



JANUARY 2025

Capturing the Organisation and Delivery of Restorative Justice with Children across Scotland: Reported findings from a practitioner-focussed survey.

Pamela Morrison and Lauren Emmerson

Collaborating for rights-respecting justice
cycj.org.uk | cycj@strath.ac.uk

Restorative Justice in Scotland 2024

Aim

In Summer 2024, CYCJ developed a survey designed to gain an understanding of existing Restorative Justice (RJ) practices with children (under 18s) across Scotland. The survey intended to map out and identify strengths and gaps in service provision as well as identify partner agencies who could work with us on testing and evaluating RJ cases for the purpose of a Scottish Government test case project.

To support consistency in completion of the survey, the Scottish Government's definition was highlighted at the onset, which describes Restorative Justice 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"*.

Method

The survey was developed to be completed online by practitioners working with children in conflict with the law, a method chosen to encourage participation across Scotland from a wide range of organisations. The survey comprised of 22 questions, most offering multiple choice answers with space to expand where appropriate and designed to take approximately 5 minutes to complete. Although this meant that the survey had to be concise, it aimed to increase practitioner uptake.

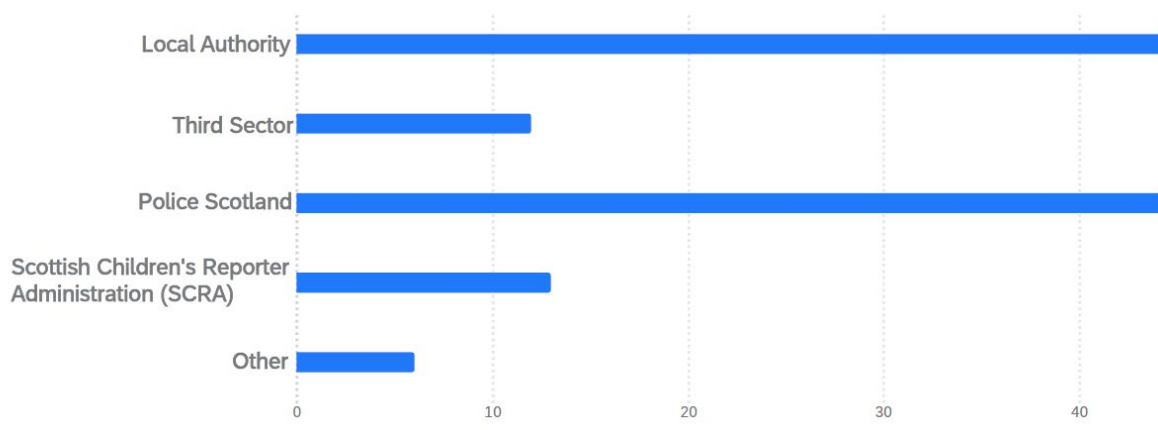
The survey was distributed via the CYCJ mailing list and via wider Restorative Justice networks within Scotland. Participants were invited to share their contact details for the dual purposes of expanding discussion relating to RJ in their area and exploring their potential involvement in the Scottish Government test case project.

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

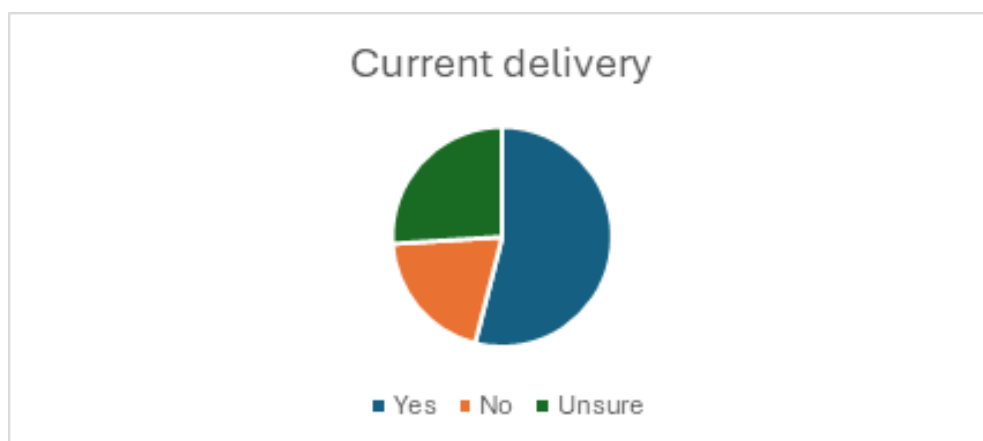
Findings

Responses to the survey were received by 29 of the 32 local authorities in Scotland. A total of 24 individuals, from a broad range of statutory and voluntary agencies, volunteered to be contacted for further discussion. 123 responses were received in total with respondents from a combination of Local Authority Social Work, community safety, Police Scotland, SCRA, legal bodies and third sector organisations.



Current delivery

In response to the question asking if restorative justice was being delivered in their area, 54% of respondents stated that it was, 20% stated that it was not, and 26% that they were unsure. It is noted that on several occasions respondents from the same local authority answered this question differently resulting in it being unclear what provision was in place.



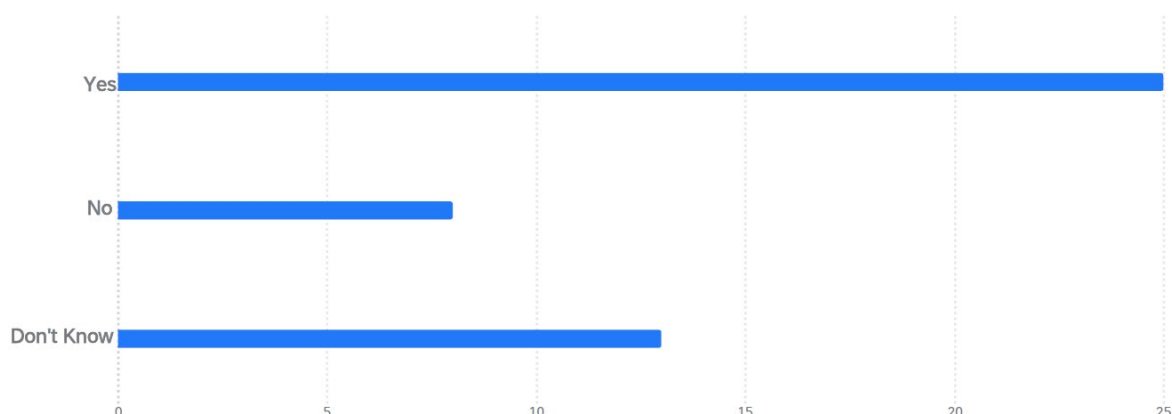
Furthermore, it was reported that RJ was delivered by local authorities (36%), third sector (28%) and others which include Police Scotland (36%).

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

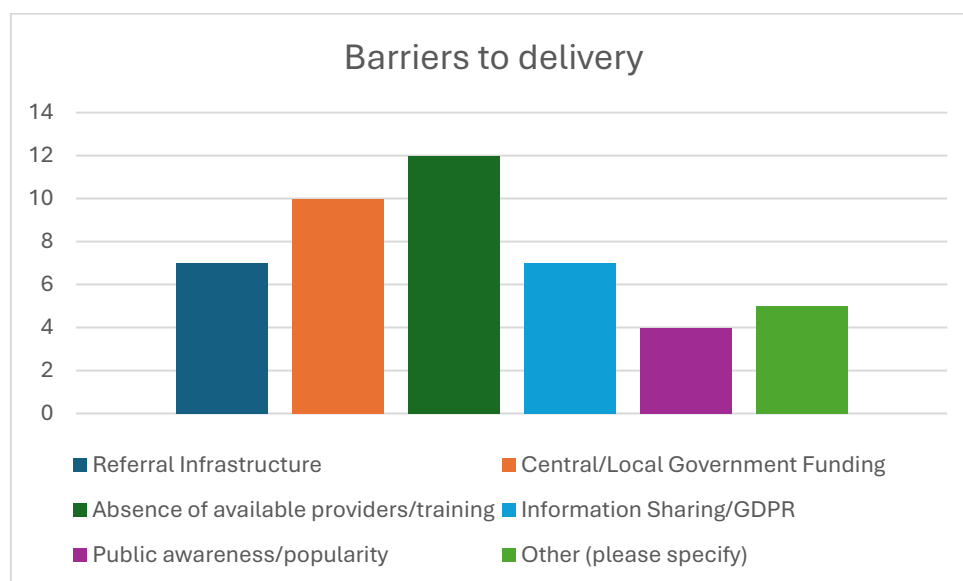
Involvement of person harmed

The majority of respondents noted that the person harmed was involved in the RJ process (54%), whereas 17% stated that the person harmed was not involved and 28% were not sure. Due to the limitations of the survey, responses did not allow for greater detail on how this was delivered. Given that almost half of respondents (45%) stated that the person harmed was not involved or they were unsure if they were involved, it raises questions about the definition of restorative justice those respondents were adhering to.



Barriers to delivery

The main barrier to practice, identified via the survey, for restorative justice not being available was the absence of available providers/ training (55% of respondents), followed by funding highlighted by 45% of the respondents.



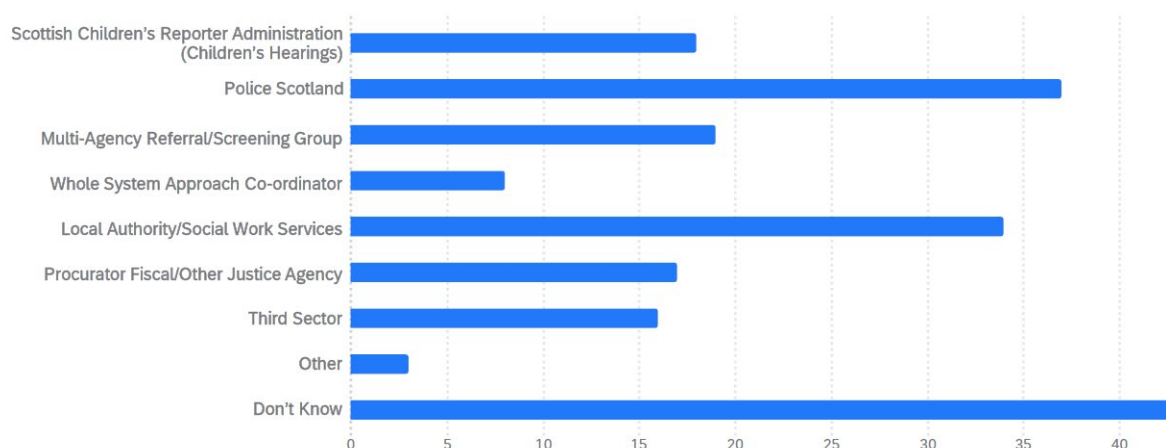
Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

'Available providers' and 'available training' being contained within a single multiple-choice response prevented further examination of the extent to which each constitutes a barrier to practice. 32% of respondents identified 'information sharing/GDPR' as a barrier to restorative justice delivery in their area.

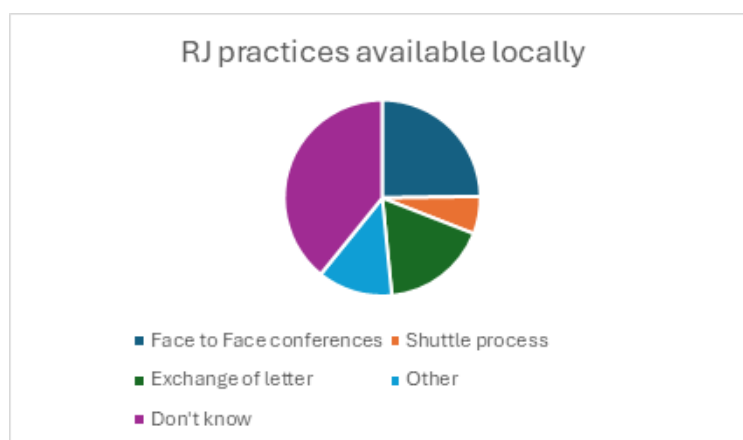
Referral Pathways

Various referral pathways were identified in the survey with the majority reporting that referrals come from Police Scotland or Local Authority Social work services. However, although there were several referral pathways mentioned, the most frequent answer to this question was that they did not know.



Local practices

Across the country it was unclear what types of RJ practices were available as the majority of respondents stated that they didn't know (52%). Many noted that there were a combination of practices and that services did not offer just one method of delivery. Within this answer many noted that the practices identified were historic and not currently available.



Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.

Conclusion

The volume of survey responses, originating from a broad range of agencies and local authority areas, seems to communicate an interest and investment in restorative justice services for children in Scotland.

The survey highlighted that there are inconsistencies across Scotland in both the delivery and understanding of definition of restorative justice. This made analysing the data, in order to understand the national picture, difficult as the questions were answered based on practitioner's perceptions of practice that may have varied quite significantly.

Many respondents spoke of RJ services being available previously in their area, however it is not practiced currently. This appears to have been a frustration for many respondents who provided extra information.

There were 46 responses from Police Scotland, with many stating that RJ is delivered in their area. This has led to further engagement with Police colleagues to explore use of Restorative Justice practices within Police divisions across Scotland.

Next Steps

CYCJ and Community Justice Scotland are working in partnership on behalf of the Scottish Government on a test case project in Scotland. The project seeks to examine operational challenges and existing practices related to data-sharing, partnership working, risk assessment and management, and tailoring RJ to meet individual needs. This will build on the picture gathered and the further questions generated by this survey. Due to the small number of cases involved, the anonymised report drawn from this will not be published out with the Scottish Government, however summative findings will be shared with RJ stakeholders in Scotland. It is intended this will provide further building blocks towards the Scottish Government's vision for everyone in Scotland to have access to good quality Restorative Justice services at a time that is most appropriate for the people and case involved.

Furthermore, in the context of the survey highlighting inconsistent understanding and awareness of local provision, we will produce a directory of available RJ services which can be updated on a regular basis.

Collaborating for rights-respecting justice

CYCJ is primarily funded by the Scottish Government and based at the University of Strathclyde.