

Assess the circumstances of an incident towards identifying a restorative response

Summary

This is about establishing the circumstances of an incident and assessing the potential benefits of and the risks associated with possible restorative practice responses.

It includes identifying whether there are any complex or sensitive issues to be addressed.

These can relate to the incident itself, or to the capability of those involved to understand fully or to participate in a restorative process.

The terms 'person(s) responsible' and 'person(s) harmed' are used. The term 'person(s) responsible' refers to the individual(s) responsible for the incident. The 'person(s) harmed' refers to those harmed or affected similarly by the incident.

There are three elements:

- Obtain and review information relating to incidents
- Assess the benefits and risks associated with progressing a restorative response
- Explore situations where there are complex and sensitive issues

Target Group

This applies to those with responsibility for providing initial advice on the application of restorative practice processes to an individual or in a community situation.

Obtain and review information relating to incidents

In work performance criteria

- 1 identify the information required towards identifying a possible restorative practice response
- 2 access any existing information regarding the incident and the individuals involved appropriate to identifying possible restorative practices, and the benefits and any risks associated with these
- 3 obtain additional information requirements through structured questioning
- 4 determine, where possible, any existing relevant assessments relating to the individuals' prior behaviour
- 5 seek the advice of others where there is uncertainty about the validity of information or the interpretation of findings
- 6 present the information to those who need to have access to it, maintaining confidentiality in line with your organisation's requirements

Assess the benefits and risks associated with progressing a restorative response

In work performance criteria

- 1 identify the individuals' relevant circumstances, including their family and personal situation, physical and mental health
- 2 establish whether there is any previous connection between the individuals involved, and where relevant, determine the nature of any such history
- 3 assess the information obtained and determine the potential benefits, and the nature of any risk factors, associated with progressing a restorative process, providing evidence to show the basis for your assessment and to explain the nature and strength of the benefits and any risk(s)
- 4 determine and assess whether there are any factors which might trigger an imbalance between individuals, such that one or other of those involved might feel disadvantaged during a restorative process
- 5 use your professional judgement to assess the significance of any risk factors identified, and determine correctly the steps towards addressing these risks
- 6 identify any factors which may mean that an individual is particularly vulnerable and which indicate that there are complex or sensitive issues to be considered
- 8 record the potential benefits and also any risk concerns correctly, together with the steps taken to address these
- 9 identify correctly where additional assessments are required, and make the appropriate arrangements promptly, recording your reasons for the additional requirement clearly

Explore situations where there are complex and sensitive issues

In work performance criteria

- 1 identify and review with co-workers, as appropriate, where there are complex and sensitive issues that may influence the restorative process, selecting and agreeing with co-workers an appropriate procedure for exploring such issues
- 2 assess cases for the presence of any complex issues that would require referral to a line manager
- 3 use agreed procedures and protocols in gathering necessary information from relevant individuals and sources, making clear the information that is needed, why, when, and how it will be used and verified, and who will have access to the information
- 4 summarise the information obtained, verify that it is relevant, accurate and current, and that any opinions have authoritative support
- 5 prepare, record and present recommendations to co-workers for any special consideration in the design of the restorative process arising from the sensitive and complex issues explored
- 6 record concerns regarding any complex and sensitive issues, together with ways in which they might be addressed, and refer these to the appropriate level of management and/or partnership, or agency, in accordance with your organisation's procedures

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Knowledge and Understanding

General/key knowledge relating to restorative practice

- 1 the legislation and guidelines of good practice which relate to assessing the appropriateness of restorative processes and the impact of these on your work, including requirements regarding confidentiality
- 2 the nature of and principles underpinning restorative processes, and the purpose and potential benefits of restorative practice
- 3 partner organisations with which you might work in the restorative process, including their principal roles and responsibilities within the process
- 4 the needs of all involved within the restorative process
- 5 the importance of creating a safe environment for participants and of treating all participants with respect and of avoiding both stigmatisation and stereotyping in your dealings with participants
- 6 effective telephone and face to face communication techniques, including:
 - active listening
 - questioning for understanding
 - awareness of and ability to read non-verbal signals
 - summarising and reflecting back
 - giving and receiving feedback
 - challenging constructively and positively
 - enabling participants to make their own choices
- 7 how to judge what information may be given to one participant about another, or to anyone else given the implications for their emotional and physical safety, and how gaining additional information might be used by the person responsible
- 8 how to recognise the effects on yourself of working upon restorative processes, and how to seek any appropriate supervision and personal support
- 9 your own role and responsibilities, and from whom assistance and advice should be sought where necessary
- 10 the principles of effective equality, diversity and anti-discriminatory practice
- 11 the boundaries of confidentiality, and the importance of maintaining appropriate levels of confidentiality, and how to maintain these

Knowledge related to assessing the circumstances, benefits and risks

- 12 the information required towards making an assessment of individuals, appropriate to identifying potential benefits and any risks, and to managing risk factors within a restorative process
- 13 sources of relevant information regarding individuals and how to access these

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Knowledge and Understanding (continued)

Knowledge related to assessing the circumstances and risks (continued)

- 14 methods of verifying and corroborating the information required
- 15 how to distinguish between directly observed evidence, evidence from reliable sources, and hearsay
- 16 how to distinguish between prejudice and opinions that are backed by evidence
- 17 how to assess the suitable restorative processes for individuals, including the factors to take into account and the alternatives that may be available to the person responsible and the person harmed
- 18 approaches to risk assessment, how to use these and their relative advantages and disadvantages
- 19 factors influencing the vulnerability of individuals, the types of vulnerability or levels of harm used in assessing risk, their indicators and how to determine these
- 20 what might constitute a sensitive and/or complex issue, the sources of vulnerability arising from the effects of sensitive and complex cases on those involved, the behaviour and relationships underlying these cases, and the implications upon how to work with participants in a restorative process
- 21 possible attitudes to sensitive and complex cases in the participants' communities, and how this may affect them and influence how they participate in the restorative process, especially if the case is widely known
- 22 the long-term effects of sensitive and complex cases, and the implications for the length and timing of the restorative process, and for maintaining continuity of case handling and the importance of closure for persons harmed
- 23 how participants, or others, can cause harm either during or outside the restorative process, including how participants can manipulate others to prevent them stating their needs and views, and how this can manifest itself in a restorative process
- 24 how a pre-existing or ongoing relationship between participants can affect a restorative process, either increasing its benefits or providing opportunities for harm
- 25 methods of managing risk within the restorative process, including the types of communication, selecting appropriate venues, and managing and balancing the presence/absence of supporters

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Evidence requirements

To achieve this unit you must provide your assessor with evidence that you have consistently met all of the performance criteria and knowledge and understanding.