

## Restorative Justice Questionnaire

### Summary of findings: April 2014

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#### Background

After the 'Restorative Practice in the Aftermath of Serious Crime: Examination of the evidence and identification of learning for practice' conference on February 10, 2014, a follow-up questionnaire was circulated to all participants. The questionnaire sought to develop a fuller picture of restorative justice skills across Scotland, the location of trained practitioners and the appetite for practice development. There was an additional 'snowballing' effect with the questionnaire being passed on to other interested parties who had been unable to attend the Conference but who had an interest in the subject. Eighty one questionnaires responses were submitted<sup>1</sup> on Qualtrics (an online survey tool) and the purpose of this paper is to provide a summary of some of the key points arising from this.

#### Professional background

The majority of individuals (42%) designated their status as 'Voluntary Sector'. Clearly the voluntary sector encompasses numerous organisations, radically varied in size and in the focus of their work. One particular voluntary sector organisation (SACRO) accounted for many of the responses, along with a few responses from staff members of Victim Support Scotland (VSS) and Action for Children (AfC). The other significant cohort of respondents was those opting for the 'Social Work' (28%) category. The majority of these individuals were working in the youth justice sector.

Of the remaining individuals, Police and Prison Officers along with representatives from law, education (academia and students), residential childcare, chaplaincy services, mental health nursing, community learning and development (CLD), youth work and psychology were also present.

#### RJ Qualifications

The majority of respondents (65%) to the survey did not possess any specific qualifications relating to restorative justice or restorative practice. Of those who did possess qualifications (35%), these varied considerably in nature, some stemming from higher education and others as a result of more informal training. The majority of those who provided additional information in response to this question had received some form of training through SACRO, either participating in a five day Restorative Justice Practice Skills Training course (designed by Derek Brooks) or a similar abbreviated course (three day). Some had completed restorative practice courses specifically tailored for their line of work (e.g. Community Safety and Teaching – Better Behaviour Better Learning Initiative).

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<sup>1</sup> 88% of those who initiated the questionnaire completed it

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Several individuals had received training through Real Justice<sup>2</sup> and the [International Institute for Restorative Practices \(IIRP\)](#) and were also trained as trainers. Meanwhile, several respondents had completed training through Police Scotland, specifically attending the three day Restorative Justice Training course delivered at the National Police College. Of those who cited tertiary education qualifications, some were in the process of completing the MSc Criminology and Criminal Justice at the University of Strathclyde which encompasses a specific module relating to restorative justice, and others had qualifications in criminology and various social science disciplines which had focussed in some degree on restorative justice in the course content.

### RJ Training Events

The majority of respondents (58%) had attended some form of prior training relating to restorative justice before the event on February 10, 2014. As with the question pertaining to qualifications, numerous respondents cited training delivered by SACRO as part of their prior learning while several respondents made reference to CYCJ (Centre for Youth & Criminal Justice) training both in Core Skills and Early and Effective Intervention (EEI) which they felt touched on elements of restorative practice. Police Scotland training events were also cited. A number of respondents had also been involved in the work of Restorative Practices Scotland (RPS) prior to its dissolution or had attended European Forum on Restorative Justice Conferences. Training and materials related to restorative justice developed by Tim Chapman were also cited by several respondents as influential and one had visited Northern Ireland to see some restorative justice schemes in operation. One respondent made reference to training in Concentric Circles and mediated dialogue in serious crime. Finally, a single respondent made reference to training delivered by Tony and Kathryn Walker through [Restorative Solutions](#).

### Face-to-face Restorative Justice Meetings

Just under half of the respondents (48%), when asked about prior experience of facilitating face-to-face meetings between persons harmed and persons responsible, noted that they had previously completed such an activity, meaning that a narrow majority (52%) had not. It was evident from those who had facilitated such meetings that experiences varied as regards the number facilitated and the kinds of offences addressed. Furthermore, it was apparent that a small number of respondents had accrued extensive experience as regards the application of restorative practices in response to offending behaviour (particularly with adults) but that this did not always culminate in face-to-face conferences and encompassed alternative strategies e.g. shuttle diplomacy (see below).

As regards the offences in relation to which restorative justice approaches were adopted, it is worth noting the variety and severity of offences recorded:

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<sup>2</sup> The International Institute for Restorative Practices (IIRP) Europe is now head by Les Davey who was previously Director of Real Justice UK.

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- Assault, Serious Assault, Assault to Severe Injury (including Emergency Workers Offences and domestic violence).
- Theft
- Culpable and Reckless Conduct
- Possession of an offensive weapon
- Fraud
- Housebreaking
- Vandalism
- Race Hate Crimes
- Road Traffic Offences
- Telecommunications Act Offences
- Fire-raising
- Misuse of Drugs Offences
- Shoplifting
- Breach of the Peace

One respondent noted, *“Few conferences but a significant number of face-to-face meetings (100+)...Generally they have been for lower level offences though some of them have involved damage amounting to tens of thousands of pounds”*. Another respondent noted experience ranging *“from low tariff theft to serious cases where death has occurred”*.

### Restorative Processes

By a slender margin, the majority of respondents to this question (57%) had experience of involvement in some form of restorative process other than face-to-face meetings and conferences. The range of experiences included:

- Involvement in the Police Restorative Warning Scheme
- Shuttle Dialogue
- Community-based reparation/Reparative Tasks
- Person Harmed-Person Responsible Letter/Person Responsible-Person Harmed Letter (Apology)
- Financial Compensation
- Charitable Donations
- Awareness-Raising Sessions
- Role plays
- Victim empathy work
- Mediation work in schools, prisons

## Core principles

Respondents were asked to record their views in relation to a range of questions covering core principles underpinning restorative justice schemes, the types of offences they might address and their place in the broader Criminal Justice System:

- *Consent* - A large majority (89%) of respondents felt that the informed consent of the victim would be an essential prerequisite before undertaking any restorative justice process, while an even greater number (96%) felt that the informed consent of the perpetrator would be essential
- *Serious crime* – As to whether restorative justice approaches should be targeted to address serious crime, the majority (64%) felt they should be, while the remainder of respondents were uncertain (18%) or disagreed (18%) with such a focus
- *Lower tariff offences* – The majority (71%) of respondents also felt that there was a place for restorative justice approaches in response to less serious forms of offending. However almost a quarter of respondents (21%) disagreed while the remainder were unsure (8%) as to the most appropriate focus
- *Sexual offences* – The majority of respondents (64%) were open to the possibilities offered by restorative justice approaches in response to sexual offences while the remainder were opposed to the idea (15%) or uncertain (21%) about their application
- *Domestic violence* – A similar pattern of responses to the question relating to sexual offending can be identified as regards restorative approaches in response to domestic violence with 63% open to the possibilities, 14% opposed to their use and 23% uncertain
- *Victim's wishes* – In cases where the victim of an offence requests the opportunity to engage in a restorative justice approach, 82% of respondents felt that the severity or type of crime ought not to preclude such a course of action
- *Status* – Perhaps not surprisingly, some 94% of respondents felt that restorative justice approaches ought to be fully embedded in the Scottish youth and criminal justice system

## Timing

Three quarters of respondents to the question about when restorative justice approaches should occur felt that they could usefully be adopted at any stage in the conventional criminal justice process. However, a fifth of respondents indicated their view that such approaches should only occur after sentencing. Moreover, 66% took the view that restorative justice approaches might usefully be adopted as a component of a Structured Deferred Sentence while a similar number (68%) felt that a specific condition relating to restorative justice as a condition of a Community Payback Order (CPO) would be viable. The overwhelming majority of respondents (96%) also saw the potential for restorative justice approaches to be adopted out with the formal justice system. Their suggestions as to what such approaches might entail included:

- A general RJ outreach service with assessment through an accredited process

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- A Restorative Practice Helpline
- Greater use of restorative approaches in schools, residential units, prisons, workplaces and institutions
- Greater use of restorative approaches in response to neighbourhood disputes and antisocial behaviour
- As a response to benefit fraud.

## Prison

With respect to individuals in custody, where a victim of that individual's offence has consented to participate in a restorative justice process, 96% of respondents felt that the incarcerated perpetrator should have the chance to take advantage of such a process.

## The victim/perpetrator information gap

This question sought to ascertain respondents' views as to how information systems might be improved to link 'RJ willing victims' and 'RJ willing perpetrators'. A range of thoughtful and constructive responses were noted:

- One respondent noted, *"This must be a standard question to both the person harmed and the person who has caused harm. A number of agencies have access to each individual at key times (more so perhaps those who have caused harm). For the individual harmed, this could take place shortly after the incident/court process, or indeed when the person who caused harm is due for release"*
- One respondent observed, *"It is very difficult to ask victims whether they would be willing to participate in restorative practice in a standardised way"*. The importance of personal/face-to-face contact with victims of offences to explain how a restorative process might work was also emphasised as was the view that it should not be a *"one time offer"*. Victims need time to consider the possibilities of restorative approaches and the chance to change their minds about participation. Finally, the same respondent noted the potential for the development of restorative approaches to be linked to the Victim Notification Scheme (VNS)
- Another respondent reflected, *"Neither will be ready just after the incident as it will be too raw. Maybe there should be a process that a named person attends back to speak with both six months (or around about) after the incident. Also tell them straight after the incident that this will be going to happen so that they are aware and not shocked by the visit"*
- One respondent proposed the drafting of *"an opt out/in system of consent"*
- Another noted, *"If individuals are asked and decline it would be useful to remind them this is an option at a later stage"*
- The pivotal role for Police Scotland as regards Police Officers' interactions with both persons harmed and persons responsible was noted: *"Both could be asked during police interviews"*.
- One suggested, *"Restorative justice should be offered to all victims of crime and if conducted evidence should be recorded on a database accessible to all parties involved"* and several

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others echoed the need for some form of database: *“A central database may be helpful to which either party may approach and they could approach the other side”*. In a similar vein, one respondent felt the need for *“Some sort of notification scheme where the victim or offender can state whether they are willing to be contacted about this should an opportunity arise, when they are both at the right place/time”*

- Numerous respondents noted the need for effective collaboration, communication and information sharing between various agencies and organisations; notably Victim Support Scotland (VSS), Police Scotland, the Scottish Court Service, the Crown Office and Procurator Fiscal Service (COPFS), the Scottish Prison Service (SPS) and voluntary sector organisations
- One respondent identified a need *“To pilot projects which evidence the demand for this provision”* while another observed that *“a body of evidence needs to be produced and made public so that victims, and offenders, become more aware of the process and the potential benefits that are possible for all sides”*
- The importance of avoiding *“re-victimising”* of persons harmed was underscored. The same individual noted, *“For victims and accused to be matched a third party could be informed by either party and exercise informed and professional discretion as to whether it is appropriate to proceed with the process”*
- Another participant highlighted the need for social workers *“compiling reports for Children’s Reporters and also court reports”* to advise of the availability of restorative justice processes where possible
- One respondent suggested that *“a new multi-agency group representing partners who engage with offenders and victims lead a strategic group that serves the best interests of victims and offenders wishing to take part in RJ”*
- In terms of becoming better informed about the level of demand for restorative services one respondent noted: *“If there is no current RJ process and the purpose is to obtain a sense of the demand then a general survey/market-research type of exercise might be useful”*
- One respondent identified the need for new systems to support the development of restorative approaches: *“Employ people to get involved with this process. A national register so people can sign up to this process”*
- Another respondent felt that it was important not to make assumptions about the appropriate timing of the process as *“research indicates that both victims and offenders mainly felt that when they were asked was a good time, even though the period of time since the offence varied from three months to eight years”*
- One respondent highlighted the need to retain a local focus: *“There should be an RJ service for each local authority that victims of crime and offenders can contact to register their interest in using a service”*
- One simple proposal from a respondent was that *“an aide memoire card could be prepared and handed over to victims/offenders”*

### Lead organisation/agency

Asked to reflect on the agency/organisation best placed to lead on restorative justice in Scotland, 46% of respondents identified the key role of the voluntary sector. Social Work, Police Scotland and the Scottish Prison Service (SPS) were not identified by significant numbers of respondents as appropriate organisations to lead on restorative justice. However, almost one fifth of respondents (17%) were uncertain as to who might usefully take a lead role and almost a quarter of respondents (22%) believed that some other entity beyond those outlined should do so. For those in the last category, there seemed to be a sense that there is a need for “*a combination and/or permutation of all of the above*”, some kind of “*Multiagency group*” or “*Community Partnership, SPS and Voluntary, VSS, SACRO, CJSW*”.

### Role of CYCJ and partners

Some of the suggestions as to what the CYCJ and partners might do in the future as regards supporting and developing restorative justice practice in Scotland included:

- Targeted training – “*I think it is paramount that facilitators are recruited and trained to the highest standards of professional practice*”
- Sharing information on research and any new developments (particularly research into the experience of persons harmed and persons responsible after participation in a restorative process)
- Lobbying the Scottish Government – “*There is a held view that the RJ process is a soft alternative to a penal system. I think the benefits and success of RJ approaches should be kept at the forefront of the political and criminal justice agenda*”
- Mapping of existing RJ service provision and scoping out numbers likely to be involved
- Awareness-raising and seminars – “*Inform, inform, inform...there is not enough information about the benefits and availability of RJ and how it would translate*”
- Supporting “*stronger messaging in accordance with success rates*”
- Access funding
- Pilot a successful programme