



Restorative Justice Policy (1198/2024)

Abstract

Restorative Justice in Sussex works under the umbrella of the Sussex Restorative Justice Partnership (SRJP), via the Office of the Sussex Police and Crime Commissioner (OSPCC). The intended scope of the SRJP is to bring all relevant agencies together who are involved in the delivery of the full spectrum of RJ services in Sussex with the vision to create and offer a complete victim focused Restorative Justice Service at different stages in the Criminal Justice System (CJS) for all victims of crime.

Policy

1. Introduction

1.1 This policy has been created to explain how Restorative Justice (RJ) has been implemented within Sussex Police, what it means and how it is used on a practical day-to-day basis.

2. Scope

2.1 This policy and any associated documentation will explain what RJ is, how it sits within the Criminal Justice System (CJS) and how Sussex Police works in partnership with other agencies to ensure that both victims and offenders are able to access RJ services and how we can deliver safe and effective RJ processes.

3. Statement

3.1 Sussex Police fully supports the implementation and use of RJ across the whole CJS, to ensure that where victims and offenders who wish to take advantage of it, are able to access it without fear.

Procedure

1. Introduction

1.1 RJ is “the process that brings those harmed by crime, 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” (Ministry of Justice). This communication may be achieved directly in a face to face conference, or through an indirect process such as an exchange of letters.

1.2 A partnership approach to RJ has been adopted in Sussex, with Sussex Police hosting a force wide Restorative Services team that co-ordinates the work of the Sussex RJ Partnership, which is overseen by the Office of the Sussex Police and Crime Commissioner (OSPCC).

1.3 The three main objectives concerning Sussex Police’s use of RJ are:

a) to ensure RJ is discussed with victims at all stages of the CJS irrespective of whether the offender in the case is an adult or young person, where the victim lives within the United Kingdom, and the type of offence committed;

b) to raise awareness of RJ and its potential benefits and ensure a consistent understanding of what RJ entails and its place in the CJS (messages to reach key target groups including victims, offenders, criminal justice policy developers, leaders and practitioners, the media and the general public);

c) to ensure RJ is safe, compliant (in line with the Victim Code), focused on the needs of the victim and delivered by facilitators trained to recognised standards to ensure positive outcomes are achieved.

1.4 Referrals submitted to the Restorative Services team should meet the following eligibility criteria:

- A crime has been committed for which an offender has received a formal criminal justice disposal;
- Either the victim or the offender is currently resident in Sussex (including serving prisoners within Sussex prisons);
- Either the victim or the offender has had RJ explained to them and wishes to proceed with the process.

1.5 Where the referral is initiated by the offender it must also meet the below eligibility criteria:

- The offence is not one of domestic abuse between intimate / ex-intimate partners;
- The offence is not a sexual offence;
- There is no Court Order in place restricting contact between the parties (e.g., a Restraining Order);
- The offence occurred within the last 6 years (in line with views from the Ministry of Justice's RJ Experts Group regarding the increased risk of re-victimisation by approaching victims after a significant period of time).

2. Restorative Justice Case Processes in Sussex

2.1 There are various circumstances in which a RJ referral can be made. Suitable cases can be identified at a number of points in the CJS, from point of reporting the crime to post-sentence. The most appropriate stage to refer to a RJ process depends on the wishes of the individuals involved. Participants can also self-refer.

2.2 A victim will come into contact with various personnel from different criminal justice agencies. At any and every stage of the journey, information about RJ can be given.

2.3 Victims can also self-refer by contacting the Restorative Services team or Strategic RJ Group partner in Sussex, for instance Sussex Pathways or Victim Support.

2.4 In Sussex, RJ is only used alongside out-of-court disposals or after a sentence has been passed. There is currently no pre-sentence RJ in Sussex.

2.5 Referrals are co-ordinated by the Restorative Services team where eligibility and initial suitability is assessed, and background checks are conducted on the potential participants. The Restorative Services Delivery Manager will make the final decision on case progression according to this assessment and consult with the OSPCC lead where necessary.

2.6 RJ referrals should be sent to the Restorative Services team via the generic email.

2.7 The Restorative Services team will input case details onto the My Restorative Justice (MYRJ) system. Case details are shared with RJ partners in order to provide risk information and to nominate suitable facilitators so the team can allocate the case accordingly. Cases will ordinarily be allocated to two RJ facilitators with a dedicated case supervisor from any of the core Sussex Restorative Justice Partnership (SRJP) agencies.

2.8 If the facilitator has personal knowledge of any of the participants in a case allocated to them, they must declare this to the Restorative Services Delivery Manager or their service lead. A joint decision will be made whether the facilitator is appropriate to take the case forward, or whether the case should be re-allocated.

2.9 Facilitators gather further information around risk and suitability from relevant individuals within police, probation and prisons, as applicable, as well as support services e.g., Victim Support.

2.10 Facilitators meet with all parties separately to discuss their motivation, needs and expectations of the RJ process. Facilitators must remain impartial throughout and continue to assess suitability and risk at every stage. Facilitators will tailor the RJ process to the needs of the participants and wherever possible allow the harmed party / parties to lead on decision-making. Regular case oversight is provided by the case supervisor, and at multi-agency RJ meetings.

2.11 Throughout the RJ process, all actions must be recorded, and forms uploaded onto the MYRJ system.

2.12 After the RJ process, both parties will be invited to complete a satisfaction survey, in order for the OSPCC to provide information to the Ministry of Justice.

2.13 The greatest benefit to RJ is the support it gives to victims of crime. Facilitators must ensure that it is entirely the victim's choice whether or not they partake in a restorative justice process. Throughout the process all participants have the right to withdraw.

2.14 All victims should be seen as individuals and cases reviewed on a case-by-case basis. How a person has been affected and how this harm may be repaired is unique.

3. Domestic Violence, Sexual Offences and Stalking

3.1 If the offence is one of sexual abuse or domestic violence, only referrals initiated by the victim will be accepted.

Domestic violence and abuse is any incident or pattern of controlling, coercive, threatening behaviour, violence, or abuse, between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.

Sexual offences are crimes that are covered by the Sexual Offences Act 2003. This includes rape, sexual assault, child sex offences and exposure.

3.2 Domestic violence and sexual offence cases are sensitive and complex. This means that only highly experienced and extensively trained facilitators will take these cases on.

4. The Restorative Justice Conference

4.1 Following the careful preparation of all parties and risk assessment, participants may be invited to meet in a face to face RJ conference, overseen by the facilitators. Prior to the conference taking place, cases are signed off by the police Restorative Services Delivery Manager and case supervisor.

4.2 The conference follows a carefully designed format with the intention to allow both parties to explore the harm caused by the incident. This will be followed by a discussion of how to make things right, which will sometimes result in an Outcome Agreement.

5. Other Restorative Interventions

5.1 If the participants decline to take part in a face to face meeting, or this is not possible for reasons of safety as assessed by the facilitators, an indirect RJ process may be offered. This may include:

- I. The preparation of a letter to either party;
- II. Indirect contact / work to repair the harm done in consultation with the victim;
- III. Work resulting from the facilitator's meeting with the victim to address the impact of the offence on the victim.

5.2 Facilitators are encouraged to think creatively to find ways to meet the needs of the harmed party within the safe parameters outlined in the risk assessment. If RJ is post-sentence, the offender manager should be included whenever possible in this discussion.

6. Information Sharing and Security

6.1 All police officers and police staff will comply with the Restorative Justice in Sussex Information Sharing Agreement (ISA) (available from the Information Management Team on request). All personal information, whether obtained directly or indirectly, will be held in accordance with this Agreement, and the Data Protection Act 2018 (DPA) and General Data Protection Regulation (GDPR).

6.2 Information that relates to a safeguarding issue must be shared with the appropriate authorities.

6.3 The ISA is available on the Strategic Restorative Justice Partnership Group (SRJPG) website in the facilitator's area, and it is the responsibility of all police officers, police staff and volunteers and others in the SRJP to ensure that they are familiar with this document and comply with it.

6.4 Any information to which the ISA or DPA apply must only be transmitted using secure networks. Information should not be conveyed through non-secure emails, so communication about cases will usually take place on the MYRJ system.

Team: Criminal Justice