

# Restorative Justice - Baseline Survey Report

## February 2018

'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, child, a young person or a representative of a corporate body) arising from an offence or an alleged offence.'

'Guidance for the Delivery of Restorative Justice in Scotland'  
(Scottish Government, October 2017)

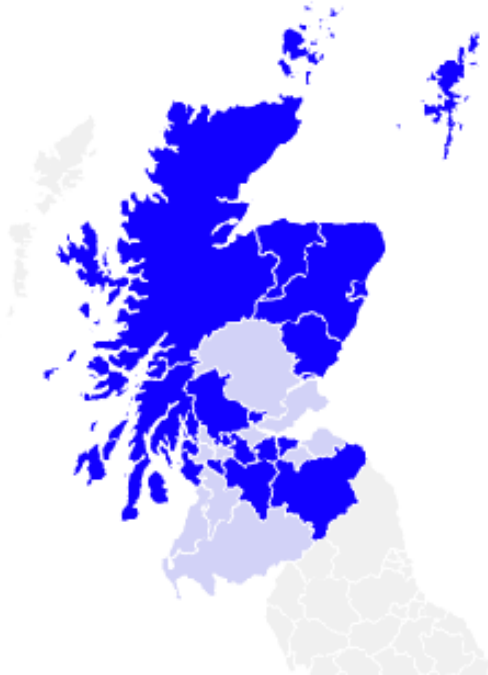
### Introduction

1. In 2017 the Scottish Government published '[Guidance for the Delivery of Restorative Justice in Scotland](#)'. The Guidance is intended for restorative justice practitioners, facilitators and service providers and is aimed at ensuring that, where restorative justice processes are available, these are delivered coherently, consistently and in a victim-focused manner.
2. In January 2018 we issued a questionnaire to Community Justice and Youth Justice colleagues. The purpose of the questionnaire was to find out how restorative justice practices are currently being delivered across Scotland, and to identify any challenges and barriers that may be hindering or preventing its use. The exercise was aimed at getting a snap-shot of the current position to help inform next steps.
3. The following report summarises the responses received.

### Approach and respondents

4. Using Google Forms, we issued an online survey containing both quantitative and qualitative questions on 11 January 2018, and asked for responses to be returned by Friday 9 February. The questions are shown in Annex A.
5. The questionnaire was sent to 32 Community Justice contacts, and 48 Youth Justice contacts and covered all local authorities. We received 29 completed responses, from 21 Local Authority areas (see map below).

## Questionnaire responses received from following areas



- Aberdeen City
- Aberdeenshire
- Angus
- Argyle and Bute
- Borders
- City of Edinburgh
- Clackmannanshire
- East Dunbartonshire
- Dundee City
- Eilean Siar
- Highland
- Inverclyde
- Moray
- North Ayrshire
- North Lanarkshire
- Orkney
- Shetland
- West Lothian
- South Lanarkshire
- Stirling
- East Renfrewshire

6. As the questionnaire was sent to both Community Justice and Youth Justice contacts, three Local Authorities provided more than one response. These were not duplicate replies so all have been included in the analysis. It was not possible to determine from the responses provided which came from Youth Justice, and which came from Community Justice contacts.

## Limitations

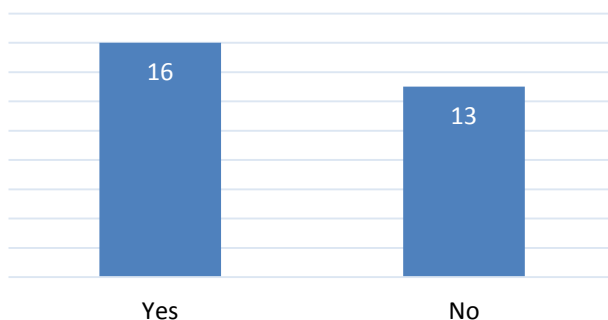
7. The approach used was chosen as a relatively efficient means of getting a general picture of the current state of restorative justice services across the country. However, the data contained in this report should not be considered comprehensive due to a number of limitations:
- Each individual contact who received the questionnaire either completed it themselves or passed to a colleague to complete. While we would expect these individuals to have a good knowledge of what is available in their area, there is no means of cross-verifying to ensure that they captured everything in their area – so responses may be limited by any gaps in individual knowledge.
  - It is not known whether the general trends shown here are representative of the eleven local authorities that did not supply any information. Because the total number of responses is relatively small, if these varied significantly from the typical case reported here, this could have a notable impact on the overall findings.
  - As the questionnaire was sent to both Community Justice and Youth Justice contacts, some Local Authorities provided more than one response.

## Findings

### Availability

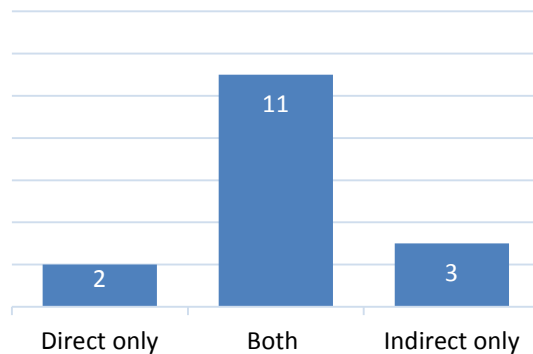
8. The first question asked whether restorative justice was available in the respondent's area. Chart 1 shows that over half of local authorities do offer restorative justice in some form.

**Chart 1:**  
**Is restorative justice**  
**Available in your area?**



9. Of those respondents who reported that restorative justice was available in their area, most (11) reported that they could offer either direct communication between the victim and the person who has harmed (i.e. facilitated meeting), or indirect communication between the victim and the person who has harmed (i.e. shuttle dialogue, written communication, etc). Two reported only offering direct contact, and three reported only offering indirect contact.

**Chart 2:**  
**Type of restorative justice offered**

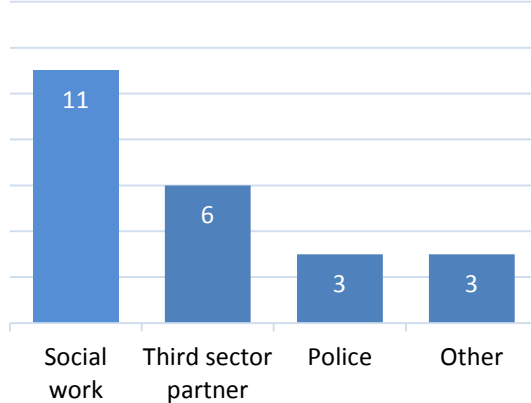


10. Nine out of 16 respondents reported that they could meet current demand, with the balance disagreeing.
11. Eleven respondents commented on what would help them to deliver more restorative justice (Question 10). The level of detail provided varied, but accessing victim information was identified as a barrier, and funding, training and stimulating demand all featured frequently.

## Delivery

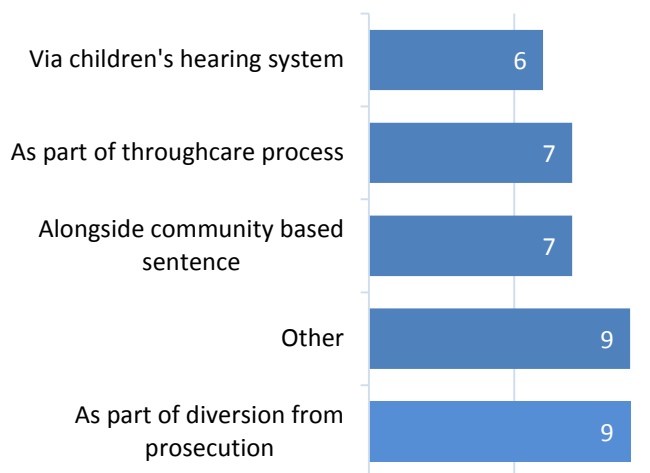
12. Regarding the organisations that deliver restorative justice, Social Work was the most common reported provider (listed by 10 respondents), followed by third sector partners. Three respondents identified SACRO as their Third Sector Partner. The 'Other' delivery partners identified were Education (in North Ayrshire), and the independent charity Space2face (in Shetland).

**Chart 3:**  
**Organisations delivering restorative justice**



13. When asked about when restorative justice is offered, a number of responders explained that it is offered as part of Whole System Early and Effective Intervention, which covers primarily the 8 to 15 age group<sup>1</sup>.

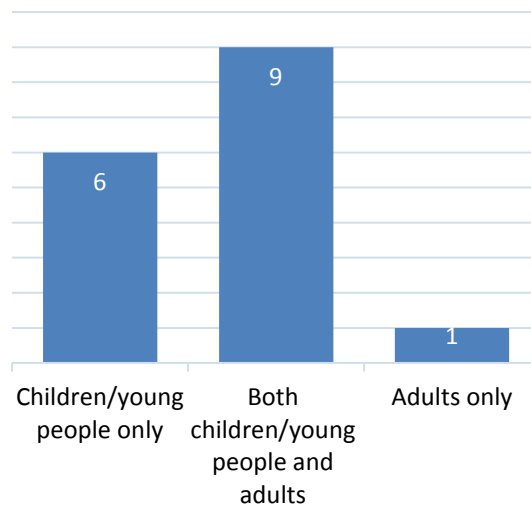
**Chart 4:**  
**When is restorative justice offered?**



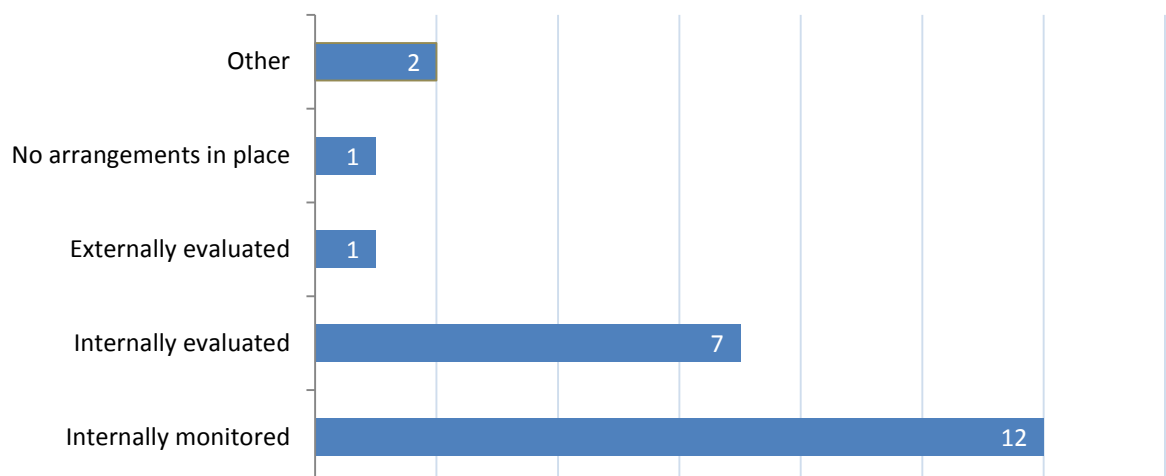
<sup>1</sup>. The Whole System Approach (WSA) is the Scottish Government's programme for addressing the needs of young people involved in offending. Where young people come to the attention of the police they take a flexible approach to offending behaviour. The objective is to prevent future offending or antisocial behaviour by providing interventions that are timely and proportionate, whilst at the same time alerting other agencies to concerns about the child or young person's behaviour and well-being. More information about this can be found [here](#)

14. Of the 16 responders who did offer restorative justice, most (nine) provided it for both adults and children and young people, while six provided it only for children and young people, and one only for adults. While data was not sufficiently consistent to report on the relative frequency with which different age groups access restorative justice, the limited sample suggested that the majority of cases were for Children and Young People.

**Chart 5:**  
**Who is offered restorative justice?**



**Chart 6:**  
**Monitoring and Evaluation**

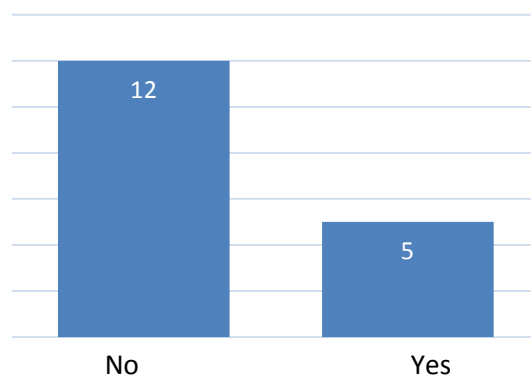


15. The majority of respondents who offer restorative justice have monitoring and evaluation processes in place, although generally these are internal. Only one respondent reported having an external evaluation carried out.

### Provision of training in RJ practices

16. When asked about the provision of training in RJ practices, Only a minority of respondents reported that they offered training in restorative justice. Training offered varied between in-house training and training provided by external agencies. One respondent identified a lack of resources as a reason for training not being provided. Another was developing RJ as a pilot scheme, and stated that they would be keen to hear from other authorities about their evaluation and monitoring methods.

**Chart 7:**  
**Is restorative justice training offered in your area?**

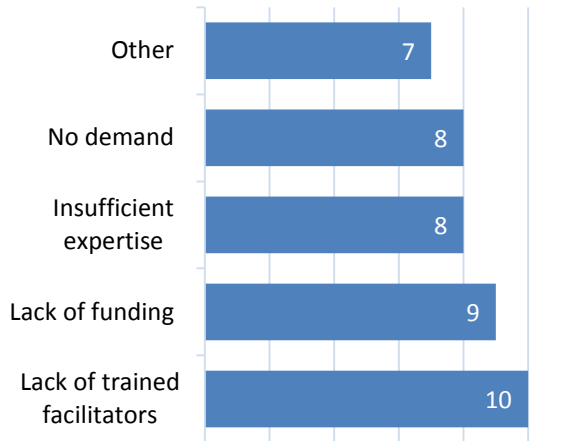


### Challenges to providing RJ

17. Eleven respondents commented on what would help them to deliver more restorative justice (Question 10). The level of detail provided varied but, as explained in paragraph 12, access to victims' information, funding, training and stimulating demand all featured frequently.

18. Amongst those who reported that restorative justice was not available in their area, a variety of reasons were provided. Comments included that there is little demand, uncertainty about the commitment from other stakeholders (including COPFS) and a lack of public understanding and trust of the system. Concern about resources was also raised by many who offered comment.

**Chart 8:**  
**Why is restorative justice not available in your area?**



19. These respondents were also asked if they had received requests for RJ. Out of thirteen respondents, one has received a direct request (from a victim of a sex offender), one has started discussions with SACRO following a request from a local Sheriff, while two consider that the lack of demand is due to knowledge that it is not available in their area.

20. The final question provided respondents with an opportunity to share information, views and insights about restorative justice and its delivery in their area. Many and varied constructive comments were provided but some key themes emerging included:

- Restorative Justice recognised as a potentially useful tool to benefit both the person who has harmed, and the person who is harmed.
- Requires clear structure and understanding of the principles from all stakeholders.
- Consolidation and growth requires consistency in training, and reliable funding streams.
- Concern that poor application in the past may undermine confidence in the system now.
- Information sharing constraints limiting potential.
- A national, sustainable, strategic plan required at national level to embed RJ within statutory work carried out at local authority level.



## Conclusions and Next Steps

21. Notwithstanding the limitations to this questionnaire outlined in paragraph 7, its findings have provided a snapshot of current provision and practice around Scotland. It has provided some useful insights into the challenges we face, if we want to promote the development and delivery of high quality restorative justice processes across Scotland.

22. Key challenges include:

- **Information sharing**

How and when to contact those who may be interested in engaging with the restorative justice process is important, and has been identified as a barrier as it may involve the sharing of personal data between agencies. This must be done in a manner that is compliant with legislation.

- **Raising public awareness**

We need to increase public understanding of the benefits of restorative justice, the means of accessing it, and how it runs in tandem with (not in place of) the mainstream justice system.

- **Training**

Training for practitioners, that is accessible and in line with nationally agreed standards, was referred to by some respondents. This will enable high quality restorative justice services to be consistently delivered irrespective of geographical location.

23. These challenges are in line with anecdotal evidence provided by stakeholder organisations such as the Restorative Justice Forum. They are also similar to those encountered elsewhere in the UK.<sup>2</sup>

24. We will use the information provided from this report in the development of a national strategic framework. This framework will be drawn up in partnership with justice stakeholders, with the aim of helping to inform work at a local level, ensuring access to existing restorative justice services and the development of further provision to meet the needs of victims.

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<sup>2</sup> See Ministry of Justice Report

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/596354/rj-action-plan-to-march-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/596354/rj-action-plan-to-march-2018.pdf)

## Restorative Justice - Baseline Survey Questions

**Question 1:** Is restorative justice - as defined above - offered in your area?

- Yes (Please answer Questions 2-10 and Question 14)
- No (Please answer Questions 11, 12 and 13)

**Question 2:** What restorative justice approaches do you use?

- Direct communication between victim and person who has harmed (e.g. Victim-offender mediation, conferencing)
- Indirect communication between victim and person who has harmed (e.g. shuttle dialogue, written, audio or video messages)
- Both of the above

**Question 3:** Which organisation(s) offer and/or deliver restorative justice?

- Police
- Social Work
- Third Sector Partner (please specify below)
- Other (please specify )

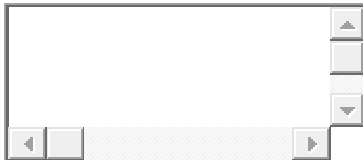
**Question 3:** Further information



**Question 4:** At what stage of the criminal justice process is restorative justice offered? (Please tick all that apply)

- As part of diversion from prosecution
- Alongside a community-based sentence
- As part of the Throughcare process
- Via Children's Hearing System
- Other (please specify below)

**Question 4:** Further information



**Question 5:** Is restorative justice offered to:

- Adults (i.e. over 18 years)
- Children and Young People
- Both

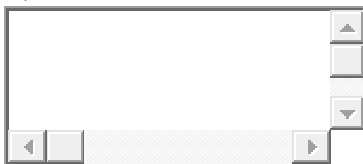
**Question 6:** How often was restorative justice used in your area in 2016? (Please provide separate figures for Adults, compared to Children and Young people if you can.)



**Question 7:** What arrangements do you have for evaluating and monitoring restorative justice?

- Internally monitored
- Internally evaluated
- Externally evaluated
- Other (please specify)
- No monitoring and evaluation arrangements in place

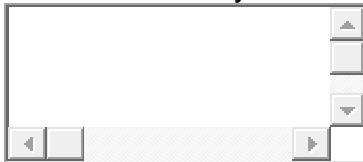
**Question 7:** Further information



**Question 8a:** Do you offer training on restorative justice?

- Yes
- No

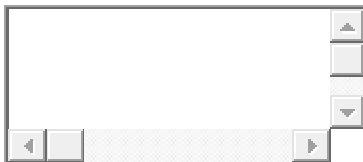
**Question 8b:** If yes to Q8a, what training is provided and who provides it?



**Question 9:** Are you able to meet current demand for restorative justice in your area?

- Yes
- No

**Question 10:** What would help you deliver more restorative justice?



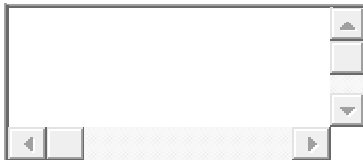
**Question 11:** Have you had any requests to provide restorative justice? If so, how have you responded? (Only complete if you answered 'no' to Question 1.)

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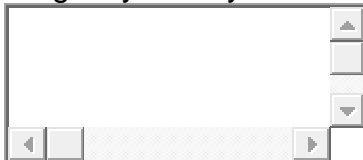
**Question 12:** Why is restorative justice not available in your area (tick all that apply). (Only complete if you answered 'no' to Question 1.)

- Insufficient expertise available locally to develop a scheme
- Lack of (trained) facilitators
- No demand
- Lack of funding
- Other (please specify)

**Question 12:** Further information

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**Question 13:** Please share any additional information, views, experiences and insights you may have about restorative justice and its delivery in your area here.

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