“The Ministry of Justice supports the provision of victim-focused restorative justice as one of a range of measures to help victims to cope with and recover from crime.”

Edward Argar, Parliamentary Under-Secretary of State for Justice

Matty’s story

Restorative practice and education policy – an update

Helen and Luke’s story

Repairing the harm – restorative approaches with looked-after children

Ari’s story
Contents

4 The importance of flexibility – commissioning a restorative justice service
6 Matty’s story
9 Bridging the gap – report from a researcher and practitioner conference
10 Developing a whole-prison restorative approach
12 Restorative practice in mental health – gathering momentum
14 My life as… an academic at the University of Nottingham and chair of the RJC
15 Helen and Luke’s story
18 Repairing the harm – restorative approaches with looked-after children
20 What’s new in restorative research?
21 Restorative practice and education policy – an update
22 Violence, restorative justice and forgiveness – book review
23 Help! A problem page for restorative practitioners
24 Ari’s story

About the RJC

The Restorative Justice Council (RJC) is the independent third sector membership body for the field of restorative practice. It provides quality assurance and a national voice advocating the widespread use of all forms of restorative practice, including restorative justice. The RJC’s vision is of a restorative society where everyone has access to safe, high quality restorative practice wherever and whenever it is needed. Resolution is the thrice yearly newsletter of the RJC. Please get in touch if you have any feedback or you would like to submit an article. The articles in this newsletter express the personal views of the authors and do not necessarily reflect the views of the RJC.

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News in brief

Save the date – the RJC’s AGM!
The RJC’s 2018 Annual General Meeting (AGM) and members’ conference will be held on Thursday 29 November in London. The RJC would like to invite all its members to attend the event for free. In previous years the event has been a really good opportunity to come together and network, share what has been and will be happening in the restorative practice field, and network with colleagues.

More details and information on how to sign up can be found here – www.restorativejustice.org.uk/AGM2018

Regional workshops report published
The RJC has published its report of five regional workshops for commissioners of restorative justice services. These workshops provided a vital opportunity to share notes on what’s working well and how challenges are being met with innovation in different areas.

The report is available at: www.restorativejustice.org.uk/workshops-report

Restorative justice and the parole process
Victims of crime who have been through the restorative justice process and where the offender is eligible for parole are increasing in number. Why me? and the Parole Board have been collaborating over the last 18 months to support greater awareness of restorative justice among the Parole Board panel members and also to increase understanding about the Parole Board process among restorative services and practitioners.

Why me? has developed two leaflets – one for Parole Board panel members and one for restorative practitioners and services – which will be available from its website on the campaigns page www.why-me.org/campaigns/parole-board-2/this autumn. For more information, contact Lucy Jaffe lucy.jaffe@why-me.org

The RJC has a new home
The RJC would like to thank all of its members for their patience during the office move in September and October.

Our new address is: Restorative Justice Council,
CAN Mezzanine, 7-14 Great Dover Street, London, SE1 4YR.
Our new phone number is: 0800 994 9752.
Welcome to the Autumn 2018 edition of Resolution. This issue is packed with case studies, good practice and updates which I hope you find useful and interesting.

As new chair I thought I’d take this opportunity to introduce myself and tell you a bit more about my journey into the world of restorative justice. You can also hear about my day-to-day life as an academic later in this issue.

I became aware of restorative justice in 2002 during the final year of my BA, but never really engaged with it as a topic until I was doing my MA at the University of Sheffield. I became a volunteer community panel member at the Sheffield Youth Offending Team (YOT) and as part of a placement module on my MA, I conducted a restorative justice audit at the YOT in anticipation of the introduction of the Victims’ Code of Practice in 2007. These two experiences were steep learning curves and raised two issues for me. The first was that restorative justice jarred with the values and processes of the criminal justice system. The second was that there was very little dialogue happening between practitioners and academics.

My next exposure to the ‘real world’ came with an invitation to comment on the draft South African Child Justice Bill in 2008 when I met the chair of the committee at the European Forum for Restorative Justice conference in Verona, Italy. Advocate Shireen Said and I had a wonderful exchange that lasted some months and represented the type of dialogue that should be happening much more frequently in policymaking. She challenged some of my ideological thinking and I pushed her to think beyond the confines of the criminal justice system.

My most profound learning experience occurred with my interest in restorative justice in policing. My colleague Dr Craig Paterson and I have been publishing on the topic since 2011 and in 2016, we finally submitted the first monograph on the topic to Routledge. The pioneer in the field was Terry O’Connell and I reached out to him to write the foreword for the book. We remained in touch and over the last few months have had the opportunity to work closely together. I have come full circle back to the exchanges that I was having with Advocate Shireen Said in 2008.

Terry is a wonderful practitioner and an accomplished academic – one of the very few individuals that I have met who traverses both arenas with ease. His position is simple: know why you are doing what you are doing, understand why what you are doing works and make sure that you can demonstrate that it does. Sounds disarmingly simple, but without being explicit and drawing both the practice and theory worlds together, practice is often left to chance and can be co-opted for other means.

This orientation has helped me to look at the field anew and reignited my ambition to get academics, practitioners and policymakers to start talking to each other. When Chris Straker mentioned in passing that I should consider joining the RJC, I wondered what I would have to offer. The whole ‘ivory tower’ label undermines one’s confidence. Nevertheless, despite my very real reservations, I made the plunge for several reasons:

1. I strongly believe in restorative justice, the RJC and what it aims to achieve.
2. I recognise that every person has value and deserves support.
3. I am not afraid to fail and I am prepared to be vulnerable.
4. I have a vision to help deepen our understanding of restorative justice.

The RJC consists of wonderful and highly dedicated members, employees and a board of trustees. We have an away day for employees and the board on 8 November at the University of Nottingham and we are revising internal documents and developing strategies for the next 12 months. I hope to see you at the AGM on 29 November and look forward to collaborating on how we might shape RJC aspirations and plans towards a more connected society.

Kerry Clamp
Chair, RJC
The importance of flexibility – commissioning a restorative justice service

We commissioned our first contract for restorative justice in October 2014. We thought we knew exactly what we were going out to commission – we wanted a professional restorative justice provider to deliver victim-offender conferences (VOCs) between victims and offenders in North Yorkshire. Our specification was therefore heavily weighted towards VOCs.

We have a strong contract management approach in North Yorkshire and we demanded that service providers case-manage service users consisting of referral, initial assessment, implementation of a cope and recovery plan through to exit plan, as well as measuring outputs (i.e. number of VOCs). We also baselined service users on entry into a service and requested they re-measure them on exit. This gave us a basis for measuring success and outcomes for individuals. On that basis we had enough information from early on to know that the delivery wasn’t taking shape as we’d anticipated.

We realised very quickly that we were not going to be able to reach the anticipated number of VOCs that had been profiled with the provider for various reasons, such as the length of time taken to carry out a high quality VOC. I also don’t think we understood the value of taking victims and offenders on a journey which might involve indirect solutions, before you ever move to meeting directly with an offender.

We also found that victim service providers more generally (not just restorative justice) were not that used to a competitive tendering landscape and being held to account for delivery, particularly around reporting on individual-level performance. That took some time to iron out.

As you go through contracts you realise the bits where you’ve got the gaps. A big area of adaptation has been a shift to account for offender outcomes. There was a misunderstanding initially that we were basing it on victim-initiated cases because money for restorative justice services comes from a central victims pot. The direction of travel from the Ministry of Justice back in 2014 was also very much around victim-initiated restorative justice.

This meant that in the early days, offenders didn’t really feature much in our commissioning process and we totally missed including offender outcomes in our contract.

Now we understand that although this is victims’ money, it has an impact on offenders and we would be remiss not to measure that. You have to be able to measure some form of good outcome for an offender in order to justify what you’re doing. We are addressing this but it’s still a challenge. There are issues around data protection and whether the police and crime commissioner has a legal basis to access offender data. Ideally we would receive something centrally around what is the expectation around offending – do we have a remit and a right to understand what the impact is on it?

I think the role of the police and crime commissioner in measuring offender outcomes is increasing, but we’re not as yet asked to report on offender outcomes to anyone – the Ministry of Justice only requires victim reporting. I think that’s possibly a mistake because if we were, it might actually give us a remit to do something.

All our victim services are set up on the basis of a victim needs analysis which we set up in North Yorkshire back in 2014. It asks: what are victim expectations? What do they want and need from support services? How do we take that forward?
But this doesn’t look at what the journey is like for offenders. For example, what about the impact on offenders of coming face to face with victims? Do we have the resources in offender institutions to support that person afterwards? For victims, we’ve commissioned counselling services in North Yorkshire – often a victim might need counselling before they go through restorative justice, or the other way round. We understand the importance of facilitating a whole-person approach to supporting victims. But I’m not necessarily sure we’re doing that with the offenders.

Another area of flexibility was starting to accept offender-initiated cases. Victim-initiated restorative justice was interpreted differently in different arenas. But we maintained that it can be offender-initiated as long as both parties agree and you’ve got voluntary participation from two parties. It doesn’t really matter where it’s initiated, as long as the victim or offender have the ability to leave the process once you’ve started.

In terms of what’s happening next, one key thing is to get a proper case management system. That ability for commissioners to be able to analyse and understand the data effectively is vital.

Rather than just looking at aggregated data, you need to know and understand that victim journey and what other services they’re accessing. It’s the only way to know and understand what impact a service is having.

The data we need is collected by different agencies, either community rehabilitation companies or prisons or probation, but it’s not measured in one place. I know in some other places they’ve created a way where it’s all collated together quite effectively. I’m not yet in a position to do that. So there’s still flexibility needed around how we work with partner agencies.

National-level discussions would be very valuable, to set out what we are looking for in terms of outcomes for offenders, how we evidence those outcomes, and what services are available for offenders who have gone through a restorative justice process. High-level discussions with the Information Commissioner’s Office would then help establish how we can obtain the data needed to measure those outcomes under GDPR.

In October last year we had an internal review of restorative justice. What it suggested was that we are increasingly getting more value for money as the contract develops, we’re contract managing it better as we understand the restorative justice process better. It’s been assessed as providing a value for money service and it’s a good quality service to boot.

There are areas we’ve still got to learn, for example when is the best time to offer restorative justice. It’s currently included in a comprehensive information booklet handed out by officers to victims of crime, but often an offender hasn’t been identified at that point. The restorative justice message needs reinforcing at every point of the process.

I’m constantly looking at ways of improving the service but we’ve come a long way – victims are getting good outcomes, we’re receiving quality and value for money from the provider, that’s all really positive and our learning can now be incorporated into the new commissioning cycle.

Wendy Green
North Yorkshire Police and Crime Commissioner’s commissioning manager
Being the victim of sexual abuse as a child sent Matty further down a path towards drugs and crime. Here, he tells us about the role that restorative justice played in helping him turn his life around.

Matty’s story
“I come from a pretty rough background. My dad left when I was eight years old. He beat up my mum, so as a kid I was introduced to extreme violence. When he left, his new girlfriend used to beat me up. Mum saw the bruises and confronted my dad, but he wasn’t happy that his son was getting beaten up by a woman, so he didn’t want anything to do with me.

“I always missed my dad. I just wanted a father figure. I had my mum and my sisters, but they had their own lives and each other. I never had a role model.

“I started getting involved in gangs. It was a tight-knit community where we did things for each other. I used drugs from about 11, started committing crime and was in and out of prison from an early age.

“One day I got on the bus and had forgotten my day ticket. I knew the bus driver, Martin* – my mum used to work with his wife. He remembered that I’d had my ticket on the bus earlier, so he let me on rather than making me go home and wait for the next bus. I stood at the front of the bus and we just started talking. It was just that for a few months – conversations on the bus.

“When I was about 12, he asked me round to his house. At the time I was into computers. He said he had a problem with his so I came round to have a look. But when I got there the computer was fine. He made me a brew, we got talking and he did stuff to me. I was so scared, do you know when you’re frozen? I didn’t know what to do. The worst thing about it was that afterwards, he dropped me at my friends and gave me a handful of cigarettes. It was as if he’d paid me for what I’d done.

“The whole thing was confusing. When I asked him about it he would say sorry, that it wouldn’t happen again and that he had no control. Each time I’d believe him because I didn’t want to give up this father figure. And each time it would just keep happening. At the start it was pretty softcore, but as it went on his needs heightened and he thought he could get away with more, so then it became a bit more forceful.

“I’d seen what my gang did to gay people because they didn’t like it. So I was scared. Maybe if I’d told them exactly what was going on, they’d have shot him. But I didn’t want to be hurt, so I didn’t talk to anybody. I just kept it to myself. I started using harder drugs, because it got a bit harder to cope with. I found that every time I took a bit more of this drug, it just went away a bit longer. That’s how I coped – I just pretended it wasn’t happening and supressed it with substances.

“I started getting myself into trouble. I would commit crimes on purpose when he wanted to see me. If he texted me I would call the police myself so that I would get away and be locked in a cell. But every time I came out it kept happening. He used to come to my place of work and pick me up. When I was 15 or 16, I didn’t want it to happen anymore but I couldn’t get away from it. So I got more involved with the gangs, doing more serious things, trying to get myself locked up.

“I used drugs constantly and the money started running low. Every time, he would leave money on his table. He wouldn’t give me the money directly, and I definitely wouldn’t ask for the money, but it would be there. And he knew that as an addict, I was going to take that money. He knew that because I knew the money was going to be there, I was going to keep coming back.

“That’s how it progressed. It wasn’t prostitution – I didn’t want it to happen – but in my head back then, it was worth it because I had a way of financing things without robbing someone.

“At 18, I started getting my head screwed on. My addictions came to light with my family, and they got me involved in support services. I realised what was happening with Martin wasn’t OK so I changed my number. I would still see him on the bus and he would still ask to see me, but I was big enough to say no.

“After a serious motorcycle accident I started using drugs again to cope with the trauma of what happened, and went back to the support services. As part of the assessment, one of the advisors asked me if I had ever been sexually abused. I don’t know what came over me, but I said yes. I told her what had happened.

“It wasn’t until about a year later that I was in a head space to take it any further. I’d done a lot of counselling and I realised that there are reasons for the way I turned out. I didn’t think it was fair that I had paid for the crimes that I had committed, while he was out there doing this to other kids. So I made a statement, he was arrested, and then all the court proceedings began. It took about two years, but eventually he was sentenced to 14 years in prison.

“He pleaded not guilty in the crown court. I wanted to hurt him then. I thought, are you really going to put me through this? But when the judge was reading out his sentence, it also broke my heart because they were giving him a long time. I wanted him to pay, but I didn’t want him to blow the rest of his life away because he’s an old guy and the chances are he’ll probably die in there. I know he’s in prison now and I’ve got my people in there that tell me he’s ok. It’s mad to think that the kid he abused is still checking up on him to make sure he’s alright.

“When Martin was sentenced, I met with a victim liaison officer. One of the things she mentioned was restorative justice. She explained that I may be able to meet my offender, and that it wouldn’t affect his sentence. I thought it sounded good as I had questions I wanted to ask – I wanted to know why he did it, and whether any of our relationship was genuine. I met Julie Woolverine from Remedi who explained it to me.

“I wanted to give it a go because I didn’t want what had happened to ruin the rest of my life. I wanted to draw a line under it and move on. I was scared that when I had kids I would be one of these over-protective parents who don’t let their kids go out. I didn’t want to punish any future kids of mine because of the experience that I had.
“I wasn’t able to meet Martin. I think it might have been because I had been in prison before – they were scared I would do something to him. I was pretty wounded by that because I wanted to see him and look him in the eye.

“Instead we exchanged letters. I discussed my questions with Julie and put them in a letter along with a paragraph about what he’d done to me and how I feel.

“I wanted him to realise what he’d done to me, but I also wanted to tell him that there is no beef between us. When he gets out I’m not going to come after him. I don’t want anything to do with him, but I wish him well and I hope he gets the help he needs. I’ve been in prison myself, I know what it’s like worrying about who’s going to come after you when you get out. You really do want a fresh start – I didn’t want to deprive him of that.

“He was kept up to date with the whole thing and even had to approve me writing a letter in the first place. When he was given my letter he was given the choice whether or not to reply. I got a response a month later.

“It turned out that communicating by letter was a good idea. Some of the things he said, if he had been in front of me I would have decked him. Julie was great and understood the risks – she saw things coming that even I didn’t see myself.

“His letter gave me exactly what I needed. He said he understood I was young but he thought I was an attractive lad and he just went with it. He told me he did care for me but that boundaries got crossed and that he meant everything he said to me. He wished me well. He thanked me for what I’d said. He did lie a bit and twist things, but it was more good and honest stuff than bad stuff.

“It really broke me for a couple of weeks but I kept reading over it and eventually it snapped and it was kind of like bliss. I felt a massive relief. Him wishing me well was that bit of closure. I think that was the main relief – the closure of it.

“Since then I’ve really come out of my shell. I’ve recently just had a promotion at work. I’ve been able to take on a lot more and the real me has come out – the kid before all the drama, the clever guy. I’m at peace with the world, I’m not angry any more. I was a very angry young kid – at my dad, at Martin, at a lot of things. Restorative justice gave me support not only with what happened but with other demons.

“I’ve got a good job now, and I’ve not used drugs in years. I’ve not been involved in crime or gangs. I feel stronger, I feel stable. I run an online blog called the Hope Campaign, where I try and use my experiences to help other people. Eventually I’m hoping to go into schools and talk about my experiences with gangs, with drugs and sexual abuse. That’s what I focus on now, trying to change the world and help kids who are just like me.”

The RJC would like to thank Matty, and Julie Woolverine from Remedi, for sharing his story with us.

*Martin’s name has been changed.
Bridging the gap – report from a researcher and practitioner conference

On 17 September, the RJC and Nottingham Trent University hosted restorative practice researchers and practitioners for a day of talks, discussions and joint problem-solving. Here, Fionnuala Ratcliffe, the RJC’s policy and communications officer, provides a summary of the day.

When Professors Jonathan Doak and David O’Mahony approached the RJC earlier this year about co-hosting a workshop, we saw it as a great opportunity. From our regional workshops in the Spring, something that stuck out to me was how restorative justice services in some areas had local arrangements with researchers, to work together for mutual benefit. Practitioners provide a vital reality-check on how things pan out in practice, whereas academics offer a useful external perspective on what restorative justice is trying to achieve. What’s more, researchers want to know what areas of practice need further investigation – this is how their work achieves impact.

I had also been reflecting on the disconnect between restorative justice practitioners and academics after attending a thought-provoking conference run by the Howard League in March this year. The audience was mostly academic, and one heated discussion stuck in my mind following a presentation on restorative justice which provoked challenge of the use of the word ‘victim’, as a term that undermines accountability in restorative justice. It was a great discussion, with people talking emphatically about reintroducing compassion, victim and young person empowerment, and changing perceptions.

That discussion illustrated the difficulties of reconciling the ideals and core principles of restorative practice with the practicalities of implementing it. Victim and offender are loaded terms and ‘harmed’ and ‘harmer’ are more appropriate, but when you’re discussing restorative justice with a police officer or prison governor, where (if at all) do we compromise with how we talk about, and deliver restorative justice?

Bridging the academic and practitioner divide is not a new challenge, or one specific to restorative justice – a friend told me of a conference he’d attended which aimed to bridge the gap between activists and academics who studied the theory of activism. He said it was difficult for the activists (himself included) not to feel patronised by academics who they felt had no practical experience.

So what could the RJC do to support better collaboration between researchers and practitioners? In Nottingham, we were pleased that the fully-booked event brought 32 people from across the country together at the Nottingham Conference Centre.

We opened with everyone sharing why they worked in the sector, and what matters most to them about restorative justice. It was a great discussion, with people talking emphatically about reintroducing compassion, victim and young person empowerment, and changing perceptions.

Jonathan and David shared the findings from their new book on agency and practitioner conference to explore the limits and potential of restorative practice outside the criminal justice system, and lobbying of government to recognise restorative practice as an effective approach in different settings. Chris’ article in this issue sets out some of the progress in the education sector, and we’re hoping having Lydia Affie from the Department for Education speak at the AGM will inspire further progress.

We heard some interesting suggestions about how to strengthen links between practitioners and academics such as:

- a researcher/practitioner speed dating event
- an online research map where researchers list the work they’re undertaking
- greater use of the RJC website as a hub for recent restorative research
- involving accredited practitioners in reviewing new restorative research

A strong theme of discussions throughout the day was the need to broaden discussions beyond a notion of restorative justice that is reactive, to proactive approaches. Attendees spoke of restorative practice’s potential to help children learn to be with each other – especially in schools where it was felt this is being ‘taught out of them’. There was enthusiasm for a conference to explore the limits and potential of restorative practice outside the criminal justice system, and lobbying of government to recognise restorative practice as an effective approach in different settings. Chris’ article in this issue sets out some of the progress in the education sector, and we’re hoping having Lydia Affie from the Department for Education speak at the AGM will inspire further progress.

A mutual interest between academics and practitioners was evident on the day, which was underpinned by a sense of collaboration and enthusiasm. We’d like to focus future workshops on specific areas of practice – stay tuned for a serious organised crime event in early 2019 – and hope to hear at the AGM how future events can help with our aim to make good quality restorative practice available across the country.

Fionnuala Ratcliffe
Policy and communications officer, RJC
Developing a whole-prison restorative approach

Government and prison governors are waking up to the potential of restorative approaches to reduce violence and resolve conflicts in prisons. Here, Dave Aukett and Lynsey Pooley share how they introduced restorative approaches at Peterborough prison, the only male and female prison on one site in the country.

Lynsey: At Peterborough, the driving force behind it has been our head of rehabilitation, Bev Stephens. She was interested in trying something different in areas where a punishment approach wasn’t proving effective. We knew where we wanted to be and we’d started making little steps, but were lacking some support to train staff and residents. That’s where we were fortunate to be able to connect with Dave Aukett.

Dave: Restorative Solutions had funding for 12 months to explore the idea of a whole-prison approach to restorative practice in two prisons. Our work with one site didn’t work out as planned, so we needed another prison which could hit the ground running for the last six months of the project. Peterborough has a really strong rehabilitative culture and great senior support for what we’re doing so it was a good fit.

L: When we first started speaking to groups of residents to get their ideas on how restorative approaches might be used, the women were very much all for it. With the male residents, and even some staff, it was tough. Some just thought it was another initiative with no chance of working. They went through the training, but it wasn’t until they’d actually seen a meeting take place, that they saw the difference it can make.

D: We introduced two levels of training. The foundation training is a one-day training programme which enables participants to practise informal restorative approaches using restorative questioning for low-level incidents. Participants can then go on to do further training to become restorative approach practitioners.

D: Initially we approached enhanced residents to take part – these are residents that contribute a lot to the life of the prison already through various different roles. But now we’ve learned that those residents aren’t necessarily the ones that are respected by their peers or can deal with low-level conflict effectively. We’re now working with a different cohort of residents. Often the message we get back from residents is that the less conflict there is on the wing, the easier life is for them. This is the place where they live, and it’s much easier to live there if there isn’t conflict all the time.

D: One resident was involved in a restorative justice conference after hitting another guy over the head with a food hatch. He participated in a restorative conference and afterwards said he got so much out of it he wanted to do the training. He’s a really capable practitioner now.

D: In terms of recruiting staff members, it’s more about the right skills than getting someone from a particular role. Some of the champion practitioners are in admin roles, for example. We did target certain locations to make sure that we have people in every corner of the prison. That’s all part of the whole-prison approach.

L: I think the fact that we are a dual prison has made it easier for staff to get on board with restorative approaches. You put one hat on to work with the male residents, and you put a different hat on to work with the female residents. So you’re constantly aware
that things can be done differently; we’re used to change and trying new things.

D: For low-level incidents, trained staff resolve those issues using restorative approaches on location and then let us know retrospectively what’s happened and what’s been done. For more serious incidents that can’t be dealt with informally, it’s referred in for a formal restorative approach. We allocate it to someone who’s trained to practitioner level and then draw in people from across the prison.

D: What’s really exciting is putting together different combinations for people to co-facilitate. So we’ll have a resident working with a member of staff from admin, for example. Staff and prisoners work together on something jointly – not just sitting round a table in consultation, but in delivery. At the end of the day, although they’re on different sides, they both want the same thing.

L: For example, the administrator in the programme team is trained to practitioner level. And an officer in the programme team was facilitating a course and noticed that two or three female residents weren’t getting on. So the administrator was able to go and speak to them and offer a restorative approach meeting. That’s an example of resident-facing staff and non-operational staff working together to apply restorative approaches where it’s most needed.

D: The critical outcome for us is that we can reintegrate people into those wings much more quickly. Keeping people apart takes a lot of time and effort, and there’s no guarantee that it’s going to prevent an escalation in violence because other people can get involved. A lot of the violence in prisons originates in very low-level ways. It could be neighbour nuisance, someone playing their music loud, someone disrespecting another person. Those small things can escalate into quite significant disputes.

D: One thing we’ve learned is around earlier intervention. Initially we thought that we should wait up to 72 hours following an incident before we offer restorative approaches to the participants. But the resident facilitators told us that people wanted a much earlier intervention. A prison environment is intense, and they’re likely to see that person or their associates again in a short space of time. It’s not necessarily the incident that worries them, it’s the fear of something else happening. They don’t want the conflict to escalate – they want it resolved. That’s particularly true on the male side, where the incidents of violence tend to occur very quickly.

L: We’ve introduced restorative forums where residents and staff can talk about particular issues such as debt, bullying, or psycho-active substances. These help residents understand the effects on others, and give staff members a chance to share how they’ve been affected as part of their job. It’s an open and controlled space where everyone can be honest. At the end, residents and staff work together on how the prison can address the problem, which is fed back to senior management. One suggestion that was implemented was to introduce different coloured ID cards for each house block, to stop residents getting onto a house block that isn’t their own.

D: We also support residents to meet with family members. In one case, a female resident was exhibiting self-harm and anxiety behaviours within the prison due to problems with her ex-partner who was caring for their two children. There was a significant dispute around how the children should be parented. Working with social services, we held a restorative meeting where the two came to an agreement about when the children should call the prison and how the kids should be parented. It’s not that complex to do, but it can be quite significant in terms of the anxiety that residents have when they don’t have contact with family on the outside.

D: Restorative approaches are now being used across the prison. We’ve started seeing people using it without prompting – it’s becoming business as usual. We’ve trained over 250 staff and residents, and now every officer appointed undertakes foundation training as part of their initial officer training course. The prison now has its own restorative approach trainers.

Bev Stephens – Head of rehabilitation at HMP Peterborough:

“One of the biggest successes for me during this process is the whole prison coming together to resolve conflict. Often trained staff and residents work collaboratively to resolve issues together on the wing before they potentially escalate to something greater. The circles have also encouraged staff and residents to work together to discuss issues as well as identify solutions to resolve them.

“Restorative approaches are a fundamental part of our violence reduction strategy and I’m confident this will remain an essential contributor to maintaining our rehabilitative culture moving forward.”

Resident restorative approaches practitioner at HMP Peterborough:

“I’m a restorative approaches resident facilitator because it is satisfying resolving issues. I also get respect from staff and working with them builds trust and I feel that my work is appreciated.

“We live here. If there is an altercation there is a bad vibe around the wing. If there is an easier, more friendly environment it is a better place to live. Restorative approaches prevent altercations escalating and help residents resolve situations.”

Lynsey Pooley – Restorative justice and restorative approaches coordinator, HMP Peterborough

Dave Aukett – restorative prisons advisor, HMP Peterborough
Restorative practice in mental health – gathering momentum

The second annual ‘Restorative practices in mental health network’ event took place in Kent on 20 July. Here, Gerard Drennan, head of psychology & psychotherapy at South London and Maudsley NHS Foundation Trust, and Sarah Cooper, forensic psychologist in training at Kent and Medway NHS Trust, share a summary of the day which highlighted how restorative practice in mental health continues to gather momentum.

The Low Secure Forensic Service from Kent and Medway NHS Trust hosted the second annual restorative practices in mental health network event in Dartford, Kent on 20 July 2018. There was wider representation of mental health services, predominantly forensic mental health services, than the first event last year. Even more encouraging was the greater participation of restorative justice service providers, with a wide range of third sector providers represented. This dialogue and collaboration between mental health services and restorative justice provider services, where the complementary skill-sets can come together to meet the needs of the people affected by crime and harm, has become influential in the next phase of development of restorative practices in mental health. This was highlighted in formal presentations by Lauren Smith and Andrea Newman representing the work of Restore: London, and from Finlay Wood representing CALM Mediation. There were representatives from Restorative Solutions and Why Me? who contributed to the discussions throughout the day, so a wide range of restorative providers were introduced to the mental health provider community.

The presentations throughout the day provided fascinating insights into how restorative practices were being applied in the different services and how they were evolving in response to the complex needs of the patient groups. The day was opened by Andy Inett, consultant forensic psychologist with Kent and Medway Low Secure Forensic Services. Dr Gerard Drennan started the proceedings with a version of a talk he gave at a recent forensic mental health conference in Antwerp, provocatively entitled “Who’s afraid of restorative justice?” Here he explored the barriers which have held back forensic mental health services from introducing restorative practices; his presentation provoked thought into critical and current issues that need to be addressed within the forensic mental health sector, if restorative practices are to be more widely adopted. This was followed by service updates from Dr Estelle Moore and Dr James Tapp of West London Mental Health Trust Forensic Services. Since their launch of restorative practice in 2014, the initiative has continued to expand, with more sites implementing the initiative and increasing numbers of staff being trained. The work has led to a positive effect in reducing ‘incompatibility lists’ evidencing the power restorative practices have in repairing damaged relationships. The service remains focused on researching different elements of the restorative process.

Following the launch of restorative practice in 2016, Sarah Cooper at Kent and Medway Low Secure Forensic Service shared her findings following an evaluation of the initiative. The evaluation supported the need for this approach within forensic mental health settings, indicating benefits for both staff and patients. Facilitator and Champion training led to positive shifts in staff attitudes about restorative practices. Finally, in response to the needs of offenders with intellectual disabilities, findings led to the development of a newly proposed model of care which will aim to embed the principles of restorative approaches in day to day practice. It is an exciting development to see restorative practices being applied in work with people with intellectual disabilities. Fin Wood and Dr Gerard Drennan from South London and Maudsley Forensic Services, have extensively evaluated a group-based victim awareness programme – The Sycamore Tree – and have developed a Recovery College Course based on the principles of Kintsugi; a Japanese art form that repairs broken ceramics and has an underlying philosophy – nothing is ever broken, honour the journey. Furthermore, as a service they have been able to create a dedicated restorative practitioner role and a service framework for how restorative practices can be enabled within forensic mental health services.

While they could not be there in person Dr Anne Sheeran and Dr Andy Cook provided updates regarding developments in Sussex Partnership NHS Trust. These included an increase in the number of trained facilitators, with all disciplines from the multi-disciplinary team being represented; systems being in place for supervision and promotion of their work; and having the full support from senior leadership. Henry Kiernan,
representing Kiernan Consultancy, was in the unique position of having provided consultancy and training in restorative justice conferencing to at least eight cohorts of mental health staff across London and the South East. He was able to provide a unique perspective on the challenges and the opportunities presented by implementing restorative practices in mental health settings.

The event retained its international flavour through presentations (in absentia) from Michael Power, the director of Queensland Health’s Victim Support Service (a state-wide specialist service helping victims of serious violence) and Dr Mariette van Denderen, of the Mesdag Clinic in Groningen, Holland. Developments in France were represented by Claudine Figueira. Since Michael’s visit to the UK last year, his commitment to introducing restorative practices with victims of crimes committed by mentally disordered offenders has led to support for a trial run in forensic mental health services in Queensland. Dr. Mariette van Denderen’s research demonstrated the benefits of restorative practice in complex cases which included restored family relations, reduction of fear, support in the recovery process for victims and offenders having an opportunity to ‘restore damage’.

The discussions on the day were also greatly enhanced by the better representation of universities and courses that teach and train the next generations of mental health staff. Not only does this promote the inclusion of restorative justice in undergraduate and postgraduate courses, but it also enhances our capacity to develop the evidence-base for restorative justice in this sector, through promoting high quality research and evaluation.

The event stimulated a number of discussions which led to a number of points for further development:

- the need to reduce barriers experienced by third sector restorative justice services through developing information-sharing agreements and reducing professional gatekeeping
- the importance of ‘presumed capacity’ to support pathways to accessing restorative practices for victims and offenders with learning disabilities and mental health issues
- the opportunity presented by the growth in community disposals for offences under a year, and the need to develop liaison with mental health court diversion schemes
- the possibility of including mental health conferences in observer schemes
- the importance of continuing to develop networks with restorative justice providers, in the south east but also more widely, to include mental health provision in new tenders for services
- the need to publish restorative justice developments and evaluations in peer reviewed journals to disseminate and share learning
- the opportunities to bid in consortia for research funding
- the opportunities to form links with the European Forum for Restorative Justice

The third annual network event will be held on Friday 12 July 2019, hosted by West London Mental Health Trust at Broadmoor Hospital.

Gerard Drennan, South London and Maudsley NHS Foundation Trust
Sarah Cooper, Kent and Medway NHS Trust
I completed my BA and separate honours degree at the University of South Africa before undertaking a MA in International Criminology at the University of Sheffield and subsequently a PhD at the University of Leeds. My first academic appointment was at Sheffield Hallam University in 2009, followed by a 4.5-year stint in Australia at Western Sydney University. In 2017, I joined the University of Nottingham.

I relish my job. No day is the same and I get to meet many individuals from different walks of life. Being an academic involves the wearing of three hats: teaching, research and governance.

I love teaching and so have often gravitated to doing the first year introductory criminology module. Within this, I get students to engage with what we mean by the word ‘crime’, the history of the discipline and how crime is ‘socially constructed’. I also teach a third year restorative justice module that gets them to question everything that they assume to be correct about punishment and justice and to be more critical in their thinking about what is right and wrong. Our contribution in this issue by Wendy Green is spot on – offenders have become an almost forgotten actor in the restorative justice remit favoured by the government and yet, offending does not occur in a social vacuum. Sometimes, although not making excuses for bad behaviour, crime is a symptom of very difficult circumstances. I enjoy watching the transformation of students’ thinking while I teach them to think more critically about what we mean when we refer to harm and the actions that are necessary to respond to that harm.

In terms of research, I am currently undertaking analysis on a national survey that I have conducted with Professor David O’Mahony on restorative justice within policing. We will be distributing the findings to our participants within the next couple of months and will then publish more widely following that. This research has allowed me to develop a number of contacts across England and Wales and some of those individuals and their colleagues participated in a one-day conference on restorative justice on 28 September at the University of Nottingham. The day was a great success and participants listened to Terry O’Connell speak about his journey with restorative justice and were encouraged to think more daringly about their practice. Attendees were excited to get back to their forces to test out some of the ideas and some even expressed an interest in doing a PhD!

I currently have three governance roles. The first is undergraduate programme convenor for criminology at my institution, which involves planning the types of modules that we deliver across our degree programmes and thinking more strategically, about where we want to be in the future. The second is the University lead for East Midlands Police and Academic Collaboration (EMPAC) which involves attending meetings, collaborating with colleagues from my institution, others in the region and police officers on particular topics and hosting roundtable events. This is an important collaboration with likeminded colleagues committed to initiating change within policing. My third role is chair of the RJC. I work closely with Chris Straker, the chief executive, as well as the board of trustees. I will be hosting an away day for the team at the beginning of November to review our constitutional documents and to develop our strategy. I am looking forward to sharing our progress with you all at the AGM and in the months ahead.

One of the benefits of being an academic is that you can largely chart your own path and you meet amazing people along the way. These individuals can become good friends, wonderful collaborators and even people who disrupt your thinking. The only drawback is having enough time to embrace all of the opportunities that come one’s way.

Dr Kerry Clamp
Helen*: “I was living at home with my son and my daughter. I had separated from their dad around 15 months earlier and he had moved out. He was an alcoholic and violent towards us all. My son Luke was protective of me when his dad was still at home but when their dad moved out, mine and Luke’s relationship changed and it felt like he was always angry with me.”

Luke*: “The house changed a bit after my dad left. Me and mum started getting a bit more aggressive towards each other. When dad was around, we were like a team, trying to fight him off. But after he left, tension would mount up between us. We didn’t really speak about it, then when we got to the day of the incident it just exploded all at once.”

Helen: “On the day of the incident, Luke came home from college and was telling me about a friend’s dog that had had puppies. I thought that he was suggesting that we got one but I said that this wasn’t going to happen. This then led to Luke becoming very angry and making threats to kill me and his sister by cutting our throats. He pushed the table over and then picked up a baseball bat.

“At the time I was scared for mine and my daughter’s safety, as this wasn’t the first time that Luke had lost his temper. I was on my iPad and I messaged my other daughter and asked her to call the police. I was terrified and shocked at how quickly he became angry.

“My daughter, who was 14 at the time, was in the room when it all happened and she was also really scared about what Luke was going to do. My other daughter was also worrying about what was happening with us all after getting my message asking her to call the police.”
Luke: “I came in from college. I was saying about a dog that had recently died, that belonged to a famous YouTuber. I told my mum and all of a sudden she said, ‘We’re not getting a dog’.

“Then she started talking about something on social media. She was using it to dig at me, to get a reaction. I told her to shut up, in a friendly way. She kept digging, so I said shut up again but more aggressively.

“She said, ‘You sounded just like your dad when you said that’. My mum had said things like that before. She’d say that again but more aggressively.

“She was on her iPad and I could hear her typing. She knows people who could beat you up, so I picked up a rounder’s bat and said, ‘Whoever you’re getting to come round, you’d better not because I’ll bat them in’.

“After that I went to my room. I knew I’d overreacted. I thought I’d calm down, come down a few hours later and say I’m sorry.

“I heard a knock on the door and when they came upstairs it was the police. I was in shock. They said they’d come because I’d made threats to kill. At this point I was quite angry. I didn’t say what they think I said. They took me to the police station to interview me. The police officer said I should be out that night, but in the end I stayed overnight in the cell.”

Helen: “After Luke had been dealt with at the police station he went and stayed with his girlfriend and her family, which I initially thought was a good idea. But then he went on to stay with them on a more permanent basis and we had very little contact apart from the occasional messages on Facebook.

“I couldn’t believe that after everything he had seen us go through with his dad that he would just leave us. I was really upset that he wouldn’t come home and we weren’t in contact – this was the worst bit of it for me.

“A few months later, Thea Pollikett from Essex Youth Offending Service wrote to me asking if she could come and see me at home to discuss restorative justice.

“When Thea visited and explained the process, I thought it was a really good idea and I wanted to take part in it. I didn’t really have any concerns at that point, apart from if Luke didn’t want to get involved. I was hoping it would help me and Luke rebuild our relationship so that in time he could move back home. I also hoped that after we got an opportunity to talk things through this would mean that Luke would be less angry with me.”

Luke: “After it happened I didn’t really want to talk to my mum. We eventually started texting, but there was a lot of tension.

“I met with Thea about restorative justice. I thought it was a good idea because I’d spoken to everyone else about what happened, but not my mum. I wanted to hear it from my mum’s side. I also wanted to tell her how I felt about it.

“I thought it was an opportunity to structure a better relationship with my mum. We hadn’t had the best run. We’d had our arguments. I thought if I did this it would help me to be a better son.”

Helen: “On the way to the meeting, I was nervous and felt like I was going to meet a stranger. But as soon as I walked into the room and saw him my nerves just disappeared. Me and Luke

**A practitioner’s perspective**

I got involved in this case when it was triaged by Essex police. This was a new approach for certain offences where if the young person admits guilt and they have not been in trouble before, the case can be triaged. This means no further action by the police but your details are passed to the youth offending team. A case worker from the youth offending team comes out and does an assessment. They might recommend doing some work around things like managing emotions, victim awareness or awareness around drug and alcohol use in order to help the young person from getting into further trouble. But it’s up to the young person if they get involved – it’s completely voluntary. This case was the first triage case that came through to us in Colchester and Luke worked with a case worker from the youth offending team and me on a voluntary basis.

When working with families, I find the preparation work often takes longer as there is so much history. It isn’t always a case of just talking about the incident – there is all the previous years and events that also need to be discussed and worked through. Which is why in this case we had the initial meeting regarding the incident and then a second meeting where other issues were discussed and a plan was put in place about what people hoped would happen in the future.

It was great that both Helen and Luke were keen to get involved in the restorative justice process right from the start. I think they both wanted to improve their relationship but were unsure on how to do this. At the time that I initially met them they were only communicating via text messages or Facebook and Helen was sad that their relationship had broken down so badly and that Luke was no longer living at home. Initially, Luke was angry with Helen for involving the police, as from his perspective that hadn’t been necessary. This was something that Luke came to terms with when he was able to meet with Helen and understand how her and his sister had been affected by the incident – that they were scared by his behaviour.

It has been a privilege to be involved in this process with them both and watch Luke and Helen’s relationship improve during this time and for them to have said that this is down to restorative justice.

**Thea Pollikett, Essex Youth Offending Service**

She wouldn’t say it in a nasty way, but not in a nice way either. I found it quite hurtful.

“Then I said, ‘Well if I did sound like my dad, I would have killed you by now’. That’s how I said it. But mum says I literally said, ‘I will kill you’.

“She was using it to dig me at, to get a reaction. I told her to shut up, in a friendly way. She kept digging, so I said shut up again but more aggressively.

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Helen: “On the way to the meeting, I was nervous and felt like I was going to meet a stranger. But as soon as I walked into the room and saw him my nerves just disappeared. Me and Luke
both got an opportunity to speak about what had happened and I got a chance to tell him how it had affected me and I was able to hear Luke’s side of the story.”

Luke: “When my mum came in, I gave her a hug and she was a bit teary. My mum gave her side of the incident. She said she thought I was actually going to kill her. That’s what sticks out for me, because I didn’t properly know about it from her point of view until then. The police had told me what I was being arrested for but it was all a bit confusing. They didn’t tell me in too much detail. I knew it was threats to kill but I didn’t know how she perceived the situation.

“It was a bit of a shock at first. At first I was thinking, do I believe that, did you hear me wrong? In the end I came to accept that could have actually been the situation. I’ve accepted that.

“Since the meetings, we’ve met up on our own. I’ve gone round to see her and my sister. I stayed there over the Christmas holidays – that was really nice. After the February half term, I’m looking to start staying Wednesday, Thursday and some Friday nights.

“Without the restorative justice process, I don’t think me and my mum would be at this stage. I could possibly be in a worse situation. I definitely wouldn’t have as good a relationship with my mum.”

Helen: “Afterwards I felt so relieved that the ice had been broken and that the meeting had gone so well.

“After that first meeting we had another meeting with Thea there but after that Luke started to come and visit me at home which was really great.

“Although Luke is still living with his girlfriend and family, he spent Christmas with us at home and stayed for three nights. This is the first time he had stayed over since the incident and it was lovely to have him at home. I hope that Luke will move home soon.”

The RJC would like to thank Essex Youth Offending Service, Helen and Luke for sharing their story with us.

*Helen and Luke’s names have been changed.
In 2014 there was a recognition by Sunderland youth offending service (YOS) and the local authority that the offending rates by looked-after young people in the Sunderland area were significantly higher than the national average. Although the YOS and the local authority children’s homes were working together to try and change this, it was clear a different approach was needed. Joint discussions between the YOS, social care and Northumbria police eventually led to a joint agency protocol being implemented in 2016.

The protocol applies to the four children’s homes in Sunderland and it advocates against the unnecessary criminalisation of young people within their own home. The protocol starts from the overriding principle that group-living can be very challenging for teenagers who can’t live with their own families and who often have lots of complex needs themselves. Therefore, it would be expected that such teenagers are more likely to exhibit challenging behaviours than their counterparts who live at home with their families. The protocol sets out guidance to the YOS, children’s homes and the police on ways to manage behaviours such as, but not exclusively: criminal damage, verbal and physical aggression and theft, without resorting to formal police sanctions. This includes looking at restorative approaches and holding diversion panels.

The panels comprise of representatives from the YOS, children’s homes, social care and the police. Each diversion panel considers the circumstances of the offence, the voice and needs of the child, the wishes of the victim, the appropriateness of the child’s looked-after placement and any wider concerns such as sexual or criminal exploitation. Prior to the panels, the victim liaison officer from the YOS will speak to the victims and ascertain their views, which the victims themselves can share at the panels or the liaison officer will share on their behalf. The YOS case worker will speak to the young person to find out their level of remorse, what they would be willing to do to make amends and what other concerns they may have.

These views are shared at the panel where the young person attends part of the panel, with further discussion around their care plan represented by their YOS worker. The panel then decides what could be done to make amends, based on the child’s needs and the wishes of the victim.

A Together for Children (TfC) Sunderland children’s home manager shares his experience:

“I became the victim of an offence when a young person placed in the centre committed criminal damage in the home. We were already working with this young man who was very resistant to change and faced entering the criminal justice system.

“The YOS protocol helped us to engage and this young man was able to make amends and give back to his home using his own talents developed through a college course in joinery. With support from his link worker, this young man built a deck and step in the garden of the home. This involved, over the space of a few weeks, fixing posts in place, building a frame and creating the deck. This helped to build his confidence and raised his self-esteem.

“The restorative approach stopped this young person from being criminalised and helped us to build a more positive and meaningful relationship with him that may have been damaged had he been arrested.”

Other creative examples of outcomes have included a young man who helped to build a cabin in memory of a residential worker, which he was then able to put onto his CV to help with his job search. A young woman took the role...
of fire safety warden in her children's home. And another young woman gave a genuine and meaningful apology to the victim of her assault, which was against a residential worker within the children's home.

Each of the examples above resulted in the young person voluntarily agreeing to make amends to repair the harm that they caused in their own children's home, which is extremely beneficial for the victims involved and consequently, none of these young people went on to reoffend within their own homes. Typically the young person continues to have communication with their victim, usually a member of staff from the children's home or another young person living at the home.

Prior to the protocol being embedded, the police would have been called in to help manage behaviour and it would often have ended in the young people being criminalised, being taken to court and having a criminal record in what could be quite a lengthy process. The protocol not only gives the young person a chance to make amends for their actions without being criminalised, it also gives the victim more of a voice and a say about the outcome on an individual basis.

This joint partnership approach helps to develop trust and attachment among the young people and the professionals involved in their care by highlighting that professionals from the YOS, social care and the police are actively working to avoid children receiving a criminal record for their behaviours within their own home. Instead, behavioural issues are dealt with through internal restorative approaches which are based on the TfC values of being child centred, respectful, transparent and creative.

TfC performance data shows that the amount of offending by children who have been looked after continuously for at least 12 months has reduced from 16.1% in 2011/12 to 14.1% in 2013/14 and then to 8.1% in 2015/16 following the implementation of the Sunderland Joint Agency Protocol regarding offending in residential care. The latest data for 2016/17 shows that this considerable reduction remains stable at 8.1%.

These excellent results show the significant and positive impact that the Joint Agency Protocol has achieved in reducing the amount of offending by young people who are looked-after.

Sue Gardham and Jenifer Dickinson, Sunderland Youth Offending Service
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Jenifer.Dickinson@togetherforchildren.org.uk
What’s new in restorative justice research?

Researchers have published thousands of articles and reports on theory and practice in restorative justice. However, much of this information lies behind the paywall of academic journals or is too lengthy to be of practical use to those in the field. Here, Dr. Ian D. Marder, lecturer in Criminology at Maynooth University in Ireland, outlines the findings of some recent research.

In May 2018, the Prison Reform Trust published a research report entitled Ensuring a safe environment: a conflict centred strategy, exploring how conflict resolution techniques can prevent violence in prisons. Its author, Kimmet Edgar, argues that a punishment-focused model of violence prevention is experienced as arbitrary by prisoners, as such a small proportion of violence is reported or detected that those who are punished feel hard done by. In turn, this creates an adversarial relationship between prisoners, administrators and guards. To prevent violence in prisons, they must identify and resolve conflict as early as possible, accept that prison environments themselves generate conflict and recognise the peacemaking potential of prison officers. His report can be found at http://bit.ly/Schutte1

One book which has been making waves in the European restorative justice circuit in recent years – despite only being published in Italian – is The book of the encounter: victims and militants of the armed struggle face each other (2015). Its authors describe their participation in a group including (mostly formerly imprisoned) Italian terrorists from the so-called ‘Years of Lead’, their victims and mediators. The group did not seek to enable formal, individualised victim-offender mediation; rather, over several years, they used circle processes and other methods to create a more collective, meaning-seeking dialogue between participants, inspired by both restorative and transitional justice ideas. For this, they received no support from, nor did they involve, Italian justice institutions. Having read recently about the potential use of dialogic models between terrorists and their victims in Indonesia, and given the many researchers and practitioners exploring the scope for this work in various European countries, I am hopeful that restorative justice will increasingly inform our response to such episodes going forward.

For any Italian speakers, the book can be found here: http://bit.ly/Bertagna

Finally, given my recent move to Ireland, I thought I’d provide a short history of restorative justice in this jurisdiction. It first appeared as a formal history of the police’s Youth Diversion Programme and required juvenile liaison officers, who engaged with young offenders, to receive mediation training (and, for conferencing, restorative justice training). This somewhat reflects early police-led restorative cautioning programmes introduced in England around the same time, albeit it was made statutory in Ireland and still exists to this day. Early evaluations by Kieran O’Dwyer found high levels of victim, facilitator and police satisfaction and some evidence of reduced reoffending. The Children Act also introduced court-referred conferencing for young offenders, delivered by probation. Moreover, a small number of local organisations – such as Restorative Justice Services in Dublin – deliver court-referred victim-offender mediation and reparation panels with adult offenders.

The recent Criminal Justice (Victims of Crime) Act 2017 transposed victim protections from the EU Victims’ Directive into Irish law, but this Act not only failed to propose that restorative justice should be further developed but led to concerns (expressed in the police’s 2016 annual review of the diversion programme) that the use of restorative justice might become more complicated, and therefore decrease, going forward. While the 2009 National Commission on Restorative Justice strongly recommended that it be rolled out across Ireland, this was never implemented in practice – although I am hopeful that we will be able to make some progress in the coming years.

The Community of Restorative Researchers tries to increase the accessibility of research evidence by releasing podcasts and research summaries and by hosting online groups. For more information, see http://bit.ly/FacebookCoRR

May 2018 is also when I joined Maynooth University in Ireland, where the Edward Kennedy Centre for Conflict Intervention publishes the peer reviewed Journal of Mediation and Applied Conflict Analysis. One of its papers, from 2015 by Irish mediator Brendan Schütte, was entitled Remarkable Reframing. Here, Schütte describes the technique of ‘reframing’ and its implications for conflict resolution. When two or more people are in conflict, he argues, they see that conflict through a certain lens which gives the conflict its meaning for them. Mediators – and, perhaps, restorative justice practitioners – can assist people in working through conflict by finding and describing alternative perspectives on what has happened. This can encourage those in conflict to find common ground and move from a defensive to a problem-solving position. He provides many examples of what this might look like in practice and describes the technique in a manner which may be helpful for practitioners. This might be especially useful for restorative practitioners who work in neighbourhood conflict, where participants may adopt uncompromising positions from which it can be difficult to encourage movement. This might not be a new technique for many, but Schütte outlines it in a clear way which might help you to utilise it more systematically and intentionally. His paper can be found at http://bit.ly/Schutte2

Researchers have published thousands of articles and reports on theory and practice in restorative justice. However, much of this information lies behind the paywall of academic journals or is too lengthy to be of practical use to those in the field. Here, Dr. Ian D. Marder, lecturer in Criminology at Maynooth University in Ireland, outlines the findings of some recent research.
In the last year, the RJC has been doing a lot of work in the education sector, making sure our members’ voices are heard in places where policy is made. This started with the launch of our Voices of Young People film series (supported by Mishcon de Reya), in which young people share how restorative practice at school has helped them deal with conflict and improve relationships. These films are useful resources for showcasing restorative practice, and importantly make sure the voices of young people are at the forefront of our thinking.

Through national media coverage in the Guardian newspaper article in January, we raised the issue of the high rate of exclusions in England and Wales, and how restorative practice could offer an alternative to zero tolerance policies in school. This generated lots of interest and as a result we have been working closely with policymakers at the Department for Education, Ofsted and the Ministry of Justice.

We submitted evidence and attended a roundtable discussion for the government’s review of school exclusions, led by Edward Timpson CBE. A second meeting is taking place later this year. The discussion at the roundtable encompassed a wide range of views regarding the ‘crisis’ in exclusions we presently face. We made the case for restorative practice to be an essential contributor to school culture that sees inclusion, equality and diversity as central to learning and behaviour. We also stressed that restorative practice provides teachers, students and parents with the tools to be responsible for their own behaviour and the resolution of conflicts, should they arise. We were able to use examples from the members’ survey, and from a call for evidence through our members’ bulletin and Twitter, to demonstrate the role of restorative practice in education. This was well received by the meeting and offered a robust challenge to the perceived dominance of the prevailing agenda in many schools.

We have met with senior staff at Ofsted to raise awareness of restorative practice and address any misconceptions they have about what it is, and how it can be used within schools to support learning and behaviour. The RJC has now been invited to attend two working parties to look at behaviour in general, and exclusions in particular. This is a big step forward. We may not be able to influence policy immediately but our development of positive relationships with Ofsted will, we hope, be important in the future.

We look forward to continuing to reach out to members and improving our ways of capturing experiences that can inform our next steps.

Chris Straker
Interim chief executive, RJC
This is a ground-breaking book examining the role of forgiveness in restorative justice, in particular victim-offender dialogue (VOD) in very serious crimes. It is based on research interviews with 20 victims of serious crimes who went through VOD in the US.

Forgiveness is a contentious topic in restorative justice. In my time as director of Mediation UK, I received many phone calls from journalists, who would start by saying, ‘I’m looking to do a piece on restorative justice – the idea is to get the victim to meet the offender and forgive him, isn’t it?’ I would then explain restorative justice and some caveats about forgiveness.

One of the main purposes of restorative justice is to restore the victims’ emotional and material losses as far as possible. The expectation of forgiveness changes this objective. It also disturbs the safety of the encounter by prescribing the outcome for victims. Many victims cannot forgive their offenders, indeed they feel that the very idea of forgiveness devalues their loss and anger, or betrays a dead relative. The expectation that they will forgive the offender can be experienced as a secondary form of victimisation. It can turn victims off from the possibility of dialogue with the offender. So there is a strong consensus in the restorative justice community that forgiveness cannot be ‘pushed’.

Yet the concept of forgiveness in restorative justice cannot be ignored. So the purpose of Armour and Umbreit’s research was to examine ways in which victims especially and offenders experienced changes which could be regarded as implicit forgiveness. They took as their model the idea of ‘energy shifts’ during the VOD process, based on models from physics and medicine. They aimed to chart energy shifts throughout the process.

They refined their model on historical accounts of restorative justice. Then they interviewed 20 victims of serious crimes referred by VOD facilitators from five states in the US (about 30 states in the US currently provide VOD). For each victim, the book provides a victim’s narrative, followed by an analysis of the crime and its aftermath, the preparation phase (usually from six months to two years) and the dialogue. In the analyses the authors charted the energy shifts that took place, and the factors that seemed to lead to these shifts. In some cases there were explicit expressions of forgiveness, in others energy shifts led to unburdening and feelings of peace without forgiveness being specifically mentioned. In a small number of cases, forgiveness was explicitly unforthcoming, yet energy shifts were still experienced.

The structure of the book starts with a literature review and introduction of the model using energy shifts. This leads on to the core of the book, the 20 case studies. I found it hard to read these case studies in one go, as some of them are quite gruesome – reading them over several sessions was more manageable. The concepts of the model are then picked up in a section of analysis and discussion, in which various aspects are discussed, drawing on examples from the case studies, e.g. emotional disconnection, blocked energy, motivation, the role of dissonance, specific motivators and degrees of openness. This section is helpful in bringing things together. There are useful diagrams showing the different stages.

Most other studies of forgiveness have concentrated on one party, namely the victim and their own process, for instance the difference between decisional forgiveness (a cognitive process) and emotional forgiveness (a feelings process). This study concentrates on the interaction and dialogue between victim and offender, and how the process can move things on towards forgiveness, or from decisional to emotional forgiveness.

The authors are open about the limitations of their research – that the cases took place at different times in the past; that the victims interviewed were mostly white and female (and so were the VOD facilitators); and the study included only the victims’ perspectives. Further research (even more difficult to undertake) could usefully elicit offenders’ and facilitators’ perspectives.

This is an important book which shows how restorative facilitators can help victims and offenders along the road towards letting go of hurts and anger, and reclaiming their lives. It is a ‘back-door’ approach to forgiveness, and has many applications, not only in the world of serious crime. It is a process that we can use in many other situations of conflict, where helping people to see each other as human beings is the energy shift needed.

Marian Liebmann
A problem page for restorative practitioners

At the RJC, we support restorative practitioners by publishing guidance and creating peer support networks. In this regular feature, we look at questions brought to us by practitioners in the field.

Q

Is it possible for someone with a Sexual Harm Prevention Order (SHPO) against them to have it temporarily lifted to enable a restorative process to take place, whether in prison or in the community?

A

A SHPO is issued by the courts against a qualifying offender, i.e. either someone who has been convicted of a sexual offence, or in some cases someone who is alleged to have committed a sexual offence but where it did not result in prosecution. SHPOs set out conditions and prohibitions on an individual. Often, one of these conditions is for the individual to have no indirect or direct contact with parties involved in the offence. This presents a barrier to restorative justice, which is focused on bringing affected parties into communication. As communication through restorative justice practitioners constitutes indirect communication, measures need to be taken to ensure there is no breach of SHPO which would result in the individual being convicted of a criminal offence.

We asked several members if they had previous experience of cases where a SHPO was in place. Several told us of situations where this had been done in the past, where a court order was required to temporarily lift or amend the SHPO so that restorative justice could take place.

Dave Bates from Remedi provided an example:

“As the offender in question was in custody, we were advised to approach the Police Public Protection Unit (PPU) of the force where the prisoner was located, as any SOPO [Sexual Offences Prevention Order – replaced by SHPO] amendment could only be applied for by the police force responsible for the offender in the area where the offender was living (in this case in custody in another county). We worked with the relevant constabulary PPU legal advocate team to prepare the court application and present it to the crown court judge. The case was adjourned twice as the judge required further supporting evidence, particularly around how risks would be managed. The judge also asked for a psychiatric report in respect to the victim, which we later successfully argued was not required.

“The judge granted an amendment for restorative justice to be allowed, for preparation work to be undertaken and a single face-to-face meeting between the parties to be arranged when appropriate. We kept the prison, probation officer managing the offender and the police PPU up to date on the progress of the case as it developed.

“I think it’s fair to say that the judge was initially very reluctant to agree to the amendment and stated he did not feel it was in the victim’s best interests. However, as it was the victim requesting the process and all the risks identified had been addressed, he felt he was not in a position to refuse the amendment and supported the application in line with the Code of Practice for Victims of Crime (2015). A very successful restorative justice meeting took place and both parties stated they were pleased they had taken part in the process to gain closure on the incident.

“It’s worth noting that due to the additional work involved in terms of the court hearings, the whole case took approximately 18 months from initial victim referral to restorative justice meeting.”

In one other case we (RJC) heard about, the practitioner was told that a court order was not required – as long as all parties were made aware of the restorative justice process and the police agreed that it could go forward. However, it was necessary to set this out very clearly before the process could begin.

The RJC would like to thank Dave Bates from Remedi and all other practitioners for their contributions to this article.

If you have a work-related question you’d like to see discussed in the next issue of Resolution, or you’re an Accredited Practitioner who would like to help answer a question, please email enquiries@restorativejustice.org.uk
In December 2014, Sam, then aged 17, had a mental breakdown and arranged to meet his classmate Adam in a local Essex park on the pretext of buying some cannabis from him. He took his mother Ari’s carving knife from the family home, and after the deal was done, stabbed him twice. The wound punctured Adam’s liver and kidney and he died not long after. Sam is now serving a life sentence for murder. Here, Ari tells the story from her perspective, and explains how restorative justice helped her, and members of the victim's family, move forward after facing terrible tragedy.

“Ari’s story

“I am a primary school teacher and was at home preparing lessons one morning. Just before heading off to work, I saw Sam, who was due to attend a driving lesson soon afterwards. He was a bit furtive and uncommunicative, but that wasn’t particularly unusual for a teenager, and I didn’t think anything of it.

“When I got home about half past four later that day, my husband John pointed out that Sam’s car was not in the drive. This was very unusual as he had not passed his test. My first thought was that either it had been stolen, or he was running late for college and he had panicked and had decided to drive himself. I drove down to the college car park to see if he was there, which he wasn’t. Later that day, there was a knock at the door, and it was Adam’s girlfriend and two others. She explained that she had arranged to meet Adam and Sam at the park earlier, where apparently there had been an incident, but that they hadn’t shown up, and she wasn’t sure where either of them were.
The three of them then went back to the park and I followed in the car. When we arrived, there was a policeman at the main gates and I told him that my son was missing, to which the policeman replied 'he’s not the one that got hurt'. He then took Adam’s girlfriend aside, and told her that Adam had been killed. At this point I didn’t know what had happened, but she let out this most unworldly scream, almost like an animal cry. We discovered that Adam had been stabbed, and had died shortly afterward.

“My first instinct was that Sam must have witnessed this, panicked and had driven off in the car. We all then went to the police station and filled in a missing person form for Sam. We were sitting in the waiting room with one of the boys who had knocked on our door, and discussing how awful it was with his parents who came to join us, and how you didn’t expect things like this to happen in Essex.

“A bit later, we went home again. We watched television, not really sure what else we could do in the circumstances. Then, at about half past eleven, the police knocked at the door to say that we would have to go to a hotel, explaining that anyone who had witnessed the incident might come looking for my son. It wasn’t until later that I realised that this was because Sam was a suspect in a murder investigation. We managed to find a hotel, and eventually to get to sleep somehow. Then, at 4am, there was a loud knock at the door, and it was the night porter explaining that there were police officers downstairs wanting to see us.

“We got dressed quickly and rushed downstairs, not knowing whether Sam had been found, or if he was dead. When we got there, the police officers were in full riot gear, which was very intimidating. The first thing they said was that Sam had been found, at which point I gave my husband a big hug. The next thing they told us was that he had been charged with murder. In a state of shock we gathered a couple of things and we went down to the police station again. It was then that I saw Sam for the first time, going through police checks and having samples taken.

“It wasn’t until six in the morning that I finally had some time alone with him and we were shown into a small room. He was acting very strangely and seemed quite disorientated. I asked him if he knew what had happened. After a few minutes, he admitted that he had stabbed Adam, but that he didn’t think the police would find out as he had run away. I couldn’t believe what I was hearing. Then it hit me that there was a pre-meditated element to what he had done.

“I asked him if he realised that what he had done was very serious. ‘You’re going to be away from home for a very long time’, I said to him. He said there must be something wrong with him as he couldn’t feel anything. Then I knew there was clearly something very wrong with him, and I started to feel scared, because I was in a room with someone I felt I hardly knew anymore.

“I said to Sam that whatever happened, that he just had to tell the truth and he gave a full confession very early on. I remember he even added in certain details without showing any emotion, such as how he ‘lured’ Adam to the park. On reflection, I think this affected the severity of the sentence he got, but it also reflects the state of mind he was in. My husband and I went back to the hotel and we just cried and cried. I still find it hard to believe looking back at it now. If I had read about it in the newspaper I would have wondered how a mother can’t have known that something was going on, but I had no idea.

“The first time we went to court, I asked the solicitor if he would tell the other party how sorry we were. The next time, I saw the victim’s father, Terry, on the stairs at the crown court.
and I said to him that we were so sorry for what had happened and that if we had any idea Sam was planning such a thing we would have stopped him. Terry said that he blamed Sam rather than us, his parents. I gave him a hug, as I didn’t know what else to do. From that moment on, I had a feeling that we would meet up again, as we were both victims of what had happened.”

[In July 2015, Sam was sentenced to life imprisonment for a minimum of 18 years. Terry got in touch with Ari to ask if they could meet up for a coffee to discuss what had happened. At this point, Jodie Fenemer, a restorative justice worker with Essex Youth Offending Service came in to ensure that this happened through restorative justice, with trained practitioners in attendance. Terry decided at this time that he did not wish to participate in the meeting with third party involvement.]

“My family and counsellor were not convinced that meeting Terry was a good idea and so the meeting did not happen right away. Eventually, though, following a number of preparation sessions we arranged to meet the following year with Terry and his fiancée. My husband was there alongside me, as well as Jodie and Emma from Essex Restorative and Mediation Service. We sat down for two hours and talked about what had happened. It was an incredible experience. Everything was really well-prepared. We knew who we were going to meet and what the arrangement would be. There were no surprises.

“Jodie explained that what Terry wanted was more information about what had happened that day apart from just the CCTV from the park and what had come out in the trial. I was actually quite shocked how little Terry knew, and so I offered to give him all of the victim statements that I had, apart from my Sam’s, and Jodie photocopied the whole lot for him. We spent two hours together and the time just flew by. It did get emotional, but generally we discussed everything we wanted to in a positive way.”

[After the first meeting, Ari and Terry agreed to meet up again two months’ later, this time just themselves and the two facilitators, Jodie and Emma.]

“At the second meeting, I touched on the fact that Adam had been selling Sam drugs. This issue was quite frustrating for me, as this side of the story was not raised in the local press reports or much in the court case, but it had clearly had a strong effect on his state of mind. He had never been in a fight before, or in any trouble, really. He was quite nerdy and intelligent. Afterwards, he explained to me that when he started taking drugs he ‘met a part of his brain that he hadn’t met before’, and that it was telling him to kill people. He told me that he tried to resist this urge, but that it got more and more powerful, and in the week before the crime he just gave into it. At that time, he was particularly depressed and was asleep all day and awake all night. He told me that it was only on the day of the killing itself that he chose Adam as his victim, as he realised that he could get him on his own. This made it worse for Adam’s family in a way, as there was no real motive behind the crime.

“Terry asked me if I would like to go to Adam’s grave at the local crematorium. I felt very honoured, and it was a very moving experience. I met Terry and Jodie at the crematorium, and he told me more about Adam. I was crying and he hugged me. From there, we went on to the park where it happened to visit Adam’s memorial tree. Terry also gave me a lift back to the crematorium as I had left my car there. This felt particularly significant as this was the first time we’d been on our own together. I told Terry that I was going to visit Sam in prison later that week, and I asked him if there was anything he wanted to say to him. Terry thought for a moment and asked if I would tell Sam that he didn’t hate him and that he had forgiven him. This was after just two meetings, from a man who was a prison officer himself and who firmly believed in capital punishment. I even remember at the trial him saying that Sam should be hanged and at the first meeting, admitting that if he got his hands on him that he would kill him.”

[After their second meeting Terry travelled to the United States to visit his fiancée. While he was there, he died completely unexpectedly of a heart attack. Before he died, Terry had explained to his son, Pat, how well the meetings had gone, which eventually led to Pat contacting Jodie about the possibility of him being involved in a restorative meeting with Ari. This went ahead in June 2017 with Adam’s grandmother, Irene, and his aunt Ellie, also choosing to come along that day to have their questions answered.]

“It was a complete shock to hear that Terry had died, both to myself and to Sam, who had been visibly relieved when I told him that Terry had forgiven him for what he had done. He was quite upset.

“The meeting with Pat, Irene and Ellie began as it had before with my husband and myself telling our story. As with the other meetings, it was a very positive meeting and we plan to meet again.”

[Pat heard about the various projects that Ari and his late father planned following Adam’s death, and said he would like to continue with this work in the local area, such as through giving talks in local schools, or joining Ari in speaking to local youth justice teams about the powerful impact of restorative justice. Pat has also expressed an interest in meeting Sam in the future, which Sam is also considering if he feels ready for one day.]

“I can understand that people may not want to go through restorative justice because they are angry, scared, or worried that it might make things worse. I went in hoping to help others affected by my son’s actions, but in the end what I also got out of it was forgiveness for myself. The generosity we experienced was amazing. We’re all human beings, we all make mistakes and we all have the power to forgive should we choose to. Terrible things happen, but it’s not those things that define you, it’s how you deal with them.”

The RJC would like to thank Ari and Essex Youth Offending Service for sharing their story with us.

*The names of all the people featured have been changed, apart from Jodie and Emma’s.
The Restorative Service Quality Mark is available to all organisations offering restorative services to the public across a wide range of sectors, including criminal justice, community-based agencies, care and education.

Take your free online health check to see if you are ready to apply at www.restorativejustice.org.uk/RSQM

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Commissioning safe and effective restorative justice

The RJC has published its report of five regional workshops for commissioners of restorative justice services.

Since funding for restorative justice services was devolved from the Ministry of Justice to police and crime commissioners, there has been the opportunity to design local services to meet the needs of local communities. These workshops provided a vital opportunity to share notes on what’s working well and how challenges are being met with innovation in different areas.

The report is available at: www.restorativejustice.org.uk/resources/commissioning-restorative-justice-services-rjc-workshops-report

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