

Designing and Implementing Restorative Justice in Scotland 2020



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FORUM

Foreword

Scotland is at an important moment in the development of restorative justice. The Scottish Government has committed to make restorative justice services widely available across Scotland by 2023. At the time of writing, the availability of restorative justice services in Scotland is limited and variable around the country; however, there is also a growing interest in making such services more widely available. Given this limited availability, people who are intending to design, implement or extend restorative justice services may have many questions about how this can be done while being ethical, efficient and effective. This toolkit is intended to help people with this task.

The development of the toolkit has been a collaborative effort, particularly through the University of Edinburgh and the Restorative Justice Forum (Scotland). The University of Edinburgh provided funding to employ Rania Hamad to collate this document. Professor Joanna Shapland of the University of Sheffield and Chair of the Restorative Justice Forum (Scotland) made significant contributions. Other contributors include: Catherine Bisset and Ella Edginton (Scottish Government Justice Analytical Services); Gael Cochrane and Sarah McCullough (Community Justice Scotland); the City of Edinburgh Council; Clair Aldington (Space2face); Pamela Morrison (Centre for Youth and Criminal Justice); and attendees of the Workshop on Implementing Restorative Justice held on 29 November 2019, facilitated by Dr Ian Marder and Clair Aldington. Many thanks to everyone who contributed.

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Introduction

This document is aimed at people involved in designing, setting up or extending restorative justice services in Scotland. It contains useful advice, questions, check-lists and templates that should assist people to think through the potential need for restorative justice in their areas, and how such services might be structured and operate, as well as how risk assessments might be undertaken, and how data may be collected from participants, stored and analysed. It is a toolkit, designed to be dipped into, and hopefully helpful whether your restorative justice service is just starting or at a more advanced stage. Restorative justice services should be responsive to local needs and resources; the guidance provided here is intended to be enabling rather than directive. Please use the documentation here as you see fit, working collaboratively with local and national stakeholders, and in line with the Scottish Government's *Guidance for the Delivery of Restorative Justice in Scotland*.

Nature and purpose of restorative justice (RJ)

What is restorative justice?

The Scottish Government (2017, p. 6) Guidance for the Delivery of Restorative Justice in Scotland provides the following definition:

Restorative justice is 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.

It gives victims the chance to meet, or communicate with, the relevant people who have harmed, to explain the impact the crime has had on their lives. This has the potential to help some victims by giving them a voice within a safe and supportive setting and giving them a sense of closure.

It also provides those who have harmed with an opportunity to consider the impact of their crime and take responsibility for it, with the aim of reducing the likelihood of re-offending. In some circumstances it can also allow them the opportunity to make amends for the harm caused.

What are the benefits of restorative justice?

There is now a significant body of research on the outcomes of restorative justice interventions. The report by Kirkwood (2018, p. 3) provides an overview of this evidence, highlighting that restorative justice 'can reduce the likelihood of further offending, assist people to recover from the harm of crime, and provide greater satisfaction with the justice process'.

Where in the system can restorative justice be provided?

There are a variety of different ways in which restorative justice can be made available or interface with wider criminal justice or youth justice systems and processes. The Scottish Government (2008) guidance on restorative justice services for children and young people and those harmed by their behaviour provides detail for how restorative justice processes can be used in relation to harmful behaviour caused by children and young people. The article by Kirkwood and Hamad (2019) provides a discussion of how restorative justice is or might be further used in Scotland in relation to offences by adults. The Scottish Government (2019) Uses of Restorative Justice: evidence review explores international models of restorative justice to identify how such approaches might be used in Scotland.

Potential models and referral routes include the following:

- Youth justice (referral processes from Children's Reporter/Children's Hearings/Early and Effective Intervention), although it is worth noting that the age of criminal responsibility in Scotland has been increased to 12, and children younger than this will no longer be referred to the Children's Hearing System on offence grounds.
- Diversion from prosecutorial action (referral processes from Procurators Fiscal)
- Pre-sentencing, possibly as part of a structured deferred sentence (referral processes from the court; reliant on understanding among Procurators Fiscal, Sheriffs, and defence solicitors, and availability in local authorities)
- Post-sentencing/post-release from custody/secure care (referral processes from prisons/justice social work; possible preparatory work within justice social work supervision; contribution of RJ towards 'other activities' hours for Community Payback Orders with an unpaid work or other activity requirement)
- Parallel process (requires a way to gather, record and match requests for RJ from people harmed and people who have harmed)

Deciding where in the system RJ should be used, and how the referral mechanisms should work, should be based on a needs assessment for RJ in the area and working collaboratively with stakeholders and partner organisations.

Section 1

References

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Available at: <https://www.gov.scot/publications/rapid-evidence-review-uses-restorative-justice/>

Scottish Network of Restorative Justice Researchers - a branch of the Scottish Restorative Justice Forum. It is a network for researchers working on RJ in, and on, Scotland. Any person (also non-academic) undertaking or interested in RJ research in/on Scotland is welcome to join here or contact the Network chairs - Steve Kirkwood, Estelle Zinsstag, or Jenny Johnstone at rjforumscotland@gmail.com

Section 2

Design processes – things to consider before starting to implement

Who, within your organisation, do you need to talk to about the potential scope and nature of your RJ provision?

Over what geographical area and at what stages of criminal justice/work with young people might you wish to provide RJ?

What partner organisations might it be helpful to work with in relation to this area and stages? Do you or your colleagues have any contacts in these partner organisations? This is an ongoing process as your thinking develops – so revisit this periodically.

Can you get some data on how many people/cases are involved in relation to your service per annum for that area and those stages? Though not all will be suitable cases and certainly not all will agree to participate, it's useful to have this baseline to give you an idea of scale.

How are you thinking that potential participants will be made aware of the possibility of RJ? Will you be looking at existing data records for people to contact (extraction from your organisation's records, court records etc.) or depending upon referrals from others?

Who are you thinking will make the offer of RJ to the person harmed and the person who has harmed? The best is for a knowledgeable person or trained facilitator to contact potential participants, but it may need a two stage process, with their current key worker/person responsible for the case doing an initial mention and then passing details on to the facilitator to contact the potential participant.

If you are using the two-stage process of making the offer, what information/training about RJ does the person making the initial contact need? What details about the case/person will need to be passed on?

Section 2

If the RJ process or making the offer of RJ involve partner organisations, then you will need an information/data sharing protocol. Who do you need to contact about this? Can you acquire a template for this (your organisations may well be working together already on other matters)?

As you develop your implementation, what information/publicity do you want to happen at what stage? When will a word from top management be a good idea? Who within the organisation and in partner organisations needs to be made aware of your developing plans? Bringing people along with your thinking tends to be more helpful than sudden surprises – and creating a development group within your organisation of interested people is good for testing out ideas and for support.

As you start creating your statement of aims, publicity, forms, questionnaires, risk assessment forms, data management protocols etc., it's helpful to have an electronic site where the different versions are stored and where your development group can access them.

Deciding where in the system RJ should be used, and how the referral mechanisms should work, should be based on a needs assessment for RJ in the area and working collaboratively with stakeholders and partner organisations.

Section 3

Developing RJ in the context of community justice planning

- Community Justice Strategic Commissioning Framework – joint strategic commissioning in community justice entails partners working together to assess and forecast need, link investment to improving people's outcomes, and plan the long-term nature, range and quality of future services supporting community justice outcomes.
- Community Justice Scotland (CJS) has published the framework, which specifically addresses analysing, planning, delivering and reviewing services, which is likely to be useful for implementing RJ services:
https://communityjustice.scot/policy_consultation/strategic-commissioning-framework/

Could you establish strategic partnerships within Community Justice Partnerships in order to facilitate the implementation of RJ? For example, with Police Scotland.

Assessment of need

Further, CJS have published **guidance** relating to undertaking a Strategic Needs and Strengths Assessment for local area Community Justice Partnerships, acknowledging that the analysis and reporting of local priorities is the foundation on which a local area can understand their population's needs and the services and interventions that are in place locally – this may be a useful starting point when considering whether there is a need for RJ.

You may also wish to consider:

What is the current level of RJ provision in your area, if any? What types of cases are referred?

Is there a gap in the provision of RJ in your area? Is there a need for RJ? What is the potential scale and nature of this need (e.g., in terms of the number of potential cases and the nature of the offences)?

What local data need to be gathered in relation to RJ? (for example – is RJ available locally, and to whom; offence types; whether people are asking for RJ or expressing a wish to apologise/make amends – either the person who has harmed or the person harmed). How best is this data gathered?

Section 3

Determining potential service user groups

Who does your service already work with?

Where will RJ referrals come from? (person who has harmed; person harmed; court; procurator fiscal; social worker; children's reporter; police; prison; other organisations; families; communities).

- It is also very important to note that people who cause harm may also be people who have been harmed, and any RJ intervention must take this into account. Designing a **trauma-informed** service/intervention will be vital.
- For services working with people under the age of 18, it may also be very useful to refer to the Centre for Youth and Criminal Justice's "**Guide to Youth Justice in Scotland: policy, practice and legislation**", (updated on an annual basis), to take into account the specific needs and risks relating to young people when designing an RJ service.

Assessing the potential impact of the RJ service on different groups

- *Integrated Impact Assessments (IIA); also called Equalities and Rights Impact Assessments* - public sector organisations are required to assess the impact of any decisions and policies on equalities groups, and are also required to publish the results. As an example, [here](#) is the City of Edinburgh Council's IIA, published in 2019, assessing the impact of implementing an RJ service for CJSW.
- IIAs should be undertaken before the proposed RJ implementation in your service, if RJ has never been done before.

Are you required to undertake an Integrated Impact Assessment / Equalities and Rights Impact Assessment?

Have you undertaken the assessment? If yes, what are the implications of the assessment for your RJ services?

Information sharing

- *Data Protection Impact Assessment (DPIA)* - this is a process to help you identify and minimise the data protection risks of a project.
- You must do a DPIA for data processing that is **likely to result in a high risk** to individuals should their data be breached. Your Information Governance Team should have a screening checklist to help you decide when to do a DPIA. However, it is good practice to do a DPIA for any major project which requires the processing of personal data, which would include RJ (particularly if existing protocols for contacting persons harmed (or persons who have harmed) are not in place).

Section 3

- For further advice on DPIAs see [here](#).
- *Information Sharing Agreements/Protocols* - these are agreements that set out the lawful basis for the use of personal data by the public sector, across traditional organisational boundaries, to achieve better policies and deliver better services.
- Services who work with the person who has harmed, such as CJSW services, might find it necessary to create such an agreement in partnership with another key agency, or agencies, in order to be able to contact the person harmed in a manner that allows for informed consent and the safe processing and handling of all parties' data.

Have you undertaken a Data Protection Impact Assessment?

What Information Sharing Agreements/Protocols are in place? What further agreements / protocols need to be put in place?

Determining necessary resources and staffing

What budget is available for the implementation and delivery of RJ?

Who will deliver RJ and what training do they require?

Will there be dedicated RJ posts, or will RJ work be additional to facilitators' standard workload? Can protected time for RJ work be offered?

Where will RJ meetings take place? – mapping local resources could be useful.

Section 3

Who will pay for travel to and from RJ meetings?

Are resources available for follow-up support for all participants? (for example, a dedicated post, or partnership working with Victim Support Scotland)

Do you have an Information Governance team/data protection officer who can advise on data protection matters?

Secure, access-controlled data storage will be required (both for electronic data, and paper files if still using); what data storage arrangements are in place?

Can you set up a dedicated RJ service e-mail address and telephone number?

Will a web address be possible to explain the service?

Leaflets will be required, for both the person who has harmed and the person harmed – is there a communications budget?

Do you have an RJ referral form/information-sharing form?

Do you have letter templates?

Do you have an Outcome Agreement pro-forma?

Making the offer of restorative justice

Knowledge about restorative justice is not currently widespread in Scotland among those who may become persons harmed or persons who have harmed. It will be necessary, therefore, for services to reach out to potential participants to let them know about the possibilities for them to participate in restorative justice – to ‘make the offer’.

The aim is for those who have been harmed and for whom restorative justice may be suitable (i.e. where there is a person who has harmed who has been identified) to be able to consider restorative justice at whatever stage of criminal justice their cases have reached, so that they can see whether it might be useful to them either at that stage or a subsequent stage.

Restorative justice can take place in cases diverted from prosecution, and in cases where the person who has harmed has admitted responsibility, including during a sentence served in the community or in a custodial establishment.

Restorative justice services which are being developed therefore need to consider who will make the offer to potential participants. That may be done by one criminal justice agency which then refers the case to the restorative justice provider, or the agency may provide restorative justice to its own cases. In deciding how the offer should be made in the particular local circumstances, it will be helpful to bear in mind that our current research knowledge indicates:

- Those making the offer need to have some relevant training in what restorative justice is, what it is not (e.g. it is not just or primarily about compensation), and how to refer, but do not have to be trained facilitators, nor should they attempt to select in ‘good’ potential cases
- There needs to be constant regular communication between those making the offer and facilitators/those coordinating the restorative justice service so that both know in what kinds of cases restorative justice is available in the area and what information needs to be passed on from those making the offer
- After the offer is made, if potential participants indicate potential interest in learning more, the restorative justice service should pick up on referrals relatively quickly so that trained facilitators contact potential participants, to assess suitability and answer questions
- If potential participants do not indicate any interest, ideally they should still be provided with some written information and link to services, in a similar way as they are provided with information on support
- It needs to be entirely up to potential participants to decide what they want to do, but it may be helpful for facilitators to offer a range of restorative justice options, if potential participants do not wish a face-to-face-meeting. However, overall, face-to-face meetings tend to produce greater communication and satisfaction amongst participants
- There is no one ‘right time’ to make the offer, but if anything making it too late (e.g. waiting until well after sentence has been passed) is found less helpful by those who have been harmed than making it earlier.
- Those who have been harmed may not feel ready to participate when the offer is first made or they are contacted by facilitators, but may wish to participate later. It is OK to make the offer again sensitively at a later stage in criminal justice.
- Section 10 includes a ‘Pre-Restorative Justice Questionnaire’ template (provided by Professor Joanna Shapland) which could assist services to ensure that the restorative justice process is run in the best possible way for those who have agreed to participate in them.

Assessment of risk

- Guidance for the Delivery of Restorative Justice in Scotland – pages 17-24

The Guidance states, in relation to assessing and managing risks involved throughout the process, the facilitator must, for each individual case:

C1. Carry out an initial formal risk assessment and assess and manage any identified risk throughout the process.

The facilitator and senior practitioners consulted must recognise, and be responsible for acting, when there is a clear risk to a participant's physical or mental safety, (particularly the victim), meaning that the process does not commence, or is immediately terminated safely.

C2. Record risk concerns, ways in which these might be addressed, and refer these to the appropriate level of management and/or partnership agency (e.g. any concerns relating to child protection).

C3. Assess whether complex issues of intimidation and vulnerability require referral to a senior restorative justice practitioner, other professionals or specialist support services in order to make an immediate decision on whether the process should be ended, and to discuss the consequences of this.

C4. Assess the potential impact on the restorative justice process of any available assessment information relating to previous actions that have caused harm, mental health or substance abuse.

C5. Assess any risks relating to the participants. The facilitator should consider:

C5.1. Participants' feelings, attitudes and behaviour.

C5.2 Whether their expectations of the process are realistic.

C5.3. Their motivation for being involved.

C5.4. Substance abuse and mental health issues.

C5.5. Any physical or learning disabilities, mental impairment or ill health.

C5.6. The emotional resilience of individuals and ability to cope with the process.

C5.7. Any previous history between the participants.

C5.8. Any power imbalances between individuals.

C6. Develop methods to manage any identified risk (involving others in the process such as supervisors) including:

C6.1. Selecting which type of communication will be safe at each stage of the process.

C6.2. Sequencing direct or indirect forms of communication to ensure safety.

C6.3. Selecting venues for any meetings that will maximise participants' safety and minimise their anxieties or concerns.

C6.4. Managing and balancing the presence/absence of supporters who can influence the emotional and physical risks of the process and its outcome.

C7. Review risks throughout the process, for example, taking account of timing of the justice process, the impact of substance abuse etc.

C8. Recognise when risk is unacceptable and end the process safely at the earliest and most appropriate point.'

- Services will need to think about how their developing processes enable their facilitators to carry out these tasks, for example, as to how they will record the risk assessment they will carry out.

Section 5

- Services may need to think about developing their own local guidance for identifying and managing risk in an RJ process, which takes into account additional risk assessments such as LS/CMI or START-AV, departmental records, and agency lone working policies – see an example in Section 10 which incorporates the Scottish Government RJ Guidance and guidance from the RJ Council's Practitioners [Handbook](#).

Ensuring RJ is Trauma-Informed

From a national strategic and policy perspective there have been a number of key drivers inviting services to consider the need for well-designed trauma informed and responsive justice services and this is inextricably linked with restorative justice and practices.

This is encapsulated in:

- Both the Scottish Government's [Mental Health Strategy](#) (2017-2027) and [Justice Strategy](#) (2017) which acknowledge the need to ensure that interventions for victims and people who commit offences are informed by understanding of the impact of trauma.
- The Justice Strategy highlights that the population in contact with the criminal justice system is a vulnerable one in health and well-being terms, with people experiencing high levels of mental health problems, trauma, learning difficulties (sometimes undiagnosed) and challenges with alcohol and substance use.
- NHS Education Scotland have done a considerable amount of work developing and producing their "Transforming Psychological Trauma" [framework](#), [National Trauma Training Framework](#), and associated resources.
- Most people using restorative justice services will have been impacted by trauma - this includes the person/s harmed and the person/s responsible, as well as family and friends. The principles of trauma-informed practice are Safety, Choice, Collaboration, Trust and Empowerment, with a clear overlap with the principles of RJ. It is not possible, therefore, to deliver RJ without being trauma-informed.

Creating the RJ model and implementing the service

- **Communication and engagement** – communication should seek to gain ‘buy-in’ from colleagues and potential service users. It would be worthwhile developing a plan for raising awareness of RJ among colleagues and the general public.
- **Local Procedure** – it may be necessary for services to create a ‘Local Procedure’ which outlines the key tasks and actions when preparing for and undertaking an RJ intervention, and make this widely available to staff and key partners. Sections in such a procedure could include:
 - **Purpose**
 - **Scope**
 - **Definitions**
 - **Referrals**
 - **Assessment of suitability for the RJ intervention**
 - **Preparing for the RJ intervention**
 - **Process and options for those who do not wish to take part in RJ**
 - **The RJ intervention**
 - Facilitating the RJ meeting
 - Facilitating shuttle dialogue
 - **Following the RJ intervention**
 - Follow-up support
 - Feedback
 - **Use and storage of data** (see example in Section 10 of data consent form)
 - **Responsibilities** – who is responsible for the service? ie managing referrals; allocation; supervision, and so on.
 - **Policy base**
 - **Associated documents**
 - **Record keeping**
 - **Manager sign-off**
- Services may wish to consider creating a simplified checklist for identifying potentially suitable RJ cases (see Section 10 for an example from a hate crime service).
- A range of templates will be useful, such as introduction letters, pro-forma for information sharing, an Outcome Agreement, and feedback forms – please see Section 10 for examples of these.

Section 7

People, training, and support/supervision

People

Who will be delivering RJ?

What skills, knowledge, and values are required?

Training

Are there staff already trained in RJ?

What RJ training is available, either locally or nationally?

Will multi-agency training be possible? (particularly if RJ will be delivered in partnership with other agencies)

How will staff have access to ongoing professional development in RJ?

Support and supervision

Who will be providing supervision to the RJ facilitators?

Will a co-facilitator be possible?

Section 7

Where will RJ facilitators find support and advice?

Will RJ facilitators/other relevant staff have allotted time for, and access to, relevant further training, conferences, and meetings?

Awareness-raising

Is awareness-raising about RJ required across the service and/or amongst key partners? eg presentations at team meetings or management meetings; practice development sessions; multi-agency meetings and events.

Resources

The Restorative Justice Practitioners Network (Scotland) – part of the Restorative Justice Forum (Scotland), this network offers peer support for people interested in the development of Restorative Justice in Scotland, practising RJ in Scotland, or trying to get a service off the ground. Join [here](#) or contact the Network organiser directly at rjforumscotland@gmail.com

Guidance for the Delivery of Restorative Justice in Scotland

Restorative Justice Council (England and Wales) Service Providers [Handbook](#) and Practitioners [Handbook](#)

Section 8

Quality assurance/monitoring and evaluation processes

Quality assurance, monitoring and evaluation are all different processes a service must go through, but what they have in common is that they all utilise data and research methods to make assessments about the service and contribute to its improvement. Generally speaking:

- Quality assurance and monitoring refer to routine processes for gathering basic data on the service's operation, ensuring that processes are being followed and recorded correctly, and keeping track of the volume, flow and nature of cases being dealt with. This happens on a regular, ongoing basis as part of the service's operation.
- Evaluations are one-off (though repeatable) pieces of research that take a deeper look at how the service is operating over time. Different types of evaluation help to answer different questions. The three main types are:
 - Whether policies and practices have been implemented as intended ([process evaluations](#))
 - To measure whether outcomes have been achieved and how ([impact evaluations](#))
 - To assess if the benefits of the policy outweighed the costs ([economic evaluations](#))

Gaining informed consent to store service users' data for evaluation purposes – will this be made explicit at the start of the RJ process?

What data need to be gathered and stored about each RJ case? Can this be done within your own agency's database or would it be better to have a link to specialised RJ software?¹ Note that the data must include details of the person(s) harmed, the person(s) who have harmed, facilitators and all contacts, as well as referrers and outcomes.

- In addition to the general data about each case that are routinely gathered for operational reasons, evaluation will typically require additional data as well. Some of the sources to consider are:
 - Self-reported information on participants' experiences. These might be collected through feedback forms close to the time of the intervention, follow-up surveys, or more detailed interviews
 - Professional appraisals of the dimensions the evaluation is looking at – for example, the views of front line practitioners, those who refer into the service, or those outside the organisation who are also involved in supporting service users (such as victim support)
 - Administrative data sets, such as those relating to reoffending.

1. There are different specialised restorative justice software packages and we cannot recommend one particular 'brand'. It is worth contacting other restorative justice services to find out what they have used and their experiences, as well as looking on the web as software packages are constantly developing (e.g. myRJ)

Section 8

Feedback – when and how is this sought from participants? (immediately after the RJ process/6-month follow-up?).

- Feedback templates – see Section 10 for examples

Who provides follow-up feedback to the person harmed re: actions from Outcome Agreements?

What will be fed back to referrers, by whom and how (if necessary) will consent have been gathered from participants?

Gathering data on re-offending – is this required to evaluate the effectiveness of RJ? If so, how will this be done? (Please note that drawing meaningful conclusions based on an analysis of re-offending data is very complex for a range of reasons including: the need for relatively large numbers of cases; the need for appropriate comparison groups; technical issues regarding the nature of offence data; the sophisticated nature of statistical analysis methods required to control for confounding factors.).

Who will evaluate? (internal self-evaluation; external body/researcher).

- Monitoring data will generally be collected and monitored internally, though there may be a role for some monitoring by external bodies such as funders, depending on arrangements. Who carries out an evaluation will depend on the size of the project, how much capacity and skill staff have, how much it is going to cost, and any specific requirements any external funders may have.

Section 8

Strengths and limitations of self-evaluations and external evaluations

	Self-Evaluation	External Evaluation
Strengths	<p>Doing an evaluation in house can be quicker, because you don't have to go through the full procurement process.</p> <p>Because we are not bound by procured contracts, it can also give more flexibility to change approaches if problems emerge along the way.</p>	<p>The major benefit of using contractors is that they free up internal capacity.</p> <p>Contractors also often include academic experts on their teams, so the evaluations can benefit from their expertise.</p> <p>Evaluation may be perceived as more objective.</p>
Limitations	<p>Carrying out an evaluation from start to finish is a lot of work, so will take significant staff capacity. Evaluation is also a somewhat specialised skill – there are many guides out there that can help, so staff with some research and analysis background can often carry out a competent self-evaluation, but organisations need to consider honestly whether this is within the staff member's capabilities or not.</p> <p>Project timescales also have a higher risk of dragging out if staff face a lot of other demands on their time, since there is no specific contract to hold to. This can undermine the time savings of not having to go through procurement.</p> <p>There is also the risk of bias, particularly if the organisation perceives that the findings may influence their future funding.</p>	<p>Projects are likely to take longer, because the organisation needs to build in time to procure the service.² Also, staff will still need to manage the procurement process and the relationship with contractors, and provide them with guidance and feedback as the project progresses.</p> <p>Because the organisation is a step removed from the project, and will have agreed an approach and price as part of the contract, it also means there is less flexibility to change things if it is not going to plan or the organisation is not happy with the quality of the work.</p> <p>Probably the most expensive option.</p>

There is also a wide range of resources and support available online to help you make decisions about the most appropriate approach for your service. Your service's funders may have support available, and some of the places to look include:

Evaluation Support Scotland: <http://www.evaluationsupportscotland.org.uk/resources/>

Better Evaluation: <https://www.betterevaluation.org/en>

Scottish Third Sector Research Forum: <http://www.evaluationsupportscotland.org.uk/our-work-partners/scottish-third-sector-research-forum/tsrf-evidence-papers-and-resources-copy/>

2. It takes approximately 6 weeks to commission a project that costs under £50k (excluding the development of the specification). A project costing between £50k-100k can take longer to commission and projects over £100k can take around 4-6 months to commission.

Section 8

A logic model approach to evaluating restorative justice (Bisset, 2017)

Drawing a logic model of how your RJ intervention is supposed to work could be useful when designing a RJ intervention.

Logic models set out, in graphic form, what restorative actions need to be taken for each outcome to materialise. You can use the logic model to:

- Clearly describe to others how your RJ intervention is supposed to work
- Check there are logical links between each activity and the intended outcomes for each participant.
- Provide a useful framework for both a process evaluation (did the activities take place as intended?) and an outcome evaluation (did the desired changes occur and for how many participants?).

A key function of logic models is they can set out a range of desired intermediate outcomes for **all participants** (for victims and those who have caused harm). By doing this you can then ensure that your restorative activities are specifically designed to achieve these outcomes.

After drawing your logic model, you can use it to guide what data you need to collect from the real intervention to explore if the intervention actually worked as intended. You should collect data for inputs, activities, outputs and outcomes. The type of questions that can be addressed by logic model evaluations are:

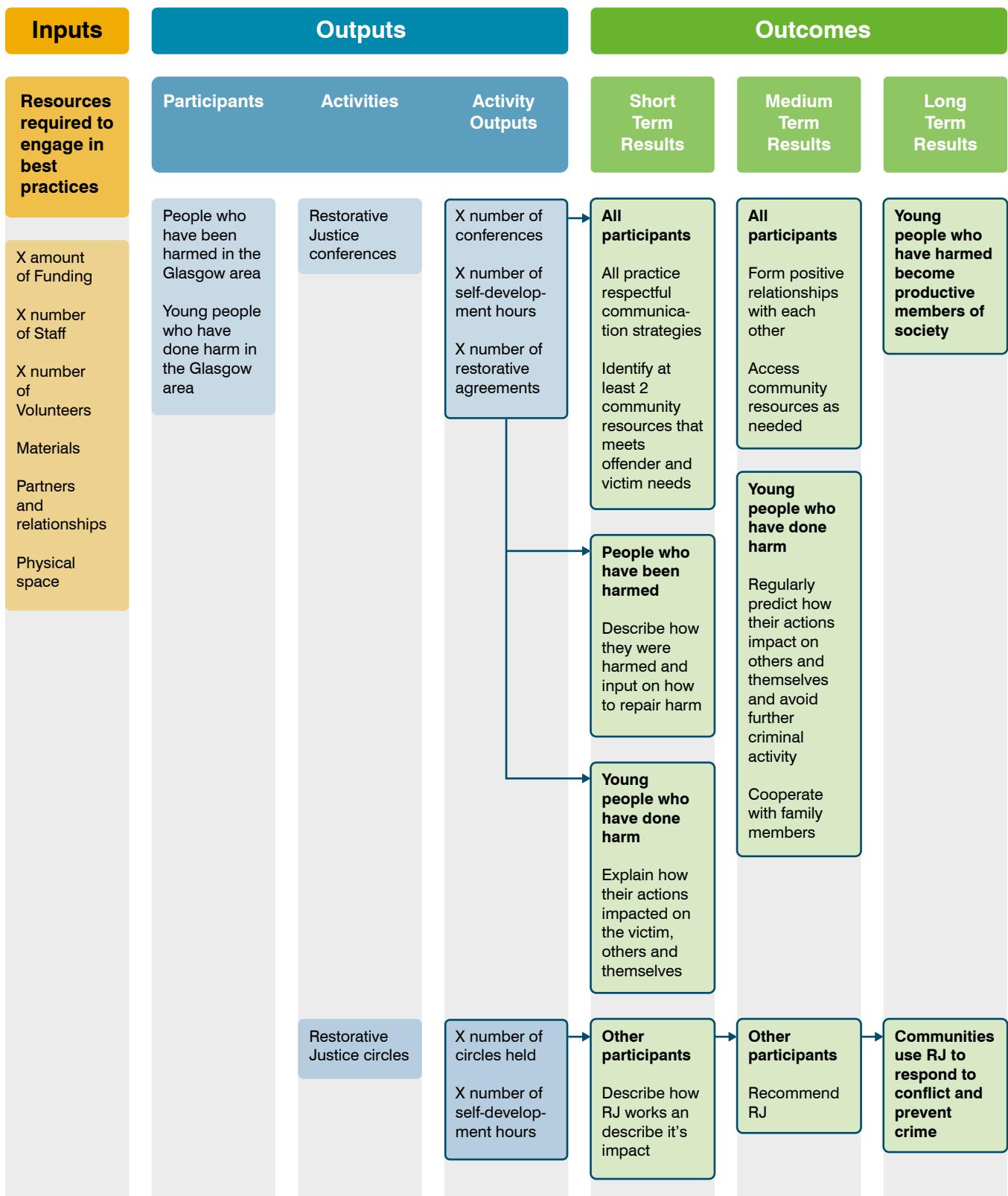
- Were there sufficient resources to run the programme as intended? (INPUTS)
- Were different aspects of the intervention delivered as originally intended? (ACTIVITIES)
- How many participants completed the process and how many dropped out? (OUTPUTS)
- Did it reach the intended target group? (OUTPUTS)
- How many participants achieved each of the intended outcomes? (OUTCOMES)

Bisset, C. (2017) A model approach. Scottish Justice Matters 5(1) April 2017, pp. 17-18, at:

http://scottishjusticematters.com/wp-content/uploads/Logic-Modelling-SJM_5-1_April2017-9.pdf

Section 8

Example RJ model



Telling people about RJ – disseminating information to referrers and the public

There are two key audiences for those providing RJ services:

- Those likely to come across cases which might be suitable for RJ (referrers)
- Those who may be offered RJ in the future (persons harmed and persons who have harmed) and those close to them (the general public)

For both, it is important to alert them as to what RJ is and to dispel misconceptions.

For referrers, indications from research show:

- Busy practitioners will not have specialised knowledge about RJ, so it is best to get the case referred to a provider quickly, who can contact the potential participants and provide information to allow an informed decision
- Means to refer need to be simple and alert practitioners to minimum criteria for suitable cases (identifiable person harmed, types of offence for which there is provision), rather than requiring the referrer to do risk assessments or look out for subtle clues
- Laminated cards with contact details and minimum criteria are useful, as are electronic prompts
- Co-location of the provider with referrers (or regular visits) is very helpful, to answer questions, dispel misconceptions (e.g. the person harmed needs to say they have questions to be answered by the person who has harmed, to be a suitable case), 'jog' practitioners' memories etc.

It is very important to brief practitioners regularly and to provide feedback on referrals.

Informing the general public about RJ is often usefully done through stories from past cases (obviously only with the consent of those involved), backed up with results from evaluations of the service. This might be through:

Posters about RJ with key messages for persons harmed

Stories offered to the media

Putting information/stories about what RJ is and has done for people on the provider's website, including contact details for potential participants to contact the service – as knowledge about RJ grows, some persons harmed may actively look for provision themselves.

Templates and examples

We have provided below some examples of documents which may be helpful to RJ providers who are developing their services. We are grateful to those who have allowed us to use their documents, but they may not be suitable for your own service. The provision of these examples is not intended to be prescriptive. You will need to customise your own documents, which must be adapted to local contexts and practices and it will be vital to account for people's differing speech, communication, and language needs as well as their age and stage of development. People may require support to complete questionnaires, and you may be required to adapt the materials into more accessible formats or languages. You must also always take into account participants' varied experiences, levels of distress, and trauma when utilising any questionnaires or forms.

Section 10: A. Introduction letters, pre-RJ questionnaire, and data consent form for potential participants

A1. RJ introduction letter to person harmed

[Person harmed's full name]

[date]

[address]

[ref]

Dear [insert person harmed's name]

Re: Restorative Justice

I understand you were [a victim of crime or affected by (insert details)] on [insert date(s)].

Restorative Justice is a process where people who have been harmed by crime are given the opportunity to meet or communicate with the person who caused the harm so that they can explain the real impact of the harm on them.

I would like to visit you to hear how you have been affected by the recent [insert crime/harm details], and how you are doing now. I would also like to discuss whether you might have questions and might wish to communicate with the person who caused the harm. If you would like to communicate my role is to provide a safe opportunity for you to do so and also to support you. I can also assist you in thinking about what you would like to say to the person who harmed you and any questions you might like to ask.

If it is convenient I will call you on [insert date] to check you have received this letter and, if you would like, to arrange a time to meet you. If you would prefer an alternative date/time or if you would prefer that I do not call at all please let me know. You can contact me on [insert telephone number and e-mail address].

I look forward to speaking to you on [insert date]. Please do not hesitate to contact me on [insert telephone number] or [email address] in the meantime if you have any questions.

Yours sincerely

[insert your name]

Restorative Justice Facilitator

[insert office address/contact details]

Section 10: A2. RJ introduction letter to person who has harmed

[Person's full name]

[date]

[address]

[ref]

Dear [insert person's name]

Re: Restorative Justice

I understand you were involved in an offence (insert details) on [insert date(s)].

Restorative Justice is a process where people who have been harmed by crime are given the opportunity to meet or communicate with the person who caused the harm so that they can explain the real impact of the harm on them.

I would like to visit you to discuss whether you might be interested in communicating with the person harmed by your offence. If you would like to communicate with them, my role is to provide a safe opportunity for you to do so. I can also assist you in thinking about what you might like to communicate with them, and any questions you might like to ask.

If it is convenient I will call you on [insert date] to check you have received this letter and, if you would like, to arrange a time to meet you. If you would prefer an alternative date/time or if you would prefer that I do not call at all please let me know. You can contact me on [insert phone number].

I look forward to speaking to you on [insert date]. Please do not hesitate to contact me on [telephone number] or [e-mail] in the meantime if you have any questions.

Yours sincerely

[insert your name]

Restorative Justice Facilitator

[insert office address/contact details]

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Questionnaire Prior To Restorative Justice

The University is doing an independent evaluation of the restorative justice services provided by [insert organisation here], with funding from the Home Office. We are keen to make sure that the restorative justice process is run in the best possible way for those who have agreed to participate in them.

We would be very grateful if you could fill in this questionnaire about your experiences so far. The questionnaire is entirely anonymous and what you put will not be known by anyone at [insert organisation here] or be able to be ascribed to you at any time. We will be feeding back any difficulties people have had to those organising the scheme, in order to improve it, but no one will be able to identify who it is who has said any particular thing.

How you heard about restorative justice

1. How did you first hear about the possibility of restorative justice?

- Today at a meeting
- Contacted by a facilitator from [insert organisation here]
- Contacted by someone connected with your case

Who? _____

- From friends or colleagues
- In another way

How? _____

2(a). Were you contacted by someone from [insert organisation here] to talk about the possibility of restorative justice in your case?

(b) If so, was that by:

- Phone
- By letter
- At a meeting?

(c) Do you think that is the best way to contact people?

- Yes
- No

If No, I think it would be better if _____

Section 10: A3. Pre-Restorative Justice Questionnaire (Continued)

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Questionnaire Prior To Restorative Justice

3(a). Have you met with someone from [insert organisation here] about the possibility of restorative justice in your case?

Yes No

(b) If so, how convenient was that meeting?

Very convenient Quite convenient Not very convenient Not at all convenient

(c) How easily did you find the place for the meeting?

Very easy Easy Quite difficult Very difficult

(d) Did you have any difficulties:

No difficulties Some difficulties Lots of difficulties
 Travelling to the meeting With the cost of getting to the meeting
 With the time of the meeting With anything else to do with the meeting?

What? _____

(e) How helpful did you find the [insert organisation here] staff at the meeting?

Very helpful Helpful OK Not very helpful
 Very unhelpful

The information you've received

4(a). Have you been given any information on what would happen during restorative justice?

Yes No

(b) Have you been given any leaflets or other written information?

Yes No

Section 10: A3. Pre-Restorative Justice Questionnaire (Continued)

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Questionnaire Prior To Restorative Justice

5(a). Have you been given any information about what might happen as a result of the restorative justice?

Yes No

(b) What do you expect to happen?

6(a). Do you think you have enough information about restorative justice in relation to your case?

Yes No

(b) Have your contacts with [insert organisation here] covered everything you wanted to know?

Yes No

(c) Is there anything else you'd like to know about?

8. Have you been able to talk to your family, friends or colleagues about the possibility of restorative justice?

Yes No

If so, was that with:

- Members of your family
- Friends or colleagues
- The police or social work services
- Anyone else?

Who? _____

The restorative justice process

9(a) How nervous are you about the possibility of restorative justice? Would you say you are:

Not at all nervous Not really nervous Somewhat nervous Very nervous

(b) (If at all nervous) What in particular are you nervous about?

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Questionnaire Prior To Restorative Justice

So far, thinking about your involvement with [insert organisation here],

10. Do you think you have been listened to carefully?

Definitely To some extent Not really Definitely not

11. Do you think you have been treated with respect and dignity?

Definitely To some extent Not really Definitely not

12. Do you think your concerns and questions have been treated seriously?

Definitely To some extent Not really Definitely not

13. Has it been made clear what may be required of you in the future?

Definitely To some extent Not really Definitely not

14. Have choices about how the case could go been presented to you?

Definitely To some extent Not really Definitely not

15. Has it been made clear it is up to you whether you want to take part?

Definitely To some extent Not really Definitely not

16. Do you feel you have been well prepared for the process?

Definitely To some extent Not really Definitely not

17. Do you feel you have been rushed into a decision?

Definitely To some extent Not really Definitely not

Your expectations of what will happen next

18. How fair do you feel restorative justice will be? Would you say it will be

Very unfair Somewhat unfair Somewhat fair Very fair

19. Do you feel you will have the opportunity to express your point of view?

Definitely To some extent Not really Not at all

20. Do you think that all sides will have a fair chance to bring out what happened?

Definitely To some extent Not really Not at all

21. Do you think you will have an opportunity to explain the consequences of the offence?

Definitely To some extent Not really Not at all

22. Do you think people will take account of what you say in deciding what should be done?

Definitely To some extent Not really Not at all

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Questionnaire Prior To Restorative Justice

23. How likely, at the moment, do you think it is that you will take part in restorative justice?

Will take part Probably will take part Not sure whether will take part or not
 Probably won't take part Definitely won't take part

Reasons why people may take part in restorative justice

It would be very helpful if you could look at the statements below, which give several of the possible reasons why people may take part in restorative justice, one or more of which may apply to you. Could you say how important each is for you:

24. You want to express your feelings about the offence to the other person.

Would you say that is:

Not at all important to you Not very important Quite important Very important

25. You want to help the other person

Not at all important to you Not very important Quite important Very important

26. You've been asked to take part

Not at all important to you Not very important Quite important Very important

27. You've been told to take part

Not at all important to you Not very important Quite important Very important

28. You feel a duty to take part

Not at all important to you Not very important Quite important Very important

29. You would like some questions about the offence answered

Not at all important to you Not very important Quite important Very important

30. You want to have a say in how the problem is resolved

Not at all important to you Not very important Quite important Very important

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Questionnaire Prior To Restorative Justice

31. (if you are the person who has harmed) you want to try to repay the harm you've caused

Not at all important to you Not very important Quite important Very important

or (if you are the person harmed) you want to be repaid for the harm you've experienced

Not at all important to you Not very important Quite important Very important

32. Taking part may affect what happens as a result of the case

Not at all important to you Not very important Quite important Very important

33. Are there any other reasons which are important for you?

Yes No

What are they? _____

34. Is there anything else which you would like to tell us about the [insert organisation here] process so far or about what may happen in the future?

Thank you for filling in this questionnaire.

CONFIDENTIAL**Client Consent Form**

Agreement to become involved with a Space2face restorative justice process

Name _____

Address _____

Telephone _____

Email _____

Data Protection

In order to support you in your Space2face work, we need to keep case notes of our meetings with you. Due to the nature of the work, this may include sensitive personal information. The Law says we must get your consent to do this. We will treat your case notes in accordance with data protection legislation and with our restorative principles of respect, fairness, impartiality and confidentiality.

I give my consent for [insert organisation here] to keep case notes of each meeting I have with them. I understand that these notes may be shared with my Space2face worker's supervisor, but will NOT be shared with external agencies or individuals without my consent, unless Space2face considers that I or others may be at risk of harm. I understand that my case notes will be kept securely in digital files (accessed only with a password) or on paper in locked filing systems for a maximum of 7 years. After this time, they will be securely destroyed.

Signed _____

Date _____

Signature of parent/ carer (if appropriate) _____

Date _____

Space2face clients may access information held about them at any time.

Space2face is a Scottish Charitable Incorporated Organisation (registered charity no: SC046828) and is a 'data controller' in compliance with data protection legislation with the Information Commissioner's Office (registration no. ZA278561)

space2faceshetland@gmail.com | www.facebook.com/space2faceshetland | www.shetland-communities.org.uk/subsites/s2f/

Section 10: B Assessment and preparation

B1. Example RJ initial eligibility checklist

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Restorative Justice Initial Eligibility Checklist

Person who has harmed name: _____

Person harmed name: _____

Index Offence(s): _____

SWIFT Number: _____

Worker Name: _____

1. Is there an identifiable personal person who has been harmed (this can include a witness who was harmed, or a representative of a company or the community)?
2. Does the person who has harmed take responsibility for the harm caused by their offending? ¹
3. Does the person who has harmed wish to meet the person harmed and/or a family member or representative? ²
4. Does the person who has harmed have attitudes which could lead to re-victimisation?
5. Is the offence domestic or sexual? ³
6. Is there evidence of significant substance use? ⁴
7. Is there evidence of significant mental health difficulties (that are not being managed or treated and may affect the restorative justice process)? ⁵

If any of questions 4-7 are checked, the person may not be suitable for RJ.

RJ Facilitator

- Is the person who has been harmed willing to participate in Restorative Justice, either directly themselves or indirectly?
- Risk assessments complete

Suitable: YES NO

1. In the context of hate crime, the person who has harmed may accept that they have physically or verbally harmed the victim, but not accept that they have underlying prejudiced views – this would not preclude them from RJ. If the offender does not accept responsibility for their offending behaviour then they are not suitable for RJ. This includes partial blaming of the person who has been harmed.

2. Where the RJ service can be indirect, rather than a meeting, better to say 'wish to communicate with the person harmed'

3. If yes, then the person who has harmed is not suitable for RJ at this time.

4. If the person who has harmed is using substances to a degree where they are unable to engage in supervision, it is unlikely they are suitable for RJ.

5. E.g. unstable psychiatric condition, severe risk of self-harm, diagnosis of psychopathy, or severe personality disorder. Presence of serious mental ill-health may mean the person who has harmed is unsuitable for RJ.

Section10: B2. Example Client Referral Form from Space2face service

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Client Referral Form

Source of the referral:

CJSW Children and Families SW Children's Reporter
 Self Police Other - please detail below:

Referral form for (name): _____

Address of above person: _____

Telephone (home and mobile): _____

Email: _____

Age (if under 18): _____

Parent/carer consent (if appropriate): Yes/ No

Date referred: _____

Name of referral source (eg. social worker's name): _____

Broad area of situation of harm (please only circle if appropriate):

Assaut Theft Vandalism Damage to cars Breach of peace
 Shoplifting Driving offences Offensive weapon
 Other (please detail) _____

Possibility of involvement of the other person involved in the situation of harm (if known):

Areas of concern to be aware of (please circle as appropriate, or add further information):

Child Protection Issues
 Problem drug use
 Violent/ aggressive behaviour or other known behavioural issues
 Arson Mental illness/medical problems/suicide risk
 Staff safety/ risk to others (including safety when transported in staff car)
 Sexual behaviour
 Further offending/ opportunistic offending

Section10: B2. Example Client Referral Form from Space2face service (continued)

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Client Referral Form

To Be Completed By Space2face Workers:

This person is potentially interested in making something as part of a Restorative Justice process:

Yes No Don't Know

First thoughts on what this might be (if applicable):

Information gathered about the person's interests and skills:

Approximate length of time this piece of work might take (as discussed with client):

1–3 months 3–6 months 6 months or more

Possible themes to explore with the client for this piece of work:

Would this person like you to acknowledge them in public? Yes No

Have you explained the confidentiality statement? Yes No

Has this person signed a consent form? Yes No

Availability, transport needs and location where meetings are to take place:

This information must be treated confidentially and this form kept in a secure (locked) location or, if digitally stored, password protected.

Date completed: _____

Name of space2face worker: _____

Guidance on Identifying and Managing Risk in Restorative Justice Interventions

Taken from the Scottish Government's Guidance for the Delivery of Restorative Justice in Scotland (2017) and the Restorative Justice Council Practitioners Handbook (2016)

Following an assessment of eligibility for Restorative Justice (RJ) (please refer to page 3), the facilitator must:

- Carry out an RJ risk assessment (please refer to guidance on pages 6-8 and blank template on page 9) whilst assessing the participants' suitability and readiness for RJ, and assess and manage any identified risk throughout the process. The facilitator and senior practitioners consulted must recognise, and be responsible for acting, when there is a clear risk to participants' physical or mental safety, (particularly the victim), meaning that the process does not commence, or is immediately terminated safely.
- Record risk concerns, ways in which these might be addressed, and refer these to the appropriate level of management and/or partnership agency (e.g. any concerns relating to child protection).
- Have regard to any existing Criminal Justice Social Work risk assessments (eg LSCMI) and consult the offender's Supervising Officer on matters of risk and readiness to participate in the process, as well as check SWIFT records.
- Assess whether complex issues of intimidation and vulnerability require referral to a senior restorative justice practitioner, other professionals, or specialist support services in order to make an immediate decision on whether the process should be ended, and to discuss the consequences of this.
- Assess any risks relating to the participants (please refer to guidance on pages 6-8 – this is not exhaustive but provides some potential risks and actions). The facilitator should consider:
 - Participants' feelings, attitudes and behaviour;
 - Whether their expectations of the process are realistic;
 - Their motivation for being involved;
 - Substance abuse and mental health issues;
 - Any physical or learning disabilities, mental impairment or ill health;
 - The emotional resilience of individuals and ability to cope with the process;
 - Any previous history between the participants;
 - Any power imbalances between individuals.

Complete the Risk Assessment Checklist for Home Visits sheet (please refer to pages 4-5) prior to undertaking any home visits, or ensure they are aware of any such completed assessments, and have due regard to CEC's Lone Working policies.

Section 10: B3. Example Guidance on Managing Risk in the RJ Process (Continued)

- Develop methods to manage any identified risk (involving others in the process such as supervisors) including:
 - Selecting which type of communication will be safe at each stage of the process.
 - Sequencing direct or indirect forms of communication to ensure safety.
 - Selecting venues for any meetings that will maximise participants' safety and
 - Minimise their anxieties or concerns.
- Managing and balancing the presence/absence of supporters who can influence the emotional and physical risks of the process and its outcome.
- Review risks throughout the process, for example, taking account of timing of the justice process, the impact of substance abuse etc.
- Recognise when risk is unacceptable and end the process safely at the earliest and most appropriate point.

Risk Assessment Checklist for Home Visits for Lone Workers

Name/Swift Number	Address	Telephone
Date completed	By whom	Purpose of Visit

	Yes	No	Not Known
Any information recorded regarding violent, aggressive, or threatening behaviour towards staff?			
Any specific risk to workers based on protected characteristics e.g. gender, sexual orientation, race etc?			
Does the client have significant <i>unstable</i> drug/alcohol/mental health problems?			
Are you aware of any intimidating/threatening clients/relatives/friends living at or likely to visit the property?			
Are there any dangers/hazards associated with the property e.g. poorly lit stair, known anti-social behaviour, dogs, home hygiene?			
Can you travel safely to/from the property?			
Are you confident all safety measures are in place?			
Areas of concern/sources of information:			

Assessment of Risk	Appropriateness of Lone Working
<input type="checkbox"/> No Risks Identified	<input type="checkbox"/> Appropriate
<input type="checkbox"/> Risks Identified	<input type="checkbox"/> Not Appropriate

Section10: B3. Example Guidance on Managing Risk in the RJ Process (Continued)

Action(s) taken to reduce/eliminate risk	By Whom
N.B. First visit should always be undertaken by two workers (unless otherwise agreed with your line manager)	
For example:	
<ul style="list-style-type: none">• Joint visits• Contact management immediately prior to and upon departure of location• Male/female only• Specific times for visits, e.g. daylight, during office hours only• Contact with other professionals involved prior to visit• Workers should not visit Bed & Breakfast accommodation	
Date of discussion with Manager	Signed (Manager)
Review Date:	

Facilitating shuttle dialogue

- In the event the person who has harmed does not want to participate in face-to-face contact with their person harmed, shuttle dialogue, such as a letter of apology written by the offender, can be offered as an alternative. The person harmed must have agreed to receive a letter [and the letter once written should be shared with the person harmed]. The RJ Facilitator should not accept a letter or any other written communication directed towards the person harmed without the person harmed's consent.

It is imperative that the final version of the letter is reviewed by the RJ Facilitator before being shared with the person harmed, to avoid re-victimisation.

Section 10: B3. Example Guidance on Managing Risk in the RJ Process (Continued)

Summary of Potential Risks and Example Actions

Risk factor	Summary of risk(s)	Action(s)
Participant expectations of the process	<p>The person harmed may desire a verbal apology from the person who has harmed, or the person who has harmed may desire a verbal statement of forgiveness from the person harmed. Neither of these outcomes are considered essential to the Restorative Justice process, and it may be that the hopes and expectations of both the victim and offender may not be met.</p>	<p>All attendees will meet with the facilitator in advance of the RJ intervention and expectations should be managed sensitively by the facilitator, both prior to and during the conference.</p>
Participant motivation(s) for being involved	<p>Persons who have harmed may wish to take part in the process as they think it might encourage leniency in the criminal justice process, or that they may be viewed more favourably by Supervising Officers regarding supervision compliance. Persons who have been harmed may wish to take part due to a desire for retaliation.</p>	<p>All attendees will meet with the facilitator in advance of the RJ intervention, and their motivations for participating should be assessed. The voluntary nature of the process will be emphasised, and any prior history or relationship between the participants will be explored.</p> <p>Facilitators should carefully monitor any communications between the offender and victim for signs of manipulation.</p>
Substance use	<p>One or both parties may have issues with substance use.</p>	<p>Ensure all parties attending the meeting are aware they should do so free from the influence of alcohol and/or non-prescribed substances. Ensure a robust assessment is made of the person's readiness to undertake an intervention in relation to their stability. Terminate the meeting if it is apparent a participant is intoxicated.</p>
Any physical or learning disabilities, mental impairment, or ill health	<p>One or both parties may have a learning disability, and/or mental/physical health difficulties.</p>	<p>All attendees will meet with the facilitator in advance of the RJ intervention, and consideration should be given to the impact that any disabilities and/or mental health difficulties would have for the participant during the process, and how the impact might be mitigated. For example, participants may wish to include a support person at the RJ meeting.</p>

Section 10: B3. Example Guidance on Managing Risk in the RJ Process (Continued)

Summary of Potential Risks and Example Actions (Continued)

Risk factor	Summary of risk(s)	Action(s)
Participant communication skills/needs	Either party may have limited literacy skills, have difficulty in making themselves understood, or may not speak English as a first language.	Consent should be sought from each party to ensure they are aware of this. An interpreter in the relevant language or BSL interpreter may need to be booked. Any agreements should be read out and recorded and sent in an appropriate format to all parties.
The emotional resilience of individuals and ability to cope with the process	The Restorative Justice intervention may trigger strong emotions in all participants. There may have been physical or psychological harm associated with the offending behaviour.	<p>All attendees will meet with the facilitator in advance of the RJ intervention, to gauge resilience and coping skills. Participants may wish to invite a support person to the RJ meeting. Ensure there is a 'break out' space at the venue. Prepare the room with tissues.</p> <p>Ensure that the person who has been harmed has been signposted to support agencies if required, and that relevant support information is available for the participants on the day.</p> <p>Consider the seating plan for the intervention and ensure the person harmed and the person who has harmed are not sitting next to each other.</p> <p>Ensure the person harmed and person who has harmed are not left in the same waiting area together prior to the conference – consider asking one of the parties to arrive earlier.</p>
Any previous history and/or relationship between the participants	It is possible that the parties may know each other (eg neighbours), have mutual acquaintances, and/or have had a history of animosity.	<p>The attendees will meet with the facilitator in advance of the RJ intervention to explore whether there are any pre-existing relationships, and how this will be managed.</p> <p>Both the person harmed and person who has harmed will have consented to the intervention therefore it will be possible to remind both parties of the ground rules and promote positive communication. It may be pertinent for both parties to consider how they will manage any future contact following the intervention.</p> <p>Offences involving domestic abuse will not be considered for the RJ process at present.</p>

Section 10: B3. Example Guidance on Managing Risk in the RJ Process (Continued)

Summary of Potential Risks and Example Actions (Continued)

Risk factor	Summary of risk(s)	Action(s)
Any power imbalances between individuals	<p>There may be power imbalances in relation to protected characteristics and certain offences, such as hate crime.</p> <p>There may be an awareness that the person who has harmed has at least one conviction, but the person harmed may also have a history of offending.</p>	<p>All attendees will meet with the facilitator in advance of the RJ intervention and the facilitator will give consideration to any power imbalances. Specific guidance is available on working with persons harmed by hate crime and/or other offences, and consideration should be given to consulting Victim Support Scotland in relation to these issues.</p> <p>Where the person harmed has a history of violent offending, additional information should be sought from departmental records as to level of risk posed and suitability for participation in RJ.</p> <p>An open discussion should be had with attendees at the preparation stage regarding how much they wish to disclose in relation to any offending history or other personal matters, and agreed beforehand to ensure appropriate boundaries.</p> <p>Facilitators should carefully monitor any communications between the offender and victim for signs of manipulation.</p>

Summary of Potential Risks and Actions

Risk Factor	Summary of Risk(s)	Action(s)
Participant expectations of the process		
Participant motivation(s) for being involved		
Substance use		
Any physical or learning disabilities, mental impairment, or ill health		
Participant communication skills/needs		
The emotional resilience of individuals and ability to cope with the process		
Any previous history and/or relationship between the participants		
Any power imbalances between individuals		

Section 10: C Outcomes

C1. Example Outcome Agreement for Restorative Justice Meeting

Derived from the Restorative Justice Council

CONFIDENTIAL

Restorative Justice Intervention

A restorative meeting took place on: [DATE] _____

This agreement was made on: [DATE] _____

Between: [FACILITATOR] and [PERSON HARMED] and [PERSON RESPONSIBLE] and [ANY OTHER PARTICIPANTS]

Agreed Outcomes

The meeting agreed the following actions*:

Who will do it	Action/Outcome	Date for completion

*Actions should be SMART (Specific, Measurable, Achievable, Realistic, Time-bound)

Confirmation and signatures

I confirm that I have read and understand the contents of this agreement. I will carry out the agreed outcomes, and I will complete my actions by the agreed deadline.

Signed: _____

Print name: _____

Signed: _____

Print name: _____

Section 10: D Feedback

D1. Example Restorative Justice Feedback – person harmed

Derived from the Restorative Justice Council

CONFIDENTIAL

Restorative Justice Feedback

How satisfied were you with the preparation meetings? (please tick)

Very Satisfied	Satisfied	Neither Satisfied or Dissatisfied	Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

How satisfied were you with the meeting organisation (time/date and venue)?

Very Satisfied	Satisfied	Neither Satisfied or Dissatisfied	Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

How satisfied were you with the conference you attended?

Very Satisfied	Satisfied	Neither Satisfied or Dissatisfied	Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

How did you feel after taking part in Restorative Justice?

A Lot Better	Slightly Better	No Different	Slightly Worse	A Lot Worse
<input type="checkbox"/>				

How satisfied are you with the overall Restorative Justice process?

Very Satisfied	Satisfied	Neither Satisfied or Dissatisfied	Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

How likely are you to recommend Restorative Justice to others?

Very Likely	Likely	Neither Likely or Unlikely	Unlikely	Very Unlikely
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section10: D1. Example Restorative Justice Feedback – person harmed (Continued)

CONFIDENTIAL

Restorative Justice Feedback

Why did you take part in Restorative Justice?

	Relevant for you	Not relevant for you
To talk about the impact of the offence		
To express my feelings and speak to the person responsible		
To bring closure		
To receive an explanation from the person responsible		
To receive an apology		
To hear the reasons why the offence happened		
Felt a duty to take part		
To help the person responsible		
Other		
Other		
Other		

During the conference did you:

	Yes	No
Have the chance to explain the impact of the offence		
Feel able to say what you wanted		
Understand what was going on		
Feel safe		
Feel treated with respect		
Feel your concerns were taken seriously		
Feel listened to		
Feel the person responsible was sincere		
Feel scared to say what you really felt		
Feel under pressure		

Section10: D1. Example Restorative Justice Feedback – person harmed (Continued)

CONFIDENTIAL

Restorative Justice Feedback

Did the facilitator:

	Yes	No
Explain the ground rules		
Guide the meeting well		
Let everyone have their say		
Treat everyone in the meeting fairly		
Discuss the Outcome Agreement		

Please feel free to write down any comments you have, or suggestions for ways in which we can improve the Restorative Justice process:

Thank you for participating and taking the time to complete this feedback form.

Section10: D2. Example Restorative Justice Feedback – person who has harmed

Derived from the Restorative Justice Council

CONFIDENTIAL

Restorative Justice Feedback

How satisfied were you with the preparation meetings? (please tick)

Very Satisfied	Satisfied	Neither Satisfied or Dissatisfied	Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

How satisfied were you with the meeting organisation (time/date and venue)?

Very Satisfied	Satisfied	Neither Satisfied or Dissatisfied	Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

How satisfied were you with the conference you attended?

Very Satisfied	Satisfied	Neither Satisfied or Dissatisfied	Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

How did you feel after taking part in Restorative Justice?

A lot better	Slightly better	No different	Slightly worse	A Lot Worse
<input type="checkbox"/>				

How satisfied are you with the overall Restorative Justice process?

Very Satisfied	Satisfied	Neither Satisfied or Dissatisfied	Dissatisfied	Very Dissatisfied
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

How likely are you to recommend Restorative Justice to others?

Very Likely	Likely	Neither Likely or Unlikely	Unlikely	Very Unlikely
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section10: D2. Example Restorative Justice Feedback – person who has harmed

Derived from the Restorative Justice Council

CONFIDENTIAL

Restorative Justice Feedback

Why did you take part in Restorative Justice?

	Relevant for you	Not relevant for you
To talk about why I committed the offence		
To express my feelings and speak to the person harmed		
To bring closure		
To offer an explanation to the person harmed		
To offer an apology		
To explain the reasons why the offence happened		
Felt a duty to take part		
To help the person harmed		
Other		
Other		
Other		

During the conference did you:

	Yes	No
Have the chance to explain why the offence happened		
Feel able to say what you wanted		
Understand what was going on		
Feel safe		
Feel treated with respect		
Feel your concerns were taken seriously		
Feel listened to		
Feel scared to say what you really felt		
Feel under pressure		
Feel under pressure		

Section10: D2. Example Restorative Justice Feedback – person who has harmed

Derived from the Restorative Justice Council

CONFIDENTIAL

Restorative Justice Feedback

Did the facilitator:

	Yes	No
Explain the ground rules		
Guide the meeting well		
Let everyone have their say		
Treat everyone in the meeting fairly		
Discuss the Outcome Agreement		

Please feel free to write down any comments you have, or suggestions for ways in which we can improve the Restorative Justice process:

Thank you for participating and taking the time to complete this feedback form.

Section 10: E Supervision of RJ cases

Section10: E1. Example supervision template

Provided by Space2face service adapted from Restorative Justice Council

Restorative practitioner supervision preparation checklist and supervision meeting action table

These documents may be used by a restorative practitioner in preparation for and during a supervision meeting with their supervisor. The first is a checklist which should be completed before the supervision session. The second is a table which should be discussed with the supervisor during the meeting and follow up actions agreed.

Supervision Preparation Checklist	
Practitioner name:	_____
Supervisor name:	_____
Date of supervision meeting:	_____
Preparation activity	
<ol style="list-style-type: none">1. <input type="checkbox"/> Prepare a list of cases that have been worked over past X months and a list of those to be worked (to the practitioner's knowledge) over next X months.2. <input type="checkbox"/> Make copies of all relevant (redacted) notes of the cases so that further information can be provided to the supervisor on request.3. <input type="checkbox"/> Ensure risk assessment/mitigation tables and activity for cases conducted over past X months have been completed.4. <input type="checkbox"/> Identify areas of difficulty or challenge encountered in practice since date of last supervision to be discussed..5. <input type="checkbox"/> Review the RJC Practitioner Competency Framework and identify any areas for further professional development, training or learning that can be discussed with the supervisor.6. <input type="checkbox"/> Ensure copy of previous supervision meeting action table is available for reference during the meeting.	

Section10: E1. Example supervision template (continued)

Provided by Space2face service adapted from Restorative Justice Council

Supervision discussion and action table

Practitioner name: _____

Supervisor name: _____

Date of supervision meeting: _____

Supervision area	Case no/ description	Note of discussion	Post-supervision actions	Deadline	Worker responsible

Cases that have been worked over past 6 months and those to be worked over next 6 months:

Areas of success or good practice:

Areas of difficulty or challenge encountered in practice since date of last supervision to be discussed:

Review the RJC Practitioner Competency Framework and identify any areas for further professional development, training or learning that can be discussed with the supervisor:

Further Links And Resources

Council of Europe (2018) CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters. https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016808e35f3

European Forum for Restorative Justice: <https://www.euforumrj.org/en/contact>

Restorative Justice Council: <https://restorativejustice.org.uk/>

Scottish Government (2019) Restorative justice: action plan.

<https://www.gov.scot/publications/restorative-justice-action-plan/>

Scottish Government (2019) Uses of Restorative Justice: evidence review.

<https://www.gov.scot/publications/rapid-evidence-review-uses-restorative-justice/>

Scottish Justice Matters (2017) Restorative Justice issue. Volume 5, Number 1, April 2017.

<http://scottishjusticematters.com/the-journal/restorative-justice-april-2017/>

Shapland, Professor J et al (2011) Conferencing: A way forward for restorative justice – a practical guide.

https://www.academia.edu/16296161/Conferencing_a_practice_guide

United Nations Office on Drugs and Crime (2020). Handbook on Restorative Justice Programmes (2nd ed.). Vienna: United Nations. Available at: https://www.unodc.org/documents/justice-and-prison-reform/20-01146_Handbook_on_Restorative_Justice_Programmes.pdf

Webb, C (2018) Considering a Restorative Approach for Statutory Criminal Justice Social Work in Edinburgh. Centre for Youth and Criminal Justice:

<https://www.cycj.org.uk/resource/considering-a-restorative-approach-for-statutory-criminal-justice-social-work-in-edinburgh/>

Why Me? (2017) Improving how victims understand restorative justice.

https://www.why-me.org/wp-content/uploads/2016/04/Improving-how-victims-understand-RestorativeJ-Justice_Final.pdf



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