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| **Dealing with offending behaviour: Restorative justice** | | | |
| **Restorative justice AO1** | | | |
| Changing The Emphasis  A person convicted of a criminal offence used to be regarded as having committed a crime against the state. Restorative justice programmes switch the emphasis from the needs of the state (enforce law and punish) to the needs of the victim (to move on). Victims are therefore encouraged to take an active role, whilst offenders are required to take responsibility. | | | |
| The Restorative Justice Process  Braithwaite (2004) stated that ‘crime hurts, justice should heal’. Restorative justice is a collaboration between the offender and the victim based on the principles of *healing* and *empowerment.* A supervised meeting is organised ( a trained mediator will attend) in which the victim can confront the offender and explain the impact of the crime on them. The offender is able to see the consequences of their actions, including emotional distress. This is a vital part of the rehabilitation process. | | | |
| Key Features   * Focus on acceptance of responsibility and positive change for people who harm others; less emphasis on punishment * Not restricted to courtrooms; ‘survivors’ (not ‘victims’) and those responsible for harm may meet face-to-face in a non-courtroom setting. Other relevant community members can also be involved. * Active rather than passive involvement of all parties * Focus on positive outcomes for survivors and those responsible | | | |
| Variations  Sometimes the offender may make financial restitution to the victim which may reflect the psychological damage caused (or sometimes physical damage). If there was damage to property, the offender themselves may repair the damage. Restorative justice is flexible and can be an alternative to prison, or as an incentive to reduce the sentence. | | | |
| The Restorative Justice Council (RJC)  The RJC is an independent body whose role is to establish clear standards for the use of these programmes and to support the victims and the specialists in the field. The RJC advocates the use of restorative practice in preventing and managing conflict in many areas including schools, children’s services, workplaces, hospitals and communities, as well as prison. | | | |
| **Restorative justice AO3** | | | |
| **Diversity of programmes**  P: One strength of restorative justice is that, there is a degree of flexibility in the way in which programmes can be administered.  E: For example, unlike custodial sentencing, which tends to adopt a ‘one size fits all’ approach – restorative justice can cover a wide range of possible applications (including schools and hospitals).  E: This is a strength as the schemes can be adapted and tailored to the needs of the individual situation.  L: As a result as a result, the credibility of restorative justice programmes is reduced. | **Relies on offender showing remorse**  P: A weakness of the restorative justice programme a as a way of dealing with offending behaviour is that the success of it depends on the extent to which the offender feels remorse for their actions.  E: For example, the offender may sign up to the scheme to avoid prison, or for a promise of a reduced sentence, rather than a genuine willingness to want to make amends to the victim. The victim themselves may also have an ulterior motive – to seek revenge or retribution of their own.  E: This is a weakness because the restorative justice programmes may not lead to positive outcomes when participants do not agree to take part with the best of intentions.  L: As a result as a result, the credibility of restorative justice programmes is reduced. | **Expensive**  P: Another weakness of restorative justice is that it is not the most cost effective method of dealing with offending behaviour.  E: For example, the meeting between offender and victim may be an emotionally charged affair requiring the input of a skilled and experienced individual to act as mediator. Specialist professionals who are trained in these matters are likely to be expensive.  E: This is a weakness because as well as this restorative justice programmes often suffer from high dropout rates as offender or victim may ‘lose their nerve’ prior to the scheduled meeting and withdraw from the scheme. This means that, in practice, it may not always be the best and most cost-effective solution.  L: Consequently, the overall credibility of restorative justice programmes as a way of dealing with offending behaviour is questioned. | **Soft option**  P: A further issue with restorative justice as a way of dealing with offending behaviour is that it has been criticised as being a soft option.  E: For example restorative justice programmes do not satisfy all of the aims of custodial sentencing. The offenders do not experience deterrence or retribution.  E: This is a weakness because the offenders seem to be getting an easy escape from their crimes without much punishment.  L: Consequently, this weakens the credibility of restorative justice programmes as a way of dealing with offending. |