



Sheriffdom – Lothian and Borders – Restorative Justice Development Group Meeting

Session 3

Restorative Justice and Trauma Informed Approaches

Date: Wednesday 9th November
via Microsoft Teams

MEETING MINUTES AND ACTIONS

In attendance:

Rachael Moss
Gemma Fraser
Alice Dillon
Inesa Velaviciute
Pamela Stott
David Abernethy
David Bernard
Yvette O'Donnell
Tracey Stewart
Mandi Wright
Carey Fuller
Jenny Hamilton
Claire Marr
Claire Ryan Heatley
Veronica Campanile
Steven Tidy
Stewart Simpson
Gordon Duff
Ari Drury
Fiona Thomson
Sarah Axford
Carol Eden
Adam Brown
Claire Brooks
Julie Jessup
Kasia Sadaj
Ashley Scotland
A Representative of Police Scotland

Apologies:

Gael Cochrane
John Wallace
Susie Stein
Craig Brown
David Orr
Debbie Storm
Stephanie Kerr
Stephanie Mills
Steven Harvey
Tim Chapman
Victoria Kerr
Andrea Beavon
Fiona Kennedy
Gillian Oghene
John McEwan
Julie Morton
Lynsay Claxton
Simon Gall
Graham Jones
Janie Harman
David Ferrier
Kerry Page
Kevin Carter
Lynne Hobbs
Fiona MacKenzie
Mridul Wadhwa
Susan Dudley
Alan Haggarty
Suzan Ross
Liam Gale
Sara Law
Angela Voulgari

Alison Lynch
 Keith MacKay
 Pauline Cochrane
 Sue Waddington
 Lucy Coleman
 Tania Nascimento
 David Russell
 Heather Williams

1. Actions from 9 November meeting

Action items	Assigned to	End Date	Priority	Status	Dependency
Circulate the Scottish Government's response to the Open Letter among partners	Inesa	16/11/22	High	Completed	
Send research paper on the views of school pupils on the use of restorative justice in Scotland to Claire Brooks	Yvette	16/11/22	High	Completed	

2. Summary of discussions

- Welcome, housekeeping rules, **the focus of this meeting** – to discuss trauma informed principles and approaches in restorative justice service.
- **Introductions:** all attendees introduced themselves and their roles.

Scottish Government's Update: Pamela Stott (Victim and Witness Team) reminded everyone how far the project has come since the publication of the RJ Action Plan in 2019, despite the setbacks caused by COVID-19. She reiterated that the Scottish Government is committed to delivering the RJ service. Its development will not be rushed and the ongoing communication with the partner organisations will ensure it is safe, person-centred and trauma-informed.

Pamela noted the outcomes already delivered: the Scottish Government is funding the start of the National Hub within CJS and the delivery of the Initial Test Project; it is also funding the Thriving Survivors Hub for a specialist sexual harm service. Training Needs Analysis and a research into the mitigation and risk in RJ have been carried out, both papers published. The Government has also responded to the Open Letter from VAWG organisations and addressed their concerns. Action – Inesa to share the copy of the Government's response letter to VAWG with the group's members.

She also presented the challenges the project is facing and how the Scottish Government is addressing them:

1. *Policy and Framework:* more work is needed on clarifying the policy and developing a more detailed practice guidance for RJ. Currently progressing with a policy paper which will be submitted to the Cabinet Secretary for Justice and the Criminal Justice Board.
2. *Resources:* the Scottish Government is unable to provide an answer in terms of future resources until the budget arrangements for the next year are agreed and confirmed.

3. *Timescales*: although the Initial Action Plan foresees the delivery of the service by 2023, it is not feasible and thus the date is revised and extended in order to reduce the risk of compromising the quality of RJ service.

4. *The Open Letter* from VAWG organisations and the concerns raised: although the concerns remain, the Scottish Government is committed to work with the organisations to address them.

- **Trauma-Responsive Restorative Approaches in Criminal and Community Justice Delivery**: Gemma Fraser explained what is meant by restorative approaches in criminal and community justice. She introduced Rachael Moss's diagram on the 'fusion' of restorative justice principles and trauma-informed principles, which underpin the development and delivery of restorative justice in Scotland. Gemma also identified the potential to develop 'restorative encounters' across the justice system and its stakeholders. Please see attached slides for more details. Gemma invited everyone to get in touch and share their thoughts on the policy and practice paper she is currently preparing to submit to the Scottish Government.
- **A Trauma Informed Risk and Strengths Framework for RJ**: Rachael Moss introduced the restorative justice principles and explained how they overlap with the trauma-informed ones. The fusion of the two serves the development of the risk and strengths framework principles for restorative justice: choice, safe, individual, preparation, together. She indicated the aim and the project plan of the recently established risk and strengths framework working group as well as shared the questions to be explored in terms of the trauma-informed practice and development. Please see attached slides and the supporting paper for more details.
- **Experts by Lived Experience Research, FAQ and Stakeholder Communication Survey**: Alice Dillon updated on the communication and engagement in relation to RJ within the Sheriffdom area.
 - Quarter 2 report has been published and circulated, available to access on the CJS website. Alice invited the members to contact her with any comments on its accessibility and how it can be improved.
 - She reminded the group about the Stakeholder Communication Needs Survey and requested to complete and/or share it by the 18th of November.
 - Alice also informed about the early stages of a research proposal around lived experience of the persons harmed, getting their feedback on its impact. She is about to start working on a document which will be submitted to the Research and Ethics Committee (REC) within CJS.
 - A lot of activities planned for the RJ awareness week, 20-26 November, highlighting key messages and useful documents, podcasts, case studies, animation, blogs. Social media posts will be shared in partnership with Thriving Survivors and CYCJ. Alice asked for the members' support in re-sharing the information, increasing the visibility of the communication and engagement.

- **Questions & Answers**

Stewart Simpson enquired about the policy document and if more is needed that goes beyond it. He noted that consistency of practice is essential and wanted to know how it would look like for adults and children as well as how a postcode lottery would be avoided. Stewart proposed that a policy and/or legislation should be considered for RJ in future.

Gemma Fraser responded that the policy is the first gap that should be addressed. She listed the following questions: what should be done with people who want to explore RJ having reported the crime; what happens when the case is live in the justice system; how to ensure people who practice RJ know how to treat both child and adult protection issues? The policy agreed by the criminal justice board and their partners would provide answers to these questions and the consistency

required. Gemma also added that legislation could benefit the following two areas: 1 - the duty of the stakeholders in promoting RJ, ensuring people are aware of it and 2 – information sharing and how it could support good RJ practice.

Pam Stott highlighted that it would be a challenge and an unrealistic expectation to warrant a bill of its own. She agreed with Gemma in terms of having the policy developed first and then learning from the Initial Test Project in order to gather the evidence and information for what is needed to deliver the national RJ service that would meet the individual needs; what exactly is required from the bill to avoid the postcode lottery. Pam also agreed there are issues needing covered by legislation however only by having development detailed evidence a draft that would work can be produced.

David Abernethy pointed out that one of the most important things is to focus on listening to the voices of both people who were harmed and those responsible for the harm caused, ensuring restoration is available for both parties. He noted the existing research from Thriving Survivors on survivors' voices and the one Gael Cochrane and David Russell are still to publish on perpetrators' experiences within the justice system are very important and should be referred to when developing the service.

Rachael Moss agreed and highlighted that both voices will be considered in the risk and strengths framework. **Gemma Fraser** concluded that a trauma-responsive restorative approach should focus not only on the outcome but also the process throughout, and that RJ service should be based on what people are asking for.

Claire Brooks commented on what was said and added that capturing children and young people's voices is essential too. **Rachael Moss** and **Yvette O'Donnell** agreed and reiterated they are working very closely to ensure the perspective and voices of children and young people are addressed; and that they are provided with the accessible information on restorative justice.

Pamela Stott offered to share the research paper on the views of school pupils on the use of restorative justice in Scotland with Claire and it was agreed that **Yvette** will forward it. Action – Yvette to send the paper to Claire.

3. Closing remarks and next meeting: Rachael thanked everyone for attending and invited members to get in touch with any questions/comments/suggestions. She reminded everyone that December's meeting is cancelled and the next one will be held in February 2023, the exact date and time to be confirmed.

Next meeting:

Date: February 2023, exact date and time TBC

Via Microsoft Teams