

# Best Practice Guidance for Restorative Justice Practitioners and their Case Supervisors and Line Managers (Scotland)

- June 2008 -

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## Introduction

**Origins** This *Guidance* is largely derived from a document that was developed by a Home Office advisory group comprising experts and practitioners from across the restorative justice sector and criminal justice agencies<sup>1</sup>, and has been adapted for use in the Scottish context.

**Objective** All those who participate in restorative justice deserve to have access to the highest quality of service available. 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.

**Applications** This Guidance does not recommend or entail any policy regarding the introduction or expansion of restorative justice in Scotland. It has been produced primarily for the following uses – all of which, working together, will ensure that the standards are actually implemented:

- *Participants*: to have access to a detailed explanation of the kind of service they should expect from restorative justice practitioners;
- *Practitioners*: to reflect on how they can sustain or improve the quality of their work;
- *Line managers and case supervisors*: to reflect on how they can better support and monitor best practice;
- *Organisations delivering restorative justice*: to monitor and assess the quality of their service-provision;
- *Funders*: to establish criteria by which existing services or proposals to implement new services are evaluated;
- *Trainers*: to develop courses and procedures manuals;
- *Institutions providing awards or qualifications*: to design curricula content and structure;
- *Researchers*: to design monitoring and evaluation tools.

**Context** The primary aim of restorative justice is to address or repair the harm caused by an incident or offence. The processes used to achieve this objective can intersect with formal systems or institutions in a number of ways. But it is worth remembering that restorative justice processes can arise naturally and (more or less) spontaneously, without the need for third-party intervention. Expressions of remorse, making amends, healing and reconciliation happen all the time: relationships, families, organisations and society would quickly break down if this were not the case.

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<sup>1</sup> "Best Practice Guidance for Restorative Practitioners and their Case Supervisors and Line Managers" (December 2004) [http://www.restorativejusticescotland.org.uk/rj\\_bestpractice.pdf](http://www.restorativejusticescotland.org.uk/rj_bestpractice.pdf)

There are cases, however, where the incident or offence is so serious or complex that it comes to the attention of someone in authority: for example, a parent, teacher, supervisor, manager, police officer, children's reporter, procurator fiscal, sheriff, and so on.

The restorative justice ideal is that, *whatever else needs to happen, the authority in question gives consideration to what can be done to address or repair the harm that has been caused.*

This ideal leaves it open as to (a) when restorative justice is done, (b) what kind of restorative justice process is used, (c) whether those involved decide to participate, or (d) what needs to happen in addition to restorative justice.

The application of restorative justice is, in this sense, highly flexible. For this reason, this Guidance is designed so that it should, for the most part, apply in almost any context, including families, schools, anti-social behaviour, youth justice, residential schools and secure care, criminal justice, prisons, workplaces, and so on.

## Summary

The Guidance is prefaced by explaining the 'technical' terms that will be used in the document. These definitions are widely accepted by practitioners and service-providers across Scotland (**Use of Terms**).

The first section of the Guidance begins by describing how practitioners can demonstrate that they have the general knowledge and skills needed to facilitate a restorative justice process effectively (**Section 1. A-B**)

It then presents the more specific knowledge and skills needed at each stage of a restorative justice process, including assessment, preparation, facilitating communication (if any), monitoring and follow-up (**Section 1. C-D**).

The second section sets out what is required to facilitate more serious or complex cases: for example, where someone is particularly vulnerable, at risk of causing further harm, or where the case involved severe violence. (**Section 2.**)

In the final section, the Guidance describes the knowledge and skills required to case supervise and line manage restorative justice processes effectively. (**Section 3.**)

## **Use of terms**

1. “Restorative Justice” means any process that seeks primarily to address or repair the harm caused by an incident or offence.
2. “Restorative Practice” is a contested term in Scotland. Some hold that it is synonymous with ‘restorative justice’. Others – particularly in education contexts – hold that this term encompasses not only restorative justice, but also a range of other processes, including mediation, conflict resolution, problem-solving, circle-time, emotional literacy, active listening, and so on. So as to avoid confusion and remain non-partisan on this issue, this document will only use the term ‘restorative justice’ (and its cognates) when referring to processes that seek primarily to address or repair harm.
3. “Restorative Justice Practitioner” means someone who is trained and is fully competent to deliver one or more of the restorative justice processes listed below.
4. “Case Supervisor” means someone who is able to provide advice and oversight in individual cases, bring new ideas and a fresh perspective, and check that nothing is going seriously wrong. They must be a fully competent restorative justice practitioner.
5. “Line Manager” means someone who can 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.
6. “Person harmed” means a person who has been directly harmed or affected by the actions of another person or persons.
7. “Person responsible” means a person who bears some or all of the responsibility for an action that has caused harm or affected another person or persons.
8. “Support Persons” means whoever the person harmed or person responsible have invited to support them in a restorative justice process, whose involvement or presence is accepted by all other participants. They may include parents or carers, siblings, extended family members, friends, or professionals working with either participant (social workers, school teachers, counsellors, health workers, and so on).
9. “Other Affected Persons” means any professional or community member who has been invited to participate in a restorative justice process, whose involvement or presence is accepted by all other participants, and who are able to represent the views, wishes or interests of the agency they represent or the wider community.
10. “Observers” means anyone who attends a restorative justice process without participating, and whose presence is accepted by all other participants.
11. “Participants” means the person harmed, the person responsible, support persons and, where relevant, other affected persons.

12. “Facilitator” means a person whose role is to facilitate, in a fair and impartial manner, a restorative justice process.
13. “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. 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, and (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. To ensure the safety and effectiveness of the process, no meeting is held without the facilitator preparing all participants in advance.

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.

13.1. Processes involving direct communication currently include the following:

- “Restorative Justice Conferences” – also called “Restorative Conferences” and “Police Restorative Warning Conferences” – are normally led by two facilitators and are 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” – also called “Restorative Meetings” – 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.
- “Restorative Justice Circles” are normally led by two facilitators and are arranged when a number of individuals have harmed an institution, group or community, rather than caused direct harm to any individual (e.g. vandalism). They are attended by affected person(s), the person(s) responsible, and observers where agreed.

13.2. Processes involving indirect communication currently include the following:

- “Shuttle Dialogue” involves a facilitator acting as a go-between to enable the person(s) harmed and the person(s) responsible to communicate without meeting.
- “Police Restorative Warnings” are normally facilitated by one police officer and are attended by the person responsible and his or her support persons. The views and requests of any person harmed are obtained by the police officer and conveyed to those present at the Warning. If the person harmed wishes, the outcome of the Warning is fed back to them.
- “Restorative Family Group Conferences” are normally led by 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. The professionals present their perspective and information on resources they can provide. The 'family group' meet privately to come up with an action plan, which is then refined and finalised in the larger group. If the person harmed wishes, the outcome of the conference is fed back to them. This process is often used in the context of addressing anti-social behaviour.

13.3. Processes where no communication is possible or appropriate currently include the following:

- "Support for Persons Harmed" involve only the person harmed meeting with a facilitator to talk about their experience, short- and long-term reactions, strategies for recovery and access to other support services.
- "Victim Awareness" involves only the person responsible in one-to-one or group-work sessions with a facilitator, and may include reparative tasks.
- "Restorative Conversations" involve only the person responsible in a 5-10 minute meeting with a facilitator, normally in an institutional setting (schools, prisons, secure care, etc.), but may also be used to address anti-social behaviour or the incidents in the workplace.

14. "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, increased empathy, and so on; it also means (b) an outcome 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, peer pressure, and so on).

## Section 1. Core Restorative Justice Practice

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### A. Core Knowledge for Restorative Justice Practitioners

**To demonstrate that you have the knowledge required to facilitate a restorative justice process effectively, you need to be able to . . .**

1. offer a definition of restorative justice, including reference to
  - 1.1. persons harmed, persons responsible, and communities
  - 1.2. restorative justice as a process
  - 1.3. the aims of restorative justice, and potential outcomes
2. articulate how restorative justice differs from other approaches, including
  - 2.1. other disciplines (e.g. advocacy, counselling)
  - 2.2. community mediation and conflict resolution (that is, what difference it makes that there is a person responsible for a particular incident of harm)
  - 2.3. how as an approach to unacceptable behaviour it differs from other approaches (e.g. retributive and welfare-based approaches, mainstream criminal and youth justice responses) by aiming to meet the needs of both persons harmed *and* persons responsible
3. explain why and how restorative justice works, with reference to a theoretical base (e.g. moral development, victimology, other theories relating to emotions or social psychology)
4. demonstrate an understanding of the principles and values of restorative justice, and the implications of these principles for your own practice
5. articulate the nature and impact of being harmed and the needs that may arise, including
  - 5.1. the short-and long-term physiological, psychological and social impact for the person directly harmed and those close to them
  - 5.2. the factors which affect how individuals react to and recover from their experience (e.g. previous harm done to them, reactions of family and friends)
  - 5.3. their need for safety, respect, recognition, choice, information, confidentiality, and an opportunity to have the harm addressed, materially and/or symbolically
  - 5.4. the services that may offer additional support during or as an alternative to a restorative justice process, and how to assist them in accessing these

6. articulate the underlying causes of behaviour that harms or affects others, the impact of being held responsible for causing harm to others, and the needs that may arise, including
  - 6.1. the short-and long-term impact of the incident for the person responsible, including the reactions of people around them (police, family, friends)
  - 6.2. the factors which affect how people respond to their behaviour (e.g. previous harm done to them, family and peer-group attitudes)
  - 6.3. their need for safety, respect, choice, information, confidentiality, an opportunity to learn from their experience and to address the material and/or symbolic harm they have caused
  - 6.4. the approaches or services that may help to address the underlying causes of their behaviour, and how to assist them in accessing these
7. describe the different types of restorative justice processes available, explaining their respective benefits and limitations, and the situations in which each process would be applicable
8. demonstrate an understanding of the various different institutional and statutory contexts in which restorative justice could be applied
9. demonstrate an understanding of the criminal and youth justice contexts and the statutory or policy framework for your restorative justice practice (if applicable), including
  - 9.1. agreed referral protocols and criteria
  - 9.2. alternatives that may be available to individuals should they decide not to participate in a restorative justice process
10. demonstrate a commitment to working in partnership with both statutory and voluntary sectors, including, for example, criminal and youth justice contexts, social work, schools, the police, and voluntary agencies that work with children, young people and families
11. identify relevant methods for assessing and managing risk
12. describe methods of encouraging the effective and active involvement of participants in restorative justice processes
13. articulate the ground rules for behaviour and communication during restorative justice processes, including what they are, their purpose and why it is important to reinforce them and what to do if they are breached
14. identify facilitation methods or strategies that will ensure the safety of those participating in restorative justice processes, including



- 14.1. how to identify and overcome possible power imbalances that individuals might perceive
  - 14.2. how to identify signs that indicate harm or potential harm to individuals' emotional and physical well-being and the steps that should be taken
  - 14.3. how to balance the needs of each of the individuals within the process
  - 14.4. how to know when to make interventions to move the process along, and when to leave individuals to resolve issues for themselves
15. explain why the supervision and monitoring of agreements and following-up with each individual involved after a restorative justice process can be important to their recovery process.

## **B. Core Skills for Restorative Justice Practice**

**To demonstrate that you have the skills required to facilitate a restorative justice process effectively, you need to be able to . . .**

1. demonstrate effective communication skills, which includes the ability to
  - 1.1. actively listen
  - 1.2. form questions that will achieve better understanding
  - 1.3. be aware of and read non-verbal signals
  - 1.4. summarise and reflect back
  - 1.5. use telephone communication skills
  - 1.6. give and receive feedback
  - 1.7. challenge constructively and positively
  - 1.8. enable participants to make their own choices
2. create a safe environment for participants, which includes the ability to
  - 2.1. build trust with all participants
  - 2.2. show sensitivity to diversity and difference
  - 2.3. manage conflict and aggression
  - 2.4. assess imbalances of power, and act to redress imbalances
  - 2.5. be and remain impartial and demonstrate this to all participants through words and actions

- 2.6. be aware of how the physical environment can effect the sense of safety, comfort and security felt by participants
3. treat people fairly, without discrimination on the basis of gender, age, ethnicity, ability/disability, sexuality, culture, faith or history of causing or experiencing harm, including by showing respect for all participants, their opinions and views
4. record decisions and outcomes accurately, following your agency's guidelines (if any)
5. manage your work, which includes the ability to
  - 5.1. plan your work
  - 5.2. show you are following a clear process with a particular case
  - 5.3. problem-solve and handle complexity
6. maintain confidentiality, subject to the requirements of the law<sup>1</sup>
7. demonstrate self-awareness, which includes the ability to
  - 7.1. be aware of your own prejudices and set them aside
  - 7.2. assess boundaries of your own knowledge, experience and confidence in handling each specific case
  - 7.3. recognise when to seek help where necessary
8. demonstrate an ability to work productively with others, including the ability to
  - 8.1. work as a co-practitioner when appropriate
  - 8.2. work as a team member with colleagues in your agency.

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<sup>1</sup> In collecting and sharing information which is personal data, practitioners should have regard to the provisions of the Data Protection Act 1998. This is particularly important for personal data relating to convictions, medical conditions and other sensitive matters

## C. Preparation for a Restorative Justice Process

Once a referral is made, a facilitator will need to . . .

- C1.** Assess the appropriateness of a restorative justice process for the individuals concerned
- C2.** Prepare to co-facilitate the case, if appropriate
- C3.** Assess and manage any risks involved
- C4.** Enable individuals to make an informed choice about their participation
- C5.** Enable participants to make an informed choice about restorative justice processes
- C6.** Enable individuals to prepare for participation in a restorative justice process

### **C1. To assess the appropriateness of a restorative justice process for the individuals concerned, the facilitator needs to take into account . . .<sup>1</sup>**

1. whether and to what extent the person responsible is willing, at this stage<sup>2</sup>, to *be accountable for their actions*, which includes
  - 1.1. 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
  - 1.2. expressions of genuine remorse for their actions
  - 1.3. a willingness to make amends or repair the harm they have caused
2. to what extent there is a risk of emotional and physical harm to yourself or any participant, and whether that risk can be managed (see C3)
3. whether each person has made an informed choice about participation, which includes information about the process, potential outcomes, sufficient time to consider their decisions and access to independent advice and support (see C4)
4. whether the process will be voluntary for each person, which includes ensuring that they are not coerced, pressured, or induced by unfair means
  - 4.1. to take up the invitation to have the process explained to them by a facilitator
  - 4.2. to participate (or continue to participate) in a restorative justice process
  - 4.3. to enter into any agreements as part of the restorative justice outcome.

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<sup>1</sup> Facilitators normally contact the person responsible prior to the person harmed. This avoids re-victimising the person harmed if the person responsible decides not to participate. Exceptions include sensitive and complex cases (See Section 2).

<sup>2</sup> 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.

**C2. To prepare to co-facilitate the case, the facilitator needs to . . .**

1. establish clarity about the reasons for co-facilitating the case: for example, the case may
  - 1.1. *require specialist knowledge* – for example, someone fully competent in restorative justice approaches might work with a partner bringing mental health or child welfare specialist knowledge
  - 1.2. *involve participants with different backgrounds or characteristics* – for example, having a male and a female co-facilitator
  - 1.3. *be sensitive and complex* (see Section 2) – co-facilitating in such cases can provide emotional and practical support, for example, in visits to participants' homes; and the ability to reflect on the case as it develops with a co-facilitator who understands the issues fully
  - 1.4. *involve a power imbalance between participants* – for example, a lead female restorative justice practitioner, supported by a male co-facilitator, could be used for a case where gender issues surround an offence by a man against a woman
  - 1.5. *provide an opportunity for role modelling and case supervision for a less experienced practitioner*– a fully competent practitioner working together with someone new to the job, or who has only demonstrated some of the skills needed (co-facilitators would need to agree which areas of the process each should handle, so that the less experienced partner can both watch good practice, and also practice and receive feedback themselves)
  - 1.6. *provide an opportunity to assist ongoing learning* – co-facilitating can assist development for fully competent practitioners working together (reflecting on what went well, what didn't go so well and other ways in which situations could have been handled is greatly aided by constructive criticism from a respected and respectful co-facilitator)
  - 1.7. *require a co-facilitator for practical reasons* – for example, co-facilitating can allow for separate meetings, for one practitioner to accompany a participant to the meeting, and for practical support (e.g. with provision of refreshments) during a meeting
2. ensure that the co-facilitator is sufficiently competent in restorative justice practice to carry out their role effectively
3. balance the concerns of the person harmed, the person responsible, the community and the organisation providing the restorative justice work in determining the combination of facilitators on a case
4. share and review with the co-facilitator any preparatory work you have done, ensuring that no sensitive or personal information about the participants is conveyed to the co-facilitator without their express permission
5. plan how you will share roles and tasks before, during and after communication or meeting with any participants

6. try to anticipate what might go wrong and how you could support one another (e.g. if one of the participants leaves a meeting, will one of you follow them, and if so who, and with what aim?)
7. agree how you will communicate with one another and give feedback
8. discuss different working styles and agree how any differences of approach will be handled.

### **C3. To assess and manage risk throughout the process, the facilitator needs to . . .**

1. carry out an initial formal risk assessment and assess and manage any identified risk throughout the process
2. record risk concerns, ways in which they might be addressed, and refer to the appropriate level of management and/or partnership agency (e.g. all child protection concerns)
3. assess cases for the presence of any complex issues of intimidation and vulnerability, which would require referral to link to a senior restorative justice practitioner, other professionals or to a specialist support service outside the field of restorative justice
4. access any existing assessment information relating to previous actions that have caused harm, mental health or substance abuse for example YLS/CMI, LSI-R, RA1-4, OASyS or ASSET<sup>1</sup> prior to any contact with participants
5. assess any risk considerations relating to
  - 5.1. the participants' feelings, attitudes and behaviour
  - 5.2. whether their expectations of the process are realistic
  - 5.3. their motivation for being involved
  - 5.4. substance abuse and mental health issues
  - 5.5. the need for any more formal assessments
  - 5.6. any physical or learning disabilities, mental impairment or ill health
  - 5.7. the emotional resilience of individuals and ability to cope with the process
  - 5.8. any previous history between the participants
  - 5.9. power imbalances between individuals<sup>2</sup>

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<sup>1</sup> LSI-R, RA1-4 and YLS/CMI are assessment tools used by some local authorities and services in Scotland; OASYS is the Offender Assessment tool used by the National Offender Management Service; ASSET is the assessment tool used by the Youth Justice System.

<sup>2</sup> These could relate to communication skills, first language, culture, socio-economic status, physique, age and pre-defined roles of 'victim' and 'offender'.

6. develop methods to manage any identified risk (involving others in the process such as supervisors) including
  - 6.1. selecting which type of communication will be safe at each stage of the process
  - 6.2. sequencing direct or indirect forms of communication to ensure safety
  - 6.3. selecting venues for any meetings that will maximise participants' safety and minimise their anxieties or concerns
  - 6.4. managing and balancing the presence/absence of supporters who can influence the emotional and physical risks of the process and its outcome
7. continue risk assessment throughout the process, for example, taking account of particular anniversaries, the impact of substance abuse, justice process timing, etc.
8. maintain opportunities to re-assess the appropriateness of continuing the process and keep open options to continue the process in different ways
9. be able to apply responses to aggression which minimise risk
10. recognise when risk is unacceptable and end the process safely.

**C4. To enable individuals to make an informed choice about their participation, the facilitator needs to . . .**

1. provide clear and accurate information to all individuals about
  - 1.1. the purpose, potential benefits and limitations of a restorative justice process
  - 1.2. the different restorative justice processes available to them, including a description of what actually happens in each process, the likely timescales, and who else could be involved
  - 1.3. the roles and responsibilities of those who will be involved
  - 1.4. the links between restorative justice and other interventions
  - 1.5. the legal implications (if any) of not participating for them and the others involved
  - 1.6. alternatives to restorative justice processes (if any)
  - 1.7. who will have access to information about individuals in the process
  - 1.8. the steps taken to maintain the confidentiality of information and the reasons for this
  - 1.9. how long information is held on record, and what information is held
2. communicate with individuals throughout the process in a manner which

- 2.1. treats them fairly, with dignity and respect, whilst recognising the harm that has been caused
- 2.2. is appropriate to them
- 2.3. enables them to make informed decisions about whether and to what extent to participate in restorative justice processes
- 2.4. encourages an open exchange of views
- 2.5. minimises any constraints to communication
- 2.6. is free from discrimination and oppression
- 2.7. keeps the options of different forms of restorative justice process open throughout
- 2.8. allows them the time and space they need in which to make decisions
3. encourage individuals to describe their expectations of restorative justice processes and the possible outcomes
4. encourage individuals to raise any questions and express any anxieties they have about restorative justice processes
5. encourage all participants to make a realistic assessment of
  - 5.1. any risks involved, and how these can be managed (see section below)
  - 5.2. the potential benefits that a restorative justice processes may bring
  - 5.3. the likelihood of the process reaching a conclusion which benefits all those involved
6. discuss the outcomes of the assessment fully with the individuals involved and find out their willingness to proceed
7. offer individuals information about other agencies and services that may provide additional and independent advice and support to them either during the restorative justice process, or as an alternative to the restorative justice process and assist them in making contact when they wish this to happen
8. make accurate and complete records of discussions and agreements with individuals about restorative justice processes, provide copies to those who are entitled to and require this information and store these records in a way that takes account of agency arrangements for confidentiality.

**C5. To enable participants to make an informed choice about the restorative justice process, the facilitator will need to . . .**

1. work with individual participants to decide which restorative justice process, if any, is appropriate, by

- 1.1. seeking participants' views as to which process would best meet their needs, whilst making clear that all options remain open to them at all times, depending on the wishes of the other persons involved
  - 1.2. informing participants about the likelihood of strong emotions being expressed; and assessing with them their ability to cope with their own and others' strong emotions
  - 1.3. giving participants clear information about the expectations or preferences of the other participants regarding the process, that is, where they have agreed for this information to be shared; and also about the extent of the information you have or do not have about what is likely to come up if there were to be direct or indirect communication
  - 1.4. taking into consideration, in decision making about the process, your risk assessment of the situation, and the measures you have in place to manage the risk
  - 1.5. taking into consideration, in decision making, which process is likely to best suit all the participants' communication skills
  - 1.6. taking into consideration, in decision making, the amount, complexity and nature of messages participants need to exchange, and how efficient and effective it would be for them to do so using either direct or indirect communication, given constraints of time, resources and legal requirements
2. involve others and keep under continual assessment who might be involved in the restorative justice process, by
    - 2.1. asking the primary person harmed and the person responsible who they want to be involved in the process, ensuring that no one is involved in the restorative justice process against the wishes of either individual
    - 2.2. assessing who else in the participants' circles have been harmed by what has happened, and might therefore benefit from being involved in restorative justice processes
    - 2.3. for behaviour that has harmed or affected an organisation or the community rather than a single individual, assessing who in the community or the organisation has been most affected by the incident, or is best placed to communicate the harm effectively to the person responsible, or to contribute to forming and/or implementing an outcome agreement
    - 2.4. risk assessing any additional participants (support persons, other affected persons and observers) in the process, taking account of available measures to manage these risks
    - 2.5. assessing the willingness and ability of any additional participants to engage with the purpose of the restorative justice process, and to contribute to a positive outcome
    - 2.6. balancing the benefits of a wider group of people participating with the available time and resources required to prepare and to manage the increased complexity; and consider the practical issues (e.g. the need for a large enough room)



- 2.7. if involving the wider group, deciding whether one restorative justice process will meet everyone's needs, or whether one process (e.g. Shuttle Dialogue) is more likely to meet the needs of some participants, whilst another process (e.g. a Restorative Justice Conference) is more likely to meet the needs of others
  - 2.8. making a clear assessment with the participants of the most important issues and harms from all participants' points of view and prioritise these within time and resource constraints
  - 2.9. taking into consideration any legal requirements and best practice guidance (e.g. regarding the involvement of parents) and act on this
3. enable participants to choose an appropriate restorative justice process, by
    - 3.1. considering with participants how to ensure that they can all contribute as fully as possible
    - 3.2. assessing the impact of any power imbalances that exist, and planning a structure or selecting a process which is likely to minimise the impact of these imbalances
    - 3.3. assessing which process will most likely enable the participants to reach a positive conclusion in the available time
    - 3.4. ensuring that no process is chosen which goes against the wishes of any of the participants.

**C6. To enable individuals to prepare for participation in a restorative justice process, the facilitator will need to . . .**

1. enable participants to ask questions about any material they were given in advance about the restorative justice processes available
2. review with individuals their reasons for being involved in restorative justice processes, supporting those who change their mind at any stage to access alternative support
3. where participants have chosen to meet, but then change their minds during the preparation, explore with individuals who have decided not to proceed
  - 3.1. their reasons and concerns, whilst respecting their decisions
  - 3.2. the support that is available to them throughout the process
  - 3.3. the option of indirect communication as an alternative process
4. where one of the participants has chosen to stop the process altogether, provide additional support
  - 4.1. if they have decided they can no longer participate in restorative justice processes due to the negative effects on them

- 4.2. if the participant who would have chosen to continue the process is experiencing feelings of disappointment, anger or anxiety about the lack of resolution
- 4.3. if the participant who has chosen to stop the process is experiencing feelings of guilt or self-blame about their decision
5. assist individuals to find ways of managing their anxieties about restorative justice processes when they have decided to participate in them, for example, by
  - 5.1. pacing the process appropriately to meet their needs
  - 5.2. providing information on how to contact the worker out of agreed hours
  - 5.3. agreeing on the support that will be available to them and how this will take place
  - 5.4. assuring them of their ability to withdraw from the restorative justice process or change to another process at any time
  - 5.5. providing reassurance that although their feelings and reactions are unique to them as individuals, they are not uncommon responses to the experience of harm and restorative justice processes
  - 5.6. responding to their description of the restorative justice process and the (actual or possible) effects of this experience in a manner which acknowledges their right to express their feelings
6. encourage and assist the person responsible to
  - 6.1. identify and reflect upon their behaviour, the factors that contributed to it and the impact that their behaviour has (or may have had) on the person harmed and others
  - 6.2. take responsibility for their part in what happened and its impact on others
7. encourage and assist the person harmed to
  - 7.1. identify and reflect upon the nature and consequences of the harm done to them and others close to them
  - 7.2. find effective ways by which, if they choose to, they can express this during a restorative justice process
  - 7.3. clarify their views and needs and be involved in selection of appropriate processes (see previous section)
8. encourage individuals to consider
  - 8.1. whether reparation might be appropriate
  - 8.2. if so, what the reparation might be

- 8.3. to whom the reparation should be made<sup>1</sup>
9. gather information relevant to the restorative justice process, by
  - 9.1. making accurate and complete records of discussions and agreements with individuals the decisions that have been reached and the arrangements that have been made<sup>2</sup>
  - 9.2. recording for each item of information whether it is for you alone at this point or whether the relevant individuals have agreed to share this information with other participants either as part of an indirect communication or prior to any direct communication
  - 9.3. recording how each item of information is to be shared, for example, by phone, letter or face to face.
  - 9.4. recording information in a way that makes it possible to relay information to one participant without disclosing sensitive risk assessment information about the other participant(s), or any other information that they have not agreed to share with the other participant(s)
  - 9.5. ensuring that information is recorded and stored in a way that takes account of agency arrangements for confidentiality of records
10. relay the information each participant has asked to be passed on in a way that takes into account
  - 10.1. what the recipient has indicated they wish to know
  - 10.2. whether the information could cause further serious harm, in which case a supervisor or more experienced practitioner should, if possible, be consulted for guidance as to what to pass on
  - 10.3. the need to make it clear where information has come directly from the other participant, and where it is based on your own assessment of the situation.

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<sup>1</sup> Actually deciding reparation takes place later in the process – see section below on outcome agreements.

<sup>2</sup> Agreements may include venue and time of any meetings, arrangements for arrival and departure and any steps that need to be taken to protect the safety of individuals.

## **D. Facilitating a Restorative Justice Process**

**Once participants have been prepared, the facilitator will need to . . .**

- D1.** Facilitate a process involving indirect communication, or
- D2.** Facilitate a process involving direct communication, or
- D3.** Facilitate a process in which no communication takes place
- D4.** Enable the participants to form an outcome agreement
- D5.** Follow up the restorative justice process with evaluation, monitoring and ongoing support

**D1. To facilitate a process involving indirect communication, you will need to . . .**

1. assess when it is safe and appropriate to bring the preparation phase to a close and start the process of conveying information between the participants in a way that is intended to bring about a final agreement or conclusion of the matter
2. enable the participants to select the most suitable method for sharing information indirectly, including written communication (including Braille), videotape, audio, or the facilitator's 'voice', maintaining a flexible approach throughout the overall process
3. where appropriate, help the person responsible to plan how they could write a letter whilst ensuring that the letter's contents represent their views, taking into consideration
  - 3.1. the ability of the person responsible to express themselves on paper, and possible need for support
  - 3.2. the possibility of enlisting the help of their supporters or others to assist them
  - 3.3. the need to manage expectations about the contents and style of the letter
  - 3.4. the need for letters to be both honest and respectful
  - 3.5. the need for letters to address the concerns of the person harmed
  - 3.6. the need to risk assess letters for any hidden messages
4. hand over the letter to the recipient, in person, once it has been checked for appropriateness and when the person harmed has agreed to receive it.

**D2. To facilitate a process involving direct communication, you will need to . . .**

1. plan for direct communication, by

- 1.1. assessing whether a co-facilitator will help the process to run smoothly and is available, and if so, or if your agency requires co-facilitating, deciding how you will work together (see section C2)
- 1.2. assessing whether participants are likely to need or want separate meetings or time out, and if so, planning accordingly
- 1.3. assessing the likelihood of strong emotions or conflict and how you will manage this
- 1.4. giving all participants clear information about the normal structure of the meeting, as practiced by your agency, so as to create a sense of safety and clear expectations
- 1.5. informing all participants that, while you will aim to stick as closely as possible with this structure, if it is no longer meeting the aims of the overall process, then you will discuss alternatives with them and agree a new way forward
2. assess when it is safe and appropriate to bring the preparation phase to a close and make the necessary arrangements for direct communication to take place
3. ensure that, if you or others wish to invite observers, you
  - 3.1. inform all participants about the possibility of observers being present
  - 3.2. check whether all participants are willing for this to take place
  - 3.3. inform participants about where in the room observers will be sitting, and gain their agreement to this
4. select an appropriate venue and prepare the venue appropriately, including
  - 4.1. setting up seats according to a seating plan that enables participants to enter into a safe, open and honest dialogue
  - 4.2. ensuring the premises will meet the needs of all the participants
  - 4.3. ensuring that the safety and security of participants is taken into consideration in travel arrangements to and from the premises
  - 4.4. where possible, helping to arrange and/or reimburse the cost of the participants' travel to and from the premises
  - 4.5. ensuring that the venue allows for quick and easy access to security personnel, should they be required
5. when working with a co-facilitator, ensure that meeting protocols are pre-agreed and that you both understand your roles - as do the participants, which will involve
  - 5.1. explaining to the participants that you are co-facilitating and why,
  - 5.2. making manifest your co-facilitating relationship in the way you interact with one another (see 10 below)

6. manage the arrivals of the participants, ensuring that where possible
  - 6.1. the participants do not have to meet or wait together prior to the meeting
  - 6.2. they are not left on their own without access to support and information while waiting
7. remind all participants, once they are seated, about
  - 7.1. the purpose of the meeting
  - 7.2. the ground rules relating to behaviour and language
  - 7.3. why it is important that everyone involved in the process follows the ground rules and what will happen if they do not
  - 7.4. the agreed structure of the meeting
8. confirm individuals' agreement to proceed on this basis
9. guide the participants through the following stages of a restorative justice meeting, using the normal or agreed structure to sequence the participant's speaking turns within each stage, allowing for flexibility where appropriate:
  - 9.1. **facts:** what happened and why
  - 9.2. **consequences:** how people have been harmed
  - 9.3. **future:** how all concerned can begin to move forward, a discussion which may result in the formulation of an outcome agreement
  - 9.4. refreshments are normally offered to all participants at the end of the meeting
10. communicate with individuals and encourage them to communicate, in a manner which
  - 10.1. acknowledges their situation and their rights within the process
  - 10.2. treats those involved fairly, with dignity and with respect, whilst recognising the harm that has been caused
  - 10.3. is appropriate to those involved
  - 10.4. encourages an open exchange of views
  - 10.5. minimises any constraints to communication
  - 10.6. is free from discrimination and oppression
  - 10.7. addresses each person in the way they wish to be addressed
11. work sensitively and co-operatively with your co-facilitator, ensuring that you
  - 11.1. listen to the tone and content of your co-facilitator's words, to monitor their assessment of the meeting and the participants

- 11.2. ask questions – for example, check whether your co-facilitator has finished before you ask supplementary questions of the participants
- 11.3. take a break, if necessary, to check with your co-facilitator on how things are going
- 11.4. when your co-facilitator is actively facilitating the meeting, use the time to watch them and the participants and to reflect on the way forward
12. assess whether the structure agreed with the participants prior to the meeting is still enabling them to communicate well with one another, and, if not, have the flexibility to change it
13. assess whether at any point it is necessary to stop the meeting, call time out, or have separate meetings
14. when unexpected issues arise, assess which issues should be dealt with during the meeting, and which are more appropriate to suggest dealing with outside the meeting
15. promote the independence of individuals during restorative justice processes in accordance with agreements previously reached with them
16. continuously monitor individuals'
  - 16.1. emotional and physical well-being, through verbal and non-verbal cues
  - 16.2. compliance with the ground rules established at the start and take appropriate action if the ground rules are not adhered to
17. identify promptly and accurately any signs that indicate potential harm and intervene immediately to protect individuals
18. make constructive contributions to the process (without suggesting your own 'solutions', opinions or beliefs) and facilitate the exchange of information between individuals in a way which
  - 18.1. encourages everyone to contribute actively and fully in the process
  - 18.2. moves the process forward at a pace that balances the needs of everyone involved and the need for a fair and respectful process, with the time and resources available
  - 18.3. encourages individuals actively to participate in the formulation of agreed outcomes (see below)
19. give participants space and time to discuss what they want to see come out of the meeting, and use these discussions to formulate an agreement (see below)
20. encourage individuals to review what has happened during the process and confirm details of

- 20.1. agreements reached
- 20.2. any unresolved issues
- 21. whilst maintaining agreed confidentiality relating to the actual content and contributions to the meeting,
  - 21.1. make full and accurate records of decisions and outcomes
  - 21.2. obtain any necessary signatures on the outcome agreement
  - 21.3. send copies promptly to all who need and are entitled to receive them.

**D3. To facilitate a process where no communication takes place, you will need to . . .**

- 1. establish that it is unsafe, inappropriate or otherwise not possible<sup>1</sup> for the person responsible and the person harmed to enter into any form of communication with each other, and also that either one or both agree that it would be beneficial for them to discuss the harm and its impact in a restorative manner with the facilitator, *separately*, taking into account that
  - 1.1. whilst such an approach can have genuine restorative justice outcomes, it is, by nature, limited or less effective than restorative justice processes that involve some form of communication, in terms of delivering the full potential of restorative justice
  - 1.2. the decision to use such an approach should be taken only if there is sufficient evidence that this is the most effective and beneficial restorative justice process possible, in light of the circumstances and choices of the participants
  - 1.3. your role is to explore with each person, where possible, any fears, anxieties or concerns that may be leading them to decide against any form of communication, and, where appropriate, to reassure them of the safety and the comparative benefits of restorative justice processes that involve communication
  - 1.4. should only one person decide not to engage in any form of communication, providing the opportunity for a restorative justice process that does not involve communication ensures that their decision does not penalise, disadvantage or otherwise harm the person who has already agreed to participate in a restorative justice process of some kind<sup>2</sup>

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<sup>1</sup> This would include not being able to contact or identify one of the individuals, and establishing that one individual does not want any communication with the other, and yet is willing to engage in a restorative process of some kind.

<sup>2</sup> This avoids situations arising whereby the person harmed does not wish to participate in a restorative process but feels pressured to do so because they are informed that their decision will lead to the prosecution, formal discipline, or other negative consequences for the person responsible. If, in such a case, the person responsible has agreed to participate in a restorative process, then the decision of the person harmed not to participate in any way should instead mean that the person responsible would still have the option of engaging in a restorative process.



- 1.5. once started, such a process can, in some cases, lead to the participants deciding that they do, after all, want to communicate in some way, in which case you should make the necessary arrangements
2. engage each participant in a relevant process, that is,
  - 2.1. providing Support for Persons Harmed involves discussions with the person harmed that enable them to reflect on their experience of what happened, their short- and possible long-term reactions to the incident, the harm that it has caused to them and those close to them, and what actions they can take to protect themselves, put in place strategies that might assist their recovery process, and how they might access other services or types of support
  - 2.2. providing Victim Awareness and Restorative Conversations involves discussions with the person responsible that enable them to reflect on and accept responsibility for their part in what happened, the harm that it has (or may have) caused, and what actions or agreements they can take that would, materially and/or symbolically, express their sense of accountability and remorse, and which might seek to address some of the underlying causes of their behaviour.

**D4. To enable the participants to form an outcome agreement,<sup>1</sup> you will need to . . .**

1. enable participants to think and discuss what forms of reparation may be helpful, realistic, and can be effectively carried out, taking into consideration
  - 1.1. the abilities of the person responsible
  - 1.2. what reparation would be appropriate to the harm caused, and to whom the reparation should be made
  - 1.3. the need for reparation activity to be clearly defined, measurable and supported by the participants
  - 1.4. whether appropriately trained supervisors are available to supervise reparative work
  - 1.5. the support available to help the person responsible to complete the agreement
  - 1.6. the timing of any financial, practical or emotional reparation, and a schedule for completion
  - 1.7. any health and safety implications of the proposed reparation
  - 1.8. whether insurance is in place to cover any practical work planned
  - 1.9. any other practical issues relating to costs, transportation etc
  - 1.10. whether reparation has been agreed with the free informed consent of everyone present

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<sup>1</sup> An outcome agreement may form part of any restorative process.

2. if the person harmed wishes to nominate a recipient for reparative activity, workers will need to check the suitability, the feasibility and the wishes of the nominated recipient
3. if the person responsible needs support to complete their action plan or agreement, make clear, if possible, who will provide this
4. if money is to be handed over, arrangements must be in place to document its movements and have them witnessed
5. ensure that all participants understand whether or not the outcome agreement forms a legally binding (breachable) agreement or whether completion is voluntary
6. provide all participants with a record of what has been agreed unless this is not required or desired by participants
7. when producing an outcome agreement that could result in disciplinary action, prosecution or other negative consequences if the person responsible does not comply with it, ensure that correct (inter-agency) procedures are followed, and inform participants about the legal or policy framework, any monitoring arrangements and the consequences of non-compliance
8. conduct or obtain an assessment of the underlying causes of the behaviour of the person responsible and, in consultation with relevant professionals, take into account the need and availability of services or input that may help to address these causes, for example, cognitive-behavioural programmes, mentoring, employment skills, and so on.

**D5. To follow up the restorative justice process with evaluation, monitoring and ongoing support,<sup>1</sup> you will need to . . .**

1. assist with, supervise, and monitor the completion of outcome agreements, by
  - 1.1. assisting and/or supervising the person responsible to complete their outcome agreement, or ensuring that an appropriate support person is nominated by the participants to provide such assistance and/or supervision
  - 1.2. assessing whether the person responsible has completed the actions they agreed with the person harmed
  - 1.3. assessing whether any further support you could realistically give would enable the person responsible to complete the agreement; but if not, or if these further actions are ineffective, then:

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<sup>1</sup> Some agencies will not require the facilitator themselves to do the supervision, monitoring and/or evaluation following a restorative process, as either a support person of the person responsible and/or another staff member in the agency will take on one or more of these roles. However, for the purposes of training and accreditation, all practitioners need to be able to demonstrate that they have the skills outlined in this section, so that they can be employed by any agency, whatever their policy on supervision, monitoring and evaluation procedures.

- 1.4. sensitively informing the person harmed, and any other agencies whom you have a statutory (or other) duty to inform, whether or to what extent the person responsible has completed the outcome agreement
- 1.5. where it is assessed that an individual has not complied with the outcome agreement, and where it has formed part of a statutory (or other) requirement, ensure that structures are put in place for passing this information back to the appropriate agency
2. evaluate the process with individuals involved, by
  - 2.1. relaying agreed information about outcomes to other parties as agreed by the participants
  - 2.2. providing the participants with the opportunity to discuss openly and honestly their thoughts and feelings about the restorative justice process and its outcomes
  - 2.3. offering constructive feedback to individuals about their contributions to the process, emphasising the positive aspects of their role
3. encourage individuals to consider whether, following the restorative justice process, there is any further communication (direct or indirect) that they need or want in order to close the process
4. facilitate closure and enable any ongoing support, by
  - 4.1. agreeing with individuals involved when it is right that the process is at or should come to an end
  - 4.2. encouraging individuals to consider their need for further support and information, discussing the ways in which such support could be provided, and the most appropriate means of accessing support - making the appropriate arrangements when your agency agrees with the individual to make a referral on their behalf
  - 4.3. informing individuals about any arrangements for further contact with your agency and exploring their willingness to take up any follow-up contact that the agency offers, including long-term arrangements
  - 4.4. enabling your agency to make any follow up contact for evaluation purposes with the participants
5. when co-facilitating, ensure that respective roles and responsibilities are clarified, including
  - 5.1. exchanging feedback and debriefing each other, with assistance from a case supervisor if necessary
  - 5.2. allocating any administrative or follow up tasks associated with the restorative justice process and, if any information about it needs to be passed on to others, deciding who will do this

- 5.3. ensuring there is clarity as to who is undertaking monitoring, supervision and feedback about completion to other agencies or to the person harmed.

## Section 2. Complex and Sensitive Cases

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### A. Knowledge for Complex and Sensitive Cases

This section sets out additional knowledge and skills that are needed to handle more sensitive and complex cases. These are cases in which risk assessment gives good reason to believe that either:

- there is someone who has the motivation and ability to cause significant further harm, including emotional trauma, either during or outside the restorative justice process; or
- there is someone who is particularly vulnerable to further harm, including vulnerability arising from the original incident.

The skills required to handle this kind of case are largely the same as those set out in Section 1, but at a higher level. This section outlines the knowledge which would be required to support that higher level of skill, referring where relevant to other National Occupational Standards. Some of that knowledge is also similar to that required in Section 1, but in greater depth. This section also highlights the skills relating to risk assessment and management where a higher level of competency is particularly important. It is expected that most practitioners would be able to demonstrate the higher level of competency required for sensitive and complex cases after a minimum of four years of experience and specialist training.

#### **To demonstrate that you have the knowledge required to facilitate a complex and sensitive case effectively, you need to be able to . . .**

1. articulate how participants, or others, can cause harm either during or outside the restorative justice process, for example through references to sensitive aspects of the offence; lack of acknowledgement or minimisation of the impact on the person harmed; blaming the person harmed; intimidation
2. explain how participants can manipulate others to prevent them stating their needs and views, and how this can manifest itself in a restorative justice process
3. convey how a pre-existing or ongoing relationship between participants can affect a restorative justice process, either increasing its benefits or providing opportunities for further harm to be caused
4. explain how different kinds of offences can contain the elements in 1 – 3 above
5. describe possible attitudes to sensitive and complex cases in the participants' communities, and explain how this may affect them and influence how they participate in the restorative justice process, especially if the case is widely known

6. describe the long-term effects of sensitive and complex cases, and the implications for the length and timing of the restorative justice process, and for maintaining continuity of case handling.
7. explain the sources of vulnerability arising from the effects of sensitive and complex cases on those involved; the offending behaviour and relationships underlying these cases; and the implications for how to work with participants in a restorative justice process
8. describe the legal measures and policies relating to such cases, for example on
  - 8.1. child protection legislation and regulations
  - 8.2. civil and criminal court measures of protection
  - 8.3. parole and release of persons responsible on licence
  - 8.4. inter agency risk management arrangements
  - 8.5. information sharing and the limits of confidentiality
9. list the range of specialist services and agencies available for those involved in sensitive and complex cases.

## **B. Skills for Complex and Sensitive Cases**

**To demonstrate that you have the skills required to facilitate a complex and sensitive case effectively, you need to be able to . . .**

1. apply a more thorough initial and ongoing risk assessment that would be required for less complex cases, including a formal written risk assessment, and ensuring that any relevant specialist risk assessment tool is applied.
2. select appropriate measures to manage the higher level of risk in such cases, for example co-facilitating with another restorative justice practitioner; close multi-agency working; close contact with a supervisor
3. discern whether the nature of the offence requires contacting or meeting with the person harmed prior to approaching the person responsible - or *vice versa* - regarding the possibility of a restorative justice process
4. judge especially carefully what information may be given to one participant about another, or to anyone else, given the implications for their emotional and physical safety - particularly involving cases of domestic or sexual abuse, where codes and code words can appear innocuous and be obvious only to the person harmed and the person responsible.
5. notice the effects of working the case on you as a practitioner, and seek any appropriate case supervision and personal support.

## Section 3. Case supervisors and Line Managers

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### A. Knowledge and Skills for Case Supervisors

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, as defined by in Section 1 of this guidance. If they are supervising sensitive and complex cases, they also need the competencies set out in Section 2. They do not necessarily need to be senior to the practitioner they are supervising in an organisational hierarchy; they can be peers.

This section sets out the additional skills and knowledge needed for case management of restorative justice work where a higher level of competency is particularly important. It is expected that most practitioners would be able to demonstrate the higher level of competency required for sensitive and complex cases after a minimum of two years of experience and specialist training.

#### **To demonstrate that you have the skills and knowledge required to case supervise restorative justice work effectively, you need to be able to . . .**

1. assess whether the supervised practitioner is working in accordance with best practice; whether the case is progressing satisfactorily; and whether adequate risk assessment is in place
2. identify, with the practitioner, any instances where the practitioner's skills or experience are insufficient to handle the sensitivity or complexity of the case; and in any such instance, to:
  - 2.1. communicate this to the practitioner
  - 2.2. help them identify how to secure the support needed to continue working the case (e.g. co-facilitating), or
  - 2.3. refer the case on
3. help the practitioner to find new ideas and fresh perspectives on how to work cases, without disempowering them, and identify any ways in which their approach may need amending, including by assessing whether they have:
  - 3.1. put in place measures to manage all important risks and sensitivities
  - 3.2. selected an appropriate process for the participants and their needs
  - 3.3. included, as far as possible, all the stakeholders who need to be involved
  - 3.4. ensured that the process is focusing on the important issues

- 3.5. ensured outcome agreements are realistic and do not have obvious unintended consequences
  - 3.6. made the process consistent, if possible, with any context in which it is taking place (e.g. consistency of plans for completing the case with statutory timescales)
  - 3.7. put in place arrangements, if necessary, to follow up outcome agreements and provide for any long term support needs of participants, and
  - 3.8. considered whether participants have any special needs and responded appropriately
4. provide emotional and pastoral support to the practitioner, including through:
    - 4.1. empathic active listening, and
    - 4.2. identifying when referral to further, independent sources of support, such as counselling services, may be appropriate; sensitively raising this with the practitioner; and facilitating referral where necessary
5. where the case supervisor is not the practitioner's line manager, maintain a relationship with the line manager as agreed with the manager and the practitioner, taking into account:
    - 5.1. the practitioner's possible need for a degree of confidentiality in the supervision process
    - 5.2. the manager's possible need for general information on the quality of restorative justice processes they are responsible for
    - 5.3. the need of participants in restorative justice processes, and the requirements of the law, for action to be taken if the case supervisor uncovers a serious risk of harm
6. if there are serious concerns about the safety of the practitioner's work, raise this with their line manager, and, if necessary in a particular case, to recommend that the case be closed or passed to another worker.
7. apply, wherever appropriate, restorative justice principles and core skills, consistent with Section 1 of this guidance, in the supervision process.



## B. Knowledge and Skills for 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.

### **To demonstrate that you have the skills and knowledge required to line manage restorative justice work effectively, you need to be able to . . .**

1. have a general understanding of restorative justice principles and practice, including the ability to offer a definition of restorative justice processes, including reference to
  - 1.1. balancing needs of persons harmed, persons responsible and communities
  - 1.2. restorative justice as a process
  - 1.3. the aims of restorative justice, and potential outcomes
  - 1.4. emphasis on resolving and reducing harm
2. set objectives for restorative justice practice that clearly support the aims of their organisation, and articulate a strategy for sustaining and developing restorative justice practice
3. demonstrate to all staff a commitment to restorative justice, ensuring all staff understand why the basic principles of restorative justice work and why the organisation is undertaking it, and supporting restorative ways of working throughout the organisation
4. put in place the key resources for successful restorative work to take place, including
  - 4.1. ensuring a realistic balance between case-flow and time for quality work which responds to the needs of participants
  - 4.2. where possible, support for participants to fulfil outcome agreements, and monitoring fulfilment of outcome agreements
  - 4.3. support for restorative practitioners to develop their practice, including through training to work in accordance with the relevant sections of this guidance, and to progress their careers

- 4.4. partnership with other agencies, such as referral agencies or agencies that are working with participants or that are able to help participants fulfil outcome agreements
5. put in place key policies and procedures needed for successful restorative justice practice to take place, for example:
  - 5.1. a suitable risk assessment process for all restorative justice practitioners to use
  - 5.2. data sharing protocols with partner agencies, and a consistent confidentiality policy
  - 5.3. clear definitions of roles and case referral arrangements between restorative justice practitioners and others in the organisation
6. put in place quality assurance of restorative justice practice, including ensuring that
  - 6.1. all restorative justice practitioners have adequate provision of training to work and are working in accordance with the guidance set out in the Section 1 of this document
  - 6.2. all sensitive and complex cases, as defined in Section 2, are referred to appropriately skilled and experienced practitioners
  - 6.3. restorative justice practitioners have access to case supervision, and emotional support, which accords with the guidance set out in this section – either providing it yourself or contracting it out
  - 6.4. information on outcomes of cases, for example feedback from some participants, is collected and used to inform and develop strategy and practice
  - 6.5. restorative justice is accessible and sensitive to all sections of the community.