



Department of
Justice

An Roinn Dlí agus Cirt

Mánnystrie O tha Laa

www.justice-ni.gov.uk

*Restoring Relationships, Redressing
Harm*

ADULT RESTORATIVE JUSTICE STRATEGY

ANNUAL PROGRESS REPORT 2022/23

21 July 2023

CONTENTS

1.	INTRODUCTION AND BACKGROUND	3
2.	ACTION PLAN PART 1: OVERARCHING THEMES.....	5
	(i) A Victim-Centred Approach.....	5
	(ii) Capacity Building and Effective Delivery of Restorative Justice	6
	(iii) Legislative Issues.....	8
	(iv) Communication and Engagement	9
3.	ACTION PLAN PART 2: RESTORATIVE JUSTICE AS PART OF THE CRIMINAL JUSTICE CONTINUUM	11
4.	ACTION PLAN PART 3: RELATIONSHIP WITH OTHER JUSTICE REVIEWS	15
	(i) Hate Crime.....	15
	(ii) Serious Sexual Offences.....	16
	(iii) A Centre of Restorative Excellence (CORE).....	17
5.	CONCLUSION	19

1. INTRODUCTION AND BACKGROUND

In March 2022, the Department of Justice (DoJ) published its first ever [Adult Restorative Justice Strategy for Northern Ireland](#), fulfilling a long-term commitment. This Strategy document examined how restorative justice has developed in Northern Ireland to date, and how it might become embedded as a key principle in our adult criminal justice system, based on evidence of its positive impact here and in other jurisdictions. The vision for the Strategy was that “*Restorative Justice should be second nature, not separate nature, within the Criminal Justice System and its partner organisations*”, and it set out a comprehensive argument for why and how restorative justice could be incorporated in all aspects and at all stages of the adult system. By ‘all stages’ we mean from early intervention in the community, formal diversion by statutory agencies, court-ordered disposals, custody and reintegration.

Whilst some progress has been made in the application and use of restorative justice in the adult criminal justice system in Northern Ireland (NI), particularly through community-based interventions, the Adult Restorative Justice Strategy introduced an overarching strategic, co-ordinated approach for the first time. At its heart is the intention to:

- place victims front and centre;
- improve how we meet the needs of, and provide redress for the harm caused to, victims of crime;
- develop appropriate structures and opportunities to allow victims to be involved, whether directly or indirectly, in the criminal justice system and in decisions which affect them;
- find an effective alternative to punitive responses and establish positive ways of dealing with crime and offending which reduces future harm;
- engage and challenge offenders to understand the effects of their actions on victims and the wider community; and
- improve outcomes for all those affected by offending behaviour, whether victims, offenders, families or communities.

The Strategy was developed in partnership with colleagues from a range of organisations who make up the *Restorative Justice Working Group (RJWG)*. In addition to Department of Justice officials, the RJWG consists of representatives from: the Public Prosecution Service for Northern Ireland (PPS); the Police Service of Northern Ireland (PSNI); the Probation Board for Northern Ireland (PBNI); the Northern Ireland Prison Service (NIPS); the Youth Justice Agency (YJA); Victim Support NI (VSNI); the Restorative Practices Forum NI; and two accredited community based restorative justice groups, Community Restorative Justice Ireland (CRJI) and Northern Ireland Alternatives (NIA). We are grateful for the continued support and engagement of these and other partners as we work

towards the implementation of the Strategy to bring meaningful change and a restorative culture across the adult justice system.

To structure and prioritise this work, the Strategy was accompanied by a five-year Action Plan (*page 55 of the Strategy document*), agreed by all partners. This Action Plan was divided into three distinct, but interrelated, parts which had been identified and informed by stakeholder discussions and a public consultation during the Strategy's development. These are:

- 1) The overarching themes or issues which sit across the entirety of the Strategy and which are essential to enable its successful delivery;
- 2) Options for delivering restorative justice at specific stages of the criminal justice continuum; and
- 3) The delivery of restorative approaches aimed at meeting recommendations from a number of independent reviews.

A total of 34 actions were identified across these three parts of the Action Plan, many of which involved complex and/or resource-intensive work to deliver. Some actions, particularly those requiring legislation, come with a significant timescale or lead-in period. For these reasons, and taking into account the ongoing financial, staffing and other pressures, it was agreed that implementation of the Adult Strategy would need to be delivered across a number of years. The Action Plan therefore included an indication of whether each action was expected to be delivered in the short (year 1), medium (years 2-3) or long (years 4-5) term. These decisions were also informed by Ministerial and stakeholder priorities, as well as practical considerations such as the need for some work to be delivered sequentially.

Implementation of the Strategy, and delivery against the actions contained in the Action Plan, is monitored by the multi-agency RJWG. The work is also reflected in, and reported through, the Department's Annual Business Plan and the Reducing Reoffending Strategic Outcomes Group amongst other fora. Aspects of the work are also included in the respective business plans of some RJWG partner organisations.

Finally in terms of reporting, an undertaking was given in the Strategy to develop an annual progress report to update the Minister, the Justice Committee and other relevant stakeholders. This document is the first annual progress report to be published, and provides information on the work that has taken place over the first year of the Adult Strategy's Action Plan i.e. April 2022 – March 2023.

The following sections mirror the three distinct parts of the Action Plan as listed above, and set out the progress made against the actions within each. Restorative Justice is commonly abbreviated to RJ in the following sections.

2. ACTION PLAN PART 1: OVERARCHING THEMES

Part 1 of the Action Plan relates to a number of overarching themes which straddle our approach to restorative justice and provide a framework and context within which the work takes place. In total, **four overarching themes** were identified through consultation and discussion. Each is considered below, along with a summary of actions falling under each theme and an end of year progress update.

(i) A Victim-Centred Approach

One of the most significant, and oft-repeated, views received throughout the consultation process was the need to ensure that an Adult Restorative Justice Strategy was victim initiated and victim-centred. The ever-increasing focus on, and use of, restorative justice is driven by the desire to better meet the needs of victims of crime and to provide redress for the harm caused to them, as well as to find an effective alternative to punitive responses.

It was envisaged that implementation of the Strategy would provide opportunities, at each stage of the criminal justice system, for victims and communities affected by anti-social or criminal behaviour to play a role in the process in a safe, structured and supported environment. Wherever possible, we wish to see victims not only proactively engaged in restorative justice, but also taking the lead in its use through the development of victim-initiated pathways.

Progress update:

<p>Development of victim-centred approaches</p>	<p>RJWG partners have made considerable progress on this action, including:</p> <ul style="list-style-type: none"> • VSNI has completed work on a trauma-informed pathway for victims of crime to enquire, engage and complete preparation for a restorative justice conversation. This includes a safe first stage restorative process assessing need and risk, and preparing the person harmed prior to contact with the person who caused the harm; • Providing safe supported access to, and restorative practice with, victims for criminal justice partner agencies; • Community Based Restorative Justice (CBRJ) organisations support approximately 3500 victims yearly via a range of projects. Wrap-around support includes provision of counselling, mentoring, restorative conferencing and interventions to address vulnerability and harm; • Work between VSNI, NIPS and PBNI on a small number of test cases with a view to developing joint working protocols and potential training opportunities;
---	---

	<ul style="list-style-type: none"> • Learning from best practice from the UK and further afield; • Facilitation of limited number of victim-initiated cases of serious sexual harm, and conversations with hate crime advocates; • Developing and delivering a suite of Restorative Justice Council (RJC) accredited training, from entry-level awareness training to Serious and Complex case training, to ensure that the needs of victims are appropriately and effectively met; • CRJI also offers a wide menu of Skills for Justice Award Training in Working with Victims, Survivors & Witnesses.
Victim Information Schemes	PBNI's Victim Information Scheme continues to grow with an increasing number of victims choosing to register with the scheme and reporting positive outcomes.
Development of a PBNI service user forum for victims.	PBNI has established a service user forum to enable effective dialogue and support for victims using their service. Whilst this action has been completed, PBNI plans to continue to develop and expand the forum's role as it becomes further established, to include opportunities for victims to contribute to shaping and developing PBNI's operational delivery.
VSNI development and implementation of internal restorative justice strategy for staff and volunteers.	<ul style="list-style-type: none"> • Restorative Justice is now an established programme within VSNI, which has become the first organisation in NI to achieve Restorative Organisation status through the RJC. RJ is a permanent part of Internal VSNI staff and volunteer awareness training, with the programme rolled out across all staff and 120 volunteers; • VSNI is currently updating accreditation with RJC to Registered Service Provider status and with facilitators accredited to Advanced Practitioner Level. VSNI Facilitator training is now running several RJC accredited courses per year bringing a range of statutory and community organisations together; and • VSNI training on Serious and Complex Cases completed in May 2022, with further training planned for 2023.

(ii) Capacity Building and Effective Delivery of Restorative Justice

One of the key aims of the Strategy was to extend the reach of restorative justice, both in terms of location and in the range of its use across the justice continuum. A clear message coming from stakeholders was the need to ensure equality of opportunity to all parties that are affected by offending, whether as a perpetrator, victim, family or community. Given that CRJI and NIA are grassroots organisations, they are strategically placed to ensure this work is not completed in isolation of the community context, which is particularly important given that crime disproportionately affects disadvantaged

communities. To enable others to similarly benefit, there needs to be a consistent geographical and standardised service provision across Northern Ireland, along with effective referral mechanisms for criminal justice and other organisations.

In delivering against this theme, the primary focus last year was concentrated on a comprehensive review of the 2007 [Government Protocol](#) that currently governs the accreditation of, and referrals to, Community Based Restorative Justice (CBRJ) organisations involved in restorative work in the criminal justice arena. This had been identified as a key action during the public consultation on an Adult Strategy, given the time that had passed since the Protocol was established, and the experience that now exists regarding its operation, particularly the low number of current referrals. Given that the Strategy’s desire to expand the use of CBRJ and restorative interventions more generally is dependent on increased availability of accredited schemes, the Minister approved the Protocol review as a priority.

Progress update:

<p>Review of 2007 Protocol governing the accreditation and operation of Community Based Restorative Justice.</p>	<p>A three-person independent Review Panel was appointed in March 2022 and conducted a comprehensive review of the 2007 Protocol. They held 45 meetings with a range of stakeholders including representatives from victims organisations, voluntary & community sector, academics, accredited & non-accredited groups, and the statutory sector and NI Executive Departments. The Panel concluded its review at the end of September, and produced a draft report, including a proposed new Protocol. Since then, the key milestones have been:</p> <ul style="list-style-type: none"> • Oct 2022: Ministerial approval of draft report; • Nov-Dec 2022: factual accuracy check carried out with key stakeholders; • Jan 2023: final amendments cleared by Review Team; and • 27 Feb 2023: publication of report and new draft Protocol. <p>RJWG members have spent considerable time working through the draft Protocol with a view to finalising and agreeing its operational adoption as a priority, given that implementation of a significant number of the Strategy’s actions are dependent on revised accreditation and referral arrangements.</p> <p>The final agreed 2023 Protocol is now ready for publication.</p>
--	--

<p>Support for capacity building.</p>	<p>One of the key recommendation in the Review report was the appointment of a full-time independent person as an Interim Protocol Lead (IPL). They will play a critical role in progressing the new arrangements set out in the revised Protocol, including:</p> <ul style="list-style-type: none"> • Setting training standards and establishing a training framework appropriate to the level of RJ work being undertaken; • Promoting an understanding of RJ across all sectors of NI; • Working with practitioners and organisations to adopt new accreditation processes, to increase capacity and availability of RJ as a justice intervention; and • Monitoring and reporting on the number and outcome of referrals. <p>Approval has been received for this appointment, and we are currently working with our HR partners to fill what will be a key post in supporting capacity building over the coming years. There is a recognition that a longer-term funding strategy is necessary to support increased capacity. Recommendation A9 of the Fresh Start report tasked the Executive with establishing a dedicated fund for RJ to allow its expansion in NI. However, a range of issues, including ongoing budgetary constraints and lack of an Executive, mean that this has not happened. In the absence of this cross-Executive fund, the DoJ will continue to do what it can to support accredited organisations and individuals to engage in the delivery of restorative justice.</p>
<p>Promotion of revised Protocol & associated arrangements to encourage & increase accredited services.</p>	<p>This is a medium-term action. The recommendation to appoint an Interim Protocol Lead as part of the new Protocol will be key in addressing this action, given their anticipated role in promoting accreditation and RJ more generally.</p>

(iii) Legislative Issues

Unlike the youth justice system here, there currently exists no legislative or statutory basis for the use of restorative approaches in the adult justice system in Northern Ireland. The Council of Europe recommendations leave the decision on whether or not to legislate up to Member States who, they say, “*may wish to establish a clear legal basis where restorative justice is referred to by the judicial authorities, or where it is otherwise used in a way which impacts, or which may impact, upon prosecution or court proceedings*”.¹

¹ “*Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters*”, Council of Europe (October 2018);

The absence of legislation here has not prevented the small-scale use of restorative justice in adult disposals, with some operational practice evolving to incorporate restorative elements in existing orders, most notably in [Enhanced Combination Orders \(ECOs\)](#). In developing the Adult Restorative Justice Strategy, arguments both for and against a statutory underpinning of RJ were expressed, all of which would require further detailed consideration before any decision is made.

The Strategy identified two further issues under this overarching theme of legislation: the need to deliver any legislative change arising from the review of the 2007 Protocol, and the need to regularise an existing anomaly relating to the transfer of accreditation legislation from the Secretary of State for Northern Ireland to the Department.

Progress update:

<p>Establish and agree the need for, and extent of, formal statutory provision required to deliver adult restorative justice on a diversionary basis or as part of a post-conviction disposal.</p>	<p>This was agreed as a medium-term action, and as such, there has been no progress to date. Information continues to be gathered as to the effectiveness of RJ processes as part of the youth justice system, ECOs and other adult disposals, to inform the ultimate decision. The recommendations of other reviews, including the Department’s review of sentencing policy and Judge Marrinan’s review on Hate Crime Legislation, will also form part of the discussion – Judge Marrinan specifically recommended the need for statutory provision for restorative justice for over 18s (Rec 16).</p>
<p>Consideration of legislative changes that may be required as a result of a review of the 2007 Protocol.</p>	<p>Given that this action could not be progressed until such time as the Review Panel had conducted their review and a new Protocol is finalised, it was agreed as a medium-term action. Consideration will be given to any legislative requirements identified once the new Protocol and IPL are in place.</p>
<p>Transfer of accreditation legislation</p>	<p>This action has been progressed as far as possible, but is now dependent on the re-formation of an Executive. Draft legislative provisions have been agreed to enable the transfer of functions from the Secretary of State to the DoJ, but they require the approval of a Minister and the availability of an appropriate Bill to allow them to be taken forward.</p>

(iv) Communication and Engagement

The fourth and final overarching theme in the Action Plan was the need for effective communication and engagement across all sectors, and with the public in particular, to

promote the understanding and use of restorative justice as an agreed alternative to, or an integral part of, the formal justice system.

In doing so, the aims would be to inform and educate individuals of the positive benefits of restorative justice, and to increase acceptance and uptake for those who have been engaged in, or victims of, offending. The development of a communications strategy would enable justice and other partners to promote a consistent message on the positive outcomes made possible through restorative justice, for both victims and offenders.

Progress update:

<p>Development of a public awareness approach to inform and educate on issues around restorative justice.</p>	<p>This is a medium-term action, and the recommendation to appoint an Interim Protocol Lead will be key in its implementation, as this will be part of their role. In the meantime, events such as the publication of the Protocol Review report and a number of workshops and conferences are being used as opportunities to inform, educate and promote positive messages in relation to RJ.</p>
<p>Deliver a co-ordinated approach across all sector organisations to raise awareness of restorative justice/practice.</p>	<p>Progress update as above. RJWG members are also represented on the Restorative Practices Forum NI, where members from a wide range of organisations and across all sectors promote restorative work and explore how to raise awareness in a co-ordinated way.</p>
<p>Promotion of RJ work and celebration of successes.</p>	<p>This is an ongoing action, with RJWG member organisations engaged in a range of work to promote their involvement in restorative approaches and celebrate success. For example:</p> <ul style="list-style-type: none"> • VSNI victim's RJ stories currently being captured and shared on their website; • Both CBRJ schemes are active on social media, promoting RJ through podcasts, tweets, newsletters, case studies etc.; • In October, in collaboration with the Probation Service in Ireland, PBNI delivered a practice seminar on hate crime which included the positive use of RJ in these type of offences; and • Significant promotional work during the annual International Restorative Justice Week which runs in November.

3. ACTION PLAN PART 2: RESTORATIVE JUSTICE AS PART OF THE CRIMINAL JUSTICE CONTINUUM

Based on evidence from here and in other jurisdictions, which demonstrates that restorative justice can be effectively integrated into all stages along the criminal justice continuum, Part 2 of the Action Plan focused on how this might be achieved in Northern Ireland. By the phrase the “criminal justice continuum”, we mean at all possible stages of the criminal justice system, namely:

- Early Intervention and Prevention;
- Diversionary Disposals;
- Court Ordered Community Sentences; and
- Custody, Resettlement and Reintegration.

The development of an Adult Strategy was intended to formalise and increase the use of RJ approaches across the full continuum of the adult criminal justice system. Work undertaken to progress actions against each of these stages is detailed below.

Progress update:

<p>Early Intervention and Prevention</p>	<p>Accredited CBRJ partners play a significant role in this space. Whilst they work closely with the relevant statutory agencies in line with the agreed Protocol, a formal justice system response may not always be required and in many cases, restorative approaches should be community led and community supported. Much of this work is already being undertaken within communities, for example to address neighbourhood disputes, including those motivated by hate, without recourse to formal justice processes. Learning has also been taken from the Aspire model, a project for young men, aged between 16 and 30, who are marginalised in communities and at risk of becoming involved in criminality. It combines restorative practices and peer mentoring with targeted support in relation to employment, training, housing, mental health and addictions issues.</p> <p>Whilst recognising the benefits of RJ in Early Intervention, the direct role to be played by the DoJ, and other statutory partners, in its delivery is one which needs further consideration. This will be informed by the Review Panel’s report, and their views on how low level community issues should be dealt with, and by whom.</p>
--	---

<p>Diversions Disposals</p>	<p>It was initially envisioned that the key piece of work under this action would be the establishment of a pilot using a restorative intervention as an adult diversionary scheme as part of Community Resolution Notices (CRNs) for low level and/or first time offending. Initially seen as a ‘quick win’, it was viewed as a short-term action, however it was not possible to progress this during the first year of the Action Plan due to a comprehensive review of CRNs being undertaken by PSNI. This review encompassed the range and type of offences to be included, the criteria for agreeing the use of a CRN, and – with the Adult Strategy in mind – the inclusion of restorative justice as part of the CRN process. The Review Panel’s report and new draft Protocol were also considered as part of the overall PSNI review.</p> <p>The final proposals relating to the revised CRN scheme have now been submitted to PSNI’s Senior Management Team for consideration, and this action will be revisited in Year 2, once approval to progress the new CRN scheme has been received. In the meantime, discussions have commenced with the accredited CBRJ groups with a view to increasing CRN referrals to these organisations, and devising a more formal process for these referrals. Any pilot scheme is likely to be limited to Belfast and Ards/North Down in the first instance.</p> <p>The learning from any pilot will be used to consider the options for extending the use of restorative elements within diversionary disposals. The current youth justice system, which operates a range of diversion options, will provide a good model for consideration.</p>
<p>Court Ordered Community Sentences</p>	<p>Where diversionary options are not suitable, the fact that a case is progressed through the formal court process does not mean that opportunities for restorative justice cannot be considered as part of a legally mandated court order. The success of ECOs has already demonstrated how this can be successfully achieved, and it is our desire to build on this.</p> <p>In the medium to long term, the intention is to explore opportunities for the formal inclusion of restorative justice in community sentences, in line with recommendations of the department’s Sentencing Policy Review, and/or consider the development of a pilot Restorative Justice court as part of the Department’s wider Problem Solving Justice approach. Notwithstanding this longer-term aim, progress was made during Year 1 of the Action Plan both to continue the positive restorative work as part of the delivery of ECOs and also to strengthen the support needed in advance of any formal RJ inclusion in community sentencing. This work has included:</p>

	<ul style="list-style-type: none"> • The accredited CBRJ schemes continued partnership with PBNI in support of the delivery of ECOs, which has just completed another successful year; • PBNI and VSNI increased engagement with victims wherever possible, enabling them to provide an input to ECOs, community service placements, and other restorative work; • PBNI’s establishment of an internal Restorative Justice Framework for their organisation, to inform and embed RJ in their core work at all stages of PBNI involvement. This RJ Framework supports staff to work restoratively with service users at all stages of their supervision, including at the pre-sentence stage and post-release; and • The training of staff in restorative approaches to upskill workforces and volunteers to deliver RJ. As part of their RJ Framework, in Year 1 of the Action Plan, almost 50 PBNI staff at a range of grades have undertaken the Foundation skills in Restorative Justice in partnership with VSNI. (See also training recorded in the progress update in respect of support for victims under Part 1 above)
<p>Custody, Resettlement and Reintegration</p>	<p>This section of the Adult Restorative Justice Strategy, and the associated actions in the Action Plan, explored options for the use of restorative interventions during, or following, a period in custody. Whilst custodial sentences are reserved for the most serious and/or persistent offenders in society, some of the most impactful case studies have been from within this cohort. Restorative Justice has been shown to have a positive impact on those who have committed such crimes and, more importantly, on the victims who are left trying to get on with their lives. It can promote a positive environment as part of an approach to managing and supporting prisoners day-to-day, and can support both harm reduction and reintegration within the community.</p> <p>In terms of Year 1 progress, the NI Prison Service (NIPS) has developed a Restorative Practices Framework in partnership with QUB which provides the organisation with a strategic direction and outlines the parameters within which restorative practice will be developed and embedded across all establishments. The implementation of the Framework has been hampered by an unprecedented increase in the overall prison population, which has placed significant pressures on all staff. However the intention for the coming year is to explore how best to identify and implement opportunities to grow the use of restorative practice throughout NIPS, including training for staff and supporting prisoners to help repair relationships between them and their families, victims and</p>

	<p>communities. In taking small steps towards this ambition, Year 1 has also seen VSNI working with NIPS on two test cases for victim-initiated restorative interventions. This work will be important not only in enabling a dialogue between the victims and perpetrators of crime (where all parties are willing and able), but also to develop pathways and joint working protocols for future expansion of the work.</p>
--	---

4. ACTION PLAN PART 3: RELATIONSHIP WITH OTHER JUSTICE REVIEWS

Part 3 of the Action Plan was driven by three key reviews affecting the justice system in Northern Ireland which, although focused on diverse subjects, have a common denominator: they each contain recommendations relating to the potential use of restorative justice in the delivery of change.

The majority of actions within this section of the Action Plan were for consideration and implementation in the medium term, but nevertheless a significant amount of groundwork has been undertaken throughout the past year, as detailed below.

(i) Hate Crime

Judge Desmond Marrinan’s report, published in December 2020, contained 34 recommendations aimed at ensuring that existing hate crime legislation represents the most effective approach for the justice system to deal with criminal conduct motivated by hatred. The report contained a dedicated chapter on restorative justice (Chapter 11) and the opportunities for its use in addressing hate crime and providing support for victims. It included seven recommendations on how and when restorative justice might be used for instances of hate crime, and what the governing architecture surrounding its use might be, including a statutory framework for hate crime to be dealt with restoratively via both diversionary and formal court schemes.

Progress update:

<p>Consider implementation of restorative justice recommendations published in Marrinan review, including developing opportunities for using a diversionary scheme for hate crimes and need for a wider adult RJ statutory scheme</p>	<p>There is a clear correlation between these recommendations and the themes in the overall Adult Restorative Justice Strategy e.g. around the use of RJ as a diversion to, or a formal part of, the criminal justice system; the importance of CBRJ groups’ experience and community links in delivering restorative interventions; and the potential need for a statutory framework or underpinning legislation to deliver adult restorative justice. It was therefore agreed that any work to deliver on these recommendations would not take place in isolation, with a focus solely on Hate Crime, but would be undertaken as part of the overall actions agreed to implement the Strategy for all offence types and across the continuum of the justice system. Of course, there may be opportunities to pilot some of this work specifically with hate crimes where that is appropriate, or to offer universal RJ to all offence types, including hate crime, as part of a particular process or disposal.</p> <p>Year 1 has seen RJWG partners undertaking a range of work that will assist with delivering on this action:</p> <ul style="list-style-type: none"> • The DoJ has held a number of meetings with key stakeholders to establish how feasible a diversionary process would be in
---	--

	<p>Northern Ireland and how this would look in practise when compared to the Scottish Model, which was specifically mentioned in Judge Marrinan’s report;</p> <ul style="list-style-type: none"> • VSNI has facilitated open discussion about restorative practice with hate crime advocates from race, disability and LGBTQI organisations to increase understanding and assist signposting of services; • PSNI CRN guidance for dealing with low level Hate Crimes has been reviewed and amended as part of the overall CRN review. The intention is to widen the CRN criteria, therefore increasing the possibility of diversion through this process; and • Both CBRJ schemes continue to work with hate crime cases by supporting those parties involved.
--	---

(ii) Serious Sexual Offences

The second independent review that informed the development of this part of the Action Plan was undertaken by Sir John Gillen, and focused on the law and procedures in serious sexual offence cases in Northern Ireland. Recognising that the use of restorative justice for victims of sexual offences is a highly emotive subject, the final report nevertheless included two recommendations for consideration, in relation to the use of victim-led RJ as (i) an additional support for, and (ii) an alternative to, the formal criminal justice system. Although identified as a medium to long-term action, we are pleased to report some progress throughout the first year of the Action Plan.

Progress update:

<p>In partnership with statutory and third sector organisations, consider recommendations published in Gillen review relating to the use of restorative justice for serious sexual offences.</p>	<p>Unlike the recommendations from the Marrinan Review, the Gillen recommendations will require a more singular focus on how we deal with this particular offence type, given the sensitive and potentially contentious nature of the subject. Year 1 work has therefore concentrated on wider stakeholder engagement to explore views relating to the feasibility, risks and benefits of such arrangements, along with research on how the issues are addressed in other jurisdictions.</p> <p>To assist with this work, the Department has engaged a QUB PhD student who will be conducting interviews with three main sample groups (victim-survivors, offenders and criminal justice experts), followed up with focus groups. Unfortunately by the end of the year QUB were yet to approve her ethical application, meaning that this work has been significantly delayed to date.</p>
--	--

	<p>The learning from the above will help to inform the basis of the work to be taken forward over the next year(s). In the meantime, some RJWG partners have taken the opportunity for their staff to complete sensitive and complex case training, facilitated by VSNI, to ensure that the capacity exists to deliver such specialist services to victims, when required. In addition, VSNI has facilitated a select number of victim-initiated cases involving serious sexual harm.</p>
--	---

(iii) A Centre of Restorative Excellence (CORE)

The proposal to develop a Centre of Restorative Excellence, or CORE, was contained in the 2016 Fresh Start Panel’s report on the disbandment of paramilitary groups, informed by both the DoJ and the current CBRJ groups who advocated for such a development. The establishment of such a Centre was also the subject of one of Judge Marrinan’s recommendations on restorative justice. The Fresh Start report also recognised the importance of restorative approaches more generally, and the role they could play in communities by helping to, *“develop constructive relationships between the police and the community, encourage community support for the rule of law, support effective rehabilitation of offenders and, importantly, address the needs of victims”*.

As a result, Recommendation A9 of their report recommended that the Executive should put in place a dedicated, long-term fund for restorative justice, and that it should be used to resource a CORE for Northern Ireland. Having agreed to conduct a feasibility study to identify best options for a potential CORE, which was completed in 2018, it was agreed that consequential actions falling to the Department of Justice would be incorporated into the Adult Strategy’s Action Plan, as an acknowledgement of the interrelatedness of the work. Progress is noted below.

Progress update:

<p>In partnership with other Departmental, statutory and third sector organisations, examine and agree role of CORE across a range of issues, including:</p> <ul style="list-style-type: none"> • Scope; • Quality Assurance framework & setting standards; • Training and delivery of restorative approaches; 	<p>In line with the Fresh Start recommendation and Feasibility Study report, there is agreement that the scope of any CORE should encompass restorative practices in its widest terms, rather than focusing on the narrower aspects of restorative justice. Through discussions with stakeholders, there is also a clear view that the development of a Centre would be better served if it was not driven by criminal justice, nor associated solely with Fresh Start/tackling paramilitarism, to remove any potential for stigma and instead look towards the use of positive restorative approaches in a post-conflict society.</p> <p>Whilst a CORE, and a dedicated fund for restorative practice, are ultimately cross-Executive issues to be led by TEO, there was a recognition of the need for a lead Department to begin the early</p>
---	--

<ul style="list-style-type: none"> • Engagement and promotion to increase participation and understanding. 	<p>stages of development. Therefore, having delivered the Feasibility Study, the DoJ took the decision to begin the work to scope out how a potential Centre of Restorative Excellence might be delivered and operate. Key partners, including the statutory, voluntary and community sectors, along with cross-Executive representatives, were initially brought together as a CORE Working Group. Building on these early discussions, and to take account of changes in circumstances and working environment since the Feasibility Study was completed in 2018, it was agreed to appoint Professor Cathy Gormley-Heenan as an independent expert to progress the work. She was tasked with identifying how best to take the work forward in a way that was affordable and scalable and offered a pragmatic solution to the current funding environment while delivering on the objectives of the CORE.</p> <p>Her report, which was approved by the Minister prior to leaving office in October 2022, set out a potential approach for a CORE and addressed the issues as far as they can be progressed in the absence of cross-Executive support and funding.</p> <p>This action is therefore considered complete.</p>
<p>Develop and deliver a Centre for Restorative Excellence for Northern Ireland based on the recommendations in the Feasibility Study commissioned by DoJ</p>	<p>The report from Prof. Gormley-Heenan, whilst providing a more pragmatic approach to the development of a CORE, still requires cross-Executive support and funding before it can be delivered. It is therefore not in the Department’s gift to deliver on this action.</p> <p>That said, many facets of the work of the Interim Protocol Lead, as proposed by the Protocol Review Panel, reflect the intended scope and work of a CORE, given that the Panel were influenced by Prof. Gormley-Heenan’s report. The appointment of an IPL with therefore hopefully progress some elements of a CORE-type model for Northern Ireland.</p>

5. CONCLUSION

This is the first Annual Report published following the development of Northern Ireland's Adult Restorative Justice Strategy, and it provides detailed information on the progress made in implementing Year 1 of the Strategy's Action Plan.

We hope that readers will see the advancement that has been made across a range of actions, albeit that there were some actions which may not have progressed as far, or as quickly, as originally anticipated. A number of factors can be cited in mitigation of this, including the lack of a Minister and Executive over the second part of the year, meaning that some decisions were delayed or postponed, and the comprehensive review of the Protocol taking far longer than initially projected. Many of the actions were dependent on, or at least held back, until the new Protocol and accreditation arrangements were clear, meaning knock-on delays to their progression. These will be taken forward into Year 2 of the Strategy and Action Plan.

A further barrier to progress was the finite resources associated with the Strategy, both in terms of staffing and funding. There is clearly a need for secure, long-term funding for restorative justice: lack of funding was recognised by the Fresh Start Panel as a major factor inhibiting the expansion of restorative approaches, hence their Recommendation A9 around the creation of a dedicated fund for this work, which was also to be used as the source of funding for the creation and operation of a Centre of Restorative Excellence. To date, this fund is yet to be established, which restricts the potential for strategic and innovative developments from being established and up-scaled. The current financial climate has meant that baselines across Government are under increasing pressure, seemingly with no good news on the horizon.

A range of competing priorities within this policy area has undoubtedly proved challenging over the first year of the Strategy. Nevertheless, much progress has been made in the face of these issues, and there is substantial goodwill amongst RJWG partners to deliver against the Action Plan, which is both welcome and encouraging. The coming months will bring their own difficulties, particularly when taking account of the very challenging financial climate faced by all sectors and all sections of the community, but we look forward to working with our partners on Year 2 actions.

The Adult Strategy identified a number of potential benefits which could accrue through the increased use of restorative justice, along with range of objectives to be met. When considering how progress is measured, victim engagement and satisfaction in the process was seen by the majority of stakeholders as the most important factor. That said, it was also noted that successful restorative justice system was one which balanced the needs of victims, offenders and the community, therefore levels of engagement by all constituent parties was important. A number of other measures were suggested which could be useful to focus on, including increased referral numbers; reduction in court cases and admissions to custody; improved public confidence; and changes in behaviour

or reoffending. This report has not taken an Outcomes Based Approach (OBA) to measuring success in Year 1, as we believe the work undertaken so far does not lend itself to this approach. Rather, it focused on creating the conditions for an expansion of RJ work and laying the groundwork for a firm foundation on which to base this expansion. We will look to those objectives and potential measurements listed in the Adult Restorative Justice Strategy for future years.

Lastly, while the Adult Strategy is a finalised document, the intention has always been to ensure that the Action Plan is a living document that can be updated, added to or amended during the its lifespan, subject to the agreement of the RJWG. Members are currently reviewing the Action Plan in light of the progress made in Year 1 alongside organisational priorities for the coming year, with a view to agreeing revisions for Year 2 actions.