

Foreword

Restorative practice has been a part of probation work for many years. From our work in assessing and supervising offenders, through our interventions and programmes to reduce offenders' risk of reoffending, we incorporate measures to increase victim awareness and empathy, as well as offender accountability. A number of areas of the Probation Service's work include specific elements of reparation and restoration; these include Community Service, victim impact assessment reports completed for Courts, as well as Family Conferences, victim-offender mediation and community-based restorative panels.

This strategy document is based on a Service-wide review of how we already incorporate Restorative Practice in our work, assessed in the context of proven good practice and measured against national and international research, policies and regulation standards. The strategy provides a strong framework for evidence-informed, effective and integrated Restorative Practice in probation work. It maps out a blueprint to build on existing practice and programmes into the future, and will allow us to further innovate and develop our programmes and practice, within a restorative framework.

I believe the strategy sets out a clear vision and action plan for how we will take the Restorative Practice forward, in partnership with all relevant stakeholders, including the Courts, Irish Prison Service, Irish Youth Justice Service, and our community and voluntary sector partners, particularly Restorative Justice Services (Dublin) and Restorative Justice in the Community (Tipperary).

I want to thank all those who have brought our Restorative Justice Strategy and practice to this stage of development and I look forward to working with all of you to bring the actions in the strategy to fruition, in order to further help in the creation of safer and fairer communities.



Vivian Geiran
Director

November 2013

Probation Service Restorative Justice Strategy

'Restorative Justice is a victim sensitive response to criminal offending, which, through engagement with those affected by crime, aims to make amends for the harm that has been caused to victims and communities and which facilitates offender rehabilitation and integration into society' (National Commission on Restorative Justice 2009).

Purpose:

This strategy provides a framework for informed, effective and integrated Restorative Justice practice in the Probation Service. The strategy builds on our achievements to date and focuses on the further development of evidence informed interventions which engage victims, offenders and the community in addressing the consequences of crime, while balancing the respective needs of each. Restorative Justice can be applied at different stages in the criminal justice system to complement existing interventions and sanctions. The principal models of Restorative Justice are Victim Offender Mediation, Family/Restorative Conferences, Reparation Panels and Circles.¹ The application of each of these models must take account of the nature of the offence, the particular circumstances and situational context of each case and above all the needs of the relevant parties. The present document outlines the context, vision, values and principles in addition to the guidance instruments which underpin and inform our planned goals and related actions.

Context:

Rehabilitating offenders to achieve and maintain positive change is at the core of our work. We believe that offenders can change their behaviour and through rigorous assessment and effective case management we can help them to achieve their potential as law abiding citizens. We also believe that offenders must accept personal responsibility for their behaviour and where possible make good the harm they do. Equally, we are committed to respecting the rights of victims of crime in all our work with offenders.

The Probation Service Strategy Statement (2012-14) *Reduce re-offending to create safer communities* identifies three strategic goals:

- To reduce re-offending and victimisation through promoting and managing Community Sanctions
- To build and develop strategic alliances and partnerships, and
- To enhance our organisational capability, excellence and innovation

¹ There are 2 distinct forms of Circles, healing circles or sentencing circles but the primary goal of both is to bring healing to the victim and the offender. Circles have been developed in particular cultural contexts and reflect traditional healing such as is used by Native American Indians and Canadian Aborigines. Given the strong cultural nature of the approach, it has not been adopted in Ireland to date. (National Commission on Restorative Justice)

In our day to day assessment and supervision of offenders, the Probation Service works to reduce the risk of harm to the public, reduce reoffending, make good the harm caused by offending and ensure that court orders are implemented. Many of the underlying principles of Restorative Justice are reflected in those goals, including that

- Through constructive and challenging engagement, Offenders can be brought to understand that their behaviour was wrong and accept responsibility for their actions.
- The response to the crime is aimed at repairing the harm suffered by victims.
- The broader community has a stake in the process.

Since at least the late nineteen-nineties, the Probation Service has formally recognised Restorative Justice as one distinct approach within an overall strategy of providing an effective response to crime – an approach which engaged offenders, victims and the community in addressing the consequences of crime, while balancing the respective needs of each. At that time the two models which were applied, under the auspices of Community Funded Projects, were Reparation Panels and Victim Offender Mediation. The Department of Justice and Equality provided funding, through the Probation Service, for the establishment of two specific Restorative Justice Projects for Adult Offenders. Restorative Justice Services (RJS) which was established in 2000 and based in Tallaght, initially served the local court. Nenagh Community Reparation Project (NCRP) was established in 1999 and its initial focus was to provide a service to the Nenagh District Court area. Both bodies are independent, not for profit companies, with charitable status, managed by their own boards of management.

Following the publication of the final report from the National Commission on Restorative Justice, it was agreed in 2011 that the Probation Service would put in place a twelve month pilot project, from June 2011 to May 2012, to expand the services of the two projects within existing budgets. The aim of the pilot was to extend restorative services to additional court areas and increase referral numbers within existing budgets. The report on the pilot (*Report on Pilot Expansion of Probation Funded Adult Restorative Justice Projects, July 2012*) demonstrated that the expanded restorative projects represented significant value for money as an alternative to custody and relative to the costs of other traditional community based sanctions. The recommendations from that report included: *the expansion of services to other court areas; the wider use of Restorative Justice in the sentencing of higher tariff offenders; engagement with victims on a direct or indirect basis to continue to be prioritised and the introduction of an increased numbers of volunteers to the process.*

While the Children Act 2001 made no explicit reference to Restorative Justice, its provisions led to the introduction of another Restorative Justice model, the Family Conference. In addition to developing and rolling out family conferencing, Young Persons Probation developed and embedded a Restorative Practice approach in its engagement with young people and their families, an approach which is now being promoted across the wider Service. Essentially Restorative Practice expands upon the values and principles of Restorative Justice. It provides a comprehensive framework for theory and practice and promotes positive change through participation and engagement with victims, offenders and the wider community.

Our Vision:

The Probation Service, through a framework of specific, targeted actions will maximize the use of Restorative Justice across all areas of our work, to complement and support existing strategies and interventions to reduce reoffending and further possible victimisation, and promote and support meaningful engagement with victims and communities.

Restorative Justice in Practice

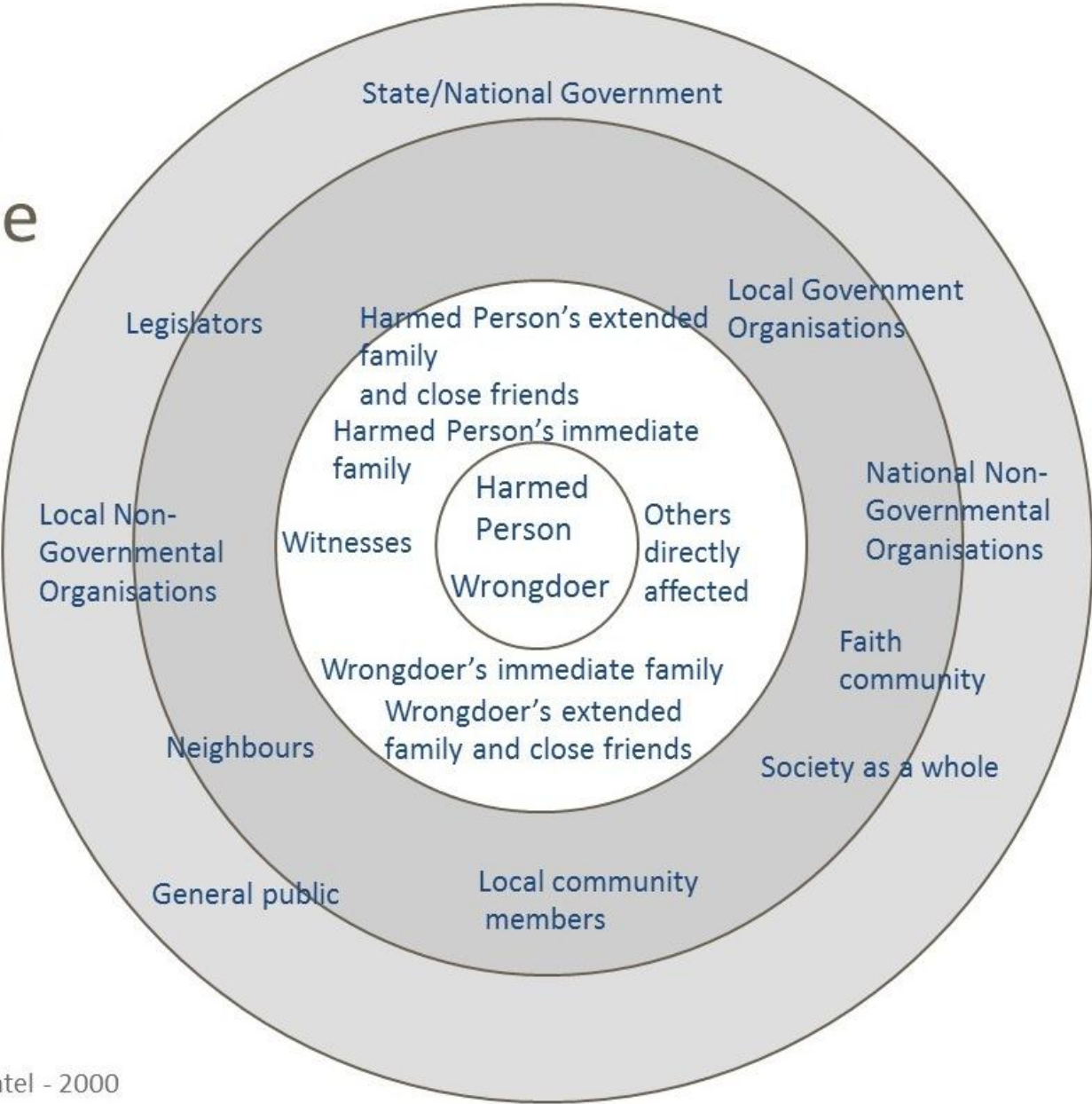


This Strategy is informed by:

1. *Directive 2012/29/EU of the European Parliament and of the Council (2012) establishing minimum standards on the rights, support and protection of victims of crime, replacing Council Framework Decision 2001/220/JHA;*
2. *The Victims Charter and Guide to the Criminal Justice System – 5. Probation Service Victims Charter (Department of Justice and Law Reform 2010);*
3. *Recommendation CM/Rec(2010)1 of the Committee of Ministers to member states on the Council of Europe Probation Rules which states ‘Where Probation agencies are involved in restorative justice processes, the rights and responsibilities of the offenders, the victims and the community shall be clearly defined and acknowledged. Appropriate training shall be provided to Probation staff. Whatever specific intervention is used, the main aim shall be to make amends for the wrong done;*
4. *The Report of the National Commission on Restorative Justice (2009);*
5. *Report on Pilot Expansion of Probation Funded Adult Restorative Justice Projects (July 2012);*
6. *Basic Principles on the use of Restorative Justice Programmes in Criminal Matters, developed by an Expert Group, United Nations Economic and Social Council (2002);*
6. *Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty First Century (2000) which encourages the development of restorative justice policies, procedures and programmes that are respectful of the rights, needs, and interests of victims, offenders, communities and all other parties.*

Stakeholders in Restorative Justice

- Direct Stakeholders
- Indirect Stakeholders



Adapted from Paul McCold and Ted Wachtel - 2000

Values and Principles underpinning Restorative Justice Practice:

1. The response to crime should repair as much as possible the harm suffered by the victim;
2. Offenders should take responsibility for their behaviour, be brought to understand that their behaviour is not acceptable and that it had some real consequences for the victim and the community;
3. Information and support should be given to victims to enable them to make an informed decision as to whether they participate in the restorative process, which includes determination of the most appropriate form of offender reparation.
4. The promotion of change in individual offenders and the facilitation of their reintegration into the community should remain central to the process;
5. Restorative Justice programmes/practices complement rather than replace existing sanctions/interventions;
6. Restorative Justice should only be used when it is appropriate to the needs of both the offender and the victim;
7. Interventions are best delivered in partnership, with other agencies and the community.
8. Quality standards must guide practice.

We will incorporate the above values and principles in our work by:

1. Promoting and encouraging change in individual offenders subject to our supervision, through their engagement in restorative programmes/ practices.
2. Supporting victims (and communities) to enable their meaningful engagement and participation in the criminal justice process, at all times cognisant and respectful of their needs, rights and interests.
3. Building capacity and strengthening our organisational capability through the application of best practice models and standards in the delivery of Restorative Justice Programmes and practices.
4. Developing enhanced strategic alliances with the wider statutory, voluntary and community sector, where possible, to improve outcomes for victims.

Specifically, we will implement this strategy through the following Action Plan :

Goals	2013/2014	Actions
1/ Further develop the wider application of restorative practices in the work of the Probation Service.		<ul style="list-style-type: none"> ▪ Draft practice guidelines to inform restorative practices in the assessment and supervision of offenders. ▪ Promote and embed restorative principles, practice and guidelines consistently across the Service.
2/ Continue to build capacity and capability in the development and delivery of Restorative Justice projects/ programmes.		<ul style="list-style-type: none"> ▪ Work in partnership with the two Restorative Justice projects (Tallaght and Nenagh) to maximise the value they bring to the Probation Service and wider Criminal Justice services. ▪ Explore the opportunities for further development of Restorative Justice projects/programmes nationally as well as for specific categories of offenders including young people, adult offenders who have hurt people and members of the travelling community .
3/ Continue to promote awareness and confidence amongst all stakeholders in relation to the viability and effectiveness of Restorative Justice.		<ul style="list-style-type: none"> ▪ Continue to proactively engage with the Judiciary to promote the relevance and value of Restorative Justice. ▪ Work with the Victims of Crime Office (agency of the Department of Justice and Equality with a core mandate of improving the continuity and quality of service to victims) to support the implementation of the EU Directive on establishing minimum standards on the rights, support and protection of victims of crime. ▪ Collaborate at National and European level to support best practice in the development and implementation of Restorative Justice Practices.
4/ Contribute to the further development of quality Restorative Justice practice approaches.		<ul style="list-style-type: none"> ▪ Working with our strategic partners, continue to contribute to best practice through proactive and purposeful engagement with research. ▪ Ensure targeted and quality training is delivered to staff, where possible in an interagency context.

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