

Position Paper

Restorative Justice: Domestic Abuse and Sexual Violence

Glasgow Violence Against Women Partnership/ Community Justice Glasgow

Introduction: Who We Are

The **Glasgow Violence Against Women Partnership (GVAWP)** is a multi-agency partnership concerned with tackling all forms of violence against women and girls. The GVAWP defines violence against women and girls as domestic abuse, rape and sexual violence, stalking and harassment, commercial sexual exploitation, harmful traditional practices, adult survivors of child sexual abuse. This abuse can be physical, mental, emotional and financial and most often takes place within the context of intimate personal relationships.

In terms of the **Community Justice Glasgow Partnership**, The [National Strategy for Community Justice](#) states that community Justice “*is principally about organisations working together to ensure that people who have offended address the underlying causes of their behaviour, and pay back to the community where appropriate. It aims to encourage rehabilitation, reduce reoffending, and protect the public, leading to fewer victims and safer communities.*”

The Act focuses on preventing and reducing ‘further offending’ and partners work together to support people who have committed offences from the point of arrest, through prosecution and disposal (both community and custody), and support reintegration into the community. Our partnership focuses on working together to improve outcomes for people who are in contact with the justice system, reducing subsequent reoffending which will reduce crime in the city, making it safer for everyone.

Violence Against Women a Human Rights Approach

This position paper is intended to outline some of the key concerns of the Partnership’s which must be addressed before further work is undertaken to implement a Restorative Justice model which may act to undermine the priorities and commitment set out in Equally Safe.

This position statement is underpinned by a human rights approach to violence against women and girls, by taking a human rights-based approach means using international human rights standards to ensure that the human rights of women and girls to live a life free from inequality, violence and abuse are placed and the centre of strategy, policy and practice.

National Position on Violence Against Women and Girls

Scottish Government and COSLA are co-owners of [Equally Safe: Scotland's Strategy to Prevent and Eradicate Violence Against Women and Girls](#) (VAWG) highlights the need for agencies across every area of Scottish life to work together to tackle violence against women and girls. At a local level, Violence Against Women Partnerships are recognised as the strategic driver for this multi-agency work and bring together the key third sector and public sector partners working to improve outcomes for women and children who have experienced VAWG in each local authority area.

To support the local implementation of Equally Safe, the GVAWP brings together key strategic partners to share information, learning and resources and ensure that there is meaningful engagement and a coordinated approach taken on relevant issues.

Restorative Justice - What is Proposed/Understood

The [Restorative Justice Action Plan](#) sets out the Scottish Government's vision for Restorative Justice services to be widely available across Scotland by 2023, available to anyone who wishes to access them, and at a time that is appropriate to the people and case involved. The Plan notes the importance of such services being consistent, evidence-led, trauma informed and of a high standard and highlights the need for strong leadership, commitment and meaningful collaboration between national and local partners to ensure this happens.

The plan states a commitment to make Restorative Justice available to all victims of crime, including those (mostly women) who have experienced domestic abuse and sexual violence (DASV).

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Shared Perspective – Partners in Glasgow with an interest in Community Justice and an interest in tackling all forms of violence against women and girls believe:

- The Scottish Government commitment to Restorative Justice and the respect of choice within the process is a welcome course of direction for Community Justice and for all those affected. While this commitment is broadly spelled out within the [Government's Programme for Government](#) (2018/19) and articulated within the [Restorative Justice Action Plan](#), those commitments were established prior to the impact of Covid related factors on the justice system, and there is a need to reassess the framework for safe and efficient delivery.
- The commitments of [Equally Safe: Scotland's Strategy to Prevent and Eradicate Violence Against Women and Girls](#), remain central to the work of partners within Glasgow.
- It is important to note current Scottish Government [guidance](#), stating Restorative Justice '*will very rarely be appropriate for offences involving domestic abuse, sexual offences, human trafficking, stalking or exploitation offences, particularly where there may have been a deliberate course of conduct or coercion by the person who has harmed over a prolonged period of time*'.
- We are concerned that the commitment to implement Restorative Justice is progressing at pace with a focus on Domestic Abuse and Sexual Violence (DASV), rather than in other crime types where there is not the complexity of intimate partner abuse or sexual violence.
- In developing a national commitment to focus on Restorative Justice commitments on DASV, there has been limited engagement with local Community Justice and Violence Against Women Partnerships. This deficit in dialogue across national and local direction puts at risk the intended harmonisation of local and national justice activities.
- There is underreporting of DASV; many offences are reported long after the incident/s occurred. Victims/survivors are unlikely to be in a position where it is safe for them to access Restorative Justice processes until a significant time after they experienced abuse. There is concern that engaging with Restorative Justice processes at this point may draw them back into the system and lead to them requiring crisis support or enable perpetrator patterned behaviours to become re-established.
- In all applications, Restorative Justice must be delivered in an approach that is both risk assessed and informed. Within a focus on DASV, there are unique and sensitive risks. Local concern is that these risks have not been reviewed at a strategic level. There is an absence of any risk assessment tools and that there is a gap between current capacity and the needs for managing the approach safely for all.

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- The Restorative Justice Action Plan should be further developed prior to making commitments within the realms of DASV. In particular, commitments within the Plan for a *Training Needs Assessment* are essential in understanding capacity across the systems for offering, assessing and delivering Restorative Justice.
- In all applications, Restorative Justice is a resource intensive system, to be managed by highly trained professionals with capacity to support all participants. At present, local assessment suggests resources would not allow the delivery of a risk informed approach for more personal experienced offences, including DASV. A Glasgow pilot in Restorative Justice (not DASV) found multiple hurdles in delivery, including capacity of the professionals involved.
- Local testing of Restorative Justice highlighted the importance of data sharing across public sector partners. There is an absence of data and a research gap in the use of Restorative Justice and DASV, and its impact. While progress on improving systems is being achieved, there remain gaps in existing arrangements.
- Local assessment suggests that victims of DASV value the swiftness of justice processes as the most critical factor in achieving closure and resolution. Current delays, some a factor of Covid-legacy impacts, are therefore seen as a critical point of focus, arguably more widely valued than offer of Restorative Justice opportunities.
- The College of Policing guidance states that the use of Restorative Justice is '*rarely appropriate in domestic abuse cases and not recommended in cases involving intimate partner abuse*'. It states that domestic abuse is '*among the most hazardous of cases because of the risk to victims of re-victimisation or serious violence and the potential effects of controlling or coercive behaviour*'.

We are asking for:

1. A pause in current pilots of RJ within DASV/or no commitment to roll out further without local commitment
2. Consideration of a focus of RJ on alternative areas where there is a stronger evidence base, including youth justice and certain sectarian offences.
3. An update to the Restorative Justice Action Plan, to align commitments to realistic timeframes, assessment of risk, assessment of resourcing, undertaken in close engagement across local and national stakeholders.
4. Enhanced data sharing arrangements
5. A focus on improving the wider efficiencies of justice system responses to DASV

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