



# Restorative Justice Consortium

## PRINCIPLES OF RESTORATIVE PROCESSES

**December 2004**

The Consortium was formed in 1997 to:

- Encourage the development of restorative justice within the criminal justice system and anywhere where conflict arises;
- Provide principles for standards of practice;
- Share and exchange information about RJ; and
- Promote understanding and use of RJ by the community.

It is a registered charity and is the independent, umbrella, membership organisation for those involved and/ or interested in Restorative Justice.

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**This Statement of Principles is a revised version of the Statement of Restorative Justice Principles published in 2002.**

**These Principles form the basis for restorative practices in all settings, using all models, where the primary aims are to repair harm and promote dialogue.**

**This document will be reviewed on a regular basis and may be amended following consultation.**

**This document will be followed by an explanatory document, which will go through each principle and explain in more detail their meaning. This will be particularly aimed at those new to Restorative processes.**

**Restorative practices are underpinned by a set of values, these include: Empowerment, Honesty, Respect, Engagement, Voluntarism, Healing, Restoration, Personal Accountability, Inclusiveness, Collaboration, and Problem-solving.**

## **Processes**

**1/ Primary aim to be the repair of harm**

**2/ Agreement about essential facts of the incident and an acceptance of some involvement by the person who caused the harm.**

**3/ Participation to be voluntary<sup>1</sup> for all participants and based on informed choice. This also applies to what is included in any outcome agreement, and any consequence for non-participation/ compliance<sup>2</sup> to be made clear.**

**4/ Adequate time to be given to participants to decide whether to take part and to consult with others, if they wish.**

**5/ Acknowledgement of the harm or loss experienced by the person harmed, respect for the feelings of participants, and an opportunity for the resulting needs to be considered and where possible met.**

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<sup>1</sup> Further discussions around what the word 'voluntary' means with regard to the offender will take place in 2005.

<sup>2</sup> It is recognised that non-compliance of a voluntary agreement may lead to an additional penalty in some circumstances, this must also be made clear at the outset.

**6/** The person/s who have been harmed or suffered loss to be (if they wish) the primary beneficiary of any reparation agreed with the person who has caused the harm<sup>3</sup>.

**7/** Where harm is repaired or amends made, this to be acknowledged and valued.

**8/** The person/s who has harmed and the person/s harmed are the primary participants of any restorative process.

**9/** Restorative practitioners to be seen as neutral by participants,<sup>4</sup> and to act impartially.

### **Equalities/ Diversity/Non-discrimination**

**10/** Participants not to be discriminated against for any reason.

**11/** Diversity to be respected.

**12/** Respectful behaviour to be maintained in restorative processes, whilst enabling emotions and needs to be expressed.

**13/** The rule of law to be up-held<sup>5</sup>.

**14/** Respect for the dignity of all participants at all times.

### **Information, Choice and Safety**

**15/** Access to information and referral to other organisations who might offer assistance to participants, before, during, after or if they decline participation in a restorative process.

**16/** Opportunity to participate in a restorative process, except where there is a significant risk of further harm, there is disagreement about the critical facts, or parties do not wish to participate<sup>6</sup>

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<sup>3</sup> It may also be possible that if no agreement is reached with the person causing the harm, that the person harmed could receive some form of reparation in the form of community reparation.

<sup>4</sup> Whilst recognising that some participants may make unreasonable demands of the facilitator through sexism or racism for example.

<sup>5</sup> This includes human rights, Race Relations and Disability legislation.

<sup>6</sup> If person causing the harm refuses to participate, persons harmed could be offered communication with other persons who have harmed. If persons harmed do not wish to participate, the person causing the harm could communicate with other persons who have been harmed or make amends to a community.

**17/** Ensuring choice is available to the participants regarding restorative processes, including direct and indirect forms of communication and the nature of any reparation.

**18/** Safety of participants before, during and after participation in a restorative process.

**19/** Additional protection and support for the particularly vulnerable to enable full participation.

**20/** Restorative Practitioners to keep confidential the content of restorative communications and personal information, subject to the informed consent of participants, the requirements of the law, and their agencies` policies<sup>7</sup>.

**21/** Restorative agreements to be fair, appropriate to the harm done<sup>8</sup> and achievable.

### **Agreements/Outcomes**

**22/** Outcomes of a restorative process to be monitored and timely action taken should a problem occur. Any developments should be communicated to participants, unless they have asked not to be contacted.

**23/** Evaluation of processes and outcomes to be carried out wherever possible.

**24/** Learning from restorative processes to lead to a reduction in harm and the fear of crime; whilst encouraging cultural and behavioural change amongst individuals and communities. This in turn can lead to improved social harmony and safer communities. Therefore, where appropriate, practitioners and services are encouraged to find ways to safely promote this learning to others.

### **Organisation/policies**

**25/** Those agencies/individuals carrying out restorative practices to have a commitment to practice based on the needs of the participants.

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<sup>7</sup> Restorative practitioners need to be clear about their agency policy and legal requirements and this should be communicated clearly to participants.

<sup>8</sup> Appropriate as agreed by the primary participants, not necessarily by agencies or restorative practitioners.

**26/** Organisations to be encouraged to use restorative principles in other areas of conflict, such as internal grievance, disciplinary systems, and external procedures e.g., client complaints, wherever possible.

**27/** Organisations and practitioners to have a commitment to high quality restorative practice through appropriate training, services and support for practitioners, and complying with the best practice guidance available at the time.

**28/** To provide best outcomes for participants, organisations carrying out restorative processes to ensure co-ordinated multi-agency working is established.