**Specific Programme Criminal Justice**

**European Commission**

**Directorate-General Justice – Directorate B: Criminal Justice**

# Key-Practitioners' Report of

# UNITED KINGDOM

## Independent Academic Research Studies (IARS)

**3E –RJ-MODEL**
**The 3E Model for a Restorative Justice Strategy in Europe**

**Greece, United Kingdom, Bulgaria, Finland, Hungary, Poland, Spain**
**(including research also in Turkey, the Netherlands, Denmark, Germany)**
**JUST/2010/JPEN/AG/1534**

**January 2013**

The 3E-RJ- Model

for a Restorative Justice Strategy in Europe

Concerning Act_10 & 11 of the EU "3E-RJ-MODEL" PROJECT

## Introduction

The 3E Model for a Restorative Justice Strategy in Europe (3ERJ) research programme ran from June 2011 to December 2012. This project consisted of a comparative study of restorative justice services in 11 countries across Europe and a subsequent guide for best practice. This was funded by the European Commission Grant JLS/2010/JPEN/AG under the full subtitle 'The geographic distribution of Restorative Justice in 11 European Countries and the configuration of an Effective – Economic – European Strategy Model for its further diffusion (the "3E-RJ Model).

Independent Academic Research Studies (IARS) were 1 of 7 partners during this project and carried out the UK research and policy project. During this, IARS mapped best practices within the public, voluntary and private sectors, identified current legislation and legislative proposals impacting on restorative justice and critically examined the development of restorative justice in the UK with a view to identify gaps, opportunities, strengths and weaknesses. Furthermore, IARS completed fieldwork research consisting of questionnaires and semi-structured interviews to evaluate the national status of application and effectiveness of restorative justice. Additional face to face meetings were held with UK government officials particularly the Ministry of Justice. IARS also aimed to link this work with two parallel pieces of work. These were:

- The development of a national strategy for restorative justice through the Ministry of Justice National Strategy Group (April 2012 – November 2012)
- The development of a regional strategy for restorative justice in Greater Manchester through the Greater Manchester Probation Trust – IARS programme (August 2012 – on-going).

This report contains the results of IARS fieldwork in England in relation to the questionnaire designed by the project co-ordinator, the Aristotle University of Thessaloniki. This report is not meant for public consumption. It is produced at the request of Aristotle University and it is for internal project use only.

## UK Legislative & Policy Background

Constructing a clear picture for the development and status quo of RJ in the United Kingdom (UK) is not an easy task for at least three reasons. First, as it will be evidenced by the report, in the UK, RJ developed organically and in the shadow of the law without any formal structures that would mainstream it as a consistent option. This is still the case as the RJ practice is chosen on *ad hoc* basis by agencies in the public, private and voluntary sectors. Second, the UK consists of multiple legal jurisdictions which have not experienced a unified and consistent view and application of RJ. These jurisdictions correspond to the four UK countries: England, Wales, Scotland and Northern Ireland. There are 4 key sub-systems of criminal justice: (1) Law enforcement (Police & Prosecution) (2) Courts (3) Penal System (Probation & Prisons) (4) Crime Prevention. Some legislation applies throughout the whole of the UK; some applies in only one, two or three countries. The Criminal Justice System (CJS) is applied independently in three separate judiciaries; England and Wales, Scotland and Northern Ireland.

The Youth Justice System (YJS) is significantly different in all three judiciaries with separate legislation, courts and sentencing systems. Within the UK, all three legal jurisdictions (England and Wales, Scotland and Northern Ireland) have legislative permission for the use of restorative justice within the youth justice system (YJS); however there is currently only partial provision in the adult criminal justice system (CJS). This is due to change following recent government announcements to roll out a national restorative justice scheme.

The main reform of the YJS took place after a 1996 Audit Commission report, which severely criticised it as ineffective and expensive (Audit Commission 1996). The result was the introduction of the 'Crime and Disorder Act 1998' (CDA), which according to many writers, is the first enabling legislation for RJ in England and Wales (e.g., see Liebmann and Masters 2001).

The main custodial sentence for young people (10-17 at the time of conviction) is the detention and training order. Young people may also be sentenced to extended determinate or indeterminate sentences under Sections 226 and 288 of Criminal Justice Act 2003. There are three types of secure accommodation in which a young person can be placed: (1) Secure training centres (STCs), STCs are purpose-built centres for young offenders up to the age of 17. They are run by private operators under contracts, which set out detailed

operational requirements. (2) Secure children's homes which are generally used to accommodate young offenders aged 12 to 14, girls up to the age of 16, and 15 to 16-year-old boys who are assessed as vulnerable. They are run by local authority children services, overseen by the Department of Health and the Department for Education. (3) Young offender institutions (YOIs). YOIs are facilities run by both the Prison Service and the private sector and can accommodate 15 to 21-year-olds. They will only hold females of 17 years and above.

A year later, the 'Youth Justice and Criminal Evidence Act 1999' (YJCEA) was passed, which introduced the 'Referral Order'[1]. This is a mandatory sentence for young offenders (10-17) appearing in court for the first time who have not committed an offence likely to result in custody. The court determines the length of the Order based on the seriousness of the offence, and can last between three and twelve months. Once the sentence length has been decided, the juvenile is referred to a 'Youth Offender Panel' to work out the content of the order. These panels are arranged by local YOTs and can include: the offender and their family and friends, the victim and their family, a representative of the local YOT and three members of the community. In theory, the process is a restorative one, including honest and sincere understanding of what happened and the pain inflicted and what needs to occur to put it right. The Government has described the Order as the first introduction of RJ into the youth justice system, while the Act itself makes specific reference to VOM as a possible agreed outcome of a panel.

The most recent development in the YJS was the Criminal Justice and Immigration Act 2008, which introduced the Youth Rehabilitation order. This is the standard community sentence used for the majority of children and young people who offend and it improves the flexibility of interventions, while also simplifying sentencing for young people. A requirement of these sentences can include reparation to, or a meeting with, the victim of the crime. This will now be the main restorative measure available to offenders of this age. In a custodial setting there is room for restorative justice through supervision requirements, but there is no specific statutory provision. This YJS is currently under review in the UK.

The provision of restorative justice in the adult CJS has been mainly on a non-statutory basis, although there is some provision for restorative activities within Community

[1] The two Acts also introduced Detention and Training Orders, Intensive Supervision and Surveillance Programmes, Bail Supervision and Support programmes, Parenting Orders.

Sentences, Action Plan Orders and Suspended Sentences (see The Criminal Justice Act, 2003, Sections 189 & 201). Despite discussions, proposals and commissions about the use of restorative justice in the last decade in the UK, there has been little change in the provision of restorative practices. However, following the UK coalition government's Green Paper "Breaking the Cycle" in December 2010, they have announced their intentions for key reforms to the CJS and the YJS.

Most recently, in November 2012 the Ministry of Justice published their 'Restorative Justice Action Plan for the Criminal Justice System'. This was the outcome of public consultation as well as the work of the National Restorative Justice Steering Group to which IARS participated.

The Plan pledges resources to raise awareness of restorative justice, improving capacity of facilitators and commissioning bodies to undertake new evidence-based research. Most importantly, however, it promises that the Government 'supports the vision that access to RJ should be available for victims at all stages of the criminal justice system' (Ministry of Justice, 2012, p. 5). An amendment to the Crime and Courts Bill is planned to allow courts to defer sentencing to allow a restorative justice intervention and to work with local areas to enabled Neighbourhood Justice Panels to respond to low-level crime.

The UK will also adopt the proposed EU Directives on the Minimum Standards of Victims (EC, 2011). Articles 11 and 24 of this are particularly relevant for the delivery of restorative justice and IARS will lead a trans-national project to facilitate the implementation of this legislation.

The use of restorative justice with sensitive and complex cases should not be dismissed from the outset. As a research based think tank, IARS believes in evidence based practice and policy. While the evidence is till accumulating in this area, any application of restorative justice with sensitive cases (e.g. domestic violence, hate crime, sexual offences) need to be within the latest EU victims directive (Gavrielides & Artinopolou, 2012 and Gavrielides, 2012).

## Fieldwork

### Sampling & Methodology

The fieldwork for this project consisted of a questionnaire that was either filled in directly by respondents or completed by a researcher through semi-structured face-to-face interviews. This questionnaire was based upon the evaluation of each country's national report (Phase 1 Report, October 2012), and was created by the Aristotle University of Thessaloniki. A qualitative approach was employed to allow for as large a range as opinions and responses to be given.

The research sample was selected through a purposive approach. Snow ball sampling was also adopted. The target group was key figures in the criminal justice system who had experienced RJ, and included:

- judges
- prosecutors
- mediators/facilitators
- police officers
- defence counsels/lawyers
- probation officers and
- NGO partners

IARS sent out invitations to contacts with an offer to follow up with a face-to-face interview should the respondent not wish to complete the questionnaire themselves. Each respondent was allocated a respondent number in order to preserve their anonymity in the study.

### Research limitations

Securing a research sample was a particular challenge in this project. This was due to a number of difficulties including the absence of resources (e.g. travel, incentives) and time-limitations of those involved. The geographical focus had to be limited to England while inland travel was impossible due to lack of resources.

Furthermore, the length of the questionnaire put the sample of, and those who did respond gave responses that were piecemeal focusing on questions that they found most engaging. Some also found it challenging due to more practical reasons. This is best expressed by the following explanation from a prosecutor:

> *"The difficulty is that under the current system the CPS is not directly involved in most RJ decisions and is not in a fully informed position to comment on the process itself. Therefore it would not be appropriate to nominate a prosecutor to comment in the detail required to be able to answer your questions."* (RJ respondent 1)

The timing of the research request was also problematic in that it came when various factions were competing for access to government for contracts and influence. In an atmosphere of threats and the official redefining of restorative justice, the potential loss of funding and access to the criminal justice system meant that many potential respondents declined to have their views made known.

**Fieldwork Findings**

Two main issues arose during this project, the first being the definition of restorative justice. The other being whether the provision of RJ either integrated into the state criminal justice system (CJS), or stemming from a community based desire for a fresh and alternative justice option, or whether both can coexist.

1. *The conceptual dilemma*

Restorative justice seems to have been conceptualized mainly as a process by key CJS agents. This is not in accordance with the literature which sees it as an ethos (e.g. see Gavrielides 2007; 2012).

Seen RJ just as a process and another programme within the CJS made it easier to produce training programmes and to market for. However, at the same time an ever-growing groundswell of practitioners have come to the position that they are not involved in a narrow process, but rather in a wider theory of reducing harm – an ethos which combines theory with practice.

The process driven definition is important to many professionals and trainers, especially in the "conferencing only" school of thought that has become dominant in England and Wales. Its strength lies in its simplicity and clarity.

> *"For me the most important component for restorative justice good practice is a good working definition (Tony Marshall 1992) that makes it distinct from other interventions. This allows me to deliver a clearly distinct intervention that is different."* (RJ Respondent 3)

The UN Guide to RJ supports this approach, but does not support its exclusivity:

> *"A restorative process is any process in which the victim and the offender and, where appropriate, any other individuals or community members affected by a crime participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator"* (UNODC, 2006, p. 6)

The growth of understanding, especially among senior practitioners, has been that restorative practice is covers more ground (and offers much more) than an organized conference.

> *"Restorative justice need not be only face-to-face."* (RJ Respondent 4)

This realization is best expressed by Gavrielides, who came to the conclusion, after extensive interviews with a wide range of practitioners that RJ is:

> *"An ethos with practical goals, among which is to restore the harm done by including all affected parties in a process of understanding through voluntary and honest dialogue, and by adopting a fresh approach to conflicts and their control, retaining at the same time certain rehabilitative goals"* (Gavrielides, 2007, p. 139).

2. *RJ: An integrated or stand-alone practice?*

The early promise of RJ, especially in England and Wales has turned to ripples of concern among those who are not part of the new exclusive "conference only" training community.

> *"RJ seems to be owned by men in power. There is less community than there used to be."* (RJ Respondent 4)

> *"The current changes in the CJS are leading to a top down approach, which is flawed…It should be community–led, with resources to support it and must be backed by government."* (RJ Respondent 4)

The mainstream approach to the implementation of restorative justice seems to be that it be partially integrated into the traditional criminal justice system (CJS) and this can be done in a mutually beneficial way as stated below:

> *"In many countries, dissatisfaction with the formal Criminal Justice System have led to calls for alternative responses to crime. According to international*

*experience, Restorative Justice as an alternative, more effective and cost-effective response can be used to reduce the burden of the Criminal Justice System by diverting cases out of it. On the other hand, in a number of countries, as Restorative Justice is applied through the traditional practices of Criminal Justice System, it serves also to strengthen its capacity."* (RJ Respondent 1)

Our respondents and practitioner colleagues all recognised that RJ is possible and beneficial at all stages and for most crimes, subject to safe practice. There is no need or excuse to restrict its healing capacity to a narrow range of crime or a single process:

*"Restorative Justice can be implemented at any stage of the Criminal Justice System, either at police, prosecution, court or correctional level, either by replacing or completing the traditional procedures of each level. It may include any form of implementation such as victim-offender mediation, community boards/conferencing, restorative family group conferencing or restorative conferences."* (RJ Respondent 1)

*3. Safeguards and Good Practice*

The need for consistent and high quality training and provision of restorative services is a recurring theme:

*"RJ mediators must be trained and receive on-going training, whether they are lay volunteers citizens or professionals"* (RJ Respondent 1)

With the advent of the EU Directive on the rights of victims of crime the provision of a pan-EU training package and a set of standards for different processes and levels of restorative practice would be a major step forward. This could be of great economic benefit, especially if the curriculum and training information were made available for all states to translate and deliver locally. Training expenses could be greatly reduced. This measure would also encourage European cross-border restorative practice and international co-operation. Our respondents highlighted the importance of universal access to restorative justice and procedural safeguards:

*"According to universally accepted principles, Restorative Justice services should be equally available to all, across as wide a geographical area as possible. Furthermore, both the victims and the offenders should be fully informed on the provisions of the Restorative Justice process, the principles, their rights and the*

*possible consequences of the involvement, being allowed to consult or be supported by a legal counsel. Besides, a fundamental challenge for Restorative Justice is the protection of the rights and interests of both the victims and the offenders. That it is why, its implementation should be accompanied by the development of procedural safeguards for the participants."* (RJ Respondent 1)

The importance of the role of the facilitator was reinforced:

*"The most important components for RJ are the victim and offenders willingness; the facilitators listening skills and the desire to make things better"* (RJ Respondent 2)

*"The most specific crucial point is that the facilitator empowers the participants subject to safety, fairness, respect, etc."* (RJ Respondent 3)

The consultations drew some quite serious criticisms of existing practice. Even allowing for expected differences of approach these raise concern, and highlight the need for on-going training. e.g:

*"Sometimes prisoners are forced into writing letters to victims, this is counter-productive"* (RJ Respondent 4)

*"The top-down approach means that RJ may become more punitive"* (RJ Respondent 4)

Respondents also emphasised the importance of the realistic possibility of achievable outcomes:

*"A RJ intervention is not over until the participants are informed of the final outcome result. While the process may deliver satisfaction regardless of outcome delivery the credibility of the concept with new participants relies on the likelihood that an outcome might actually be achieved. This must be supervised to ensure achievement, although not every outcome needs to be personally supervised at the time of actual delivery."* (RJ Respondent 3)

4. *Delivery and Accountability of RJ Processes and Services*

One of the findings of our research during this and other projects has been the lack of actual cases using restorative justice. They are not there to be counted and they are not accountable, either to the CJS or to their participants. It seems that RJ is often aggressively

marketed, but rarely open to scrutiny. As the integration with the traditional justice system develops this position must change. The current reality is that RJ is increasingly seen as a programme, or process, which is delivered by agencies within the CJS at a specified stage of prosecution, sentencing or post sentence, to which the offender is recruited and the victim is invited to be involved. In this case the CJS agencies initiate the process and take the responsibility, so that accountability for RJ lies within the CJS.

If RJ processes are part of a court sentence, or if they are ordered by the court to help inform a sentence, then the responsibility for the RJ process lies with the court. As such all those involved in delivering the RJ intervention are ultimately accountable to the court. When a RJ process is initiated by an offender manager, within the Probation Services, as part of a community sentence, then that is where the responsibility lies and that service is accountable. As with any other court record or outcome the basic facts of an RJ intervention should be a matter of record, as part of our open and fair justice system. It follows that any court related RJ process should be a matter of record for the courts. The agency making the referral retains overall accountability. They can insist upon the same from their agents or contractors, but RJ participants should be able to call upon the CJS for ultimate accountability. Therefore the control and regulation of CJS related RJ interventions, i.e. its accountability cannot be transferred.

> *"In many countries, dissatisfaction with the formal Criminal Justice System have led to calls for alternative responses to crime. According to international experience, Restorative Justice as an alternative, more effective and cost-effective response can be used to reduce the burden of the Criminal Justice System by diverting cases out of it. On the other hand, in a number of countries, as Restorative Justice is applied through the traditional practices of Criminal Justice System, it serves also to strengthen its capacity."* (RJ Respondent 1)

If accountability is to be assured and the quality of restorative interventions is to be maintained then this can be simply achieved; by recording the fact in writing, both for transparency and audit purposes. Permission to transfer information, voluntary involvement, free and informed choice, the assessment of needs and risk; are all essential factors which can be recorded. It is a concern that such essential information is not routinely made a matter of record and signed by those involved, not least the facilitator.

## Concluding Remarks

Along with confusion over the definition of restorative justice and disagreement about where it can be appropriately used, the issue most stressed regarding RJ services in the UK was whether it can be a community-led or top-down approach. Respondents were wary that the work done and experience gained by community and voluntary groups in this field is in danger of being ignored.

The common factor with virtually all restorative practitioners is that their belief in the ethos and practicality of their work is such that they need little motivation other than the support of their agencies and long-term commitment from government. Many practitioners have facilitated cases on a pro bono basis. There has been a high level of wastage of these practitioners because national and local policies on the provision of RJ have changed capriciously. Over the same period funds have been allocated to the training of hundreds of staff as practitioners, most of who have had a limited ability to use that training, especially when local policy changed. Therefore we advocate a policy of long-term continuity and agency support for practitioners. The establishment of a stable and experienced cadre of practitioners would be the most economical way forward.

Restorative justice was reborn not out of formal structures and legislation, but of voluntary action by enthusiastic and dedicated practitioners from around the world. This has to be taken into account when setting up new strategies and policies on restorative justice. It is also acknowledged that as the restorative tradition is now expanding to deal with crimes, ages and situations that it has never addressed before – at least in its contemporary version – and as it starts to make sense in national, and also regional and international forums, then the responsibilities of both restorative practitioners and academics redouble. Proper infrastructure support and an independent voice for restorative justice practitioners are still absent.

In relation to young people, at the time of writing youth unemployment in the UK is at one of the highest levels recorded since 1992[2] (at present 776 000 young people are not in

[2] Number of 16- to 24-year-olds out of work increased by 28,000 to 943,000, one of the highest figures since records began in 1992, giving a youth jobless rate of 19.8%. Cited at http://www.guardian.co.uk/society/2010/dec/16/public-servants-to-lose-jobs

education, employment or training)[3] the prioritisation of services that provide young people with valuable skills for the work place, act as diversionary activities from antisocial behaviour and enable them to contribute to building their local communities, should be at the heart of the government's plans for the Big Society.

In his speak on 22 November 2011, The Rt Hon Nick Herbert MP Minister for Policing and Criminal Justice made the connection between restorative justice and the Big Society.

IARS welcomes the recognition of the role that restorative justice plays within the criminal justice system. We also welcome the links that have been made between the restorative justice values and the Big Society agenda. Over the last 10 years we have worked hard to collect evidence that support this thinking. IARS' believes that families and schools are important partners for including in restorative processes to prevent young people from offending and for making sure that they make amends for the harm they have caused.

Ministry of Justice officials will remember that after a 1996 Audit Commission report, which severely criticised the youth justice system as ineffective and expensive (Audit Commission 1996), a White Paper titled 'No More Excuses' was introduced in the British parliament (Home Office, 1998). The paper argued in favour of a philosophical shift in the approach to youth crime, which "should promote greater inclusion of the views of victims in the youth justice, while juveniles be encouraged to make amends for their offences" (Home Office, 1998).

At the time all these developments were considered by restorative justice proponents as genuine, positive steps. These statutory and policy developments were also reflected in the Court of Appeal's judgement in *Regina v David Guy Collins*[4]. The appellant, aged 26, had been sentenced to a three-and-a-half years' imprisonment for unlawful wounding and a consecutive term of three-and-a-half years for robbery. For the latter, he undertook to participate in a VOM programme, which resulted in the writing of a letter of apology and a report by the mediation authority. The offender agreed to deal with the drugs problems, which to some extent had led to these serious offences, and promised to attend 'Narcotics Anonymous'. He also applied for a change of prison where a drug treatment programme was available, and was required to write to a liaison officer every three months to report

[3] Department for Education, NEET Statistics, Quarterly Brief cited at http://www.education.gov.uk/rsgateway/DB/STR/d000950/osr18-2010.pdf

[4] [2003] EWCA Crim 1687.

upon his progress. All these were taken into consideration by the Court of Appeal, which said: "We think that was a powerful feature of the sentence, and one to which it is important we draw attention. The judge referred to the fact that the appellant had written to the victim, but we think that it was to the credit of the appellant that he took part in that programme and that it is a factor properly to be taken into account…RJ is a comparatively recent programme designed to ensure effective sentencing for the better protection of the public…It is by no means a soft option, as the facts of this case reveal…In all the circumstances, having regard to that feature and to the appellant's plea of guilty, we think that the total sentence of seven years was too long. We think that for the period of seven years a total of five years' imprisonment should be substituted…".

However, it is with great disappointment that the commitments made through the CDA and the YJCE were not materialised. The literature is packed with examples illustrating the areas for improvement and failure. For instance, according to Tim Newburn and Adam Crawford, "there is a tension between managerialisation and communitarian appeals to local justice. The managerialistic obsession with speed, cost reduction, performance measurement and efficiency gains, has often led to a move away from 'local justice…and encouraged both professionalisation (in which lay members of the public have less involvement) and centralisation (in which government departments and related agencies closely govern local practices) … Priorities outside the RJ agenda leave less time "for the reparative and deliberative elements of the process, such as victim contact, preparation, party participation and follow-up" (Newburn and Crawford 2002: 492).

Along the same lines were the results of a study conducted by Loraine Gelsthorpe and Allison Morris who said: "It seems that restorative practices are developing in a somewhat *ad hoc* fashion at numerous decision points in the youth justice system, but at no point are the key participants in all of this actually able to take charge….It seems to us that despite the good intentions and enthusiasm of many politicians, policymakers and practitioners, the hold of RJ in England and Wales will remain tenuous unless the competing and contradictory values running through criminal and youth justice policy in general and in the youth justice legislation in particular concede more space….key findings following the introduction of reforms suggests that the way RJ principles are being implemented may well limit achievements" (Morris and Gelsthorpe 2000).

There is no doubt that increasing pressure is put on government to cut down the costs of imprisonment and recidivism. Suspicion is therefore created as to the reasons behind institutional and policy reform.

In relation to the role of the voluntary sector, knowledge about its contribution in crime control is principally based on anecdotal evidence and only rarely scientific studies are published on its contribution and evaluation. The infrastructure for developing such knowledge is absent while academia itself needs to develop its thinking even further in the development of clearer goals of research for RJ. If the RJ rhetoric is to be taken forward, researchers should not just focus on matters of immediate policy and practical relevance. Instead, a broader academic agenda is proposed. Distance will need to be taken between goals of RJ and goals of academic research.

Furthermore, the government's current emphasis on locality favours RJ. However, it is rather questionable whether a solution promoted through a national strategy may be able to accommodate the nuances characterising local communities and the groups populating them.

The practitioners in the restorative justice movement are RJ's heard and soul. Gavrielides argued that one of the biggest strengths of RJ is the passion and commitment that exists among mediators and RJ practitioners (Gavrielides 2007). Braithwaite also warned that if this passion is tampered with, there is real danger that RJ may lose its authenticity (Braithwaite 2002). IARS continues to be sceptical about top down approaches that attempt to define the future of RJ in the UK. We also remain dubious about the reasons that drive current legislative and institutional proposals for a change in the philosophy and practice of sentencing and crime control.

After talking with several practitioners in the restorative justice field at home and abroad, we observed that despite their many disagreements around a number of issues (such as what constitutes a genuine restorative practice, what the primary restorative justice principles are or even what restorative justice really is), there was at least one view that was shared by everyone: the normative restorative concept, as it is currently reflected in the numerous volumes of theoretical writings, is not in accordance with its practical dimension. Policy is therefore hampered.

Various issues identified by practitioners do not seem to fit with the impressive literature in the field and the many theories that have been developed, many of which portray restorative justice as the new 'big thing' in the policy agendas of our Western societies and the basis for a paradigm change in the way we view and approach justice. Therefore, the practitioners' fears and the theoreticians' proclamations of a new criminal justice era do not seem to add up.

We have also witnessed a power battle within the restorative movement, which included not only different professionals (e.g. practitioners vs theoreticians), but also types of practices (e.g. mediation vs family group conferencing) as well as fundamental restorative justice principles (e.g. voluntariness vs coercion). Although constructive debates are always essential for the advancement of criminal justice doctrines, it is our conclusion that if the restorative movement does not restore its own power struggles, the consequences will be severe.

As an independent think-tank, we presented evidence that call for more infrastructure support for restorative justice practitioners. An independent, bottom up voice is also needed if government and policy makers are to proceed with an evidence based strategy that has the buy in of communities and the restorative justice movement.

With the announcement of the new EU directive on victims' rights and the correlating trans-national project to implement this, there is a renewed possibility of gaining consistency and efficiency within restorative justice. The provision of a pan-EU training package and a set of standards for different processes and levels of restorative practice would be a major step forward. This could be of great economic benefit, especially if the curriculum and training information were made available for all states to translate and deliver locally. Training expenses could be greatly reduced. This measure would also encourage European cross-border restorative practice and international co-operation. It would also be a natural progression from this current project.

## References


MOJ (2012). *Restorative Justice Action Plan for the Criminal Justice System,* London: Ministry of Justice. Cited at - http://www.justice.gov.uk/downloads/publications/policy/moj/restorative-justice-action-plan.pdf

UNODC (2006). *Handbook on Restorative Justice Programmes*, Vienna: United Nations Office on Drugs and Crime. Cited at - http://www.unodc.org/pdf/criminal_justice/06-56290_Ebook.pdf

Gavrielides, T. (2007). *Restorative Justice Theory and Practice: Addressing the Discrepancy*, Helsinki: HEUNI.

Gavrielides, T. and Artinopoulou, V. (2012). "Violence against Women and Restorative Justice", *Asian Journal of Criminology*, ISNN 1871-0131.

Gavrielides, T (2012). "Conceptualising & Contextualising Restorative Justice for Hate Crimes". *Journal of Social Criminology,* 1 (1).

Gavrielides, T. (2012) *Rights and Restoration within Youth Justice,* **de Sitter Publications: Witby, ON.** ISBN 978-1-897160-62-6

EC (2011). *Directive of the European Parliament and of the Council,* Brussels: European Commission. Cited at - http://ec.europa.eu/justice/policies/criminal/victims/docs/com_2011_275_en.pdf

Artinopoulou, V. (2010), *Η Επανορθωτική Δικαιοσύνη – Η Πρόκληση των σύγχρονων δικαιικών συστημάτων*, Νομική Βιβλιοθήκη: Athens.

Ashe, F. (2009), "From Paramilitaries to Peacemakers: The Gender Dynamics of Community-Based RJ in Northern Ireland", *The British Journal of Politics and International Relations*, Vol 11, pp. 298-314.

Braithwaite, J. (2002) *Restorative Justice & Responsive Regulation*, Oxford: Oxford University Press.

Campbell, C.; Devlin, R.; O'Mahony, D.; Doak, J.; Jackson, J.; Corrigan, T.; McEvoy, K. (2005), *The Evaluation of the Northern Ireland Youth Conference Service.* Belfast: Northern Ireland Office Research and Statistical series.

Dignan, J. (2010) "Variations on a theme" in Vanfraechem, I, I. Aertsen and J. Willemsens (Ed.) *RJ Realities*, The Hague: eleven

Eriksson, A. (2008), "Challenging Cultures of Violence through Community RJ RJ: From Theory to Practice", *Sociology of Crime, Law and Deviance*, Vol 11, Elsevier Science Ltd.

Eriksson, A. (2009), *"A Bottom-Up Approach to Transformative Justice in Northern Ireland",* The International Journal of Transitional Justice, Vol 3, pp. 301–320.

Gavrielides, T (2012) "Clergy sexual abuse: the restorative justice option" in K.V Wormer & L. Walker *Restorative Justice Today: Applications of Restorative Interventions*, Sage: CA

Gavrielides, T. (2012). *Rights and Restoration within youth justice*, de Sitter Publications: Canada.

Gavrielides, T. (2010). "A comparative approach to equality and diversity: Lessons from the UK legal system" in D. King & J. Winterdyk (ed), *Inequality, Diversity and Canadian Justice*, de Sitter Publications: Canada.

Gavrielides, T. (2007). *Restorative Justice Theory and Practice: Addressing the Discrepancy,* HEUNI: Helsinki.

Gavrielides, T. and J. Winterdyk (2011). "The fall and rise of restorative justice: a historical account of its notion and practices", Pakistan Journal of Criminology.

Gavrielides, T. (2008). "Restorative justice: the perplexing concept. Conceptual fault lines and power battles within the restorative justice movement", 8:2 Criminology and Criminal Justice Journal, 165-183. ISSN 1748–8958.

Gavrielides, T. (2005). "Some Meta-theoretical Questions for Restorative Justice", 18:1 Ratio Juris, pp. 84-106. DOI: 10.1111/j.1467-9337.2005.00287.

Gavrielides, T. and D. Coker (2005). "Restoring Faith: Resolving the Catholic Church's Sexual Scandals through Restorative Justice", 8:4 Contemporary Justice Review, pp. 345-365. ISSN 1028–2580 (print) /ISSN 1477–2248 (online).

Gavrielides, T. (2004). "Global Restorative Justice: Averting the Middle Age Crisis. Looking into the Discrepancy Between the Restorative Theory and Practice", 4:2 International Journal of Comparative Criminology, pp. 263-275. ISSN 1201-9607.

Gavrielides, T. (2003). "Restorative Justice: Are we there yet? Responding to the Home Office's Consultation Questions", 14:4 Criminal Law Forum, pp. 385-419. 1046-8374 (Print) 1572-9850 (Online).

Jacobson, J.; Gibbs, P. (2009), *Making Amends: restorative youth justice in Northern Ireland.* London: Prison Reform Trust.

Johnstone, G. (2002). *Restorative justice: ideas, values, debates*, Devon: Willan

Kearney, N.; Kirkwood, S. and MacFarlan, L. (2006), "RJ in Scotland: An Overview", *British Journal of Community Justice*, Vol 4(3).

Knuutila, A. (2010). *Punishing costs: How locking up children is making Britain less safe.* London: New Economics Foundation

Liebmann, M. and Masters, G. (2001) 'Victim Offender Mediation in the UK', in The European Forum for Victim Offender Mediation and Restorative Justice (ed) *Victim-Offender Mediation in Europe*, Leuven: Leuven University Press.

Matrix Evidence (2009). *Economic Analysis of interventions for young offenders*, London: Burrow Cadbury Trust.

McCold, P. (1999). "A Reply to Walgrave", in P. McCold (ed) *The 4th International Conference on Restorative Justice for Juveniles*, Leuven, Belgium.

Miers, D. (2004), "Situating and Researching RJ in Great Britain", *Punishment & Society*, Vol 6(1), pp. 23-46.

Ministry of Justice (2005), *The Code of Practice for Victims of Crime. London: Office for Criminal Justice Reform*. Available at: www.justice.gov.uk/downloads/guidance/youth-justice/yjb-toolkits/victims/victims-code-of-practice.pdf

Ministry of Justice (2010), Breaking the Cycle: Effective Punishment, Rehabilitation and Sentencing of Offenders. London: Ministry of Justice. Available at: www.justice.gov.uk/downloads/consultations/breaking-cycle-ia.pdf

Ministry of Justice (2011), *Youth Justice Statistics 2009/10, England and Wales*. London:

Youth Justice Board/ Ministry of Justice Statistics bulletin. Available at: www.justice.gov.uk/downloads/publications/statistics-and-data/mojstats/yjb-annual-workload-data-0910.pdf

Ministry of Justice (2011), Re-offending of juveniles: results from the 2009 cohort, England and Wales. London: Ministry of Justice Statistics bulletin. Available at: www.justice.gov.uk/downloads/publications/statistics-and-data/mojstats/juvenile-reoffending-statistics-09.pdf

Prison Reform Working Group (2009). *'Locked up potential: a strategy for reforming prisons and rehabilitating prisoners'*, The Centre for Social Justice.

Shapland, J., Atkinson, A., Atkinson, H., Dignan, J. et al. (2008). *Does restorative justice affect reconviction? The fourth report from the evaluation of three schemes* (Ministry of Justice Research Series 10/08). London: Ministry of Justice.

Sherman, L.W., & Strang, H. (2007). *Restorative justice: The evidence.* London: The Smith Institute.

Sherman, L.; Strang, H.; Newbury-Birch, D. (2008), *Youth Justice Board Key Elements of Effective Practice: RJ*. London: Youth Justice Board. Available at: http://www.restorativejustice.org.uk/resource/youth_justice_board_key_elements_of_effective_practice_source_document_sherman_strang_and_newburybirch_2008/

Travis, A. (30 June 2010). "Ken Clarke to attach bank' em up prison sentencing" *Guardian* accessed on 7/1/2011 http://www.guardian.co.uk/uk/2010/jun/30/clarke-prison-sentencing-justice-jail

Victim Support (2010). *Victims' Justice: What victims and witness really want from sentencing*, London: Victim Support.

View Point Organization (2009), *National Evaluation of RJ Youth Services in Scotland 2008-2009:* The Scottish RJ Consultancy and Training Service. Available at: http://www.sacro.org.uk/RJ_Evaluation_Report_2008-2009.pdf

Walklate, S. (2005), "Researching RJ: Politics, Policy and Process", *Critical Criminology*, Vol 13, pp. 165-179.

Youth Justice Board (2009a). *Annual Report and Accounts 2008–09,* London: Youth Justice Board.

Youth Justice Board (2009b), *Referral Order Guidance*. London: Ministry of Justice. Available at: www.justice.gov.uk/downloads/guidance/youth-justice/referral-orders/referral-order-guidance.pdf

The Scottish Government (2008), *Best Practice Guidance for RJ Practitioners and their Case Supervisors and Line Managers.* Scotland: The Scottish Government. Available at: www.scotland.gov.uk/Resource/Doc/226996/0061358.pdf