

Scottish Restorative Justice Forum “Mapping event” report

Tuesday 9th September 2014

Held at Victim Support Scotland, 3rd Floor, Abbey House, 10 Bothwell Street Glasgow G2 6LU

People attending:

Mary Munro (RJ Forum - event convenor), Tom Halpin (Sacro and chair of RJ Forum), David Orr (Centre for Youth and Criminal Justice), Stewart Simpson (Centre for Youth and Criminal Justice – Minutes), Lisa Mackenzie (Howard League Scotland), Alan McCloskey (Victim Support Scotland), John Evans (Victim Support Scotland), Vikki Binnie (South West Scotland Community Justice Authority), Chris Collins (Glasgow Community Safety), Eugenia Droukas (Sacro Edinburgh), Kathleen Hather (Moray Council), Jim Watson (Positive Prisons), Sheila Farquharson (Sacro Aberdeen), Chloe (Sacro Aberdeen), Danny Kelly (COPFS), Kirsten Park (SPS), Fiona Stewart (SPS), Brian Donnelly (RespectMe), David Cross (Edinburgh City Council), Trish Miller ((North Lanarkshire Council), Ella Brown (North Lanarkshire Council), Mark Armstrong (Police Scotland), Billy Paul (Prison Fellowship)

Apologies: Steve Kirkwood (Edinburgh University), Bill Whyte (Edinburgh University), Angela McLeod (Police Scotland), Jamie Toal (Police Scotland), Niall Kearney (Restorative justice Forum), Dave Scott (Nil By Mouth), Mhairi McMillan (LGBT Youth Scotland), Jenny Johnstone (University of Newcastle), Andy Bruce (Scottish Government), Graham Ackerman (Scottish Government)

Introductory remarks

Mary Munro (RJ Forum): The purpose of this event is to begin to find out who is doing what, where and how across Scotland in relation to restorative justice and practices in criminal justice. It is organised by the newly formed Scottish restorative justice forum as part of its emerging strategy.

Time	Topic/Chair	Speakers
10:00 am	Welcome and introductory remarks	Mary Munro (event convenor), Tom Halpin (Sacro and chair of RJ Forum), Lisa Mackenzie, Howard League Scotland
11:00 am	Police Scotland panel	Mark Armstrong (Police College)
11:30 am	Prisons panel	Kirsten Park, Fiona Stewart (SPS) and Billy Paul (Prison Fellowship)
12:00 pm	VSI and COPFS	Alan McCloskey, John Evans (VSI) and Danny Kelly (COPFS)
12:30 pm	Scrum Panel	Tom Halpin and colleagues
1:00 pm	BREAK	Sandwiches provided
1:30 pm	Community Safety Responsible	Chris Collins and colleagues (Glasgow Community Safety) and Brian Donnelly (RespectMe)
2:00 pm	Criminal Justice Social Work panel	David Orr (CYCJ), David Cross (Edinburgh City Council), Ella Brown, Patricia Miller (North Lanarkshire), Kathleen Hather (Moray)
2:30 pm	Plenary	What has this event told us about current work in justice/restorative practices in Scotland? What are the gaps? What next?
3:15 to 3:30	Close	



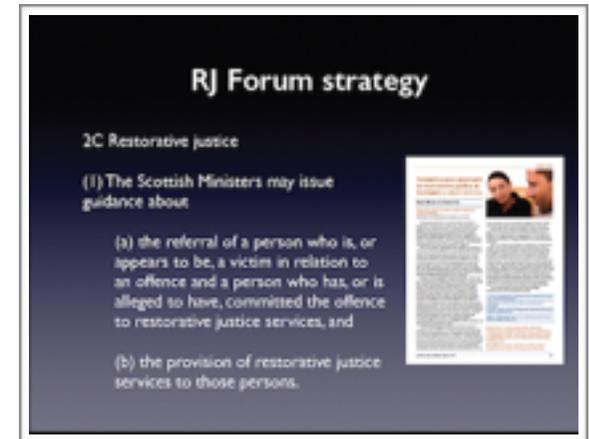
What's this all about? Back in 2002 the then Scottish Executive published its response to the 2001 EU Framework Decision on the standing of victims in criminal procedure. If you go to the page dealing with article 10 of the directive relating to penal mediation you see that it is mostly blank other than the sentence "this article does not have to be complied with until 2011". We have moved on from there insofar as that 2001 framework has been replaced by the 2012 EU framework, but the lack of action in Scotland continues. Indeed the recent Victims and Witnesses legislation would have otherwise been silent on restorative justice if it had not been for the work of the Forum.

Tom Halpin (chair of the RJ Forum): The Forum is a collaboration of interested stakeholders including academics and this collaborative approach is key in moving forward on the Government's legislative commitment to issuing guidance on restorative justice services. It is about building credibility in restorative justice and confidence in it on the part of all stakeholders, that people won't be harmed.

Lisa Mackenzie: Howard League Scotland really welcomes the provision in the Victims and Witnesses Act as a step forward. We support the development of restorative justice across Scotland not to be limited to any stage in the process. We have no vested interest in terms of running services. There is no lack of evidence in terms of participation and satisfaction with process and it is suggested, a reduction in offending.

In terms of resources, it always seems to be possible for some to be found when needed, such as additional funding for the Inverclyde Prison rebuild yet told for a long time that no money for community justice. Also more positively, more money has been found for Shine mentoring projects.

Note: for the sake of clarity, additional points made by speakers in response to questions are included in the summary of their presentation, like this.



Police Scotland (PS)

Mark Armstrong

Mark delivers Restorative Justice courses at Tulliallan Police College. These give police officers training around delivering police disposals such as Restorative Warnings to young people.

The Police Scotland view is positive about RJ and that RJ works. Often Police staff use RJ skills in day-to-day work without knowing they do so e.g. neighbour disputes but there is no mechanism of recording this type of day-to-day use. We probably undersell ourselves in terms of working restoratively.

In relation to Restorative Justice Conferencing, there is uncertainty in the Police about leading RJ conferences, particularly in relation to the specific skills required to deliver these competently. Yes we should be involved but people that are well enough trained and that have skills to run a conference effectively are few and far between.

In probationary training they do get inputs on restorative practices and working. We are looking at getting people who have worked in the process delivering it - that would be helpful as well in selling it. You've got to remember as well that a lot of these young people are 18/19 - not long out of school and quite used to things being dealt with restoratively. When you speak to guys like me with 20+ years service it can be a difficult sell.

There is currently no Police budget to support bringing in 3rd sector people to run conferences - so part of the discussion has to be if we are going to get involved in that, where does the funding come from? Police Scotland has to find savings of £60 - £70 million over 11 years.

Some school campus officers may also have access to restorative practice training offered by schools. However, broadly there is no clear picture as to what individual Police staff may have access to.

Having said that we deliver specific training for police restorative justice practitioners to deliver warnings. We do look at conferencing to see how that works but basically they go back to the division and the next week will deliver. We look at the background to RJ, we look at the theories about working restoratively, but more specifically we look at the process and what requires to be done and how a warning runs and give them a model to use.

Within Police "J" division which encompasses Edinburgh City, the Lothians and Borders, RJ conferencing has recently been piloted in relation to racial hate crimes and that the pilot appears to have been successful. This is no longer active.

Police Restorative Warnings came into force in 2006 replacing the tradition of "Inspector's warning". Whilst this was a form of response to a young person's offending behaviour it more often as not had little impact and was often a lecture. Since 2006 the focus has been more around discussing emotions/feelings with young people and helping them consider the impact on persons harmed.

The young person is with a parent, grand parent or could be somebody from school. Basically about challenging that young person about their behaviour and looking at the consequences and harm that it has caused to someone else or the community. For the police it is about emotions and quite often you have hardened cops saying - it takes a bit to get them going - it is incredibly difficult for a young person to come in and vocalise that they've realised that they've caused harm.

And on some rare occasions they offer to do something to remedy that harm - but could be as simple as writing to the store manager to apologise for having shoplifted and realised how that can impact on him and staff - could be something like that.

We do a bit of pre work with them - so they start to think about it before they came along. As restorative practices are used more and more in school, right from pre-school to secondary, young people are getting more of a feeling for this idea of causing harm, definitely.

I've never been to a warning where victim has been there. Yes we speak to them before we deliver a warning and they may supply a victim impact statement in which case we feed back afterwards on the result. In vast majority - the victim just wants the young person to know that what they did has caused them harm / upset. It can be a real closure for them just to know that the young person understands who they have affected somebody else. For me that's very powerful.

Time and preparation are the key. Should be prepared not to go ahead if young person doesn't seem capable of grasping that has caused harm. We shouldn't pursue cases where they might cause harm. In training we make the point that if it's not right it's not right and you can pick that up very quickly.

In 2011 the development of Early and Effective Intervention strategies led to a shift from individual police decision making to group/multi-agency decisions on the disposal for the young person. Recent Police stats indicate a reduction in Restorative Warnings since commencement of the Early and Effective Intervention programme (EEI).

So early and effective intervention came in 2011 and changed the way in which we deal with young people in particular because with the advent of a formal police warning not a restorative warning. So at the time roughly 60% young people attending would fall into category of formal warning i.e. meet certain criteria - agree that done it - no further issues - whole load of stuff - that's what should be happening.

Where more complex issues - health, school and so on - these would still be reported to SCRA.

Currently there is a country wide scoping exercise taking place about safer communities and what we are doing and part of that will be about what restorative justice is going on and that's going to inform policy, because the aim of PS is to have a policy that will be consistent across the country. Following the scoping exercise - we'll see what comes of that and we'll probably need a training needs analysis after that.

To summarise - yes we will continue to work restoratively, yes we will continue to work with restorative warnings but we do have concerns about conferencing and we do have concerns about finance in a context of reducing budgets and the need for savings. More and more difficult to confront internally for these sort of things - a massive ask. A consideration for whatever we do is financial. Police Scotland does not consider RJ a 'soft option'.

I think there would be no problem with working with older people: we are 100% committed to working restoratively. Obviously not doing a lot of that at the moment and perhaps there will need to be different training but PS absolutely buys in to working restoratively.

At the end of the day our job is to prevent crime so if working with young people and adults and there is evidence out there that it works then that's something that we as an organisation cannot ignore.

The last year and a half has been difficult for PS and we've just started to get focus on a lot of things again. What I'm getting from the top on this is that they are absolutely into this. it's about finance absolutely but there's no question that we would not be getting involved in that.

Prisons Panel

Kirsten Park (SPS) is currently the community safety manager at YOI Polmont

My main focus is what we're doing in Polmont home to 500 of Scotland's finest young men where I work in the community safety unit - we work on violence, knife crime, bullying (RespectMe). We have 6-10 acts of violence per week that mainly stems from silly arguments. The way that we used to deal with that was very punitive. We would separate them, not let them speak to each other, not go on work parties together . . . - they were punished. Did it work? No - they were still doing it. So last year we looked at the restorative approach again. In November 2013 Sacro trained about 30 prison officers.

From January 2014 when the RJ programme was implemented we've had 260 referrals so that's 520 boys that have been introduced to a restorative way of working. I'm not saying that 260 have been successful because there's lots of different things you have to take into consideration - liberations, time maybe they're never going to sort it out and so on. We have a 25% success rate which I think for our community is pretty alright - I'm pretty pleased with that.

Automatic referral of anyone involved in violence but also people can self refer.

We're talking about low level situations - we're talking about arguments, conflict over the pool table, so entirely internal, not high risk situations where victim is in the community and I think as an organisation we're not in a place at the moment to offer that service.

Further work? There is pockets of work being done in other establishments that I am aware of - I can say that it is more community payback than restorative work and I'm not aware of any work done in relation to high end high risk situations.

If I took my Polmont programme to an adult establishment it would completely fail and that 's because in my experience the sort of incidents - you are talking about gangs, drug debts, revenge attacks.

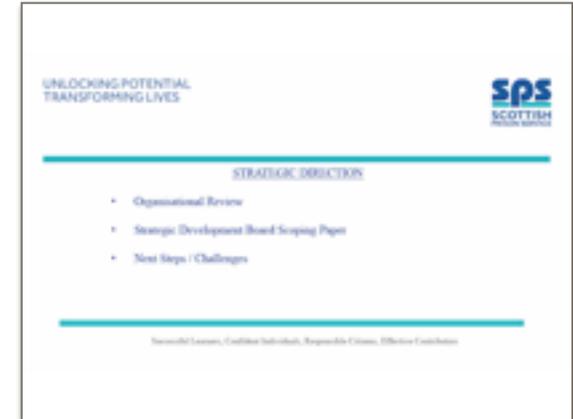
But in our programme - example of working for 6 weeks to get to the point of meeting - so a real question of resources - as you can imagine our job has become so complicated - can spend the day on the computer managing processes and we have the same financial constraints and restrictions as others.



Fiona Stewart is the Strategy and Evaluation Manager, at the Strategy and Innovation Directorate (SPS)

As Kirsten says the majority of our restorative work goes on in Polmont and there is no consistency or corporate approach.

Kirsten and I at the moment are preparing a rather detailed scoping paper for our strategic development board. Originally this work was approved by our offender delivery group - strategic thinking about impact of policies from an operational point of view. We were originally given mandate by them to look at restorative justice however, we've just been through a recent organisational review (Unlocking Potential, Transforming Lives) and this was looking at things from an asset based approach. And there is a community interest as well. So we are going in that direction but it's all bitty and it's all strands and there's nothing that's pulling it together. Our Chief Executive has given the 'green light' to explore application of restorative approaches.



There's now a lot more emphasis within the organisation about understanding the whole person - what they were like before they came into custody, in custody and on release. There's a lot of training going on with staff in terms of how we deal with prisoners. Yes we're still doing things but not involving victims.

You'd think that in terms of what the SPS is setting out to do then restorative justice would have more of a place . . .

So we need to think about how much of this we can buy into and always it is the victim side of things that is operationally difficult for us.

Kirsten: as an organisation what we do is manage and contain risk and from a victim's point of view - at the moment we have no strategic framework in place to support work with victim and to manage that process. Who manages that, who takes responsibility for it?

And we have so many high risk categories of prisoner, we would have to ask if the organisation we work with is capable of working with the category of prisoner that we have?

This is what I struggle with as a layman on the shop floor. I don't want offenders to come to me and we can't work with them - deal with all the local authorities in Scotland. The cost implications are tremendous but there is such a need for it. If you walk into a flat I could have 10 prisoners saying that they want to do this. I have a young lad who killed someone in a gang fight at 14 years old and he is now 19/20 and the remorse that he feels is just horrendous but there's nothing we can do about it. I know from a victim's point of view that it is difficult but the main thing from his point of view is to look into their eyes and say sorry for what he has done. We're asking these guys to go back into society - I think the SG is failing on this - I feel really passionately about this so if there's anyone out there who can come in

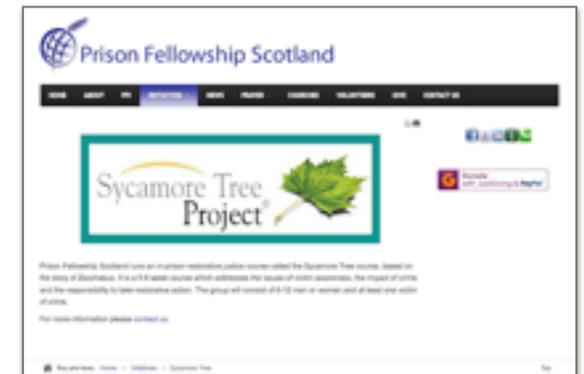


on work with me on that . . .

Billy Paul is executive director of Prison Fellowship Scotland

PFS is a faith based organisation active in 13 of 15 Scottish prisons. The work we do includes giving presents for kids at Christmas time and opportunities for kids to have a holiday if parents in prison. We're brilliant because we don't charge anything. For the last 10 years PFS have been offering Sycamore Tree as a way of exploring restorative justice and of the volunteers at least one has been a victim of crime.

In the first week we talk about retributive justice and the questions asked - who did it and what is the right punishment. What we are saying with restorative justice is that there are 3 more questions that need to be asked: who has been hurt? what do they need? whose responsibility is it to meet those needs?



In week two we use an illustration. We have a basin of water on the table and then throw an apple into it and the water will go all over 10-12 lads and some are shocked, some are angry, some are curious as to what's going on here. I'll ask someone to clear up the mess and always someone says - no. I didn't do it - he can do it. Without exception someone will say - you made the mess - you should clean it up . . . And then afterwards they'll always know - there'll be the water mark on the piece of paper. It lives with people. Even if no water touched them everyone around the table is affected by the crime.

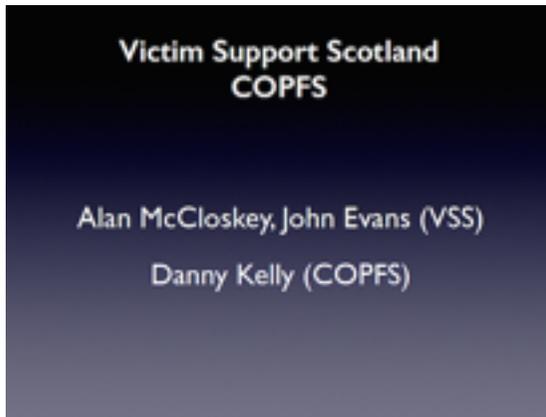
And then talk about saying sorry and acting sorry. We talk about confession in a very specific way. Not just that I did it. You listen carefully to how a victim describes how they have been hurt by what has been done and you agree that what you did has had that impact on their life and if you have been patient enough to listen and hear about that impact, then maybe they will be patient enough to listen to your story.

In relation to reconciliation we talk about acting towards a new way of thinking rather than thinking towards a new way of acting. If you take action that can help the way you think.

Next step? What are you going to do as an illustration of your taking responsibility? Some will write a letter to a victim that's never going to go, some will write to their family to apologise, some will do voluntary work in prison (e.g, listeners) - something that they can do. Actions that show that they aren't just going through the motions.

Optimum time for delivery of Sycamore programme? When people want to do it that's the optimum time - people who have done it previously approaching release will ask to do it again because at that time it comes into sharp focus. We offer it fairly regularly at Castle Huntley that's the open estate and obviously in that context - I am astonished when we create the space and structure for people to do the reflection - how insightful people are. The earlier you get folks - and if they've done restorative practices in school then you're not starting from ground zero. They're picking up on it - they're used to some of it from school.

Comment: It's very positive about buy ins in both the PS and SPS - everyone recognises that finance and resources is an issue but there is a collective feeling that's definitely there and I think that there's always an issue that what you're talking about is offender led rather than victim led. What we don't have is a mechanism to bring those two things together.



Victims' Panel

Alan McCloskey is Director of Operations at Victim Support Scotland.

From a personal perspective I been involved with Victim Support Scotland for 10 years and have been involved with a number of initiatives both in Scotland and in Europe, looking at Restorative justice, mediation projects and have sat on and latterly chaired Restorative Practice Scotland. So am aware of the Restorative justice perspectives .

The EU Directive that will come into force in November 2015 has quite a lot to say about restorative justice whereas the V and W Bill was largely silent and it wasn't until Stage 2 that it got on the table and now at least we are seeing some progress in that we'll be getting guidance on that.

It is important, rather than look forward too much, to refer to a couple of things that we know from recent times about what works. Four or five years ago we had a model - and said this might work. I've got examples for you to look at . . .

I want to talk about the service run in Dundee, VOYCE, for victims of youth crime and then pick out some joint work did with Sacro looking at a Restorative justice joint action project (RJ-JAP.) That was an important piece of work that could probably do with being dusted down and looked at again.

VOYCE was very successful in Dundee for 10 years, fully funded by the city council, and it was as all these things are, a multi agency approach. It was victim centred which was important but round the table we had police, SCRA, criminal justice social work, children's reporter, and another local charity. We helped about 1000 victims of youth crime every year through that service. Strands to it: offered victims access to information and support, it offered opportunities to express the impact of crime through shuttle mediation which was predominantly what most people took up, but there was the opportunity if they wanted to meet face to face, through Sacro. Victims had choices, to access the service, or any part of it and one of the benefits of the service is that the young person would get to hear about the impact of the crime on the victim, often through a 3rd party such as a social worker - but it actually changed a lot of young people's attitudes towards committing crimes in the future - and that was really important.

For me, and the service and for victim, the thing that worked best was that victim got answers to the question 'why'? They got the chance to understand from the young person indirectly why they committed the crime. And as said earlier they weren't looking for people to be hung drawn and

quartered - just needs to know why it happened and get some comfort from the fact that it might not happen again. It was a really good service and we trawled local authorities right across the country but no-one bought into that service and sadly last year we had to close it and that's a shame. But it worked and that's important.

I will touch on RJJAP, the report that ourselves and Sacro produced in 2009 but actually a lot of the research that went into that is still relevant. It was Pam Leslie who ran the VOYCE service who was commissioned to do this piece of work. Again it was a multi agency approach, criminal justice social work were involved, the CJA, ADSW. The SG actually sat on a project steering group that we had, ourselves and Sacro. The paper's brief was to research and to come up with a model that we can use in Scotland in the adult system. Specific victim needs that the justice system should and can provide which are often neglected were identified.

- Information and answers to questions such as why.
- The opportunity for victim to have their say and their story told in a way that is meaningful to them. That's very empowering, being actually involved in the process, not in somebody else's case, but their case.
- An opportunity to get some vindication and even symbolic recognition. And even now, the paper touches on it, victim of crime in Scotland still remain to some extent on the periphery of the justice system and access to information is still limited.

Even the introduction of victim focused changes such as victim statements and the victim notification scheme, they're a bit bureaucratic in the way that they operate, and the take up rate is low and I think that's because victims don't understand it, or have access to information to know what's involved. Victims do need to get information and be given choices. The type of support that they want and the level of participation that they are comfortable with. And the system in many cases falls short.

So when Pam was doing her research we looked at what a model would look like, as a system running parallel with the criminal justice system. We called it 'victim first', which would have given the victim access, wherever the offender is in the system, to support and a Restorative justice provider such as Sacro, to find out what happened and why and get some answers and then to develop, a restorative justice approach - with the victim being very much the driving force. We all know that there are challenges bringing people together and that it will be a lengthy process. But that's the model we put on the table for government to consider and costed that for 2 years would cost 200K in the SWS CJA area. But sod's law - the person in SG who had commissioned the work had moved on. It sat on somebody's desk and by the time it was dusted down it wasn't flavour of the month.

I still think there is mileage in RJJAP. We are all talking about what could work, or making a meaningful difference particularly in the adult system. I think that model and the work that was done still could be developed and pushed forward.

John Evans is Partnership Development Manager (VSS)

To share thoughts on what victim want from the criminal justice system. For most victims at the outset at least is not high on their list of priorities. In our experience there's a hierarchy of needs, including basic safety - information about what's happening and the need for stability. A lot of people don't want to burden colleagues or family with the issue, so to have support from organisations such as ours, or Rape Crisis or any of the organisations providing an external support is hugely beneficial.

What does that mean for restorative processes? Any victim at any stage can become part of a restorative process and as an organisation we are able to facilitate that.

There's been a reluctance from the victim side to get engaged with this because the talk was that it was all about the offender and not about the victim. Alan and I don't see it that way. RJ can be hugely beneficial for some victims - the key issue is when you actually engage with them. It seems to me that for many offenders that can occur after conviction. For the victim the appropriate time can be any point on their journey so how do you make provision for that?

But without having a product to sell, we can't introduce it. Just as in the discussion in relation to prisons, having given people a wee taster in how restorative processes work and they want to be part of that. You can't go to the victim and say, well this could be very helpful but very sorry we have nothing to offer you at the moment. So deliverability is a big issue. Chicken and egg . . . We require to have services to be available before they can be offered to victim. We need to illustrate demand for services before we can get them . . .

We don't know what the demand might be but we suspect that for many people it would be a very useful additional service to help them recover.

That's the issue for us to address. There are a number of ways in which we could start discussing how matching the victim and the offender could actually take place.

Danny Kelly is a Principal Depute in the Policy Division at Crown Office.

As prosecutors we are supportive of restorative justice and see the value it has and the part it has to play. But we are prosecutors and our duty is to act on behalf of the public interest and to consider the harm of crime on victims. I suppose where we see restorative justice as fitting in as when you meet the needs of the accused and the needs of the victim and bring those two things together.

COPFS changed its structure 2-3 years ago - had 11 geographic areas and now we've got 3 federations. Also moved into specialisms, high court, sheriff and jury, initial case marking. It provides an opportunity to provide a more unified approach in particular areas. As prosecutors we all bring our experience of crime to the table. I've done work volunteering with PF and worked as a children's reporter.

Our primary role is to act in the public interest and to act with victim in mind. Prosecution decisions are based on number of factors starting with legal sufficiency and then public interest taking into account e.g. the type of offence, the particular circumstances of the accused, impacts on community and victim. One of our options is to consider marking for diversion. Often when we do that then a local authority can consider it for a restorative justice programme. So prosecutors marking a case for diversion don't necessarily assign it for restorative justice - that might be in our minds but there is a sort of clearing house where it is allocated to social work who say where that case should go.

I was speaking to prosecutors up and down the country, those who have responsibility for diversion work, to get an impression of diversion and restorative resources. What's clear is that it is patchy. What's on offer varies, and we can divert in one area but can't in another. We do welcome resources for diversion - we do see cases where we think that's the way to do it as an effective intervention for the accused and the victim.

One of the key things for us is the profile of diversion and restorative justice programmes. I think if you have a programme, make sure that the local prosecutors know about it, know what it consists of, know that it is a viable option. So local engagement is key. And the more strategic engagement such as this to help educate us that this is an effective mechanism.

We've talked about hate crime in passing and its very high profile. It's a difficult area to marry restorative justice and hate crime together for many reasons but that's not to say it's not a viable option. In some respects it is a question of feeling your way on that one and of engaging locally and nationally.

So it's not something we close the door to at all. It's very much the opposite.

How do we use this model for more serious crime? As prosecutors we are gate keepers for the pre-prosecution type of offending but I think we need to look at how it is used post conviction because if we really want to roll it out in terms of more serious crime that's the main area and how do courts look at it as a viable part of their sentencing options.

Comments:

It's really interesting thinking about diversion in the prison disciplinary system. When we had RJ as a diversion from the discipline process it really fell apart, but when we took RJ out of the disciplinary system, so we should look at it regardless of what punitive measure had been put in place, it seems to be working. I can see what you are getting at with diversion but if people are linking that with getting something out of it . .

I think you can have a model for post conviction that doesn't have the perverse incentive of - if I do this I'll get a shorter sentence. But as an example - when a criminal justice social worker is writing a social work report, victim empathy will be explored but in terms of a practical activity to address that in the course of a community payback order or custody, there's no mechanism to do that. I agree fully that it would be really good to think about the post sentence spectrum.

On victim hierarchy of needs - There's lots of work that we can do with offenders - before today had assumed that meeting the offender was at the forefront of their minds and you're telling me that's not the case and I didn't know that.

There are a number of steps we can take to put victim into an offender programme. First, at a general level, here's what victims think . . . Next level, here's a prisoner who has expressed a desire to explore shuttle mediation. In prison a conference is usually problematic but . . . could be explored.

Victims and offenders needs can be similar, safety, control, justice. This is where there is a need for good experienced practice - we've all got needs.

Also some experience in 3rd party victim - putting in shoes of victim - credibility of the concept as a whole - can be effective. There are pragmatic solutions where we can push this forward - including training volunteers to come in and represent victim . . . it's worth exploring.

When Sacro was working with historic child abuse, conferences included an institutional representative of Quarriers. Putting needs to repair harm higher up the hierarchy is allowing policy makers to sit back and say we just focus on the primary needs - so we need to have a conversation to shift the policy position.

Of course there's no money.

That's one of the challenges to have that grown up conversation. We have been trying to get restorative justice moving forward - it seems easier in Europe to have restorative justice as a front and centre viable option whereas in Scotland and Britain it tends to be stuck. That's the challenge we all face.



Community Justice (1) Sacro Panel

Tom Halpin is chief executive of Sacro and chair of the Forum.

Sacro's history with RJ is long established although we are in a transition. When I joined in 2009 an eminent trustee said to me, why are we investing in this when nobody wants it? So if that's the attitude that permeates that level of governance what is it like in policy?

Apart from the work that we do there was toe in the water stuff in terms of very serious harm, the TASC project which was a big initiative in training but not in actual delivery. We have a continuum of skills in community mediation and restorative justice including having worked with victims of historical abuse in care in Quarriers Homes. Then there is the current work with Bill Whyte, Niall Kearney and Billy Nicol (the RISC project). What's emerging from that is the value of restorative justice - is much greater than

individuals - it is about peacemaking. The community around that - personal relationships fractured and unwilling to forgive and the mother who wants to move on. Those behaviours are replicated in the pub and community. It threw up the importance of process, procedure, governance. What if someone makes a complaint? There are real issues there. You have to think about system involvement - much more complex than just the practice.

We are providing services up and down Scotland and it is patchy and realistically it will always be patchy working with 200,000 victims - you can't meet that demand. What we are doing today shows we can contribute to the development of the guidance and the issues to make it a safer place to be. I am conscious that Sacro is not THE provider, but it is one provider of RJ services in Scotland.

In terms of the training, we are managing what we are doing, we have a strong basis, we have been working with HMP Polmont bringing that training in to the prison. Has been a highly positive experience but if we don't get the policy, procedures, and all that right then it will be very quickly undermined and people will get harmed.

Eugenia Droukas is a restorative justice practitioner with Sacro working in the Edinburgh and Midlothian adult service.

We offer a problem serving approach to crime based on repairing the damage done to victim, community and the persons responsible.

Cases should be marked for prosecution, there should be an identifiable person harmed and the person responsible should be 16+ and not subject to children's hearings or supervision. We deliver a wide range of restorative justice interventions face to face, conferences, restorative justice circles (e.g. vandalism). Also work quite a bit with shuttle dialogue where people do not want to meet. Sometimes can be underpinned by an agreement for reparation . . .

The persons harmed get a letter from PF about the diversion option. It is completely up to them. Completely voluntary. [Victim Support Scotland referrals are largely from police. About 10% self refer - so that was what was behind the question.]

If there has been no contact with the victim might get permission from the PF to work with the person who has caused the harm alone.

One of the ways that people make amends is to give donations to charities that are directly relevant to the nature of the offence, or close to the heart of the person harmed. So we've got hundreds of pounds going to medical charities, Children 1st, on list of organisations.

Last year - is a bit strange to talk about numbers when your heart is in what you do but that's the reality of it and we have to deliver targets. So last year we had 401 people assessed. We achieved 114 restorative justice agreements (annual target of 50). 84% of people responsible who took part indicated a much greater understanding of the results of their actions. 89% indicated an impact of re-offending. 73% of persons harmed indicated that they felt that the person responsible was able to make up for what had been done to them. 69% victims felt that they were able to influence the outcome of the case and 67% that taking part had made them feel much safer.

From our point of view, we would like the right questions to be asked, there are great needs for communications between the bodies and consistency in operational conditions - so everyone knows that we are talking about.

Shelagh Farquharson is a restorative justice practitioner with Sacro working in the Aberdeen service.

Our referral criteria - geographical criteria differs according to funding and that is a frustration for anyone working in restorative justice. I've been with Sacro 11-12 years now and have seen many changes in how our restorative justice service has presented itself. Initially it was an adult service 16+ diversion for prosecution. But back 4 years when the Whole System Approach developed in Aberdeen it changed the type of work. So although we still have an adult service there are other things that we do. We have a transitional service for 16-17 year olds. We have the adult service of 18+. We have a direct service to the person harmed and more recently we also have a direct measure service.

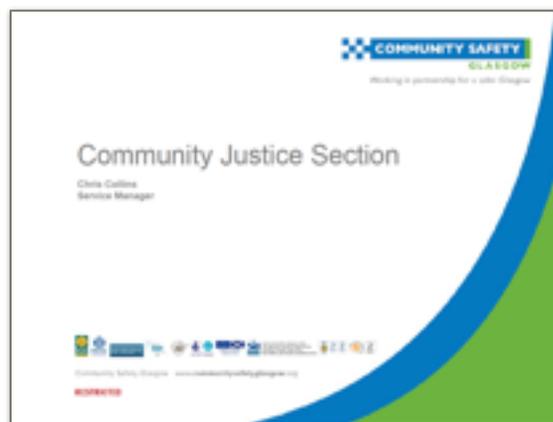
In 2009 /10 started getting referrals from diversion from prosecution service - we had 9 referrals for that 16/17 age group. The year later when we were working with the whole systems approach, multi agency working, numbers went up to 63 for that group. There was a significant rise last year to 72.

Direct services to persons harmed is a tiered approach involving partnership working: about focusing on person harmed, their needs. 4 tiers - information, support as needed, Sacro and Victim Support Scotland engage, or specialist support, also CAMHS and mental health as necessary.

The direct measures service gets referrals direct from PS where there is not sufficient evidence to prosecute but they'd like to formalise a process - so they get the formal warning and so on, but also with the permission of the person harmed, get referred to us for a restorative justice process in addition to any other measures.

Chloe has experience as a young person who has been responsible for causing harm.

She took part in shuttle dialogue and face to face for dishonesty offences which made her realise the effect it had and how serious it was and undertook some reparative tasks. She was able to make face to face apology. She thinks Sacro is a great service and has given her the opportunity to turn her life around.



Community Justice (2) Community Safety Glasgow, RespectMe

Chris Collins is service manager in the community justice section of CSG

I want to talk about where we come from as an organisation specifically in relation to the delivery of restorative practice and restorative justice.

I've spoken to a few people in the organisation who make strategic decisions to get a flavour of where we are. It's about opportunities and challenges from the organisational perspective and hopefully from a

personal perspective as well as a practitioner.

CSG is quite a complex organisation and is an arm of Glasgow CC. The evolution of restorative practices is quite an interesting and mixed history.

2003 - 2009 it was specifically a youth justice service taking referrals from children's reporter. It was a large service and had seconded police officers to develop restorative warnings and did it in a progressive way taking into account feelings and remorse. We were working with very very young boys and girls who had come in and really didn't know how to make sense of what happened.

Conferences are seen as the holy grail for many practitioners, but part of the service was the restorative programmes where we worked with a group of young people who had committed a similar offence - anything up to 12 previous offences and serious offences right up to attempted murder. This was behavioural group work based on restorative principles. Really what made that programme restorative, was the restorative challenge where we asked young people to make amends within the community.

Where it didn't work was that they thought of it as community service. There were elements that didn't work so we need to recognise that and move on.

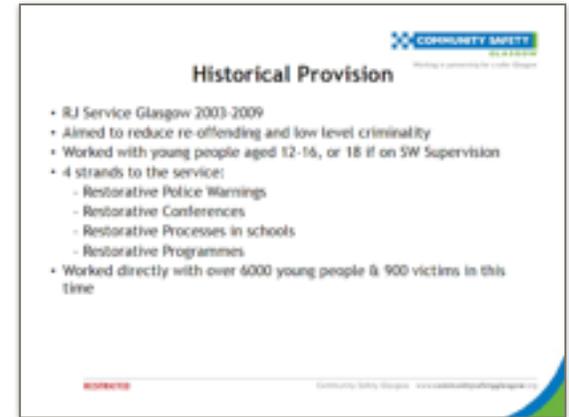
We had a team for shuttle mediation, apology letters or conferencing itself which was evaluated by Bill Whyte about 2007/8. For a team of about 20 people who had really bought into the idea of restorative practice and restorative justice it was a thoroughly depressing experience because we knew when something was good. You know yourself - we knew as practitioners that there were some really good things happening. The evaluation was really thorough and well received after we got over the initial shock, basically said that restorative justice for under 16s has no effect on the reoffending. But Bill pointed out that there were a lot of other soft outcomes, reparative agreements and so on.

So that's where we were. It was big - 6000 young people and 900 victims and a lot of the feedback was very encouraging.

About 2004/5 there was that moral panic around the proliferation of youth gang culture in Glasgow. It resulted in a change way Glasgow organised services so that we became an intervention team rather than a restorative justice team and began working with more persistent offenders and the restorative justice provision fell off.

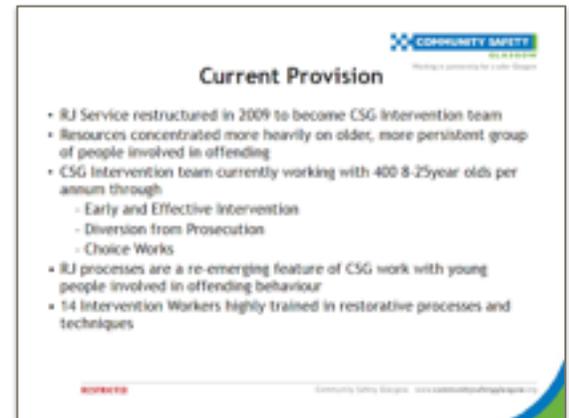
Having said that we still had highly qualified staff who had been taken with restorative justice and believed in the process and wanted to use that idea with their cases.

So restorative justice still alive in the organisation and there is a kind of re-emergence of restorative



Historical Provision

- RJ Service Glasgow 2003-2009
- Aimed to reduce re-offending and low level criminality
- Worked with young people aged 12-16, or 18 if on SW Supervision
- 4 strands to the service:
 - Restorative Police Warnings
 - Restorative Conferences
 - Restorative Processes in schools
 - Restorative Programmes
- Worked directly with over 6000 young people & 900 victims in this time



Current Provision

- RJ Service restructured in 2009 to become CSG Intervention team
- Resources concentrated more heavily on older, more persistent group of people involved in offending
- CSG Intervention team currently working with 400 8-25year olds per annum through:
 - Early and Effective Intervention
 - Diversion from Prosecution
 - Choice Works
- RJ processes are a re-emerging feature of CSG work with young people involved in offending behaviour
- 14 Intervention Workers highly trained in restorative processes and techniques

justice, and I'm really keen on that but there are frustrations about getting trained and fired up and then you have to do something different and then lo and behold a few years down the line, again you get back to restorative justice.

I think there is a lot of good work going on across the country - it has never really gone away and the practice is still widely regarded as being very useful.

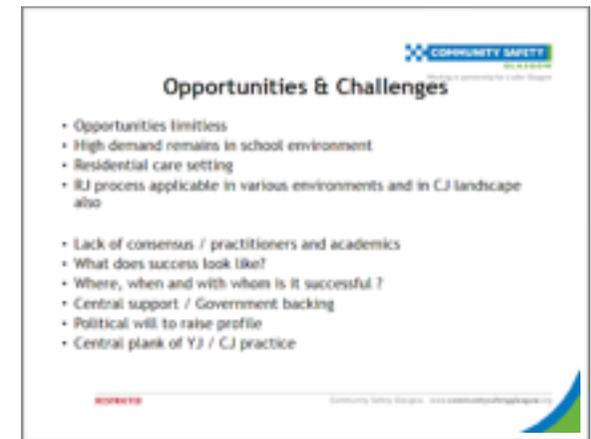
At the moment we are developing 'change works' for 16 - 25 years old many of whom have been in custody. It uses restorative principles but I can't say we are doing restorative justice because there is no intention to pick up and work with the victim of crimes these people have committed. On Monday morning we get a list of anyone between 16 and 25 who has been charged with an offence and so we offer support and incentivised intervention that includes work placements if they commit to group work, pro social modelling and mentoring - evidence reducing offending and more healthy life style.

Had a lot of success and is scope within that for restorative practice. Common sharing of information is crucial to that.

What are the opportunities and challenges?

Senior managers recognise the huge potential in residential care - where staff can be traumatised and it can be a difficult place to be.

I have practitioners who come to me and remember restorative cases as being some of the most meaningful experiences of their professional lives and I think it is great that we might be able to build up a groundswell of pressure to try to build that up a little bit. The message I get from senior managers is that we have a staff group who are ready to contribute to whatever is going to come in the next few years and that goes right through the organisation. So that's where we are at the moment.



Brian Donnelly is director of respectme, Scotland's anti bullying service.

I am rather going to go left at the traffic lights. We are funded by government to build capacity, confidence in all adults who play a role in children's lives to recognise and respond to bullying more effectively. We work across 3 broad strands: policy support and guidance, skills development and training, and campaigning and communications.

We work mostly with schools so part of what I am going to say is how the values that underpin the work that we do, complement the values and work that you guys have been talking about. Our focus is not about assigning blame or detail a list of acceptable punishments. When it comes to bullying - we look at it in terms of behaviour and impact. We have an approach in Scotland - not putting a kilt on any imported model. We have tried to develop

something that is relevant to people we are working with and it comes to good social care values in relation to fairness and respect, equality and inclusion and rights.

Essentially bullying is what happens in the context of relationships. It is pleasing for me to hear people pausing and saying people harmed and people causing the harm. Not labelling children had been at the heart of the anti bullying work since we started. Children who are labelled in P1 are still trying to live that down or live up to that label all through school. We can look at someone who is popular, attractive and intelligent and think that they can't be bullying because they don't meet the stereotype . . . And if you don't see yourself as meeting that stereotype it is very difficult for you to understand that your behaviour is bullying and the impact that might have.

We define bullying in terms of the impact that it has on a person's agency. Bullying strips a person of that capacity. No-one else defines bullying like that. It is something that has emerged from our work. Bullying takes that sense of agency away from children and young people. The reason that shifts the whole paradigm in Scotland is that if you accept that bullying takes something away from them then the focus of the response is helping that person get it back - we talk about restoring agency. That involves asking children and young people what they would like to happen. Which isn't necessarily easy. Do you want me to talk to that person or their parents? Well actually no - that will make it worse. Just watch me when I come in of a morning or can I change seats. Just little things that can give back sense of control and being in charge of what happens.

Sometimes bullying can be the result of a loss of agency - people can try and reclaim it in a very unhealthy way.

What we are asking people to do - what was the behaviour, what impact did it have and what do you want me to do about it? And that allows you to respond. Every situation is completely unique. Is name calling bullying? It can be but not always. Not all attempts at bullying are successful either.

You shout a tremendous racial or homophobic slur at me and it makes no impact on me and I go about my business but do they need challenged on their behaviour? Absolutely.

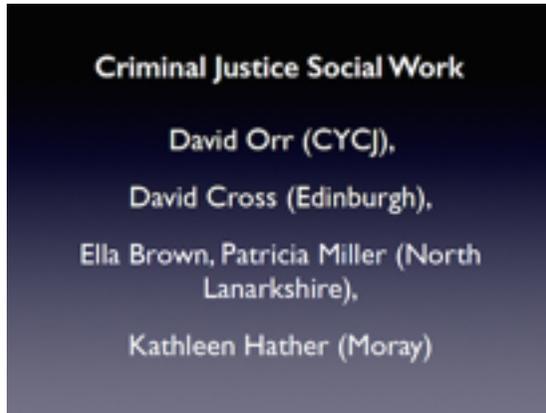
We have trained 1000s of teachers and adults in the last few years and essentially those principles that underpin relationships - respect and fairness and restoring and repairing where appropriate. There's no legal definition of bullying which is what makes the hate crime stuff so interesting - it's how you respond. We've done a lot of work on gender from everything from bullying to sexual violence and so worked to inform Rape Crisis Scotland in their going into schools. We do not dilute sexual aggressive behaviour. We don't like the term sexually aggressive behaviour - think it is unhelpful and reductive - the E and W definition of homophobic bullying is quite insulting actually - but sexual violence and aggression is not bullying. It is abusive and coercive sexual behaviour and we are very clear that it is not bullying.



We've also done a considerable amount of work on cyber bullying based on what young people told us, that the internet is a place not a thing: is a social space and like any other that children go to. So you need to be aware of the risks and the damage that children could be exposed to. Our major survey shows that bullying in person outnumbers bullying online 3:1 - so this moral panic about social media is ignoring the fact that the private sneaky nasty self that no one sees is still the most prevalent. Online stuff is clearly visible.

Comment: I'm a huge fan of respectme. It's not just for young people. They have adapted the programme across 4 prisons: absolutely fantastic outfit (KP)

Social Work panel



David Cross is a team leader with Edinburgh City Council .

This is a brief overview as to where we are with restorative practices within local authority social work, partly personal but I think reflects views of a lot of people in the statutory sector.

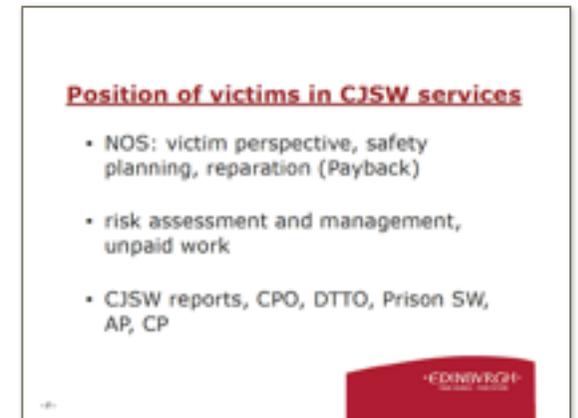
My only direct involvement with restorative justice was when worked in diversion from prosecution team and there was some direct oversight on a reference group for Sacro's restorative justice service. From the perspective of other social workers in Edinburgh it would be the general experience that they have no contact whatsoever with restorative practice in any form.

In Edinburgh Sacro has well established service as heard. Criminal justice social work has a gatekeeping role in terms of the referrals from the PF in terms of our diversion, or the Sacro service.

I've talked to youth justice manager who says that there have been attempts at restorative justice in a number of ways over the years but it hasn't been possible to sustain it as a feature of the service long term.

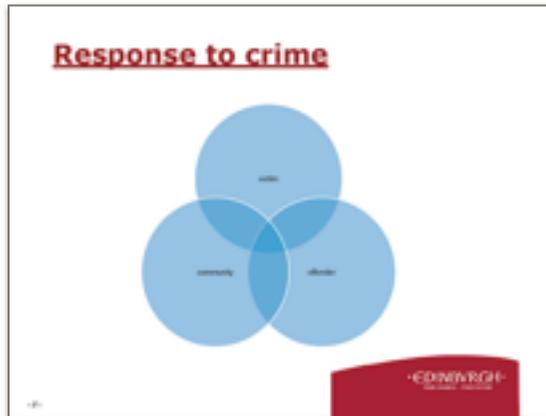
Thinking about the place of the victim in our services, with national outcomes and standards (NOS) there are opportunities to consider a victim perspective in relation to safety planning and reparation (through unpaid work, Payback).

The Edinburgh Council's procedures recognise the need for victim safety planning in risk management but is fair to say that no explicit expectation that this will involve the victim at all. There is good practice in this field in terms of MAPPA and public protection arrangements in relation to sex offenders and also in the Caledonian system in relation to domestic abuse.



Did a wee exercise looking through the Council's procedures in relation to criminal justice and discovered that was absolutely no reference to victim at all in relation to criminal justice social work reports, etc and even protocols in relation to adult and child protection.

It's not that there isn't good practice in these areas but that it reflects the marginal place of the victim in statutory criminal justice social work services.



Our focus in criminal justice social work is in the offender circle and that's quite right but I think we have tended to focus exclusively on the part that doesn't overlap with victims and with the community. So where we have ventured into the overlap with victim its has been in relation to safety planning without direct contact, rather than involving offenders in a process that might support the victim in an encounter.

Barriers to progress include expectations that focus on the offender as our clients have limited the extent to which they have engaged in community or family work and the limited victim perspective in criminal justice social work.

At an organisational level have national outcomes and local procedures that keep focus within boundaries of practice with offenders. Resourcing, exacerbated by funding

squeeze tends to focus attention of management on existing and core work which hasn't included engagement with victim or restorative approaches.

The success of the Sacro service as an alternative to prosecution has led the statutory sector to consider restorative justice as useful for addressing low level crime and not something that can contribute to victim recovery from serious crime. Unfortunately because that has been a successful scheme it has meant that we have not looked at alternatives at different points in the system.

There has also been concern around the appropriate use of restorative practices in relation to sexual crime and domestic abuse.

All of these add up to what is a degree of scepticism on the part of criminal justice social work.

Areas that it would be useful to explore in terms of overcoming this scepticism?

Helpful if restorative practices are clearly and explicitly victim led. Although it can have a beneficial impact on offenders in their desistance journey, from an ethical perspective we need to be clear that a court cannot impose restorative justice on a convicted offender or make it a condition of supervision

Barriers to progressing RJ practice in CJSW context

- Expectations: professional and organisational
- Resources
- Alternative to prosecution
- Scepticism?

Opportunities to develop RJ practice in CJSW context

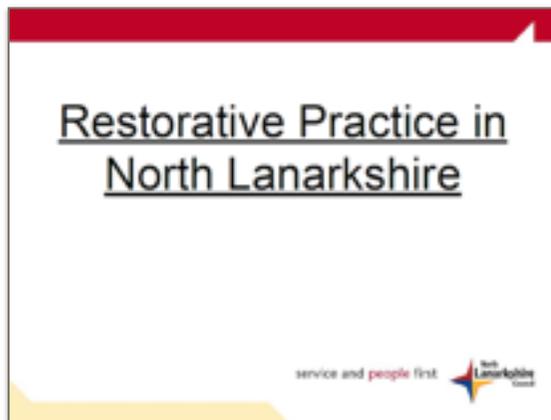
- Victim-led
- Outside of CJ processes (not instead of)
- Trained RJ practitioners

compliance. Rather than see restorative justice as just being an alternative to prosecution, although it has been very helpful and successful, we need to change our perspective and see opportunities for restorative practices at any point in the criminal justice process or outside the criminal justice process altogether.

We need professionally trained restorative justice practitioners, being accessible where they are needed rather than trying to fit them into points in our service.

Patricia Miller is a social worker with North Lanarkshire Council.

Nine years ago there was a push towards RJ in residential care and in the community in North Lanarkshire resulting in a cohort of staff being trained in RJ practices. I was introduced to ideas and was really interested. The focus of social work was geared towards community conferences and focus on the children's unit and doing some work there, but that came under child care and was managed by the social work education centre for young people with emotional, social etc problems.

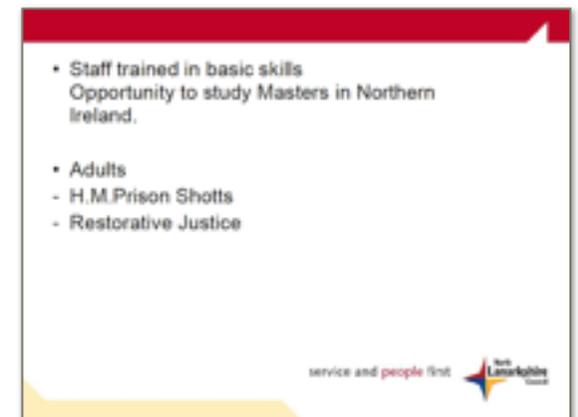


A few of us had been trained, with education staff. It was a really good place to be. Low level stuff but with committed staff seemed to work very well.

What we were doing was just using restorative language, asking questions, getting young people to think about how that impacted on other people. After a couple of years but there were staff changes and so changes in commitment and the ability to continue with that.

Because we were working in that way we got the opportunity to do the Masters in Restorative Practice at the University of Ulster.

Since then have moved into justice services and that is a completely different world. I'm currently based in HMP Shotts the maximum security for long sentence adult males (4years+). And I've come with lots of questions that I hoped colleagues in SPS might be able to help with as to how to take Restorative justice forward in that environment. I've had a couple of prisoners who want to get in contact with the victim, and when asked that question I felt completely out of my depth and didn't know which way to go. So I was hoping that colleagues in other establishments would be able to help me with that but it seems there's a way to go.



We have a restorative justice team in North Lanarkshire and I met with one of the managers to bring information to this Forum. They are responsible for supervising CPOs and really the restorative part of that is quite minimal - using it as an umbrella term. They have a focus on the benefits to the community of the projects that they are working on but

that is as far as it goes. Speaking to manager about how we could develop that further - apparently as part of the order there is an education element, and we had a discussion as to that being where we could have some sort of restorative input.

Ella Brown is a social worker with North Lanarkshire Council.

I work with young people in trouble across 6 areas in NL, also 16 - 24 year olds involved with the court.

EEI is a great opportunity to develop multi agency work. Multi agency, GIRFEC, whole systems approach - all that. We've done a 1 day awareness training in restorative practice to a youth justice strategy group which gave us an opportunity to focus on principles and have a respectful relationship between agencies.

In education we've been training teachers and also in EBD schools. So when we hear that a pupil has exploded we first ask if they have been involved in a restorative approach to try to prevent them from being excluded.

Diversion from prosecution: we try and develop that with PFs and some refer more than others and sometimes we have a big batch of reports and then maybe weeks without any depending on the PF and their knowledge. But that's been really good and we have been able to develop some work there including for example, bringing families together where there had been Facebook bullying and there was an apology, and that made a difference. We've also looked at repairing relationships. A lot of young people in trouble have got fractured relationships with their parents, community.

Community issues too. In our local area group of young boys set fire to wheely bins and provoked the fire brigade to come and deal with that and it was such an issue within the community, such a nightmare. I was able to meet with the young people. Some of the staff were not understanding at all of the restorative approach and just wanted me to get the group of young people and a group of the fire staff and make it all that better. No - I had to work with each of the young people and then to 6 semi conferences. It wasn't great in terms of practice but it did have some effect because there have been no more difficulties in terms of that crime.

We are really keen to be part of the Forum to develop this because we have a lot of experience and a lot of years of frustration thinking - what works with these young folk? I think restorative practice works - there is always some benefit and it sits so well in terms of relationship building and working with others.

Kathleen Hather is a social worker with Moray Council.

50 years ago I started working with young people in a children's home where there were 200 children, when we packed their little bags and sent them to Canada and Australia. So we've come a long way.

I had never heard of restorative practices when I was sent to Manchester to be trained as a facilitator. I came back to Moray so excited that I was sent back for another week to become a trainer. We were given funding, we went and trained a lot of people in Moray. We started with the Sheriff and got

the PF involved, the children's reporter, local headmaster, loads of police officers, community based wardens, canteen ladies - you name it and we did it and it was so exciting.

Sadly we only had 2 social workers. But it was great - had regular forums where practitioners would come and share their experiences - what was working and what wasn't. Then the money stopped. So we've been struggling away for the last few years just doing what we can when we can. We decided that every young person referred to the youth justice management unit would be given an opportunity to look at a restorative process one way or another, because we didn't want to lose sight of it or lose our skills. So we have been struggling but to hear it coming back - where we've already been - it really is exciting and I hope we get the funding and the other thing that I have a bee in my bonnet about is quality assurance of the people that are trained. I've given training and said why are you here today - "we were told to come" . . . So you have to be passionate about helping people and repairing harm wherever it is.

David Orr is a Practice Development Advisor for the Centre for Youth Crime and Justice and represents the CYCJ on the Forum. He is also a senior practitioner in Edinburgh's Young People's Service.

Where could RJ be used ?

There is no formal mechanism or requirement within CPOs to work restoratively but I think that there is an option to be creative. The frustration is that if you are a social worker managing a CPO and during the course of that it becomes clear that the person responsible would like to engage in that process, who do we go to? Do we contact Victim Support Scotland, do we contact the police and ask if there is any chance of some victim details?

Then get the tougher stuff. There are well documented examples of working with people on custodial sentences. Really powerful and significant. So I wouldn't rule anything out but people would have to be extremely well trained and it would have to be with consent and managed in a way that their rights are policed throughout and I don't think we're there yet.

As for training, we've got Sacro probably the biggest provider in Scotland, we've got Webster training, we've got Tim Chapman at the UU. I was trained in 2009 by Lothian and Borders police and have retained this (*shows card*) and it's never been put into practice.

Who should deliver? I don't really care so long as they are extremely well trained. We've heard from the RJJAP proposal that a lot of the meat's been put on the bone previously and there's a desire to make that happen.

CYCJ
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Where could RJ be used?

- Diversion from Children's Hearings System (CHS)/Diversion from prosecution in the Criminal Justice System (CJS).
- Condition of Compulsory Supervision Order (CSO)/Condition of Community Payback Order (CPO).
- During custodial sentence.
- Immediately prior to (or on) release from custodial sentence (Parole/Non Parole License conditions).

www.cycj.org.uk

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Challenges

- Consent - Voluntary participation vs. Compulsion.
- Victim Information - Who has it? How do YJ and CJSWers access it?
- Training - No recognised RJ qualification for SWers in Scotland.
- Competing perspectives - Reluctance to use RJ approaches in response to serious offences e.g. murder, rape and serious domestic violence.

www.cycj.org.uk

So very little rest justice work goes on by local authority social workers, but the desire is there, and it's the kind of work that social workers want to do. When faced with yet another report as opposed to the sort of skills that are required to manage a conference successfully I know which I'd pick.

When NOS came out it had the 4 Rs: reparation, rehabilitation, reintegration - the last one restriction. What Rs missing? Restoration! Seemingly restoration was one of the principles of the CPOs but I think it is indicative of where that whole agenda has gone missing. There should be a groundswell of opinion to get it back!

Although restorative practices can be helpful for offenders need to be careful to avoid re-victimising, so we must get the balance right. We should first and foremost be about responding to victim needs but if done properly should also support a process of desistance.

But also the victim -offender dichotomy is sometimes unhelpful because there is a really complex interweaving of those statuses. So ideal model of conference with the victim never been in trouble but the world's more complicated than that.



Discussion and reflections

Vikki Binnie (South West Scotland Community Justice Authority)

Within CJAs support for restorative justice varies and I don't see much pushing but there is no policy statement as such. We have position statements and we should write one up on restorative justice. I was involved in producing the Ripple Effect DVD with Victim Support Scotland - to look at impact of crime on victim. When I've shown this to people in prison they have come up to me and said that they would like to say sorry for what they have done and we can't take that anywhere.

Comment: It worth noting that it was a showing of the RE DVD that John organised for the Consortium which has underpinned the formation of the Restorative justice Forum back in the Spring 2013, at the same time as RPS decided to wind up and so make the agency for Restorative justice clearer and much more cohesive. But the RE is a very moving and stimulating DVD and if you've not yet seen or used it . . .(MM)

If we are looking at introducing Restorative justice at different levels that's one way. The film maker very apprehensive about first showing in prison , thought she would be heckled and shouted down. In the event the exact opposite happened. You could have heard a pin drop and at the end of it seasoned old lags had tears streaming down their faces because so affected by the issues.

It's the follow up that's not available.

Jim Watson (Positive Prison)

Messages are (1) the need for a cooperating body to push forward the Restorative justice agenda and (2) to get serious political buy in for the project and (3) the resource question.

Operationally there are people who are very committed and do a cracking job and great examples that highlight the role of restorative justice.

Comments:

To address misconceptions has been fantastic. But I think the most important thing is that we are aware that people - from a networking point of view.

Pleasing to hear that young people coming from school would perhaps be familiar with the language and perhaps the routines of restorative approaches but I can't state enough the importance of good partnerships with schools because the curriculum for excellence offers unprecedented opportunities to work from the same value base, which education and social work have not done previously. The work that schools are doing around health and wellbeing, is too good a chance not to connect. But practice is really patchy and people are using restorative approaches based on the notion of restorative approaches and not necessarily on the back of any formal training, putting children together when it is not appropriate and quite dangerous.

Schools would benefit from your expertise and knowledge. Also colleagues in mental health? Just where it fits in? Haven't heard a lot about that today and it might be worth coming back to it again. It is an issue for all the stakeholders.

Timing is really important for restorative work. In the days when we were working with Victim Support Scotland we used to get loads of referrals but get very few now. But we ask do you want VS when they've just been burgled and you arrive with the blue lights and the klaxons on. But it's then about delivering years down the line, but it's a thread that has been running and something for us all to consider.

Peaks and troughs - the sense that we nearly got restorative practices embedded but it didn't happen. My hope would be that it can attain a status within the justice system and more broadly in schools and so on, where it's not a debate about either or but about it being persistent and present . . .

I share Jim's 3 points about the need to push the agenda generally. You get a civil servant who is up to speed, then they go, then you lose momentum and politicians are worried about resources. So I think there is a hazard in being picked off and so there are arguments for being united. There is a tendency to call people in individually - to try and split us apart in terms of a common aim. So it is important to speak with a common voice although we all have particular concerns from our interest groups.

That is the strength of the Forum . . . (MM)

The importance of being on top of practice - supervision. What we are doing is a very human thing - risk of causing harm to people in a vulnerable place.

One of the strategic aims of the F is to put capacity building on top of the agenda and as excellent as Tim Chapman is and his colleagues at the UU, wouldn't it be great if there was something in this jurisdiction to complement that work that Sacro is doing? (MM)

I would consider that I'm quite skilled in Restorative justice but if you are not practising regularly - can lie dormant -

Goes back to whole chicken and egg situation so eloquently described earlier and David's frayed qualification card. There's a mismatch here.

You have to get policy makers involved and it isn't just justice - it's health and education that you want. If you just put it in the justice sphere it will stay there and it does need the other departments in government that touches on all aspects of this work.

The challenge for us at the moment - divide and conquer - that becomes an excuse for not taking it forward. There is an understandable lack of support in certain victim organisations, so this is why guidance and principles are so important. But you can't say that there should be some offences for which it should never be used because that is equally victimising.

At this stage we have started to build a Forum agenda. Not a formally constituted body, come along and engage with it and give us your time and counsel but there are organisations out there that are not confident enough to come and sit at the table. We've still got a lot of confidence to build here.

Finally:

- Is there anyone who should have been here that we didn't think about? If there are people that you know of that should have been there please let us know.*
- Please feedback on the values and principles of Restorative justice paper by Niall Kearney. It is intended that is going to feed into development of the guidelines.*
- Please identify, perhaps not publicly, next steps that you are going to take internally in your organisation to develop this work and how the Restorative Justice Forum might support and assist you.*
- We've been talking about the grand strategies but what are the baby steps, maybe the not very costly very simple steps that can be taken to build momentum? For example there is potential to feed into the e-learning system that Victim Support Scotland has for volunteer training. So what are the small steps that coming together will continue to progress the momentum of the argument?*

More material about RJ in Scotland

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Kirkwood, S. (2010). 'Restorative justice cases in Scotland: Factors related to participation, the restorative process, agreement rates and forms of reparation'. *European Journal of Criminology*, 7, 107-122.

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Scottish Executive (2002) *Victims in the Scottish Criminal Justice System: the EU Framework Decision on the standing of victims in criminal procedure. The Scottish Perspective*. Edinburgh.