

- If you and the offender want to agree that they will do things that cannot become formal conditions of their Caution, this is fine. They will become a voluntary agreement between you and the offender, which they agree to in addition to the Conditional Caution.
- If you and/or the offender decide that you do not want a meeting, this same process can take place by passing messages through the facilitator.

If I say no to restorative justice can the offender still get a Conditional Caution?

Yes. The CPS will decide whether or not the offender can be given a Conditional Caution and, if so, what conditions are suitable. However, good reasons for agreeing to take part in RJ include:

- You are given the opportunity to have a say in what happens to the offender and can ask questions you may have.
- You may also have the chance to receive an apology and reparation from the offender. This will depend on the circumstances of the case and what you both decide.
- Your communication with the offender may help you to put the offence behind you and reduce any fears you may have of being a victim again.

Can I bring someone with me to a restorative justice meeting?

Yes. RJ meetings aim to give everyone affected by a crime the chance to have their say. These meetings can also work better if there are people there to support you. This will give them the opportunity to say for themselves how they have been affected. The RJ facilitator will be able to discuss with you who else could be invited to the meeting. The offender will also have the chance to bring someone to support them.

What if I change my mind?

You have the right to change your mind about taking part in RJ at any time. The CPS would then consider whether the offender can be given a Conditional Caution and what the conditions should be.

If you have any further questions about restorative justice or anything in this leaflet, please speak to the person who gave you this leaflet or to the RJ facilitator. They will help you decide whether restorative justice is the right thing for you. Further information about restorative justice can be accessed at:
www.homeoffice.gov.uk/crime-victims/victims/restorative-justice/

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Restorative Justice and the Conditional Caution

what you need to know
for **VICTIMS**

The information in this leaflet is short and general.

It explains what restorative justice (RJ) is and how it can be used with a Conditional Caution. You should read this leaflet together with the general Conditional Caution leaflet.

Note: Restorative justice processes are always voluntary for everyone concerned. Offenders may be given a Conditional Caution even if you decide not to take part in restorative justice.



What is Restorative Justice?

Restorative Justice gives everyone involved in a crime a chance to communicate about what happened, the effect it had on them and what can be done to repair the harm.

RJ can involve a face-to-face meeting (direct RJ) with you and the offender, chaired by a trained person (the facilitator) or, if you or the offender do not feel comfortable with that, messages to each other can be passed through the facilitator (indirect RJ).

Why would I want to take part in restorative justice?

Research suggests that RJ can be very helpful to everyone involved, particularly victims of crime.

The majority of victims who choose to participate in RJ are glad to have taken part, and felt that it helped them to feel better about their situation.

RJ can give you the opportunity to ask questions of the offender and can give you the chance to let them know the effect their actions have had on you and anyone else.

RJ can also give you the opportunity to hold the offender to account and to receive an apology.

You will also be able to communicate with, or discuss with, the offender what they can do for you and/or the other people affected by the crime.

What's this got to do with a Conditional Caution?

If it is decided that the offender in your case is suitable for a Conditional Caution, restorative justice could take place either:

- 1) As a reparative condition of the offender's Conditional Caution. This could take place where you have suggested that an RJ process would (in itself) help to make good the harm that they have caused you. The RJ process could form one among a number of conditions.
- 2) Alternatively, an RJ process could be used to allow you and the offender to generate the conditions of the Conditional Caution. If RJ is used in this way, the process will take place before the offender is given the Conditional Caution, so that all the people affected by the crime can suggest suitable conditions.

What happens in a restorative justice meeting or "conference"?

- There is always careful preparation before a meeting, to make sure that everyone knows what to expect and to make sure that the meeting will be safe for everyone. Taking part in an RJ meeting is voluntary for everyone involved.
- In the meeting the facilitator will ask everyone to talk about what happened, and how the crime affected them.
- When everyone has heard about the impact of the crime, the offender, yourself and the other people affected will have an opportunity to talk about what the offender can do to help make good the harm they have caused.
- When RJ is used to generate the conditions of the Conditional Caution, the facilitator will be able to advise whether the things you are discussing are suitable as formal conditions.
- At the end of the conference, the suggested conditions are sent to the prosecutor — who works for the Crown Prosecution Service (CPS) — who has the final say about whether the conditions you have agreed together are appropriate.
- It is possible for the CPS to suggest alternatives to the conditions you have come up with if it considers this necessary.