

CHILDREN AND YOUNG PEOPLE IN CONFLICT WITH THE LAW: POLICY, PRACTICE AND LEGISLATION

Section 12: Restorative Justice

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1. Introduction

In this chapter we touch upon restorative practices in their broadest sense, setting out principles for restorative approaches that can support those working with children and young people to embed cultural practices that encourage addressing harms and relational ruptures through restorative means. However, the primary focus of this chapter is to examine restorative justice and its application for children in conflict with the law and/or affected by harm by children in Scotland. In doing so we explore definitions, theoretical foundations, the broad evidence-base, application of the model and give weight to both its critics and supporters.

What is Restorative Justice?

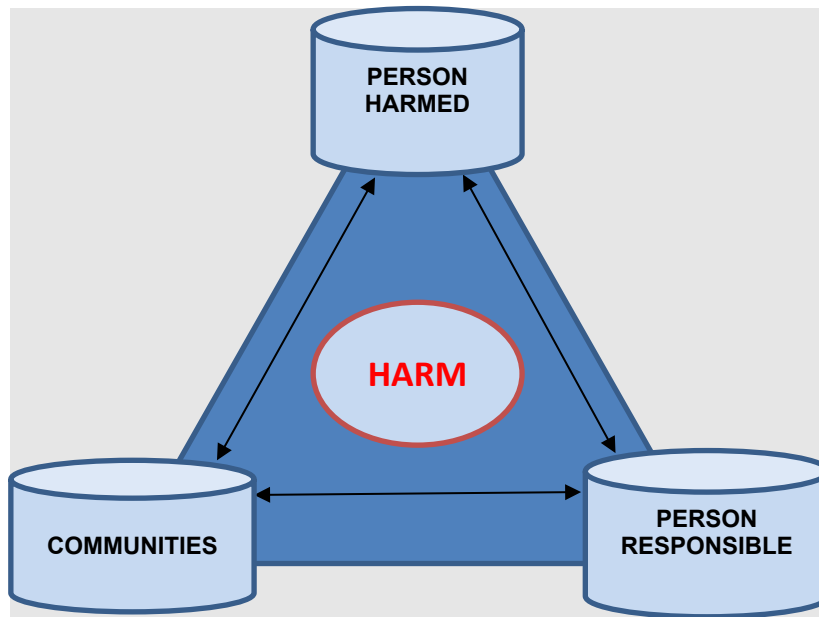
“The challenge of meaningfully bringing forward restorative justice practices in a retributive child justice system is beyond measure”

(Moore, 2022).

Restorative Justice can be defined from many different angles ranging from the practical to the philosophical. In their Restorative Justice Action Plan, the Scottish Government describe “...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” (Scottish Government, 2017:6). Marshall (1999) offers “Restorative Justice is a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future” (in Kirkwood, 2022:2).

At its core, restorative justice (RJ) is value-led and focuses on the following questions: *What has happened?* and *What is it that matters to each of you that needs to be restored?* It focuses primarily on the specific act of harm that has brought the parties together and the subjective experience, understanding and wishes of each person affected by the harm. In that sense the process is designed *to undo an injustice* (Chapman, 2021). It is based on the active and voluntary participation of both the person harmed and the person responsible. The key to RJ is that it allows those with a stake in the outcome of a crime-related intervention or conflict to communicate in a safe and structured way. This communication allows all parties to collaborate on a means for dealing with the aftermath of an offence or conflict and its implications for the future.

A commonly used tool to understand who the participants of RJ should be is the ‘restorative justice triangle’:



In this triangle, the harm is placed at the centre and the three parties that can play a role, or can be influenced by what happened, are: the person who is harmed, the person who caused the harm and the society or community (Wolthuis & Chapman, 2021).

A Brief History of RJ in Scotland and Beyond

Aspects of RJ principles have been around for centuries and can be found in studies of ancient communities and civilisations (Amjad & Riaz, 2019). Many Western societies, for example New Zealand and Canada, which are informed by their indigenous and aboriginal cultures, have been using RJ within their formal structures since the 1970s. Moore (2022) talks of the opportunities that restorative justice presents for decolonising punitive and retributive justice systems inherited from European colonisers, and highlights the importance of acknowledging such cultural and judicial systems in addressing the over-representation of non-white children and adults in justice systems as well as wider health and social care systems (Moore, 2022:102).

Within Europe, countries like Norway and Belgium have RJ embedded within their judicial systems, ensuring that restorative justice is available for all and regardless of the offence or harm type. Whilst similar in their rights-based approach to ensuring equality of access, Belgium and Norway subscribe to different models of delivery. In Belgium, restorative justice is delivered by third sector delivery partners using paid facilitators, whereas in Norway, RJ cases are facilitated by trained volunteers from the country's 22 regional sites of their National Mediation Service (Scottish Justice, 2019).

Closer to home, restorative justice has significantly rooted in Northern Ireland since its introduction in the 1990s, resulting from consultation with local communities across the sectarian divide in Belfast (Department of Justice Northern Ireland, 2022). Since then, the evidence base for RJ has grown and, resulting from recommendations of a Criminal Justice Review in 2000, Northern Ireland has now incorporated restorative justice into their formal criminal justice system relating to children and young people; where its use is legislated for in

pre-court and court ordered disposals, commonly referred to as 'youth conferences'. For more on this please see (Chapman & Zinsstag, 2012).

In Scotland, Restorative Justice grew from the seeds of "mediation and reparation" services in the 1980s, with discourse and practice relating to the term 'restorative justice' growing in the 1990s. It then gathered pace in the early 2000s, when RJ services were funded centrally by what was then the Scottish Executive, to enable local authorities to address offending behaviour of their children and young people. As the 2000s progressed national guidance and protocols were produced, which supported the development of restorative justice procedures for social workers in the context of Getting it Right for Every Child, and outlined legal pathways for Children's Reporters' considering referral to Restorative Justice Services where the Reporter "assesses that there is sufficient evidence that the person referred has committed an offence(s)" (Restorative Justice Services for children and young people and those harmed by their behaviour, 2008).

Despite the proliferation of activity at the start of the 21st century, and current political support for restorative justice by the Scottish Government, the availability of RJ across Scotland continues to be inconsistent. Furthermore, some studies indicated its use tends to be constrained to one-off responses to minor offending committed by children and young people (Buchan et al., 2020). In 2019, the Scottish Government made a commitment in the [Restorative Justice Action Plan](#) for RJ to be available across Scotland to those who wish to access it at a time appropriate to the people and case involved (we explore this in more depth later in the chapter). In relation to restorative justice and children in conflict with the law, the Scottish Government's vision and priorities for children in conflict with the law 2021 states that "*All children's participation and engagement rights must be prioritised and upheld*"; here, the implementation of RJ processes would support achieving this vision (Chapman, 2016) of friendly, child-centred, and child-participatory justice.

A survey completed by CYCJ in 2024 concluded that RJ provision for under 18s is patchy and inconsistent across Scotland and highlighted inconsistencies in both the delivery and understanding of definition of restorative justice across agencies and localities (CYCJ, 2024). Many respondents to the survey spoke of RJ services having been available previously but not currently in their area, which was a source of frustration. For further examination of this paradox of reduced service availability in the context of increased political support see (Kirkwood & Kritikos, 2024).

Principles of Restorative Justice

An increase in restorative practice and research has led to the term 'restorative' being applied to a variety of practices, and in a range of settings, for example schools, prisons and workplaces (Wood & Suzuki, 2016). Such practices include processes that may involve a surrogate victim, or no victim at all. For example, services set up to address harm to the community by ordering the person who has caused harm to carry out unpaid work - as part of a Community Payback Order, via the Court, or Fiscal Work Order – would consider this work restorative. However, labelling activities that do not consider the needs and wishes of persons or communities harmed arguably does not subscribe to the basic principles of RJ. Likewise, court-mandated orders do not subscribe to principles of voluntariness, which many argue is fundamental to a truly restorative process. Much of the work with children and young people involved in offending which is carried out around victim awareness and empathy is considered RJ, without restorative justice process being followed and without consideration being given

to the person harmed (Daly, 2016). [The Guidance for the Delivery of Restorative Justice in Scotland \(2017\)](#) would not define this work as RJ. Overall, it is evident that we need to be clear what we are referring to when using the term 'restorative justice', as opposed to 'restorative practices' or 'restorative approaches'. Whilst it is acknowledged that definitions of RJ vary, the principles of restorative justice may present a grounding anchor to common understanding. In his practice framework for Restorative Justice, Kirkwood (2022) offered that "restorative justice is driven by its ethical values – notably voluntariness, safety, inclusion, respect, dignity, responsibility, accountability, truth-telling and honesty – and the prudential values are informed in any given case by the master value of individual choice." See CYCJ's webinar with Dr Kirkwood for more on this practice framework [Reflections on a Practice Framework for Restorative Justice with Dr Steve Kirkwood - Children and Young People's Centre for Justice](#)

2. Restorative Justice Process

RJ processes, by definition, seek an outcome that is in the best interests of all the participants; fundamentally, Getting it Right for Every Child ([GIRFEC](#)) should provide the framework for supporting the children involved. Whilst it is a stand-alone approach, it is essential that the need for, and nature of, ongoing support for both the person who has been harmed (particularly in cases where this is a child), and the child whose behaviour has caused harm, are identified prior to the completion of the RJ process. [The Victims and Witnesses \(Scotland\) Act 2014](#) sets out more specifically how children who have been harmed should be supported and will be discussed later in this section (4. Rights of Children and Child Victims).

Restorative justice processes may take several forms, which fall into three main categories:

Indirect communication including:

- Shuttle Mediation, where a facilitator acts as a go-between to allow the person harmed and the person who has caused harm to communicate without having to meet. This communication can be done in writing or verbally.

Direct communication including:

- A face-to-face meeting between the person responsible and the person harmed. These are normally led by one or two facilitators and are attended by person(s) harmed, the person(s) who have caused harm and supporters. Participants should be informed, and where appropriate, consulted on who supporters will be in advance; for example, a parent/carer.
- Video conferencing, which would include the same people as a face-to-face meeting.
- RJ Conferences, which are normally facilitated by two trained facilitators, in addition to the person(s) harmed, the person(s) who has caused the harm, support persons for both, and community members (where assessed as appropriate).
- RJ Circles, which are normally facilitated by two facilitators and are set up following harm caused by a number of individuals to a group or community, rather than an individual. They are attended by those who have caused harm and those who have been harmed.

Other restorative processes:

There are a number of other restorative processes or approaches that, although not classed as RJ, may provide alternative methods for consideration where RJ is not possible. This may occur in a case where the person harmed, or who has caused the harm, does not want to participate. These processes would be deemed as partly restorative, 'restorative practice' or 'adopting a restorative approach'.

- Support for the person harmed, involving only the person who has been harmed meeting with a facilitator to talk about their experience, strategies in moving forward and how to access other relevant agencies.
- Restorative Conversations, where work may be carried out with a person who has caused harm, should the person harmed not wish to participate. This may include discussing the incident and strategies moving forward, victim awareness work or general reparative tasks.

Some important core values of restorative justice are that it is **voluntary**, **confidential**, and **safe for all participants** and **conducted by a trained facilitator(s)**. The person harmed or responsible for the harm can stop the process at any point.

The following steps should be followed to ensure the process is safe, and in the best interests of the children involved. These steps build upon the [Scottish Government's Restorative Justice Guidelines \(2017\)](#).

a. Assessing the appropriateness of an RJ process for the participants

It is generally considered necessary that the person whose behaviour has caused the harm must be able to acknowledge that their behaviour has resulted in some harm. This does not mean an apology; it is about the individual accepting that their behaviour has had an impact on the other person and being open to hearing what this means to the other person. The meaning of the harm should be explored during the RJ process; therefore, the child does not need to have a full understanding of this before participating in the process. As the process needs to be voluntary, this requires informed consent. Thus, there must be no evidence of coercion or pressure, and the facilitator should ensure that both participants understand what they are agreeing to be involved in and why. It is the responsibility of the facilitator to adapt how they convey this information to support understanding, with consideration given to cognitive ability, communication needs, or any other relevant personal characteristics. In terms of capacity and understanding to engage in the process, facilitators must assess the participants understanding of the potential impact and possible outcomes of participating. It is important to note that the process being emotionally difficult should not be the reason for not going ahead; the decision not to progress should be in relation to concerns that it would be detrimental to either participant. It is also important to assess impact and risks if a restorative justice process does not take place.

b. Establish if a co-facilitator is required

The facilitator needs to establish if a co-facilitator is required. This may be needed for several reasons, including: the case requires specialist knowledge; case supervision/ facilitator

practice evaluation; a large number of participants; for practical reasons; or to enable the involvement of participants, with different backgrounds or individual characteristics.

c. Assessment and management of risks involved, throughout the process

The purpose of the RJ risk assessment process is to consider the potential risk of harm to all individuals involved in the RJ process (the person harmed, the person whose behaviour has caused harm, and any others involved – e.g., support people). Risk assessment should be continuous throughout all stages of the RJ process. The overall principle is to establish that it is in the best interests of the child, and safe/appropriate to proceed. It is the responsibility of the facilitator to manage the risks involved, and cases should only be declined if the potential of further harm cannot be managed, and the process is therefore deemed not be safe for those involved. When completing the risk assessment process, facilitators should be clear regarding the identified risk(s) and the type of harm, which results in the RJ process being deemed unsafe to complete. Research by Shapland et al. (2022) found that validated risk assessment tools are rarely used in RJ; they recognise that due to the individualised nature of the process, professional judgment and a case-by-case approach (with advice and support from other professionals sometimes sought), were the key elements in assessing and mitigating risk (Shapland et al., 2022).

d. Assisting individuals to prepare for participation in an RJ process

A facilitator's main role is to support both participants to explore what they want and/or need from engaging in this process. The number of individual meetings must not be limited, as the preparation is crucial to any decisions around direct or indirect communication between parties. Throughout the meetings, clarity about needs and views should be sought. It is vital throughout the process that participants are allowed the time and space they need in which to make decisions.

The facilitator should also regularly liaise with the child's parent/carer and/or identified professional, to monitor and review the impact of any discussions, and raise awareness of issues and supports required in response to these discussions.

At all points, it is important to keep the alternative forms of RJ process open as options, subject to safety considerations and risk assessment. It is also crucial to ensure participants are aware they can withdraw at any point, and the option of the facilitator to terminate the process if they assess that it is not in the participant's best interests to continue. Impact of the process being terminated, regardless of how this was decided, must be discussed with the participants on an ongoing basis. This is to ensure that there is a plan in place to support the participants to emotionally manage this potential outcome.

e. Facilitating a process either directly or indirectly

Indirect communication is when the RJ process takes place through other methods that are not face to face. These methods can be beneficial in circumstances when the parties do not wish to meet or do not initially wish to meet, or where it is risk assessed as unsuitable to meet in person. The facilitator will need to ensure that all parties are made aware of the limitations of indirect communication methods.

Direct communication between the person harmed and the child whose behaviour has caused harm should be prepared for, and supported by, a suitably trained facilitator. In order for the process to be trauma-responsive and non-discriminatory, prior to the meeting taking place a facilitator will need to consider several factors in their planning. These include: the location and type of venue (considering factors such as ease of access due to location, disability, poverty); and whether participants will require space for a time out (seating arrangements, spatial layout etc.). Such factors may impact on the participants' ability to engage in the process or even attend at all. It is also crucial that participants are clear about who will be present at the meeting and why.

A clear expectation of both process and overall safety should be considered, and any discussion with the participants before, during and after the process should also take into account any speech, language and communication needs (SLCN) of the participants; practice should be shaped accordingly (see [Section 6](#)).

f. Supporting participants to establish an outcome agreement.

Where appropriate, all individuals involved should agree if they wish to make an outcome agreement as part of the process. The facilitator should enable participants to think through and discuss what outcome elements may be helpful and realistic: 'can they be effectively carried out?'; 'do they have the support of everyone present?'. In addition, it should be clear to all those involved how it will be communicated that the outcome agreement has been completed.

g. Evaluation, monitoring and ongoing support.

Research carried out by Shapland et al. (2022) found that there was varied evidence regarding the practice of using follow-up measures after a meeting, despite this being seen as very desirable. A follow-up with both participants provides an opportunity to openly discuss thoughts and feelings about the process and its outcomes. How this information is communicated should be based on the best interests of the individual child and the child's views as to how this should be carried out. Any decisions should be discussed with the children, their parent or carer and the professionals involved in their care.

For more information on conducting a restorative process please see [Delivery of restorative justice in Scotland: guidance](#), Section B.

3. Impact of Restorative Justice

Restorative justice will always have more than one aim and therefore can have more than one outcome. There is a plethora of research which highlights the benefits of restorative processes for all parties involved. Most research indicates that RJ reduces the likelihood of reoffending, benefiting both the individual who has caused the harm and the wider community, by preventing further victims. For those who have been harmed, there is increasing research that evidences the many benefits experienced by participating in RJ. Following the United Nations endorsement of the use of Restorative Justice in 2002, there has been growth in its use internationally. Much of this growth has come from its use in addressing lower-tariff offences. However, despite this, the evidence suggests that the use of RJ is most helpful for those who have been harmed by more serious offences (Shapland et al., 2017; Strang &

Sherman, 2015). Foussard (2021) gives more detail about the number of countries implementing RJ practices, highlighting that RJ for children has been applied in different contexts, both judicial and non-judicial. Overall, he concludes that RJ “*enables the peaceful resolution of conflicts and contributes to a better cohesion of societies*” (Foussard, 2021, p. 119).

Furthermore, a meta- analysis of RJ programmes in eleven countries across five continents, carried out in 2023, found that individuals who had been harmed, after participating in an RJ process, reported considerable reductions in negative emotions, such as fear, anxiety, anger, guilt and distress. A reduction in feelings of helplessness, increased perception of security and renewed sense of control were also reported. Significantly, researchers found that these improvements persisted over a period of years, “indicating that a transformation from ‘victim’ status to ‘survivor’ status had occurred, which is imperative to emotional recovery following a traumatic event” ([Justice for All: How Restorative Justice Mutually Benefits Victims and Youth](#) [How Restorative Justice Mutually Benefits Victims and Youth on JSTOR](#)). Arguably, restorative justice could be seen as a health intervention, as well as a trauma-informed approach.

In terms of the benefits of using RJ to respond to children in conflict with the law, the RJ process supports all participants to communicate in a safe and structured way, with the purpose of identifying clear pathways for addressing the harm caused and any future implications; this promotes the child’s positive reintegration into their community. Children in conflict with the law experience a higher rate of adverse childhood experiences (ACEs), have higher levels of communication difficulties than those not in conflict with the law, and are statistically more likely to have been victims themselves (Malvaso et al., 2022). Henderson et al. (2016) highlight that 81% of children under the age of 12 who were reported to the Children’s Hearings System (CHS) displaying a pattern of offending behaviour had parents who were deemed to pose a risk to them. The flexible, creative nature of RJ allows a range of different processes and accommodations to meet the needs and varying coping preferences of different children, according to their age and specific needs (Gal, 2011). In addition, any RJ process should be inclusive, flexible and adaptable to diversity, including gender, sexual orientation, race, ethnicity, religion, language, class, disability and domestic circumstances. It should also seek ways to address the imbalance of power that exists as a result of the harm caused. The use of RJ in responding to children in conflict with the law should be trauma-responsive and support Scotland’s Rights Respecting approach to justice for children and young people (Scottish Government, 2021). It is also of note to consider children’s interpretations and understanding of justice in a broader developmental and philosophical sense, and how that might shape their experience of and access to justice (Gillon, 2022).

Furthermore, research indicates that, after taking part in a restorative process, young people who have been in conflict with the law tend to have more positive attitudes towards police, law, and justice, than those who have not. Those who engage in face-to-face restorative justice were more likely to have a clearer understanding of the impact on victims, and experience feelings of remorse (McGarrell et al., 2000; Strang & Sherman, 2015; Strang et al., 2013). An early explanation as to why RJ may reduce reoffending is given by Braithwaite (1989) in his ‘reintegrative shaming theory’, which suggests shame is necessary to inhibit offending behaviour. Through RJ processes the person responsible for the offence is directly faced with the harm that they have caused, resulting in them being less likely to avoid or deny it. This takes place in a safe and controlled environment and has the potential to support the individual’s self-worth and capacity to change. Moreland-Capuia (2019) explains this further

by explaining that while shame can help individuals to learn what is and is not socially acceptable, it must be combined with reassurance, redirection, and education, as children learn appropriate behaviour based on context and environment. Without this, shame on its own can be toxic. Therefore, a more current explanation of why RJ may reduce re-offending, is because the aim is to repair harm instead of punishment; in addition, the process separates the child from their behaviour, which allows for positive change. Furthermore, Aldington (2021) explores the power of co-creating within a restorative justice process and the impact upon self and identity on all parties.

In addition to the many benefits outlined above, there is also research to support the economic benefits of RJ. A study by Furman (2012) concluded that a restorative justice approach proved to incur lower costs upon case facilitation than traditional criminal justice proceedings, in addition to producing lower recidivism rates - deeming RJ a more cost-effective option. Furthermore, research by Shapland et al. (2008) suggests that the cost saved by this reduction in offending is greater than the cost of providing a RJ process; Strang et al. (2013) concluded that RJ results in a highly cost-effective reduction in repeat offending. Additionally, a [study](#) commissioned by the Restorative Justice Council in 2009 reported that diversion to pre-court restorative justice conferencing schemes from community-based disposals could produce a lifetime cost saving to society of almost £275 million, with the costs of restorative justice conferencing likely to be paid back within the first year of implementation (Matrix Evidence, 2009). More recently Why Me? (2022) in their [economic evaluation](#) of restorative justice within England and Wales, found that direct RJ intervention reduced the average number of reoffences in the first year from 27 to 19. Overall, the cost-social benefit ratio of RJ was £14 per £1 invested.

While it is clear that restorative justice cannot always be used as a replacement for formal justice proceedings, the evidence is compelling for the benefits of exploring opportunities for cases to be diverted and restorative justice used, resulting in human and financial benefit.

4. Rights of Children and Child Victims

When dealing with children who are in conflict with the law, there is a difficult balance to be struck between the rights of the child and the rights of the victim (Wolthuis & Chapman, 2021). There is a significant body of evidence of literature critically examining the tensions implicit in RJ when involving children who are in conflict with the law. Goldson and Muncie (2015) raise the issue of RJ services being situated within the legislative and administrative framework of Youth Justice systems. They argue that these systems are often overtly anti-restorative and routinely violate children's rights; further suggesting that the process of criminalisation plays a significant part in the reproduction of social marginalisation and the intensification of exclusion. Furthermore, there is limited research into the impact and interplay of protected characteristics with restorative justice Ósterman and Masson (2018) & Miles, 2013 in Chapman (2021).

Restorative Justice services being largely located and delivered within social work and youth justice services arguably represents a barrier to those harmed readily accessing restorative justice at a time that is commensurate with their needs and rights. A report by Lightowler (2020), [Rights Respecting? Scotland's Approach to Children in Conflict with the law](#), highlights that a rights-respecting justice system requires a focus on upholding the rights of victims, with particular attention paid to child victims. The vulnerability of children who are victims of crime, specifically in relation to the risk of secondary victimisation as a result of their involvement in

criminal justice proceedings, is highlighted in the UN Guidelines on Justice, issued in 2005; these advocate for the use of informal and community practices, such as restorative justice (Article 36). Gal (2011) identifies the need for the welfare considerations of children who have been harmed to shape service design at a systemic level. In line with UNCRC Article 3, in order to ensure that the best interests of all children are maintained, any decisions based on the needs of the person harmed should not be in any way to the overall detriment of the best interests of the person responsible. This should not be confused with the potential impact being upsetting or uncomfortable if this is done within safe parameters and leads to positive change.

A core value of RJ is respect for people, whether they have caused the harm or been harmed. The process is designed to support the person harmed to regain some control over the outcomes of the process. Gal (2011) states that “to be treated as an individual subject of rights, with legitimate interests in the particular case and with valid expectations from the process and its outcomes, can be no less than a healing experience for victims”. As the process focuses on the harm and its impact, the distinction is also made between the child responsible and the harm, viewing the harm as the problem not the child. Thus, the child responsible is viewed as someone whose rights and agency are respected. See [Tim Chapman's webinar](#) for more information regarding the ability of RJ processes to uphold children's rights, while raising awareness of RJ services that have not achieved this and why.

[The Victims Code for Scotland](#) has been developed by the Scottish Government stating the rights of victims. At the end of the Victims Code there is a list of supporting organisations, although it does not specifically mention where a victim might access a restorative justice service. This is potentially due to the lack of widespread and consistent availability. The rights of victims has been further enhanced by the [Victims, Witnesses, and Justice Reform \(Scotland\) Bill](#), which was introduced to the Scottish Parliament on 25th April 2023 and is currently at Stage 2.

The Council of Europe concludes that the involvement of children in restorative justice should be enabled and administered in accordance with the [United Nations Convention of the Rights of the Child](#), the [European Convention on the Exercise of Children's Rights](#) and the [Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice](#).

The [UNCRC \(Incorporation\) \(Scotland\) Act 2024](#) gained Royal Assent on 16 January 2024 and came into force on 16 July 2024, making Scotland the first country in the [United Kingdom](#) to directly incorporate the [UNCRC](#) into domestic law. It is hoped this will further promote the realisation of GIRFEC principles and support Scotland's identity as a rights-respecting, safe and happy place for all its children, and therefore wider society, to grow and thrive. Whilst not mentioned specifically in the UNCRC, promotion of restorative justice is highlighted in several of the UN's general comments in response to UNCRC. For example, General Comment No. 20 (2016) urges state parties “to introduce comprehensive juvenile justice policies that emphasize restorative justice, diversion from judicial proceedings, alternative measures to detention and preventive interventions, to tackle social factors and root causes, consistent with articles 37 and 40 of the Convention” (part 88). More recently, General Comment No 27 (2024) on Children's Rights to Access to Justice and Effective Remedies highlighted that access to justice includes access to effective remedies, recognising this as essential for the protection, promotion and fulfilment of all human rights. It recognises that access to “remedy” does not necessarily mean access to a formal justice system and can refer to several concepts

including access to “compensation, a restoration of rights, an apology or other means of redressing a violation” (part 7).

The Children (Care and Justice) Act (2024) forms a fundamental part of work to embed the United Nations Convention on the Rights of the Child (UNCRC) into Scots law, whilst supporting efforts to Keep the Promise and promote wider policy ambitions for children in Scotland. The Act received Royal Assent on 25 April 2024 and work remains ongoing to support its full implementation. The Act contains key measures to improve children’s experiences of the care and justice systems, whether victims, witnesses or children who have caused harm. As well as enshrining in law the definition of a child as under 18 years old (compared to previously under 16), the support of victims features significantly in The Act. This includes the need to provide greater clarity of victim’s right to request information from the Children’s Reporter and the concept of a single point of contact for victims in the hearings system to both access information and receive support. CYCJ are currently engaged in supporting the development of this work, ensuring that the needs and rights of children both who are harmed and those who cause harm are considered in the implementation of this aspect of the Act.

For more information on the Children (Care and Justice) Act and on rights of children and young people more generally, please see [Section 3](#)

5. Challenges for Restorative Justice

Wood and Suzuki (2016) highlight a number of challenges for the future of restorative justice. See also Shapland (2014, pp. 111-127) "Implications of growth: Challenges for restorative justice." [International Review of Victimology 20.1 \(2014\): 111-127](#). Although restorative justice can be used as an alternative to the traditional justice system, in most cases it is used as a parallel to this system or as part of any alternative to prosecutorial action, where this is deemed to be in the public interest. It is possible that restorative justice is less frequently used as an alternative to the traditional justice system as there is no requirement to “fact-find” the case, ensure timescales are kept, and actively encourage buy-in from all parties - all characteristics of traditional justice.

The research indicates that there is a lack of current RJ practice specifically considering the needs of girls and young women, resulting in a gender neutral or gender-blind approach (Ósterman & Masson, 2018; Toor, 2009). The Mental Health Foundation (2002, p. 3) states that “Gender should always be considered with respect to anti-social behaviour and offending” evidencing a requirement for RJ to be sensitive to gender. Daly (2008) states that girls who offend can be viewed as more difficult, due to them having experienced greater levels of victimisation and disadvantage compared to boys. Furthermore, it is suggested that girls and young women can be punished more harshly than their male counterparts due to societal views and expectations (Roberts & Watson, 2017). These societal views are important to consider in RJ, as it may result in girls facing a higher level of stigma and shame. For example, Toor (2009) highlights the role of societal views when exploring the experience of girls of Asian origin who can face higher levels of stigma and shame. For more information, please see [Section 7](#).

A challenge for RJ processes involving children is the potential for power imbalances, which result in the process being dominated by adults; something which was highlighted in the 2022

[review](#) of the Northern Ireland RJ practices. Gal (2011) also raises issues around the role of parents/guardians in RJ processes involving children, referencing research that found low levels of satisfaction for child participants when parents were allowed to speak on their behalf. Similarly, this raises a challenge for professionals assessing suitability, when a parent/carer refuses to allow the child to participate, but the child expresses their wish to be involved. Given the potential for an imbalance of power, the All-Party Parliamentary Group on Restorative Justice (2021) have [highlighted](#) the need for facilitators to thoroughly examine the motivation for both individuals being involved. They also raised this as a particular issue in cases of hate crimes, given the potential to compromise the safety of both participants.

RJ processes can bring many pressures to young people with speech, language and communication needs (SLCN), which could negatively impact on the success of the intervention. Narrative language abilities appear key to RJ, yet these skills for describing and relating events are frequently compromised in young people who are in conflict with the law. Any expectation by participants that the young person may express emotion and possible empathy, may be at odds with the experiences and abilities of young people who: may struggle to recognise the feelings of others, or to identify and share their own; have very limited vocabulary with which to describe and reflect on feelings or experiences; and who may have very little experience of empathy in their own lives. If a young person engaged directly with victims of crime shrugs their shoulders, speaks little and is unresponsive to others, this may be seen as doing more harm than good. In order to address this, RJ practitioners need to be able to access creative and flexible ways of helping young people to tell their story. Others involved in the process may require information about differing communication styles and support to manage expectations about how others may communicate paying attention or engagement in discussion, for example. Failure to address these may increase the risk of misunderstandings, decrease levels of satisfaction in the RJ process, or lead to the premature breakdown of an interaction. For more information on SLCN please see [Section 6](#).

[The specific challenges within Scotland are documented by](#) Buchan et al. (2020) Some of the recommendations within this report have been established. The main challenges highlighted that remain relevant are; limited or unsustainable funding and the lack of GDPR-compliant information sharing protocols between the police and RJ services to ensure a 'supply' of referrals. (<https://www.napier.ac.uk/-/media/worktribe/output-2693520/the-local-provision-of-restorative-justice-in-scotland-a-report-for-stakeholders-and.ashx/>).

6. Information Sharing

As stated above, information sharing remains a barrier for RJ moving forward, particularly with the introduction of the [Data Protection Act 2018](#). Sharing of information between statutory organisations and the third sector continues to be an issue, due to Police Scotland currently holding the position that they are unable to share information with third sector organisations, who are often the providers of RJ services. Despite this however, there are areas where they are working around this issue, by having information sharing protocols in line with the legislation, to enable delivery of a service. Further understanding of how these issues can be overcome is required.

CYCJ alongside Community Justice Scotland are currently leading on a Scottish Government Test Case Project which involves the recruitment of a small number of restorative justice cases involving both adults and children for evaluation and monitoring. The project seeks to explore

opportunities and challenges relating to information-sharing as well as partnership working, risk assessment and management, and tailoring restorative justice to individual needs. In relation to RJ involving children who have caused harm, the project aims to explore these aspects of delivery of restorative justice relating to different pathways within Scottish systems that support children in conflict with the law (e.g. Early and Effective Interventions/Diversion from Prosecution etc). Whilst the findings will not be widely published, they will be presented in a report to the Scottish Government to inform next steps on the delivery of the Restorative Justice Action Plan (discussed below).

7. Legislation, Policy and Guidance

There is no legislation in Scotland stating that RJ should be offered or carried out following an offence or alleged offence. There is legislation however in relation to guidance for RJ.

7.1 Victims and Witnesses (Scotland) Act 2014

Restorative justice:

(1) The Scottish Ministers may issue guidance about:

- a) the referral of a person who is or appears to be a victim in relation to an offence [or alleged offence] and a person who has or is alleged to have committed the offence [or alleged offence] to restorative justice services, and
- b) the provision of restorative justice services to those persons.

(2) Any person, or description of person, prescribed by the Scottish Ministers by order must have regard to any guidance issued by the Scottish Ministers under subsection (1).

(3) In this section, “restorative justice services” means any process in which the persons such as are mentioned in subsection (1a) participate, with a view to resolving any matter arising from the offence or alleged offence with the assistance of a person who is unconnected with either person or the offence or alleged offence.

(4) An order under subsection (2) is subject to the negative procedure

7.2 Delivery of Restorative Justice in Scotland: Guidance

The Scottish Government published guidance in 2017, [Guidance for the Delivery of Restorative Justice in Scotland](#), which provides an overview of RJ and key principles, as well as information on conducting a RJ process. The Guidance sets out key ingredients for any RJ process. It states that they should be:

- Honest
- Informed
- Voluntary
- Safe
- Respectful

- Accessible
- Appropriate
- Confidential
- Not about establishing guilt
- Proportionate
- Empowering and facilitating
- Looking to the future as well as the past

Despite the guidance clearly explaining the process, there continues to be a level of inconsistency in its use across Scotland. In order to embed the practice into the current youth justice system, the complexities of the system need to be considered. To do this a clear understanding of [the child's journey](#) through the youth justice system is necessary.

For example, following an offence a child may be referred to:

- Children's Hearings System (CHS)
- Early and Effective Intervention (EEI)
- Police Measures
- Procurator Fiscal

With the outcome being:

- Diversion
- Custody
- Secure care
- Community Payback Order
- Structured Deferred Sentence
- Compulsory measures through the CHS
- Voluntary social work intervention
- No further action

7.3 Restorative Justice Action Plan

As referenced above, the Scottish Government published the [Restorative Justice Action Plan](#) in June 2019. The vision of the action plan is that "Restorative Justice is available across Scotland to those who wish to access it, and at a time that is appropriate to the people and case involved. Approaches taken must be consistent, evidence-led, trauma-informed and of a high standard. This seeks to ensure that the needs of persons harmed, and their voices are central and supports a reduction in harmful behaviour across our communities" (Scottish Government, 2019, p. 4). The action plan clearly sets out the impact that RJ can have for all participants, requiring strong leadership, commitment and meaningful collaboration between national and local partners.

The detailed action plan has three main priorities:

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

Restorative justice is available across Scotland

To ensure that this work is achieved, the Scottish Government has continued to provide funding for a Project Manager, two full time and one part time RJ Co-ordinators and administrative and communications support. Posts are hosted by Community Justice Scotland and CYCJ, ensuring links with community justice partnerships and the third sector. CYCJ's role is to ensure that specific consideration is given to the needs of children and young people in conflict with the law and child victims.

A stakeholder group was established in January 2020, with diverse representation, to progress the aims of the action plan. The group meets approximately four times per year. During their first year the stakeholder group supported the design of a RJ model for Scotland, which can be accessed [here](#).

To support delivery of the action plan, a model was agreed and signed off by the Restorative Justice Stakeholder Group in 2020. This comprised of a National Hub, which would be grouped by Scotland's six Sheriffdom areas. The Scottish Government produced a model for the structure of the regional hubs across community and justice partnerships, which included the Local Authority and Justice Social Work Service, Police Scotland, the Crown Office and Procurator Fiscal Service, The Scottish Courts and Tribunals Service, and the Scottish Children's Report Administration. The model indicated that in each local authority area, several third sector organisations would form part of the restorative justice service delivery model. It was agreed that the initial test project would be located within the Sheriffdom of Edinburgh, the Lothians and the Borders and was intended that the test project would provide a balance of feedback from both rural and urban areas. The pilot work was led by Community Justice Scotland (CJS) and the Children and Young People's Centre for Justice (CYCJ) and supported by a multi-agency steering group. In 2022 CJS published a report, which mapped out the pilot and concluded that arrangements within the Sheriffdom did not currently support the vision of the SG's Restorative Justice Action Plan. It provided a summary of recommendations towards building and supporting an effective framework for the provision of restorative justice services in-keeping with the SG's vision. framework for the provision of restorative justice services in-keeping with the SG's vision.

<https://communityjustice.scot/wp-content/uploads/2022/09/Sheriffdom-Lothian-Borders-Restorative-Justice-Mapping-Report-August-22.pdf>

This National Hub provided early learning needed to support the delivery of a national service. However, the work identified some impracticalities in developing a hub and spoke model based on services being delivered at a regional level and work has now widened to build up more understanding on costs, delivery needs and practicalities of offering services in different geographic locations and under different circumstances. To support this, in 2024 CYCJ and CJS began overseeing the evaluation and monitoring of RJ test cases, involving adults and children, in different geographic locations and varying harm types. Recruitment of test cases has been encouraged from third sector RJ providers and statutory services, namely Police and social work, who deliver some element of restorative justice work. The test cases will allow for data to be gathered and learning to be shared that identifies emerging opportunities and challenges across key themes in RJ service delivery: namely information-sharing, partnership working, risk assessment and management, and tailoring restorative justice to individual needs. It is hoped this will also help to identify the costs incurred in delivering an RJ service – such as when these arise in the process, and with which organisations they sit. All cases

included in the project must have commenced by March 2025 and it is intended a report capturing the learning will be shared with the Scottish Government and key themes shared with the RJ Stakeholder group by autumn 2025.

In addition, as part of the National Hub model developed in 2022 [Thriving Survivors](#) were awarded funding to develop a service to provide RJ in cases involving sexual harm.

This further development of Thriving Survivors as a specialist service within the Scottish Government RJ project has now been paused, however learning from these cases will form part of CJS and CYCJ analysis of RJ delivery in Scotland over the same period.

Throughout 2024 the stakeholder group have been providing consultation on a new Restorative Justice Policy and Practice Framework which should be ready to publish this year. The test case project has involved participating RJ providers having access to the draft framework, to support testing of its usability, and have been invited to provide feedback.

High quality restorative justice services are delivered by trained facilitators

To further the development of high-quality RJ services the Scottish Government commissioned the University of Strathclyde to undertake a training needs analysis of Scotland. The analysis was published in August 2022 and can be accessed [here](#). It identified the need for three levels of training within Scotland reflecting the differing needs relating to harm type, risk, and vulnerability of participants and process:

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

Examination of the third level of training identified the need for a specialist training course delivered by subject matter experts in addition to previous training on RJ and training on sensitive and complex cases. This has been widely evidenced elsewhere, for example (Keenan, 2018) who writes about the importance of advanced training for RJ practitioners facilitating complex and serious cases, for example those involving sexual violence. Thriving Survivors have co-produced with the University of Edinburgh an extensive training programme for RJ involving sexual harm. An evaluation of the first year of Thriving Survivors' national service for restorative justice in cases of sexual harm highlights some of the key findings. (Zinsstag & Wisenfeld Paine, 2023). [Survivors to Survivors: Conversations on Restorative Justice in Cases of Sexual Violence \(2023\)](#) provides more on survivors of sexual violence's participation in restorative justice.

The Action Plan references need to ensure that training is accredited and undergoes continuous monitoring and evaluation, which was supported by findings from the training needs analysis where general agreement was expressed by existing RJ training providers 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. More widely, there exists ongoing debate around whether accreditation of training is appropriate for RJ with the main argument being that it may reduce access to training and increase risk of cost as a barrier to access. Keenan (2018) highlights tensions within the training standards debate by

posing the question of whether training standards can be developed when there exists a need for cultural and context specificity.

The main providers of RJ training in Scotland are currently:

- [Foundation Skills in Restorative Justice Practices](#)
- Introduction to [Restorative Skills Training delivered by SACRO](#) (<https://scmc.sacro.org.uk/training-calendar/>)
- Restorative Justice Skills Community Justice Scotland (programme ongoing)
- Introduction to Restorative Justice by Thriving Survivors

There is a strong public awareness and understanding of restorative justice

The third priority area, developing a strong public awareness and understanding of RJ, was supported by the publication of a short awareness raising animation and key messages paper in the first year of the action plan. In 2022, CYCJ was commissioned by the Scottish Government to conduct research with children, young people and families to explore their awareness, understanding and attitudes to RJ. The [resulting report](#) by CYCJ researchers Nina Vaswani and Aaron Brown includes children's understandings of harm, the awareness and acceptability of restorative justice and key messages for the Scottish Government about the implementation and delivery of RJ. To ensure this research is accessible to a younger audience, a [child-friendly version](#) is also available.

In the above research, the children proposed that they should be involved in the design of information, communications, processes and approaches related to RJ, to ensure that they are child-friendly, and the risk of further harm is minimised. This work was overseen by CYCJ and completed in year 3 of the action plan. A CYCJ participation worker, working alongside the RJ Co-ordinator(s), worked with young people who have been harmed and those who have caused harm to co-produce information on communication and processes/approaches. From this a leaflet for children and young people called 'Know Your Rights' ([Know Your Rights in an RJ Process: A guide for Children and Young People](#)) was created, within this there is also a QR code to allow children and young people to access a digital version, available [here](#). This allows children and young people to access information on their rights and what to expect throughout any RJ process. In addition, young people were also involved in creating a video discussing RJ and the possible ways children and young people in Scotland could be supported to access this.

Further resources, as well as more information on the stakeholder group and minutes of previous meetings, can be found [here](#).

7.4 Scottish Government: Youth Justice Strategies

Youth Justice Strategies of recent years have supported elements of Restorative Justice. Earlier Youth Justice Strategy, ([Preventing Offending: Getting it Right for Children and Young People](#)) stated, under the priority heading of 'Improving Life Chances', that there should be a strategic focus on victims and community confidence. The strategy for 2020-2024 ([A Rights-Respecting Approach to Justice for Children and Young People](#)) supported RJ practice via

several strands of the [Whole System Approach](#) (WSA) - the Scottish Government's programme for addressing the needs of children and young people in conflict with the law. Within the WSA, RJ is most commonly associated with Early and Effective Intervention and Diversion, although there is also evidence to suggest its applicability for more serious and violent offending (Strang & Sherman, 2015).

The latest **Justice for children and young people: vision and priorities 2024-26**, represents a continuation of Scotland's Rights-Respecting Approach to Justice for Children and Young People and goes one step further. It's first priority outcome relates to victims of harm, stating "Victims are supported, and their rights are upheld, with specific attention paid to child victims and their families. The strategy identifies Restorative Justice as a means to deliver on this; specifically "Information and support for those impacted by harm is enhanced, considering good practice, whilst respecting data protection and confidentiality rights. This includes access to restorative justice approaches where appropriate, regardless of the age of the person who has caused harm or the outcome of the case." (page 11).

The [Children's Hearing Redesign](#) group reported in 2023 that restorative justice should be available as an option in all Children's Hearings. The Scottish Government consulted on this report in summer 2024, which included a question relating to RJ. The next steps for this have yet to be announced.

7.5 Restorative Justice Services for Children and Young People and those Harmed by their Behaviour

Published in 2008, [Restorative Justice Services - for children and young people and those harmed by their behaviour](#) established a guide to the principles, protocols and criteria for the use of RJ. The intention was that it be used as a resource for agencies who wish to make use of RJ services; ensuring delivery is consistent and of high quality. This document recognises that whilst RJ can function effectively within a context in which the welfare of the child is paramount, it does not imply that the interests and needs of those who have been harmed by the child's behaviour can be neglected, disregarded or diminished. The Restorative Justice Policy and Practice Framework currently in development by the RJ Stakeholder Group will provide an update to this.

Outwith Scotland, restorative justice is utilised more broadly both as an alternative to the criminal justice system, and alongside formal proceedings as a means of healing and recovery for those harmed and of supporting creative and effective responses to offending behaviour. For example, in New Zealand, RJ is used as alternatives to short-prison sentences. In Australia, where RJ is well developed, there are a number of projects and practices where RJ is used to address current and historical harms by and to children, including in cases of sibling sexual abuse. Closer to home, a pilot in Bristol offering a restorative process to working with children who have been harmed sexually within their families was evaluated in [Disrupting the Cycle of Harm: findings from our restorative justice pilot](#) (2017).

7.6 Designing and Implementing Restorative Justice Toolkit (2020)

This toolkit was developed to support individuals and agencies involved in designing, setting up or extending RJ services in Scotland. It provides practical tools, checklists and questions that can be used in conjunction with the Scottish Government's [Guidance for the Delivery of Restorative Justice in Scotland](#). It is designed to be used as an enabling tool rather than directive at any stage of the youth and criminal justice system.

8. Forums

Restorative Justice Forum (Scotland)

The aim of the [Restorative Justice Forum \(Scotland\)](#) is to bring together all those interested in the development of RJ in Scotland - including practitioners from the statutory and voluntary sectors (including children's services), academics and policy makers to:

- increase understanding of restorative justice
- encourage improvements in the quality and availability of restorative justice in Scotland
- promote the development of help for potential participants and those referring to restorative justice
- disseminate relevant information.

The Forum is a body, itself independent of statutory agencies and the Scottish Government, that seeks to promote the development of RJ at all relevant stages of criminal justice and youth justice, within the statutory and voluntary sectors, and to encourage policy development.

Restorative Justice Practitioners' Network

The RJ Network, part of the RJ Forum, is open to practitioners of RJ, as well as those who are awaiting training or opportunities to practice or are simply interested. Meetings are arranged quarterly generally online. There is a Knowledge Hub which is periodically updated with information relating to the practice of RJ in Scotland.

Scottish Network for Restorative Justice Researchers (SNRJR)

A Scottish Network for RJ Researchers (SNRJR), part of the RJ Forum, has also been established. The network allows members to share ideas and collaborate on research. Members are primarily those who are working in Scotland or interested in RJ in Scotland (including researchers from academic institutions, government and other agencies).

Anyone interested in joining the networks / Restorative Justice Forum or who would like to find out more, contact the Restorative Justice Forum (Scotland) at rjforumscotland@gmail.com.

In May 2025 CYCJ and CJS launched a bi-monthly online development forum for managers and leaders across statutory and third sector organisations, to support shared learning and overcoming barriers to development of RJ services across Scotland. Anyone interested should contact lauren.emmerson@strath.ac.uk

European Forum for Restorative Justice

[The European Forum for Restorative Justice \(EFRJ\)](#) is an international network organisation connecting members active in the field of RJ, such as practitioners, academics and policy makers throughout Europe and beyond. It promotes research, policy and practice development, so that every person may have access to high quality RJ services, at any time

and in any case. Its main focus is on the application of RJ to criminal matters, but other areas - such as family, school and community mediation - are not excluded.

The EFRJ does not defend anyone 'best practice' model of RJ but recognises that restorative justice is an evolving and flexible approach. It is essential any restorative service should be based on core restorative values and principles and should adhere to accepted standards of good practice.

One of the EFRJ projects is [Restorative Justice: Strategies for Change \(RJS4C\)](#) which aims to encourage the development of RJ in Europe. It seeks to achieve this by identifying, connecting and supporting a small group of 'Core Members' in each participating jurisdiction, whose role it is to develop and implement a co-created strategy with a larger group of policymakers, practitioners, researchers, activists and other relevant parties at a local level.

9. Age of Criminal Responsibility

Changes to the age of criminal responsibility mean that children under the age of 12 are no longer considered to have committed a crime. This is a welcome move in terms of ensuring children's behaviour is understood within a developmental approach and they are kept out of formal, criminal processes as long as possible. There is great support for this, however, there continues to be a need to consider cases where someone has been impacted by harmful behaviour that may have been caused by a child under 12. Although the child should not be involved in the justice system, a process whereby someone who has been harmed can access a restorative process should be considered. With the [Age of Criminal Responsibility \(Scotland\) Act 2019](#), consideration has to be given to how people harmed by the actions of a child are not dismissed.

This is an area that requires careful and sensitive consideration and consultation with relevant stakeholders. In the context of recent shared learning on the Age of Criminal Responsibility (ACR), subgroups focussed on 'community confidence' and the 'impact of raising the age of criminal responsibility on people harmed' both highlighted the need to invest in more restorative justice for children under the age of criminal responsibility and for young people more broadly. Work exploring opportunities in this regard is ongoing.

10. Restorative Practices

Education

In Scotland and beyond there has been a growing move towards restorative approaches or practices within schools and other learning establishments. For many this has signalled a welcome and symbolic shift from more behavioural and punitive responses to challenges in schools. Broadly referred to as restorative approaches, there also exists a school of academic study who refer to Restorative Justice in Education (RJE) and argue for the importance of retaining 'justice' in the title. (Hopkins, 2003) lays out a compelling case for using restorative justice as a dynamic and innovative way of dealing with conflict in schools, promoting understanding and healing over assigning blame or dispensing punishment. Furthermore,

Hopkins (2003) cautions against dropping 'justice' from the title for fear of losing sight of its core values and principles and becoming too diluted.

In defining restorative practices Wright describes "...an approach to offending and inappropriate behaviour which puts repairing harm done to relationships and people over and above the need for assigning blame and dispensing punishment" (2008: 30). Evidence suggests that restorative approaches within school can improve relationships between staff and pupils, improve attendance and improve discipline (Moir & MacLeod, 2018). Examples of two areas that have embedded restorative approaches can be found within the series of [case studies](#) here.

In 2022, a systematic literature review of RJ and restorative practices in school found that positive results emerged with respect to different aspects: school climate, discipline, positive conflict management through actions that aim at preventing suspensions, exclusions, conflicts, and misbehaviour (e.g., bullying); positive relationships between peers and between students and teachers; prosocial behaviours; social and emotional skills; school–community–family ties; and well-being (through restorative culture as a whole-school approach). ([Use of Restorative Justice and Restorative Practices at School: A Systematic Literature Review – ProQuest](#))

Written in response to the Behaviour in Scottish Schools Research (2023), the recently published **National Action Plan on Relationships and Behaviour in Schools: 2024 – 2027** refers to the importance of restorative approaches and its general support amongst teachers in Scotland. However, it highlights the critical importance that time and support are required for schools to achieve. Furthermore, the view expressed by teachers included a requirement for "meaningful consequences within this approach for more serious disruptive behaviour". CYCJ believes that restorative justice and wider restorative practices represent an important tool in supporting broader public health approaches to reducing harm and violence in Scotland.

Communities

In February 2025, a report was published by the Independent Working Group on Antisocial Behaviour, which was tasked with exploring effective responses to antisocial behaviour in Scotland. The report ([Antisocial Behaviour - Whose responsibility? Towards a more effective response to antisocial behaviour in Scotland](#)) provides a call to action across the whole system of public services, highlighting the imperative of mass investment and creativity in preventative activity. Set out in its focus areas the report calls for an expansion in access to restorative justice services, arguing this would contribute both to addressing immediate impact and harm on individuals and communities, whilst also supporting longer-term preventative goals.

11. Restorative Justice Approaches in Custody

In the context of RJ in custodial settings, Johnstone (2014) has devised a four-fold categorisation of the potential uses:

- Victim awareness and responsibility acceptance courses
- Victim-offender mediation and conferencing in prisons
- Restorative imprisonment
- Restorative approaches to conflicts and offences within prison

RJ has been used in custodial settings as a way to improve safety, enhance social order and create a less hostile environment for everyone (Edgar & Newell, 2006). Furthermore, research has indicated that although substantial preparation, care and caution is required, it is possible to safely bring victims into custodial settings for RJ (Liebmann, 2011).

In Scotland, there is limited activity around RJ in custodial settings. HMP Edinburgh facilitated a research request in 2022 to let researchers gather the views of people responsible for causing harm, in order to ask them what they knew about RJ and if they would want to participate if asked - the published research can be accessed [here](#).

Whilst relating specifically to adults, it is of note that a protocol for working with RJ in prisons is currently in development, led by a working group chaired by Community Justice Scotland, alongside Scottish Prison Service (SPS) and other stakeholders. The working group have developed a flow chart outlining the process for when RJ takes place in custody and work is ongoing with current focus on engaging with relevant stakeholders to explore embedding the process into existing systems.

12. Conclusion

Restorative justice is a well-researched and evidenced process, which is widely used and respected around the world. Evidence supports the benefits of restorative justice for both the person harmed and the person responsible for harm, making its use beneficial to all, including communities. Furthermore, there is evidence to support the economic argument for RJ as being in the public interest. Despite this however, restorative justice is currently not widely or consistently used in Scotland, with services being both sporadic and sparse.

The Scottish Government's [Restorative Justice Action Plan](#) states clearly their commitment to make RJ available across Scotland, to all those who wish to access it. This is a real opportunity to embed RJ in our work with children and young people in conflict with the law, benefitting the future of children and young people and the wider community.

13. References

- Aldington, C. (2021). *Drawing a Line; The meaning of making, gifting and solidarity in restorative justice processes*.
- All-Party Parliamentary Group on Restorative Justice. (2021). *Restorative Justice APPG Inquiry into Restorative Practices in 2021/2022*.
<https://eprints.glos.ac.uk/10197/7/10197-Hobson-%282021%29-Restorative-justice-APPG-inquiry-into-restorative-practices.pdf>
- Amjad, S., & Riaz, N. (2019). The concept and scope of restorative justice system: Explaining history and development of the system for the immediate need of society. *International Journal of Law*, 5(5), 100-104.
<http://www.lawjournals.org/archives/2019/vol5/issue5/5-4-76>
- Braithwaite, J. (1989). *Crime, Shame and Reintegration*. Cambridge University Press.
- Buchan, J., Maglione, G., & Robertson, L. (2020). The Local Provision of Restorative Justice in Scotland: an Exploratory Empirical Study. *European Journal on Criminal Policy and Research*, 1-25. <https://doi.org/10.1007/s10610-020-09470-3>
- Chapman, T. (2016). Protecting Rights, Restoring Respect and Strengthening Relationships: A European Model for Restorative Justice with Children and Young People. *MINORIGIUSTIZIA*, 41-48. <https://doi.org/10.3280/MG2016-001005>
- Chapman, T. (2021). Restorative practices can steal the rights of children too: the importance of value-led and evidence-based standards. In A. Wolthuis & T. Chapman (Eds.), *Restorative Justice from a Children's Rights Perspective*. Eleven International Publishing.
- Chapman, T., & Zinsstag, E. (2012). *Restorative youth conferencing in Northern Ireland*. Conferencing and Restorative Justice: Challenges, Developments and Debates;.
- Daly, K. (2008). Girls, Peer Violence and Restorative Justice. *Australian & New Zealand Journal of Criminology*, 41(1), 109-137. <https://doi.org/10.1375/acri.41.1.109>
- Daly, K. (2016). What is Restorative Justice? Fresh Answers to a Vexed Question. *Victims and Offenders*, 11(1), 9-29. <https://doi.org/10.1080/15564886.2015.1107797>
- Department of Justice Northern Ireland. (2022). Adult Restorative Justice Strategy for Northern Ireland. <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/adult%20rj%20strategy-31.pdf>
- Edgar, K., & Newell, T. (2006). *Restorative Justice in Prisons: A Guide to Making It Happen*. Waterside Press.
- Foussard, C. (2021). Restorative Justice for Children Around the Globe. In A. Wolthuis & T. Chapman (Eds.), *Restorative Justice from a Children's Rights Perspective* (pp. 117-136). Eleven Publishing.
- Furman, J. M. (2012). *An Economic Analysis of Restorative Justice*.
<https://restorativejustice.org.uk/resources/matrix-evidence-%E2%80%93-economic-analysis-interventions-young-offenders>
- Gal, T. (2011). *Child Victims and Restorative Justice: A Needs-Rights Model*. Oxford University Press.
- Gillon, F. (2022). *Thinking About Justice*. <https://www.cycj.org.uk/resource/thinking-about-justice/>

- Goldson, B., & Muncie, J. (2015). 'Restorative Justice? A Critical Analysis'. In *Youth, Crime and Justice* (2nd ed., pp. 137-156). Sage.
- Henderson, G., Kurlus, I., & McNiven, G. (2016). *Backgrounds and outcomes for children aged 8 to 11 years old who have been referred to the Children's Reporter for offending*. SCRA Retrieved from <http://www.scra.gov.uk/wp-content/uploads/2016/03/Backgrounds-and-outcomes-for-children-aged-8-11-years-old-who-have-been-referred-for-offending.pdf>
- Hopkins, B. (2003). *Just Schools: A Whole School Approach to Restorative Justice*. Jessica Kingsley Publishing.
- Johnstone, G. (2014). *Restorative in Prisons: Methods, Approaches and Effectiveness*. <https://rm.coe.int/16806f9905>
- Keenan, M. (2018). Training for restorative justice work in cases of sexual violence. *International Journal of Restorative Justice*, 1(2), 291-302. <https://doi.org/10.5553/IJRJ/258908912018001002007>
- Kirkwood, S. (2022). *A practice framework for restorative justice*.
- Kirkwood, S., & Kritikos, L. (2024). A history of restorative justice in Scotland The evolving nature of an innovation in criminal justice policy and practice. *The Howard Journal of Crime and Justice*, 64(1), 66-76. <https://doi.org/10.1111/hojo.12574>
- Liebmann, M. (2011). *Restorative Justice in Prisons - An International Perspective*. http://mereps.foresee.hu/uploads/media/MarianLiebmann_text.pdf
- Lightowler, C. (2020). *Rights Respecting? Scotland's approach to children in conflict with the law*. CYCJ. <https://cycj.org.uk/wp-content/uploads/2020/01/Rights-Respecting-Scotlands-approach-to-children-in-conflict-with-the-law.pdf>
- Malvaso, G., Cale, J., Whitten, T., Day, A., Singh, S., Hackett, L., Delfabbro, P., & Ross, S. (2022). Associations Between Adverse Childhood Experiences and Trauma Among Young People Who Offend: A Systematic Literature Review. *Trauma, Violence, & Abuse*, 23(5).
- Matrix Evidence. (2009). *Economic analysis of interventions for young adult offenders*. <https://restorativejustice.org.uk/sites/default/files/resources/files/Matrix%20Evidence%20-%20Economic%20Analysis%20of%20interventions%20for%20young%20offenders..pdf>
- McGarrell, E. F., Olivares, K., Crawford, K., & Kroovand, N. (2000). *Returning Justice to the Community: The Indianapolis Juvenile Restorative Justice Experiment*. <http://www.ibarji.org/docs/mcgarrell.pdf>
- Moir, T., & MacLeod, S. (2018). *What impact has the Educational Psychology Service had on the implementation of restorative approaches activities within schools across a Scottish Local Authority?* <http://www.northayr-edpsychs.co.uk/wp-content/uploads/2018/09/impacteps.pdf>
- Moore, S. (2022). *Rights-Based Restorative Justice: Questioning and decolonising our ways of knowing, doing and being in Canada and beyond in Restorative Justice from a Children's Rights Perspective* (A. Wolthuis & T. Chapman, Eds.).
- Moreland-Capuia, A. (2019). *Training for Change*. Springer Nature. https://doi.org/10.1007/978-3-030-19208-2_9

- Ósterman, L., & Masson, L. (2018). Restorative Justice with Female Offenders: The Neglected Role of Gender in Restorative Conferencing. *Feminist Criminology*, 13(1), 3-27. <https://doi.org/10.1177/1557085117738326>
- Roberts, J. V., & Watson, G. (2017). Reducing female admissions to custody: Exploring the options at sentencing. *Criminology & Criminal Justice*, 17(5), 546-567. <https://doi.org/10.1177/1748895816684177>
- Scottish Government. (2017). *Guidance for the Delivery of Restorative Justice in Scotland*. Retrieved from <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2017/10/guidance-delivery-restorative-justice-scotland/documents/00526079-pdf/00526079-pdf/govscot%3Adocument/00526079.pdf>
- Scottish Government. (2019). *Restorative justice: action plan*. gov.scot: Scottish Government Retrieved from <https://www.gov.scot/publications/restorative-justice-action-plan/>
- Scottish Government. (2021). *Working with children in conflict with the law 2021: standards*. <https://www.gov.scot/publications/standards-those-working-children-conflict-law-2021/>
- Scottish Justice. (2019). *Rapid Evidence Review: Uses of Restorative Justice*. Gov.scot Retrieved from <https://www.gov.scot/binaries/content/documents/govscot/publications/research-and-analysis/2019/05/rapid-evidence-review-uses-restorative-justice/documents/rapid-evidence-review-uses-restorative-justice/rapid-evidence-review-uses-restorative-justice/govscot%3Adocument/rapid-evidence-review-uses-restorative-justice.pdf>
- Shapland, J. (2014). Implications of growth: Challenges for restorative justice. *International Review of Victimology*, 20(1), 111-127. <https://doi.org/10.1177/0269758013510808>
- Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J., Howes, M., Johnstone, J., Robinson, G., & Sorsby, A. (2008). *Does restorative justice affect reconviction? The fourth report from the evaluation of three schemes*. http://www.antoniocasella.eu/restorative/Shapland_2008.pdf
- Shapland, J., Buchan, J., Kirkwood, S., & Zinsstag, E. (2022). *Mitigation and risk in restorative justice*. <https://communityjustice.scot/wp-content/uploads/2022/10/Mitigation-and-Risk-in-Restorative-Justice.pdf>
- Shapland, J., Crawford, A., Gray, E., & Burn, D. (2017). *Restorative justice at the level of the police in England: implementing change*. https://www.sheffield.ac.uk/polopoly_fs/1.743733!/file/DevelopingRestorativePolicin g3.pdf
- Strang, H., & Sherman, L. (2015). The morality of evidence: the second annual lecture for Restorative Justice: An International Journal. *Restorative Justice: An International Journal*, 3(1), 6-27. <https://doi.org/10.1080/20504721.2015.1049869>
- Strang, H., Sherman, L., Mayo-Wilson, E., Woods, D., & Ariel, B. (2013). *Restorative Justice Conferencing - Using Face-to-Face Meetings of Offenders and Victims: Effects on Offender Recidivism and Victim Satisfaction. A Systematic Review*. <https://restorativejustice.org.uk/sites/default/files/resources/files/Campbell%20RJ%20review.pdf>

- The Mental Health Foundation. (2002). *The Mental Health Needs of Young Offenders*.
<https://www.mentalhealth.org.uk/publications/mental-health-needs-young-offenders-update>
- Toor, S. (2009). British Asian Girls, Crime and Youth Justice. *Youth Justice*, 9(3), 239-253.
<https://doi.org/10.1177/1473225409345102>
- Wolthuis, A., & Chapman, T. (2021). *Restorative Justice from a Children's Rights Perspective*. Eleven International Publishing.
- Wood, W. R., & Suzuki, M. (2016). Four Challenges in the Future of Restorative Justice. *Victims and Offenders*, 11(1), 149-172.
<https://doi.org/10.1080/15564886.2016.1145610>