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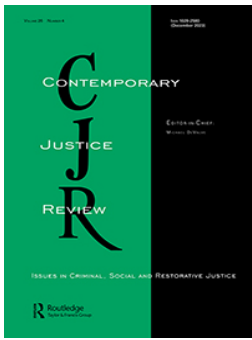
**Gavin, P, Kite, C, Porter, C, McCartan, K and Cawley, P (2024) Restorative justice in cases of sexual violence: current and future directions in the UK. Contemporary Justice Review, 26 (4). pp. 393-410. ISSN 1028-2580**

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# Contemporary Justice Review

## Issues in Criminal, Social, and Restorative Justice

ISSN: (Print) (Online) Journal homepage: [www.tandfonline.com/journals/gcjr20](http://www.tandfonline.com/journals/gcjr20)

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**To cite this article:** Paul Gavin, Charlotte Kite, Cody Porter, Kieran McCartan & Phil Cawley (2023) Restorative justice in cases of sexual violence: current and future directions in the UK, Contemporary Justice Review, 26:4, 393-410, DOI: [10.1080/10282580.2024.2330375](https://doi.org/10.1080/10282580.2024.2330375)

**To link to this article:** <https://doi.org/10.1080/10282580.2024.2330375>



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RESEARCH ARTICLE



## Restorative justice in cases of sexual violence: current and future directions in the UK

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### ABSTRACT

Restorative justice seeks to repair the harm caused by crime by bringing together victims, offenders, and affected parties in a facilitated dialogue. Restorative justice is often viewed negatively in relation to cases of sexual violence, due to fears of revictimization, retraumatization, and power imbalances. This paper provides a critical analysis of current literature on restorative justice as a response to sexual violence. It presents findings from a small study ( $n = 25$ ) held after a one-day conference on sexual violence and restorative justice. Findings include support for restorative justice in cases of sexual offending being contingent on the process being victim/survivor-led and specialist training being provided for restorative practitioners who deal with such cases.

### ARTICLE HISTORY

Received 9 November 2023  
Accepted 8 March 2024

### KEYWORDS

Restorative justice;  
restoration; sexual violence;  
sexual offending

## Introduction

Restorative justice (RJ) is not a new concept and is used in criminal justice systems internationally. There is a wide range of literature that traces its evolution, from a response to crime to its integration into wider society as a response to conflict in schools, prisons, and the health sector (Braithwaite, 2002; Cawley et al., 2023; Hansen & Umbreit, 2018; Johnstone, 2011; O'Mahony & Doak, 2017). In the context of criminal justice, RJ has been shown to be empowering for victims in ways that the traditional court process is not (Daly, 2012; Gavin, 2023; Marsh & Wager, 2015; McGlynn et al., 2012). It has, however, proved controversial in the field of sexual violence (Daly, 2006, 2012). While the use of RJ in cases of sexual violence has been found to have benefits for victims/survivors related to voice, power, agency, and control (Daly, 2012; Marsh & Wager, 2015; McGlynn et al., 2012), it can also be perceived as revictimizing, and even retraumatizing for the victim/survivor (Marsh & Wager, 2015; McGlynn et al., 2012). Consequently, concerns have been raised by victims/survivors and practitioners about the impact that power imbalances between the parties involved may have (Curtis-Fawley & Daly, 2005; Gavrielides, 2015; Jeffries et al., 2021). Despite these concerns, a body of evidence has emerged examining the use of RJ in cases of sexual violence (Burns & Sinko, 2021; Hadar &

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Gal, 2023; Keenan, 2018; Keenan & Zinsstag, 2022; Keenan et al., 2022; Koss, 2014; McAlinden, 2017). Others (Gang et al., 2021) have noted that making the case for the use of RJ in cases of sexual violence is hampered by a paucity of research in the field.

This paper provides a critical analysis of the role that RJ can play in cases of sexual violence. It argues that RJ, while controversial in such cases, can have a significant role to play for victims/survivors and offenders in dealing with the aftermath of sexual violence. To extend this analysis, findings from a small-scale survey ( $n = 25$ ) undertaken at a one-day conference held in August 2022, are presented. Participants were academics with a research interest in RJ or sexual offending, policymakers, and restorative practitioners. This paper highlights some areas in the field of RJ and sexual offending that need development in the UK. For example, while participants in this research supported the use of RJ in cases of sexual violence, they noted the importance of the process being victim/survivor-led. They highlighted the importance of specialist training for restorative practitioners who deal with such cases. Participants also felt that there is a lack of public knowledge and understanding about RJ in the UK and that more public awareness and education about RJ is essential for its development.

### Restorative justice practice, principles, or processes?

RJ has been a part of criminological discourse for decades and it can be successfully initiated at (a) the pre-trial stage as a diversion from prosecution; (b) the sentencing stage; and (c) the post-sentencing stage as an alternative to imprisonment, as part of or in addition to a non-custodial sentence, during imprisonment, or upon release from prison (United Nations Office for Drugs and Crime, 2006). In the UK it is available at all stages of the criminal justice process. RJ can be used 'on the street' by police as a diversionary measure, as part of an out-of-court disposal, pre-sentence, at sentencing as part of a community or suspended sentence, or alongside a custodial sentence (Gavin & MacVean, 2018). While some have suggested that RJ has become part of the mainstream of criminal justice in the UK (Collins, 2015), more recent analysis suggests that 'little progress has been made towards the mainstreaming of restorative justice, despite a period of policymaking hyperactivity and the (relative) embedding of services in some areas' (Marder et al., 2023, p. 2). While much of the infrastructure required to offer and operate RJ is present in the UK, service provision tends to be inconsistent and patchy (Marder et al., 2023). In addition, due to a lack of a coordinated approach to data collection and information sharing, it is not possible to fully understand what RJ provisions are being delivered and who they are being delivered to at both local and national levels (Cawley et al., 2023; Marder et al., 2023). This has recently been identified by the All-Party Parliamentary Group on Restorative Justice (2022) (APPG-RJ). Its third recommendation states that the Ministry of Justice and its partners should aim to develop guidance to support data collection, monitoring, and evaluation.

RJ is used internationally in criminal justice settings such as the police (Gavin & MacVean, 2018; Richards, 2010), prisons (Calkin, 2021; Rees & Hobson, 2021), and probation (Marder, 2020), as well as in problem-solving courts (Gavin & Sabbagh, 2019) and in youth justice settings (Hobson et al., 2022; Marder & Forde, 2022). Perhaps then it should come as no surprise that the meaning of RJ has undergone significant change (Gavin & MacVean, 2018) and the term 'restorative' is now used in education (Payne et al., 2022), supported housing services (Hobson et al., 2021), healthcare settings (Drennan, 2018),

workplaces, in truth and reconciliation commissions, and in cases of institutional responses to abuse (Wood & Suzuki, 2016).

Providing a universally agreed-upon definition of RJ has proven to be elusive (Gavin & MacVean, 2018; Gavrielides, 2008). Marshall (1999) provided a widely accepted definition of RJ as being 'a problem-solving approach to crime which involves the parties themselves and the community generally, in an active relationship with statutory agencies' (p. 5). Zehr (2002) has defined it as 'a process to involve, to the extent possible, those who have a stake in a specific offence and to collectively identify and address harms, needs, and obligation, to heal and put things as right as possible' (p. 37). RJ can, therefore, mean a multitude of different things and can be carried out in a variety of ways (Braithwaite, 2002; Keenan et al., 2016; Strang et al., 2013). This has resulted in RJ being viewed as a contested concept (Johnstone & van Ness, 2007). Even the name RJ has been criticised as somewhat misleading, as it implies that restorative approaches are a form of justice (Sheary, 2016). RJ is perhaps best viewed as a suite of techniques, or practices, rather than a single prescribed approach. Restorative practice, therefore, reframes some of the principles of RJ to be used in a more versatile way in environments other than the criminal justice system. The Restorative Justice Council (2016a) identifies six principles of restorative practice: restoration, voluntarism, neutrality, safety, accessibility, and respect. This is to ensure that the primary aim is to restore harm, participants are taking part of their own free will, and the process remains unbiased, safe for expression, accessible, and respectful. Restorative practice can thus be considered as a term used to describe principles, behaviours and approaches which build and maintain healthy relationships and a sense of community to resolve difficulties and repair harm if there has been a conflict.

### **RJ in cases of sexual violence**

Victims/survivors of sexual violence take part in RJ for various reasons. These include being allowed to hold the offender accountable for their actions (Curtis-Fawley & Daly, 2005; Daly, 2014; Hadar & Gal, 2023; Jülich et al., 2010; Koss, 2014), seeking a sense of validation and reassurance that they are not to blame, seeking empowerment, and, having their voice heard (Daly, 2012; Marsh & Wager, 2015; McGlynn et al., 2012). Obtaining a sense of voice, power, agency, and control through RJ has symbolic importance attached to it. For the victim/survivor, having their voice heard and allowing them to tell their story can be empowering, to the same extent as the offence was dis-empowering, as it can allow them to engage with their abuser on equal terms, to ask questions of them, and hold them to account for their actions (Gavrielides, 2015). Holding the abuser to account could also be viewed as empowering for the victims/survivors. Jeffries et al., (2021) found that asking questions of the offender allowed victims/survivors to obtain an acknowledgment of wrongdoing as well as holding the offender to account for their crimes through words (admission of guilt) and actions (seeing behavioural change). Jülich and Landon (2013) suggested that victims/survivors engaged with RJ to ask offenders to seek treatment (participation), to tell their story, and to explain to the offender how their lives had been impacted (voice). They sought acknowledgment of the harm they had suffered. They wanted an apology and/or reparation (vindication) and they wanted the offender to accept responsibility or make amends in some way (accountability). The traditional court process can often deny all of this to the victim/survivor, who may find the process to be humiliating,

degrading, and disempowering. Engaging with RJ means that a victim's account of both the offence and its impact can be brought forward in a way that is often not possible in the traditional court setting (Daly & Curtis-Fawley, 2004).

Court processes can often be long and drawn-out with delays and adjournments, and cases can be dismissed or withdrawn, denying the victim any sense of justice. While the court setting is a place where more serious penalties can be imposed, it is also a place the accused may deny their offending behaviour (Daly, 2006). This potential for disempowering victims/survivors through the traditional criminal justice process could revictimize and retraumatize them through an extension of the power dynamic related to the actual offending (Curtis-Fawley & Daly, 2005), a dynamic which should not be played out in the criminal justice process (Jeffries et al., 2021). Consequently, it is argued that RJ meetings or conferences are better than the traditional court experience for victims/survivors, as they can safely address the justice gap created by the criminal justice system in cases of sexual and domestic violence (Daly, 2006; Hudson, 1998; Keenan & Zinsstag, 2022; McAlinden, 2017). While the traditional criminal justice system remains a symbol of denunciation, it does little to hold offenders to account or to address entrenched forms of offending behaviour. RJ and related restorative processes can seek genuine engagement with offenders to help them acknowledge the harm that they have caused through their actions (McAlinden, 2017).

Concerns over gender-based power dynamics, function safety, and accountability for wrongdoing when using RJ in cases of sexual violence, are not uncommon. This is often due to the prevalence of a power imbalance during the offence (Jeffries et al., 2021; Marsh & Wager, 2015). If managed incorrectly, the restorative process may present the potential for the continuation and reinforcement of that imbalance which may lead to revictimization of the victim/survivor (Gavrielides, 2015; Jülich & Thorburn, 2017; Mercer et al., 2015). Power imbalances that go unchecked may reinforce violent behaviour and may compromise the safety of the victim/survivor in the process (Marsh & Wager, 2015). A further concern is the potential for victims/survivors to be pressured or coerced into participating in the restorative process (Campbell et al., 2006; Daly, 2012; McCold & Wachtel, 1998) and to accept outcome agreements or apologies (Stubbs, 2007). Any attempt to bring victims/survivors and offenders together when the victim's/survivor's emotions are dominated by fear or anger may simply exacerbate their suffering (Wemmers & Canuto, 2002). Offenders and their supporters might view the use of the restorative process as an opportunity to manipulate both the process and the victim/survivor. This may be a result of the power imbalance between the parties and may lead to revictimization of the victim/survivor (Marsh & Wager, 2015).

Pressure and coercion may be prevalent in cases of intra-familial sexual abuse, there may be mixed loyalties of family members, who may partly support the victim/survivor, but also support offenders, and may even collude with the violence (Cossins, 2008; Daly, 2006, 2012). Such situations can be very confusing for some victims/survivors. A study which examined the role of RJ in cases of intrafamilial sexual abuse (Klar-Chalamish & Peleg-Koriat, 2021) found that in some cases, some family members will blame the victim/survivor and treat them as being weak and vulnerable. Such reactions can be a source of great distress and can be retraumatizing for victims/survivors. However, it was also reported by Klar-Chalamish and Peleg-Koriat (2021) that RJ helped with repairing familial relationships as victims/survivors and their wider family experienced a form of recovery. Participants described their RJ experience as a significant turning point in their recovery. RJ also presented a platform for building a positive, future-facing approach regarding

family relationships which sought to maintain and preserve those relationships (Klar-Chalamish & Peleg-Koriat, 2021).

Revictimization and retraumatization of victims/survivors is also possible where there is a lack of clarity over the restorative process and where there are unrealistic expectations over the potential outcomes (Gavrielides, 2015; Marsh & Wager, 2015). Expectations of all parties must therefore be managed very carefully (Gavin et al., 2022; O'Mahony & Doak, 2017). All parties need to recognise that although they might go into the process with one set of expectations, these might not be satisfied. The process may provide closure, understanding, insight, or restoration, or it may not. Issues such as leading a victim/survivor to expect an apology or an expression of remorse need to be handled carefully, as raising expectations might be seen as an inducement to participate, especially in cases involving domestic sexual violence (Stubbs, 2007). A genuine and voluntary apology and an expression of remorse from the offender can be transformative for the victim/survivor, but victims/survivors who are confronted with an offender who shows no remorse may often feel worse after the conference (Wemmers, 2002).

Using RJ can help foster victim/survivor empathy amongst offenders, allowing them to recognise the emotions of the victim/survivor, as well as viewing the offence from the victim's/survivor's perspective (Rye et al., 2018). This allows those convicted of sex offences to share expressions of remorse, regret, or guilt when describing their feelings towards the victim/survivor. While some research has claimed that sex offenders often show very little concern for the impact of their actions (Seto, 2005) it has also been noted that concepts of shame and remorse (of offenders, for their actions), both of which are central to the restorative process, can help boost empathy development in sex offenders (Greenwald & Harder, 1998; Hanson, 2003; Howells & Day, 2003). For many offenders, engaging in the restorative process presents an opportunity to offer an apology, seek forgiveness, and try to put the offence behind them (Campbell et al., 2006). However, being involved in an RJ process may not aid their rehabilitation and/or community integration in the way that they think (Gavin et al., 2022; McCartan et al., 2022) and they should be made aware of this before agreeing to participate.

## Stakeholder perspectives on RJ and sexual violence in the UK

### *Method and design*

Due to the limited research into RJ and sexual violence in the UK, a one-day in-person conference was held at the University of the West of England (UWE) Bristol in August 2022. The event was advertised extensively on social media platforms (e.g. Twitter/X/LinkedIn). Over fifty delegates with backgrounds in academia, government, policy, and charity attended. Keynotes were delivered by Professor Beth Weaver, Professor of Criminal and Social Justice, at the University of Strathclyde, and Dr Ian Marder, Assistant Professor of Criminology, at Maynooth University. Professor Weaver is an expert in the field of desistance and the focus of her presentation was on desistance from sexual offending. Professor Weaver explained the general theories of desistance and how they related to sexual offending. Factors that can help contribute to desistance include strong ties to family and community, employment that fulfills them, feelings of hope and self-efficacy, and a sense of meaning in their lives. These views are supported by Harris (2014) whose

investigation into desistance amongst a group of men with sexual convictions found that the biggest group of people desisting, attributed their desistance to cognitive transformations or changes in thinking, one being a recognition that they had caused harm. A restorative meeting with a victim/survivor could provide a person convicted of a crime with the opportunity to achieve this recognition.

Dr Marder is an expert in RJ and his presentation focussed on the use of RJ to help empower victims/survivors of sexual offending. Dr Marder stated that there is growing consensus at the international and domestic levels that restorative justice should be accessible for all types of crime and at all stages of the justice process. Despite this, however, for cases of sexual violence, a generic response will not do, and there needs to be a more nuanced approach taken with restorative justice when used in cases of sexual violence. This should incorporate a more flexible approach to ensure that victim/survivor needs are met, and retraumatization is avoided in the process.

Panel discussions took place after each keynote and panel members included experts in RJ, sexual offending, desistance, public health, and psychology. Discussions saw agreement that the term 'victim/survivor' was a better description for those who experienced sexual violence than simply 'victim' (this is reflected throughout this paper). Five central themes emerged from the panel discussions. These were: (1) Language used regarding RJ can sometimes be problematic. There are challenges around the words 'restorative' and 'justice' because while the process may be restorative, it might not result in justice. RJ can be as just as much about opening lines of communication and developing understanding, as it is about forgiveness and redemption. (2) Perception: RJ can sometimes be perceived as challenging for those involved. While this is true on occasion, this perception ignores the skills, training, and ability of RJ practitioners to mitigate the risks involved and deal effectively with complex cases. (3) Process: RJ can take several forms and in deciding which RJ models and techniques to use, decisions are based on what the best approach for all parties involved will be. (4) Safety: The safety of the victims/survivors is crucial when using RJ. This is evidenced through the preparation done with victims/survivors in advance about what to expect, what to do if things do not go to plan, and the role that everyone plays in the process. The safety of offenders was also highlighted as being important, as many people who sexually offend have been victims of sexual offending themselves. This reinforced the importance of RJ being trauma-informed. (5) Clarity: Understanding the process and the potential outcomes is of vital importance. Parties should understand that while they might enter the process with one set of expectations, this may not be what they get out of it. The process may provide a sense of closure, understanding, insight, or restoration; but, equally, it may not (Gavin et al., 2022).

At the end of the conference, all attendees were invited to complete a self-administered paper survey examining RJ and sexual violence. A survey method was chosen as it provided greater flexibility for attendees (Braun et al., 2021). The survey consisted of 16 statements and questions (See [Appendix 1](#)) and was administered through a mixture of closed (4-point Likert scale ranging from 1- *strongly agree* to 4 - *strongly disagree*) and open questions to encourage a more detailed response. A total of 25 participants took part in this research. All participants were from the UK and the sample consisted of 11 RJ practitioners, 12 academics, and 2 professionals involved in policy making. Participants were asked a series of questions regarding RJ and were invited to discuss their experience (if relevant) delivering or being involved with RJ. Thematic



analysis (Braun & Clarke, 2006) was used to analyse the qualitative responses, and four themes were identified. These were: (1) Awareness of RJ services; (2) Support for the use of RJ; (3) A victim/survivor-led approach; (4) The importance of training.

Ethical approval was obtained from the necessary UWE Bristol ethics committees. All procedures followed were in line with the Helsinki Declaration of 1975, as revised in 2013. Informed consent was obtained from all participants.

### *Limitations of this study*

While self-administered surveys were, historically, the backbone of survey research (Coughlan et al., 2009) there are limitations to this method of data collection. A major limitation has always been poor response rates. A response rate of 50% is generally regarded as acceptable and this was the response rate we had for this research (Babbie, 1990, cited in Coughlan et al., 2009). Furthermore, there is the possibility that not all questions were completed by participants, or in some cases they may have sought help to do so. A survey method also is unlikely to provide the same rich narratives that interviews would. The findings in this study do, however, provide a useful starting point that can be built on in future research.

## **Findings**

### *Awareness of RJ services*

84% ( $n = 21$ ) believed that RJ was available in their locality either through the police (39%), probation (4%), the local council (4%), social workers (4%), or charity organisations (43%). 64% ( $n = 16$ ), however, felt that there was little or no public awareness public awareness of RJ in their locality. There was a degree of uncertainty in some of the comments with one participant stating:

I know it's available but would not know where.

Another participant stated:

I wouldn't know about it if I didn't work alongside it.

One participant highlighted a lack of public awareness:

Yes it is [available] but it's not wide public knowledge.

Participants felt that publicising RJ was the best option for increasing public awareness, and suggestions included for focusing public attention on RJ included generating positive media support, open-access conferences, and specifically targeted campaigns.

Better publicity and better training for criminal justice professionals.

More news articles campaigns and targeted campaigns.

More work needs to be done with general public awareness.

Another recommendation was to enhance public understanding of RJ practices through education. Many participants agreed that the implementation of RJ in other settings (such

as schools and universities) would naturally increase public awareness, while some felt legislative changes were needed. One stated:

Media, education, legislation. More use in schools, university, colleges, workplaces.

Input to schools, include via info provided by Victim Support.

The police were highlighted as the one criminal justice agency which could do more to raise public awareness of RJ in their locality:

Police understanding so it can be passed to victims.

Local awareness often promoted through Office of Police and Crime Commissioners/local police force.

Accessing hard to reach groups – better police education.

### ***Support for the use of RJ***

Over half of the participants ( $n = 17$ ) had direct experience with RJ proceedings through their roles as caseworkers, trainers, researchers, and consultants. Those with direct experience were employed through charities, government, and third-sector organisations. This wide-ranging experience reflects the point that was made earlier in this paper, that restorative practice is used across a multitude of professions. 100% of participants supported the use of RJ within the criminal justice system, and all felt that sexual violence victims/survivors should be offered RJ. Most participants (66%) felt that RJ could be offered at any point during criminal justice proceedings, while there were split opinions as to whether it should be offered post-conviction (16%) or prior to sentencing (16%).

It should probably be at the end but may benefit victims earlier.

In most cases post-conviction with a degree of flexibility.

Every point, pre-sentence all the way to post-conviction.

Multiple times during a journey through criminal justice system.

### ***A victim/survivor-led approach***

All participants agreed or strongly agreed that RJ is suitable for cases of sexual violence, with the only condition on such use being that this is victim/survivor-led, meaning that the process was suitable only if the victim/survivor chooses it. This reinforces the voluntary nature of the process for victims/survivors.

Comments included:

... all victims/survivors should be made aware at the entry point, but it should then be their choice if/when.

... should be victim led.

As long as when it involves the victim it is led by them.

... it is suitable if the victim chooses it. Control for those who have experience for SV is vital.

If agreed/wanted by the victim with support it can be beneficial.

Victims/survivors were viewed as a vital part of the process, and their inclusion in RJ panels was felt to provide greater safeguards for their wellbeing, as well as ensuring that they feel supported through the process. All participants felt that victims should sit on restorative panels which were not related to their offence.

At all points. It shouldn't be limited.

Every point, pre-sentence all the way to post-conviction.

### *The importance of training*

Participants also highlighted the importance of facilitators being appropriately trained, especially in complex cases where manipulation of the victim/survivor may occur.

[RJ can be offered] at any point, as long as facilitators are well trained and can support the complexities.

I feel DV [domestic violence] and cases that include control and coercion are difficult, need very well-trained facilitators.

## **Discussion**

Research regarding public awareness and perceptions of restorative justice is somewhat limited (Ministry of Justice, 2013, 2015; Proietti-Sciofoni & Daly, 2011; Vaandering & Reimer, 2019) and a lack of public awareness is perhaps the biggest challenge to developing the use of RJ in the UK (Gavrielides, 2015). Whilst there is an International RJ Week, any publicity around it tends to be localised and at the discretion of those with an interest in RJ. RJ providers do promote RJ during other times of the year but again this tends to be localised and targeted, for example, with victim services groups, probation, and within police forces. This situation is improving though as restorative interventions and greater awareness are rolled out across health, education, and social work for example. Marder et al., (2023) have noted that the lack of public awareness of RJ in the UK means that there should be little to no expectation of high levels of self-referral to RJ programmes. To address this lack of public awareness, the All-Party Parliamentary Group on Restorative Justice (2022) has recently recommended that a new national action plan for RJ should be published by the Ministry of Justice and Home Office, and it should include a specific communications plan to help raise public awareness of RJ.

While the best person to explain RJ to potential victims is generally the person who will facilitate the RJ event, RJ provision in England and Wales relies on the police as the principal gatekeeper (Marder et al., 2023). It could be argued that the police should play the leading role in promoting RJ and raising awareness and forces will argue they already do this. Police forces are in a prime position to make the offer of RJ, as they are generally first to receive the report of a crime from a victim/survivor, and they fulfill their obligations in differing ways. Examples include crime victims/survivors being made aware of RJ by

a letter with the crime number (Lancashire and North Wales), or by sending a text to victims/survivors with the crime reference number and a link to further information, including RJ (Greater Manchester). However, the effectiveness of this approach can be questioned if only 5.5% of victims/survivors can recall being made aware of RJ (Office for National Statistics, 2020). In addition, the police are not alone in having a responsibility to inform victims/survivors about RJ, and a greater effort to promote RJ and raise awareness is required from all service providers who work with victims/survivors and offenders.

Research has generally found support for RJ amongst the public, policymakers, and victim support workers (Marsh & Wager, 2015; Proietti-Sciofoni & Daly, 2011; Restorative Justice Council, 2016b). Victims/survivors and the public have generally positive attitudes towards the use of RJ in cases of sexual violence (Marsh & Wager, 2015). RJ supporters are classifiable into three separate groups: Supporters, Sceptics, and Contingent Thinkers (Proietti-Sciofoni & Daly, 2011). Supporters are generally supportive of RJ but, their support is conditional on the victim's voluntariness; informed decision-making; safety and support; adequate preparation of victims and offenders; and experienced and well-trained facilitators who understand power dynamics/imbances. Sceptics express minimal support for RJ citing concerns over victim safety and power dynamics/imbances. Contingent thinkers are generally supportive of RJ. They want certain conditions to be satisfied, including victims being fully informed; voluntary participation; victim safety; and having RJ facilitators with extensive skills in addressing power dynamics/imbances (Proietti-Sciofoni & Daly, 2011). All participants in our research could be classified as either supporters or contingent thinkers.

Participants differing opinions about at what point in the criminal justice process should RJ be utilised. In the UK, RJ is available at all stages of the criminal justice process, and when considering this point, it is worth analysing data from the Crown Prosecution Service in England and Wales. For the 12 months ending in March 2022, there were 9,409 successful prosecutions for sexual offences. 57% of those convicted of rape and 87% of those convicted for 'other sexual offences' pleaded guilty to their crimes. Given that RJ often takes place with those who have pleaded guilty to the crime and accepted some level of responsibility, the rates of guilty pleas amongst those convicted of a sexual offence presents a 'significant opportunity to offer an RJ intervention to victims and people convicted of a sexual offence' (Cawley et al., 2023, p. 211).

One of the main issues raised by participants was that RJ programmes in cases of sexual violence should always be victim/survivor-led. While no definition has ever been articulated for what victim/survivor-led RJ would look like, it is portrayed in the literature as being the 'best thing' for victims (Gavrielides, 2018). Giving the victim/survivor the choice of whether to participate might be a good way of viewing the process as being victim/survivor-led. Engaging, or choosing not to engage in RJ, gives the victim/survivor agency and power over the decision-making process, ensuring that their voice is heard and that their decisions are respected (Curtis-Fawley & Daly, 2005; Jeffries et al., 2021). Providing victims/survivors with the agency to refuse to participate may also provide them with a sense of control and empowerment, which the very nature of the offence will most likely deny them. A victim/survivor-led approach to RJ can also help ensure that they are at the centre of the process so that any changes to the process, which could be detrimental to them, can be addressed. It could, however, be argued that prioritising one party (victim/survivor) over another (offender), goes against the all-inclusive nature of the restorative justice norm (Johnstone, 2011).

It is acknowledged that whilst RJ interventions have generally been initiated by the victim/survivor of offences, there is now a small but growing number initiated by the person who committed the offence (Cawley et al., 2023). These referrals are being made to RJ providers from police Management of Violent or Sexual Offender units or Offender Managers in the community or custody. Some providers do not accept referrals from those who have committed the offence believing their motivation to be disingenuous and risk revictimization. One of the problems with denying these cases though is that providers are taking the decision-making out of the hands of victims/survivors. RJ practitioners who work for these providers have developed a 'workaround' for this. Where the victim/survivor is being supported by a victim/survivor supporting agency on the RJ practitioner's behalf, the agency will talk in general about RJ with the victim/survivor and if they show any interest, the victim/survivor support agency will provide information which may result in the victim/survivor requesting RJ. This 'workaround' effectively results in the RJ process being victim/survivor-led. Any future research in this area needs to examine what practitioners mean more robustly by victim/survivor-led RJ approaches. Additionally, the impact of prioritising one party (i.e. the victim) over another (i.e. the offender) needs further investigation.

There is a wide range of research that highlights the importance of good RJ training (Gavin & MacVean, 2018; Shapland et al., 2017), especially in cases of sexual violence (Jeffries et al., 2021; Keenan, 2018). The competency of an RJ facilitator rests on knowledge and understanding of restorative practice, principles, and standards, effective practitioner skills, and the ability to deliver the program successfully (Restorative Justice Council, 2016c). In cases of sexual violence there is a need for additional specialist advanced RJ training for restorative facilitators, to help them identify and respond safely and competently to the risks of revictimization, retraumatization, and power imbalances within the process (Keenan, 2018). To meet this standard, the facilitators of restorative justice in sexual violence cases must possess the basic skills required to deliver RJ as well as (1) a deep appreciation of sexual trauma and its impact, (2) an understanding of the psychology of the offender and (3) a working knowledge of the dynamics of sexual violence (Keenan, 2018). This level of training might be akin to what the Restorative Justice Council (2016c) refers to as an Advanced Level Practitioner. This is an RJ practitioner who has 18 months or more experience and can: be a lead facilitator for restorative processes involving cases of all levels of complexity; perform a variety of casework or restorative processes and apply a range of techniques in a variety of challenging contexts; mentor and support intermediate practitioners in developing their practice, and; be a trained case supervisor with a minimum of three months experience providing case support.

In England and Wales, RJ providers have recognised the need to deliver RJ efficiently and safely, and in addition to the basic standardised 3-day packages, practitioners have received additional training to enable them to deliver RJ for the more serious and complex cases, including those for sexual violence. The net has been cast widely to identify extra training to help practitioners deliver RJ for cases of sexual violence, in particular including 'trauma-informed' input and other inputs from Rape Crisis Centres and staff delivering the sexual offending behaviour programmes and interventions in His Majesty's Prisons. It is questionable, however, whether all this delivers the three competencies identified by Keenan (2018) which would enable practitioners alone to run safe and effective RJ interventions. Cawley et al., (2023)

found that practitioners have concerns over issues relating to the offender's participation. There are also concerns about interpreting the offender's body language, coercion and control, and their motivations for taking part. As a result, practitioners delivering RJ interventions rely heavily on the support of staff from other agencies, including prison psychologists, offender managers, and counsellors. This inter-agency work is commendable and should be explored as early as possible in the RJ process. More recently, the United Nations Handbook on Restorative Justice Programmes (2020) noted the importance of training for RJ facilitators to protect the rights of both victims and offenders and to protect the integrity of the RJ process. Training is also important with regards to identifying trauma and its impact.

## Conclusion

Research from Australia (Daly, 2012), New Zealand (Jülich & Landon, 2013), the United States (Koss, 2014), Israel (Klar-Chalamish & Peleg-Koriat, 2021), and Ireland (Keenan et al., 2016), have shown that in cases of sexual violence, RJ can have many benefits for all involved. It opens up the possibility of a range of interventions and is grounded in the principles of restoration, desistance, rehabilitation, and community safety. RJ can help re-empower victims/survivors, give them a sense of voice and agency, and even justice, all of which are often denied to victims/survivors by the nature of the offence and through the traditional criminal justice process. To implement the use of RJ in cases of sexual violence, most governments and organisations will require a clearly defined evidence base. From a UK perspective, however, it is difficult to produce a clearly defined evidence base when for example there is an inconsistent approach throughout regarding how and what data is captured and/or measured in terms of RJ activities (Cawley et al., 2023). However, if implemented, Recommendation 3 of the APPG Report may begin to address this by developing guidance for gathering and using data to monitor and evaluate restorative justice.

Academics, practitioners, and policymakers, who participated in this research, expressed strong support for the use of RJ in the criminal justice system. There was also strong support for the use of RJ in cases of sexual violence if this follows a victim-led approach. Further research may be needed to best describe what victim-led means. According to participants in this research, what is perhaps lacking is widespread public support and understanding of the potential benefits of RJ for victims of all types of crime. Generating such support will require a strong evidence base, which is arguably lacking a UK-based perspective. Future research should examine the impact of RJ during different points within the criminal justice proceedings from both an offender and a victim/survivor impact perspective. RJ is used within the criminal justice system at various stages and with different offending populations. There are clear differences in how this is implemented and for what purpose. The key objective of this paper was to focus on whether RJ was suitable and appropriate for application to cases of sexual abuse. Based upon this examination of the literature and findings from this research, we found support for the application of RJ to cases of sexual violence. Going forward, we would contend that more empirical evidence is needed to examine best practices and how to safely implement this without revictimizing or retraumatizing victims/survivors.

## Disclosure statement

No potential conflict of interest was reported by the author(s).

## Funding

The author(s) reported there is no funding associated with the work featured in this article.

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## Appendix 1

	Statement	Strongly Agree	Agree	Disagree	Strongly Disagree
1	Restorative justice is available in my locality				
1a	If you agree/strongly agree with statement 1, please tell us – to your knowledge – who delivers the restorative justice in your locality:				
2	I feel there is public awareness of restorative justice in my locality				
2a	If you disagree/strongly disagree with statement 2, please tell us how you feel public awareness of restorative justice can be improved:				
3	I support the use of restorative justice in a criminal justice setting				
3a	If you agree/strongly agree with <b>statement 3</b> , please tell us at what point you think restorative justice should be offered in the criminal justice process:				
4	Restorative justice is suitable for all types of offending				
4a	If you disagree/strongly disagree with <b>statement 4</b> , please tell us what offences you feel restorative justice is not suitable for and why:				
5	Restorative justice is suitable for cases of sexual offending				
5a	If you disagree/strongly disagree with <b>statement 5</b> , please tell us why you feel this way:				
6	Restorative justice should only be victim led				
6a	If you agree/strongly agree with <b>statement 6</b> , please tell us why you feel this way:				
7	Every victim should have the option of restorative justice				
7a	If you agree/strongly agree with <b>statement 7</b> , please tell us why you feel this way:				
8	Victims should not sit on restorative panels				
8a	If you disagree/strongly disagree with <b>statement 8</b> , please tell us why you feel this way:				

Have you ever been involved with restorative justice at any level?      Yes      No

a. If yes, please expand?

What region of the UK are you from?

Scotland	Wales
Northern Ireland	Southwest England
SOUTHEAST England	London
Mid lands	Northwest England
Northeast England	

What is your profession?

Practitioner    Policy making    Academic    Other\_\_\_\_\_

Thank you for completing this survey. Please hand back to the research team or the designated box.

Unique ID for withdrawal: \_\_\_\_\_