

<b>Institution:</b> University of Sheffield		
<b>Unit of Assessment:</b> C-18 Law		
<b>Title of case study:</b> Establishing the basis for implementing restorative justice in Scotland, and England and Wales		
<b>Period when the underpinning research was undertaken:</b> 2001–2017		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b>	<b>Role(s) (e.g. job title):</b>	<b>Period(s) employed by submitting HEI:</b>
Joanna Shapland	Professor of Criminal Justice	1988–present
Jim Dignan	Professor of Law	1974–2007
Gwen Robinson	Reader in Criminology	2003–present
Anne Atkinson	Research Associate	2000–2017
Helen Atkinson	Research Associate	2003–2005
Emily Colledge	Research Associate	2001, 2002–2004
Lucy Edwards	Research Associate	2006–2007
Angela Sorsby	Research Associate	2001–2008
Marie Howes	Research Associate	2002–2007
Jennifer Johnstone	Research Fellow	1998–2005
Emily Gray	Research Associate	2013–2018
<b>Period when the claimed impact occurred:</b> 2014–2020		
<b>Is this case study continued from a case study submitted in 2014?</b> N		
<b>1. Summary of the impact</b> (indicative maximum 100 words)		
<p>Research on the effectiveness of restorative justice and its implementation, through the Restorative Justice Forum, has formed the basis of statutory guidance from the Scottish Government. The research has underpinned the development of this type of justice in Scotland and is impacting on practitioners in England and Wales. In Scotland, this includes a commitment by ministers to create and develop provision at all stages of criminal justice by 2023, published in their Action Plan. In England and Wales, it informs the key guidance on what works to police and has inspired delivery in probation.</p>		
<b>2. Underpinning research</b> (indicative maximum 500 words)		
<p>In 2001, a research team at the University of Sheffield led by Professor Shapland was awarded a £1.3 million government grant to evaluate three restorative justice schemes in England and Wales in terms of their effects on victims and reoffending. The research was the first major evaluation in the world of the use of restorative justice to promote rehabilitation of adult offenders whilst also considering the needs of victims of serious offences. It also provided the first direct comparison of the relative merits of two types of restorative justice intervention: conferencing involving a meeting of victim and offender with their supporters and with a neutral facilitator (known as “direct mediation” where supporters are absent); and “indirect mediation” in which the mediator shuttles between victim and offender.</p>		

The research found [R1-5]:

- A majority of victims chose to participate in face-to-face meetings with the offender when offered by a trained facilitator.
- Over 80% of victims who took part were satisfied with the process and outcome.
- Victims who took part were more satisfied with the criminal justice response than those who did not, and victims of more serious offences found it particularly helpful.
- Taking part in restorative justice conferencing reduced the frequency of re-offending of offenders.
- Restorative justice conferencing was value for money, in that the savings in terms of reduced re-offending were considerably more than the cost of running the schemes (£9 savings for every £1 spent).

It also led to further research [R6] funded by the Police Knowledge Fund (2015-2017: Professor Shapland PI; Professor Crawford University of Leeds CI (£336,829)) to work with three police forces, facilitated by a co-production approach, to use the research to inform and improve the delivery of restorative justice at the level of police decision making. This showed:

- Developing the use and offer of restorative justice means encouraging front-line officers to change away from 'business as usual' in response to incidents. This is done through training, structuring discretion, and management backup to give officers the confidence to offer restorative justice to victims.
- Where officers' roles involve continuing contact with the public (e.g. Safer Schools officers) this could lead to a wide use of restorative justice.
- The need to co-locate partners to which referrals are made, use restorative justice 'champions' and automate referrals.

### 3. References to the research (indicative maximum of six references)

- R1.** Shapland, J., Atkinson, A., Colledge, E., Dignan, J., Howes, M., Johnstone, J., Pennant, R., Robinson, G. and Sorsby, A. (2004). *Implementing restorative justice schemes (Crime Reduction Programme): A report on the first year*. Home Office Online Report 32/04. Home Office. <https://bit.ly/38E7Aux>
- R2.** Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Colledge, E., Dignan, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A. (2006). *Restorative justice in practice: Findings from the second stage of the evaluation of three schemes*. Home Office Research Findings 274. Home Office. <https://bit.ly/3rh0l21>
- R3.** Shapland, J., Atkinson, A., Atkinson, H., Chapman, B., Dignan, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A. (2007). *Restorative justice: the views of victims and offenders. The third report from the evaluation of three schemes*. Ministry of Justice Research Series 3/07. MoJ. <https://bit.ly/3vpx3Bl>
- R4.** Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J., Howes, M., Johnstone, J., Robinson, G. and Sorsby, A. (2008). *Does restorative justice affect*

*reconviction? The fourth report from the evaluation of three schemes.* Ministry of Justice Research Series 10/08. MoJ. <https://bit.ly/3eDGHKT>

- R5.** Shapland, J., Robinson, G., and Sorsby, A. (2011). *Restorative Justice in Practice: Evaluating What Works for Victims and Offenders.* Routledge. <https://doi.org/10.4324/9780203806104>. Available from HEI by request.
- R6.** Shapland, J., Crawford, A., Gray, E. and Burn, D. (2017). *Restorative justice at the level of the police in England: implementing change.* Sheffield: Centre for Criminological Research, Occasional Paper, [https://www.sheffield.ac.uk/polopoly\\_fs/1.743733!/file/DevelopingRestorativePolicing3.pdf](https://www.sheffield.ac.uk/polopoly_fs/1.743733!/file/DevelopingRestorativePolicing3.pdf)

#### 4. Details of the impact (indicative maximum 750 words)

The research has had significant impact on government policymaking in England and Wales prior to 2014 (including statutory provision for restorative justice) which was submitted as an impact case study to REF2014. In the current REF period, the research has impacted on the development of restorative justice policy, statutory guidance and legislation in Scotland, and furthered the implementation in England and Wales.

In October 2014, Shapland was appointed Chair of the Restorative Justice Forum (Scotland) **[S1]** as a result of the reputation and evidence base established by the research. The Forum brings together senior policy makers from statutory and voluntary sector agencies in Scotland, and relevant Scottish academics, with the Scottish Government and the judiciary as official observers. It is the major body developing restorative justice policy for Scotland, as well as supporting practitioners through a practitioners network and bringing together researchers in a research network.

#### Statutory guidance and action plan in Scotland

As a result of Shapland's active involvement in the work of forum members, the Forum was asked by the Scottish Government to help draft statutory guidance on restorative justice envisaged by section 5(2) of the Victims and Witnesses (Scotland) Act 2014. Drawing on the research base developed by Shapland et al, the Forum played a major role in drafting this first overall statutory guidance for Scotland **[S1]** and bringing together key agencies in a number of iterations between 2015-2017. The Guidance was issued by the Scottish Government in October 2017 **[S2]**. It sets out key principles for restorative justice and good practice requirements for restorative justice service providers.

In February 2018, Shapland briefed the Scottish Conservative Justice spokesperson, Liam Kerr MSP, because he was intending to use his opportunity to lead a debate to focus on restorative justice, given the work of the Forum **[S3]**. The debate (May 2018) majored on the necessity for further development of restorative justice provision in Scotland. Kerr commended the Forum and cited Shapland's work with approval "*Scotland's reconviction rate has barely changed in 17 years. According to University of Sheffield research, restorative justice processes significantly reduce the frequency of reoffending*" **[S4]**. All the main party spokespeople spoke in favour of the further development of restorative justice advocated by Shapland. The Minister announced a consultation on the making of the section 5(2) duties order, commended the Forum's assistance with the guidance and gave a number of examples of restorative justice work being undertaken in accordance with the guidance **[S4]**.

In September 2018, the Scottish Government's Programme for Government was published, making the development of restorative justice services throughout Scotland a priority. An action plan to accomplish this, also developed with the Forum, was published in June 2019 [S5]. Shapland has been involved throughout and is on the stakeholder group implementing the Action Plan [S1], which envisages restorative justice being "*available across Scotland to all those who wish to access it*" (p.4) [S5]. The Head of the Victims' Rights and Vulnerable Witnesses Team of the Scottish Government has said: "*Joanna's input, and that of the Forum more generally, into the development of the Action Plan was critical*" [S6].

As well as meeting with the heads of all the main statutory agencies in Scotland since 2014 to discuss the evidence base for restorative justice, Shapland has enabled Scottish practitioners to learn and discuss more about restorative justice. The Chief Executive of the Scottish Association for the Care and Resettlement of Offenders, a Scottish community justice organisation, has said: "*Her research and the evidence it provides have without doubt, been central to the strategic development of Scottish Government policy in adopting the European Directive on availability of access to restorative justice*" [S6]. Other examples of the impact of Shapland's research are the production of practice-based initiatives such as the RJ Toolkit [S7] and being the main first speaker at the 2017 series of seminars for practitioners funded by the Scottish Universities Insight Institute to provide an overview of the evidence regarding restorative justice internationally [S8].

### England and Wales

Shapland, with Crawford, received funding from the Police Knowledge Fund to implement restorative policing in England derived from the research [R1-6]. The approaches to 'making the offer' of restorative justice and developing good practice were trialled in three police forces, strongly supported by their senior management. After the pilots the Police and Crime Commissioners for West Yorkshire, and South Yorkshire invested an additional £900,000 and £377,912 respectively to continue delivering restorative justice since 2018 [S9]. South Yorkshire Police and Crime Commissioner stated: "*We launched the hub back in June 2015 and have seen some excellent results with direct Restorative Justice conferences occurring from crimes such as burglary, death by dangerous driving and shoplifting. Most victims who take up the offer of Restorative Justice do come away with their questions answered and a feeling of closure*" [S9].

Shapland's three reports have been presented to police forces at national conferences. The research is being used to influence service provision in different areas.

The Criminal Justice Alliance, a coalition of charities and service providers aiming to improve the criminal justice system, committed to seeking to secure a legal entitlement to restorative justice – in establishing its case for this, the Alliance published detailed costings of restorative justice which relied on Shapland's "*widely respected*" research [S10]. Practitioners, including probation services in London have relied on the research to develop restorative justice practice, "*your work really helped us to launch RJ in London*" [S11]. The College of Policing 'What works' website - the major source for police forces and senior police officers in terms of crime reduction in England and Wales - has undertaken systematic reviews of restorative justice conferencing and of mediation, in which the research figured prominently [S12]. The research was also cited as a major study impelling the development of a further Recommendation by the Council of Europe in its commentary in 2018 [S13].

**5. Sources to corroborate the impact** (indicative maximum of 10 references)

- S1.** Confirmation of Shapland's involvement generally, and specifically research input into statutory guidance and action plan: the then Chief Executive, Scottish Association for the Care and Resettlement of Offenders.
- S2.** Scottish Government (2017) Guidance for the Delivery of Restorative Justice in Scotland, at <https://www.gov.scot/publications/guidance-delivery-restorative-justice-scotland/>.
- S3.** Confirmation from Liam Kerr MSP Scottish Conservative Justice spokesperson of the research contribution to raising awareness of restorative justice in Scottish Parliamentary debate.
- S4.** The May 2018 debate: Scottish Parliament Record of Proceedings 22 May 2018, access1706.2019 (Motion debated: That the Parliament recognises what it considers the importance of restorative justice in complementing the traditional criminal justice system in Scotland).  
<http://www.parliament.scot/parliamentarybusiness/report.aspx?r=11548&i=104724>
- S5.** Scottish Government (2019) Restorative justice: action plan, (see particularly Ministerial Foreword, p.3: 'informed by input and feedback from the Restorative Justice Forum' and p.8). <https://www.gov.scot/publications/restorative-justice-action-plan/>
- S6.** Confirmation from the Victims' Rights and Vulnerable Witnesses Team of the Scottish Government of Shapland's contribution to the Action Plan.
- S7.** Hamad, R., Shapland, J., Kirkwood, S., Bisset, C. and Edginton, E. (2020) Designing and Implementing Restorative Justice in Scotland 2020. Edinburgh: University of Edinburgh and Restorative Justice Forum (Scotland) (the Toolkit),  
[http://www.sps.ed.ac.uk/data/assets/pdf\\_file/0009/277704/Restorative\\_Justice\\_Toolkit\\_121020.pdf](http://www.sps.ed.ac.uk/data/assets/pdf_file/0009/277704/Restorative_Justice_Toolkit_121020.pdf)
- S8.** Scottish Universities Insight Institute conferences on restorative justice at <https://www.scottishinsight.ac.uk/Default.aspx?tabid=8175> (see dialogue 1 – RJ: the research evidence; and Final conference).
- S9.** Announce of West Yorkshire PCC investment in restorative justice provision March 2018 (<https://www.restorativesolutions.org.uk/news/restorative-solutions-wins-contract-with-west-yorkshire-s-pcc>); and South Yorkshire PCC for RJ services from April 2019 (<https://southyorkshire-pcc.gov.uk/app/uploads/2019/04/18-036-Restorative-Justice-Service-Contract.pdf>).
- S10.** Criminal Justice Alliance: The Cost of an Entitlement to Restorative Justice (<http://criminaljusticealliance.org/wp-content/uploads/2017/03/CJA-RJ-Costings-0317-1.pdf>).
- S11.** London Community Rehabilitation Company (London probation) of 15-May-2019.
- S12.** College of Policing What Works (<https://whatworks.college.police.uk/About/Pages/default.aspx>).
- S13.** European Council recommendation of Restorative justice ([https://www.euforumrj.org/sites/default/files/2020-01/pb\\_on\\_coe\\_rec\\_general.pdf](https://www.euforumrj.org/sites/default/files/2020-01/pb_on_coe_rec_general.pdf)).