

Restorative Justice

7.30 pm

Baroness Miller of Chilthorne Domer asked Her Majesty's Government what plans they have to develop restorative justice schemes.

26 Nov 2007 : Column 1101

The noble Baroness said: My Lords, I thank noble Lords who have put their names down to speak in this debate. Many of them will, no doubt, know far more about this subject than I do. This is a critical time in the Government's thinking in which to raise this issue and to hear from noble Lords and from the Minister about the way forward.

Restorative justice has several definitions. One is that it is a process that,

“seeks to balance the concerns of the victim and the community with the need to reintegrate the offender into society”.

Another is that it,

“seeks to assist the recovery of the victim and enables all parties with a stake in the justice process to participate fully in it”.

There was a moment when the Government seemed very keen on restorative justice. Back in 2003, the then Home Secretary, David Blunkett, spent some time talking about it. He identified it as,

“faster, more cost effective justice”,

and had an important vision of the role it would play for victims of crime. He said:

“This is something a prison sentence on its own can never do and can enable victims to move on and carry on with their lives”.

There are different categories of restorative justice: restorative justice in schools; post-sentence restorative justice, such as David Blunkett was talking about; and restorative justice as part of a community policing programme. My contribution will concern restorative justice as part of a community policing programme because in the West Country, where I come from, there is a pioneering scheme. I was motivated to table this Question because, given the very positive results we are seeing from that scheme—I think the Government accept that they are positive—I want to find out why the Government have not more wholeheartedly supported it and whether they are committed to the future of such schemes. I must declare an interest in that that panel was

developed by Somerset County Council, of which I was a member until 2005, and in particular by Councillor Jill Shortland, who is now leader of that council and member for Chard.

She worked closely with Avon and Somerset police, and between them, and with a great deal of enthusiasm and drive from the community, they established a community justice panel in 2005. It is run by a professional, Val Keitch. She is a pretty rare person because she is particularly well qualified, having been a probation officer, a social worker and a prison officer. Those are perfect, but rare, qualifications for the job. It is staffed by volunteers trained from the community. It deals with low-level crime and anti-social behaviour, the things that the community was having a great deal of difficulty with and which it wanted to do something about. The local paper was a great help in identifying this particular way forward as the way in which to deal with behaviour that was worrying that town.

The police—beat officers—decide which offences are referred to the panel. The reoffending rate is remarkably low. The last written figures I have are from March 2007 when the panel had heard 107 cases, of which one was a reoffence. By now, it has heard 155 cases, of which five were reoffences. Apart from those impressive figures, it saves court time and forges stronger links between police and community. It has had many

26 Nov 2007 : Column 1102

visitors, some of whom were from the Government. Even the Lord Chancellor has visited the scheme. There is certainly interest in it. I shall return at the end of my speech to why I am concerned about how the Government view the future of the scheme.

First, I shall talk about the scheme in south Bristol. If noble Lords are interested, Chief Inspector Andy Bennett of the Avon and Somerset police has an excellent blog about the scheme. It describes the starting point, which was that he was very concerned about the unnecessary criminalisation of young people. It was from remarks made by Rod Morgan, the ex-chair of the Youth Justice Board, that Andy Bennett took his cue. He writes:

“I am proud to say this is not the attitude of the Avon and Somerset Police. South Bristol is now taking the lead on an extended Youth Restorative Justice project that will provide an alternative to a criminal record for some young offenders”.

He explains how the police want to develop a Chard-type community panel especially because:

“It will close a gap in Knowle West where some still feel disengaged from authority”.

The blog has questions from the community about how the scheme will work:

“Who will run the panels if not police? How will they be chosen? When do you think this project may start?”.

Andy Bennett answers:

“We will advertise. The community panel will be selected from local volunteers both from agencies and general public. They will be fully security checked and we will have a thorough selection process. They will then be trained. We hope this may start early in the new year funding allowing”.

He identifies the first issue that I want to raise with the Minister tonight when he writes that:

“They will be competing for money along with Youth Intervention Panels (YIP’s) and Youth Offending Teams (YOT’s)”.

Is it not unacceptable that these schemes should be competing with each other for funding? They are all innovative, and they all deserve a chance of being funded correctly. The Home Office funds short-term pilots, which is good, and councils and local police forces commit the money that they can, but the savings are made by the justice system and, I imagine, instead of being put back into developing the schemes and securing their future, they are simply kept as savings.

I could cite many other examples. The Children’s Society has a youth justice project in the north-east. It has outstandingly good results, as 80 per cent of young people who participated in face-to-face mediation have not reoffended. I am sure that the Minister and other noble Lords will be aware of similar schemes.

I shall ask the Minister a series of questions concerning restorative justice. Will it be integrated into the new victim care units? Will it be built into the new code for conditional cautioning? How will the local criminal justice boards measure their success in providing restorative justice?

One of the most fundamental difficulties that the Chard panel has come across is targets. As far as the police are concerned, a referral to the panel does not count as a sanctioned detection unless it is accompanied by a fixed-penalty fine, which they have found is a way

26 Nov 2007 : Column 1103

round it because that may not be appropriate in the cases they are hearing. However, unless the police get that fixed-penalty fine, the outcome of the panel is not recorded as successful. That should certainly be changed. That should be counted as an offence brought to justice.

As the panels develop throughout the country, as I hope that they will, there needs to be infrastructural support. With funding, the Restorative Justice

Consortium could be a point of reference for good practice, information and consultancy—and quality assurance, which is very necessary.

Finally, those schemes need some encouragement. They need to hear from the Government that the work that they do is important and valued. Restorative justice must be a central theme in government statements on victim work and justice in general.

7.40 pm

Lord Warner: My Lords, I congratulate the noble Baroness on securing this debate on this important subject, which still does not receive the attention and support that it deserves from what I would describe as criminal justice aficionados. I recognise that restorative justice goes wider than criminal justice, but I want to concentrate on criminal justice issues tonight, although more widely than just youth justice issues.

I first became involved with restorative justice more than 10 years ago as a special adviser to the Home Secretary. I was sitting in a rather unprepossessing hall in Aylesbury, watching an RJ-trained Thames Valley police constable conduct an interview, a restorative conference, with a young offender. I watched him get that young offender to face up to the consequences of his actions and achieve far more satisfaction for the victim, who was there, and far more understanding on the part of the victim, than was ever achieved in the traditional criminal justice processes.

Here I pay tribute to Sir Charles Pollard, then the chief constable of Thames Valley and now chairman of the not-for-profit organisation Restorative Solutions, for the part that he has played in pioneering restorative justice in this country. When I chaired the new Youth Justice Board between 1998 and 2003, Charles and I, with a number of other people, were able to establish restorative justice as a key part of the new reformed youth justice system. By one of life's strange symmetries, the person who was most supportive of that was my right honourable friend Jack Straw, the then Home Secretary. It is good to see him back in charge of this territory. For the rest of my speech, I would like to provide him with what I would call a little shopping list of modest proposals that will enable us to take restorative justice further forward along the path of being well established as part of the criminal justice system.

Before turning to my shopping list, I should like to draw the House's attention to a publication by the Smith Institute issued in February and authored by two distinguished academics, Larry Sherman and Heather Strang. It sets out the findings from a considerable volume of research on restorative justice both in this country and abroad, especially in the

26 Nov 2007 : Column 1104

United States and Australia. It shows the advantages of RJ not just in youth justice but across violent and property crime by adults.

Across 36 direct comparisons to conventional criminal justice, RJ can be shown to have substantially reduced repeat offending; doubled, or more, offences brought to justice as diversion from criminal justice; reduced crime victims' stress and the related costs; provided victims with more satisfaction with justice than the criminal justice system did and reduced their desire for revenge; and reduced the cost of the criminal justice system through diversion of inappropriate cases through that system.

Perhaps especially significantly, the study shows restorative justice reducing recidivism more than prison among adults did or as well as prison among youths did. Six rigorous field tests, three of which involved randomised controlled trials, found that RJ reduced recidivism after both adult and youth violent offences. RJ is not just for low-level offences; it can be for very serious and prolific offenders.

To all those sceptics who say that RJ has not been properly evaluated—there are still plenty of them about in the criminal justice system—I suggest that they take the trouble to read the Sherman and Strang document. Some would say that RJ has been subjected to far more high-quality evaluation than some of the other initiatives that have been tried nationally in our criminal justice system. There is a myth around that RJ is in some way a soft option because it does not involve enough punishment. The research shows that offenders find it tougher to face their victims than to go to court. Another myth is that it is costly. Even the most expensive RJ conferences—those for serious crimes—cost only £800, compared with the £35,000 a year that we pay to keep someone in prison. It is time for us to stop endlessly studying and evaluating RJ and to use it much more widely in the areas where it has proven value.

I turn to my shopping list of five key specific proposals of relatively modest cost, not all of which need be funded centrally. As the noble Baroness, Lady Miller, said, a lot of this is about encouraging people locally to run with the ball in this area.

My first proposal is that we should support local criminal justice boards in developing RJ centres. Secondly, we should re-establish the RJ organisation within the Metropolitan Police area, the biggest police force in the country, in liaison with the CPS and the Prison Service, to promote the use of RJ conferences for serious crime cases in London between pleas of guilty and sentence in the Crown Courts. That was done in a Government-funded trial between 2002 and 2004. Thirdly, we should fund the expansion and quality improvement of RJ in our youth justice system by supporting the Youth Justice Board's proposals in this area. Fourthly, we should ensure that we continue to fund the Thames Valley scheme, which does similar work with serious offenders to that done in London, but which is in grave danger of being forced to end through lack of funding.

Fifthly, picking up some of the points made by the noble Baroness, Lady Miller, we should support the police service in developing RJ both for tackling prolific

26 Nov 2007 : Column 1105

and priority offenders and in neighbourhood policing. In the latter connection, as the noble Baroness mentioned, some neighbourhood policing teams plus local authority staff working with them in areas such as Avon and Somerset, Lancashire and Cheshire are already trained in restorative approaches. Too often, there are perverse incentives in police key performance indicators that drag young offenders into the criminal justice system rather than diverting them by using RJ approaches. The Government need to look at whether some of those KPIs have unintended consequences that are stopping the police using restorative approaches.

Christmas is approaching. If my noble friend could take my list back to Santa's grotto in Selbourne House, have it considered and let me know the outcome, I would be most grateful. While he is doing that, he might also look at the Civil Service staffing for supporting RJ. My reliable sources tell me that it is 10 per cent of one person across three departments. I know how busy his department and other departments are, but a little more oomph in Civil Service staffing to support restorative justice would not come amiss.

In conclusion, the Government deserve huge credit for getting RJ established in this country. They did it when no one else was doing it, but my sense is that, when my right honourable friend left the Home Office, the foot was taken a bit off the accelerator in this area. I hope that it can be reapplied, so that RJ can be more securely established as a key part of our criminal justice system.

7.49 pm

Lord Thomas of Gresford: My Lords, I, too, thank my noble friend Lady Miller for introducing this very important issue into debate today.

I have a few statistics. The *Reducing Reoffending by Ex-prisoners* report by the Social Exclusion Unit demonstrated that more than 25 per cent of prisoners had been taken into care as a child compared with 2 per cent of the population; 43 per cent of prisoners had a family member who had been convicted of a criminal offence; and 35 per cent had a family member who had actually been in prison. A half of male and a third of female sentenced prisoners have been excluded from school. A half of male prisoners and seven out of 10 female prisoners have no qualifications. Two-thirds of prisoners have numeracy skills at or below the level expected of an 11 year-old, and a half have a reading ability and 82 per cent have writing ability at or below this level. Two-thirds of prisoners were unemployed in the four weeks before imprisonment, and around 70 per cent of prisoners suffer from two or more mental disorders; in the general population, the figures are 5 per cent for men and 2 per cent for women. In the course of my career as a criminal advocate, I have come to the conclusion that the vast majority of those who are convicted of crime are damaged people: damaged by their parents, by their schools, by the society in which they live. It is necessary to approach criminal defendants from that standpoint.

The Criminal Justice Act 2003 defines the purposes of sentencing as: first, the punishment of offenders; secondly, the reduction of crime, including its reduction

26 Nov 2007 : Column 1106

by deterrence; thirdly, the reform and rehabilitation of offenders; fourthly, the protection of the public; and, finally, the making of reparation by offenders to persons who have been affected by their offences. These are not complementary purposes; they compete. Prison sentences may reduce crime and protect the public for a temporary period, but offenders will be released in due course and the system catches up with itself in a very finite number of years. The more people there are in prison, the less room there is for reform and rehabilitation within the prison system and the fewer resources there are for those who are treated without it.

The rate of reoffending is absolutely unacceptable and is higher than it has ever been. In the past few years, it has gone up from 58 per cent to 67 per cent at a time when crime has been falling. The motto is not that prison works but that prison fails. Each time a person is imprisoned, the chances increase that he or she will be imprisoned again. Imprisonment creates social exclusion and homelessness, splits up families and carries a stigma for all time. The criminal justice system has its limitations. Increasingly, it is being used not to punish a crime that has happened but to attempt to control future behaviour and risk: hence the use of ASBOs, control orders, serious crime orders and so on. I have railed against those on many occasions, and I shall not take the time to do so again tonight.

The courts have developed over centuries to try charges arising out of crimes that have been committed and to sentence the convicted. They are blunt instruments for reducing crime in society, for providing remedies to victims, and for rehabilitating individual offenders. The deterrent effect of prison is negated if the chances of being caught and punished are minimal. Nor does a spell in prison encourage the prisoner to behave with consideration for others on his release. There is therefore a need to address some of the aims that are expressed in the Criminal Justice Act 2003 by other means. It is interesting to compare the aims of that Act with the Macrory report published by the Better Regulation Executive a year ago. That report considered the purposes of sanctions for regulatory offences. The first aim was not punishment but changing the behaviour of the offender. The second aim was to eliminate any financial gain or benefit from non-compliance. The third aim was to be responsive and to consider what is appropriate for the particular offender. The fourth aim was for sanctions to be proportionate to the nature of the offence and the harm caused. Your Lordships will see that in the aims set out in the report, there is no mention of punishment simply for its own sake. Unfortunately, the report's recommendation that restorative justice techniques be applied in this field has not been carried into the Regulatory Enforcement and Sanctions Bill introduced on 8 November.

The principle behind restorative justice is to bring home to the offender the gravity of his offence and its impact on the victim. I have seen many defendants who really do not appreciate that they have harmed other people. It simply does not cross their mind that other people feel as they do or are subject to hurt as a result of what they have done. The noble Lord, Lord Warner, to whom I pay tribute for his work with the Youth Justice Board, referred to the Sherman and

26 Nov 2007 : Column 1107

Strang report, which showed that experience of restorative justice schemes demonstrates that it is possible to change behaviour through a realisation on the part of the offender that other people are harmed. If we can make offenders concerned more about harming others rather than making them afraid of punishment—of going to prison, and so on—they will be on their way to taking their place once more in the community.

When a dispute has resulted in criminal damage or an assault, let us deal with the dispute by referring the matter to a community mediation centre. The victim should be given the opportunity to meet the offender and to discuss why he did what he did and how he can make reparation both to the victim and to society at large. This could include compensation to the victim and co-operation in rehabilitation programmes. Society's interests can be protected by appropriately trained mediators.

When should restorative justice be employed? I suggest that it could be employed first to resolve neighbour or family disputes. That is an obvious area in which mediation is better than the criminal process. Secondly, it could be employed as an alternative to a caution, or as part of a caution, as was suggested earlier. Thirdly, it could be employed as part of a post-conviction but pre-sentencing exercise. The noble Lord, Lord Warner, referred to the pilot in the metropolitan area, which should be returned to and expanded. Finally, it could be employed as part of a sentence, subject to the consent of the defendant.

The Youth Justice Board has enthusiastically supported restorative justice. In its report published last year, it committed itself to developing a full project plan within the secure estate to assist in managing behaviour. The report said:

“Restorative justice can help to resolve conflict and the harm caused by aggressive, violent and bullying behaviour, and over time young people can begin to develop their own problem-solving skills. In young offender institutions ... restorative justice can also be used as part of the adjudication process. Secure training centres and secure children's homes can use restorative justice in equivalent processes.

“Additionally, restorative justice will be part of the sentence plans of young people who offend, involving the community and victims, with the option of direct or indirect restorative justice work, including participation in restorative projects to benefit the local community.

“During 2007, the YJB will commission a review of current restorative justice practice, the results and recommendations of which will inform the development of a restorative justice strategy for the secure estate for children and young people, to be implemented from 2007-08”.

Will the Minister say what has happened? Has that review been commissioned? If so, has it been published? If it has, what action has been taken? This is an important issue, and I repeat that I am very grateful to my noble friend for raising it on the Floor of the House tonight. I hope that this will be part of a continuing debate that will see these principles put widely into practice.

8 pm

Lord Henley: My Lords, I, too, thank the noble Baroness, Lady Miller, for introducing this debate on restorative justice. I was personally grateful to hear

26 Nov 2007 : Column 1108

what she said about the schemes in south Bristol and Somerset, on which I should like to hear more in due course. I also was grateful to the noble Lord, Lord Thomas of Gresford, for what he said about mediation, particularly mediation in family and neighbourhood disputes and extending that to criminal matters. As someone who has been briefly involved in the world of mediation, although entirely on the civil side, I can see that some of the techniques available there could be extended into this field. But that might be a matter for debate on another occasion. It certainly is something that I have privately raised with predecessors of the noble Lord.

All questions relating to restorative justice and therefore prisons are always timely when we have, as again the noble Lord, Lord Thomas, reminded us, record numbers in prison, record overcrowding, and, I have to say, a Government who appear not to know what to do about it other than to release offenders early. I have a number of questions that I should like to put to the noble Lord. Before I ask anything, I should like to say that in a speech this morning my honourable friend the Shadow Secretary of State for Justice, Nick Herbert, made it clear to Policy Exchange that he will be looking at restorative justice as part of our whole review of prisons and sentencing policy. Obviously, in the debate on prisons we will have to look at adequate capacity. There is no point stuffing more people into prison if you end up with three people to a cell or whatever.

He will also be looking, as we debated only last week, at purposeful activity in prisons. Again I am grateful to the noble Lord for replying to me following last week's debate. No doubt, we will need to look at that in due course. Purposeful activity also applies to rehabilitation and restoration in prisons. That review will look at new prisons and not just at the age of some of them. But I would remind the noble Lord that more than 30 prisons are over 100 years old and something like one-sixth of our stock is 150 years old. In

prisons of that age, anything that goes on inside them, particularly as regards overcrowding, becomes that much harder.

The noble Lord, Lord Warner, rightly pointed out that we need to look at what might be called “unlocking” resources. It costs something of the order of £49,000 per annum per prisoner, plus the cost of reoffending. Perhaps the Minister will give us the reoffending figures, which I should like to remind him have soared since 1998. When looking at those costs, anything—such as restorative justice, which, as the noble Lord, Lord Warner, pointed out could be done at a much cheaper rate and could produce much lower rates of recidivism—must be worth looking at.

I have a number of questions on restorative justice. What do the Government mean by restorative justice? Perhaps I may refer the noble Lord to a response from the Government to a parliamentary Question for Written Answer. They said:

“It is for local criminal justice boards and other criminal justice agencies to consider how best to use their funding to meet their targets and local needs and a number of areas have established schemes to deliver adult restorative justice”.

26 Nov 2007 : Column 1109

They also said:

“The Government’s strategy is to encourage, but not require, the use of adult restorative justice whilst building the evidence base to establish the impact of its use, particularly in relation to reoffending. It has [commissioned independent research to evaluate] the crime reduction programme restorative justice pilots [which] is expected to be completed and published this year and this will inform future strategy”.—[*Official Report*, 14/6/07; col. WA277.]

Obviously, I should like to know when the Government will respond to that. The year is coming towards its conclusion. I remember, in a department that I was once involved in, promising to publish the result of something at some time later in the spring. We managed to spin spring out until July, which was pushing it a bit, but the noble Lord does not have many more weeks should he want to respond this year, unless he has another means of defining the year. No doubt the noble Lord will let us know in due course.

Secondly, how can the Minister ensure that the results of individual restorative justice meetings are presented to relevant criminal justice practitioners so that they have an idea of how these things can work? Thirdly, some would say—I do not necessarily always agree with this—that direct mediation or conferencing offers the best outcomes, but some people are understandably unwilling to engage in these face-to-face contracts. What is the Minister’s opinion of their ability to access restorative justice programmes? Should other

forms be offered or should this willingness be a prerequisite before they embark on it?

Fourthly, what is the Minister's assessment of the involvement of the voluntary sector in restorative justice schemes? Again, I am grateful to the noble Baroness, Lady Miller, who referred to the Children's Society. Finally, what is the Minister's assessment of the overall effect of restorative justice on reoffending? Does he or the department have any figures that they can offer to the House on this occasion? I hope that that is sufficient for the noble Lord and that he has got sufficient from all other speakers in this debate. I am sure that this is a matter to which we will all want to return. In the mean time, I look forward to hearing the Minister's response.

8.08 pm

The Parliamentary Under-Secretary of State, Ministry of Justice (Lord Hunt of Kings Heath): My Lords, first, I thank the noble Baroness for allowing us to address this important matter again following the Oral Question a few weeks ago. It is helpful for us to discuss this matter on a regular basis and I very much welcome the contributions that all noble Lords have made to this debate. In view of the comments that have been raised, I assure noble Lords that the Government remain extremely interested in the concept of restorative justice. I was very interested in my noble friend's comments about his visit to Aylesbury and, of course, I have noted his shopping list. I assure him that I will take this back, together with the other comments of noble Lords, to make sure that this is considered in conjunction with the outcome of the fourth piece of research, to which the noble Lord, Lord Henley, alluded.

I accept and have taken note of my noble friend's comment about the moral support that he wishes us to give to the local criminal justice board, his point about

26 Nov 2007 : Column 1110

funding, and the impact of KPIs and whether they run together with restorative justice. All those are very worthy points. To the noble Lord, Lord Thomas of Gresford, I say that in our debates about prisons and offenders, once again he returns to some of the stark statistics about the lack of educational attainment among many offenders. He raised again health, and particularly mental health, issues. I agree with him. The statistics are very stark. One should pay tribute to the work being done in prisons in terms of attempting to improve the educational attainment of prisoners and the tremendous efforts of the National Health Service, now that it has responsibility for primary care health facilities in our prisons. This takes us back to the interesting debate we had on purposeful activity only a few days ago.

The noble Lord, Lord Henley, referred to old stock. He is right, but having visited Gloucester jail last week, I was able to see the tremendous effort that has gone into creating one of the most improved prisons in the country. It is interesting to see just what can be done to enhance the lives and outcomes of

prisoners even in some of the most challenging circumstances. Furthermore, Gloucester jail suffered badly from the flooding of the River Severn earlier in the year.

I come back to the words of the noble Lord, Lord Thomas of Gresford, and his analysis of the challenges facing and aims of the criminal justice system, and I accept that restorative justice has a part to play in it. There is a strong case for the benefits of restorative justice. It brings victims, offenders and members of the wider community together to discuss why an offence was committed and its impact on the victim and, on occasion, to decide on the response to a crime. It can achieve, in principle at least, a number of positive outcomes: helping a victim to recover, and involving communities and—here I respond to the noble Lord, Lord Henley—the voluntary sector, thereby improving public confidence in our justice system. For some offenders, at least, it can be an important turning point away from crime. Restorative justice gives the victim an opportunity to exercise a greater voice in the criminal justice process, and it obliges offenders to face up to the impact of their actions and pay back to the community for their behaviour. I agree with my noble friend Lord Warner that restorative justice is anything but a soft option, and it should never be regarded as such. We know from the research that has been undertaken that it can be a very hard option indeed for many of the offenders involved.

We have heard this evening about a number of interesting local initiatives. The noble Baroness, Lady Miller, referred to some interesting work in the West Country, such as that in Avon and Somerset with the Chard and Ilminster restorative justice panel. She also mentioned the Bristol initiative, and I could add to that the work being done by Devon and Cornwall Constabulary to train more than 350 neighbourhood beat managers in restorative justice practices. I echo the noble Baroness in commending all those people who work so hard locally to put such projects into practice. She asked about future funding of the Chard and Ilminster panel. I understand that an evaluation

26 Nov 2007 : Column 1111

study is being carried out at the moment with a view to drawing up guidance for others interested in setting up similar schemes. One of the ways in which we are going to help to develop and spread restorative justice is by ensuring that good practice is publicised and made available to the various bodies involved at the local level.

The noble Lord, Lord Thomas of Gresford, made some important points about the use of restorative justice in youth custodial settings. I have come across this myself in preparation for our debate on the statutory instrument related to secure youth centres earlier in the year, and I was pleased to meet staff who were using the process. As he suggested, the Youth Justice Board has completed a review of restorative justice practices in the secure estate, and I understand that the findings of that review are being used to inform the development of the secure estate restorative justice action plan. I am not aware that the findings are in the public domain, but I will check on that and

write to the noble Lord with more details. I also echo the praise of my noble friend for the work of Sir Charles Pollard, whom I have met. Further, I have visited Cheshire Constabulary, which has also decided to embrace restorative justice processes.

There is no lack of enthusiasm on the part of my department in encouraging various local agencies and the voluntary sector to use restorative justice where they consider it appropriate, and I stress to the noble Lord, Lord Henley, that we are making sure that good practice is spread. National occupational standards based on best practice guidance were approved last year and form the basis of qualifications and support professionalism in the sector.

We come now to the \$64,000 question, which is that if restorative justice offers so much, what are the Government going to do to ensure that we move beyond good practice and where is the money to back that? I have to say that while I am prepared sympathetically to take my noble friend's shopping list back to the Secretary of State, the Ministry has decided that it is important to ensure that we have a robust evidence base before taking this further forward. There have now been three elements of the research commissioned by my department. They have shown some encouragement, but the fourth piece of research, which in a sense is the most important, concerns the whole issue of funding and cost-effectiveness. Three of the four research projects have now been published. These cover the setting up of the pilots, the delivery of process and levels of satisfaction with it. They show that restorative justice has been delivered safely and fairly. Where there was a choice to use restorative justice, I should say to the noble Lord, Lord Henley, that most participants opted for an indirect process rather than a face-to-face meeting. But what is interesting from the research is that where choice was restricted to just a direct meeting, that did not reduce participation rates. Most victims and offenders who took part were

26 Nov 2007 : Column 1112

satisfied with their experience. More than three-quarters of victims interviewed who participated in restorative conferences, which are a form of face-to-face restorative justice, would recommend restorative justice to others for similar offences.

I would be remiss if I did not point out that a significant number of victims interviewed—28 per cent—did not feel that the offender was sincere and almost half said that restorative justice had no effect in making them feel more secure. Some victims and offenders were not entirely happy about all aspects of the restorative justice process. None the less, the research shows promise and we need to consider it carefully.

We then come to the fourth and final report, which is looking at the effectiveness of restorative justice against cost. I know that some of the research that noble Lords have quoted shows promise but, as far as I understand it, there is very little published evidence on the cost, and hence

the cost-effectiveness, of restorative justice and particularly, as noble Lords have suggested, the link with reoffending. Although noble Lords would like me to wave a magic wand—

Lord Warner: My Lords, I am sorry to interrupt my noble friend, but one of the problems with much of the evaluation of restorative justice is that it sets the bar much higher than it is set in the evaluation of some existing practices. Restorative justice seems to have to prove a level of cost-effectiveness that some of the existing processes in the criminal justice system cannot get anywhere near. I ask the Government to think about whether we are comparing like with like or whether we are asking a new product, so to speak, to pass a higher test than some of the existing products in the system.

Lord Hunt of Kings Heath: My Lords, I hope that there will be a level playing field and that all developments in the criminal justice system will, as far as possible, be backed by a rigorous approach to research. That is clearly important.

All I would say to my noble friend is that I hope that the fourth and final report will provide an answer to many of the questions raised today by noble Lords and inform the question of future funding. The noble Lord, Lord Henley, asked me when the year ends. I am not prepared to give him a definitive answer on that at the moment. I hope that the report will be available as soon as possible. I am sure that it will inform our future debates.

This has been a useful and constructive debate. I shall give detailed answers on matters that I have not been able to cover in the 12 minutes that is given to me. I assure noble Lords that the Government remain of the view that restorative justice has an important role to play within the criminal justice system, but the question of priorities, funding and general resource positions will have to await the outcome of the fourth piece of research.

House adjourned at 8.21 pm.