

Institution: University of Edinburgh		
Unit of Assessment: UOA20 Social Policy and Social Work		
Title of case study: Raising awareness of Restorative Justice and advancing policies and practices in Scotland		
Period when the underpinning research was undertaken: 2012-2020		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Dr Steve Kirkwood	Senior Lecturer	July 2012- present
Period when the claimed impact occurred: 2014 to 2020		
Is this case study continued from a case study submitted in 2014? No		
1. Summary of the impact		
<p>For many years Restorative Justice (RJ), a criminal justice approach that uses facilitated dialogue between the person responsible for an offence and the victim, has faced numerous policy issues in Scotland. Since 2014 Kirkwood's research and engagement has contributed to addressing these policy issues, culminating in the Scottish Government's new commitment in 2018 'to have restorative justice services widely available across Scotland by 2023.' He has influenced policy direction and implementation in the following ways:</p> <ul style="list-style-type: none"> • Advancing and nurturing a diverse policy community and increasing awareness of RJ policies and practices in Scotland. • Influencing policy-makers and political representatives on the principles and specifics of implementing RJ in Scotland, leading to cross-party consensus. • Shaping Scottish Government policy direction and contributing to the development of an RJ Action Plan, and RJ Guidance Document. • Specifying the role for RJ in social work practice and supporting practitioners to develop innovative RJ services. 		
2. Underpinning research		
<p>Restorative Justice (RJ) is a process involving the person responsible for an offence and the victim talking about the offence and agreeing a way to set things right. RJ has faced numerous tensions regarding its application in the Scottish context for many years limiting its use. Kirkwood's research and engagement has highlighted and contributed to addressing these issues by demonstrating how governments and practitioners from around the world use RJ to reduce offending and help victims recover from harm (3.1), and the potential uses and specific ways of implementing RJ in Scotland (3.2).</p> <p>Building on years of research and expertise on RJ, IRISS (an evidence-based research and insight organisation that supports the social services workforce in Scotland) commissioned Kirkwood to produce a report on "Restorative Justice" (3.1) in the Scottish context. In this reviewed paper, Kirkwood identified and defined the processes and principles of RJ practice, examined the international evidence of the impact of RJ in other localities, and emphasised the need for localised and culturally appropriate implementation. His approach led to the specific identification of three parts of the criminal justice process where RJ could be used or extended in Scotland:</p> <ol style="list-style-type: none"> 1. As an alternative to prosecution for adults or diversion from formal processes for young people. 		

2. At the point between a finding of guilt and determination of sentence.
3. While a person is in prison, on license following imprisonment or on a community sentence.

Notably, Kirkwood argued (contrary to some research or views held by practitioners) that restorative justice can be used in response to serious, sensitive and complex offences (such as sexual assault), providing facilitators are equipped to deal with the complex needs and dynamics related to certain types of offending behaviour. He advocated for specialist training in these circumstances.

Kirkwood and Hamad (3.2) identified and used an RJ lens to undertake a comprehensive analysis of the Scottish policy context, institutional arrangement, and governance mechanisms. In this academic article they identified how criminal justice social work (CJSW) could incorporate greater RJ processes and practices—especially the facilitation of dialogue between those responsible and harmed by crime—as well as shifting the whole system in the direction of restorative outcomes. Key issues included the appropriate use of RJ within diversion from prosecution, pre-sentencing and post-sentencing processes. Specifically, they outlined the potential association between RJ and Community Payback Orders, direct involvement and support for victims, impartial facilitators, and links to the Community Empowerment (Scotland) Act. They also added 'restoration' as a 5th intervention to the existing CJSW interventions. Key findings included the use of RJ for sexual offences; Kirkwood and Hamad argued against a blanket exclusion of domestic abuse and sexual offences, and emphasised the need for careful consideration of cases, risk assessment, and understanding of coercive control. The authors also stressed the importance of monitoring RJ in Scotland to ensure it is ethical, safe, and effective.

3. References to the research

3.1 Kirkwood, S. (2018) *Restorative justice*. Glasgow: Iriss (peer reviewed).

<https://web.archive.org/web/20210211091917/https://www.iriss.org.uk/resources/insights/restorative-justice>

3.2 Kirkwood, S. & Hamad, R. (2019). Restorative justice informed criminal justice social work and probation services. *Probation Journal*, 66, 398-415.

<https://doi.org/10.1177/0264550519880595>

4. Details of the impact

According to the Scottish Crime and Justice Survey (2019), in 2017-2018 there were 602,000 incidents of crime in Scotland and 12% of the Scottish population had been victim of a crime. Policy responses have primarily focused on incarceration, and the World Prison Briefing lists Scotland's population-prison rate as highest in Western Europe. Debates on the use of RJ in Scotland have a complex history fraught with misconstructions of RJ approaches and a limited evidence base (5.1). However, based on the evidence provided by Kirkwood and others, and reflecting advancements in the policy community, in 2018 the Scottish Government launched a new action plan and stated that they “*want to have restorative justice services widely available across Scotland by 2023*” (5.2, p.3).

Nurturing a policy-community

The 2018 commitment is a significant shift in policy position towards RJ, which can be attributed to the complex efforts of a multi-actor policy community involving policy makers, academic researchers, activists, and practitioners to develop debates, increase evidence, and share knowledge (5.3). Kirkwood has consistently contributed to shaping and advancing this policy community over several years by promoting the use of evidence, situating RJ evidence within the specific Scottish context, and reframing RJ as a process that supports the victims of crime (3.1, 3.2). Kirkwood developed strong and trusted relationships with policy-makers, for example through co-founding and co-chairing the '**Scottish Network of Restorative Justice**

Researchers' involving both academic and government researchers. Civil servants regularly engaged him in the development of key policy outputs (5.1, 5.3, 5.4) and view him as *"a trusted academic and go-to expert for information on RJ in Scotland"* (5.1).

Since 2014, Kirkwood has been an active member of the **Restorative Justice Forum (Scotland)** and co-led its knowledge exchange sub-group, which brought together statutory and voluntary sector bodies, academics, and individuals interested in the development of RJ for use in responding to criminal offences. In 2017 Kirkwood co-led and presented his research (3.1, 3.2) in the influential Scottish Universities Insight Institute (SUII) funded knowledge exchange programme, **'Developing restorative justice in Scotland'** (2017, GBP25,000), comprising six events exploring the evidence and research on RJ (5.5). The programme contributed to creating a policy community and shared understanding of RJ, emphasised the importance of evidence-based policymaking, and built momentum (5.6). A total of 381 individuals registered, predominately practitioners in the criminal justice system including social workers, police, judges, lawyers, procurators fiscal, as well as civil servants, academics, students, people working in voluntary sector organisations that support people responsible for or affected by crime and some private individuals (5.5, p.1). The online survey (44 respondents) found 87% of participants said the events increased their knowledge about RJ, and 64% they (or their organisations) would do things differently (5.5, p.2). Kirkwood co-edited an associated special issue of 16 articles on RJ for *'Scottish Justice Matters'* a legal and policy practitioner journal published by the Scottish Consortium for Crime and Criminal Justice. The special issue included an article by Kirkwood and Munro (echoing and drawing on 3.1, 3.2) outlining the difficulties developing RJ policies and services in Scotland, misconceptions, and political commitment (5.7).

Generating and influencing political debates

After reading Kirkwood & Munro's article in *Scottish Justice Matters*, Conservative MSP Liam Kerr contacted the authors requesting a meeting. Munro, (along with Prof Joanna Shapland) met with Kerr in 2017 (Kirkwood was on paternity leave at the time). Kerr subsequently asked Parliamentary questions (5.8) and submitted a cross-party motion (5.9). In the associated **Scottish Parliament debate** on 22 May 2018, Kerr made specific reference to the SUII series, and directly quoted Kirkwood and Munro's article (5.10, p.91-94). Lib Dem MSP Liam McArthur also referenced Kirkwood and Munro and argued for increasing RJ services. The debate led to broad cross-party support for increasing RJ in Scotland (5.10, p.91-107). Importantly, according to one civil servant this political support *"focussed our (and the Minister's) attention as a parliamentary debate can attract quite a bit of scrutiny"* (5.3).

Advancing policy

Alongside the parliamentary interest, Kirkwood's research and engagement increased momentum and shaped the development of subsequent RJ policies and activities. Political consensus enabled the Scottish Government to address previous policy-making barriers and develop the evidence base through a survey of RJ provisions in Scotland and a relatively *"atypical step"* (5.3) of commissioning the internal rapid evidence review: **'Uses of restorative justice: Evidence review'** (2019). This review cites Kirkwood's research (3.1) several times regarding the potential uses for RJ and draws on Kirkwood's three aspects of Scottish criminal justice processes [outlined in output 3.1] as a substantial part of the report conclusions (5.11, p.15). The review also draws on Kirkwood's research into international examples, and adopts his position that RJ could be used in cases of sexual assault (with appropriate support and services in place) (3.1, 3.2). The *"very important"* (5.1) evidence review informed the development of the Restorative Justice Action Plan. In particular, it was critical to the inclusion within the plan of scope to apply RJ in highly contentious areas such as sexual assault and domestic abuse: *"Had we not conducted the evidence review, I think it would have been difficult for the Scottish Government to subsequently demonstrate and argue that [RJ] could be used for such difficult cases"* (5.4).

The evidence review “*fed directly*” (5.3) into the Scottish Government’s ‘**Restorative Justice Action Plan**’ which sets out the actions necessary “*to drive the development of a nationally-available model for RJ*” by 2023. (5.1, p.9). Kirkwood also contributed to the development of the Action Plan through direct edits and comments during the drafting process (5.1). Furthermore, the Scottish Government invited Kirkwood to be one of only two main speakers at the Scottish Government’s Action Planning Workshops for RJ in November 2018 (5.3). Echoing Kirkwood’s research recommendations about the need to shift practice to develop mediation skills and develop a shared understanding of RJ across professions (3.2), the Action Plan includes the establishment of a new RJ champion network, a practitioner network, a training package including accredited RJ training, national communications strategy to raise awareness of RJ, and GBP300,000 of new investment (5.2). Kirkwood also gave the keynote presentation (echoing 3.2) at the launch of the Scottish Government’s ‘**Guidance for the Delivery of Restorative Justice in Scotland**’, a key document for guiding practice and increasing use of RJ (5.10, p.96). Alongside other members of the Forum, Kirkwood played a significant role in the development of the guidance through engagement in meetings, comments on drafts, and discussions with policy-makers (5.3).

Advancing social work practice and services

From 2016 to 2018, Kirkwood mentored two criminal justice social workers from The City of Edinburgh Council. Working as knowledge exchange fellows, they examined practice-based research and effective interventions on RJ. Kirkwood collaborated with one knowledge exchange fellow to co-author a journal article outlining RJ in the Scottish context (3.2). Furthermore, Kirkwood’s guidance, encouragement, and research insights led to this practitioner developing an “*innovative and unique*” new service for the use of RJ in relation to hate crime offences in Edinburgh (5.6). Operated in partnership with Police Scotland’s Preventions, Interventions, and Partnerships department, the service led to the delivery of hate crime training to 50+ CJSW staff, and RJ training to 10 staff to tackle approx. 5,000 hate crimes in Edinburgh (5.12). It also led to the creation of a new permanent RJ job at City of Edinburgh Council (the first such post in Scotland), and secondments with the Scottish Government Community Justice department (5.6). In the aforementioned parliamentary debate, the Minister for Community Safety and Legal Affairs identified the Edinburgh hate crime project as an example of good practice in tailoring RJ to local need (5.10, p.107).

5. Sources to corroborate the impact

- 5.1 Testimonial Civil Servant- Policy Lead, Scottish Government
- 5.2 Scottish Government (2019) ‘Restorative Justice Action Plan’
- 5.3 Testimonial Civil Servant- Policy Team Leader, Scottish Government
- 5.4 Testimonial Civil Servant- Principal Researcher, Justice Analytical Service, Scottish Government
- 5.5 SUII summary report
- 5.6 Testimonial senior practitioner A, City of Edinburgh Council
- 5.7 Scottish Justice Matters Special Issue
- 5.8 Parliamentary question
- 5.9 Cross-party motion
- 5.10 Parliamentary debate
- 5.11 Scottish Government (2019) ‘Uses of Restorative Justice: evidence review’
- 5.12 City of Edinburgh Council Impact Assessment