

COMMUNITY RESTORATIVE JUSTICE IRELAND

A follow-up review of the Community Restorative Justice
Ireland community restorative justice schemes

August 2011





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Justice Ireland community restorative justice schemes

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Criminal Justice Inspection
Northern Ireland
a better justice system for all





Contents

List of abbreviations	iii
Chief Inspector's Foreword	iv
Section 1: Follow-Up Review	
Chapter 1 Background	2
Chapter 2 Funding relationships	8
Chapter 3 Operational relationships with statutory agencies	11
Chapter 4 Delivery and outcomes	13
Chapter 5 Conclusions	18



List of abbreviations

AP	Atlantic Philanthropies
BCC	Belfast City Council
BHSCT	Belfast Health and Social Care Trust
BRO	Belfast Regeneration Office
CBRJ	Community-Based Restorative Justice
CFNI	Community Foundation Northern Ireland
CJI	Criminal Justice Inspection Northern Ireland
CRJI	Community Restorative Justice Ireland
CSU	Community Safety Unit
DoJ	Department of Justice
DSD	The Department for Social Development
MACS	Mediation and Community Support Programme
NIA	Northern Ireland Alternatives
NIHE	Northern Ireland Housing Executive
NIO	Northern Ireland Office
NRP	Neighbourhood Renewal Programme
PBNI	Probation Board for Northern Ireland
PPS	Public Prosecution Service
PSNI	Police Service of Northern Ireland
UN	United Nations
YJA	Youth Justice Agency





Chief Inspector's Foreword

Criminal Justice Inspection Northern Ireland (CJI) conducted its original inspections of Community Restorative Justice Ireland (CRJI) in 2007 and 2008. CRJI is a collective of 10 community-based restorative justice schemes operating in mainly nationalist and republican areas of Belfast, Derry/Londonderry and Newry and South Armagh. At the time of the 2008 report, the Inspectorate assessed that the schemes were suitable for accreditation under the Government's protocol for community-based restorative justice schemes, subject to the views of the Suitability Panel. The schemes were subsequently accredited in July 2008.

The Inspectorate conducted this follow-up inspection to assess the progress made by the schemes since the original report and to provide assurance to Government that the schemes continued to operate to an acceptable standard. The criteria used during this inspection relates to the relevant sections of the United Nations *Basic Principles on the use of Restorative Justice Programmes in Criminal Matters*. Inspectors also sought evidence of the schemes adherence to the protocol for community-based restorative justice schemes.

This report examines the progress made by CRJI since the last inspection. The report notes that the work of CRJI falls within the accepted standards of the United Nations criteria on restorative justice. It also highlights the positive relationships CRJI now enjoys with a wide range of statutory bodies including the Police Service of Northern Ireland (PSNI), the Probation Board for Northern Ireland (PBNI), Social Services, the Northern Ireland Housing Executive (NIHE) and Belfast, Lisburn and Derry City Councils. The work undertaken by CRJI cuts across a range of areas and funding organisations.

In relation to the protocol for community-based restorative justice schemes a file review found that the majority of cases dealt with were below the threshold of reportable crime. This was confirmed in conversations with the PSNI. The fact that only one case has been referred by CRJI to the police under the protocol highlights the need for a review of the protocol.

Moving forward there are a number of issues that should be addressed. There are some political representatives who are critical of the schemes and who argue that the main figures in CRJI are politically partisan. They point to the inability of the management committees to attract individuals with different political backgrounds as evidence. In addition our review found that the schemes should review their complaints procedures to ensure that they are effective and efficient.

CRJI have become an important part of the voluntary/community sector landscape in parts of Northern Ireland and are integrating their activities as part of local community safety networks. It is important that CRJI continues to meet the standards that are expected of voluntary/community organisations who work within the criminal justice sector. These criteria are in the main set by funding agencies with performance subject to ongoing evaluation.

This review was led by Brendan McGuigan, Tom McGonigle and William Priestley. I would like to thank all those who provided assistance during this inspection.

Dr Michael Maguire
Chief Inspector of Criminal Justice in Northern Ireland
August 2011

Section



Follow-Up Review

CHAPTER 1:

Background



- 1.1 The original main purpose of the community-based restorative justice schemes (CBRJ), for which they were funded was to reduce the incidence of punishment beatings by providing alternative means of imposing sanctions on those who committed offences against the community. The funding for this work was from non-statutory sector organisations. However they were always part of a wider vision of a way of handling disputes within the community without recourse to the law. Criminal Justice Inspection Northern Ireland (CJI) conducted a pre-inspection of Community Restorative Justice Ireland (CRJI) in May 2007 and a further inspection in June 2008, to determine CRJI's readiness for accreditation and its potential to meet the standards set in the Government's protocol for community-based restorative justice. The schemes were using restorative conferencing and other mediation techniques to resolve a wide range of different disputes including some of which could have been seen as a criminal offence. Other cases were mainly neighbour disputes and complaints about noise and nuisance, parking spaces and shared driveways, but there were also some commercial or landlord and tenant disputes. At the time of the second inspection the schemes were found to be engaged in work that was valued in their communities and those criticisms that had been made of them, whether or not they were valid in the past, were no longer applicable. They were operating lawfully and non-coercively, were respecting human rights and were beginning to develop a constructive relationship with the Police Service of Northern Ireland (PSNI). Our previous report recommended that CRJI was ready for accreditation subject to their agreement to a number of conditions and the deliberations of the Government's Suitability Panel who conducted background vetting into those involved with CRJI. The outcome was that all 10 schemes were accredited by July 2008.
- 1.2 Inspectors made a number of recommendations at the time of the original inspection and progress against these is assessed in this review. In addition the Inspectorate has now developed criteria for inspection of CBRJ schemes and has applied them in this review. Inspectors undertook a full examination of all files opened by CRJI since the last inspection to ensure that where criminal offences were identified they were being correctly referred through the protocol to the PSNI for investigation and submission to the Public Prosecution Service (PPS) for consideration of restorative caution. Inspectors also sought to determine the current standing of CRJI with the criminal justice agencies and whether the necessary confidence was being maintained.
- Criteria for inspection**
- 1.3 The criteria relate to the relevant sections of the United Nations (UN) *Basic Principles on the use of Restorative Justice Programmes in Criminal Matters*, in particular the following:
- restorative processes should be used only with the free and voluntary consent of the parties (which may be withdrawn at any time);

- agreements should be arrived at voluntarily and should be reasonable and proportionate;
- disparities leading to power imbalances, and the safety of the parties, should be taken into consideration in referring a case to, and during, a restorative process;
- parties should have the right to legal advice about the process;
- before agreeing to participate, parties should be fully informed of their rights, the nature of the process, and the possible consequences of their decision; and
- neither victim nor offender should be coerced, or induced by unfair means, to participate in the process or to accept the outcome.

1.4 Inspectors also sought evidence of the scheme's adherence to the protocol for community-based restorative justice schemes¹ and developed a set of questions which included:

- are the schemes triaging cases correctly and passing appropriate cases to the PSNI?
- are clients (victims of crime) properly informed at the outset about the role of CRJI and its obligations under the protocol?
- are human rights, the rights of the child, and the UN principles on restorative justice observed?
- are they providing the police with all the details they require and indicating how they would deal with the case if it were referred back to them?
- do they react correctly if other offences come to light while they are working with a client?
- is the training of staff and volunteers adequate?
- are offenders and victims given the necessary personal support in the restorative justice process?

- does the scheme have access to expert advice when necessary, on matters of law and human rights?
- do they have proper arrangements for the independent handling of complaints? and
- are proper records kept and stored securely?

Methodology

1.5 In common with the inspections of all CBRJ schemes, Inspectors visited CRJI's central offices and each of the schemes in West Belfast and Derry/Londonderry. They did not look at the Ardoyne scheme which has not been accredited nor did they look at the Newry and South Armagh scheme which was accredited earlier in 2010. Inspectors also conducted one-to-one interviews with individuals and groups who have knowledge and experience of the schemes and the people who work within them. This included statutory and voluntary organisations, local politicians, community leaders and other individuals and groups who provide services or, who have influence in the areas in which the schemes operate, and included people known to be detractors from the CRJI project.

1.6 Inspectors also spoke to the various bodies that are currently funding CRJI including statutory agencies, international and local charitable organisations, to determine how CRJI complied with their funding criteria. These interviews were supported on some occasions by evaluation reports from the funding bodies. Inspectors conducted interviews with the Board of CRJI, the schemes management committees, staff and volunteers. Inspectors also spoke with clients of the schemes, both victims and offenders.

¹ *The Protocol for Community-Based Restorative Justice Schemes* was published by the Government on 5 February 2007. Copies can be downloaded from the NIO website - www.nio.gov.uk



- 1.7 Inspectors conducted an examination of all case files held by the schemes since its last inspection in June 2008. Also examined were minutes of management committee meetings, reports by the scheme co-ordinators, and records of contacts/referrals to other organisations and agencies, records of expenditure, personnel and training records. Copies of funding applications for the programmes and projects developed since then by the schemes were also reviewed.
- 1.8 Inspectors sought to determine the current nature and extent of CRJI's work. During the last inspection it had been assessed that the schemes were engaged in work that was valued in their communities and that criticisms which had been made of them, whether or not they had been valid in the past, were no longer applicable. They were operating lawfully and non-coercively, were respecting human rights and were beginning to develop a constructive relationship with the PSNI. While the focus of this inspection was primarily on protocol cases, Inspectors sought evidence of the entirety of CRJI's work and in particular, the preventative and diversionary work it was engaged in with young people and the potential bearing on the criminal justice system.

What has happened since the original inspection?

- 1.9 At the time of the original inspection CRJI had a small number of full-time staff and part-time volunteers and it was being funded to deliver community restorative justice interventions and reparative programmes. Atlantic Philanthropies (AP) and the Community Foundation for Northern Ireland (CFNI) were providing most of the funding for this work, though AP had indicated that it wanted to establish a matched funding arrangement with the Northern Ireland Office (NIO) in the belief that CRJI was making a substantial contribution to the working of the criminal justice system, and as such should be attracting Government funding.
- 1.10 CJI had recommended accreditation in June 2008, however, it took a further six months for the financial package to be agreed between AP and the NIO. This was a difficult period for CRJI. Despite the uncertainty of their financial future, the organisation managed to retain staff although most on an unpaid basis.
- 1.11 The situation improved in 2009 with CRJI securing major funding from the Northern Ireland Housing Executive (NIHE), the Department for Social Development (DSD) and Atlantic Philanthropies (AP). The funding increased from £240,000 in 2008-09 to £450,000 in 2009-10 with a commitment from funders extending into 2011. With its financial future secure, CRJI recruited additional staff, developed new programmes and made further funding applications. This funding has now been extended into 2012.
- 1.12 Following a planning day involving all staff and management committees the schemes developed a Corporate Plan for 2010-13 and an Operational Plan for 2010-11. The plans identified four corporate objectives:
- **Customers** – to resolve the disputes in which clients are involved in a way that leaves them happy with the restorative justice processes and outcomes;
 - **Processes** – to ensure that the processes, (protocol and non-protocol), are efficient and effective in supporting the delivery of restorative justice work and the development of new CRJI focused work;
 - **People** – to ensure that staff and volunteers are trained and qualified to an acceptable standard and to acquire consistent levels of competence for the purposes of the service delivery of the CRJI product; and



- **Resources** – to secure mainstream and steadily consistent levels of funding which will utilize the ‘community pound’ to best effect allowing CRJI to work efficiently as both a stand alone body and as a partnership body.

The objectives are accompanied by measures, targets, key actions and post-holders/individuals responsible for delivery. Our view of the plan and associated objectives is that they are helping to develop a longer term vision for the schemes within an ever changing societal environment.

- 1.13 CRJI have now moved their central office to new premises and are concentrating on strengthening their governance arrangements by recruiting Board members with relevant legal/financial/business experience. They are centralising the formerly autonomous projects in order to encourage efficiency and standardise practice, and are also striving to become more business-like: management reports are furnished in advance to the Board, which is concentrating on strategic issues, while operational issues are dealt with by local management committees.
- 1.14 CRJI schemes are now fully integrated into the management and operations of local community safety structures in the areas in which they operate. As a result the profile of the main figures in the schemes has increased and this has brought them into even greater contact with statutory agencies. The schemes clearly see this as an opportunity to shape and influence service delivery. Analysis of CRJI’s annual figures shows that 50% of all cases relate to neighbourhood disputes and anti-social behaviour involving young people. Although the overall number of cases is increasing the problems that are being brought to the schemes are unchanged. When individuals

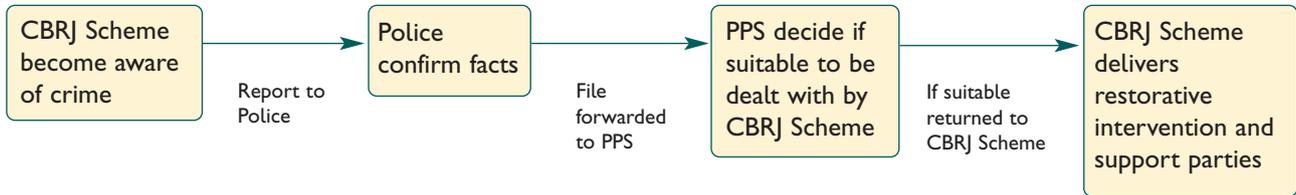
come to the schemes to report crime they are referred directly to the PSNI for investigation. There were 131 such referrals in 2009 and 61 in 2010. The PSNI suggests that as their relationship with the communities improves the number of such cases can be expected to fall. In some instances, particularly in Derry CRJI, members have also provided support to victims in reporting crime to the police by accompanying them to the police station etc.

- 1.15 The current process of schemes identifying cases which would benefit from a restorative intervention under the CBRJ Protocol has not generated the number of referrals that was anticipated. It may well be that as confidence in statutory agencies (and the police in particular) improves it is likely that the community are less inclined to seek the assistance of the CRJI schemes in dealing with issues of minor criminality. Following protracted discussions the Department of Justice (DoJ) has now approved separate pilot schemes in North and West Belfast involving CRJI and Northern Ireland Alternatives (NIA). From a Government perspective the pilot schemes provide an opportunity to explore whether the schemes could add value to the process by managing appropriate interventions with the consent of all the parties involved in relation to cases coming directly to police attention within their communities.

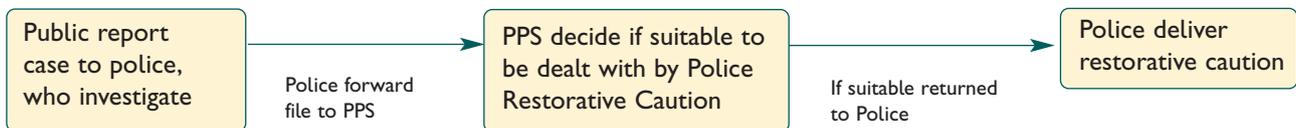




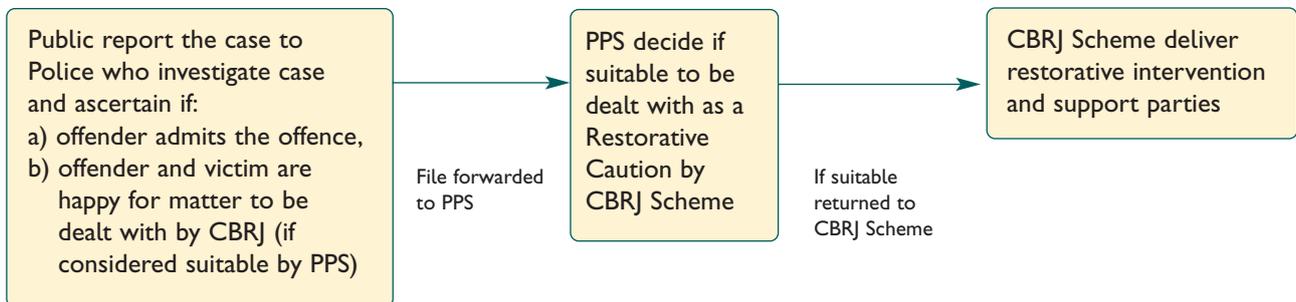
CURRENT PROCESS FOR CBRJ REFERRAL



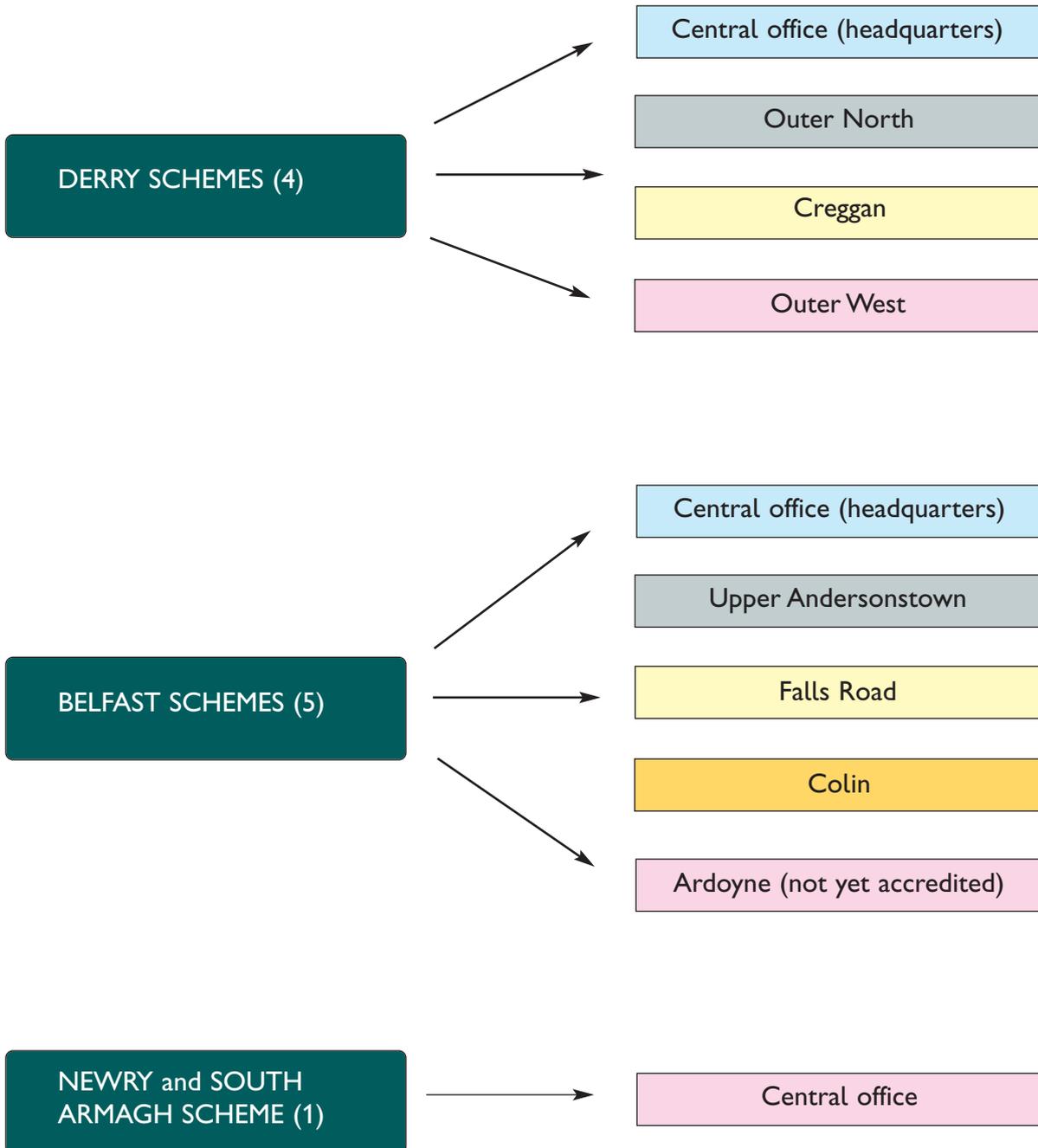
CURRENT PROCESS FOR POLICE RESTORATIVE CAUTION



PROPOSED PROCESS FOR DIRECT REFERRAL PILOT



CRJI OPERATIONAL AREAS



CHAPTER 2:

Funding relationships



- 2.1 The Northern Ireland Housing Executive (NIHE) is currently in a part-funding relationship along with Atlantic Philanthropies (AP) and the Police Service of Northern Ireland (PSNI) for CRJI to deliver the Mediation and Community Support Programme (MACS). The schemes deal mostly with neighbourhood disputes and police are often involved. NIHE officials are fully supportive of CRJI and reported that the schemes work appropriately with the police when necessary, and have helped lower tensions and prevent feud outbreaks. CRJI tend to deal with challenging and complex cases that require additional community support to resolve. Inspectors were told that NIHE have no concerns about CRJI stewardship of monies, quality of practice, integrity nor accountability. Indeed the schemes have been the subject of a formal external evaluation which found that *'CRJI have delivered a professional service and are highly respected by partners and wider stakeholders.'*¹
- 2.2 AP have been funding CRJI since 1998, initially to help support their development, operations and training. The current funding arrangements are for protocol related work and the MACS scheme, however this was due to end in March 2011 - this has now been extended to March 2012. AP is fully supportive of the direction of travel for the schemes and envisages their future being secured through working in partnership with statutory bodies.
- 2.3 The Department of Justice (DoJ) has been providing match funding with AP for protocol-related work and for their involvement in community safety initiatives in both West Belfast and Derry/Londonderry. The DoJ have approved a pilot scheme in North and West Belfast where suitable youth cases identified by the PSNI will be passed to the Public Prosecution Service (PPS), who may direct that the cases are suitable for a restorative process delivered by CRJI.
- 2.4 The Probation Board for Northern Ireland (PBNI) currently fund a number of schemes to work on restorative plans and help offenders reintegrate back into the community. The offenders subject to supervision are normally assessed as low or medium risk of re-offending. They include a range of offences excluding sexual or domestic violence. Some are viewed by probation as the more difficult offenders requiring intensive support. Inspectors were told that probation officers are impressed with the dedication of CRJI staff who *'get alongside people'* to ensure successful integration. In addition, 'clients' spoke highly of the commitment of CRJI in trying to support their resettlement. This level of commitment has proven valuable to probation staff, not least in providing access to sources of community information around the behaviour of offenders.

¹ NIHE: Evaluation of Greater West Belfast Mediation and Community Support Programme - Final report, 12 April 2010.



2.5 The Belfast Health and Social Care Trust (BHSCT) are funding CRJI to deliver an Intensive Youth Support programme and a Youth Prevention Programme. Funders have been impressed with the willingness of the schemes to take on some difficult and challenging children including a small number from the Travelling Community, keeping them out of the care system. Inspectors were told that *'the feedback from social workers on CRJI innovation and commitment has been excellent'*.

2.6 The Department for Social Development (DSD) is funding CRJI through the Neighbourhood Renewal Programme (NRP) to deliver neighbourhood dispute resolution. This has enabled the employment of additional full-time workers and to help defray the running costs of the various offices operated by the schemes. The additional staff were employed through open competition. The nature of this work has broadened into wider community safety activities including:

- anti-social behaviour;
- underage drinking;
- alcohol and drug abuse;
- arranging fora for statutory agency participation; and
- relationships between young people and older people.

This is now the main source of funding for the schemes and has been extended into 2012. Inspectors were told by officials that CRJI is not only meeting the targets that have been set, but exceeding them. Their monitoring reports are well prepared and contain lots of detail in respect of work that is being undertaken across all three priority areas: community safety; environmental; and youth. As a result of CRJI volunteering additional measures they have been categorised as 'low risk'. The overall

assessment from the Belfast Regeneration Office (BRO) was that CRJI are key players in the community.

2.7 The PSNI is currently in a part-funding relationship through the Community Safety Unit with AP and the NIHE for the schemes to deliver the MACS programme. Inspectors were told that the programme is very successful and makes a positive contribution to community stability and cohesion and is exactly the sort of project that the PSNI should support.

2.8 Community Foundation Northern Ireland (CFNI) has funded CRJI since 1997. The initial funding was for their work in persuading armed groups to desist from punishment beatings and to help project mediation as a better solution to community conflict. They also funded the schemes to obtain human rights training for all staff and to help with the rental charges of premises used by the schemes. CFNI consider that in the current climate the schemes need to consider sharing back office services and premises with other community-based organisations as their financial support will be coming to an end. CFNI report that they have been entirely satisfied with the way their money has been used and accounted for.





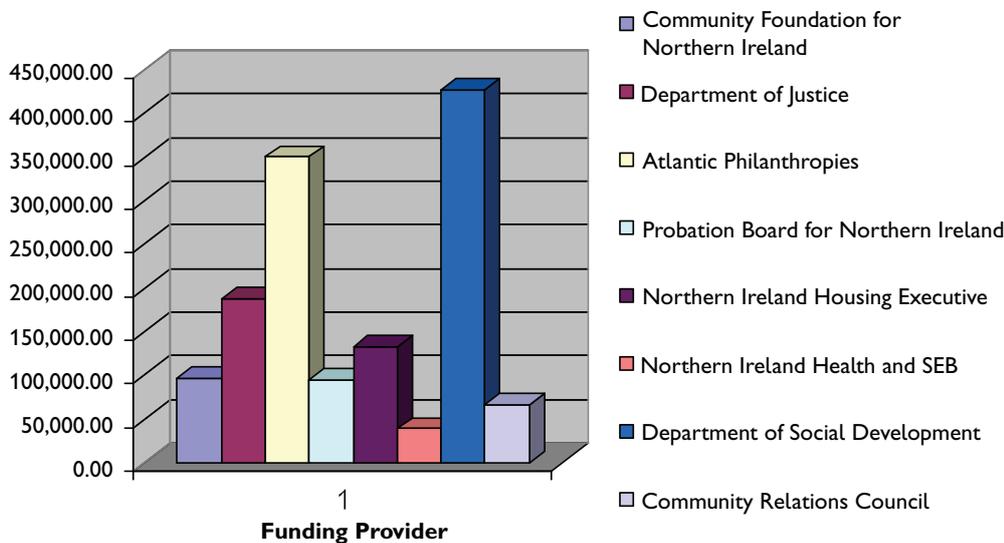
BREAKDOWN OF MAJOR FUNDING PROVIDERS 2008-11

Funding Provider:	2008 – 09*	2009 – 10*	2010 – 11*	Total (£)
Community Foundation for Northern Ireland	£81,110.71	£15,000.00	£1,022.49	£97,133.20
Department of Justice (formerly Northern Ireland Office and including Community Safety Unit)	£49,879.93	£87,520.24	£50,000.00	£187,400.17
Atlantic Philanthropies	£139,900.00	£158,909.00	£51,337.00	£350,146.00
Probation Board for Northern Ireland	£10,000.00	£40,000.00	£45,000.00	£95,000.00
Northern Ireland Housing Executive	Nil	£50,000.00	£82,500.00	£132,500.00
The Belfast Health and Social Care Trust (BHSCT)	Nil	£18,999.99	£20,000.00	£38,999.99
Department for Social Development (including Belfast Regeneration Office)	Nil	£83,874.39	£343,417.22	£427,291.61
Community Relations Council	Nil	Nil	£65,813.28	£65,813.28

*** Please also note table only reflects the main major funders and does not illustrate CRJI funding and/or funding providers in its entirety.**

Some funding commenced or concluded just over the stated financial year.

Full figures are still illustrated for clarity on exact funding totals within stated financial year.



CHAPTER 3:

Operational relationships with statutory agencies



- 3.1 Inspectors were told by senior police officers in West Belfast and Derry/Londonderry that they regard CRJI as the single most important relationship they have in reaching out to the previously estranged or hard to reach republican/nationalist communities living in those areas. These relationships are now being developed below the level of senior officers to neighbourhood police and response officers. Although they still have concerns and frustrations at an operational level, particularly in respect of the initial police response to some critical incidents, they have matured to a stage where difficult conversations can take place without damaging the relationship. There has been a noticeable maturing of this relationship to the extent that they contact each other on a daily basis. They both sit on local community safety forums and sub-groups working on the various strands of the community safety strategy.
- 3.2 The Probation Board for Northern Ireland (PBNI) have been involved with CRJI for a number of years, primarily through their Community Development Fund. Since October 2008, CRJI have been helping the PBNI reintegrate offenders back into their communities after release from prison. Senior managers told Inspectors that they have been impressed with the way CRJI deal with even the most difficult offenders and in every case to date they have been successful. The PBNI staff admit that they were initially sceptical of CRJI but the feedback from PBNI offenders, the joint training exercises, and the schemes dependability in dealing with confidential and sensitive information, has created high levels of trust and in turn, helped deliver more effective working relationships.
- 3.3 There has been only limited contact between the schemes and the Youth Justice Agency (YJA). There is no evidence of partnership working, yet both organisations deal with young people who are either offending or causing problems within the community. On occasions members of the schemes have accompanied offenders and their parents to only a small number of youth conferences. The current proposal - for the schemes to receive referrals from the PPS for young people who are suitable to receive a police youth restorative caution - will mean that there is a need for both organisations to develop a more effective working relationship.
- 3.4 The Belfast Health and Social Care Trust (BHSCT) are now referring cases to the schemes through the Intensive Youth Support and Youth Prevention Programme. The Trust has been impressed with their work and the cases they undertake which are the most problematic for Social Services. The Trust has had no hesitation in extending their funding to the schemes that are now seen as a trustworthy and effective partner.
- 3.5 The Community Safety Unit (CSU) of the DoJ initially funded the schemes to improve the security of case files held by the schemes and help defray other operational costs. The CSU is in regular contact with



the schemes in terms of monitoring expenditure. Officials also have contact with the schemes through various community safety partnerships. Inspectors were told that the schemes are making important contributions to local community safety plans.

- 3.6 Belfast City Council (BCC) is involved with the schemes through the city-wide community safety partnership, local community safety forums including the Upper Springfield Safer Neighbourhood Forum and the West Belfast Community Safety Forum. BCC officials are appreciative of the work of the schemes and the direct assistance delivered by CRJI in helping the council wardens working in West and North Belfast. Joint anti-social behaviour operations involving BCC, the PSNI and the schemes are taking place on a more frequent basis.
- 3.7 The Department for Social Development (DSD) have been dealing with the schemes through their Neighbourhood Renewal Programmes. In each of the areas in which the schemes operate, officials from DSD were entirely supportive of their work and praised the way in which services were being delivered and the previously agreed targets met and exceeded.
- 3.8 The PPS have been involved with the schemes for the last number of years, not only in helping develop the protocol but also in helping them in its outreach work in difficult areas. Members of the various schemes have visited prosecution offices and met with Judges and court administrators.
- 3.9 The NIHE has had a long standing relationship with CRJI in each of the areas in which the schemes operate. Since accreditation they have developed the MACS programme which has been formally evaluated and which is regarded by the NIHE as an extremely successful addition to the mediation service offered to its tenants.

CHAPTER 4:

Delivery and outcomes



- 4.1 Inspectors are disappointed that only one protocol case has been successfully referred through the PSNI to the PPS since accreditation. We accepted that it would be difficult for the CBRJ schemes to sell the benefits of the protocol to their clients who were often seeking solutions without reference to the formal criminal justice system. However this is the Government's protocol and standards agreed by the criminal justice system. It is clear that the schemes operating in Loyalist areas have equally struggled to get cases through the protocol and it could be argued that it was always going to be more difficult in Republican/nationalist areas where support for the criminal justice system was weak. The question is whether the schemes have made a genuine effort to refer cases through the protocol, a protocol which they have consistently argued is unworkable.
- 4.2 Although the schemes have made a considerable number of referrals to the PSNI none of these have reached the threshold required under the protocol. The PSNI are clear on what constitutes a protocol case, quite simply it is a case that is referred to the police by the schemes, an offender who admits his/her guilt, a victim who is prepared to accept CRJI involvement and an offence which falls within the scope of the protocol. CRJI are adamant that in following the letter of the protocol it is not their role to investigate crime and argue that they are prohibited from carrying out any form of investigation. The DoJ and the PSNI both recognise that the protocol was established for a different era and are therefore actively looking to refer youth cases to CRJI for restorative mediation. The Minister of Justice has just recently approved a pilot scheme to operate in North and West Belfast. It was always intended that the protocol should be reviewed in the light of operational experience, and Inspectors suggest that the time is now right for such a review.
- 4.3 Inspectors examined all case files held by the schemes. Where criminal offences were alleged the schemes have recorded how the victims have been referred to the PSNI. Where the case was of a non-criminal nature, there was a clear record of how it was dealt with and the other individuals and organisations involved. In the majority of these cases the schemes were offering support to the victim in formally reporting the crime to the police. In the other cases where restorative mediation was employed, the incidents fell below the threshold of criminal behaviour and were more about anti-social behaviour and neighbourhood disputes. Both CRJI and Northern Ireland Alternatives have been unable to attract the necessary support from their respective communities to enable the protocol to work.



Progress against previous recommendations

Recommendation 1

We would recommend that all case notes should record the full name and address of the client, and their age in the case of a child or a senior citizen.

Status: Achieved

Inspectors examined all case files held by the scheme. All files now contain the name and address of the client and in the case of a child or senior citizen their age.

Recommendation 2

The forms which are used to record cases referred to the police need to be redesigned to make them suitable for transmission to the police. This would include a section for the scheme to say whether it was asking for the client to be referred back to them if the Public Prosecution Service (PPS) agreed it was a case suitable for restorative resolution.

Status: Achieved

In all cases that have been referred to the police, the schemes are passing the information by email to named officers. Both the schemes and the police have kept records of all such contacts.

Recommendation 3

Both the schemes and the police need to develop a wider range of working level contacts with one another.

Status: Achieved

The schemes have continued to maintain contacts with District Commanders, Area Commanders and Neighbourhood Inspectors. There is now regular contact between Neighbourhood Policing Constables and Sergeants and the various schemes. There are also contacts between the schemes as represented on the numerous community safety forums and police officers from community safety teams.

Recommendation 4

There needs to be a procedure agreed with the police whereby if someone is referred to the police by a scheme that fact is recorded, so that there can be feedback to the scheme as to whether the person in question did in fact report to the police (if they agreed to do so), and what happened as a result.

Status: Achieved

Inspectors examined all case files where there were clear allegations of criminal offences and where contact was made with the police it is recorded on the file. The schemes in Belfast have a referral form, they also retain copies of emails to and from the PSNI on the respective case file. In some areas the schemes provide support to the victims of crime by accompanying them to the police station to report the crime. As time goes by this is reducing as people feel more comfortable in reporting directly to the police.



Recommendation 5

We repeat the recommendation that the schemes should aim to re-present themselves to emphasise that they are not politically aligned. If they gain accreditation that will provide a good opportunity for such an initiative.

Status: Not achieved

The schemes claim to have made a number of direct attempts to secure the participation of other political viewpoints in their management committees without success. Some political representatives who are critical of the schemes believe that the main figures in CRJI are politically partisan and the inability of the management committees to attract individuals with different political backgrounds tends to fuel that perception.

Recommendation 6

We repeat our recommendation to the DoJ that the Inter-Agency Review Panel established to monitor the outcomes of cases referred to the schemes should be given a general responsibility for maintaining an oversight of their criminal justice related activities.

Status: Not achieved

The DoJ have not followed through with this recommendation because of the extremely low numbers of protocol cases being referred.

Recommendation 7

We understand that the Probation Board for Northern Ireland (PBNI) will not now be able to provide the fully independent complaints service for the schemes, since it might be subject to a conflict of interest. It is important that, in addition to the independent complaints persons appointed by the schemes themselves, there should be a fully independent complaints body, appointed by and reporting to the Secretary of State, the existence of which should be duly publicised by the schemes.

Status: Partly achieved

The DoJ have sourced an organisation that would be willing to conduct such a review. However, this had been envisaged in the context of a throughput of protocol-related referrals which have not been realised. There is presently only one complaint recorded by CRJI. Inspectors had access to all the background papers and concluded that the complaint, which was made against a senior staff member was a civil matter. However it exposed a real weakness in their current complaints policy and the way it had been applied in this instance. Inspectors recommend that the policy is revised and appropriate training given to all staff to ensure that it can provide the necessary level of public reassurance.





Practice

Inspectors found that following examination of the case files, interviews with staff, volunteers and clients of the scheme, that the *United Nations Principles on the use of Restorative Justice Programmes in Criminal Matters* were being observed. In every case file examined, there were consent forms for each stage of the restorative process reinforcing the principle of voluntary participation.

Inspectors also found good evidence to support the answers to the following questions:

- Are the schemes triaging cases correctly and passing appropriate cases to the PSNI?

Yes. Inspectors examined the protocol case and assessed that the CRJI involvement had been in complete accordance with the terms set out in the protocol. Inspectors also examined the case index held in each office which was very helpful in deciding file selection. The indexes provided detailed outlines for all cases and a clear overall feel for the individuals scheme's work. Of the 48 case files examined Inspectors did not find any deviation from either the spirit or letter of the protocol.

- Are clients (victims of crime) properly informed at the outset about the role of CRJI and its obligations under the protocol?

Yes. Those involved with the scheme were clear about their obligations under the protocol and were adamant that they informed all potential clients at the outset of their contact. Inspectors also spoke to a small number of clients who confirmed that this had been their experience when dealing with CRJI.

- Are human rights, the rights of the child, and the United Nations Principles on Restorative Justice observed?

Yes. The case file examination revealed that in every case and at every stage in the process consent was sought and recorded both from the young people and their parent or guardian.

- Are they providing the police with all the details they require and indicating how they would deal with a case if it were referred back to them?

Yes. In all the cases referred to the PSNI, the schemes had provided all relevant information. Inspectors also spoke to the PSNI Investigating Officers who confirmed that they were entirely supportive of the way in which CRJI had processed the cases.

- Do they react correctly if other offences come to light while they are working with a client?

Yes. Most cases examined by Inspectors involved a degree of partnership working with at least one or more statutory agencies. It was clear to Inspectors that CRJI enjoys the trust and confidence of statutory providers particularly in the sharing of information.

- Is the training of staff and volunteers adequate?

Yes. Inspectors examined and assessed the training materials currently in use and found them to be of a very high standard incorporating the material recommended in the initial CJI report. A number of CRJI staff have all completed the University of Ulster (Jordanstown) six-month course in Restorative Practices, and a small number have gone on to achieve a post-graduate diploma. Inspectors have spoken to tutors at the University of Ulster who have been impressed with the high levels of vocation and commitment of CRJI students who are determined to professionalise the service that they deliver.

- Are offenders and victims given the necessary personal support in the restorative justice process?



Yes. The case files indicate that CRJI staff invest a great deal of time and effort in supporting people through the restorative process. Inspectors also spoke to a number of victims and offenders in each of the schemes, all of whom spoke positively about the level of interest and commitment shown by CRJI staff.

- Does the scheme have access to expert advice when necessary, on matters of law and human rights?

Yes. CRJI has developed a positive relationship with a number of leading academics who in the past have evaluated their progress. The Board of CRJI includes some prominent legal academics who continue to publish work on these subjects.

- Do they have proper arrangements for the independent handling of complaints?

Yes. In each of the case files examined, Inspectors found a complaints information leaflet which identified the complaints process and the Independent Person to whom dissatisfied clients could bring their unresolved complaint. Inspectors spoke to the Independent Person who confirmed the process and who reported that to date there has been one complaint. Inspectors are critical of the way this particular complaint had been handled in that it departed from the existing policy and failed to adhere to the stated timelines.

- Are proper records kept and are they stored securely?

Yes. Each of the schemes held their own comprehensive case files in locked cabinets within secure premises.



CHAPTER 5:

Conclusions



- 5.1 Critics of the schemes could, with some justification, argue that the single case referred through the protocol represents a poor return for the public money that has been invested. But that in a sense would be to disregard the other important work being undertaken by the schemes and which is valued by the police and other agencies in delivering public safety and community cohesion. CRJI have broadened their activities and in doing so changed the dynamic of their role. The balance is now in favour of advocating and supporting social justice by interfacing effectively between the community and the statutory agencies.
- 5.2 The schemes have consistently stated that the protocol is unworkable and that CRJI's reputation in some areas has suffered as a result of their inability to provide solutions outside of the criminal justice system. The irony of course is that CRJI's ability to broaden their programme base and successfully bid for new funding was largely because of their accreditation and the significance placed on this by funders. It is important that in moving forward with CRJI that those organisations who now fund the schemes should not depend on the adherence to the protocol as evidence of their bona fides. The performance of CRJI should be subject to the standard tests for performance set for voluntary and community organisations working in the criminal justice sector. Our review found that the schemes have already proved themselves capable of meeting the standards set by both Governmental and charitable funders and satisfying independent evaluation. This is the basis upon which CRJI should be assessed under future funding arrangements as adherence to the protocol is not an effective performance measure of the overall work of CRJI.
- 5.3 The PSNI understand and acknowledge the complexity and dilemma posed by the protocol and feel that it is timely to revisit its content. Inspectors were told by senior officials in both the PSNI and the DoJ that the protocol was developed at a time when there were concerns expressed by some stakeholders about the schemes' perceived association with paramilitary groups. They acknowledge that the world has moved on and a review of the protocol in light of operational experience is overdue. Inspectors concur with this assessment.
- 5.4 The perceived political allegiances of the main figures involved in the schemes are still a barrier to participation by representatives of other political parties. Those who have been consistently sceptical and critical of the schemes remain so, and although the schemes claim to have made efforts to represent themselves, Inspectors found little tangible evidence of progress in this regard. Most of the organisations and individuals canvassed in this inspection about CRJI's operation of the protocol or indeed its wider activities were supportive and believed that they added real value to their local communities. The work undertaken by schemes in support of statutory agencies was valued and has created a climate where further joint working is being actively considered. The schemes do however need



to revise their complaints policy to ensure that it reaches the standards that can reasonably be expected of a voluntary/community organisation working within the criminal justice sector.

- 5.5 Inspector overall assessment is that the schemes are functioning well and in every other aspect of their work delivering real value to the organisations paying for their services. The pilot scheme whereby suitable youth cases can be identified and referred from the police holds some promise and will be subject to full evaluation at the expiration of the period of the pilot.
- 5.6 The relationship with the PSNI has been taken to a new level and one where daily contact is occurring between front line officers and members of the schemes. We found that the schemes were consistently supporting the police in dealing with serious crime through community engagement and providing important feedback when the police were getting it wrong, and helping them restore the equilibrium with the community.
- 5.7 The schemes are increasingly assuming a role where they are attempting to influence dissident republican paramilitaries and other armed groups from intimidation, expulsions and violence. This work is valued particularly by the police, local community and some political leadership and is seen as an important element in ensuring that these events do not become commonplace.
- 5.8 The long term future for the schemes beyond March 2012 is uncertain as it is for many other community-based organisations. The austerity measures as a result of the economic situation will undoubtedly impact on CRJI's operations. The schemes understand the importance of mainstreaming their work within the fabric of community safety, and CJI would suggest this is a natural progression given their origins and development to date.



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