

### Executive Summary

This paper summarises the findings of the work undertaken in Workstream 1, led by Jim Simon and Tony Walker. The focus was on raising standards in respect of sensitive and complex cases (SCCs). Consultations were undertaken with several stakeholder groups. The participants supported the need for further development of practice standards covering training, qualifications, and practitioner experience. However, that support was qualified by a recognition of some associated risks.

The brief for the workstream required that it review the current definition of a sensitive and complex case (SCC).

The review identified a tendency to define SCCs by crime type, with more serious crimes such as violence against the person (including for example domestic and sexual violence) being regarded as a complex and sensitive case. However, those giving evidence cautioned against this approach. They said that a case might appear straightforward to begin with but as the work progressed, this could easily change. Levels of complexity and sensitivity should relate to the needs of the participants and their inter-relationships, rather than the type of harm involved. The definition can be a bit static, whereas really it needs to be understood as far more fluid than that suggests.

#### Key recommendations for the APPG are:

- To recommend that the Ministry of Justice (MoJ) works with the sector to review the syllabus for SCC training, including specialist courses involving the use of RJ in cases of domestic and sexual abuse and violence.
- To recommend that the MoJ engage with the RJ sector, including with smaller organisations facing capacity issues, to develop practice standards for facilitating complex and sensitive cases.
- To recommend that a sector wide consultation about the content of revised standards is undertaken.
- To recommend that this consultation includes other key sectors impacted for example the domestic abuse and sexual violence sectors.

#### The following three identified risks should be taken into consideration:

- Existing standards are driven by process considerations; it was felt that they should be value driven.
- Future standards must not restrict access to RJ, by reducing the capacity of services to meet the needs of both those harmed and harmers. This risk might especially impact on the inclusivity of the workforce and hence its ability to engage with diverse communities. It might also be a barrier to opportunities for volunteers especially.

- Existing standards can be overly rigid and bureaucratic in how they are administered, imposing impracticable cost and time burdens especially on smaller organisations and individuals from marginalised groups.

#### To manage these risks, there is a need to ensure that future standards are:

- Value based – a concept which enables practitioners to decide what is necessary when understanding the issues that restorative justice addresses, to define solutions to these issues and to practice with integrity.
- Take full account of equity, diversity, and inclusion (EDI) policies.
- Flexible enough to recognise the unique needs of every individual involved.
- Recognise the tension between quality and quantity, especially for smaller and poorly funded services.



## EVIDENCE GATHERING

**Evidence gathered during the consultation identified that the following topics should be included in more advanced training for complex and sensitive cases:**

- Contextual safeguarding.
- Accessibility and inclusion including neuro divergent.
- Trauma informed approaches.
- Mental health, services available and referral routes.
- Recognising the symptoms of PTSD (post-traumatic stress disorder).
- How to build safety in consistently from the start.
- Theories that underpin the whole model.
- Case supervision training – although it was also suggested this should be a separate training programme.
- Emotional literacy – the role of shame.
- Defining what success looks like – desirable outcomes.
- How to work with a co-facilitator.
- Managing expectations.
- Importance of record keeping.



Several participants emphasised the need to avoid focussing solely on risk – this put practitioners off taking on complex and sensitive cases and could lead to them becoming very risk averse. Other partners / key stakeholders could also be very risk averse, and this created barriers and blockages to meeting the needs of both the victim and offender, and other parties involved.

Participants also emphasised future training should have a greater focus on preparation stage for complex and sensitive cases.

It is important to recognise that different people learn in diverse ways, and for supervisors to recognise that facilitators work in different ways and have unique needs in terms of the type of support and supervision they want / need.

It was suggested that additional specialist training was needed to deal with cases of domestic and sexual abuse and violence. This training must cover topics such as:

- Definitions of domestic and sexual abuse / violence, including disaggregating the differing crime types within this broad group of crimes.
- Local and national policies affecting RJ with this group of victims e.g., Police, CPS (Crown Prosecution Service), MoJ (Ministry of Justice) (Ministry of Justice)
- The operation of coercion and control within domestic abuse, and how it can play out in restorative justice processes.
- How the experience of abuse was affected by different protected characteristics such as gender, gender identity, ethnicity, disability, sexual orientation, and faith.
- What does impartiality mean – including active steps to address power imbalances.
- Partnership working with specialist agencies and organisations some of whom have had experience of RJ being used inappropriately with these groups.
- Inter-professional working with Independent Domestic Violence Advisers (IDVA); and Independent Sexual Violence Advisers (ISVAs).
- The role of perpetrator programmes and interventions.
- Relevant strategies and policies e.g., Violence Against Women and Girls strategies.

It was suggested that Independent Domestic Violence Advisers (IDVAs) and Independent Sexual Violence Advisers (ISVAs) could be asked to contribute directly to training courses; and that people with lived experience had an important contribution to make as well.