

2020 - 21

Restorative Justice Action Plan Annual Report



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Executive Summary

The Scottish Government's vision for Restorative Justice...

“Restorative Justice is available across Scotland by 2023 to all those who wish to access it, and at a time that is appropriate to the people involved in the case. Approaches taken are consistent, evidence-led, trauma informed and of a high standard. This seeks to ensure the needs of persons harmed and their voices are central, and supports a reduction in harmful behaviour across our communities.”

The Scottish Government have worked collaboratively with key stakeholders over the past year on the priorities of the Restorative Justice Action Plan.

What's the progress so far?

1

Restorative Justice is available across Scotland

- Developed a proposed model of Restorative Justice delivery
- Published Restorative Justice practice guidance and case studies in Scotland
- Gathered learning both nationally and internationally
- Consulted with survivors of domestic and sexual abuse on Restorative Justice
- Consulted with children and young people on Restorative Justice

2

High quality Restorative Justice services are delivered by trained facilitators

- Connected with speech, language and communication specialists to inform training
- Commissioned SACRO to complete a peer review of their Restorative Skills course
- Identified the need to develop a code of practice and competency framework to inform training and practice
- Consulted with survivors of domestic and sexual abuse to explore what specialist skills are required for sensitive cases
- Consulted with children and young people on their needs to inform training

3

There is a public awareness and understanding of Restorative Justice across Scotland

- Published an animation of Restorative Justice in a Scottish context
- Completed a baseline public opinion survey
- Commissioned SACRO to create a Restorative Justice website

What's the next steps?

The COVID-19 pandemic has impacted the progress of the RJ Action Plan. However, considerable progress has been made. The Scottish Government will continue to work with stakeholders on the next steps of the Action Plan, which includes:

- Costing the model of Restorative Justice delivery, nationally and locally
- Publishing a code of practice
- Completing a training needs analysis
- Carrying out a 'soft roll out' of two areas within the model
- Continuing to consult with people who may access Restorative Justice services
- Completing a Children's Rights Impact Assessment, and an Equality & Human Rights Impact Assessment

1. The Scottish Government's Vision of Restorative Justice

In May 2019 the Scottish Government published [Justice in Scotland: Rapid Evidence Review: Uses of Restorative Justice](#) to support policy development and the delivery of Scotland's Restorative Justice (RJ) vision and strategy. The paper offers a broad overview of how RJ is implemented in other countries, taking into consideration offence types, the effectiveness of RJ for people harmed and people who cause harm and how it is offered at varying stages of the justice system.

This led to the development of the [Restorative Justice Action Plan](#) which was published in 2019. Within this the Scottish Government have a commitment to have RJ available across Scotland by 2023, with the interests of the persons harmed at the centre.

Their vision is:

“Restorative Justice is available across Scotland to all those who wish to access it, and at a time that is appropriate to the people involved in the case. Approaches taken are consistent, evidence-led, trauma informed and of a high standard. This seeks to ensure the needs of persons harmed and their voices are central, and supports a reduction in harmful behaviour across our communities.”

This report will provide an overview of the development of the RJ Action Plan during the first year of delivery; April 2020-March 2021. Unfortunately, the COVID-19 pandemic has impacted the progress of the RJ Action Plan. However, despite these unprecedented times, considerable progress has been made. This will be detailed below under the Scottish Government's three RJ outcomes, with a summary of five funded projects. The report will conclude with the next steps for the RJ Action Plan.

- 1 Restorative Justice is available across Scotland
- 2 High quality Restorative Justice services are delivered by trained facilitators
- 3 There is a strong public awareness and understanding of Restorative Justice in Scotland

2. An Overview of the Restorative Justice Action Plan and Stakeholder Group

Following the publication of the [Restorative Justice Action Plan](#), the Scottish Government established the RJ stakeholder group to advise, oversee and deliver the priorities of the Action Plan. The stakeholder group meets quarterly and four meetings have taken place in the first year of

delivery. Meeting minutes and the terms of reference can be accessed [here](#) on the dedicated page on the Scottish Government website.

In order to support and monitor the delivery of the RJ Action Plan, two staff members have been employed. This includes a full-time staff member at Community Justice Scotland (CJS) whose role considers the Action Plan with regards to adults, and a part-time staff member at the Children and Young People's Centre for Youth Justice (CYCJ) to consider the particular needs and rights of children and young people. These staff members work in partnership to ensure the development of RJ delivery and key messages are consistent, whilst catering to the needs of adults, children and young people and the different societal and systemic responses.

The RJ stakeholder group is represented by various key members. These include various academics, the Crown Office and Procurator Fiscal Service, Children's Hearing Scotland, the Scottish Prison Service, Victim Support Scotland, Scottish Women's Aid, CJS, SACRO, Police Scotland, CYCJ, the Scottish Government's Policy and Justice Analytical Team, Thriving Survivors, Turning Point Scotland, the Convention of Scottish Local Authorities, Score Scotland and Scottish Children's Reporter Administration (SCRA).

The RJ stakeholder group is also supported by the RJ practitioners' network which is open to all practitioners with an interest in RJ, and the Scottish Network for Restorative Justice Researchers (SNRJR) which allows members to share ideas and collaborate on research. Both are part of the [Restorative Justice Forum](#).

3. Progress of the Restorative Justice Action Plan

This section of the report will detail the progress of the RJ Action Plan under each outcome heading.

3.1 Outcome One – Restorative Justice is available across Scotland

The Scottish Government have produced a proposed model for the delivery of RJ in Scotland. The model comprises of a national hub and six regional hubs that consist of Scotland's thirty-two local authorities grouped into relevant geographical areas. The RJ delivery model also includes details on the structure for relevant national and local partner organisations and proposed responsibilities. The proposed RJ model can be accessed [here](#).

In addition, the Scottish Government have produced a proposed model for the structure of the regional hubs across partnership justice organisations. These include Community Justice Partnerships, Police Divisions, the Crown Office and Procurator and Fiscal Service, Sheriffdoms and Scottish Children's Reporter Administration. This can be accessed [here](#).

In order to understand what practices are currently taking place across Scotland, eight case studies have been published on the CYCJ website and can be accessed [here](#). This collection of case studies, which were compiled by CYCJ, focus on successful RJ approaches and interventions taken across educational establishments, youth services and councils in Scotland. These best practice examples include benefits and impacts, challenges and barriers and what has been learnt by all parties involved.

In addition to this, blogs have been published, including one from New Zealand highlighting the importance of addressing communication disadvantage when delivering RJ, and an information sheet on Restorative Circles. All of these documents and up to date information and news can be found in the [dedicated RJ section on the CYCJ website](#).

The [CYCJ practice guidance](#) has now been published with a section on RJ. This is a reference document highlighting the challenges of RJ, the impact, benefits, current policy and legislation and more. This guidance will be updated on an annual basis with edits being noted as new research is published and the Action Plan progresses.

In order to ensure consistency in language both within the stakeholder group and with wider contacts, a communications brief was compiled and agreed by the group. This highlights key messages and will be published in due course.

3.2 Outcome Two – High quality Restorative Justice services are delivered by trained facilitators

The groundwork to complete a training needs analysis has been carried out and will commence when an RJ model for Scotland has been finalised. In the meantime, connections have been made with specialists in speech, language and communication needs (SLCN) to better understand the importance of addressing SLCN prior to and within the RJ process. This will be particularly important when progressing with training for facilitators.

Work is underway to establish a working group to produce a codes of practice document for RJ. This document will build on the [guidance for delivery of Restorative Justice in Scotland \(2017\)](#) by providing a set of practice standards that RJ services and facilitators should adhere to when delivering RJ. The working group will use existing codes of practice from the European Forum for RJ and the RJ Council in England. This will support the training needs moving forward.

In relation to children and young people, a recently published [survey](#) aims to seek their views on what they need from facilitators and supporters if involved in a RJ process. This will inform the delivery of training moving forward.

3.3 Outcome Three – There is a strong public awareness and understanding of Restorative Justice in Scotland

In June 2020, the Scottish Government commissioned telephone interviews with 1,014 members of the general public to ascertain a baseline measurement of RJ awareness and opinion in Scotland. This survey was analysed by a PhD student on an internship with the Scottish Government. The key findings evidenced that the general public were unfamiliar with the term RJ, but there was higher awareness of the concept. For example, 29% (n=358) of the respondents indicated that they had heard of RJ, however, of these only 13% (n=47) demonstrated a full clear understanding.

With regards to opinion and support for RJ amongst the general public, this was dependent on the severity of the crime. For serious crimes, around half (51%) would probably or definitely consider it, and for less serious crimes this rose to 64%. Results evidenced that 58% of the general public had the highest levels of support for RJ in cases where the person who caused harm was a child,

regardless of crime severity, with a further 13% who may consider RJ for a child, dependent on crime severity. These findings will support the development of a national RJ communications strategy to improve understanding and awareness across Scotland. A further telephone survey will be completed near the end of the three year Action Plan to ascertain the effectiveness of this strategy.

Several meetings have taken place to progress with a consultation specifically for children in relation to their views on RJ. The group supported the development of the survey mentioned above which aims to also raise awareness of RJ for children and young people.

4. Projects Funded in Year One of the Action Plan

Several projects were funded by the Scottish Government in year one to directly support the three outcomes detailed in the Action Plan.

4.1 Restorative Justice in Scotland Animation

To raise awareness of Restorative Justice in a Scottish context, CYCJ and Community Justice Scotland created a short [animation](#) on behalf of the Scottish Government. This followed identification that all animations available at the time were not within a Scottish context. In response, the RJ animation was created as a tool to raise awareness and understanding of RJ in Scotland. The animation clip aimed to portray what RJ is, how the process works, why someone would take part in a RJ process and what some of the benefits are.

An accompanying survey was published to measure baseline and end-line awareness and the impact of the animation. There were over 300 responses to this survey and initial feedback has been extremely positive. The full results of this survey will be published in due course.

The animation clip can be used for a variety of platforms, including RJ related websites, training and awareness sessions and consultation exercises to ensure participants have a basic awareness before they express their views on RJ related topics and/or activities.

4.2 Restorative Justice Forum website (SACRO)

SACRO were funded to resource a RJ website designed to have two components: 1) a platform for RJ practitioners, researchers and RJ related staff, with the aim of providing a supportive network for disseminating information more widely; and 2) a public-facing platform to promote awareness and understanding of RJ, information on what it entails and how to access a service.

SACRO disseminated a survey to stakeholders to ascertain what the website should include. Fourteen surveys were completed and evidenced that an important element of the website was to have an open-access section, where anyone can go to find out what RJ means and how to access services. Respondents also suggested the following to feature on the website including: information on training and events, case studies, directory of services, and progress on the Scottish Government's developments of RJ services.

SACRO formed a small working group to support the development of the website and create a structure for the web designers. This group met on two occasions and tasks were disseminated as

appropriate. The draft website was presented to the RJ Forum for comments in April. SACRO will launch the website in the summer of 2021 and continue to manage the platform and complete annual evaluations.

4.3 Restorative Skills Training Review (SACRO)

SACRO were also funded to complete a peer review of their Restorative Skills Training to ensure it met the needs and expectations of participants and satisfied the principles of the [Scottish Governments guidance for RJ \(2017\)](#). SACRO aimed to complete a two-stage review involving an internal review of the course to ensure it met the above requirements and a second stage that aimed to complete two peer reviews of the training course before offering completing delivery of the course, at no cost to participants.

SACRO were successful in completing the internal review (stage one) of the course materials and successfully recruited an MSc student to compile and disseminate a course feedback survey to previous attendees. Due to short timescales, SACRO were unable to complete the second peer review element, which involved having a member of the RJ Forum to attend and review the course prior to dissemination of the survey.

Overall, the survey concluded that while there was general satisfaction with all aspects of the course, it was suggested that small changes could improve the learning for participants. This included increasing the number of practical exercises throughout the course, allowing time to deal with the complexities during a RJ meeting and networking opportunities. The course material was re-written, taking into account the survey feedback.

SACRO completed a full delivery of the re-written training course to 12 participants from the private, public and third sector and academia. This included nine modules that were delivered online over one month.. Participants provided positive feedback on the training course in relation to the trainer's style, course materials and course content.

4.4 Survivors' Voices Consultation on Restorative Justice for Domestic and Sexual Abuse

The Survivors' Voices platform was funded to complete a Scotland-wide consultation to ascertain survivors' views on RJ. This project had three main aims: 1) to explore the current level of RJ awareness among survivors 2) ascertain if there is a demand for RJ among survivors and 3) explore survivor needs in relation to RJ services.

The consultation comprised of a number of elements which included design focus groups, attended by 28 survivors who reviewed the various consultation materials to ensure appropriateness and accessibility. Fourteen RJ awareness sessions were offered to survivors and support organisations to raise awareness of the concept of RJ and to explain the consultation survey aims and how to access it; a total of 40 individuals attended the awareness sessions. A social media campaign took place throughout the consultation period which included five live Question-and-Answer Panels to facilitate discussions on RJ and domestic and sexual abuse. These were attended by a survivor, an RJ expert and a survivor related support organisation. Recordings can be accessed [here](#).

The main consultation survey ran for four weeks and was completed by 47 survivors. The main findings provide evidence that survivors of domestic and sexual abuse want access to RJ. For the survivors who did not wish access it, the majority reported that RJ should be made available for all

survivors of domestic and sexual abuse and the choice to participate should be made by the survivor. Many survivors reported that RJ would provide an opportunity to take back control of their lives, with the process acting as a mechanism for rebalancing power dynamics. However, some survivors said they were dissuaded from accessing RJ due to past experiences of abusive power dynamics and imbalances from the perpetrator. Overall, the research highlighted that power dynamics and power imbalances should be acknowledged and addressed to allow best practice for RJ service development in Scotland.

An additional single survey was offered towards the end of the consultation which 90 survivors completed. This asked survivors “as a survivor of domestic or sexual abuse - would you participate in a Restorative Justice process if it were to be made available in Scotland?” Results evidenced that 83% (n = 75 / 90) would participate, while 17% (n = 15 / 90) would not.

The full report can be accessed [here](#).

4.5 Exploring awareness and understanding of Restorative Justice among young people and their families (CYCJ)

The project will work with children, young people and their families to explore their awareness, understanding and attitudes towards RJ in justice and other settings, as well as to gather their key messages for the design and delivery of services.

The project will employ creative and participatory digital workshops to provide a meaningful, COVID safe and effective participation approach for children and young people. Children will receive offline workshop materials, but engage online using the creative materials and activities provided. The project will also engage with teachers and prepare face-to-face lesson plans to engage with school pupils, and some flexibility will be built in to incorporate face-to-face participation if COVID-19 restrictions permit later in 2021. The multi-methods will include storyboarding, board games, scenarios, lesson plans and interviews to have a discussion and dialogue with children, young people and their families. Both one-to-one and group activities will be conducted to provide rich and collaborative data, and the participants and key policy and practice stakeholders will come together in a final online exhibition and event to share and hear the key messages.

Due to the closure of schools this project has had to be delayed. Despite being unable to start the project, engagement has started and there has been lots of interest from schools in taking part. The smaller workshops will take place over the summer period.

5. Next Steps for the Restorative Justice Action Plan 2021 – 22

As the RJ Action Plan moves into its second year of delivery, there are some key milestones that will take place. This will include the development of the already mentioned code of practice document in outcome one of this report. This document will outline key standards for RJ services and practitioners and will inform the training needs analysis. It will include core values, specialist skills required for some cases, for example working with children and young people or specific offence types, and communication arrangements with both criminal and youth justice services. In addition, it will identify the scale of requirement for RJ training in Scotland and serve to identify any

potential impacts on these requirements. The training needs analysis will service the function of informing a training requirements, outcomes and evaluation document.

The Scottish Government's Justice Analytical Services will continue to work on the agreed model for RJ delivery in Scotland, as mentioned in outcome one of this report. The focus will be on gathering recent and relevant data from a range of sources including, rates of victimisation and rates of crime, relevant literature and information from Gloucestershire RJ service (which the model for Scotland is based on) relating to costings and operating procedure. The above will provide an estimate on the level of demand and number of cases suitable for engagement to inform estimates on potential costs locally and nationally.

After the above has taken place, a 'soft roll out' of two RJ hubs will take place, ideally one in a rural area and one in an urban area. These 'soft roll outs' will provide the basis for evaluation of RJ delivery in rural and urban areas and highlight areas of good practice and service improvement for future roll outs of the remaining RJ hubs.

The importance of engagement throughout the delivery of the RJ Action Plan should be noted as an ongoing commitment and this involves not only the RJ stakeholder group, but the RJ practitioners and research forums, to ensure key activities are recognised and linked where appropriate. This will also include engagement at a local level through Community Justice Partnership and Whole System Approach leads to ensure local needs are identified and flexibility in RJ delivery is understood, considered and incorporated in the roll out of RJ services. This will involve raising awareness of the developments of the RJ Action Plan and an example of this includes the facilitation of a workshop by CJS and CYCJ RJ leads on the RJ Action Plan and the progress so far at a National Youth Justice Conference organised by CYCJ.

While this work is ongoing, an Equality & Human Rights Impact Assessment will be undertaken to consider the likely impact of this work on different groups of people. Furthermore, a Children's Rights Impact Assessment (CRIA) will be carried out to ensure the rights of children are considered and the work is compliant with the United Nations Convention on the Rights of the Child.

6. Restorative Justice activity outside the Action Plan

This section of the report will briefly touch upon additional activity that stakeholders, academics and practitioners have taken forward that has been valuable in promoting the vision and commitment to developing RJ services in Scotland. The RJ stakeholder group will consider how to maximise the benefits of these activities within the Action Plan. A number of activities have taken place since the RJ Action Plan delivery began. This includes a number of academic publications and practical guides aimed at providing an evidence base and guide for supporting the development of RJ in Scotland. A number of RJ related training courses and webinars have taken place in Scotland, which shows the ongoing commitment to ensuring practitioners are equipped with the skills and knowledge required to facilitate RJ. These have included specialised and complex areas of RJ.

There has been a growing demand to have Restorative Practices within Education which was highlighted within the RJ stakeholder meeting. As this was not felt to be within the remit of the group in order to deliver the RJ Action Plan, a group has been established to address this area. Members of this group include representatives from SCRA, CHS, Education Scotland, Youthlink Scotland and North Ayrshire Council. The aim of the group is to develop some consistency and key messages to

progress this area and work is underway to develop a paper highlighting the various restorative approaches for children and young people.

7. Summary

Despite the COVID-19 pandemic causing delay in some areas of the RJ Action Plan, there has been significant progress towards all three priority areas and a robust plan in place to ensure a soft roll-out of RJ service in year 2. The RJ stakeholder group has a crucial part to play in this ensuring commitment, participation and engagement both at a national and local level.