

Restorative Justice (PDF)

What is restorative justice?

Restorative justice is a way of thinking about how to deal with any problems that have caused arguments, tension and disagreements. It also is a way of repairing the damage done as a result of crime.

The main aim is to assess the extent of the harm that has been caused, and to attempt to "repair the damage done", as far as possible, with everyone who is involved.

The main aims of Restorative Justice are:

- To attend fully to victims' needs
- To allow the victim the opportunity to view the offender as a person, rather than an 'unknown' person who previously offended
- All parties directly affected by an offence are given the opportunity to contribute to decision-making about what needs to be done
- To enable offenders to fully understand the consequences of their actions, and be given the opportunity to make amends for their actions
- To prevent re-offending
- To create communities that support the rehabilitation of offenders and victims, and are active in preventing crime through positive interventions
- To provide a means of avoiding escalation of legal justice and the associated costs and delays

The YOT will include Restorative Justice (Reparation), as part of an intervention programme with the Young Person. An important part of the process is to make sure that the offender, victims, or those close to both, should be fully involved, where possible.

The YOT recognise that it is important to put a lot of effort in at the early stages of any intervention. We will look to work with all those involved and try to establish what they think will make a difference, what they would welcome, and be prepared to do themselves and how things can be "fixed".

It is very important that the needs and rights of crime victims are fully recognized, and that they are given as much help as they wish to receive. Part of the work the YOT worker will do with a young person will be making them aware of the harm that has been caused, and give the opportunity to take responsibility for their actions by making amends as far as possible. This may include

Writing a letter of apology

talking to the person(s) hurt by the offence

doing some sort of reparation work either;

directly with or for the person that has been hurt by the offence

or

indirectly with the YOT

Any action to be taken to make amends for an offence will be agreed by those affected by the offence, not imposed.

Restorative justice offers a more balanced approach to meeting the needs of victims, communities and offenders. Many believe it offers a better deal for all those affected when a crime has been committed, and gives an opportunity to these people to talk to each other in a safe setting. Through dialogue they learn to understand each other. Those who have been affected have an opportunity to talk about the impact of the crime - instead of the professionals in the criminal justice system talking for them.

At the same time, the offender is left in no doubt as to impact of his or her actions and is held much more accountable for the offence committed. Far from being a soft option, restorative justice processes can be just as demanding as the sentencing process in traditional courts.

Offenders find it demanding:

- to be confronted directly with the victims of the crimes they have committed
- to have to account directly for the harm they have caused to other people
- to discuss and agree what they are going to do by way of reparation
- to be accountable for fulfilling the agreement reached

Crime can weaken relationships and harm community living. But when the reasons why the crime was committed are discussed, together with the way in which it has affected people, then the scene is set for the harm that was caused to be repaired, further fear to be reduced and damaged relationships mended.

Of course, not everyone will want to talk to others in this way. Restorative justice respects this and offers the choice of participation through a third party or other way by which individuals views may be shared

Conferencing

There are a variety of different methods for implementing restorative justice, one of which is via a restorative conference. Typically, the conference is chaired by a neutral facilitator, often a trained police officer, and involves the offender, a member of his or her family and the victim of the crime whether it be an individual or a representative of the community.

During the conference the offender is encouraged to accept responsibility for his or her behaviour, and, by meeting their victim face-to-face, has a greater appreciation of the harm that has been caused. The victim also benefits in being able to discuss the matter with the offender directly in direct contrast to court proceedings where victims are often denied any input at all.