

Justice
Council

RESTORATIVE JUSTICE RIVER BEYOND THE MAINSTREAM THE MAINSTREAM BEYOND FIRST ANNUAL RJC CONFERENCE 18 NOV 2019



DE VERE EAST MIDLANDS CONFERENCE CENTRE, NOTTINGHAM

Programme Overview

Sunday, 17th November 2019

14:30 – 17:00	AGM
19:00 – 23:00	Dinner

Monday, 18th November 2019

08:00 – 09:00	Registration
09:00 – 10:00	Opening and Plenary
10:00 – 10:15	Coffee Break
10:15 – 12:00	Morning Parallel Sessions
12:00 – 12:45	Lunch
12:45 – 13:45	Afternoon Plenary
13:45 – 15:15	Afternoon Parallel Sessions
15:15 – 15:30	Coffee Break
15:30 – 16:30	Closing Plenary
16:30 – 16:45	Close

Keynote Speakers

Gerard Drennan



Biography Dr Gerard Drennan Ph.D. is a Consultant Clinical Psychologist and Psychoanalytic Psychotherapist in training, who holds the post of Head of Psychology & Psychotherapy in the Behavioural & Developmental Psychiatric Operational Directorate of the South London & Maudsley Mental Health Foundation Trust. He is also an Honorary Lecturer at the Institute of Psychiatry, Psychology & Neuroscience at Kings College London. Gerard qualified as a clinical psychologist in Cape Town. His doctoral research examined the practical and political role of language and interpreters in mental health practice in post-colonial, institutional settings. This research ran concurrently with the work of South African Truth and Reconciliation and was touched, as all South Africans were, by the restorative aspirations of that nation-building endeavour. Gerard has held clinical and leadership roles in forensic and offender mental health settings in London and Sussex for the past 20 years. He has published on the implementation of recovery-oriented practice and, since training in restorative justice conferencing in 2012, has worked and written on the place of restorative justice practices in mental health settings.

Nicola Preston



Biography Nicola is a senior lecturer in Special Educational Needs (SEN) and Inclusion at the University of Northampton and adjunct faculty for the International Institute for Restorative Practices Graduate School. She has been a practitioner, trainer and researcher in restorative practices since 1996 when she was introduced to the ideas as a serving police officer in Thames Valley Police. Nicola has two Master's degrees and is currently studying towards a PhD, all of which involve research into restorative practices. She is a qualified primary school teacher and SEN Co-ordinator, a member of the British Psychological Society and a member of the European Forum for Restorative Justice Newsletter Editorial Team.

Fernanda Fonseca Rosenblatt



Biography Fernanda is a Professor of Law at the Catholic University of Pernambuco - UNICAP (Brazil), and an Assistant Professor at the International Institute for Restorative Practices - IIRP (USA). In January 2014, she completed her DPhil in Criminology at the Centre for Criminology, University of Oxford. In 2005 she was awarded a Master's degree from the Catholic University of Leuven (Belgium). She is currently a member of the Executive Committee of the World Society of Victimology, and the Book Review Editor for The International Journal of Restorative Justice. She is also a member of Research Committee of the European Forum for Restorative Justice and of the Asa Branca Research Group of Criminology (UNICAP). Her research interests include restorative justice, community (justice), youth justice, critical criminology and victimology. She has published peer-reviewed articles and book chapters in these areas, both in Brazil and abroad, and is the author of The Role of Community in Restorative Justice (Routledge 2015).

Plenary Programme Abstracts

09:00 - 10:00 Opening keynote (Dr Gerard Drennan)

Title: Psychotherapeutic Change & Restorative Justice in Dialogue

Starting with Freud more than 100 years ago, the psych-complex has sought to explain why change of all kinds happens when people are in dialogue with each other. The so-called 'talking cure' can be seen as an inscrutable 'black box' that has given rise to a multitude of theories of change. Restorative justice practices are just as complex, various, multi-faceted and difficult to fathom. The recent emergence of restorative justice practices in mental health settings presents an opportunity for a dialogue between the two traditions. This has the potential to develop our understanding of change processes when the focus of an intervention is not on what's wrong with someone, whether seen as psychopathological or moral, but when the focus of communication is on the harm that has occurred between people and the responsibilities that arise. This paper will map key concepts in such a dialogue, with illustrations from mental health settings where restorative practices have begun to be applied and proposals for future developments

12:45 - 13:45 Afternoon keynote (Nicola Preston)

Title: Restorative Approaches in a Higher Education Context: Relationships Matter

Restorative practices facilitate a space where all voices are valued and collaboration and participation are encouraged. Traditionally associated with conflict and harm, more recent developments have been taking place to look at restorative practices as a way to develop relational pedagogy in Higher Education. Research has identified that the retention and success of students depends more on their sense of belonging in their place of study than it does on the choices, costs or content of courses. This will come as no surprise to restorative practitioners and so this presentation will share the learning that has come from a small scale project in the Higher Education context around the use of restorative practices to build community.

15:30 -16:30 Closing keynote (Dr Fernanda Fonseca Rosenblatt)

Title: Victims of Domestic Violence, Their Justice Needs and the Odds of a Restorative Way Forward

This presentation will explore how domestic violence has typically been handled by criminal justice systems around the world and consider the possibility of, and need for, (re)thinking violence against women beyond the shores of retributive practices. The most common arguments against the use of restorative justice in cases of domestic violence (against women) will be revisited and challenged against the backdrop of international research findings which suggest the potential for restorative practices to empower such victims; to create an environment that allows for discussions about the underlying conflicts that led to the reported violence; to meet victims' justice needs (mindful that most victims have needs other than punishment) and to prevent reoffending (at the least, by the same offender against the same victim). The aim, indeed, is to stretch our imagination about what is possible in the intertwined fields of restorative justice and domestic violence, whilst reconsidering some well-entrenched notions, for example, about what is effective (justice) and what is not.

Parallel Session Programme

10:15 - 12:00 Morning Parallel Sessions

Panel 1.1		Banqueting B
Institutionalising Restorative Justice		
Chair:		
1.	The Development of a Restorative Ward in a Low-Secure Forensic Service for Adults with Intellectual Disabilities Sarah Cooper, Kent and Medway NHS and Social Care Partnership Trust	
2.	Tackling Demand and Stimulating Cultural Change through Restorative Policing Kerry Clamp, University of Nottingham	
3.	The Restorative Circle @ South London & Maudsley NHS Foundation Trust – Creating Mental Space For Health-Based Practice Finlay Wood, SLAM	
4.	Red Teaming Restorative Practices into Forensic Mental Health Services James Tapp, Kingston Uni	

Panel 1.2		Conference Suite 1
Learning from Restorative Justice Practice		
Chair:		
1.	Restorative Practice as a Response to Assaults in a Secure Hospital: Our Learning From Experience Andy Cook (Clinical Psychologist), Julie Allan (Art Therapist), Nichola Eliades, Sussex Partnership Trust	
2.	The Restorative Practices Knowledge Exchange Jon Hobson & Richard Hester, Gloucestershire Uni & Brian Payne, Ulster Uni	
3.	The Dramatic Dimensions of Restorative Justice Chris Birkbeck & Greg Smith, University of Salford	

Panel 1.3		Conference Suite 2
Accessing Restorative Justice		
Chair:		
1.	Victims and Restorative Justice: From the Offer to the Outcome – Exploring Victims' Experiences Rebecca Banwell-Moore, University of Sheffield	
2.	Does it matter where RJ referrals come from? David Masters and Harriet Ransome, Wales CRC	
3.	What does it take to be principled and determined to improve access to restorative justice services for victims of serious crimes? Davina Cull – Service Manager Make Amends – Devon & Cornwall	
4.	The Local Provision of Restorative Justice: An Exploratory Empirical Study G. Maglione, J. Buchan, L. Robertson, Edinburgh Napier University	

13:45 - 15:15 Afternoon Parallel Sessions

Panel 2.1		Banqueting B
Restorative Justice Application to Serious and Complex Offending		
Chair:		
1.	Restorative Justice (RJ) within the Context of Serious and Organised Crime Nikki D'Souza, Durham Constabulary	
2.	RJ and Hate crime Lucy Jaffe, Director, Why me?	
3.	Restorative Justice for Sexual Offenders: An analysis of the challenges, barriers and experiences of men convicted of sexual offences Philip Crawley, Lancashire Constabulary	

Panel 1.3		Conference Suite 1
Restorative Justice and the Law		
Chair:		
1.	Restorative Lawyering Jonathan Doak, Nottingham Trent Uni	
2.	Restorative Justice with Corporations: The Idea and the Practicality? Martin Wright, De Montfort University	
3.	Checkpoint Deferred Prosecution Scheme TBC, Durham Constabulary	

Abstracts: Morning Parallel Sessions

Panel 1.1 Institutionalising Restorative Justice

Presentation 1: The development of a restorative ward in a low-secure forensic service for adults with intellectual disabilities

Sarah Cooper, Kent and Medway NHS and Social Care Partnership Trust

The introduction of restorative practice in 2016 led to significant developments in how we support those who have caused harm and those who have been harmed. In June 2019, this led to the implementation of a 'restorative ward' where we have been trialling a more holistic approach to restorative working. The aim of the restorative ward was to create a space in which patients and staff felt safe to explore the harms that were happening on the ward, promote ownership of harms done, build confidence in engaging in restorative dialogue and an exploration of ways to repair harm. A comprehensive evaluation of the restorative ward is in its early stages; anecdotal reports from patients and staff indicate a greater sense of cohesiveness, improved communication and feeling of optimism. This presentation will share initial outcomes and describe how restorative practices were introduced and applied to the service and the challenges experienced.

Presentation 2: Tackling Demand and Stimulating Cultural Change through Restorative Policing

Kerry Clamp, University of Nottingham

In this paper, I argue that there is both a need and an opportunity for restorative justice to be reconceptualised within the policing context. The presentation will begin by outlining what restorative policing is and how this differs from dominant conceptions of restorative justice/practice within the field. Then, drawing on the findings from a recent national survey, I outline innovative approaches to embedding restorative policing in England and Wales. Finally, I draw on the work of Robert Putnam to offer a framework for restorative policing that promotes beneficial forms of *social capital*. Restorative policing is thus conceptualised as a new mode of governing crime that seeks to increase positive relationships and effective multi-agency partnerships.

Presentation 3: The Restorative Circle @ South London & Maudsley NHS Foundation Trust – Creating mental space for health-based practice

Finlay Wood, SLAM

This paper will describe the approach to introducing, developing and embedding restorative justice practices (RJP) in one large mental health trust in South London. At South London and Maudsley NHS Foundation Trust (SLaM) we have had a unique opportunity to create a temporary post for a dedicated restorative justice practitioner within the forensic mental health pathway. This has enabled the service to focus on developing a multi-layered and integrated approach to raising staff and service user awareness of the benefits of RJP and to responding to the growing requests for interventions. The paper will describe the model of service delivery highlighting the interventions developed in response to needs raised and to acknowledge the need for a multi-layered approach. It will describe the progress to date and highlight the lessons learnt along the way and how we can go further to create the mental space necessary for health based practices to change the culture of our service and the care we provide.

Presentation 4: Red Teaming Restorative Practices into Forensic Mental Health Services

James Tapp, Kingston University

Moving any institution to embrace a new paradigm or way of thinking is no easy task, least of all total institutions whose history is steeped in control. Restorative justice is an old idea (even older than asylums!), but its principles and practices have only recently been applied to forensic mental health services. The journey of implementing restorative practices in these settings is in its early stages. This paper presentation is part of a collaboration between two forensic inpatient services that have recorded a series of group restorative practice supervision sessions attended by trained restorative practitioners. The aim of the research is to explore the experiences of implementing and conducting restorative work in the institution and investigate how restorative culture and language fit in. A complex case referral is also included and discussed at the end of the presentation.

Panel 1.2 Learning From Restorative Justice Practice

Presentation 1: Restorative Practice as a Response to Assaults in Secure Hospital: Our Learning from Experience

Andy Cook (Clinical Psychologist), Julie Allan (Art Therapist), Nichola Eliades (Team Leader), Sussex Partnership Trust

This presentation will use case studies to explore the use of restorative interventions following an assault of staff members by forensic patients on secure mental health wards. It will offer reflections upon the importance of carefully paced preparation and how success of such interventions might be measured. The role of the facilitator in managing the emotional temperature of the meeting and using the structure of the intervention to allow a genuine dialogue will be discussed. The manner in which restorative interventions complement the clinical work with patients will be explored, including discussion about how mental health problems might mediate the restorative process. The contribution of restorative practice to the experience of staff support in the organisation will be discussed with recognition that our staff are expected to continue in the use of self to aid the therapeutic progress of patients even after they have been harmed by those same patients.

Presentation 2: Findings from the Restorative Practices Knowledge Exchange Project

Jon Hobson, Richard Hester, Gloucestershire University and Brian Payne, Ulster University

The Restorative Practices Knowledge Exchange was jointly organised by the University of Gloucestershire and Ulster University, and took place at Ulster University between 2nd and 4th April 2019. The event brought together restorative practitioners, organisations and academics from Ireland North and South, England, and Sierra Leone to share knowledge and experiences the challenges and opportunities faced in developing restorative practices (see: <http://eprints.glos.ac.uk/6989/> for the post-conference report). The three-day event considered a range of issues that resonate with restorative justice literature, set against the different roles of statutory services and communities. This presentation draws upon these findings, in particular the challenges and opportunities of top-down/police-led services, and bottom-up/community-led services, and the issues that often emerge when attempting to grow restorative practice in areas such as: Education, Youth Justice and Young People; Prisons & Housing; and in cases of Domestic Violence and Sexual Abuse.

Presentation 3: The Dramatic Dimensions of Restorative Justice

Chris Birkbeck & Greg Smith, University of Salford

While many studies have explored the outcomes of victim-offender meetings in reducing crime, giving victims 'closure', and effecting reconciliation, few studies have traced the interactional dynamics of these meetings and fewer still are based on recordings of the talk and conduct of the participants. Based on five recordings, this study considers some interactional practices through which the work of rapprochement occurs. It examines the scripted character of the meetings and the role of 'assisted storytelling' (Lerner 1992) as the key protagonists are encouraged to find footings that allow a restructuring of identities beyond the offender/victim couplet that frames their identities prior to the RJ meeting. Of particular interest is the

way in which the script underpins significant moral work in the meeting, which has largely gone unrecognised in previous research.

Panel 2.2 Accessing Restorative Justice

Presentation 1: Victims and Restorative Justice: From the Offer to the Outcome – Exploring Victims' Experiences

Rebecca Banwell-Moore, University of Sheffield

Restorative Justice is a process that promotes victim inclusivity and provides victims with an opportunity to: have a bi-directional dialogue with their harmer; to have a voice; to gain answers to questions; and to seek closure. Previous research has found that victim satisfaction in restorative justice is high, with many victims stating that they would recommend taking part in a restorative process to other victims. Despite high victim satisfaction levels, victim participation in restorative justice remains low in England and Wales and little research has been conducted that explores what factors affect whether a victim elects to participate or not. Qualitative interviews conducted by the author with victims (n24) who were offered restorative justice explored victims' experiences of restorative justice to determine what factors influence victims' decision making in restorative justice. This paper presents findings from the victims' interviews to argue that regardless of the type of offence, the method of invitation or the outcome of the restorative process, victims appreciate and want to be given the opportunity to participate in a restorative intervention. The author will also outline victims' decision-making processes and their experiences of restorative justice from the offer to the outcome to suggest that the offer of restorative justice should be made to all victims at all stages of the criminal justice system.

Presentation 2: Does It Matter Where RJ Referrals Come From?

David Masters and Harriet Ransome, WRAP

In the adult criminal justice system, should referrals be driven by victims, or can they be taken from perpetrators too? At Wales Probation Services we have set up an RJ service where the vast majority of our referrals come from harmers. During our presentation, we'll make the case for harmer referrals, and share our process for generating 600+ referrals in 18 months. We'll also share how we work with victims, including a high level of victim engagement (38% of our engagements with victims result in an RJ outcome) and how we keep our service victim-led when referrals are initiated by the harmer.

Presentation 3: What does it take to be Principled and Determined to Improve Access to Restorative Justice Services for Victims of Serious Crimes?

Dr Davina Cull, Make Amends – Devon & Cornwall

In 2017 Make Amends became the Office of the Police and Crime Commissioners regional restorative justice provider for Devon and Cornwall. In 2018 Make Amends found that 1/3 of all referrals to the service were for sensitive and complex cases by offence type alone. In this presentation Make Amends will share some of the practice perspectives and case management approaches which have helped to ensure that delivery of restorative justice for victims of serious crimes in this area has exceeded best practice standards. Focusing on partnership, governance and equality of access this presentation will also share case studies which have been pivotal in improving attitudes towards restorative justice in these cases and key in generating positive relationships with partners.

Presentation 4: The Local Provision of Restorative Justice: An Exploratory Empirical Study

G. Maglione, J. Buchan, L. Robertson, Edinburgh Napier University

The Scottish Government has recently issued the first national guidance on the provision of restorative justice (RJ), amid growing interest in making more use of RJ in Scottish criminal justice, and a renewed focus on the role of victims in criminal justice. However, very little is known about exactly what RJ services are provided by Scottish local authorities, particularly given recent reforms to the administration of community penalties in Scotland. This paper presents early findings from a Carnegie Trust-funded project to investigate how RJ in Scotland is provided and organised at a local level. As well as 'mapping' the provision of RJ locally, the project used interviews with relevant professionals to interrogate the organisation, meanings and values underpinning local RJ schemes. Findings suggest that despite current policy interest in RJ, its provision in Scotland is inconsistent and limited – partly as a result of wider structural factors, including public sector austerity and (perhaps surprisingly) GDPR, as well as Scotland's longstanding tradition of non-custodial punishments. The project is expected to inform further research on RJ provision in Scotland and beyond.

Abstracts: Afternoon Parallel Sessions

Panel 2.1 Restorative Justice Application to Serious and Complex Offending

Presentation 1: Restorative Justice (RJ) within the Context of Serious and Organised Crime

Nikki D'Souza, Durham Constabulary

This presentation outlines the results of a ground-breaking study which explored the potential for utilising Restorative Justice (RJ) within the context of Serious and Organised Crime (SOC) offending – a relatively unexplored area of policing work. The research involved interviewing SOC prisoners, SOC offenders and ex-offenders living in the community, SOC victims and industry experts to gather their views and opinions about extending the use of RJ to this context. Offenders and victims were asked if they wished to participate in a RJ intervention and if they did, the researcher pursued this. The findings put a spotlight on the limitations as well as the possibilities of deploying RJ in this context. The case studies demonstrate the complexities and sheer hard work required to translate the theory into practice in this specific context, but also reinforce the need for police forces to discharge their statutory responsibilities under the revised Victims Code (2015).

Presentation 2: RJ and Hate Crime

Lucy Jaffe, Director, Why me?

There were 95,000 hate crime incidents recorded by Police in 2017/2018, a 100% increase since 2012. Victims are deeply affected because the harm cuts to the very core of their identity. Only a third are satisfied with Police handling of the crime, compared to 75% for all crimes. For offenders, receiving a sentence can simply confirm them in their prejudice. Restorative Justice creates an opportunity to get their questions answered, and for offenders to realise the harm they have caused. Over the last 2 years, Why me? has examined the use of Restorative Justice to address and repair harm caused by hate crime. The charity has worked in four Police and Crime Commissioner areas to examine barriers to reporting, to identify the specific needs and views of each group affected, and understand regional differences. This talk will share the findings of our work, discuss specific cases and propose new approaches to the use of Restorative Justice for hate crime.

Presentation 3: Restorative Justice for Sexual Offenders: An analysis of the challenges, barriers and experiences of men convicted of sexual offences.

Philip Crawley, Lancashire Constabulary

In August 2017, I co-facilitated a Restorative Justice meeting where a female victim met the male offender who had raped her 10 years previously. This was a powerful and emotional meeting after which the victim said she felt 'euphoric'. This was an offender led meeting and it prompted me to ask the question as to why there are not more such meetings involving male sex offenders. I decided the best way to answer this question was through a PhD study which I commenced in September this year. The presentation will highlight early findings, the challenges, barriers and experiences I am encountering and what my research will eventually achieve, including helping shape future policy and practice in this area.

Panel 2.2 Restorative Justice and the Law

Presentation 1: Restorative Lawyering

Jonathan Doak, Nottingham Trent Uni

Recent years have witnessed the increasing institutionalisation of restorative justice within formal criminal justice systems. Many RJ mechanisms have now been embedded as legally binding decision-making for a, and concerns have subsequently arisen as to whether the rights of offenders, in particular, are capable of being properly protected in a process that has traditionally eschewed both lawyers and legalism. However, the right to legal representation is an internationally affirmed as being central to the right of a fair hearing. Thus it is contended that restorative processes must be calibrated to accommodate the participation of lawyers, and – by the same token – lawyers must be attuned to representing their clients within a non-adversarial environment. This paper proposes a concept of 'restorative lawyering' that might enable these goals to be achieved.

Presentation 2: Restorative justice with corporations: The idea and the practicality

Martin Wright, De Montfort University

It is one thing to pass laws, and another to enforce them. There is increasing attention to crimes committed by corporations – or actions which many consider ought to be crimes. Conventional justice is based on the principle of deterrence, which only works in certain circumstances. Other forms of pressure can induce good behaviour, and there is increasing interest in corporate responsibility, for example in the recent statement of the American Business Round Table that companies should measure their performance by

other criteria besides profit. John Braithwaite has shown how a restorative approach can change corporate behaviour. Amid current concern for the environment, one form of damage to the planet needs special attention: the dumping of poisonous wastes. Examples are given; probably the worst was the massive leak of poison gas at the Union Carbide pesticide plant in Bhopal, India, in 1984. Many deaths and illnesses were caused, and poisonous chemicals left on the derelict site are leaking into the water supply. The company responsible denies responsibility for cleaning up the site. This paper describes an attempt to approach this restoratively, and the objections and obstacles encountered, including the company's failure to enter dialogue, and the views of victims. A partly restorative approach is now being adopted, based on William Ury's *Getting past No*. The possibility of extending this approach is considered.

Presentation 3: Checkpoint Deferred Prosecution Scheme

TBC, Durham Constabulary

Reoffending rates in the Durham policing area, UK, have remained stubbornly high across the years. The Durham Constabulary Checkpoint project develops an evidence base for the use of deferred prosecution schemes involving restorative interventions within a police setting. Checkpoint targets low level offenders entering the Criminal Justice System by providing an alternative to a criminal prosecution. It offers a tailored, 4-month programme agreed through a contract. The scheme targets the reasons why offenders commit crime by assessing their individual needs in order to provide interventions. Applying theories of deterrence and desistance, the scheme was designed to reduce reoffending and improve offenders' health and wellbeing. A Randomised Control Trial involving a total of 356 arrestees between August 2016 and April 2018 revealed the reoffending rate for the Checkpoint cohort was 35% compared to 48% for the traditional cohort, 24 months since the original offence. Since the start of the project, 1667 offenders have participated in the Checkpoint project, with only 5.6% reoffending whilst on the 4-month contract. The initial conclusions presented here establish the foundations for further research in this policy area.