

NORTHERN IRELAND OFFICE

Community-based Restorative Justice

The Minister of State for Northern Ireland Office (David Hanson MP):

The House will recall that in December 2005 I published for consultation draft Guidelines setting out a proposed framework regulating the community-based restorative justice schemes that are currently operating in Northern Ireland.

That period of consultation afforded the opportunity for all interested parties to make their views known to Government and generated responses from 56 organisations and individuals across the statutory and voluntary sectors as well as from members of the public. The consultation revealed general support for restorative justice as a concept but highlighted serious concerns about the way in which some key aspects of schemes might operate. It was clear from the strong criticisms that the draft Guidelines did not get it right and so today I am publishing a robust new Protocol to address those concerns.

The Government has always been clear that where community-based restorative justice schemes operate they must be part of the criminal justice system and must not act, or be perceived to act, as an alternative to the existing policing structures. Society would not tolerate officially approved schemes becoming a tool for local paramilitary control and neither will the Government.

The regulation of community based restorative justice in Northern Ireland was a key recommendation of the Criminal Justice Review which itself was central to the Good Friday Agreement.

I have today published that revised framework which I have renamed a "Protocol for Community-based Restorative Justice Schemes" to affirm its status, not simply as Guidelines, but as a document which requires full

compliance by all participants and which effectively sets a 'gold standard' for schemes. I have placed a copy of the Protocol in the Library of the House.

The Protocol contains a number of important changes which will, I believe, substantively address the four key issues of concern raised by respondents during the consultation. Those concerns centred on: the ability for schemes to use third parties to distance themselves from direct engagement with the police; arrangements for determining the suitability of persons working in schemes; the need for a robust independent complaints mechanism; and the need to set demanding standards for schemes underpinned by an effective inspection regime.

As a consequence of those concerns I have:

- removed the provision for schemes to report offences to the Police Service of Northern Ireland through a third party. The Protocol now requires that schemes engage, and have a direct relationship, with police on all matters governed by the Protocol. The centrality of the police to the way in which schemes operate is non-negotiable.
- agreed arrangements for a panel, comprising representatives of relevant statutory bodies, to determine the suitability of individuals to work in posts governed by the Protocol. The Panel will consider criminal records and other pertinent information provided by statutory agencies, including the police, in determining the suitability of any individual in accordance with published criteria contained in the Protocol.
- agreed with the Probation Board for Northern Ireland that they will establish an independent complaints mechanism for victims and offenders who may have cause to raise concerns about how a scheme has handled their case.

- ensured that the new Protocol sets exacting standards which schemes must meet to achieve accreditation, with continued compliance tested by a rigorous, regular and unannounced inspection regime undertaken by the Criminal Justice Inspectorate who shall publish their inspection reports.

The Protocol would establish the relationship between schemes and the criminal justice system in dealing with low-level criminal offences and offenders and, by definition, governs cases which have both achieved the criminal threshold and been deemed suitable by the Public Prosecution Service for referral for a restorative disposal. Whilst the Protocol cannot therefore formally extend to schemes' other activities, as part of the inspection regime records of non-criminal cases handled by schemes will be examined to help ensure that all cases attaining the criminal threshold have been referred to the police. Schemes which achieve accreditation will, as organisations, have demonstrated the attainment of the high standards required in the Protocol which I expect to see reflected in all aspects of their activities.

Due to the significant nature of the changes I want to allow for a further period of consultation on the new Protocol, which will run in parallel with an Equality Impact Assessment to explore the potential for any of its measures to adversely impact on equality of opportunity for any of the nine categories set out in section 75 of the Northern Ireland Act 1998. This will be launched shortly and will involve a 12 week public consultation period.

It has never been a direct corollary that schemes which sign up to the Protocol will receive NIO funding. However I expect that accredited schemes meeting the exacting standards set out in the Protocol should be in the best position, where they meet the appropriate grant criteria, to apply for funding from whatever statutory or charitable sources are currently available to them. Conversely any scheme which does not sign up to them will not receive any funding whatsoever from Government for Community-based Restorative Justice.

I hope that the revised Protocol can provide an effective way forward but I am keen to hear the views of all the stakeholders and interested parties during the consultation period.