Best Practice Guidance for Restorative Justice Practitioners and their Program Supervisors and Administrators

RYCNC approved on 9-18-2020, updated 2-19-2021

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Introduction

Origins

This *Guidance* is largely derived from a group comprising experts and practitioners from across the restorative justice sector and criminal justice agencies and has been adapted for use in the North Carolina Juvenile Justice context.

Objective

All those who participate in restorative justice deserve to have access to the highest quality of service available. The aim of this document is to enable and encourage practitioners and organizations in North Carolina to provide this kind of service by establishing recognized standards of best practice.

Applications

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

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

Context

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

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

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

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

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

Summary

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

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

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

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

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

Sections 4 and 5 are Guidance for issues that can and will occur with implementation of Restorative Processes. (**Section 4 & 5**)

Use of terms

1. **"Restorative Justice"** is a process that seeks primarily to address or repair the harm caused by an incident or offense, and involves (to the extent possible), those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations.
2. **"Restorative Practice"** this term encompasses not only restorative justice, but also a range of other processes, including mediation, conflict resolution, problem-solving, circle-time, emotional literacy, active listening, and so on. To avoid confusion, this document will only use the term 'restorative justice' when referring to processes that seek primarily to address or repair harm.
3. **"Restorative Justice Practitioner"** means someone who is trained and is fully competent to deliver one or more of the restorative justice processes listed below.
4. **"Program Supervisor"** means someone who is able to provide advice and oversight in individual cases, bring new ideas and a fresh perspective, and check that nothing is going seriously wrong. They must be a fully competent restorative justice practitioner.
5. **"Administrator"** means someone who can ensure that the restorative justice practitioner has the support and resources to work effectively, but without getting involved in how individual cases are worked. They do not need to be a restorative justice practitioner.
6. **"Person harmed"** means a person who has been directly harmed or affected by the actions of another person or persons.
7. **"Person responsible or person who caused harm"** means a person who bears some or all of the responsibility for an action that has caused harm or affected another person or persons.
8. **"Support Persons"** means whoever the person harmed or person responsible have invited to support them in a restorative justice process, whose involvement or presence is accepted by all other participants. They may include parents or caregivers, siblings, extended family members, friends, or professionals working with either participant (social workers, school-teachers, counselors, health workers, and so on).
9. **"Other Affected Persons"** means any professional or community member who has been invited to participate in a restorative justice process, whose involvement or presence is accepted by all other participants, and who are able to represent the views, wishes or interests of the agency they represent or the wider community.
10. **"Observers"** means anyone who attends a restorative justice process without participating, and whose presence is accepted by all other participants.
11. **"Participants"** means the person harmed, the person responsible, support persons and, where relevant, other affected persons.
12. **"Facilitator"** means a person whose role is to facilitate, in a fair and impartial manner, a restorative justice process.
13. **"Restorative Justice Process"** means any process in which relevant individuals participate together actively in the resolution of matters arising from an incident that has caused harm, generally with the help of a facilitator. Each process aims to enable the participants to explore, in a safe and structured way, (1) *the facts* – what happened and why, (2) *the consequences* – how people were harmed or affected, and (3) *the future* – what agreements or action plan needs to be made to meet the needs of all concerned, including the central needs of addressing the harm and preventing similar incidents. To ensure the safety and effectiveness of the process, no meeting is held without the facilitator preparing all participants in advance.

Restorative Justice processes fall into two broad categories, dependent on the kind of communication (if any) that takes place between the person harmed and the person responsible: that is facilitated communication and cases where communication is either not possible or not appropriate.

- Processes involving facilitated communication include the following:
    - "Restorative Justice Conferences" – also called "Restorative Conferences" and "Dialogue" – are normally led by a facilitator and are attended by the person(s) harmed, the person(s) responsible, their respective support persons, other affected persons where appropriate, and observers where agreed. Processes include Multi-offender Conference, Victim/Offender Conference, Community Conference, Victim/Offender Dialogue, Restorative Discipline, and Restorative Conversation.

- "Restorative Justice Circles" are normally led by a facilitator and is arranged when a number of individuals have harmed an institution, group or community, rather than caused direct harm to any individual (e.g. vandalism). They are attended by affected person(s), the person(s) responsible, and observers where agreed. Processes include Sentencing Circle, Re-Entry Circle, Peacekeeper Circle, and Connection Circle.
- "Shuttle Dialogue" involves a facilitator acting as a go-between to enable the person(s) harmed and the person(s) responsible to communicate without meeting.
- "Restorative Family Group Conferences" are normally led by a facilitator and are attended by the person responsible, his or her family members and support persons, and professionals who are working with or have some involvement with the person responsible. The views and requests of any person harmed are obtained by the facilitator and conveyed to those present at the conference. The professionals present their perspective and information on resources they can provide. The 'family group' meet privately to come up with an action plan, which is then refined and finalized in the larger group. If the person harmed wishes, the outcome of the conference is fed back to them. This process is often used in the context of addressing anti-social behavior.
- Processes may also include Community Justice Committee, Community Impact, Impact of those most affected, and "Restorative" Teen Court.

- Processes where no communication is possible or appropriate include the following:
  - "Support for Persons Harmed" involve only the person harmed meeting with a facilitator to talk about their experience, short- and long-term reactions, strategies for recovery and access to other support services.
  - "Those Most Harmed Awareness" involves only the person responsible in one-to-one or group-work sessions with a facilitator and may include reparative tasks.
  - "Restorative Conversations" involve only the person responsible in a 5-10 minute meeting with a facilitator, normally in an institutional setting (schools, prisons, secure care, etc.), but may also be used to address anti-social behavior or the incidents in the workplace.

14. **"Restorative Justice outcome"** means (a) the emotional, cognitive and relational benefits felt by the participants during and following a Restorative Justice process, such as feelings of safety, increased self-esteem, the letting go of anger, increased empathy, and so on; it also means (b) an outcome agreement or action plan reached as a result of a restorative justice process, which may include tasks and programs aimed at meeting the individual and collective needs and responsibilities of the participants. This may include tasks that seek to address, either practically or symbolically, loss or damage experienced by the person harmed, and programs for the person responsible that seek to address the underlying causes of their behavior (such as anger management, substance misuse, peer pressure, and so on).

Section 1. Core Restorative Justice Practice

A. Core Knowledge for Restorative Justice Practitioners

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

1. offer a definition of restorative justice, including reference to
   - persons harmed, persons responsible, and communities
   - restorative justice as a process
   - the aims of restorative practice in different contexts, and potential outcomes
2. articulate how restorative justice differs from other approaches, including
   - other disciplines (e.g. advocacy, counseling)
   - community mediation and conflict resolution (that is, what difference it makes that there is a person responsible for a particular incident of harm)
   - how as an approach to unacceptable behavior it differs from other approaches (e.g. retributive approaches, mainstream criminal and youth justice responses) by aiming to meet the needs of both persons harmed *and* persons responsible

3. explain why and when and how restorative processes work, with reference to research evidence and a theoretical base (e.g. moral development, victimology, conflict resolution theory, other theories relating to emotions or social psychology)
4. demonstrate an understanding of the various different situations in which a restorative process could be used
5. demonstrate an understanding of the criminal and youth justice contexts and the statutory or policy framework for your restorative justice practice (if applicable), including

- agreed referral protocols and criteria
- alternatives that may be available to individuals should they decide not to participate in a restorative justice process

6. demonstrate an understanding of the principles and values of restorative justice, and the implications of these principles for your own practice
7. articulate the nature and impact of being harmed and the needs that may arise, including

- the short-and long-term physiological, psychological and social impact for the person directly harmed and those close to them
- the factors which affect how individuals react to and recover from their experience (e.g. previous harm done to them, reactions of family and friends)
- their need for safety, respect, recognition, choice, information, confidentiality, and an opportunity to have the harm addressed, materially and/or symbolically
- the services that may offer additional support during or as an alternative to a restorative justice process, and how to assist them in accessing these

8. articulate the underlying causes of behavior that harms or affects others, the impact of being held responsible for causing harm to others, and the needs that may arise, including

- the short-and long-term impact of the incident for the person responsible, including the reactions of people around them (police, family, friends)
- the factors which affect how people respond to their behavior (e.g. previous harm done to them, family and peer-group attitudes)
- need for safety, respect, choice, information, confidentiality, an opportunity to learn from their experience and to address the material and/or symbolic harm they have caused
- approaches or services that may help to address the underlying causes of their behavior, and how to assist them in accessing these

9. demonstrate a commitment to working in partnership with both statutory and voluntary sectors, including, for example, criminal and youth justice contexts, social work, schools, the police, and voluntary agencies that work with children, young people and families
10. describe methods of encouraging the effective and active involvement of participants in restorative justice processes
11. identify facilitation methods or strategies that will ensure the safety of those participating in restorative justice processes, including

- how to identify and overcome possible power imbalances that individuals might perceive
- how to identify signs that indicate harm or potential harm to individuals' emotional and physical well-being and the steps that should be taken
- how to balance the needs of each of the individuals within the process
- how to know when to make interventions to move the process along, and when to leave individuals to resolve issues for themselves

12. explain why the supervision and monitoring of agreements and following-up with each individual involved after a restorative justice process can be important to their recovery process

B. Core Skills for Restorative Justice Practice

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

1. demonstrate effective and confident communication and personal skills, including the ability to

- inspire confidence

- motivate and encourage
- actively listen
- explain so that others can understand, and checking for that understanding
- promote dialogue and enable others to express themselves
- be aware of and ability to read non-verbal signals
- summarize and reflect back
- use telephone, face-to-face, and video-conferencing communication skills
- give and receive feedback
- challenge dialogue constructively and positively
- enable participants to make their own choices

2. create a safe environment for participants, which includes the ability to
    - build and maintain throughout the process, trust and confidence of all participants
    - be non-judgmental
    - show sensitivity to diversity and difference
    - manage conflict and aggression, while remaining calm
    - assess imbalances of power, and act to redress imbalances
    - remain neutral and demonstrate impartiality to all participants
3. treat people fairly, without discrimination on the basis of gender, age, ethnicity, ability/disability, sexuality, culture, faith, offense committed or history of causing or experiencing harm, including
    - showing respect for all participants, their opinions and views
    - ensuring equality of access to restorative process
4. record decisions and outcomes accurately, following your agency's guidelines (if any)
5. demonstrate that you can manage your work, which includes the ability to
    - plan and evaluate your work
    - show you are following a clear process with each particular case
    - problem-solve and handle complexity
6. maintain confidentiality, subject to the requirements of the law
7. demonstrate self-awareness, which includes the ability to
    - be aware of your own prejudices and set them aside
    - assess boundaries of your own knowledge, experience and confidence in handling each specific case
    - recognize when it is necessary to seek help
8. demonstrate an ability to work effectively with others, including the ability to
    - work as a co-practitioner when appropriate
    - work as a team member with colleagues in your agency.

C. Preparation for a Restorative Justice Process

The following section will address the steps a facilitator will need to take upon receiving a referral, to include (C1.) assess the appropriateness of a restorative justice process for the individuals concerned, (**C2**.) prepare to co-facilitate the case, if appropriate, (**C3.)** assess and manage any risks involved, (**C4**.) enable individuals to make an informed choice about their participation, (**C5.)** enable participants to make an informed choice about restorative justice processes and (**C6**.) enable individuals to prepare for participation in a restorative justice process.

C1. To assess the appropriateness of a restorative justice process for the individuals concerned, the facilitator needs to take into account:

1. whether and to what extent the person responsible is willing, at this stage, to *be accountable for their actions*, which includes
    - a full and free acknowledgment of their part in what happened and the harm that their actions have (or may have) caused to specific persons and/or communities
    - expressions of genuine remorse for their actions
    - a willingness to make amends or repair the harm they have caused

2. to what extent there is a risk of emotional and physical harm to others or any participant, and whether that risk can be managed (see C3)
3. whether each person has made an informed choice about participation, which includes information about the process, potential outcomes, sufficient time to consider their decisions and access to independent advice and support (see C4)
4. whether the process will be voluntary for each person, which includes ensuring that they are not coerced, pressured, or induced by unfair means

- to take up the invitation to have the process explained to them by a facilitator
- to participate (or continue to participate) in a restorative justice process
- to enter into any agreements as part of the restorative justice outcome.

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

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

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

1. assess and manage any identified risk throughout the process
2. record concerns about safety and risk, ways in which they might be addressed, and refer to the appropriate level of management and/or partnership agency (e.g. all child protection concerns)

3. assess cases for the presence of any complex issues of intimidation and vulnerability, which would require referral to link to a senior restorative justice practitioner (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
4. access any existing assessment information relating to previous actions that have caused harm, mental health or substance abuse prior to any contact with participants
5. assess any risk considerations relating to

- the participants' feelings, attitudes and behavior, both at the time of the incident and in the present
- whether their expectations of the process are realistic
- their motivations for being involved
- substance abuse and mental health issues
- any language or communication difficulties, physical or learning disabilities, mental impairment, or ill health
- intimidation of any participant
- the ongoing emotional impact of the original incident, including that of any serious injury
- the need for any more formal assessments
- the emotional resilience of individuals and ability to cope with the process
- any previous history between the participants, or repeat victimization
- significant power imbalances between individuals
- constraints on the likely location for any restorative meeting (for example, if any meeting would need to be held in a secure residential setting, the security needed and how participants would be able to get there)

6. develop methods to manage any identified risk (involving others in the process, including Case supervisors) and discuss these with participants, including

- working out with potential participants which type of communication will be most helpful at each stage of the process, and any safety implications
- selecting venues for any meetings that will maximize participants' safety and minimize their anxieties or concerns, in particular considering how participants will enter venues, where they will wait, how refreshments can be provided, whether it may be helpful to have additional facilitators present if there is a large group/people needing to be accompanied from different parts of the building, whether there are break-out/time-out rooms available
- managing and balancing the presence/absence of supporters who can influence the emotional and physical risks of the process and its outcome

7. continue this process of assessing and managing safety throughout the process, for example, taking account of particular anniversaries, the impact of substance abuse, justice process timing, etc.
8. maintain opportunities to re-assess the appropriateness of continuing the process and keep open options to continue the process in different ways
9. apply responses to aggression which minimize risk
10. recognize when the risk of continuing a particular process, or aspect of the process, becomes unacceptable and end the process safely

C4. To enable individuals and assist participants in making an informed choice about their participation, the facilitator needs to:
(Given the research evidence, participants should be offered a face-to-face restorative meeting, unless there are safety reasons for not doing so)
1. provide clear and accurate information to all individuals about

- the purpose, potential benefits and limitations of a restorative justice process
- the different restorative justice processes available to them, including a description of what actually happens in each process, the likely timeframe, and who else could be involved
- the roles and responsibilities of those who will be involved
- the links between restorative justice and other interventions

- how the restorative process would relate to any criminal justice or other proceedings, and the implications for the participants
- alternatives to restorative justice processes (if any)
- 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 in a manner which
   - acknowledges their situation and their needs within the process
   - treats them fairly, with dignity and respect, whilst recognizing the harm that has been caused
   - is appropriate to them
   - enables them to make informed decisions about whether and to what extent to participate in restorative justice processes
   - encourages an open exchange of views
   - minimizes any constraints to communication
   - is free from discrimination and oppression
   - keeps the options of different forms of restorative justice process open throughout
   - allows them the time and space they need in which to make decisions
   - recognizes that, for some, participation in the process may be required by the justice system, following their informed consent
3. encourage and assist people who have offended/caused harm to
   - identify and reflect upon their behavior, the factors that contributed to it and the impact that their behavior has had on those most harmed/person/community harmed
   - take responsibility for their behavior and its impact on others
4. encourage individuals to
   - describe their expectations of restorative justice processes and the possible outcomes
   - 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
   - be open about their expectations of the process, and to consider how they will feel if these expectations are not met
5. offer individuals information about other agencies and services that may provide additional and independent advice and support to them either during the restorative justice process, or as an alternative to the restorative justice process and assist them in making contact when they wish this to happen
6. make accurate and complete records of discussions and agreements with individuals about restorative justice processes, provide copies to those who are entitled to and require this information and store these records in a way that takes account of agency arrangements for confidentiality
7. enable participants to think through a decision about whether to participate in a restorative process, by providing information about
   - any risks involved, and how these can be managed (see section below)
   - the evidence for safety and potential benefits that restorative justice processes may bring
   - the likelihood of the process reaching a conclusion which benefits all those involved
   - how, through the process, they will manage any specific issues identified by participants as causing anxiety
8. find out their willingness to proceed face-to-face, or if other options for communication should be offered
   - if any individual decides not to proceed, support them in exercising their rights to opt out, and support any others who would have participated to cope with any disappointment

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

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

- seeking participants' views as to which process would best meet their needs, while making clear that all options remain open to them at all times, depending on the wishes of the other persons involved
- informing participants about the likelihood of strong emotions being expressed; and assessing with them their ability to cope with their own and others' strong emotions
- giving participants clear information about the expectations or preferences of the other participants regarding the process, that is, where they have agreed for this information to be shared; and also about the extent of the information you have or do not have about what is likely to come up if there were to be direct or indirect communication
- taking into consideration, in decision making about the process, your risk assessment of the situation, and the measures you have in place to manage the risk
- taking into consideration, in decision making, which process is likely to best suit all the participants' communication skills
- taking into consideration, in decision making, the amount, complexity and nature of messages participants need to exchange, and how efficient and effective it would be for them to do so using either direct or indirect communication, given constraints of time, resources and legal requirements

2. involve others and keep under continual assessment who might be involved in the restorative justice process, by
   - asking the primary person harmed and the person responsible who they want to be involved in the process, ensuring that no one is involved in the restorative justice process against the wishes of either individual
   - assessing who else in the participants' circles have been harmed by what has happened, balancing the benefits of greater numbers of participants (both for their own restoration, their support to the primary participants and for their contribution to the process) with time/resource constraints. Take into consideration any legal requirements and best practice guidance (for example, around involving parents)
   - assessing who in the community or the organization has been most affected by the incident, or is best placed to communicate the harm effectively to the person responsible, or to contribute to forming and/or implementing an outcome agreement, when the behavior has harmed or affected an organization or the community rather than a single individual
   - risk assessing any additional participants (support persons, other affected persons and observers) of the most important issues and harms from all participants' points of view
   - assessing the willingness and ability of any additional participants to engage with the purpose of the restorative justice process, and to contribute to a positive outcome
   - deciding whether one restorative justice process will meet everyone's needs, or whether one process (e.g. Shuttle Dialogue) is more likely to meet the needs of some participants, whilst another process (e.g. a Restorative Justice Conference) is more likely to meet the needs of others
   - encouraging participants to consider (before the meeting) what form of restoration in an outcome agreement might meet their needs
3. enable participants to choose an appropriate restorative justice process, by
   - considering with participants how to ensure that they can all contribute as fully as possible
   - assessing the impact of any power imbalances that exist, and planning a structure or selecting a process which is likely to minimize the impact of these imbalances
   - assessing which process will most likely enable the participants to reach a positive conclusion in the available time
4. assess the risk of a conflict of interest whereby practitioners should not be assigned a case

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

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

3. assist individuals to find ways of managing their anxieties about restorative justice processes when they have decided to participate in them, for example, by
   - pacing the process appropriately to meet their needs
   - providing information on how to contact the worker out of agreed hours
   - agreeing on the support that will be available to them and how this will take place
   - assuring them of their ability to withdraw from the restorative justice process or change to another process at any time
   - providing reassurance that although their feelings and reactions are unique to them as individuals, they are not uncommon responses to the experience of harm and restorative justice processes
   - responding to their description of the restorative justice process and the (actual or possible) effects of this experience in a manner which acknowledges their right to express their feelings
4. encourage and assist the person responsible to
   - identify and reflect upon their behavior, the factors that contributed to it and the impact that their behavior has (or may have had) on the person harmed and others
   - take responsibility for their part in what happened and its impact on others
5. encourage and assist the person harmed to
   - identify and reflect upon the nature and consequences of the harm done to them and others close to them
   - find effective ways by which, if they choose to, they can express this during a restorative justice process
   - clarify their views and needs and be involved in selection of appropriate processes
6. encourage individuals to consider whether reparation might be appropriate, and if so, what the reparation might be, and to whom the reparation should be made
7. gather information relevant to the restorative justice process, by
   - making accurate and complete records of discussions and agreements with individuals the decisions that have been reached and the arrangements that have been made
   - recording for each item of information whether it is for you alone at this point or whether the relevant individuals have agreed to share this information with other participants either as part of an indirect communication or prior to any direct communication
   - recording how each item of information is to be shared, for example, by phone, letter, or face to face
   - recording information in a way that makes it possible to relay information to one participant without disclosing sensitive risk assessment information about the other participant(s), or any other information that they have not agreed to share with the other participant(s)
   - ensuring that information is recorded and stored in a way that takes account of agency arrangements for confidentiality of records
8. relay the information each participant has asked to be passed on in a way that takes into account
   - what the recipient has indicated they wish to know
   - whether the information could cause further serious harm, in which case a supervisor or more experienced practitioner should, if possible, be consulted for guidance as to what to pass on
   - the need to make it clear where information has come directly from the other participant, and where it is based on your own assessment of the situation.
9. explore with individuals who have changed their minds and decided not to proceed with a facilitated process
   - their reasons and concerns, while respecting their decisions
   - the support that is available to them throughout the process
   - the option of indirect communication as an alternative process
10. provide additional support when one of the participants has chosen to stop the process altogether due to the negative effects on them
   - if the participant who would have chosen to continue the process is experiencing feelings of disappointment, anger or anxiety about the lack of resolution
   - if the participant who has chosen to stop the process is experiencing feelings of guilt or self-blame about their decision

D. Facilitating a Restorative Justice Process:
Once participants have been prepared, the facilitator will need to (D1.) facilitate a process with communication between the parties, or (D2.) facilitate a process in which no communication takes place between the parties, (D3.) enable the participants to form an outcome agreement, and (D4.) follow up the restorative justice process with evaluation, monitoring and ongoing support.

D1. To facilitate a process involving communication between the parties, you will need to:
1. assess when it is safe and appropriate to bring the preparation phase to a close and start the process of conveying information between the participants in a way that is intended to bring about a final agreement or conclusion of the matter
2. enable the participants to select the most suitable method for sharing information indirectly, including written communication (including Braille), videotape, audio, or the facilitator's 'voice', maintaining a flexible approach throughout the overall process
3. plan for direct communication, by
- assessing whether a co-facilitator will help the process to run smoothly and is available, and if so, or if your agency requires co-facilitating, deciding how you will work together (see section C2)
- assessing the likelihood of strong emotions or conflict and ensuring you have a plan in place for separate meetings, or time out during the meeting, should this be needed
- assessing whether it will help you to use a script, or framework, reflecting the chosen structure for the meeting
- giving all participants clear information about the normal structure of the meeting, as practiced by your agency, so as to create a sense of safety and clear expectations
- informing all participants that, while you will aim to stick as closely as possible with this structure, if it is no longer meeting the aims of the overall process, then you will discuss alternatives with them and agree to a new way forward

4. select an appropriate venue and prepare the venue appropriately
5. guide the participants through the following stages of a restorative justice meeting, using the normal or agreed structure to sequence the participant's speaking turns within each stage, allowing for flexibility where appropriate:
- **facts**: what happened and why
- **consequences**: how people have been harmed
- **future**: how all concerned can begin to move forward, a discussion which may result in the formulation of an outcome agreement

6. communicate with individuals and encourage them to communicate, in a manner which
- acknowledges their situation and their rights within the process
- treats those involved fairly, with dignity and with respect, while recognizing the harm that has been caused
- is appropriate to those involved
- encourages an open exchange of views
- minimizes any constraints to communication
- is free from discrimination and oppression
- addresses each person in the way they wish to be addressed

D2. To facilitate a process where no communication takes place, the practitioner will need to:
1. establish that it is unsafe, inappropriate or otherwise not possible for the person responsible and the person harmed to enter into any form of communication with each other, and also that either one or both agree that it would be beneficial for them to discuss the harm and its impact in a restorative manner with the facilitator, *separately*, taking into account that
- while such an approach can have genuine restorative justice outcomes, it is, by nature, limited or less effective than restorative justice processes that involve some form of communication.
- the decision to use such an approach should be taken only if there is sufficient evidence that this is the most effective and beneficial restorative justice process possible, in light of the circumstances and choices of the participants

- the practitioner's role is to explore with each person, where possible, any fears, anxieties or concerns that may be leading them to decide against any form of communication, and, where appropriate, to reassure them of the safety and the comparative benefits of restorative justice processes that involve communication
- should only one person decide not to engage in any form of communication, providing the opportunity for a restorative justice process that does not involve communication ensures that their decision does not penalize, disadvantage or otherwise harm the person who has already agreed to participate in a restorative justice process of some kind
- once started, such a process can lead to the participants deciding that they do want to communicate in some way, in which case you should make the necessary arrangements

2. engage and support each participant in their chosen relevant process by
   - providing Support for Persons Harmed involves discussions with the person harmed that enable them to reflect on their experience of what happened, their short- and possible long-term reactions to the incident, the harm that it has caused to them and those close to them, and what actions they can take to protect themselves, put in place strategies that might assist their recovery process, and how they might access other services or types of support
   - providing Awareness of Those Most Affected and Restorative Conversations involves discussions with the person responsible that enable them to reflect on and accept responsibility for their part in what happened, the harm that it has (or may have) caused, and what actions or agreements they can take that would, materially and/or symbolically, express their sense of accountability and remorse, and which might seek to address some of the underlying causes of their behavior
3. where participants have chosen this approach, you must be able to
   - gather information relevant to the restorative process, seek clarity, and for each item of information record whether it can be shared with other participants as part of a facilitated restorative process, and how it is to be shared (or whether it is for your information alone at this point)
   - ensure you have clarity about what information can be shared and what is confidential, and seek consent to exchange each piece of information
   - 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
   - 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
   - make accurate and complete records of discussions and agreements with individuals, the decisions that have been reached and the arrangements that have been made, working within any agreements about confidentiality, and taking account of agency arrangements for storage, disclosure and confidentiality of records
   - assess whether and when to bring indirect communication to a close and whether to move to a face-to-face meeting and consider offering other forms of indirect process which might subsequently lead to a meeting
   - assist with any agreed upon communication between participants

D3. To enable the participants to form an outcome agreement, you will need to:

1. enable participants to consider and discuss the outcomes they want to see from the restorative process, including
   - any kind of restoration meaningful to the participants
   - rehabilitative outcomes (including any identified support needs relating to substance misuse, mental health, education and employment, etc.)
   - material or financial reparation, either to those most harmed or to the community, depending on the wishes of those most harmed
   - any outcomes required by statutory agencies (including completion of identified programs, restitution, community service, adherence to curfews, etc.)
2. take into consideration
   - the abilities of the person responsible

- what restoration would be appropriate to the harm caused, would be welcomed by those most harmed, and to whom the reparation should be made, recognizing the wide range of outcomes that repair emotional harm (apologies, letters, dialogue, commitments, etc.)
- any identified needs of the one that caused harm, such as support for mental health, substance abuse needs and support available to them
- the need for reparation activity to be clearly defined, measurable, proportionate to the harm caused, and supported by the participants
- the availability of other services/input from other professionals and community-based agencies to undertake any rehabilitative or reparative activities
- the support available to help the person responsible to complete the agreement
- the timing of any financial, practical or emotional reparation, and a schedule for completion
- whether appropriately trained supervisors are available to supervise reparative work
- 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 upon with the participation and free informed consent of everyone present

3. set guidelines for the agreement to ensure that
   - an outcome agreement does form part of any restorative process
   - if the person harmed wishes to nominate a recipient for reparative activity, workers will need to check the suitability, the feasibility and the wishes of the nominated recipient
   - if money is to be handed over, arrangements must be in place to document its movements and have them witnessed
   - that all participants understand whether or not the outcome agreement forms a legally binding (breachable) agreement or whether completion is voluntary
   - 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 agreement, provide all participants with a record of what has been agreed unless this is not required or desired by participants, and send copies promptly to all who need, and are entitled, to receive them (example, juvenile justice case counselor)
   - correct (inter-agency) procedures are followed, and inform participants about the legal or policy framework, any monitoring arrangements and the consequences of non-compliance, when producing an outcome agreement that could result in disciplinary action, prosecution or other negative consequences if the person responsible does not comply with it
   - conducting or obtaining an assessment of the underlying causes of the behavior of the person responsible and taking into account the need and availability of services or input that may help to address these causes (for example, cognitive-behavioral programs, mentoring, employment skills)
   - no one is listed as a recipient of reparative activity in the outcome agreement without their expressed consent
   - there is an agreed person or agency responsible for monitoring the agreement
   - it is clear who will support the one who caused harm in completing their agreement, if needed
   - clear consequences and actions are to be taken if the agreement is not complied with

4. informal refreshment time at the end of formal restorative meeting include
   - allowing time at the end of the meeting for informal discussion between participants, and a time for reflection following the end of the formal meeting, ideally with refreshments available
   - remaining present throughout, and be alert to significant further exchanges or moments of restoration between participants, particularly if these should be recorded in the outcome agreement (for example, a request to stay in touch)

D4. To follow up the restorative justice process with evaluation, monitoring and ongoing support, you will need to:

1. assist with, supervise, and monitor the completion of outcome agreements, by

- assisting and/or supervising the person responsible to complete their outcome agreement, or ensuring that an appropriate support person is nominated by the participants to provide such assistance and/or supervision
- assessing whether the person responsible has completed the actions they agreed to with the person harmed
- assessing whether any further support you could realistically give would enable the person responsible to complete the agreement; but if not, or if these further actions are ineffective, then:
- sensitively informing the person harmed, and any other agencies whom you have a statutory (or other) duty to inform, whether or to what extent the person responsible has completed the outcome agreement
- ensuring that structures are put in place for passing this information back to the appropriate agency, where it is assessed that an individual has not complied with the outcome agreement, and where it has formed part of a statutory (or other) requirement

2. evaluate the process with individuals involved, by
    - relaying agreed information about outcomes to other parties as agreed by the participants
    - providing the participants with the opportunity to discuss openly and honestly their thoughts and feelings about the restorative justice process and its outcomes
    - offering constructive feedback to individuals about their contributions to the process, emphasizing the positive aspects of their role
3. encourage individuals to consider whether, following the restorative justice process, there is any further communication that they need or want in order to close the process
4. facilitate closure and enable any ongoing support, by
    - agreeing with individuals involved when it is right that the process is at or should come to an end
    - encouraging individuals to consider their need for further support and information, discussing the ways in which such support could be provided, and the most appropriate means of accessing support - making the appropriate arrangements when your agency agrees with the individual to make a referral on their behalf
    - informing individuals about any arrangements for further contact with your agency and exploring their willingness to take up any follow-up contact that the agency offers, including long-term arrangements
    - enabling your agency to make any follow up contact for evaluation purposes with the participants
5. when co-facilitating, ensure that respective roles and responsibilities are clarified, including
    - exchanging feedback and debriefing each other, with assistance from a case supervisor if necessary
    - allocating any administrative or follow up tasks associated with the restorative justice process and, if any information about it needs to be passed on to others, deciding who will do this
    - ensuring there is clarity as to who is undertaking monitoring, supervision and feedback about completion to other agencies or to the person harmed.

E. Relationship-Building Restorative Processes, in addition to the core skills listed in Section A
The following section will discuss other types of restorative processes that emphasize relationship-building, specifically (E1.) Work with Individuals and (E2.) Circles for Relationship-Building. Many practitioners use the skills and knowledge that underpin formal restorative processes informally, using restorative practice as part of their day-to-day work, managing relationships with youth, in facilities and community policing. This section describes how the knowledge and skills are being used informally across a wide range of settings. This use is varied and expanding, from the use of restorative skills in schools to manage relationships in the classroom, with parents and between staff to use by law enforcement in dealing with incidents of anti-social behavior and as a part of resolving neighborhood disputes, from use in custodial settings to manage internal conflicts, to use in workplaces to deal with grievances.

Some key differences between the use of restorative skills in informal restorative processes and the more formal restorative processes covered in Section A of this guidance are

- relationship building restorative processes are used proactively to prevent harm, as well as in response to an incident of harm
- they are used by practitioners integrated into their daily work, rather than as a discrete, separate process
- restorative skills are used on the spot to deal with conflict as it occurs, rather than after the event and following a time of preparation

- relationship building restorative processes can involve work with just one individual, with two people, or as a group process
- they can involve training children and young people to use the skills themselves, for example as peer mediators, rather than bringing in an adult or outside professional

A key feature of relationship building restorative processes is that they are used to build relationships within a group or community, to prevent or minimize the likelihood of conflict or harm occurring, rather than solely in response to an incident of harm. The use of relationship building restorative processes to maintain and strengthen relationships, and even build them where they do not exist, leads to safer and stronger communities where the incidence of harm occurring is reduced. This leaves groups or communities much better placed, through strong relationships and embedded skills, to deal with harm or conflict when it does occur.

E1. Work with Individuals

- use a range of questions to enable individuals to reflect on their behavior and its impact on others
- encourage the use of statements/brief comments by one person to another about how they were impacted by the other's behavior, e.g. used by a "harmed" person to show a wrongdoer directly and immediately how they have been affected by their choices and behavior

E2. Circles for Relationship-Building

The use of circles of different sorts is a key element of relationship-building restorative work in settings like schools and care settings, but it is also part of any restorative working environment, such as a team meeting or problem-solving meeting

- circles can be used proactively, to build empathy and community relationships, to share views and feelings and to build understanding and relationships within a group; for example, circle processes are used in community service so that youth can tell their coordinator and workgroup how they are feeling that morning and anything that may be on their mind
- proactive uses can also include decision-making; consensus and collective ownership of a decision can emerge through respectful listening to each person's viewpoint
- key features of circle processes are that every participant gets to speak in turn, rather than through a chair-person, and that each person is listened to in turn without being interrupted or directly challenged; circle processes ensure that the voice of everyone in a group has equal "airtime", not just the voices of the most confident; seated in a circle, everyone can make eye contact with everyone else, helping to build a sense of trust, safety and equality within the group

Section 2. Complex and Sensitive Cases

A. Knowledge for Complex and Sensitive Cases

This section sets out additional knowledge and skills that are needed to handle more sensitive and complex cases. Sensitive and complex cases should be identified as such during the initial risk assessment and may have some or all of the following characteristics:

- the incident of harm may be of a serious violent or sexual nature, leading to risk of ongoing harm
- complexity and range of issues involved (e.g. cases of emotional or physical abuse over a long period of time, cases where there are a number of perpetrators, or a number of persons harmed)
- participants especially vulnerable to further harm through the nature of the original incident(s), mental health or other needs, or ongoing involvement with the justice system
- participants may have the motivation and/or ability to intentionally cause further significant harm (e.g. where the one who caused harm exercises manipulative, controlling or threatening behavior with a view to increasing the vulnerability of the other participant)

Cases which have any of these sensitive and complex characteristics should ideally be handled by senior practitioners and only by practitioners who can demonstrate the higher levels of skills and knowledge outlined in this section, to

enable them to work safely. Managers of such cases should always have relevant restorative experience and be able to provide specialist case work supervision.
Practitioners taking on sensitive and complex cases need to be able to demonstrate that they can balance the benefits of participation in restorative processes and the rights of participants to communicate, with rigorous risk assessment; it is the duty of the practitioner to proceed with a case only if they are sure they can manage a safe process. Restorative processes, particularly direct meetings taking place prior to the conclusion of legal proceedings, must only take place with the free, full, and informed consent of all participants, particularly those most harmed.

To demonstrate that you have the knowledge required to facilitate a complex and sensitive case effectively, you need to be able to demonstrate knowledge of:
1. the sources of vulnerability arising from the effects of sensitive and complex cases on those involved, and how participants can cause further harm either during or outside the restorative process
2. articulate how participants, or others, can manipulate others to prevent them stating their needs and views and how this can manifest itself in a restorative process
3. convey how a pre-existing or ongoing relationship between participants can affect a restorative justice process, either increasing its benefits or providing opportunities for further harm to be caused
4. explain how different kinds of offenses can contain the elements in 1 – 3 above (see **Statement of Ethical Principles for Restorative Justice Practitioners)**

B. Skills for Complex and Sensitive Cases (advanced training requirement will address this section)

Section 3. Program Supervisors and Administrators

A. Knowledge and Skills for Program Supervisors
The role of the program 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. Program supervisors need to be fully competent restorative practitioners, as defined in this document. If they are supervising sensitive and complex cases, they also need the skills and knowledge set out in this document. They do not necessarily need to be senior to the practitioner they are supervising in an organizational hierarchy; they can be peers. This section sets out the additional skills and knowledge needed for case management of restorative work. It is expected that most practitioners would be able to demonstrate the higher level of competency required for sensitive and complex cases after a minimum of two years of experience and specialist training.

To demonstrate that you have the skills and knowledge required to program supervise restorative justice work effectively, you need to be able to:
1. assess whether the supervised practitioner is working in accordance with best practice; whether the case is progressing satisfactorily; and whether adequate risk assessment is in place
2. identify, with the practitioner, any instances where the practitioner's skills or experience are insufficient to handle the sensitivity or complexity of the case; and in any such instance, to:
- communicate this to the practitioner
- help them identify how to secure the support needed to continue working the case (e.g. co-facilitating with a practitioner with the additional skills and knowledge set out in this document), 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
- enabled and supported participants to make an informed choice
- 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
- 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

4. provide emotional and pastoral support to the practitioner, including through
   - empathic active listening, and
   - identifying when to refer to further, independent sources of support, such as counseling services, may be appropriate; sensitively raising this with the practitioner; and facilitating referral where necessary
5. maintain a relationship with the administrator, taking into account
   - the practitioner's possible need for a degree of confidentiality in the supervision process
   - the administrator's possible need for general information on the quality of restorative justice processes they are responsible for
   - the need of participants in restorative justice processes, and the requirements of the law, for action to be taken if the program supervisor uncovers a serious risk of harm
6. raise with their administrator if there are serious concerns about the safety of the practitioner's work, and, if necessary, in a particular case, to recommend that the case be closed or passed to another practitioner
7. apply restorative justice principles and core skills, consistent with Section 1 of this guidance, in the supervision process

B. Knowledge and Skills for Administrators

The role of the administrator is to ensure that the restorative practitioner has the support and resources to work effectively. They do not need to be a restorative practitioner as long as the practitioners they manage have access to alternative case supervision by a practitioner.

Administration and program supervision may be provided by the same person, however, where the restorative practitioner's administrator does not provide case supervision, 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 organization.

To demonstrate that you have the skills and knowledge required to administer restorative justice work effectively, you need to be able to:

1. have a general understanding of restorative justice principles and practice, including the ability to offer a definition of restorative justice processes, including reference to
   - balancing needs of persons harmed, persons responsible 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 justice practice that clearly support the aims of their organization, and articulate a strategy for sustaining and developing restorative justice practice
3. demonstrate to all staff a commitment to restorative justice, ensuring all staff understand why the basic principles of restorative justice work and why the organization is undertaking it, and supporting restorative ways of working throughout the organization
4. put in place the key resources for successful restorative work to take place, including
   - ensuring a realistic balance between case-flow and time for quality work which responds to the needs of participants
   - ensuring, wherever possible, continuity of case handling by practitioners, particularly in long-running cases of a sensitive and complex nature
   - supporting participants to fulfill outcome agreements, and monitoring fulfillment of outcome agreements

- supporting 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 with continuing professional development
- partnering with other agencies, such as referral agencies, agencies working with participants, or able to help
- partnership with other agencies, such as referral agencies or agencies that are working with participants or that are able to help participants fulfil outcome agreements

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

Section 4. Guidance for Service Providers (Organizational Protocols)

In this section, service providers are defined as organizations who employ directly or contract individuals to provide restorative processes. Where an individual practitioner who provides restorative processes is self-employed or works on their own, they are also a service provider for the purposes of this section.

Service providers should demonstrate that they understand the over-arching ethos of restorative practice, as articulated in the Basic Principles and Values of Restorative Processes, that they recognize the rights of individuals to communicate with one another, and are committed to providing equal access to restorative processes for all members of the community, subject to legislative and safety requirements.

A. Service protocols

1. Put in place policies and procedures needed for successful restorative work to take place, including
   - a clear agency commitment to delivering high quality restorative practices based on the needs of participants
   - suitable risk assessment process for all practitioners in your agency to follow (see: Risks and Pitfalls of RJ)
   - clear definitions of roles and case referral arrangements between restorative practitioners and others in the organization
   - transparent multi-agency protocols covering information sharing and how and when cases and case information are passed between agencies
   - financial systems suitable to provide financial accountability for services, including oversight arrangements for handling of any financial reparation
   - clear protocols about what information is recorded, ensuring that these are transparent for participants or any referring agency to refer to afterwards

B. Quality Assurance

1. Service Providers are responsible for ensuring that the practice of their agency/individuals within it is of high quality, by ensuring

- all restorative practitioners are working in accordance with the guidelines set out in Section A of this document, including through access to quality training and opportunities for reflective practice (including through co-working, see Section D) and continuing professional development
- all sensitive and complex cases, as defined in Section B, are referred to appropriately skilled and experienced practitioners
- practitioners have access to case supervision and emotional support (see Section E)
- where practitioners are self-employed they are also acting as a service provider and need to ensure their own access to case supervision and opportunities for ongoing learning and reflective practice

C. Complaints

1. Service providers should ensure
    - that there is a complaints procedure in place for participants, allowing for resolution of a complaint through a restorative process by a person other than the individual(s) originally providing the service
    - that records are kept and that learning from complaints is built into agency working

D. Accountability

1. Service providers are responsible for ensuring that
    - participants and their parent/guardian in restorative processes are informed of agency policy on recording and sharing of restorative processes and outcome agreements; informed consent will be obtained from all participants and their parent/guardian before proceeding with any restorative process
    - the content of restorative communications and personal information will be kept confidential to participants, subject to their informed consent to share information more widely, the requirements of the law and the protocols and policy of service providers
    - participants are able to request the provider of restorative processes and practices to give them, subsequently, details of the process they undertook, the details of any agreement and its outcome, as far as these are known by the provider
    - accurate records will be kept of each case taken on, the nature of the incident, its referral source, participants involved, assessments of safety, the process, outcomes and feedback to participants and referrers (including the dates of each part of the process)
    - records and their storage need to conform to statutory requirements under data protection legislation and "victims"rights
    - management systems will be in place to allow managers to access the progress of cases and to ensure feedback to agencies referring the case on case progression, where necessary
    - agreement will be reached with any agency making a referral as to what kind of reporting back is required, bearing in mind the need to protect the privacy of participants, and ensure clarity about timescales, particularly where statutory/criminal justice timescales are involved
    - feedback from participants should be collected and reflected on to improve the service provided, as part of the evaluation of restorative processes; anonymized data should be made available to agencies commissioning or referring cases

E. Conflicts of Interest

1. Providers will ensure that
    - practitioners carefully examine their role in a case, particularly more serious offenses, if there is any risk of a conflict of interest in relation to any individual practitioner or agency involved. These might include
        - the practitioner knowing or having a social or family relationship with any participants
        - the practitioner having been previously in a dispute with a participant
        - the practitioner being in a position of authority in relation to a participant
        - the practitioner having any other duties or responsibilities in relation to participants, which would conflict with the need for them to remain neutral (for example, in criminal justice, if a practitioner had responsibility to investigate, charge, prosecute or breach an individual involved in the restorative process)

- when a restorative process runs alongside, or as a part of, a formal criminal justice process, conflicts of interest as listed above will be avoided; in the informal use of restorative skills, some conflicts of interest may be unavoidable, as restorative skills are used to resolve conflict in the course of other work
- service providers will immediately be alerted and pass the case on to another practitioner if a conflict of interest becomes apparent during the restorative process
- none of the above absolves practitioners from their statutory responsibilities to report certain matters (e.g. child protection concerns or potential security breaches in secure settings)
- where practitioners are under a duty to report other matters (for example to report back to court or to a partner agency), participants will be informed of this during the preparation for a restorative process and reminded of it at the start of any face-to-face meeting

F. Miscellaneous

1. Providers will ensure that
    - they have a commitment to initial and continuing training in Restorative Justice Practices, such as the standards provided by RYCNC for restorative justice trainings
    - they have a commitment to improving practice through monitoring, audit and participation in research
    - they have a commitment to an ethos of constructive conflict resolution within the workplace

RESOURCES

"Best Practice Guidance for Restorative Practitioners and their Case Supervisors and Line Managers" (December 2004), Scotland

"Best Practice Guidance for Restorative Practices" (2011) Restorative Justice Council

CORJ, Multiple Documents

Endorsements (hold for later)

Restoring Youth Coalition of North Carolina Contributing Members (list)