



Transforming lives through Restorative Justice

Why me? written evidence for the Victims and Prisoners Bill Committee
17th June 2023

Overview

Why me? Is a leading national charity that promotes and delivers Restorative Justice, a transformative tool which facilitates communication between the person affected by a crime, and the person responsible. We work in close collaboration with our ambassadors - those who have lived experience of Restorative Justice and those who facilitate Restorative Justice meetings. Why me? are part of a number of organisations working to open up access to Restorative Justice, including the [All Party Parliamentary Group on Restorative Justice](#) and the European Forum for Restorative Justice.

Why me? are submitting evidence to the Committee, as we did to the [Justice Select Committee's pre-legislative scrutiny](#) of the draft Victims Bill because we believe there are opportunities for Restorative Justice provisions to be increased and strengthened through the Bill. For these rights to be upheld and to make meaningful change, however, they must be enforceable. Therefore, whilst it is understood that it would not be suitable to transpose the Code in its entirety into legislation, it is vital that the basic rights are enshrined in more detail in primary legislation.

We believe that there is an opportunity for this Government to provide a legal entitlement to information and access to Restorative Justice (rather than simply in the Victims' Code of

Practice) and to make access equitable for all citizens. We welcome the opportunity to make recommendations to the Committee about how to improve the Bill to increase access to Restorative Justice provision so that all victims of crime have the option to explore whether it is right for them.

What is Restorative Justice?

Restorative Justice is a cost-effective smart form of justice which helps people to recover and move on from crime.

Restorative Justice empowers people affected by crime to communicate with the person responsible in a facilitated setting, through a face to face meeting, video shuttle or letter writing if preferable. Restorative Justice can be used to address any type of crime, as long as both parties consent, and the facilitators agree that it is safe to do so. It does not have to be a substitute for other measures, and can take place while people are serving time in prison.

Victims of crime often feel excluded, confused and revictimized by the criminal justice process. Restorative Justice brings them back to the heart of the discussion, and allows them to have their voices heard. Victims of crime, perpetrators and the friends and family of both parties can benefit from Restorative Justice.

[Government figures estimate](#) that 85% of victims of crime who engage in Restorative Justice are satisfied with the process. Data returns from PCCs, [which Why me? evaluate as part of our Valuing Victims work](#), indicate that victim satisfaction in the Restorative Justice process reaches up to 95%.

[This starkly contrasts findings by Victim Support](#), who found that nearly half of their clients (who did not access RJ) were unhappy with the way their case progressed, either in the reporting or investigation phase. Indeed, victims risk secondary victimisation through the court process, as well as, conversely, through not having their stories heard. To date, under 10% of victims with a known offender are aware that they have been informed about Restorative Justice according to annual statistics (5.5% in March 2020) from the [Crime Survey for England and Wales \(CSEW\)](#).

Why me?'s ambassadors speak to the powerful effect Restorative Justice had for them as a victim. But many did not receive access or information via statutory routes. Both of the following cases were undertaken by Why me? and funded privately by the charity.

This includes [ambassador Janika Cartwright](#), who suffered a violent knife attack at the hands of her former partner. He was convicted for attempted murder and remains in prison. She

said that *“taking part in Restorative Justice was the key that unlocked the door to my future”*.

Why me? ambassador, [Paul Kohler](#), who presented to the [2016 JSC RJ Inquiry](#), suffered a fractured eye socket, broken nose and extensive loss of blood, when he was beaten by attackers who forced their way into his home. For Paul, Restorative Justice *“offered the chance of being able to ask those questions that we felt remained unanswered after the trial”*.

The [cost-benefit of Restorative Justice](#) has been carefully researched, showing a £14 saving to the Criminal Justice System and society for every £1 spent. The beauty of the restorative approach is that it helps victims of crime to recover and reduce recidivism, meaning that less victims are created in the future.

Points we would like the Bill Committee to consider

1. The inclusion of the right to be referred to a Restorative Justice service

The right to be referred to services that support victims, including Restorative Justice services, and have services and support tailored to your needs.

This fundamental right is not in the Bill at present. Too many times we hear about people getting blocked from access because they, or the crime they suffered, are judged to be not suitable for Restorative Justice. We believe the right to be referred will open up smarter justice for victims of crime and give them the choice rather than someone deciding about the suitability on their behalf.

“I wanted him to be accountable to me – not to a judge, not to the police not to prison officers but to me. I felt my voice wasn’t being heard – the police, the courts, victim support all were making assumptions about what was best for me. I heard about a process called Restorative Justice and asked if it was something I could be involved with. I felt it would help me come to terms with what had happened and answer my questions. But it drained my energy to feel those who could help were putting barriers in my way instead.” Janika Cartwright

The Justice Select Committee recognised the importance of Restorative Justice within its pre-legislative scrutiny of the draft Victims and Prisoners Bill, noting that the legislation ‘should include a provision for victims to have a legislative right to access Restorative Justice services’. We support the recommendation the Justice Select Committee made that:

‘Criminal justice agencies must provide victims with the information they need throughout the entirety of their case, from reporting through to post-conviction in a language or format that they can understand; this should include information on restorative justice where appropriate.’

The Government rejected the recommendation, stating that as RJ is always voluntary for all parties then a right to access RJ is ‘not practical or appropriate.’ However, the intention of the recommendation was not a right to have a RJ conference, but a right to be referred to a restorative justice service so victims can receive full information to make an informed decision.

The [All-Party Parliamentary Group on Restorative Justice’s Summer 2021 Inquiry](#) identified barriers to access for ordinary people trying to find out about Restorative Justice and to be referred. This comprehensive report based on surveys, research and case studies from Restorative Justice experts from all UK nation, who form the Advisory Board to the APPG. A right to information about restorative justice and how to access local Restorative Justice services is already an entitlement in the Code but it is not being delivered consistently. Providing victims the right to be referred to their local Restorative Justice service will enable the victim to make a better informed decision about whether Restorative Justice is right for them. Given the low levels of public trust in the police, in particular Black, Asian and minority ethnic communities, hearing about RJ from a specialist service, rather than just the police, will help ensure all victims receive the full information from a trusted source to make an informed choice in line with the Public Sector Equality Duty.

We therefore ask you to consider inclusion of the right to be referred to services that support victims, including Restorative Justice services, and have services and support tailored to your needs.

Precise wording and where we would like this to appear are currently awaiting Public Bill Office scrutiny and advice. We may propose that it forms a new clause in Part 1 of the Bill, in clauses 12-14 on commissioning support services for victims.

2. Right to understand and be understood in different languages

We ask the Committee to consider the following amendments to ensure that the ‘Right to understand and be understood’ is strengthened. This is a basic issue about access, which needs to be laid down in law because statutory authorities do not currently meet this requirement. Despite excellent provision in some areas it is very patchy, interpreters are uniformly skilled to high standards and universal access cannot be assumed.

Clause 2(3)(a), at the end insert ‘in a language or format they can understand’.

Clause 2(3)(c), at end insert “and should be provided with appropriate support to communicate these views.”

These amendments will ensure that the ‘Right to understand, and to be understood’, as outlined in Right 1 of the Victims’ Code, will be enforceable through primary legislation.

[Recent research commissioned by the Bell Foundation](#) found that there are widespread barriers to access to justice, including Restorative Justice, for speakers of EAL. Restorative Justice is a strong recovery option for victims of crime with EAL to express how they feel and what happened to them following a crime. Why me’s work with communities who speak English as an additional language (EAL) has highlighted the urgent need for equitable access to services no matter what language you speak. [Project Articulate](#) has worked across migrant communities and organisations and found that many are simply not getting justice, including Restorative Justice, because the language barrier is too great. We have produced a joint [Why me?, Hibiscus and Bell Foundation briefing](#) with some more detail and case studies.

We ask the Committee to take these amendments into account and add to the Bill as drafted.

3. Enforcement of the Bill

We support clarity within the new legislation about how statutory authorities can be answerable for their duties under the new legislation. We also call for greater powers for the Victims’ Commissioner to have the powers to hear complaints and pursue justice on behalf of victims of crime.

[Restorative Justice Joint briefing by Why me?, Criminal Justice Alliance and Restorative Justice Council](#)

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