



14th March 2023

Re: HMPPS Restorative Justice Policy Framework

Dear Secretary of State,

I am writing on behalf of the All-Party Parliamentary Group on Restorative Justice, of which I Chair. There is strong evidence demonstrating that Restorative Justice is effective at reducing reoffending and delivering victim satisfaction. A recent economic evaluation shows that there can be cost-benefits of £14 for every £1 spent. Following Government and PCC investment over the last 7 years, there is now a large body of experience and knowledge embedded in the restorative workforce, who have delivered 1000s of cases successfully in the community and in the secure estate. 42 Police and Crime Commissioners have invested in Restorative Justice across England and Wales and there are some outstanding examples of victim recovery and change in offender behaviour as well as many everyday transformations where people simply feel able to get on with their lives and move forward.

I therefore have some questions following the release of the HMPPS Restorative Justice Policy Framework because it has raised some questions with members of the APPG, our Advisory Board and the wider restorative sector about the ability of services to deliver effectively on the ground.

As you will be aware, key recommendations within our Summer 2021 Inquiry into Restorative Justice included exploring automatic rights for victims through the Victims' Law and making restorative justice more accessible by ending blanket bans. I am concerned that elements of the Restorative Justice Policy Framework will impact negatively on victims, particularly those who are victims of more serious crimes. It is also concerning that the policy suggests that prisons and probation services are not required to comply with the Victims Code of Practice.

Right 3.5 in the Victims Code of Practice is not referenced within the Policy Framework. Under this right, all service providers must consider whether victims would benefit from receiving information about restorative justice at any stage of the criminal justice process. However, within the Policy Framework it states that HMPPS Victim Support Officers are not required to inform victims about restorative justice. Additionally, the Policy Framework states that any person on probation who reports being a victim must be provided with information about locally available restorative justice services, but there is no comparable requirement for victims in the care of HMPPS to proactively be given the same information. In fact, the policy states that Victim Liaison Officers are only required to provide information to those victims if the victim themselves requests it. Given we know that, according to the British Crime Survey, only 5% of victims are aware of restorative justice, the policy will only hinder raising public awareness.

Members of the APPG would welcome clarification as to whether Prisons and Probation Services are required to adhere to the Victims Code of Practice and, if not, the reason for this not being the case. We would also welcome clarification as to the disparity between how information is provided to those on probation and victims in the care of VLOs.



Evidence suggests that restorative justice is best explained by trained restorative practitioners; a key point raised within our initial inquiry. Within the Policy Framework it suggests that offender managers and probation practitioners will have this responsibility. However, it is not clear what training these individuals will receive to ensure accurate information is provided.

We would welcome clarification as to what training and support will be provided to those responsible for making the offer of restorative justice.

I noted that the Policy Framework states that if a person on probation requests a referral for restorative justice the Community Offender Manager/Prison Offender Manager must assess whether it is "suitable and safe to pursue from a victim's perspective." It is not clear whether there is any contact with the victim or any restorative justice service working with that victim to inform this assessment. We would be grateful for clarification about the process for contacting the victim and measures to ensure lack of duplication and avoidance of retraumatisation for the victim or the victims' family in the case of homicide.

Whilst the Policy Framework states there are no blanket exclusions to the types of cases that can be considered, there are nine limitations listed, all related to more serious crimes including hate crime, extremism, domestic abuse and sexual offending, which suggest that victims of these crimes will not have access to restorative justice. We are aware that most Police and Crime Commissioner commissioned service contracts do not explicitly exclude any offence type per se. Putting limitations on the types of crime that can be considered will potentially have significant consequences to those commissioned to deliver restorative services.

We would welcome clarification as to whether Police and Crime Commissioners were consulted on the Policy and specifically about the limitations listed. There is deep concern that many victims being supported by Police and Crime Commissioner-commissioned services will be disappointed because of delays and the creation of a bureaucratic bottlenecks.

I would be happy to schedule a time to meet should you wish to discuss any of the points raised. Thank you for your consideration.

With very best regards,

A handwritten signature in blue ink, appearing to read "Elliot Colburn". The signature is fluid and cursive, with a long horizontal stroke at the end.

Elliot Colburn MP

Chairman, APPG on Restorative Justice