



# Accreditation Scheme

*for*

## **Restorative Justice Facilitators**

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**Victorian Association for Restorative Justice**

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***Accreditation Scheme for Restorative Justice Facilitators***

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**About VARJ**

The Victorian Association for Restorative Justice (VARJ) is an incorporated inter-disciplinary association of restorative practitioners, policy makers and academics from throughout Victoria.

VARJ aims to:

- promote and advocate for the use of restorative practices in schools, the community, prisons, the criminal justice system, the workplace and any other situation where conflict arises;
- disseminate information about, and act as a resource for, restorative practices;
- develop and promote agreed standards and principles for evaluating and guiding restorative practice; and
- encourage, and to undertake, research on restorative practice.

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## Foreword

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The question of regulation in relation to conference convenors is complex.<sup>1</sup> At present it seems there is no systematic accreditation of restorative justice practitioners within Australia.<sup>2</sup> The Law Reform Committee of the Victorian Parliament (LRC), as part of an inquiry into alternative dispute resolution and restorative justice, recently recommended:

**Recommendation 64: Identification of core skills and attributes of restorative justice practitioners**

The Victorian Government, in consultation with practitioners and the Victorian Association of Restorative Justice, should develop a list of core skills and attributes required by restorative justice practitioners.<sup>3</sup>

VARJ began developing draft standards and an accreditation protocol before the Law Reform Committee began its inquiry. However, we were encouraged by the recommendations of the LRC, and by enthusiastic responses, from VARJ members and agencies providing restorative justice processes, during a consultation process begun in early 2009. The result is the accompanying *Accreditation Scheme* and related *Best Practice Standards*.

Developing such complex documents is challenging and not without controversy. However, VARJ firmly believes that the development of an accreditation scheme echoes the benefits identified by the National Alternative Dispute Resolution Advisory Committee (NADRAC) in relation to regulating mediation practice<sup>4</sup>. These include to:

- maintain and improve the quality and status of restorative justice practice;
- protect consumers;
- facilitate consumer education about restorative justice practice;
- build consumer confidence in restorative justice practice services;
- improve the credibility of restorative justice practice;
- build the capacity and coherence of the restorative justice practice field; and
- promote Victoria, and Australia's, profile in the restorative practice field.

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<sup>1</sup> See Condliffe, P., and Douglas, K., "Reflections On Conferencing Practice: The Need for Accreditation and the Dangerous Debate," (2007) *ADRJ*, 140.

<sup>2</sup> For a general discussion of these issues see Condliffe and Douglas, n.15.

<sup>3</sup> Law Reform Committee, *Inquiry into Alternative Dispute Resolution and Restorative Justice*, Law Reform Committee, Parliamentary Paper No. 184, May 2009 at p. 307.

<sup>4</sup> National Alternative Dispute Resolution Advisory Council, *Legislating for Alternative Dispute Resolution: A Guide for Government Policy-Makers and Legal Drafters* (Canberra, November 2006): p. 57.

The consultation process conducted by VARJ has revealed strong support for the development of standards and accreditation procedures in the evolving field of restorative justice. Indeed the United Nations has already moved towards the establishment of a set of principles for restorative justice in criminal matters.<sup>5</sup> Clause 12(c) of its *Basic Principles on the Use of Restorative Justice Programs in Criminal Matters* provides that member states should, inter alia, consider establishing guidelines for the qualifications, training and assessment of facilitators of restorative justice processes.

Across the range of programs in Australia that identify as 'restorative', one is struck by the dissimilarities between the various systemic and organizational contexts but also by their general reliance on the conferencing process. The focus of these accreditation protocols and related standards reflects this reliance. Interestingly, the United Kingdom's Training and Accreditation Group's advice to its government concluded that core skills across the various contexts of conferencing practice in that country were the same.<sup>6</sup> We have noted and drawn upon the UK research. Unlike the UK which has the advantage of a relatively unitary system of justice administration Australia, with its kaleidoscope of State jurisdictions and their jigsaw of programs offers a more diverse and complex set of arrangements.

In this Australian first, and perhaps world first development of an *Accreditation Scheme*, we hope this precedent can be considered by other Australian jurisdictions just as we have drawn heavily on the UK experience.

To the Committee and members of VARJ many thanks for your pioneering work. Thanks also to all those restorative justice practitioners, agencies and stakeholders who contributed throughout the consultation. Special thanks to our excellent consultant/researcher/writer Dr. Derek Brookes and our Standards Sub-Committee consisting of Marg Armstrong, David Moore, Derek Brookes and myself.

We hope you find this *Accreditation Scheme* and the *Best Practice Standards* useful and that your practice is restorative in every sense of the word.

**Peter Condliffe**

**President**

**Melbourne**

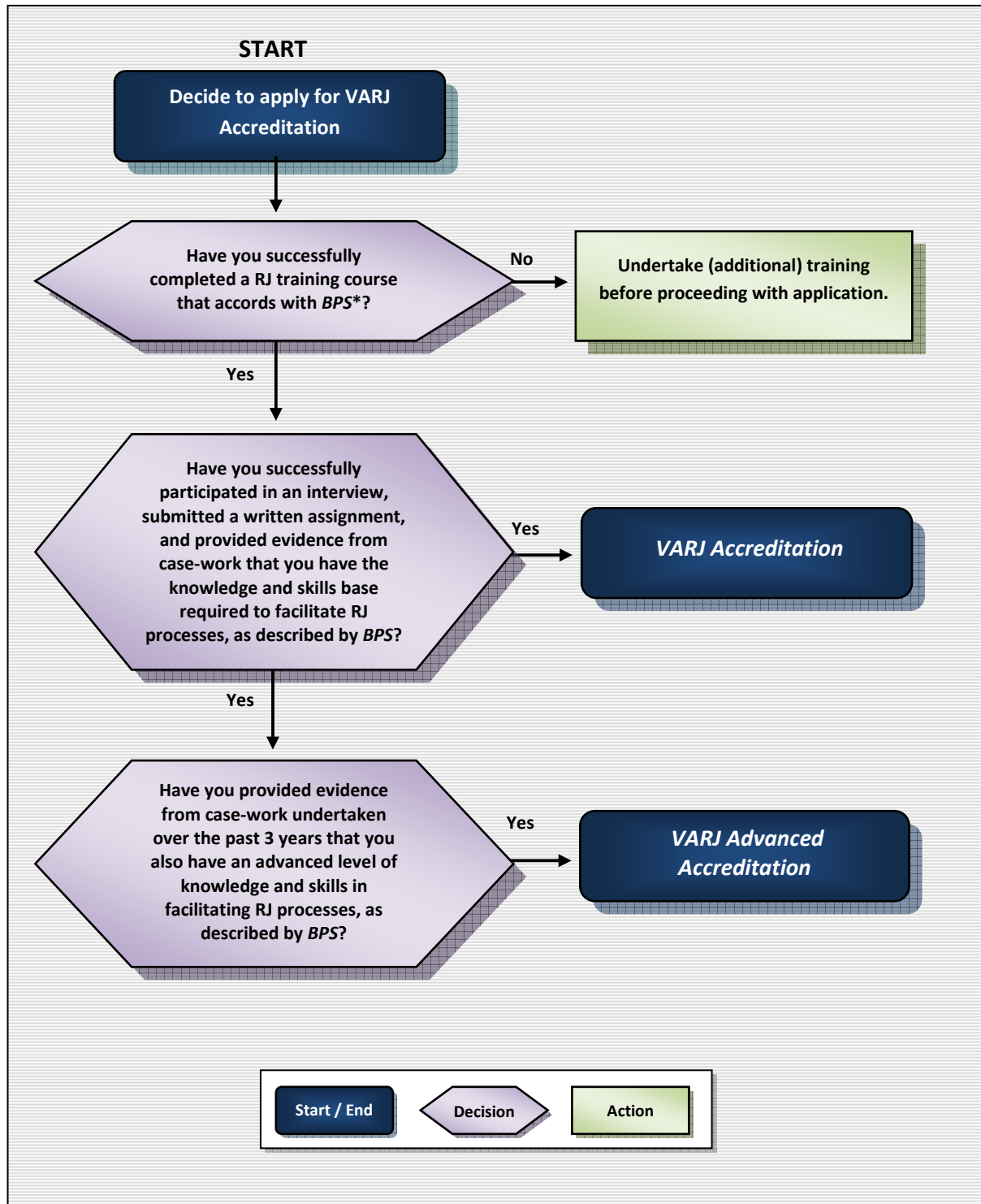
**September 2009**

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<sup>5</sup> Basic Principles were endorsed by the Economic and Social Council in 2002. More recently, the declaration of the Eleventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 2005 urged the further development of restorative justice policies, procedures and programs, see United Nations Office on Drugs and Crime n 1 p. 2.

<sup>6</sup> UK Home Office, *Best Practice Guidance for Restorative Practitioners and their Case Supervisors and Line Manager*, (Dec. 2004): p. 5.

## Accreditation Process Flow-Chart



\* *BPS* = Best Practice Standards for Restorative Justice Facilitators (VARJ, 2009).

## 1 | Introduction

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*In Victoria, the Victorian Association for Restorative Justice (VARJ) operates the following Scheme for the accreditation of RJ Facilitators ('the Scheme').<sup>7</sup>*

### 1.1 Definition of 'Advanced/VARJ Accredited RJ Facilitator'

A 'VARJ Accredited RJ Facilitator' or 'Advanced VARJ Accredited RJ Facilitator' is one who has successfully applied for and undertaken the requirements as described in paragraphs 3.3 and 3.6 herein respectively.

### 1.2 Benefits of Accreditation

Accreditation under the Scheme

- (a) enables RJ Facilitators to demonstrate that they have achieved and maintained the prescribed level of competence required to facilitate the RJ process/es in respect of which they have gained and maintained accreditation, as set out in BPS.
- (b) affords RJ Facilitators the right to represent themselves as 'VARJ Accredited', which may be a requirement for employment with RJ services and referral agencies in Victoria.

### 1.3 Applications for Accreditation

Applications for accreditation must be made in writing in the form prescribed by the VARJ Committee.

### 1.4 Fees Payable for VARJ Accreditation

The fee for undertaking the assessment required for any level of VARJ accreditation will be set by the VARJ committee and reviewed annually.

If assessed as competent, RJ Facilitators may become VARJ accredited for the annual fee, which includes VARJ's annual membership subscription.

Failure to pay this fee within 30 days after the due date, or such extended period as may be notified to the RJ Facilitator, shall result in the lapsing of the RJ Facilitator's VARJ accreditation.

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<sup>7</sup> The VARJ Scheme is an adaptation of the Scheme for LEADR Accreditation of Alternative Dispute Resolution Practitioners, which in part derives from the Australian National Mediator Accreditation System.

## 2 | Governance

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### 2.1 Accreditation Panel

An Accreditation Panel is appointed by the VARJ Committee with the following powers and responsibilities:

- (a) to consider and advise the VARJ Committee on the requirements for VARJ accreditation in respect of any RJ process;
- (b) to consider and advise the VARJ Committee on the standard required for any level of accreditation;
- (c) to assess whether RJ Facilitators have achieved and maintained the prescribed level of competence in the RJ process/es in respect of which they seek to gain and maintain accreditation;
- (d) to consider and determine initial applications for VARJ accreditation, maintenance of accreditation and requests for reclassification to higher levels of VARJ accreditation;
- (e) to consider and advise the VARJ Committee on systems for monitoring and assessing the performance of VARJ accredited RJ Facilitators;
- (f) to consider and determine whether in particular cases VARJ accreditation should be withdrawn from a VARJ accredited RJ Facilitator.
- (g) any other matter relating to accreditation if referred by the VARJ Committee.

### 2.2 Members of Accreditation Panel

The Accreditation Panel will have a minimum of five members and will be appointed by the VARJ Committee for such terms as the VARJ Committee may determine.

The membership of the Panel will, if possible, include members from – and/or who have significant experience with - culturally and linguistically diverse communities relevant to the applicant.

The President of VARJ shall be an ex officio member of the Panel.

## 3 | Accreditation Requirements

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### 3.1 Prescribed Level of Competence for Accreditation

VARJ accreditation will be accorded to those RJ Facilitators who demonstrate that they have achieved and maintained the prescribed level of competence required to facilitate the RJ process/es in respect of which they seek to gain and maintain accreditation, as set out in the *Best Practice Standards for Restorative Justice Facilitators*, VARJ, 2009 ('BPS').

### 3.2 Levels of Accreditation

From 1<sup>st</sup> July 2009 two levels of accreditation will be established, namely:

- (a) Accreditation; and
- (b) Advanced Accreditation.

In respect of particular RJ processes the VARJ Committee may from time to time, by by-law, prescribe different levels of and requirements for accreditation.

### 3.3 Requirements for VARJ Accreditation

*Summary:*

VARJ Accreditation is a two-step process: it includes **(A)** completing a training course (which may or may not be delivered by VARJ) and **(B)** undertaking the VARJ Assessment.

*Details:*

To obtain 'VARJ Accreditation' a RJ Facilitator must provide the Accreditation Panel with sufficient evidence that they have:

- A.** successfully completed a **training course** in the RJ process/es in respect of which accreditation is sought, and that this course met the standards described in the BPS (Section 1, A1);<sup>8</sup> and
- B.** demonstrated that they have the **knowledge and skills base** – as described in the BPS (Section 1, A2-A3) – appropriate to the RJ process/es in respect of which accreditation is sought, by undertaking 'the VARJ Assessment'.

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<sup>8</sup> If, after reviewing the standards, a candidate realises that they need to undertake additional training, the VARJ Committee may be able to assist in identifying and/or arranging a suitable training course.

**The VARJ Assessment** involves three components, all of which will be assessed by at least two members of the Accreditation Panel (or two independent assessors as approved by the Accreditation Panel). The applicant will need to:

- participate in a face-to-face or telephone **interview** with the Accreditation Panel;
- submit a **written assignment** to the Accreditation Panel;

and:

- provide the Accreditation Panel with evidence of **practice experience** as a facilitator of the relevant RJ process/es, drawn from videos/DVDs of actual practice, case records, and testimonials by case supervisors, line managers and participants.

### 3.4 Appeal Process

- (a) If the Accreditation Panel decides that an applicant has not provided sufficient evidence as stipulated in 3.3 above, then the Panel shall inform the applicant of the substance of why it has arrived at this decision.
- (b) The applicant may appeal the decision of the Accreditation Panel, in which case the Panel will review their decision on condition that additional evidence is provided by the applicant.
- (c) On the basis of this review, the Accreditation Panel may decide to refuse or agree to grant accreditation and will furnish the applicant with reasons for doing so.
- (d) This will be final and binding upon the applicant and VARJ for at least 6 months, after which the applicant may re-apply for accreditation on condition that they can provide additional evidence to the Accreditation Panel.

### 3.5 Requirements for Retention of VARJ Accreditation

To retain 'VARJ accreditation' RJ Facilitators must provide the Accreditation Panel with evidence that, over the preceding 2 years, they have continued to demonstrate that they have the **knowledge and skills base** described in the BPS (Section 1, A2-A3) in facilitating the relevant RJ process/es.

This evidence must include:

1. written evaluations from both:
  - (a) individual(s) who have participated in relevant RJ process/es, as facilitated by the applicant, that have taken place over the course of the preceding 2 years; and

- (b) individual(s) who case supervised the applicant in their capacity as the facilitator of the relevant RJ process/es, over the preceding 2 years;<sup>9</sup> and
2. record(s) of attendance, over the preceding 2 years, at professional development courses, tertiary study, conferences and/or network meetings that are relevant to the RJ field

unless the Accreditation Panel shall have exempted the applicant from doing so.

### 3.6 Requirements for Advanced VARJ Accreditation

To obtain the 'Advanced VARJ Accreditation' an RJ Facilitator must:

1. either be already VARJ Accredited or:
  - (a) provide evidence to the Accreditation Panel that they have successfully completed a **training course** in the RJ process/es in respect of which accreditation is sought, and that this course met the standards described in the BPS (Section 1, A1);<sup>10</sup>
  - (b) participate in face-to-face or telephone **interview** with the Accreditation Panel; and
  - (c) submit a **written assignment** to the Accreditation Panel;

and:

2. provide evidence that they have the **knowledge and skills base** and **advanced level of knowledge and skills** described in the BPS (Section 1, A2-A5), by providing the Accreditation Panel with written evaluations from at least two of the following:
  - (a) not less than 10 individual(s) who have participated in relevant RJ process/es, as facilitated by the applicant, that have taken place over the course of the preceding 3 years;
  - (b) individual(s) who case supervised the applicant in their capacity as the facilitator of the relevant RJ process/es, over the preceding 3 years;
  - (c) individual(s) who line managed the applicant in their capacity as the facilitator of the relevant RJ process/es, over the preceding 3 years<sup>11</sup>; and
  - (d) either two members of the Accreditation Panel or two qualified independent assessors<sup>12</sup> who have observed the applicant facilitate relevant RJ process/es that have taken place over the course of the preceding 3 years.

<sup>9</sup> For individuals in private practice, or where case-supervision is not available, alternative arrangements for obtaining the necessary evaluation may be made with the approval of the Accreditation Panel.

<sup>10</sup> If, after reviewing the standards, a candidate realises that they need to undertake additional training, the VARJ Committee may be able to assist in identifying and/or arranging a suitable training course.

<sup>11</sup> For individuals in private practice, or where case-supervision and/or line management is not available, alternative arrangements for obtaining the necessary evaluation may be made with the approval of the Accreditation Panel.

<sup>12</sup> Approval of the independent assessors must be obtained from the Accreditation Panel.

### 3.7 Requirements for Retaining Advanced Accreditation

To retain 'Advanced VARJ Accreditation' RJ Facilitators must provide the Accreditation Panel with evidence that, over the preceding 2 years, they have continued to demonstrate that they have both the **knowledge and skills base** and **advanced level of knowledge and skills** described in the BPS (Section 1, A2-A5), in facilitating the relevant RJ process/es.

This evidence must include:

1. written evaluations from at least two of the following:
  - (a) individual(s) who have participated in relevant RJ process/es, as facilitated by the applicant, that have taken place over the course of the preceding 2 years; and
  - (b) individual(s) who case supervised the applicant in their capacity as the Facilitator of the relevant RJ process/es, over the preceding 2 years;
  - (c) individual(s) who line managed the applicant in their capacity as the Facilitator of the relevant RJ process/es, over the preceding 2 years; and
  - (d) either two members of the Accreditation Panel or two qualified independent assessors who have observed the applicant facilitate relevant RJ process/es that have taken place over the course of the preceding 2 years.

and:

2. record(s) of attendance, over the preceding 2 years, at professional development courses, tertiary study, conferences and/or network meetings that are relevant to the RJ field

unless the Accreditation Panel shall have exempted the applicant from doing so.

### 3.8 Evaluation of Competency of VARJ Accredited RJ Facilitators

- (a) Whenever it sees fit to do so, the Accreditation Panel may institute a review of the competence or conduct of any VARJ accredited RJ Facilitator and determine whether or not the VARJ accredited RJ Facilitator should retain VARJ accreditation.
- (b) In any review instituted under sub-paragraph (a) of this paragraph, the Accreditation Panel shall inform the VARJ accredited RJ Facilitator why it has instituted the review, but will not be obliged to identify any person who has provided an evaluation, nor provide the accredited RJ Facilitator with a copy of the terms of such evaluation, but only of the substance of the Accreditation Panel's concerns.

- (c) The Accreditation Panel may invite the VARJ accredited RJ Facilitator in respect of whom a review has been commenced, to discuss the Committee's concerns and may make recommendations to that VARJ accredited RJ Facilitator.
- (d) The Accreditation Panel in its sole discretion may withdraw the accreditation of a VARJ accredited RJ Facilitator and will furnish the RJ Facilitator with reasons for the withdrawal of the accreditation.
- (e) The Accreditation Panel may in its absolute discretion without any obligation to do so, at the request of the RJ Facilitator concerned, review any assessment made under the Scheme or any decision to withdraw accreditation; and subject to the outcome of any such review, the assessment or decision to withdraw accreditation will be final and binding upon the RJ Facilitator and VARJ unless the RJ Facilitator asks for a further review of the assessment, in which event the decision of the Accreditation Panel will be final and binding upon the RJ Facilitator and VARJ.

### **3.9 Lapsing of Accreditation**

Accreditation will lapse if any of the requirements are not met and the Accreditation Panel has not exercised its discretion to modify or waive such requirements, provided that the accredited RJ Facilitator may apply for further accreditation upon demonstrating compliance with the requirements of the Scheme.

## Appendix | The VARJ List of RJ Trainers

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The VARJ Best Practice Standards for RJ Trainers can be found in Section 1A. of the *Best Practice Standards for Restorative Justice Facilitators* (VARJ, 2009).

These standards enable potential trainees and organisations wishing to purchase RJ training with the guidance needed to identify the minimum standards that any competent RJ trainer should provide. They also provide a means by which individuals can demonstrate that they are sufficiently competent to deliver high quality RJ training.

As compliance with the *BPS* is voluntary, VARJ can take no responsibility for trainers who do not observe its provisions, nor for the quality of training they provide.

However, VARJ will provide a **VARJ List of RJ Trainers** on its website, consisting of trainers who have agreed to provide their training in accordance with the standards set out in Section 1A. of the *BPS*.

VARJ will also establish a **Complaints Procedure** (outlined below) that will ensure that those trainers who wish to place themselves on the 'VARJ List of RJ Trainers' are accountable and responsive to the need and concerns of trainees.

### VARJ Complaints Procedure for RJ Trainers<sup>13</sup>

- Step 1.** If anyone has received training from individual(s) on the **VARJ List of RJ Trainers** and believes that the trainer(s) have not adhered to the standards for training set out in Section 1A. of the *BPS*, then they may submit evidence for their complaint to the VARJ Committee in writing.
- Step 2.** A VARJ Committee member will initially speak to both the complainant and the trainer and work sensitively and restoratively to see whether the issue can be resolved informally.
- Step 3.** If this is not possible, then the VARJ Committee member will prepare a report for the VARJ Committee. The report should present:
- all the evidence for the complaint;
  - any attempts made to resolve the issue;
  - a recommendation to the Committee as to whether or not there is a presumptive case for removing the Trainer from the **VARJ List of RJ Trainers**.

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<sup>13</sup> The following procedure is adapted from the UK "Restorative Justice Consortium Complaints Procedure" (2007) [http://www.restorativejustice.org.uk/Resources/Code\\_&\\_Trainers\\_List/RJC%20Voluntary%20Code%20of%20Practice.pdf](http://www.restorativejustice.org.uk/Resources/Code_&_Trainers_List/RJC%20Voluntary%20Code%20of%20Practice.pdf)

**Step 4.** If the recommendation is that the Trainer *should not be removed*, a VARJ Committee member will, on the basis of information contained in the report, write a reply to the complainant. This reply is final and the VARJ Committee will not consider further complaints on this issue.

If the recommendation is that the Trainer *should be removed*, the VARJ Committee will nominate a Committee member to meet with the Trainer.

**Step 5.** The VARJ Committee member will then work sensitively and restoratively with the Trainer to see whether the issue can be resolved.

**Step 6.** The VARJ Committee member will report back to the VARJ Committee with a recommendation as to whether or not the Trainer should be removed from the **VARJ List of RJ Trainers**. The VARJ Committee will take a decision based on this recommendation. Their decision is final and will be fed back to both the trainer and the complainant by letter from the VARJ President or Vice-President.

***Please Note:***

1. In order to prevent conflict of interest, any VARJ Committee member with a commercial interest in providing RJ training will not be copied into papers and will leave Committee meetings during discussion of these issues. Separate minutes will also be taken and kept confidential. In some cases, the Committee may appoint an 'independent person' to conduct the initial meetings and investigation.
2. Specialist advice will be sought by the VARJ Committee if needed.
3. The Complaints Procedure will be reviewed annually by the VARJ Committee.