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Justice Bill: Restorative Justice Amendments

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This paper provides an overview of the amendments to the Justice Bill relating to the transfer of powers and functions contained in section 43 of the Justice and Security (Northern Ireland) Act 2007 on restorative justice schemes from the Secretary of State to the Department of Justice.

This information is provided to Members of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

Key Points

- These amendments will transfer the powers and functions relating to restorative justice schemes from the Secretary of State to the Department of Justice.
- A review of the 2007 Restorative Justice Protocol and its operation was carried out in 2022 with the aim of increasing appropriate referrals from statutory bodies and expanding the work of restorative practice generally, in line with the Department of Justice's Adult Restorative Justice Strategy.
- A revised Restorative Justice Protocol was published in July 2023 and an Interim Protocol Lead (IPL) appointed in February 2024 to implement this. Work is currently underway by the IPL around setting training standards and designing a new Practice Standards and Accreditation Framework.
- Clause 26A in the Justice Bill removes Criminal Justice Inspection Northern Ireland's (CJINI) pre-accreditation inspection role. Instead the 2023 Protocol highlights that restorative justice organisations and independent restorative practitioners accredited under the Protocol shall be subject to inspection and review of their working practices by CJINI as part of its statutory functions. Clause 26A allows the Department to determine the necessary requirements for accreditation purposes and the revised Protocol also details an enhanced role for the IPL in this process.
- The removal of accredited status is currently only possible on the basis of a report from CJINI under the 2007 Act. However, under clause 26A(6) this is no longer the case and the 2023 Protocol highlights that a criminal justice agency can raise evidence-based concerns about an organisation or independent practitioner with the IPL.
- Clause 26A provides that accreditation can be removed by the Justice Minister if standards are no longer being met. This can be in relation to professionalism, quality of practice, adherence to the rule of law or failure to address concerns raised by the IPL. The 2023 Protocol highlights that all accredited organisations and individuals will be required to apply for reaccreditation every three years. Enhanced Access NI checks are also to be undertaken and repeated every three years under the requirements of the Protocol. Provision is also made for appeals against accreditation decisions by the Department.

- The Committee may wish to consider whether this legislative change will help to expand the number of accredited organisations and individuals delivering restorative justice. It is also worth scrutinising the remit of the IPL and querying the timeframe for the production of the Practice Standards and Accreditation Framework. The revised role for CJINI is also something which the Committee may wish to explore further. Further scrutiny points can be found in section 1.3.
- A longer-term funding strategy remains necessary to support increased capacity for restorative justice with recommendation A9 of the Fresh Start Agreement in 2016 on the establishment of a cross-Executive fund still outstanding.

Overview

The information contained in this paper provides an overview of further amendments to the Justice Bill provided to the Justice Committee for inclusion at the Consideration Stage. The amendments aim to transfer the accreditation of restorative justice schemes from the Secretary of State to the Department of Justice. This will restart the accreditation process for organisations wishing to deliver these schemes, formalising the process in legislation to ensure consistent standards and oversight.

This paper should be read in conjunction with the Research and Information Service Bill Paper on the Justice Bill (NIAR 089-2024).¹

1 Restorative Justice Schemes

What is Restorative Justice?

- Restorative justice is a voluntary process that brings together victims, offenders, and others affected by a crime to discuss the harm caused and how to repair it, with the help of a trained and impartial third party. It can be used alongside traditional criminal proceedings or, in some cases, as an agreed alternative. It aims to be a flexible,

¹ Northern Ireland Assembly Research and Information Service, [Justice Bill Paper](#) (September 2024)

participatory and problem-solving process involving the victim, offender, other affected parties and the wider community in addressing and repairing the harm caused by crime.²

- In Northern Ireland, community-based restorative justice (CBRJ) has been used to address low-level crime and anti-social behaviour since the 1990s.³ These schemes have been operated by two accredited umbrella organisations which receive funding from the Department of Justice and The Executive Office: Northern Ireland Alternatives and Community Restorative Justice Ireland.⁴

Statutory provision for formal restorative disposals has existed within the youth justice system for a number of years, both diversionary and as part of court-ordered community sentences. For example, through youth conferencing introduced by the Justice (Northern Ireland) Act 2002. The Committee will also be aware that the Department of Justice launched a consultation in April 2025 on a new single court-ordered community sentence for children to replace the existing seven orders currently available to courts.⁵ However, this will not impact on the proposed legislative changes contained in the Justice Bill.

Meanwhile no statutory basis currently exists for the use of restorative approaches in the adult justice system. Despite this, examples of good practice exist such as the Probation Board for Northern Ireland's Enhanced Combination Order initiative as an alternative to short-term prison sentences under 12 months⁶ and the PSNI's piloting

² Council of Europe, [Recommendation CM/Rec\(2018\)8 of the Committee of Ministers to Member States concerning Restorative Justice in Criminal Matters](#) (October 2018)

³ Northern Ireland Affairs Committee, [Draft Protocol for Community-Based Restorative Justice Schemes: First Report of Session 2006-07](#) (January 2007), page 3

⁴ Northern Ireland Assembly, [Written Question AQO 1033/22-27](#) (22 October 2024)

⁵ Department of Justice, [Long launches public consultation on a new single community court order for children](#) (April 2025)

⁶ Probation Board for Northern Ireland and Northern Ireland Statistics and Research Agency, [The Enhanced Combination Order October 2015 to November 2018](#) (March 2019)

of restorative interventions relating to Community Resolution Notices.⁷ The PPS Guidelines for the Use of Diversionary Disposals also provide for the use of restorative justice schemes in limited circumstances.⁸ A number of recent reviews of the justice system have recommended new statutory provision for restorative justice for over 18s, including Judge Marrinan's Review of Hate Crime Legislation and the Department's Review of Sentencing Policy. The Department's Sentencing Bill is expected to address this through, for example, giving the judiciary the option to impose a suspended sentence with a community component attached to this which could include restorative justice.⁹

In March 2022, the Department of Justice published an Adult Restorative Justice Strategy for Northern Ireland: Restoring Relationships, Redressing Harm 2022-2027. This strategy distinguishes between restorative practice as an *"approach used to strengthen and repair relationships between individuals as well as within communities"* with restorative justice representing a *"sub-set of these wider restorative practices"* which can be used to *"explore how individuals, families and sometimes communities have been affected by an offence and how to best repair the harm done"*.¹⁰ It notes that restorative justice should be *"second nature, not separate nature, within the Criminal Justice System and its partner organisations"*.¹¹

Research from England and Wales examining three restorative justice schemes between 2001 and 2008¹² indicated that restorative justice can be effective in meeting the needs of victims:

- 85 per cent of those involved in restorative interventions found them helpful;¹³

⁷ Northern Ireland Policing Board, [Question to the Chief Constable: Referrals made to restorative justice organisations](#) (February 2024)

⁸ Public Prosecution Service, [Guidelines for the Use of Diversionary Disposals](#) (June 2021), paragraph 3.4.11

⁹ Northern Ireland Assembly, [Public Accounts Committee: Inquiry into Reducing Adult Reoffending in Northern Ireland](#), 03 April 2025

¹⁰ Department of Justice, [Adult Restorative Justice Strategy for Northern Ireland: Restoring Relationships, Redressing Harm 2022-2027](#) (March 2022), page 1

¹¹ Ibid, page 6

¹² Restorative Justice Council, [MoJ Evaluation of Restorative Justice](#)

¹³ Ministry of Justice, [Restorative Justice Action Plan for the Criminal Justice System](#) (November 2012) However, the last Restorative Justice Action Plan from the Ministry of Justice in England and

- 78 per cent said that they would recommend it to other people in a similar situation;
- For offenders taking part in restorative justice, there was an estimated 14 per cent reduction in reoffending rates.¹⁴

Department of Justice statistics on reoffending levels during 2021-2022 indicate that adults who received a diversionary disposal (e.g. caution or informed warning), a community disposal without supervision (e.g. fine or suspended sentence) and a community disposal requiring supervision (e.g. Probation Order) had a one year proven reoffending rate of 14 per cent, 17 per cent and 28 per cent respectively.¹⁵ This compares to a reoffending rate of 45 per cent for adults released from custody (but note that offender profiles may differ substantially between the different disposal types). Evidence from elsewhere suggests that the inclusion of restorative practices across these disposals could help to contribute to their effectiveness and further reduce reoffending.¹⁶

1.1 Context

The Criminal Justice Review published in 2000 found that “*community-based restorative justice schemes can have a role to play in dealing with the types of low-level crime that most commonly concern local communities*”.¹⁷ The Justice and Security (Northern Ireland) Act 2007 established the existing legislative framework for community-based restorative justice schemes. Section 43 of the Justice and Security (Northern Ireland) Act 2007 requires the Secretary of State to maintain a public register of schemes in Northern Ireland that “*appear to him to be community-based restorative justice schemes and to meet requirements determined and published by*

Wales expired in 2018. A Restorative Justice Action Plan was published in Scotland in 2019: Scottish Government, [Restorative Justice Action Plan](#) (June 2019)

¹⁴ J Shapland, A Atkinson, H Atkinson, J Dignan et al. [Does Restorative Justice affect Reconviction? The Fourth Report from the Evaluation of Three Schemes](#), Ministry of Justice Research Series 10/08 (June 2008)

¹⁵ Department of Justice, [Adult and Youth Reoffending in Northern Ireland \(2021/22 Cohort\)](#) (October 2024)

¹⁶ L Sherman and H Strang, [Restorative Justice: The Evidence](#) (2007)

¹⁷ Review of the Criminal Justice System in Northern Ireland, [Restorative and Reparative Justice](#) (2000), page 216

him". There is also a requirement under this legislation around cooperation with the Chief Inspector of Criminal Justice in Northern Ireland.

Section 43 provides that the Chief Inspector may inspect the schemes and shall from time to time make a report to the Secretary of State on inspections carried out. The Secretary of State must lay the report before Parliament and arrange for it to be published in accordance with section 49(2) to (4) of the Justice (Northern Ireland) Act 2002. The Secretary of State may remove a scheme from the register if, on having considered any report made by the Chief Inspector, the scheme is considered not to be a community-based restorative justice scheme or does not meet the requirements. Devolution of Policing and Justice took place in April 2010 and whilst the role of the Secretary of State was not transferred to the Department of Justice at that time, arrangements were put in place to allow the Justice Minister and the Department to exercise the powers under section 43 of the Justice and Security Act (Northern Ireland) Act 2007.¹⁸

Agreement from the Secretary of State for the transfer was received in 2019 and a draft clause was originally included in the final Justice Bill of the last mandate. However, plans for a mixed content Justice Bill were replaced with the more narrowly focused Justice (Sex Offences and Trafficking Victims) Bill, resulting in the removal of provisions relating to restorative justice.¹⁹ There have been a number of developments since then which are explored in greater detail below.

1.1.1 Protocol for Community-Based Restorative Justice

In 2007, the Northern Ireland Office put in place a Protocol to govern relations between the Northern Ireland Criminal Justice System and community-based restorative justice (CBRJ) organisations in *"recognition of the role that such organisations can play in dealing with the types of low-level crimes that most commonly concern local communities"*.²⁰

¹⁸ Independent Review Panel, [Review of 2007 Protocol for Community-Based Restorative Justice Schemes and Proposed Draft of a Revised Protocol](#) (27 September 2022), page 10

¹⁹ Department of Justice, [Appendix B: Restorative Justice Amendments](#) (January 2025)

²⁰ Ibid

The 2007 Protocol aimed to establish a framework setting out the core principles, identified by the United Nations, that serve to underpin restorative justice work. It also identified ways in which the CBRJ organisations could work in partnership with the criminal justice system and outlined the basic standards expected of the organisations accredited to undertake this work.

Under the Protocol, accreditation involves a two-stage process with Criminal Justice Inspection Northern Ireland (CJINI) inspecting an organisation to assess governance and operational delivery. Following this, a Suitability Panel assesses whether all those working in the scheme, either in a voluntary or paid capacity, are deemed suitable to practice. This panel previously included a senior representative from the Youth Justice Agency and the Probation Board for Northern Ireland, with an independent chair. All individuals under consideration must obtain an enhanced AccessNI criminal records check. Criminal convictions are not a barrier to approval but they cannot be recent.

Recommendations were then made to the Minister, who made the final decision on accreditation of the scheme and individuals.²¹ A register of accredited schemes is maintained on the Department's website.²² The accreditation process must be followed for all staff who will be based at a specific location.

However, a review published by CJINI in 2023 found that the 2007 Protocol "*did not deliver the results intended*".²³ It highlighted that 42 cases were referred to the Public Prosecution Service by the Police Service of Northern Ireland, between 2009 and March 2022.²⁴ Of these, 16 were referred back to the schemes by the Public Prosecution Service as shown in Chart 1 below.²⁵ A breakdown by crime type is not available.

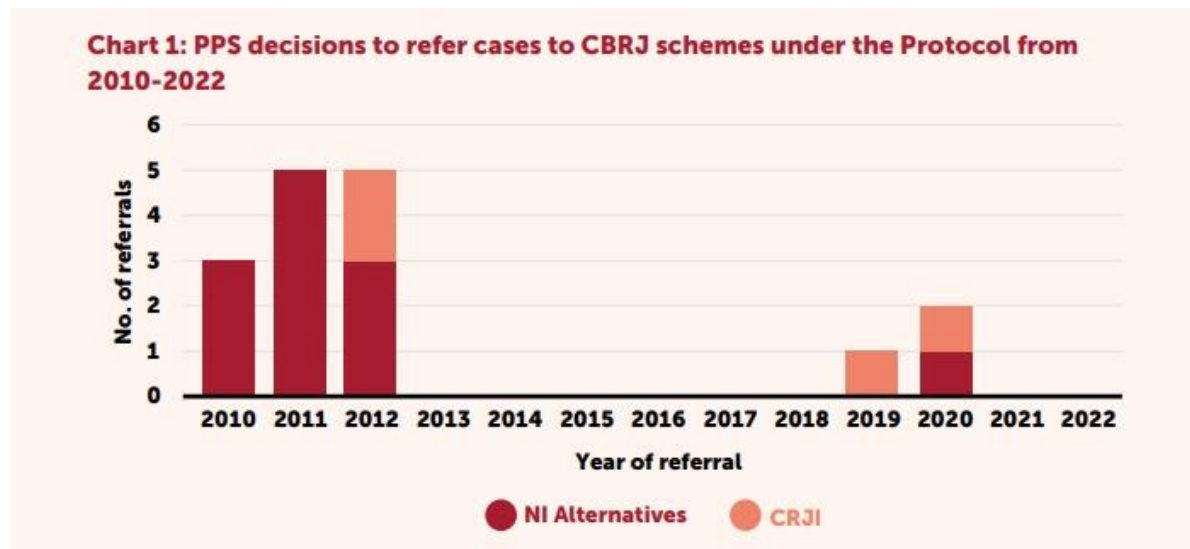
²¹ Department of Justice, [Justice Bill Amendments: Request for Additional Information](#) (January 2025)

²² Department of Justice, [Register of community based restorative justice schemes](#)

²³ Criminal Justice Inspection Northern Ireland, [Review of Community Restorative Justice Ireland and its Accredited Schemes](#) (May 2023) page 13

²⁴ Northern Ireland Policing Board, [Question to the Chief Constable: Referrals Made to Restorative Justice Organisations](#) (01 February 2024)

²⁵ Chart reproduced from Criminal Justice Inspection Northern Ireland, [Review of Community Restorative Justice Ireland and its Accredited Schemes](#) (May 2023) page 13



A number of reasons were noted for the low number of referrals, including Police Officers being unclear about the formal process, lack of trust within communities and geographic limitations associated with the CBRJ organisations delivering the schemes. In addition, feedback from prosecutors indicated a reluctance to refer cases to CBRJ schemes due to no assurances that staff/volunteers in the schemes had the necessary training to do restorative work, no requirement for the schemes to feed back to the PPS regarding whether services users were completing the programme and insufficient oversight by the DoJ regarding their performance.²⁶ CJINI made a number of recommendations in this report, including that the PSNI should ensure that CBRJ is recorded on criminal records as a diversionary disposal.²⁷

1.1.2 Protocol Review

An independent review of the 2007 Protocol was commissioned by the Justice Minister in 2022 following consultation on the development of an Adult Restorative Justice Strategy for Northern Ireland.²⁸ This review aimed to reflect on the work conducted under the 2007 Protocol, the variety of contexts in which restorative

²⁶ Ibid

²⁷ Ibid, page 14

²⁸ Department of Justice, [Development of an Adult Restorative Justice Strategy for Northern Ireland: Summary of Consultation Responses](#) (May 2021)

justice practices were being used and the profile of the wider criminal justice landscape with a view to enabling greater numbers of referrals to CBRJ schemes. This review encompassed the use of restorative approaches by the Youth Justice Agency as well as restorative work undertaken by the PSNI, the Northern Ireland Prison Service and the Probation Board for Northern Ireland.²⁹ A range of non-statutory organisations have also increasingly adopted restorative approaches to areas of their work.

The Review highlighted that community-based restorative work, undertaken by both accredited and non-accredited groups, plays a valuable role in some communities in Northern Ireland. In undertaking a diverse range of preventative work, mostly below the criminal justice threshold, the groups often work closely with the PSNI and other statutory agencies to improve community safety and help build trust and provide lines of communication between the communities and the Police.³⁰

It also highlighted a key issue around building adequate restorative justice capacity so that it is accessible to people living in all areas of Northern Ireland. This will require a significant increase in the number of accredited restorative justice practitioners who have been trained to an appropriate level. Therefore building this capacity will require proper resourcing, including the setting of standards for training and practice. It will also include adequate monitoring, oversight of complaints and wider awareness raising. This will include having a “*clearer framework for involvement with and support for victims of criminal activities, to ensure that they are ‘front and centre’ of any future approach*”.³¹ Other areas identified in the Review to be strengthened include requirements for annually submitted reports and provisions allowing for individual experts with restorative practice experience to become accredited.

The Review also highlighted the need for a dedicated restorative justice fund and Centre for Restorative Excellence. The proposal for the provision of a cross-

²⁹ A McLaughlin, ‘[Restorative Justice with Adults who Have Offended](#)’, *Irish Probation Journal* (2021) Vol.18, page 213

³⁰ Independent Review Panel, [Review of 2007 Protocol for Community-Based Restorative Justice Schemes and Proposed Draft of a Revised Protocol](#) (September 2022), page 20

³¹ *Ibid*, page 21

Executive fund for restorative justice work was originally set out in recommendation A9 of the Fresh Start Panel Report in 2016 and has yet to be implemented.³²

1.1.3 Revised Protocol

Following the Review report, a new revised Restorative Justice Protocol was published in July 2023.³³ An Interim Protocol Lead (IPL) was also appointed by the DoJ in February 2024 to take forward the implementation of the work contained in the Review. The revised Protocol outlines a new two-stage process for accreditation which will require an evidence-based application to the IPL followed by an assessment by the DoJ based on the IPL's recommendation. It highlights standards that must be met including on staff, training, data protection and experience of restorative practice as well as their record of working with the PSNI and other criminal justice agencies.³⁴ This covers requirements for both organisations and individuals who wish to provide restorative justice services to the justice system. Work on developing training standards and a new Practice Standards and Accreditation Framework is underway.³⁵

The most recent report from the Independent Reporting Commission (IRC) welcomed the IPL's work to implement the revised Protocol, seeking to enhance the use of restorative justice throughout the criminal justice system and working towards establishing a Centre of Restorative Excellence. However, the IRC noted that *"we regret the time it has taken for work to be progressed in this area and urge other Departments and agencies in areas such as communities, education, housing and others to support restorative practice through the development of this centre"*.³⁶ It is also evident that the current financial climate is restricting the potential for strategic and innovative developments from being established and up-scaled.³⁷

³² Northern Ireland Executive, [Fresh Start Panel Report on the Disbandment of Paramilitary Groups](#) (May 2016), page 22

³³ Department of Justice, [A Protocol for Community-Based and non-Statutory Restorative Justice Organisations and Independent Restorative Practitioners in Northern Ireland](#) (July 2023)

³⁴ Ibid

³⁵ Northern Ireland Assembly, [Written Question AQW 13882/22-27](#) (01 July 2024)

³⁶ Independent Reporting Commission, [Seventh Report](#) (February 2025), page 33

³⁷ Department of Justice, [Adult Restorative Justice Strategy: Annual Progress Report 2023/24](#) (September 2024), page 19

1.2 Justice Bill Amendments

The Department of Justice's amendments to the Justice Bill are to be inserted in Part 4 on the Administration of Justice after clause 26. It transfers the accreditation function from the Secretary of State to the Department of Justice and also repeals the existing requirements under Section 43 of the Justice and Security (Northern Ireland) Act 2007. All references to the Secretary of State are replaced with references to the Department of Justice.

1.2.1 Restorative Justice Providers

The independent review of the 2007 Protocol anticipated an expanded and more diverse range of restorative justice organisations and independent restorative practitioners working in Northern Ireland. This is reflected in Clause 26A with reference to accredited persons and bodies. The review highlighted that these may include community-based organisations, restorative justice services provided by NGOs and other non-statutory organisations, independent restorative justice providers, restorative justice practitioners working with the Criminal Justice System and staff within statutory organisations.³⁸ However, it also highlighted that this expanded restorative justice environment will include a mixture of accredited and non-accredited organisations as well as independent restorative practitioners working across four distinct but interconnecting levels.³⁹

The scope of the 2023 Restorative Justice Protocol highlights that it applies to all types of formal engagements between criminal justice agencies and accredited non-statutory restorative justice schemes and accredited independent restorative practitioners. There are three-tiered accreditation levels stemming from this, including:

- Level One accredited restorative justice work below the criminal justice threshold with the potential to escalate to the attention of police;

³⁸ Independent Review Panel, [Review of 2007 Protocol for Community-Based Restorative Justice Schemes and Proposed Draft of a Revised Protocol](#) (27 September 2022), page 22

³⁹ Ibid

- Level Two accredited restorative justice work relating to formal criminal justice cases; and
- Level Three accredited restorative justice work relating to gender-based violence and other complex and sensitive crimes.

The Protocol highlights that activities involving individuals and organisations working at a community level and informally with the PSNI and other statutory agencies, such as through preventative and diversionary activities, does not require accreditation. However, practitioners may choose to work within the same principles, standards and training as accredited organisations.⁴⁰

1.2.2 Role of Criminal Justice Inspection Northern Ireland

Clause 26A provides that the Department must determine the requirements for the accreditation of persons to provide restorative justice services and maintain a register of those who are accredited in accordance with those requirements. Clause 26A(2) states that accredited persons must cooperate with the Chief Inspector of Criminal Justice in Northern Ireland (CJINI). However, the new clause removes CJINI's pre-accreditation inspection role as the power contained in Section 43(5) of the 2007 Act is not replicated in the Bill. The 2023 Protocol highlights that restorative justice organisations and independent restorative practitioners accredited under the Protocol shall be subject to inspection and review of their working practices by CJINI as part of its statutory functions.

Clause 26A(5) highlights that the Chief Inspector may carry out inspections of accredited persons and “*must from time to time*” make a report to the Department on this. Section 49(1A) to (1L) of the Justice (Northern Ireland) Act 2002 in relation to the laying of the Chief Inspector's reports before the Assembly apply to reports under this section. The 2023 Protocol outlines a range of matters to be considered by CJINI during inspections, including matters such as an examination of records of offenders

⁴⁰ Department of Justice, [A Protocol for Community-Based and non-Statutory Restorative Justice Organisations and Independent Restorative Practitioners in Northern Ireland](#) (21 July 2023), page 10

and offences dealt with, digital and written evidence held by the Interim Protocol Lead and all work undertaken in partnership with a criminal justice agency.⁴¹

Furthermore, the removal of accredited status is currently only possible on the basis of a report from CJINI under the 2007 Act. However, under clause 26A(6) this is no longer the case and the 2023 Protocol highlights that the Minister may remove accreditation if an organisation or practitioner fails to maintain required standards in relation to “*organisational professionalism, quality of practice and adherence to the rule of law*”.⁴² This can also include a criminal justice agency raising evidence-based concerns about an organisation or independent practitioner with the IPL.⁴³ This is also relevant to the next section around accreditation requirements.

1.2.3 Accreditation Requirements

Clause 26A(3) lists requirements for accreditation which the Department of Justice may introduce. This includes, for example, a requirement for an accredited body to be a registered charity, requirements to be met by employees or other staff and additional requirements linked to providing restorative justice services in particular case types. The list also includes requirements around establishing complaints procedures and the submission of reports in relation to work undertaken.

These appear to enshrine in legislation the accreditation process and requirements detailed in the 2023 Restorative Justice Protocol to help ensure that minimum standards are in place for accredited organisations and individuals delivering on restorative justice work. The new clause appears to reflect the revised Protocol under which the IPL has an enhanced role in the accreditation process in terms of setting standards and monitoring practice. The 2023 Protocol goes into further detail on requirements around organisational standards, appropriate screening for staff, specialised training and reports to the Interim Protocol Lead.⁴⁴

⁴¹ Department of Justice, [A Protocol for Community-Based and non-Statutory Restorative Justice Organisations and Independent Restorative Practitioners in Northern Ireland](#) (21 July 2023), page 18

⁴² Ibid, page 19

⁴³ Ibid, page 4

⁴⁴ Ibid, page 13

Clause 26A(4) notes that a person must be added to the register following an application if the Department determines that the requirements for accreditation are met. The timelines around applications are currently set out in the 2023 Restorative Justice Protocol with Interim Protocol Lead reviewing the documentation making a recommendation for approval or rejection to the Justice Minister within 13 weeks of receipt. The Minister will then make a decision based on the recommendation within 13 weeks and inform the applicant of the decision with reasons. There is a right of appeal which should be made within 13 weeks.⁴⁵

Clause 26A(6) provides that the Department can remove a person from the register if the requirements for registration are no longer being met. Further provision around registration is contained in Clause 26A(7) providing that accreditation may expire after a period of time which can be specified by the Department. The 2023 Restorative Justice Protocol appears to provide that all accredited organisations and individuals will be required to apply for reaccreditation every three years.⁴⁶ Enhanced Access NI checks are also to be undertaken and repeated every three years under the requirements of the Protocol. Furthermore, the Department may also make further provision around applications for re-accreditation by persons who have been removed from the register as well as provision for appeals against decisions by the DoJ.

It is worth noting that the 2023 Restorative Justice Protocol provides further detail around this. It states that where any accredited restorative justice organisation or independent restorative practitioner is found to have “*failed to maintain the standards required of them in relation to organisational professionalism, quality of practice, adherence to the rule of law, or has failed to address concerns raised by the Interim Protocol Lead, the Minister of Justice may remove their accreditation*”. A right of appeal is also set out in the 2023 Restorative Justice Protocol.⁴⁷ Where accreditation has been removed, an organisation or individual can reapply for accreditation no sooner than one year after the decision has been made to remove their accreditation.

⁴⁵ Ibid, page 14

⁴⁶ Ibid, page 15

⁴⁷ Ibid, page 19

Clause 26A(8) note that the Department must make arrangements for the publication of the register and of the requirements determined under this section. The existing register required under Section 43 of the Justice and Security (Northern Ireland) Act 2007 can be found on the Department of Justice's website and highlights schemes run by Northern Ireland Alternatives and Community Restorative Justice Ireland in a number of locations.⁴⁸

1.3 Scrutiny Points

- Is there an anticipated timeline for the Department starting to undertake the accreditation process for organisations and independent restorative practitioners?
- Does the Department anticipate that this legislative change will lead to any increase in the number of accredited organisations or individuals delivering restorative justice? If so, how many? Will there be any specific funding provided by the Department to help with expansion of restorative justice in Northern Ireland?
- Are there processes in place to monitor the work of non-accredited organisations or individuals? Is it anticipated that these will apply the same standards and training as accredited organisations?
- Is the revised role for Criminal Justice Inspection Northern Ireland (CJINI) adequate given that it no longer has an inspection role under the initial accreditation process? Will the enhanced role of the new IPL be sufficient in overseeing this work?
- How often is it anticipated that CJINI would report to the Department on accredited organisations and/or individuals as per clause 26A(5)? And where will the register of accredited organisations be published under 26A(8)? Is it anticipated that there will be any costs associated with applying for accreditation?
- Can the DoJ give an overview of the role currently undertaken by the Interim Protocol Lead (IPL)? Is it envisaged that this role will change in any way once the Justice Bill becomes law? What level of DoJ funding is required for the role of IPL? Can the IPL issue best practice guidance for accredited service providers engaged in the delivery of restorative justice? How is the IPL promoting a greater

⁴⁸ Department of Justice, [Register of community based restorative justice schemes](#)

understanding and awareness of restorative justice? Will the IPL publish information around the use of restorative interventions and practice across the criminal justice system, including numbers of referrals and restorative interventions completed? What is the timeframe for the Practice Standards and Accreditation Framework which the IPL is developing being made available? How will it help to ensure consistently high quality of delivery across restorative justice providers?

- Will the operation of the 2023 Restorative Justice Protocol be subject to further review at regular intervals by both the IPL and Department? If so, how often?
- A number of recent reviews of the justice system have recommended statutory provision for restorative justice for over 18s, including Judge Marrinan's Review of Hate Crime Legislation and the Department's Review of Sentencing Policy. Has there been any progress around developing the statutory provisions required to deliver adult restorative justice on a diversionary basis or as part of a post-conviction disposal?