



## Sheriffdom – Lothian and Borders – Restorative Justice Development Group Meeting

### Session 2

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#### Risk and Mitigation in Restorative Justice

Date: Wednesday 14th September  
The Quaker Meeting House, Edinburgh and Microsoft Teams

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### MEETING MINUTES AND ACTIONS

#### In attendance:

Rachael Moss  
Alice Dillon  
Inesa Velaviciute  
Gael Cochrane  
David Abernethy  
Liam Gale  
David Bernard  
Joanna Shapland  
Yvette O'Donnell  
Tracey Stewart  
Mandi Wright  
Sara Law  
Angela Voulgari  
Alison Lynch  
Keith MacKay  
Pauline Cochrane  
Sue Waddington  
Lucy Coleman  
Carey Fuller  
Tania Nascimento  
David Russell  
Heather Williams  
Jenny Hamilton  
Claire Marr  
Claire Ryan Heatley  
A Representative of Police Scotland

#### Apologies:

Gemma Fraser  
Susie Stein  
Veronica Campanile  
Ashley Scotland  
Craig Brown  
David Orr  
Debbie Storm  
Gordon Duff  
Stephanie Kerr  
Stephanie Mills  
Steven Harvey  
Tim Chapman  
Victoria Kerr  
Andrea Beavon  
Fiona Kennedy  
Gillian Oghene  
John McEwan  
Julie Morton  
Lynsay Claxton  
Simon Gall  
Steven Tidy  
Stewart Simpson  
Graham Jones  
Janie Harman  
David Ferrier  
Kerry Page  
Kevin Carter  
Lynne Hobbs

Claire Brooks  
 Fiona MacKenzie  
 Fiona Thomson  
 Mridul Wadhwa  
 Susan Dudley  
 Alan Haggarty  
 Suzan Ross

## 1. Actions from 14 September meeting

Action items	Assigned to	End Date	Priority	Status	Dependency
Send invitations to partners to join the risk sub-group by submitting proposals	Rachael	20/09/22	High	Completed	
Submit the proposal to join the Risk and Strengths Framework group and the reasons for wanting to join it	(Interested) Partners	30/09/22	High	Completed	
Send Prof Joanna Shapland's research paper to Lucy Coleman	Rachael	16/09/22	High	Completed	
Submit questions about RJ to the shared padlet	Partners	16/09/22	High	Completed	
Compile FAQ document for RJ	Alice	30/09/22	High	Completed	
Send invite to October's meeting to Lucy Coleman and Tracey Stewart	Inesa	15/09/22	High	Completed	

## 2. Summary of discussions

- Welcome, housekeeping rules, **the focus of this meeting** – to discuss risks and mitigation points in restorative justice approach and service.
- **Introductions:** all attendees introduced themselves and their roles.
- **RJ Awareness:** Gael Cochrane shared Nils Christie's concept of "Conflicts as Property" (1977) in relation to the criminal justice system. Information was provided on how the Restorative Justice approaches add value to criminal proceedings. Please see attached slides for more details.

- **Mitigation and Risk in Restorative Justice:** Professor Joanna Shapland introduced the existing risk assessments for RJ within the Scottish context and mitigation strategies, and presented her research paper's aims, methods and key findings. Please see attached slides and the paper for more details.
- **Update on the Risk and Strengths Working Group:** Rachael Moss informed on the progress of the risk and strengths framework sub-group. She has written a supporting paper that will be published soon and can be used as a guide/ tool in answering some of the questions regarding the trauma-informed practice and development: focusing on the needs, strengths, a voice of choice and taking into account risk, mitigation and vulnerability of the cases involved. Rachael invited the group members to contact her directly with a note of interest to join the sub-group or simply for a discussion on what the risk and strengths framework and the sub-group could look like. She welcomed the support in forming this together.
- **RJ Research and FAQ Reminder:** Alice Dillon introduced her work in relation to RJ within the Sheriffdom area, focusing on the engagement and participation. She reminded the group about an email sent concerning the questions the members may have in terms of RJ and requested to populate them on the padlet. The information will be collated and a FAQ document created. The deadline to submit these questions is the 16<sup>th</sup> of September. Alice also informed about the early stages of a research proposal; the research is aimed at persons harmed, getting their feedback on the impact of this harm.
- **Questions & Answers**

**David Bernard** commented on the first presentation and stressed that the criminal justice system should not be demonised when pitching the value and benefits of RJ. He agreed that a lot of information presented is true but also reminded everyone that procedures have come a long way from the 1970s criminal justice system and the victim is no longer singularly represented in the criminal proceedings; a forum exists for them to have a voice. David also highlighted that RJ will not always be suitable for all people harmed thus they should not be discouraged from trusting the criminal justice system. He reiterated it is better to highlight the positives of RJ when raising awareness and promoting the service rather than drawing parallels with the perceived shortcomings of the criminal justice system.

**Gael Cochrane** agreed that victims should not be discouraged from using the criminal justice system and that RJ will not be suitable for everyone. She proposed that RJ is about having another option/alternative and it is important people knew such support existed, and that they had a choice in using it. RJ is a tool in getting the answers to questions persons harmed may still have unanswered even after going through the criminal justice proceedings. Gael concluded that RJ should add to the justice system value, not take away from it.

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**Angela Voulgari** requested to confirm the implementation of RJ services to be a parallel process to the criminal justice system. She also wanted to know more about Prof Shapland's research and whether any of the countries involved delivered gender based violence interventions.

**Joanna Shapland** responded it is important to be aware that both potential and actual participants in RJ are expecting for the criminal justice system to deal with their case. In almost all of the countries interviewed RJ is predominantly a parallel process and all the information presented is

in addition to the criminal justice proceedings. However, RJ is needed because the criminal justice system cannot answer all the questions a person harmed may have.

In relation to the gender based violence query, **Joanna** confirmed that a considerable number of people interviewed had dealt with such cases, both domestic abuse as well as sexual assault, with the latter involving adults and young people alike. Joanna noted precise case figures were in the report and pointed out that they talked with very experienced facilitators who reported on the most serious and controversial cases, which included a lot of the gender based violence.

**Joanna** also added there were different kinds of risks, the mitigation of which she presented in her last slide. A definite protocol was not created because of the variety of potential aspects important to people, with each individual valuing them differently. There was no time to develop a checklist of different risks and their potential mitigations but could be done in a month or two if needed.

**Rachael Moss** suggested for Joanna to join the risk sub-group, Joanna agreed.

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**A Representative of Police Scotland** expressed concerns on Prof Shapland's research paper not advising on the formal risk assessment process for RJ, which is important from Police Scotland's perspective, and requested for a clarification.

**Joanna Shapland** proposed that a formal risk assessment should be done as well as writing down its results; however, it should also be kept as a live document referred to at different stages of the process instead of only evaluating the risks at the start of it. She reminded the group that changes can occur at any time thus the risk assessment should be followed until the end of the process. Joanna also reiterated services are not able to predict risk using group measures as each individual is different.

**Lucy Coleman** added that although the Police does not currently have a risk assessment for RJ, it uses SA07/RM2K, etc for sexual offenders and SARAV3 for domestic abuse, holding a lot of relevant information on the risk of harm and the areas highlighted by Joanne as being risk factors in Findings 3 of her research.

**Angela Voulgari** requested to clarify the meaning of the term 'group measures'.

**Lucy Coleman** advised 'group measures' in terms of risk assessment tools are the measures validated and researched on groups of people who had various traits in common; not individuals.

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Regarding the informed risk assessment in RJ, **Yvette O'Donnell** pointed out, there are lots of tools for both adults and children that can be employed, assessing the risk of the person re-offending and their concerns, however having a separate risk and mitigation framework is important to also assess the person's safety in engaging in that process.

**Joanna Shapland** agreed and noted one of the differences between children and adults in terms of harm inflicted or harm received is that children tend to come with an adult. The additional participant has to be risk assessed too because they may react very differently from the child; may be over protective or not let the child speak, or offer enough support. She reiterated that the ways relatives react to criminal offences are different in a number of aspects to the ways that directly affected people do.

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**Lucy Coleman** was interested in RJ as a parallel process to the criminal justice system, and enquired whether RJ would be considered pre/post-conviction, pre/post sentence or at any time.

**Rachael Moss** responded that a toolkit for RJ was published in 2020 giving suggestions on how this could operate. CJS in partnership with CYCJ led a Codes of Practice group to answer some of these questions however upon the presentation to the Criminal Justice Board they were asked for a higher level policy document that would define the rules and standards against these questions. Rachael noted that a policy and practice document should be published by the Scottish Government in the near future, however, this cannot be confirmed yet as there needs to be a timescale to the action plan and a wider consultation for this work to be completed.

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**Mandi Wright** enquired about the referral process and delivery in terms of a partnership approach. She pointed out that each organisation is unique in what it does and has a clear guidance on how the RJ process would work internally; however, it remains a question of how this would all come together across partners, especially since the needs and requirements in each area are different.

**Rachael Moss** informed that a detailed proposal paper on the referral pathways has been written by Gemma Fraser and the project team members provided comments. CJS was about to propose a local consultation that would feed into this paper and which was asked for by a lot of partners from the Sheriffdom area; however, it had to be held back due to the outcome of the Scottish Government's proposal paper and the changes it might bring to the project. Although the consultation cannot yet commence, there are tools ready for it.

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From her perspective as a RJ practitioner, who also works with other practitioners in Lothian and Borders, **Gael Cochrane** noted that as good practice they are following up with the participants both right after the sessions and in three months' time. This is happening in most places in Scotland.

**Joanna Shapland** agreed that some facilitators were excellent at it, then explained her point further: during the interviews facilitators from other countries acknowledged this to be good practice too however they were not always managing to do this.

**Yvette O'Donnell** added that a written agreement on what after care is available for children and young people is a condition for either the RJ or criminal justice processes. She highlighted the lack of services for children and young people who were victims of harm and proposed that the only way to set up RJ that would be truly trauma-informed is to ensure the follow up is not ad hoc, as mentioned by Joanna.

**Joanna Shapland** noted that in terms of supporting people who had been harmed, including children, immediate crisis systems of support were rightly developed however it should be taken into account that the RJ process may be happening a long time after the criminal event and people harmed may no longer be in contact with support mechanisms. She proposed there may be a need to put them back in touch with another service, with their approval, as the long term effects of trauma are well documented.

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**Claire Ryan Heatley** enquired about the local consultation and the involvement scope of the experts by experience of the justice system and the frontline staff delivering the services.

**Rachael Moss** responded the scope is as much as it is possible with being ethical and trauma-informed. She reminded everyone of Alice's research and focus groups, consultations with a wide range of people harmed that would feed into the service provision. She also discussed the risk group she will lead and expressed the need for a consultation with people from this group. Rachael then named the existing difficulties and barriers – timescale, the lack of funding, making sure there was enough support for people, etc – the questions needing answered, and noted that when the Scottish Government puts a final stamp on the process, CJS can go forward and involve people with lived experience. It would look

into mechanisms to get the voices heard and would consult the Thriving Survivors service to ensure no further harm is caused when involving people. She also reiterated that the support on this from the partners in the local areas would be welcomed.

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**Contact details:**

Rachael Moss – information and idea sharing on risk sub-group

[Rachael.Moss@communityjustice.scot](mailto:Rachael.Moss@communityjustice.scot)

Gemma Fraser – questions about the policy and practice paper (attached to the email)

[Gemma.Fraser@communityjustice.scot](mailto:Gemma.Fraser@communityjustice.scot)

Alice Dillon – information and idea sharing on the research of persons harmed

[Alice.Dillon@communityjustice.scot](mailto:Alice.Dillon@communityjustice.scot)

Yvette O'Donnell – information related to children and young people

[Yvette.Odonnell@strath.ac.uk](mailto:Yvette.Odonnell@strath.ac.uk)

Inesa Velaviciute – questions, comments, preferences, suggestions on the format of the meetings, content, etc.

[Inesa.Velaviciute@communityjustice.scot](mailto:Inesa.Velaviciute@communityjustice.scot)

**3. Closing remarks and next meeting:** Rachael thanked everyone for attending and invited members to get in touch with any questions/comments/suggestions. As much feedback as possible is appreciated as this meeting is aimed at catering for the group. A brief discussion took place around the future meeting options and members agreed that a hybrid or an online meeting would work best for everyone. Rachael reiterated the preparation is quite intensive for hybrid meetings and if going ahead partners would be encouraged to suggest/offer potential venues.

**PLEASE NOTE.** The 3<sup>rd</sup> Sheriffdom Lothian and Borders RJ development group meeting was initially scheduled for **the 20<sup>th</sup> of October** however this has now been **cancelled**. Agenda for November's meeting is still to be confirmed; Rachael asked group members to get in touch with suggestions.

**Next meeting:**

Date: 9 November 2022

Via Microsoft Teams