

# Restorative Justice:



## Key Messages and Useful Links

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Restorative justice is a process of supported contact between a person who has caused harm and someone who has experienced harm. Where appropriate, this can also include their families and supporters.

Restorative justice can be considered by adults, children and young people in Scotland in a manner which is responsive to trauma and takes a rights-based approach. Restorative approaches to addressing conflict already exist and are found effective across the education system in Scotland.

Restorative justice has many, evidence-based benefits for those who experience harm and those who cause harm, their families and communities. This includes choice, empowerment, voice, recovery, improved wellbeing and desistance from causing further harm.

People in Scotland have documented their desire to have the option of exploring restorative justice across a range of crime types, including those considered serious and sensitive in nature. This does not mean this will always go ahead, but even the choice is found to be empowering.

People who have experienced harm will often express a desire to ask questions and make statements to the person who has harmed them. Often, they do not use the term 'Restorative Justice,' however this affords the opportunity to explore addressing harm through such a process. Where it is clear restorative justice is not what is described, services can support people in other ways and to more suitable supports. For example civil mediation, therapy and mental health services.

Restorative justice is a voluntary and consent-based process in Scotland, and any party can discontinue their engagement in the process at any point without losing support from services in place, to ensure trauma-informed practice continues.

In all crime types captured under the 2021 Public Health Scotland definition of 'Gender Based Violence'<sup>1</sup>, only those who have experienced such harm and/or their responsible, named adult(s) can request restorative justice. A referral will not be considered in these cases from someone who has caused such harm, their families or supporters.

The risk assessment process in restorative justice is multiagency, trauma-informed, strengths-based and considered in partnership with experts, prior to any decision on the approach to be taken in restorative justice or otherwise. Risk assessments are also continually revisited, evaluated and revised where appropriate.

Restorative justice takes many forms, based on what is best for the parties involved, their needs and their continued safety. This is explored through the planning, preparation stages and continued risk assessment. Approaches include face-to-face conferences or meetings, letter-writing, video conferencing, shuttle dialogue, healing circles, storytelling and processing.

Restorative justice does not always occur between a person who has experienced harm and/or a person who has caused that harm. Restorative justice can address secondary harm caused by organisations or systems, conflict experienced across a community group and/or circles of those who have experienced similar types of harm. This is often referred to as 'restorative practice' or a 'restorative approach'.

Restorative justice takes a strengths-based approach, recognising that those who have experienced harm have the right to retain ownership of that experience, and for their voice to inform on the impact of that and in the outcomes they need to come from it. Questions which remain unanswered in the aftermath of crime, and impede recovery, have a right to be answered if that is the desire of those who experience that harm and a safe approach to this can be achieved.

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<sup>1</sup> Domestic abuse, rape and sexual assault, childhood sexual assault, stalking and harassment, commercial sexual exploitation and harmful practices such as female genital mutilation, force marriage and so-called 'honour' based violence.

Restorative justice operates in parallel to the criminal justice and youth justice systems in Scotland and is never used as an alternative to this. Outcomes achieved and/or agreed through restorative justice have no impact on any decision(s) taken throughout the criminal justice process.

Restorative justice is facilitated by individuals trained to an accredited level in restorative justice, trauma-informed practice and across specialist crime/harm areas. Facilitators will work with relevant experts from across justice and needs-based services to risk assess and manage cases and to ensure support is available before, during and after the restorative justice process has ended.

The 'success' of any restorative justice process is determined by the individuals involved, their desired outcomes, and whether their needs have been met in a safe and appropriate manner. This does not require a face-to-face conference to go ahead, nor does this require a process to reach completion.

## Useful Documents and Links on Restorative Justice

CJS are currently working on an RJ section as part of their learning hub. Documents and activity are routinely added to this, and can be accessed via the [Community Justice Scotland Webpage](#) and by searching 'restorative justice.'

Description	Document/Link
Guidance For The Delivery of Restorative Justice in Scotland (2017)	<a href="http://www.gov.scot">Guidance for the Delivery of Restorative Justice in Scotland (www.gov.scot)</a>
Restorative Justice Baseline Survey Report (February 2018)	<a href="http://www.gov.scot">Restorative Justice survey response analysis - February 2018 (www.gov.scot)</a>
Designing and Implementing Restorative Justice in Scotland 2020 (toolkit)	<a href="http://ed.ac.uk">Designing and Implementing Restorative Justice in Scotland 2020 (ed.ac.uk)</a>
Rapid Evidence Review: Uses of Restorative Justice (May 2019)	<a href="http://www.gov.scot">Supporting documents - Uses of Restorative Justice: evidence review - gov.scot (www.gov.scot)</a>
Restorative Justice In Scotland: Animation	<a href="#">Restorative Justice - YouTube</a>
Restorative Justice Animation Survey Report	<a href="https://communityjustice.scot/wp-content/uploads/2021/09/Restorative-Justice-in-a-Scottish-Context-Awareness-Survey-Report-EASY-READ-1.pdf">https://communityjustice.scot/wp-content/uploads/2021/09/Restorative-Justice-in-a-Scottish-Context-Awareness-Survey-Report-EASY-READ-1.pdf</a>
The Views of School Pupils on Restorative Justice in Scotland (January 2022)	<a href="http://cycj.org.uk">Exploring awareness of Restorative Justice amongst school children - Children's and Young People's Centre for Justice (cycj.org.uk)</a>

Description	Document/Link
Restorative Justice Case Studies	<a href="#">Restorative Justice case studies - Community Justice Scotland</a>
Survivors Voices' National Restorative Justice Consultation (May 2021)	<a href="#">367cd0_18b8563f69414059805f415f8a3a35db.pdf (thrivingsurvivors.co.uk)</a>
The Restorative Justice Stakeholder Group	<a href="#">Restorative Justice Stakeholder Group - gov.scot (www.gov.scot)</a>

