



Restorative Justice Edinburgh

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Restorative Justice - Edinburgh

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Introduction

Restorative Justice (RJ) has gained increasing recognition as a rehabilitative and therapeutic alternative to punitive justice, yet its implementation in Scotland remains fragmented and inconsistent. Despite government commitments to expand RJ across Scotland and to all crime types, several systemic barriers continue to hinder its effectiveness. These challenges range from conceptual ambiguities in defining RJ, funding constraints, and political reluctance, to practical difficulties in accessibility, training, and standardisation.

One of the most persistent issues in the implementation of RJ in Scotland is the lack of a universally accepted definition. There are a range of definitions spanning between those who see RJ as a structured set of practices to those who define it as a broader philosophy centred on healing, dialogue, and reparation.¹ Both the term ‘restorative’ and ‘justice’ have been subject to broad interpretations. For example, ‘justice’ could mean a practice embedded within the formal judicial system of the State, or it could relate to an individual’s sense of reparations after they have been harmed. Of course, these two understandings of justice can overlap, especially within restorative justice circles, but when it comes to the actual practice of RJ, these ambiguities lead to inconsistencies in the way RJ is applied across different areas and organisations. For example, while government policy frames RJ as being focussed on healing the person harmed *and* rehabilitating the person who caused harm, in practice, many practitioners report that it is often used to rehabilitate the person who caused harm rather than as a means of empowering the person harmed.² Some organisations take elements of RJ, such as helping the person who caused harm to take responsibility for their actions, and use this isolated element as an example of RJ. The competing interpretations of RJ create difficulties in developing clear policy directives, training frameworks, and outcome measures, which in turn contribute to its inconsistent implementation across Scotland. Research has also highlighted that RJ services in some areas are well-established, whereas in others, they are almost entirely absent, reinforcing the notion that RJ remains an ad-hoc practice rather than an embedded part of the justice system.³

The *Restorative Justice: Practitioner Case Studies* document compiled by the CYCJ provides valuable insight into the range of ways that the term ‘Restorative Justice’ is applied across different sectors in Scotland.⁴ While the case studies highlight promising practices, they also demonstrate the conceptual looseness and inconsistency with which RJ is understood and implemented. An example of this conceptual looseness is the Inverclyde Psychological Services initiative, where RJ is framed not as a specific justice-based intervention but as a framework for improving school culture and relationships. The programme focuses on training school staff in restorative approaches, incorporating RJ principles into classroom management and disciplinary procedures. Schools were encouraged to embed RJ within their school improvement plans, ensuring staff engaged in restorative conversations rather than relying solely on punitive measures. While this aligns with restorative values of dialogue and mutual understanding, it differs significantly from the justice-based definition of RJ, which typically involves direct engagement between the person harmed and the person who caused harm to address harm.

Similarly, the North Ayrshire Education and Campus Cops initiative extends RJ beyond justice-related interactions by incorporating police officers into school-based restorative work. While the initiative encourages informal RJ conversations to resolve conflicts before they escalate, it is not clear how often these interventions involve structured justice processes focused on reparation

between persons harmed and persons who have caused harm. The emphasis is often on reducing school exclusions and preventing escalation into criminal behaviour, rather than providing the persons harmed with opportunities for meaningful engagement in justice. While the initiative demonstrates a way to prevent conflict, it exemplifies how the term RJ is applied to a wide spectrum of activities, some of which stray significantly from its original intent.

Another example of the broad use of RJ terminology is the Restorative Intervention Programme at St Paul's High School in Glasgow. In this case study, RJ is used as an alternative to exclusion, allowing young people to engage in structured conversations facilitated by a practitioner. The process was described as beneficial because it gave students a voice, encouraged mutual understanding, and prevented them from being removed from school. However, the case study illustrates a common issue with the way RJ is conceptualised: while the process promotes reconciliation and accountability, it does not necessarily align with the core principle of RJ as a justice intervention involving direct engagement between the person harmed and the person who caused harm. More importantly, with the alternative to engaging in an RJ process being exclusion, the voluntary nature of RJ is called into question.

The inconsistent definition and application of RJ are compounded by severe funding challenges. RJ programmes are predominantly supported by short-term grants, leading to instability in service provision.⁵ Many local authorities and third-sector organisations that provide RJ services struggle to maintain their work due to a lack of long-term financial commitment from the government. Without sustained investment, RJ services are unable to expand or develop a consistent framework for implementation. The reliance on third-sector organisations further complicates the situation, as these charities often face financial uncertainty and limited capacity to scale up their work. Funding disparities across different regions mean that RJ services are more developed in some areas than in others, contributing to a postcode lottery in terms of access.³

Political will to support RJ in Scotland has also been inconsistent. While there have been policy commitments to expand RJ, these have not always translated into concrete legislative or financial backing. Notably, RJ was excluded from the original draft of the *Victims and Witnesses Act 2014*, a decision that some professionals attribute to opposition from groups who were concerned about the potential for re-victimisation.² The addition of RJ to the Act narrowly passed a vote at the second stage (5 votes for, 4 against) and only gave ministers the power to offer advice on RJ, rather than embed RJ into the justice system. Although the Scottish Government later set a goal of making RJ available to all by 2023, many practitioners were sceptical of the feasibility of this target due to a lack of clear implementation strategies. Now, in 2025, the lack of RJ resources in Scotland shows that the reservations expressed by these practitioners was well placed. Some have argued that government support for RJ has been largely symbolic, with little meaningful action to create statutory requirements for RJ referrals or to establish a national oversight body to coordinate its expansion.⁵ The absence of legal obligations for justice agencies to refer cases to RJ services has meant that take-up remains low, further limiting its impact.⁶

In addition to these structural and policy-related barriers, there are significant practical difficulties in the accessibility of RJ services. As previously mentioned, a major issue is the absence of a statutory duty requiring justice agencies to offer RJ to the person harmed or the person who caused harm. Unlike some European countries, such as the Republic of Ireland, where RJ is integrated into the justice system, Scotland lacks a formal mechanism to ensure RJ is consistently made available. Moreover, data protection laws, particularly the GDPR, have created additional barriers to accessibility. Under current GDPR restrictions, RJ facilitators are often

unable to contact the person harmed, making it more difficult for the persons harmed to participate in the process. As a result, the persons harmed who might benefit from RJ may never even be informed that it is an option available to them.

A further challenge in the implementation of RJ in Scotland is the lack of awareness and training among criminal justice professionals. Many police officers, prosecutors, and judges have limited knowledge of RJ, which leads to low referral rates. Even when RJ is available, the lack of professional understanding can result in missed opportunities for the persons harmed and the person who caused harm to engage in the process. Public awareness of RJ is also low, with some misconceptions persisting that RJ is merely a 'soft touch' alternative to punishment rather than a rigorous process that seeks to repair harm. In addition to these issues, there is no national training framework for RJ practitioners, leading to disparities in the quality and effectiveness of RJ interventions. Some programmes prioritise one-on-one mediation, while others rely on restorative circles or indirect communication, making outcomes inconsistent across different regions.

Concerns have also been raised about the ethical and practical risks of RJ, particularly when dealing with serious offences such as violent crime, domestic abuse, and sexual offences. While some practitioners argue that RJ can be beneficial in such cases, others caution against its potential misuse. Poorly managed RJ processes could lead to re-victimisation if the persons harmed feel pressured into participating, or if facilitators are not adequately trained to handle sensitive cases. There is also a broader concern that as RJ becomes more integrated into the formal justice system, it risks being co-opted on a national scale as a tool for rehabilitation rather than maintaining its original purpose as a person harmed centred process. Some researchers warn that without careful oversight, RJ could become another mechanism of control within the criminal justice system rather than a genuine alternative to punitive approaches.

The lack of standardisation further exacerbates these challenges. While RJ services operate in some parts of Scotland, others have little to no provision, creating significant regional disparities. Unlike countries with centralised RJ infrastructure to oversee implementation, Scotland has no single agency responsible for ensuring quality and consistency. This lack of coordination results in variations in practice, making it difficult to establish RJ as a credible and widely accessible justice intervention. The inconsistency in referral pathways, combined with funding instability and the absence of a legal requirement to offer RJ, means that its potential remains largely unrealised in Scotland.

Restorative Justice in Scotland faces a range of conceptual, financial, political, and practical challenges that must be addressed for it to become a meaningful and effective alternative to traditional justice. To overcome these barriers, there needs to be a clear and unified definition of RJ that is recognised across justice agencies, ensuring consistency in its application. Sustainable funding must be secured to provide long-term support for RJ services, reducing reliance on short-term grants that lead to service disruptions. The Scottish Government must move beyond symbolic commitments and introduce legal requirements for RJ referrals to ensure accessibility for both the persons harmed and persons who caused harm. Awareness and training programmes should be expanded to improve understanding among justice professionals and the public. Finally, a national oversight body should be established to standardise practices across Scotland, ensuring that RJ remains a credible and effective option for those seeking an alternative to punitive justice. Only by addressing these systemic issues can RJ fulfil its promise of providing meaningful justice that prioritises healing and reconciliation over punishment.

Timeline of events

This report provides an overview of the ADAPT Team's efforts to implement a Restorative Justice pilot in Edinburgh. It outlines the project's development, including key meetings, challenges encountered, and the strategies employed to engage young people and stakeholders. Despite facing significant obstacles, the report highlights valuable lessons for future RJ projects and national RJ policies.

September to November 2023

September 2023: includem conducted research interviews with dozens of organisations across Scotland, including social work, Police Scotland, education, and other third sector organisations. As well as building a comprehensive picture of justice provisions in Scotland, this process established relationships with these organisations. While speaking with the Edinburgh Council Social Work Team, the topic of restorative justice was mentioned as an area that both includem and their team were interested in developing.

October 2023: includem held an initial meeting with the Edinburgh Council Social Work Team to discuss a potential collaboration with the ADAPT project. The main focus was on designing a Restorative Justice pilot.

November 2023: A follow up meeting with the Edinburgh Council Social Work Team highlighted a group of between five and seven young people in northwest Edinburgh who were causing disturbances at a specific supermarket chain. The conversation revealed the potential for a Restorative Justice pilot to address these disturbances. The supermarket staff had experienced trauma from the actions of this group of young people and some had even had to take time off work to cope with the stress that the situation was causing. The meeting with the Edinburgh Council Social Work Team also emphasised the need for thorough preparation and collaboration with various partners, such as the supermarket staff and Police Scotland.

The Restorative Justice pilot was discussed at includem's Steering Group meeting, where questions arose regarding whether the pilot would focus on Restorative Justice or Restorative Practice. The conceptual ambiguities of RJ highlighted in the introduction of this evaluation were present during the Steering Group meeting. It wasn't clear if the young people identified in Edinburgh were to go through through a formal judicial process or if they would be engaging in RJ as a diversionary practice. After deliberation, the Steering Group gave the go ahead to continue developing the Restorative Justice pilot with a focus on establishing the nature of the justice process.

November to December 2023

November 2023: A significant meeting took place involving key stakeholders, including the Edinburgh Council Social Work Team, a Local Area Commander from Police Scotland, a Community Response Police Inspector, and others. The focus was on developing ideas around the Restorative Justice pilot. The meeting also explored Information Sharing Protocols (ISP) and consent to share contact details of the supermarket staff and the young people.

The Edinburgh Council Social Work Team provided insights into the criminal proceedings of the young people involved, confirming that a Restorative Justice process would not interfere with any ongoing legal cases. This led to an internal meeting with includem staff to further develop the Restorative Justice pilot. Shuttle and conferencing were discussed as potential approaches, as were one-on-one work and group sessions. The UK Lead for Loss Prevention at the supermarket chain met with includem and confirmed that two stores were being targeted by the same group of young people. While police measures had been introduced, they only moved the young people onto other stores. The UK Lead for Loss Prevention expressed an interest in a restorative justice process to provide long-term solutions.

December 2023: The first draft of the pilot proposal was completed and presented at a Steering Group meeting. During the Steering Group meeting, delivery staff were identified. The delivery staff would help with contacting young people, hosting the conferences, and supporting the young people. However, the team faced challenges in making contact with the young people. includem had to contact the young people via The Edinburgh Council Social Work Team and Police Scotland which caused long delays.

January to April 2024

January 2024: Efforts to contact the young people continued but did so at a staggered pace due to the number of steps between includem and the young people. During this time, consent forms, risk assessments, and evaluation tools were created. Internal Scoping Team and Steering Group meetings were held regularly. Desk-based research continued alongside research interviews with stakeholder organisations.

February 2024: The ADAPT team set an initial target for contacting the young people who were reported to have caused harm, but this was not met due to difficulties in information sharing and the schedules of stakeholders.

March 2024: A meeting with senior staff from the supermarket chain was held to discuss progress. All parties agreed that the pace of the RJ process was too slow. Future meetings were put into everyone's diaries. The senior staff from the supermarket also mentioned that they were awaiting responses from other store managers so that the RJ conference included other staff who had been harmed.

includem made contact with three of the original group of young people. The team faced significant challenges as two out of the three identified young people declined to participate in the RJ process while the third young person quickly ended their communications. During this time, the delivery team created a young person-friendly overview of the RJ process to make the project accessible and understandable to all participants.

April 2024: By this point, the first iteration of the Restorative Justice pilot ended due to a lack of significant engagement from the young people, and due to the staff from the supermarkets expressing a desire to move on from the issue. Despite this, the ADAPT team and The Edinburgh Council Social Work Team agreed to modify the proposal and continue pursuing a Restorative Justice project. The modifications were designed in a way to maintain the infrastructure built around the supermarket-based restorative justice process, such as the information sharing agreements and young-person friendly materials, while enabling engagement in a range of different contexts.

May to August 2024

May 2024: The Edinburgh Council Social Work Team provided details on three potential new RJ cases. One involved young people involved in an assault and robbery in the City Centre, another involved a group from Morningside engaged in vandalism, and another relating to a young person with a lifetime ban from Hearts football club. These opportunities were approved for development by the Steering Group.

June 2024: Progress was made in contacting the police officers involved in cases related to the City Centre robberies and the Morningside incidents. While some young people involved in the City Centre incidents expressed interest in an RJ process, there was mostly negative feedback from those involved in the Morningside incidents. Similarly, contact with the persons harmed in each of the incidents was through indirect means with mixed results. Each of the persons harmed expressed uncertainty about the RJ process, but because of the indirect nature of the contact, includem could not explain the process to them and answer their questions in a timely manner.

July 2024: includem workers continued to reach out to individuals involved in both the City Centre and Morningside incidents. However, engagement remained low, with most individuals at this point declining involvement. The only clear potential for restorative work was with the persons causing harm in the City Centre incident. The person harmed had, by this point, decided to move on from the incident in their own way. With the relationships already established with the persons who caused harm, includem decided to proceed with a shuttle RJ process through letter writing. In relation to the young person involved in an incident with Hearts Football club, includem workers were trying to establish the full story behind the incident. This was taking a lot of time and causing delays to the initiation of the RJ process. The person who had allegedly caused harm was denying that they had done anything wrong. An RJ process requires the person who caused harm to take responsibility for their actions. Without this element, RJ cannot happen. Includem workers tried to understand the full story in order to establish whether RJ was the right course of action.

Throughout this period, research interviews with Restorative Justice service providers, local authorities, and other organisations revealed that the challenges encountered in this pilot were not unique. Similar issues, particularly in relation to obtaining consent from those harmed and to information sharing, were reported across Scotland. Despite these challenges, the team continued to seek insights and adapt their approach, as evidenced by ongoing communications and efforts to engage with stakeholders.

August 2024: By this time, all potential RJ cases had come to an end. The sole young person involved in the city centre incident who volunteered to engage in an RJ project had completed their letter writing process. Because the person harmed declined involvement, the letter writing undertaken by the young person only formed one half of an RJ process. The young people and the person harmed in the Morningside incident all declined invitation to go through an RJ process. The case involving Hearts Football Club lacked sufficient detail to conduct a Restorative Justice conference. includem staff have investigated the case further by researching local newspapers and witness accounts of the incident in question. By this time in the process, the issue had already resolved itself. It is not clear how the resolution came about but the need for an RJ process had certainly passed.

Conclusion

This evaluation has highlighted several key lessons and actions necessary for the successful implementation of RJ services for young people in Scotland. The research that has already been done in Scotland and includem's experiences trying to establish a RJ service demonstrate several important steps that need to be made on a service design level up to a national policy level.

One of the most significant lessons is the need for a clear and unified definition of RJ. Desk-based research identified several ambiguities in understanding RJ and how they can lead to inconsistent practices and hinder effective implementation. Includem experienced these difficulties immediately and struggled to navigate the competing definitions. Establishing a common framework that encompasses both restorative practices and justice-based interventions is essential.

The pilot underscored the importance of securing long-term funding to support RJ services. Reliance on short-term grants leads to instability and limits the capacity to develop consistent and comprehensive RJ programmes. The Whole Family Wellbeing fund allowed the ADAPT project to remain extremely flexible with how the RJ service was designed and delivered, but this level of funding is far from the norm. Short-term funding to small projects prevents a person-centred development of an RJ service.

Establish clear protocols and guidelines for RJ processes to ensure consistency and effectiveness. This includes defining the roles and responsibilities of all stakeholders and creating standardised procedures for engagement and communication. This includes improving accessibility of RJ services by addressing barriers such as information sharing and establishing proper consent. Developing streamlined processes for contacting persons harmed and persons who caused harm is essential for timely and effective RJ interventions.

Implement a national training framework for RJ practitioners to ensure high-quality and consistent service delivery. Training should cover the principles of RJ, practical skills for facilitation, and strategies for handling sensitive cases.

Introduce statutory requirements for justice agencies to refer cases to RJ services. This will ensure that RJ is consistently offered as an option and integrated into the formal justice system. Advocate for sustained government investment in RJ services to provide financial stability and support the expansion of RJ programmes across Scotland. Long-term funding commitments are crucial for developing robust and reliable RJ infrastructure.

By addressing these key lessons and implementing the recommended actions, Scotland can develop a comprehensive and effective Restorative Justice service for young people. This will not only enhance the rehabilitative and therapeutic potential of RJ but also contribute to a more just and equitable society.

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