



THE RJ4ALL RESTORATIVE JUSTICE PRACTICE FRAMEWORK

VALUES, DEFINITIONS & STATUTORY COMPLIANCE



RESTORATIVE JUSTICE SERIES NO 60

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Restorative Justice for All (RJ4All) International Institute is an international Non-Governmental Organisation (NGO) with a mission to advance community and social cohesion at the local, national and international levels. Through our programmes, we redistribute power within society using education and the values and practices of restorative justice.

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April, 2024

FOREWORD

The fall and rise of restorative justice through history signifies not only its strengths, but also its weaknesses as an alternative form of conflict resolution, and as a peace-making process that aims to restore harm (Gavrielides, 2011). I have written and spoken openly about my strong feelings and evidence that I collected highlighting the community-led and community-born nature of restorative justice. This very organic nature of restorative justice is what creates its underlying ethos (Gavrielides, 2007), and which we must safeguard.

And there is a difference between restorative justice and restorative justice practice. While the former can guide our ethics and way of living (Gavrielides 2005; 2013), the latter can intercept formal justice procedures whether these belong to the criminal or civil law sphere, institutional conflicts or indeed any dispute that has taken a top-down resolution route.

Restorative justice can return conflicts to parties but while doing so we must take into consideration its fluid and adjustable nature. At the same time, it must be delivered according to its founding values and original purpose of providing restoration when other processes either failed or were not preferred by parties. Luckily, there are not many disagreements as to what constitutes the core restorative justice values. However, this is not the case when it comes to its standards, who gets to practise and who doesn't, what practice to choose and how to certify or accredit. I have written extensively about the power-interest battles that have weakened the restorative justice movement (Gavrielides 2021b; 2021c; 2008). It is not the intention of this Framework to either address, nor endorse these battles (or join them)!

Putting together an organisational policy for the safe and proper delivery of restorative justice practice was difficult. While restorative justice has been practised from the day RJ4All opened its doors, this is the first time the Institute is called to deliver its practices. So, the dilemma was a real one. How do we honour the RJ4All narrative for a community-led, community-born organic restorative justice, while ensuring that there is a blueprint for what is expected in practice? Thankfully, my trusted contacts within the field helped me to overcome this hurdle, and with their help and a lot of research, I constructed this Framework. I am particularly grateful to Ben Lyon (RJ4All Vice-president and independent senior restorative justice practitioner), Chris Straker (independent senior restorative justice practitioner), Robert E. Mackay (RJ4All Associate and independent senior restorative justice practitioner), Janine Carroll (Restorative Now), Sofia Sideridou (RJ4All Europe Manager), Anna Fosse-Galtier (RJ4All, UK Operations Director) and Arthur Gaillard, my research assistant.

GLOSSARY

DIRECT AND INDIRECT RESTORATIVE JUSTICE PRACTICE

Restorative justice means “any process whereby the victim and the offender are enabled, if they freely consent, to participate actively in the resolution of matters arising from the criminal offence¹ through the help of an impartial third party” (EU Victims Directive, 2012: definition).

Direct restorative justice practice involves a face-to-face and/or online encounter between harmed and harming parties, including Victim-Offender Mediation (VOM), Family Group Conferencing (FGC), Restorative Justice Circles (RJC) and Restorative Justice Boards (RJB).

Indirect restorative justice involves an indirect communication between harmed and harming parties including letters, video, or audio files.

RESTORATIVE JUSTICE

Restorative justice refers to “any process which enables those harmed by crime, and those responsible for that harm, if they freely consent, to participate actively in the resolution of matters arising from the offence, through the help of a trained and impartial third party” (Council of Europe, Recommendation on Restorative Justice in criminal matters, 2018).

A maximalistic definition from the literature is also applicable: “Restorative Justice is an ethos with practical goals, among which is to restore harm by including affected parties in a (direct or indirect) encounter and a process of understanding through voluntary and honest dialogue. Restorative justice adopts a fresh approach to conflicts and their control, retaining at the same time certain rehabilitative goals” ([Gavrielides 2020: 94](#)).

HARMED PARTY - VICTIM

Harmed party victim is “a natural person² who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence; family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person’s death; ‘family members’ means the spouse, the person who is living with the harmed party in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependents of the harmed party; ‘child’ means any person below 18 years of age” (EU Victims Directive, 2012). A harmed party is also understood as a “natural person or a group of individuals who have suffered harm independently of whether they are deemed as “harmed parties” under criminal jurisdiction or “claimant” under civil law.

HARMING PARTY - OFFENDER

Harming party or offender is a natural person (or a group of individuals) who has harmed an individual (or a group of individuals), an institution or a community of people independently of whether they are deemed as offenders under criminal law, or applicants under civil law.

¹ This Framework is also applicable where restorative justice practice is delivered within private/civil/common law.

² Introductory paragraph no.19, extract: “A person should be considered to be a harmed party regardless of whether a harming party is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between them” (Victims Directive, 2012).

RESTORATIVE JUSTICE PRACTITIONER & SENIOR RESTORATIVE JUSTICE PRACTITIONER

This Framework draws its understanding of who qualifies to be a restorative justice practitioner from the Victims Directive³. Qualification is not the result of any registration, and the latter cannot be used as evidence for the former. This Framework distinguishes levels of restorative justice practice to ensure that when complex cases are referred to RJ4All, they are appropriately allocated.

A restorative justice practitioner is an individual who has practised unsupervised for at least 6 months and has received appropriate training (e.g. in the form of a series of short, certified courses or a Level 4 Diploma in restorative justice practice – or equivalent)⁴.

A senior restorative justice practitioner is an individual who has practised unsupervised for at least 2 years (including managing complex cases) and has received appropriate training (e.g. in the form of a series of short, certified courses or a Level 4 Diploma in restorative justice practice – or equivalent).

RESTORATIVE JUSTICE SERVICE

Restorative justice service involves at least one senior restorative justice practitioner and one restorative justice practitioner.

COMPLEX CASES

Complex cases are defined as harmful incidents involving a power imbalance between the harming and harmed party, and where this imbalance may generate further victimisation and risks for all parties involved⁵.



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³ According to Article 25 para 4 “Through their public services or by funding harmed party support organisations, Member States shall encourage initiatives enabling those providing harmed party support and restorative justice services to receive adequate training to a level appropriate to their contact with harmed parties and observe professional standards to ensure such services are provided in an impartial, respectful, and professional manner.

⁴ Where the individual opts to act contractually as a sole trader, “restorative justice practitioner” is the legal entity representing the individual. This is also the case for a “senior restorative justice practitioner”.

⁵ Examples of complex cases include sexual abuse, child sexual abuse, hate motivated incidents, gun crime, knife crime, organised crime. Cases considered as not complex include shoplifting, theft, physical or property violence, neighbourhood disputes.

PREAMBLE

PURPOSE & OBJECTIVES OF THE FRAMEWORK

This practice framework (“The Framework”) is an internal regulatory policy that is mandatory for anyone practising restorative justice on behalf of the Restorative Justice for All International Institute (“RJ4All”).

The Framework aims to ensure that when delivering restorative justice, RJ4All:

- Complies with international legal standards and obligations.
- Follows best practice guidance as this is outlined by:
 - The United Nations
 - The European Commission
 - The Council of Europe.
- Complies with legislation in the United Kingdom including:
 - England and Wales
 - Scotland
 - Northern Ireland.
- Delivers to the highest standards, respecting the rights and freedoms of all parties involved.
- Is consistent in its application and able to articulate the reasons where variations may take place.

SCOPE OF THE FRAMEWORK

This Framework applies to cases that fall within the youth justice and criminal justice systems, as well as private and civil law cases, common law disputes and cases diverted from internal disciplinary and administrative bodies.

Cases can be the result of either a self-referral or a formal referral from youth justice⁶ and criminal justice⁷ agencies, other formal justice sector agencies, institutions as well as from other public sector organisations⁸ and third-party reporting centres⁹.

The Framework applies to direct encounters in-person or online. Where indirect restorative justice is delivered, the Framework is also applicable¹⁰.

REGISTRATION FRAMEWORKS & PRE-REQUISITES

RJ4All operates an open, inclusive and transparent [International Fellowship of Restorative Justice Practitioners \(IFRJP\)](#) that is free to join either online or in-person¹¹. Applying to the IFRJP and being approved is a pre-requisite for practising under the auspices of RJ4All, and for using this Framework¹².

⁶ Examples: youth offending teams and panels, Local Authorities, youth offending services, pupil referral units, the secure estate.

⁷ Examples: police, Safer Neighbourhood Teams, Crown Prosecution Service, courts, prisons, probation service.

⁸ Examples: hospitals, schools, universities, social services, children services.

⁹ Examples: complex cases centres, community organisations, charities, help lines.

¹⁰ The Framework does not apply to RJ4All services that do not involve a referral/self-referral and where restorative justice may be used as a methodology to achieve other outcomes other than restoring harm e.g. healing and well-being circles, circles of support, and community circle consultations.

To apply to join the Fellowship <https://rj4all.org/ifrjp/>

¹² RJ4All does not believe in the value of paid registers for restorative justice practitioners. The extant literature and many restorative justice leaders have advocated against such initiatives as they go against the very nature of restorative justice as a community-born and a community-led justice alternative (Braithwaite, 2002; Johnstone, 2018; Gavrielides, 2023). Despite good intentions, paid Registration Frameworks run the risk of creating top-down structures that control communities instead of protecting them. They can exclude (e.g. only for those that can afford to be registered), and discriminate (e.g. accessible only to mainstream groups) while limiting the innovative nature of restorative justice practice.

The RJ4All Restorative Justice Framework is an up-to-date guide in implementing restorative justice through its practices of victim-offender mediation, circles, conferences and restorative justice boards. It applies to both direct and indirect restorative justice whether conducted face-to-face, or online. The e-book provides key definitions, framing restorative justice practice within international and national statutory regulations.

The Framework has been put together in consultation with restorative justice practitioners and is based on the extant literature and available best practice evidence. It has been drawn in line with RJ4All's position against the standardisation of restorative justice. The Framework aims to honour the agreed core restorative justice values and principles for delivering a safe, impartial, confidential, fair, voluntary and high-quality restorative justice practice that is free from domination, discrimination, bias and power abuse.

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