



# National Evaluation of Restorative Justice Youth Services in Scotland

2008-2009

the  
**View**POINT  
organisation

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## Executive Summary

### Background to the Project: Evaluating Effectiveness and Consistency

This evaluation of Restorative Justice Services in Scotland was commissioned by the Government, following the publication in June 2008 of two Guidance documents:

- *Restorative Justice Services: for children and young people and those harmed by their behaviour*, and
- *Best Practice Guidance for Restorative Justice Practitioners and their Case Supervisors and Line Managers*

The Scottish Restorative Justice Consultancy (SRJC) funded by the Government was commissioned to carry out this evaluation and appointed a specialist researcher. SRJC developed the evaluation tools and commissioned The Viewpoint Organisation to provide web based software to collect data.<sup>1</sup>

#### Two main aims were defined for the national evaluation were identified as:

- To report on the extent to which Government guidance was being implemented and consistent practice was being developed.
- To evaluate the effectiveness of Restorative Justice practice, in relation to the outcomes set out in the guidance.

To inform this evaluation, indicators relating to both the **management** of the process and to the **participants** in the process were identified.

#### Indicators relating to the Management of the Process:

- Appropriateness of cases for Restorative Justice
  - Appropriateness of the offence for Restorative Justice
  - Assessing the appropriateness of a Restorative Justice process for the individuals
  - Informing and preparing individual participants
- Provision of Restorative Justice Service without Delay
- Restorative Justice Outcomes (a)
- Case supervision and Line Management
- Overall views of the Restorative Justice Process

#### Indicators relating to Participants in the Process:

- Processes to address harm
- Safe and constructive expression of feelings and taking responsibility
- Meeting the needs of Persons Harmed and Persons Responsible
- Restorative Justice Outcomes (b)
- Contributing to the Government's Purpose

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<sup>1</sup> In April 2008 the Restorative Justice Consultant leading the evaluation left the organisation and in September 2008 the researcher also left. The Viewpoint Organisation was appointed to complete the data collection for the evaluation and to undertake the data analysis and report writing.

## **Methodology**

The monitoring and evaluation system used in this evaluation combined two features: a Client Form for use by practitioners to record case details; and a set of questionnaires for use with **Viewpoint ACASI** (Audio Computer-Assisted Self-Interviewing). In parallel to the development of the Client Form, questionnaires were developed for feedback from Persons Harmed, Persons Responsible and any Support Persons involved in a case. Professionals involved in Restorative Justice were also invited to complete feedback questionnaires.

Data was collected on cases referred to Restorative Justice Services and Youth Justice Services with specialist practitioners during the 12-month period to the end of April 2009.

Not all organisations and authorities used the client form, and a number of authorities did not provide any data.

## **Summary of Sample Data**

In total, 1,420 cases are recorded as completing the relevant Restorative Justice processes, which were associated with 1,422 Persons Responsible and 1,097 Persons Harmed.

10% or more of the cases related to Glasgow (14%), Fife (12%) and North Lanarkshire (10%).

Most of the Persons Responsible were male (77%) and White (97%).

Most of the Persons Harmed were male (64%) and White (97%).

A third of the Persons Harmed were adult individuals (39%), with around a fifth being businesses (22%) or children (19%), under a fifth being public services / other agencies (16%) and a minority being a community (5%).

A number of cases related to multiple incidents. In total, where data is available, 1,169 Persons Responsible were associated with 4,417 incidents. Incidents most commonly related to vandalism, assault and property offences.

## **Summary of Restorative Justice Process Data**

Most cases were referred by the Children's Reporter (64%) or the police (27%).

Most reasons given for the Person Harmed not participating related to their being unwilling (37%) or not being able to contact them (34%).

Most processes recorded were largely *non-communicative* processes, such as Victim Awareness (61%). Most of these cases did not inform the victim.

A fifth of cases were recorded as involving *direct communication* processes (22%), with 13% being recorded as Restorative Justice conferences and 9% as Face-to-face meetings.

Just under a fifth of cases were recorded as involving *indirect communication* processes (17%), with 13% being recorded as Shuttle Dialogue and 4% as Shuttle Dialogue *with* Victim Awareness.

Some differences were noted in the types of process used, according to the type of incident or the local authority involved.

The reasons given for taking part in the Restorative Justice process by both the Persons Responsible and the Persons Harmed related to broadly the same areas, which have also been identified in previous research. Reasons expressed by both included amends or apologies, changing behaviour or stopping offending, help and support, understanding the impact and consequences of the crime, explaining the incident from their point of view, achieving a conclusion or sorting things out and positive views of the Restorative Justice process.

## **Key Findings**

### **Restorative Justice Processes**

Almost all services were able to provide Face-to-Face Meetings (95%), Victim Awareness (95%) and Shuttle Dialogue (90%), which reflects the guidance categories. However, *almost half* the Restorative Justice processes did not involve any communication processes; the focus of work was predominantly *Victim Awareness* with the Person Responsible. With this Victim Awareness work, in only around 16% of cases was the Person Harmed informed or involved.

Persons Harmed clearly liked the constructive nature of the processes involving direct communication, giving them a sense of closure. Responses from both persons Responsible and Persons Harmed reported the benefits of participating in Restorative Justice processes featuring direct communication.

Where direct communication processes are not in place, more attention needs to be paid to ensuring Persons Harmed are informed about outcomes and the participation of the Person Responsible in action plans.

Recommendation 1: Restorative Justice Services make every effort to engage Persons Harmed in direct communication processes, and where this is not possible ensure that an appropriate support process is provided to the Person Harmed.

Recommendation 2: Restorative Justice Services to ensure that Persons Harmed are informed about the participation of the Person Responsible in action plans, and the outcome.

### **Management Indicator: Appropriateness of cases for Restorative Justice**

Details about the cases dealt with by Restorative Justice Services would suggest that there could be more focus on cases where there is a Person Harmed and cases of violent crime.

The guidance describes the importance of assessing the appropriateness of a restorative justice process for the individuals concerned, and indications are that more initial assessment of cases is required. Although a minority, not all of the professional respondents were aware of the Restorative Justice guidance, or did not use it in their practice.

Informing and preparing participants for their participation was found to be in line with the Guidance, and demonstrated that some Persons Harmed were positive about this engagement process. However, methods used by organisations to engage Persons Harmed were found to be varied. This was identified by professionals as an area where improvements could be made.

Some Persons Responsible were provided with limited information. A quarter of the Persons Harmed did not know if the Person Responsible had completed their Action Plan.

Recommendation 3: To increase referrals of cases to Restorative Justice Services where there is violent crime involving a personal victim.

Recommendation 4: To take steps to raise awareness of the existence of Government guidance and ensure that training in the guidance is provided to practitioners.

### **Management Indicator: Provision of Restorative Justice Service without delay**

Most of the professional respondents who made referrals specifically for Restorative Justice reported that referral demands were met, either 'often' or 'always', with a minority suggesting that referral demands were *not* always met. However, indications were that specialist services were more likely to be able to respond immediately.

Restorative Justice processes were found to comply with the timescales outlined in the Guidance. However, some participants, both professional respondents and some Persons Harmed and Persons Responsible recommended improvements in the timescales for delivery.

Recommendation 5: Service Managers and practitioners to review current practices to ensure that Restorative Justice processes are provided as quickly as possible to participants.

## **Management Indicator: Restorative Justice Outcomes**

A majority of the respondents described an Action Plan being agreed to. However, a third did not, so the required Restorative Justice outcome is not being achieved. Furthermore, as noted above, participants were not always informed about the progress and completion of Action Plans.

Most outcomes (64%) recorded an apology or expressions of remorse. However, only 6% recorded a meeting that included the Person Harmed conveying the impact and the Person Responsible explaining the incident.

Apologies are particularly beneficial to Persons Harmed and an important part of Restorative Justice processes and outcomes. However, in a third of instances apologies are not recorded.

Both service managers and other professional respondents described Restorative Justice as 'very effective' in reducing offending behaviour and providing additional support to young people. The benefits of the process for Persons Harmed were also identified, such as having the opportunity to express their feelings, receiving an apology and some form of compensation or making amends. It was agreed that Persons Harmed experienced reductions in their fear of crime and felt safer.

Recommendation 6: Service Managers and practitioners to ensure that an Action Plan is specified as a result of the Restorative Justice process.

Recommendation 7: Service managers and practitioners to ensure that apologies are provided and that Persons Responsible know the outcome of this.

## **Management Indicator: Case Supervision and Line Management**

One key evaluation question was *'the extent to which Government guidance is being implemented and consistent practice being developed'*.

A majority of Service Managers and Youth Justice Co-ordinators indicated that they were familiar with the Guidance and found it 'helpful' or 'very helpful'. However, this was not uniformly expressed, so some professionals were not aware. A majority of managers and Co-ordinators also indicated that they had incorporated the Guidance into practice, although again this was not uniformly expressed.

Responses showed differences between specialist Restorative Justice Services and generic Youth Justice Services. In these latter services it appears that the specific standards set for Restorative Justice Practice have not been introduced and practice is monitored in relation to existing individual service standards.

In a majority of services included, the managers supervised staff who used Restorative Justice processes and the managers had received training. In one instance where the manager had *not* received training, specialist consultants were employed to support practice, as recommended in the Guidance.

Recommendation 8: To ensure that managers of all Restorative Justice Services and generic Youth Justice Services with Restorative Justice Practitioners are aware of the Government guidance and that this is incorporated into practice.

Recommendation 9: Service Managers who are not trained in Restorative Justice practice to ensure that specialist consultants are provided to support Restorative Justice Practitioners.

### **Management Indicator: Overall views of the Restorative Justice process**

Service managers, funders and referrers all considered Restorative Justice processes to be important, with many describing aspects of the interaction between the Person Harmed and Person Responsible as being important. Some managers described ways in which the services could be developed, for example by dealing with more serious cases and developing the service in schools or the care sector.

Positive views about Restorative Justice Services were expressed by all participants: Persons Harmed and Persons Responsible, by service providers, and by those who referred to and funded services. Overall, most funders and referrers viewed Restorative Justice Services as providing good or excellent value for money in creating safer communities.

This evaluation also sought information from service managers about the priority given to Restorative Justice Services locally. Only two managers described these services as having high priority, even though professional opinion, as expressed by those most directly involved in delivering and referring to services, was clearly very positive about the benefits of the services.

From April 2008, ring fencing of funding for services was abolished so that government funding specifically to provide Restorative Justice Services was no longer available. Furthermore, there is also currently no organisation or body responsible for national leadership on Restorative Justice, as The Scottish Restorative Justice Consultancy is no longer in existence. If funds are not to be ring fenced, it is suggested that there should at least be a dedicated organisation or leadership to provide an institutional focus and a national lead, as Sherman and Strang (2007) proposed for English services.

It is suggested that government and local strategic objectives and outcomes could be contributed to by achieving the outcomes described in the Restorative Justice guidance: particularly the emotional, cognitive and relational benefits, such as feelings of safety, increased self-esteem, the letting go of anger, and increased empathy; and also Action Plans which are restorative rather than punitive, with tasks and additional programmes aimed at meeting the individual and collective needs and responsibilities of participants.

Recommendation 10: Consideration is given to the way in which national leadership on Restorative Justice in youth justice in Scotland can be provided.

Recommendation 11: Local authorities to consider the inclusion of Restorative Justice Services in local service plans developed to support the Government strategic objectives.

### **Participant Indicator: Processes to address harm**

Most Persons Harmed were able to tell the Person Responsible about the harm that had been caused and felt that Person Responsible did understand. As required in the guidance, relevant individuals were enabled to participate together, to explore what happened and how the Persons Harmed were affected.

### **Participant Indicator: Safe and constructive expression of feelings and taking responsibility**

In cases where communication did take place, feedback from Persons Harmed suggested that most felt that the Person Responsible answered their questions and explained why the incident happened. Most Persons Responsible also felt able to answer questions and offer explanations. All participants confirmed that the processes they participated in was constructive in the exchange of information and the positive responses suggested that participants felt safe.

### **Participant Indicator: Meeting the needs of Persons Harmed and Persons Responsible**

In their responses to the evaluation questionnaires, both Persons Harmed and Persons Responsible expressed high levels of satisfaction with their experience of the Restorative Justice process.

Persons Harmed reported positively about participation, appreciating the opportunity to present their point of view, to explain the impact the incident had on them, to hear the point of view of the Person Responsible, to gain a greater understanding of the incident, to receive an apology and to gain a sense of closure.

Persons Responsible described appreciating a greater understanding of the impact and consequences of the incident and of crime in general, for themselves and for others, being able to have a greater understanding of the feelings of the Person Harmed, making amends for their actions and wanting to change their behaviour.

These responses from participants demonstrate the range of needs that are being addressed by Restorative Justice processes, which is in line with the anticipated benefits described in both the Restorative Justice guidance and in research.

It is suggested that these benefits are particularly evidence for processes involving *direct communication* and that indirect processes are in danger of leaving people feeling unsure about what was happening during and after the process and so less responsive to needs. This may be evident in some of the reports given by Persons Harmed that they did not know if an apology had been given or if Actions Plans had been completed.

## **Participant Indicator: Restorative Justice Outcomes**

Persons Harmed have been shown to consider offender apologies to be important in bringing about emotional restoration and changing their views of the Persons Responsible. In this evaluation, most Persons Harmed said they had received an apology and most considered the apology to be sincere and they accepted it. However, just over a third of Persons Responsible were not able to give an apology.

Over three-quarters of the Persons Responsible felt that they were able to make up for what they had done. However, only two-thirds of Persons Responsible reported that some kind of Action Plan was agreed to.

This evaluation would seem to suggest that there is scope to improve the process of setting and agreeing Action Plans and providing opportunities for Persons Responsible to offer apologies.

Persons Harmed were asked whether the process had affected how safe they felt. While about half of the Persons Harmed reported no difference, 40% said it made them feel more safe. Most (80%) of Persons Harmed also reported that they felt better about the Person Responsible.

About two-thirds of Persons Harmed thought the Person Responsible wanted to change their behaviour, with another 18% saying they didn't know, but with a third saying they thought it was likely the Person Responsible would offend again.

Persons Responsible were much more positive (90%) about wanting to change their behaviour, with three quarters saying they did not think they would offend again.

Recommendation 6: Service Managers and practitioners to ensure that an Action Plan is specified as a result of the Restorative Justice process

Recommendation 7: Service managers and practitioners to ensure that apologies are provided and that Persons Responsible know the outcome of this.

## **Contributing to the Government's Purpose**

Through Single Outcome Agreements, each local authority is now required to set its own priorities for achieving locally the strategic objectives of government. Local authorities and their partners are required to determine how best to target resources. The Guidance produced by the Government for the delivery of Restorative Justice Services describes the benefits that can be achieved by Persons Harmed and Persons Responsible which are in line with Government indicators.

Responses suggest that:

- The life chances of Persons Responsible are improved through their understanding of the harm they had caused and they indicated a desire to change their behaviour.

- Through giving apologies and making up for what they had done, Persons Responsible were demonstrating responsible behaviour and making a contribution to society.
- Some Persons Harmed felt safer through participation and a large number of young people said they would not offend again.

A key Government Strategic Objective is '*We live our lives safe from crime, disorder and danger*', so it would seem that providing Restorative Justice Services in which Persons Harmed are engaged would be a priority. There is considerable evidence about the benefits of participation in the process to Persons Harmed, and associated benefits to Persons Responsible, which also support the attainment of other Government objectives in relation to improving life chances for children and young people.

Recommendation 11: Local authorities to consider the inclusion of Restorative Justice Services in local service plans developed to support the Government strategic objectives

## Section 1: Introduction

### 1.1 The History of Restorative Justice in Scotland

The Scottish Government has for a number of years seen Restorative Justice Services as having an important role to play in addressing the harm caused by the behaviour of children and young people, whether on their own or as part of a range of additional services.

Scotland's Action Programme to Reduce Youth Crime (2002) indicates that the confidence of victims (Persons Harmed) in Scotland's youth justice system needs to be restored, and that restorative justice approaches can "go some way" toward meeting this objective.

The National Standards for Scotland's Youth Justice Services (2002) states that,

*'Every victim of a young offender referred to the reporter on offence grounds will have the opportunity to engage in a [restorative justice] scheme, where appropriate.'*

In Scotland a child or young person referred to the Children's Reporter charged with an offence is diverted from prosecution in a criminal process and instead enters a non-retributive civil procedure, which aims to meet the child or young person's educational and developmental needs.

In January 2004 it was reported that significant progress had been made since the Youth Crime Action Plan was published in June 2002, expanding community based youth justice services including 3,000 restorative justice places. Additional resources were provided by the Government for investment in youth justice aiming to 'double to 6,000 the number of young people who will have to face up to their offending through 'restorative justice' projects'. Every local authority youth justice team was provided with funding for restorative justice projects in their area.

In *Restorative Justice; the Evidence* (2007), Sherman and Strang argue (in England) for a national Restorative Justice Board to provide the focus and leadership to deliver Restorative Justice on a widespread basis. It is argued that this would provide,

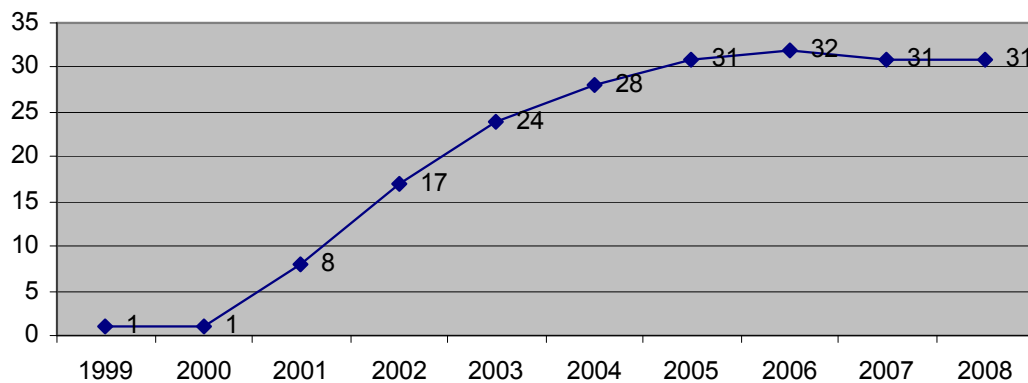
*'an institutional focus for the development of Restorative Justice as distinct to a programme on the margins.'*

In Scotland, Government commitment to Restorative Justice resulted in the establishment of the Scottish Restorative Justice Consultancy with a National Coordinator and Trainer, and a researcher. These posts provided a focus and leadership to the delivery of Restorative Justice in Youth Justice. As a result, national guidelines regarding the use of Restorative Justice Services and Best Practice Guidance for Restorative Practitioners, their Case Supervisors and Line Managers were produced. These guidelines provide nationally recognised standards and definitions of best practice. A national programme of training was also provided to support the Best Practice Guidance and to enable practitioners to develop the skills required.

The Scottish Restorative Justice Consultancy was also able to monitor the development and extent of Restorative Justice Practice and undertook two censuses of services in 2006 and 2008.<sup>2</sup>

In September 2008, services were described as being in place in 31 out of 32 Scottish authorities (in one authority there are two services). The services are provided by different organisations: 17 are provided by Sacro, 12 by local authorities and 3 by 'other organisations': Barnardos' (Aberdeenshire), 'CAB' (Shetland) and TCA & the Web Project (Angus).

**Chart 1: Number of Services (1999-2008)**



The Government commitment to the value of Restorative Justice Services was restated in the publication in June 2008 of *Preventing Offending by Young People: A Framework for Action* (<http://www.scotland.gov.uk/Publications/2008/06/17093513/0>).

This Framework is endorsed by all the key partners who together are committed to preventing offending by young people. In relation to Restorative Justice it recognises that,

*'Where young people are involved in crime or antisocial behaviour it is important that they are aware of the impact they have on others and make reparation and restoration where appropriate. Restorative justice can play an important role in addressing the harm caused by the behaviour of children and young people, whether on its own or as part of a range of services.'*

In 2007, the Scottish Government set out new strategic objectives and a new approach to achieving these. The focus of government and public services was described as 'creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth'. This focus was underpinned by the establishment of a National Performance Framework, providing a unified vision centred around five Strategic Objectives: to make Scotland wealthier and fairer, smarter, healthier, safer and stronger and greener.

<sup>2</sup> Both censuses are available online on the Restorative Justice Scotland website (<http://www.restorativejusticescotland.org.uk>).

Work to tackle offending by young people is described in 'Preventing Offending by Young People' as contributing to all five of these strategic objectives, and many of the 15 national outcomes and other indicators that comprise Single Outcome Agreements. In particular four of the 15 national outcomes are important:

- Our children have the best start in life and are ready to succeed.
- Our young people are successful learners, confident individuals, effective contributors and responsible citizens.
- We have improved life chances for children, young people and families at risk.
- We live our lives safe from crime, disorder and danger.

In November 2007, the Government published the Concordat to focus the effort of the public sector on the delivery of the Strategic Objectives. Under the terms of the new arrangements, the Scottish Government sets the direction of policy and overarching outcomes and frees up local authorities and their partners to plan and deliver services by reducing ring-fencing and bureaucratic burdens. Through Single Outcome Agreements, each local authority sets its own priorities for achieving locally the strategic objectives of government. Local authorities and their partners are required to determine how best to target resources.

Over the years, Restorative Justice Services have worked with children and young people referred to the Children's Reporter and the Children's Hearing because of offending and the Government provided guidelines to support this process. However, there were no national guidelines regarding the use of Restorative Justice Services by other agencies, including schools, the police, anti-social behaviour teams, residential childcare settings and social workers.

In June 2008, the Government published *Restorative Justice Services: for children and young people and those harmed by their behaviour*. This provided guidance to the principles, protocols and criteria for the use of Restorative Justice Services to incidents of harm requiring a youth justice approach. This document did not cover every aspect relating to the practical application of restorative justice.  
(<http://www.scotland.gov.uk/Publications/2008/06/10143757/0>).

The standards of practice expected by those delivering a Restorative Justice Service were set out in separate guidance Best Practice Guidance for Restorative Justice Practitioners and their Case Supervisors and Line Managers (Scotland), also published in June 2008 (<http://www.scotland.gov.uk/Publications/2008/06/10144026/7>).

The Government describes these two documents as providing,

*'a resource for agencies that wish to make use of Restorative Justice Services, and to ensure that Restorative Justice Services are delivered with the necessary consistency and quality.'*

The Scottish Government has also commissioned the following National Evaluation Project to report on, *'the extent to which Restorative Justice Services across Scotland are effective and are operating in accordance with these documents'*.

## 1.2 Restorative Justice processes and categories

'Restorative Justice process' means any process in which relevant individuals participate together actively in the resolution of matters arising from an incident that has caused harm, generally with the help of a facilitator. To ensure the safety and effectiveness of the process, no meeting is held without the facilitator preparing all participants in advance. Each process aims to enable the participants to explore, in a safe and structured way:

- (1) *The facts* – what happened and why
- (2) *The consequences* – how people were harmed or affected
- (3) *The future* – what agreements or action plan needs to be made to meet the needs of all concerned, including the central needs of addressing the harm and preventing similar incidents.

Restorative Justice processes fall into three broad categories, dependent on the kind of Communication, if any, that takes place between the person harmed and the person responsible: that is *direct communication*, *indirect communication* and *cases where communication is either not possible or not appropriate*.

In the description of these and other aspects of the Restorative Justice process throughout this report, the following terms will be used: **Persons Harmed** will be used to describe the victims of the crimes (this could mean individuals, institutions and organisations or communities) and **Persons Responsible** will be used to describe the offenders or the perpetrators of the crimes.

**a) Direct communication** includes:

- *Restorative Justice conferences*, which are normally led by two facilitators and attended by the Person(s) Harmed, the Person(s) Responsible, their respective support persons, other affected persons where appropriate, and observers where agreed.
- *Face-to-face meetings*, which can be led by either one or two facilitators and are attended only by the Person(s) Harmed, the person(s) responsible, and observers, where agreed.

**b) Indirect communication** includes:

- *Shuttle Dialogue*, which involves a facilitator acting as a go-between to enable the Person(s) Harmed and the Person(s) Responsible to communicate without meeting.
- *Restorative Family Group Conferences*, which are normally led by one or two facilitators and are attended by the Person Responsible, his or her family members and support persons, and professionals who are working with or have some involvement with the Person Responsible. The views and requests of any Person Harmed are obtained by the facilitator and conveyed to those present at the conference.

**c) Cases where communication is either not possible or not appropriate** include:

- Victim Awareness, which involves only the Person Responsible in one-to-one or group work sessions with a facilitator, and may include reparative tasks.

Persons Harmed and/or Persons Responsible for causing harm may not wish to communicate in a restorative justice process. If so, then the Restorative Justice Service should offer:

- An appropriate support process to the Person Harmed (in partnership with relevant victim services).
- A victim awareness process to the Person Responsible.

### 1.3 Previous Research Findings

Key messages have consistently emerged from research studies, most notably in relation to: factors influencing participation in Restorative Justice processes, participant experiences of Restorative Justice processes, the comparative benefits of Restorative Justice processes and the different approaches used in Restorative Justice processes and case characteristics.

In reviews of Restorative Justice studies in Scotland, participation rates have been found to be between 42-43% in Scotland (cited in Kirkwood, 2009). In an evaluation of the Glasgow Restorative Justice service, Dutton and Whyte (2008) highlighted the importance of Persons Harmed (victims) being involved in Restorative Justice processes, but reported their limited involvement in general,

*'Whilst rates of participation amongst victims contacted by R.J.S. were relatively high, overall there has been limited victim participation in interventions. International research suggests one of the most potent influences on young peoples desistance from offending is the 'victim factor'; thus, consideration needs to be given to increasing victim involvement with interventions.'*

Dutton and Whyte's study noted that the process invited Persons Harmed to participate in the Restorative Justice process, using an opt-out rather than an opt-in approach to consent. In this way, they did note a high rate of participation for those Persons Harmed they were able to contact. However, the study does not indicate how much information was given to Persons Harmed about the Person Responsible and their willingness to participate and accept responsibility, a factor that studies suggest may play a key role in the participation of Persons Harmed.

In a review of Restorative Justice studies, Kirkwood (2009) posits a cost-benefit analysis as the decisive factor in the participation of Persons Harmed, with the psychological and practical benefits to the individual concerned outweighing their fears or concerns in relation to involvement in the process. In view of this, achieving the participation of Persons Harmed ('victims') is thought to be more likely if the Person Responsible ('the accused') has agreed to participate first, indicating a willingness to accept responsibility, and thus providing more likely 'benefits' for the Person Harmed.

*'participation was more likely to result in cases where the accused was contacted before the victim. This suggests that victims are more likely to participate once they know that the accused has taken responsibility for the offence and is willing to make amends. This information is likely to reduce the perceived risks of revictimisation to the point where the benefits of participating outweigh the costs This suggests that - given appropriate ethical and safety considerations - the default practice should be to approach the accused first, as this is linked with higher uptake while also reducing the chances of revictimisation.'*

It should be noted that at this stage there is no attempt to require evidence of 'remorse' and that willingness to accept responsibility differs from demonstration of remorse. Restorative Justice doesn't screen for remorse; it aims to achieve remorse (Sherman and Strang, 2007).

Kirkwood's review of studies suggests that the most important reasons for the participation of the Persons Harmed are to tell the Person Responsible about the impact the incident had, to receive an apology, to help the Person Responsible deal with their offending behaviour and to have a say in the process. Communication and personal narrative is also thought to be key, with many studies suggesting the therapeutic and healing role of reconstructing a story about the incident and the experience of the Persons Harmed.

Similarly, the participation of Persons Responsible is thought to be most motivated by factors such as giving an explanation of their actions, giving an apology, making amends, helping the Persons Harmed and Restorative Justice providing a better option than the alternative justice processes. Again, personal cost-benefit analysis, communication and the construction of a person narrative are thought to be key (Kirkwood, 2009).

Other studies also support this view, particularly for Persons Harmed and particularly in terms of the importance of communication, receiving apologies and help for the Person Responsible outweighing any financial or material processes of restitution. For example, in a review of studies Whyte (2002) also finds that data suggests financial or practical restitution may be less important to Persons Harmed than the opportunity to talk about the event and the impact.

Research has shown that Persons Harmed want a just and a fair process and that they want to be involved in the processing of their cases as well as to have an input. They also want to be kept informed about outcomes (see, for example, Strang, 2002). Research also provides strong support for the importance of making amends and apologies, with some studies highlighting the greater value Persons Harmed place on practical measures and ensuring help for the Person Responsible, with most typical agreements involving help rather than financial recompense (Sherman et al, 2004).

Persons Harmed have been shown to consider offender apologies to be important in bringing about emotional restoration and changing their views of the Persons Responsible. Strang (2002) reported that 86% of Persons Harmed who experienced a Restorative Justice conference, compared with 19% assigned to court, received an apology. Of those who experienced a Restorative Justice conference, 77% said they thought apologies were sincere, compared with 41% assigned to court procedures.

Research has also provided evidence that the participation of Persons Harmed and the use of apologies in the process have an impact on reoffending and on the consolidation of the decision by the Person Responsible not to offend again in the future (Whyte, 2002; Robinson and Shapland, 2008).

Most studies suggest that these factors are generally achieved in Restorative Justice, with high levels of satisfaction being reported by both Persons Harmed and Persons Responsible. Across a number of studies, participant views are recorded as positive particularly in terms of the fairness of the process, the ability to make or receive an apology, satisfaction with the overall process, helping victims feel better about the Person Responsible, helping Persons Responsible understand the perspective of the Persons Harmed, achieving closure and helping participants feel that the Persons Responsible are less likely to offend in the future (Whyte, 2002; Dutton and Whyte, 2006).

In most available studies, Persons Harmed relate more positive experiences and outcomes when they participate in Restorative Justice than when they do not, particularly in terms of satisfaction with the process, feeling a sense of closure, reduced post-traumatic stress and more positive views of the Person Responsible (Strang, 2002).

In self-reported measures, Persons Harmed report positively about participation, reporting less fear of the Person Responsible, less anger at the Person Responsible and a greater ability to get on with their lives. One study found that 20% of Persons Harmed assigned to court said they would harm the Person Responsible, compared with 7% of those participating in Restorative Justice conferences (Strang, 2002). Where the offence was one of violent crime, 45% of Persons Harmed assigned to court reported a desire to harm the Person Responsible, compared with 9% who participated in Restorative Justice.

Persons Harmed who experienced Restorative Justice processes have also been found to score lower on Post Traumatic Stress Symptom (PTSS) assessments, both measured immediately and after a 6-month interval. Angel (2005) conducted telephone interviews with 200 Persons Harmed in London, comparing those involved in face-to-face interventions and those not assigned to a Restorative Justice intervention. Persons Harmed involved in the Restorative Justice intervention were found to display substantially lower levels of Post-Traumatic Stress Syndrome. The Persons Harmed involved in Restorative Justice also reported reduced effects of PTSS in their lives, including ability to go to work. The study did not measure the impact or effects for different types of crime. Nevertheless, the findings have been consistently replicated in eight separate studies, involving Restorative Justice conferences (Shapland et al, 2006). Effects found in the first controlled tests in Canberra found less anxiety, anger and inclination towards violent revenge to avenge the crime.

The research studies described also indicate the importance of aspects of the *process* to the participation of Persons Harmed and to Restorative Justice outcomes.

In the Justice Research Consortium project (Sherman et al, 2004), the participation of Persons Harmed was found to be influenced by who asked them to participate, how they were asked to participate and the priority given to their convenience and emotional state. An average of 18 hours was taken on organisation of the process. Most of this time was spent with Persons Harmed, and conferences were arranged to suit their convenience. Across eight Justice Research Consortium tests between 2001 to 2004, a total of 883 cases were randomly assigned to Restorative Justice or Criminal Justice. Of 444 cases referred to Restorative Justice, 84% were completed satisfactorily, with both Persons Harmed and Persons Responsible present for face-to face-discussion.

Research also supports the importance of ensuring the appropriateness of cases and referrals for Restorative Justice processes, as suggested in the Guidance, particularly of initial screening and type of offence. Initial screening of offenders is recognised as essential, prior to approaches to the Persons Harmed. The screening should demonstrate that the Persons Responsible are willing to communicate and take responsibility for their actions, and establish that they do not deny guilt, express anger or give other indications of posing a risk to Persons Harmed (Sherman and Strang, 2007).

Kirkwood's review found that participation was more likely for Persons Harmed if they were a corporation or a group, and that processes were more likely to proceed if the Person Responsible was young. Participation was less likely for serious crimes and intervention was less likely for individuals with an extensive criminal history, suggesting the most likely cases related to 'moderate' offences (e.g. vandalism), where the Persons Harmed might already feel that success was more likely and where the incident was sufficiently serious for the Person Harmed to desire psychological and other benefits, but not so serious that the costs were too heavy, e.g. fears associated with a more serious crime. Kirkwood indicated the complexity of the factors involved in Restorative Justice, with an acknowledgement that it was difficult to determine success factors, when the success of the process is most likely to be determined by the Person Harmed being willing to participate in the first place, although this does again support the importance of how the Person Harmed ('victim') is approached and involved,

*'The fact that no other case-related factors were significantly related to agreement rates suggests that once people have agreed to participate then the likelihood of success is high regardless of the nature of the offence, the relationship between the victim and accused, or other factors related to the background of the accused. It should also be noted that success rates are generally very high, and this lack of variance may make it difficult to distinguish factors related to success.'*

It is evident that attention needs to be given to ensuring Persons Harmed are engaged in the process and that skilled professionals are involved in achieving this. Best results in the engagement of Persons Harmed have been found to arise from facilitators meeting in person with them prior to any Restorative Justice process, especially face-to-face processes (Sherman et al, 2004), and the best success rates for agreements being reached and fulfilled were where properly prepared and implemented processes were carried out by specialist mediators (Galway and Hudson, 1996, cited in Whyte, 2002).

The research evidence indicates the importance of communication and constructing narratives about the incidents and experiences of those involved. This would suggest that *direct communication* approaches (face-to-face meetings and Restorative Justice Conferences) would be most beneficial for participants. However, Persons Harmed are not always willing or able to meet with Persons Responsible and, again, the evidence presents a more complex picture in terms of the views of Persons Harmed, but particularly in terms of types of crime and the impact on factors such as reoffending.

Research conducted by Shapland et al (2006) found that almost all who experienced a direct face-to-face meeting did not regret it. In contrast, those experiencing indirect approaches were more split, with indirect meetings being associated with lower levels of satisfaction for Persons Harmed and making it more difficult to have a future-orientated focus or signed outcome agreements.

Shapland et al concluded that conferencing is likely to be the most helpful process. However, some individuals will not always want a direct meeting, so conferencing should not be the sole process offered, as this would prevent access to other forms of Restorative Justice for those who need it.

Kirkwood (2009) also concluded that *direct* processes had more scope for dialogue and focus on the future, particularly compared to Shuttle Dialogue, which had more limited communication. However, in most studies, more participants were found to opt for

indirect, shuttle approaches. Dutton and Whyte's (2006) study of practice in Glasgow found that where communication was the approach used, 51% involved conferences, 32% involved shuttle dialogue and 17% involved face-to-face meetings.

Although evidence does suggest that levels of agreement or process success were equal for both *direct* and *indirect* approaches, Kirkwood concluded that other outcomes could be affected, particularly in relation to the quality of information passed between participants and the impact of this on other outcomes, such as achieving closure or successful personal narratives.

Kirkwood also suggests an important point in relation to the perceived aims of Restorative Justice, the type of approach used and the centrality of personal narratives and relationships to the overall process. Most cases of face-to-face meetings were found to be those where the Person Harmed ('victim') and Person Responsible ('accused') were known to each other, which raises questions about the aims and approaches of Restorative Justice,

*'as face-to-face meetings were more likely when the victim and accused were known to each other. This suggests that this process is used as a way of mending damaged relationships and / or making agreements about how to behave in the future. It is worth noting the victim and accused were known to each other in approximately three-quarters of cases. This suggests that those who refer cases to the service may believe the strength of restorative justice to lie in its ability to deal with damaged relationships or prevent revictimisation.'*

Overall, the research suggests the significance of the type of offence, the reaction of the Persons Harmed to the offence and the type of process used. Research also suggests the type of offence is also significant in the success of Restorative Justice in reducing repeat offending. However, the evidence is not clear.

Sherman and Strang (2007) suggest that the success of Restorative Justice in reducing, or not increasing, repeat offending has been found to be most consistent in research on violent crime,

*'RJ seems to work best when it is focused on violent crime, rather than property crime, with major exceptions: burglary victims gain reduced post-traumatic stress symptoms, and property offenders may commit less crime in future (or at least no more) if they get RJ than if they get prison.'*

In a review of Restorative Justice studies, Whyte (2002) concluded that although some studies found high levels of satisfaction and some reduced re-offending for violent crime, no significant result was found for some types of crime, e.g. property offences, which are also the most common in the specific young age group studied. This was found to be the case for a Restorative conferencing scheme in Bethlehem, USA. Similarly, the Canberra Re-Integrative Shaming Experiments (RISE), also using Restorative conferencing, found participant satisfaction and some positive impact on reoffending for some crimes, such as violent and drink-driving offences, compared to those sent to court. However, again they showed no effect on reoffending for property crimes, for Persons Harmed who were either individuals or corporations (e.g. shoplifting).

However, Shapland et al (2008), conducted a random control trial of Restorative Justice in England and found the research site that had the biggest impact on re-offending was based in a court dealing with property offences. This highlights the variation found across research into the effects of Restorative Justice on re-offending.

Other studies found that although there were positive reports of participant satisfaction with the process overall and with the fairness of the process, which continued at a four-month follow-up, no effect was demonstrated on youth crime or court appearances (Hayes et al, 1998, cited in Whyte, 2002).

Whyte concluded that *reducing* offending, as opposed to *addressing* the offence, is likely to be a secondary outcome. Again, primary success of the Restorative Justice process is thought to be more likely in relation to *addressing* the offence, paying attention to communication and repairing relationships and personal narratives, as described by Kirkwood (2009). In view of this, Whyte suggests that Restorative Justice should not involve first time offenders with minor crimes, but at the same time, if more serious multiple offenders or offences are to be included, there is a clear need to ensure integrated practice and referral to other support services is properly used, with an appropriate targeting of resources.

## 1.4 Background to the Project: Evaluating Effectiveness and Consistency

The Scottish Restorative Justice Consultancy (SRJC) funded by the Government was commissioned to carry out this evaluation and appointed a specialist researcher. SRJC developed the evaluation tools and commissioned The Viewpoint Organisation to provide web based software to collect data.<sup>3</sup>

Two main aims were defined for the national evaluation were identified as:

- To report on the extent to which Government guidance was being implemented and consistent practice was being developed.
- To evaluate the effectiveness of Restorative Justice practice, in relation to the outcomes set out in the guidance.

To inform this evaluation the following *indicators* have been selected from the guidance, which relate to both the *participants* in the process and to the *management* of the process:

### a) Indicators relating to the Management of the Process:

1. Appropriateness of cases for Restorative Justice
  - i. Appropriateness of the offence for the process
  - ii. Assessment processes, including establishing the willingness of the Person Responsible to take part and to make amends
  - iii. Informing and preparing individual participants for their participation
2. Provision of Restorative Justice Service without delay
3. Restorative Justice Outcomes (a)
4. Case Supervision and Line Management

### b) Indicators relating to Participants in the Process:

1. Processes to address harm
2. Safe and constructive expression of feelings and taking responsibility
3. Meeting the needs of Persons Harmed and Persons Responsible
4. Restorative justice outcomes (b)
5. Contributing to the Government's purpose

### a) Indicators relating to the Management of the Process:

#### 1. Appropriateness of Cases for Restorative Justice

The guidance describes the importance of assessing the appropriateness of a restorative justice process for the individuals concerned which include:

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<sup>3</sup> In April 2008 the Restorative Justice Consultant leading the evaluation left the organisation and in September 2008 the researcher also left. The Viewpoint Organisation was appointed to complete the data collection for the evaluation and to undertake the data analysis and report writing.

- Enabling individuals to make an informed choice about their participation
- Enabling participants to make an informed choice about restorative justice processes
- Enabling individuals to prepare for participation in a restorative justice process.

Guidance for practitioners describes the importance of assessing the appropriateness of a restorative justice process for the individuals concerned. It is advised that facilitators need to take into account whether and to what extent the person responsible is willing, at this stage, to *be accountable for their actions*, which includes:

- A full and free acknowledgment of their part in what happened and the harm that their actions have (or may have) caused to specific persons and/or communities
- Expressions of genuine remorse for their actions
- A willingness to make amends or repair the harm they have caused

The Guidance notes that this willingness to be accountable and sense of remorse is likely to increase in depth during and as a result of the process, but there must be sufficient evidence of its presence from the outset in assessing appropriateness.

Where restorative justice processes are not suitable or possible, or where no agreement is reached or where the agreement failed to be implemented, the case should be reported back to the agency that has identified the concern and a decision should be taken as to how to proceed without delay.

The Guidance states that it is not appropriate to use Restorative Justice Services to address the harm caused by sexual offences or other serious and violent crimes, such as murder or attempted murder, unless the case is taken by a practitioner who has been specifically trained in this area, with appropriate case supervision and independent therapeutic support available to all those involved.

Guidance states that Restorative Justice Processes should be considered only where the agency that identifies the concern considers that there is sufficient evidence that the child or young person is responsible for the action(s) that have caused harm. The process should not proceed unless the child or young person in question accepts some or all responsibility for the action(s) that have caused harm, as described by the agency in question.

The Person Harmed and the Person Responsible should normally agree on the basic facts of a case as the basis for their participation in a Restorative Justice Process. Restorative justice processes must be voluntary for all participants at every stage.

## **2. Provision of Restorative Justice Service without delay**

The Guidance states that Restorative Justice processes have been shown to be most effective where:

- The agency brings a Restorative Justice Service to the child or young person as soon as possible after the incident that has caused harm. Research has

demonstrated that Restorative Justice processes that begin more than 3 months after an incident may limit its effectiveness, except for the most serious offences.

- The incident has had (or is likely to have) a significant impact upon or caused serious harm to an identifiable person or persons
- If the incident has had an impact on an organisation or community, the needs and views of that organisation or community are communicated, in person, by a suitable representative, to the person responsible.

### **3. Restorative Justice Outcomes (a)**

As described in the guidance, and in relation to the *management* process, a 'Restorative justice outcome' means:

(a) An agreement or Action Plan reached as a result of a Restorative Justice Process, which may include tasks and programmes aimed at meeting the individual and collective needs and responsibilities of the participants. This may include tasks that seek to address, either practically or symbolically, loss or damage experienced by the person harmed, and programmes for the person responsible, that seek to address the underlying causes of their behaviour (such as anger management, substance misuse or peer pressure). Agreements or Action plans should contain only reasonable, constructive, mutually respectful and proportionate obligations. They must be restorative rather than punitive.

### **4. Case supervision and Line Management**

The role of the case supervisor is to provide advice and oversight in individual cases, to bring new ideas and a fresh perspective, and to check that nothing is going seriously wrong. Case supervisors need to be fully competent restorative justice practitioners.

The role of the line manager is to ensure that the restorative justice practitioner has the support and resources to work effectively, but without getting involved in how individual cases are worked. They do not need to be a restorative justice practitioner.

Line management and case supervision may be provided by the same person. However, where the restorative justice practitioner's line manager does not provide case supervision, then a key part of their management role is to ensure case supervision is available from someone else. This could involve arranging supervision from a restorative justice practitioner in another organisation.

Additionally to provide support for restorative practitioners to develop their practice, including through training to work in accordance with the relevant sections of the guidance.

## **b) Indicators relating to Participants in the Process:**

### **1. Processes to address harm**

Restorative justice is primarily designed to address the harm caused by identifiable action(s), rather than (merely) to address the underlying causes of harmful behaviour or patterns of such behaviour; although it can and generally does have the effect of reducing the level of harmful behaviour, the reason for, and the focus of, any restorative justice process will be identifiable action(s) that have caused harm.

### **2. Safe and constructive expression of feelings and taking responsibility**

The primary aim of a Restorative Justice process is to enable people to express their feelings in a safe and constructive way, and to ensure that people take moral responsibility for their part in what happened. Some kind of reparative task or agreement will often emerge from this process, particularly in cases involving theft or property damage; but that agreement is secondary and should not therefore cloud the main aim.

### **3. Meeting the needs of Persons Harmed and Persons Responsible in the aftermath of behaviour that has caused harm**

The guidance states that Restorative Justice can meet a range of needs.

For the *Person Harmed*, it gives them the opportunity to have their views and needs taken into account; to find out what happened and why; to convey the suffering and distress that they have experienced or continue to experience; to receive a sincere apology; and to have the value of their losses acknowledged and amends made.

For the *Person Responsible*, it gives them the opportunity to learn that their actions can have harmful consequences for others; to develop their conscience and capacity to empathise; to take responsibility and be accountable for their actions; and to be motivated to desist from future harmful behaviour.

### **4. Restorative Justice Outcomes (b)**

As described in the guidance, and in relation to the *participants* in the process, a 'Restorative Justice outcome' means:

(a) The emotional, cognitive and relational benefits felt by the participants during and following a Restorative Justice Process, such as feelings of safety, increased self-esteem, the letting go of anger, and increased empathy;

## 5. Contributing to the Government's Purpose

The Government has specified fifteen National Outcomes to describe what it wants to achieve over the next ten years. These enable priorities to be clearly understood and provide a clear structure for service delivery.

Evidence about the ways in which Restorative Justice Services are able to contribute specifically to three of the 15 National Outcomes include:

- We live our lives safe from crime, disorder and danger
- We have improved the life chances for children, young people and families at risk
- Our young people are successful learners, confident individuals, effective contributors and responsible citizens

The Restorative Justice guidance describes the ways in which Restorative Justice can benefit Persons Responsible in line with required outcomes,

*'It gives the Person Responsible the opportunity to learn that their actions can have harmful consequences for others; to develop their conscience and capacity to empathise; to take responsibility and be accountable for their actions; and to be motivated to desist from future harmful behaviour.'*

## 1.5 Evaluation Instruments and Methodology

The monitoring and evaluation system used in this evaluation combined two features: a Client Form for use by practitioners to record case details; and a set of questionnaires for use with **Viewpoint ACASI** (Audio Computer-Assisted Self-Interviewing). The system is web-based, with data being securely recorded in a national database. Electronic data collection systems have advantages over paper based approaches: more accurate data is collected, data input fields can be controlled for consistency, and research evidence in relation to audio-CASI shows that service users are more engaged in the feedback process, and the methodology is known to be effective in collecting data about sensitive subjects (see below for more details).

Data recording and collection in Restorative Justice cases is complicated by multiple interconnections. Restorative Justice data collection tools are rarely able to capture the variety of interactions between participants, such as what offences were committed by whom and against whom, and what responses were made, who made them and to whom were they offered.

Electronic data recording allows these difficulties to be overcome and the **Viewpoint Client Form**, developed specifically for this evaluation, is based on a unique tree structure which records information as a 'case' which allows data about multiple individuals have been involved in to be recorded, including:

- Data relating to Person(s) Responsible
- Data relating to Person(s) Harmed
- The processes each person has been involved in
- The outcomes for individuals and for cases

Data can be recorded consistently across Scotland, and information about all participants in all processes and the outcomes is recorded. An electronic data recording system can also support practice standards and definitions by providing 'pop up' information windows. Additionally, an electronic system allows consistency checks to be built into the data entry system, error messages to be displayed, and restrictions on further data entry to be applied, if there are inconsistencies or incompleteness in data entry.

In parallel to the development of the Client Form, questionnaires were developed for feedback from Persons Harmed, Persons Responsible and any Support Persons involved in a case.

Information is sought from *Persons Responsible* about:

- Decisions to participate in the process
- An evaluation of their participation
- What they thought was achieved by their participation
- Aspects of the process, such as giving an apology and action planning

*Persons Harmed* also provide feedback through questionnaires asking about:

- Information provided about the process
- Decisions to participate in the process
- What they thought was achieved by communicating with the Person Responsible
- Aspects of the process, such as an apology or action planning
- Their evaluation of taking part
- If they felt more or less safe and their view of any changes in the Person Responsible

Questionnaires were administered using **Viewpoint ACASI**. The Viewpoint multimedia ACASI instrument is an interactive questionnaire tool, delivered on a computer with internet access or downloaded to a stand-alone computer. In the full, interactive version, all text that appears on the screen is read out loud by animated characters, aiding literacy difficulties. Respondents can choose from a selection of animated characters and colourful screen backgrounds. A simpler version of Viewpoint is also available for adult use. Routing or filtering for follow-up questions is automatic. An example of a Viewpoint interactive interface is shown below.

Self-complete methods are generally viewed as advantageous in terms of being cheaper and quicker to administer and avoiding interviewer variability and bias, particularly in terms of social desirability and under-reporting issues that could be sensitive (De Vaus, 1999). The issue of social desirability and the power relationship between interviewer and interviewee is thought to be particularly salient for groups such as children and young people (Christensen and James, 1999).

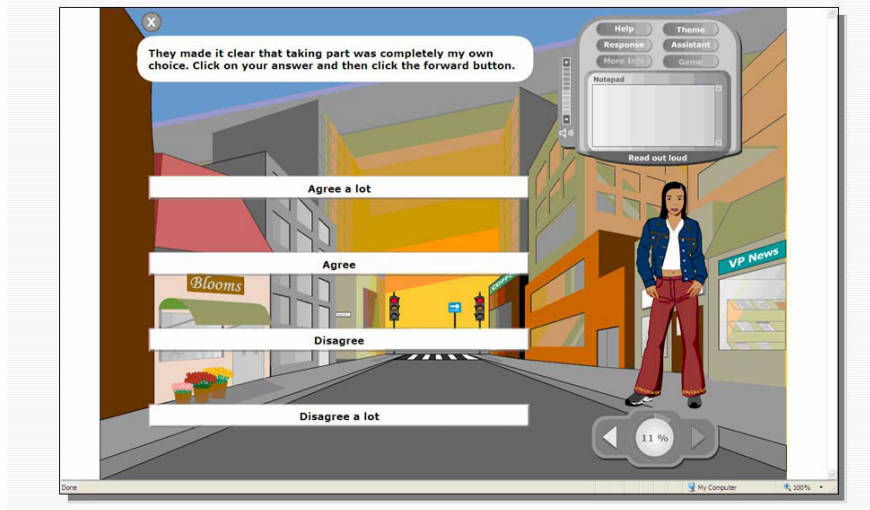
Self-complete approaches using new technology have been associated with a number of advantages in conducting research. ACASI approaches have been identified as of particular benefit in conducting research with special groups, such as children and young people (De Leeuw et al, 1997; Borgers et al, 2004). ACASI approaches have been associated with aiding literacy difficulties, with an enhanced sense of privacy and with increased disclosure of sensitive information. The use of automatic skip and branch patterns is thought to decrease respondent error or fatigue and allows the use of more complicated questionnaires (De Leeuw et al, 1997; Borgers et al, 2000; Borgers et al, 2004). Couper (2000) suggests that characteristics of new technologies, such as engaging design, in addition to instruments being easy to understand and complete, can help to minimise respondent error in self-administered approaches. In addition to the automation of respondent actions, computer-assisted approaches are also thought to be advantageous for data quality and ease of implementation, as there is no reliance on paper questionnaires being sent out and returned, and as responses are automatically saved to a database and no additional coding is required (Fricker and Schonlau, 2002).<sup>4</sup>

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<sup>4</sup> See, for example, Davies, M. & Morgan, A. (2005). Using Computer-Assisted Self-Interviewing (CASI) Questionnaires to Facilitate Consultation and Participation with Vulnerable Young People. *Child Abuse Review* 14, 389-406

## Questionnaires

Click on your answer . . .



### Methodology

Data was collected on cases referred to Restorative Justice Services and Youth Justice Services with specialist practitioners during the 12-month period to the end of April 2009. All services had access to the web-based Client Form to record case information. Two organisations did not use the Client Form:

- One organisation made some amendments to their own case management system to match the requirements of the Client Form
- One organisation provided data from their existing case management system, which did not address all fields

Five of 32 local authority areas did not provide any data:

- Two authorities did not use any Restorative Justice processes during the period
- One authority was reorganising services and planning to recruit and train practitioners for a new service
- In one authority the use of Restorative Justice Processes in cases is not separately recorded

In some authorities, changes to service provision and staff during the year affected levels of service.

In total, 22 authorities arranged for feedback questionnaires to be completed by *Persons Harmed*, *Persons Responsible* and *Support Persons*. Two approaches were used: some services collected data using computers and Viewpoint ACASI; others arranged for questionnaires to be completed on paper and then responses were inputted into the database. The method of completion offered to participants was affected by the availability of computers to local services. In some services all data collection was on computer, in others all data was collected on paper and in some others there was a

mixture of approaches. Where data collection from young people was computer-based, feedback from *Persons Harmed* was in the same medium.

Where paper questionnaires were used, these were usually posted to *Persons Responsible* and *Persons Harmed* and they were asked to post them back to the service. Where computers were used, logins were required for *Persons Responsible* and *Persons Harmed*. In some instances where the Client Form was completed the login was generated automatically in the Client Form. In other instances the local Restorative Justice Service generated the logins, or alternatively these were generated for the service by The Viewpoint Organisation.

The different completion methods were recorded in the database. Two-thirds 194 (62%) of *Persons Responsible* completed questionnaires on paper (62%; n = 192), and with *Persons Harmed* the majority of responses were on paper (87%; n = 60).

**Table 1: Questionnaire completion**

	<b>Completed on paper</b>	<b>Completed on computer</b>	<b>Total</b>
<b>Person Responsible</b>	194	121	315
<b>Person Harmed</b>	60	9	69
<b>Support person (PH)</b>	1	4	5
<b>Support Person (PR)</b>	5	13	18
<b>Total</b>	<b>260</b>	<b>147</b>	<b>407</b>

Based on the Client Form data, 1,422 *Persons Responsible* and 1,097 *Persons Harmed* participated in the Restorative Justice processes that were recorded as part of the evaluation. This represents a response rate for the participant questionnaires of 23% for the *Persons Responsible* and 6% for the *Persons Harmed*.

*It should be noted that the Persons Harmed are likely to be a biased sample. It should be acknowledged that those willing to participate and give their views are more likely to have had a positive experience and give positive views.*

Quotes from *Persons Harmed* and *Persons Responsible* are included in this report. Although the views and words of the respondents is to be valued, some minor editing of these quotes has been carried out for the sake of clarity, and so that the value of the views and quotes is not affected.

The questionnaire responses for the Support Persons of the *Persons Responsible* and *Persons Harmed* are not reported here as the number of responses was low.

## 1.6 Report Content

Section two will begin with an outline of:

- 2.1 **The sample**, for both the Client Form and the questionnaire responses, and
- 2.2 **The Restorative Justice processes and categories**, including the reasons given by the Persons Responsible and Persons Harmed for participating.

In order to reflect the indicators outlined above, the report will then be presented in two main sections:

### 2.3 Indicators relating to the Management of the Process:

- i. Appropriateness of cases for Restorative Justice
  - a. Appropriateness of the offence for Restorative Justice
  - b. Assessing the appropriateness of a Restorative Justice process for the individuals
  - c. Informing and preparing individual participants
- ii. Provision of Restorative Justice Service without delay
- iii. Restorative Justice Outcomes (*a*)
- iv. Case Supervision and Line Management
- v. Overall views of the Restorative Justice process

### 2.4 Indicators relating to Participants in the Process:

- i. Processes to address harm
- ii. Safe and constructive expression of feelings and taking responsibility
- iii. Meeting the needs of Persons Harmed and Persons Responsible
- iv. Restorative justice outcomes (*b*)
- v. Contributing to the Government's Purpose

Most data is gathered from the Client Form data, which gathered data relating to overall cases, the Persons Responsible associated with a case, the Persons Harmed associated with a case, and case outcomes. The data available is not straightforward to analyse for a number of reasons, but particularly because:

- a) Data was collected differently in different local authorities, some using the Viewpoint client form and some using other client forms. For this reason, the data gathered is not consistently categorised and in many cases is incomplete.
- b) As might be expected from previous research and from the Guidance, most of the cases involved multiple participants (Persons Harmed and Persons Responsible) and multiple incidents, although a number involved single incidents, in Glasgow in particular.

Cases are only included for reporting where there are complete and clear records of client and case information and specific Restorative Justice processes. Cases that do not fulfill these inclusion criteria will be excluded from reporting here. This will result in the exclusion of some Restorative Justice cases in some authorities, and there may be some disparities with local Restorative Justice case data. However, in order to provide consistent reporting, the authors felt it was important to use these inclusion criteria.

Where data is missing or incomplete, this will be noted. Where data has been recorded in different ways, and cannot be coherently collated, it will be reported on separately. This will particularly be the case for the data gathered in Glasgow.

## Section 2: Evaluation Findings

### 2.1 Sample

#### Summary of Sample Data

In total, 1,420 cases are recorded as completing the relevant Restorative Justice processes, which were associated with 1,422 Persons Responsible and 1,097 Persons Harmed.

10% or more of the cases related to Glasgow (14%), Fife (12%) and North Lanarkshire (10%).

Most of the Persons Responsible were male (77%) and White (97%).

Most of the Persons Harmed were male (64%) and White (97%).

A third of the Persons Harmed were adult individuals (39%), with around a fifth being businesses (22%) or children (19%), under a fifth being public services / other agencies (16%) and a minority being a community (5%).

A number of cases related to multiple incidents. In total, where data is available, 1,169 Persons Responsible were associated with 4,417 incidents. Incidents most commonly related to vandalism, assault and property offences.

#### a. Client Form Data

In total, 1,420 cases are recorded as completing the relevant Restorative Justice processes.

The authorities completing Restorative Justice processes were:<sup>5</sup>

- 14% Glasgow (n = 192)
- 12% Fife (n = 170)
- 10% North Lanarkshire (n = 137)
- 9% Aberdeen City (n = 125)
- 7% Dundee City (n = 99)
- 5% Highland Council (n = 73)
- 5% Falkirk (n = 72)
- 5% Dumfries and Galloway (n = 70)
- 5% South Ayrshire (n = 66)
- 4% North Ayrshire (n = 59)
- 4% Perth (n = 53)

<sup>5</sup> Authorities are named individually where they have recorded 50 or more cases.

Other areas with 50 cases or fewer (between 1 and 46) constituted 13% of the sample and included Argyll and Bute, East Ayrshire, East Dunbartonshire, Midlothian, Scottish Borders, Angus, West Dunbartonshire, East Renfrewshire, Edinburgh, Moray, Renfrewshire, Orkney and Stirling.

### **Persons Responsible**

In total, 1,422 *Persons Responsible* are recorded as participants in the principal, relevant Restorative justice processes. Data was available for the background characteristics of some of the Persons Responsible involved in the Restorative Justice processes, although data was not complete in all cases:

- 77% were male and 23% female (n = 1,419)
- 99% were of a White background, with under 1% being of an Asian or Other background (n = 456).<sup>6</sup>

### **Persons Harmed**

In total, 1,097 *Persons Harmed* are recorded as participants in the principal, relevant Restorative justice processes. Data was available for the background characteristics of some of the Persons Harmed involved in the Restorative Justice processes, although data was not complete in many cases and Glasgow did not record background information for Persons Harmed:

- 64% were male and 36% female (n = 664).<sup>7</sup>
- 97% were of a White background, 1% were of an Asian background and 1% were of 'another' background (n = 429).<sup>8</sup>
- Most of the Persons Harmed were adult individuals (39%), with around a fifth being a business (22%) or a child (19%) and under a fifth being a public service / other agency (16%) and a minority (5%) being a community (n = 899).<sup>9</sup>

### **Incidents**

As might be expected, a number of cases related to multiple incidents. In total, where data is available, 1,169 Persons Responsible were associated with 4,417 incidents, with

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<sup>6</sup> In over half of the cases involving Restorative Justice processes the ethnicity was not known or not recorded.

<sup>7</sup> In over a third of the cases involving Restorative Justice processes the gender was not known or not recorded.

<sup>8</sup> In over half of the cases involving Restorative Justice processes the ethnicity was not known or not recorded.

<sup>9</sup> In a fifth of the cases involving Restorative Justice processes the person was not known or not recorded.

an average of 3.8 cases per Person Responsible. Of the 4,417 incidents, 3,950 were cases involving multiple incidents and 467 were single incidents.<sup>10</sup>

Of the 4,417 incidents or offences recorded, excluding Glasgow:

- 40% related to vandalism (n = 1,747)
- 13% related to serious assault (n = 583)
- 2% related to common assault (n = 83)
- 2% related to Breach of the Peace (n = 83)
- Under 1% related to shoplifting (n = 21)
- 11% related to other types of theft (n = 497)
- 43% related to other types of offence (n = 1,900)

In Glasgow, of the 177 incidents or offences recorded:

- 25% related to assault, with no distinction about severity (n = 44)
- 14% related to shoplifting (n = 25)
- 1% related to other types of theft (n = 2)
- 10% related to Breach of the Peace (n = 18)
- None related to vandalism (it was not specifically recorded)
- 50% related to other types of offence (n = 88)

## **b. Questionnaire Data**

Evaluation questionnaires were completed by different groups of people, relating to different aspects of the Restorative Justice process. Individuals completing questionnaires included:

- 327 Persons Responsible
- 69 Persons Harmed
- 20 service managers
- 56 professionals responsible for planning, funding and referring to Restorative Justice services.

It is not possible to correlate the questionnaire responses with case and individual characteristics, as individuals were not identified when completing questionnaires due to client confidentiality. In this evaluation, it is therefore not possible to analyse the questionnaire data by case characteristics, such as type of incident experienced, type of Restorative Justice process or type of individual affected by the incident.

It might be useful to collect this data in the future, so it is recommended that future data collection using questionnaires should maintain anonymity, but could include key (and voluntary) questions relating to the incidents and cases the individual respondents are associated with.

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<sup>10</sup> Glasgow data is excluded from this reporting, as all Glasgow cases are reported as one incident per client.

Of the 20 service managers responding:

- 7 were located in a Specialist Restorative Justice Service
- 12 were located in a Youth Justice Service with Restorative Justice trained staff
- 1 was located in another Youth Justice service

## 2.2 Restorative Justice Processes and Categories

### Summary of Restorative Justice Process Data

Most cases were referred by the Children's Reporter (64%) or the police (27%).

Most reasons given for the Person Harmed not participating related to their being unwilling (37%) or not being able to contact them (34%).

Most processes recorded were largely *non-communicative* processes, such as Victim Awareness (61%). Most of these cases did not inform the victim.

A fifth of cases were recorded as involving *direct communication* processes (22%), with 13% being recorded as Restorative Justice conferences and 9% as Face-to-face meetings.

Just under a fifth of cases were recorded as involving *indirect communication* processes (17%), with 13% being recorded as Shuttle Dialogue and 4% as Shuttle Dialogue *with* Victim Awareness.

Some differences were noted in the types of process used, according to the type of incident or the local authority involved.

The reasons given for taking part in the Restorative Justice process by both the Persons Responsible and the Persons Harmed related to broadly the same areas, which have also been identified in previous research. Reasons expressed by both included amends or apologies, changing behaviour or stopping offending, help and support, understanding the impact and consequences of the crime, explaining the incident from their point of view, achieving a conclusion or sorting things out and positive views of the Restorative Justice process.

### a. Referral and Participation

The Scottish Children's Reporter Administration records 31,355 referrals of young people on offence grounds in the period 2008-2009.<sup>11</sup> This would represent the total population of young people who could have the opportunity to engage in Restorative

<sup>11</sup> [www.scra.gov.uk/publications/online\\_statistical\\_service.cfm](http://www.scra.gov.uk/publications/online_statistical_service.cfm)

Justice processes, subject to the inclusion criteria established in the Guidance. The Scottish Government have stated that 6,000 places would be available for Youth Restorative Justice processes in Scotland.

The data collection used for this report shows records referral information for 2,717 cases. This represents a small proportion of the total population available for referral to Restorative Justice. However, as has already been noted, the data collection is incomplete and is not exhaustive, so cannot be said to represent the total population of young people referred to Restorative Justice processes.

Of the referrals recorded, most were referred by the Children's Reporter or the police:

- 64% were referred by the Children's Reporter (n = 1,745)
- 27% were referred by the police (n = 743)
- 6% were referred by Social Work services (n = 152)
- 1% or less were referred by the Procurator Fiscal (n = 34), by Schools (n = 18), by multi-agency teams (n = 10), by Children's Hearing (n = 2), by Sheriff Court (n = 1) or by other sources (n = 12)

In total, 1,420 cases recorded Restorative Justice processes being carried out. Data was provided by different sources and using different methods of recording information. In a number of cases data was incomplete. However, although the data provided for referrals cannot be specifically linked to the data provided in relation to Restorative Justice cases and processes, on the basis of these two figures, there is participation rate in Restorative Justice processes of 52%. Most studies of Restorative Justice in Scotland achieve a participation rate of 42-43% (Kirkwood, 2009).

In total, 318 cases specifically record the non-participation of Persons Harmed and the reasons given. Of these:

- 37% said the Person Harmed was not willing to participate (n = 120, of which 48 were recorded as supporting the service).
- 34% said the Person Harmed could not be contacted (n = 107).
- 6% said the Person Harmed could not see the benefits for them (n = 18).
- 5% said the Person Responsible had already apologized (n = 16).
- 5% of cases were undertaking Victim Awareness, without contact with the victim (n = 16).

Reasons given by under 5% included parents refusing permission (n = 10), fearing repercussions (n = 6), that the Person Harmed was still too traumatized (n = 6), the length of time that had elapsed since the offence (n = 4) and that there was ongoing hostility (n = 1).

Glasgow cases recorded specific information relating to the participation of the Person Harmed:

- In 166 cases there was an identifiable victim.
- In 102 cases the victim was contacted.
- In 93 cases the victim participated.

## b. Restorative Justice Processes

Restorative Justice processes fall into three broad categories, depending on the type of Communication, if any, that takes place between the Person Harmed and the Person Responsible:

- **Direct communication**, which includes Restorative Justice conferences and face-to-face meetings.
- **Indirect communication**, which includes Shuttle Dialogue and Restorative Family Group Conferences.
- Cases where **communication is either not possible or not appropriate**. This includes Victim Awareness, support for Persons Harmed and referral to other services.

In total, 1,420 cases recorded Restorative Justice processes, although it should be noted that Glasgow used a different client form and different categorisation. Where judged to be appropriate the data for Glasgow has been included here, with only the cases that clearly indicate Restorative Justice processes are included (categorised as 'conferences' and associated Restorative Justice processes).

Overall, in terms of Restorative Justice processes used, around two-thirds of the cases involved *no form of communication*, with the most commonly used process being *Victim Awareness* (used in 61% of cases).

### Overall:

- 22% cases involved **Direct Communication**
- 17% cases involved **Indirect Communication**
- 61% cases involved **NO Communication**

### **Direct communication approaches involved:**

- 13% Restorative Justice conferences (n = 185)
- 9% face-to-face meetings (n = 121)

### **Indirect communication approaches involved:**<sup>12</sup>

- 13% Shuttle Dialogue (n = 191)
- 4% Shuttle Dialogue *with* Victim Awareness (n = 53)

### **Non-communication approaches involved:**<sup>13</sup>

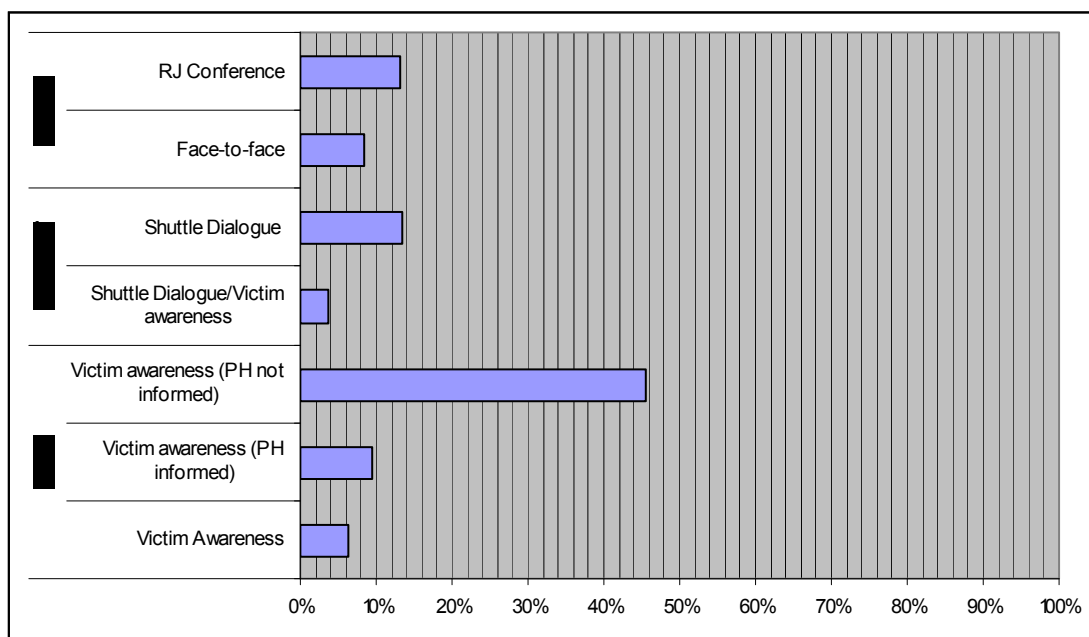
- 45% Victim Awareness, where the Person Harmed *was not* informed (n = 645)
- 10% Victim Awareness, where the Person Harmed *was* informed (n = 135)
- 6% Victim Awareness, with no information about the Person Harmed (n = 90)

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<sup>12</sup> The data also included two cases of Restorative Family Group Conferencing, although these are not included in the reporting here due to the low number.

<sup>13</sup> 'Other' *non-communication* processes, such as one-to-one work or referral to programmes, will be separately reported on.

**Chart 2: Principal Restorative Justice Processes**



Some small differences in the Restorative Justice process according to the type of incident involved were noted, as shown in the table below:<sup>14</sup>

**Table 2: Incidents by Restorative Justice process (n = 4,412)**

Incident	Restorative Justice Process				
	Restorative Justice conference	Face-to-face meeting	Shuttle Dialogue	Victim Awareness	Total
<b>Serious assault</b>	6%	13%	15%	65%	<b>100%</b>
<b>Common assault</b>	2%	10%	11%	77%	<b>100%</b>
<b>Vandalism</b>	8%	6%	20%	66%	<b>100%</b>
<b>BOP</b>	2%	10%	11%	77%	<b>100%</b>
<b>Shoplifting</b>	5%	5%	24%	67%	<b>100%</b>
<b>Other theft</b>	10%	13%	22%	55%	<b>100%</b>
<b>Other</b>	8%	11%	15%	66%	<b>100%</b>
<b>Total</b>	<b>8%</b>	<b>9%</b>	<b>18%</b>	<b>65%</b>	<b>100%</b>

The table shows that:

- Victim Awareness approaches were used more frequently in cases involving common assault or Breaches of the Peace, compared to other incident types.

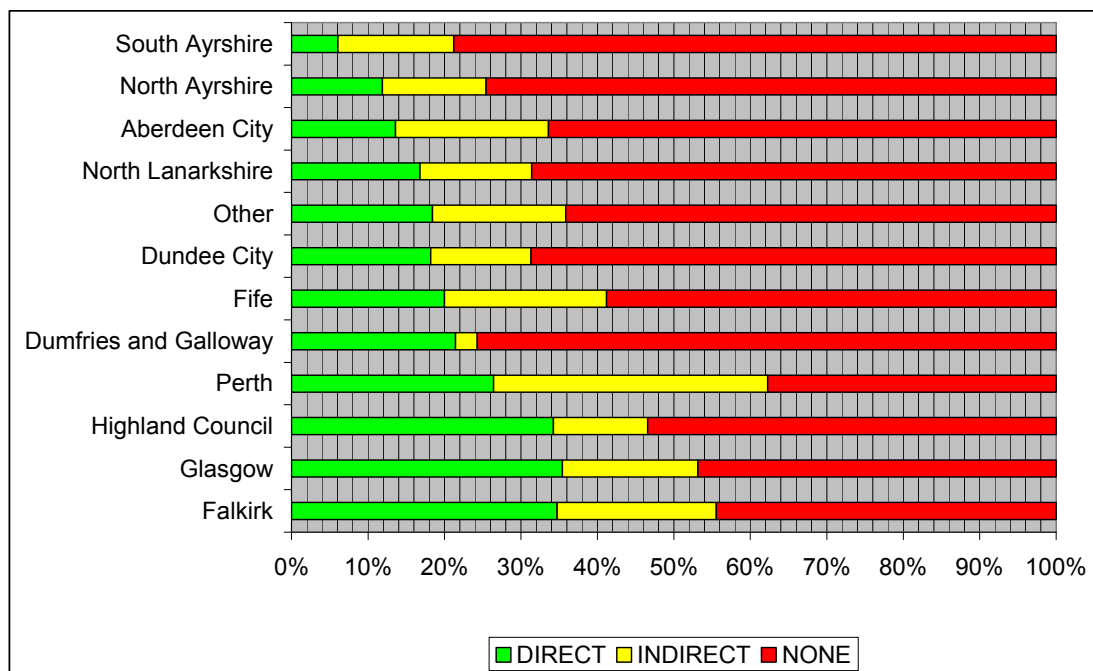
<sup>14</sup> Again, Glasgow cases are not included here, as Glasgow used a different classification of incidents.

- Shuttle Dialogue approaches were used more in cases involving vandalism, shoplifting or other theft, compared to other incident types.
- Face-to-face meetings were used more in cases involving assault or other property offences, compared to other incident types.
- Restorative Justice conferences were used more in cases involving vandalism or other property offences, compared to other incident types.

The different local authorities also had different proportions of *direct*, *indirect* and *non-communicative* processes.

- In four authorities 25% or more of the cases involved *direct communication* processes.
- In three authorities 75% or more of the cases involved *non-communicative* processes.
- In one authority, over a third of the cases involved *indirect communication* processes.
- With the exception of three authorities, 50% or more of the cases in each local authority involved processes where *no* direct communication took place.

**Chart 3: Restorative Justice Processes by Local Authority (including Glasgow)**



Managers of Restorative Justice services, who completed evaluation questionnaires, were also asked to comment on the processes their service provided. Of 20 managers responding:

- 19 said they provided face-to-face meetings
- 19 said they provided Victim Awareness

- 18 said they provided Shuttle Dialogue
- 15 said they provided Restorative Justice conferencing
- 8 said they provided Restorative Family Group Conferencing

Managers were also asked if they commonly provided Restorative Justice processes as the sole approach to cases or alongside other methods. Of 19 responding:

- 15 said Restorative Justice and other methods were used in combination
- Only 3 said Restorative Justice was used as the sole approach
- 1 said Practitioners with different specialisms work on cases

### c. Questionnaire data relating to processes

Some Persons Harmed and Persons Responsible answered questionnaires relating to their experiences of Restorative Justice. They were asked to explain their reasons for agreeing to take part in the process. The reasons given by both the Persons Responsible and the Persons Harmed related to broadly the same areas, and the answers of most respondents typically gave more than one reason:

- *Amends or apologies*
- *Changing behaviour or stopping offending*
- *Help and support*
- *Understanding the impact and consequences of the crime*
- *Explaining the incident from their point of view*
- *Achieving a conclusion or sorting things out*
- *Positive views of the Restorative Justice process*

Of 327 **Persons Responsible**, the reasons given included:

***Make amends or apologise:*** Over 70 young people mentioned wanting to make amends, to make things up to the victim or to apologise to the victim.

#### ***Persons Responsible: Quotes***

*'the reasons i wanted to take part was so that i could have a chance to see my victims and say sorry'*

*'so it would show the boys that i know it was wrong and that i am sorry for what i done.'*

*'i wanted to do something to make things right i know that what i did was wrong'*

*'i felt i had to take part so i could say sorry to the person hurt if i didn't it made me feel as if i did not care.'*

**Changing behaviour:** Over 50 young people mentioned changing their behaviour, stopping getting into trouble, stopping offending or helping their behaviour.

***Persons Responsible: Quotes***

*'because i want to stop offending and become better'*

*'I decided to take part because I felt as if I needed to calm down and show that offending isn't always the answer.'*

*'to try and keep myself out of trouble and made me realize where I went wrong'*

*'I didn't want to get into trouble any more.'*

**Getting help:** Over 40 young people mentioned accessing help, in terms of understanding how it would help them following an explanation, citing specific things they needed help with, or thinking it would help them for the future.

***Persons Responsible: Quotes***

*'After my sacro worker explained what she could do to help me then i decided it would help me a lot'*

*'because i knew i needed help to stop offending'*

*'because i was needing help with my anger when drunk'*

*'i thought if i took part I would learn a lot more and it would help me with my behaviour.'*

*'to make things better for myself and my future'*

*'To help me get a better job and to show others and myself that i can change'*

**Understanding crime:** Over 40 young people mentioned wanting to understand the impact and consequences of crime, for themselves and for others.

***Persons Responsible: Quotes***

*'Because i wanted to look over the things i done and how to deal with the situation if it happened again'*

*'i took part to understand more the things that i was doing wrong and get a better understanding of why i should and shouldn't do things'*

*'to let them know that i had done wrong and to realise peoples feeling'*

*'To make me aware of what happened and what might happen if i don't change.'*

**Knew they had done wrong:** Over 30 young people mentioned knowing they had done wrong, that they felt bad or that they felt ashamed.

***Persons Responsible: Quotes***

*'I decided to take part in the service because I knew I had done wrong and wanted to fix it'*

*'I took part in the service to prove I did want to apologise and show that I knew that what I did was wrong'*

*'I took part to make things right as I was ashamed of what I did'*

*'I felt bad and I wanted to make it better'*

**Better than the alternative:** Over 20 young people said they thought the Restorative Justice process was better than the alternative options, particularly the Children's Panel.

***Persons Responsible: Quotes***

*'I didn't want to go to the children's panel and I felt bad for what I done'*

*'so that I didn't go to a panel or anything like that and to help myself to become a better person.'*

*'Helpful and better than getting charged.'*

*'So I would not get put into care'*

**Explain or prove themselves:** Over 10 young people mentioned wanting to demonstrate their remorse, to explain the incident, to demonstrate they would change or to have a more positive record.

***Persons Responsible: Quotes***

*'because it would make things better for me, and people who were ever looking at my record would be able to see that I tried to make things better as well'*

*'I believed that this was the best possible option for me to approach and that I would be able to partake in the meetings with no fuss. I also wanted to prove my headteacher wrong, who claimed I needed anger management and who said I was a waste of time.'*

*'To help me get a better job and to show others and myself that I can change'*

**Other responses:** Other responses mentioned by the Persons Responsible included: positive views of their Sacro or individual worker, being advised to take part by family or friends, thinking it was the best or a good thing to do, to sort things out or achieve a conclusion, wanting to avoid a criminal record and citing the reason they were in trouble.

#### ***Persons Responsible: Quotes***

*'After my sacro worker explained what she could do to help me then i decided it would help me a lot '*

*'After the service was explained to me and the reason why the Sacro person was there, I thought it would be good to take part. I also wanted to let them know that i wasn't a bad person '*

*'Because I wanted everything to be over and done with.'*

*'i took part because i didn't want it to go on my record and i thought it was the best thing to do'*

*'I was encouraged by my parent and wanted to apologise for my behaviour.'*

*'So I wouldn't end up with a criminal record which would affect my future.'*

*'sounded like a good idea. to try sort things'*

Of 69 **Persons Harmed** responding, the reasons given included:

**Giving help:** Over 20 respondents mentioned wanting to try to help the young person, or young people involved, or to make a difference. A number of respondents also mentioned wanting to help, or support, the Restorative Justice process, and wanting to help schools or local communities.

#### ***Persons Harmed: Quotes***

*'I wanted to play any part I could in trying to help the young people concerned'*

*'We felt that it would be beneficial for the young person to see our point of view and the problems his/hers actions impacted on the business.'*

*'to help support those trying to encourage young people to live more positively'*

*'I hoped it would assist in creating a better youth justice system.'*

*'Hoped it would make a difference at the school and the young person'*

**Promoting understanding:** Over 10 respondents mentioned wanting the young person, or young people, to understand the impact and consequences their actions had, on them as an individual, on their business or on the community.

**Persons Harmed: Quotes**

*'I felt it was important. That it might help the perpetrator to understand the feelings of the victim.'*

*'The youngster would continue in his present mind state unless he could appreciate the hurt he caused.'*

*'Thought it would help the child to understand the consequences of her actions'*

**Other reasons:** other comments made by under 10 respondents included: gaining a conclusion or closure, understanding the incident, positive views about the Restorative Justice process and its benefits, changing the behaviour of the young person involved, to achieve a sense of justice or amendment, the willingness of the Person Responsible to be involved and apologise, wanting direct communication, being interested in the service or improving individual relationships and self-confidence or personal beliefs.

**Persons Harmed: Quotes**

*'had taken part in one before and felt it was worthwhile'*

*'I believe that this system of justice will benefit both us and the offender more so than normal court procedures, and hopefully teach respect for other people's property. I have more faith in this system than the courts.'*

*'I believe young offenders have often just made a mistake and I hoped that by taking part I might help the young people involved to change their ways'*

*'To give those involved the opportunity to right their wrongs'*

*'i wanted to speak directly to the person who committed the crime and see if anything positive could come out of it'*

*'My son kept asking questions about person involved and I knew it would help him a lot'*

*'We believe in giving young people a second chance in life and hope that they will see the error of their ways before it is too late.'*

*'just to get things sorted out'*

*'to find out what happened and to try to reach an agreement'*

#### **d. Conclusion: Restorative Justice Processes and Categories**

The Guidance describes *'Restorative Justice processes falling into three broad categories, dependent on the kind of communication (if any) that takes place between the person harmed and the person responsible: that is direct communication, indirect communication and cases where communication is either not possible or not appropriate.'*

Almost all services said they were able to provide Face-to-Face Meetings (95%) Victim Awareness (95%) and Shuttle Dialogue (90%), which reflects the guidance categories. Service managers were also asked to describe *'In what ways do you think that the Restorative Justice processes work particularly well?'* Responses indicate the emphasis placed on communication in Restorative Justice processes, particularly the importance of *direct* communication.

However, in this evaluation almost half the Restorative Justice processes did not involve *any* communication processes; the focus of work was Victim Awareness with the Person Responsible. With this Victim Awareness work, the Person Harmed was more commonly *not* informed than informed.

In over 300 cases for which there is information, it is reported that the Person Harmed was not willing to participate and a further third could not be contacted. This contrasts with feedback from Persons Harmed (see Section 2.3, part v), where Persons Harmed describe improvements including:

- The need to ensure participation or presence of the Person Responsible
- More opportunities for direct interaction or more time for direct interaction

In addition, a number of Persons Harmed describe appreciating the opportunity to present their point of view and to explain the impact the incident had on them, thus emphasising the value of direct communication. Over two thirds of Persons Harmed giving feedback provided positive comments about the process of meeting directly with the Person Responsible. Additionally, Persons Harmed liked the constructive nature of the process, particularly providing a sense of conclusion (see Section 2.4, part iii).

The Guidance emphasises that Restorative justice is primarily designed to address the harm caused by identifiable action(s), rather than (merely) to address the underlying causes of harmful behaviour or patterns of such behaviour; although it can and generally does have the effect of reducing the level of harmful behaviour, the reason for, and the focus of, any restorative justice process will be identifiable action(s) that have caused harm.

The Guidance also reminds that The National Standards for Scotland's Youth Justice Services (2002) states that *"Every victim of a young offender referred to the reporter on offence grounds will have the opportunity to engage in a [restorative justice] scheme, where appropriate"*.

Research has found that Persons Harmed relate more positive experiences and outcomes when they participate in Restorative Justice than when they do not, particularly in terms of satisfaction with the process, feeling a sense of closure, reduced post-traumatic stress and more positive views of the Person Responsible (Strang, 2002).

The participation of the Persons Harmed has also been found to be beneficial for the Persons Responsible and to have an impact on reoffending rates (Dutton and Whyte, 2006).

In this evaluation service managers were asked about the methods they used to engage Persons Harmed. Responses were variable. Some services seemed to emphasise initial direct contact with face-to-face visits to explain the service. A majority began initially with a letter to the Person Harmed and then follow-up when possible with a visit. Others relied on the referrer to get agreement to participation, and some described links with Victim Support. As one manager said, *'this is an area where improvements could be made'*.

Shapland (2006) describes the importance of paying attention to the engagement process,

*'One possible reason for lower numbers of direct face to face meetings is that participants have been found to choose indirect approaches when given the option. If direct processes are to be used, it is evident that attention needs to be given to ensuring victims are engaged in the process.'*

Best results in the engagement of Persons Harmed have been found to arise from facilitators meeting in person with Persons Harmed prior to any Restorative Justice process, especially face-to-face processes. The participation of Persons Harmed has been found to be influenced by who asks them, how they are asked and the priority given to their convenience and emotional state (Sherman et al, 2004).

The Guidance also suggests the importance of engaging the Person Harmed and addressing their needs, stating that,

*'Those harmed and/or the person responsible for causing harm may not wish to communicate in a restorative justice process. If so, then the Restorative Justice Service should offer (a) an appropriate support process to the person harmed (in partnership with relevant victim services) and (b) a victim awareness process to the person responsible.'*

Research also describes how *indirect* processes are in danger of leaving people feeling unsure about what was happening during and after the process (Shapland et al, 2006) and that outcomes could be affected by reducing the *quality* of information that was conveyed between participants using *indirect* approaches (Kirkwood, 2009).

In this evaluation, it is striking to note that a quarter of the Persons Harmed did not know if the Person Responsible had completed their Action Plan (see Section 2.3, part iii). Additionally Persons Harmed particularly appreciated direct communication and the constructive nature of the process giving a sense of conclusion (section 2.4, part iii).

Responses from both Persons Responsible and Persons Harmed report the benefits of participating in Restorative Justice processes featuring *direct* communication (see later sections). Where direct communication processes are not in place, more attention needs to be paid to ensuring Persons Harmed are informed about outcomes and the participation of the Persons Responsible in action plans.

## **2.3 Evaluation Indicators: Indicators relating to the Management of the Process**

### **a. Appropriateness of Cases for Restorative Justice**

The guidance for Restorative Justice processes highlights the following key factors in relation to ensuring the appropriateness of cases for Restorative Justice:

- a) Appropriateness of the offence for the process
- b) Assessment processes, including establishing the willingness of the Person Responsible to take part and to make amends
- c) Informing and preparing individual participants for their participation

#### ***Appropriateness of the offence for Restorative Justice***

The Guidance states that it is not appropriate to use Restorative Justice Services to address the harm caused by sexual offences or other serious and violent crimes such as murder or attempted murder, unless the case is taken by a practitioner who has been specifically trained in this area, with appropriate case supervision and independent therapeutic support available to all those involved.

The Client Forms record client referrals being refused in 28 cases and records the reasons for client referrals being refused in 27 cases. Of these:

- 7 were refused because of the length of time from the offence
- 4 were refused because they did not meet criteria
- 2 were refused because of high risk factors
- 1 was refused because of insufficient resources
- 13 were refused for other reasons

The evaluation questionnaires also asked service managers and professionals responsible for planning, funding and referring to Restorative Justice services if there were crimes or anti-social behaviours that they would consider *not* suitable for Restorative Justice processes.

Although most managers and funders / referrers said they thought there were unsuitable cases, not all professionals responding expressed a consistent view.

Of 20 managers responding, most said they thought there were cases that were not suitable (n = 14), although five managers said that there were no unsuitable cases and one said they did not know or had no opinion. Similarly, of 54 professionals from funding / referring agencies responding, most said they thought there were cases that were not suitable (n = 33), although 13 managers said that there were no unsuitable cases and 8 said they did not know or had no opinion.

When asked to describe which types of offences they considered to be unsuitable, the responses from managers and referrers included:

- Sexual offences were mentioned by 33 respondents
- Other serious offences (such as murder, domestic violence or child abuse) were mentioned by 20 respondents
- Violent offences were mentioned by 12 respondents
- Minor offences were mentioned by 5 respondents
- Drug-related offences were mentioned by 4 respondents

Although respondents from both groups detailed the types of offences they thought were unsuitable, the respondents from referring agencies in particular gave more detailed responses:

### ***Referring Agencies: Quotes***

*'Sexual Crime, Very Violent Crime, but would be interested to know this from a victim's perspective too.'*

*'Serious offences such as murder, attempted murder, rape etc.'*

*'In some familial abuse cases'*

*'Serious assaults/crimes of violence where the person harmed may not wish to take part in the process'*

*'Domestic violence, or where there is a power imbalance which could re-victimise the victim and certain sexual offences'*

*'So-called victimless crimes (e.g. drug misuse crimes where there is little evidence of remorse although that is mostly to do with mindset and attitude as opposed to a particular crime)'*

### ***Assessing the appropriateness of a Restorative Justice process for individuals***

Managers responding to the evaluation questionnaires were asked to describe how they decided which referrals were appropriate for a Restorative Justice approach. Of 20 managers responding, the responses included:<sup>15</sup>

- *Person Harmed / identifiable victim*: mentioned in 8 responses
- *Timescales / time between incident and referral*: mentioned in 7 responses
- *Restorative Justice processes / guidelines*: mentioned in 4 responses
- *Type of offence*: mentioned in 4 responses
- *Age of the Person Responsible*: mentioned in 4 responses
- *Person Responsible admits responsibility*: mentioned in 4 responses
- *Appropriate geographical area*: mentioned in 2 responses

<sup>15</sup> Most responses included more than one of the factors outlined below.

- *Meeting with the Person Responsible and Person Harmed*: mentioned in 2 responses

### **Service Managers: Quotes**

*'There must be a clearly identifiable person harmed. It is beneficial if the offence on which the referral is based was not too long prior to the referral.'*

*'Identifiable person harmed, Type of and date of incident, YP age'*

*'Young Person should reside in the geographic locality. Young Person should be aged between 11-17 years. It is alleged that the young person has committed an offence and the reported (or other referring agent) considers that the evidence is sufficient'*

*'Age? is the young person known and is it appropriate at this time? Has an offence taken place? Is there an identifiable victim? The victim could also be the community'*

*'Criteria states - offence type - has to have a victim, age - under 17, length of time since offence - less than 3 months, stay in geographical area, accept charge'*

*'offences not sexual or 2 serious. Yp under 16. yp admits offence, expresses remorse and is willing to make amends'*

*'Type of offence. Timescale. Admission of offence. Expression of desire to accept responsibility and giving consideration to offer an apology'*

*'Willingness to participate by both victim and offender acceptance of offence no minimisation or partial blaming.'*

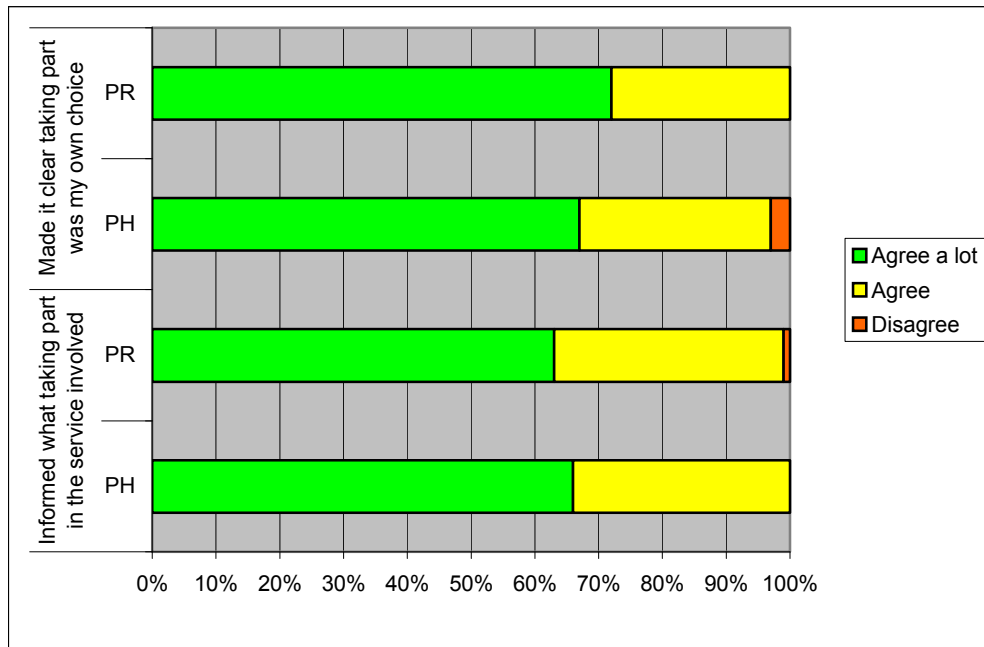
*'By reading police reporter comments and by meeting the young person and victim (if the victim is willing to engage)'*

### **Informing and preparing individual participants for their participation**

Persons Harmed and Persons Responsible were asked to give their views about the ways in which they were informed about and involved in the Restorative Justice process. Of 327 Persons Responsible and 69 Persons Harmed responding, over 90% said that it had been made clear to them that taking part had been their own choice, with around a third of each group saying 'agree a lot'.

Both groups were equally positive about being informed about the Restorative Justice process. Of 326 Persons Responsible and 68 Persons Harmed responding, all or almost all said that it had been made clear to them that taking part had been their own choice, with again around a third of each group saying 'agree a lot'.

**Chart 4: Person Harmed and Person Responsible: Views relating to Service Involvement**



Of 316 Persons Responsible responding, 93% said they had ‘just the right amount of time’ to make a decision to take part in the service, with 5% saying too much time (n = 16) and 2% saying not enough time (n = 6). All 68 of the Persons Harmed said they had ‘just the right amount of time’ to make a decision to take part in the service.

**b. Conclusion: Appropriateness of Cases for Restorative Justice**

The Guidance states that it is not appropriate to use Restorative Justice Services to address the harm caused by sexual offences or other serious and violent crimes such as murder or attempted murder, unless the case is taken by a practitioner who has been specifically trained.

In both the ‘manager’ group and the ‘referrer’ group, a majority (about 75% in each group) indicate that there are referrals which are inappropriate for Restorative Justice, with sexual offences being frequently mentioned. However, in both groups, about 25% of managers and referrers do not consider any offences or behaviours inappropriate. The Guidance recommends that cases involving ‘*sexual offences and other serious or violent crimes should be taken by specially trained practitioners*’, but does not specifically exclude them.

Research evidence is not clear about the success of Restorative Justice approaches for different types of offence, particularly in terms of property offences. Restorative Justice processes were found to have a positive impact on reoffending for property crimes in a prominent random controlled trial in England (Shapland et al 2008). However, other studies have not found a significant difference for property offences and have suggested that evidence is more consistently positive in relation to violent offences (Whyte, 2002).

In this evaluation, only 15% of cases were for assault out of which 13% were serious assaults. There is no information to report whether these cases were dealt with by specially trained practitioners, a factor identified in research as critical, particularly when dealing with more serious offences (see, for example, Whyte, 2002). Around 12% of cases related to property offences, a minority of which related to shoplifting. Again, this evaluation does not provide specific evidence either way as to the effectiveness of the approach in terms of these offences in particular.

Cases included in this evaluation, however, do most commonly relate to vandalism (40%), which is in line with Kirkwood's (2009) view that the most likely cases and the cases most likely to successfully involve the participation of Persons Harmed were 'moderate' offences such as vandalism. In these cases, it is thought that individual Persons Harmed in particular might feel that a successful outcome was already more likely and would have a positive cost-benefit analysis, as the incident was sufficiently serious for the Persons Harmed to desire psychological and other benefits, but not so serious that the costs were too heavy, e.g. fears associated with a more serious crime. Nevertheless, as Kirkwood pointed out, it is difficult to assess the success of such cases, as success is often determined by the participation of the Person Harmed ('victim') in the first place,

*'The fact that no other case-related factors were significantly related to agreement rates suggests that once people have agreed to participate then the likelihood of success is high regardless of the nature of the offence, the relationship between the victim and accused, or other factors related to the background of the accused. It should also be noted that success rates are generally very high, and this lack of variance may make it difficult to distinguish factors related to success.'*

While in this evaluation it is not possible to report more detail in relation to outcomes for specific offences, over 90% of Persons Responsible said that taking part had made them want to change their behaviour, although a lesser number of Persons Responsible thought they would not offend again (75%). Persons Harmed were less certain about these outcomes: about two thirds thought the Person Responsible wanted to change their behaviour, but only a third said that they thought the Person Responsible would *not* offend again. In this evaluation, it is not possible to say if the views of the Person Harmed were more positive or negative for different types of offence.

The Guidance also describes the importance of assessing the appropriateness of a Restorative Justice process for the individuals concerned, in relation to a number of factors and not only the type of incident.

Service Managers were asked '*How do you decide which referrals are suitable for a Restorative Justice Approach?*'. Responses to this question produced more information about unsuitable offences, or behaviours, with almost all managers listing sexual offences as being unsuitable rather than making any comments relating specifically to assessments of appropriateness. A minority of managers specifically referred to the Best Practice Guidelines, and recommendations about assessing the appropriateness of Restorative Justice for the individuals concerned, assessing risks and enabling individuals to make choices.

Some managers when asked about the appropriateness of referrals for Restorative Justice described the following:

- Having an identifiable Person Harmed
- Person Responsible admits responsibility
- Meeting with the Person Responsible and Person Harmed
- Timescales were also mentioned

However, only a third of managers mentioned any one of these factors as being important in considering the appropriateness of a referral.

The Guidance states that Restorative Justice is primarily designed to address the harm caused by identifiable action(s). The focus of the process will be the identifiable action(s) that have caused harm and participants must be able to express their feelings in a safe and constructive way. Initial screening of Persons Responsible is essential, prior to approaches to the Persons Harmed.

Assessment and screening of Persons Responsible also plays a critical role in the engagement of victims in the Restorative Justice process. Participation is thought to be more likely where Persons Harmed are well prepared by specialist practitioners and where assessment and screening already indicates a willingness of the Person Responsible to accept responsibility and a reduced risk of 'costs' to the Persons Harmed (Sherman and Strang, 2007; Kirkwood, 2009). Best results in the engagement of Persons Harmed have been found to arise from facilitators meeting in person with them prior to any Restorative Justice process (Sherman et al, 2004), and the best success rates for agreements being reached and fulfilled have been found where properly prepared and implemented processes were carried out by specialist mediators (Galway and Hudson, 1996, cited in Whyte, 2002).

In this evaluation, where Persons Harmed are engaged in a Restorative Justice process, over 90% are positive about the process of engagement, confirming that 'participation had been their own choice' and that they had been informed about the process. A large majority also confirmed that the right amount of time had been devoted to this process. *The same level of positive response is reported by Persons Responsible.*

This is clearly in line with the Guidance, and also demonstrates that some Persons Harmed can be positive about this engagement process, particularly in terms of:

- Enabling individuals to make an informed choice about their participation.
- Enabling participants to make an informed choice about Restorative Justice processes.
- Enabling individuals to prepare for participation in a Restorative Justice process.

The Guidance also describes the circumstances in which Persons Harmed and/or the Persons Responsible may not wish to communicate in a Restorative Justice process. If so, then the Restorative Justice Service should offer (a) an appropriate support process to the Person Harmed (in partnership with relevant victim services) and (b) a victim awareness process to the Person Responsible.

Information about Restorative Justice processes provided for this evaluation shows large numbers of cases in which Victim Awareness was provided (61%) and in 83% of cases providing information, the Person Harmed was not informed (see *Section 2.2*). It is not clear if this high figure is due to the preference of Persons Harmed or decisions about the appropriateness of cases for Restorative Justice processes. This warrants further attention, particularly in view of the importance placed on the involvement of Persons Harmed to successful Restorative Justice processes of addressing harm, in both the Guidance and in research.

### **c. Provision of Restorative Justice Service without Delay**

The Guidelines describe that Restorative Justice processes have been shown to be most effective where, amongst other factors, the agency brings a Restorative Justice Service to the child or young person as soon as possible after the incident that has caused harm. The Client Form data recorded information relating to the number of days the Restorative Justice processes took and the length of time between referral dates and Restorative Justice meetings. The evaluation questionnaires completed by managers and referral agencies also address referral issues and the referral process.

#### ***Client Form data: Process length and referral time***

The Client Forms recorded data relating to the timing of case processing, including the dates cases were 'opened' and 'closed', the length of time between referral and meetings and the length of time of delays to Restorative Justice meetings, where applicable.

In 89 cases, data was recorded for date of referral *and* the date Restorative Justice meetings were held. Most meetings took place between 50-59 days following referral (22%; n = 20) and meetings took place in under 60 days for 60% of the cases recorded (n = 59). However, meetings took place *after* 100 or more days in 11% of the cases (n = 10). The average length of time was 60 days (mean score, with a median of 56).

Meetings were known to be delayed in 22 cases (of 121 recorded). Of these:

- 37% were delayed by 1-9 days (n = 8)
- 41% were delayed by 10-19 days (n = 9)
- 5% were delayed by 20-29 days (n = 1)
- 9% were delayed by 30 to 39 days (n = 2)
- 9% were delayed by 40 to 49 days (n = 2)

Different types of processes were associated with different lengths of case time:

- Of the 362 recorded Restorative Justice conferences, most cases were open for 50-99 days (36%).
- Of the 163 recorded Shuttle Dialogue processes, most cases were open for 10-49 days (38%).
- Of the 77 face-to-face meetings, most cases were open for 50-99 days (40%).
- Of the 529 Victim Awareness processes, most cases were open for 10-49 days (42%).

### **Managers and Referral Agencies questionnaires: Aspects of Referral**

Professionals responsible for planning, funding and referring to Restorative Justice services and service managers responded to questionnaires about processes. Of 56 funding / referring professionals responding, 46 said that they / their service made referrals specifically for Restorative Justice processes. Of 19 managers responding, 16 said their service received referrals from other agencies, specifically for Restorative Justice processes.

Service managers responding to the questionnaires, in both specialist services and general youth justice services with specialist staff, said they received referrals specifically for Restorative Justice:

- Of 7 Specialist Restorative Justice service managers responding, 6 said they received referrals specifically for Restorative Justice.
- Of 12 Youth Justice service managers, with Restorative Justice training staff, 9 said they received referrals specifically for Restorative Justice.

Of 17 service managers responding, most said they received referrals from the Children's Reporter or from Local Authority social work, with:

- 17 saying they received referrals from Local Authority social work
- 16 saying they received referrals from the Children's reporter
- 6 saying they received referrals from the police
- 6 saying they received referrals from the Children's Hearing
- 6 saying they received referrals from the Procurator Fiscal
- Under 5 saying they received referrals from Sheriff Court
- Under 5 saying they received referrals from other sources (e.g. schools, anti-social behaviour teams, Young Offender's Institutions or Secure Care Accommodation)

Of 61 managers and funders / referrers responding, most were positive about the responsiveness of Restorative Justice provision to referral demands, with most saying that Restorative Justice provision was 'always' or 'often' able to meet referral demands.

**Table 3: The extent to which the Restorative Justice provision has been able to meet referral demands: funding/referral agency and service manager views**

<b>Response</b>	<b>Referral Agency</b>	<b>Service Manager</b>	<b>Total</b>
Always	21	9	30
Often	18	6	24
Sometimes	5	1	6
Rarely	1	0	1
<b>Total</b>	<b>45</b>	<b>16</b>	<b>61</b>

The reasons for not being able to meet referral demands are not explored in this evaluation. Where services are not able to meet demand, the importance of the agency bringing a Restorative Justice service to the child or young person as soon as possible after the incident that has caused harm cannot be met.

Even so, of the 16 managers reporting that their services received referrals, 15 managers reported that there were agencies that could make referrals or refer more cases. One manager highlighted the importance of,

*'the constant need to demonstrate high standards and raise awareness of the benefits of the service in each area. People often don't understand what RJ is or how it differs from Mediation or community service.'*

Service managers did highlight a number of agencies which could refer more cases. Education and school services are frequently mentioned, as are the police service and residential settings for children and young people.

#### ***Service Managers: Quotes***

*'Multi agency referrals including from health and education.'*

*'Police from Restorative warnings'*

*'Children's units, schools'*

*'Procurator Fiscal, Schools, social work, residential units'*

*'Anti Social Behaviour Teams/Procurator Fiscal'*

*'Police housing, antisocial behaviour teams community workers, schools court service'*

*'Social Work -Youth Action Teams; schools and police.'*

*'Police/Schools'*

*'Social worker, police, anti social behaviour team the children's hearing the reporter. Schools.'*

*'All Educational establishments, children's unit or secure accommodation'*

*'As just suggested; CJU, Court, SWD, school, Police could be referring and it would assist our relationship with them if the did. Any situation where there has been harm. self referrals'*

*'Young Peoples Units, Schools, Neighbourhood Response Team, Youth Action .'*

#### **d. Conclusion: Provision of Restorative Justice Service without delay**

The Guidelines describe that Restorative Justice processes have been shown to be most effective where, amongst other factors, the agency brings a Restorative Justice Service to the child, or young person, as soon as possible after the incident that has caused harm.

*Note: A case should generally be refused if the 'Referral Received Date' is three months after the 'Date of Referral Incident'. An exception would be if the incident was very serious, e.g. assault.*

Most service managers reported that they were always able to meet the demand for referrals 'always' or 'often', with half overall saying 'always'. Only one manager said they were rarely able to meet demands.

This pattern, however, varies between specialist and non-specialist services. Of the six *specialist* services receiving referrals for Restorative Justice, five managers reported that they were always able to meet referral demands. Of the nine more *general* services with Restorative Specialisms, under half of the managers reported that they could always respond to referral demands.

The reasons for not being able to meet referral demands are not explored in this evaluation, but Specialist Restorative Justice Services describe a much higher ability to meet referral demands. Three people who make referrals but where there isn't a specialist Restorative Justice Service indicated that it would be helpful to have one.

Data is available in relation to case processing and the length of time for different Restorative Justice processes. Almost two thirds of meetings took place within 60 days. Cases involving Restorative Justice Conferences and face-to-face meetings were open for 50 to 99 days and for Shuttle Dialogue and Victim Awareness processes open for 10 to 49 days.

As a guide, The RJS Guidelines allow 20 days to provide a report to the referrer, outlining why the referral was accepted, including assessments of the *Person Responsible's* willingness to engage and motivation to change and co-operate. If these timescales are adhered to, most meetings take place within another 40 days.

In their open comment responses, some respondents from both the Persons Responsible and Persons Harmed groups suggested there is a 'need for the process to take less time'. Additionally some Persons Harmed commented that they found the process time-consuming or that they did not have enough time.

Two managers also reported a need to make the process more timely or to speed up delivery.

This aspect of the process was not measured or questioned directly. It is also not possible to comment if views about the time of the process varied between areas or approaches. However, it could be the subject for further attention in the future, as it can be linked to the experience of the process and willingness of Persons Harmed and Persons Responsible to participate in the process.

### **e. Restorative Justice Outcomes (a)**

As described in the guidance, and in relation to the *management* process, a 'Restorative Justice outcome' means the process reaches an agreement or Action Plan, reached as a result of a Restorative Justice Process. The agreements or plans should include tasks and programmes aimed at meeting the individual and collective needs and responsibilities of the participants, particularly addressing the impact of the incident and providing programmes to help the Person Responsible address the underlying causes of their behaviour.

Client Forms record the Restorative Justice process outcomes for 633 cases. Of these, most are recorded as resulting in apologies or expressions of remorse (n = 407). Of the recorded cases:

- 64% record an apology or expression of remorse (n = 407), including letters and Shuttle Dialogue.
- 11% record a victim awareness process (n = 67).
- 8% record a reparative task or payment (n = 49), including community work or payment in kind.
- 6% record a meeting or explanation (n = 36), including the Person Harmed conveying the impact and the Person Responsible explaining the incident.
- 2% record agreements (n = 12), particularly non-harassment agreements.
- 6% record other outcomes (n = 37), including the Person Harmed being informed about the Action Plan being completed by the Person Responsible or the Person Responsible having already apologised.

The Client Forms also record the 'other' services or programmes that clients are referred to in 363 cases. Of these, 281 were recorded as being provided by Sacro, 92 as being provided internally by the service and 10 as being provided externally. Of the 363 other programmes or services recorded:

- 38% related to offending, attitudes and socio-moral reasoning (n = 144)
- 33% related to anger and emotional management (n = 128)
- 9% related to relating to others (n = 33)
- 8% related to alcohol and substance misuse (n = 29)
- 5% related to problem-solving skills (n = 18)
- 3% related to future choices (n = 12)
- 2% related to education, training or employment (n = 6)
- 1% or less related to housing and accommodation (n = 2), physical or mental health (n = 2) and sports and leisure (n = 1)
- 2% related to other services, including social work authority (n = 8)

The evaluation questionnaires answered by the Persons Harmed and Persons Responsible also provide some data in relation to Restorative Justice outcomes, particularly Action Planning.

Of 310 Persons Responsible and 55 Persons Harmed responding:

- 69% of Persons Responsible said that an Action Plan was agreed to.
- 69% Persons Harmed said that an Action Plan was agreed to.

The Persons Responsible were more positive that they had completed their Action Plan than the Persons Harmed, with 99% of the Persons Responsible saying they had completed all or some of their Action Plan and with 68% of the Persons Harmed saying the Person Responsible had completed all or some of their action plan.

Both Persons Harmed and Persons Responsible gave comparable responses in relation to other people completing their part of the Action Plan, with 69% of the Persons Harmed and 64% of the Persons Responsible saying that others had completed all or some of the things they had agreed.

It is striking to note that a quarter of the Persons Harmed did not know if the Person Responsible had completed their Action Plan, and over quarter of both the Persons Harmed and Persons Responsible said they did not know if others had completed their part of the Action Plan. This highlights the importance of follow-up communication.

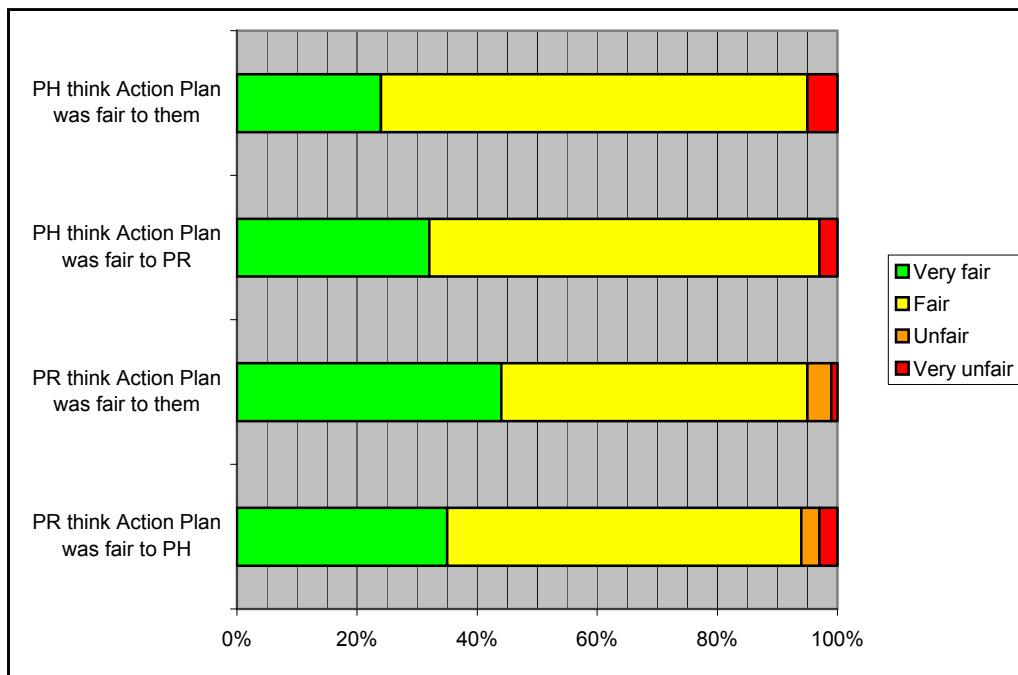
**Table 4: Persons Responsible and others have done what they agreed to do in the Action Plan – views of Persons Harmed and Persons Responsible**

	Person Responsible has done what they agreed		Others have done what they agreed	
	Person Harmed (n = 38)	Person Responsible (n = 215)	Person Harmed (n = 29)	Person Responsible (n = 175)
<b>Yes, all of it</b>	47%	78%	45%	51%
<b>Yes, some of it</b>	21%	21%	24%	13%
<b>No</b>	8%	1%	3%	2%
<b>I don't know</b>	24%	-	27%	34%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Over 90% of the Persons Harmed and Persons Responsible said they thought the Action Plan was fair to them, with 24% of the Persons Harmed and 44% of the Persons Responsible saying they though they Action Plan was 'very fair' to them.

Similarly, over 90% of the Persons Harmed and Persons Responsible said they thought the Action Plan was fair to the opposite participant, although the most positive responses were more equal. Overall, 32% of the Persons Harmed said they thought the Action Plan was 'very fair' to the Person Responsible and 35% of the Persons Responsible said they thought they Action Plan was 'very fair' to the Person Harmed.

**Chart 5: Person Harmed and Person Responsible: Views about the fairness of Action Plans**



Service managers and professionals responsible for planning, funding and referring to Restorative Justice services were also asked to give their views about Restorative Justice outcomes and the perceived effectiveness of the process.

Service managers and professionals responsible for planning, funding and referring to Restorative Justice services were most positive in relation to the effectiveness of Restorative Justice for reducing offending behaviours and providing additional support to young people.

Overall, 23 service managers and funders / referrers said they thought the process was 'very effective' in helping young people to stop / reduce offending, and 32 said they thought the process was 'very effective' in providing additional support to young people (of 73). This compares to 14 service managers and funders / referrers saying they thought the process was 'very effective' for providing support to the families / carers of the young people (of 72).

**Table 5: Perceptions of the effectiveness of Restorative Justice process: Views of service managers and referring agencies**

	Response				
	Very effective	Quite effective	Quite ineffective	Very ineffective	Don't know
<b>Helping to stop / reduce offending</b>					
<b>Service Managers</b>	9	10	0	0	0
<b>Referrers</b>	14	33	4	0	3
<b>Total</b>	23	43	4	0	3
<b>Providing additional support to young people</b>					
<b>Service Managers</b>	10	8	0	0	1
<b>Referrers</b>	22	27	2	1	2
<b>Total</b>	32	35	2	1	3
<b>Providing support to families / carers responsible for young people</b>					
<b>Service Managers</b>	5	11	1	0	2
<b>Referrers</b>	9	32	6	1	6
<b>Total</b>	14	42	7	1	8

Service managers and the funders / referrers were also asked to give their views of the benefits of Restorative Justice processes for Persons Responsible, Persons Harmed and the wider community. Responses reflect the desired outcomes described in the Restorative Justice Guidance, and also reflect the benefits of the process identified by the Persons Responsible and Persons Harmed in their own responses.

Of 20 service managers and 56 funders / referrers responding, many cited numerous benefits of the process for the Person Responsible, the most commonly described responses relating to:

**An apology or making amends:** 20 service managers and 19 funders / referrers described Persons Responsible being able to take responsibility for their actions, make an apology or make amends for their crime, and to enable them to move on constructively rather than being punished.

**Understanding:** 14 service managers and 37 funders / referrers described Persons Responsible understanding the consequences and impact of their action, on themselves and others, and to gain more empathy for others, particularly the Person Harmed.

**Stopping Offending:** 7 service managers and 8 funders / referrers described the process encouraging Persons Responsible to change their behaviour and to stop or reduce the risk of offending in the future.

**Other responses:** Other responses described restoring relationships, accessing help and support programmes, to help with personal issues and to help stop offending, the constructive nature of the process, the benefits of direct meetings with the Person Harmed, diversion from more formal justice processes and giving the Person Responsible an opportunity to gain a conclusion to the process and move on.

### **Service Managers: Quotes**

*'By raising their awareness of the impact of their behaviour the risk of their re-offending is reduced.'*

*'To address their offending behaviour, providing opportunities for them to take on responsibility for their behaviour and also issues of victim empathy and awareness.'*

*'Bringing home to them the consequences of their behaviour. Heading off further conflict with the law. Offering an opportunity to wipe the slate clean, thus allowing them to feel that they have made up for their behaviour.'*

*'Opportunity to reflect on what happened, understand consequences and make amends to the person they have harmed so they can move forward.'*

*'Proper awareness of the full range of effects of crime / asb on individuals and communities. Important part of encouraging young people to take responsibility for their actions and try to think through consequences for themselves and others before they...'*

*'Allowing the opportunity for the young person to make amends for their offending behaviour and identify the impact their actions have on the wider community'*

*'An opportunity to take responsibility for their actions and apologise and/or make amends to the person(s) harmed.'*

*'It gives young people opportunity to repair the harm and move on.'*

*'Enables a young person to take responsibility for actions. Gives a chance to understand how others are affected by behaviour. An opportunity to make amends and look at other ways could have tackled the situation.'*

*'The idea of repairing the damage that they may have caused to another or to a community. Helps them face up to the hurt they may have caused. Makes positive changes in their behaviour and once positive change has been made feel able to put the past behind'*

*'Having an understanding of the harm they may have caused, having to accept personal responsibility for their behaviours and to help young people desist from further offending'*

### Funders / Referrers: Quotes

*'An excellent process for allowing young people the opportunity to learn about the consequences of their behaviour and to repair the harm caused'*

*'Diversion from further offending, victim empathy, pathway into constructive leisure activities, drug/alcohol awareness and education, mediation and reparation, positive role models, building confidence, self esteem and self awareness in young people.'*

*'Getting the correct support services and diversionary intervention to the young person quickly'*

*'I think that it offers to young people who may have behaved impulsively to pause and think about what they have done and what effect they have had on other people. I think done well this process is challenging and thought provoking and a better way...'*

*'insight into and understanding from the perspective of the person harmed.'*

*'It gives an awareness of impact on victim and a chance to evidence their remorse (hopefully) and make amends.'*

*'It provides the possibility of a positive process to act as a sentence, i.e. outcome of legal process/ a service/ a diversion from legal process which in and of itself can provide a qualitative outcome that can reduce offending and anti social behaviour.'*

*'Speed and direct impact of intervention. Victim awareness and satisfaction. Ability to move on from offending behaviour by making amends.'*

*'The main benefits are early, proportionate and effective intervention with children and families'*

*'Victim empathy. Understanding of consequences. Diversion from formal system.'*

Of 20 service managers and 56 funders / referrers responding, again many cited numerous benefits of the process for the **Person Harmed**, the most commonly described responses relating to:

**Interaction:** 16 service managers and 27 funders / referrers described Persons Harmed benefiting from direct interaction with the Person(s) Responsible, meeting face-to-face, to express their views and experiences directly to the Person(s) Responsible, to ask questions and to explain their point of view and experience to the Person(s) Responsible.

**Involvement in the process:** 7 service managers and 14 funders / referrers described Persons Harmed appreciating being involved in the process, having a role, having a voice, having a sense of ownership or empowerment and the process taking their views and needs into account.

**An apology or making amends:** 6 service managers and 28 funders / referrers described Persons Harmed receiving apologies, amends or reparation for the offence they experienced, seeing that the incident is being dealt with and enabling them to move on or achieve a sense of closure.

**Understanding:** 4 service managers and 18 funders / referrers described Persons Harmed gaining an understanding of the incident, why they were offended against, some of the reasons for offending behaviour and to gain an understanding of the Person Responsible.

**Other responses:** Other responses described helping Persons Harmed to feel safer and reduce their fear, benefits to wider family members, restoring relationships, psychological benefits and the Persons Harmed feeling a sense of satisfaction.

### Service Managers: Quotes

*'They can gain some understanding of those who have committed offences against them. Very importantly, their feelings of safety can be increased.'*

*'Allowing the opportunity for the person harmed to have a say in how the young person may make amends'*

*'The opportunity to let persons responsible hear the effect their offending has had. To receive reparation/apology.'*

*'To have chance to ask questions/get answers, know that the matter is being dealt with and receive amends which suits their needs'*

*'An opportunity for the person harmed to put over their thoughts and feelings, to express how they have been affected by the young persons actions, to receive reparation, to move on.'*

*'The opportunity to have the full effects of the crime heard and understood by others including the perpetrators. Hopefully, feeling that justice in the wider sense has been served and therefore helping with recovery and an enhanced sense of personal safety and security.'*

*'It gives people harmed by crime the opportunity to have their views and needs taken into account. It gives them answers to their questions. They are no longer ignored by the criminal justice process and can participate in the outcome.'*

*'Some people harmed gain a sense of satisfaction that they may have prevented a young person from further offending.'*

*'Gives them a voice. Acknowledges that something wrong happened, gives an opportunity to ask questions of the person responsible, helps reintegration into the community. Symbolic and material reparation for damage/harm. Enables wider families and friends to be involved.'*

*'An understanding why they were offended against and the opportunity to explain how the offence has impacted on them and their family.'*

### Funders / Referrers: Quotes

*'Chance to meet the person and give their view on what happened and how it feels to be a victim of a crime.'*

*'Gives people closure as well as an understanding of the reasons why a young person may present with anti-social or offending behaviour/s'*

*'Simply they have the chance, where they can, to face the person committing the crime and explain to them the feelings they have. They can also see the person committing the crime has a human side and that they can actually say sorry and even go some way to mend the difficulty they have caused. The process definitely allows more closure for the victim.'*

*'Active engagement with person causing harm, ensuring they understand the consequences of the crime, apology and reparation'*

*'Reassurance / possibility to inform the offender of the impact of the crime to them personally.'*

*'To allow some form of closure on what had happened and to gain an understanding as to why they became a victim of crime.'*

*'To empower the victim to enable them to participate in the process and perhaps offer closure.'*

*'A confidence that agencies are there to provide support and solutions. To make perpetrators accountable and modify behaviour.'*

*'Chance to meet with the young person and get them to understand the harm they have caused'*

*'Provides an understanding of the judicial process and can be therapeutic'*

*'The person harmed has the opportunity to become involved in the process and feel that their views matter. They also have a say in how the person who has harmed them can make amends to them for the harm they have caused'*

*'A better understanding of why they are a victim and why the offender is offending. The opportunity to address issues directly with the offender to enable them to have closure. '*

*'The recognition that some thing is being done rather than they are forgotten about.'*

*'To be involved in the process and provide reassurance that their views are counted and that they matter. RJ also allows them to understand the circumstances behind an offence, to know that perhaps this was an isolated incident and that they were in no way targeted.'*

The Guidance also describes that Restorative Justice can meet a range of needs that arise in the aftermath of behaviour that has caused harm. For the community, it gives them the opportunity to use an approach that restores and builds relationships and support networks; to draw on and strengthen community based resources and solutions; and to have a process that enables those who cause material damage or emotional distress in the community to address the harm they have done.

Of 20 service managers and 56 funders / referrers responding, again many cited numerous benefits of the process for the **Community**, the most commonly described responses relating to:

**Community involvement:** 11 service managers and 17 funders / referrers described communities being directly involved in the process, communities achieving the case resolution, enhancing community cohesion and confidence, restoring community relationships and providing communities with a role in the process.

**Making amends:** 9 service managers and 26 funders / referrers described amends or reparation, often providing communities with visible evidence of amends or reparation, demonstrating positive, constructive approaches to justice, with communities seeing evidence of justice processes working for them and to their benefit.

**Views of young people:** 5 service managers and 8 funders / referrers described restoring relationships with young people, changing community perceptions of young people and increasing tolerance and understanding of young people.

**Reducing offending:** 3 service managers and 12 funders / referrers described the risk of offending being reduced and community safety being increased.

**Other responses:** Other responses described helping communities to feel safer and reduce their fear, communities being able to see the role they can play and the constructiveness of the process.

#### Service Managers: Quotes

*'Increase community confidence, increase tolerance towards young people, increase in involvement around intergenerational work'*

*'Communities can see the positives from a reparative task. It can go some way in countering the media view of young people and their anti-social behaviour.'*

*'It gives them an awareness of the processes in place to deal with crime in their area and gives them the opportunity to have a say in how the offender could make amends for his/her actions.'*

*'Visual signs of reparation for the community and victims'*

*'Reduction in re-offending and therefore increased safety for all in the community. A reduction in conflict with in the community. Future resolution of issues more likely achievable by the community itself.'*

*'Opportunity to bridge the widening gap between young people and communities.'*

### **Service Managers: Quotes (ctd.)**

*'Understanding that there are wider efforts to tackle crime/anti social behaviour than Police intervention / prosecution etc. Potential for supporting neighbourhoods and communities to participate in measures to tackle crime/anti social behaviours.'*

*'People from the community are directly involved and can contribute to reducing crime in their area. They can also gain a greater understanding of why people commit crime and in return can address community safety in a constructive way.'*

*'Restorative justice processes, if they are well managed, can evidence to communities that the justice system can actually listen to and take account of their views, opinions and wishes as to how offending behaviour can be effectively and constructively addressed.'*

### **Funders / Referrers: Quotes**

*'Hopefully an increase in community confidence due to knowing that there is something being done about anti-social behaviour and offending in the community.'*

*'Responsibility over and above dealing with effects of crime but looking at issues of prevention - community engagement in its widest sense'*

*'Gives communities confidence that anti-social behaviour and offending are not tolerated or ignored.'*

*'Communities are reassured that behaviours are getting dealt with in a worthwhile and non-penal way while the associated problems are getting addressed'*

*'It makes communities safer places to live in by engaging young people who are becoming involved in offending and anti social behaviour and working with them to effect change in their behaviour.'*

*'Aware of a process that can help communities be involved and in some instances address and resolve their own issues.'*

*'To see that something is being done to address offenders and while accepting that many would want a more punitive approach, Restorative Justice has been seen to be, in some cases more effective.'*

*'To help reduce the fear of crime and allow communities to gain understanding and empower them.'*

*'Seeing that young people will give back and right the wrong in some form'*

*'Again reassurance that their welfare and concerns are being addressed. That something is being done to tackle crime without resorting to persecuting young people'*

*'It allows communities to have a responsibility for their young people in difficulty, and to stop seeing young as the media present them.'*

## **f. Conclusion: Restorative Justice outcomes**

The evaluation considered outcomes as described in the Guidance.

As described in the guidance, and in relation to the management process, “Restorative Justice outcome” means an agreement or Action Plan reached as a result of a Restorative Justice Process, which may include tasks and programmes aimed at meeting the individual and collective needs and responsibilities of the participants. This may include tasks that seek to address, either practically or symbolically, loss or damage experienced by the Person Harmed, and programmes for the Person Responsible that seek to address the underlying causes of their behaviour (such as anger management, substance misuse or peer pressure). Agreements or Action plans should contain only reasonable, constructive, mutually respectful and proportionate obligations. They must be restorative rather than punitive.

Outcomes also included the provision of other services, in this evaluation the most frequently reported relating to either ‘*offending attitudes and socio moral reasoning*’ (38%) and ‘*anger and emotional management*’ (33%).

Many of the service managers, funders and referrers viewed the processes of apology and making amends as beneficial for Persons Responsible, for Persons Harmed and for communities harmed.

### **In relation to Persons Responsible**

Both service managers and other professional respondents describe Restorative Justice as ‘very effective’ in reducing offending behaviour and providing additional support to young people.

### **In relation to Persons Harmed**

Both service managers and other professional respondents describe the benefits of the process for Persons Harmed, in particular providing an opportunity to express their feelings about what has happened. Persons Harmed are felt to benefit by receiving an apology and some form of compensation or making amends. It is agreed that Persons Harmed experience reductions in their fear of crime and feel safer.

### **In relation to communities**

The Guidance describes that Restorative Justice can meet a range of needs that arise in the aftermath of behaviour that has caused harm.

Both service managers and other professionals report that Restorative Justice can increase community confidence because positive interventions are taking place and offending and anti-social behaviour is being addressed. Communities are seen as safer places to live as crime is reduced.

Two thirds of Persons Harmed and Persons Responsible describe an Action Plan being agreed to, and both groups agreed that this was fair. This is in line with other research, where participants reported positively on the fairness of Restorative processes, and positive outcomes such as agreements were achieved (Whyte, 2002).

However, as noted above, it is striking that a quarter of Persons Harmed did not know if the Person Responsible had completed their action plan. This highlights the importance of follow-up communication and the need for the Restorative Justice process to be a coherent process in entirety, ensuring that the process reaches a fully satisfactory conclusion after any actual meetings have taken place.

This is particularly important in view of research findings, which suggest how important it is for Persons Harmed to believe in the willingness and ability of Persons Responsible to take responsibility for their actions, and for closure to be achieved. This is particularly important when some of the more negative comments from Persons Harmed found in this evaluation relate to not having faith in the apologies given by young people (see *Section 2.4*) and not all of the Persons Harmed saying they accepted the apology or agreed that it was sincere (6 of 50 responding did not). The overall length of time taken by the process is again an important factor here, particularly in terms of the length of time taken to achieve closure, and is again commented on by the Persons Harmed.

Similarly, although most of the Persons Harmed (91%) said they had received an apology, 27% of Persons Responsible did not know if the apology had been accepted. Again, this has an effect similar to that for the Person Harmed, where closure is not able to fully achieved by the Person Responsible, and they are not able to achieve some of the outcomes motivating their participation, as identified in research: giving an explanation or apology, dealing with the offence, helping the victim and achieving a satisfactory personal narrative, with the Person Harmed understanding their point of view (Kirkwood, 2009).

Most outcomes (64%) record an apology or expressions of remorse. However, only 6% record a meeting that would fully enable the Person Harmed to convey the impact or the Person Responsible to explain the incident. Again, the importance of *direct communication* to the process is identified in research, with *direct communication* being identified as most important to participants and as more likely to achieve a better *quality* of information being conveyed (Whyte, 2002; Kirkwood, 2009).

This view is supported by the evaluation data. Most of Persons Harmed responding were positive about the process of meeting with the person responsible, being able to talk directly with the Person Responsible and being able to understand their point of view. They also appreciated being able to explain their point of view and the impact of the incident. In general these comments are associated with the Person Harmed experiencing direct communication with the person responsible.

Only a minority of outcomes record direct communication processes taking place and yet participants are positive about the outcomes from these. Where direct communication has not taken place, gaps are identified in the information being available to both Persons Harmed and Persons Responsible. These gaps may relate to gaps in communication or a lessening of the impact of information conveyed by a third party.

## **g. Case supervision and Line Management**

The role of the case supervisors and line management are to provide advice and oversight, support and resources. In addition, supervision and management should provide clear support and guidance in practice development and working in accordance with Restorative Justice practice guidance.

All 20 of the service managers responding said they had been providing Restorative Justice processes for over two years. Of the managers, 17 said they had received training in Restorative Justice practice.

Although many of the funders / referrers described their understanding of the use of Restorative Justice Processes, in youth crime and anti social behaviour as 'extensive' (34 of 55), 20 described their knowledge as 'basic' and one as 'limited'.

When the professionals responding to the funders / referrers questionnaire were asked how they had gained knowledge of Restorative Justice processes (where more than one response could be selected by each respondent):

- 42 said Information from the Restorative Justice Service
- 38 said conferences
- 34 said Government documents
- 25 said Information from a Youth Justice coordinator
- 25 said Briefings from my organization
- 24 said Information from the Youth Justice Service
- 23 said Research papers / publications
- 16 said Professional journals

Of the 20 managers responding:

- 18 said they supervised staff who used Restorative Justice processes.
- 14 said they monitored practice, to ensure compliance with Government best practice guidance, with 5 saying they used their own practice standards.
- 12 said their service provided specialist trainers, or consultants, to support staff in their use of Restorative Justices processes.

Of 20 managers, 18 said they were familiar with the Government Guidance on Restorative Justice principles, protocols and criteria. Of 55 funders / referrers, 36 said they were familiar with the guidance.

Most of the service managers and funders / referrers described the Government Guidance as helpful or very helpful (17 of 19 service managers and 22 of 36 funders / referrers). However, a minority described them as 'very helpful' (6 of 19 service managers and 5 of 36 funders / referrers)

**Table 6: How helpful professionals find the Government Guidance on Restorative Justice principles: Views of service managers and funders / referrers**

	<b>Service Managers</b>	<b>Funders / referrers</b>
<b>Very helpful</b>	6	5
<b>Helpful</b>	11	27
<b>Not very helpful</b>	1	4
<b>Total</b>	<b>18</b>	<b>36</b>

Of 18 managers responding, 15 said the Government Guidance had been incorporated into local working practices, with two saying 'no' and one saying they didn't know. Of the two managers who had *not* incorporated the Guidance into practice, both managed a Youth Justice Service with Restorative Justice trained staff. One of these managers said they had found the Guidance helpful and one said they had found it not very helpful. The manager who said they did not know if the Guidance had been incorporated into practice managed a Specialist Restorative Justice Service.

#### **Service Managers: Quotes**

*'As we are a small service, this guidance has ensured we provide a focused service inline with other organisations across Scotland'*

*'Core knowledge and skills informs practice and training required. It is clear and easy to follow and aids job descriptions etc. Ensures that the service is constant.'*

*'Made service more accessible by other agencies'*

*'The guidance has influenced the route of referrals to the service and also supports the implementation of service standards, such as criteria, timescales, suitability of referrals etc. Assists in ensuring staff fully understand their role, the why behind the what we do etc. Helps to clarify exactly what RJ is and is not and to clearly differentiate between RJ and mediation.'*

*'We have embedded it into practice in youth justice. Also staff in other Council Services such as the Safer Communities Team have received training and incorporate this into their work on anti-social behaviour.'*

*'In developing the RJ Service a comprehensive literature review was under taken, however the main source of reference was the Scottish Government's "Best Practice Guidance for Restorative Justice Practitioners and their Case Supervisors and Line Managers (Scotland)".'*

*'Re-enforcing best practice which we incorporate in working with all clients and service users'*

*'Shaped our practice and is now incorporated into any major decisions changes within the services.'*

Of 35 funders / referrers responding, 28 said the Government Guidance had been incorporated into local working practices, with 5 saying 'no' and two saying they didn't know. None of the managers said they had encountered difficulties in using the Government Guidance and only three professionals responding to the funders / referrers questionnaires said they had encountered difficulties. Difficulties were described by one Youth Justice Co-ordinator and two professionals.

#### ***Funders / Referrers: Quotes***

*'difficult so far to encourage referrals from social workers and other agencies although when this happens and the process is followed in line with the guidance productive pieces of work have been carried out. Guidance ok for those familiar with RJ but difficult for other agencies to follow. difficult to initiate contact at times with the person harmed if referral not from reporter or schools.'*

*'I feel it is excessively bureaucratic and prescriptive.'*

*'Prior to guidance we had restorative justice provision built in to our strategy and were providing services. The guidance confused and complicated this'*

#### **h. Conclusion: Case Supervision and Line management**

One key evaluation question is *'the extent to which Government guidance is being implemented and consistent practice being developed'*.

A majority of Service Managers and Youth Justice Coordinators indicated that they were familiar with the Guidance and found it 'helpful' or 'very helpful'. A majority of managers and coordinators also indicated that they have incorporated the Guidance into practice. A majority of professional respondents responsible for planning, delivering and making referrals for Restorative Justice processes indicated they were aware of the Guidance and positive as to the benefits.

Only five local authority areas did not respond and it is reasonable to conclude that there is an awareness across a majority of authorities about the Guidance and the benefits. However, it should be noted that this point was not uniformly found in this evaluation, and that some professional respondents were either not aware of the Guidance or it had not been implemented.

The Government also developed and published Best Practice Guidance for Practitioners, Supervisors and Managers. The aim of this document is to enable and encourage practitioners and organisations in Scotland to provide this kind of service by establishing nationally recognised standards of best practice.

The majority of managers report that they monitor practice to ensure compliance with standards. However, responses to this questionnaire show differences between specialist Restorative Justice Services and generic Youth Justice Services. In the latter services, it appears that the specific standards set for Restorative Justice Practice have not been introduced and practice is monitored in relation to *individual* service standards.

Five service managers reported that they used their own service or practice standards. Of these, four managed Youth Justice Services with Restorative Justice trained staff and one managed a Youth Justice service with no Restorative Justice trained staff.

The Best Practice Guidance distinguishes between Case Supervisors and Line Managers:

***The role of the line manager** is to ensure that the Restorative Justice practitioner has the support and resources to work effectively, but without getting involved in how individual cases are worked. They do not need to be a Restorative Justice practitioner...*

*Line management and case supervision may be provided by the same person. However, where the Restorative Justice practitioner's line manager does not provide case supervision, then a key part of their management role is to ensure case supervision is available from someone else. This could involve arranging supervision from a Restorative Justice practitioner in another organisation.*

***The role of the case supervisor** is to provide advice and oversight in individual cases, to bring new ideas and a fresh perspective, and to check that nothing is going seriously wrong. Case supervisors need to be fully competent Restorative Justice practitioners.*

Service Managers were asked about their responsibility for case supervision. The majority reported that they supervised staff who use Restorative Justice processes in their practice. Of 18 managers responding, three reported that they had *not* received training in Restorative Justice Practice, but one reported that the service provided specialist trainers or consultants to support staff in their use of Restorative Justice processes.

In a majority of services, the manager supervises staff who use Restorative Justice processes and the manager has received training. In one instance where the manager has not received training specialist consultants are employed to support practice as recommended in the Guidance.

### **i. Overall views of the Restorative Justice Process**

All of the professionals and funders / referrers responding to the questionnaires said they thought that Restorative Justice Processes were important, to some extent, with most saying they were 'very important' (46 of 55).

Of the 20 managers responding, 7 were from a specialist Restorative Justice service, all of whom said they thought Restorative Justice processes were 'very important'. Of the 12 managers who worked in a Youth Justice service with Restorative Justice trained staff, 8 said they thought it was 'very important', one said 'important' and three said 'moderately important'.

**Table 7: How important professionals think Restorative Justice processes are within Youth Justice: Views of service managers and funders / referrers**

	<b>Service Managers</b>	<b>Funders / referrers</b>	<b>Total</b>
<b>Very important</b>	15	31	46
<b>Important</b>	2	18	20
<b>Moderately important</b>	3	6	9
<b>Not very important</b>	0	0	0
<b>Not at all important</b>	0	0	0
<b>Total</b>	<b>20</b>	<b>55</b>	<b>55</b>

Service managers were asked to describe the ways in which Restorative Justice worked particularly well. As with the other descriptions provided by other professionals, and Persons Harmed and Persons Responsible, the responses related to the same categories, which in turn related to the Restorative Justice guidance categories. Of 20 professionals responding:

- 10 described aspects of interaction, particularly between Person Harmed and Person Responsible.
- 10 described the process helping both Person Harmed and Person Responsible to gain an understanding of the incident and the views and experiences of the other.
- 5 described the opportunity to give an apology, make amends or reparation.
- Other responses described helping to give a sense of closure or achieving a fresh start, reducing fear, helping to restore relationships and positive aspects of the process, e.g. being positive, structured and focused.

### **Service Managers: Quotes**

*'When the person responsible and the person harmed actually come to a face to face meeting.'*

*'Bringing both persons harmed and persons responsible together to provide a true insight for the person responsible as to how their actions have affected others'*

*'It answers persons harmed questions. It gives the persons responsible the opportunity to make amends and to hear the consequences for others of their action. It allows the person responsible to be accepted back into their community and move on'*

*'Structured and focused intervention, ideal for young people and persons harmed.'*

*'Opportunity for the young person responsible to meet the person harmed, effective in that it can be a real eye opener to the young person, one way to help them understand the effect of their actions on others and their future potential.'*

### ***Service Managers: Quotes (ctd.)***

*'The process works well when all parties come together'*

*'It enables the person harmed to express their feelings and air their views in a safe and constructive way. For the offender it can be an uncomfortable experience. Facing a victim and confronting the consequences of their behaviour can be harder than appearing in court. Offenders have to account for themselves, face up to what they've done and the harm they've caused to other people. For man, it may prove to be the turning point at which they decide to stop offending.'*

*'They allow victims to confront offenders, and to call for restitution in a form that is meaningful to them.'*

*'Is an individualised but holistic assessment. Allows not only the offender but also the person harmed to receive support. Works through a process - the end being that they may have contact with the person harmed and undertake a reparative task to repair any damage done. Allows both parties to explain how they feel and what supports may be needed'*

Professionals were asked in what ways they thought the service should be developed. Again, the managers gave complex responses, often mentioning more than one area for improvement. Of 20 service managers responding, the descriptions largely related to:

- **Scope:** 4 managers mentioned extending the scope of the service, in terms of dealing with more serious offences, increasing the types of Restorative Justice processes used or developing the service within schools or the care sector.
- **Management:** 3 managers mentioned aspects of the management of the process, including referral issues and the use of resources.
- **Timing:** 2 managers mentioned making the process more timely or speeding up delivery.
- **Awareness:** 2 managers mentioned the need to raise awareness of Restorative Justice, particularly in the media and other agencies.
- **Standards:** 2 managers mentioned the need to improve adherence to standards and consistency of practice.
- **Person Harmed:** 2 managers mentioned the need to ensure and improve the levels of involvement of Persons Harmed in the process.
- **Other:** Other responses included the need for staff training and accreditation or taking measure to ensure the participation of Persons Responsible.

### **Service Managers: Quotes**

*'An awareness for the offender that non-Participation will have further consequences for them.'*

*'At the moment we deal with mainly low-level offences. We could deal with some more serious offences.'*

*'Increase methods used e.g. conferencing'*

*'It has limited scope in terms of one to one work with offender and victim, however it could be developed within schools and within the care sector. It has been successful in working with groups of young people involved in the same offence...'*

*'More consideration given at referral stage to the possibilities of RJ as a discrete process.'*

*'Needs to be published and get the media to promote the advantages.'*

*'Ongoing RJ training for staff. Monitoring of Practice Standards. Accreditation of practitioners.'*

*'Reduction in the time between offence being committed and the referral. Examination of the level of resources that should be deployed for a given referral rate.'*

*'Restorative Justice in Scotland is hindered by the piecemeal approach, by lack of awareness and understanding, by lack of consistent standards and adherence to protocols by different service providers. Equal access to RJ for all persons affected by crime'*

*'Service could be in receipt of persons harmed details rather than depending on referrers who contact victims and offer opt-out at that stage. If they don't opt out service receives their details.'*

*'We need to shift our emphasis to bring the PH more centrally into the process. Do some publicity and advertising work with other agencies, particularly the Police and schools.'*

Persons Harmed and Persons Responsible responding to questionnaires were also asked to give their views about how the service might be improved.

Of 69 Persons Harmed responding, many said they were happy with the service and could not suggest any improvements. Improvements suggested included:

- The need to ensure participation or presence of the Person Responsible
- The need for the process to take less time
- The need to ensure that apologies take place

- The need to ensure that Action Plans are made
- More opportunities for direct interaction, or more time for direct interaction
- Involving parents in the process
- Making the service more tailored to individual needs
- More resources

**Persons Harmed: Quotes**

*'I suggested that the child's apology should be logged and brought out at any future hearing, before another apology is written by him. There is NO POINT in having a series of PSEUDO APOLOGIES.'*

*'I think that the time between the incident and the closure is excessive (approx 13 months) but I realise that this is probably out of your control.'*

*'I wonder if there would be a point in involving parents at the same time or another time.'*

*'I'm sure the service in general needs better funding, more staff etc, but I am completely satisfied that in my situation I could not have been treated/informed/dealt with any better than I was.'*

*'Make all young people complete a action plan; don't give them a choice'*

*'more follow-up to ensure the young person was going to attend the meeting or re-arrange another meeting'*

*'Others might like to get a letter of apology, mine never came but i don't care if it comes or not as it is in the past.'*

*'Perhaps a face to face meeting with the young person might have added another dimension in him facing up to what he had done.'*

*'Perhaps force young people to come to these meetings rather than making it voluntary.'*

*'The parents of the offender plus the ones who offended be brought together. It is not right that the person who had the damage done is left to pay for someone else's offence.'*

Of 327 Persons Responsible responding, again most said they were happy with the service and could not suggest any improvements. Improvements suggested included:

- **Practical issues:** 17 Persons Responsible mentioned the process taking less time, taking place at a different time of day, meetings not being cancelled, spending more time having more interaction and doing more work on the computer.

- **Activities:** 7 Persons Responsible mentioned doing more activities, particularly drawing, computer-based activities, diaries and trips.
- **Work:** 6 Persons Responsible mentioned doing less work, particularly less writing.
- **Other:** More choice in the process, trying to ensure apologies were accepted, more focus, extending the service to schools and to prevention.

### **Persons Responsible: Quotes**

*'If there was less cancellations which made it a long period of time... i may have forgot a lot what we talked about.'*

*'work done on a pc rather than worksheets'*

*'could have talked to me longer'*

*'if there wasn't so much writing'*

*'I think that if they focused more on the task then it would be better'*

*'Instead of staying in the house they could take you out'*

*'Try to ensure that the harmed person/s accept a sincere apology'*

*'It is a shame that this type of service is not provided by education services or schools to pupils having difficulties without an incident happening.'*

*'I could have got a diary that i had to keep on my day to day life to show that I was keeping out of trouble'*

*'more games on laptop'*

Despite the positive views expressed by participants in the process, service managers and professionals involved in funding and referring to Restorative Justice services, the funding of Restorative Justice services was clearly an issue.

Professionals responding to the questionnaire for funders / referrers gave generally positive views about the value for money of Restorative Justice processes according to a range of criteria. Overall, most funders / referrers said Restorative Justice processes represented 'good' or 'excellent' value for money in provision of alternative diversionary disposals, provision of services to victims, improving offenders' attitudes to offending, creating safer communities and increasing public confidence in the Youth Justice system.

Respondents were most positive about Restorative Justice processes representing value for money in terms of provision of alternative diversionary proposals (where 21 of 50 said ‘excellent value’) and improving offenders’ attitudes to offending (where 14 of 50 said ‘excellent value’). Only one respondent judged Restorative Justice processes to represent ‘poor’ value for money in relation to improving offenders’ attitudes to offending and in relation to reducing offending.

**Table 8: Value for money of Restorative Justice processes – Views of Funders / Referrers (excluding ‘don’t know’ responses)**

	<b>Excellent Value</b>	<b>Good Value</b>	<b>Average Value</b>	<b>Poor Value</b>	<b>Total</b>
Provision of alternative diversionary disposals	21	19	10	0	<b>50</b>
Provision of services to victims	7	21	15	0	<b>43</b>
Improving offenders’ attitudes to offending	14	22	13	1	<b>50</b>
Reducing offending	9	23	15	1	<b>48</b>
Creating safer communities	9	22	16	0	<b>47</b>
Increasing public confidence in the Youth Justice system	6	22	18	0	<b>46</b>

Of 18 service managers responding, when asked what priority funding to Restorative Justice services received in local authority budgets:

- Only 2 said it was given a high priority
- 6 said it was given moderate priority
- 6 said it was given low priority

Of 18 service managers responding, when asked if Restorative Justice services will continue to be funded in their local authority area:

- Only 7 said a specialist Restorative Justice service would be funded
- 2 said specialist posts would be funded
- 5 said funding was generic for the Youth Justice Service
- 3 said they did not know

Similarly, professionals responding to the funders / referrers questionnaire also gave a varied picture of how certain funding was.

Of 55 professionals responding to the funders / referrers questionnaire:

- 22 said a specialist Restorative Justice service would be funded
- 1 said specialist posts would be funded

- 4 said funding was generic for the Youth Justice Service
- 23 said they did not know

Some service managers and Youth Justice Co-ordinators made additional comments:

#### Service Managers: Quotes

*'This is a concern, as the financial climate becomes more difficult, RJ could become less of a priority to those who do not fully understand or appreciate the benefits of an effective RJ service.'*

*'This is a changing environment and will continue to be, impossible to say that we will still receive funding next year, funding for one service has been cut for 09/10 by 50%, the others varying inflationary uplifts. Simply strive to provide a positive, professional service and encourage/raise referrals wherever possible.'*

*'There are no immediate plans to disband the Service that has been in place for a number of years, though the movement to more Locality based Services will impact on the service delivery practices in the future'*

#### Youth Justice Co-ordinators: Quotes

*'Funded for the next 12 months. Service will be reviewed at that point.'*

*'I am trying to develop the area I work in to include a restorative response for both pre and post sentence arenas.'*

*'Specialist service currently funded for the next 6 month period and will be reviewed.'*

*'Current funding will continue to support current arrangements, although as with many other partnership arrangements, financial pressures will determine longer term commitments'*

#### j. Conclusion: Overall views of the Restorative Justice process

**Service managers, funders and referrers** all considered Restorative Justice processes to be important, with many echoing research findings and describing the importance of the interaction between the Person Harmed and Person Responsible. Some managers described ways in which the services could be developed; for example, by dealing with more serious cases or developing the service in schools or the care sector.

**Persons Harmed** also identified the need to ensure the participation or presence of the Person Responsible and to create more opportunities for direct interaction. Some of the suggestions made in relation to enforcing participation are contrary to the principles of Restorative Justice, which are based on voluntary participation. Nevertheless, these comments serve to further highlight how critical *direct communication* is for Persons

Harmed. Indeed, Persons Responsible also suggested that services could be improved by spending more time on interaction.

Some respondents from all groups involved (the professional groups, Persons Harmed and Persons Responsible) did suggest that Restorative Justice processes could be improved by taking less time. Although this was not directly established in the questionnaire and it is not possible to establish if these views vary by area or process, it is a factor that could be given further attention.

All respondents expressed positive views about Restorative Justice Services overall. Indeed, many Persons Harmed described their positive views of the benefits of Restorative Justice approaches and, in some cases, previous positive experiences of the process, as reasons why they agreed to participate (see *Section 2.4*). Most funders and referrers also viewed Restorative Justice Services as providing good or excellent value for money in creating safer communities.

However, despite the positive views expressed throughout this evaluation, little evidence was found that Restorative Justice approaches were prioritised or consistently funded in local authorities. The evaluation sought information from service managers about the priority given to Restorative Justice Services locally. Only two managers described the services as having a high priority and many reported uncertain funding in the future.

From April 2008, ring fencing of funding for services was abolished, so that government funding specifically to provide Restorative Justice Services was no longer available. Local authorities were required to plan services to achieve Government strategic objectives. Local authorities now need to consider which services can most effectively achieve prescribed outcomes and have ways of measuring these. In effect, Restorative Justice services are competing for funding with other services for children and young people, such as child protection, and as such are given a lower priority and less secure funding, despite their perceived value.

Secure funding would enable Restorative Justice processes to be established and to be practised in specialist teams, which research suggests is a more consistently successful approach. A consistent national prioritisation of the service would also enable uniform service standards and procedures to be more consistently disseminated and practised. The Scottish Restorative Justice Consultancy is no longer in existence, and there is currently no organisation or body responsible for national leadership on Restorative Justice. If funds are not to be ring fenced, it is suggested that there should at least be a dedicated organisation or leadership to provide and institutional focus and a national lead, as Sherman and Strang (2007) proposed for English services.

Research studies have suggested that a coherent, multi agency approaches are critical to the very success of Restorative Justice practice, particularly if more serious cases and repeat offending are to be considered. The Canberra Re-Integrative Shaming Experiments (RISE), using Restorative conferencing, showed mixed success in relation to reoffending, but were criticised for the lack of an integrated approach or for failing to provide links to other services, such as well-resourced rehabilitation and prevention programmes (Braithwaite, 2001, cited in Whyte, 2002). Dutton and Whyte's (2006) evaluation of the Restorative Justice service in Glasgow concluded that the best impact could only be achieved by fully addressing young people's needs, and called for closer

integration with other children's services and the provision of a continuum of care and services.

It is suggested that Youth Justice Services, and work to tackle offending by young people, need to be integrated into the policies and practices relating to children, families and communities, rather than being planned separately.

In combination, services will need to demonstrate and evidence achievement of outcomes. The Restorative Justice outcomes described in the Guidance offer the potential to contribute to the government strategic outcomes, particularly the emotional, cognitive and relational benefits such as feelings of safety, increased self-esteem, the letting go of anger, and increased empathy; and Action Plans which are restorative rather than punitive, with tasks and additional programmes aimed at meeting the individual and collective needs and responsibilities of the participant.

The evaluation did not ask about ways in which the provision of Restorative Justice Services could contribute to the delivery of the Government strategic objectives, although this is discussed further in *Section 2.4*.

## 2.4 Evaluation Indicators: Indicators relating to Participants in the Process

The following section presents the views of the Restorative Justice process given by 318 Persons Responsible and 56 Persons Harmed of the questionnaires. Although some results for Persons Responsible and Persons Harmed are presented comparatively, it should be remembered that the number of Persons Harmed responding in particular is low. In addition, the Persons Harmed responding are likely to be those with a more positive experience and it should be noted that the sample of Persons Harmed may be biased. An overall description of the results is given in this section.

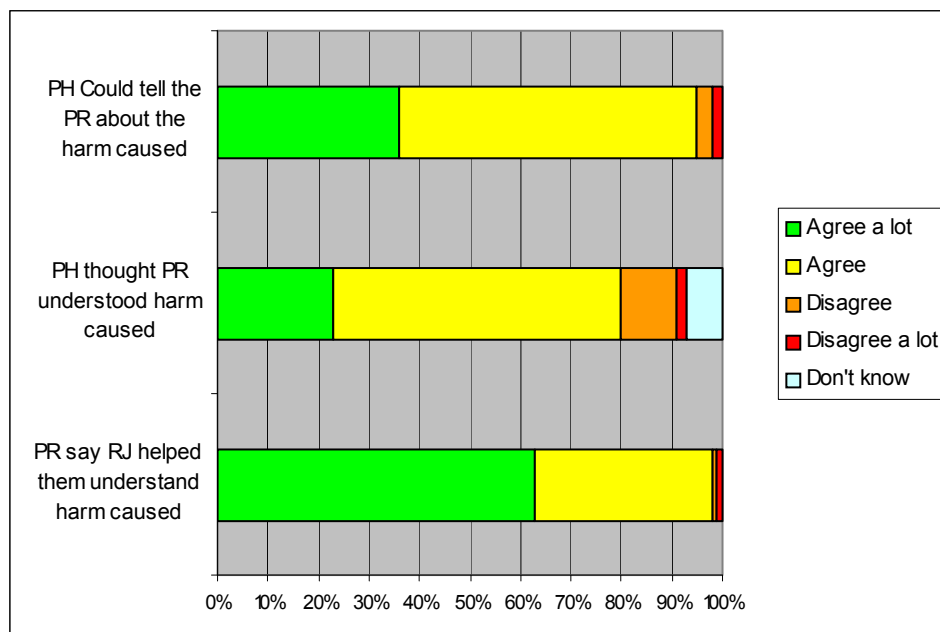
### a. Processes to address harm

Restorative Justice guidance suggests that the reason for, and the focus of, any Restorative Justice process will be identifiable action(s) that have caused harm. The evaluation questionnaires completed by the Persons Harmed and Persons Responsible addressed this indicator in terms of the extent to which both participants felt the harm caused by the incident was addressed, making a clear link between the harm caused and the specific incident.

Persons Harmed were asked if they were able to tell the Person(s) Responsible about the harm they had caused and if they thought the Person(s) Responsible seemed to understand the harm they had caused.

Participants were asked if they 'agreed a lot', 'agreed', 'disagreed' or 'disagreed a lot' with a series of questions.

**Chart 6: Person Harmed and Person Responsible: Views about addressing the harm caused**



Of 56 Persons Harmed responding, the majority said that they were able to let the Person Responsible know about the harm the incident caused and that the Person Responsible seemed to understand the harm they had caused, although fewer gave the *most* positive response to this question. Of 318 Persons Responsible responding, the majority said that taking part helped them to understand the harm they had caused.

As the chart above illustrates, most respondents were positive overall, but the Persons Responsible were more definitely positive, with nearly two-thirds of the Persons Responsible saying 'agree a lot', compared to around quarter of the Persons Harmed. Nevertheless, 80% or more of all respondents agreed or strongly agreed that the Person Responsible did understand the harm they had caused.

### **b. Safe and constructive expression of feelings and taking responsibility**

The primary aim of a Restorative Justice process is to enable people to express their feelings in a safe and constructive way, and take moral responsibility for their part in what happened.

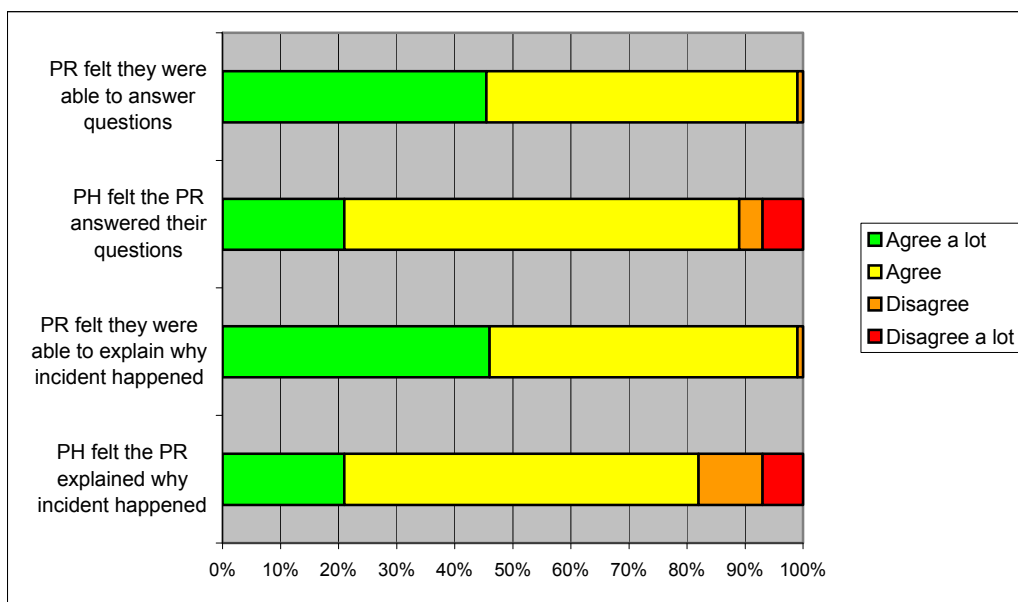
Persons Harmed and Persons Responsible were asked to give their views relating to communication in the Restorative Justice meetings, particularly in terms of the Person Responsible feeling able to answer questions and explain why the incident happened.

Of 56 Persons Harmed responding, most said that the Person Responsible answered their questions and of 318 Persons Responsible responding, again the majority said they were able to answer questions.

Similarly, most Persons Harmed said that the Person Responsible explained why they incident happened and the majority of Persons Responsible said they were able to explain why they incident happened.

As the chart below illustrates, most respondents were positive overall, but again the Persons Responsible were more definitely positive than the Persons Harmed. Nearly half of the Persons Responsible said 'agree a lot', compared to around a fifth of the Persons Harmed. Nevertheless, again 80% or more of all respondents agreed or strongly agreed that the Person Responsible answered questions and explained why the incident happened.

**Chart 7: Person Harmed and Person Responsible: Views relating to communication about the incident**



The participants were also asked to give their views about being informed about the complaints procedures. Of 304 Persons Responsible responding, the majority said they had been informed about the Restorative Justice complaints procedure, with 46 saying 'no'. Of 63 Persons Harmed responding, three-quarters said they had been informed about the Restorative Justice complaints procedure, with 17 saying 'no'.

### c. Meeting the needs of Persons Harmed and Persons Responsible

The Restorative Justice Guidance states that Restorative Justice can meet a range of needs. These needs have also been identified in research as important reasons for Persons Harmed and Persons Responsible participating in Restorative Justice processes (Kirkwood, 2009).

For the *Person Harmed*, it gives them the opportunity to have their views and needs taken into account; to find out what happened and why; to convey the suffering and distress that they have experienced or continue to experience; to receive a sincere apology; and to have the value of their losses acknowledged and amends made.

For the *Person Responsible*, it gives them the opportunity to learn that their actions can have harmful consequences for others; to develop their conscience and capacity to empathise; to take responsibility and be accountable for their actions; and to be motivated to desist from future harmful behaviour.

In their responses to the evaluation questionnaires, both Persons Harmed and Persons Responsible expressed high levels of satisfaction with their experience of the Restorative Justice process. However, it is in their open text responses, when asked

what they had liked *most* and liked *least* about the process, that the respondents most clearly articulated views about their needs being met in the above ways, providing further support for factors already identified in Restorative Justice research.

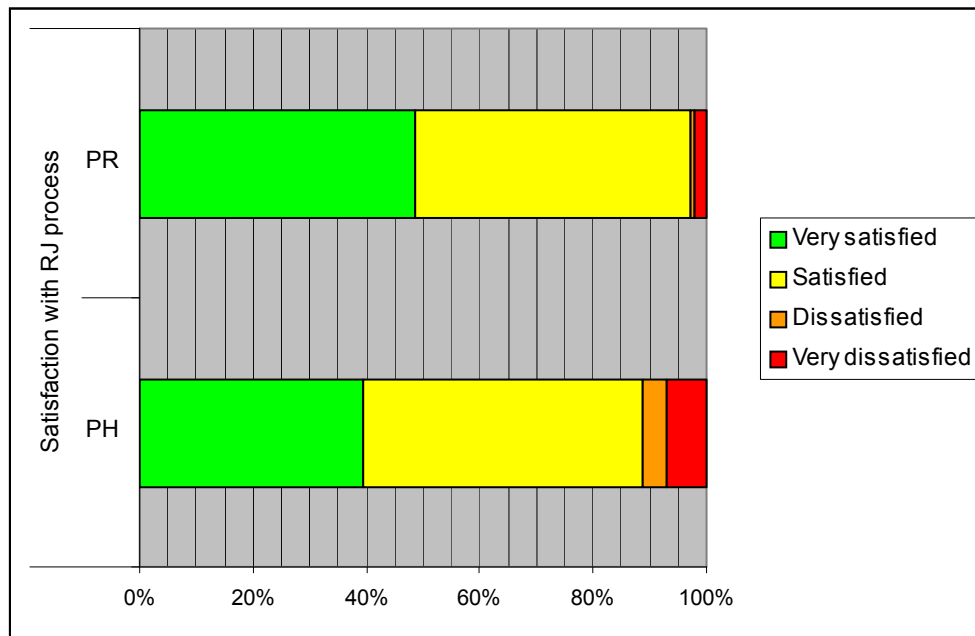
A number of Persons Harmed described appreciating the opportunity to present their point of view, to explain the impact the incident had on them, to hear the point of view of the Person Responsible, to gain a greater understanding of the incident, to receive an apology and to gain a sense of closure or conclusion. In general, these feelings are associated with the Person Harmed experiencing *direct communication* with the Person(s) Responsible.

Similarly, a number of Persons Responsible described appreciating a greater understanding of the impact and consequences of the incident and of crime in general, for themselves and for others, being able to have a greater understanding of the feelings of the Person Harmed, making amends for their actions and wanting to change their behaviour. Again, these feelings are often associated with an experience of *direct communication* with the Person(s) Harmed, although the Persons Responsible do also refer to other services they experienced.

Most of the Persons Harmed and Persons Responsible said they felt satisfied about taking part in the Restorative Justice process. Of 67 Persons Harmed responding, over 80% said they felt satisfied with taking part in the process. Similarly, of 315 Persons Responsible responding, over 90% said they felt satisfied with taking part in the process.

The Persons Harmed and Persons Responsible were similarly positive in their willingness to recommend the Restorative Justice process to others. Over 90% of both groups said they felt satisfied with taking part in the process.

**Chart 8: Person Harmed and Person Responsible: Satisfaction with the Restorative Justice process**



The Persons Harmed and Persons Responsible were asked to describe what they **liked most** about taking part in the Restorative Justice process.

Of 327 **Persons Responsible** responding, the descriptions related to:

**Talking and explaining their point of view:** Over 50 Persons Responsible described liking talking and explaining their point of view to people, including the Persons Harmed and their Restorative Justice worker, talking about the incident and talking about their personal life and problems.

**Persons Responsible: Quotes**

*'being able to talk to someone who advised me on things but never gave me a lecture about it'*

*'i could talk about things i don't talk to anyone else about'*

*'to get the chance to put my side of the incident to the victim. i feel better because of that'*

*'it was a chance to tell my story and for people to listen and to apologise for any harm caused'*

**Making amends or apologising:** Over 60 Persons Responsible described liking making amends or giving an apology, having their apology accepted or making restitution.

**Persons Responsible: Quotes**

*'I got to say sorry and get how aye felt off my chest.'*

*'it was a chance to tell my story and for people to listen and to apologise for any harm caused'*

*'The people accepting my apology, and making up for what i had done, it also changed me for the better'*

*'filling in pot holes was hard work but it learned me a lesson'*

*'i liked getting the chance to do things to make it right and liked my action plan as i can help people and get lots of certificates to help me with my future'*

**Aspects of the process:** Over 50 Persons Responsible described liking aspects of the Restorative Justice process, such as the venue, going to the police station, answering questions or doing the questionnaires, worksheets, activities and consequences targets.

**Persons Responsible: Quotes**

*The questions were hard but it was fun.'*

*'going to the police to see what it would be like.'*

*'Doing the steps before 16 and after. What will happens after my 16th.'*

*'i liked the fact that the exercises showed how i could react in the situation in the future'*

*'i liked drawing the mr cool and mr angry'*

**Understanding:** Over 30 Persons Responsible described liking how the process helped them understand the impact of their crime on others, and the consequences of their actions for themselves and for others.

**Persons Responsible: Quotes**

*'I found out what my actions are doing to other people and family. and i can learn from my mistakes.'*

*'I liked learning about the consequences of what would really happen when i was 16. I also kept into consideration that the consequences are a lot more serious when you are of age to go to jail.'*

*'i liked talking about how the drink effects your health and you future (jobs, husbands etc)'*

*'it gives me a chance to see what I have done and that I don't want to offend again'*

*'it helped me realise what harm I can cause to someone. Now I know how serious it can be if I hit someone.'*

*'it helped me understand how the victim felt'*

**Restorative Justice worker and accessing help:** Over 30 Persons Responsible described liking their Restorative Justice worker and the help they gave them, and liking accessing help and support in general.

### ***Persons Responsible: Quotes***

*'(My worker) was cool and interested in me I understood what he was telling me and used his advice. My mum and dad said he helped me a lot.'*

*'I liked taking part as it kept me out of trouble and I liked the visits from my worker'*

*'the sense of humour of my sacro worker and my internal feeling (of) rehabilitation'*

*'the fact (my worker) was so helpful in making me realise what i had done wrong and how not to do it again'*

*'i didn't really enjoy it to be honest but the woman i was working with was good though'*

*'I like the fact I had someone nice to talk to who was friendly an gave me face to face information and allowed me to realise what troubles I has caused and made me confident that I can change. I have changed thanks to Sacros friendly advice.'*

*'i liked the support the peoples gave me, and i liked the choice that i had to change my behavior'*

**Stopping offending:** Over 15 Persons Responsible described liking how the process helped them want to stop getting into trouble or helped them want to change their behaviour.

### ***Persons Responsible: Quotes***

*'i liked taking part cause its made me not do that sort of thing again.'*

*'i liked the support the people gave me, and i liked the choice that i had to change my behavior'*

*'Made me more aware of the people being hurt and made me change my behaviour'*

**Other responses:** other responses, given by under 10 Persons Responsible, described liking the sense of closure or completion, sorting things out, liking the way they were treated, making them feel better about themselves, avoiding alternative consequences and having a say in the process.

### ***Persons Responsible: Quotes***

*'that it makes me feel better and that i was doing something to make things better'*

*'the way i had my say in all of this'*

*'someone asked how I felt.'*

*'I liked being treated nice and like an adult'*

*'I was not blamed for everything.'*

*'i never got put into a panel!!!'*

*'it kept me away from a panel. I got a befriender'*

Of 69 **Persons Harmed** responding, the descriptions related to:

***Interaction and Understanding:*** Over 40 Persons Harmed described liking the process of meeting directly with the Person Responsible, being able to talk directly with the Person Responsible, understanding the point of view of the Person Responsible, being able to explain their point of view and being able to explain the impact of the incident to the Person Responsible.

### ***Persons Harmed: Quotes***

*'getting the chance to ask people why they actually did what they did'*

*'The opportunity of meeting up with a lad who seems likeable and has a lot of goodness in him, but he has fallen in with a bad crowd.'*

*'I was able to face the person and get a explanation, I did not feel it was a personal attack on myself and I could allow the young person to hear what I had to say'*

*'The chance to be able to put your own point of view over to the person without brow-beating them. All of the contact was done in a friendly and amenable manner and the person who came along did not feel demeaned in any way.'*

*'As it involved people meeting face to face it was more personal to all involved'*

*'The offenders both spoke honestly as there were no barriers. I took on board their issues and hopefully was able to convey mine to them.'*

*'Explaining to her because of her behaviour that's why she was there. Also listening to her apology. To let her know how other people saw the situation.'*

**Other responses:** other responses, given by under 10 Persons Harmed, described liking the constructive nature of the process, gaining a sense of conclusion or justice, changing the behaviour of the Person Responsible, receiving an apology, being involved in helping or supporting others (including the young person, the Restorative Justice process and the local community).

***Persons Harmed: Quotes***

*'To give a chance to young people who wish to change their actions and to see if the apology was sincere.'*

*'Just feeling you had helped'*

*'Perhaps contributing to something constructive'*

*'interaction, and seeing that some positive action was being taken to ensure the boys did not get into further trouble'*

*'having the opportunity to explain the effects of vandalism with the hope that the perpetrator's behaviour would be influenced not to re offend'*

*'The possibility of influencing a potential behaviour change away from petty crime and damage. Actions have consequences.'*

*'Having a letter of apology from the young person involved.'*

The Persons Harmed and Persons Responsible were also asked to describe what they **liked least** about taking part in the Restorative Justice process.

Of 327 **Persons Responsible** responding, the descriptions related to:

**Practical aspects of the process:** Over 40 Persons Responsible described not liking practical aspects of the process, such as having to stay in at home for meetings, not being able to go out, having to get up early, finding it time consuming, timings of meetings and travelling to venues.

**Persons Responsible: Quotes**

*'didn't like staying in waiting for the meetings and was not very comfortable in front of my mum.'*

*'Having to be in and trying not to forget he was coming.'*

*'I didn't get to see my friends because I had to go to meetings'*

*'having to make my own way down'*

*'Some of the meetings took up my spare time'*

*'The length of times to sit in the meetings'*

**Other aspects of the process:** Over 50 Persons Responsible described not liking the work involved in the process, particularly the worksheets, the writing, the drawing, the questions or questionnaires or some of the work they had to do as restitution.

**Persons Responsible: Quotes**

*'having to do the workbooks sometimes'*

*'too much writing'*

*'doing the work and having to go see the police station.'*

*'the bit that we had to clean cause I felt embarrassed.'*

*'picking up leaves and branches'*

**Interaction and talking:** Under 20 Persons Responsible described not liking meeting face-to-face, aspects of interaction, direct talking, facing up to what they had done and seeing the effects of the incident.

**Persons Responsible: Quotes**

*'Explaining what i did because i felt embarrassed about it'*

*'Telling about how I felt and getting my thoughts out and trying to help what happened.'*

*'Having to speak about what I had done because I don't like talking about what I had done.'*

*'Because i felt ashamed that my behaviour hurt other people'*

*'letting my dad down and seeing how hurt he was for what i had done'*

Of 69 **Persons Harmed** responding, under 10 individuals described any one area of dissatisfaction with the approaches. Aspects of the process mentioned by under 10 Persons Harmed included not knowing what to expect, finding the interaction or communication of feelings difficult, finding meeting face-to-face difficult, finding the process time-consuming or not having enough time, being uncertain about the benefits or impact of the process, aspects of the management of the process (such as timing and rearranging meetings) and not feeling a sense of justice, or proportionate punishment.

#### ***Persons Harmed: Quotes***

*'As this was the first time I didn't know what to expect.'*

*'Being of a reserved nature i did not enjoy speaking in front of people i didn't know very well'*

*'The emotional side of the meeting. it was a difficult situation for all involved.'*

*'Time out of my working day to complete it. First meeting with Sacro worker to discuss i wanted to take part could have been done over the phone.'*

*'time commitment when already very busy'*

*'The lack of difference initially made. However - the support from the Youth Justice worker has been excellent.'*

*'Not knowing the chances of the child re-offending in the village.'*

*'Re-arranging meetings on several occasions'*

*'Lack of continuity and progress. Staff changes, deadlines not adhered to. This questionnaire.'*

*'I don't feel the punishment matched the crime. 4 sentences of an apology, clearly scripted, does not make up for the cost or inconvenience'*

*'that the offender gets off 'scot free''*

#### **d. Conclusion: Indicators relating to Participants in the Process**

Restorative Justice guidance describes the reason and focus of any restorative justice process as identifiable action(s) that have caused harm.

In this evaluation, most Persons Harmed were able to tell the Person Responsible about the harm that had been caused and felt that Person Responsible did understand. As required in the guidance, relevant individuals have been enabled to participate together to explore what happened and how the Persons Harmed were affected.

The primary aim of a Restorative Justice process is to enable people to express their feelings in a safe and constructive way. Initial screening of Persons Responsible is recognised as essential to establish that the offender does not deny guilt, express anger or give other indications of posing a risk to Persons Harmed.

Feedback from Persons Harmed shows that most report that the Person Responsible answered their questions and explained why the incident happened. Most persons Responsible also felt able to answer questions and offer explanations. All participants confirm that the processes they participated in were constructive in the exchange of information and the positive responses suggest that participants felt safe.

In their responses to the evaluation questionnaires, both Persons Harmed and Persons Responsible expressed high levels of satisfaction with their experience of the Restorative Justice process.

In most available studies, as described in the introduction, Persons Harmed relate more positive experiences and outcomes when they participate in Restorative Justice than when they do not, particularly in terms of satisfaction with the process, feeling a sense of closure, reduced post-traumatic stress and more positive views of the Person Responsible (Strang, 2002). Direct communication is seen as important for the successful participation of Persons Harmed *and* Persons Responsible, particularly in terms of reconstructing a narrative about the incident(s), mutual understanding and achieving a sense of closure. In line with these studies, in this evaluation:

***Persons Harmed** reported positively about participation, appreciating the opportunity to present their point of view, to explain the impact the incident had on them, to hear the point of view of the Person Responsible, to gain a greater understanding of the incident, to receive an apology and to gain a sense of closure.*

***Persons Responsible** described appreciating a greater understanding of the impact and consequences of the incident and of crime in general, for themselves and for others, being able to have a greater understanding of the feelings of the Person Harmed, making amends for their actions and wanting to change their behaviour.*

These responses from participants demonstrate the range of needs that are being addressed by Restorative Justice processes, which is also in line with the anticipated benefits described in the Restorative Justice guidance.

*For the **Person Harmed**, it gives them the opportunity to have their views and needs taken into account; to find out what happened and why; to convey the suffering and distress that they have experienced or continue to experience; to receive a sincere apology; and to have the value of their losses acknowledged and amends made.*

*For the **Person Responsible**, it gives them the opportunity to learn that their actions can have harmful consequences for others; to develop their conscience and capacity to empathise; to take responsibility and be accountable for their actions; and to be motivated to desist from future harmful behaviour.*

Feedback in this evaluation confirms what research has indicated; that Persons Harmed want a just and a fair process and that they want to be involved in the processing of their cases as well as to have an input. They also want to be kept informed about outcomes.

The value of *direct communication* is strongly confirmed and reinforced in the responses given by the Persons Harmed, as are their views in relation to crime and justice, and their willingness to understand and help the young people involved.

It is suggested that *indirect* processes are in danger of leaving people feeling unsure about what is happening during and after the process and so less responsive to needs. As suggested by Kirkwood (2009), indirect processes may have similar levels of agreement or objective process success, but they are not able to provide the same *quality* of communication and information, which can have an impact on a range of perceived outcomes for the participants.

#### **e. Restorative Justice Outcomes (b)**

As described in the guidance, and in relation to the *participants* in the process, a 'Restorative Justice outcome' means the emotional, cognitive and relational benefits felt by the participants during and following a Restorative Justice Process, such as feelings of safety, increased self-esteem, the letting go of anger, and increased empathy.

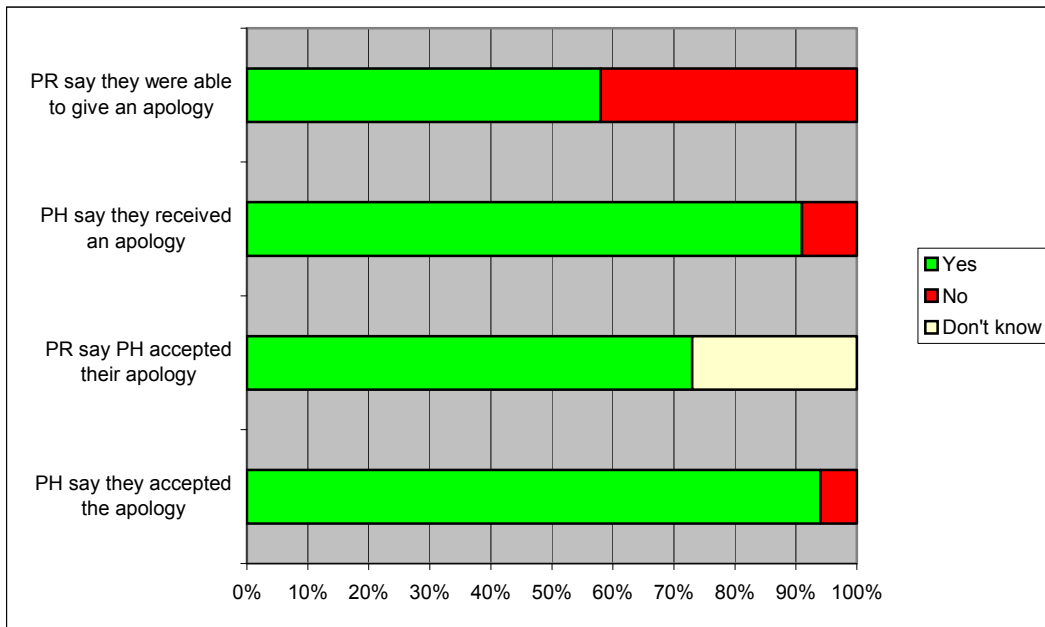
Of 56 Persons Harmed responding most said they received an apology (91%), of whom around half said they received an apology from *all* of the Person(s) Responsible and half said they received an apology from *some* of the Person(s) Responsible.

Most, though not all, of the Persons Harmed (over 80%) said they thought the apology was sincere and they accepted the apology. Of the six people who said they did *not* think the apology was sincere, four said they accepted the apology and two said they did not accept the apology.

Of 311 Persons Responsible responding, only 58% said they were able to give an apology, and 131 said they were not. Of those who were able, 42% said they gave an apology to *all* of the Person(s) Harmed and 16% said they gave an apology from *some* of the Person(s) Harmed. The possible reasons for Persons Responsible not being able to give an apology are not explored or recorded in this evaluation. However, evidence from practice and research would suggest that the most likely reasons are that the Person Harmed did not participate, could not be contacted or did not want an apology. Again, this suggests the critical role of the Person Harmed in the process.

Although most of the Persons Harmed responding said they accepted the apology, not all of the Persons Responsible said they knew if the Person Harmed had accepted their apology. Around three-quarters of the Persons Responsible said the Person Harmed accepted their apology, but 27% said they did not know.

**Chart 9: Person Harmed and Person Responsible: Experience of Apologies**



The Persons Harmed were less positive about the Person Responsible making up for what they had done. Of 52 responding, three quarters said they thought the Person Responsible made up for what they had done. However, 14 Persons Harmed said they did *not* think the Person Responsible made up for what they had done.

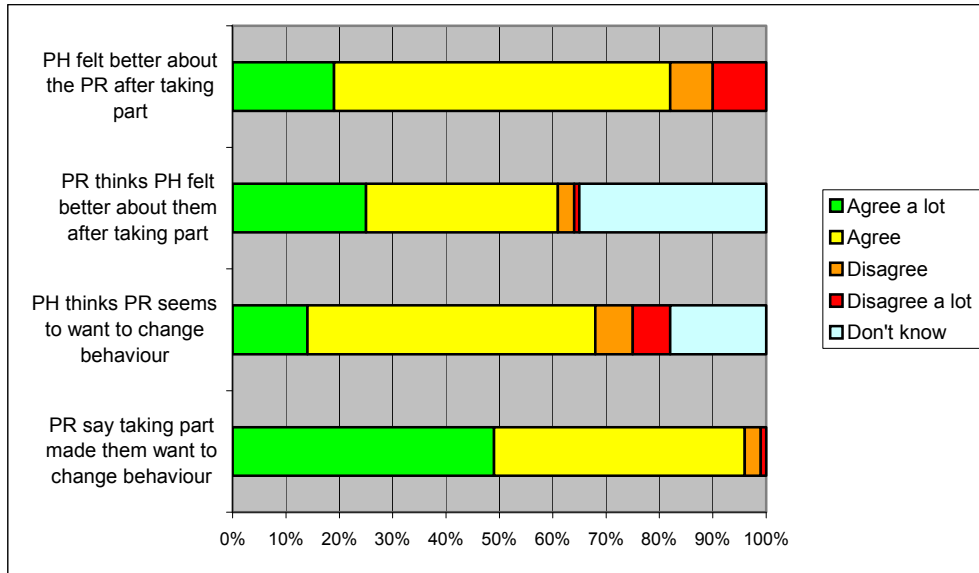
Over three-quarters of the Persons Responsible said they thought they were able to make up for what they had done. Of 310 responding, 84% said they thought they were able to make up for what they had done. However, 51 Persons Responsible said they did *not* think they were able to make up for what they had done.

Half of the Persons Harmed said taking part into the process made no difference to how safe they felt (54%). Of 67 responding, 40% said it made them feel *more* safe and 5% said it made them feel *less* safe.

Most of the Persons Harmed reported that the Restorative Justice process had a positive impact on their views of the Person Responsible. Of 52 responding, over 80% said they felt better about the Person Responsible after taking part in the process.

The Persons Responsible were less positive that the Person Harmed felt better about them, and a third said they did not know (35%). Of 243 responding, 61% said they thought the Person Harmed felt better about them after taking part.

**Chart 10: Person Harmed and Person Responsible: Views of the impact of the process on the PR's behaviour**



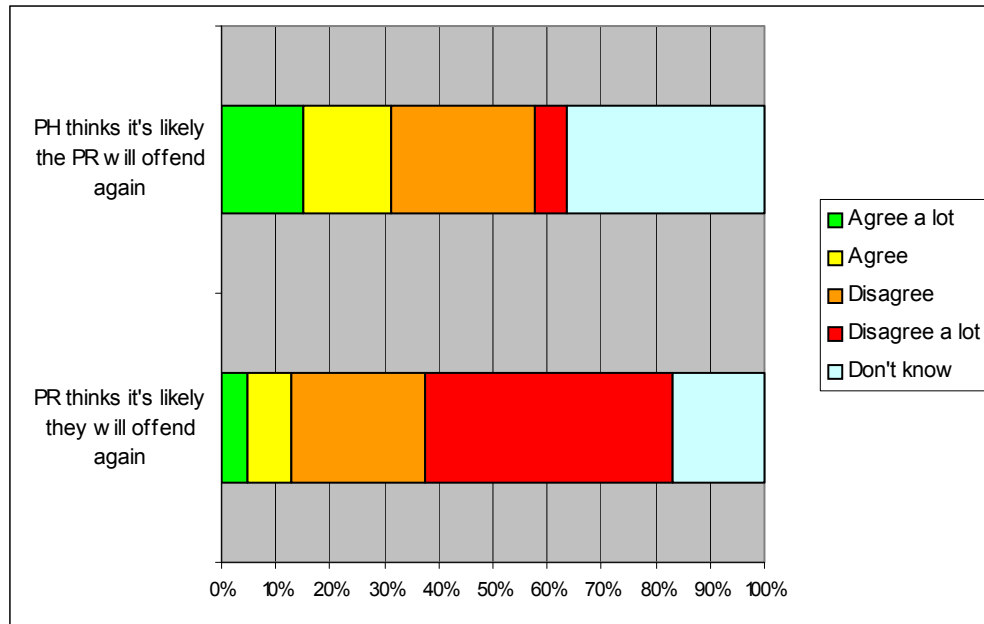
Although the Persons Harmed were positive that they felt better about the Person Responsible after taking part, this did not fully extend to thinking that the process had an impact on the young person.

Although still largely positive, the Persons Harmed were less positive that the Persons Responsible wanted to change their behaviour. Of 56 Persons Harmed responding, around two-thirds said they thought the Person Responsible seemed to want to change their behaviour. A number of the Persons Harmed said they did not know (n = 10). The Persons Responsible were more positive about the impact of the process on their behaviour. Of 318 responding, over 90% said that taking part had made them want to change their behaviour.

Similarly, the Persons Responsible were more positive than the Persons Harmed in thinking they would *not* offend again in the future. Of 68 Persons Harmed responding, a third said they thought it was likely that the Person Responsible *would* offend again in the future, with the same proportion saying they thought they Person Responsible would *not* offend again. Again, a number of the Persons Harmed said they were not sure (n = 25).

However, of 313 Persons Responsible responding, only a tenth said they thought it was likely they *would* offend again, with three-quarters saying they thought they would *not* offend again. Again, some uncertainty was expressed with 52 of the Persons Responsible saying they were not sure.

**Chart 11: Person Harmed and Person Responsible: Views of the impact of the process on offending**



**f. Conclusion: Restorative Justice Outcomes (b)**

A Restorative Justice outcome means the emotional, cognitive and relational benefits felt by the participants during and following a Restorative Justice Process, such as feelings of safety, increased self-esteem, the letting go of anger, and increased empathy. It also means an agreement or Action Plan reached as a result of a Restorative Justice process.

Persons Harmed have been shown to consider offender apologies to be important in bringing about emotional restoration and changing views of the Persons Responsible. Research also supports the importance of the apology to the process. Participation in Restorative Justice processes and the giving of an apology has been found to help consolidate the decision of the Person Responsible to desist from further offending (Robinson and Shapland, 2008).

In this evaluation most Persons Harmed said they had received an apology and most considered the apology to be sincere and they accepted it. However, a minority did express some doubts in their multiple choice and open text responses. In addition, just over a third of Persons Responsible said they were not able to give an apology. Unfortunately, they were not asked for further information about this. It would be important to understand this further, particularly as giving an apology may be a reflection of increased empathy with the Person Responsible for the Person Harmed.

Research also provides strong support for the importance of making amends and apologies, with some studies highlighting the greater value Persons Harmed place on practical measures and ensuring help for the Person Responsible, with most typical

agreements involving help rather than financial recompense (Strang, 2002; Whyte, 2002).

Over three quarters of the Persons Responsible felt that they were able to make up for what they had done. However only two-thirds of young people reported that some kind of Action Plan was agreed to. Where there was an Action Plan, almost all young people regarded this as 'fair or very fair' to them' and similarly 'fair or very fair' to Persons Harmed. Where there was an Action Plan two thirds of the young people said they were able to give an apology. However where there was no Action Plan agreed, only about a quarter of this group of young people gave an apology.

This evaluation would seem to suggest that there is scope to improve the process of setting and agreeing Action Plans and providing opportunities for Persons Responsible to offer apologies. The continuation of the process to a full closure, with information provided throughout has also been highlighted earlier, and is identified in research as an important factor in participants feeling involved in the process and achieving closure (Strang, 2002).

Persons Harmed were asked about whether the process had affected how safe they felt. While about half of the Persons Responsible reported no difference, 40% said it made them feel more safe. Most (80%) of Persons Harmed also reported that they felt better about the Person Responsible.

Around two-thirds of Persons Harmed thought the Person Responsible wanted to change their behaviour, with another 18% saying they didn't know, but a third thought it was likely the Person Responsible would offend again. Persons Responsible were much more positive (90%) about wanting to change their behaviour, with three quarters saying they would not offend again.

This evaluation has not explored in detail any links between reported outcomes and the details of the Restorative Justice process. It is reporting on consistency in relation to the implementation of the Guidance and the effectiveness of practice in relation to outcomes set out in the guidance. As described above, there is scope for improving outcomes in relation to Actions Plans and apologies.

#### **g. Contributing to the Government's Purpose**

As described in the introduction, the Government has specified fifteen National Outcomes to describe what it wants to achieve over the next ten years. These enable priorities to be clearly understood and provide a clear structure for service delivery.

The Restorative Justice guidance describes the ways in which Restorative Justice can benefit Persons Responsible in line with required outcomes.

*'It gives the Person Responsible the opportunity to learn that their actions can have harmful consequences for others; to develop their conscience and capacity to empathise; to take responsibility and be accountable for their actions; and to be motivated to desist from future harmful behaviour.'*

While not the specific purpose of this evaluation, some evidence is available in the data collected to show the ways in which Restorative Justice Services are able to contribute specifically to three of the 15 National Outcomes:

- *We live our lives safe from crime, disorder and danger.*
- *We have improved the life chances for children, young people and families at risk.*
- *Our young people are successful learners, confident individuals, effective contributors and responsible citizens.*

### ***We live our lives safe from crime, disorder and danger***

Communities can only flourish when people feel safe; from crime, anti-social behaviour and from the threat of major incidents. Crime causes fear, which reduces confidence and resilience in communities. By tackling crime, the lives of Persons Responsible, their families and the communities in which they live are improved. By reducing the fear of crime and anti-social behaviour, strong and resilient communities are built, in which people can thrive and reach their potential.

In terms of the findings of this evaluation for community safety:

- Of 67 Persons Harmed responding, 40% said that the process had made them feel *more* safe (with 7 saying 'a lot more safe' and 20 saying 'a bit more safe').
- Of 313 Persons Responsible responding, around three-quarters said they thought they would *not* offend again.
- Of 68 Persons Harmed responding, a third said they thought the Person Responsible would *not* offend again. This is balanced by a similar number saying that they thought the Person Harmed *would* offend again, and the remainder being uncertain. While some persons harmed corroborate the responses of the Persons Responsible, there is overall less certainty.

### ***We have improved the life chances for children, young people and families at risk***

The Government argues that,

*'...building the resilience of children, young people and families will improve the educational, health and employment outcomes. Improving health and wellbeing, building individual and community confidence and resilience, strengthening our response to offending behaviour and supporting the most vulnerable all help to create the conditions in which we can achieve a Smarter Scotland.'*

In this evaluation, both Persons Responsible and Persons Harmed provided information about the effect of the Restorative Justice process on the young person's understanding, and on their future behaviour. Both Persons Harmed and Persons Responsible shared the view that the process had helped the young person understand the harm they had caused:

- Persons Responsible were very positive that *'taking part helped them to understand the harm that they had caused'* (64% 'agreed a lot' and 99% 'agreed a lot' or 'agreed' with this statement). This positive view is also reflected in the responses from Persons Harmed where 82% 'agreed a lot' or 'agreed' that the *'Person(s) Responsible seemed to understand the harm they had caused'*.
- Persons Responsible were also very positive about the impact of the process on their behaviour. Of 318 responding, over 90% said that taking part had made them want to change their behaviour. Again, although still largely positive, the Persons Harmed were less positive that the Persons Responsible wanted to change their behaviour. Of 56 Persons Harmed responding, around two-thirds said they thought the Person Responsible seemed to want to change their behaviour. A number of the Persons Harmed said they did not know.

Additionally evidence is provided about other services that are provided through Restorative Justice processes to Persons Responsible, to help develop the individual. Of these, the most commonly used services:

- Related to offending, attitudes and socio-moral reasoning (38%)
- Related to anger and emotional management (33%)

***Our young people are successful learners, confident individuals, effective contributors and responsible citizens***

While this indicator addresses the broad learning experience for all children and young people, it is stressed that this needs to encourage young people to think about their impact on the environment, to care about being healthy, to fulfil their potential and to contribute to society and the economy.

Initial screening is recognised as essential in Restorative Justice practice. This screening should demonstrate that the offender is willing to communicate and take responsibility for their actions, and establish that the offender does not deny guilt, express anger or give other indications of posing a risk to victims. The process builds on this initial acceptance of responsibility and works to help Persons Responsible understand the impact of their behaviour on individuals and the community. In encouraging reparation and apologies, the process encourages the development of responsible behaviours.

In terms of the findings of this evaluation:

- Of 56 Persons Harmed responding, most said they received an apology (91%) and most of the Persons Harmed said they thought the apology was sincere and they accepted the apology (over 80%).
- Over three-quarters of the Persons Responsible said they thought they were able to make up for what they had done, although a number Persons Responsible said they did *not* think they were able to make up for what they had done. Of 52 Persons Harmed responding, three quarters said they thought the Person Responsible did make up for what they had done.

## **h. Conclusion: Contributing to the Government's Purpose**

Through Single Outcome Agreements, each local authority is now required to set its own priorities for locally achieving the strategic objectives of government. Local authorities and their partners are required to determine how best to target resources. The Guidance produced by the Government for the delivery of Restorative Justice Services describes the benefits that can be achieved by Persons Harmed and Persons Responsible, which are in line with Government indicators.

Responses in this evaluation suggest that:

- The life chances of young people were improved through their understanding of the harm they had caused and wanted to change their behaviour.
- Through giving apologies and making up for what they had done, young people were demonstrating responsible behaviour and making a contribution to society.
- Some Persons Harmed felt safer through participation and a large proportion of young people said they would not offend again.

### Section 3: Summary and Conclusions

This evaluation of Restorative Justice Services in Scotland was commissioned by the Government, following the publication in June 2008 of two Guidance documents:

- *Restorative Justice Services: for children and young people and those harmed by their behaviour*, and
- *Best Practice Guidance for Restorative Justice Practitioners and their Case Supervisors and Line Managers*

The two main aims for the evaluation were described as:

- a) To report on the extent to which Government guidance was being implemented and consistent practice was being developed.
- b) To evaluate the effectiveness of Restorative Justice practice, in relation to the outcomes set out in the guidance.

To inform this evaluation, the following *indicators* were selected from the guidance, which relate to both the **management** of the process and to the **participants** in the process:

#### **Evaluation Indicators: Indicators relating to the Management of the Process (Section 2.3)**

- Appropriateness of Cases for Restorative Justice
  - Appropriateness of the offence for Restorative Justice
  - Assessing the appropriateness of a Restorative Justice process for the individuals
  - Informing and preparing individual participants
- Provision of Restorative Justice Service without Delay
- Restorative Justice Outcomes (a)
- Case supervision and Line Management
- Overall views of the Restorative Justice Process

#### **Evaluation Indicators: Indicators relating to Participants in the Process (Section 2.4)**

- Processes to address harm
- Safe and constructive expression of feelings and taking responsibility
- Meeting the needs of Persons Harmed and Persons Responsible
- Restorative Justice Outcomes (b)
- Contributing to the Government's Purpose

## Restorative Justice Processes

Before examining the evaluation indicators, the report looked at the Restorative Justice processes that were provided by different services across Scotland.

The Guidance describes,

*'Restorative Justice processes falling into three broad categories, dependent on the kind of communication (if any) that takes place between the person harmed and the person responsible: that is direct communication, indirect communication and cases where communication is either not possible or not appropriate.'*

From the information provided by service managers, almost all services were able to provide Face-to-Face Meetings (95%), Victim Awareness (95%) and Shuttle Dialogue (90%), which reflects the guidance categories. Service managers were also asked to describe *'In what ways do you think that the Restorative Justice processes work particularly well?'.* The responses given indicated the emphasis placed on communication in Restorative Justice processes, particularly the importance of direct communication, which is also in line with the Guidance.

However, in this evaluation almost half the Restorative Justice processes did not involve any communication processes; the focus of work was predominantly Victim Awareness with the Person Responsible. With this Victim Awareness work, in only around 16% of cases was the Person Harmed informed or involved.

In over 300 cases for which there is information, it was reported that the Person Harmed was not willing to participate and a further third could not be contacted. This contrasts with feedback from Persons Harmed (see *Section 2.3*), where Persons Harmed suggested improvements including:

- The need to ensure participation or presence of the Person Responsible
- More opportunities or more time for *direct* interaction

Also in *Section 2.4*, a number of Persons Harmed described appreciating the opportunity to present their point of view and to explain the impact the incident had on them, again emphasising the value of direct communication. Over two-thirds of Persons Harmed giving feedback described liking the process of meeting directly with the Person Responsible. Additionally, Persons Harmed described liking the constructive nature of the process, giving them a sense of conclusion (see *Section 2.4*). Again, the importance of *direct* communication is evident in research, with communication being thought to allow both Persons Harmed and Persons Responsible the opportunity to rehearse and reconstruct their own narratives, enabling more positive views about the incidents they experienced and enabling a sense of closure (Kirkwood, 2009).

Although Restorative Justice Services are described as providing a range of services, including those involving direct communication, almost a half of the cases did *not* involve direct communication. This is apparent, despite evidence that most managers recognised the importance of direct communication processes and that Persons Harmed who participated described the benefits they received through participation.

Research evidence in relation to Persons Harmed presents a consistent view: Persons Harmed have been found to relate more positive experiences and outcomes when they participate in Restorative Justice than when they do not, particularly in terms of satisfaction with the process, feeling a sense of closure, reduced post-traumatic stress and more positive views of the Person Responsible (Strang, 2002).

In this evaluation service managers were asked about the methods they used to engage Persons Harmed. Responses were variable. Some services seemed to emphasise initial direct contact, with face to face visits to explain the service. A majority said they begin initially with a letter to the Person Harmed and then follow up when possible with a visit. Others said they relied on the referrer to get agreement to participation, and some described links with Victim Support. As one manager says, *'this is an area where improvements could be made'*.

In the research section of this report, Shapland (2006) describes the importance of paying attention to the engagement process,

*'One possible reason for lower numbers of direct face to face meetings is that participants have been found to choose indirect approaches when given the option. If direct processes are to be used, it is evident that attention needs to be given to ensuring victims are engaged in the process.'*

Best results in the engagement of Persons Harmed have been found to arise from facilitators meeting them in person prior to any Restorative Justice process, especially face-to face processes (Sherman et al, 2004).

Victim participation has been found to be influenced by:

- Who asks them and how they are asked
- The priority given to their convenience and emotional state

The Guidance also states that,

*'Those harmed and/or the person responsible for causing harm may not wish to communicate in a restorative justice process. If so, then the Restorative Justice Service should offer (a) an appropriate support process to the person harmed (in partnership with relevant victim services) and (b) a victim awareness process to the person responsible.'*

This principle would again support the importance of engaging the Person Harmed and addressing their needs.

Findings in this evaluation indicate that more should be done to engage Persons Harmed, either to participate in a direct communication process or to ensure that an appropriate support process is provided to the Person Harmed.

### **Recommendation 1**

**Restorative Justice Services make every effort to engage Persons Harmed in direct communication processes, and where this is not possible ensure that an appropriate support process is provided to the Person Harmed.**

Research also describes how *indirect* processes are in danger of leaving people feeling unsure about what was happening during and after the process. Shapland et al (2006) reported that people participating in indirect approaches reported being unsure about what was going to happen afterwards. Kirkwood (2009) also suggested that, although some positive outcomes were observed with indirect approaches, other outcomes could be affected, particularly in relation to the quality of information passed between participants and the impact of this on other outcomes, such as achieving closure or successful personal narratives.

In this evaluation, it was apparent that some Persons Responsible did have limited information, although it is not possible to associate this with the type of process involved, due to limitations in data collection. It is striking to note that a quarter of the Persons Harmed did not know if the Person Responsible had completed their Action Plan (see *Section 2.3*). Additionally, Persons Harmed clearly liked the constructive nature of the processes involving direct communication, giving them a sense of conclusion (see *Section 2.4*). Responses from both persons Responsible and Persons Harmed reported the benefits of participating in Restorative Justice processes featuring direct communication.

Where direct communication processes are not in place, more attention needs to be paid to ensuring Persons Harmed are informed about outcomes and the participation of the Person Responsible in action plans.

### **Recommendation 2**

**Restorative Justice Services to ensure that Persons Harmed are informed about the participation of the Person Responsible in action plans, and the outcome.**

## **Evaluation Indicators: Indicators relating to the Management of the Process**

### **Management Indicator: Appropriateness of cases for Restorative Justice**

#### ***Appropriateness of the offence for Restorative Justice***

The Guidance states that it is not appropriate to use Restorative Justice Services to address the harm caused by sexual offences or other serious and violent crimes, such as murder or attempted murder, unless the case is taken by a practitioner who has been specifically trained.

In both the 'manager' group and the 'referrer' group, a majority (about 75% in each group) indicated that there are referrals which are inappropriate for Restorative Justice, with sexual offences being frequently mentioned.

The research evidence described earlier suggests that Restorative Justice has been found to be most successful in reducing or not increasing offending in cases involving violent crime (Whyte, 2002). However, evidence from evaluations in England do report positive outcomes for property offences (Shapland et al, 2008). In this evaluation, only 13% of cases were for assault, of which 11% were serious assaults. There is no information to report whether these cases were dealt with by specially trained practitioners.

The positive experience of direct approaches might suggest that Restorative Justice seems to work best when it is focused on the kinds of offences that have a personal victim. In this evaluation, however, a large number of cases involved corporate, group or community victims, such as theft (including shoplifting), Breach of the Peace and vandalism.

Details about the cases dealt with by Restorative Justice Services would suggest that there could be more focus on cases where there is a Person Harmed and cases of violent crime.

#### **Recommendation 3**

**To increase referrals of cases to Restorative Justice Services where there is violent crime involving a personal victim.**

#### ***Assessing the appropriateness of a restorative justice process for the individuals***

Service Managers were asked about decision making in relation to the suitability of cases for a Restorative Justice Approach. Responses to this question produced more information about unsuitable offences / behaviours than any information relating to assessments of appropriateness. Some managers described the following:

- Having an identifiable Person Harmed
- Person Responsible admits responsibility
- Meeting with the Person Responsible and Person Harmed
- Timescales were also mentioned

However, only a third of managers mentioned any one of these factors as being important in considering the appropriateness of a referral.

The focus of the Restorative Justice Process is on the identifiable action(s) that have caused harm and participants must be able to express their feelings in a safe and constructive way. Initial screening of offenders is essential prior to approaches to the victim.

The guidance describes the importance of assessing the appropriateness of a Restorative Justice Process for the individuals concerned, and indications are that more initial assessment of cases is required. Although a minority, not all of the professional respondents were aware of the Restorative Justice guidance, or did not use it in their practice.

#### **Recommendation 4**

**To take steps to raise awareness of the existence of Government guidance and ensure that training in the practice guidance is provided to practitioners.**

#### ***Informing and preparing individual participants***

Where Persons Harmed were engaged in a Restorative Justice process, over 90% gave positive reports about the process of engagement, confirming that 'participation had been their own choice' and that they had been informed about the process. A large majority also confirmed that the right amount of time had been devoted to this process. The same level of positive response was reported by Persons Responsible.

Informing and preparing participants is clearly in line with the Guidance, and also demonstrates that some Persons Harmed can be positive about this engagement process.

**No recommendation.**

#### **Management Indicator: Provision of Restorative Justice Service without delay**

Most of the professional respondents who made referrals specifically for Restorative Justice reported that referral demands were met, either 'often' or 'always', with a minority suggesting that referral demands were **not** always met. The reasons for not being able to meet referral demands in some cases are not explored in this evaluation. However, Specialist Restorative Justice Services described a much higher ability to meet referral demands than Youth Justice Services with specialist Restorative Justice practitioners. It is interesting to note that three people who made referrals to Youth Justice Services, but where there wasn't a specialist Restorative Justice Service, indicated that it would be helpful to have one.

The Guidelines describe how Restorative Justice processes have been shown to be most effective where, amongst other factors, the agency brings a Restorative Justice Service to the child or young person as soon as possible after the incident that has caused harm. Indications are that specialist services are more likely to be able to respond immediately.

Data is available in relation to case processing and the length of time for different Restorative Justice processes. Almost two thirds of meetings took place within 60 days. Cases involving Restorative Justice Conferences and face-to-face meetings were open for 50-99 days, and for Shuttle Dialogue and Victim Awareness processes cases were open for 10-49 days.

As a guide, the Restorative Justice Service Guidelines allows 20 days to provide a report to the referrer, outlining why the referral was accepted, including assessments of the willingness of Persons Responsible to engage, and their motivation to change and co-operate. If these timescales are adhered to, most meetings take place within another 40 days.

In this evaluation, it seems these timescales were largely met. However, some respondents from all groups (professional respondents and both Persons Responsible and Persons Harmed) did make comments about the length of the process, suggesting there is a 'need for the process to take less time'. Some Persons Harmed commented that they found the process time-consuming or that they did not have enough time and two managers also reported a need to make the process more timely or to speed up delivery. This is based on open text comments and is not measured with direct questions. However, it could be a point for future attention.

Information is not available about the influences that affect the different stages of a Restorative Justice process. Indications are that processes do comply with timescales in the Guidance, but some participants, both professional respondents and some Persons Harmed and Persons Responsible recommend improvements in the timescales for delivery.

#### **Recommendation 5**

**Service Managers and practitioners to review current practices to ensure that Restorative Justice processes are provided as quickly as possible to participants.**

#### **Management Indicator: Restorative Justice Outcomes - in relation to the *management process***

As described in the guidance and in relation to the management process, "Restorative justice outcome" means an agreement or Action Plan reached as a result of a Restorative Justice Process, which may include tasks and programmes aimed at meeting the individual and collective needs and responsibilities of the participants. This may include tasks that seek to address, either practically or symbolically, loss or damage experienced by the Person Harmed, and programmes for the Person Responsible that seek to address the underlying causes of their behaviour (such as anger management, substance misuse or peer pressure). Agreements or Action plans should contain only reasonable, constructive, mutually respectful and proportionate obligations. They must be restorative rather than punitive.

Two thirds of the Persons Harmed and Persons Responsible described an Action Plan being agreed to, and most of both groups agreed that this was fair. However, as commented above, it is striking that a quarter of Persons harmed did not know if the

Person Responsible had *completed* their action plan. Many of the service managers, funders and referrers see a principal benefit of the Restorative process being the Person Responsible taking responsibility for their actions, particularly through making an apology or making amends for their crime, enabling them to move on constructively. Research also identified the willingness of the Person Responsible to apologise and make amends for the incident as essential to the personal narratives of both groups, encouraging closure and a more positive experience of the process (Kirkwood, 2009).

The recorded outcomes also included the provision of other services, the most frequently relating to 'offending attitudes and socio moral reasoning' (38%) and 'anger and emotional management' (33%).

While a majority of respondents described an Action Plan as being agreed to, one third do not and so the required outcome from Restorative Justice is not being achieved.

### **Recommendation 6**

**Service Managers and practitioners to ensure that an Action Plan is specified as a result of the Restorative Justice process.**

As is described in *Section 2.4*, most of the Persons Harmed who completed questionnaires (91%) said they had received an apology and most (80%) thought this was sincere and they accepted this. However, 27% of Persons Responsible did not know if the apology had been accepted.

Most outcomes (64%) recorded an apology or expressions of remorse. However, only 6% recorded a meeting that included the Person Harmed conveying the impact and the Person Responsible explaining the incident.

Apologies are particularly beneficial to Persons Harmed and an important part of Restorative Justice processes and outcomes. However, in a third of instances apologies are not recorded.

### **Recommendation 7**

**Service managers and practitioners to ensure that apologies are provided and that Persons Responsible know the outcome of this.**

Service managers and other professional respondents were positive about the benefits of Restorative Justice processes to Persons Responsible, Persons Harmed and the community.

### **In relation to Persons Responsible**

Both service managers and other professional respondents described Restorative Justice as 'very effective' in reducing offending behaviour and providing additional support to young people.

## **In relation to Persons Harmed**

Both service managers and other professional respondents described benefits of the process for Persons Harmed in particular, having the opportunity to express their feelings about what happened. Persons Harmed were felt to benefit from receiving an apology and some form of compensation or making amends. It was agreed that Persons Harmed experienced reductions in their fear of crime and felt safer.

## **In relation to communities**

The Guidance describes how Restorative Justice can meet a range of needs that arise in the aftermath of behaviour that has caused harm.

Both service managers and other professionals reported how Restorative Justice can increase community confidence because positive interventions are taking place and offending and anti-social behaviour is being addressed. Communities are seen as safer places to live as crime is reduced.

## **Management Indicator: Case Supervision and Line Management**

One key evaluation question is *'the extent to which Government guidance is being implemented and consistent practice being developed'*.

A majority of Service Managers and Youth Justice Co-ordinators indicated that they were familiar with the Guidance and found it 'helpful' or 'very helpful'. However, this was not uniformly expressed, so some professionals were not aware. A majority of managers and Co-ordinators also indicated that they had incorporated the Guidance into practice, although again this was not uniformly expressed. Only five local authority areas did not respond and it is reasonable to conclude that there is an awareness across a majority of authorities about the Guidance and the benefits. However, although it can be said that the majority of professional respondents responsible for planning, delivering and making referrals for Restorative Justice processes were aware of the Guidance and positive as to the benefits, this was not a universal picture and could justify some further attention.

The Government also developed and published Best Practice Guidance for Practitioners, Supervisors and Managers. The aim of this document is to enable and encourage practitioners and organisations in Scotland to provide this kind of service by establishing nationally-recognised standards of best practice.

Responses to this questionnaire showed differences between specialist Restorative Justice Services and generic Youth Justice Services. In these latter services it appears that the specific standards set for Restorative Justice Practice have not been introduced and practice is monitored in relation to existing individual service standards.

### **Recommendation 8**

**To ensure that managers of all Restorative Justice Services and generic Youth Justice Services with Restorative Justice Practitioners are aware of the Government guidance and that this is incorporated into practice.**

A majority of managers reported that they monitored practice to ensure compliance with these standards. These managers tended to manage specialist services. Five service managers reported that they used their own service or practice standards. Of these managers, four managed Youth Justice Services with Restorative Justice trained staff and one managed a Youth Justice service with no restorative Justice trained staff.

The Best Practice Guidance distinguishes between Case Supervisors and Line Managers:

*The role of the line manager is to ensure that the restorative justice practitioner has the support and resources to work effectively, but without getting involved in how individual cases are worked. They do not need to be a restorative justice practitioner. This section provides some “pointers” for line managers.*

*Line management and case supervision may be provided by the same person. However, where the restorative justice practitioner’s line manager does not provide case supervision, then a key part of their management role is to ensure case supervision is available from someone else. This could involve arranging supervision from a restorative justice practitioner in another organisation.*

*The role of the case supervisor is to provide advice and oversight in individual cases, to bring new ideas and a fresh perspective, and to check that nothing is going seriously wrong. Case supervisors need to be fully competent restorative justice practitioners.*

In a majority of services included, the managers supervised staff who used Restorative Justice processes and the managers had received training. In one instance where the manager had not received training, specialist consultants were employed to support practice, as recommended in the Guidance.

### **Recommendation 9**

**Service Managers who are not trained in Restorative Justice practice to ensure that specialist consultants are provided to support Restorative Justice Practitioners.**

#### **Management Indicator: Overall views of the Restorative Justice process**

Service managers, funders and referrers all considered Restorative Justice processes to be important, with many describing aspects of the interaction between the Person Harmed and Person Responsible as being important. Some managers described ways in which the services could be developed, for example by dealing with more serious cases and developing the service in schools or the care sector.

Some respondents in the professional groups, and from Persons Harmed and Persons Responsible suggested that Restorative Justice processes could be improved by taking less time, although this was not questioned directly.

Persons Harmed identified the need to ensure the participation or presence of the Person Responsible and to create more opportunities for direct interaction. Persons Responsible also suggested that services could be improved by spending more time on interaction.

Positive views about Restorative Justice Services were expressed by all participants: Persons Harmed and Persons Responsible, by service providers, and by those who referred to and funded services. Overall, most funders and referrers viewed Restorative Justice Services as providing good or excellent value for money in creating safer communities.

This evaluation also sought information from service managers about the priority given to Restorative Justice Services locally. Only two managers described these services as having high priority, even though professional opinion, as expressed by those most directly involved in delivering and referring to services, was clearly very positive about the benefits of the services.

From April 2008, ring fencing of funding for services was abolished so that government funding specifically to provide Restorative Justice Services was no longer available. Furthermore, there is also currently no organisation or body responsible for national leadership on Restorative Justice, as The Scottish Restorative Justice Consultancy is no longer in existence. If funds are not to be ring fenced, it is suggested that there should at least be a dedicated organisation or leadership to provide an institutional focus and a national lead, as Sherman and Strang (2007) proposed for English services.

### **Recommendation 10**

**Consideration is given to the way in which national leadership on Restorative Justice in youth justice in Scotland can be provided.**

Local authorities now need to consider which services can most effectively achieve prescribed outcomes and have ways of measuring these. Youth Justice Services and work to tackle offending by young people need to be integrated into the policies and practices relating to children, families and communities, rather than being planned separately. This would also be in line with research suggesting the importance of integrating Restorative Justice with other services for children and young people, providing a continuum of care (Dutton and Whyte, 2006). In combination, services will need to demonstrate and evidence achievement of outcomes.

It is suggested that government and local strategic objectives and outcomes could be contributed to by achieving the outcomes described in the Restorative Justice guidance: particularly the emotional, cognitive and relational benefits, such as feelings of safety, increased self-esteem, the letting go of anger, and increased empathy; and also Action Plans which are restorative rather than punitive, with tasks and additional programmes aimed at meeting the individual and collective needs and responsibilities of participants.

### **Recommendation 11**

**Local authorities to consider the inclusion of Restorative Justice Services in local service plans developed to support the Government strategic objectives.**

#### **Evaluation Indicators: Indicators relating to Participants in the Process**

##### **Participant Indicator: Processes to address harm**

Restorative Justice guidance describes the reason and focus of any restorative justice process as identifiable action(s) that have caused harm.

In this evaluation, most Persons Harmed were able to tell the Person Responsible about the harm that had been caused and felt that Person Responsible did understand. As required in the guidance, relevant individuals were enabled to participate together, to explore what happened and how the Persons Harmed were affected

**No recommendation.**

##### **Participant Indicator: Safe and constructive expression of feelings and taking responsibility**

The primary aim of a Restorative Justice process is to enable people to express their feelings in a safe and constructive way. Initial screening of offenders is recognised as essential to establish that the offender does not deny guilt, express anger or give other indications of posing a risk to victims.

Where communication did take place, feedback from Persons Harmed suggested that most felt that the Person Responsible answered their questions and explained why the incident happened. Most Persons Responsible also felt able to answer questions and offer explanations. All participants confirmed that the processes they participated in was constructive in the exchange of information and the positive responses suggested that participants felt safe.

**No recommendations**

##### **Participant Indicator: Meeting the needs of Persons Harmed and Persons Responsible**

In their responses to the evaluation questionnaires, both Persons Harmed and Persons Responsible expressed high levels of satisfaction with their experience of the Restorative Justice process.

In most available studies, as described in the introduction, Persons Harmed relate more positive experiences and outcomes when they participate in Restorative Justice than when they do not, particularly in terms of satisfaction with the process, feeling a sense of closure, reduced post-traumatic stress and more positive views of the Person Responsible (Strang, 2002). Direct communication is seen as important for the successful participation of Persons Harmed *and* Persons Responsible, particularly in

terms of reconstructing a narrative about the incident(s), mutual understanding and achieving a sense of closure. In line with these studies, in this evaluation:

***Persons Harmed** reported positively about participation, appreciating the opportunity to present their point of view, to explain the impact the incident had on them, to hear the point of view of the Person Responsible, to gain a greater understanding of the incident, to receive an apology and to gain a sense of closure.*

***Persons Responsible** described appreciating a greater understanding of the impact and consequences of the incident and of crime in general, for themselves and for others, being able to have a greater understanding of the feelings of the Person Harmed, making amends for their actions and wanting to change their behaviour.*

These responses from participants demonstrate the range of needs that are being addressed by Restorative Justice processes, which is in line with the anticipated benefits described in both the Restorative Justice guidance and in research.

### **No recommendations**

*For the **person harmed**, it gives them the opportunity to have their views and needs taken into account; to find out what happened and why; to convey the suffering and distress that they have experienced or continue to experience; to receive a sincere apology; and to have the value of their losses acknowledged and amends made.*

*For the **person responsible**, it gives them the opportunity to learn that their actions can have harmful consequences for others; to develop their conscience and capacity to empathise; to take responsibility and be accountable for their actions; and to be motivated to desist from future harmful behaviour.*

Feedback in this evaluation confirms what research has shown, that Persons Harmed want a just and a fair process and that they want to be involved in the processing of their cases as well as to have an input. They also want to be kept informed about outcomes. It is suggested that these benefits are particularly evidence for processes involving *direct communication* and that indirect processes are in danger of leaving people feeling unsure about what was happening during and after the process and so less responsive to needs. This may be evident in some of the reports given by Persons Harmed that they did not know if an apology had been given or if Actions Plans had been completed.

### **Participant Indicator: Restorative Justice Outcomes (b)**

A Restorative Justice outcome means the emotional, cognitive and relational benefits felt by the participants during and following a Restorative Justice Process, such as feelings of safety, increased self-esteem, the letting go of anger, and increased empathy. It also means an agreement or Action Plan reached as a result of a Restorative Justice process.

Persons Harmed have been shown to consider offender apologies to be important in bringing about emotional restoration and changing their views of the Persons Responsible. In this evaluation, most Persons Harmed said they had received an

apology and most considered the apology to be sincere and they accepted it. However, just over a third of Persons Responsible were not able to give an apology but they were not asked for further information about this. It would be important to understand this further, particularly as giving an apology may be a reflection of increased empathy felt by the Person Responsible for the Person Harmed.

### **Recommendation 7**

**Service managers and practitioners to ensure that apologies are provided and that Persons Responsible know the outcome of this.**

Research also provides strong support for the importance of making amends and apologies, with some studies highlighting the greater value Persons Harmed place on practical measures and ensuring help for the Person Responsible, with most typical agreements involving help rather than financial recompense.

Over three-quarters of the Persons Responsible felt that they were able to make up for what they had done. However, only two-thirds of Persons Responsible reported that some kind of Action Plan was agreed to. Where there was an Action Plan, almost all Persons Responsible regarded this as 'fair' or 'very fair' to them', and similarly 'fair' or 'very fair' to the Persons Harmed. Where there was an Action Plan, two-thirds of the Persons Responsible said they were able to give an apology. However, where there was no Action Plan agreed, only about a quarter of the Persons Responsible gave an apology.

This evaluation would seem to suggest that there is scope to improve the process of setting and agreeing Action Plans and providing opportunities for Persons Responsible to offer apologies.

### **Recommendation 6**

**Service Managers and practitioners to ensure that an Action Plan is specified as a result of the Restorative Justice process.**

Persons Harmed were asked whether the process had affected how safe they felt. While about half of the Persons Harmed reported no difference, 40% said it made them feel more safe. Most (80%) of Persons Harmed also reported that they felt better about the Person Responsible.

About two-thirds of Persons Harmed thought the Person Responsible wanted to change their behaviour, with another 18% saying they didn't know, but with a third saying they thought it was likely the Person Responsible would offend again. Persons Responsible were much more positive (90%) about wanting to change their behaviour, with three quarters saying they did not think they would offend again.

This evaluation has not explored in detail any links between reported outcomes and the details of the Restorative Justice Process. It is reporting on consistency in relation to the implementation of the Guidance and the effectiveness of practice in relation to outcomes

set out in the guidance. As commented above, there is scope for improving outcomes in relation to Actions Plans and apologies.

However, in view of research findings demonstrating the importance of participation in the process, of direct communication and of the impact of factors such as the offence type and process type to outcomes, it is suggested that it is important to collect this information in future evaluations. The confidentiality and right to anonymity of participants should be protected. However, it is possible to include some key questions in questionnaires to establish key information, such as important background characteristics and aspects of the process that each individual is engaged in.

### **Participant Indicator: Contributing to the Government's Purpose**

Through Single Outcome Agreements, each local authority is now required to set its own priorities for achieving locally the strategic objectives of government. Local authorities and their partners are required to determine how best to target resources. The Guidance produced by the Government for the delivery of Restorative Justice Services describes the benefits that can be achieved by Persons Harmed and Persons Responsible which are in line with Government indicators.

Responses suggest that:

- The life chances of Persons Responsible are improved through their understanding of the harm they had caused and they indicated a desire to change their behaviour.
- Through giving apologies and making up for what they had done, Persons Responsible were demonstrating responsible behaviour and making a contribution to society.
- Some Persons Harmed felt safer through participation and a large number of young people said they would not offend again.

Some seven years ago, Scotland's Action Programme to Reduce Youth Crime (2002) indicated that the confidence of Persons Harmed in Scotland's Youth Justice System needed to be restored, and that restorative justice approaches can "go some way" towards meeting this objective. The National Standards for Scotland's Youth Justice Services (2002) stated that,

*'Every victim of a young offender referred to the reporter on offence grounds will have the opportunity to engage in a [restorative justice] scheme, where appropriate.'*

The Action Programme was supported by government funding, and by 2004 there was a commitment to providing every local authority youth justice team with funding for restorative justice projects in their area. By September 2008, services were described as being in place in 31 out of 32 Scottish authorities.

This evaluation has not been an audit of current provision, but does appear to reflect changes in priorities as local authorities and their partners determine how best to target resources and achieve objectives. In *Preventing Offending by Young People: A*

*Framework for Action*, published in 2008, the Scottish Government and COSLA recognised the important contribution of Restorative Justice processes. However, it is local planning that will determine how best to ensure the extent to which Restorative Justice Services are funded to help achieve the Government's Strategic Objectives.

### **Recommendation 11**

**Local authorities to consider the inclusion of Restorative Justice Services in local service plans developed to support the Government strategic objectives.**

Local authorities now need to consider which services can most effectively achieve prescribed outcomes and have ways of measuring these. Youth offending services, and work to tackle offending by young people, need to be integrated into the policies and practices relating to children, families and communities, rather than being planned separately. In combination, services will need to demonstrate and evidence the achievement of outcomes. In this there is a danger that the needs of Persons Harmed will not be addressed, and the ways in which Restorative Justice processes can benefit both Persons Responsible and Persons Harmed will not be recognised. Planning Restorative Justice services also needs to be in the context of '*Getting it Right for Every Child*,' the national programme to help **all** children and young people grow, develop and reach their full potential. The overarching concept of *Getting it Right for Every Child* is a common, co-ordinated approach across **all** agencies, that supports the delivery of appropriate, proportionate and timely help to all children as they need it. With an important focus on children and young people, it remains important to recognise how Restorative Justice practice can make an important contribution.

Seven years ago, concerns were expressed about the confidence that Persons Harmed had in the Youth Justice System. Where Persons Harmed are engaged in Restorative Justice processes they are positive, but in significant numbers of cases they are not participating and the focus is on Persons Responsible, with little information going to Persons Harmed.

A key Government Strategic Objective is '**We live our lives safe from crime, disorder and danger**', so it would seem that providing Restorative Justice Services in which Persons Harmed are engaged would be a priority. There is considerable evidence about the benefits of participation in the process to Persons Harmed, and associated benefits to Persons Responsible, which also support the attainment of other Government objectives in relation to improving life chances for children and young people.

## **Recommendations**

### **Restorative Justice Processes**

Recommendation 1: Restorative Justice Services make every effort to engage Persons Harmed in direct communication processes, and where this is not possible ensure that an appropriate support process is provided to the Person Harmed.

Recommendation 2: Restorative Justice Services to ensure that Persons Harmed are informed about the participation of the Person Responsible in action plans, and the outcome.

### **Evaluation Indicators: Indicators relating to the Management of the Process**

#### **Appropriateness of Cases for Restorative Justice**

- Appropriateness of the offence for Restorative Justice  
Recommendation 3: To increase referrals of cases to Restorative Justice Services where there is violent crime involving a personal victim.  
Assessing the appropriateness of a Restorative Justice process for the individuals  
Recommendation 4: To take steps to raise awareness of the existence of Government guidance and ensure that training in the practice guidance is provided to practitioners.
- Informing and preparing individual participants  
No recommendation

#### **Provision of Restorative Justice Service without Delay**

Recommendation 5: Service Managers and practitioners to review current practices to ensure that Restorative Justice processes are provided as quickly as possible to participants

#### **Restorative Justice Outcomes (a)**

Recommendation 6: Service Managers and practitioners to ensure that an Action Plan is specified as a result of the Restorative Justice process

Recommendation 7: Service managers and practitioners to ensure that apologies are provided and that Persons Responsible know the outcome of this.

#### **Case supervision and Line Management**

Recommendation 8: To ensure that managers of all Restorative Justice Services and generic Youth Justice Services with Restorative Justice Practitioners are aware of the Government guidance and that this is incorporated into practice.

Recommendation 9: Service Managers who are not trained in Restorative Justice practice to ensure that specialist consultants are provided to support Restorative Justice Practitioners

### **Overall views of the Restorative Justice Process**

Recommendation 10: Consideration is given to the way in which national leadership on Restorative Justice in youth justice in Scotland can be provided

Recommendation 11: Local authorities to consider the inclusion of Restorative Justice Services in local service plans developed to support the Government strategic objectives

**Evaluation Indicators: Indicators relating to Participants in the Process (Section 2.4)**

**Processes to address harm**

No recommendations

**Safe and constructive expression of feelings and taking responsibility**

No recommendations

**Meeting the needs of Persons Harmed and Persons Responsible**

No recommendations

**Restorative Justice Outcomes (b)**

Recommendation 6: Service Managers and practitioners to ensure that an Action Plan is specified as a result of the Restorative Justice process

Recommendation 7: Service managers and practitioners to ensure that apologies are provided and that Persons Responsible know the outcome of this.

**Contributing to the Government's Purpose**

Recommendation 11: Local authorities to consider the inclusion of Restorative Justice Services in local service plans developed to support the Government strategic objectives

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