

RESTORATIVE JUSTICE TRAINING NEEDS ANALYSIS FOR SCOTLAND

Report Submitted to Scottish Government

August 2022

**Professor Tim Chapman
Tania Nascimento
Professor Cyrus Tata**

Centre for Law, Crime & Justice,
The Law School, University of Strathclyde

The Authors of this Report

Professor Tim Chapman is Visiting Professor at the Centre for Law, Crime & Justice, Law School, University of Strathclyde and the Chair of the Board of the European Forum for Restorative Justice.

With extensive experience in the *Northern Ireland Probation Service*, from 2003 to 2018, he lectured at Ulster University where he was Course Director for the Masters in restorative Practices. Tim has trained serious politically motivated prisoners in restorative practices in order to move them away from violence. He has also trained and accredited hundreds of students including youth justice workers, police officers, probation officers, social workers, community activists, and teachers. He has contributed to making Northern Ireland a world-renowned centre for Restorative justice.

In 2014 Tim Chapman completed a research project into the training of judges and prosecutors in restorative justice. This led to a new initiative to extend restorative justice to adults within the Northern Irish court system.

Tim is currently acting as a restorative consultant and practitioner in two major cases of multiple institutional sexual abuse. He is involved in research into the experience of participation in restorative justice by victims. He has co-edited a book published in December 2021: *Restorative Justice from a Children's Rights Perspective*.

Tania Nascimento, LLM is a PhD student at the Centre for Law, Crime & Justice, Law School, University of Strathclyde. Her PhD investigates the work of RJ Facilitators in restorative conferences, including how they perceive and manage emotions in these encounters. As part of her fieldwork, she is conducting interviews, focus groups, and ethnographic observations with RJ facilitators.

Tania recently won a Scottish Graduate School of Social Sciences Internship to conduct a short study of and report on the opportunities and challenges facing the Third Sector in expanding restorative practices in Scotland. She has undertaken RJ practice training, including an earlier iteration of the course delivered at Strathclyde by Prof Chapman.

Professor Cyrus Tata, PhD, FRSA is Professor of Law and Criminal Justice and Director of the Centre for Law, Crime & Justice at the University of Strathclyde, Scotland. He brings over 25 years of experience conducting and leading empirical research studies, funded by governmental bodies and research councils – both in Scotland and abroad. These include: sentencing decision-making consistency and disparity; the role and interpretation of pre-

sentence reports; the impact of legal aid reforms on case outcomes; plea decision-making and negotiation. Cyrus is founder and chair of the *European Group on Sentencing and Penal Decision-Making* (a network of some 100 academic, policy and practitioner members in over 25 countries).

In recent years he has also conducted studies on the experiences of victims/survivors in the criminal justice process as well as the role of emotion in penal decision-making. Cyrus is currently working on a comparative book on the presentation and interpretation of *Remorse and Responsibility* and the expectations in different countries (to be published in 2022 by *Hart Bloomsbury- Onati International Series Law & Society Series*). His recent book (2020) is *Sentencing: A Social Process – Rethinking Research & Policy* (Springer).

Cyrus has been working for some five years with Prof Tim Chapman on a successful programme of Restorative Justice Practices course which has been delivered both online and in person at Strathclyde, as knowledge exchange events on RJ and related topics.

Acknowledgments

We would like to thank the many people who gave their time, their knowledge and their ideas so honestly and so generously. We hope that you recognise your contributions in this report.

Table of Contents

EXECUTIVE SUMMARY	6
INTRODUCTION	15
PART I.....	17
1. RJ IN SCOTLAND: POLICY, STRATEGY AND ACTION PLAN	17
2. METHODOLOGY.....	19
3. SUMMARY OF FINDINGS & TRAINING NEEDS	20
3.1 RJ TRAINERS AND PROVIDERS	21
3.1.1 RJ TRAINING PROVISION IN SCOTLAND:.....	21
3.1.2 EXPECTATIONS AND NEEDS:.....	22
3.1.3 CONCERNS AND BARRIERS TO RJ TRAINING:	23
3.2 REFERRERS AND REPRESENTATIVES OF POTENTIAL SERVICE USERS.....	24
3.2.1 RJ TRAINING.....	24
3.2.2 EXPECTATIONS AND NEEDS:.....	25
3.2.3 CONCERNS AND BARRIERS TO RJ TRAINING:.....	26
3.3 RESEARCHERS AND POLICY OFFICIALS	26
3.3.1 EXPECTATIONS AND NEEDS:.....	26
3.3.2 CONCERNS:	28
PART II	29
PROGRAMME OF TRAINING REQUIREMENTS	29
4.1 OVERVIEW	29
4.2 TRAINING COURSES.....	30
4.2.1 INTRODUCTION TO RESTORATIVE JUSTICE.....	31
4.2.2 THE FOUNDATIONS OF RESTORATIVE JUSTICE PRINCIPLES AND PRACTICES.....	32
4.2.3 RESTORATIVE JUSTICE PRINCIPLES AND PRACTICES WITH CHILDREN AND YOUNG PEOPLE.....	35
4.2.4 RESTORATIVE JUSTICE IN SENSITIVE AND COMPLEX CASES.....	37
4.2.5 RESTORATIVE JUSTICE IN SENSITIVE AND COMPLEX CASES OF SEXUAL HARM.....	39
4.2.6 RESTORATIVE JUSTICE IN SENSITIVE AND COMPLEX CASES OF DOMESTIC ABUSE.....	40
4.2.7 RESTORATIVE JUSTICE IN SENSITIVE AND COMPLEX CASES OF HATE CRIME.....	42
4.2.8 MANAGING AND SUPERVISING RESTORATIVE PRACTITIONERS.....	43

4.2.9 TRAINING TRAINERS	44
4.3 QUALITY ASSURANCE	46
4.4 ACCREDITATION OF TRAINING	47
4.5 DELIVERY PLAN FOR TRAINING	49
APPENDIX	50
RESTORATIVE JUSTICE COUNCIL (RJC) – REGISTERED SERVICE PROVIDER COSTS	50
REFERENCES	52

Executive Summary

Restorative Justice (RJ) is described by the Scottish Government as RJ as “a process of independent, facilitated contact, which supports constructive dialogue between a victim and a person who has harmed (whether this be an adult, a child, a young person or a representative of a corporate or other body) arising from an offence or alleged offence.”¹

In 2019 the Scottish Government published a Restorative Justice Action Plan outlining the necessary steps to ensure consistent, quality RJ is available across Scotland by 2023.² One of its overarching outcomes includes the delivery of services by trained RJ facilitators, supported by accreditation, continuous monitoring and evaluation.

In spring 2022, the University of Strathclyde was commissioned by the Scottish Government to conduct, over a period of three months, a Training Needs Analysis in relation to RJ in Scotland. The aim was to deliver an analysis of RJ training needs and provide a programme of training requirements based upon the identified learning needs.

During the period of our analysis (April and June 2022), we have:

- Examined the available international literature relating to RJ training needs.
- Conducted 10 interviews and 7 focus groups with 26 key stakeholders, including researchers and policy officials, potential RJ providers, referrers, trainers, and representatives of potential service users.
- Held a strategic discussion event at the University of Strathclyde with key personnel from across the justice system and who have a particular interest in RJ.

The data from our interviews and focus groups was analysed in the light of our knowledge of RJ to produce an assessment of training needs and a programme of training requirements. Our primary concern was to include the views and concerns of those who will likely be at the forefront of service delivery and who will likely be involved in the referral of RJ cases.

¹ (Scottish Government, 2017, p.6)

² (Scottish Government, 2019)

Training needs

1. Training providers

- There is a very small pool of RJ trainers in Scotland.
- RJ training has been predominantly aimed at equipping people with the necessary skills to facilitate non-sensitive and non-complex cases.
- Community Justice Scotland provides specialised training on RJ in cases of hate crime.
- There is significant demand for RJ training in Scotland, particularly within the criminal justice system.
- There is a general willingness from training providers to collaborate and contribute to RJ training if additional funding is made available for resource.
- There is a need to raise awareness and knowledge of RJ amongst active stakeholders and criminal justice agencies.
- Future RJ training programmes must include separate models on how to facilitate youth and adult cases.
- It is imperative that RJ practice is underpinned by high quality training, supervision and support.
- RJ training programmes must include a strong practical element and guidance on how RJ will operate within Scottish criminal justice system.
- RJ practitioners' backgrounds should reflect the diversity within modern Scottish society.
- There was general agreement on the value of accredited training as assurance that practitioners' qualification to practice at various levels had been verified through assessment of knowledge and skill.

- There was general concern over funding for training.

2. Referrers and Representatives of potential service users

- There is a general willingness to participate in RJ training if additional funding is made available for resource.
- We heard from several respondents that training on its own is not sufficient to ensure or secure high-quality services. It requires reflective practice supported by good supervision.
- We were advised that many youth justice and criminal justice social workers, managing a general caseload, will find it difficult to prioritise referrals for RJ and commit to high quality restorative practice due to lack of resources.
- Victims' participation in representing their needs and interests must be at the centre of RJ processes in Scotland.
- The success of RJ in Scotland requires a structural culture shift within the criminal justice system and among a wide range of criminal justice personnel. To aid awareness and proper understanding of RJ, there is a need for an introductory RJ course.
- In addition to general training, there is a need for specialised training in Scotland, such as RJ in complex and sensitive cases of sexual harm, domestic abuse etc.
- Among those working in the domestic abuse field, there is a high level of scepticism about the use of restorative justice in cases of domestic abuse.
- Restorative justice in complex and sensitive cases of domestic abuse requires specific knowledge of various forms of gender violence and associated power dynamics.
- RJ facilitation training should focus on the skills required to explain the process to the persons harmed so that they do not feel pressured to participate.

3. Researchers and Policy Officials

- RJ training should enable practitioners to engage in the initial priorities of the Scottish Government:
 - Early and Effective Intervention (EEI) with children and young people in conflict with the law, aligned to the Whole System Approach;
 - A self-referral service for both those harmed and those who cause harm (including Thriving Survivors provision for cases of sexual harm);
 - Diversion from Prosecution.
- RJ training should not focus on one model of practice or one process (e.g., victim-offender mediation or conferencing).
- RJ training content should enable learners to become aware of and work within the Codes of Practice for restorative justice both with children and young people and with adults.
- RJ training should enable learners to understand and work within organisational systems, including regulations, data protection protocols, procedures for referrals, and risk management.
- Due to the attention that has been given to gender-based violence cases, there is a risk that an over cautious model of practice and delivery will develop, thus denying access to RJ among those who, having informed themselves and considered it carefully, wish to participate in RJ.
- There is a need for a national independent body to oversee training and provide accreditation.
- RJ Facilitators will need continuous support and opportunities to share their experiences, knowledge, and learn from other practitioners.
- There are concerns regarding the level of funding that is going to be made available to support training, accreditation, and practice.

Training requirements

At present it is very difficult to quantify the extent of demand for RJ. Therefore, we recommend a gradual and flexible process of making training available.

We have identified the need for a progressive curriculum of different levels of training in Scotland. These should be structured into modules, enabling a range of trainers, organisations and academics to contribute and to collaborate.

We recommend a hybrid model of learning using websites containing learning materials, videos and articles, online webinars engaging learners in reflecting on the application of theory, research and principles in various contexts and in person training focusing on practice skills.

We have identified the need for three different levels of training in Scotland:

1. Introduction to Restorative Justice.
2. Foundation Training in Restorative Justice with children and adults.
3. Specialist Training in sensitive and complex cases.

We also believe that to support and sustain RJ in Scotland there will need to be training in:

1. Managing and supervising RJ.
2. Training of RJ trainers.

We are aware of the trauma informed framework which is being developed for the justice sector in Scotland. Therefore, Trauma informed practice will be integrated throughout all the proposed training courses.

Possible Model for Restorative Justice Training in Scotland			
All Stakeholders	Practitioners Wishing to Qualify for General Practice		Experienced and Trained Practitioners Wishing to Engage in Sensitive and Complex Cases
Introduction to Restorative Justice	The Foundations of Restorative Justice Principles and Practices	Restorative Justice Principles and Practices with Children and Young People	Restorative Justice in Sensitive and Complex Cases
Courses Designed to Support the Implementation of Restorative Justice 1. Management and Supervision of Restorative Justice Practitioners 2. Training Trainers.			

Quality

Our underlying aim in this is to contribute to a model of restorative justice practices based upon best international practices and designed to be fit for purpose in Scotland. This puts quality at the core of both training and practice.

This requires:

1. Codes of practice which specify the standards of quality that people are entitled to expect from restorative justice in Scotland.
2. Practice manuals which offer guidelines to practitioners, and which can inform the content of training.
3. Good quality management and supervision by line managers who understand the values, principle and practices of RJ.

4. A strong commitment to research in Scotland and to keeping pace with international research.
5. A training programme which is continuously evolving to meet new demands and to improve quality.
6. Accreditation of training courses and of practitioners.
7. A tendering system based upon quality criteria determining which organisations deliver various restorative justice services.

Accreditation of training

Accrediting training serves two important purposes:

1. The training courses' content, design and delivery will be assessed according to quality criteria.
2. Those who participate in accredited training will be expected to provide evidence of the quality of their learning and of their subsequent practice. This provides some assurance of their competence to practice safely and effectively.

Accreditation can be administered and awarded by:

1. An independent professional association (e.g., the Restorative Justice Council in England and Wales).
2. A work-based qualification system such as Scottish Vocational Qualifications (SVQ);
3. A University through its certificate, diploma or masters' programmes.

There are costs to each of these options and each has benefits and disadvantages. If accreditation is considered a desirable goal, a further cost/benefit analysis would be required. It may be that a range of options from different providers should be made available depending upon the level and nature of the competence required for particular types of cases.

Delivery Plan for Training

Due to uncertainties in being able to predict the anticipated numbers of referrals for restorative justice, the numbers of trained practitioners required throughout Scotland, and funding available for implementation, it is difficult to determine a precise plan to deliver a training curriculum. Therefore, we suggest consideration of three options.

Option A - Comprehensive Training Curriculum for 2023

This option envisages a complete implementation of RJ throughout Scotland by the end of 2023 supported by the full implementation of the agreed training requirements by the end of 2023. **Priority would be given to the Introduction and Foundation courses** for adults and children at the beginning of year with the sensitive and complex cases training being completed by the end of the year of 2023.

Option B - Staged Training Plan 2023 - 2024

This option takes a staged approach based upon the Scottish Government's RJ priorities:

- Early and Effective Intervention (EEI) with children and young people in conflict with the law, aligned to the Whole System Approach;
- A self-referral service for both those harmed and those who cause harm (including Thriving Survivors provision for cases of sexual harm);
- Diversion from Prosecution.

The training programme would respond to these demands through the Introduction and Foundations courses for adults and children and the Thriving Survivors Sexual Harm training programme. In 2024 training in other sensitive and complex cases such as domestic abuse could be designed and tested.

Option C - Training Plan Responsive to Demand in local areas

A hub and spoke model has been adopted in Scotland to respond flexibly to local demands. Following the initial implementation of RJ in Lothian and Borders Sheriffdom, through the initial test project, RJ training could be rolled out one Sheriffdom at a time as identified in the model. This would enable each Sheriffdom to plan implementation, prepare systems and procedures, estimate their need for training, and have competent staff ready to deliver RJ regionally. Consequently, the training provision could be tailored to local needs and delivered locally.

Introduction

In 2019 the Scottish Government published a Restorative Justice (RJ) Action Plan outlining the necessary steps to ensure consistent, quality RJ is available across Scotland by 2023.³ One of its overarching outcomes includes the delivery of services by trained RJ facilitators, supported by accreditation, continuous monitoring and evaluation.

This report was commissioned to help inform the development of RJ training in Scotland. The overall aim was to deliver an analysis of RJ training needs and provide a programme of training requirements based upon the identified learning needs.

In March 2022, the University of Strathclyde was commissioned to conduct a Restorative Justice (RJ) Training Needs Analysis in Scotland. The aim was to deliver an analysis of RJ training needs and provide a programme of training requirements based upon the identified learning needs.

The key objectives of the project were to consult with the Scottish Government and Community Justice Scotland to:

- Clarify the requirements of policy, strategy and the action plan.
- Understand what is already in place (including other current proposals to deliver training) and how to ensure that the delivery of the training programme is fully inclusive of the current and potential expertise in Scotland.
- Identify key stakeholders to consult in relation to training needs, current training and planned provision, competent trainers, and already trained personnel.
- Identify current training providers and academics to consult and to involve.
- Consult significant stakeholders, organisations and training providers through individual interviews and focus groups.
- Organise and facilitate a stakeholder conference.
- Prepare a national restorative justice training needs analysis.
- Prepare a programme of training requirements.

³ (Scottish Government, 2019)

The report comprises two parts. Part One provides a brief overview of RJ in Scotland, sets out the methods used for our Training Needs Analysis and outlines the research findings. Part Two provides a programme of training requirements based upon the identified learning needs, including learning outcomes, knowledge and competences, and evaluation measures of the training, including criteria for qualification to practice.

Our Training Needs Analysis has been informed by the collection of qualitative information from interviews and focus groups conducted with key experts including researchers and policy officials, potential RJ providers, referrers, trainers, and representatives of potential service users. Our primary concern was to include the views of those who will likely be at the forefront of service provision and who will likely be involved in the referral of RJ stakeholders. The report does not intend to provide a comprehensive guide to training. It is, however, intended to provide information on training needs in Scotland and how they can be met.

High-quality RJ requires a significant amount of training, experience, and expertise.⁴ RJ processes need to be carefully prepared and rigorously organised to address what is important to participants and to ensure the safety of everyone involved. Acknowledging that RJ facilitation is work that may be complex and involve risk raises many questions around training and qualification to practice. We hope that this training needs assessment supports this important discussion in Scotland.

⁴ (Bolitho and Bruce, 2017; Pointer, 2020; Rossner, 2013)

PART I

1. RJ in Scotland: Policy, Strategy and Action Plan

RJ is not a foreign concept in Scotland but its development has gone through a few peaks and troughs in the last 40 years. The most promising period was arguably the early 2000s, when the Scottish Executive funded RJ to tackle youth crime, leading to a flurry of activity across the country and high levels of satisfaction amongst service users.⁵ The implementation peaked between 2005 and 2007. Unfortunately this initiative was not sustained and developed. As a result, the expertise that existed at the time has been diluted and dispersed.

Recent research suggests that the provision of RJ in Scotland is currently limited to low-level, youth crime and restricted to certain geographical areas.⁶ Services are provided either in-house by local authorities or are commissioned to third sector organisations, according to the level of resource available.

Despite the lack of statutory footing and patchy provision, RJ has received increased support and attention following the publication of its Restorative Justice Action Plan in 2019.⁷ This committed to having RJ services available across Scotland by 2023. Most recently interest has been generated following the launch of a new national Restorative Justice hub, with accompanying plans for an initial test project in the Edinburgh, Lothian and Borders areas.

The main RJ policy documents issued to date are:

- **Guidance for the Delivery of Restorative Justice in Scotland (“Guidance”)**⁸
- **Restorative Justice: Action Plan (“Action Plan”)**⁹

Both documents define RJ as “a process of independent, facilitated contact, which supports constructive dialogue between a victim and a person who has harmed (whether this be an adult, a child, a young person or a representative of a corporate or other body) arising from an offence or alleged offence”¹⁰

⁵ (Kirkwood, 2018)

⁶ (Maglione et al., 2020)

⁷ (Scottish Government, 2019)

⁸ (Scottish Government, 2017)

⁹ (Scottish Government, 2019)

¹⁰ (Scottish Government, 2017, p.6)

While Guidance set out the values that should underpin restorative justice practices, the Action Plan mapped out the necessary steps to ensure consistent, quality RJ services are available across Scotland by 2023, with the needs of victims at their heart.

The vision and strategy in both documents can be summarised as follows:

- RJ will have the interests of the victims at its heart.
- RJ will be a voluntary process available to everyone who wishes to access it (“at a time that is appropriate to the people and case involved”).¹¹
- Approaches will be “consistent, evidence-led, trauma informed and of a high standard”.¹²
- RJ will only take place if the person who has harmed is able to acknowledge and take responsibility for the harm caused and its consequences.
- RJ will not “impinge on any ongoing criminal proceedings”¹³
- Any RJ case will require ongoing risk and needs assessments.¹⁴

One of the key areas of focus and desired outcomes of the Action Plan is that “high quality restorative justice services are delivered by trained facilitators.”¹⁵ There is significant emphasis on accreditation and continuous monitoring and evaluation, suggesting that the aim is to move towards regulating RJ training and standardise accreditation requirements.

The main challenge to reach this outcome appears to be the lack of knowledge surrounding RJ training in Scotland. While the Action Plan acknowledges that there is some training available in Scotland, it is unclear how many training providers exist, what type of training is currently available, and what are the training needs (within and outside of the criminal justice system). There is also no framework for training or pathway to development, nor is there a process for ‘refresher training’ where needed. Training is also restricted to certain organisations (e.g., social work) or has a prohibitive cost to attend, which is unachievable in certain sectors/geographical areas.

¹¹ (Scottish Government, 2019, p.10)

¹² (Scottish Government, 2019, p.10)

¹³ (Scottish Government, 2019, p.5)

¹⁴ There is also a focus on a strengths-based approach which will concentrate on the qualities, personal strengths, and connections of those who engage in an RJ process. This holistic approach is closely related to other theories and approaches, including Trauma Informed Practice and The Good Lives Model.

¹⁵ (Scottish Government, 2019, p.10)

2. Methodology

Informed by our knowledge of issues world-wide in the development of RJ training programmes, this research undertook empirical analysis of views and perceptions in Scotland.

This research was of a qualitative nature and comprised of semi-structured interviews and focus groups with key experts including researchers and policy officials, potential RJ providers, referrers, trainers, and representatives of potential service users.

Between April and June 2022, we conducted 10 interviews and 7 focus groups with 26 people. The aim was to explore participants' views, expectations, priorities, and concerns regarding RJ processes and training, to review existing training provision and to assess whether there is demand for specialised training in Scotland. Participants were asked to share their ideas about the training needs for their organisation as a whole as well as their individual needs. All interviews and focus groups were facilitated by both researchers.

A thorough selection of participants was made in advance based on an extensive list of potential contacts provided by the Scottish Government and Community Justice Scotland officials.

A strategic discussion event was held at Strathclyde University in June 2022 to present preliminary findings and promote discussion amongst key stakeholders, including some of the participants in this study.

A Research Ethics application was made through the Research Ethics procedures at the University of Strathclyde. Upon comment and revision, approval was granted by the University.

3. Summary of Findings & Training Needs

This section summarises the main findings of this research. Participants were asked to share their views, expectations, experiences and concerns regarding RJ in Scotland. Some questions focused specifically on training (e.g. type of training offered/received, priorities, and willingness to undertake or contribute to future training) and the required safeguards to assure the safety and quality of RJ services.

The strategic discussion event held at the University of Strathclyde in June 2022 was helpful to our interpretation of the findings as the group discussions elicited numerous insights and thoughts amongst delegates, exposing subtle nuances between groups.

Although participants were unsure as to what their role will be with regard to provision, they expressed a high degree of enthusiasm, support, and commitment to the roll-out of RJ in Scotland. The overall sentiment was that RJ can be a powerful approach to justice when victim-focused and carried out by highly skilled and experienced facilitators.

The findings have been split into 3 groups:

- 1) RJ trainers and providers
- 2) RJ referrers and representatives of potential users
- 3) Researchers and policy makers.

These have been summarised and highlighted below.

3.1 RJ Trainers and Providers

3.1.1 RJ training provision in Scotland:

- **There is a very small pool of RJ trainers in Scotland.** Our data suggests that the main key trainers in Scotland as of 2022 are Sacro and Community Justice Scotland (CJS). Nonetheless, there has been some occasional, ad-hoc training throughout the years provided by third sector organisations and other experts (e.g., Barnardo's, Restorative Solutions, and Professor Tim Chapman at the University of Strathclyde), either on specialised areas, such as domestic abuse, or on core skills and RJ philosophy. It was expressed that the extent to which practitioners had received training sometimes depended on their own drive to learn more in the area.
- **In Scotland, RJ training has been predominantly aimed at equipping people with the necessary skills to facilitate non-sensitive and non-complex cases.** Courses have both a theoretical and a practical element, including role play exercises, and are accredited at university level.
- **Community Justice Scotland provides specialised training on RJ and hate crime.** Until the launch of the new national hub for RJ in cases of sexual harm, this was the only type of specialised training available in Scotland on a non-ad-hoc basis. The course, which has not been accredited, takes place over 4 days and covers a range of areas, including how to create a safe space for a restorative process in cases of hate crime and its specificities (i.e. the impact of trauma and what it means to work with service users from a trauma informed framework).
- **There is demand for RJ training in Scotland, particularly within the criminal justice system.** Whilst training requests come predominately from youth justice teams, respondents reported that they have also trained police officers (Police Scotland) and prison officers (Scottish Prison Service).
- **There is a general willingness to contribute towards RJ training if additional funding is made available.** Training providers are willing to collaborate in the training programme so that their strengths and expertise are shared.

3.1.2 Expectations and Needs:

- **There is a need to raise awareness and knowledge of restorative justice amongst active stakeholders and criminal justice agencies.** Trainers and providers reported that the differences between mediation and RJ, and RJ practice and RJ approaches, are not well understood by key stakeholders. It was suggested that RJ practice has become unduly diluted in Scotland and that it is important to provide training sessions or courses that are capable of increasing awareness and knowledge around RJ, as well as highlighting the benefits to the organisation receiving the training.
- **Future RJ training programmes must include separate models on how to facilitate youth and adult cases.** Interviewees agreed that facilitators should be cognizant of the differences between juvenile and adult offending and the different skills that are required to engage them in an RJ process. Training programmes should be structured to address the needs of children and young adults separately, including how to access their understanding of the process and their consent, how to interpret their body language, verbal communication, and trauma. Respondents also emphasised that young people who have not entered the system can also benefit from restorative approaches.
- **RJ practice should be underpinned by high quality training, supervision and support.** There was a clear consensus amongst trainers and providers that high quality initial training is paramount to good practice. However, further support and development will be required to develop their skills. It was suggested that not everyone will be suitable for the role and that newly trained facilitators should undertake some form of mentoring programme and spend some time shadowing more experienced practitioners. Regular supervision was also recommended to ensure services are delivered to a high standard.
- **RJ training programmes must include a strong practical element and guidance on how RJ will operate within Scottish criminal justice system.** One Respondent mentioned that a handbook with practical information could be useful at an initial stage to those who will be responsible for making referrals or informing potential service users about RJ. Another respondent mentioned that Facilitators will need to understand how RJ and models of multi-agency risk assessment like MARAC (Multi-Agency Risk Assessment Conference) will be coordinated. Therefore, further clarity is needed on the model that is going to be implemented to avoid ambiguity.

“There’s always demand for RJ training within justice teams. Those who are interested want practical training and, more specifically, understand how it fits within their work, their teams, and locally. So we definitely need some clarity on the model that is going to be rolled-out”

RJ Trainer

- **RJ practitioners’ backgrounds should reflect the diversity within modern Scottish society.** Efforts should be made to take training out of a predominantly white, middle class and academic environment and culture.
- **There was general agreement on the value of accredited training as assurance that practitioners’ qualification to practice at various levels had been verified through assessment of knowledge and skill.** SACRO has had their course credit-rated at SCQF Level 6 by Edinburgh Napier University. They also said that the Scottish Mediation Network might be worth considering.

3.1.3 Concerns and Barriers to RJ Training:

- **Resources:** Respondents shared some concerns around the overall resources that is going to be made available to support RJ training and practice. It was reported that funding has been a major barrier to training in Scotland and that the format of training programmes has been adapted to suit different needs, particularly since the Covid-19 pandemic.

3.2 Referrers and Representatives of potential service users

3.2.1 RJ Training

- **There is a general willingness to participate in RJ training if additional funding is made available.** While the large majority of respondents and their staff had not undertaken any type of RJ training to date, they showed interest in engaging in future training and contributing to its design. We heard, however, that this would be subject to being provided with additional funding as most agencies cannot support additional activities.

“In principle, we would be interested in contributing and providing RJ training but there’s a resource issue. We are very, very stretched at the moment.”

Potential RJ Provider and Victim Representative

- We heard from several respondents that quality of practice is not solely dependent on the quality of training. It requires reflective practice supported by good supervision. Practitioners need to continuously develop their competence through good supervision and support from their line managers as well as opportunities to reflect and learn from their practice (e.g., feedback from RJ participants of restorative processes).
- We were advised that many youth justice and criminal justice social workers, managing a general caseload, will find it difficult to prioritise referrals for RJ and commit to high quality restorative practice due to lack of resources. It may be more productive and effective to commission organisations (e.g., third sector) which do not carry the statutory authority over offenders, and which can give equal attention to victims.
- **Victims’ participation in representing their needs and interests should be at the centre of RJ processes in Scotland.** This requires organisations supporting and advocating for victims to play a significant part in the delivery of RJ. In sensitive

and complex cases, we would recommend two facilitators, one of whom could be employed by a victims' organisation. Victim Support Scotland could have a valuable role to play in many cases. These organisations will need to be included in training at all levels (Introduction, Foundation, and Sensitive and Complex). They should also contribute to the design and delivery of the training.

3.2.2 Expectations and Needs:

- **There is a need for an RJ introductory course.** We heard that those working in the criminal justice system in Scotland will need guidance on what RJ is, what it can offer, and what criteria will be used for referrals. Many have not participated in rigorous training on understanding the experience of victims and in skills in engaging with victims' rights, needs and interests. Thus, the success of RJ in Scotland requires a structural culture shift within the criminal justice system.
- **There is a need for specialised training in Scotland.** Gender-based violence was the central focus of discussion, eliciting numerous views and concerns amongst interviewees. Homicide and hate crime were also mentioned, albeit briefly.
- **Restorative justice with complex and sensitive cases of sexual harm.** This area of practice will be led by **Thriving Survivors** which will offer a safe, trauma informed service.
- **Restorative justice with complex and sensitive cases of domestic abuse requires specific knowledge of various forms of gender violence and associated power dynamics, the ability to read accurately subtle signs of coercive control, competence in assessing and managing risk, proven experience of restorative justice practices, and expertise in trauma informed practice.** Facilitators should, for example, take into consideration the nature of the relationship between the parties involved, the trauma, the power imbalances, the significance of coercion and control, the terminology used, the blame placed on the person harmed, the 'myths and stereotypes' frequently associated with the offence, and the perpetrators' willingness to make themselves accountable for the harm caused.

The Caledonian System engages men who perpetrate domestic abuse in rehabilitation while offering support to their victims. Most of the men are still in a relationship with the women whom they have abused. Most of the men are unhappy with their behaviour. Restorative practitioners should be aware of the need to work closely with the Caledonian System and Women's Aid throughout any restorative process i.e. before and after any facilitated meeting.

- **RJ facilitation training should focus on the skills required to explain the process to the person harmed.** It is crucial that anyone who wishes to take part in an RJ process does not feel pressured to do so and is aware of their options. It was reported that Facilitators need to be able to find a balance between empowering those affected by the harm to make individual choices and decisions and ensuring that they are delivering safe practice. This can be achieved when the process is both victim-centred, voluntary, and comprehensive risk assessments are in place.

3.2.3 Concerns and Barriers to RJ Training:

- **There is a great amount of scepticism about the use of restorative justice in cases of intimate partner violence.** These include concerns that victim-survivors will feel pressured into taking part and that restorative justice will provide the perpetrator with further opportunities to exert control over them. While these concerns can be addressed through high quality training and practice, they are real and valid and should not be ignored or disparaged.

3.3 Researchers and Policy Officials

3.3.1 Expectations and Needs:

- RJ training should enable practitioners to engage in the initial priorities of the Scottish Government:
 - Early and Effective Intervention (EEI) with children and young people in conflict with the law, aligned to the Whole System Approach;
 - A self-referral service for both those harmed and those who cause harm (including Thriving Survivors provision for cases of sexual harm);
 - Diversion from Prosecution.

- **RJ training should not focus on one model of practice or one process (e.g., mediation).** The diversity of types of harm, of characteristics of victims and perpetrators of harm and of the contexts in which harm takes place requires practitioners who can respond creatively, flexibly and effectively to complex circumstances.

“I think if you rely on just one organisation to do RJ it can die out and that’s what we don’t want to see happening at all”

RJ Trainer and Provider

- **RJ training should enable learners to understand and to work within the Codes of Practice for restorative justice both with children and young people and with adults.** These codes have not yet been finalised. practice manuals would also be a useful aid to practitioners and line managers.
- **RJ training should enable learners to understand and work within organisation systems, regulations, data protection protocols and procedures for referrals, risk management etc.** It is likely that sophisticated systems will evolve to ensure that referrals for restorative justice are based upon the wishes and needs of victims and perpetrators rather than the inclinations of professionals. Whatever system emerges, there will need to be training to ensure consistent and efficient implementation.
- **Due to the attention that has been given to high-risk gender-based violence cases, there is a risk that an over cautious model of practice and delivery will develop, thus denying access to RJ among those who, having informed themselves and thought carefully, wish to participate.**

- **There is a need for a national independent body to oversee training and provide accreditation.** An independent body would not only encourage collaborative work and dialogue but also establish a benchmark of quality for RJ training. One respondent emphasised that the RJ Forum could be (potentially) well placed to take on this task.
- **RJ Facilitators will need continuous support and opportunities to share their experiences, knowledge, and learn from other practitioners.** Scotland needs to develop and support a cohort of experienced practitioners who can act as champions, mentors and the trainers of the future. It was suggested that the RJ Practitioner Network could be used as a platform for this purpose.

“The vast majority of crimes that are likely to go through RJ are not gender based violence. I think this is something that we need to hang on to, otherwise there is a bit of a risk that there is a huge amount of attention on these types of crimes in RJ debates, policy, meetings and so on in Scotland, when the types of crimes that practitioners are actually going to be dealing with are different.”

RJ Researcher

3.3.2 Concerns:

- **Funding:** Interviewees reported concerns regarding the resource that is going to be made available to support training, accreditation, and practice. At least in the initial stages, government funding should be made available to ensure that appropriate training is delivered to generate the volume of practitioners required to meet the demand. Once the function of training is to maintain the pool of expertise required, it is likely that organisations will use their own training budgets to ‘top up’ expertise.

PART II

Programme of Training Requirements

4.1 Overview

We recommend a gradual and flexible process of making training available as at present it is very difficult to estimate the demand. We have identified the need for a progressive curriculum of different levels of training in Scotland structured into modules which enable a range of trainers, organisations and academics to contribute and to collaborate.

We recommend a hybrid model of learning using websites containing learning materials, videos and articles, online webinars engaging learners in reflecting on the application of theory, research and principles in various contexts and in person training focusing on practice skills.

We are aware of the trauma informed framework which is being developed for the justice sector in Scotland. Thus, Trauma Informed Practice will be integrated throughout all the proposed training courses.

Restorative justice processes are designed to protect participants from domination, oppressive and discriminatory attitudes and practices, as well as coercive control. This is to ensure each individual is safe and feels empowered to speak and express their feelings. These power dynamics are especially critical in areas such as gender-based violence and hate crime. However, power dynamics can be present in any harmful actions and be a potential risk in any restorative processes. Consequently, issues of power and control will be integrated throughout all the proposed training courses.

Possible Model for Restorative Justice Training in Scotland			
All Stakeholders	Practitioners Wishing to Qualify for General Practice		Experienced and Trained Practitioners Wishing to Engage in sensitive and Complex Cases
Introduction to Restorative Justice	The Foundations of Restorative Justice Principles and Practices	Restorative Justice Principles and Practices with Children and Young People	Restorative Justice in Sensitive and Complex Cases
<p align="center">Courses Designed to Support the implementation of Restorative Justice</p> <p align="center">1. Management and Supervision of Restorative Justice practitioners 2. Training Trainers.</p>			

4.2 Training Courses

The potential formats below are provided for illustrative purposes. Once a programme of training has been agreed and resourced, the courses will require much more detailed development and design. As part of an accreditation procedure, they will also need to undergo a detailed quality assurance process in which there is expert review and revision (see 4.3 and 4.4).

We would recommend that a team of trainers would be allocated to each course to design and organise the details of content and delivery.

4.2.1 Introduction to Restorative Justice

INTRODUCTION TO RESTORATIVE JUSTICE			
Duration	Target Groups	Learning Objectives	
2 – 3 hour workshop consisting of information inputs, Q&A and brief practice demonstrations (live or on video).	<ul style="list-style-type: none"> • Referring social workers • Third sector organisations related to the justice system including victim support agencies, legal professionals, Sheriffs, Children’s Panels, Police, Prison Service. 	To understand what RJ is.	
		To understand the benefits and risks of RJ.	
		To be able to explain RJ to others and make referrals.	
Module	Content Outline	Trainers	Mode of Delivery
What is Restorative Justice?	Definitions, Values, principles and processes.	Identify champions who can be trained to deliver this course in different local authority areas and to different stakeholder groups.	Large meetings or online + Concise briefing papers
What are the benefits and risks of RJ?	What research says about the impact of RJ for victims and perpetrators.		
How do you explain and refer for RJ?	Who is suitable for RJ and when is it appropriate to refer? What is the referral process?		

4.2.2 The Foundations of Restorative Justice Principles and Practices

THE FOUNDATIONS OF RESTORATIVE JUSTICE PRINCIPLES AND PRACTICES		
Duration	Target Groups	Learning Objectives
5 days	Those wishing to qualify as generic restorative practitioners.	To understand legal and institutional context of RJ in Scotland.
		To understand the harmful impact of crime.
		To understand models of RJ practices.
		To offer the option of RJ.
		To prepare people to participate in RJ.
		To manage the risks of participation.
		To facilitate restorative meetings.
		To arrange post-meeting support and accountability.
		To reflect on and continuously learn from and improve practice.

Module	Content Outline	Trainers	Mode of Delivery
The Legal and Institutional Context of RJ in Scotland	<ul style="list-style-type: none"> • Opportunities in the criminal justice process to offer RJ • Policies, regulations, code of practice and protocols governing RJ 	Academic experts + Community Justice Scotland	Online or in person + Written briefings
Understanding the Harmful Impact of Crime	<ul style="list-style-type: none"> • The victim's experience • The perpetrator's experience • The impact on family and society 	Third sector + Academic experts	Online or in person
Models of RJ Practices	<ul style="list-style-type: none"> • Values • Principles of practice • Processes • Outcomes 	Academic experts	Online
Offering the Option of RJ	<ul style="list-style-type: none"> • Inclusion and choice • Listening skills • Trauma informed practice • Understanding what matters to each person and what they need. 	Third Sector and/or University of Strathclyde	In person
Preparing People to Participate in RJ	Understanding and engaging with family, community and cultural contexts	Third Sector and/or University	In person

Managing the Risks of Participation in RJ	<ul style="list-style-type: none"> • Understanding trauma and mental health • Relationships of power 	Academic experts	Online
Facilitating the Restorative Meeting	Practicing skills	Third Sector and/or University	In person
Post-meeting Support and Accountability	<ul style="list-style-type: none"> • Supervising the agreed action and dealing with non-compliance • Referring to services 	Third Sector	In person and online
Reflective Practice	Reflecting on and learning from practice through participants' reviews and evaluations.	Academic experts	In person or online

4.2.3 Restorative Justice Principles and Practices with Children and Young People

RESTORATIVE JUSTICE PRINCIPLES AND PRATICES WITH CHILDREN AND YOUNG PEOPLE		
Duration	Target Groups	Learning Objectives
5 days	Those wishing to qualify as generic restorative practitioners with children and families.	To understand legal and institutional context of RJ in Scotland
		To understand children's rights and trauma informed practice in RJ practices
		To understand the harmful impact of crime
		To understand restorative circles and conferences
		To offer the option of RJ
		To prepare people to participate in RJ
		To manage the risks of participation
		To facilitate restorative meetings.
		To arrange post-meeting support and accountability.
		To reflect on and continuously learn from and improve practice

Module	Content Outline	Trainers	Mode of Delivery
The Legal and Institutional Context of RJ in Scotland	<ul style="list-style-type: none"> • Opportunities in the criminal justice process to offer RJ • Policies, regulations, code of practice and protocols governing RJ 	Academic experts	Online or in person + Written briefings
Children's Rights and Values in Restorative Practice	<ul style="list-style-type: none"> • Children's development, ACEs, Trauma informed practice • How we talk with and about children • Children as victims • Engagement and voluntary participation 	Third Sector + Academic experts	Online or in person + Written briefings
Engaging Families	Family Group Decision Making	Third sector	In person
Restorative Circles	Practice skills	Third Sector	In person
Restorative Conferences	Practice skills in engaging, preparing, facilitating meetings and follow-up support and accountability	Third Sector	In person
Support After the Restorative Meeting	Services available to children in conflict with the law and children as victims post RJ	Third Sector	Online or in person Written briefings

4.2.4 Restorative Justice in Sensitive and Complex Cases

RESTORATIVE JUSTICE IN SENSITIVE AND COMPLEX CASSES			
Duration	Target Groups	Learning Objectives	
4 days	<p>Experienced practitioners trained at Foundation level who wish to engage in sensitive and complex cases.</p> <p>(This course does not immediately qualify participants to practice in these cases. A further specialist course will be required)</p>	To introduce learners to the common features of sensitive and complex cases	
		To prepare learners for specific courses on sexual harm, domestic abuse, hate crime etc.	
Module	Content outline	Trainers	Mode of delivery
Understanding the systemic nature of power and harm	<ul style="list-style-type: none"> • The impact of oppressive values and belief systems • Secondary victimisation in society and the criminal justice system • The role of the bystander 	University	Online

Understanding the traumatic impact of harm	<ul style="list-style-type: none"> • Theories of trauma • Theories of recovery and post-traumatic growth 	University and CJS	Online
Applying restorative justice to sensitive and complex cases	<ul style="list-style-type: none"> • Values • Principles of practice • A model of practice 	University	Online
Engagement	<ul style="list-style-type: none"> • Understanding harm, suffering and injustice • Understanding the reluctance to engage in restorative justice • Restoring control and choice through rights, respect, and humility • The importance of narratives for purpose, meaning and identity 	University	In person
Participation	<ul style="list-style-type: none"> • Trauma informed practice with victims and perpetrators • Reviewing and assessing risks and concerns • Co-designing a safe, respectful, and fair process • Preparing the person to choose what they want to say, to ask and to request 	University + CJS + Academic Experts.	In person

Restoration	<ul style="list-style-type: none"> • Facilitating the narratives of harm and of accountability • Facilitating questions and clarifying mutual understanding • Addressing what matters to the victim • Addressing what matters to the perpetrator • Facilitating dialogue on responsibilities and commitments • Producing a rigorous agreed plan of action • Making arrangements for support and accountability 	University	In person
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4.2.5 Restorative Justice in Sensitive and Complex Cases of Sexual Harm

RESTORATIVE JUSTICE IN SENSITIVE AND COMPLEX CASES OF SEXUAL HARM		
Duration	Target Groups	Learning Objectives
2 days	Experienced practitioners trained at Foundation level and have completed the course on sensitive and complex cases.	<div style="text-align: center;"> <p>To understand the complexities of sexual harm</p> <hr style="width: 50%; margin: 0 auto;"/> <p>To apply RJ practices to sexual harm effectively and safely</p> </div>

Module	Content Outline	Trainers	Mode of Delivery
Theory	<ul style="list-style-type: none"> • Types of sexual harm • Understanding the nature of sexual harm 	Thriving Survivors, + academic experts	Online or in person
Trauma Informed Practice	Understanding the impact of sexual harm and how to respond	As above	Online or in person
Risk Management	Ensuring that any restorative process is safe	As above	Online or in person
Mentoring		Experienced practitioners + academics	Online or in person

4.2.6 Restorative Justice in Sensitive and Complex Cases of Domestic Abuse

RESTORATIVE JUSTICE IN SENSITIVE AND COMPLEX CASES OF DOMESTIC ABUSE		
Duration	Target Groups	Learning Objectives
2 days	Experienced practitioners trained at Foundation level and have completed the course on sensitive and complex cases	To understand the complexities of domestic abuse
		To apply RJ practices to domestic abuse effectively and safely

Module	Content outline	Trainers	Mode of delivery
Theory	<ul style="list-style-type: none"> • Types of domestic abuse • Understanding the nature of domestic abuse 	Third sector	Online or in person
Recognising and Managing Coercive Control	<ul style="list-style-type: none"> • The dynamics of coercive control • Interpreting victims' behaviour • Interpreting perpetrators' behaviour • Understanding the realities of domestic abuse • Practical and safe responses to identifying domestic abuse 	Third sector	Online or in person
Trauma Informed Practice	Understanding the impact of domestic abuse and how to respond	As above	
Risk Management	Ensuring that any restorative process is safe	As above	
Complementary Models	<ul style="list-style-type: none"> • Caledonian System • Women's Aid • Fear Free – male victims, LGBTQ victims • Cultural issues (BAME) • Safe Lives 	Guest speakers from specialist agencies	

4.2.7 Restorative Justice in Sensitive and Complex Cases of Hate Crime

RESTORATIVE JUSTICE IN SENSITIVE AND COMPLEX CASES OF HATE CRIME			
Duration	Target Groups	Learning Objectives	
2 days	Experienced practitioners trained at Foundation level and have completed the course on sensitive and complex cases.	To understand the complexities of hate crime	
		To apply RJ practices to hate crime effectively and safely	
Module	Content Outline	Trainers	Mode of Delivery
Theory	<ul style="list-style-type: none"> • Types of hate • Understanding the nature of hate crime 	CJS	Online or in person
Trauma Informed Practice	Understanding the impact of domestic abuse and how to respond	CJS	Online or in person
Risk Management	Ensuring that any restorative process is safe	CJS	Online or in person
Practice Skills through Scenarios	<ul style="list-style-type: none"> • Inclusion, cultural and Language Sensitivity • Facilitation Skills 	CJS	Online or in person

4.2.8 Managing and Supervising Restorative Practitioners

MANAGING AND SUPERVISING RESTORATIVE PRACTITIONERS			
Duration	Target Groups	Learning Objectives	
One day	Line managers/supervisors of restorative practitioners. Participants should have completed the Introduction course and preferably the Foundation course.	To develop working relationships conducive to RJ practice	
		To provide supervision that balances support and accountability	
		To assure quality and evaluate outcomes.	
Module	Content outline	Trainers	Mode of delivery
Developing and Sustaining a Work Environment that Supports RJ Practices and Trauma Informed Practices	<ul style="list-style-type: none"> • Working relationships • Team meetings • Resources and facilities for restorative meetings 	University	Online
Supervising Restorative Practitioners	Supervising standards of practice	University	Online

Quality Assurance and Outcome Evaluation	<ul style="list-style-type: none"> • Understanding indicators of quality • Understanding outcomes • Measuring quality and outcomes 	University	Online
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4.2.9 Training Trainers

TRAINING TRAINERS OF RESTORATIVE JUSTICE		
Course	Target groups	Learning objectives
2 days	Trained and experienced practitioners who wish to offer training.	To understand how adults learn.
		To be able to choose and use a range of learning methods.
		To present clearly and in a style that engages people.
		To facilitate dialogue and reflection.
		To coach people on practice skills.
		To evaluate training

Module	Content outline	Trainers	Mode of delivery
How Adults Learn	<ul style="list-style-type: none"> • Different learning styles • Learning models (e.g., Kolb) 	University	In person
Different Learning Methods	<ul style="list-style-type: none"> • Learning circles • Engaging presentations • Using examples and stories • Using games and experiential exercises • Using the arts • Role play and simulations. 	University	In person
Training Skills	Presenting and PowerPoint Facilitating Coaching	University	In person
Evaluating Training	<ul style="list-style-type: none"> • Quality review • Learning review • Application review • Impact review • Kirkpatrick model 	University	In person
Mentoring and Co-training Follow-up	Participants will be allocated an experienced trainer as a mentor and co-trainer		

Other courses which may be required in the future:

- Homicide and life-changing injury
- Violent extremism and radicalisation
- Institutional abuse
- Gang violence
- Stalking
- RJ in Prisons

4.3 Quality assurance

Our underlying aim in this training needs analysis has been to contribute to a model of restorative justice practices based upon best international practices and designed to be fit for purpose in Scotland. This puts quality at the core of both training and practice. Those who fund and make referrals for restorative justice and, above all, those who participate in restorative justice are entitled to expect high standards practice which deliver safe and effective experiences of justice and the restoration of what has been lost, damaged or violated by the harmful impact of crime.

We recommend a wholistic approach to quality assurance in which training plays a significant part. This entails:

1. Codes of practice which specify the standards of quality that people are entitled to expect from restorative justice in Scotland.
2. Practice manuals which offer guidelines to practitioners and can inform the content of training.
3. Good quality management and supervision by line managers who understand the values, principle and practices of RJ.
4. A strong commitment to research in Scotland and to keeping pace with international research.
5. A training programme which is continuously evolving to meet new demands and to improve quality.
6. Accreditation of training courses and of practitioners.

7. A tendering system based upon quality criteria determining which organisations deliver various restorative justice services.

These elements are interdependent, and training cannot be understood in isolation of the other quality systems. However, this document should consider options for accreditation.

4.4 Accreditation of Training

Accrediting training serves two important purposes:

1. The training courses' content, design and delivery will be assessed according to quality criteria through peer review. If accredited, they will achieve an objective mark of quality which gives the training some credibility with the public.
2. Those who participate in accredited training will be expected to provide evidence of the quality of their learning and of their subsequent practice. This provides some assurance of their competence to practice safely and effectively.

Accreditation can be administered and awarded by:

1. An independent professional association such as the Restorative Justice Council in England and Wales;
2. A work-based qualification system such as Scottish Vocational Qualifications (SVQ);
3. A University through its certificate, diploma or masters programmes.

There are costs to each of these options and each has benefits and disadvantages. If accreditation is considered a desirable goal, a further cost/benefit analysis would be required. It may be that a range of options from different providers should be made available depending upon the level and nature of the competence required for particular types of cases.

Some respondents supported the idea of an independent Scottish Accrediting Authority for RJ. This would be in tune with Scottish culture, legal and institutional arrangements and focused on RJ. It could grow out of the Restorative Justice Forum. It would require significant funding and could take some time to be established.

Alternatively, the Restorative Justice Council (RJC) could be invited to include Scotland in its operations (please find attached a guide to RJC rates for Accredited Training Providers).

The SVQ system is work based and as such has a direct application to the realities of current practices in specific organisations. It can be integrated into the daily practices of its participants. It is very practical and suits people who do not have an academic background. An example of this is the Restorative Practice Skills Course currently provided by SACRO which has been credit-rated at SCQF level 6 by Edinburgh Napier University. Upon completing the course, participants receive a certificate recognising this and awarding credits. However, this option lacks the academic emphasis on theory, research and critical thinking and, thus, may not encourage creative thinking and flexible practice.

A university accreditation, perhaps, carries a different significance to the public and may hold more currency on a C.V as university courses are validated rigorously and regularly reviewed. They have several levels of examination including external examiners. They encourage students to think critically as well as evidence their competence in practice. Nonetheless, they may be daunting for those who do not have a university background and alternative accreditation systems may be required for more practitioners. It is currently impossible to offer a costing for this route as the university would need to conduct an economic appraisal before proceeding to validate an accredited course in RJ.

Overall, it may be possible to recognise more than one route to accreditation to accommodate different contexts for the application of RJ.

4.5 Delivery Plan for Training

Due to uncertainties at present in relation to anticipated numbers of referrals for restorative justice, numbers of trained practitioners required throughout Scotland and funding available for implementation, it is difficult to determine a definite plan to deliver a training curriculum. We suggest consideration of three options.

Option A - Comprehensive Training Curriculum for 2023

This option envisages a complete implementation of RJ throughout Scotland by the end of 2023 supported by the full implementation of the agreed training requirements by the end of 2023.

Priority would be given to the Introduction and Foundation courses for adults and children at the beginning of year with the sensitive and complex cases training being completed by the end of the year.

Option B - Staged Training Plan 2023 - 2024

This option takes a staged approach based upon the Scottish Government's RJ priorities:

- Early and Effective Intervention (EEI) with children and young people in conflict with the law, aligned to the Whole System Approach;
- A self-referral service for both those harmed and those who cause harm (including Thriving Survivors provision for cases of sexual harm);
- Diversion from Prosecution.

The training programme would respond to these demands through the Introduction and Foundations courses for adults and children and the Thriving Survivors Sexual Harm training programme. In 2024 training in other sensitive and complex cases such as domestic abuse could be designed and tested.

Option C - Training Plan Responsive to Demand in local areas

A hub and spoke model has been adopted in Scotland to respond flexibly to local demands. Following the initial implementation of RJ in Lothian and Borders Sheriffdom, through the initial test project, RJ training could be rolled out one Sheriffdom at a time as identified in the model. This would enable each Sheriffdom to plan implementation, prepare systems and procedures, estimate their need for training, and have competent staff ready to deliver RJ regionally. Consequently, the training provision could be tailored to local needs and delivered locally.

Appendix

Restorative Justice Council (RJC) – Registered Service Provider Costs

REGISTRATION FEES ¹⁶	
Type of registration	Fee
Initial Registration Assessment Main Site	£1,300 + VAT
Initial Registration Assessment Additional Sites	£260 + VAT
Initial Advanced Practitioner Registration (per person)	£315 + VAT
Initial Intermediate Practitioner Registration (per person)	£280 + VAT
Initial Foundation Practitioner Registration (per person)	£250 + VAT

MAINTAINING REGISTRATION	
Organisation type	Fee
Large Organisation	£450 (annual)
	£1,335 (3yr advanced)
Small Organisation (5 or less FTE)	£300 (annual)

¹⁶ In order to apply for registration, potential providers need to hold a RJC Organisational, Charitable or Sole Trader Membership. Further details about registration and costs can be found on the RJC website. <https://restorativejustice.org.uk/registered-service-provider>

	£885 (3yr advanced)
Large Charity	£375 (annual)
	£1,125 (3yr advanced)
Small Charity	£250 (annual)
	£735 (3yr advanced)

Service Providers will also need to submit an Annual Monitoring Report and pay the required renewal fee outlined below:

RENEWAL FEE	
Annual Registration Renewal fee	£260+VAT
Annual Practitioner Registration Renewal Fee (per practitioner)	£185+VAT

COURSE APPROVAL FEE	
(Valid for 3 years)	
Initial Registration Assessment	£520+VAT
Foundational level course	£130+VAT
Intermediate level course	£260+VAT
Advanced level course	£390+VAT

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