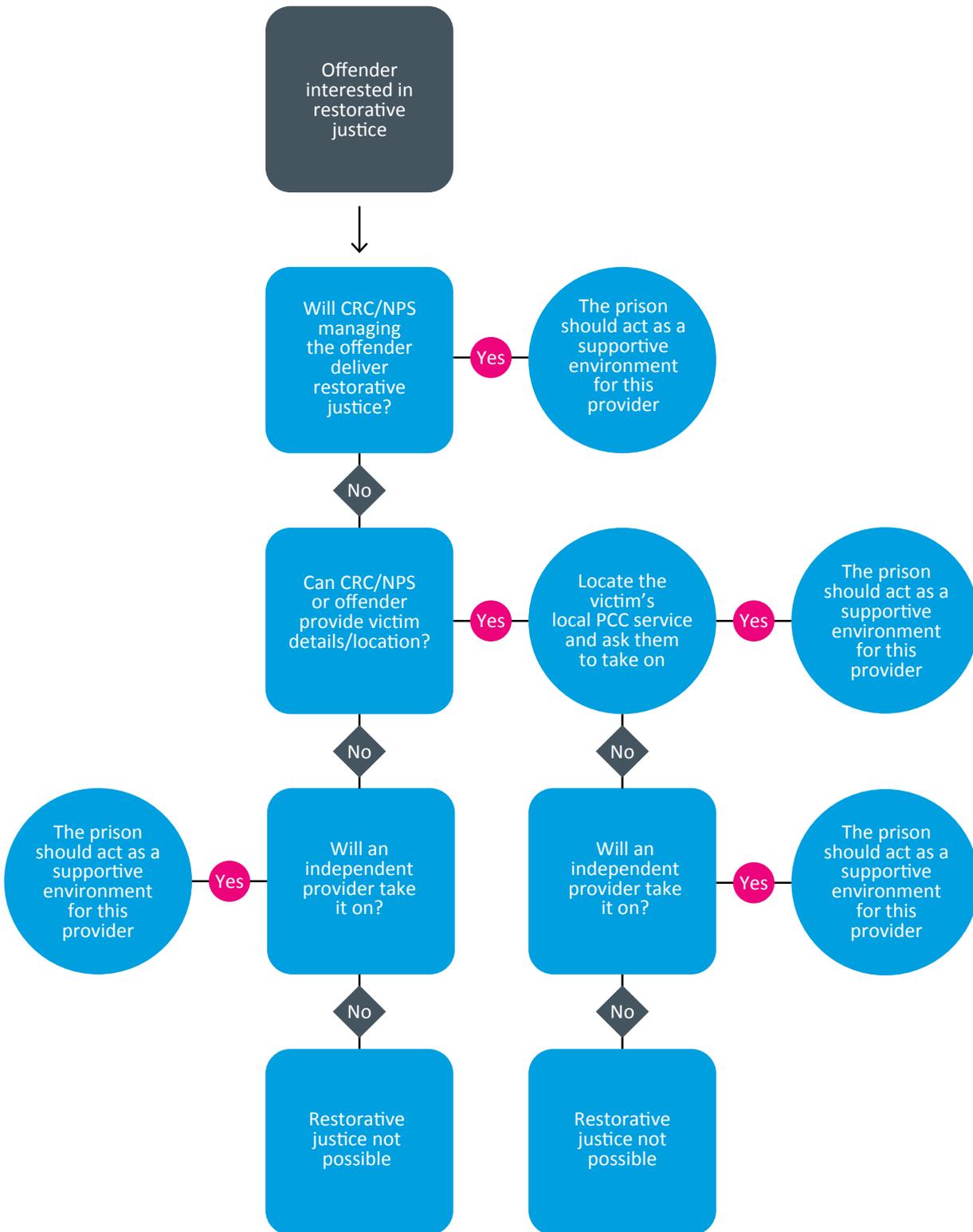
### Multiagency working

Multiagency working is most likely to be effective for prisoners who are in local or open prisons in the area that they came from. Here, there is a chance to develop the working relationship that the prison has with other agencies locally in order to simplify and streamline the referral process. Multiagency partnerships are less likely to be appropriate for prisons where the victims are spread across different PCC areas and where the offenders are drawn from a number of locations.

### **Developing an in-house capacity**

Where a prison has a lot of interest from prisoners about participating in restorative justice, developing an in-house capacity is definitely worthwhile. This may seem like a daunting task, but it will have huge rewards in terms of the number of prisoners taking up restorative justice and the benefits for those prisoners.

## 6.1 Case by case referrals



When referring a prisoner to participate in restorative justice, the best place to begin is by talking to the relevant member of staff at the NPS or CRC – the person there handling the prisoner’s case. This removes the need to search for the right contact or develop relationships or information sharing agreements, as the NPS or CRC will have access to all the offender’s details and will already be engaged in working on their case.

Theoretically all CRCs should be able to deliver restorative justice, and the NPS should be in a position to spot-purchase it depending on offender interest in participation. In reality, however, provision varies a lot between CRCs and some CRCs may not have the capacity or capability to facilitate a restorative process. Depending on the point in the prisoner’s sentence, the CRC or NPS might also not want to take on the case.

Where the NPS or CRC is unable to take responsibility for the case, the prison should try to access the victim details (either from the NPS or CRC or from the offender, who may know where the victim is located). The prison then needs to find another way to provide the restorative justice process. There are two main options:

- 1 The victim’s local PCC-funded service: While the primary purpose of these services is to provide restorative justice to victims of crime, in some areas they will take offender referrals where they can see the benefit to the victim and where the victim lives in their area or the offence took place in their area. There is a list of PCC-funded services on the RJC’s website at [www.restorativejustice.org.uk/pcc-contacts](http://www.restorativejustice.org.uk/pcc-contacts). It may well be the case that the PCC which should be contacted is not the prison’s local PCC. The PCC needs to be selected on the basis of where the victim is based or where the offence took place, not where the offender is being held.
- 2 Voluntary sector providers: In some areas, statutory provision is complemented by independent providers which are funded through independent sources of income. In some cases they may take offender referrals. Service providers that are members of the RJC are listed at [www.restorativejustice.org.uk/service-providers](http://www.restorativejustice.org.uk/service-providers).

If the case is being managed by a PCC-funded service or other external provider, the prison will need to take an active role in ensuring that the external agency keeps them up to date on what is happening with contacting the victim. It is also important to note that whoever ends up facilitating the conference, the prison will need to take steps to provide a supportive environment, as outlined in chapter 4.

With an offender-initiated referral, the offender may have a lot emotionally invested in the restorative justice process. An external provider with no relationship with the offender may, however, have less of a focus on the needs of the offender if the victim is unwilling to take part. For example, they may not notify the prison that the process is not going ahead. The prison will need to stay on top of what is happening and keep the prisoner updated to ensure that they are not left feeling dissatisfied.

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## 6.2 Multiagency working

Every time that the CRC or NPS is unable to provide restorative justice, there will be work for the prison to source the victim’s details and the correct provider to enable the offender to participate. This process, as outlined in section 6.1, will be time consuming.

For some prisons, there may be a more effective way to manage offender-initiated restorative justice.

Where the prison has inmates mainly drawn from the local population, establishing a relationship with some local agencies can make it easier to make referrals. For higher category, longer-term prisons these agencies (and this section of the report) may be less relevant.

The first step is to approach the appropriate PCC. In some areas, and often instigated by the PCC, a multiagency restorative justice delivery partnership exists. Where this is the case, the prison may be able to join and refer suitable cases. This may involve a manageable financial contribution to the work of the partnership or support in kind, but this is not always the case.<sup>4</sup> Even where there is not a multiagency partnership in the area, there is the potential to partner with the PCC for delivery (which, again, may involve some financial contribution or support in kind).

Once a potential partner (or partners) is identified, ways of working will need to be established. This is likely to involve an information sharing agreement, an agreed process for referring prisoners to the service, and a clear understanding on both sides of what can be expected and what will be delivered. In addition, questions of funding must be explicitly clarified. Where multiple agencies are involved in restorative justice delivery, it can be unclear who should be paying for it. When entering into a partnership, clarity on this issue is essential.

**Recommendation 22: Where possible and appropriate, the prison should identify one or more partners who are able to accept offender referrals and develop a referral mechanism.**

Working with the partner(s) will require a lot of the same commitment as creating a supportive environment. The prison will need to have a staff member who manages the restorative justice work of the prison and will also be in charge of managing the relationship with the external provider. For example, a lot of multiagency partnerships have governance boards which meet regularly – there should be a member of staff from the prison selected to sit on this if the prison joins the partnership. For many external agencies, prisons can seem impenetrable and confusing: to make its role in the partnership work, the prison needs to make itself accessible and to participate helpfully in the partnership.

The make-up of these partnerships will vary locally, but in some areas there is the very real possibility that the majority of the agencies involved are victim-focused ones, with a very different outlook and goals from the prison. This will need to be carefully managed when engaging with the partnership to ensure that the needs of the prison are being met.

In identifying partners, the prison will need to consider how they ensure their competence to deliver safe, high quality restorative justice. As mentioned previously, the RJC sets standards for the restorative justice field and has developed an accreditation mechanism – the RSQM – to enable organisations to demonstrate that they meet those standards.

<sup>4</sup> Research by the RJC in 2016 looked at the role of multiagency partnerships in restorative justice delivery. The report of this work explores how to set up a multiagency partnership and is available at [www.restorativejustice.org.uk/MAP-report](http://www.restorativejustice.org.uk/MAP-report).

Where possible, prisons should look to work with organisations that hold or are working towards the RSQM.

Developing partnerships locally is challenging and the restorative justice delivery landscape is complex. Where possible, the RJC can help prisons to identify local partners. Prisons which are interested in pursuing this should contact the RJC at [enquiries@restorativejustice.org.uk](mailto:enquiries@restorativejustice.org.uk) or 020 7831 5700.

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### 6.3 Developing an in-house capacity

Developing an in-house capacity can involve either training a staff team or commissioning an external agency to work within the prison to provide its restorative justice service. Choosing whether or not to develop an in-house capacity is a decision for each prison to make based on its circumstances. There are manifest advantages in having an in-house capacity – the quality of the process can be controlled by the prison, the timescale can be managed by the prison, referring prisoners to take part will be much simpler, and the person delivering the restorative justice will understand how the prison works and how to work within it. There is, however, an obvious cost to developing an in-house capacity.

The governor and senior management team should decide whether the prison is going to build an in-house capacity or not. To do this, they should consider the resources that the prison has available to pay for developing and running, or commissioning, a service. Developing an in-house capacity involves the additional costs of commissioning a service or training and funding dedicated staff positions for delivery. Even if a service is heavily dependent on volunteers, there is still a cost associated with this – such as a paid staff member to manage them, insurance, expenses and the provision of facilities, as well as staff costs to ensure safety while the volunteers manage a restorative process. It should be noted, though, that restorative justice should be considered as a core rehabilitative service by the prison and funding for it should be treated the same way as funding for other kinds of rehabilitation.

They should also consider the likely caseload, as there is little point in having in-house capacity if the caseload is low. They should, for example, consider how many prisoners in their prison admit guilt and are likely to be suitable to take part (prisoners with severe learning disabilities or mental health problems may not be suitable, for example).

Ideally, where it chooses to do so, a prison would develop an in-house capacity at the same time as developing its supportive environment. However, this is not always going to be possible – there may be concerns about whether restorative justice is right for the prison, for instance. If this is the case, then a prison might develop a supportive environment first in order to see how well restorative justice works in the prison. Following this, it might then choose to develop an in-house capacity.

Where a prison decides to develop an in-house capacity, it will then need to decide whether to commission an external provider to deliver within the prison or manage the service itself. If the former route is chosen, then the requirements on the prison will be extremely similar to running a supportive environment with capacity for offender referrals, albeit with a price tag attached.

A commissioning process will also be required that is based on the prison's requirements.

If the prison decides to manage the service itself, then staff will need to take a far greater responsibility, in particular for taking care of the victim's needs. This involves, for example, carrying out risk assessments of the victim and travelling to where they live to meet with them.

The following recommendations apply primarily to prisons that decide to develop their own capacity rather than commissioning it from a specialist provider. It is important to note that the recommendations which follow should be taken in addition to those in section 5 of this report rather than on their own.

### **6.3.1 Creating a delivery capacity**

The evaluation of the NOMS capacity building programme (Wigzell and Hough, 2015) found that restorative justice in prisons worked best where it was delivered by dedicated staff, rather than being an add-on to the existing duties of staff members. Having a team whose sole purpose is to deliver restorative justice, supported by an aware and engaged staff body, led to the best results.

Many prisons have issues with overcrowding and understaffing. Prison inspections have consistently found that alongside budget cuts the number of hours of purposeful activity that prisoners were engaged in has fallen significantly. Attendees at a roundtable of experts raised the concern that restorative justice – one such purposeful activity – is often perceived as a 'luxury item' by officers.

It is unlikely that if restorative justice is just one of many duties that a prison officer has, they will have the time or inclination to deliver the process to prisoners. A dedicated team is therefore required. This can be created either by training staff members or by hiring new staff who can deliver restorative justice.

Where possible, restorative justice should be this staff team's sole responsibility. However, this may not be possible in terms of budgeting. Where it is not possible, the staff team should not be expected to be first responders to incidents in the prison, and could instead be staff who are more heavily involved in delivering rehabilitation in the prison.

**Recommendation 23: Restorative justice should be delivered by a dedicated team within the prison for whom it is a main duty.**

### **6.3.2 Providing training for staff**

As discussed in the previous section, the best way to manage an in-house capacity is to have a dedicated delivery team supported by a knowledgeable staff body. In order to create a dedicated delivery team, some members of staff will need to have the appropriate training to be competent to deliver restorative justice to prisoners and their victims.

The first stage is identifying a provider to deliver training. This provider should either hold the TPQM or be working to the RJC's Restorative Training Standards.

They should deliver three-day restorative justice facilitator training to a dedicated staff team. This team should be selected based on affinity for and interest in restorative justice.

**Recommendation 24: A delivery team should be identified, and this team should receive high quality training to ensure that they are capable of facilitating a restorative process.**

In order to deliver safe and effective restorative justice, the facilitator team needs to be supported once they have completed their training. This involves ensuring that there are case supervision arrangements in place, so the facilitators can receive feedback and input into their cases. The prison should also find ways for the facilitators to co-facilitate cases to build up their experience.

**Recommendation 25: Once the delivery team has been trained, the prison should ensure that there is a mechanism for their continuing professional development, including case supervision and co-facilitation of cases.**

In a prison, there are more likely to be offenders who have committed offences that would be counted as ‘serious and complex’ cases. These could involve violent or sexual offences, domestic violence or cases involving a fatality. Staff will need extra training in how to handle serious and complex cases, and case supervision while they work on them. Particularly for cases of domestic violence or sexual harm, the facilitators will need specific training in how to recognise coercive behaviour.

**Recommendation 26: Some members of the restorative justice delivery team should receive high quality training in facilitating serious and complex cases and specifically in managing cases involving sexual or domestic violence.**

Training providers on the RJC’s Trainers Register will be able to provide both facilitator training and serious and complex training – see [www.restorativejustice.org.uk/trainers-register](http://www.restorativejustice.org.uk/trainers-register). Providers which hold the TPQM have demonstrated that their training meets the Restorative Training Standards, which are set and monitored by the RJC. All other trainers on the Register have agreed to abide by the RJC’s Code of Practice for Trainers and Training Organisations.

### 6.3.3 Working with victims

Working with victims is likely to be one of the most significant challenges facing a prison that is looking to build up in-house capacity. As an initial barrier, there is the serious issue that it may be difficult for prisons to get in touch with victims if a prisoner wants to take part in restorative justice. The police, and the local PCC’s restorative justice and victims’ services teams, will be vital partners to work with in order to get in touch with victims. Setting up these relationships and establishing information sharing agreements – to enable these services to share victim details – are key steps in ensuring that restorative justice can take place.

**Recommendation 27: Relationships should be developed with agencies that work with victims to ensure that the prison’s restorative justice team can access victim details.**

The evaluation of the NOMS capacity building programme also found that many prison officers felt uncomfortable about contacting victims. Their experience was of working with offenders, and working with victims made them feel inept and anxious.

This is a serious issue – if an in-house delivery team in a prison does not feel comfortable contacting victims, they may make poor quality approaches which may deter victims from participating. This could lead to a pared-down version of restorative justice being all that the prison offers – where offenders write letters of apology, for example, but do not actually communicate directly with their victim. Working with victims requires specific skills and it is essential that relevant staff have them.

**Recommendation 28: The staff in a prison delivering restorative justice should be given specific training in working with victims.<sup>5</sup>**

Working with victims will also require dedicated resources and a time commitment from the facilitators. Someone may need to travel to where the victim lives – which could well be in a different area – and will need to spend time managing the case. The victim will need to travel to the prison, which will have cost implications in terms of the prison funding their travel. All of this needs to be considered when the service is being set up and its budget is being decided.

Prisons with experience of providing an in-house restorative justice service report that while initial costs are high, the actual cost per completed case reduces significantly over time as the service becomes embedded.

**Recommendation 29: Prisons need to consider the resource implications of working with victims when setting up an in-house service.**

### **6.3.4 Sentence management**

Prisoners are often moved around the prison estate – as part of their sentence plan they will be moved to lower category prisons, for example. Restorative justice may not be offered in the prison the prisoner is moved to, which can mean that they are cut off from participation. Moving around the prison estate may also move the offender further away from the victim, which can cause significant logistical difficulties. The prevention of unnecessary prisoner moves is discussed in section 5.7, but where they cannot be avoided then the transition needs to be managed as smoothly as possible.

**Recommendation 30: When a prisoner is moved to a new prison, the prisons should work together to ensure that there is no disruption to an ongoing restorative process.**

### **6.3.5 Standards**

An in-house capacity either means training or hiring staff to deliver restorative justice, or commissioning an external provider to deliver the service. For either of these approaches, the prison needs to guarantee that the restorative justice provided is high quality, and to constantly and rigorously maintain this.

The RSQM – the RJC's quality mark for a safe and effective restorative service – is a guarantee that an external provider will be offering high quality restorative justice to all participants. While prisons solely providing a supportive environment may have little or no say in which organisations approach them, prisons commissioning a service provider can select from a national pool of suppliers.

<sup>5</sup> Issues around engaging with victims are discussed in more detail in the RJC's research report Improving victim take-up of restorative justice, available at [www.restorativejustice.org.uk/victim-take-up](http://www.restorativejustice.org.uk/victim-take-up)

The RJC therefore recommends that any external providers commissioned by the prison should hold the RSQM. The RJC has a register of organisations that hold the RSQM, which can be found at [www.restorativejustice.org.uk/RSQM](http://www.restorativejustice.org.uk/RSQM)

Similarly, if the prison trains existing staff or hires trained staff to create in-house capacity, the service within the prison should adhere to the Restorative Service Standards and work towards the RSQM.

**Recommendation 31: Prisons developing an in-house capacity should either commission a service from an organisation that holds the RSQM or, if developing their own service, ensure that it adheres to the Restorative Service Standards.**

The RJC also runs an Accredited Practitioner register. Accredited Practitioners have to meet the RJC's standards as well as meeting the National Occupational Standards. This guarantees that they are appropriately trained and capable of delivering safe and effective restorative justice processes.

**Recommendation 32: Staff delivering restorative justice in a prison should all be, or be working towards becoming, RJC Accredited Practitioners.**

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## 6.4 Scaling up offender referrals

Once the prison has an in-house capacity, a well-established mechanism for referrals or a relationship with an external partner, scaling up the number of prisoners participating in restorative justice will not be difficult.

There are two aspects to increasing offender referrals to these restorative justice services. First, the prison needs to ensure that there is a clear referral route inside the prison – either to the in-house delivery team or to a SPOC who can pass on referrals to external agencies. Second, the prison needs to work to raise awareness among the prison population about the potential to participate in restorative justice. A system should be developed to ensure that every suitable offender is offered the opportunity to access restorative justice.

### 6.4.1 Creating a referral pathway

Restorative justice can be introduced as a possibility from the first point in the prisoner's sentence. At induction the potential to access restorative justice – and what restorative justice involves – should be outlined to new prisoners. Where they are interested, this should be followed up with a referral as soon as possible. Where they are not interested at that point, they should be offered restorative justice again at later points in their sentence.

Currently, offender supervisors should be working with prisoners throughout their sentence to make sure that they adhere to their sentence plan and engage with the necessary rehabilitation. They should be able to work out when is the best time to suggest restorative justice to a prisoner and to talk them through what taking part would involve. In the future, if the planned 'dedicated officers' are introduced (see section 5.5 for more details), they may be better placed to play this role.

But wherever staff really know and understand the rehabilitative journey of the prisoners, they will be able to tell when it would be appropriate and most beneficial to offer restorative justice. And where prisoners are not at the right stage, the officer can help to initiate victim empathy, refer prisoners to victim awareness courses and then follow this up by encouraging them to think about meeting their own victims.

To enable this to happen, however, relevant staff need to properly understand restorative justice and be able to proactively identify prisoners who may be suitable to participate. There are – broadly speaking – two levels of training that staff in the prison could be offered. The lower level is awareness-raising, which is covered in section 5.2. The next level is three-day facilitator training, as touched upon in section 5.5 and discussed in section 6.3.2. While this training is designed to enable participants to run restorative processes, it could be used to make staff members sufficiently knowledgeable about restorative justice to allow them to identify suitable prisoners and support them as they go through the restorative justice process.

**Recommendation 33: Selected staff – currently offender supervisors and in the future possibly ‘dedicated officers’ – should receive three-day restorative justice facilitator training.**

If, at any point in their sentence, a prisoner does express an interest in restorative justice, then a referral for an assessment could be included in their sentence plan. There are challenges with integrating restorative justice – a voluntary process – into a prisoner’s sentence plan. It could run the risk of them being forced into it, or feeling they need to complete it in order to meet the terms of their sentence. Additionally, completing a restorative justice process depends on the existence of a victim (or victims), their willingness to participate, and the ongoing risk assessment of a qualified facilitator to make sure the process is safe. There are a number of ways in which a process may never come to fruition, despite an offender’s willingness to take part.

Integrating a referral to restorative justice into a sentence plan will, however, mean that they will definitely be given the chance to explore it as an option. The RJC therefore supports an assessment for restorative justice being included in a sentence plan. If, however, the assessment deems them unfit to participate then this should not be seen as failure to complete the plan.

**Recommendation 34: An assessment for restorative justice should be included in the sentence plan for prisoners who are interested in the idea of participating.**

Staff can be encouraged and incentivised to make referrals. There is, potentially, some room for the use of targets to focus the minds of officers on engaging prisoners with the idea of participation in restorative justice. There is a debate about whether targets are an appropriate way to incentivise delivery. The obvious risk is that if targets involve numbers of completed conferences, pressure may be put on participants and unsafe practice may occur. If targets are well thought out and well applied, however, they can be effective in ensuring that restorative justice is being offered to prisoners.

For example, targets could be set to ensure that staff are telling prisoners about restorative justice and making referrals.

Making a referral for assessment does not mean that the prisoner has to go through the process, just that they are contacted by and engage with a facilitator, and if they do not go through the process this would not count as missing the target.

Working with an external agency would mean that targets would need to be discussed with them in advance and based on their capacity and availability. The aim of targets would not necessarily be to have a high throughput, but instead to ensure restorative justice is being offered to prisoners and delivered, as well as making it clear that it is a priority for the prison.

**Recommendation 35: Targets should be considered as a way to motivate staff to offer prisoners the chance to be referred to take part in a restorative process.**

In addition, a number of victim awareness programmes, such as Sycamore Tree, currently operate widely within the prison system. These programmes prompt prisoners to think about the impact of the crime on their victim, and to consider ways in which they can make amends. For many offenders, this will be the first time that they have really considered the human impact of their offence. Often, they report feeling genuinely surprised and sorry about the harm that they have caused to their victim, who they had not previously thought about.

As such, these programmes offer an excellent opportunity to introduce the idea of restorative justice to offenders. The last session of Sycamore Tree, for example, is all about acts of restitution, which frequently involve writing letters to victims and may prompt discussion around restorative justice. At the same time, however, it is very important to maintain a clear distinction between victim awareness courses and restorative justice as the two are often incorrectly confused.

In some prisons, special victim awareness courses have been created to get prisoners thinking about participating in restorative justice. Where there is a referral route for prisoners, victim awareness programmes should be required to hand out information about restorative justice and how to access it. The RJC is producing these materials to ensure that prisoners are given an accurate idea of what participation in restorative justice will involve.

**Recommendation 36: Victim awareness programmes should distribute information about restorative justice to interested prisoners.**

Routes should also be open to enable self-referrals. At present, there is seldom a clear way for offenders to request restorative justice if they do hear about it. In some prisons mechanisms have been set up (in one, for example, there is a 'vending machine' with a button to press for offenders who want to meet their victim). In many other establishments, however, prisoners might not know who to ask.

It is essential, therefore, to make sure that there is a clear mechanism for self-referral. The prison could, for example, have a designated officer on each wing who can help prisoners to access restorative justice, or introduce some form of automated sign-up process. It could be as simple as having a physical mailbox where prisoners could post a form they had filled out. In any case, information about how to self-refer needs to be widely available.

**Recommendation 37: Prisons should create a clear referral route to enable prisoners to self-refer.**

Whether referrals initially come from a prisoner or from staff, a mechanism needs to be put in place to enable that referral to be passed on to the relevant external provider or, where there is one, to the in-house team within the prison. Where there is an in-house team, the referral should be passed directly to a designated member of the team. Where there is an external provider, one member of staff within the prison, in all likelihood situated in the offender management unit (OMU), should have responsibility for passing on the referrals. All prisoner and staff referrals within the prison should be passed to this person.

**Recommendation 38: Prisons should nominate an individual member of staff to receive referrals from across the prison and pass them on to the appropriate provider.**

#### **6.4.2 Raising prisoners' awareness**

If a prison has established a mechanism for offender referrals, then it can begin to raise awareness among prisoners in order to encourage self-referrals. Polling, carried out by Ipsos MORI on behalf of the RJC, found that public awareness of restorative justice was around 28%. This makes it likely that the overwhelming majority of prisoners will not have heard of restorative justice.

Not knowing about restorative justice prevents prisoners from knowing that they can participate, and will prevent them from making self-referrals. Raising awareness among the prisoner population will mean that prisoners are able to self-refer. If awareness is not high, then referrals will rely solely on prisoners being approached by knowledgeable staff, which will necessarily mean a smaller number of prisoners will know that they can ask to take part.

The significant confusion about what restorative justice involves may be a barrier to prisoner awareness. For example (and as previously discussed), there is a common misconception that victim awareness courses are the same as restorative justice. This could lead a prisoner to thinking that this was all that was on offer, and potentially participating in victim awareness without understanding the other opportunities.

Every prison that has established a mechanism for offender referrals should have a strategy for raising awareness among prisoners. This could involve materials being distributed throughout the prison accurately explaining restorative justice and days in the prison where prisoners can learn more about restorative justice.

**Recommendation 39: Prisons should ensure that prisoners are provided with an accurate understanding of what restorative justice involves and its benefits.**

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## 6.5 Integrating restorative justice

It is important that restorative justice is something that prisoners are offered at the right point in their sentence. For some prisoners, for example, it might be appropriate very early in their sentence as a way to get them thinking about other forms of rehabilitative work that they might do. For others, they might need to deal with other problems – such as addiction or poor mental health – in order to be in a position to take part in the process. For each prisoner, the offer of restorative justice needs to be made at a time that is right for them.

Restorative justice also needs to be integrated with other kinds of rehabilitation, rather than being treated as an additional extra. This can be, in part, about ensuring that during the restorative justice process any outcome agreements focus on the rehabilitation that the prisoner needs and the services that are available for them to access in the prison, as discussed in section 5.5. Where external facilitators are involved in the delivery of the restorative process they should also be involved in discussions about the prisoner's rehabilitation after the process is completed.

Integrating restorative justice into broader rehabilitative work requires the involvement of the OMU, which has oversight of the rehabilitation that the prisoner is undergoing. The management of restorative justice should therefore sit within the OMU and be seen as a part of its work.

**Recommendation 40: OMUs should take responsibility for restorative justice, to ensure that it is integrated into broader rehabilitative activity.**

## 7.

# Restorative practice in the prison: going further



Once a prison has high staff awareness of restorative justice – even if it is providing a supportive environment and does not have a team trained to deliver – there is likely to be an increased interest in using restorative justice to handle problems between prisoners.

Restorative practice is a broader approach than restorative justice, which refers specifically to communication between victim and offender. Restorative practice utilises restorative approaches in a number of settings to deal with and prevent conflict and harm. It involves a range of methods including face to face conferences, the use of restorative language, and the use of circles – a structured way of encouraging members of a group to share the impact of an incident and to contribute to finding a solution.

In prison, restorative practice can be used as a form of resolution after incidents such as minor disciplinary issues or fights between prisoners. It can also be used before incidents happen to promote positive relationships between prisoners. The recent prison reform White Paper (Ministry of Justice, 2016) supports the use of restorative approaches to tackle the current violence problems facing the prison estate, saying:

**“We will address these issues by encouraging governors to take a restorative approach to lower-level violence where appropriate. In June 2016, two pilots testing restorative approaches to resolving conflict between prisoners, and between prisoners and staff, started at HMP Featherstone and HMP Buckley Hall. The evaluation of these pilots will conclude in the autumn of 2017, but in the meantime we have made a toolkit available to other prisons on ways of adopting restorative approaches.”**

It hardly needs restating that the relationships between the individuals in the prison community matter. Positive relationships between prisoners will mean that there are fewer altercations. Positive relationships between prisoners and staff will make it more likely that prisoners follow the rules and treat staff with respect. A process for handling conflict in a healthy and constructive way is vital to making the prison a more positive and safer place for people to live and work.

Recent initiatives in prisons, such as creating ‘enabling environments’ where prisoners are supported to have input into and ultimately take control of how they resolve problems in the prison, provide a good context for the introduction of restorative practice. Similarly, the ‘five minute intervention’ has given more control to officers to deal with incidents with prisoners in a positive and diversionary manner.

Using restorative practice in a prison is a way of ensuring that its community is a respectful and peaceful one, where people can air their views and concerns in safety. For example, where there is mounting discontent or disagreement among groups of prisoners which has not yet resulted in open conflict, restorative circles can be used to enable the individuals concerned to air their issues in a structured and controlled environment.

There are significant benefits in doing this. It is a simple and cost effective way to improve the quality of life in the prison for staff and for prisoners. It offers staff a positive way to engage with the offenders and to prevent or manage conflict. This can, at a low level, make the prison a more positive environment in which to promote rehabilitation.

For minor infractions, the individuals involved can have a controlled meeting to discuss the incident and its impact. For more serious incidents, a formal restorative conference could either form an alternative to a traditional sanction or form part of it. As officers became more comfortable with restorative approaches, these could be used on the wings to deal with incidents as soon as they occurred.

Restorative practice should be taught to prison officers as another item in their toolkit – a way to deal with prisoners and problems – without disempowering them. Disciplinary measures should still be available to staff to use, but if restorative practice is embedded as a default response to harm and as a way to manage relationships then the need to escalate these situations will be reduced.

There are a number of ways that restorative practice can put power back in the hands of officers on the wings to deal with minor infractions. For instance, restorative practice could help to reduce the need for formal adjudications.

Analysis of adjudications in prisons shows that they are increasing. For instance, since 2010 the number of external adjudications has increased by 47%, with 21,629 adjudications taking place in 2014-15. The majority of adjudications in 2014 were for disobedience, disrespect and property offences – making up around two-thirds of the total. Often, these result in extra days being given to the prisoners, which places an undue pressure on an already overcrowded prison system. It also takes considerable officer time to deal with these cases.

Restorative practice is currently used informally across the prison system, and so reports on its effects are largely anecdotal. However, when used in other institutional settings the results have been extremely positive in reducing conflict and promoting positive relationships. In Atkinson Secure Children's Home, for example, the introduction of restorative practice led to a 91% decrease in the use of restraint, providing a safer and more positive environment for residents and staff. In children's homes in Norfolk, introducing more restorative interventions resulted in a reduction in violence and disorderly behaviour, which in turn led to 19% fewer police call-outs.

While it may be difficult to transpose findings from a children's home to a prison environment, these examples do demonstrate the positive impact that restorative practice can have on managing behaviour and promoting positive relationships. Other examples of places where restorative practice is used include Broadmoor Hospital.

Here, when there is conflict between patients, they are excluded from participating in group activities or therapy with each other, meaning that harm often goes unrepaired. Restorative processes are now enabling these problems to be overcome, and patients to remain integrated in hospital life. It is helping to make the facility a safer place both for patients and staff.

Beyond concerns of safety or managing conflict, restorative practice offers prisoners the chance to be treated as individuals. Rather than being punished further, confined in their cells or moved around the prison estate, prisoners taking part in restorative practice in prisons have a chance to be listened to by someone treating them in a humane way.

Restorative practice in prisons is not the focus of this report, but it is a way of working that follows naturally from prisons offering restorative justice, and can make a huge difference to the way that prisoners and staff engage with each other. It can also play a role in helping to fix problems in the prison, and to get prisoners invested in the prison environment.

Making a prison fully restorative is not a simple task, and requires a real commitment on the part of the senior management and the staff. Some prisons may not choose to do this, and instead just involve some restorative approaches in their day-to-day work. The gains from any sort of restorative practice being used are likely to be significant, and particularly where a prison becomes fully restorative. The RJC would be keen to speak with and support any prison considering going through the process of becoming restorative.

## 8.

# Conclusion



Restorative justice has some of the strongest and most robust evidence supporting its efficacy in reducing recidivism of any intervention. All prisons should, therefore, consider offering it as part of their suite of methods for reducing reoffending. This report is intended to make this argument to prison governors, and also to outline the key steps in going about developing a restorative justice service.

Increasingly, as demonstrated in the recent Prison Safety and Reform White Paper (Ministry of Justice, 2016), there is a movement away from a uniform approach across prisons. Restorative justice delivery is no different. Each prison should consider how it wants to develop its services, based on the resources available and the caseload that it anticipates. No matter how the prison goes about establishing a method for restorative justice delivery, however, there are some key points that should be taken into account.

First, the prison staff should make sure that other agencies are able to work with them. This is about making sure victim-focused services can get access to the prison, that details of offenders are shared with external agencies, and that – if the prison has its own service – it can obtain the necessary information about victims. Working protocols, information sharing agreements and methods for establishing data sharing are vital in making the restorative justice service work.

Second, the offenders need support from before the process begins until after it has finished. The staff should make sure that prisoners are informed about what it involves and how to take part, and prisoners should be given accurate and unbiased information that clearly lays out what taking part will involve. Throughout the process, they need to be reassured, their questions need to be answered and their concerns must be addressed.

Third, the prison must work to make sure that restorative justice is integrated with the prisoner's rehabilitation in the most effective way possible. Prisoners should be offered the chance to take part at the most appropriate point in their rehabilitative journey. Their commitments to change should be acknowledged and enabled. Their desire to make reparation should be supported and encouraged.

Fourth, the victim must not be forgotten. The prison needs to make sure that they are invited in to the process both physically and figuratively. Prison can be a very daunting place for an outsider, particularly one who has suffered harm at the hands of an inmate.

## Conclusion

Making sure that they are able to participate and that their needs are met while they are participating is very important.

Finally, the most important thing for a prison that wants offenders to be able to access restorative justice is making sure that staff know what it involves, are engaged, and want to support its delivery. Making a restorative justice service work is about a whole team effort, not a detached team (or person) in the prison who works in isolation from the wider staff team.

Restorative justice in the prison will take commitment from senior staff. But it is worth doing and can offer significant benefits to prisons. This report provides the first steps towards getting the process started.

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## Further reading



The following publications provide further helpful information on providing restorative justice within a prison.

Restorative justice in custodial settings information pack: [www.restorativejustice.org.uk/custodial-settings-info-pack](http://www.restorativejustice.org.uk/custodial-settings-info-pack)

Restorative justice in prisons – guide to providing a supportive environment:  
[www.restorativeforum.org.uk/articles/712-prison-guide-2015](http://www.restorativeforum.org.uk/articles/712-prison-guide-2015)

Wait 'til Eight – an essential start-up guide to NOMS restorative justice implementation scheme: [www.restorativejustice.org.uk/wait-til-eight](http://www.restorativejustice.org.uk/wait-til-eight)

# 10.

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