

# Best Practice Guidance for Restorative Practitioners

and their Case Supervisors and Line Managers  
and

Conclusions and Recommendations  
of the Training and Accreditation Policy Group



December 2004

CRIMINAL JUSTICE SYSTEM





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# Introduction

This is the final report from the Training and Accreditation Policy Group, set up to advise the government on best practice, training and accreditation for restorative justice.

High standards are essential to the success of restorative justice, to ensure that it succeeds in its goal of finding a positive way forward for everyone following a crime or an incident of harm. High standards are also essential to build confidence in restorative approaches in the criminal justice system, especially among victims and in communities.

I welcome this report, and thank those who participated in the group for their contribution to such an important piece of work. For the first time the restorative justice movement in the UK has come together to agree a common definition of best practice, which has been endorsed by both criminal justice and voluntary sector organisations.

This guidance will prove invaluable to practitioners and their line managers and supervisors. It is a comprehensive description of best practice, setting out the core skills and knowledge needed to deliver any of a range of restorative processes, so that practitioners can draw flexibly on whatever approach will work best for individual participants. It also provides guidance for more specialist restorative work, and for those overseeing front-line practitioners. I am pleased that the guidance will be the basis for new National Occupational Standards in restorative justice.

I am also grateful to the group for their consideration of what the training and accreditation framework for restorative justice should look like in future, and for the recommendations the group have put forward on these issues in the first part of this report. Government and criminal justice agencies will consider these recommendations carefully in the context of policy on restorative justice more generally.

Once again, I thank the members of the group for this work, and their organisations, who have endorsed the guidance, and I commend it to all practitioners, line managers, case supervisors and trainers in restorative justice as a reflection of high quality restorative practice.



**Paul Goggins**

**Parliamentary Under-Secretary of State for Correctional Services  
and Reducing Re-offending**

# Part I Conclusions and Recommendations of the Training and Accreditation Policy Group

## Background

1. The Training and Accreditation Policy Group was invited to look at how high quality of practice in restorative justice can be achieved and maintained through training and accreditation. The group produced an interim report in March, which included a first version of best practice guidance for restorative practitioners. This final report sets out our conclusions and recommendations, and also contains an updated suite of guidance for restorative practitioners, their case supervisors and line managers. The conclusions and recommendations are the work of the group as a whole, and do not necessarily represent the views of the organisations, listed on page 16, who have endorsed the best practice guidance<sup>1</sup>.
2. In this report and the guidance, the term restorative practice means work which involves bringing victims/persons harmed, offenders/perpetrators and others into communication to resolve harm. The group is aware of ways of working that use restorative language, values and principles, but do not bring victims/persons harmed and offenders/perpetrators into communication, perhaps because the victim/person harmed has declined to participate. The group welcomes these approaches, while also emphasising that the skills they require, and the outcomes they bring, are different from those in victim-offender work.

## Basis for the recommendations

3. The group believes that any training and accreditation framework should help to achieve the following outcomes:
  - A high quality service to all participants in restorative processes – victims/persons harmed, offenders/perpetrators, and members of the wider community.
  - Restorative practice as a recognised and respected activity and profession, with a clear career path, including between different sectors of criminal justice and other contexts, so as to attract, motivate and reward skilled practitioners.
4. To achieve this, a framework for training and accreditation needs to include:
  - Clear **standards** which define high quality practice, by setting out the skills and knowledge practitioners need.
  - A means of **assessing** which practitioners are working to these standards and **certifying** those who are, for example by means of qualifications or through membership of, or registration with, a recognised professional body; so that agencies delivering restorative approaches can use the certification in recruitment decisions.

<sup>1</sup> The Scottish Executive has been an observer on the group. New National Occupational Standards in restorative justice will also apply in Scotland, and the Executive will be involved in their development. The Executive will need to consult Scottish stakeholders on how far the conclusions and recommendations should apply in Scotland, given differing Scottish contextual circumstances.

- A means of ensuring that **training** provided to practitioners is effectively helping them to work according to the standards.
5. The main focus of our work was on assuring the quality of restorative services delivered to participants, so our recommendations relate primarily to the skills required to practise effectively, and the knowledge needed to support those skills, rather than to an intellectual understanding of restorative work. We believe an assessment of someone's ability to work safely with participants needs to include an assessment of *practice*, as well as assessment of knowledge.
  6. At the same time, our work highlighted how a culture of working in a restorative way throughout an organisation supports effective delivery of restorative approaches as a service. So a basic knowledge about restorative approaches among all staff in an organisation, including managers and others not directly involved in restorative practice, helps promote quality.

## Standards

7. The group concluded that the core skills of restorative practice were the same, whatever the context or institutional setting – eg in a school, criminal justice agency, workplace or in the community. Working with *Skills for Justice*, which is currently reviewing National Occupational Standards and accredited awards for community justice, we distinguished two key areas of practice for which standards were needed:
  - Core restorative practice – ie the skills and knowledge required to bring victims/persons harmed, offenders/perpetrators and others into communication.
  - Restorative work in more sensitive and complex cases, where a higher level of skills and knowledge is needed.
8. The group's best practice guidance covers the skills and knowledge we think are required to practise safely in each of these areas, when combined with relevant specific knowledge on working with victims/persons harmed and offenders/perpetrators, and on the setting in which the work takes place, such as a criminal justice agency or school.

**Recommendation 1, to *Skills for Justice*: to develop new National Occupational Standards based on the group's best practice guidance, covering core restorative work and sensitive and complex cases, and dovetailing with relevant existing National Occupational Standards on working with victims/persons harmed and offenders/perpetrators.**



## Assessment and certification

### *New practice-based awards*

9. In considering how practice could be assessed and certified, the group was aware of a number of existing qualifications, set out in the box below. However, none of them covers the full range of skills and knowledge needed for competent practice, as set out in the best practice guidance. So new awards are needed, based on the guidance and the new National Occupational Standards to be developed in accordance with Recommendation 1.

#### **Existing awards relating to restorative justice**

- An NVQ/SVQ in mediation
  - A Continuing Development Award in Restorative Justice (comprising a selection of units from the Community Justice NVQ/SVQ, shared with Youth Justice and Mediation)
  - Mediation UK's Legal Services Commission approved Competent Mediator Status
  - Various awards accredited with the National Open College Network
  - The Professional Certificate of Effective Practice (Youth Justice) and Foundation Degree in Youth Justice.
10. *Skills for Justice* will be able to develop new awards based on the National Occupational Standards. These would fit coherently into its wider suite of awards for the justice sector. The group believes these awards would be widely recognised by both agencies and practitioners, with a reliable, credible assessment procedure. *Skills for Justice* is revising National Occupational Standards and qualifications for community justice, and expect to have produced new National Occupational Standards in restorative justice by Autumn 2005. Annex 3 gives further information about this process.

#### **Recommendation 2, to *Skills for Justice*: to develop awards in restorative practice based on the National Occupational Standards, covering core restorative work and sensitive and complex cases.**

11. The group recognises that other organisations may also want to develop new awards in future. We see benefit in individual organisations using awards in restorative practice that are tailored to their own needs, as long as they also fully cover the National Occupational

Standards in the appropriate area and are assessed with the same rigour as the awards developed by *Skills for Justice*. The common basis of the National Occupational Standards, and the *Skills for Justice* awards as a benchmark for the degree of practice-based assessment, will help give some clarity about which awards represent safe, high quality practice and reduce fragmentation in the sector.

12. In the longer term, if a number of new National Occupational Standards-based awards are developed, it would be useful to develop a means of making clear how they compare to each other, and ensuring their assessment procedures are all adequate.

**Recommendation 3, to all bodies developing awards: that any new awards in restorative practice should be fully based on the National Occupational Standards on core restorative work or sensitive and complex cases, and candidates assessed with the same rigour as for the awards developed by *Skills for Justice*.**

#### *Higher Education awards*

13. As well as needing the right skills, as defined in the forthcoming National Occupational Standards, restorative practitioners also benefit from an understanding of the principles, theory and evidence base for restorative approaches. Other professionals involved in supporting restorative processes, without themselves facilitating communication between participants, may need knowledge of restorative work without needing the skills. Higher Education awards can provide this knowledge, without themselves being a substitute for practice-based assessment – for example, Foundation Degrees, which are developed in conjunction with employers and provide the specialist technical knowledge and skills needed for employment.
14. In youth justice, for example, the Professional Certificate in Effective Practice (Youth Justice) requires familiarity with the Youth Justice Board's Restorative Justice Reader, and offers the opportunity to specialise in restorative approaches in one of its modules. The Youth Justice Board is also launching in the Autumn a Foundation Degree in Youth Justice, which will contain opportunities for further study of restorative approaches.
15. In the longer term, we would welcome the development of awards that combine accreditation of academic knowledge about restorative work with practice-based assessment of skills, based on the National Occupational Standards and to the same level of proficiency as stand-alone practice-based awards.

**Recommendation 4, to all developers of professional and Higher Education awards: any such awards, insofar as they are intended to qualify their holder to practise restorative approaches, should be fully based on the National Occupational Standards on core restorative work or sensitive and complex cases, and should either:**

- **assess the individual’s practice to make the professional award equivalent to a recognised stand-alone practice-based award; or**
- **facilitate the achievement of such a stand-alone award alongside the professional award, should practitioners and their managers want this.**

*Making the new awards effective*

16. In order to be effective in supporting high quality practice, awards based on the National Occupational Standards will need to become widely used. So we recommend that:

**Recommendation 5, to government: to promote the best practice guidance, the new National Occupational Standards and awards based on them to both criminal justice and other agencies.**

**Recommendation 6, to agencies delivering restorative work: to build the National Occupational Standards into their internal quality assurance processes, and accordingly, to support their practitioners to achieve new awards based on the Standards.**

*Existing awards in the new framework*

17. We recognise that there are competent restorative practitioners who hold one of the existing awards, but are already working with the skills and knowledge set out in the best practice guidance. It may be unrealistic to expect them to acquire a new award, although their managers should ensure they are working in accordance with the National Occupational Standards, and support them to gain such an award if they wish, as set out in Recommendation 6.

**Recommendation 7, to all agencies delivering restorative work: that practitioners holding existing awards at the time the new National Occupational Standards are published should not be required to achieve a new award, as long as their managers can ensure they are working in accordance with the National Occupations Standards on either core restorative work or sensitive and complex cases, as appropriate.**

*Professional association*

18. The group is also aware of the establishment of an Association of Restorative Practitioners (ARP) (see box), which intends to grant membership based on an assessment of competency to practise. The ARP has been represented on the group and contributed to its work.

**The Association of Restorative Practitioners**

The ARP is an independent association for any restorative practitioner in the UK. It is being developed by a group of practitioners, working closely with the Restorative Justice Consortium. Its aims are to:

- act as a professional body for its members;
- promote the development of high quality and effective restorative practice;
- represent the views of restorative practitioners;
- promote and support the professional development of its members; and
- ensure that best practice standards are achieved through setting appropriate eligibility criteria for membership.

Further information about the Association, including on membership, is available from [www.restorativejustice.org.uk](http://www.restorativejustice.org.uk)

19. We welcome the creation of ARP as a useful support to defining and maintaining high standards of practice in future, with membership helping to assure agencies of a practitioner's competency.

**Recommendation 8, to government: to support the development of the Association of Restorative Practitioners, and consider what role such an organisation might play in quality assurance of restorative practice in future.**

20. To ensure consistency between the possible development of ARP membership as a mark of competency and the work of this group, we recommend that:

**Recommendation 9, to the Association of Restorative Practitioners (ARP): to base its membership criteria on the group's best practice guidance and, in future, on attainment of awards based on the National Occupational Standards.**

## Training

21. Training will need to equip practitioners to work in accordance with the National Occupational Standards and, where appropriate, to gain awards based on them. This is the responsibility of individual training providers, although we see benefit in the provision of forums for trainers to share ideas about how to achieve it.
22. The group considered early in its work whether to develop quality standards and identify accreditation routes for training and training providers. It decided that the most effective way to assure the quality of restorative practice was through accreditation for restorative practitioners, as set out above. The group welcomes a diversity of training providers and approaches, and believes that informed customer choice helps to promote good training. Setting clear standards of practice and accreditation routes for practitioners will ensure that purchasers of training can define and measure the quality of the training they buy.
23. Consistent with this approach, we believe that criminal justice agencies can lead the way in ensuring they buy training that will support best practice. They can, for example, require in tender documents, and in training contracts awarded, that the provider confirm their training covers the best practice guidance and, in due course, the National Occupational Standards.

**Recommendation 10, to organisations commissioning training in restorative work: to ensure that training they commission fully equips practitioners to work in accordance with the best practice guidance, and, in due course, with the National Occupational Standards on either core restorative work or sensitive and complex cases, as appropriate.**

24. The group believes that it is valuable, in the delivery of training, to involve trainers who have themselves had some experience of restorative work. This means that “train the trainers” approaches, which aim to cascade knowledge through an organisation, are not appropriate for restorative work, unless those cascading the training are or have been practitioners. Distance learning alone cannot provide adequate training.

**Recommendation 11, to organisations commissioning training in restorative work: to take steps to ensure that delivery of training involves trainers who have experience of restorative practice – including those involved in cascade training.**

## **The future of work on accreditation and training**

25. The government’s strategy on restorative justice is intended to be as closely based on evidence as possible, and there is a programme of research, piloting and evaluation underway which will produce results over the next few years. At the same time, restorative practice continues to grow and develop, including through the work of the Youth Justice Board. The group therefore recognises that its best practice guidance will need to be updated, and recommends that:

**Recommendation 12, to government: to reconvene an expert group after the creation of National Occupational Standards in restorative justice, to consider:**

- **whether the best practice guidance needs revising;**
- **how far the best practice guidance and the National Occupational Standards are being applied by practitioners, trainers and developers of awards, and the take-up of any new awards based on them;**
- **how to clarify, if necessary, how different awards based on the National Occupational Standards compare to each other, and to ensure their assessment procedures are all adequate;**
- **whether any additional means are needed to regulate restorative practice;**
- **whether any additional means are needed to ensure quality of training provision.**

# Part 2 Best Practice Guidance for Restorative Practitioners, and their Case Supervisors and Line Managers

## Introduction

1. This guidance was produced by the Training and Accreditation Policy Group, whose members are listed in Annex 1. The work of the group is described in Part 1 of this report.
2. The main purpose of the guidance is to set out the skills and knowledge that restorative practitioners need in order to practise safely and to a standard that participants should expect. In this guidance, the term restorative practice means work which involves bringing victims/persons harmed, offenders/perpetrators and others into communication to resolve harm.

### *Relationship to other guidance and standards*

3. This guidance is an updated and expanded version of guidance which the group issued with an interim report in March 2004. It supersedes that version.
4. Part 1 of this document sets out the group's conclusions and recommendations on training and accreditation for restorative practitioners. It includes recommendations that *Skills for Justice*, which has been represented on the group and contributed to its work, develop National Occupational Standards and accredited awards based on this guidance. New National Occupational Standards are likely to be available by Autumn 2005.
5. The guidance is based on research evidence where it exists; but formal research has not yet covered the full range of restorative practice, and the guidance also draws on agreed principles and practitioner experience of what works. It builds on existing best practice, including the two existing National Occupational Standards in restorative justice.

### *Scope of the guidance*

6. The group believes that the core skills for restorative practices are the same in any setting or professional situation. Practitioners will usually need *additional* context-specific knowledge to be effective, for example about the youth and adult justice sectors, or work with young people. In particular, they will need to know how their work fits into any other processes their clients are involved in and the statutory basis, if any, for their work. Practitioners will also need knowledge about victims/persons harmed, including how they may be affected by harmful incidents, and their possible reactions and needs. Practitioners working within or alongside the criminal justice system also need to understand the impact the system can have on victims/persons harmed, and on the causes of offending behaviour and how it can be challenged. This guidance does not try to specify all this underpinning knowledge; it is covered in relevant existing National Occupational Standards.



## *Contents of the guidance*

### 7. The guidance is in six sections:

- A. Core restorative practice. The group, and the organisations endorsing this guidance, believe that all restorative practitioners and trainers should aim to work in accordance with this section of the guidance. Not all the skills will be required in every case; some may require more of a 'light touch' approach. But it is important that practitioners have all these skills available to them, for the cases which do need them.
- B. Sensitive and complex cases. This section lists skills and knowledge needed in cases where there is good reason to believe that either:
- there is someone who has the motivation and ability to cause significant further harm, including emotional trauma, either during or outside the restorative process; or
  - there is someone who is particularly vulnerable to further harm, including vulnerability arising from the original incident.

All practitioners need to be able to recognise this kind of case, and the skills and knowledge needed to do so are included in the risk assessment part of Section A. Practitioners identifying such cases who do not have the competencies set out in Section B should not work with them alone, but should refer them to practitioners who do have these competencies, or to other specialist agencies.

- C. Family group conferencing and processes involving welfare planning. This section sets out some additional skills and knowledge that restorative practitioners need in order to run restorative family group conferences, and other restorative processes that also involve an element of welfare planning.
- D. Co-working. This section sets out which kinds of cases might need to be co-worked, and guidance on co-working effectively. At least one co-worker in any case, though not necessarily both, need to be fully competent practitioners as defined by Section A.
- E. Case supervisors. This section covers the competencies needed to provide advice and oversight in individual cases, to bring new ideas and a fresh perspective, and to check that nothing is going seriously wrong. Case supervisors need to be fully competent restorative practitioners, as defined by the first section of this guidance. They do not need the competencies set out in Section B, unless they are supervising sensitive and complex cases. They do not necessarily need to be senior to the practitioner they are supervising in an organisational hierarchy; they can be peers.

- F. Line managers. This section sets out some “pointers” for those who need to ensure that the restorative practitioner has the support and resources to work effectively, but who do not get involved in how individual cases are worked. They do not need to be a restorative practitioner.

### **Endorsement of this best practice guidance**

The following agencies and organisations endorse this guidance as the most comprehensive statement of best practice currently available to restorative practitioners in the UK, and believe that restorative practitioners, their case supervisors, line managers and trainers should aim to work in accordance with it.

#### **ACPO**

**Association of Restorative Practitioners**

**Crime Concern**

**Essex Family Group Conferencing Service**

**Fair Process**

**Family Rights Group**

**Home Office**

**KW Consultancy & Training Ltd**

**Mediation UK**

**Nacro**

**National Offender Management Service**

**Real Justice**

**Remedi**

**Restorative Justice Consortium**

**Transforming Conflict**

**Victim Support**

**Welsh Assembly Government**

**Youth Justice Agency, Northern Ireland Office**

**Youth Justice Board**

The Scottish Executive acknowledge this best practice guidance, and will need to consult Scottish stakeholders on how it should be adopted or adapted given Scottish contextual circumstances.

# Section A Core restorative practice

## 1. Core knowledge and skills

Note: In addition to the restorative justice-specific knowledge outlined here, practitioners will need to have underpinning knowledge relating to work with victims/persons harmed and offenders/perpetrators, and relevant to their own professional setting (for example, schools work), including full knowledge of the statutory basis for their work.

### 1 (a) Core knowledge for restorative practice

You must be able to:

1. Offer a definition of restorative justice, including reference to:
  - victims/persons harmed, offenders/perpetrators and communities;
  - restorative justice as a process;
  - the aims of restorative justice, and potential outcomes.
2. Articulate how restorative justice, by aiming to meet the needs of both victims/persons harmed and offenders/perpetrators, differs from other approaches, including:
  - other disciplines (for example, advocacy or counselling);
  - community mediation and conflict resolution (ie what difference it makes that there is an identified perpetrator responsible for a particular incident of harm);
  - other approaches to crime and unacceptable behaviour (eg a retributive approach, mainstream CJS responses).
3. Be able to give an explanation of why and how restorative justice works, with reference to a theoretical base (eg conflict resolution theory, theories relating to emotions or social psychology).
4. Demonstrate an understanding of the various different situations in which restorative justice could be applied<sup>2</sup>.
5. Demonstrate an understanding of the criminal justice context and/or statutory framework for your restorative practice, if applicable.
6. Demonstrate an understanding of the principles of restorative justice, as published by the Restorative Justice Consortium in 2004<sup>3</sup>; and the implications of these principles for your own practice.

<sup>2</sup> including for example criminal justice contexts, schools, workplace disputes, family, children and young people.

<sup>3</sup> See [www.restorativejustice.org.uk](http://www.restorativejustice.org.uk)

7. demonstrate a commitment to working with partners in both statutory and voluntary sectors.

### **I (b) Core skills for restorative practice**

You must be able to:

1. Demonstrate effective communication skills, including:
  - active listening;
  - questioning for understanding;
  - awareness of and ability to read non-verbal signals;
  - summarising and reflecting back;
  - telephone and face to face communication skills;
  - giving and receiving feedback;
  - challenging constructively and positively;
  - enabling participants to make their own choices.
2. Create a safe environment for participants, including:
  - building trust with all participants;
  - sensitivity to diversity and difference;
  - demonstrating an ability to manage conflict and aggression;
  - assessing imbalances of power, and acting to redress imbalances;
  - remaining impartial and demonstrating this to all participants through words and actions;
  - demonstrating an awareness of the physical environment.
3. Treat people fairly, without discrimination on the basis of gender, age, ethnicity, ability/disability, sexuality, culture, faith or crime committed, including by showing respect for all participants, their opinions and views.

4. Record decisions and outcomes accurately, following any guidelines your organisation has.
5. Demonstrate that you can manage your work, including:
  - planning your work;
  - showing you are following a clear process with each particular case;
  - problem solving and handling complexity.
6. maintain confidentiality, subject to the requirements of the law<sup>4</sup>.
7. Demonstrate self-awareness, including:
  - awareness of your own prejudices, and ability to set them aside;
  - ability to assess, in handling each specific case, boundaries of your own knowledge, experience and confidence;
  - confidence to recognise when to seek help where necessary.
8. Demonstrate an ability to work productively with others, including:
  - as a co-worker when appropriate (see Section D);
  - as a team member with colleagues in your service.

## **2. Preparation for restorative processes**

### **2 (a) Assessing and managing risk throughout the process<sup>5</sup>**

You must be able to:

1. Carry out an initial formal risk assessment and assess and manage any identified risk throughout the process.
2. Access any existing assessment information relating to prior offending, mental health or substance abuse (for example OASyS or ASSET<sup>6</sup>) prior to any communication with participants.

<sup>4</sup> In collecting and sharing information which is personal data, practitioners should have regard to the provisions of the Data Protection Act 1998. This is particularly important for personal data relating to convictions, medical conditions and other sensitive matters.

<sup>5</sup> The broad aims of assessment in RJ are to: i) Assess how much responsibility is being taken for the harm caused; ii) Identify the risk of emotional and physical harm to participants, what value they see in the process and their willingness to engage respectfully; iii) Promote opportunities for the safe expression and exchange of feelings, needs and ways to get the harm-related needs met as far as possible.

<sup>6</sup> OASyS is the risk assessment tool used in the Probation and Prison services; ASSET is the equivalent risk assessment tool used by Youth Offending Teams for young offenders.

3. Assess any risk considerations relating to:
  - the participants' feelings, attitudes and behaviour;
  - whether their expectations of the process are realistic;
  - their motivation for being involved;
  - substance abuse and mental health issues;
  - any physical or learning disabilities, mental impairment or ill health;
  - intimidation of any participant;
  - the emotional impact of the original incident, including that of any death or serious injury;
  - the emotional resilience of individuals and ability to cope with the process;
  - any previous history between the participants or repeat victimisation;
  - power imbalances between individuals<sup>7</sup>.
4. Assess cases for the presence of any complex issues of intimidation and vulnerability<sup>8</sup> which would require referral to a senior practitioner (who has demonstrated their ability to work with sensitive and complex cases), other professionals or to a specialist support service outside the field of restorative justice<sup>9</sup>.
5. Record risk concerns, ways in which they might be addressed, and refer to the appropriate level of management and/or partnership agency (e.g. all child protection concerns).
6. Develop measures to manage any identified risk (involving others in the process, including case supervisors) including:
  - selecting which type of communication will be safe at each stage of the process;
  - sequencing direct or indirect forms of communication to ensure safety;
  - selecting venues for both direct and indirect work to maximise participants' safety and to minimise their anxieties or concerns;
  - managing and balancing the presence/absence of supporters who can influence the emotional and physical risks of the process and its outcome.

<sup>7</sup> For example, these could relate to communication skills, first language, culture, socio-economic status, physique, age, any pre-defined roles of victim/person harmed and offender/perpetrator, or the social support they have available to them.

<sup>8</sup> See Section B of this guidance.

<sup>9</sup> See guidance on sharing personal information at <http://www.crimereduction.gov.uk/dv08.htm>.

7. Continue risk assessment throughout the process.
8. Maintain opportunities to re-assess the appropriateness of continuing the process and keep open options to continue the process in different ways.
9. Be able to apply responses to aggression which minimise risk.
10. Recognise when risk is unacceptable and end the process safely.

## **2 (b) Informing participants about their options<sup>10</sup>.**

You must be able to:

1. Provide clear and accurate information to individuals and any supporters about:
  - the purpose and potential benefits of restorative processes – and a description of what actually happens;
  - the different models of restorative process available to them, including the likely timescale, and who else could be involved in the process;
  - the roles and responsibilities of those who will be involved;
  - the links between restorative and other interventions;
  - alternatives to restorative processes;
  - how the restorative process would relate to any criminal justice or other proceedings, and the implications for the participants;
  - who will have access to information about individuals in the process;
  - the steps taken to maintain the confidentiality of information and the reasons for this;
  - how long information is held on record, and what information is held.
2. Communicate with individuals throughout the process, and encourage them to communicate, in a manner which:
  - acknowledges their situation and their needs within the process;
  - treats them fairly, with dignity and respect, whilst recognising the harm that has been caused;
  - is appropriate to them;
  - encourages an open exchange of views;

<sup>10</sup> This section builds on elements of the existing national occupational standard ID2: 'Prepare individuals for restorative processes.'

- minimises any constraints to communication;
  - is free from discrimination and oppression;
  - addresses each person in the way they wish to be addressed;
  - allows them the time and space they need in which to make decisions.
3. Explore with individuals the full implications of participation, including both potential benefits and difficulties, to enable them to make informed decisions about whether and to what extent to participate; and keep options of different forms of restorative process open throughout.
  4. Encourage individuals to describe their expectations of restorative processes and the possible outcomes.
  5. Encourage individuals to raise any questions and express any anxieties they have about restorative processes.
  6. Manage participants' expectations appropriately by providing accurate information about the potential and limitations of participation and all the options for restorative processes available, empowering them to make informed choices.
  7. Encourage all participants to make a realistic assessment of:
    - any risks involved, and how these can be managed (see part 2(a) above);
    - the potential benefits that a restorative process will bring;
    - the likelihood of the process reaching a conclusion which benefits all those involved.
  8. Discuss the outcomes of the assessment fully with the individuals involved and find out their willingness to proceed. If any individual decides not to proceed, or decides to withdraw from the process, reassure and support them in exercising their rights to opt out, and support any others who would have participated to cope with any disappointment.
  9. Offer individuals information about other agencies and services that may provide additional support to them either during the restorative process, or as an alternative to the restorative process, and assist them in making contact if they wish this to happen.
  10. If, at any stage, a participant decides not to proceed with the restorative process, find out what information they want about any further work you do with the other participants, and provide this if the other participants agree. Victims who decide not to participate should also be provided, if they wish, with basic information about the nature and outcome of any further work.



11. Make accurate and complete records of discussions and agreements with individuals about restorative processes – and provide copies to those who are entitled to and require this information.

## **2 (c) Assisting participant choice of restorative process**

### You must be able to:

*Work with individual participants to decide which form of communication is appropriate, in particular the use of face to face or indirect communication.*

1. Seek their views as to which process would best meet their needs, whilst making clear that all options remain open to them at all times, depending on the wishes of the other party.
2. Inform participants about the likelihood of strong emotions being expressed; and assess with them their ability to cope with their own and others' strong emotions.
3. Give participants clear information, where the other party has agreed, about the other person's expectations or preferences regarding process; and, as far as possible, about what is likely to come up if there were to be a direct (face to face) meeting.
4. Take into consideration, in decision-making about the communication method, your risk assessment of the situation, and the measures you have in place to manage the risk.
5. Take into consideration which process is likely to best suit all the participants' communication skills.
6. Take into consideration the quantity, complexity and nature of messages participants need to exchange, and how efficient and effective it would be for them to do so indirectly, given constraints of time, resources and legal requirements.

*Involving others and keeping under continual assessment who might be involved in the restorative process.*

7. Ask the primary victim/person harmed and the offender/perpetrator who they want to be involved in the process, ensuring that no one is involved against their own wishes or the wishes of the victim/person harmed.
8. Assess who else in the participants' circles has been harmed by the crime/incident, and might therefore benefit from being involved.

9. For crimes/incidents with a corporate victim, or where the community rather than a single individual has been affected, assess who in the community or the organisation has been most affected by the incident, or is best placed to communicate the harm effectively to the other party, or to contribute to forming and/or implementing an outcome agreement.
10. Risk assess any additional participants (in addition to the primary victim/person harmed and the offender/perpetrator), taking account of available measures to manage these risks.
11. Assess the willingness and ability of any additional participants to engage with the purpose of the restorative process, and to contribute to a positive outcome.
12. Balance the benefits of a wider group of people participating with the available time and resources required to prepare and to manage the increased complexity; and consider the practical issues (for example, the need for a large enough room).
13. If involving a wider group, decide whether one form of communication will meet the needs of all participants; or whether an indirect process might best meet the needs of some participants, and a direct (face to face) process meeting the needs of others.
14. Make a clear assessment, with the various participants, of the most important issues and harms from all participants' points of view, and prioritise these within time and resource constraints.
15. Take into consideration any legal requirements and best practice guidance (for example, around involving parents) and acting on this<sup>11</sup>.

*Choose and apply an appropriate structure for the communication process.*

16. For both indirect and face to face communication, consider with participants how to ensure all participants can contribute as fully as possible (for example, who speaks first).
17. Plan a structure for the indirect or face to face communication which is likely to minimise the impact of any power imbalances.
18. Assess which structure for communication will most likely enable the participants to reach a positive conclusion in the available time.
19. Ensure that no form of communication is chosen which goes against the wishes of any of the participants.

<sup>11</sup> Best practice on involving parents can be found at <http://www.youth-justice-board.gov.uk/Publications/Scripts/prodView.asp?idproduct=44&eP=PP>

20. Give all participants clear information about the planned structure you believe is most appropriate, so as to create a sense of safety and clear expectations.
21. Discuss with participants the structure you have chosen, allowing them to suggest alternatives, whilst ultimate responsibility for the decision remains yours.
22. Aim to stick as closely as possible to the structure you have chosen and led the participants to expect, as long as this structure is continuing to help the participants meet the aims of the overall process.
23. Where the structure is no longer meeting the aims of the overall process, discuss this with the participants, and agree a new way forward.

*Plan for direct (face to face) meetings.*

24. Assess whether a co-worker will help the process to run smoothly, and if so, or if your agency requires co-working, decide how you will work together (see also Section D of this guidance).
25. Assess whether you may want to use separate meetings or time out during the course of a face to face meeting, and if so, to plan accordingly<sup>12</sup>.
26. Assess the likelihood of strong emotions or conflict in the face to face meeting, and which structure is most appropriate for managing this.
27. Assess whether it will help you to use a script, reflecting the chosen structure.

### **3. Facilitating restorative processes**

#### **3 (a) Facilitating indirect restorative processes, and preparation for direct restorative processes**

You must be able to:

1. Enable participants to ask questions about any material they were given in advance about the restorative processes available.
2. Review with individuals their reasons for being involved in restorative processes, supporting those who change their mind at any stage to access alternative support.

<sup>12</sup> This may include planning time out for the offender/perpetrator and their family to be on their own.

3. Encourage and assist individuals to:
  - identify and reflect upon the nature and effects of the harm done and its consequences for them;
  - find effective ways in which, if they choose to, they can express this during the restorative process;
  - clarify their views and needs, and be involved in selection of appropriate processes (see part 2c above).
4. Assist individuals to find ways of managing their anxieties about the restorative process when they have decided to participate, including by pacing the process appropriately to meet their needs.
5. Encourage and assist people who have offended/caused harm to:
  - identify and reflect upon their behaviour, the factors that contributed to it and the impact that their behaviour has had on the victim/person harmed and others;
  - take responsibility for their behaviour and its impact on others.
6. Encourage participants to consider whether reparation might be appropriate, and, if so, what the reparation might be<sup>13</sup>.
7. Gather information relevant to the restorative process, seek clarity and record for each item of information whether it can be shared with other participants as part of an indirect restorative process, and how it is to be shared (or whether it is for your information alone at this point).
8. Sensitively and appropriately relay the information each participant has asked to be passed on, giving careful consideration to what the recipient has already indicated they wish to know, and withholding information if there is a serious risk of the information causing harm<sup>14</sup>.
9. Make clear, when passing on information to all parties, where information has come directly from the other participant, and where it is based on your own assessment of the situation.

<sup>13</sup> Actually deciding reparation takes place later in the process – see Part 3(c) below on outcome agreements.

<sup>14</sup> Information intended for communication should not normally be withheld by the practitioner simply to protect the recipient's feelings, as the aim of any restorative process is to enable as free communication as is possible. However, if the practitioner suspects information could cause further serious harm, a supervisor or more experienced practitioner should be consulted for guidance as to what to pass on.

10. Select the most appropriate method for indirect communication, including written communication (including braille), videotape, audio, or shuttle information-sharing by the facilitator, maintaining a flexible approach to indirect forms of communication throughout the overall process.
11. Where appropriate, help the offender/perpetrator to plan how they could write a letter whilst ensuring that the letter's contents represent their views, taking into consideration:
  - the offender/perpetrator's ability to express themselves on paper, and possible need for support;
  - the possibility of enlisting their supporters or others to assist them;
  - the need to manage expectations about the contents and style of the letter;
  - the need for letters to be both honest and respectful;
  - the need for letters to address the concerns of the victim/person harmed;
  - the need to risk assess letters for any hidden messages.
12. Hand over the letter to recipient, in person, once it has been checked for appropriateness and when the victim/person harmed has agreed to receive it.
13. Assess when to bring indirect communication to a close and whether to move to a direct (face to face) meeting.
14. If you are planning a face to face meeting, and you wish to invite observers:
  - inform all participants about the possibility of observers being present;
  - check whether all participants are willing for this to take place;
  - inform participants about where in the room observers will be sitting, and gain their agreement to this.
15. Make accurate and complete records of discussions and agreements with individuals, the decisions that have been reached and the arrangements that have been made, taking account of agency arrangements for storage, disclosure<sup>15</sup> and confidentiality of records.

<sup>15</sup> Information must be recorded in a way that makes it possible safely to disclose a participant's own information to them, without disclosing any information about the other party, other than that which they have agreed may be shared.

### **3 (b) Facilitate direct (face to face) restorative processes<sup>16</sup>**

You must be able to:

1. Where participants have chosen to meet face to face, but then change their minds during the preparation for the meeting, explore with individuals who have decided not to proceed:
  - their reasons and concerns, whilst respecting their decisions;
  - the support that is available to them throughout the process;
  - the options that are available to them, including the option of indirect processes.
2. Select an appropriate venue and prepare the venue appropriately, including setting up seats according to a seating plan, and ensuring the premises will meet the needs of all the participants.
3. When working with a co-facilitator, assistant or supporter, ensure that meeting protocols are pre-agreed and that you both understand your roles, as do the participants (see Section D).
4. Manage the arrivals of the participants, ensuring that where possible the participants do not have to meet or wait together prior to the meeting, and that they are not left on their own without access to support and information while waiting.
5. Remind participants of the agreed structure for the meeting.
6. Communicate with individuals, and encourage them to communicate, in a manner which:
  - acknowledges their situation and their needs within the process;
  - treats them fairly, with dignity and with respect, whilst recognising the harm that has been caused;
  - is appropriate to those involved;
  - encourages an open exchange of views;
  - minimises any constraints to communication;
  - is free from discrimination and oppression;
  - addresses each person in the way they wish to be addressed.

<sup>16</sup> This section builds on the existing National Occupational Standard ID3.

7. Assess whether the structure agreed with the participants prior to the meeting is still enabling them to communicate well with one another, and, if not, have the flexibility to change it.
8. Assess whether at any point it is necessary to stop the meeting, call time out, or have separate meetings.
9. When unexpected issues arise, assess which issues should be dealt with during the meeting, and which are more appropriate to suggest dealing with outside the meeting.
10. Promote the independence of individuals during restorative processes in accordance with agreements previously reached with them.
11. Continuously monitor individuals':
  - emotional and physical well-being;
  - compliance with any meeting ground rules established at the start and take appropriate action if the ground rules are not adhered to.
12. Identify promptly and accurately any signs that indicate potential harm and intervene immediately to protect individuals.
13. Make constructive contributions (without suggesting your own 'solutions' or opinions) to the process and facilitate the exchange of information between individuals in a way which:
  - encourages everyone to contribute actively and fully in the process;
  - moves the process forward at a pace that balances the needs of everyone involved and the need for a fair and respectful process, with the time and resources available;
  - encourages individuals actively to participate in identifying positive outcomes.
14. Give participants space and time to discuss what they want to come out of the meeting, and use these discussions to formulate an agreement (see Part 3(c) overleaf).
15. Encourage individuals to review what has happened during the process and confirm details of:
  - agreements reached;
  - any unresolved issues.

16. Whilst maintaining agreed confidentiality relating to what happens in the meeting, make full and accurate records of decisions and outcomes, obtain any necessary signatures on the outcome agreement, and send copies promptly to all who need and are entitled to receive them.

### **3 (c) Forming outcome agreements**

You must be able to:

1. As part of either indirect or direct restorative processes, enable participants to think about and discuss what forms of reparation may be helpful, realistic, and can be effectively carried out, taking into consideration:
  - the abilities of the offender/perpetrator;
  - what reparation would be appropriate to the harm caused, and to whom the reparation should be made;
  - the need for reparation activity to be clearly defined, measurable and supported by the participants;
  - the availability of other services/input from other professionals;
  - whether appropriately trained supervisors are available to supervise reparative work;
  - the support available to help the offender/perpetrator to complete the agreement;
  - the timing of any financial, practical or emotional reparation, and a schedule for completion;
  - any health and safety implications of the proposed reparation;
  - whether insurance is in place to cover any practical work planned;
  - any other practical issues relating to costs, transportation etc;
  - whether reparation has been agreed with the free informed consent of everyone present.
2. If the victim/person harmed wishes to nominate a recipient for reparative activity, check the feasibility of this, and the suitability and the wishes of the nominated recipient.
3. If the offender/perpetrator needs support to complete their outcome agreement, make clear, if possible, who will provide this.
4. If money is to be handed over, ensure arrangements are in place to document its movements and have them witnessed.
5. Ensure that all participants understand whether or not the outcome agreement forms a legally binding (breachable) agreement or whether completion is voluntary.



6. Provide all participants with a record of what has been agreed, unless this is not required or desired by participants.
7. When producing an outcome agreement that could result in prosecution if not complied with, ensure that correct (inter-agency) procedures are followed, and inform participants about CJS monitoring arrangements and the consequences of non-compliance.

### **3 (d) Following up restorative processes – evaluation, monitoring and ongoing support<sup>17</sup>**

You must be able to:

*Assist with, supervise and monitor the completion of outcome agreements*

1. Assist and/or supervise the offender/perpetrator to complete their outcome agreement as agreed when it was formulated.
2. Assess whether the offender/perpetrator has completed the actions they agreed with the victim/person harmed.
3. If the offender/perpetrator has not completed the agreement, assess whether any further support you could realistically give would enable the offender/perpetrator them to do so.
4. If further support is impossible or ineffective, sensitively inform the victim/person harmed, if they wish, and any other agencies whom you have a duty to inform, whether or how far the offender/perpetrator has completed the outcome agreement.
5. Where it is assessed that an individual has not complied with the outcome agreement/plan, and where it has formed part of a statutory requirement, ensure that structures are put in place for passing this information back to the appropriate CJS (or other) agency.

*Evaluate the process with individuals involved*

6. Relay information about outcomes to other parties as agreed by the participants.
7. Provide the parties with the opportunity to discuss openly and honestly their thoughts and feelings about the restorative process and its outcomes.

<sup>17</sup> A fully competent restorative practitioner should be able to demonstrate the skills set out in this section, even though not all agencies monitor and follow-up outcome agreements. This section builds on the existing National Occupational Standard ID3.2.

8. Encourage individuals to consider whether, following a direct restorative process, there is any further indirect restorative communication they need or want, in order to close the process.

*Closure and enabling any ongoing support*

9. Agree with individuals involved when the process needs to end.
10. Encourage individuals to consider their need for further support and information, discuss how it could be provided. Make the appropriate arrangements when your organisation agrees with the individual to make a referral on their behalf.
11. If your organisation offers any further follow-up contact, let individuals know about this and explore with them whether they want to take it up.
12. Enable your organisation to make any follow up contact for evaluation purposes with the participants.

# Section B Sensitive and complex cases

This section sets out additional knowledge and skills that are needed to handle more sensitive and complex cases. These are cases in which risk assessment<sup>18</sup> gives good reason to believe that either:

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

The use of restorative processes in domestic violence cases is not agreed; the government's forthcoming paper on domestic violence will address this issue. There are also other sensitive and complex cases where adequate risk assessment will show that the work needs to be particularly led by the victim's needs and wishes in order to avoid any further harm.

The skills required to handle this kind of case are largely the same as those set out in Section A, but at a higher level. This section outlines the knowledge which would be required to support that higher level of skill, referring where relevant to other National Occupational Standards. Some of that knowledge is also similar to that required in Section A, but in greater depth. This section also highlights the skills relating to risk assessment and management where a higher level of competency is particularly important<sup>19</sup>.

It is expected that most practitioners would be able to demonstrate the higher level of competency required for sensitive and complex cases after a minimum of two years of experience.

## Knowledge relating to restorative processes

You must be able to demonstrate a knowledge of:

1. How participants, or others, can cause harm either during or outside the restorative process, for example through references to sensitive aspects of the offence; lack of acknowledgement or minimisation of the impact on the victim/person harmed; blaming the victim/person harmed; intimidation.
2. How participants can manipulate others to prevent them stating their needs and views, and how this can manifest itself in a restorative process.
3. How a pre-existing or ongoing relationship between participants can affect a restorative process, either increasing its benefits or providing opportunities for further harm to be caused.

<sup>18</sup> See Part 2(a) of Section A of this guidance.

<sup>19</sup> In developing National Occupational Standards, *Skills for Justice* will be defining more fully the differences in levels of competency required for core practice and practice in sensitive and complex cases.

4. How different kinds of crimes can contain the elements in 1 – 3 above.
5. Possible attitudes to sensitive and complex cases in the participants' communities, and how this may affect them and influence how they participate in the restorative process, especially if the case is widely known.
6. The long-term effects of sensitive and complex cases, and the implications for the length and timing of the restorative process, and for maintaining continuity of case handling.

## **Relevant general knowledge**

You must be able to demonstrate a knowledge of:

7. The sources of vulnerability arising from the effects of sensitive and complex cases on those involved; the offending behaviour and relationships underlying these cases; and the implications for how to work with participants in a restorative process<sup>20</sup>.
8. The legal measures relating to such cases, for example on:
  - child protection legislation and regulations;
  - civil and criminal court measures of protection;
  - parole and release of offenders on license;
  - multi-agency public protection arrangements (MAPPA) and public protection teams;
  - information sharing and the limits of confidentiality.
9. The range of specialist services and agencies available for those involved in sensitive and complex cases.

## **Skills required at a higher level**

You must be able to:

10. Apply a more thorough initial and ongoing risk assessment that would be required for less complex cases, including a formal written risk assessment, and ensuring that any relevant specialist risk assessment tool is applied.
11. Select appropriate measures to manage the higher level of risk in such cases, for example co-working with another restorative practitioner; close multi-agency working; close contact with a supervisor.

<sup>20</sup> For example, as set out in National Occupational Standards C104 and C105, on working with victims of serious personal assault and bereavement; E201-E205 on working with victims and perpetrators of abuse, including of children.

12. Judge especially carefully what information may be given to one participant about another, or to anyone else, given the implications for their emotional and physical safety.
13. Notice the effects of working the case on yourself as a practitioner, and seek any appropriate case supervision and personal support.

# Section C

## Family group conferencing and processes involving welfare planning

Restorative family group conferencing is an approach that can incorporate a separate discussion, in which the victim/person harmed is not necessarily involved, between the offender/perpetrator and their family or supporters, and welfare professionals. This separate discussion may help determine the restorative outcome agreement, but also considers the needs and risks of the offender/perpetrator with their wider family and significant people, and develops a plan to address them. Some Youth Offender Panels may also use a similar approach.

This section sets out some additional skills and knowledge that practitioners need in order to run restorative processes which include a welfare planning element. It only covers the competencies required to manage the interface between the purely restorative and the welfare elements. It does not cover the skills they need to run the welfare-focused parts of the process themselves. Best practice in this area is available from the Family Rights Group<sup>21</sup>. When used with children, as these approaches often are, the practitioner will also need additional underpinning knowledge relating to child protection and relevant legislation.

### You must be able to:

1. Demonstrate an understanding of the different purposes of the different parts of a two-part process, and of how they relate.
2. Assess, with all the participants, whether the victim/person harmed should be invited to participate in the welfare-focused part of the process or not, taking into consideration:
  - the wishes of the victim/person harmed; and
  - the wishes of the offender/perpetrator and their supporters or family, and their right to confidentiality in this part of the process.
3. Assess, with the relevant participants, which welfare professionals need to attend, and invite and prepare them to participate.
4. Ensure that all the participants understand who will be present at which parts of the process and why.
5. Manage sensitively the arrival or departure of any participants at the transitions between the different parts of the process.

<sup>21</sup> See [www.frg.org.uk](http://www.frg.org.uk)

6. If the welfare-focused part of the meeting has considered the contents of the restorative outcome agreement, but the victim/person harmed was not present, facilitate agreement on this using an indirect restorative approach.
7. In giving feedback to the victim/person harmed after the process, distinguish clearly between information the victim/person harmed has a right to and wants to hear (for example, on the completion of the restorative outcome agreement), and information confidential to the offender/perpetrator and their supporters or family.

# Section D Co-working

Co-working has many benefits for all types of restorative case, but it is particularly important for sensitive and complex cases, to help with learning and development, or for practical assistance or security for facilitators. The need for co-working should be assessed on a case by case basis.

Whenever a case is co-worked, at least one of the practitioners must be fully competent in restorative practice. Practitioners need to be clear about the reasons for co-working a particular case, as they will affect the way the case is co-worked.

## 1. Specific types of case needing co-working

- *Cases requiring specialist knowledge* – for example, someone fully competent in restorative approaches might work with a partner bringing mental health or child welfare specialist knowledge.
- *Complex cases involving participants with different backgrounds or characteristics* – for example, having a male and a female co-worker.
- Sensitive and complex cases (see Section B of this guidance) – co-working can provide emotional and practical support, for example, in visits to participants' homes; and the ability to reflect on the case as it develops with a co-worker who understands the issues fully.

## 2. Co-working for learning, case supervision and ongoing professional development

- *Co-working to provide role modelling and case supervision for a less experienced practitioner* – a fully competent practitioner working together with someone new to the job, or who has only demonstrated some of the skills needed. Co-workers would need to agree which areas of the process each should handle, so that the less experienced partner can both watch good practice, and also practise and receive feedback themselves.
- *Co-working to assist ongoing learning* – co-working can assist ongoing development for fully competent practitioners working together. Reflecting on what went well, what didn't go so well and other ways in which situations could have been handled is greatly aided by the constructive criticism from a respected and respectful co-worker.

## 3. Co-working for practical reasons

- *Co-working for practical reasons* – for example, co-working can allow for separate meetings; for one practitioner to accompany a participant to the meeting; and for practical support (eg with provision of refreshments) during a meeting.



## **Skills for Co-working**

### **In preparing to co-work a case:**

1. Establish clarity about your reasons for co-working the case.
2. Balance the concerns of victim/person harmed, offender/perpetrator, community and the organisation providing the restorative work, in the combination of workers on a case (eg police officer and community mediator).
3. Use co-working to address power imbalances between participants – for example, a lead female restorative practitioner, supported by a male co-worker, could be used for a case where gender issues surround an offence by a man against a woman.
4. Share and review any preparatory work which has been undertaken by just one of the co-workers.
5. Plan how you will share roles and tasks before, during and after communication or meeting with any participants.
6. Try to anticipate what might go wrong and how you could support one another (eg if one of the parties leaves a meeting, will one of you follow them, and if so who, and with what aim?)
7. Agree how you will communicate with one another and give feedback.
8. Discuss different working styles and agree how any differences of approach will be handled.

### **During contact with participants:**

9. Work sensitively and co-operatively together:
  - listen to the tone and content of your co-worker's words, to monitor their assessment of the meeting and the participants;
  - ask questions – for example, checking whether your co-worker has finished before you ask supplementary questions of the participants; and
  - if necessary, take a break to check with your co-worker how things are going.
10. Explain to the participants that you are co-working and why, and make manifest your co-working relationship in the way you interact with one another.

11. When your co-worker is actively facilitating the meeting, use the time to watch them and the participants and to reflect on the way forward.

**After contact with the participants**

12. Exchange feedback and debrief each other, with assistance from a case supervisor if necessary.
13. Allocate any administrative or follow up tasks associated with the restorative process and, if any information about it needs to be passed on to others, decide who will do this.
14. Ensure there is clarity as to who is undertaking monitoring, supervision and feedback about completion to other agencies or to the victim/person harmed.

# Section E Case supervisors

The role of the case supervisor is to provide advice and oversight in individual cases, to bring new ideas and a fresh perspective, and to check that nothing is going seriously wrong. Case supervisors need to be fully competent restorative practitioners, as defined by in Section A of this guidance. If they are supervising sensitive and complex cases, they also need the competencies set out in Section B. They do not necessarily need to be senior to the practitioner they are supervising in an organisational hierarchy; they can be peers. This section sets out the additional skills and knowledge needed for case management of restorative work.

1. Assess whether the supervised practitioner is working in accordance with best practice; whether the case is progressing satisfactorily; and whether adequate risk assessment is in place.
2. To identify, with the practitioner, any instances where the practitioner's skills or experience are insufficient to handle the sensitivity or complexity of the case<sup>22</sup>. In any such instance, to:
  - communicate this to the practitioner;
  - help them identify how to secure the support needed to continue working the case (eg co-working with a practitioner with the competencies set out in Section B) or refer the case on.
3. Help the practitioner to find new ideas and fresh perspectives on how to work cases, without disempowering them, and identify any ways in which their approach may need amending, including by assessing whether they have;
  - put in place measures to manage all important risks and sensitivities;
  - selected an appropriate process for the participants and their needs;
  - included, as far as possible, all the stakeholders who need to be involved;
  - ensured that the process is focusing on the important issues;
  - ensured outcome agreements are realistic and do not have obvious unintended consequences;
  - made the process consistent, if possible, with any criminal justice or other context in which it is taking place (eg consistency of plans for completing the case with statutory timescales);
  - put in place arrangements, if necessary, to follow up outcome agreements and provide for any long term support needs of participants; and
  - considered whether participants have any special needs and responded appropriately.

<sup>22</sup> See Section B on the skills needed to handle this kind of case.

4. Provide emotional and pastoral support to the practitioner, including through:
  - empathic active listening; and
  - identifying when referral to further, independent sources of support, such as counselling services, may be appropriate; sensitively raising this with the practitioner; and facilitating referral where necessary.
5. Where the case supervisor is not the practitioner's line manager, to maintain a relationship with the line manager as agreed with the manager and the practitioner, taking into account:
  - the practitioner's possible need for a degree of confidentiality in the supervision process;
  - the manager's possible need for general information on the quality of restorative processes they are responsible for;
  - the need of participants in restorative processes, and the requirements of the law, for action to be taken if the case supervisor uncovers a serious risk of harm.
6. If there are serious concerns about the safety of the practitioner's work, to raise this with their line manager, and, if necessary in a particular case, to recommend that the case be closed or passed to another worker.
7. Apply, wherever appropriate, restorative principles and core skills, consistent with part I of Section A of this guidance, in the supervision process.

# Section F Line managers

The role of the line manager is to ensure that the restorative practitioner has the support and resources to work effectively, but without getting involved in how individual cases are worked. They do not need to be a restorative practitioner. This section provides some “pointers” for line managers.

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

## You need to:

1. Have a general understanding of restorative principles and practice, including the ability to offer a definition of restorative processes, including reference to:
  - balancing needs of victims/persons harmed, offenders/perpetrators and communities;
  - restorative justice as a process;
  - the aims of restorative justice, and potential outcomes;
  - emphasis on resolving and reducing harm.
2. Set objectives for restorative practice that clearly support the aims of their organisation, and articulate a strategy for sustaining and developing restorative practice.
3. Demonstrate to all staff a commitment to restorative practice, ensuring all staff understand the basic principles of restorative work and why the organisation is undertaking it, and supporting restorative ways of working throughout the organisation.
4. Put in place the key resources for successful restorative work to take place, including:
  - ensuring a realistic balance between caseload and time for quality work which responds to the needs of participants;
  - where possible, support for participants to fulfil outcome agreements, and monitoring fulfilment of outcome agreements;
  - support for restorative practitioners to develop their practice, including through training to work in accordance with the relevant sections of this guidance, and to progress their careers; and
  - partnership with other agencies, such as referral agencies, agencies working with participants, or able to help participants fulfil outcome agreements.

5. Put in place key policies and procedures needed for successful restorative work to take place, for example:
  - a suitable risk assessment process for all restorative practitioners to use;
  - data sharing protocols with partner agencies, and a consistent confidentiality policy; and
  - clear definitions of roles and case referral arrangements between restorative practitioners and others in the organisation.
  
6. Put in place quality assurance of restorative work, including ensuring that:
  - all restorative practitioners are working in accordance with the guidance set out in the Section A of this document, including through adequate provision of training;
  - all sensitive and complex cases, as defined in Section B, are referred to appropriately skilled and experienced practitioners;
  - restorative practitioners have access to case supervision, and emotional support, which accords with the guidance set out in Section E – either providing it yourself or contracting it out;
  - information on outcomes of cases, for example feedback from some participants, is collected and used to inform and develop strategy and practice; and
  - restorative work is accessible and sensitive to all sections of the community.

# Part 3 Annexes

## Annex I Summary of recommendations

**Recommendation 1**, to *Skills for Justice*: to develop new National Occupational Standards based on the group's best practice guidance, covering core restorative work and sensitive and complex cases, and dovetailing with relevant existing National Occupational Standards on working with victims/persons harmed and offenders/perpetrators.

**Recommendation 2**, to *Skills for Justice*: to develop awards in restorative practice based on the National Occupational Standards, covering core restorative work and sensitive and complex cases.

**Recommendation 3**, to all bodies developing awards: that any new awards in restorative practice should be fully based on the National Occupational Standards on core restorative work or sensitive and complex cases, and candidates assessed with the same rigour as for the awards developed by *Skills for Justice*.

**Recommendation 4**, to all developers of professional and Higher Education awards: any such awards, insofar as they are intended to qualify their holder to practise restorative approaches, should be fully based on the National Occupational Standards on core restorative work or sensitive and complex cases, and should either:

- assess the individual's practice to make the professional award equivalent to a recognised stand-alone practice-based award; or
- facilitate the achievement of such a stand-alone award alongside the professional award, should practitioners and their managers want this.

**Recommendation 5**, to government: to promote the best practice guidance, the new National Occupational Standards and awards based on them to both criminal justice and other agencies.

**Recommendation 6**, to agencies delivering restorative work: to build the National Occupational Standards into their internal quality assurance processes, and accordingly, to support their practitioners to achieve new awards based on the Standards.

**Recommendation 7**, to all agencies delivering restorative work: that practitioners holding existing awards at the time the new National Occupational Standards are published should not be required to achieve a new award, as long as their managers can ensure they are working in accordance with the National Occupations Standards on either core restorative work or sensitive and complex cases, as appropriate.

**Recommendation 8**, to government: to support the development of the Association of Restorative Practitioners, and consider what role such an organisation might play in quality assurance of restorative practice in future.

**Recommendation 9**, to the Association of Restorative Practitioners (ARP): to base its membership criteria on the group's best practice guidance and, in future, on attainment of awards based on the National Occupational Standards.

**Recommendation 10**, to organisations commissioning training in restorative work: to ensure that training they commission fully equips practitioners to work in accordance with the best practice guidance, and, in due course, with the National Occupational Standards on either core restorative work or sensitive and complex cases, as appropriate.

**Recommendation 11**, to organisations commissioning training in restorative work: to take steps to ensure that delivery of training involves trainers who have experience of restorative practice – including those involved in cascade training.

**Recommendation 12**, to government: to reconvene an expert group after the creation of National Occupational Standards in restorative justice, to consider:

- whether the best practice guidance needs revising;
- how far the best practice guidance and the National Occupational Standards are being applied by practitioners, trainers and developers of awards, and the take-up of any new awards based on them;
- how to clarify, if necessary, how different awards based on the National Occupational Standards compare to each other, and to ensure their assessment procedures are all adequate;
- whether any additional means are needed to regulate restorative practice;
- whether any additional means are needed to ensure quality of training provision.

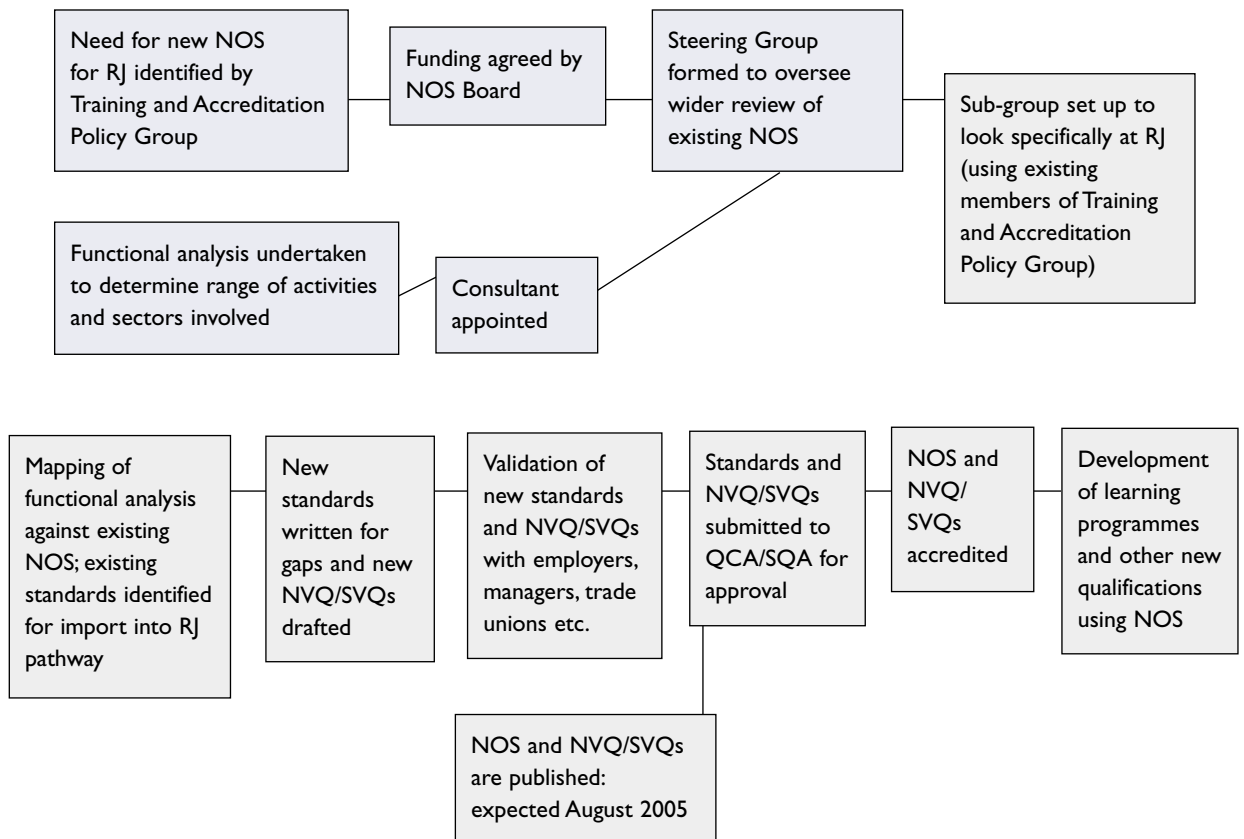


## **Annex 2 Membership of the Training and Accreditation Policy Group**

Jonny Bugg	Youth Justice Board, Learning and Development Adviser
Debra Clothier	Restorative Justice Consortium
Paul Crosland	Mediation UK representing their Mediation and Reparation Committee
Roger Cullen	Youth Justice Board, Restorative Justice Policy Adviser
Les Davey	Real Justice
Brian Dowling	Fair Process
Philip Gilbert	Remedi
Pauline Hancock	Crime Concern
Julia Hennessy	Essex County Council
Belinda Hopkins	Transforming Conflict
Breda Leyne	Skills for Justice
Nicola Preston	Real Justice
Barbara Tudor	West Midlands Probation Service and representing the Association of Restorative Practitioners
Tony Walker	Thames Valley Police representing the Association of Chief Police Officers
Ken Webster	KW Consultancy & Training Ltd
Jean Wynne	West Yorkshire Probation Area representing the National Probation Service

And with help from Derek Brookes (SACRO), Sarah Buckmaster (Victim Support), Alice Chapman (Youth Justice Agency, Northern Ireland Office), Lesley Dunlop (Skills for Justice), Andrea Hughes (Thames Valley Police), Peter Jones (Welsh Assembly), Tom McNamara (Scottish Executive), Lindsay Mitchell (Skills for Justice), Fiona Richmond (Victim Support).

## Annex 3 Process for developing National Occupational Standards



Blue boxes have already been completed

### Notes:

- *Skills for Justice* is undertaking this work as part of their wider review of the existing National Occupational Standards and NVQs/SVQs for Community Justice and Custodial Care.
- They have already appointed a consultant, who has produced, in consultation with the Training and Accreditation Policy Group, a draft functional analysis of what units would need to be covered by National Occupational Standards in restorative approaches.
- A sub-group will be set up in early 2005 to review the standards being selected and developed for restorative approaches and the consultant will work with this group. It is envisaged that this group will include the existing Training and Accreditation Policy Group members, along with other interested parties.
- Related vocational qualifications can be developed alongside the standards if appropriate and approved for accreditation by awarding bodies.





Criminal Justice System: working together for the public