Thriving Survivors' national service for restorative justice in cases of sexual harm: an evaluation of the first year

Research Report

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Foreword

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'If we keep on doing what we have been doing, we are going to keep on getting what we have been getting' (Wandersman et al., 2008: 171).

Few experts inside or outside the criminal justice system defend the adequacy of its response to sexual crimes. I am honored as a foreigner to have been asked to make an opening statement for this report that lays the groundwork for fundamental change in how selected sex crimes are processed in Scotland. I thought that before introducing the report, I should learn something about the Scottish justice system. I asked Chat-GPT, an artificial intelligence application that has been trained on years of sources to synthesize them and machine generate text. The output to the query, "Is Scotland known for a good criminal justice system?" is the following: "Scotland is often praised for its unique criminal justice system, which is rooted in principles of fairness and rehabilitation. The Scottish system places a strong emphasis on rehabilitation over punitive measures, aiming to address the underlying causes of criminal behavior and reintegrate offenders into society. One notable aspect is the "community justice" approach, where non-custodial options like community service and restorative justice programs are favored, particularly for less serious offenses. In recent years, there has been a shift towards diversion programs for certain low-level offenses, which helps individuals avoid a criminal record by completing rehabilitation programs. This approach aligns with your [Koss] interest in social justice and inclusion. It's important to note that the effectiveness of any criminal justice system is subject to ongoing debate and evaluation. While Scotland's system has been praised for its progressive approach, like any system, it also faces challenges and areas for improvement." (auto-generated text, ChatGPT, 2023).

Within this objective assessment, the focus of work by Thriving Survivors is perfectly matched to Scottish justice aspirations. It is also an exemplar of a research/evaluation approach that is considered best-practice in many disciplines. The methodology has been labeled with a variety of terms including community-based action research, community participatory research, or the interactive systems framework developed by Abraham Wandersman and quoted as an opening. All these approaches are designed to move knowledge into action and bridge the gap between research and practice. Policy recommendations affecting the second most serious crime after homicide call for a cautious approach based on a sound foundation.

The interactive systems framework has been widely adopted to guide building and evaluating programs across a variety of systems including health and criminology. The components include: (1) distilling information to synthesize it and disseminate it in a form accessible to non-technical readers; (2) building the capacity to do the work; and (3) designing, implementing and delivering a program of services. The components are influenced by the macro-social climate surrounding the work. Success is fostered by supportive policy, existing research and theory, acceptability to many citizens, and funding. This report implemented study methods to fulfil each component and reviewed thoroughly the over-arching realities that were encountered. Specifically, the work described in this report comes back time and again to activities undertaken to involve input and respect the sense of ownership that exists within multiple community interest groups. An extensive and carefully planned training program fostered knowledge transmission to the people and places where it can contribute to implementing innovative practices that respond to real problems. The report is impressive for its sound scientific methodology, which utilized multiple methodologies to generate information including qualitative and quantitative, and diligently involved the voices of both gatekeepers, service providers and people who are the envisioned recipients. The self-reflective quality of the report is noteworthy. The team is not afraid to tell the whole story including ideas that were resisted, issues where consensus but not majority acceptance existed, or training experiences that received a number of suggestions for improvement.

The report is so comprehensive that it is astounding to learn that the work was accomplished with 12 months of funding. The Integrated Systems Framework strongly advocates for more consistent funding across longer periods of time, noting that it takes time to assemble all the pieces essential for a successful implementation.

In fact, the creators of the framework conclude that funding for one year would be adequate only for the most preliminary activities. This report establishes a doable agenda with capable stable partners and a clearly articulated program model that encapsulates the input of diverse groups who all share the value of providing the best justice possible for every victim.

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(Evaluator of the US RESTORE program)

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Executive summary

The results from this report show the sheer volume of preparatory work which has been undertaken and the progress in facilitating the development of a national hub which will provide all survivors of sexual harm, safe and supported access to restorative justice services in Scotland.

The report lays the foundations for how the project came about, by first providing an overview of the international and national contexts of the use of restorative justice, applied as a response to crime before presenting the Scottish Government's 2017 guidance which outlines the key restorative justice principles and requirements for service operation. The 2017 guidance, which was issued by the Scottish Government, resulted in the 2019 Action Plan that was launched by Scotland's Cabinet Secretary for Justice who was, at the time, Humza Yousaf. The Action Plan was created in support of the Scottish Government's commitment to have restorative justice services widely available throughout Scotland by 2023, an aim which was postponed. While the Scottish Government remains highly committed to the eventual roll out of restorative justice services, a completion deadline has yet to be set.

The 'National consultation: Survivors voices' which took place in 2021 demonstrated the need for restorative justice services to become accessible for survivors of sexual harm. The results from the consultation demonstrated that many survivors of sexual harm (85% of those asked) would engage in restorative justice in their case, or at least wanted the choice of whether to do so or not. According to the results of this consultation, lack of access to restorative justice can result in a significant number of survivors of sexual harm unable to have their voice heard.

Since the start of the Thriving Survivors project, a significant amount of work has gone into the development of the service which will eventually provide all survivors of sexual harm in Scotland safe and supported access to restorative justice. This has included establishing numerous working groups and panels which meet regularly to assist with the development of the service. Each group has a different responsibility within the development of the project, for example one of the working groups specifically looks at the risks involved in the restorative justice process and the best ways for mitigating that risk.

Numerous training sessions have been organised and delivered since the beginning of the project to train the future facilitators who will be involved in the service. The training has been divided into the following levels: foundational, intermediate, advanced, and specialist. The idea being that the restorative justice practitioners who have only participated in the foundational level training, for example, should not be expected to possess the level of understanding and expertise required to facilitate restorative justice in sensitive and complex cases. It is crucial that those restorative justice facilitators who will be joining the facilitation team and facilitating cases of sexual harm have attended all the training sessions, thus fully trained and equipped to facilitate sensitive and complex cases. Allowing facilitators to take on such complex cases without the adequate training, risks survivors not getting the level of support and care that they require and deserve, and potentially exposes them to further victimisation. It also risks the wellbeing of the facilitators, as well as the loss in public confidence in the use of restorative justice in sexual violence cases.

The service has developed rapidly and has faced several challenges along the way. Some examples of challenges include the impacts which come alongside short-term funding, misconceptions and misunderstandings surrounding restorative justice, and reservations to the use of restorative justice in cases of sexual harm.

Despite this, Thriving Survivors has remained dedicated to creating a service that will provide restorative justice to survivors of sexual harm, and the Scottish Government continue to be committed to the plans to eventually roll out restorative justice services across Scotland.

With this research we have aimed to conduct an internal evaluation of the first year of the project, the development of a national hub for restorative justice in cases of sexual harm in Scotland, and the specialist training for future facilitators. We hoped to explore the various developments and activities and examine what worked well and what can be improved. In order to do that we used mixed research methodologies, meaning a combination of quantitative and qualitative research strategies to gather data on the project. In

particular, we used semi-structured interviews with a number of persons involved in the project within various capacities, observations in meetings and trainings, and a questionaire which was sent to the trainees.

Overall, this report 1) demonstrates the need for the service, 2) evaluates the progress and development of the service, and 3) analyses the ways in which the service can be improved for the future.

The main findings regarding the service development include among other:

- → *To ensure that the service caters for all survivors of sexual harm.*
- → *To have quality assurance: for this, accreditation should be sought for the various aspects of the service and there ought to be continuous training to ensure a certain quality control.*
- → *Looking forward, that Thriving Survivors are supported by more stable, and longer-term, funding from Scottish Government and other sources.*
- → *To ensure that staff working for the service are fully supported in their continued training and practice.*
- → *To ensure good relationships and regular communication between all of those involved (i.e. Thriving Survivors staff, partners, and clients).*

The main findings regarding the training include, among other:

- → *For the training to be further developed.*
- → *For the training to take a slightly different format which incorporates more practice experience (i.e. placements and shadowing) for staff.*
- → *For the training organisation to be adapted dependent on the needs of trainees and trainers.*
- → *For a manual to be created for all levels of training.*
- → *For the groups of trainees to be divided into smaller groups based on abilities.*

Looking forward and in view of the results of this evaluation, some ways in which the service can be further developed and improved, include the following:

+ More funding stability

The nature of the work with survivors of sexual harm can be a complex process which requires sensitivity. Allowing the project to be funded on a longer-term basis than it is currently (twelve-month basis), would allow the service to fully develop. This is particularly important as the project should not be rushed, nor should it be given an 'end' date. The lack of secure funding has negative impacts on the service including the risk of creating harm and possibly secondary victimisation and the erosion of trust with the service user. Having longer term funding would ensure that survivors can get the best possible care, with the guarantee that they can be supported on a long-term scale. It would also ensure that staff are employed for longer than on a yearly basis, which could see an increase in individuals applying for roles, better staff wellbeing, and less staff turnover.

+ Equipping future facilitators with more practice experience.

This will strengthen quality assurance of the service, ensuring newly trained facilitators to become more confident in facilitating cases and allowing survivors to receive the best possible levels of care and support. This could be achieved by providing less experienced facilitators with opportunities to undertake 'low-level' cases and/or to shadow more experienced facilitators.

+ Tailoring training more specifically to the need of the trainees.

This can be achieved through, for example, grouping trainees together according to their levels of experience. Doing this, can ensure that the specific needs of the trainees are met.

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List of acronyms

CYCJ	Children and Young People's Centre for Justice
EU	European Union
ENU	Edinburgh Napier University
GDPR	General Data Protection Regulation
ISP	Information Sharing Protocols
UNFPA	Nations Population Fund
UNODC	United Nations Office on Drugs and Crime
WHO	World Health Organisation
RJ	Restorative Justice
WG	Working Group

1.1 International context

Restorative justice as a term was first used in the 1950s by Albert Eglash in the USA (Maruna, 2014). It started being discussed and developed academically by, among others, Christie (1977) and Barnett (1977) in the 1970s and Braithwaite (1989) and Zehr (1991) in the early 1990s. The first practice examples in its current form can be found in the late 1970s in Canada, and soon thereafter beyond (Shapland, Robinson & Sorsby, 2011). It is now a practice that has spread across the globe in different forms, with its institutionalisation in some countries (like Belgium, Northern Ireland, Norway, and New Zealand) being a more top-down approach, where the practice is very much embedded in the criminal legal system (see e.g. Chapman & Zinsstag, 2012; Maxwell & Morris, 2001; Shearar & Maxwell, 2012). Some practices however are more bottom up like practices in Northern Ireland or Canada, where they are an alternative to the criminal legal system and serve communities directly (Zinsstag et al., 2011). Some other practices are very much based on traditional approaches to justice like in South Africa (Skelton & Frank, 2001). There are several debates in the restorative justice field around approaches or meaning (see the special issue in *The International Journal of Restorative Justice*, 2023, 6/3). For the research at hand, a debate of interest is e.g. the one around the professionalisation versus the voluntary nature of practices (see e.g. Keenan et al., 2016). The practices have now also a fast-evolving international institutional framework with various bodies including restorative justice in their treaties, directives, conventions, and handbooks (see e.g. Council of Europe, 1999, 2011, 2018; European Union, 2012; UNODC, 2006, 2020; Venice declaration, 2021). This has certainly had an impact on certain countries deciding to take on restorative justice, like Scotland with its inclusion of the EU Victims' Directive in their 2014 Victims and Witnesses (Scotland) Act but restorative justice is still only embryonically mentioned.

1.2 Restorative justice in Scotland: national context

That said, there has been a growing interest in including restorative justice as a response to crime in Scotland already since the 1990s, with several attempts remaining somewhat unfruitful until the end of 2010. The context of a wider European/international movement towards more rights for victims in the criminal legal system, notably in the EU Victim's Directive 29/2012 and the recent UN Handbook on restorative justice (2006, 2020) has certainly, as said, contributed to these developments here. However, the 2014 Victims and Witnesses (Scotland) Act does not say much about restorative justice, except for teeing up the future guidance.[1]

The 2017 guidance issued by the Scottish Government outlines key restorative justice principles and requirements for service operation.[2] This then led to the 2019 Action Plan,[3] launched by the Cabinet Secretary for Justice Humza Yousaf[4] - Scotland's current First Minister - notable for its ambitious goal of having restorative justice services available nationwide to anybody affected by crime, by the year 2023.[5] In addition, in 2020 for example, a toolkit was developed in order to support the design and development

1 Please find a list of the main international and local legislative tools, agreements, and guidance in Annex 2.

2 The Guidance can be found here: https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2017/10/guidance-f-restorative-justice-scotland/documents/00526079-pdf/00526079-pdf/govscot%3Adocument/00526079.pdf.

3 The full text of the Action Plan can be found here: https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2019/06/restorative-justice-action-plan/documents/restorative-justice-action-plan/restorative-justice-action-plan/govscot%3Adocument/restorative-justice-action-plan.pdf.

4 His ministerial foreword can be found here: https://www.gov.scot/publications/restorative-justice-action-plan/

5 This goal has been now dropped, and while the government is still committed to rollout restorative justice across Scotland, no dates have been set as deadline for the complete rollout.

of restorative justice initiatives, in a collaboration between the University of Edinburgh, the Scottish Restorative Justice Forum and Scottish Government (for more information see Hamad et al., 2020).

There are however, as research by Maglione et al. (2020) found, some quite significant challenges to reaching this goal when the research was done in the mid to late-2010s. One is that a lot of criminal justice in Scotland, especially non-custodial penalties, is organised along local authority lines, and is regularly reorganised. A further issue has to do with the dynamics of information sharing between agencies post-GDPR[6] and concomitant issues with Information Sharing Protocols (ISP). Concerns about this resulted in very few referrals to restorative justice, as it would depend on the police or prosecution to know when to do so as they first have contact with the victim. A further issue is that restorative justice in Scotland has tended to be carried out within the framework of youth justice (and this is not unique to Scotland), so there is a misperception that restorative justice is appropriate mainly - or only - for young people's minor/first-time offending and thus less focussed on the victims (Maglione et al., 2020; more generally on the subject see Zinsstag et al., 2011), with the exception of a pilot on hate crime in Edinburgh (Hamad & Cochrane, 2020). That said we know that the evidence shows its value for serious and longer-term harm involving adults (Zinsstag et al., 2011). To all of these challenges we can now add the impact of Covid-19 on the criminal justice system, which is very much still ongoing.

Despite the Scottish National Party recommitting to the 2023 goal in the 2021 election, the 2023 goal has been extended. There is, however, a regional development with an initial test project in Edinburgh/Lothians alongside other new projects like the one we are evaluating here.

There is ample evidence (including from facilitators, survivors, and those who have harmed) on the value of restorative justice for serious, violent, and sexual crimes when these are trauma-informed, survivor-centred, and survivor-driven practices which are voluntary and thoroughly prepared by experienced and specially trained facilitators, as explored in Keenan and Zinsstag (2022) but also in the *Risk and mitigation in restorative justice* report (Shapland et al., 2022) and by researchers internationally (see e.g. Jülich & Thorburn, 2017; Koss & Achilles, 2008; Marinari, 2020; Ptacek, 2010).

1.3 Restorative justice in Scotland: background to the project

Scottish Government (and several other agencies and third sector organisations) received several spontaneous requests by survivors of sexual violence who wished for facilitated meetings with the person responsible for the harm they had suffered (after the Government had announced their plans for the general rollout). Thus in early 2021 the government decided to fund a consultation led by Thriving Survivors.[7] The consultation,[8] asked a number of survivors of sexual harm directly through a questionnaire a number of questions, including: 'Would you participate in a restorative justice process if it were to be made available in Scotland?' Results – yes: 85% and no: 15%. The survivors, in this consultation, also had the opportunity to say what type of service they thought they needed or would be appropriate, how it should look, and what needs should be addressed. This consultation has informed the development of the service.[9]

A mirror study was recently completed by colleagues from Midlothian Council and Community Justice Scotland (Russell & Cochrane, 2023) in which they interviewed 44 adult males convicted of sexual offences and in custody. They interviewed them about their knowledge of restorative justice and whether they would take part in a restorative justice initiative if the person they had harmed wished to. The response was overwhelmingly positive too.[10]

However, one of the main problems in order to be able to consider the spontaneous requests by survivors for restorative justice, was that there were no specially/adequately trained facilitators in Scotland and no

[6] GDPR is a European legislation protecting individual details.
[7] https://www.thrivingsurvivors.co.uk. See chapter 4 for more details of the results of the consultation.
[8] See e.g. this booklet done to explain what restorative justice is https://www.thrivingsurvivors.co.uk/_files/ugd/b7bff6_1c43ea7a343d4acf89f73828fdf1354c.pdf . See for more information, https://www.thrivingsurvivors.co.uk/survivors-voices.
[9] The complete report can be read here: https://www.thrivingsurvivors.co.uk/_files/ugd/b2bc3e_242dab76f2df41fba6fd7f58b42e4232.pdf.
[10] The report can be found here: https://www.midlothian.gov.uk/download/downloads/id/4849/restorative_justice_report.pdf.

structure to do this safely. That is how the idea of a specialist training emerged which Edinburgh Napier University and Community Justice Scotland proposed to develop for Scottish Government at the same time as Thriving Survivors proposed a national service to cater for these survivors. The two teams (Edinburgh Napier University and Community Justice Scotland on the one hand and Thriving Survivors on the other) joined forces and applied together in one project for both aspects to be developed and evaluated – a national service which will offer restorative justice to sexual harm survivors, which is trauma informed and survivor-led and a specialist training. The Scottish Government funded the project for one year with Thriving Survivors as lead together with Edinburgh Napier University as formal partner, responsible for developing and coordinating the specialist training and for this internal evaluation. The project was recently funded by the Scottish Government for a second year. Other informal partnerships were formed at various points during the project.

1.4 Terminology and definitions

We will start here by briefly addressing some of the main concepts and terminology used throughout the report to clarify our position on their use.

1.4.1 Restorative justice

The definitions of restorative justice depend on which aspect or aim is favoured for a particular practice. This has created numerous debates around the terminology, approaches and objectives (see also Daly, 2016; Keenan & Zinsstag, 2022; Walgrave, 2021). It is important to use or develop a definition that fits best the practice aimed at and developed in each place. While there are several definitions of restorative justice available demonstrating how different approaches can be used and considered in cases of sexual harm, the definition we will be following here in this report however is the definition offered by Scottish Government in their 2017 Guidance:

> Restorative justice is a process of independent, facilitated contact, which supports constructive dialogue between a victim and a person who has harmed (whether this be an adult, a child, a young person or a representative of a corporate or other body) arising from an offence or alleged offence (Scottish Government, 2017: 6).

This definition draws its inspiration from Tony Marshall's (1999) definition with a nuanced language around offending, avoiding the stigmatising label of 'offender'.

As discussed in Keenan and Zinsstag (2022), restorative justice has a number of different aims, principles and values,[11] including: providing opportunity for the survivor to ask any questions they may have directly to the person(s) who caused the harm, giving the survivor an opportunity to regain autonomy and power since the offence, repairing harm caused by the offence, facilitating an opportunity for the survivor to feel their harm has been acknowledged, providing a means for the survivor to share and discuss the impact of the trauma, increasing the person who caused the harm's responsibility for committing the offence, giving the survivor an opportunity to receive an apology and/or reparations for the harm caused, and providing all those involved with a clear sense of justice. The restorative justice process is entirely voluntary and can be stopped by all parties at any time.

1.4.2 Restorative practices

Restorative practices can be defined as those 'aimed at resolving conflicts in other contexts such as schools, workplace, prisons, and neighbourhoods' (Keenan & Zinsstag 2022: 9) which means practices which take place mostly outside the criminal legal system (see also Zinsstag et al., 2011).

[11] See also the European Forum for Restorative Justice's values and standards manual at https://www.euforumrj.org/sites/default/files/2021-11/EFRJ_Manual_on_Restorative_Justice_Values_and_Standards_for_Practice.pdf

1.4.3 Sexual violence, sexual harm, harmful sexual behaviour

These different terms are used throughout the report, sometimes interchangeably depending on the context. The following are the definitions we base our understanding on.

The World Health Organisation defines **sexual violence** as:

> any sexual act or attempt to obtain a sexual act, or unwanted sexual comments or acts to traffic, that are directed against a person's sexuality using coercion by anyone, regardless of their relationship to the victim, in any setting, including at home and at work (WHO, 2022: n/a).

The UK government proposes the following definition of **sexual harm**. They describe it as physical or psychological harm caused:

> (a) by the person committing one or more of the offences listed in schedule 3 of the 2003 Act, or
>
> (b) (in the context of harm outside the United Kingdom) by the person doing, outside the United Kingdom, anything which would constitute an offence listed in schedule 3 of the 2003 Act if done in the United Kingdom.[12]

Harmful sexual behaviours (HSB) can be defined as:

> sexual behaviours expressed by children and young people under the age of 18 years that are developmentally inappropriate, may be harmful towards themselves or others, or be abusive towards another child, young person, or adult (Barnardo's, 2019: 2; see also Hackett, 2014).

1.4.4 Survivor, person harmed, victim

The terms 'survivor', 'person harmed' and 'victim' are used interchangeably to refer to a person who has suffered the effects of sexual violence. While these terms are often used interchangeably in the literature and in general, people's preference of terminology may depend on their profession, experiences, or background. For instance, those who work within a legal context such as lawyers and police will often use the term 'victim'. Contrastingly, others may choose to use the term 'survivor' as this is representative of the survival which has happened in the face of victimisation (Keenan & Zinsstag 2022). Terms have been said to encourage labelling and stigma, for example by positioning women as victims and men as offenders (Keenan & Zinsstag, 2022). In the Scottish context, the term 'person harmed' is commonly used on the basis that it addresses stigma and avoids the kind of labelling which may occur from use of other terminology (Walklate, 2014). However, Thriving Survivors has recently decided to use consistently the term 'survivor' after several conversations with their Lived Experience Action Group.

1.4.5 Person responsible, person who has harmed, offender, perpetrator

Here as well the terminology is interchangeable, depending on the context. It is a fact that 'offender' is a term used by the criminal legal system for someone convicted of a crime and therefore is mostly inadequate in this context. We use here mostly person responsible or person who has harmed as these expressions carry less stigma and simply describe the reason why they are involved here and encompasses those who have not been convicted for the harm that they caused which is particularly relevant given the low rates of reporting and conviction in the case of sexual offending (see e.g. Keenan & Zinsstag, 2022).

1.5 Structure of the report

Following the introductory chapter ('Chapter 1: Introduction'), Chapter 2 ('Chapter 2: Literature Review') presents a short literature review which provides an overview of the relevant literature which frames this report. The literature review will examine the following: evidence in support of the need for restorative justice services offered to survivors of sexual harm, related policies, safety proceedings, the benefits of the use of restorative justice in sensitive and complex cases, an evaluation of the potential risks and limitations, and an assessment of best practice with reference to training and guidelines.

[12] This definition comes from https://www.legislation.gov.uk/asp/2016/22/section/10/enacted

Chapter 3 ('Chapter 3: Methodology') provides an overview of, and presents discussion on, the methodology employed by the research team to collect the data used in defence of this report. In this chapter, detail will be given to the use of mixed methodology. More specifically, chapter 3 will provide a breakdown of each method used (e.g. semi-structured interviews), before discussing how the data was collated and examined.

Chapter 4 ('Chapter 4: Service set up and development') provides an overview of the set-up of the service, staff recruitment, and the creation of all the working groups as well as the lived experience action group, deontological group, and the advisory panel. Chapter 4 also discusses the preparatory work (e.g. logic models and guidance documents) which has been undertaken in order to facilitate the set-up of the service), the creation and recruitment of the facilitation team, the restorative justice services, the partnerships established throughout the project, and the outline of a recent case study.

Chapter 5 ('Chapter 5: Training') discusses all the training which has taken place since the beginning of the project. More specifically, the chapter describes the origins and set up of the training sessions, a breakdown of all the training sessions which have taken place with a description of who delivered which training, and an outline of all the trainees who participated in the training. Additionally, chapter 5 assesses the organisation of, and data collected on the training. This was obtained through both interviews with trainees and trainers, and training survey forms which were completed by trainees.

Finally, Chapter 6 ('Chapter 6: Evaluation') concludes this report by presenting an overall evaluation of all the findings discussed throughout this report. This chapter also offers some final conclusions followed by possible recommendations for the future.[13]

[13] Please find in Annex 1 a timeline of the whole project's first year with the main milestones accomplished.

Research has shown that survivors of sexual violence in jurisdictions which do not offer restorative justice want to have the option to engage in restorative justice practices, in case they choose to do so (Keenan & Griffith, 2019; Moore et al., 2021; Zinsstag & Keenan, 2017) and those who want to participate in restorative justice involving sexual violence cases, want to do so for the same reasons as victims of non-sexual cases (e.g., homicide, violence etc). This includes allowing the survivor to ask questions of the person (or persons) who caused the harm, to hear the answers given, to be heard, acknowledged, validated and to witness the person who caused harm take responsibility for their actions (Daly, 2017; Julich & Landon, 2017; Keenan & Zinsstag, 2022; Kirkwood, 2021; McGlynn et al., 2012; Zinsstag & Keenan, 2017). This is possible when it is facilitated by adequately trained (professional) practitioners who have a sound understanding of the dynamics of sexual violence and are trusted by the main parties (Keenan, 2018; Mercer et al., 2015).

In this brief literature review, we will address some of the main discussions in the research surrounding this practice, safety proceedings, concerns, and risks of restorative justice in cases of sexual harm. Additionally, we will look at the needs and benefits of restorative justice in cases of sexual harm, examine the importance of preparation for restorative justice for this type of harm, assess the relevant policies, discuss the training, guidelines, and best practices for restorative justice in cases of sexual violence, and consider various restorative models.

2.1 The practice

Restorative justice practices in cases of sexual violence have been developing over the last several decades, often for much longer than anticipated (Daly, 2011, 2022; Jülich & Landon, 2017; Keenan & Zinsstag, 2022; Koss, 2014). That said in many cases they have remained an 'under the radar' practice due to the nature of the harm and parties mostly not wanting it to be a very public initiative. In addition, concerns voiced by some politicians, some victims' rights groups, and other members of the communities, over the use of restorative justice practices in cases of sexual harm, have resulted in restorative justice providers and parties deciding to not advertise the practice (Daly, 2006a; O'Nolan et al., 2018). The practice is mostly survivor-led, meaning that it mostly arises because a survivor of sexual harm would like to meet with the person who has harmed them. This is not only or always the harmer but also family members that have not been supportive, or agencies that they have been in touch with and who through their handling of the case might have caused further harm. There are some exceptions like in Norway and Belgium where a person who has harmed could theoretically ask for such a meeting and it will be considered (but rarely adequate to be followed through) (Keenan et al, 2016). The practice of restorative justice in cases of sexual harm can be found in many more countries than expected as demonstrated by the mapping exercise described in Keenan and Zinsstag (2022), where even in countries where it has been forbidden by law practices such as these could be found. In the mapping exercise, it was shown that the practice exists for children and adults, is used for all types of sexual violence but more often in the most severe types such as in rape cases (Keenan & Zinsstag, 2022). It is mostly a publicly financed practice, and the institutional setting is mostly within or in collaboration with the criminal justice system. The models used range from fully restorative models such as victim-offender meeting or dialogue, circles, and conferences as well as partly or quasi restorative models like commissions of inquiry or circles of support and accountability. The names of these different practices change from one country to another but mostly in name only. Referrals come mostly from a criminal justice agency but there are also many self-referrals (for more information see chapter 5 in Keenan & Zinsstag, 2022; Julich & Landon, 2017).

2.2 Safety proceedings

Those who have reservations about restorative justice in cases of sexual violence (see e.g. Daly, 2006a; Scottish VAW Network, 2022; Zinsstag & Keenan, 2017) may argue that it is an unsafe and risky practice. Indeed, it is true that with regards to restorative justice being practiced in cases of sexual violence, the safety of proceedings is crucially important (Jülich, 2017). Those in favour of restorative justice in cases of sexual

harm will argue that the safety of proceedings can be ensured by several conditions. These include: ensuring that the process is entirely voluntary (Kirkwood, 2022); the restorative justice proceedings are mostly survivor-initiated (Marinari, 2020; Zinsstag & Keenan, 2017); the process, including all meetings, conferences, and facilitated dialogue is well prepared (Keenan, 2018; Zinsstag & Keenan 2017) and the full process should be organised and facilitated by well-trained specialist mediators and facilitators (Keenan 2018; Keenan & Zinsstag 2022; Keenan et al., 2016; Mercer et al., 2015).

2.3 Potential risks and limitations[14]

Some critique the practice of restorative justice in cases of sexual harm for reasons including: the safety of survivors may not be guaranteed (Goodmark 2018), the process could be manipulated by the offenders (Mercer et al., 2015), and the process could add pressure on survivors (Daly, 2006a; Mercer et al., 2015). One reason why restorative justice in cases of sexual violence -as opposed to other crime- is perceived as a particularly risky practice[15] relates to the power imbalance which often exists in cases of sexual violence (Mercer et al., 2015), the intimacy of the harm, and the perceived characteristics of offenders and survivors, i.e. with viewing offenders as manipulative and coercive characters and survivors as vulnerable (Mercer et al., 2015).

Another reason why the practice of restorative justice in cases of sexual violence presents different risks to other kinds of harm, is because male dominated systems such as the police and judicial systems (Keenan & Zinsstag, 2022; Mercer et al., 2015) can have gendered bias in the way that perceive both sexual violence generally, and survivors specifically. Additionally, unlike other types of harm, sexual assault most commonly takes place between two people (i.e., the survivor and person responsible) who already know each other (Mercer et al., 2015). This creates a unique dynamic which practitioners need to be mindful of, particularly a) as it often involves elements of betrayal between the person harmed and the person who caused the harm and b) it often involves large ripple effects which affects other people who are involved in the harm but are not survivors themselves (e.g. families and friends involved). This is particularly prominent in cases of sexual violence happening within families and longstanding friends.[16]

Supporters of the use of restorative justice in cases of sexual violence may argue that the practice of restorative justice is not more 'risky' than restorative justice used in other cases (or the criminal justice proceedings themselves, see e.g. Daly & Curtis-Fawley, 2006). However, it is worth noting that the risks involved are of a different nature due to sexual violence being different from other types of harm. This is because the context of sexual harm is different to other kinds of harm (Mercer et al., 2015; see chapter 2 in Keenan & Zinsstag, 2022 for a full analysis of the specificities of the harms of sexual violence). For instance, when using restorative justice in cases of sexual harm, it is important for the practitioners to be aware of the existence of rape myths (Neuman, 2010; Temkin, 2010; Temkin & Krahe, 2008) as this can have profound impacts on survivors. For example, rape myths can result in the silencing of survivors of sexual violence, the normalisation of sexual violence against women[17] and it can heighten the impact on survivors who blame themselves for the assault (or for not preventing the assault, or for not defending themselves during the assault) (Keenan & Zinsstag, 2022; Mercer et al., 2015).

Mercer et al. (2015) suggest that in order to successfully answer 'how do we deliver safe practice in a risky operational environment?' we ought to first start by addressing what is meant by 'risk' in the context of restorative justice in cases of sexual violence and once we have done this, we can turn our attention to finding out how can we measure and address the risk involved (Mercer et al., 2015). With this in mind, Mercer et

[14] Please note that here we consider the restorative risks from the survivor's point of view. This is not to say that there are no risks involved from the person responsible's point of view.
[15] For an example of writing against the use of restorative justice practice in cases of sexual violence, see e.g. Cameron (2006).
[16] Other examples of issues which require consideration regarding the practice of restorative justice in cases of sexual violence include: the frequency of assaults, the age of the survivor (now and when the assault took place), participant vulnerabilities (e.g., mental health challenges or learning difficulties), the offender's acceptance of responsibility, cultural perspectives, and the survivor feeling shame.
[17] The reason we specify 'women' here is not to undermine or ignore sexual violence cases against men or any other gender identity other than woman. Rather it is to draw attention to how rape myths are fundamentally gendered (Mercer et al., 2015).

al. (2015) define 'restorative risk' as 'any factor or consideration from a restorative practice perspective that would have the potential to create further harm for either party' (p. 13).

It is important to note that when we consider potential risks to victim safety in relation to restorative justice in cases of sexual violence, we do not just mean the risks involved during a meeting, but we also refer to the risks before and after a meeting. Examples of risk involved could be the person who caused the harm displaying lack of empathy towards the survivor and denying the full extent of the harm (Mercer et al., 2015), or the survivor being re-traumatised. More examples of the risk involved could be the offender being manipulative, there being a power imbalance between the offender and the survivor, or more pressure being placed on the survivor (for a discussion on risk and mitigation of risk in restorative justice practice, see also Shapland et al., 2022). The risks, if any are involved, should always be addressed by the facilitators involved in the restorative justice case and the survivor should always be aware that they can end the restorative justice process at any time, if they so feel. The restorative justice process is entirely voluntary and can be paused or stopped at any point by all parties.

When it comes to acknowledging the risk involved, it is also important to acknowledge ways in which we can mitigate risk in these cases. For instance if we turn our attention back to the examples of risks listed in the previous paragraph (i.e. the offender displaying lack of empathy towards the survivor and denying the full extent of the harm, the survivor being retraumatised, the offender being manipulative, an existing power imbalance, and pressure being placed on the survivor), measures can be put in place to mitigate and address these risks (Shapland et al., 2022). Key to preparing for any risky case is a very thorough preparation process and well-trained and experienced facilitators. During the preparation process, the facilitator should consider whether there could be a risk of re-traumatisation and if they conclude that this risk is high, then they ought to, with the survivor's consent, refer the survivor to a trauma therapist as part of the preparation (Mercer et al., 2015).

To mitigate risk with restorative justice practices in cases of sexual harm, providing adequate training for restorative practitioners is of significant importance (Keenan, 2018). It is important that restorative justice practitioners have good understanding of the dynamics and particular traits of sexual violence, that they understand the existing pressure on the victims and are well-equipped to relieve and assist with this pressure, that they have good understanding of the ways in which sexual violence cases are complex and different to other types of harm, and that they know to always proceed with caution in sexual violence cases (Keenan & Zinsstag, 2022). Furthermore, all restorative justice practitioners should be given opportunities to discuss their work (in compliance with confidentiality agreements) with teams and supervisors and have access to ethical support. These communities should provide advice, solidarity, and mentorship (see Keenan & Zinsstag, 2022; Shapland et al., 2022).

2.4 Training, guidelines, and best practice

In recent years literature has been published which a) outlines the current training for facilitators of restorative justice in cases of sexual violence (Keenan & Zinsstag, 2022) and b) makes the case for 'additional specialised training' (Keenan, 2018) for facilitators of restorative justice in cases of sexual violence (see also generally on training of RJ facilitators (Lanterman, 2022)). This training would allow practitioners of restorative justice working with cases of sexual violence to possess in-depth understanding of 'the therapeutic dimension' (Keenan & Zinsstag, 2022). This would mean that practitioners would be trained to a high level which can ensure the 'physical, emotional and procedural safety' (Keenan & Zinsstag, 2022). Following the 'additional specialised training', practitioners would have exceptional understanding of 'the ethical dimension' (Keenan & Zinsstag, 2022) meaning that they would fully comprehend the tension between '(1) the concern for revenge, condemnation, and punishment (2) for community safety and (3) for the interests of forgiveness and redemption is mirrored in the triple focus of the criminal justice system on punishment, community safety, and the rehabilitation of offenders' (Keenan & Zinsstag, 2022: 271).

2.5 Benefits of restorative justice in cases of sexual violence

The benefits of restorative justice in sexual and non-sexual cases include; allowing voices to be heard,[18] to ask questions and hear answers, and to create a level of accountability for the harm caused (Mercer et al., 2015). Indeed, practice experience and research in the area (e.g. Keenan, 2014; Koss, 2014) has shown that much like survivors and person responsible of other crimes, survivors and person responsible of sexual violence also want the opportunity to engage in restorative justice (Moore et al. 2021; Russell & Cochrane, 2022).

From the survivors' perspective, engaging in restorative justice allows them to be heard and to ask questions and to gain acknowledgement of the harm caused to them (Mercer et al., 2015). From the person responsible's perspective, engaging in restorative justice might provide them with an opportunity to apologise, or to repay a 'moral debt' (Keenan & Zinsstag, 2022). The general consensus is that many survivors of sexual violence and person responsible (in cases of sexual violence) alike, want to engage in restorative justice on the basis that this is facilitated by well-trained, trustworthy, specialist practitioners (Keenan & Zinsstag, 2022).

A key aspect of the restorative justice process is for the person who caused the harm to acknowledge and accept responsibility and accountability for the harm caused. The restorative justice process sets out to achieve this aim by allowing the person responsible to accept responsibility for the harm and work together with the survivor to repair any harm caused (Burns & Sinko, 2023). The restorative process helps the person who caused the harm to understand the extent of the harm caused by their actions, to provide the person who caused the harm with the opportunity to demonstrate their remorse (and apologise for the harm caused, should they wish to). It might also prevent reoffending but mostly also aid the rehabilitation and reparation process – all this is much more likely if done in tandem with a therapeutic process for the person responsible (Daly, 2006b). It might also help with supporting community reintegration for the person who caused the harm (if this is applicable in the given circumstance) (Karp 2019; Koss 2014).

In addition to all the benefits mentioned in the previous paragraphs, engaging in restorative justice in cases of sexual violence seems to be even more relevant and crucially needed as it allows for an approach which can be shaped to the needs of the individual survivor. This is particularly important given the number of survivors who report dissatisfaction with their experience of the criminal justice process (McCarthy-Jones, 2018; Molina & Poppleton, 2020; Walker et al., 2020). Furthermore, engaging in restorative justice practice in cases of sexual violence has even more benefits to the ones mentioned previously, including: assisting with the rehabilitation of person responsible for sexual violence and supporting them towards a more dignified life, desisting from crime (Keenan, Ward & Zinsstag, 2022; Mercer, et al., 2015; Ward & Fortune, 2014) and transforming and assisting with the experience of shame for the survivors, the offenders, and their families (Keenan & Zinsstag, 2022).

2.6 Concluding thoughts

The practice of restorative justice in cases of sexual violence, while disputed by some, is being increasingly researched and prioritised (see Julich & Landon, 2017; Marinari, 2020; McGlynn et al., 2012). From what we have seen above the benefits of the use of restorative justice in sensitive cases seem to be increasingly acknowledged by leaders worldwide, politicians, professionals, and the public but the development of such practices also still instil concerns and misunderstandings from others. Looking forward, research into this area must continue to examine a) how survivors can best access restorative justice should they wish to engage with it and b) if restorative justice in sensitive cases is provided to a high level with well-trained specialist and experienced facilitators, in safe environments, thus ensuring maximum effectiveness and safety.

[18] This point of restorative justice allowing survivors to reclaim their voice is particularly important given that survivors of sexual violence often speak about their needs to 're-narrate' their stories as a 'survivor' as opposed to a 'victim'. The reason this is of particular importance is because re-narrating their stories in this way allows survivors to challenge the perception that their lives were ruined following from the assault (Mercer et al., 2015). Narrating and storytelling is particularly important in relation to the youth conference process in Northern Ireland. Narrating and storytelling is an effective way to enable the individual to 'make sense of what happened'.

Resulting from the evidence demonstrating the demand for restorative justice in cases of sexual violence (Moore et al., 2021), Thriving Survivors and Edinburgh Napier University have collaborated on the development of a national hub for restorative justice in cases of sexual harm in Scotland. In order to conduct the internal evaluation of the first year of the project's development and the specialist training, we used mixed research methodologies, meaning a combination of quantitative and qualitative research strategies to gather data on the project. Mixed methodology is being used in this project as it allows the researchers to gain a better understanding of the project itself, it encourages a pragmatic approach to the project, and it encourages clearer links between different methodology and different types of data (Heap & Waters, 2018).

Some examples of the mixed methods which have been employed in this evaluation are:

- Reviewing the existing international empirical literature surrounding the topic
- Auditing trainings and meetings of the advisory board, working groups, and staff of the service
- Observing preparation of the training and the training sessions themselves
- Conducting interviews with individuals involved in the project in various capacities (e.g. staff of the service, working group members, survivor's groups, trainers, Scottish Government, and board members of Thriving Survivors)

All these methodologies combined have allowed us to gather, examine and analyse data on the development of the service and specialist training and to have a thorough overview of the activities involved in the project.

We have received ethical permission to conduct this evaluation as described below from the Ethics Committee at the School of Applied Sciences at Edinburgh Napier University in January 2023. We have committed to keep the anonymity of the persons who have contributed to the research and who so wish.

3.1 Qualitative methodologies

Traditionally within research there is a clear distinction between qualitative and quantitative research, although the importance of this distinction is up for debate with some researchers considering the distinction as fundamental, and others considering it unnecessary (Bryman, 2016; Layder, 1993). This section will focus on the qualitative methodologies used in this project. Qualitative research allows us to examine the impact of the phenomena on individuals or groups in cultural and social contexts (Mills & Birks: 2014).

3.1.1 Literature review

A key component of the project is reviewing the existing empirical literature surrounding the topic. This allowed us to get a good sense of the existing knowledge and evidence relating to restorative justice generally, and restorative justice in sensitive cases more specifically (Bryman, 2016).

3.1.2 Semi-structured interviews

The interview is a common data collection strategy in all research as it allows researchers to elicit information from the interviewee through what the respondent says, and the way in which they say it (i.e., their behaviour and attitude). As part of the project semi-structured interviews have been conducted with a selected number of staff of the service, advisory group members, working group members, and other people involved in the service development, such as trainers, trainees, members of collaborating organisations, Scottish Government, and board members of Thriving Survivors. All interviews were conducted under the assumption that all is anonymised and before beginning the interviews, each participant was given the option for their data to be

anonymised/pseudonymised or not. This choice was always given, so long as it was safe for others. The interviews were then manually examined and thematically analysed.

Conducting these interviews was crucial for gathering data about the development of the service and the specialist training. We asked a wide array of questions, including the following: what is your job description in your own organisation? In what capacity have you been involved in the project? What is your role within the project? What is your experience with/prior knowledge of restorative justice? What is your experience with sexual violence work? What do you expect to get out of the service? Can you think of any barriers which the service may face? What do you think can be done to address these barriers?

Other questions that we were asked during the interviews were dependent on the interviewee and the role that they had. For example, we asked the advisory board members about their area of expertise, their involvement in the project, whether they felt that their inputs were considered, and whether they thought it was the right group of people to advise such a project. Comparatively, we asked the Working Group members, how they found the preparatory work for the service, their involvement (and in what capacity they were involved), whether they felt listened to and whether their involvement had a specific impact.

Below is a table summarising the 25 persons interviewed and in which capacity they spoke for the evaluation. It is worth noting that while a total of 25 persons were interviewed, some interviewees had multiple roles and therefore were interviewed in multiple capacities (e.g. both an advisory panel member and a trainer).

Capacities in which people were interviewed		**Employment details**
Trainee	Trainee 1 Trainee 2 Trainee 3 Trainee 4 Trainee 5 Trainee 6 Trainee 7 Trainee 8 Trainee 9 Trainee 10 Trainee 11	Out of all eleven trainees interviewed, six were involved as Thriving Survivors staff and five were involved as partnership.
Trainer	Trainer 1 Trainer 2 Trainer 3 Trainer 4 Trainer 5 Trainer 6 Trainer 7 Trainer 8	All trainers interviewed were involved as partnership.
Development working group members	Development WG 1 Development WG 2 Development WG 3 Development WG 4 Development WG 5 Development WG 6 Development WG 7 Development WG 8	Out of all eight development working group members interviewed, four were involved as Thriving Survivors staff and four were partnership.
Risk working group members	Risk WG 1 Risk WG 2 Risk WG 3 Risk WG 4	Two out of the five risk working group members who were interviewed were Thriving Survivors staff, while three were involved in a partnership capacity.

	Risk WG 5	
Advisory board members	Advisory board 1 Advisory board 2 Advisory board 3 Advisory board 4 Advisory board 5 Advisory board 6 Advisory board 7 Advisory board 8 Advisory board 9	Out of all nine advisory board members who were interviewed, one was involved as Thriving Survivors staff, while eight were involved as partnership.
Lived experience action group members	Lived experience action group 1 Lived experience action group 2 Lived experience action group 3	Out of the three individuals who were interviewed in their capacity as lived experience action group members, two were involved as Thriving Survivors staff and one was involved as a partnership.
Leadership roles	Leadership 1 Leadership 2	Both are external to the service but are close partners.

3.1.3 Training feedback survey

The use of surveys is a common data collection strategy in all research as it allows researchers to gain information based on what the respondent says. A benefit of the use of surveys in academic research is that it allows respondents to answer questions anonymously, meaning that they are more likely to share their honest thoughts and feedback.

The researchers created a training feedback survey which was sent via email to those involved in the training (i.e. trainees and trainers). Eleven respondents shared their feedback on the training which took place.

3.1.4 Observation

Observation is a research method which involves the direct observation and recording of behaviour prior to the data collection (Bryman, 2016). Throughout this project the researchers observed and audited most meetings of the advisory board, of the working groups, of the staff of the service, and of preparation of the training and the training sessions themselves. The data which was collected from the observation was also analysed. The researchers went about this by systematically writing up notes during and following the observations and then thematically analysing this. This complements the data gathered with the interviews.

A key benefit of employing this method is that it allows the researchers to directly observe behaviour which can then be recorded, as opposed to survey research for example, which allows behaviour to be inferred as opposed to directly observed (Bryman, 2016). Through observations, the researchers can directly follow the developments as they are discussed and put in place which complements the data collection. This data provides the researchers with a good understanding of the general scope of the project and allows them to gather additional information about the project implementation, challenges, and future possibilities.

3.1.5 Narrative research

Narrative research is a research method which uses oral testimonies or field texts such as life experiences, stories, journals, conversations, and interviews to obtain data (Presser & Sandberg, 2015). A key benefit to narrative research is that the method allows researchers to gain real insight into human experiences. One way in which the researchers have used narrative research is with the use of more informal conversations with some of the parties in the project which were used to cross check or confirm that data gathered through other means and allow saturation.

3.2 Quantitative methodologies

Broadly speaking quantitative methodologies refers to the collection of numerical data in research. Examples of quantitative methodologies include the use of statistics, survey research and experimental research. Key benefits of the use of quantitative methodologies include that it is reliable and it allows for causality and replication (Bryman, 2016).

3.2.1 Data collection and analysis

The researchers have collected relevant quantitative data (e.g., statistics, and basic information about participants) during the interviews and observations. This data was then inputted in SPSS (a statistical software) when applicable. For instance, statistics which support the data received from interviews and observations. Additionally, monitoring data of the service (e.g., feedback surveys) was also collected, examined, and evaluated.

The data collection and analysis helped the researchers by allowing them to get a general idea of who the interviewees and other interlocutors were in the project, meaning that the researchers can then present them in the report. Another benefit of the data collection and analysis is that it allowed the researchers to examine some of the first activities which have been monitored by the service.

3.3 Limitations and challenges

For all the mixed methods which are employed with this research project, there are advantages and disadvantages. We will briefly discuss some of those for each research method used.

The research project was started for various practical reasons later (also to do with the funding questions raised elsewhere in the report) than planned and executed in a shorter time than envisaged. This meant that the researchers had to adapt some of the methods to gather the data and how they did the analysis. The ethics application could also only be done once the research assistant was employed which meant some further delay in the start of the empirical work.

The project has many different facets, and changing, shifting, and developing activities, people involved, and all was under time and financial pressure, so it was quite challenging to ensure a fair representation of all this and that is why we also chose the variety of research methods used ultimately.

Although we managed to cover much of the activities and talk to most of the persons involved in the development of the Thriving Survivors national service and specialist training, the findings are mostly relevant to Thriving Survivors directly and Scottish Government as the funder. These results are not directly replicable elsewhere, although can be very informative for others undertaking similar projects in the future.

We also want to address the question of our own (double) position within the project, as expert and partner involved in the project building and creation of the training on the one hand, and as (internal) evaluators on the other. It has been challenging at times to keep the necessary distance to be able to evaluate this project as objectively as possible but also a rare opportunity to be part of and inform this pioneering project. We have strived to be as fair and consistent as possible and hope we have managed to strike the right balance.

3.4 Concluding thoughts

This chapter has outlined the different types of methodologies used in the project. All the methods listed have been selected due to the significant contribution that they can make to the project. For example, the observations and interviews allow the researchers to gain insight into people's personal experiences with the project (e.g., how the trainers have felt that their training sessions went, the challenges that members of staff have faced… etc), while the quantitative data analysis can help the researchers to clearly share their research findings in a structured, clear, and objective manner. By uniting qualitative and quantitative research and by using mixed methodologies, the researchers can provide a broader, more general, wide-ranging, and comprehensive answer to the research question which people from all different disciplines and backgrounds can appreciate. As demonstrated through the table above, there are many strengths and weaknesses to each method. By using mixed methodologies, the downfalls of some methods are

complemented by the advantages of others. For example, pitfalls such as quantitative data analysis not showing the context in which the data was collected, is complemented by the literature review which clearly shows the context of the research. Another example of how mixed methodologies complement each other is with the subjective nature of some of the qualitative methods, which is complemented with the quantitative analysis which is clear and objective. The mixed methodology strategy allows the project to be realistic, practical, and detailed, while effectively answering the research question.

Chapter 4 Service set up and development.

4.1 Introduction - background

From February-April 2021, Thriving Survivors[19] facilitated the 'Survivors voices national consultation'[20] in Scotland. This was funded by Scottish Government and was organised in response to the planned rollout of a national restorative justice strategy for Scotland. The consultation directly interacted with survivors of sexual harm in Scotland to establish and gain insight into (a) the survivors' level of awareness of restorative justice, (b) the level of potential demand for restorative justice particularly in cases of sexual harm, c) what the survivors would need from the service, and (d) the impact that restorative justice could have on survivors. The consultation also sought to discover - out of those who wished to engage in restorative justice - at what point in their recovery journey did they feel it would be appropriate to engage in restorative justice.

The consultation (Moore et al., 2021) involved various activities which engaged with the survivors in different ways to effectively gain significant information from different angles, which could then be used in support of the consultation findings. This included:

- Focus groups with survivors: These were created so that survivors could share their views on the proposed content which would be included in the restorative justice awareness sessions and surveys. The creation of the focus groups meant that Thriving Survivors could ensure that the content was trauma-informed and accessible for survivors.
- Restorative justice awareness sessions: These sessions were created to provide survivors with basic understanding of restorative justice before completing the survey. There were fourteen awareness sessions which were delivered over a six-week period. These sessions were attended by a total of forty survivors. The sessions were also recorded and posted online.
- The main consultation survey: Forty-seven survivors between the ages of twenty-four and sixty-seven completed this survey. There were twenty-one survey questions in total, ranging from 'what is your understanding of restorative justice?' to 'Do you have any other input relating to potential benefits or advantages of engaging with restorative justice as a survivor?'[21]
- The single question survey: This asked, 'As a survivor of domestic or sexual abuse - would you participate in a restorative justice process if it were to be made available in Scotland?'. This survey had a total of ninety responses.
- The use of social media: the consultation also included social media content on Facebook, Instagram, Twitter, and YouTube. The use of social media proved useful for many reasons, including recruiting survivors to participate in the consultation, spreading awareness of restorative justice, debunking myths and misconceptions surrounding restorative justice, and highlighting trigger warnings.

Key findings from the consultation:

- There was a high level of agreement across the survey respondents stating the need for choice. They expressed the importance for survivors to have the choice, and opportunity, to take part in restorative justice without any barriers to access.
- Many expressed how important it is for restorative justice to be jointly led by the survivors and experts in trauma-informed practice and sexual harm.
- The importance for restorative justice processes being trauma-informed and trauma-sensitive was expressed by many involved in the consultation. Survivors explained that by ensuring that

[19] For more information about Thriving Survivors, see their website at https://www.thrivingsurvivors.co.uk.

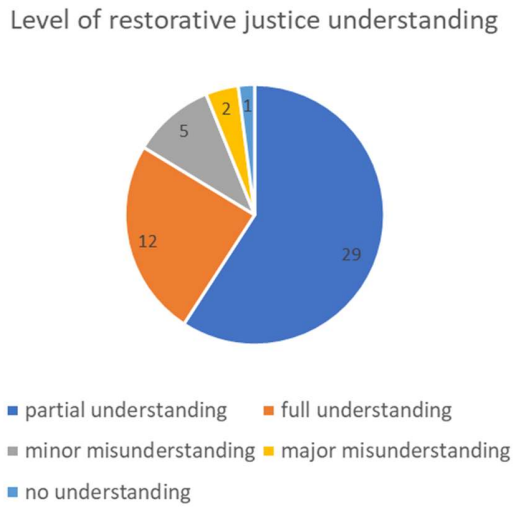
[20] See full report here: https://www.thrivingsurvivors.co.uk/_files/ugd/b2bc3e_242dab76f2df41fba6fd7f58b42e4232.pdf.

[21] For a full list of questions asked, see full report here: https://www.thrivingsurvivors.co.uk/_files/ugd/b2bc3e_242dab76f2df41fba6fd7f58b42e4232.pdf.

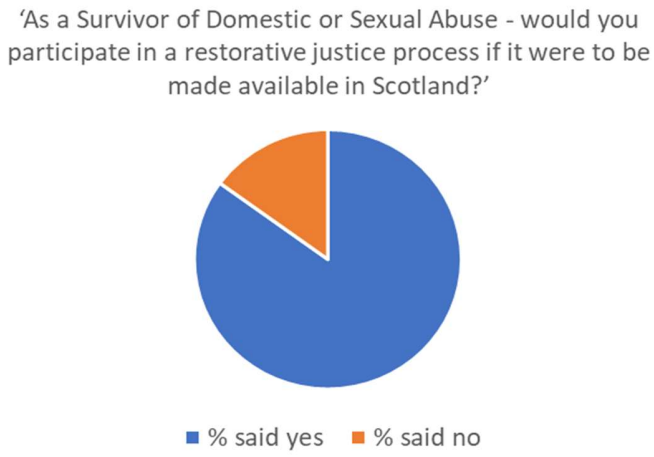
restorative justice is trauma-informed and trauma-sensitive, it allows survivors to retain complete control, and that power dynamics and imbalances are carefully accounted for and considered.

- The survivors highlighted the need for awareness of trauma-related issues, and personal circumstances, to be carefully considered and paid attention to throughout the restorative justice process.
- The importance for including the survivor at all stages of planning for the restorative justice process, was expressed by many.
- The overwhelming consensus from the consultation was that all survivors should be given the choice to engage in restorative justice safely and voluntarily, should they wish to participate in restorative justice.

The main survey used in the consultation found that there was a strong baseline understanding of restorative justice had by the responders. According to data compiled as part of the 'Survivors Voices National Consultation' report, twenty-nine of respondents felt that they have partial understanding, twelve have full understanding, five have minor misunderstanding, two state that they have major misunderstanding, and one felt they have no understanding. This can be shown through the pie chart below.



The single question survey found that most survivors who participated in the consultation, reported that they would be keen to engage in restorative justice. More specifically, in response to 'As a Survivor of Domestic or Sexual Abuse - would you participate in a restorative justice process if it were to be made available in Scotland?' 85% said yes, and 15% said no. This can be shown through the pie chart below:



Source: Moore et al., 2021

Since facilitating the consultation, Thriving Survivors have undertaken a substantial amount of preparatory work towards the development of Scotland's first specialised restorative justice service which will offer all survivors of sexual harm safe and supported access to restorative justice services. From raising awareness of the organisation's vision for the service, to promoting the work which the Thriving Survivors team have developed; Thriving Survivors have taken significant strides forward in the first year of development to prepare a service that is trauma-informed, accessible, and safe.

4.2 Staff

In April 2022 the recruitment process for key staff to develop the service began at Thriving Survivors, with the Thriving Survivors restorative justice coordinator and facilitator posts advertised in April 2022. Following interviews which were conducted in May, one person was employed as restorative justice assistant, and two others were hired as restorative justice facilitators. There was a staff change in August 2022.

The nature of the funding provided by Scottish Government- which was short-term and fixed- only allowed short-term employment contracts, which proved quite challenging regarding the recruitment of staff with experience of working in both the restorative justice and sexual violence fields. The Thriving Survivors CEO, Ashley Scotland, therefore, took on the role of restorative justice coordinator from April 2022 to May 2023. In May 2023, the Scottish Government renewed the funding for another year, and it was possible to appoint a new coordinator and retain the employed staff as well. Another challenge which Thriving Survivors faced was with regards to timing. Due to funding being renewed on a yearly basis, there was limited time to reach some of the milestones agreed at the beginning of the project putting pressure on members of staff and others involved in the project. Because of this, the project had to regularly reset new tasks which adhered to the newly proposed time constraints.

4.3 (Working) groups and panels

4.3.1 Set up

In June 2022 three working groups were established, the 'Service development working group', the 'Monitoring and evaluation working group', and the 'Risk working group'. However, as the activities of the working groups progressed, it was decided that both the 'Service development working group' and the 'Monitoring and evaluation working group' would merge to become the 'Development working group' as there was significant crossover and duplication between both working groups. This reformation allowed for a reduction in people's time commitment to the project, and an increase in Thriving Survivors capacity.

While the 'Development working group' and the 'Risk working group' are currently separate, these two working groups are in the process of being merged to form the 'Implementation working group' which will focus on assisting the development, design, monitoring, and evaluation, of services. Thriving Survivors decided to merge the Development and Risk working groups, to become the 'Implementation working group' as this was seen as better suited to the needs of Thriving Survivors as they move away from the service development phase and move into the planning for implementation stage for the services.

In addition to the two existing working groups (i.e. the 'Development working group' and the 'Risk working group'), there is also a 'Lived experience action group' and an 'advisory panel'. It has become clear to the research team, both through observation of the working group meetings and conversations with working group members, that the creation of all these groups has been highly helpful and successful. Some benefits of having groups and panels, include providing the Thriving Survivors team with the opportunity to: receive informed insight and feedback from professional experts in the field, strengthen partnerships with organisations such as Community Justice Scotland and the Scottish Prison Service, to encourage collaboration, and to facilitate healthy and constructive conversations within the team.

The research team conducted semi-structured interviews with eight individuals who answered in their capacity as involved in the 'Development working group', eight who answered in their capacity as involved in the 'Risk working group', eight who answered in their capacity as involved in the 'Advisory panel', and three who answered in their capacity as involved in the 'Lived experience action group'. The interviews allowed the research team to gain invaluable insights into how the working group members have been finding the formatting, organisation, and working of the working groups.

The consensus was that all those who are involved in the working groups and panel are highly satisfied with the formatting, the set up, and quality of work associated with the working group they are involved in. Additionally, all interviewees reported that they were happy with the people involved in the working groups and with the range of expertise in the groups.

4.3.2 Expertise involved

The advisory panel, Development working group, Risk working group, and Deontological working group all consist of members with a vast range of expertise. Having this range of experience is vital for the success and productivity of the (working) groups and panels as it ensures a range of perspectives which is highly useful for gaining feedback and insight into the activities and work, discussed in the groups and panel.

See below a table outlining the expertise involved in each of the working groups and panel.

Advisory panel	Development WG	Risk WG	Deontological group
Thriving Survivors	Thriving Survivors	Thriving Survivors	Moderator (Belgian restorative justice provider)
Scottish Prison Service (SPS)	Academia (University of Edinburgh, KU Leuven, University of Newcastle; Edinburgh Napier University)	Academia (Strathclyde University, Edinburgh Napier University)	Academia (University College Dublin)
Restorative Justice Council (RJC)	Community Justice Scotland	Midlothian Council	Freelance trainer and facilitator (Denmark)
Academia (University College Dublin; Edinburgh Napier University)	Children and Young People's Centre for Justice (CYCJ)	Community Justice Scotland	Transformative Justice Initiative
Midlothian Council		Rape Crisis Scotland	
Rape Crisis Scotland		Victim Support Scotland	
Community Justice Scotland			
Victim Support Scotland			

4.3.3 Challenges

The setup of the different groups has faced some challenges, including issues with attendance which has been sporadic for some. While the group members demonstrated strong commitment to the overall project and the activities of the groups, attendance to meetings often suffered. It is likely that this issue comes because of time issues as many attendees are experts with full-time jobs outside of the project and are involved in the working groups on a pro-bono basis.

An additional challenge is with regards to the leadership of the working groups. While it was originally arranged that the leadership team would head the working groups, for a number of reasons this was changed during the project. As a result, the Thriving Survivors staff led the groups instead given that they were doing the bulk of the work and this was deemed easier to manage, although added to their workload.

4.3.4 The Development working group

The Development working group was established with the overall goal of gaining helpful insights from professionals in similar fields surrounding the development and design of the services following the Terms of References and framework which were developed by the Thriving Survivors team. The research team interviewed eight members of the Development working group, all of whom reported that they felt satisfied with the progress which had been made in the activity of this working group. One of the members described the work of this working group as 'great' (Development WG, member 1) while another (Development WG, member 2) reported that the work of the working group has come 'leaps and bounds' since the working group was first established. Generally, all members reported that the significant progress which has been made in the activities of this working group is evident.

Many described the dynamic of the working group as 'really good' (Development WG 2) and that 'everyone works well together' (Development WG, 3). One member (Development WG 1) reported that the benefit of having such a great dynamic in the group, means that there is a culture of people feeling enabled to contribute. Many members of the group reported the benefits of having such a wide range of expertise and mixture of skillsets possessed by the members of this group noting that 'there's a really nice mix of skills within the group' (Development WG 4). This ensures that the Thriving Survivors team can get 'such good

feedback' (Development WG 5) due to having 'a lot of different expertise on the table' (Development WG 5) with the 'involvement of so much expertise' (Development WG 3):

> I think there are really good skill sets from the professionals involved, which really add value to the project as a whole and I think it really strengthens what's being produced.

With regards to the working groups merging, one member reported that they felt the merge was 'logical' (Development WG 5). While another member suggested that the merge meant that the working group is now large:

> I did actually wonder whether it might be more productive to have [...] smaller, more targeted groups. You know where you might only need [...] like two or three people who are kind of like advisors or something like that. (Development WG 6)

Regarding the next steps which the working group members would like to see the group taking, two out of the eight interviewees stated that they would like to see the working group to look at the implantation of the work which has been done. More specifically, how they can utilise all the service development plans, documents, guidance and tools which have been created:

> The work of the development group has got services to a point where on paper they look ready to go. However, I think now we've got the next stage of that which is actually about the implementation; how do we implement the services that have been developed? (Development WG 7)

While another member feels that 'there needs to be an additionality [...] if they are looking at working with children and young people' (Development WG 1). They suggested that there 'needs to be additional training and additional considerations. For example, the screening tool that's been designed, that's not appropriate for children and young people' (Development WG 1). Another member feels that it would be helpful if a 'snapshot of a package in terms of what the working group has produced so far' (Development WG 8) would be beneficial due to the vast amounts of work and progress which have been made in this workshop, providing a concise snapshot of the progress made in this working group would be welcome to clearly show the members the departure point in the work of the working group and what it has achieved so far as well as what are its aims for the future.

4.3.5 The Risk working group

The Risk working group was created to receive well-informed feedback on the development of the safety procedures following the Terms of Reference and framework which was created by the Thriving Survivors team. The consistent response from the 'Risk working group' members has been that the working group has been very useful for the development of the risk tools:

> I think the work from this particular working group has been incredible. (Risk WG 1)

Many members reported that they were happy with the range of expertise involved in the working group and the dynamic of the working group:

> We [the Thriving Survivors team] wouldn't be where we are without everyone that was involved in [the working group]. It's just great to see how much it came on, how different it looks and how the progression has been made from where we started. (Risk WG 2)

One member (Risk WG 3) reported that while they initially had concerns over the working group, due to the members invited having such different backgrounds and types of expertise, they feel that the team work well together:

> I was very sceptical when I first joined the working group because I did feel because of some of the other agencies that were involved, that it could at points be difficult, but it's not been my experience. There hasn't really been difficulty, or you know kind of challenge to level that was unmanageable, and I think having the perspective of survivor organizations in the room is important to keep the victim in the room. (Risk WG 3)

The 'Risk Working Group' has produced a significant amount of work over a short period of time:

> It can be quite fast at times, but I quite like that. I think it's efficient and it doesn't waste time. (Risk WG 3)

The working group started with discussions surrounding what risk is and how risk can best be mitigated in the context of restorative justice in complex and sensitive cases. The preparatory work done by the Thriving Survivors team was crucial and well informed. It involved the team assessing risk tools which have been created by other organisations as well as looking into research such as the 'Risk and Mitigation in Restorative Justice' report submitted to Scottish Government during 2022.[22] So far, the primary focus of the working group has been with the person responsible for harm. Following several rounds of feedback from members from the working group, the screening tool for the person responsible for harm has been developed and finalised. Alongside the screening tool, a guide for practitioners on how to best use it was also prepared. There have been several training sessions organised in the meantime for the future facilitation team to learn how to use it.[23]

The team is currently working on creating a tool for the person who has been harmed which will take a similar format to the person who caused the harm tool and guidance, but crucially, instead of it being a kind of pre-screening assessment, it will be more focused on the safety and needs assessment:

> I think before we publish the tool, we have to have a strong guidance document. I think it has to be a document that really takes people through the start to finish and just helps people focus on the practical considerations. (Risk WG 3)

Regarding the next steps, a member (Risk WG 1) reported that while they are extremely happy with the progress made by this working group with regards to the creation of the screening tool for the person responsible for harm, and guidance, they are concerned about this tool being released to the public. They reported that there is a certain level of experience and knowledge required before one can use this tool, and it could be problematic if somebody who did not have the necessary skills and experience as set out by the Thriving Survivors training to use this tool. For this reason, the team will take certain sections from the guidance document and feed it into the world cafes to gain insight from those who would be involved in the restorative justice process (e.g. the person harmed).

Another member feels that more feedback could be given if the tool was sent out to the working group members earlier, they stated:

> Sometimes you get the tool just a couple days before and there's not always the time to comment and they are quite large tools. (Risk WG 4)

Looking forward, out of those interviewed, one mentioned that they would be interested to find out more about accreditation for tools and they would like to see this discussed more as they feel that it can help with quality assurance.

While another would like to see more discussion surrounding the risks of not engaging in a restorative process:

> I think we also need to assess the risk of not having a supervised controlled meeting as well as having a meeting. (Risk WG 5)

They further explained this by using the following example:

> a victim of […] sexual harm, who really wants to meet the perpetrator (and unless they do […] we don't go any further anyway) And we say [to the person harmed] no, you're not a suitable case [for restorative justice]. They [the person harmed] might say [to the person who caused the harm], let's meet in the pub on Friday night and talk. So that's […] a risky situation. (Risk WG 5)

With regards to the future of the working group, a member suggested that it would be beneficial to discuss how we can make these tools suitable for children and young people and how we are assessing that risk which will look quite different. It may also be beneficial to discuss how the tools can become suitable for children and young people specifically, but also family members and supporters who will be involved in the

[22] See full report here: https://www.rjforum.scot/files/mitigation-risk-report-final-version-to-scottish-government.pdf.
[23] See chapter 4 on more information on the trainings.

restorative justice process in their capacity as a supporter to the person harmed, and for people that will take part in the restorative cafés.

4.3.6 Monitoring and evaluation working group

This was one of the initial working groups, as explained above, which has a crucial role to play when the service is launched. As explained, its work has been merged with the development working group. Prior to the merging of the two working groups, the monitoring and evaluation group focused on developing the project's 'Theory of change' which explored the context, aims, and activities undertaken by the project. The monitoring and evaluation working group also created a framework to explain how the programme is meant to work.

4.3.7 Advisory panel

Early in the project, in April 2022, an advisory board was established to get advice and feedback from leading national and international experts. The board initially consisted of twelve professionals all with leading expertise on restorative justice, sexual harm, service development, criminal justice, and other related topics.

The advisory panel has proven to be successful with regards to gaining expert advice on the project. The panel oversees funding applications, maintains partnership relationships, and discusses the activities and work which has been done by the Thriving Survivors team (who also regularly attend the advisory panel meetings and present the latest work and developments). The establishment of the advisory panel is beneficial not only for knowledge exchange through useful conversations, but also for quality assurance as expert advice has been provided throughout the setting up process of the project.

The research team interviewed nine individuals who are involved in the advisory panel. Out of all nine interviewees, there is a wide range of expertise involved. For an accurate depiction of this, see the pie chart below.

The leadership of the project reported that they were very happy with the creation and establishment of the advisory panel, and the support the panel provides. Additionally, all nine interviewees from this panel reported that they were very happy with the creation of the advisory group and with the progress made with the group.

It has been challenging at times to have all the members meet on a regular basis due to people's conflicting work schedules and multiple commitments in this project and other ones. Attempts were made to remedy that by organising regular set meetings that can go early in people's diaries. Despite these difficulties, this has not stopped the panel from meeting regularly and discussing all the developments:

> I think the advisory panel was what we needed at the time and the skills and the expertise that we had around the table were really valuable. As time has progressed and meetings have [progressed] you don't see the full amount of people that signed up coming along and attending […]. (Advisory board 1)

Members' conflicting work schedules has been challenging due to members having their own priorities with work:

> Some people join when they can, and I suppose the important thing to note here is that the advisory panel is made-up of senior leaders and highly qualified professionals, so they are very busy people, they've all got their own […] priorities […], so as we get good engagement around the table and the people that are there contribute huge amount to the conversation. (Advisory board 1)

Despite the reduction in regular attendees, the board still has representatives from charities such as Rape Crisis Scotland and Victim Support Scotland, as well as justice practitioners employed by organisations such as Community Justice Scotland, and academic experts.

All nine members of the advisory panel who were interviewed, reported high levels of satisfaction with the expertise involved in the panel:

> What's brilliant about the panel is, I've never known such a diverse group of different specialities and professionals. (Advisory board 2)
>
> I think there is huge skill around the Advisory Board. (Advisory board 3)
>
> The people on the panel are amazing, they are just phenomenal people. (Advisory board 4)
>
> You've got representation from justice, social work, you've got forensic network, you've got victim organizations, Victim Support Scotland, Thriving Survivors also come with their own experience and understanding of coercive control, domestic violence. […] there are not many groups like it, and certainly in Scotland. (Advisory board 2)

Looking forward, members of the group have mentioned that the group could be improved with additional expertise specifically in gender-based violence, more in-person meetings (as opposed to all being online), and the inclusion of more child focus groups involved in the advisory panel who can advise around the complexities of child protection. Additionally, a member mentioned that the work of this group could be improved with more attention paid to reviewing what is needed from the advisory panel as Thriving Survivors start delivering services, for instance with questions surrounding whether it is more around governance and monitoring or is providing advice to set up.

4.3.8 Lived experience action group

As a survivor-led and trauma informed organisation, Thriving Survivors highly values the lived experiences of survivors of sexual harm, and they ensure that these experiences are at the forefront of their service. Thriving Survivors set up a 'Lived experience action group' exclusively for survivors of sexual harm to provide feedback on the service development. The group was established in 2021 during the consultation (see more on that in Moore et al., 2021) and has subsequently become an integral part of the development work for the national service from 2022. The lived experience action group initially consisted of six individuals who provided regular insights to the project:

> I felt it important, that my service designs were shaped by the people who would use them. (Lived experience action group 1)
>
> [The lived experience action group] are really important and it's just it shapes all our [Thriving Survivors'] work. (Lived experience action group 1)

The Lived experience action group was formed from the focus group members who took part in the consultation. It was after the consultation that Ashley Scotland came up with the idea of having a lived experience group to look over and contribute to the various activities around the setting up and the developments of the service.

The group has changed over time. In November 2022 there were five people in the group. Following an advert which Thriving Survivors put on social media with the goal of recruiting more people for this group, there was a rapid increase of members, bringing it to around eighteen members now.

Looking forward, one interviewee who is actively involved in the running of the lived experience group, mentioned that they would like to see the Lived experience action group becoming more involved in the evaluation of services as Thriving Survivors start to roll services out. In particular, they would like to see the lived experience action group actively engage through the process with semi-regular (i.e. quarterly) review meetings. This would allow Thriving Survivors to gain survivor insights into how the services have progressed, their involvement in it, and their experience of the service. More specifically, whether the service met the expectations of those involved in the lived experience action group, and whether they feel that their ideas were included into the design and set up of the service.

As part of the Lived experience action group, Thriving Survivors are in the process of recruiting lived experience mentors. The mentors recruited will be survivors themselves who have previously been through restorative justice. The mentors will support other people through their restorative justice journey.

The mentors provide compassionate support to survivors who are going through the restorative justice process:

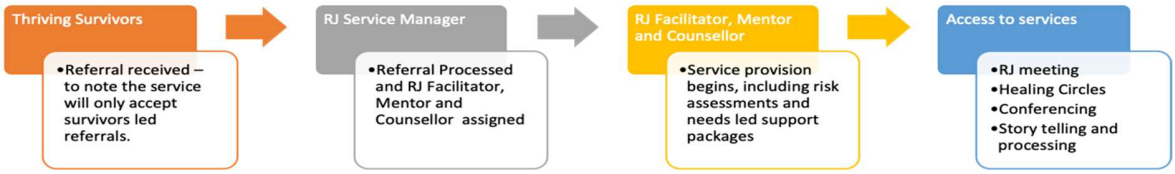
> People are experts in their own experience and that in turn makes an excellent expert for somebody else to support them on the journey. (Lived experience action group 1)

4.3.9 Deontological group

When the project was written up and applied for to Scottish Government, a mentorship programme was imagined where senior, very experienced facilitators and trainers would commit to mentor the new facilitators as part of the facilitation team on a regular basis as they started taking on cases. While the specialist training was ongoing, several of the trainers were invited to discuss how this should be shaped and how best to use their expertise. It was then agreed that the supervision and mentorship could be done internally to Thriving Survivors, but that a group of four of the trainers- all of whom are experienced facilitators- would form what is currently called the 'Deontological group' (based on the Belgian model, which basically can answer and reflect on ethical question in the practice, for more information see Keenan and Zinsstag, 2022). This group can be contacted by all the members of the facilitation team for any questions that they might have related to practice or a specific case etc.

4.4 Preparatory work for the services

See below a diagram highlighting the referral pathway as it was designed to start with:

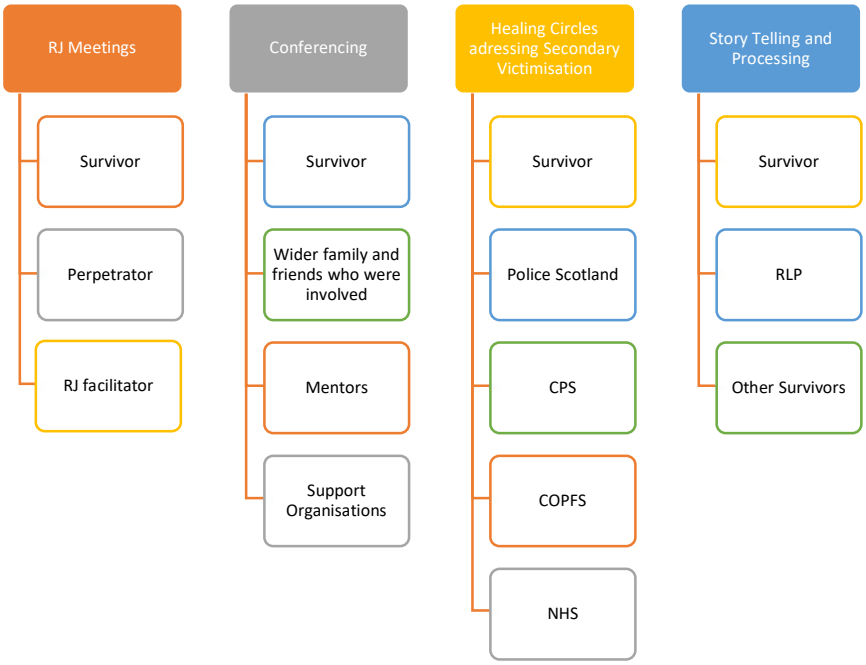


Source: Thriving Survivors, 2021

As can be seen through the diagram above, once a referral has been made either through self-referral or a referral by a relevant agency (both always survivor-led), the coordinator would process the request by assigning two restorative justice facilitators, a mentor, and a counsellor, as they see fit for each individual case. The service provision is started, meaning that all the necessary aspects of the case at hand will be assessed for risk mitigation and all parameters relevant to the case (working together with other agencies if necessary). If all these different steps have been successfully taken, and the case is deemed suitable to be taken forward, in agreement with the survivor, the facilitators and the coordinator will decide on which service(s) are most appropriate for this case.

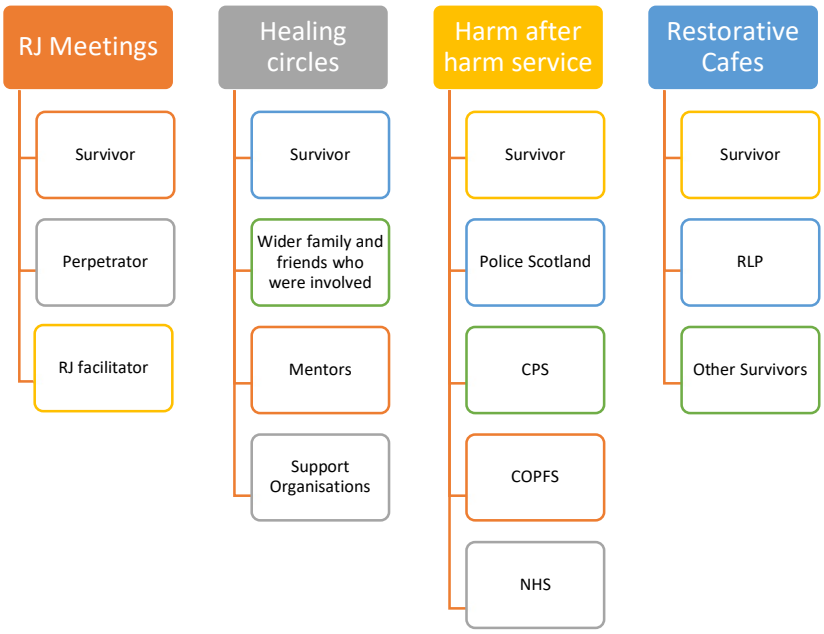
The different services have evolved in the last year. There are still four, but they have changed form and some have changed aim. See the diagrams below.

In the application the services included:



Source: Thriving Survivors, 2021

Currently the services have evolved to become the following:



Source: Thriving Survivors, 2022

The RJ meetings have remained the same, they are a meeting between the main parties (and potentially supporters) and the two facilitators and can be direct or indirect meetings. The Healing Circles (previously

known as 'Conferencing') are facilitated circles for the survivor wishing to meet with members of their family, mentors, and support organisations. The Harm after Harm service (previously the 'Healing circles after secondary victimisation') is a service to address harm caused by personnel within agencies which the survivor interacted with after their victimisation. The survivor will be able to use the most appropriate restorative methodology in their case to address the harm caused. This service will be using surrogates. Finally, the restorative cafes (previously known as the 'Storytelling and processing' service) will be able to offer services for both groups of persons harmed, persons responsible, or of the wider society.

The referral pathway is currently in the process of being updated, the restorative justice coordinator is responsible for this. The referral pathway document is being updated based upon feedback which has been given in various meetings, and new updated information which has come to light.

4.5 Services

Here is a brief overview of the different services which have been developed so far. They are continuously worked on and- as can be seen above- may still be adapted before being fully implementable when the service becomes operational.

4.5.1 Restorative meetings

Restorative meetings[24] will take place between the person who has been harmed and the person who has caused the harm. The process also involves the facilitators, and anybody else who may be involved (e.g. supporters such a family members). This service is particularly aimed for survivors of sexual harm who seek communication (in whatever form that may be, i.e. direct or indirect) with the person who caused the harm.

The restorative meetings will be well prepared by the facilitators, with regular contact and check-ins with those involved; particularly, the person harmed. This will ensure that all those involved in the process have good understanding of the process prior to meeting. It also will ensure that those involved are continuously giving their consent to participate in a restorative meeting.

Restorative meetings can take many different formats, depending on what the person harmed feels that they want and will be appropriate for their own recovery journey. The different formats can be direct meetings (e.g. face-to-face meetings and conferencing) or non-direct meetings (e.g. letter writing) depending on preference of the person harmed. Those involved in the restorative meetings (e.g. the person harmed) will be able to express their preference, or discuss their options, with the facilitator during the preparatory meetings.

The preparatory meetings will also provide a safe and supported space for the people involved (e.g. the person harmed) to express who they want to be involved in the restorative meeting. At times, it may be the case that individuals would like to participate alone, other times they may want others present (e.g. family and friends) to help support the person harmed.

This service can see many benefits including supporting the recovery journey of those who have been harmed, promoting feelings of empathy, and understanding with those who caused the harm, creating opportunities for discussion, empower survivors by allowing them to share their story and to get answers to questions they may have.

4.5.2 Harm after harm

The harm after harm service is aimed at individuals who have experienced secondary harm (e.g. victim blaming, stereotyping, not being taken seriously… etc) from agencies and organisations during the criminal justice process. The harm after harm service is focussed on tackling and preventing secondary harm through interactions between the person harmed and relevant services.

[24] This service is now called 'Restorative conversations and processes'.

The harm after harm service was created with the aim of promoting awareness of secondary harm within organisations to ensure that organisations know what secondary harm is and know how to not cause this.

This service can see many benefits, including increasing accountability from services and agencies with regards to secondary harm, promoting healthy and constructive conversations, and creating a safe and supported space for survivors to share their stories and feelings.

4.5.3 Healing spaces

The Healing spaces service is focused on supporting family, friends, and supporters of the person harmed. It does this by promoting healthy and constructive conversations within family and close acquaintances about the impact that the harm has had on them. It will also facilitate discussion amongst the supporters about how they can move forward and recover. This service is aimed for survivors of sexual harm who wish to discuss this with their family, friends, and supporters present.

The service can see many benefits including helping the supporters to reconnect, promoting healthy discussion between all involved parties, and providing a safe space for involved parties to engage in meaningful conversations.

4.5.4 Restorative Cafés

Thriving Survivors are in the process of setting up a 'Restorative Café' service which will run programmes over either eight or sixteen weeks. This service is the first one to start operating. This service will provide a platform either for those who are responsible for harm to engage in discussion about the harm they caused and the impact that this has had. It can also be run for a group of persons harmed who would wish to use this to explore some of the concepts around what they experienced. The service will be available to all, regardless of sex, gender, race, or circumstance.

Each session of the restorative café will focus on a theme such as justice or harm. The process will involve the participants to engage in open dialogue on the themes. It is worth noting that the choice will be given for participants to engage in dialogue through group-work or one-to-one interactions, based on how comfortable they feel.

The overall goal of restorative cafes is to help individuals process the impact of harm through engagement with open dialogue, to assess potential risks, to prevent conflict, to build relationships, and to promote healthy discussion.

Each restorative café session will last approximately two-hours. The entire group of participants will be divided into smaller groups and the dialogue will take place within these smaller groups (although one-to-one interactions will also be offered for those who would feel more comfortable with this). The room will be set up with tables for each group which will have materials such as pen, paper, and flipcharts for participants to write on. One 'lead' of the table will be selected, and that person will stay on at the same table for the duration of the session, while the remaining participants will rotate tables meaning that by the end of the restorative café session, they will have sat at every table. The open dialogue will take place at each table for approximately fifteen minutes, before rotation. Each restorative café will begin with introductions before moving on to open conversation which will be on the relevant theme (e.g., justice). During this time, each table will be encouraged to discuss the theme of the session.

4.6 Facilitation team

The facilitation team[25] is designed to have several fully trained and experienced facilitators across Scotland who can be called up when a case is deemed explorable by the coordinator of the service, and who can travel to assist with cases in communities across Scotland. They are mostly professionals from a variety of partner organisations who 'volunteer' their time when a case presents itself (similarly to the model in Norway, see for more information e.g. Keenan & Zinsstag, 2022; Keenan, Zinsstag & O'Nolan, 2016). All members of the facilitation team will be fully trained and experienced restorative justice facilitators who will be

[25] This group was initially called 'Flying Squad' but the name was subsequently changed to the 'Facilitation team'.

responsible for carrying out a range of restorative justice processes with the person(s) who have harmed, person(s) who have been harmed, and any relevant support people (e.g. family and friends).

Thriving Survivors have already recruited a substantial team of individuals (consisting of Thriving Survivors staff and individuals involved in the project in a partnership capacity) who have committed to being part of the facilitation team. There are currently nine individuals who have agreed to be part of the facilitation team, between all nine there is a wealth of experience with regards to facilitating restorative justice cases. There is range of expertise and experience involved with all nine members including two individuals who are employed as facilitators by Thriving Survivors, two who are employed by the Scottish Prison Service, two who are employed by Midlothian Council, one who is employed by SACRO, and one who is employed by Children and Young People's Centre for Justice (CYCJ). Thriving Survivors are currently advertising the role of restorative justice facilitator, to recruit more members to become part of the facilitation team. This vacancy is being advertised online (e.g. LinkedIn).

Put simply, the process of directing a person to the restorative justice service will involve:

Step 1) A referral will be made: while all referrals for this process so far have taken place via email, Thriving Survivors also accept referrals via website, text, call or video call, and face to face referrals. For adults, referrals can be made by the person harmed and partner agencies (e.g. CYCJ). For the restorative café service, referrals can also be made by the person responsible for the harm. For the referral stage, the only information which is required is name, date of birth, address, contact details, preferred method of contact, and services(s) requested.

Step 2) Information provided will be uploaded to the 'MyRJ' system which is a secure case management system which has been built and designed specifically for restorative justice.

Step 3) Two facilitators will be assigned to the case: The restorative justice coordinator will assign the two best suited facilitators to the case; this will be decided based upon the facilitators prior experience. The restorative justice coordinator will select the facilitators based upon the needs and circumstance of the person involved in the restorative justice process (e.g. the survivor). When taking on cases, the restorative justice facilitators will be teamed up with another member of the facilitation team and both facilitators will co-facilitate the case together. One of the aims is for each co-facilitation to consist of one more experienced restorative justice facilitator, and one less experienced facilitator. Creating this partnership will allow for the less experienced facilitators to learn and grow within their role. This is also in line with international practice (see eg. Shapland et al, 2022). Additionally, having two facilitators take on each case will allow the workload to be shared between two facilitators making the process less time consuming for the facilitators which ultimately will aid the preparation time which will benefit the survivor to ensure that the restorative justice process runs smoothly.

Step 4) The facilitators will engage in a debrief with those involved. The facilitators will build rapport with those involved (e.g. the survivor and their supporters), as well as finding out information about the harm (e.g. whether the harm involved stalking), the relationship between the person harmed and the person who caused harm (e.g. ex-partner or stranger), specific needs of those involved in the process (e.g. poor mental health or diagnosed condition), the current support (e.g. services involved), and the wider scope of the harm (e.g. whether the crime was reported to the police or whether the person who caused harm is currently serving a custodial sentence… etc).

Step 5) Following the debrief, if appropriate, the two facilitators will contact the person who caused harm or other relevant parties.

4.7 Collaboration with other organisations and developing partnerships

Thriving Survivors have established partnerships between different organisations, including Edinburgh Napier University, Midlothian Community Safety and Justice Partnership, Children and Young People's Centre for Justice (CYCJ), Community Justice Scotland (CJS), and Rape Crisis Scotland. Through collaboration with the partnerships, Thriving Survivors aim to provide high quality trauma-informed services for survivors of sexual harm. For a full list of established partnerships, see below:

- The Scottish Government
- Edinburgh Napier University
- Community Justice Scotland
- Restorative Justice Council
- Midlothian Council
- First Tier
- Scottish Prison Service
- Victim Support Scotland
- Stop it now!
- Rape Crisis Scotland
- Children and Young People's Centre for Justice

4.8 Concluding thoughts

This chapter has examined the set up and development of the service which will provide all survivors of sexual harm access to restorative justice services. In doing so it has provided a brief overview of the background of the project (i.e. how this project came about), the staff involved, the (working) groups and panels (i.e. how and why these groups were set up and the expertise involved), the preparatory work for the services, the services offered, the formation of the facilitation team, and the collaborations which have been established between Thriving Survivors and partners.

Overall, this chapter has sought to inform the reader on the great strides which have been taken with the set up and development of the service. This chapter has demonstrated the sheer volume of work which has been done and the great attention to detail which has been paid to ensure that all documents and guidance have been carefully produced and examined ensuring thoroughness and accuracy, that the needs and wants of survivors always remain at the very heart of the service making the service trauma-informed, and that all potential risks are mitigated and accounted for.

The sexual harm services are still in development allowing Thriving Survivors staff to prepare all aspects thoroughly and work e.g. with partners to assess and mitigate risk within their processes. The services already setup at the moment are only being used for other types of cases such as shoplifting but not sexual harm.

Chapter 5 Training

5.1 Origins and set up

As written in the introduction, after several spontaneous requests were made from sexual harm survivors to Scottish Government, SACRO, and Community Justice Scotland (among other organisations), asking for facilitated dialogues/restorative justice, it became clear that it was not possible to consider these requests. This was because there were no or very few specially trained or adequately experienced facilitators in Scotland, who would be able to consider or take up such cases. As a direct consequence of this, Edinburgh Napier University and Community Justice Scotland proposed to organise a specialist training to Scottish Government. The specialist training would, 1) train future potential trainers and 2) specialise some of the facilitators allowing them to be able to take on sensitive and complex cases (i.e. build capacity).

Eventually it was decided to join forces (i.e. the training and the service development proposed by Thriving Survivors) and apply for funding together for the service development and the specialist training. The training was to be a pilot with potential, after the evaluation of the pilot, to be repeated or extended.

As the project started, and a call for trainees was launched, it became clear that because of the applicants' relevant backgrounds (e.g. in social work) but general lack of basic knowledge of restorative justice, the training needed to be more comprehensive. Therefore, it was decided to organise a progressive series of training sessions, with foundations to start with which the team thought was crucial to have for a homogenous basis for anyone coming forward to anyone wishing to take up the specialist training to be able to take up some sensitive and complex cases later.

The training was divided into different levels including foundational, intermediate, advanced and specialist training in restorative justice for sexual violence and other types of training covering a wide range of topics including trauma training, impact of sexual harm, family group conference training, and risk training. The trainings were then delivered by several different local and international trainers. It was also decided to give the training a hybrid format with some components in person and some online. Due to most trainees being professionals with busy schedules it was decided to have some sessions in the evening to enable them to attend despite all their other commitments.

For the specialist training, a 40-page training manual was designed for the trainee facilitators to accompany the specialist training on restorative justice in sexual harm cases. The manual presented a call for additional specialist training and why this is needed, a background to the specialist training, an overview of the content included in the training, learning outcomes, training schedule, and a comprehensive breakdown of each of the module. The specialist training manual also included trainer biographies for each of the trainers who were involved in the specialist training. The training manual also included training resources such as guides and reports, academic articles, books and book chapters, policy documents, films, and articles from the press.[26]

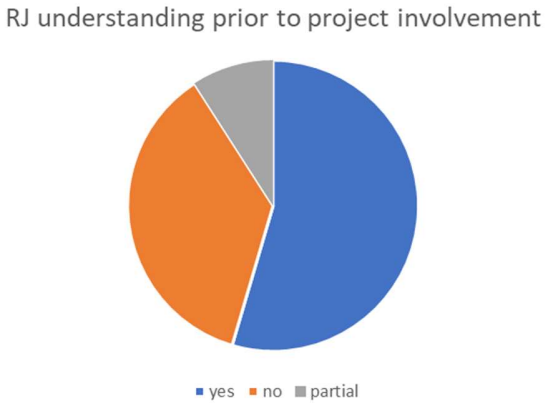
5.2 Trainees

After the call for trainees, several trainees were interviewed to make sure they had the right profile and potential. The pool of trainees who participated in the training sessions included staff of the service, members of collaborating organisations who attended the training, and the trainers who designed and delivered the training. In total there were fourteen trainees who attended at least some or all the trainings. Out of the fourteen trainees, the research team interviewed eleven. A total of three trainees were not interviewed for reasons including no longer being involved in the project, or not able to attend an interview.

[26] See in Annex 3 a table outlining the full training which has taken place since the beginning of the project and the trainer(s) who delivered each training session.

There was a significant range of experience between the trainees. See below pie charts demonstrating the different levels of experience 1) with restorative justice, 2) with person centred approaches and 3) with sexual violence.

1) Prior knowledge of restorative justice before becoming involved in the project:

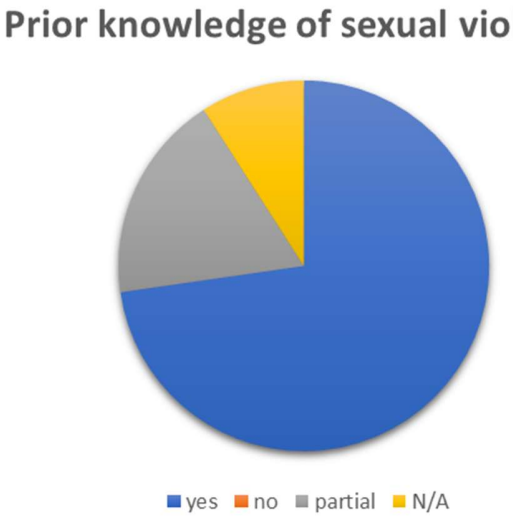


Out of eleven trainees interviewed, six (54.5%) reported that they felt they had significant understanding of restorative justice prior to their involvement in the project. This could be either from a work capacity (e.g. they have previous practitioner experience), or a personal capacity (e.g. they have sought restorative justice for their own personal experience of harm). Contrastingly four reported that they felt they had no understanding or experience of restorative justice before becoming involved in the project. One reported that they had partial knowledge of restorative justice, but not significant understanding (e.g. they studied this for a short period as a small component of their university degree).

2) Prior experience of using person-centred approaches:

All trainees (100%) reported that they had prior experience of using a person-centred approach at work.

3) Prior knowledge of Sexual Violence before becoming involved in the project:



Eight trainees out of eleven (72.7%) stated that they had substantial prior knowledge of sexual violence before becoming involved in the Thriving Survivors project. Two (18.2%) reported that they had partial understanding of sexual violence prior to the project. None of the trainees (0%) reported to have no knowledge of sexual violence prior to their involvement in the project. One trainee response has been discounted due to their answer not being applicable to the question, this is therefore marked on the pie chart above as 'n/a' demonstrating that this is an anomalous result.

Below is a line graph showing the relationship between trainees' level of prior knowledge and experience before becoming involved in the Thriving Survivors project. Alongside the 'X-axis' marks whether the trainee is employed by Thriving Survivors (TS) or by a partnership organisation (P).

The line graph above shows that overall, those employed as partners of Thriving Survivors had a slightly wider variety of experiences. The bar chart further demonstrates this relationship by looking at the mean average number of experiences from both the partners and Thriving Survivor employees. As shown by the graphs above, the partners have a mean average of 2.5 experiences. Comparatively, Thriving Survivors staff had a mean average of 2.3. This demonstrates the importance of the incorporation of partnerships to facilitate and ensure the successful development of a national hub for restorative justice in cases of sexual harm in Scotland.

Through partnership working, from a staff perspective, Thriving Survivors can ensure that 1) their staff have access to effective knowledge exchange, 2) their staff have access to high-level training delivered by expert partners and 3) their staff have the support from partners as part of a larger team. Additionally, from an organisational perspective, by building effective partnerships this could allow for:

A) Capacity building which can help ensure high-level quality-assurance for the service.

B) Workload being managed successfully due to an increase in staff.

C) Gaining more expertise which could be beneficial for providing helpful organisational insights.

D) Providing more opportunities (e.g. by helping Thriving Survivors reach new audiences).

E) Strengthening relationships and gaining more organisational support which could also prove beneficial with regards to managing opposition to the project.

5.3 Organisation and set up/running

In June 2022 the development of the training plan and schedule process began. Following this a training database was created and training providers were contacted to be booked.

5.3.1 Training: findings from the interviews with trainers and trainees

As part of the research, semi-structured interviews were conducted with a selected number of trainees and trainers involved in the project training. These included the research team interviewing a total of eleven participants who attended training sessions as a trainee, and eight participants who delivered training.

The research team conducted interviews to effectively gather accurate data about the development of the service and the specialist training. The interviews set out to identify how the training sessions were received (both from the trainee and trainer's perspectives) and how best to organise future training.

Demographics

Out of the eleven trainees who were interviewed, nine were women and two were men. Four of these were interviewed within their capacity as a trainee while employed for Thriving Survivors, while seven of the trainees were interviewed in their capacity as involved in the project as part of a partnership. Out of the eight trainers who were interviewed, six were women and two were men.

From the interviews, it is clear that all trainers are highly experienced in the field with the majority having over five years of experience with training and practicing restorative justice.

Overall impressions

All who participated in the training and interviews expressed high levels of satisfaction for the training:

> I think highly of the training in terms of the level of training that people have had access to. (Trainee 1)

All those who were involved in the training in some capacity (i.e. trainee, trainer, or both) believed that training was highly necessary for the overall project to ensure that restorative justice facilitators in complex cases are well equipped with the necessary skills, knowledge and experience required. The training was described by trainees and trainers as 'ground-breaking' (Trainee 4), 'insightful' (Trainee 8), 'fantastic' (Trainer 1) and 'clear' (Trainer 2).

Training organisation

Out of all the trainees and trainers who were interviewed (seventeen interviewees), eleven expressed some level of concern with the organisation of the training and felt that the training could have improved had it been better organised. One trainee explained that while the training was initially very clear, the logistics became challenging when making sure that everybody could attend. Many of those who expressed concern for the lack of organisation, reported how some details (e.g. training dates) regularly changed which created some confusion:

> I was a bit frustrated at times […] because when you've got such limited time in your own diary and you're away, […] you're already rearranging stuff to get to that training and you've got other

> people kind of effectively doing your work […] So I did feel that there was a lot of last-minute stuff, plus the fact sometimes the links didn't work for the Teams. (Trainee 5)

Contrastingly four trainers reported that they felt that the training was well organised, and they were clearly told what was expected of them:

> From my perspective, it was organised well. I knew what was expected of me, [and] I had a good sense of who would be in the room, what they would have covered, [and] what their needs were. (Trainer 2)

The timing of the training was identified as an issue for half of the trainees (five out of ten) who reported that the evening training sessions presented challenges due to the difficult and sensitive training content. This combined with the fact that all the trainees participating in the evening sessions did so from home due to the late timings, meant that the trainees found it difficult (a) to emotionally distance themselves from such heavy content when so late and at home, and (b) to ensure that the trainee's children and partners could not hear the difficult content of the training despite being in close proximity (often either in the same room, or nearby):

> It was difficult having training in the house at five o'clock at night when you're talking about such a sensitive sort of topic, I've got three kids in the house, so… Plus, my environment for working at that time of night was my bedroom as well. (Trainee 9)

Trainee attendance

Regarding satisfaction with trainee attendance, two out of the eight trainers interviewed reported that they were not satisfied with the number of trainees who attended their training sessions, while the other six trainers stated that they were somewhere between fine and happy with the trainee turnout on their training days. It may be worth noting here that out of the two trainers who were not happy with their turnout, one delivered their training sessions online and, in the evenings from 5pm-8pm. It is likely that the timing of this, combined with its online nature, had an impact on trainee attendance.

Training format

Out of all those interviewed about the training, seven reported that they felt happy with the way that the training was structured and formatted with the incorporation of the varying levels of training (i.e. foundational, intermediate, advanced and specialist):

> I thought that the training- the different levels- were paced very well. I thought that it kind of built everybody's skills. I was very aware that there was a whole range of different experience in the room […] and I felt that the pace of the training kept them along very, very well. (Trainee 3)

Two commented that they struggled to see the definition between the different levels of training, one described that they did not fully comprehend the different levels of training, and another felt that the different levels of training were pitched wrong:

> The first initial training which was meant to be the foundational training […] I think was pitched wrong. I personally feel like there was a bit missing, which was actually about the kind of group and the cohesiveness and actually preparing the participants to go into a space where they could be vulnerable and could create connection within the team. […] I feel they weren't quite pitched at a foundation level. (Trainee 6)

Some of the trainings took place via an online platform (e.g. Zoom) for reasons of practicality (e.g. trainers being based in other countries and not having access to funding to travel to Scotland). One trainee reported that they felt it was a shame that the training had to take place online as they felt they would have benefitted

more from it, had it been in-person, while two trainers stated that they struggled to deliver their training sessions online.

One trainer felt that it would have been more beneficial had they collaborated with another trainer and co-delivered their training sessions together.

Training content

Overlapping content was identified as a weakness by four individuals (two trainers and two trainees). While three of the four felt that this was an issue, one of the four stated that they did not perceive this as an issue on the basis that they believe that some material needs to be reinforced and the existing overlap of training material allowed for this reinforcement of knowledge:

> There was crossover in the specialist stuff, but that was OK because I think people need to have things reinforced. (Trainer 8)

Some individuals reported that they felt that content was missing from the training including content around sexual violence and gender-based violence. It was also suggested that there ought to have been more of a focus on the complexities of working with people, particularly in non-straightforward situations.

Learning from training

Ten out of the eleven trainees interviewed stated that they felt that their knowledge and understanding had increased to some level as a result from attending the training.

Trainee experience

Out of the eight trainers interviewed, four mentioned that they felt there was a broad range of experience involved in the training with some highly experienced trainees with extensive experience and understanding of restorative justice, and some with little, or no, experience and understanding:

> I thought the different levels of experience in the trainees was notable. (Trainer 2)

Having such a wide range of experience with trainees presents some challenges, including difficulty for trainers to know at what level to direct their training at. A situation like this can often result in trainers having to decide between delivering at a more basic and foundational level to account for the less experienced trainees. Or, alternatively, delivering at a higher level to account for the more experienced trainees. Both options, however, risk some trainees finding the training less relevant for them which also risks trainee engagement and participation.

Training recommendations for the future

Many participants (five out of eight trainers, and seven out of eleven trainees) expressed the importance for active practice in the field. One trainer stated that the less experienced trainees ought to gain more practice experience in more basic, minor cases which can then be thoroughly assessed and monitored before moving on to more serious and complex cases. Another trainer and trainee both suggested that practice ought to be gained alongside the training as a placement:

> What I do think is missing from the training is active practice throughout. So, I think there would be a real value in, if possible, and this is difficult but actually having potentially even some work in a placement throughout the actual training itself. So, they [the trainees] can reflect the practice, and […] shadow and adjust the social work group programme but just having some form of interaction with people would help. (Trainer 1)

Additionally, the use of shadowing was suggested by four participants as a way of allowing the less experienced trainees to observe how more experienced practitioners prepare, facilitate, and deliver restorative justice:

> You can only do so much training. I think their [the trainees'] next step, and I think this is starting, is to do some low-level work to build up their experience and confidence. And I know this is beginning to happen […] I think things like shadowing more experienced practitioners, coworking with an experienced person, […] being mentored. I would say it would be really useful to have […] practice days where they reflect on their cases, what did we learn from that case? What went well? What would we do differently next time? So, to try and develop, not just to training and learning culture, but a sort of reflective learning culture. (Trainer 4)

Some of the interviewees suggested that the training could have been improved with additional information included in the training. In particular, one trainee felt that the training could have been improved with an additional part at the beginning which allowed the participants to form connections with each other before engaging in the training.

It was also suggested by a trainer that the training could have been condensed into a shorter amount of time, and a trainee also suggested that the training could have been more succinct:

> I would certainly recommend that it was condensed. I think it could be shorter and in a shorter period of time […] I think it'd be more valuable to try and complete the whole project the whole programme within a month at least.' (Trainee 1)

Some trainees mentioned that they felt they could have benefitted from more varied innovative teaching methods and techniques which could have been implemented into the training. Two trainees stated that they would have like there to have been more role play incorporated into the training while another trainee said that they would have liked more visual aids for the more visual learners in the group (e.g. the showing of a short film which shows a live restorative justice process).

Many participants mentioned that organisation and communication could have been improved. One trainee suggested that this could be made easier with more clearly defined roles within the organisation and with one person taking on the role of communicating the training sessions. They expressed their belief that had there been better communication, there would have been less duplication of training content.

A potential way of preventing the potential issue of having a wide range of abilities amongst trainees, is by dividing the trainees into smaller groups based on abilities (e.g. with one more experienced group and one less experienced group):

> There was a real mix bag of experience in the room and at times I did wonder if the experience in the room would have been better split further […] at times it was quite apparent, people that were extremely comfortable with the subject and […] the people that weren't maybe so comfortable with the subject. (Trainer 1)

One trainer suggested that to deal with the issue of varying levels of expertise in the trainee groups, it could have been enforced that those who wished to attend training, filled out application forms because they have got to have a certain level of experience before they train. They argued that by doing this, it would ensure that the right people were involved in the training:

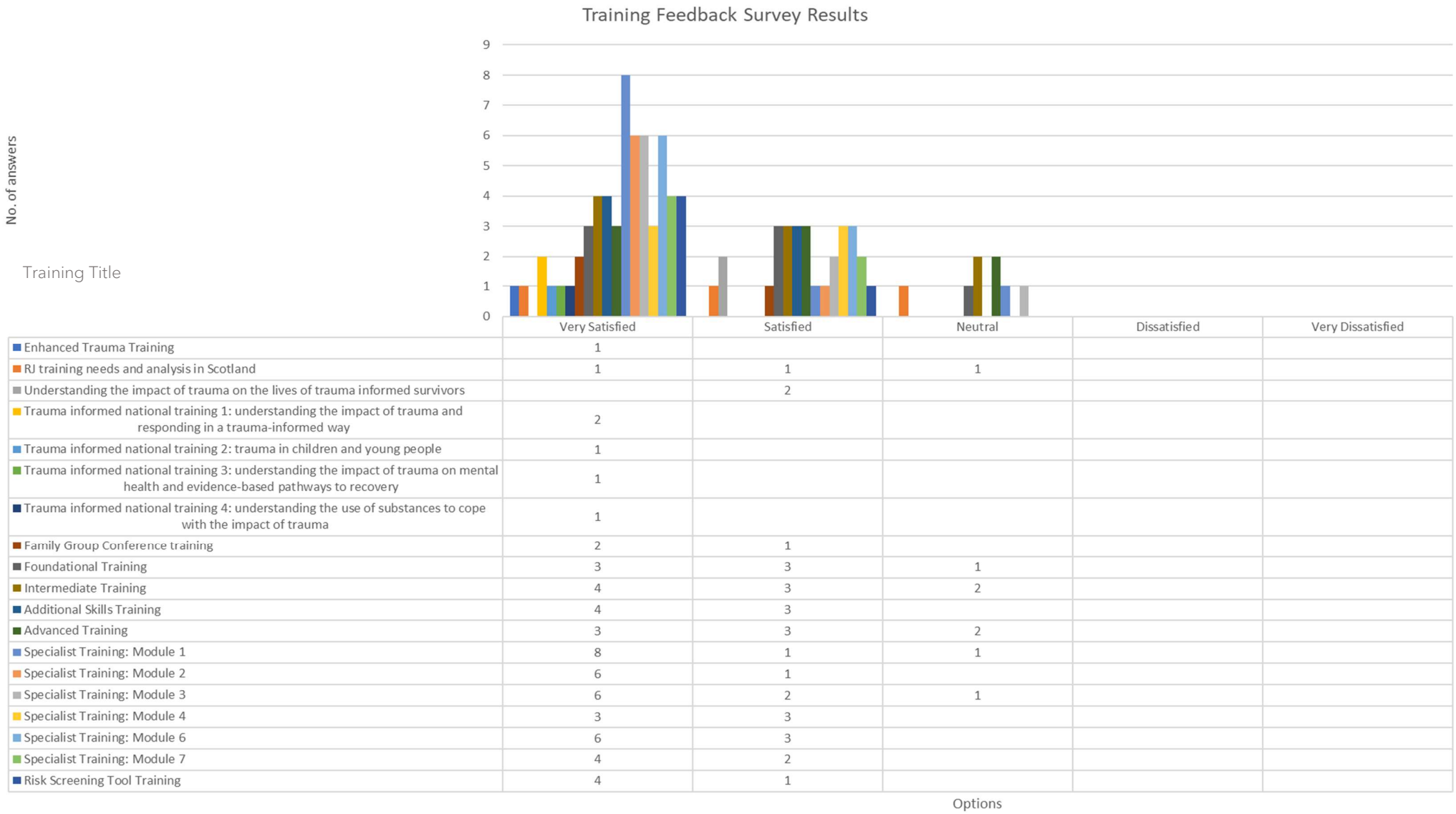
5.3.2 Training: findings from the training feedback survey

To get an accurate sense of who attended which training sessions and what they thought about them, the research team, with the help of staff, created a training feedback form which allowed participants to select which training sessions they had attended and any comments and feedback that they had relating to a particular training session. The training feedback form outlined all the training details (i.e. training title,

training date(s), trainer(s) who delivered the training, format, brief training overview, and venue if relevant, and allowed trainees to select the training date(s) which they had attended. For each training session attended, trainees were able to select their level of satisfaction from a scale that ranged from very dissatisfied - very satisfied.

The team decided to collect data from the training feedback form, as well as from the interviews conducted, as this proved to be a more effective way to obtain accurate data about the specific training sessions attended by those involved in the project. Using the training feedback form, alongside the interviews, proved effective as it allowed the research team a) to hear from trainees who were unable to attend interviews, b) to efficiently compare results, c) to gain visualization of data, and d) to allow participants to remain entirely anonymous. It also allowed the trainees to input the training dates they attended in their own time when consulting their calendars, something that they would have struggled to do during the interview. The training survey form was sent via email to a total of thirteen trainees and eleven completed forms were returned to the team.

See a bar chart below, demonstrating the key findings from the training feedback form. Alongside the X-axis marks the level of satisfaction, while the Y-axis marks the number of answers provided. The colour of each bar represents the training, which corresponds to the colour coded list of trainings on the left-hand side of the bar chart. Please note that 'Specialist Training: Module 5' was not included in the training survey form, as the module has been rescheduled and therefore has not yet taken place.


Training Feedback Survey Results
No. of answers
Training Title
9
8
7
6
5
4
3
2
1
0
Very Satisfied
Satisfied
Neutral
Dissatisfied
Very Dissatisfied
Enhanced Trauma Training 1
RJ training needs and analysis in Scotland 1 1 1
Understanding the impact of trauma on the lives of trauma informed survivors 2
Trauma informed national training 1: understanding the impact of trauma and responding in a trauma-informed way 2
Trauma informed national training 2: trauma in children and young people 1
Trauma informed national training 3: understanding the impact of trauma on mental health and evidence-based pathways to recovery 1
Trauma informed national training 4: understanding the use of substances to cope with the impact of trauma 1
Family Group Conference training 2 1
Foundational Training 3 3 1
Intermediate Training 4 3 2
Additional Skills Training 4 3
Advanced Training 3 3 2
Specialist Training: Module 1 8 1 1
Specialist Training: Module 2 6 1
Specialist Training: Module 3 6 2 1
Specialist Training: Module 4 3 3
Specialist Training: Module 6 6 3
Specialist Training: Module 7 4 2
Risk Screening Tool Training 4 1
Options

Bar chart: key data findings

The findings demonstrate the following:

- Zero (0%) of the eleven trainees reported that they were 'dissatisfied' or 'very dissatisfied' with any of the training sessions provided.
- 'Specialist Training: Module 1' received the most trainee satisfaction with a total of eight trainees (72.7%) reporting that they felt 'very satisfied' with the 'Specialist Training: Module 1'. Comparatively, one trainee (9.1%) described this training as satisfactory, and only one trainee (9.1%) reported that they felt 'neutral' about the training.
- The 'Enhanced Trauma Training', 'Trauma Informed National Training 2', 'Trauma Informed National Training 3' and 'Trauma Informed National Training 4' had the lowest rate of trainee attendance, with only one trainee (9.1%) attending each of the training sessions (the low attendance can be explained by the fact that two of the three trainings listed here, took place at the beginning of the project and there were no others trainees at the time and were therefore only offered to the Thriving Survivors team in place at the time).

Additional feedback

Using the training feedback form, some trainees provided additional constructive feedback detailing concerns that they have had while participating in the training. Feedback such as this is crucially important for the development of the project as it can ensure improvement for the future.

Additional feedback has included the following suggestions and comments:

> I think it would have been really helpful if each facilitator knew what was included in the other sessions, this would have enabled the sessions to be more joined up and reduce repetition. (Trainee 4)

It may be worth noting here that the above quote refers to the entirety of the training with all components, rather than the specialist training, which had a manual explaining to each facilitator exactly what was going to be covered. It could therefore be taken from this, that, in the future, comprehensive trainings (i.e. covering from 'foundational' level to 'specialist) could have one manual including all information needed to guide the trainees during the various stages of the training. Another benefit of the creation of a manual would be to be able to refer back after completion of the training, when they are practicing.

Another comment which came back several times was about the timing of the training sessions, which had been designed to include people working (evening sessions were designed for this reason).

> The times for the modules were less than ideal as everyone had already done a full shift at work, then had the training to do, so at some points I found it hard to be present and concentrate and give it my all and discuss. (Trainee 8)

This feedback was addressed, and it was agreed that this would not be repeated.

General comments

Out of the eleven trainees who completed and returned their training feedback form, many of the trainees used the extra textboxes provided to give additional feedback. This included:

> After attending the training, I feel I have gained invaluable knowledge that will help me in the years to come. (Trainee 12)
>
> I feel the knowledge I have gained has been extremely valuable and allowed me to consider RJ as an option in cases more often. (Trainee 2)
>
> On a practical level, I feel that I have not only learned the necessary skills to [facilitate]an RJ case conference, I have the attitude to make it happen. (Trainee 3)
>
> Overall, the training was some of the best I have ever experienced. It encapsulated some critical and key areas influencing positive discussions throughout. (Trainee 1)

5.4 Concluding thoughts

This chapter has presented all the trainings which have taken place since the beginning of the project. More specially, it has provided an overview to the origins and set up of the training and a breakdown of all the trainings which have taken place since the start of the project. This chapter has also examined the data which was collected from the interviews and the training survey feedback form before presenting recommendations for future trainings. Overall, this chapter has sought to inform the reader of the extensive training which has been both organised and delivered, ensuring that all restorative justice facilitators are well trained and equipped for the practice they will be engaging with.

Chapter 6 Evaluation of the project, concluding thoughts and recommendations

6.1 Project evaluation

Thriving Survivors have taken enormous strides with regards to development of a pioneering service which will provide all survivors of sexual harm in Scotland, safe and supported access to restorative justice services. Since the start of the project in March 2022, Thriving Survivors have achieved many significant milestones, these include (but are not limited to) the following:

- Recruiting staff
- Organising meetings (these were predominantly organised by the Thriving Survivors staff)
- Attending meetings to present work, gain feedback on work produced, and engage in constructive conversation (these meetings were attended by many including Thriving Survivors staff and people working in partnership. In many of these meetings, the Thriving Survivors staff would present their work and findings to get feedback)
- Producing key documents (e.g. terms of reference documents and logic models)
- Delivering information sessions for the public
- Setting up all the (working) groups and panels
- Developing a risk framework
- Establishing partnerships
- Building the facilitation team
- Organising and delivering training
- Engaging in a social media campaign

While Thriving Survivors have done all of this, their team are continuously working on continuing to develop the various aspects needed to ensure that the service will be ready to become operational in the future. The team have paid great attention to detail to ensure that survivors of sexual harm remain at the heart of all that Thriving Survivors do, that all documents are updated and thorough, and that the potential risks involved in the restorative justice process are mitigated and accounted for.

The Thriving Survivors team are currently undertaking a variety of tasks to ensure the quality of the service which is being developed. This includes, gaining more practice experience of facilitating restorative justice in low-level cases of crime (not in cases of sexual harm),[27] updating all relevant documents (including the person responsible for harm impact and needs assessment and the person harmed capability and needs assessment), and further developing with the recruitment of additional members. The team have also organised and arranged meetings with the facilitation team members already recruited to gain more information regarding their availability and time capacity to undertake cases as well as how the facilitation team will work practically.

Thriving Survivors have been able to achieve all this despite facing significant challenges throughout the project. The challenges they have faced, include:

6.1.1 Funding insecurities

The project was funded by Scottish Government for twelve months, or a fiscal year, to start with. The time between the official announcement of the successful funding and the start date of the project was very short, not allowing much time to put the project into place. The way that this works is that Thriving Survivors were awarded funding for one year, and each year this may be renewed based on further applications and communication with Scottish Government. The way that the funding has worked has proven to be extremely challenging for the Thriving Survivors team. It has significantly impacted staff recruitment as the amount available for each role has meant that the team had to limit the type of recruitment that was possible and that each role has been advertised (e.g. restorative justice facilitator), only for one-year contracts, meaning

[27] They have successfully for example facilitated recently a case between some young people and a supermarket in a case of shoplifting, as Thriving Survivors have been authorised to take on a broader range of cases.

that the staff only have employment security for one year with no certainty of renewal. Both factors have been for potential applicants a significant demotivator for applying for the role in the first place and the pool of applicants was directly impacted. Although the staff employed all showed great promise and still do, it is a fact that the lack of employment security is a demotivator for many to apply to such vacancies.

Out of those who are employed by Thriving Survivors, the fact that their employment contracts were yearly renewable subject to funding, has caused some stress as they were unsure whether they would still be employed the following year. This is also a problem from the employer side, as it means using resources without a guarantee of long-term use.

Not only has the limited funding resulted in challenges for recruiting new members of staff and creating stress surrounding employment for those members of staff within Thriving Survivors, but the lack of stable funding also has a significant impact on survivors themselves. Funding a project such as this one for twelve months is not enough time to thoroughly facilitate the set up and development of a national hub offering survivors of sexual harm safe and supported access to restorative justice services given the amount of preparatory work which goes into setting up a service like this. Awarding funding on a twelve-month basis is neither trauma informed or sustainable for the survivors who will be using the service. For a service to be trauma informed, it must remove any barriers survivors may have to assist with the survivor's recovery journey and to not cause any further harm to them. By funding the service on a twelve-month basis, survivors risk experiencing disappointed hopes and being potentially re-traumatised. For instance, a survivor may have recently found out about the setting up of the service due to being involved in the Survivors Voices Consultation. That same survivor might want to participate in restorative justice to address aspects in their own case. They self-refer to the service and start the process through Thriving Survivors and during this process the twelve-month funding expires. The survivor is left part way through a restorative justice process. By not being able to guarantee funding for over twelve-months, Thriving Survivors will have to accept survivors for the service on the basis that the service may no longer exist in twelve-months' time.

Additionally, the lack of funding stability has also created strict time pressures. By funding the project only for an initial twelve months, this resulted in great time pressures for Thriving Survivors to set up the service in the space of one year. Not only does the strict time pressure result in stress for staff, for the leadership, but it also puts pressure on the quality of work delivered due to having to work at such a fast pace to reach all the milestones envisaged within that twelve-month period. All this for a project that is pioneering in some of the aspects aimed at, but also often advancing in quite a challenging environment.

The research team conducted interviews with individuals involved in the Thriving Survivors project, this ranged from direct involvement as a Thriving Survivors member of staff, to partnership involvement with individuals who sit on the advisory panel or are part of working groups. During these interviews, the research team asked individuals about how much they know about the way the project is funded, and what they thought of the funding (i.e. whether they felt that the project should be funded by Scottish Government and whether they felt that the funding situation created any challenges for Thriving Survivors, or the project). See some of these findings below.

Many reported that they felt they found the way that the funding works on a twelve-month basis presents challenges. Out of all those who explicitly reported that they had issues with the way the project has been funded (twenty out of the twenty-five interviewees), eighteen stated that the funding ought to be longer than twelve months while one stated that it ought not to be funded at all, and instead ought to be a service that is provided as part of local authority, or health service.

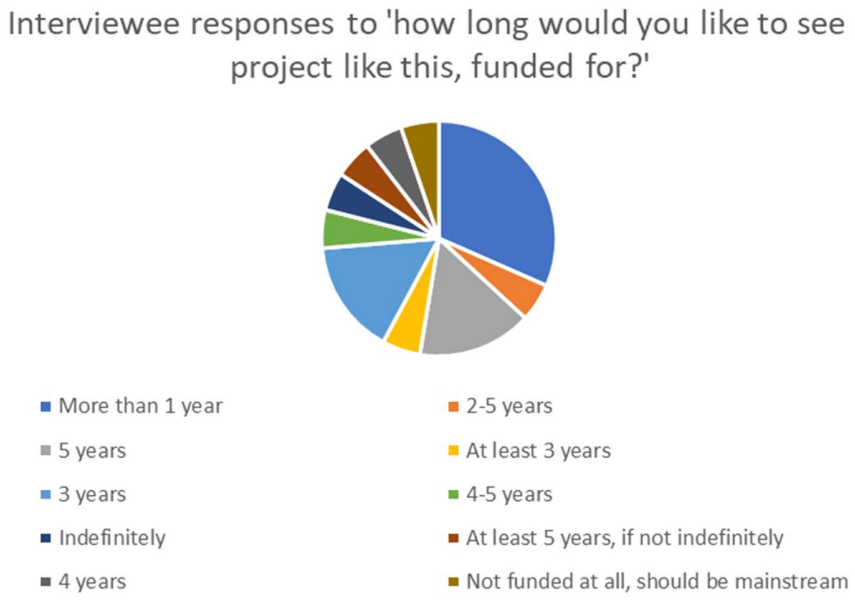
For a more specific break down of answers, see below:

- Six individuals answered that they felt the project ought to be funded for more than one year (although they did not specify exact amounts, they felt the project should be funded for).
- One individual answered that they felt the project should be funded for between two to five years.
- Three individuals reported that they felt the project ought to be funded for five years.
- One individual expressed the opinion that they felt the project should be funded for a total of, at least, three years.

- Three individuals reported that they felt the project ought to be funded for three years.
- One individual stated that they felt the project should be funded for between four to five years.
- One expressed their opinion that the project ought to be funded 'indefinitely' (Trainee 3).
- One reported that the project should be funded for at least five years, if not indefinitely: 'I think it should be funded forever; indefinitely […] to give it the best chance, it should really be at least five years of funding.' (Trainer 7)
- One stated that it should be funded for at least a total of four years accounting for 'two years to get set up and then another two years to evaluate'. (Trainee 11)

Out of those who stated that they would like to see the project funded for longer than twelve-months but did not specify the amount of time they would have liked the project to have been funded for, many used terms such as 'long term' and 'continual' to describe the way that they would have liked to have seen the project funded for.

The answers listed above can also be shown through the pie chart which can be seen below:



6.1.2 Misconceptions and misunderstandings

There are many misconceptions and misunderstandings surrounding the use of restorative justice, generally, and particularly with regards to the use of restorative justice in complex and sensitive cases. The misconceptions and misunderstandings surrounding this topic, has presented a continuous challenge for Thriving Survivors as they have faced resistance over the plan to use restorative justice in sensitive cases. Additionally, it has meant that Thriving Survivors have had to dedicate time and resources to delivering information sessions covering topics such as what is restorative justice and how can this be used safely in complex cases.

One example of a common misconception is the idea that the aim of restorative justice meetings is for the process to result in forgiveness and/or apology. While, at times, forgiveness and/or apologies may take place during the restorative justice process and is very personal and concerns the needs of the people involved, it is rarely an aim as such. If this does happen, this is something that the people involved (e.g. the survivor) and the facilitator discuss and work with together. Reconciliation is never an aim of restorative justice, and it cannot, and should not, ever be. A survivor and/or a person responsible will never be forced to take part, restorative justice is fully voluntary – as is any decision on any party's part to apologise or forgive.

Some criticise restorative justice on the basis that it allows the person who has caused the harm to get a lighter sentencing, this is a misconception. In many countries, including Scotland, restorative justice is an independent process from the court case and does not influence the court case in any way. In cases where restorative justice might be sought before or during a court case, for example in Belgium, there is a 'firewall' between the two processes, and they cannot influence each other without the approval of all parties. For more information of these various points see also Keenan and Zinsstag (2022).

6.1.3 Open letter

Following efforts to engage with concerns raised by some of the representatives of the violence against women (VAW) organisations and professionals working in the sexual violence sector in Scotland, by contributing in various events, such as a roundtable organised by Scottish Government in November 2021, an open letter was written and signed by the group. The letter was addressed to the First Minister of Scotland who was, at the time, Nicola Sturgeon and five of her ministers. The letter expressed concern for Scottish Government's proposal to provide services for survivors of sexual harm to access restorative justice in their case. The open letter highlighted their concerns for the use of restorative justice in cases of sexual harm, with the following overall goals: (a) to urge Scottish Government to remove sexual harm from their plans to implement restorative justice in Scotland, (b) to respond to the concerns which were expressed throughout the open letter, (c) to engage in conversation with the violence against women network about their concerns for the use of restorative justice in cases of sexual harm, (d) to work together with the violence against women network to propose alternative solutions.

Scottish Government responded to this open letter by addressing the concerns which were outlined in the open letter written by the Scottish VAW Network and inviting them to a meeting. Other organisations like Rape Crisis Scotland took position openly and declared that they would continue their collaboration with Thriving Survivors.

Despite being faced with these challenges, the commitment and dedication of the Thriving Survivors staff to develop a trauma-informed service for survivors to access restorative justice services continued with the support of Scottish Government. The Thriving Survivors team remain devoted to ensuring high quality assurance and have demonstrated this through continuously updating documents based upon feedback received during working group and panel meetings, engaging in training sessions to ensure that they have all necessary background knowledge to becoming well informed facilitators, engaging in constructive conversations with colleagues and partners and by gaining as much practice experience of facilitating as is currently possible.

6.2 Hopes for the future

The research team interviewed a total of twenty-five individuals all of whom are involved in the project and asked them 'what are your hopes for the future of this service?'. From these answers, we can see what individuals would like to see from the service, and what the next best steps are for ensuring that the service has quality assurance. See below some quotes of what was said in response to this question. For clarity, this has been divided up into the following categories:

- The hope that the service becomes operational and widely accessible for survivors of sexual harm.
- The hope for long-term commitment to the project with sustainable investment and support.
- The hope for an increase in people's awareness and recognition of the project and of the use of restorative justice in sensitive and complex cases.
- The hope for success of the project and possible future replication.
- The hope for more time given to allow the project to fully develop.
- The hope for longevity and successfully delivery of aims of the project.

6.2.1 The hope that the service becomes operational and widely accessible for survivors of sexual harm

As can be seen through the quotes below, many interviewees expressed the hope for the service to become both operational, and widely accessible for all survivors of sexual harm to access restorative justice services in a safe way which does not cause any further harm to the survivors.

> I hope that anybody who's a victim of sexual violence or intimate partner violence has the option of a credible, safe, restorative justice process within which they have confidence to [enter] and they will be treated with respect and care. (Advisory board 4)
>
> I would hope that what can be developed is a safe and very helpful option for survivors who either haven't got what they need to the criminal justice system or are not going to engage with the criminal justice system. (Advisory board 7)
>
> My hope for the future of the service is that [it] takes route as a part of, and is embedded in, the criminal justice system as an option that is offered to everyone. (Trainee 3)
>
> What I would really hope is that there is an option available for survivors that does not cause harm at all and can offer only healing and moving forward. (Advisory board 7)
>
> My [...] short term and long-term hopes are that it goes operational and live and fairly quickly. (Trainer 1)
>
> I want to see [the service] accessible for anyone who wishes to access it. (Advisory board 1)
>
> [I hope] that it will be a national organization and that we will actually be able to engage in referrals and support people that have requested it and raise enough awareness and consistency that people's anxieties reduce [...] we're able to give [...] anonymous case examples to show people where it's worked [and] what we've learned. (Development WG 1)
>
> [I hope that the] people who have caused harm will feel that they will get the same treatment [as the person harmed] in terms of their respect, [being] listened to, and that their views will be taken into consideration. [...] [I hope] they will have confidence in a service that can promote a good outcome for [all] the people involved in the process and [that] it reduces the stigma of being a victim of crime and reduces the stigma of being a perpetrator of crime. (Advisory board 4)
>
> We've put so much work into developing what's being created and [my] hope is that the funding allows all that developmental work to go operational. (Trainee 1)

6.2.2 Long-term commitment to the project with sustainable investment and support

The majority of those interviewed answered that they hope for continued investment and funding for the project. Continued investment in the project would help ensure quality assurance of the service and ensure that the service is trauma-informed with survivors being well supported for as well as is needed and staff being employed on permanent contracts.

> I think [the] first hope is additional funding. (Risk WG 3)
>
> My biggest [hope] for the project is [...] that it continues to be invested in. (Advisory board 2)
>
> I hope that the resource for it continues, and I hope that it gets the investment that it needs. (Risk WG 1)
>
> I would like to see [the Scottish Government] stay committed and for it to actually be available as a choice for [...] everyone. (Lived experience action group 2)
>
> [I hope that the project] is supported through funding. Preferably for two to three-year period of initial funding. (Risk WG 3)
>
> [I hope that the project will] continue being funded. (Trainee 8)
>
> [My hope is that] that they would receive permanent funding. (Trainer 2)

> My hope would be that the government […] support [the service] for a period of time on the understanding that it's got to become self-sustaining, so that [those involved in the project have] got time to think and plan. (Advisory board 5)
>
> What we have to start seeing is four- or five-year funding streams to allow things to be developed safely, gradually, brought into delivery and then delivered in an operational level and then an evaluation period. (Trainee 6)
>
> I'd like to see funding secured for three years and I'd like to see it being evaluated in three years. (Advisory board 6)
>
> My hope is that there is continued support for [the service]. (Advisory board 5)

6.2.3 The hope for an increase in people's awareness and recognition of the project and of the use of restorative justice in sensitive and complex cases

Some interviewees reported that they hope that there is an increase in knowledge and understanding of what restorative justice in these kinds of cases could look like, the benefits of the use of restorative justice in these cases, and the need for this service.

> [I hope that] there's the generation of knowledge and understanding […] about these practices, about how they work, about some of the potential limitations, benefits, outcomes and also particularly how they relate to the Scottish context, [the] cultural context, political context and also the […] criminal justice context in which that operates. (Development WG 6)
>
> my hope would be that […] [once the pilot finishes] it will be rolled out across the whole of Scotland, it will be evaluated, [and] the evaluations will show what I suspect, which is that it is a very important, valuable project […] that brings a whole host of benefits, and I would hope that would be recognised […] in Scotland. (Development WG 4)

6.2.4 Success of the project and possible future expansion

As can be seen from the quotes below, some interviewees expressed their hope for the project to be successful, with the option for future replication in other jurisdictions.

> My hope is that [the project] succeeds. (Trainer 4)
>
> [I hope the project gets enough] time to develop properly. (Trainee 11)
>
> I hope that there will be successful stories that will be published so that other people will know about the project. I hope that it will also be convincing to other professionals who might be sceptical and who might be reluctant to refer clients. (Trainer 7)
>
> [I hope that the model can be] replicated so that it is available […] at the very least throughout Scotland in a […] much bigger way than it is now. (Trainer 2)
>
> I'm very hopeful that the project will succeed. (Trainee 6)
>
> I want to be able to replicate it if it does go well in other jurisdictions such as my own. (Advisory board 6)

6.2.5 The hope for more time given to allow the project to fully develop

The hope for more time to be given to the project was mentioned, to ensure that the service can fully develop without any strict time constraints.

> My hope would be that that they [the Scottish Government] have the foresight to see that [the project] needs investment over a longer period of time to properly set it up, properly evaluate its impact […] [the project needs] time and patience to get it right. (Advisory board 5)
>
> [I hope the project gets] a bit of time to be built in the sense of we want to make this safe and in order to make the safe we need to have the practice and the knowledge from other cases. (Trainee 7)

[I hope the project gets enough] time to develop properly. (Trainee 11)

6.2.6 The hope for longevity and continuation of the project

Finally, some mentioned their hope for longevity of the project.

[I hope for] long-term sustainability and longevity. (Development group, member 4)

I'm hopeful that the project continues. (Trainee 2)

6.3 Recommendations for the future

During the interviews, the research team asked all twenty-five interviewees 'What advice and or recommendations do you have for the continuation of the project?'. See below some of the answers given. For clarity, this has been divided into the following categories:

- Recommendations for the service: to ensure that the service caters for all survivors, to have quality assurance, to be supported by longer-term and stable funding, to ensure that staff working for the service are fully supported, to ensure good relationships and regular communication between all of those involved (i.e. Thriving Survivors staff, partners, and clients), and for more time to be given to facilitate the development of the service).
- Recommendations for the training: For the training to be further developed, for the training to take a slightly different format which incorporates practice experience (e.g. placements and shadowing) for staff, for the training organisation to be changed dependent on the needs of trainees and trainers, for a manual to be created for all training, for there to be more clear definition between the different levels of training, and for the groups of trainees to be divided into smaller groups based on abilities.
- Practical recommendations: For there to be some organisational changes ensuring the service, meetings and training run as smoothly as possible.

6.3.1 Recommendations for the service

To ensure that the service will cater for all survivors

It is important that the service is developed in a way that makes it ready to cater for *all* survivors, and all types of harm.

[The service] should be available to anybody that wishes to access it. (Advisory board 1)

To have quality assurance

It is important that the service has quality assurance. For this, accreditation should be sought for the various aspects of the service and training to ensure a certain quality control.

My recommendations would be for those people [involved] to make sure it's done right [and] make sure that [the priority is] that the service runs in the way that it should and is [tailored to the needs of survivors]. (Trainee 6)

[Regarding] next steps, so it'll be really looking at the implementation now of services and the final approval and quality assurance risk screening tools. And by that, I mean getting them finished, going out for wider consultation, getting them accredited and then test them on the go […] and looking at how that how that actually works. (Development WG 7)

It really has to be high quality. For you know, I mean, even if there wasn't opposition, I'd be saying has to be high quality because you know it will be engaging with […] vulnerable people and they deserve a really good service. (Trainer 4)

I am also interested in getting the [risk] tool accredited now and going through that that process of getting the quality assurance. (Risk WG 1)

To be supported by longer term and stable funding

It is important that, moving forward, Thriving Survivors are supported by more stable, and longer-term, funding from Scottish Government and other sources. By obtaining more stable, and longer-term, funding the service will be able to attract trainees and staff from different sectors.

Additionally, by obtaining more secure and continual funding, the service can further expand with an increase in staff and resources. By gaining more staff members, it could mean that roles within the service are better defined.

> If [the service is] to work, [it] needs longer term funding. (Risk WG 5)
>
> [The uncertainty surrounding lack of stable funding] is particularly difficult. I think it's very difficult when what you're conceiving of is a service that […] people are probably going to be engaged with for a minimum of six months plus. (Advisory board 7)
>
> If we're doing all of this work with people, [then] what happens if we don't have any money and all of a sudden, we cut [the survivors] all off? Yes, it's damaging for actually the organization, [but] it's hugely damaging to those people that have been working with the service to have support, just ripped away. (Advisory board 5)
>
> I think [Thriving Survivor's] will potentially need more staff, which obviously will come with more budget. (Trainer 1)
>
> I feel [Thriving Survivors] eventually need to have […] a bigger team […] so we could […] divide roles. […] [An increase in staff can ensure] definite roles […] [and] specific responsibilities. (Trainee 7)

To ensure that staff working for the service are fully supported

To ensure success of the service, and to also ensure staff-wellbeing, it is crucial that all members of staff who are involved in the project (in whatever capacity that may be) are well supported.

> My recommendations for the future would be the facilitators and the people that are working frontline on this area, that there is […] resource put in and careful thought about the design about how those facilitators can use each other and each other's expertise, and how they're brought together as a team and […] How they're […] supported on an ongoing basis. (Trainee 6)
>
> I feel like [the facilitators] definitely need sort of mentoring of some sort […] to support us, especially when [we] start delivering cases. I feel that [it] could be quite challenging for everyone so mentors or someone that would be supportive. Now we have this, the [facilitation team] group that's supposed to be mentoring, but I feel like having that one person you can pick up the phone [when you need to discuss an issue, or require support] I think it would be quite important and makes support easily available to all facilitators, especially mental health wise [which is particularly important] if we're going to deal with very hard cases. (Trainee 7)

To ensure good relationships and regular communication between all of those involved (i.e. Thriving Survivors staff, partners, and clients)

Maintaining good relationships and communication between all those involved in the service (i.e. Thriving Survivors staff, partners, and clients) is of crucial importance. For instance, it is important that regular updates on the activities of the different working groups are all involved in the project are kept well informed. By ensuring that all those involved are well-informed and regularly updated, it can ensure that all those involved are working with the most up-to-date tools.

> My advice for going forward is really to be aware of the wider context in which this particular project is moving forward. […] [we] have to be aware of the other people we need to bring along with us for this to work long term. (Leadership 1)
>
> I think having a good team is definitely key. Having good partners is definitely key. Having trust within partners is definitely key. (Trainee 7)

For more time to be given to facilitate the development of the service

It is important that more time should be given to help facilitate the development of the service.

> To take time and remember that there's no rush: You got to go slow to go fast in this [area] […] it's all right to stay in the same place for a [short] while and let other people catch up and let other people be convinced to spend the time actually explaining what you're doing again and again […] to people to show them that they can have confidence in what you're doing. (Leadership 1)

6.3.2 Recommendations for the training

- *For the training to be further developed*
- *For the training to take a slightly different format which incorporates practice experience (i.e. placements and shadowing) for staff*
- *For the training organisation to be changed dependent on the needs of trainees and trainers*
- *For the training to incorporate more innovative training methods*
- *For a manual to be created for all trainings*
- *For there to be more clear definition between the different levels of training For the groups of trainees to be divided into smaller groups based on abilities*

6.3.3 Practical recommendations

For there to be some organisational changes ensuring the service, the meetings and trainings run as smoothly as possible

To ensure that the service, meetings, and trainings run as smoothly and competently as possible, and to keep all involved motivated and committed, it is recommended that there should be some improved attention paid to certain organisational aspects. Examples of these include the timing of meetings and meeting invitations.

6.4 Concluding thoughts

This chapter has evaluated the overall project with close attention paid to all that Thriving Survivors have achieved and the challenges which Thriving Survivors have faced. This chapter has also presented hopes for the future which have been expressed by those involved in the project. Finally, this chapter has outlined recommendations for the future. Moving forward, it is crucially important that the service development is carefully monitored for further examination and to ensure that the service runs as smoothly as possible.

Chapter 7 Overall conclusion

The research which has been undertaken as part of this report, has provided a general overview of the development of the service. The report has also provided an overview of all the training which has taken place since the beginning of the project. Additionally, the report has analysed the ways in which the service and the training can be improved for the future. The report has done this, while also demonstrating four salient messages.

First the report has demonstrated the sheer volume of work which has gone into the development of the service. Over a short period of time, great strides have been made to develop the service in a way that means it will be well equipped to take on cases in a safe, supported and trauma-informed way. Some of the steps which have been taken include the following: staff were recruited, working groups as well as the Lived experience action group, deontological group, and the advisory panel were established, preparatory work has been undertaken by the team (e.g. terms of reference documents, logic models and guidance documents), the facilitation team have been created and recruited, partnerships have been established, practice experience in low-level cases (not cases of sexual harm) has been gained by the team, and extensive training sessions have been organised and delivered.

Second, the report has demonstrated the clear need for the service. As part of the Thriving Survivors consultation, a single-questioned survey asked survivors the following question: 'As a Survivor of Domestic or Sexual Abuse - would you participate in a restorative justice process if it were to be made available in Scotland?'. Out of ninety responses in total, 85% reported that they would participate in a restorative justice process if it were to be made available in Scotland.

Third, the report has showed the importance of the restorative justice process being a carefully prepared and voluntary process. The consultation ran by Thriving Survivors clearly demonstrates the importance for choice in restorative justice. More specifically, it is crucial that the restorative justice process is organised and delivered in a way that allows survivors to have the choice, and opportunity, to take part in restorative justice without any barriers to access. Survivors should be given the choice to engage in restorative justice safely and voluntarily, should they wish to participate in restorative justice. The consultation further showed that the survivor should be involved at all stages of planning for the restorative justice process and that the restorative justice process should be jointly led by the survivors and facilitators in trauma-informed practice, in cases of sexual harm. It is important that the restorative justice process remains trauma-informed and trauma-sensitive with facilitators being sufficiently trained and experienced in understanding and having awareness of trauma-related issues, and personal circumstances which may be present. All facilitators should carefully consider this throughout the restorative justice process.

Fourth, the report identified the various challenges which have been presented throughout the project, one of the most important one is funding insecurity. While it is important for the project to be funded by the Scottish Government as it demonstrates the governments vision to make restorative justice services available to anyone, thus also survivors of sexual harm, the way that this funding works (i.e. being renewed on an annual basis) presents challenges, such as limited timing and security. As the time between the official announcement of the successful funding and the start date of the project was very short, there was not much time to put the project into place. As discussed through the report, the way that the project has been funded also has a significant impact on staff recruitment as all contracts are limited to twelve-months which stops some eligible people from applying in the first place and means that those who are employed do not necessarily have job security which creates additional stress and worry for the Thriving Survivors team.

Another example of a challenge which the project faced was some disagreement and concerns for the Scottish Government's proposal to provide services for survivors of sexual harm to access restorative justice in their case. An open letter was addressed to the First Minister of Scotland who was, at the time, Nicola Sturgeon and five of her ministers and was signed by some of the representatives of the violence against women (VAW) organisations and professionals working in the sexual violence sector in Scotland.

Finally, the report has listed the ways in which the training can be improved for the future. A list of the recommendations can be seen below:

For the training to be further developed

To ensure the success of the service, it is important that the training for all staff should be further developed.

> I think I'd like to see us develop our training over the next year and really […] refine what that looks like and really […] start to iron out some of the challenges that we faced in the first year and really looking at how can we refine this and make it better and ensuring that our communication and our language is spot on and making sure that we are communicating the right information to the right people at the right time (Development WG 7)

For the training to take a slightly different format which incorporates practice experience (i.e. placements and shadowing) for staff

For members of staff to become more confident with regards to taking on cases, it is recommended that the training takes a slightly different format with the incorporation of placements and shadowing which allows for trainees to gain more practical experience of facilitating restorative justice.

> I think […] we should have […] all the initial training and […] some experience with smaller cases in the future [before trainees] go into the specialist training. (Trainee 7)

> I think […] if […] practice starts this year (and I think for the first year take it at a low level, build up confidence and experience within the team), have really […] [facilitation team] members who are well trained and confident and can come in and take on a case, and if they can also […] take some of the younger practitioners under their wing to sort of shadow, that would be really, really useful, just to build an alliance over the next year of supporters […] [and] keep good records […] [to] provide evidence of the quality of the work and it's positive outcomes. (Risk WG 5)

For the training organisation to be changed dependent on the needs of trainees and trainers

An example of a way in which the training could be changed to cater for the needs of the trainees and trainers is to condense the training to a shorter, but more intensive, period. Making this change could ensure that those who work in other capacities (e.g. partners) can attend the full training.

For the training to incorporate more innovative training methods

More innovative training methods, such as more role play and the use of films and videos demonstrating what restorative justice services could look like practically, could be included to encourage and increase trainee participation.

> I think it would be maybe helpful in training if we could almost see a restorative practice taking place. (Trainee 2)

For a manual to be created for all trainings

As part of the specialist training which was delivered, a manual was created and provided to each trainee facilitator. The manual explained exactly what was going to be covered in the training. For future trainings, a possible recommendation could be to create one manual covering all the various trainings.

For there to be more clear definition between the different levels of training

It could be recommended that there ought to be a clearer definition between the different levels of training.

> The first initial training which was meant to be the foundational training […] I think was pitched wrong. I personally feel like there was a bit missing, which was actually about the kind of group and the cohesiveness and actually preparing the participants to go into a space where they could be vulnerable and could create connection within the team. […] I feel they weren't quite pitched at a foundation level. (Trainee 6)

For the groups of trainees to be divided into smaller groups based on abilities

It could be recommended to divide the groups of trainees into smaller groups based on abilities (e.g. with a more experienced group and a less experienced group). Dividing the trainees in this way could eliminate changes of having such a wide range of abilities amongst trainees.

> There was a real mix bag of experience in the room and at times I did wonder if the experience in the room would have been better split further […] at times it was quite apparent, people that were extremely comfortable with the subject and […] the people that weren't maybe so comfortable with the subject. (Trainer 1)

As can be seen throughout the report, the project has the support of many, including (but not limited to) survivors of sexual harm, members of the judiciary, prison services, third sector organisations, academics, and the Scottish Government. To help ensure that the service will become operational and widely accessible for survivors, the report highlighted some recommendations for the future. Looking forward, it is therefore recommended that it is always ensured that the service caters for all survivors of sexual harm, that quality assurance is given, that the service is supported by long-term and stable funding, that staff working for the service are fully supported, that good relationships and regular communication between all of those involved is ensured, and that more time is given for the development of the service. It is further recommended that the training is further developed, that the training takes a slightly different format which incorporates practice experience for staff, for the organisation of the training to be changed dependent on the needs of trainees and trainers, for a manual to be created for all training, for there to be more clear definition between the different levels of training, and for the groups of trainees to be divided into smaller groups based on abilities. Practically speaking, it is recommended that there are some organisational changes ensuring the service, meetings and training run as smoothly as possible.

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Annex 1: Timeline of activities in the first year

Milestones	Date	Activity	Further information
1	22/03/2022-30/03/2022	Meeting: Series of preparatory meetings for project launch	Discussion on logic models, working groups and advisory group memberships, staff profile, training needs
2	01/04/2022	Project start date	
3	01/04/2022	Working groups, advisory board, and lived experience action group design process started	Terms of references developed, and invitations sent out to local and international experts by Thriving Survivors' team, as decided by leadership team
4	20/04/2022	Restorative justice coordinator and restorative justice facilitator posts advertised	
5	22/04/2022	Meeting: Advisory board	
6	06/05/2022 and 10/05/2022	Interviews with prospective staff, conducted by leadership team	No coordinator was hired but two (future) RJ facilitators and one RJ assistant
7	30/05/2022	Thriving Survivors restorative justice staff in post	
8	30/05/2022	Start work on Terms of references for Working Groups by Thriving Survivors staff	
9	30/05/2022	Social media campaign with and among other interviews on various media (e.g. BBC, ITV, BBC radio Scotland…)	
10	31/05/2022	Launch of the project by Scottish Government with Cabinet Secretary Keith Brown in attendance	

11	10/06/2022	Development of the training plan, schedule, and list of potential trainers to be invited by leadership and Thriving Survivors teams	
12	14/06/2022	Presentation of study: 'Restorative justice: training needs analysis in Scotland' led by Strathclyde University	The leadership team were all interviewed for this study and attended the launch
13	15/06/2022	Glossary of terms was created	The glossary of terms provides crucial information, including: - explanations of terminology and concepts (e.g. restorative justice, trauma-informed, advocates, person-centred, peer support, co-production, and secondary harm) - a breakdown of the services which Thriving Survivors will offer (i.e. restorative justice conferencing, healing circles, harm after harm, storytelling and processing) - details of parties involved - information about facilitators - how mediation will be used - details of what a wraparound service means (and the benefits of using this) - the Thriving Survivors three step process
14	15/06/2022	Meeting: Advisory board	
15	17/06/2022	Restorative justice self-referral register created	Service referral forms and guidance are being created by Thriving Survivors
16	20/06/2022	Safe space approach guidelines for conducting meetings were created	
17	20/06/2022	FAQs for agencies and public were produced	

18	27/06/2022	Communication and engagement plan information session for Thriving Survivors staff	
19	30/06/2022	Quarterly meeting to keep track of progress by key stakeholders for projects funded (Scottish Government, CJS, Thriving Survivors, CYCJ, and Police Scotland)	
20	30/06/2022	Lived Experience Action Group was created	Six individuals have joined this group following the Survivors Voices consultation
21	04-05/07/2022	Interviews for potential trainees/facilitation team members	
22	11/07/2022	Training: 'Trauma informed national training 1' by NHS/TURAS (1 day/ online)	
23	20-21/07/2022	Training: 'Trauma informed national training 2' by NHS/TURAS (2 full days/online)	
24	21/07/2022	Training: 'Trauma informed national training 3' by NHS/TURAS (1 day/online)	
25	24/07/2022	Training: 'Harmful & problematic sexual behaviour' by Midlothian Council (1 day/in-person)	
26	26/07/2022	Staff: Changes to Thriving Survivors staff	
27	01-04/08/2022	Training: 'Foundational training' by Tim Chapman (4 full days/in-person)	This is the foundational training that Tim Chapman has developed over many years and delivers at Strathclyde University but also internationally
28	09/08/2022	Restorative justice development days for Thriving Survivors staff	
29	23/08/2022	Thriving Survivors became members of the Restorative Justice Council	

30	25/08/2022	Meeting: with all trainers for the organisation of the specialist training	Aim to prepare all the different modules, their content and agree the timeline
31	29-30/08/2022	Training: 'Intermediate training' by Community Justice Scotland (2 full days/in-person)	This was on the needs of the person harmed and the person responsible for harm and what is required from a facilitator and/or any other individuals involved in supporting the participants using the 'balance model'.
32	31/08/2022	Meeting: Monitoring and evaluation working group	
33	31/08/2022	Open letter by Scottish VAW group addressed to the First Minister and five other ministers	This letter put into question the suitability of restorative justice in cases of sexual harm. Scottish Government replied renewing their commitment to the rollout and developments of restorative justice and particularly to the respective projects of Thriving Survivors and Community Justice Scotland.
34	13-14/09/2022	Training: 'Practice skills' by Tim Chapman (2 full days/in-person)	This focused on the development and enhancement of the learners' restorative practical knowledge and skills using role play within different and more complex restorative scenarios.
35	15/09/2022	Meeting: Leadership team	
36	22/09/2022	Meeting: Advisory board	
37	29-30/09/2022	Training: 'Advanced training' by Community Justice Scotland (2 full days/in-person)	This explored concepts, risks and opportunities associated with the use of Restorative Justice regarding serious harm and serious crime, including in cases of sexual harm, sexual violence, sexual abuse and hate crime.
38	10/10/2022	Interviews for researcher by leadership team	
39	18/10/2022	Meeting: Risk working group	

40	24-25/10/2022	Training: 'Specialist training – module 1' by coordinators of the training and international guests, but also Rape Crisis Scotland (2 full days/in-person)	This was the introductory module with lived experience shared and sessions on awareness and understanding of the complex ways that sexual violence impacts survivors, introduction to sexually harmful behaviour, and different restorative justice processes.
41	27/10/2022	Meeting: Service development	
42	31/10-01/11/2022	Training: 'Specialist training – module 2' by Midlothian Council (2 evening sessions/online)	This explored the range of sexual behaviour within the scale of sexual continuum to provide a better understanding of how to respond to problematic and harmful sexual behaviour and focused on highlighting the complexities and misconceptions in working with individuals that are autistic and displaying harmful sexual behaviour and considering ways in which intervention and assessment may differ within this neuro-divergent group.
43	07-08/11/2022	Training: 'Specialist training – module 3' by Camila Pelsinger (2 evening sessions/online)	This focused on introducing participants to some key terms used to describe and compare restorative and transformative justice practices and the challenges and tensions associated with practising Restorative Justice in a university campus environment using scenarios for the learner to problem solve and think through some of these challenges.
44	21/11/2022	Staff: Edinburgh Napier University research assistant starts in post	
45	23/11/2022	Meeting: Leadership team	
46	28-29/11/2022	Training: 'Specialist training – module 6' by Kristel Buntinx (2 evening sessions/online)	This explored the risks and opportunities of mediation in sexual offences within the criminal procedure.
47	01/12/2022	Meeting: Leadership team	

48	05/12/2022	Meeting: Risk working group	This was an in-person meeting of the risk working group to discuss the risk tools and create a foundation for the screening tool to be based on.
49	06/12/2022	Training: 'Specialist training – module 4' by Karin Sten Madsen (1 full day/online)	This provided insight on how to prepare a safe and respectful restorative process for a person harmed with a main emphasis on the preparation phase.
50	14/12/2022	Meeting: Service development and monitoring and Evaluation working group (common meeting)	
51	9/01/2023	Meeting: Risk working group	
52	11/01/2023	Meeting: Advisory board	
53	16/01/2023	Ethics approval for evaluation research by SAS ethics committee, Edinburgh Napier University	The research team started this application in November 2022, the process was completed in early December, and approval was given in January 2023.
54	30/01/2022	Training: 'Risk Screening Tool' by Midlothian Council	This provided an overview on risk and its indicators, mitigation, signposting, and intervention.
55	07-08/02/2023	Training: 'Specialist training: practice' by Tim Chapman (2 full days/ in person)	
56	13/02/2023	Meeting: Risk working group	
57	15/02/2023	Meeting: Development working group	
58	22/02/2023	Meeting: Advisory panel	
59	27/02/2023	Meeting: Facilitation team	
60	10/03/2023	Meeting: Leadership team	

Annex 2: Related policies

International texts and policies of relevance for the topic at hand have existed since the 1990s (Keenan & Zinsstag, 2022; Marder, 2020). These longstanding international instruments, along with the more recent policy developments are of key importance to any discussion surrounding the practice of restorative justice in cases of sexual violence. See below a list of some these important and related policies, reports, legislation, directives, and texts (for a commentary on most of these, see also Keenan & Zinsstag, 2022; Lauwaert, 2013; Marder, 2020):

2.a European and international

- Council of Europe: Recommendation No. R (99) 19 of the Committee of Ministers to member states concerning mediation in penal matters (1999)[28]

- UNODC: Handbook on restorative justice programmes (2006)[29]

- Council of Europe: Convention on preventing and combating violence against women and domestic violence - CETS no. 2010 (2011)[30]

- Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support, and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA[31]

- UNODC: Handbook on effective prosecution responses to violence against women and girls (2014)[32]

- Council of Europe: Recommendation CM/Rec(2018)8 of the Committee of Ministers to Member States concerning restorative justice in criminal matters (2018)[33]

- European Commission: *Strengthening victim's right: from compensation to reparation.* Report by Joëlle Milquet, Special Adviser to the President of the European Commission (2019)[34]

- UNODC: Handbook on restorative justice programmes (2nd ed) (2020)[35]

- Council of Europe: Declaration of the ministers of Justice of the Council of Europe member states on the role of restorative justice in criminal matters (2021) (also known as the 'Venice Declaration')[36]

2.b Scottish

- 2014 Victims and Witnesses (Scotland) Act (limited mention of restorative justice)[37]

- Scottish Government, 2017 - Guidance for the Delivery of Restorative Justice in Scotland

- Scottish Government, 2019 - Restorative Justice Action Plan

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[28] The full text of the recommendation can be found here: https://rm.coe.int/1680706970.

[29] The handbook can be found here: https://www.unodc.org/pdf/criminal_justice/Handbook_on_Restorative_Justice_Programmes.pdf.

[30] The full text of the convention can be found here: https://rm.coe.int/168008482e.

[31] The full text of the directive can be found here: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF.

[32] The handbook can be found here: https://www.unodc.org/documents/justice-and-prison-reform/Handbook_on_effective_prosecution_responses_to_violence_against_women_and_girls.pdf.

[33] The full text of the recommendation can be found here: https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016808e35f3.

[34] The full report can be found here: https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/right-compensation_en.

[35] The handbook can be found here: https://www.unodc.org/documents/justice-and-prison-reform/20-01146_Handbook_on_Restorative_Justice_Programmes.pdf.

[36] The full text of the declaration can be found here: https://rm.coe.int/0900001680a4df79.

[37] The full text of the Act can be found here: https://www.legislation.gov.uk/asp/2014/1/contents.

- Scottish Government, 2022 – 'Vision for Justice' report[38]

Annex 3 Trainings and the trainer(s) who delivered each training session

Training title	Trainer(s)
Enhanced Trauma Training	Epione
Trauma informed national training 1: understanding the impact of trauma and responding in a trauma-informed way	NHS/ TURAS
Trauma informed national training 2: trauma in children and young people	NHS/ TURAS
Trauma informed national training 3: understanding the impact of trauma on mental health and evidence-based pathways to recovery	NHS/ TURAS
Trauma informed national training 4: understanding the use of substances to cope with the impact of trauma	NHS/ TURAS
Family Group Conference training	Netcare
Foundational Training	Tim Chapman (Strathclyde)
Intermediate Training	Community Justice Scotland
Practice Skills Training	Tim Chapman
Advanced Training	Community Justice Scotland

[38] The report can be found here: https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2022/02/vision-justice-scotland/documents/vision-justice-scotland-2022/vision-justice-scotland-2022/govscot%3Adocument/vision-justice-scotland-2022.pdf

Specialist Training: Module 1	Coordinators plus guests (CJS, Rape Crisis Scotland etc)
Specialist Training: Module 2	Midlothian Council
Specialist Training: Module 3	Camila Pelsinger (USA)
Specialist Training: Module 4	Karin Sten Madsen (Denmark)
Specialist Training: Module 5 (still to be completed due to illness of the trainer)	Peter Yates University of Edinburgh)
Specialist Training: Module 6	Kristel Buntinx (Belgium)
Specialist Training: Module 7	Tim Chapman (Strathclyde)
Risk Screening Tool Training	Midlothian Council