



## ***Developing Restorative Justice in Scotland – SUMMARY REPORT***

### ***Main objectives and context***

Restorative justice (RJ) is a process that brings together those harmed by crime and those responsible for the harm to safely discuss the harm and how it might be set right. Research suggests RJ can help victims recover from harm, encourage those involved in crime to desist from offending, and provide a more satisfying experience of the justice process. RJ is used in various parts of the world, but is used relatively infrequently in Scotland, and rarely with serious crime committed by adults. The purpose of the programme was to bring together a wide range of justice stakeholders with academics and practitioners from a range of local and international contexts to share insights into practice, policy and research to reach a better understanding of the potential for RJ in Scotland.

The programme aims were to:

- Increase awareness of RJ among justice stakeholders in Scotland;
- Explore justice stakeholders' views of RJ;
- Evaluate the scope for developing RJ in Scotland;
- Create plans for developing policy, practice and research on RJ in Scotland.

We ran six events from February to October 2017:

1. Restorative Justice: The Research Evidence (Glasgow 13 March)
2. Restorative Justice and Sexual Violence (Glasgow 22 March)
3. Restorative Justice and Desistance from Crime (Edinburgh 20 April)
4. Restorative Justice and Homicide (Glasgow 15 June)
5. Communicating Justice? (Glasgow 10 October)
6. Moving Forward with Restorative Justice in Scotland (Edinburgh 13 October)

381 individuals registered for our events, predominantly practitioners in the criminal justice system, including social workers, police, judges, lawyers, procurators fiscal, as well as civil servants, academics, students, people working in voluntary sector organisations that support people responsible for or affected by crime and some private individuals. The main contributions were filmed and are available to watch online. The final event included the launch of the Scottish Government 'Guidance for the Delivery of Restorative Justice in Scotland'. We also edited an issue of *Scottish Justice Matters* on RJ, with sixteen articles on the topic.

### ***Insights***

Key points regarding the development of RJ in Scotland included:

- RJ has been found to be effective in range of jurisdictions with benefits for those responsible and harmed by crime and with some evidence of reductions in re-offending.
- Restorative justice can have an important role for victims of sexual offences. However, people going through RJ need to be properly supported, RJ facilitators need to be highly skilled and understand the dynamics of sexual offending, and a lot of preparation is required for an RJ meeting.

- RJ may have an important role to play in the process of people moving away from crime. However, the role of RJ in this process tends to be under-theorised, and further work is needed to connect restorative justice practices with research, theory and practice around the process of rehabilitation.
- RJ may have an important role in relation to people affected by homicide, most importantly in terms of people being able to ask questions about what happened and offer answers, and in this way have an opportunity to move on with their lives. However, participants and practitioners must be properly supported.
- The effective implementation of RJ needs to carefully consider the local context, have a national strategy and vision, ensure victim perspectives and experiences are considered, and ensure communities are engaged.

### **Outcomes**

Our online survey (44 respondents) found participants said the events increased their knowledge about RJ or criminal justice 'a lot' (40%) or 'somewhat' (47%). When asked whether they (or their organisation) would do things differently as a result of attending the events, 19% said 'definitely', 26% said 'very likely' and 19% said 'somewhat likely'.

Open-ended comments from participants suggested they gained a better understanding of how RJ can or should operate, the potential benefits to those harmed by or responsible for crime, a consideration of the Scottish context for RJ and possibilities for the greater use of RJ, ideas regarding possibilities and barriers regarding the implementation of RJ in Scotland, and some specific learning about the potential to use RJ in relation to sexual offences.

Overall, the feedback suggests the programme has achieved its aims, in terms of increasing awareness and understanding of RJ among justice stakeholders; exploring stakeholders' views on RJ; evaluating the scope for developing RJ in Scotland; and developing further plans for extending the use of RJ in Scotland. It has also re-balanced policy assumptions regarding the value of RJ for reducing offending towards an appreciation of benefits for victims. Scottish Government response to a Parliamentary Question (14/12/17) showed support to expand the provision of RJ in Scotland with a possible 'national strategy to inform work at a local level'.

### **Recommendations**

1. An implementation strategy should be both 'bottom up' and 'top down'.
  - a. The legitimacy of restorative justice as a response to criminal harms should be endorsed and prioritised at a national political level. This is important in supporting the development of and access to restorative justice services through, for example, strategic practice capacity building and quality assurance.
  - b. Equally important is weight given to the growth of services on a local and community level. These will be able to reflect responsive, incremental and partnership based initiatives so that restorative justice services are available in all parts of Scotland.
2. The role of restorative justice as a trauma informed victim centred practice needs to be more widely understood and services implemented accordingly.

### **Follow up**

The Restorative Justice Forum (Scotland) will take forward the learning and recommendations from the programme to assist the development on RJ in Scotland.