



## Restorative Justice at the Post Sentencing Level Supporting and Protecting Victims

Final Report of the UK Pilot Project - June 2015

# Victim Initiated Restorative Justice

## Restoring the Balance

*An Evaluation of the Project conducted through interviews with victims, offenders and those making referrals to the service*



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# 1 Summary

## 1.1 Background

This qualitative research was commissioned to evaluate a UK pilot scheme that provided victim-led restorative justice. The pilot scheme was part of a Europe wide project, '**Restorative justice at post-sentencing level; supporting and protecting victims**' which ran from 1 January 2013 to 31 December 2014. During the course of the pilot scheme 24 referrals were received. The research comprised a series of depth interviews with

- 8 professionals who had made referrals to the pilot scheme
- 7 victims who had decided to proceed with restorative justice
- 2 offenders who had agreed to participate in restorative justice

## 1.2 Referrers

Half the referrers in the sample worked for the Victim Liaison Unit; of the others, two worked for Victim Support, one for the Police and one for a Youth Offending Team. Given their professional backgrounds, it was perhaps not surprising that most referrers felt reasonably well informed about restorative justice and many had received training, in one form or another, or had past experience of restorative justice. Although attitudes varied, all referrers were broadly positive about restorative justice and believed that potentially it could serve to help both offenders and victims.

The introduction of victim led restorative justice was widely welcomed and respondents were quick to identify potential benefits of making the service accessible to victims, for example:

- many referrers knew of victims who wanted answers to questions about a crime
- restorative justice was seen as a potentially safe way for victims who wanted to meet an offender to be allowed to do so
- it was recognised as potentially helpful to victims to have the opportunity to express their feelings about a crime directly to the offender
- in some cases, referrers thought that meeting an offender and hearing how they felt about a crime could be reassuring

Despite widespread recognition of potential benefits to victims, referrers also had reservations about making restorative justice available. In particular, many referrers felt that restorative justice carried a significant risk of causing further harm if the case was not suitable and that just because a victim might want restorative justice, it was not necessarily the right path for them to take. Certain types of crime (most notably domestic violence or sexual crimes) were often identified as unlikely to be suitable, as were cases in which the offender failed to accept full responsibility for his (or her) actions, and cases where the victim was thought to be vulnerable. Referrers did not feel it was their role to determine the suitability of individual cases but they were keen to stress that rigorous assessment and proper safeguards should be in place; for some respondents, a lack of complete confidence about assessment procedures and safeguards appeared on occasions to inhibit the extent to which they encouraged victims to consider restorative justice.

A further key issue for many referrers was the perceived difficulty of bringing up the subject of restorative justice with victims. This was felt to be a sensitive and complex issue and referrers often reported that there was considerable scope to offend or upset victims.

Referrers who were included in this sample were, at the time of the interviews, responsible for a total of 13 cases that had been referred to the project. In a little over half these cases, the main reason for making the referral was that the victim had clearly expressed a desire or intention to

meet the offender. Restorative justice was thought to be the safest means of potentially enabling this to happen. In the other cases, restorative justice had been suggested by the referrer for a variety of reasons, including, for example: a perceived need for mediation; to help victims and offenders after a court case had failed; to 'reunite' a mother and her son; and to give a victim a controlled way to express her anger.

Referrers were generally positive about the service that was being provided by the pilot project. Making referrals had been straightforward and, after some initial teething problems, communication and feedback about individual cases was reported to be good. There was some surprise at the slow progress of many cases but this was understood to be beyond the control of the facilitators and therefore unavoidable. At the time of the interviews, few cases had reached a conclusion and no restorative justice conferences had taken place therefore referrers were very much of the view that 'the jury was still out'. Although they were broadly positive they were withholding their final judgement until they had seen many more cases reach an outcome.

### 1.3 Victims

Most people referred to the restorative justice service had been victims of a relatively serious offence and sexual and violent crimes were not uncommon. The research sample reflected this bias and it was evident that many participants had suffered considerable harm from the crime they had been subject to and that they had experienced significant emotional and psychological difficulties as a result. In some cases these difficulties had persisted for many years.

It was also common for victims to talk about their dissatisfaction with aspects of the criminal justice system. In particular, many participants felt they had received inadequate support as a victim of crime and that their needs had attracted little attention. At worst, some respondents had evidently found the experience of being a victim within the criminal justice system damaging in itself.

There was almost no prior awareness of restorative justice within this sample and the very few people who had heard of it tended to have only a partial understanding of how it might be used or what the benefits could be. Despite being unfamiliar with the concept of restorative justice, respondents were nevertheless happy to be referred to the service and, without exception, the key motivating factor was that this might give them a chance to meet with 'their' offender. A minority of victims had already made attempts to visit an offender in prison, but for most it was a new, and sometimes surprising, idea. Across the sample, however, the prospect of a face to face meeting with the person who had harmed them held some prima facie appeal. At this early stage, victims were not necessarily clear how such a meeting could help them but they all had a gut feeling that it might.

The first meeting with a project facilitator was crucial for victims and it was at this point that they gained a proper understanding of what the process of restorative justice was likely to entail. An equally important aspect of this meeting was that victims were able to talk about what had happened to them and the harm they had suffered without being judged or contradicted or challenged.

All the victims included in the research sample hoped that their case would lead to a face to face restorative justice conference although their specific objectives for such a meeting varied. For some, for example, the most important aim was to get answers to questions about the crime they had suffered; others wanted to convey to the offender just how much harm had been inflicted and what the ramifications of the offence had been; for some victims, simply facing the offender again was felt to be an important goal. For all participants, however, the overarching hope was that restorative justice would help them to feel better. They had often struggled for years with the aftermath of

crime and, whilst it was apparent that their expectations were being carefully and skilfully managed, all the victims were hoping for a good outcome and at best for an outcome that would transform their lives.

Despite hoping that restorative justice might deliver considerable benefits, there was a widespread perception among victims that meeting with an offender could also be risky and this view was often reinforced by friends and families. The main worry for victims was that instead of feeling better they might feel worse after their encounter; that it might harm rather than help them. These concerns certainly added to participants' stress during the process of restorative justice but it is far from clear that they were well founded or based on any real evidence.

Of the seven cases included in the research, four resulted in restorative justice conferences, one case was closed because the offenders declined to take part, one case was put on hold because the victim's father suddenly died, and one case was continuing although a face to face meeting in the immediate future was looking unlikely.

All participants reported that they were pleased with their decision to proceed with restorative justice and generally happy with their experience. Some criticisms emerged though they tended to be relatively minor. The only consistent negative was that progress on cases was almost always slower than participants would have liked. Victims understood that most delays were due to factors beyond the control of their facilitator, so they were not critical of the service they received, but a continued lack of progress on individual cases could cause real difficulties for victims.

When interviewed during the preparation stage, all respondents were positive about the way the service was being delivered and clear that they were already benefitting from restorative justice. Key benefits reported by participants at this stage included:

- that their needs were being recognised
- that they were given a voice and able to tell their story
- that they were proactive agents in the process
- for some, a 'therapeutic' relationship with their facilitator
- for one participant, the opportunity to meet other people in similar situations

Further benefits were evident when victims were able to meet offenders. For the four participants whose cases culminated in a restorative justice conference, it was evident that many of their hopes and aims had been met. Three restorative justice conferences were held (one included two victims) and they were each very different in character, but all three meetings appeared to provide the victims with at least some of what they needed. As a result, these respondents subsequently reported that they felt, for example, 'more at ease', 'less dragged down', 'better in myself', 'no longer scared or worried', and that 'the book had been closed'. All four victims felt better as a result of their restorative justice conference and they all reported that they had been helped in significant ways.

## 1.4 Offenders

Two offenders (both serving custodial sentences) were included in the sample: one was interviewed during the preparation stage and the other after he had taken part in two restorative justice conferences.

The introduction to restorative justice for both offenders came when they received a letter from one of the project facilitators – before this, neither offender had any awareness or understanding of restorative justice and had never considered that it might be made available to them. The initial

letters that were sent to offenders were typically brief and to the point and in both cases came as a surprise. In this situation it seemed easy for offenders to feel anxious about restorative justice – both participants felt they were approaching something ‘out of the ordinary’, an unknown process with unpredictable risks and both felt that more information at this stage would have been useful.

Like victims, the first meeting with a facilitator was important for offenders and, in particular, it was at this point that they were able to find out in detail what the process of restorative justice was likely to entail and what would be required of them. Both participants were sufficiently reassured by their facilitator to go ahead and, for both of them, the key motivating factor appeared to be that this was an opportunity to help their victims. For one of the offenders, his claim to want to ‘help repair some of the harm’ that he caused has to be interpreted in light of his denial of having committed any crime against the victim who wished to meet him. For the other offender, however, his wish to help his victims through taking part in restorative justice appeared genuine and heartfelt.

Also in line with other parts of the sample, both offenders perceived restorative justice as carrying some risk. For one offender, his main fear was that his victims would be angry and hostile towards him and that a restorative justice conference would be acutely difficult and troubling and could lead to him feeling worse than he already did about himself and his crime. The other offender was perhaps more unusual in that he wondered if the victim who wished to meet him was planning to publicise information about him via social media. As a paedophile thinking about leaving prison and trying to re-establish life in the community, it is understandable that he would have concerns about publicity though it was less clear why he held these particular suspicions about this victim.

The two conferences that took place involving one of the offenders were both regarded by him as successful. He first met with the brother of the young woman he had murdered, and subsequently he met with his victim’s mother. It was clear that he found these meetings extremely difficult but he was pleased that they were not combative or hostile. Most importantly, he felt that he had learned that his victims did not hate him and this clearly meant a great deal to him. This offender was also pleased to have the chance to apologise and, he hoped, to have his apology accepted, and he also hoped that by answering his victims’ questions, he had been able to help them. A further positive for this offender was that he had been able to ask his victim’s mother for a photograph of his victim (a young woman with whom he had previously had a relationship), and she had agreed.

Although this offender was clear that taking part in restorative justice had been the right thing for him to do he was not happy with the support that he had received subsequently. For various reasons, there was a long delay between his conferences and any follow up from either his supporters or from his facilitator and this had left him for a time feeling rather abandoned and hopeless. It seems likely that restorative justice could have helped this offender more if he had been better supported after his conferences.

## 2 Introduction

### 2.1 Context

This document reports on the evaluation of a UK pilot scheme that formed part of a bigger, Europe-wide project, '**Restorative justice at post-sentencing level; supporting and protecting victims**'. The overall objective of the European project was to respond to EU Directive 2012/29/EU which establishes minimum standards on the rights, support and protection of victims of crime. More specifically, the European project took as its focus Article 12 of the Directive which specifies that, where restorative justice services are provided, safeguards are in place to ensure the victim is not further victimised as a result of the process. The main objectives of this European project were:

- to improve ways for all people affected by a criminal offence to access restorative justice procedures.
- to implement or, where these already exist, further develop post-sentencing restorative justice procedures, especially in prison settings.
- to implement mechanisms within these procedures that secure an individual, well informed and independent decision of participating victims.

Organisations from across Europe were involved in this project and activities included:

- sharing best practice through international conferences which have included presentations by experts and workshops with local practitioners;
- study visits to observe practitioners involved in restorative justice and wider criminal justice projects;
- four pilot projects exploring the practical implications of promoting and implementing restorative justice whilst protecting victims' rights.

### 2.2 The UK pilot scheme

The UK pilot scheme was delivered by a collaboration of three agencies with a long history of delivering restorative justice within the criminal justice system - Thames Valley Probation, Thames Valley Partnership and Thames Valley Victim Support. Through their experience of providing restorative justice in response to offender-referrals it had become clear that victims were being denied access to restorative justice. The participating agencies decided to use the opportunity afforded by this EU funded project to examine the feasibility of developing a restorative justice service initiated by victims via referrals from key agencies and from victims themselves.

The pilot scheme involved a manager and three part-time facilitators and ran from 1 January 2013 to 31 December 2014. During this time:

- a total of 24 referrals were received from Victim Support, the Probation Victim Liaison Unit, and other agencies, as well as directly from victims themselves;
- an initial meeting between each victim and a facilitator took place to explore the needs and wishes of the victim and to explain the process and possible outcomes of restorative justice;
- in cases where the victim wished to proceed, work took place to enable a restorative solution.

Built in to the project proposal was provision to fund a qualitative evaluation of the pilot scheme.

## 3 Research objectives

The main aims of this research were to:

- evaluate the success of the project from the perspective of participants (victims and offenders);



- help to inform the development of guidance materials for others setting up victim-led restorative justice services;
- form part of a wider evaluation of the EU project 'Restorative justice at post-sentencing level; supporting and protecting victims'.

The research was designed to explore the views and experiences of participants in the UK restorative justice project (victims and offenders), as well as the views of those people who made referrals to the service. Specific research objectives were, amongst victims and offenders, to investigate:

- initial views and expectations of restorative justice;
- the decision making process that led participants to take part in restorative justice;
- participants' information needs;
- participants' views of the process of restorative justice;
- experience of and satisfaction with the restorative justice conference (or, in some cases, other forms of communication);
- overall feelings about restorative justice.

And amongst referrers to explore:

- awareness and understanding of restorative justice;
- perceptions of victim-led restorative justice;
- reasons for making referrals;
- barriers to making referrals;
- information needs;
- views and experience of the service provided by this project.

## 4 Method and sample

Because of the need to explore and understand sensitive and complex issues a qualitative methodology was used. The research comprised a series of individual depth interviews with project participants (victims and offenders) and referrers. Almost all interviews were conducted face-to-face and typically lasted for between 60 and 90 minutes. One interview, with a referrer, took place by telephone. Victims were interviewed in their own homes whilst most referrers were interviewed at work. The offenders were interviewed in prison. Wherever possible, and subject to agreement from respondents, audio recordings were made of the interviews – there were three exceptions: the telephone interview (for practical reasons), and two offender interviews (because of the setting). Interview guides are appended to this report.

The sample for this research was drawn from the 24 cases that were referred to the pilot project. Participants from the pilot project were included in the research sample in all cases where they were contactable; where their case was felt to be at a suitable stage; where no risk was identified (to the participant or the progress of the case); and where they agreed to take part. The final sample comprised:

- 8 referrers representing four different agencies who, at the time of the interviews, had referred 13 cases to the project
- 7 victims
- 2 offenders

Fieldwork took place concurrently with the provision of the restorative justice service and, in all but two instances, participants were interviewed whilst their cases were still in progress – during the preparation stage. Four participants were subsequently interviewed for a second time: in three

cases, after a restorative justice conference had taken place; in the other case, when progress towards a conference had slowed and the prospects of a face-to-face meeting between victim and offender in the immediate future seemed remote. Two participants were interviewed only after a restorative justice conference. Referrers were all interviewed before any restorative justice conferences had been organised.

Fieldwork took place between 24 June 2014 and 24 March 2015. The sample is set out below.

<b>Project case number</b>	<b>Case</b>	<b>Victim</b>	<b>Offender</b>	<b>Referrer and Organisation</b>
2	Child rape and sexual assault Case ongoing	Not interviewed	Interviewed during preparation stage	Interviewed Victim Liaison Unit
3	GBH, theft, common assault	Not interviewed	Not interviewed	Interviewed Victim Liaison Unit
4	Murder (brother and mother of victim) Two conferences held; with brother and subsequently with victim's mother	Victim's brother interviewed twice: during preparation and again after RJ Conference  Victim's mother interviewed after RJ conference	Interviewed after RJ conferences	Interviewed Victim Liaison Unit
5	Death by careless driving Case closed	Not interviewed	Not interviewed	Interviewed Police
6	Harassment Case closed	Not interviewed	Not interviewed	Interviewed Victim Support
7	Rape Case concluded	Not interviewed	Not interviewed	Interviewed Victim Liaison Unit
8	Rape RJ conference held	Interviewed twice: during preparation stage and after RJ conference	Not interviewed	Interviewed Victim Liaison Unit
10	Robbery (mother of victim) Case awaiting outcome of appeal	Interviewed after offenders had rejected offer of RJ	Not interviewed	Interviewed Youth Offending Team
11	Threats to kill Case ongoing	Interviewed twice: during preparation and again when progress towards a conference slowed	Not interviewed	Interviewed Victim Liaison Unit
12	Threats to kill	Not interviewed	Not interviewed	Interviewed

	Case ongoing			Victim Liaison Unit
16	Unlawful wounding and threats to kill (sister of victim)  Case ongoing	Interviewed during preparation stage	Not interviewed	Interviewed  Victim Liaison Unit
17	Rape and sexual assault  RJ conference held	Interviewed twice: during preparation stage and after RJ conference	Not interviewed	Interviewed  Victim Liaison Unit
22	Criminal damage	Not interviewed	Not interviewed	Interviewed  Victim Support
	<b>TOTALS</b>	<b>Interviews with 7 victims (4 of whom were interviewed twice)</b>	<b>Interview with 2 offenders</b>	<b>Interviews with 8 referrers (13 cases)</b>

## 5 Main findings – referrers

### 5.1 Awareness and understanding of restorative justice

Referrers generally felt they were fairly well informed about restorative justice and many had received training at some point in their career or had been directly involved with restorative justice projects. The nature of past experience varied considerably and it was clear that many different activities fell under the same broad umbrella.

“At its best, I’ve been to one conference that was in prison, nothing to do with this, prior to this, that was a burglary one, and it was really good because it allowed him to see what he’d done, it worked really, really well. I think they maintained contact after that, it was very, very strong.”

Referrer

“I did training, for prolific offenders, two lots of training. We used to do rj. We didn’t do it face to face to start with, we got offenders to do a video disk, because it was all domestic burglaries, we used to send off this disk if victims wanted to see it.”

Referrer

Perhaps partly because of the variation in previous experience, attitudes towards restorative justice also varied although the vast majority was broadly in favour and argued that there could, in the right circumstances, be benefits for offenders and victims.

“I think it can help people move on. I don’t think you can always repair massive breaks in relationships but I don’t think that is what it is intended for really. I think it can be helpful for the healing process for a victim, definitely.”

Referrer

“I think it works well in that it makes the perpetrator, the offender aware of what the impact of their offence has been, and allows the victim the opportunity to say what the impact has been. So instead of them feeling that they are not heard, that their

voice is not heard, it allows them a voice.”

Referrer

“I was always under the impression that it never worked... probably a lack of understanding on my part.”

Referrer

## 5.2 Perceptions of victim led restorative justice

The introduction of victim led restorative justice was regarded positively across the sample of referrers and it was clear that presentations by and conversations with facilitators had been very persuasive and effective. At a basic level, the concept of providing a service that would make the potential benefits of restorative justice more readily available to victims seemed sensible and, in some ways, a self-evidently good idea.

“I think it should work much better when it’s victim led rather than offender led. Prior to this scheme I’ve had a case where the offender wrote to the victim and it was right before his parole was about to happen and it just sort of smacked of ‘I want to get out of here and this is what I’ve got to do.’ It really upset the victim, it wasn’t looking at what was in the interests of the victim. If it is only being done because it’s for the good of the victim; that has to be a good starting point.”

Referrer

“For us it’s about the victims and how they can move on. We see it from their perspective so it makes sense to set up restorative justice around their needs.”

Referrer

Referrers were generally quick to identify ways in which restorative justice could benefit victims, for example:

- many referrers knew of victims who wanted answers to questions about a crime and they perceived victim led restorative justice as a potentially safe way of enabling this;
- it was seen as a safe way for victims who wanted to meet an offender to be allowed to do so, and on occasions preferable that they should do it with support rather than acting independently;
- it was recognised as potentially helpful to victims to have the opportunity to express their feelings about a crime directly to the offender;
- in some cases, referrers thought that meeting an offender and hearing how they felt about a crime or seeing how they had changed since the time of the crime could help to reassure victims.

That restorative justice could benefit victims (as well as offenders) was not disputed. However, there was a lot discussion about whether or not restorative justice was always appropriate for victims and, particularly among referrers who worked with victims of more serious crimes, there were strong feelings that some cases were definitely not suitable. Previous experience of restorative justice when strict protocols about which offences were suitable and which were not perhaps added fuel to this debate and several referrers identified sexual offences in particular as likely to be unsuitable.

“Before, it was offender led, and I found the suitability and eligibility criteria very rigid and straightforward. For example, they said no domestic abuse cases, no sexual offence cases. That I think is what I struggle with now with victim led rj, is that they

do take those cases. I can't get my head round that, I just find that difficult."

Referrer

"In burglaries, for example, they might hear, 'Oh your house wasn't targeted, it was opportunistic', because everyone thinks they were watching the house, that's the concern and they can have their mind put at ease. But I think in sex offences, they either completely deny it in which case it's not suitable or I just don't think they get the answers they want. I think there is often a heavy minimisation, denial of responsibility, which means the victim doesn't get a proper account of what happened. That's my view."

Referrer

"The difficulty with sex offender ones is managing the victim's expectations which is what we do all the time, we have to. And a lot of the time it's family, family friend or acquaintance, and it's 'Why?' and they are never going to find out."

Referrer

This view was not universal, however, and one referrer had evidently come to a different understanding about the use of restorative justice in sexual offences as direct result of training; evidently, on this occasion information and practice based evidence had made a significant difference to the referrer's perceptions.

"I actually did some further training which was about sexual abuse and restorative justice, the use of restorative justice in sexual abuse cases, and that gave me more of a victim awareness of it. It is different looking at it from the victim angle rather than the offender because they feel that they've got that control, especially in sexual abuse... there was a case where the victim had a face to face with the offender and she said how it helped her, how it made her feel and it made her feel that she taken the control back of her life."

Referrer

All referrers expressed concern about the well-being of victims who opt for restorative justice and it seemed clear to them that just because a victim might want restorative justice that was not necessarily the right path to take. Broadly, there were seen to be three inter-related issues that should be taken into account: the nature and seriousness of the crime; the offender (including, for example, their level of acceptance of responsibility, their relationship with the victim, and any tendencies to control or manipulate); and the victim (including their resilience and whether or not their expectations were judged to be realistic).

"There is always the risk of re-victimising someone. Exposing a victim, or allowing a victim to meet the offender when you know that person is manipulative or still holds some power over the victim, it would be too much of a risk"

Referrer

"It's the element of victim blaming that puts the responsibility back on the victim which is damaging."

Referrer

"It's the more complex cases, the grooming and all those elements of sexual offending... it's that complex background to a case that I just think there is no clear cut answer to the question, 'Why?'. And that's what the victim wants to know, why?"

They might want a meeting to ask their questions but if you can see they are not going to get a satisfactory answer..."

Referrer

To many referrers, there appeared to be an inherent risk in making restorative justice available to victims – that it might be requested when it was not suitable and that victims might be allowed to proceed when there was a significant risk of further harm. Moreover, respondents were not always certain how rigorously new referrals would be assessed or what safeguards were in place. It would undoubtedly be helpful to provide more information so that referrers have greater confidence about the process. A comment from one referrer suggests that there might be a tendency to suspect that offenders have most to gain, whilst victims have most to lose.

"I have thought it was brilliant from the beginning, years ago. I did a lot of reading about it to start with, it's just so powerful. When it's done properly, it has to be really well done and well prepared, it's the most powerful way of working with offenders I think. But when it's done wrongly it can completely screw people up, especially the victims."

Referrer

### 5.3 Discussing restorative justice with victims

It was widely acknowledged by referrers that broaching the subject of restorative justice with victims could be difficult. In cases where the victim was already talking about meeting an offender or expressing a strong desire for communication of some sort, it was relatively easy, but in other cases it was seen as a potentially tricky conversation.

In part, this difficulty was seen to stem from low levels of awareness of restorative justice among the population at large. Referrers were clear that in almost all cases it would be meaningless to make an offer of 'restorative justice' without also providing an explanation of what it is. Even then, referrers were aware that in the UK the concept of restorative justice might not make immediate sense to people. Added to this lack of awareness, was the appreciation that any suggestion of communication between victim and offender would need to be sensitively handled. There was felt to be quite considerable scope to offend or upset victims.

"More often than not they will have very strong feelings of hate or resentment or will say very strong words about the offender and you will think, 'Well, now is not the time to put forward rj'. So you kind of see what their views are, see what their attitude is and gauge it from that."

Referrer

"I think it would be very easy to get it wrong if you just went blundering in. You have to use your judgement.

Referrer

"I take a leaflet with me on every case and just see how the meeting feels. Obviously, if someone is presenting really angry and cross about it, I wouldn't even mention it. But depending on what they say I would bring the leaflet out and have a discussion with them. I would never rule out a case completely, but I generally, if it's a difficult, sensitive case I would probably wait for them to bring it up."

Referrer

This perceived need to tread cautiously when thinking of broaching the subject of restorative justice with victims was partly born of straightforward sensitivity to people's feelings and a wish not upset or offend anyone. Further than this, however, was a professional need to maintain a good working relationship with victims – a crass suggestion at the wrong time could have serious repercussions.

“I think it's difficult for us in our job because you get one meeting with victims and you do not want to annoy them at that point or offend them in any way because that's your relationship over with them. And that's their only impression of our service and what we do and, especially on a life sentence, you don't want to lose your victim because it's so important for risk management later on.”

Referrer

“That sort of thing could really tip someone over the edge and affect your working relationship with them because they think it's not appropriate. ‘Why would you think I want to meet this person? It's not for me.’”

Referrer

Judging when a victim might be receptive to a conversation about restorative justice was felt to require skill and experience. Several referrers reported how they would try and respond to cues from victims; if, for example, victims expressed a need to find out why something happened they would sometimes use that as an opportunity to suggest that communication with the offender might be possible, but this could feel like uncharted territory.

“They all want to know ‘why?’ but it doesn't necessarily mean they want to face that person who offended against them. It's not a clear cut thing.”

Referrer

Even in the right circumstances, talking about restorative justice was not always thought to be easy and respondents were sometimes not clear how best to describe and explain the service to victims. All referrers were familiar with the project leaflet and would use this if they were confident that it would be well received but they appeared less inclined to use it in cases where they were uncertain of the victim's likely response.

It was not uncommon for referrers to use the project leaflet when victims explicitly stated that they wanted to meet the offender. Typically, when this happened, referrers reported that they would send or give the victim a leaflet about the restorative justice project and invite them to ‘think it over’. The referrer might then re-contact the victim but not always.

“I generally send them a leaflet and say to think it over for this weekend and then I do ring them back the next week and check they still want it and then I put the referral forward.”

Referrer

“I have had a victim who, a rape victim, who has told me that she would want to meet the offender and I did give her the information because it's not my, that's her decision to make. So I said, look, there is this project in which you can do that. I think she wanted to go and meet the offender in prison without any back up and I'd rather she had support and did it properly rather than did it off her own bat. In that case I said, there is this project, but she hasn't actually come back to me.”

Referrer

## 5.4 Reasons for making referrals

In a number of cases (eight out of the 13 referred by these respondents) the main reason for making a referral was that the victim had clearly expressed a desire or intention to meet the offender. Half these cases involved a sexual crime and the referrers put them forward despite their own misgivings. Respondents were keen to stress that they saw their role in these cases as limited; it was not for them to make a decision even if they held strong views about the suitability of the crime, or the potential risk to the victim. Responsibility for assessing the victim and the suitability of the case was perceived to fall to the restorative justice team although referrers were not as confident as they might have liked about how rigorously cases were assessed before a decision to proceed was made. Other, non-sexual cases that were referred following a direct request from a victim were judged to be more likely to reach a satisfactory outcome.

“I definitely would if people want the service. I don’t think there is anything detrimental about it as long as they’ve properly discussed what they are going to get out of it and whether that person is suitable for it, I’ve got no problem. It’s when they put somebody forward who probably couldn’t deal with it and then it doesn’t look great that I’ve sort of facilitated that. I just don’t like that it’s reflected badly on us.”

Referrer

“No, we have to put it forward. [The RJ team need to take into account] of how stable they are mentally, whether they can deal with seeing an offender face to face psychologically, because a lot of them are very damaged from what’s happened to them. With some cases I am not sure they are suitable, but that’s not our call, it’s not for us to make that decision. You just hope that they are screened properly, that they would say no.”

Referrer

In the other five cases, the initial suggestion that restorative justice might be appropriate came from the referrer. Two of these cases appeared straightforward – an offender had been found guilty and the referrer felt that it might help the victim to meet with the offender, in one instance because the victim was the offender’s mother, and in the other because the victim’s anger was stopping her from being able to move on from the crime. Both cases were able to proceed.

“This one, it was a parent who was very, very angry... we did a lot of work around that but she still felt angry... I was surprised, I didn’t know where the anger was coming from.... She needed help more than I could give her. We could talk and explain her feelings but she needed more, she wanted to know why, what made them do it?”

Referrer

In the third case, in which a pedestrian had been hit by two different vehicles and killed, the criminal case had been dismissed and the referrer thought that restorative justice might be able to help all the parties:

“The family were beside themselves with anger, they were upset and disgusted, they were under the impression that the driver was still driving around without a care. The family was so angry with the whole thing. The male driver and the family of the victim live in the same village, and the female driver lives in the next village, so they are always going to see each other. I thought, for the good of all of them, they need to be able to move on in some way or another and perhaps, if they were able to hear how the other one felt or be able to say how they were feeling, that might actually



help them... the family have never really been able to have an explanation or any indication of how the drivers felt.”

Referrer

It was partly because there had been no court case that the referrer thought restorative justice might help. The offer of restorative justice was made but the family did not take it up.

Two further cases were referred to the project after restorative justice had been suggested by the referrer. In one it seemed that perhaps the real need was for mediation: this case involved an ongoing feud and the referrer recognised that it was not an exact fit for restorative justice. In the other case, the referrer was talking to the victim before a court case had taken place and responded to the victim’s view that ‘it shouldn’t go to court’. Neither of these cases was found to be suitable for restorative justice.

“At one stage he said to me that he didn’t think it should go to court, he would rather meet in a pub, have a pint, let him hear what he’d got to say and then tell him his side of it and he thought the pair of them could get on like a house on fire and the whole thing would go away... But at that stage the police had got the whole thing set up and because they didn’t need him as a witness in court, the [court case] went ahead anyway.... Later on I explained restorative justice to him and he said it was something he would like to explore further.”

Referrer

## 5.5 Making a referral to the project

Making a referral was generally reported to be easy and straightforward and there were clearly good links between referring organisations and the project. Within this sample, only two referrers came from organisations that did not have an established working relationship with the project: one of these came about by chance (the referrer happened to be sitting next to a facilitator at a conference); the other referrer knew about the service but had to hunt on the intranet to find the correct form to use.

In most cases, but not all, referrers were happy that victims they had referred were contacted sufficiently promptly. A long delay at this point was not thought to be acceptable.

“It took weeks, weeks to come to fruition and I don’t know why. If you’ve spoken to your client and you say you’ll do something it’s frustrating when nothing seems to be happening.”

Referrer

## 5.6 Views on the progress of cases

The rather slow pace of progress on some cases was commented on by several referrers but there was generally an understanding that most delays were beyond the control of facilitators. What mattered when progress was slow was that everyone was kept informed, especially victims. There were occasional reports of this not happening satisfactorily but any lapses appeared to have happened early on in the project and there was a view that lessons had been learned.

“Some of them have been a bit slow but I don’t think that is through any fault of the facilitators, I think it is resistance from other probation officers and things like that, especially if they are not in our area; that makes it difficult.”

Referrer

“She was left hanging for a long time without an update and then it all sort of happened rather quickly once it had been organised. I think she needed to know what stage things were at so that she wasn’t sort of in limbo. So that was one issue. I think they’ve got better. I think they’ve done a really good job to be fair.”

Referrer

It was important to all referrers that they were kept informed of progress and what was happening (not just when there were delays) and this was felt to be particularly true when there was an ongoing relationship between the referrer and the victim. Generally, referrers were happy with communication and any early ‘teething problems’ were thought to have been resolved. A few respondents raised the possibility that, for some victims, the referrer could also be a source of support through the restorative process.

“It’s important to be kept informed... in that instance there was ongoing work with the victim so it was good to be kept informed because if anything had happened then it’s important to know... especially if something had gone wrong. In a sense it did and she wasn’t able to see the process through but obviously I knew about that so we were able to talk about it.”

Referrer

“I definitely feel it’s important. I’ve had a few cases where, I mean now they are much better but initially there were teething problems with not hearing anything for months and you wonder what’s happened with it. So it is really important, especially if the victim rings you up or you are contacting them about something that could be quite sensitive, you need to know what else is going on in their life. So definitely important. And also if, depending on what your relationship is with that victim, like whether you have got a good rapport, a good relationship, it’s nice to be able to offer your support if it does go to conference. To say maybe, do you want me there?”

Referrer

At the time of the interviews, most cases were at a fairly early stage and respondents felt that it was too soon to come to a view as to whether or not they had been successful. Referrers were, however, often very positive about facilitators and there was also some limited awareness of the positive views of victims.

“When they come to our team meeting, they are so positive about it, you can’t really help but get positive with them which is good. And the feedback I’ve had from some of my cases, when they met with them for the first time, the victims tend to be quite positive about the experience which is good.”

Referrer

One case had come to a conclusion. Neither the victim (who had been raped) nor the offender have been interviewed for this project so their views are unknown, but, from the referrer’s perspective this case was far from successful. The initial referral had been made in response to a definite request from the victim and subsequently a letter from the offender had been shared with the victim by the facilitator; at the time, the victim appeared to be satisfied. However, the referrer understood that this letter had upset and distressed the victim and the referrer felt that the victim partly blamed her. The relationship between the referrer and victim deteriorated as a result. The referrer was clear that the letter should have been screened much more carefully although she did

acknowledge that this error happened early in the life of the project and would almost certainly not happen again.

“I don’t think it was a mistake putting [the case] forward. But I think that the letter that they passed to her ought to have been vetted a bit more carefully because I don’t think it was very sensitively written and I think it was a bit blaming of her which I don’t think that should ever have been passed to her. I think that should have been stopped at that point, or maybe they should have had a discussion with him about what’s appropriate to put in the letter and what isn’t. That was quite early on in the project so I think that has been learnt from.”

Referrer

A further case reached a conclusion when it became clear that the offenders were not willing or suitable to take part. This was known to the referrer when she was interviewed and she was clear that the case had, nevertheless, helped the victim to some extent.

“When I spoke to her I said, ‘How do you feel?’, and she said, ‘I’m fine’. I think [the facilitator] had contacted her and explained what had happened and she said, ‘I feel that I’ve tried and I feel better about it. I’ve tried and it’s him who’s rejected it, not me, it’s him.’”

Referrer

Finally, there were two cases that had proved to be unsuitable for restorative justice. Although the referrer understood that there were issues on both these cases, it did not appear that he had been given a detailed or convincing explanation of why these cases were stopped.

## 6 Main findings - victims

### 6.1 Background information

#### 6.1.1 Type of crime and degree of harm

Victims often spoke at length about the harm they had suffered and about their continuing psychological and emotional difficulties and, in some cases, behavioural, physical or financial difficulties too. It was striking both how serious most of the initial crimes were and how severely victims had been affected since. Of the seven participants in this part of the sample, six had been victims of violent or sexual crimes and the seventh was the mother of a girl who had been robbed; this is a fair reflection of the total case load for the project which included 18 victims of violent or sexual crimes out of the total 24 referrals. Clearly, referrals to this project have been biased towards very serious crimes and perhaps *one* reason for this is simply that victims of more serious crimes are likely to experience more harm and to suffer more lasting difficulties as a result – victims of more serious crimes are, arguably, more likely to need help to recover from the aftermath. In this sample, it was not uncommon for respondents to report a variety of problems, including, for example, high levels of anxiety and fear, anger, self-harm, depression, difficulty sleeping, failed relationships, and withdrawal from friends and other aspects of their lives. Three respondents spoke about trying to kill themselves. Moreover, it was clear to participants that there was a direct, causal relationship between the crime they had been a victim of and their ongoing problems.

“I’ve had loads of problems since [the crime]; I’ve been seeing a psychologist since I was at school. I self-harmed, I tried to kill myself, I had a breakdown.”

Victim

“After she died I withdrew myself from most things other than work. I quit college the day after, because it was a college day it happened on, I focussed on work, I didn’t really sleep for about two years afterwards, I started eating quite a lot, put on quite a lot of weight.”

Victim

“It still affects me, every single day.”

Victim

### 6.1.2 Age of crime

The negative effects of these crimes had often persisted for years and all the victims interviewed felt that, to a greater or lesser extent, they were still suffering. The ‘age’ of the crimes for which victims were seeking restorative justice was a notable feature of many cases referred to this project. Whilst some were relatively recent (within the last 12 to 24 months) others dated back well over 20 years. Interviews with victims in this sample illustrate how, in the case of older crimes, negative effects can be rekindled when an offender is released from prison, or when the possibility of release is signalled by a parole hearing. One respondent had been coping relatively well until her step-father (who had threatened to kill the victim’s mother and wounded her brother) was released from prison. Knowing the offender was back in the community was sufficient to resurrect this victim’s disabling fears and anxieties.

“I worked in a bar when he was in prison and I got my personal licence, I was doing a really good job at managing, and then as soon as he got released I couldn’t go out at night and I couldn’t do the job, I couldn’t do anything, I was scared, if it got dark or I was on my own.”

Victim

Similarly, another victim who felt she was “*doing all right*” experienced a significant set-back when she learned that the offender was coming up for parole.

“When I knew he was coming up for parole I started to withdraw myself from everybody, I got very funny about phone calls, went through a massive depression, totally lost the plot.”

Victim

In these two cases, it seems that victims who were managing reasonably well were suddenly destabilised by the release, or threatened release, of the offender on their case. Both victims were scared and for understandable reasons – the offenders were well known to them (the father of one, and step-father of the other); had carried out violent or sexually violent crimes; and had been found guilty and sentenced to lengthy terms in prison at least partly on the testimony of the victims.

### 6.1.3 Other sources of stress

In addition to the harm and difficulties caused by the particular crime that was the focus for restorative justice, it was notable that most victims in this sample had also had to deal with other traumatic events in their lives. One woman, for example, who was raped by her father when she was 16, discovered years later that her own children had been sexually abused by her partner. Another respondent was referred to the project to help her deal with the aftermath of a robbery committed against her daughter and, since that crime, her daughter had been raped. Even during the course of this project, one participant had to deal with his son being removed from his ex-partner by Social Services, and another participant’s father was killed, probably murdered. It is

impossible to judge accurately but, impressionistically at least, it seemed that participants were subject to more than averagely difficult circumstances beyond the particular crime that had led them to restorative justice. It was certainly the case that facilitators had to work with victims in ways which were sensitive to other issues in their lives and that sometimes these could interrupt or delay the process of restorative justice.

#### 6.1.4 Secondary victimisation

Perhaps predictably, the perceived shortcomings of the criminal justice system and the apparent lack of support for victims also generated considerable comment.

*"I just feel very like I've been punished since it happened. From when I left school I tried not to let it bother me, I worked hard but because of how it's made me feel mentally, I couldn't get anywhere... I had to leave my job [because] I was too scared to go and work... I haven't had anything from it, no apologies, no help, nothing like that."*

Victim

*"Being in court is nerve wracking, it's daunting, absolutely awful. You feel under scrutiny, you feel like you are the person on trial, you feel like you're being judged by every single person in there. You are not prepared for it, you don't know what questions to expect, you do feel like you are being pulled apart."*

Victim

It was commonplace for respondents to feel that their voice had not been properly heard and that their needs had attracted little if any attention. Further than this, however, in two cases, it seemed that the way in which the initial crimes were subsequently dealt with was at least as great a cause of anger and distress as the crimes themselves. In one instance, the victim and her mother had to endure repeated adjournments which meant preparing for court and booking time off work and away from school only to be told that nothing was going to happen that day and that they would have to return at a later date. This evidently happened three or four times and left the respondent *"very angry about the delays and how things dragged on"*. Further distress was caused when this respondent learned that the offenders had numerous previous convictions and that this information had, as she saw it, been withheld. The referrer of this case explained the mother's reaction:

*"Her daughter had been quite courageous to go through with the police case and it had been going on and on and on and on... and then she found out that these men had got a string of convictions when they were actually finally sentenced... she came in and she was crying with anger. When they were convicted, and they got quite long sentences, I thought, 'Right, now she'll feel at peace, now she'll feel better', but it was the opposite, she went mad because she'd read in the paper about all these previous convictions and she was furious that she hadn't known about them."*

Referrer

In another case, it was not the crime itself (threats to kill) that troubled the victim so much as the subsequent injunction which she felt she had been powerless to stop and which was now preventing her from having contact with her son.

*"They have put me in this [situation] because they were so insistent on me getting this injunction out, which I still don't understand because he was already in prison so what the hell was that about? They said it was advisable... it's what they advised but looking back in hindsight I think, 'Why?' For me it's not been the right road to go... to me, it's down to Thames Valley Police and the way they dealt with the situation – it*

could have been done differently by them.”  
Victim

## 6.2 Awareness and initial views of restorative justice

### 6.2.1 Awareness of restorative justice

Prior awareness and knowledge of restorative justice among victims in this sample was low. One respondent had some awareness through his partner (a police officer) and through his brother (who had experienced restorative justice as an offender) but he had not considered that it might be something he himself could benefit from. The best informed participant was a young woman who had seen a television programme, *‘Can criminals say sorry?’* (broadcast on BBC3 in April 2014) which had evidently made quite an impression on her. The programme featured actor Brooke Kinsella whose brother had been murdered.

“Her brother was murdered and she was thinking about seeing his killers so she went and watched other people doing it... At first I thought ‘Why would you want to see him?’, but by the end of the programme I kind of thought the same as her, you can see it gives people a lot of closure.”  
Victim

Although this portrayal had not prompted the victim to seek restorative justice for herself it did seem to make her more ready to consider it when it was suggested as an option.

“I think if anyone had said it to me a few years ago I wouldn’t have done it I don’t think, I wouldn’t have thought it was a good idea... since having my daughter I’ve wanted to get rid of the fear so I think I’ve got to do something but I wouldn’t have jumped at it [restorative justice] like I did without that programme”  
Victim

Most respondents, however, knew nothing about restorative justice before being referred to the project. Even at the point of referral victims seemed to have little proper understanding of, for example, the process, likely time scales, who would be involved, or what might be required of them.

### 6.2.2 Initial views of restorative justice

Despite being unfamiliar with the concept, and unclear about the details, respondents were nevertheless willing to be referred to the project. Without exception, the key motivating factor was that this might enable them to meet ‘their’ offender. In some cases, this was a strongly expressed need and two respondents were already actively seeking ways to find out about or visit an offender in prison.

“I just wanted to meet the guy who killed my sister. I was thinking that a couple of days after she died. It was always in my head.”  
Victim

*Talking about her son:* “I decided enough’s enough now, it’s not healthy for any of us, worrying about how he is, what he’s doing, where he is... I said to them [VLU] ‘How can I find out where he is, what he’s doing?’ and she told me about restorative justice.”  
Victim

Other respondents had not clearly articulated their needs when restorative justice was suggested to them, but they did appear to feel that they wanted to do *something* to help alleviate their distress; the opportunity to meet the offender who caused them harm was a powerful offer.

“Initially my thoughts were, ‘Well, maybe’. I had vented my frustration so much to [my parenting worker] and I think she thought there must be a way round this. Verbally, I was venting and I was very angry so I thought maybe meeting him could help.”

Victim

“Last year, September I think it was, I heard about [restorative justice] from the probation officer. Because he was coming up for parole they mentioned it, I wasn’t too sure and then I thought, yeah, maybe. What have I got left, what can I do to stop all this going on, and I thought, maybe facing your fears, that’s the last thing I’ve got. She brought it up again [and I said yes].”

Victim

Clearly, at this early stage, even though victims were unfamiliar with the concept of restorative justice and unsure what to expect from the process, there was something about the prospect of meeting the offender that seemed to engage them and make sense to them as a potentially helpful experience. Looking back, respondents identified various different factors, key among them:

- to ask questions to find out why the offender committed the crime;
- to ask questions to find out more about events leading up to the crime and about the crime itself;
- to find out where the offender (the victim’s son) was, how he was coping with prison and to re-establish contact;
- to face the offender and confront their fears;
- to express anger.

Restorative justice, or at least meeting the offender, held some prima facie appeal for these victims; they could see for themselves that there might be benefits. Despite this initial, sometimes tentative, interest in restorative justice it was not until victims had their first meeting with a facilitator that they felt they had sufficient information and confidence about the process to make a proper decision. Prior to this meeting, their expectations were sometimes rather nebulous.

“I didn’t really know what to expect, to be honest. I said yes to it but it was still the unknown. All I knew was that these people could get me to go and see him face to face.”

Victim

For these victims, having little information before meeting a facilitator was not a problem. Although there was a great deal that they wanted to know about the process, they were happy to take the first step (agreeing to the referral) more or less in the dark. However, what this study cannot throw light on is how typical these victims might be of all victims who could benefit from restorative justice. Were these participants unusual in being able to identify for themselves some of the potential benefits of coming face to face with the offender? It is worth noting that in six out of seven cases the victims in this study knew the offenders before the crime happened (in four of these, the victims and offenders were closely related). Is the prospect of meeting an offender who is not known to the victim more or less likely to be seen as a potentially helpful and restorative encounter?

## 6.3 First meeting with a facilitator and decision making

### 6.3.1 First meeting

For victims, the first meeting with their facilitator was an important and very positive experience. It was at this meeting participants felt they really got to understand what the process of restorative justice was likely to entail, how long the process could take, that restorative justice was not going to be a 'quick fix', that the offender might or might not decide to participate, and that there could be various hurdles to be overcome. Victims also reported that they were reassured about the process, about their own safety, about the safeguards and support that would be in place, and about the degree to which their concerns and wishes would be taken into account. They all felt that their facilitator had done a good job of explaining, reassuring and making it clear what they should (and shouldn't) expect.

"[The facilitator] was very up front and honest and said, 'It's not something that will happen overnight, it's a very, very long process. It's not just a case of you getting in touch with me and saying 'I would like to see P' and me taking you by the hand tomorrow'. She said it doesn't work like that. 'There's work to be done with you and there's work to be done with P, I have to meet with him too, and then we'll decide which is the right way forward for you and him, if there is a way forward'."

Victim

"Once I'd met [facilitator] and she explained everything to me I was definitely in favour of doing it a lot more. I'd always had it in my head to meet him, but what [facilitator] said made me feel better about doing it, safer I guess."

Victim

"I can't really remember hearing much about it until [the facilitator] came round and when she came round she explained it all, she explained it really well, explained how it happened, how many meetings you have before and who she talks to and how it works in the room. She explained it really, really well. Until I'd actually met her I didn't know if I really could do it, if it was going to be exactly like it was on the tele, but she was really good. Before that I didn't really know what I was agreeing to."

Victim

An equally important aspect of this first meeting (and indeed, of the restorative justice process more generally) was the opportunity for victims to talk and be listened to. Participants valued the chance to tell their story without being challenged or judged; to talk to a 'professional', someone trained and skilled, who was also friendly and interested. Being heard was evidently valuable in its own right but importantly too, at this first meeting, it served to help build trust between victims and their facilitators.

"When she first came, she was friendly, she was warm, kind of crazy, it was like I was talking to a friend rather than somebody who's trained and specialised in this area and I've completely opened up with her."

Victim

"I felt quite relieved because I thought I can now have my opinion, I can now voice my concerns without somebody making an opinion... people ask you questions, police officers ask you questions but there is never really that connection... you couldn't tell them your life story could you? But I felt I could with [facilitator] and she wouldn't pass an opinion."

Victim



“She didn’t say very much, she just listened, which is what we needed – somebody to listen to our side of the story, and she did.”

Victim

### 6.3.2 Decision making

It was really only after this first meeting that victims felt they had enough information and reassurance to come to a decision about restorative justice. For some, the decision to proceed was relatively quick and often respondents spoke as if this was something they felt compelled to do. The emotional drive for some respondents appeared to be very strong.

“Very simple... to me it was a simple decision, could I face him or could I not? I’m scared of him - face your fears. It was very simple, I had to.”

Victim

“I know he’s in prison and I know he’s somewhere but it’s like, it’s like his life’s stopped and my life’s stopped, like we’ve been put in a time capsule. And my life is not going to be able to start again until that time capsule has been opened. How could I not say yes?”

Victim

But this was not always the case and, in particular, for the victim whose daughter had been robbed the decision seemed much more finely balanced. This one case does not provide sufficient evidence from which to draw conclusions, but it is interesting to note that the victim who, arguably, suffered less severe harm was also the person who seemed to weigh up the pros and cons most carefully. With this victim, it also happened to be the case that the first contact with a facilitator was not face to face, instead there was contact by phone and email. Clearly, the victim’s first meeting with a facilitator was critical to her decision to go ahead.

“I deliberated on it... is it the right thing to do? Is it the wrong thing to do? What am I going to gain? Is it better to let sleeping dogs lie? Put things to bed, the case is done, it’s dealt with! What am I going to gain? Am I going to feel better for it? Am I going to feel worse for it? Am I going to feel angry? Oh, you name it! I deliberated for weeks on it.”

Victim

“I was still prevaricating... and then [the facilitator] said about meeting up. I would say the meeting with him helped me make a decision and answered a lot of questions.”

Victim

## 6.4 Perceptions of risk

Regardless of how swiftly victims came to a decision, there was still a degree of underlying concern. All victims recognised there might be reasons to be cautious and deciding to seek restorative justice was perceived to be a potentially dangerous thing to do; perhaps not surprisingly, electing to re-engage with the person who had caused you harm was felt to carry some degree of risk. This certainly appeared to be the message victims had received from family and friends and was it common for respondents to report that they had been told they were ‘crazy’ or ‘mad’ for wanting to go ahead with restorative justice.

“My kids thought I was crazy.”

Victim

“I thought about it and I talked to my brother and he said you’re crazy, everyone thought I’m mad.”

Victim

“I’ve been told that it’s risky and dangerous.”

Victim

“Friends told me I might do better just to move on, forget about it.”

Victim

Importantly, it was not the conference itself which generated concern and, although victims anticipated feeling very nervous, they were confident that any meeting would be well controlled and managed; they clearly had faith in their facilitator and the process. What seemed less certain to some victims was how they might feel after a restorative justice conference; the possibility that they might feel considerably worse was an explicit worry for three victims. In addition, one respondent was anxious that the offender might have agreed to see her for ‘hidden motives’ and the prospect of meeting him, even within the safe environment of a conference, was felt to run the risk of eliciting unfortunate consequences.

“It does feel safe just to know people of law, sort of, are there and are trained in things like this and know what to expect. If I just met him or was speaking to him, if I said something he didn’t like I’d be scared he’d have an outburst or something. Just to know you’re in a safe environment with people that are trained in dealing with people like that, to know he’s going to be with his probation officer who obviously knows what he’s like, makes a difference, and [my facilitator] has been lovely, she’s really good.... But I do worry a bit. Is he going to be angry at me for wanting to do it? Is there a hidden motive between him wanting to do it? Is he sorry? Does he just want to know what I look like now in case he’s going to do anything? Does he want to have a go at me? Does he blame me for anything? Just loads, ongoing really. I feel like he might have a hidden motive towards it.”

Victim

“Going against [restorative justice] was what it might do to me mentally because I was quite unstable.”

Victim

“It could literally go both ways. When I think about doing it I think it’s brilliant and then I speak to other people and it does make me doubt doing it.”

Victim

Evidently, any perceived risk had not deterred these victims from proceeding although in at least one case it appeared that the participant’s worries were a real and ongoing source of stress for her. Possibly, the experience of taking part in restorative justice might be easier if victims could be reassured or at least informed more accurately about the level of risk they are taking on: in cases like theirs, how common is it for victims to feel worse after a conference rather than better, or much the same? Are friends and relatives right when they suggest victims seeking restorative justice are ‘mad’ or is there evidence to counter their prejudice? More widely, it is plausible that similar,

possibly inaccurate, perceptions of risk could deter other victims from considering restorative justice.

## 6.5 Victims' expectations and hopes

### 6.5.1 Expectations of restorative justice

It was apparent that victims' expectations of restorative justice had been carefully and skilfully managed by facilitators. Victims had a good understanding of what the process was likely to involve and a sound appreciation that restorative justice can be a lengthy process with an uncertain outcome. Not infrequently, respondents acknowledged that the process might not happen as they would wish it to and they were generally thoughtful about how they might respond if events did not go according to plan.

"I'm going towards this conference... thinking that he's going to lie and I might not get anything out of it... I know that he lies, I know that he lied, and I know that he will probably lie again, so I'm not going to be disappointed if he doesn't say anything but I'll be delighted if he answers my questions."

Victim

"They said at any moment he could put a stop to it, so you can be on a high, thinking, this is a good thing to do, and the next minute it could just go. So I could be doing all this and he might not even, at the last minute, he might just say 'No, I'm not doing it'. You've just got to plod along and do it really. Whatever happens, happens. If he's not man enough to come and face me then so be it, he's got to live with it."

Victim

### 6.5.2 What victims hoped to gain

When asked what they *hoped* to get from restorative justice it was clear that victims typically had two or three, sometimes overlapping, aims. Most commonly, participants hoped to get answers to questions, particularly about what happened, or why it happened, and there was clearly a strong and unfulfilled need for victims to make sense of events.

"It's like, why? Did you know what you were doing was wrong? If you knew that, why didn't you get help? ...I don't understand it, I want to understand it, I need to understand it. What makes you think that's OK? He might not tell me, you know, he might not give me any of the answers I ever want but I can give it a go, that's how I look at it, I've got to give it a go... I might get to that door, where he's in the other room, and go, 'Whoa, I can't do this.' But at least I can say to myself, I tried."

Victim

"I could sit there all day and fire questions at him, I've got so much to ask."

Victim

"I just want answers really because I know my mum's, obviously, she's really cut up about it, as you'd expect, and so's my dad. I just want to get some answers, not just for me but for them as well."

Victim

Many victims also spoke about wanting to make the offender fully understand what they had done, what harm they had caused and what the ramifications of their actions had been. Having the harm acknowledged was clearly important and, in addition, successfully communicating all the negative effects seemed to victims to offer the best chance of influencing the offender's future behaviour.

“I want him to know how much I’ve suffered since he’s done it, what was going on when he was doing it, but I don’t just want to make him feel bad, I’m not going to be nasty to him. I want him to be able to own up and say, ‘Yes, I did that and I’m sorry’ and then I think that will make me feel better. I think I’ll feel less like he’s going to do to do it again if he can see how bad I hurt from him doing it the first time.”

Victim

“The best outcome would be that the person concerned would be made to think about what he’d done. And actually, for once, have someone from the victim’s family go and talk to them and actually make them think twice about doing it again, and for once have some thought for the person they’ve left behind to pick up the pieces.”

Victim

“Yeah, it might hurt him, which would be good for me. He needs to be hurt. He needs to look in my eyes... I think I need, like I need to get to him. I need to get right underneath your skin and say, ‘Oy, you know, I’m your biological daughter, your blood runs through my veins, look at me, I look like you, but you have done this to me, can you understand that?’ He needs to understand what it actually does to people... I’ll be perfectly honest, he’d go back out there and do it again if he had the chance.”

Victim

For some respondents, simply facing the offender was an important part of the mix and in particular it seemed that they wanted the opportunity to re-cast the relationship; the encounter would be different this time; they would not be in a position of weakness and the offender would no longer be in power.

“Any victim, they want to see that person, it’s like looking in their eyes. When you are face to face with somebody you can read everything, even if they are lying to you, you can understand, so seeing them, because when the incident is happening you don’t look at them, you look away, you shut yourself off, this time I can look right at him.”

Victim

“I think if I can see him in a safe environment it will take that fear away and then I won’t be as scared to do just normal things. I think that’s why I really wanted to do it. I don’t know how much closure I can get from talking to him but just to see him and hear what he sounds like now will definitely make me a lot less scared. I’ve built him up to be this big, bad, scary person for the last I don’t know how many years.”

Victim

“He’s got no life, so for me to see an old frail man, this time I’m the one with the power. I can go there and I look like a normal, strong person. I’ve got a house now and he’s got nothing. Growing up he used to say to me, ‘You’ll never get anywhere in life, you’re a waster.’ It wasn’t just sexual abuse, it was emotional abuse as well and I’ve turned that around. I’m the one who’s got a life, my marriage has gone and that, but I’m still here, I’m still strong and he’s just a weak, frail man.”

Victim

The prospect of receiving an apology from the offender, or coming to an outcome agreement, was at this stage of little interest to most victims, partly at least, because they felt it was unlikely to be sincere or carry much weight. During preparation, contemplating an apology might perhaps also have felt too much like a willingness to ‘forgive and forget’ and (with one exception) that was

evidently not what participants were hoping for. They did not want the process of restorative justice to make the offender feel better.

“If he apologised that is really when I would have to look in his eyes to see if he really meant it. I know him, he’s not a stranger, I know him so I’d know. I think probably, if he apologised and I realised he wasn’t telling, it wasn’t coming from the heart, probably walk out of the room.”

Victim

“I don’t think an apology would mean anything from him, from him personally, but not everyone’s such a liar, a coward, as he is. For me, it’s about answers to questions.”

Victim

“She was reassuring me, saying we could come up with some agreement that he would say he’d be happy to do. But she obviously can’t make him agree to certain stuff, it’s not like ‘by law’ is it? If I said to him, ‘I want you to make sure you’re getting drug tests’, he could say yes, and then not do it. It still don’t stand up for nothing does it?”

Victim

“As a victim you want him to feel the worst ever. I don’t think I want him to feel better. I think it’s the realisation that he needs, he needs to be confronted with what he has done to people.”

Victim

“I don’t want him to feel like a weight’s been lifted and that’s it, dealt with. I don’t really know how I want him to feel about it. I’ve more just thought about how I want to feel and how I don’t want him to feel.”

Victim

Overarching all these specific hopes and expectations, was the main driver for these victims - that they hoped restorative justice would help them to feel better. For the six victims who had suffered most harm the best outcome was seen as having the potential to deliver considerable benefits: they would be happier, they would be less fearful, they would finally be able to move on, they would be able to put the crime and its aftermath behind them and get on with life. Two participants also had more objective aims – one woman hoped that restorative justice would help her to quell her fears so that she could go back to work; another hoped that restorative justice would help her to re-unite her family.

“For me, I think, is this going to be it? Can I close the book forever? Every other year something pops up and each year I think, ‘New Year, fresh start’. I just hope I can get this out of the way and that’s it then, done and dusted.”

Victim

“This is the last ‘if’. Could this be the thing that does it for me? It might not. I just think, there’s nothing else I can do, it’s worth a go.”

Victim

“I think I’ll be able to go and start working again... I think that’s the main thing it’s going to help with, just to be able to get my life back to where it was when he was

locked up.”  
Victim

“Probably happier in my head every day... I think it would be a weight off my mind because it’s been weighing me down for a while and I’ve wanted to do it for a long time. It would be a bit of a release.”

Victim

There was good evidence that victims’ expectations were being successfully managed with sensitivity and skill; they knew the process of restorative justice could be unpredictable, that there were no guarantees and that they might not get to meet the offender or he might not behave as they would wish. Nevertheless, victims hoped for a good outcome, at best an outcome that could transform their lives.

“Our life’s in her hands basically. It is a big thing for me because, I’m not saying it’s down to her to make this right, but she can help. She’s not a fixer, she’s not a fixer, she’s not going to wave her magic wand and it’s going to happen, but she’s going to help us and I feel she is.”

Victim

## 6.6 Views on restorative justice during the preparation stage

### 6.6.1 Benefits of the process

To varying degrees the process of restorative justice, as participants were being prepared and waiting for a conference, had been a positive experience for victims. All respondents were pleased that they had decided to pursue restorative justice and most reported that that, to some extent, they already felt better as a result. Beyond the prospect of meeting the offender, participants particularly liked the fact that restorative justice put them and their needs centre stage, that their voices were being heard, and that it gave them the opportunity to do something and to be proactive agents in the process. This was a markedly different experience to earlier encounters with the criminal justice system.

“It feels like she’s on my side rather than when you do your statements at the police station, when you’re in court, it feels like they’re very biased in the whole thing.”

Victim

“The process, even though it’s been long, it’s like I’m doing something about this. Me having that depression last year, I nearly went there again when I knew he was coming up for parole again. But knowing I’ve got this going on, I was like, no, no, I can see him now so the depression went away which is good... it’s keeping me going.”

Victim

“This is the first time I feel like people from the law are acknowledging what it did do to me and it does need addressing and I think that’s the biggest bit of help I’ve had since the whole thing happened.”

Victim

Victims also clearly valued the relationship they had developed with their facilitator. Some participants had gained significant benefit from their meetings and in two instances respondents were quite explicit about the therapeutic value of this relationship.

“The fact that there is something for victims, I think, is brilliant because the support I have had since I’ve been in contact has been great... it’s a nice friendship almost, it’s what you need, it’s what I needed. I was lucky enough to have a few good friends but it’s great to have someone else who’s trained... I never did any counselling at the time so this has been important to me.”

Victim

“For us, there was so much [to do before a meeting], because we’d not been listened to and there’s still a lot more work to do with me. It’s like this great big ball of wool that’s all jumbled up and it all needs unknotting and to be untangled and straightened out... but the ball is getting smaller now so I feel as if we’re sorting things out.... To me, she’s like my counsellor, I know she’s not, I know she’s not, but to me she is. I can tell her absolutely anything. ”

Victim

This aspect of restorative justice was clearly important to these two victims and, possibly, an essential part of the process for them. It was interesting to note that a different victim, whose relationship with his facilitator appeared not to have developed in the same way, felt that counselling could usefully be offered as a parallel service. He was not critical of restorative justice for not also being a counselling service and he had nothing but praise for his facilitator, but it was apparent that revisiting the crime had caused a degree of turmoil for him and that he would welcome help. A question raised by this finding is whether counselling has the potential to make any difference to the restorative justice outcome.

“At first I couldn’t sleep for days [after meeting facilitator]. I was thinking about it after I’d had the first meeting and told her everything. It was like going through it all again... it’s been difficult for myself to deal with it but that’s only me, you know, thinking about it all again. You start thinking about it and it gets my mind worked up, I get restless but it’s something I have to deal with.... Counselling would be a good idea.”

Victim

One participant also valued the opportunity he had had through restorative justice to meet other people in a similar situation.

“Meeting people has been a gift. It’s been really nice to meet different people in the same situation. I’m quite close with someone who I met through [restorative justice]. Having someone who is in a similar situation, having someone who is going through an equally bad time with crimes that, I think, were worse, that’s quite, not comforting, but it’s nice to have someone else to talk to.”

Victim

### 6.6.2 Perceptions of the time scale

None of the victims in this study would have predicted accurately how long the process of restorative justice would take from when they were first referred to the (likely) date of their conference. At the time of the first interviews none of the victims had met offenders though in two cases a conference looked likely to happen within a matter of weeks. In one case, a conference had been scheduled but then postponed at the request of the offender and a new date had not yet been agreed.

Most participants (four of the six who were interviewed during their preparation stage) were surprised at just how long it was taking to do everything necessary to arrange a restorative justice

conference – at the time of the interviews they had been waiting for several months and had no firm idea of when, or indeed if, a meeting was likely to happen. In some respects, victims found this slow pace of progress rather frustrating and it could be emotionally draining, especially when victims felt that they were not much further forward in the process. Uncertainty about the timing was also a source of potential stress for one victim who felt she needed to see her father before he was released from prison.

“I’d have liked it to have been quicker, I’d have liked it to have happened sooner, I didn’t realise how long it would take. And when [facilitator] told me what the outcome was of his prison visit to see them, you just think you’re bashing your head against a wall. It makes you feel a bit demoralised. You just think, why bother? What’s the point?”

Victim

“I’ve got to do it before he leaves prison. It was one of the things I started panicking about because it’s taken so long. He gets released next June no matter what so I was getting a bit scared by that.”

Victim

“It is a long, hard, emotionally draining process... she said it can take up to a year. She has been completely honest, it might even be longer than that. She said there’s no time scale on this. It will get sorted when everything’s been sorted, and she was honest about that. I thought that was going to be a problem for me because I was desperate... but I understand why it has to be like it is.”

Victim

However, despite this frustration, there was a widespread feeling that restorative justice should not be rushed and an acceptance that much of the delay was due to factors beyond the control of the facilitators. One of the perceived benefits of the process taking months rather than weeks was that it allowed time for victims to ‘calm down’ and several participants observed that they were in a better frame of mind for a meeting now than they had been when first referred.

“Say you want to see him and it happens six weeks later, there would be too much anger there. You need, I would say, at least four months to come to terms with seeing whoever you are going to be seeing.”

Victim

“The good thing is, you get calmer and calmer so I can understand why there are time delays and I can also understand why restorative justice doesn’t kick in straight away because you need to be calmer and think about it.”

Victim

Allowing time for the process also appeared to give weight to its importance and to the need for preparation to be thorough and sensitively executed.

“It’s not something I want rushed because it’s delicate and it’s nice to know it’s being handled, to know it’s not being rushed and it’s being done properly which has been quite calming.”

Victim



In contrast, two victims were surprised at how quick the process seemed to be; in both cases it looked likely that their referral to meeting times would be as little as two or three months although neither of them felt that the process was too rapid.

“I thought at first it was really, really quick because we’d scheduled to do it at the end of September, so from seeing her to doing it, I was impressed at how quick it was. I thought it would take a good year or so for me to do it... because of what it’s like with going to court and police and things like that. I’d worked out that things take a lot longer than they do on tele.”

Victim

### 6.6.3 Criticisms of the process

Few negative comments emerged about the process of restorative justice and those that did were regarded by respondents as relatively minor points. There was no evidence that harm had been done.

As noted above, there was some unease about the slow pace of progress for some victims and the uncertainty of the outcome could be stressful at times, but neither of these factors attracted overt criticism; victims accepted uncertainty and delay as unavoidable components that on the whole were being managed as well as they could be.

One participant reported a long time lag between agreeing to the referral and having any contact from the project and this, avoidable, delay was felt to be unacceptable (though the participant was keen to stress that it was not the fault of her facilitator). Another minor point was raised by the victim who had been given a date for a conference as he had been slightly perturbed when he learned that the offender had known about the date several weeks before he was told. Again, this was not felt to be a significant criticism.

Only one participant wondered if the process of preparation could be handled differently. It would be misleading to cast this as a criticism but her comments do raise an interesting point. This victim was anxious about coming face to face with the offender (her step-father) for the first time since the crime and, in addition, she wondered about his motives for agreeing to the meeting. Partly because her brother, independently of the project, had received a letter from the offender she suggested that, for her too, it might be easier to re-establish contact by letter first so she could be reassured about her step-father’s state of mind and motives. This respondent was aware that she had been given opportunities to ask questions but felt that she might have needed more prompting.

“Rather than, ‘Have you got any questions?’ it could be ‘Did you want to do it a different way?’ or just maybe more options. I thought you could meet them face to face or do a letter and that was it, but maybe to know you can do it any way you want to, you can do a letter and still see them... just to know you’ve got more options and more of a say in it would be good.”

Victim

The possible dilemma identified by this participant was how to get the balance right between structure (which helps to make the process feel safe) and flexibility (which could help victims to feel in control).

“I just go with the flow of this is how it works, this is what happens and these are your options. I didn’t feel there was room to say ‘Oh, could I do this as well?’ or ‘Could I do it that way?’. It felt very structured. [if it was less structured] it might

make it feel less safe and less organised or it might make it feel like you're more in control.”  
Victim

A further possible tension was alluded to by some participants who wondered if there was any benefit (beyond taking part in restorative justice) for the offenders. Again, it should be pointed out that this did not generate criticism although one or two victims were mildly uneasy. In particular, some participants wondered if cooperating with the process would help offenders at their parole hearings and one victim suspected that the offender on his case might be agreeing to take part so that he would be moved to another cell. Victims varied in how tolerant they felt – some, pragmatically, claimed not to care if there was this type of benefit to the offender, as long as they agreed to the meeting; others were explicit that offenders should not gain in ways that were additional to the process itself.

The importance of the preparation stage was underlined by one respondent who was interviewed for the research only after a restorative justice conference had taken place. For various reasons, this participant had met with her facilitator on just two occasions during preparation: once, some weeks before the day of her conference, and then again before setting off to travel to the prison where the offender was being held. She felt that an additional meeting ahead of the day of the restorative justice conference would have been helpful and that she would have liked to have felt better prepared.

“I only had those two visits, the visit when she came to get all the sort of background before she went to see [the offender] to say that I wanted to go and see him, which was fine, and then I think I probably would have wanted, not necessarily a meeting the day that I went, I might have wanted one beforehand. I was sort of unsure of what was expected of me, unsure of what I should do or not do... it seems that it was all sort of bang, bang, bang on that day. It might suit other people like that but I like to know what I'm going in to.”  
Victim

## 6.7 The restorative justice conference

Three separate conferences (involving four victims and two offenders) were held during the course of the pilot project. One of these involved two victims who had been sexually abused by the same offender (the father of one, and step-father of the other). The other two conferences took place with an offender who had murdered a young woman: the first conference was with the victim's brother; the second was with the victim's mother.

### 6.7.1 The lead in to the conference

With one exception (noted above), respondents felt they were well prepared and ready for their conference by the time the day came even though it was clear that this could be a very stressful time for victims.

“That was quite hard to keep yourself in a frame mind, thinking, ‘Right, this is going to happen’. Because you have to be in a good frame of mind, very mixed emotions that day, very difficult trying to cope with normal things. But I knew support was there if I needed it. It's knowing it's available, that's the support.”  
Victim

“I was stressed right out, trying to juggle it around work as well, it was hard... but I had contact and meetings and that, I couldn’t have asked for more really.”

Victim

The least stressed respondent was a victim whose conference was initially scheduled to happen in April - this was postponed at the request of the offender and it subsequently took place in September. It was interesting to note how the victim’s approach to the meeting had changed over this time from very nervous to much calmer; in his view, this was a better frame of mind to be in.

“[In April] the day before I was absolutely bricking it, I was really nervous even though I knew that nothing would happen, it was all a controlled environment, I’d be safe. It was still face to face with a monster.”

Victim

“This time I wasn’t nervous or anything, I was actually strangely excited to see him... I didn’t feel anything towards him, there was no anger, anything like that. I was just glad, almost, to be there... calmer, which felt better.”

Victim

All respondents knew in advance that their conference would take place in prison but the reality of this was nevertheless quite daunting. For people unfamiliar with prison regimes the experience of being ‘inside’ could evidently be unsettling; both better preparation and an alternative venue for the conference were suggested.

“Maybe do it in a different location, it’s hard walking into a prison, horrible... it’s a weird feeling when you walk in, prison doors everywhere, and the smell. It’s just daunting really, walking in there, and the huge walls, bars everywhere, you have to be locked in a room and searched, you feel a bit like a criminal. You go in there as an innocent person but when you start getting searched, it’s a weird feeling.”

Victim

“I found it very daunting. I’m used to having my passport checked and whatever, that’s fine, it was the unlocking of the doors, going through, locking, waiting, unlocking, going through, locking, waiting. I found that very daunting and I would have liked to have been told before hand.”

Victim

“We found the prison and just, my stomach started churning. It’s only ever the second time I’ve been in a prison in my life so it was quite a big thing.”

Victim

For one victim, the long wait after arriving at the prison before the conference could start was also nerve-wracking, in particular because she feared that the offender might change his mind about going ahead with the meeting.

It was evident that all three conferences had been carefully planned: victims knew in advance who would be present and they had thought about and agreed a seating plan that they were comfortable with. Victims knew whether or not the offender would already be in the room when they arrived and, with the help of their facilitator, they had planned their questions, what they wanted to say and the order in which different parties would speak. All of this clearly helped victims to feel prepared, safe and able to cope, although it was also apparent that even small deviations from what was expected could be unsettling.

“It was pretty good, the way it was set out, a circle of seats with your names on the seats. I wanted to face opposite, I told them that, I wanted to make eye contact, just something I couldn’t do with him when I was a kid, he was always, I just couldn’t look at him, you know.”

Victim

“We organised the seating around me because I was the one who was a bit more fragile but when we got in there the seating was totally different and I’m like, it threw me, I was like, err, but I didn’t say anything and of course I had to rethink things.”

Victim

“The one thing I didn’t think of was, I was actually sitting right opposite the door where he was coming in... I saw this shadow and that was it, my face dropped, I started to sweat... I was shaking, I was absolutely petrified and then I heard his voice.”

Victim

“I was asked to make a list of questions that I wanted to ask, which I did, and showed them to [facilitator] that morning that we went, and she said I could say something so I had actually written it down so that I could read it because usually I get tongue tied and I wouldn’t have been able to remember what I wanted to say, so I did write it down and I read it out near enough word for word.”

Victim

### 6.7.2 The conference

Two of the three conferences (both involving the offender who had murdered a young woman) progressed more or less as planned. The victims felt able to have their say and to ask the questions they had prepared. For the first victim, the biggest success was that he had got answers to some of his questions and, to his surprise, the offender had been genuine and forthcoming. He was also pleased that he had been able to face the offender, that he had managed to convey how badly the murder of his sister had affected his family and friends, and that he had shown how he was coping.

“He didn’t really understand, I don’t think he knew how much it affected anyone... everybody else, all the family were devastated, it killed my granddad. It was good to tell him, good for him to know that.”

Victim

“To see people and look them in the eye and make them know what they’ve done to you and how you’re coping, it feels good.”

Victim

Interestingly, when asked if the offender had shown remorse, or if there had been an outcome agreement, the victim seemed less certain. His response suggested, perhaps, that acknowledging remorse, or taking any steps forward, was more than he felt ready to do.

“I don’t want to say yes [that he showed remorse], because of what he did, but I would say, probably yes, to a point... There was something [an agreement] but I can’t remember what it was.”

Victim

As a result of his meeting, this victim now felt more comfortable about the prospect of his mother also having a restorative justice conference with the offender and he had offered to go with her in a

supporting role. Interestingly, the chance of further dialogue with the offender appeared to be welcomed by the victim and he evidently felt that there were still more questions that he would like answers to. It was not the case that this victim was dissatisfied with his conference but there were signs that his restorative justice process could usefully continue. He saw his own lack of skills at articulating his thoughts and emotions, the nervousness of the offender, his forgetfulness and his reticence to push the offender during the conference, as factors that might have hampered communication.

“I might be going back with my mum because she wants to see him as well so I’m pretty sure I’ll get more answers and in more detail from her because she’s very emotional, she’s very good at getting what she feels into words whereas I’m not.”

Victim

“I probably think I’ll get more answers from him because he was quite nervous and there might be more that he wanted to say but was too nervous to say.”

Victim

This sense the victim had that there was more, unexplored, mileage in his dialogue with the offender was not an indication that he felt disappointed with his conference. Even if he could ‘have known then what he knows now’, he thought his conference would have been more or less the same. The only point that might have been different was how honest he felt able to be with the offender. As much as anything, however, it seemed perhaps that the trauma of a family member being murdered would always continue to raise questions.

“It is such a big thing, there’s probably millions of questions I could have asked. I’ll probably never get everything I want. I probably don’t know the questions I want to ask yet.”

Victim

The second victim, who later met with the same offender, was also pleased to have her say and to get answers to some of her questions. However, in her view, the mental health of the offender had limited both what she felt able to say and the amount of detail that he was prepared to go into when he was answering her questions. Like her son, this participant also had a sense that the restorative justice process was not quite complete and that a further meeting, at some point in the future when the offender was more resilient, might be helpful.

“There were certain things I left out... I am aware of his health issues and I didn’t want to push him too far. I am aware that he has tried to take his life in prison and I didn’t want to be the cause of him to do that again... There are things I would like to say and I don’t think he’s strong enough to hear them yet, he hasn’t, although he’s started to speak about what’s happened and why, he’s not at the point where he can give me all the answers that I want. He gave me the answers that I needed but not in the detail that I wanted which is why I’ve said that I would like to go and see him again when he’s had his course of counselling or whatever he will have in there.”

Victim

One of the most important, and most helpful, aspects of the conference for this victim was that the offender apologised. Evidently, this participant had not been expecting the offender to apologise but the fact that he did, and that he showed real remorse, made a big difference to her – this was perhaps the single most beneficial moment for this victim.

“And he didn’t say it once, he said it two or three times, ‘I’m sorry, I’m sorry, you were good to me, I’m sorry’, and I think if that’s the only thing I got out of it, it was a good thing... [I] never expected him to say sorry at all... I don’t know if it was because he was so confident before he went in... I just didn’t think he would ever, ever, ever say sorry and the fact that he did, it was tremendous.”

Victim

Another significant benefit for this victim came from simply seeing the offender and, in particular, seeing how he had changed physically and mentally since being in prison. The dominant image of the offender that she had lived with since the court case was a picture that had been widely used in the media and which represented the ‘monster’ that had killed her daughter. There had been nothing in the intervening years to challenge the notion that he was still like this, unchanged by what he did, possibly giving little thought to his crime, not really living with the consequences. This image of the offender was evidently troubling for the victim so seeing the reality of the man in prison, particularly given his obvious decline since being sentenced, had a significant effect.

“I think the main picture I had in my head of him, if you like, was not necessarily how he was in court which was grey haired, looking down at his feet the whole time, not looking up, it was the picture that they showed on the news... To me, that picture represented, ‘Yes, I can do this’. It wasn’t until I saw that [picture] that I thought, yes, you *could* turn on a dime, you could actually be a killer. And then to go in and see a lost man, a lost little boy, very nervous, very shaky, very unsure, completely different to how he was. I went in expecting to see a monster and I didn’t, I just saw another human being, lost.”

Victim

This change in the offender was ‘proof’ for the victim that he too had been badly affected by his crime and that ‘he had chosen to live with it’ – this was an important element of the restorative justice conference.

“To me it proves that he at least thinks about what he’s done, that he has chosen to, if you like, live with what he’s done. And the fact that he’s given up everything that he liked to do, such as keep fit and, and being, I suppose, proud of the way that he looked... It just proves that it just didn’t affect us, it affected him as well. It was important to me that he lives with what he has done and I firmly believe that he does. I firmly believe that he dreams of it at night and lives over and over what he’s done and maybe regrets what he’s done.”

Victim

After the ‘formal’ part of the conference all the participants had chatted over coffee and it was this time in particular that the victim valued. She was able to go and sit next to the offender and talk quietly and privately to him and she highlighted that this one-to-one conversation as a beneficial part of the process. Of particular note was the degree of compassion the victim expressed for the offender.

The outcome agreement from this conference included a request from the victim that the offender would ‘get the help that he needs to help him get better’ and that he would write to the victim (via the restorative justice service) to let her know how he was doing. It was also agreed that the victim would let the offender have some photographs of her daughter. By the end of the restorative justice conference, the victim clearly hoped that the process had helped the offender.

“What I really liked about it was the fact that we socialised afterwards, I felt that it helped me. I think because I was able to go over to [the offender] and I sat next to him and I was able to ask him, more quietly, how he felt and he could answer me without everybody else sort of listening. He did tell me that he didn’t feel like going on... I suppose basically he’d given up, so I told him that [my daughter] wouldn’t want him to give up.”

Victim

“I think I shocked him at the end because I asked him to stand up and I gave him a hug and I told him I was proud of him and I think part of that is because I’m a mother and that part of me is aware that his mum didn’t want him to see us and he’s done it on his own without his family’s support... I hope it has helped him, I really do.”

Victim

The third conference that took place involved two victims who had been sexually abused by the same offender; during preparation both victims had decided that a joint conference would be preferable to each of them meeting with the offender separately.

An important aspect of this conference was that it did not go as planned. Throughout his preparation the offender had fully admitted that he had raped his daughter when she was 16 and that he had sexually abused his step-son for a number of years when he was a child. The offender knew what to expect during the conference and had been happy to agree to take part. Despite careful and thorough preparation, the offender surprised everybody when, quite early in the meeting, he denied that what had happened with his daughter was rape. This complete about turn by the offender had not been anticipated and the facilitator had to consider whether or not to bring the conference to an immediate close – knowing the victims, and assessing their reactions at the time, the facilitator judged that it was safe to allow the meeting to continue. Both victims have since agreed that this was, without doubt, the right decision for them.

Evidently, from the victims’ point of view the offender’s unexpected denial that he had raped his daughter had a significant influence on the way the meeting then progressed. According to the female victim, it was at this point that she became angry and started to ‘fight back’; the meeting became confrontational and combative; both victims ‘joined forces’ against the offender; it became a highly charged, emotional and dramatic encounter.

“Well, this is where the whole thing went pear shaped... this is where it shocked us, because we just thought, he’s already admitted it, so that’s all right. He went, ‘Oh come on, you didn’t say no, you didn’t fight me off, come on, tell them the truth.’ And I’m like, I was, well, it’s good he did do that because the frightened [me] just left the room because he just made me so angry and that’s when I know I’ll ask questions. He pushed all the wrong buttons that day and of course it worked for all of us in the end.”

Victim

“He knew I was scared of him, he thought I’d break, but I didn’t. He got the sarcastic, pissed off [me].”

Victim

“He totally tried to control everything but me and [my step-brother] had him running.”

Victim

Eventually, the offender admitted that he had raped his daughter and he then admitted that he had sexually abused his step-son. What seemed to be important to both victims was that they had 'battled' with the offender and they had 'won'. In stark contrast to their earlier relationship with the offender, this time the victims felt that they had been able to fight back, they had been the ones with the power and this encounter had given them a chance to recast their relationship with their abusive (step) father.

"All the way through I just stared him out, it was nice to have that power on my side, that's what it was for me, you know. Bringing me up, doing what he done and that, I was always petrified of him but not anymore, I think he's more scared of me."

Victim

"As a kid and that, if my brother had done something wrong, it was always me getting the blame and he used to have me sat on the edge of the bed all night until I admitted it, even though I didn't do it. So it's sort of my turn, you know, I broke him, yeah, which was good."

Victim

"It was good, you could see he was fighting back the tears. By this time he'd screamed at me, 'Yes, I have raped you'."

Victim

"I lost my temper and I ran out and my brother came out and said, 'Are you all right?' And I said, 'We've got him', and he said, 'We have got him banged to rights, that man doesn't know what's hit him today'."

Victim

If anything, the male victim would have liked more of a struggle in relation to his particular case and more opportunity to challenge and question the offender.

"I felt good in myself because I made him admit everything. He admitted it too quick for me, you know, I could have spent longer... he said, 'Yeah, everything I done to [male victim] I admit,' but I wanted a few more questions and answers... I think it was easier for him to admit everything what he done to me because I don't think he wanted round two with me."

Victim

A further important aspect of this meeting for both the victims was that the version of the man they had known as children had been witnessed by other people. They were both clearly pleased that other people had seen the 'real' offender which was not how they believed he had presented to the facilitator or to prison staff.

"The prison guard turned round and said, 'I've known this man since the day he came in, four years I've known this man. Who was that sitting next to me [in the rj conference], I don't know who that was, I have never, ever, seen that person.' And I just said to him, 'Welcome to the real [offender]... now can you understand how we used to be scared of him?'"

Victim

"For me it was nice, well, I say nice, I wanted other people to see what he's like... like the prison officer said, he kept saying he's a changed person. And now they've seen



that, everyone's seen it."  
Victim

### 6.7.3 After the conference

All four victims were very clear that they had been helped by their restorative justice conference and, to a greater or lesser extent, they all reported feeling better in some way as a result of meeting their offender. All these participants were pleased that they had decided to go ahead with restorative justice and were largely positive about the process and the way the service had been delivered. During the preparation stage, it was not unusual for victims to perceive restorative justice as risky – they hoped that meeting face to face with their offender would be helpful but they often worried that it could instead prove to be harmful in some way. For these victims those concerns had proved to be unfounded.

"I was happy with what I got out of it and I felt safe and it felt well planned out... at first I was a bit, I wasn't sure why I was going, it could have messed me up but it has cleared up a few things in my mind about what happened."  
Victim

It was also apparent that, for these four victims, the restorative justice conference (as well as the wider process of restorative justice) had helped to give them a sense of satisfaction that had not been part of their experience of the criminal justice system. Being able to have their say, being listened to, being able to ask questions and being believed, all helped these participants to feel better than they had.

"Yes, we've been listened to a lot more, me and my mum, than what the cps did. They are just there to prosecute and the police just taking statements. There was no follow up and the family liaison officer, they were great, I wouldn't want to do their job, it's a horrible job, but they missed things out in the early stages, they didn't tell us everything. At least we know everything now... we've been given a voice, we get listened to a lot more."  
Victim

"We got no answers in court because he never went on the stand so this was my chance to ask him those questions."  
Victim

"In court you've got his barrister firing questions at you and calling you a liar and all sorts, you can't speak for yourself in court really. I can't just stand up in court and say what I want... at least in this meeting I've got a bit of power, I can say what I want and it gets it out of your system a bit."  
Victim

For both the mother and brother of the young woman who was murdered, part of the benefit of restorative justice was that they had finally been able to do something which they had felt compelled to do since the offender was found guilty. For the mother in particular, going to see the offender appeared to be a significant step in its own right. Getting answers to some of their questions, and for the mother, receiving an apology and seeing how the offender had changed, had also helped them to feel 'more at ease' and less 'dragged down'.

"It was something that I had to do, I just had to do it, I had to get the answers to my questions. The things that I was imagining, the reasons why, what had happened, I

didn't want to think about it, so to go and get a lot of what I wanted has really helped... I felt I had to do it. It's like seeing [my daughter] before they closed the casket down, I had to go and say goodbye. I was there when she was born, I had to be there just before that happened, I had to. I was her mother, I had to do it, so I had to go and see him."

Victim

"I feel a bit more at ease about what happened that night. Yes I don't regret [restorative justice], not a bit."

Victim

"Before I went to see him I felt as if I had the world on my shoulders, that I was being dragged down... but it all went away when he said he was sorry."

Victim

Although it was apparent that both of these participants had been helped by restorative justice neither of them felt that they had got as much out of the experience as they needed and both expressed a hope that they would be able to revisit the offender with the aim of finding out in more detail what had happened and why. This sense that there was more to be gained from future meetings was not a criticism of restorative justice but rather a recognition of the difficulty, for both sides, of talking about such a dreadful event.

"He's not at that place yet where he can talk about, in detail, about what happened. He can say, 'Yes, I lost it, I took her life, I strangled her' and whatever, but he can't say why and that's one of the reasons that I want to see him again, I what to know why."

Victim

"I might be going back with my mum because she wants to see him as well, so I'm pretty sure I'll get more answers and in more detail from her because she's very emotional, she's very good at getting what she feels into words, whereas I'm not."

Victim

For the other two victims, there was a much clearer sense that their restorative justice conference marked the end of something and they both spoke about being able 'to close the book' as a result. They had met with their abuser and this appeared to have helped them to gain some feeling of closure and to recast their relationship with the offender.

"I'll never forgive him, you can't forgive a person like that. For me, it's not about him, it's about us, the victims, you know, bringing closure to it."

Victim

"I feel better in myself, I do definitely. I think he admitted if he never got found out he wouldn't have stopped... so I feel like I put a stop to it all those years ago."

Victim

"I said some stuff to him, 'I wish you'd die in here' ... years ago he said to me he could have killed me and that. I said, 'You wouldn't hurt me now'."

Victim

Both these participants were clear that they felt better as a result of their restorative justice conference and, critically, they were no longer scared of the offender. The female victim in particular was helped considerably by this.

“I was absolutely dreading it, I mean, even the thought of him coming out, I was petrified and went off the rails... but having that meeting has just done it....boomph, gone. It was just getting bigger and bigger and bigger and I’ve come along and gone boomph and it’s gone. Literally, just walk on, not even hovering. But it does make me think, what the hell was I so het up about? That’s what it feels like, because I’ve got over it so quickly.”

Victim

“Closed my book for me. It’s closed. That’s it, done. He was out last week, didn’t bother me at all.”

Victim

It would be misleading to characterise this victim as suddenly and completely ‘cured’ but the difference in her sense of self and her confidence was remarkable.

“My family have seen how different I am, how I’ve changed. I even look different, I don’t know what it is... I don’t feel worried anymore which is a weird feeling, that’s all gone, it’s gone, very strange because it’s always been part of my personality, I’ve always had that there, all these years, and I’ve had that scared thing for quite a few years... Since the age of 16 I’ve always had this grey cloud hovering around all the time and finally it’s turned white. It hasn’t gone, it’s still there but it’s turned white which is fine, not so gloomy. It’s just getting better and better, as each month goes, it gets better and better. I’ve got two holidays booked this year already... one near mum who I haven’t seen since the court case, four years ago. I’m going to surprise her.”

Victim

## 6.8 When a conference looks unlikely

A further participant who was interviewed twice for this research was a victim whose case was particularly difficult to progress. After several months and repeated attempts to see the offender, the facilitator was advised by the Offender Manager that, certainly for the time-being, even indirect contact from the victim could be very unhelpful and that there was a significant risk of undermining ongoing work that was taking place with the prisoner. Contacting the offender had not been possible. In this case, the victim was the offender’s mother and she had hoped that restorative justice would be able to provide her with a way to re-establish contact with her son. By the time of the second research interview the likelihood of a restorative justice conference taking place within the foreseeable future seemed remote.

At the time the offender was arrested, a restraining order had been put in place that barred contact between him and the rest of the family. This was a source of some frustration for the victim as it meant that she had been unable to have any contact with her son who was serving an indeterminate sentence. Restorative justice had seemed to the victim to offer the best chance, and the most supportive way, of helping to re-unite her family.

“To be honest with you, I’d been doing some research on the internet trying to find out how we find out about people in prison and where they are, that sort of thing. I was reading and reading and reading, all these different agencies and how you can get in touch with the people that run the prisons, all that sort of thing. And I thought, that’s not what I want to do, I don’t want to do that. I want to be able to tell somebody my side of the story. And I felt much better when I read about the restorative justice and how they worked, not just with us as the victims, but the

families too.”  
Victim

It seemed apparent during the first research interview that this victim had invested a great deal in the potential offered by restorative justice and in her facilitator.

“I always thought with that injunction, I kept taking it out of the drawer and I thought, what am I going to do, what am I going to do? I need to know where P is, I need to know that he’s ok. I was tormenting myself and when I got it through the door about restorative justice it was like a light being switched on because I thought, actually, there is hope, somebody is out there that can help. Let’s give it a shot. I’ve never looked back since really. I do get my days when I sit and cry and I think about what could have been and what should have been and then I get up and I’m a great believer in things happen for a reason.”  
Victim

“I’m praying that it’s going to come to a point where we can all be in the same room together and we can voice our opinions, we can say what we want, lock it all away, forget about it and start afresh... I want to start anew. Deal with what we have to deal with, obviously, because if you don’t then it never goes away, does it. But I want to be able to deal with it with the help of restorative justice because I believe that they are the right people to do it because they’ve got all our interests at heart. That’s what I want, I want that more than anything, to be able to say yes, we can do this now.”  
Victim

By the time of the second interview (three months later) this participant was aware that her facilitator had not been able to make contact with the offender and that it was the view of those working with her son in prison that any contact should be postponed until various programmes had been completed. The victim had no idea when, or indeed if, this time might be and she was evidently far less confident that restorative justice was going to deliver the outcome that she had been looking forward to.

“[My facilitator] made contact with the prison and requested a visit... she still hasn’t seen him. They said they didn’t think it was a good time because he was doing some work with outside agencies to support him. She left it for another month but they still said no. Half of me does understand why, but the other half thinks, what right do they have?”  
Victim

“I don’t know why, but I just get this feeling that that’s it now. It’s like a gut feeling, I don’t know why. I did build my hopes up thinking I was going to see him before the end of this year but I know that’s not going to happen now... a gut feeling it’s not going to happen.”  
Victim

Without doubt, this victim was disappointed and she had found the months waiting for something to happen difficult. She struggled to reconcile what might be best for her son with her overwhelming need to contact him, and she had to live with the torment of uncertainty and of knowing nothing about her son’s well-being, not even which prison he was being held in.

“What they are saying is we have to wait because they don’t want what they are doing with P to be undone, we have to wait until it’s at the end, that’s fine. If it’s for his

well-being, that's fine. But if there are other material motives, be honest and say. Don't keep coming back, coming back. How long do we have to keep coming back before we get an answer?"

*Victim*

"Just knowing that he's ok, that he's still alive. We're sitting talking now and we could be talking about someone who's dead. It's awful, you get nothing, nothing, not a thing. The only thing is a letter saying he's applied for parole and a couple of weeks later one saying that parole has been denied."

*Victim*

To a degree, the fact that contact was being advised against by the Offender Manager, rather than being rejected by her son, provided some comfort for this victim but it was also evident that she found it hard to accept the seemingly inflexible attitude of the prison authorities.

"The only thread of hope I've got at the minute is that it's not P saying that, it's not P saying 'No'. It's not P that's said, 'No, I don't want to see you'. It's not him that's said that, it's them, so to me, it's them that has control. I don't have control, neither does P, we don't have control of anything that is going on. It's down to restorative justice and the prison, they are deciding where we go from here and for whatever reason they have said it would be detrimental to what they are doing with him at the time."

*Victim*

"He's mine, how dare you say that we can't see him? I do get angry at what's been said to [my facilitator] in the fact that she can't, even as a stranger, she can't go and see him on my behalf."

*Victim*

Moreover, there were moments during the interview when it appeared that this participant's patience with, and confidence in, the restorative justice process were not as robust as they had been. Although she remained positive about restorative justice overall, this victim was clearly disappointed that progress on her case had been so difficult – not only was a conference looking unlikely but in some respects the victim felt she was no further forward now than she had been when she was first referred to the service. As in all cases, there were considerable restrictions governing how much information about the offender could be passed to the victim but it was clear that this participant would have welcomed being told 'something new' about her son.

"I think for me, this has been, it feels as if it has been going on for ever, and I know it hasn't but from that first initial contact that I made, I think it was this year... no it wasn't, it was the end of last year but it was the beginning of this year before I saw [facilitator]. It feels like a lifetime, it feels like a lifetime and I don't know any more about him now than what I did then... I thought I might have had something new."

*Victim*

"I don't feel in any control, any control. I don't mean, to me, like I said, it's down to [facilitator], she's the mediator in the middle of it all and I will go at her pace, to a certain extreme, I will go at her pace. I'm not sure, like I said, it's coming up to a year now and I've not got any further, I feel that I've not got any further in the sense that I don't know anything about him. How much longer do I want to wait before I say, 'Why don't you just go and do, and we'll face the consequences if we have to...' I don't think she would be offended if I said that to her and I think she would accept it if I

said, 'Look, stop pussy-footing around and get on with it.'

*Victim*

Despite this victim's frustration and waning confidence that a successful outcome would be achieved, when asked directly how she might feel if it transpired that a meeting with her son was never likely to happen it was evident that this would be very difficult for her to deal with. Although she had known from the outset that there were no guarantees with restorative justice, there was little in this victim's response to suggest that she had thought through what the alternatives to a face-to-face conference might be, or what other options could be available that she might find helpful. In part, this probably reflects the overwhelming importance to this participant of re-establishing contact with her son – perhaps there could never be a satisfactory alternative. But her response may also highlight the need to present victims with other possible ways forward, with other positive scenarios in which to invest.

"Gosh, I haven't even thought about it. It's like just, I don't know, it's like saying he didn't exist. How do you deal with that? If I'd got a phone call to say that he'd died it would have been much easier to cope with than him being here and not being able to have a relationship, do you know what I mean? It's just, you're in the middle, you're sitting on a fence, it still can go either way. It's like standing on the flipping starting line waiting for that authority to say, 'Yes, you can go'. And everybody else has gone and you're still standing there. It's like being punished for a crime that you haven't committed. It's like saying it's ok to bring this baby into the world but you won't see it growing up, you won't see it, you just won't have any, you won't see him ever again if that's what they decide."

*Victim*

Although not optimistic, this participant was still hoping that restorative justice would deliver the outcome she so wanted. If not, it was clear that this case would need sensitive and skilful handling and that the victim would benefit from the provision of support and a clear explanation of what her options would be in future.

"I feel as if I've gained because the process hasn't stopped, it's still an ongoing thing at the minute. I think it's when it stops with no conclusion, that's when I'll find it, things will change for me then because it will be like grieving all over again, but it will be a different... now, for me now, it's not like I've lost him, it's like I miss him, if that makes sense. But if, for whatever reason, we don't ever get to see him again, that will be like a different sort of grief, it will be like, not a 'missed' but a 'lost', and there's a big difference.... Hope is keeping me going at the minute, when that hope's gone, that's when it will be difficult to cope with."

*Victim*

"I'm sure they must have lots and lots of people that they help and I'm sure there are lots of *success stories*. I want mine to be one if possible, but if not I need to know that he's alive, how he is, his health, what happens, do you know what scares me more than anything is what happens to him when he's finished, when his nine years are up. Do they just kick him out the door and say, 'On your way mate'?"

*Victim*

"I'm glad I did it [opted for restorative justice] because if I hadn't I would be living my life by 'ifs'. It's better to know than to live your life by an 'if', that's what I think anyway. I've had enough 'ifs' in my life. I need to know, I need to know before I can even decide how I'm going to move on. It's like, how do you move on from that? ...for

me, I'll never change my mind, I need to see him, I want to see him and that won't ever change, ever. And if it doesn't happen this time, I'll have a second go at it. Just because it hasn't happened this time it doesn't say that I can't ring up restorative justice in three years' time, well, I hope I can, and say, look, can you try again. People change, don't they?"

Victim

For all the difficulties this victim had experienced, there was no doubt in her mind that she would recommend restorative justice and that it had, overall, been a beneficial service.

Would you recommend restorative justice?

"Definitely, definitely. Even for just having that third party, they are not an authority, it's like, they are not just there for me, they are there for the rest of the family, there for the whole family. It's not just a one sided thing, it's a family thing. That's what [facilitator] is, it's like we've had a big row and she's going to come in and mediate it and she's going to help everybody see everybody else's side. To me, that's, I have a lot of respect for that, I think it's a wonderful thing that they can, they can do it. It doesn't always happen, but they try, they try."

Victim

## 7 Main findings – offenders

For a variety of reasons it proved to be more difficult to secure interviews with offenders and, in the end, only two were possible. The findings presented here are, therefore, from these two interviews.

### 7.1 Background information

The first of the two offenders to be interviewed was part way through a prison sentence having been found guilty in 2012 of sexually assaulting young girls some decades earlier. One of his victims (now a woman in her 30s) was referred to the restorative justice service by the Victim Liaison Unit. After several meetings with the victim, the facilitator had written to and subsequently met with the offender. He had agreed to take part in restorative justice even though he completely denied all charges relating to this particular victim. The research interview took place during the preparation stage of the restorative justice process when it was uncertain that a conference would be able to take place.

The second offender was serving a life sentence for murdering his ex-partner and, by the time he was interviewed for this research, he had taken part in two restorative justice conferences – the first with the brother of his victim, the second with his victim's mother.

### 7.2 Awareness and initial views of restorative justice

Prior to contact from this project, both participants had been completely unaware of restorative justice – it was not a service they had ever heard of and nor was it a concept they were familiar with. The initial letter from the facilitator had, therefore, come as quite a surprise to these offenders and, in contrast to victims when they first heard about restorative justice, their response had been somewhat wary. As far as these offenders were concerned, restorative justice was something 'out of the ordinary', an unknown process with, possibly, unpredictable risks; it was not at all obvious that there might be anything to gain.

The letters that were sent to the offenders were relatively brief and tended to raise many more questions than they answered. One offender was able to talk to his Offender Supervisor who helpfully provided a bit more information. The other, however, felt that there was no-one within the prison that he could talk to and no way of accessing further information about restorative

justice, so he was left feeling 'quite nervous' until his first meeting with the facilitator. At this early stage, both offenders felt that it would have been useful also to receive a leaflet about restorative justice that could for example:

- establish that this is a recognised service that, in one form or another, has a long history within the criminal justice system;
- explain more about the process and what is likely to be involved;
- help to legitimise and normalise restorative justice and provide reassurance about the support and safeguards that will be in place;
- give examples of why a victim might want to meet an offender;
- explain potential benefits to offenders as well as victims;
- make it clear if there are advantages or disadvantages to taking part.

### 7.3 First meeting with a facilitator and decision making

For both respondents the first meeting with their facilitator was an important opportunity for them to find out more. Like victims in the sample, it was during this meeting that the offenders were able to ask about the process, about what would be required of them and what the likely gains and risks might be, and they felt sufficiently reassured by what they learned, and by the facilitator herself, to feel able to agree to carry on.

However, it was also during the course of this first meeting that the offender who had sexually abused young girls learned which of his victims was seeking restorative justice and, to his surprise, it was not the person he expected. He had assumed that the request had come from the one victim he admitted sexually assaulting but instead it was from a victim he claimed not to have assaulted (despite being found guilty). Evidently, this rather changed the offender's attitude to the process and made him, as he put it, 'a bit suspicious' of the victim's motives. In particular, it seemed the offender was concerned that the victim might be 'after revenge' and that, rather than genuinely seeking restorative justice, she was instead looking for information that she could in some way use against him.

It was not entirely obvious why the offender should feel so suspicious of the victim. He claimed that she had previously attempted to 'sell her story' to the tabloid press though this may or may not be true. Possibly, it was simply his anxiety at the prospect of re-entering society as a paedophile that fuelled his suspicion. Notwithstanding his misgivings, the offender decided to go ahead.

When asked why he was willing to take part in restorative justice with a victim he denied abusing and whom he feared might be after revenge the offender reasoned that 'it was the right thing to do'. He took the position that the victim 'felt she had been harmed by him' (though it was apparently unclear how this had happened) and that 'if it would be helpful to her' he would be happy to meet her. It was less clear how the offender felt that the process might benefit him. He claimed that there had been a suggestion that taking part might help his parole though he had since asked his parole officer about this and 'he didn't seem to know anything about it'. Even though the respondent maintained that he had 'to put parole out of his mind' it is not inconceivable that he hoped taking part in restorative justice might help him, or feared that not taking part would damage his chances.

For the other offender, the first request for a restorative justice conference had come from his victim's brother. He had agreed to take part despite his acute anxiety and an attempt by his own mother to dissuade him from doing so. It appeared that deciding to participate in this process took considerable resolve and that the offender found the prospect of meeting this victim very troubling.



He was worried about the victim's motive, he was scared at what the victim might say to him and he was anxious that he might be 'not be able to cope'. Nevertheless, he understood and believed that the process was likely to help this victim and he was keen to be able to co-operate. In particular, he understood that his victim's family 'needed answers' and that he was the only person who could provide them. He also hoped that the process might help him in some way although he was not able to articulate how it might prove beneficial.

#### 7.4 Perceptions of risk

Although the offenders were viewing restorative justice from a very different vantage point to that of victims, they too perceived it as a potentially risky undertaking.

The most acute worry for the first respondent was that his victim might utilise social media to draw attention to him and his crimes and that this could significantly amplify the numerous difficulties he anticipated as a paedophile re-establishing himself in the community. Unlike victims who tended to view risk as an almost unavoidable element of coming face to face with their offender, for this participant the risk was entirely to do with the possibility that his victim might be motivated to do him harm or, at the very least, to seek publicity for herself that would be harmful to him.

Perceiving restorative justice as risky in this way was unhelpful for two reasons. First, it introduced an additional degree of anxiety for the offender in an environment where he felt he had little support. Arguably, taking part in restorative justice as a victim or an offender will be unavoidably stressful without worrying that the other participant might be seeking revenge through the process. And second, it appeared to have the effect of making the offender very guarded in a way that seemed likely to impede the progress of the restorative justice process. For example, the offender had already provided answers to written questions from the victim but, by his own admission, he had been careful 'not to reveal too much'. Evidently, this participant had not yet developed a strong sense of trust in the process of restorative justice or in his facilitator ('they don't have my best interests at heart') and it is entirely plausible that it is very much harder to build a trusting relationship with offenders than with victims.

For the second offender, the perceived risk was much more to do with the likely difficulty of meeting the relatives of the young woman he had murdered and the effect that this might have on him. He reported that he had not coped well since the offence, that he had 'lost all interest' in life, and that he found it difficult 'to be bothered' with anything; for him the prospect of a very troubling meeting that could, quite plausibly, make him feel a great deal worse than he did already, appeared to be a significant risk to his already fragile mental health.

#### 7.5 Views of restorative justice during the preparation stage

At the time of the research, the first offender was still in the preparation stage and was rather withholding judgement about the process of restorative justice; he clearly felt he was in 'unchartered territory' and was evidently being very cautious. His case was further complicated by his refusal to admit that he had sexually assaulted the victim who was seeking restorative justice, beyond a bland and possibly disingenuous acceptance that the victim 'felt harmed' by him. On the whole, he appeared to have enjoyed meetings with his facilitator but other than this it was hard to identify particular benefits.

#### 7.6 The restorative justice conference

The second offender had taken part in two restorative justice conferences by the time he was interviewed for research and, on the whole, he was positive about both meetings. Overall, he felt that he had been reasonably well prepared and well supported by his facilitator before the first

meeting took place although, with hindsight, he felt that more meetings might have been useful. As much as anything, this seemed to reflect the high levels of anxiety experienced by this offender and his emotional needs rather than any deficit in the information he was given.

Both restorative justice conferences went well for the offender. Although he described them as 'very difficult' and, understandably, he found it enormously challenging to meet with relatives of the young woman he had murdered, he was clear that he had been helped. More than anything, he had been overwhelmed by how he was treated by the victims. He had feared that they would be very hostile towards him and he had expected to be confronted with a great deal of anger – discovering that 'they don't hate me' and being met with respect and courtesy seemed to be more than this offender could have hoped for. The experience of meeting his victim's mother had been particularly emotional for the offender and he could not put into words how he felt when, at the end of their conference, she hugged him. He was also very pleased that he had been able to ask his victim's mother for photographs of his victim and that, as part of the outcome agreement, she had promised that she would send some 'before Christmas'.

A further important aspect of restorative justice for the offender was that it gave him the opportunity to apologise to his victim's family and to answer their questions. He seemed very aware that, because he had been 'told not to give evidence' at his trial, he had never been able to express his remorse or to give any sort of account of what happened. Being able to do both these things and, he hoped, to have his apology accepted had been important and helpful to him.

Although both conferences had gone well, the offender had struggled in some ways since they took place. To some degree this may have been because his recall of the details of his meetings was poor and he certainly wished he could remember them better. He was especially sorry that he had not properly taken in what his victim's mother had said to him when she read her prepared statement and he would have liked to have had a copy of this after their meeting. The participant attributed his poor memory to the fact that he had found the meeting acutely stressful to the point where he had found it difficult 'to take things in'.

Another regret for this offender was that he did not know if the victims had found their meetings useful. This had been one of the main reasons for the offender agreeing to take part in restorative justice but after his meetings he appeared to be very unsure if he had done any good or not. He still hoped this was the case but he appeared to lack confidence that he had made any real difference. If the victims had found their restorative justice conferences helpful the offender would have valued feedback and would no doubt have benefitted more from the process himself.

For various reasons, the post-conference follow up on this case was severely delayed. The offender should have met with his facilitator quite soon after his second conference and he should also have received the photographs of his victim that he had been promised. At the time of the research interview, several months later, the offender had received no feedback or contact from his facilitator. Added to this, he appeared to have had no help or counselling from his supporters either. This complete lack of follow-up had proved to be quite difficult for the offender and possibly damaging. He would have welcomed emotional support immediately after his conferences as well as the chance to talk later about what had been said and how he felt. What was hardest, perhaps, was that he had no idea why he had heard nothing from his facilitator or why he had not received the photographs – in these circumstances he found it hard not to 'imagine the worst'. He described himself as feeling 'hopeless' and 'abandoned' and he felt that restorative justice 'had not helped' him in the way that he had hoped.

Since the research interview the offender has been visited by a facilitator and has received the photographs that he was promised; he has also been supported by staff working in the prison.

## 8 Conclusions and recommendations

1. There is good evidence to indicate that this UK pilot project, providing victim-led restorative justice, has been successful in many respects:
  - a. The need for victim-led restorative justice is recognised by referrers and they were able to identify victims who were interested in participating and who thought the service had the potential to help them.
  - b. Typically, victims referred to the project had experienced considerable harm from serious crimes and this in turn had resulted in a range of long-lasting psychological and emotional difficulties. Victims were often aware that they needed help but it was a common complaint that the criminal justice system had failed to recognise or respond to their needs.
  - c. Victims who participated in this restorative justice project reported that they were happy with the way the service was delivered, that their experiences were largely positive and that, even part way through the process, this project was already helping to repair some of the harm caused by crime.
  - d. Victims who were able to take part in a restorative justice conference were pleased with the outcome. Generally, they felt they had been well prepared for the conference and that appropriate and effective safeguards were in place. They were pleased with how their conference went and felt better in significant ways as a result.
  - e. All victims who were interviewed for the research would recommend restorative justice to other people.
2. There is also some evidence to indicate that victim-led restorative justice has the potential to help offenders although, given the sample size, any conclusion is necessarily tentative. The offender who took part in two restorative justice conferences was positive about his meetings with victims.
3. Without doubt the relationship between victims and their facilitators has been key to the project's success. Each victim regarded his or her facilitator as outstanding and there has been a great deal of praise for their professionalism, warmth, sensitivity and humanity. Victims have felt recognised, validated and valued at a time when they needed support and this in itself has played an important role in the process.
4. The first meeting with a facilitator is a vital step and needs to happen early on in the process as an opportunity for victims (and offenders) to find out more about restorative justice. This is an important meeting for participants and a necessary one for them to come to an informed decision that they feel confident about.
5. It is likely that a significant proportion of victims who wish to pursue restorative justice will have experienced considerable harm from serious crimes. Like victims in this project, they may also be dealing with the aftermath from other traumatic events or coping with difficult circumstances. These victims are likely to have complex emotional needs and making allowance for this in the way the service is delivered, would undoubtedly make life easier for some participants as they go through the preparation stage. It may also increase the chances of a successful restorative outcome.
6. In this project, the broader emotional needs of some of the most troubled victims have been met by the skilled and experienced facilitators; as well as needing a great deal of expertise, this has also taken considerable time. One option worth considering for the future would be the

provision of a separate, funded counselling service that facilitators could refer victims to if their need was great enough.

7. Explicit recognition of the vulnerability of some victims and evidence that their needs can be met and that they can be helped by restorative justice would also reassure referrers. Previous experience among referrers can suggest that certain cases are unsuitable for restorative justice and they understandably worry that it could do more harm than good.
8. Offenders may also be vulnerable and those in prison may feel particularly isolated and unsupported. More explicit guidance and advice for prison staff who are asked to support an offender would be helpful.
9. A recurring theme throughout this research has been that restorative justice is regarded as risky. Both victims and referrers believe that restorative justice has the potential to make victims feel worse and that rather than helping to repair harm it could catastrophically add to it. Evidently, this view is shared by victims' friends and families who routinely characterise restorative justice as 'mad' or 'crazy'. Offenders too appear to approach restorative justice with a degree of caution and perceive it as potentially risky for themselves.
10. These perceptions of risk can carry a number of drawbacks:
  - a. they can inhibit those who work with victims from making referrals;
  - b. they may deter some victims from restorative justice;
  - c. equally, they may deter some offenders from taking part;
  - d. on occasions they add a degree of stress to the process, perhaps especially for offenders who may find it harder to access either formal or informal support if they are in prison;
  - e. they can, in effect, deny participants the opportunity to be supported by friends and family.
11. Evidence from this study suggests that when restorative justice is delivered by experienced and skilled facilitators, the risk to victims is minimised. All the victims interviewed reported that restorative justice had helped them to feel better and in some cases significantly better. Even when a restorative justice conference did not go according to plan, both victims who were there felt sufficiently well prepared and supported to cope with the unexpected and to find the experience helpful and beneficial. It is plausible that the natural concerns of victims (and referrers) serve to amplify their perceptions of risk but it seems likely that reassurance and a more informed understanding of any risk would be helpful.
12. Expectation is not the same as hope. It is evident that even when expectations are skilfully managed by facilitators some victims will nevertheless nurture very high hopes about the outcome: this might be their chance to feel better, to be able, finally, to close the door on a crime that has been troubling them for years. The findings from this study suggest that, at its best, restorative justice can achieve this, but not all participants found the experience so transformative and some may, in the end, be disappointed with their outcome even though they will have been helped by the process in other ways. A more vivid explanation of the alternatives to a face to face meeting with an offender, given at the outset of the process, may help victims not to 'over-invest' in the likelihood or the likely impact of a restorative justice conference.
13. Providing restorative justice can take time and many of these cases have lasted for considerably longer than might have been predicted. The findings from this study suggest that, within limits,

it is all right for the process to take months rather than weeks and that this longer time scale can bring benefits.

14. Raising awareness of restorative justice as a beneficial service that is available to victims will undoubtedly increase take-up. The one victim in this sample with prior understanding of restorative justice 'jumped at the chance' when it was offered to her and it seems common sense that victims would be more receptive to a service if they were already familiar with its existence and potential benefits.
15. It would be worth considering routinely offering restorative justice to victims, for example, in communications from Victim Support and from the Victim Liaison Unit. This could help in a number of ways:
  - a. It would raise awareness;
  - b. it would help to make restorative justice for victims seem more normal;
  - c. it would make asking about the service easier;
  - d. it would make the service known to victims even if the time was not right for them;
  - e. it could help referrers to talk about restorative justice as 'something that is offered to all victims' which could reduce the perceived potential to cause offence or upset;
  - f. it could give referrers an opportunity to explain restorative justice without necessarily suggesting that it is the right time for a victim to consider it.
16. In terms of information, referrers would be helped by:
  - a. more guidance on when and how to talk to victims about restorative justice;
  - b. more detailed information about who could benefit from restorative justice and evidence that it can work across a range of cases (including, sometimes, those that might initially appear unsuitable);
  - c. reassurance about the safeguards and support in place for vulnerable victims;
  - d. knowing that the process of restorative justice (even before a conference has taken place) can help victims;
  - e. leaflets tailored specifically for victims.
17. Victims would also be helped by the provision of more written information, including, for example:
  - a. what restorative justice is and who it is offered to;
  - b. why victims might be interested in restorative justice;
  - c. how the service is provided, what is involved and how long it can take;
  - d. how other victims have felt before and after restorative justice (has it helped other people with similar issues to mine?);
  - e. what the options might be and that there are a number of ways of achieving restorative justice;
  - f. why things do not always go as the victim might want them to;
  - g. what alternatives are available when, for example, a face to face meeting cannot take place;
  - h. how other people have coped with a disappointing outcome;
  - i. what the risks are;
  - j. what safeguards are in place;
  - k. how other people might react and what information might help to reassure concerned family and friends.

18. Similar information for offenders would be helpful, with the addition of, for example:
  - a. an introduction to restorative justice that establishes it as a recognised service with a long history within the criminal justice system;
  - b. information that helps to legitimise and normalise restorative justice for offenders, perhaps particularly those in prison;
  - c. examples of why a victim might want to meet an offender;
  - d. an explanation of the potential benefits to offenders as well as victims;
  - e. making it clear if there are advantages or disadvantages to taking part.
  
19. A better understanding of restorative justice could help victims and offenders at various stages, for example:
  - a. to consider restorative justice as an option that they may want to explore further;
  - b. to feel reassured about the process and the outcome;
  - c. to see that there might be several ways forward and that a restorative justice conference is only one of a number of helpful outcomes;
  - d. to understand that restorative justice can help participants, and how it can help them, but that it is not a magical solution.
  
20. There is no way of knowing at what point victims are most likely to want restorative justice and no doubt that will vary from one person to another. What is clear, however, is that restorative justice can be needed many years after the crime happened and that it is perhaps never too late to try and repair the harm.

## 9 Post Script and Update – the wait is worth it

The EU Grant funded work concluded at the end of December 2014. Casework has continued with uncompleted cases and is still continuing (July 2015) with funds provided by the Thames Valley Police and Crime Commissioner for Thames Valley. Of twenty four referrals to the project RJ conferences have taken place for eight victims and three further conferences are planned.

The Thames Valley Restorative Justice Service ( a partnership formed from partners involved in the EU funded project and other agencies) has been successful in winning a bid to provide victim initiated Restorative Justice, over the next three years, in Thames Valley with funds provided by the Thames Valley Police and Crime Commissioner. This bid was based, in part, from lessons learned through the Pilot Project described in this document. The service will continue to provide RJ to victims of crime in Thames Valley, including the ongoing cases from this pilot study, and will seek to widen access to RJ for victims in Thames Valley by developing new referral pathways.

Thames Valley Restorative Justice Service is working to implement the recommendations set out in this document and examples of the information to be provided to victims, offenders and the general public can be found on the TVRJS website at [tvrjs.org.uk](http://tvrjs.org.uk). A service to support particular victims working towards restorative outcomes in relation to the harm they have suffered, known as TIARA, is now in place.

The EU funded project can be seen to be the foundation of significant developments in victim initiated RJ in the UK. TVRJS will seek to work in future with our European partners to further develop RJ with sexual and domestic abuse cases within a framework of safe and effective practice.

# 10 Appendix A: Interview guides, information sheets and consent form

## 10.1 Interview guide: victims

### Introduction

Thank you for agreeing to help with this research study. As you know, the Thames Valley Restorative Justice team is keen to hear about the experiences of the people they have been working with so that they can get a really good understanding of how their service can help people and how it might be improved in the future.

*Check that respondent is happy for interview to be recorded and reassure that recording will only be used by me so I can make notes.*

*Stress that the interview is confidential but that information which suggests that someone is at significant risk of harm, or details of a previously undisclosed serious crime, will have to be passed on.*

### Background information

To begin with, can you tell me a little bit about the crime you experienced; what happened to you and how it has affected you since?

### First awareness of restorative justice

Do you remember when you first heard about restorative justice? Who first mentioned restorative justice as something you might consider?

Can you recall what information you were given?

Do you remember what your initial feelings were about RJ?

At that time, what were your main needs in relation to the crime you were a victim of? What was troubling you most at that point?

Did you feel that your needs were fully recognised and that you were offered appropriate help?

How helpful was the initial approach about restorative justice? How could it have been improved?

Did you feel well supported at this early stage?

What were your concerns and questions at this point? How adequately were they dealt with?

### Decision making about RJ

How did you come to a decision about restorative justice?

Can you talk through your decision making process? What information did you seek or were you given?

Was the right information available at the right time and in the right format? What else might have been useful?

Was it an easy or difficult decision?

Who did you talk to? Which conversations were most helpful?

Did you have any reservations at the time? Were there barriers to overcome?

Looking back, do you feel that you had enough information to make the right decision? What else, if anything, would have been useful?

What was most useful at this stage? Were any elements redundant or unhelpful?

Did you have sufficient time to discuss any concerns or questions?

Did you consider other types of help and support at that time?



Why did you chose restorative justice? In what ways did you hope restorative justice would help?

### **Expectations of RJ**

At the outset, what did you expect to happen as the process of restorative justice unfolded?

How important was it to have the opportunity to:

- Explain how the offence has affected you?
- Express your feelings to the other person?
- Ask questions of the offender about the offence?
- Meet the offender face to face?
- Be repaid in some way for the harm you experienced?
- Be given an apology?

What else was important?

How confident were you that the other party would agree to take part?

How did you feel about the prospect of meeting the offender?

Did you consider the possibility that a face to face meeting might not take place?

How did you feel about other forms of communication with the offender?

What anxieties or concerns did you have?

Who did you think would benefit most from restorative justice, yourself or the offender?

**IF THE CASE HAS NOT YET REACHED A CONCLUSION ASK ABOUT PROGRESS SO FAR AND NEXT STEPS. IF CASE HAS REACHED A CONCLUSION, SKIP TO 'RESTORATIVE JUSTICE MEETING/COMMUNICATION'**

### **Progress so far**

What progress has been made with your case to date? What stage are you at currently and how do you feel about this? How long has this taken?

What has your experience been so far? What elements have been particularly good? Have any elements been disappointing?

Have your experiences matched your expectations? Better or worse?

Do you feel you have been well informed at all stages? Could this have been improved?

Have you felt safe and well supported?

Has the process so far been helpful and constructive or not? In what ways?

Are you happy with the way your case is progressing and the speed of progress?

Based on your experience so far, would you recommend restorative justice to someone in a similar position to you?

At this point, to what extent would you say the process of restorative justice is helping you? In what ways?

Has anything about the process so far been unhelpful to you?

### **Next steps**

Do you know what the next steps will be?

How do you feel about this?

What expectations do you have of the rest of the restorative justice process?

How confident are you that a satisfactory outcome will be reached? What might that look like?

Do you have any particular hopes or anxieties about the rest of the process or the outcome?

#### IF THE CASE HAS REACHED A CONCLUSION

##### **Restorative justice meeting/communication**

If a meeting or other communication has been taken place, how did this happen? Face to face, by letter, indirectly through facilitator?

How well prepared did you feel?

What were your emotions at the time?

How did the meeting/communication go?

How satisfied are you with what took place?

To what extent do you feel that:

- You have been able to say what you wanted to?
- You have been heard and understood?
- You have been able to express your feelings?
- You have been able to explain what effect the crime has had on you?
- You have had your questions answered?
- You have made a difference to the offender? In what ways?

Do you feel that the meeting/communication was:

- Fair to everyone?
- Well managed and controlled?

Did you feel safe and well supported?

How did the meeting/communication compare with your expectations?

What was the best thing about the meeting/communication for you? And the worst thing?

Could a better form of communication taken place? What might this have been?

Was there an outcome agreement or a discussion of steps to take in the future? What was agreed?

Are you satisfied with the agreement? Has there been, or will there be any follow up or feedback?

#### ASK ALL PARTICIPANTS (IF APPROPRIATE)

##### **Overall views of the process (so far)**

FOR SOME VICTIMS IT MAY BE TOO EARLY IN THE RJ PROCESS FOR ALL OF THESE QUESTIONS TO BE ASKED

Overall, how useful has the process been for you?

In what ways has it helped?

Has the process helped to overcome any problems caused by the offence?

Has the process helped to give you a sense of closure?

Do you feel more secure now, or more in control?

Have any aspects of the process been difficult or painful? Which ones and why? Could this have been avoided?

How useful do you feel it has been for the offender?

Do you believe the process has changed the offender's understanding of the offence?

Do you think the experience will influence the offender's behaviour in future?

Who has benefitted most?

Would you recommend RJ to other people?

Was it the right decision for you?

How could the process of restorative justice have been made more helpful for you?

Is there anything that we haven't already covered that you would like to tell me about or that you feel should also be taken into account?

Thank respondent and ask if they would be happy to be contacted one further time as part of this study.

## 10.2 Interview guide: offenders

### Introduction

Thank you for agreeing to help with this research study. As you know, the Thames Valley Restorative Justice team is keen to hear about the experiences of the people they have been working with so that they can get a really good understanding of how their service can help people and how it might be improved in the future.

*Stress that the interview is confidential but that information which suggests that someone is at significant risk of harm, or details of a previously undisclosed serious crime, will have to be passed on.*

### Background information

To begin with, can you tell me a little bit about yourself and how you came to be involved with restorative justice?

#### First awareness of restorative justice

Do you remember when you first heard about restorative justice? Who first mentioned restorative justice as a possibility and in what context?

Can you recall what information you were given?

Do you remember what your initial feelings were about RJ?

At that time, did you feel that taking part in restorative justice would help you in any way?

Did you feel that it would help the victim of the crime you committed?

How helpful was the initial approach? How could it have been improved?

Did you feel well supported at this early stage?

What were your concerns and questions at this point? How adequately were they dealt with?

#### Decision making about RJ

How did you come to a decision about restorative justice?

Can you talk through your decision making process? What information did you seek or were you given?

Was the right information available at the right time and in the right format? What else might have been useful?

Was it an easy or difficult decision?

Who did you talk to? Which conversations were most helpful?

Did you have any reservations at the time? Were there barriers to overcome?

Looking back, do you feel that you had enough information to make the right decision? What else, if anything, would have been useful?

What was most useful at this stage? Were any elements redundant or unhelpful?

Did you have sufficient time to discuss any concerns or questions?

Why did you chose restorative justice? In what ways did you hope restorative justice would be of benefit?

### **Expectations of RJ**

At the outset, what did you expect to happen as the process of restorative justice unfolded?

How important was it to have the opportunity to:

- Help the victim?
- Express your feelings to the other person?
- Explain aspects of the crime to the victim?
- Answer any questions the victim may have about the offence?
- Meet the victim face to face?
- Repay the victim in some way for the harm you caused?
- Apologise?

What else was important?

How confident were you that the other party would agree to take part?

How did you feel about the prospect of meeting the victim?

Did you consider the possibility that a face to face meeting might not take place?

How did you feel about other forms of communication with the victim?

What anxieties or concerns did you have?

Who did you think would benefit most from restorative justice, yourself or the victim?

**IF THE CASE HAS NOT YET REACHED A CONCLUSION ASK ABOUT PROGRESS SO FAR AND NEXT STEPS. IF CASE HAS REACHED A CONCLUSION, SKIP TO 'RESTORATIVE JUSTICE MEETING/COMMUNICATION'**

### **Progress so far**

What progress has been made with your case to date? What stage are you at currently and how do you feel about this? How long has this taken?

What has your experience been so far? What elements have been particularly good? Have any elements been disappointing?

Have your experiences matched your expectations? Better or worse?

Do you feel you have been well informed at all stages? Could this have been improved?

Have you felt safe and well supported?

Has the process so far been helpful and constructive or not? In what ways?

Are you happy with the way your case is progressing and the speed of progress?

Based on your experience so far, would you recommend restorative justice to someone in a similar position to you?

At this point, to what extent would you say the process of restorative justice is helping you? To what extent do you believe it is helping the victim?

Has anything about the process so far been unhelpful to you?

### **Next steps**

Do you know what the next steps will be?

How do you feel about this?

What expectations do you have of the rest of the restorative justice process?

How confident are you that a satisfactory outcome will be reached? What might that look like?

Do you have any particular hopes or anxieties about the rest of the process or the outcome?

#### IF THE CASE HAS REACHED A CONCLUSION

##### **Restorative justice meeting/communication**

If a meeting or other communication has been taken place, how did this happen? Face to face, by letter, indirectly through facilitator?

How well prepared did you feel?

What were your emotions at the time?

How did the meeting/communication go?

How satisfied are you with what took place?

To what extent do you feel that:

- You have been able to say what you wanted to?
- You have been heard and understood?
- You have been able to express your feelings?
- You have been able to explain what effect the crime has had on you?
- You have had your questions answered?
- You have made a difference to the victim? In what ways?

Do you feel that the meeting/communication was:

- Fair to everyone?
- Well managed and controlled?

Did you feel safe and well supported?

How did the meeting/communication compare with your expectations?

What was the best thing about the meeting/communication for you? And the worst thing?

Could a better form of communication taken place? What might this have been?

Was there an outcome agreement or discussion of steps to take in the future? What was agreed?

Are you satisfied with the agreement? Has there been, or will there be any follow up or feedback?

#### ASK ALL PARTICIPANTS (IFF APPROPRIATE)

##### **Overall views of the process (so far)**

FOR SOME OFFENDERS IT MAY BE TOO EARLY IN THE RJ PROCESS FOR ALL OF THESE QUESTIONS TO BE ASKED

Overall, how useful has the process been for you?

In what ways has it helped?

Has the process helped to overcome any problems caused by the offence?

Has your understanding of the crime and the effect it had on the victim changed at all?

Do you think the process will influence your life in the future in any way?

Has the process helped to give you a sense of closure?

Do you feel any better now?

Have any aspects of the process been difficult or painful? Which ones and why? Could this have been avoided?

How useful do you feel it has been for the victim?

Do you believe the process has changed the victim's understanding of the offence?

Do you feel the process has been fair?

Who has benefitted most?

Would you recommend RJ to other people?

Was it the right decision for you?

How could the process of restorative justice have been made more helpful for you?

Is there anything that we haven't already covered that you would like to tell me about or that you feel should also be taken into account?

Thank respondent and ask if they would be happy to be contacted one further time as part of this study.

### 10.3 Interview guide: professionals working with victims

#### Introduction

Thank you for agreeing to help with this research study. As you know, we are currently evaluating a pilot scheme that has provided post-sentence, victim led restorative justice in Thames Valley. We are conducting interviews with both victims and offenders but we are also keen to interview professionals who have made referrals to the project or who might consider making referrals for restorative justice in future.

*Check that respondent is happy for interview to be recorded and reassure that recording will only be used by me so I can make notes.*

*Stress that the interview is confidential.*

#### Background information

To begin with, can you tell me a little bit about your role and the organisation you work for?

Is it possible to describe the range of victims that you typically encounter, in terms of, for example:

- Type and severity of crime they have been a victim of?
- Degree to which they have suffered harm?
- When, in relation to the crime and any court case, you support victims?
- Type of support and help needed by victims?
- Duration of contact with victims?

What are your main aims when working with victims of crime?

When, and under what circumstances, do you suggest or make referrals to other services?

#### Awareness and understanding of restorative justice

Do you remember when you first heard about restorative justice?

What do you know about restorative justice? Do you have any direct or indirect experience of RJ?

What are your views of restorative justice in terms of:

- How it works?
- What the potential benefits are?
- What drawbacks it might have?
- Who it benefits most?
- What types of cases it is most suitable for?

- How reliable it is?
- How effective it is?

To what extent do you differentiate between restorative justice when it is a Specified Activity Requirement and restorative justice that is requested by, or on behalf of, the victim?

### **Sources of information and information needs**

To date, where has most of your information about restorative justice come from? How helpful has it been?

What has been *most* influential in terms of informing your views of restorative justice?

If you wanted more information, where would expect to find it?

What further information would be helpful?

### **Restorative justice referrals**

*Confirm case that was referred to Thames Valley Restorative Justice team.*

Can you tell me a bit about the background to this case and what led to the referral for restorative justice?

What factors suggested this might be a suitable case for RJ?

In particular:

- What were the needs of the victim?
- What support had already been given?
- What additional help did you consider or offer?
- In what ways did you envisage RJ would help?

Did you have any reservations about making a referral for restorative justice? Were there any difficulties or barriers to overcome?

Did you discuss restorative justice with the victim? What was their response?

How easy was it to make the referral? Could this have been improved?

Once you had made the referral, how did you expect the case to progress?

Do you know what has actually taken place since you made the referral? What are your views on this?

Do you feel that you have been kept well informed?

How important is it that you are kept up to date with the progress of restorative justice cases that have referred?

From what you know, do you think the case you referred:

- Is progressing well?
- Is helping the victim?
- Is helping the offender?
- Is being managed fairly and professionally?
- Is on track to providing the potential benefits that prompted you to make this referral?

From your perspective, how could the service be improved?

Overall, what do you feel has worked well and what has worked less well?

### **Potential for victim-led restorative justice**

How likely are you to make further referrals for restorative justice on behalf of victims that you work with?

What factors do you think might help to encourage more referrals in future?

Are there things that might get in the way of future referrals?

What types of case would you be most likely to refer?

What changes might help to increase the number of cases being referred for restorative justice? What about:

- Increased awareness amongst members of the public?
- Increased awareness amongst colleagues?
- Improved understanding of what RJ is and what benefits it can deliver?
- More support materials?
- Improvements to the service?

Is there anything that we haven't already covered that you would like to tell me about or that you feel should also be taken into account?

Thank respondent and ask if they would be happy to be contacted one further time as part of this study.

## 10.4 INFORMATION SHEET

Thames Valley Restorative Justice Service is asking you to take part in a study about the service we provide.

### **What is the study about?**

Following a crime, Restorative Justice aims to facilitate communication between the person who has suffered harm and the person who caused it to talk about what happened; what harm was done; and what steps could be taken to help repair that harm. Recently, Thames Valley Restorative Justice Service has taken part in a project looking at the particular benefits of restorative justice when it is requested by the victims of crime.

The overall purpose of this study is to evaluate victim-requested restorative justice. What are the benefits to victims and offenders? How is the service best provided?

As part of the research we are interested in talking to participants to ask them about their experiences of restorative justice: has it been helpful? What has worked well? Are there aspects of the service that have worked less well? And how could it be improved?

### **What does taking part involve?**

If you are happy to take part our researcher, Mary Hallam, will contact you to agree a date for the interview. The interview will take about one hour. During this time, our researcher will ask you a number of questions about your experience of restorative justice and will record your answers (either by making an audio recording or by taking written notes). Audio recordings will only be used by the researcher so that she can make written notes soon after the interview. Audio recordings will be deleted at the end of the study. All written information will be stored securely and anonymously.

At the end of the interview, you may be asked if you would be willing to be interviewed again at a later date.

### **Will anyone know that I have taken part?**

The research is confidential. We will not tell anyone that you have taken part in the research. You should only take part if **you want to**, and you are free to **stop** participating at any time and without giving a reason. If you choose not to take part, this will **not** impact in any way on the service you receive from agencies. There is no advantage or disadvantage in taking part in the study.

### **How will the information be used?**

The information gathered for this research will be used to prepare a report on Victim Led Restorative Justice in Thames Valley. Participants in the research will be entirely anonymous and no details will be included that would allow someone reading the report to identify any of the research participants.

### **How can I find out more about this study?**

If you have any questions, please contact our Project Manager, Geoff Emerson  
Email:

Mobile: 07XXXXXXXX



## 10.5 Consent form

I have read and understood the information sheet and agree to:

- |   |        |
|---|--------|
| - Take part in an interview   | YES/NO |
| - The interview being recorded on the understanding that the recording will be deleted when the study is finished | YES/NO |

I understand that my participation in the study is completely voluntary, and that the interview is confidential. I understand that I am free to withdraw at any time and without giving a reason.