



# Restorative Practices in Northern Ireland: A Mapping Exercise

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Personal, Professional,  
Protective Policing





## Foreword

This report - '*Restorative Practices in Northern Ireland: A Mapping Exercise*' – was commissioned by the Restorative Justice Forum (NI) to identify the breadth of restorative practices that have developed over the past decade in this jurisdiction.

The Restorative Justice Forum (NI) began its life as the Restorative Justice Working Group in 1994 and was formed following an influential Restorative Justice conference hosted by the Ulster Quaker Service Committee (now Quaker Service) in the same year. The aim of the group was to take forward the agenda and outcomes of the conference, to inform those connected with the criminal justice system about restorative justice and to influence policy makers. The Working Group initially consisted of representatives from the statutory and voluntary sectors with some members sitting on the Northern Ireland Office Restorative Justice Steering Group.

The name was changed to the Restorative Justice Forum (NI) in 2005 to reflect the changing restorative environment in Northern Ireland, to acknowledge the increased number of practitioners within the community, voluntary and statutory sectors and to widen the remit from one of advocacy and influence to include networking, promotion and to exchange models of practice and learning.

The aim of the 'Forum' is to 'promote the philosophy and practice of restorative justice through the provision of an independent, neutral space in which restorative thinking, practice and developments can be discussed, analysed and explored.'

Northern Ireland is now a world leader in the restorative field with restorative models and approaches being developed and implemented within many sectors. As a Forum, we felt it was important to document this work as a starting point and to help us reflect on where we are. We hope that this 'Mapping Exercise' will be the beginning of a process which should lead to further research to identify:

- 1) emergent features of organic and innovative Northern Ireland-specific restorative models, values and practices;
- 2) 'best practice' standards across the range and diversity of restorative justice initiatives;
- 3) opportunities to further develop restorative practices and programmes in areas of need, including partnership, collaboration and funding possibilities; and
- 4) the impact of the Restorative Justice Forum (NI) in the development of restorative justice policy and practice in Northern Ireland, including its possible future roles.

We would like to take this opportunity to thank the Queen's University Belfast – in particular, Dr Vicky Conway and Brian Payne who directed and supervised this piece of

work within the constraints a very limited budget and timeframe. We also wish to thank the students who carried out the interviews, namely Colleen Bell, Alexis Falk, Helen Flynn, Conor McNeil and Fiona Rice.

It is our hope that this 'Mapping Exercise' can be used as a tool to continue to create an environment in Northern Ireland where restorative practices are an integral part of how we address harm and conflict within our daily practice and influence government in the importance of restorative interventions.

Janette McKnight

Chair

Restorative Justice Forum (NI)

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## Executive Summary

This report presents the findings of a study conducted to map the extent of restorative practice in Northern Ireland. It was commissioned by the Restorative Justice Forum and conducted by staff and students of the School of Law, Queen's University Belfast. The research involved surveys of and interviews with 18 organisations which utilise restorative practice in their work.

The use of restorative justice in Northern Ireland is well documented in relation to youth conferencing and community-based projects but perhaps most strikingly we encountered restorative practice being employed by a much wider range of groups and organisations than previously explored. We documented restorative practice within community organisations, statutory agencies, youth justice initiatives, schools and children's homes.

No one definition of restorative justice pervades all the organisations. Their view of the term tends to be determined by their operating context. For community organisations it often remains heavily connected to non-violent dispute resolution. Those working with prisoners focused on its ability to assist in reintegration. Groups that focused on group or family group conferencing emphasised its ability to empower people in a safe environment. Schools placed confidence in its ability to resolve conflict and repair harm to relationships, while children's homes also noted the element of avoiding police involvement. Most recognised, however, that it was a philosophy which could underpin all work.

While a number of groups felt this was an approach they had long been using, restorative practices formally developed in Northern Ireland between 1995-2004. Key to the development and expansion has been cross-fertilisation of ideas. About a quarter of respondents experienced or were trained by restorative work in other countries but the trend of late has been for organisations already utilising this approach to train others within this jurisdiction. Training here has now developed to quite high levels.

Negative experiences on first efforts to adopt the philosophy were commonplace but further efforts have proved successful in all cases. For many organisations this was assisted by taking initiative and adapting the practices to suit their particular context. We documented that every organisation's aim is that best practice is reflected, that re-victimisation does not occur, and all parties (victim, offender and community) come away as satisfied as possible with the outcome. Flexibility of practice is perceived as the best manner by which to achieve this aim.

14 of the 18 organisations adopted multiple restorative methods in their work. Conferences (used by all groups in some form), mediation, restitution and circles were the most popular methods, all of which were used by at least 8 groups. Other practices included community service, letters, shuttle mediation and arbitration. Again, adaptation

to suit the context was prominent. Strategies developed within organisations included restorative language, restorative educational projects, reintegration approaches, 'time-out' programmes and support programmes. Again, great initiative here was displayed.

Approaches to including victims varied significantly, usually stemming from concerns of re-victimisation through the process, that expectations would be unrealistic or that a clear victim could not be identified. Three quarters of the groups offered victims involvement, always on a voluntary basis and often a representative could be sent, if preferred, or a letter submitted.

A number of organisations did not use the term offender in their work, preferring instead to speak of wrongdoers. The actions in question varied considerable from criminal (in the prisons including murder but not sexual-offences) and anti-social behaviour to family disputes and disruptive behaviour in school. Three groups specifically mentioned how blurry the line between victim and offender could be.

The concept of 'community' differed greatly among the organisations but the support of the community was an important element in all the work. Community involvement could vary from bringing cases, discussing them, expressing views on action plans, attending a conference or supervising the action plan. The provision of reparations within the community was commonplace and seen as one of the more tangible effects of restorative practice.

To assist in 'getting it right' a number of factors had to operate well: dedicated leadership and workers, competent training, getting stakeholders involved, sufficient preparation, capable facilitation, reflection on practice, funding and government support and, where appropriate, appropriate legislation.

This research does not provide an evaluation of work being done; its aim is to document existing restorative practices in Northern Ireland. To this end, it is recommended that further research be conducted evaluating the expansive range of restorative work within the jurisdiction. In a relatively short time-frame restorative practice has spread widely in Northern Ireland and could, in fact, prove an exemplar in the field.

Above all, the writers were struck by the diversity of groups engaging in restorative practice, the adaptability of these practices across contexts, as well as the evidence that there is still so much untapped potential for expansion of both the practices and the contexts in which they are employed.

## 1. Introduction

This research takes the form of a ‘mapping exercise’ that is intended to document all the restorative justice work currently being done in Northern Ireland. As will be discussed below, Northern Ireland’s specific historic and political context has ensured that this jurisdiction has become one of the forerunners in the development and practice of restorative methods. This study aims to explore fully the extent of restorative work being used and to publish this information in a way that can be of use to those practising in the area, but also be of use to practitioners and researchers elsewhere.

### **Restorative Justice: Theory and Practice**

Restorative justice can seem an elusive practice, more a philosophy or theory as opposed to a concrete methodology. As Ashworth (2002: 578) notes, “the theory of restorative justice has to a large extent developed through practice, and will probably continue to do so”. There can be little doubt, however, that much of the appeal of restorative justice is attached to its ability to challenge long held assumptions concerning criminal justice. For example, Barajas (1996: 1) describes a: “paradigm shift that is changing the focus of the work of the criminal justice system away from the offender and towards the community and victims of crime.” This approach to justice is concerned with repairing the harm caused by crime to individuals and relationships and features a commitment to victims, communities, and offenders as primary stakeholders in the justice process (Bazemore, 1999).

Restorative justice, as this approach has come to be known, offers offenders, victims, and the community at large an opportunity to come together and collaboratively resolve conflict and repair the harm that arises from crime (Zehr, 1990, Zehr & Mika, 1998). The process is based on restorative practices, which have evolved from victim-offender mediation, family group conferencing, circle processes, and various types of citizen panels. Each practice shares a common element: the transfer of some decision-making authority from government to victims and offenders, their family, friends and other supporters, and community members (Kurki, 2003). Hudson et al (1996: 4) note:

While both retributive and treatment approaches largely deny victim’s participation and require only passive participation by offenders, restorative justice is concerned with the broader relationships between offenders, victims and communities ... crime is seen as more than simply the violation of the criminal law. Instead, the key focus is on the damage and injury done to victims and communities and each is seen as having a role to play in responding to the criminal act.

Zedner (1994: 230) believes that “it involves more than ‘making good’ the damage done to property, body or psyche. It must also entail recognition of the harm done to the social

relationship between offender and victim, and the damage done to the victim's social rights in his or her property or person." Unlike the conventional criminal justice system, participation in a restorative programme is voluntary for all parties and this is essential to ensure higher levels of victim and offender satisfaction and a more successful rehabilitation and eventual reintegration.

The issue of 'community' also occupies a focal position in restorative rhetoric (Bazemore & Schiff, 2001). This is because many of the critics of criminal justice were inspired by communitarian considerations, leading to a tendency to 'give back crime conflict to its owners' (Christie, 1977). As Dhami & Joy (2007) note, the centrality of the 'community' in restorative justice discourses ensures that when establishing a restorative justice programme, it is important to identify the community that the programme serves. In fact, it has been argued that state-based projects cannot effectively address crime without the moral authority and informal and informal social control provided by community (McCold & Wachtel, 2003). However, Crawford (1999) explains that the contestable nature of community in criminal justice discourses and policies ensures that issues of community representation and participation and the correspondence between community representatives and the communities that they represent can be highly ambiguous.

### **The Origins of Restorative Justice**

Restorative justice is by no means a new concept, though it has enjoyed something of a revival in popularity in recent decades (Braithwaite, 2002). The method is grounded in traditions of justice from the ancient Arab, Greek, and Roman civilizations that accepted a restorative approach even in cases as serious as homicide. Braithwaite demonstrates that while Europe shifted to a more central state controlled notion of crime and punishment many of the indigenous populations of America, Africa, Asia and the Pacific persisted with their restorative traditions, albeit side by side with retributive practices. The modern origins of restorative justice can be traced to North America in the 1970s under the title of victim and offender reconciliation programmes, and the spread and development of these methods can be charted over New Zealand, Australia, England and Germany over the last three decades (Hudson and Galloway, 1996).

Restorative justice is used widely for young offenders and less serious offences. Family group conferences and victim-offender mediations are popular and useful tools in these instances and have proven to be successful in Australia, New Zealand, and Scandinavia among other jurisdictions. Restorative justice practices, however, are not restricted to minor offences and can be used in cases of sexual and domestic violence as well as other crimes of severe violence (McAlinden, 2007). For example in Rwanda, traditional style gacaca courts have been used in the aftermath of the 1994 genocide to attempt to achieve justice, truth and reconciliation (Waldorf, 2008).

As this mapping exercise highlights, restorative justice can also be applied to many everyday situations and is becoming a popular tool in classrooms and workplaces here and abroad to deal with every level of dispute (McCluskey et al, 2008; Cameron and Thosborne, 2001). As attitudes to restorative justice become more open, practices become increasingly developed, and expertise becomes advanced, it is likely that the scope and influence of restorative practices will also continue to be enhanced.

### **The Mapping Process**

This potential breadth and adaptability of application led to questions as to when, where and how restorative justice is operating in Northern Ireland. To this end, the Restorative Justice Forum commissioned a team from the School of Law, Queen's University Belfast to undertake a 'mapping exercise' to document the extent and ways in which restorative justice is operating in Northern Ireland.

Using the information supplied by the Restorative Justice Forum members, the details of each known restorative organisation or project operating within Northern Ireland were compiled. These projects and groups were initially contacted by an email which detailed the objectives of the mapping exercise, the proposed structure of the research and requested participation.

After a short consultation period of 2 weeks, the mapping exercise received confirmations of participation from 18 organisations or projects. These were representative of a wide range of society and included schools, community initiatives, statutory agencies, cared for children from the South Eastern Trust and youth restorative justice initiatives. There were also a number of refusals, largely because the organisations in question reported that they were not using restorative practices as such. A number of children's homes under the Belfast Trust were already participating in a research project. However, as some children's homes agreed to participate, and many were trained by the same organisation (Barnardo's), we believe our research remains an accurate reflection of the operation of restorative justice in Northern Ireland.

There were two components to the research. The first involved a closed, online electronic questionnaire (see Appendix 1), a link to which was provided in the introductory email. The purpose of the questionnaire was to gather important background information on the organisation or project and to aid the researchers' preparation for the second component of the research. It also provided quantitative data on restorative practices in Northern Ireland. The questionnaire was divided into four sections: background to the organisation, describing the restorative justice process, perceived outcomes, and issues & problems. The questions were mostly closed-ended or tick-box, intended to be completed quite quickly by the respondent and to aid participant uptake in the survey.

The second component comprised of face-to-face in-depth interviews with individuals from each of the organisations. The interviews built on the information gathered in the questionnaires by asking for qualitative detail on issues of particular interest to the mapping exercise objectives. The researchers began with a set instrument (see Appendix 2) to aid comparisons between the different projects, though individual or unanticipated matters could be explored. Interviews were carried out over a period of a fortnight in the summer of 2010. All but one of the interviews were recorded (Glenmona Resource Centre expressed a preference for handwritten notes), and all participants were advised that all materials pertaining to the research would be stored securely for a period of time and then destroyed. As participants were speaking on behalf of their organisation, confidentiality was not an issue. The Restorative Justice Forum members were consulted on the design of the research instruments and their recommendations were incorporated into the completed instrument

### **Structure of this Report**

The starting point of this report will be to consider the context into which restorative justice has been introduced in Northern Ireland – that of a post-conflict, transitional society. It is also a society where substantial effort has been placed into reviewing and reforming the criminal justice system, providing opportunities for new ideas and practices to emerge. Section 2 of the report explores this context as the basis for the development of restorative justice in Northern Ireland. This is followed by, in Section 3, a description of the participating groups, before the discussion moves to explore in Section 4 the diverse range of practitioners operating in Northern Ireland and their beliefs and attitudes towards restorative practices. Next in Section 5, the report identifies the various restorative processes being used and, in Section 6, describes the role of the key stakeholders in their deployment. Section 7 discusses how the projects are ‘getting it right’ and the problems and issues that they have overcome along the way. Finally, the conclusion draws out the main findings from the mapping exercise and some consideration is given to wider issues relating to restorative practices in Northern Ireland.

## 2. Restorative Justice in Northern Ireland

In the Introduction, a brief overview of the theory and development of restorative justice was provided. Applying this in a conflict, post-conflict or transitional setting, where the legitimacy of the criminal justice system has become contested, poses unique problems. At the same time, such practices can help to overcome the contested nature of those contexts and to this end it has been prominent in the transitional process of countries such as South Africa and Northern Ireland. In this section we will consider the context into which restorative practices were introduced in Northern Ireland.

### Northern Ireland and the Context of Transition

The signing of the Good Friday Agreement in April 1998 and its subsequent endorsement by referendum in Northern Ireland and in the Irish Republic, delivered a political solution to the previously intractable problems that had blighted the province (Monaghan, 2008). Central to these problems had been the contested nature of the criminal justice system, in particular the police, who at this point were unable to effectively police certain communities (McEvoy & Mika, 2001). The agreement meant that, through consent, Northern Ireland remains a part of the United Kingdom as long as the majority wishes it to do so. In December 1999 power (save in relation to policing and criminal justice) was devolved to a locally elected Northern Ireland Assembly. To assist in ‘normalisation’ a number of steps were taken including the early release of political prisoners, the appointment of new independent human rights and equality commissioners, a commitment to decommissioning of arms by paramilitary organizations and parallel reviews of the policing and criminal justice systems (Gordon, 2008).

Central to the Agreement, as specifically detailed in Section 6, was a commitment to bridge the gap between the state and communities in Northern Ireland. Measures included supporting: “the development of special community-based initiatives based on international best practice”, and recognising the need to give support to both community and statutory-based programmes (Good Friday Agreement 1998: 7.12) Directly, the Agreement took the first steps towards reconciling the police and the local communities, describing how the peace process should provide: “The opportunity for a new beginning to policing in Northern Ireland with a police service capable of attracting and sustaining support from the community as a whole” (Good Friday Agreement, 1998: 9.1), and in turn, should facilitate “constructive and inclusive partnerships with the community at all levels” (Good Friday Agreement, 1998: 9.2).

The Independent Commission on Policing for Northern Ireland, set up in the wake of the Agreement, recognised the need to move away from a conflict model of policing in order to secure a peaceful future for Northern Ireland: “the issue of policing is at the heart of many of the problems that politicians have been unable to resolve in Northern Ireland”

(Independent Commission on Policing for Northern Ireland, 1999: 2). Martin (2006) has noted how this centred on the need to attract and sustain community support.

The Criminal Justice Review was published in 2000. The Review Group made 294 recommendations for change across the system, from guiding principles, prosecution, the judiciary, the courts, prisons and probations, victims and witnesses as well as juvenile justice and restorative justice. A programme of research was conducted as part of the review and one commissioned report (Dignan & Lowey, 2000) recommended the formal integration of restorative principles into the heart of the official juvenile justice system, practically to keep at risk young people from entering into the formal justice system through early intervention. Subsequently, the application of restorative justice practices to young offenders, including a conferencing model, became a core recommendation of the review (Criminal Justice Review Group, 2000).

The government accepted almost all the Review recommendations and proceeded to legislate. The *Justice (NI) Act, 2002* outlined a new approach to youth justice incorporating youth conferencing at which the victim and victim's supporters (or victim representatives) are brought together with the offender and offender's supporters in a structured meeting facilitated by professionals. Section 57 of the *Justice (NI) Act, 2002* explains that youth conferencing:

...based on inclusive restorative justice principles... operates both as an alternative to prosecution or as a court ordered process and allows children to take responsibility for their actions, gives victims an opportunity to say how they have been affected and results in an agreed plan to redress the harm done.

The Review Group also envisaged restorative justice being used to achieve other goals. The Group was operating in the broader UK context of considerable emphasis on the need for closer state-community cooperation and increased community responsibility and empowerment in crime prevention and community safety, an ambition that continues to be particularly relevant to post-conflict Northern Ireland (McEvoy & Eriksson, 2008).

The centrality of the victim to the new arrangements is a key factor in the smooth transition to a restorative youth justice system. As we will describe later in this report, Northern Ireland already possessed a well-developed victims' movement with organisations from the community, charity and statutory sectors well-versed in speaking for the rights and wellbeing of victims. The use of the restorative justice terminology has also been evident for many years. For example, in 1994, the Ulster Quaker Service Committee organised a conference on restorative justice to encourage information sharing on the potential for restorative justice despite it being a concept that was relatively new to Northern Ireland (Restorative Justice Consortium, 2005). Moreover as we describe below, community-based restorative justice projects originated in 1997 to

help victims and those at threat from punishment violence (McEvoy & Mika, 2001). From this starting point, restorative justice has continued to evolve and be developed in Northern Ireland both independently and in conjunction with the findings of the Criminal Justice Review Group.

The following section identifies the two primary models for delivering restorative justice in Northern Ireland: statutory and community.

### **The Statutory Approach**

The Criminal Justice Review recommendations led to a number of profound changes in the administration of youth justice under the *Justice (Northern Ireland) Act, 2002*. New community and custodial orders were introduced as well as statutory Victim Information Schemes in the Probation and Prison Service. But most significantly a new system of youth conferences based around the principles of restorative justice was created under the Youth Justice Agency in 2003 and run by the Youth Conference Service (O'Mahoney & Campbell, 2006). The Youth Conference Service adheres to principles that include meeting the needs of victims, promoting rehabilitation and preventing re-offending, maximising the potential for re-integration and devolving power to conference participants by involving them in the outcome (Criminal Justice Review Group, 2000). The structure of the youth conference has a lot in common with the New Zealand family group conferencing model, encouraging young people to recognise the effects of their crime, to take responsibility for their actions, and to empower participants by engaging victim, offender and community in the restorative processes (Campbell et al, 2005).

The decision by the Review Group to introduce a mode of restorative justice based in statute and integrated in the formal criminal justice system is problematic. The proximity to the criminal justice system has been found to cause some difficulty for practitioners in getting restorative conferencing orders passed by the courts or prosecutors (Campbell et al, 2005). Further, the continued mistrust of that criminal justice system by some in Northern Ireland negates full community participation (Brogden & Nijhar, 2005). As will be explored, partnerships have been developed with community-based organisations in an effort to enhance relationships and provide the option of greater community involvement for those that request it.

In late 2009 the Prison Reform Trust published a review of restorative youth justice in Northern Ireland. The report found the Youth Conference Service to be working well and making a highly positive contribution to the delivery of youth justice across Northern Ireland. Ample evidence was found that victims who attend conferences tend to be satisfied with the process and outcomes and levels of victim participation were reasonably high. Of particular note were the findings that the establishment of the Youth Conference Service had contributed to an overall decline in the use of custody for young offenders, and to an increasing rate of diversion of young people out of the formal

criminal justice process (Jacobson & Gibbs, 2009). This last finding in particular resulted in considerable national media attention<sup>1</sup> amid calls for the successful Northern Ireland youth conferencing model to be replicated in England and Wales in order to halt the alarming rise in children sentenced to custody, which has tripled between 1991-2006 (Jacobson & Gibbs, 2009).

### **The Community-Based Approach**

The Review Group neither consulted nor addressed the emergence of community-based restorative justice projects in the 1990s (McEvoy & Mika, 2001) for reasons of accountability, certainty and legitimacy (O'Mahoney & Campbell, 2006). These groups have, however, been the driver of the large-scale adoption of restorative justice in Northern Ireland (Feenan, 2002).

In Northern Ireland a 'legitimacy deficit' in state policing had led to the parallel evolution of violent paramilitary systems of punishment attacks and banishments (McEvoy & Mika, 2001). With the advent of the Good Friday Agreement and the peace process paramilitary punishment violence came under increasing local and international scrutiny and criticism (Mika & McEvoy, 2001). In response to these concerns innovative restorative justice programmes were set up which (particularly in alienated Nationalist/Republican communities) operated independently of the formal criminal justice system (McEvoy & Eriksson, 2007).

There are two main community-based restorative justice projects operating in Northern Ireland: Community Restorative Justice Ireland (CRJI) and Northern Ireland Alternatives. CRJI operates in predominantly Catholic/Nationalist areas where residents have traditionally viewed themselves as Republicans and who would like to see the end of British involvement in the North of Ireland. NI Alternatives operates in predominantly Protestant/Loyalist areas where the overwhelming majority of residents have traditionally aligned themselves with the British state and seek a continuation of the Union between Great Britain and Northern Ireland.

CRJI developed following discussions between academics, criminal justice practitioners, community activists, the Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO) and Republican activists with the aim of helping to end punishment violence (McEvoy & Mika, 2001). Following a training programme focusing on principles of non-violence and human rights, a community-based, non-violent alternative was developed and in December 1997 a discussion document 'the blue book' was produced detailing the processes and outlining the model based upon restorative justice principles (Auld et al, 1997).

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<sup>1</sup> For example, see the BBC News article titled "Victim Meetings 'Cut' Youth Crime"  
<http://news.bbc.co.uk/1/hi/uk/8328529.stm>

NI Alternatives emerged following a commission by NIACRO to former Loyalist political prisoner Tom Winston to conduct research into finding an effective alternative to violence. Some support for a restorative approach was found from loyalist paramilitaries, though punishment attacks would continue to be used in certain cases. Greater Shankill Alternatives was started in 1997, and was quickly expanded to North and East Belfast and to Bangor. Initially, the scheme drew 80 to 90 % of its referrals from paramilitary organisations, however, paramilitary referrals quickly dwindled to almost nothing as community members became familiar with the scheme and accessed its services directly (McGloin 2006).

### **The Relationship with the State**

The Criminal Justice Review was intended to enable both sides of the community to buy into a new Northern Ireland. Critics argue that from its on-set the Review was reflective of a mindset which feared genuine community involvement and ownership in the process of justice, particularly when those communities might be ones traditionally alienated from state structures (McEvoy and Eriksson, 2007). For this reason the community-based projects initially experienced a fraught relationship with many statutory agencies, particularly over their relationship with the police. In June 1999 a protocol on restorative justice was developed between the Northern Ireland Office, the Royal Ulster Constabulary and Probation. It stated:

Any community-based initiatives in this area can only be pursued in full cooperation with the police and other criminal justice agencies. This means that any group or structures organised by the community should include provision for full cooperation and communication with the police (Northern Ireland Office, 1999).

Only schemes that made structural provision for the full participation of the police would be tolerated (McEvoy & Mika, 2002). As all the Patten recommendations were yet to be implemented, such participation would be difficult.

Both community-based projects were later subject to a process of inspection. In May 2007 the Criminal Justice Inspectorate recommended NI Alternatives be accredited by the government. Kit Chivers, Head of the Inspectorate, indicated that he was impressed by the ‘high standard of professionalism and dedication’ of the staff, and that record keeping, training and child protection policies were of a good standard (Criminal Justice Inspectorate, 2007). CRJI did not receive such accreditation until 2009, until Sinn Féin expressed support for the PSNI and full co-operation with the police began (Criminal Justice Inspectorate, 2009). Accreditation enables both projects to seek funding and develop formal partnerships with the PSNI, statutory agencies and professional organisations.

As we will see in this report, partnerships have been a key driver in the growth and application of restorative practices. By working in partnership groups are able to bring restorative practices into the work that they do for the first time. Organisations previously unheralded for restorative practices such as the PSNI, the Probation Board, children's homes, and schools have solid programmes and are breaking the monopoly previously held by the Youth Conference Service and the community-based projects.

### 3. Participating Groups

In this section we provide basic outlines of the organisations which participated in the research and how they have implemented restorative practices within their work. These have been organised into the groupings which emerged in the research: community initiatives, statutory bodies, youth justice initiatives, schools and cared for children. Distilling the core of what these organisations and groups do in terms of restorative practice, as presented in this section, has been a core part of the mapping exercise.

#### Community Initiatives

##### Community Restorative Justice Ireland (CRJI)

CRJI was established in the period following the first IRA ceasefire in 1994 to provide an alternative to the widespread use of punishment violence such as shootings, beatings and banishment in nationalist/republican communities. Jim Auld, director and founder of CRJI described how the ceasefire had provided an opportunity to engage mid-ranking IRA people in conversations around finding alternatives to punishing people. The model that was developed was an 'in-house' approach conceived by a group including Jim Auld and prominent local community workers, academics and professionals. They decided to use the then relatively unknown term 'restorative justice' as it was compatible with the approach they were considering and could also link their work with forward thinking approaches to crime being proposed in England and Wales.

The organisation initially expected to conduct victim/offender interventions with young people in serious persistent low-level crime. However since opening their doors, CRJI have been inundated with cases involving adults that do not fit the traditional victim / offender paradigm or any rigid or standardised approach to conducting restorative justice. Instead CRJI bring all the people that are involved in an incident together, sit them down, and debate the issues until they come up with a solution. Over the last 18 months CRJI have also undertaken specific pieces of work with a number of statutory agencies including Social Services, Probation and the Housing Executive. They are also heavily involved in prevention work associated with an upsurge in punishment violence from dissident republican activity in their local communities.

##### Northern Ireland Alternatives

Northern Ireland Alternatives was formally established as Greater Shankill Alternatives in 1997 following a piece of action research into alternatives to paramilitary punishment beatings and attacks. The resulting success of that project in finding alternatives to summary justice led to the establishment of Northern Ireland Alternatives as an umbrella group for the development of other offices. The organisation currently has six offices with projects in the Greater Shankill area, North, South and East areas of Belfast as well

as the town of Bangor in North Down. A registered charity, NI Alternatives normally employ between 100-150 volunteers around Northern Ireland, all local people trained in restorative practices.

The Assistant Director of Alternatives, Debbie Watters, has a background in youth work and restorative practices. She moved to the United States in 1992 and managed the first restorative justice programme in North America. On returning home Ms Watters found a desire within the local community and ex-prisoners to find an alternative to punishment beatings and began working with Tom Winstone and EPIC to address these issues non-violently – employing a restorative approach. The original focus was to try to divert young people from getting into conflict with the formal criminal justice system and loyalist paramilitaries, while at the same time encouraging them to take responsibility for the human consequences of their actions whilst providing supporting for the victims. Alternatives has since expanded their remit to include a number of models including ‘Intensive Restorative Support’ for both young people and adults, ‘Restorative Assistant Panels for Students’ where they have worked in six schools training panels of students to resolve their own conflicts, Community Restorative Assistance Panels, restorative conferencing and community mediation/support and a model of victim support that provides a “holistic” restorative service for victims of crime.

### **Extern**

Extern originated in 1978 and works across Northern Ireland and the Republic of Ireland providing a range of services to children, young people and adults. The organisation is split into two operational directorates, adult services and children’s services. Adult services are divided into two main elements: criminal justice and homelessness. The children’s services division focuses on young people at risk. Extern also carries out extensive work in prisons and has three youth villages across Ireland which offer a whole range of different types of programmes that support young people to keep them out of the care system, and with their families and local communities.

Restorative practices underpin the majority of Extern’s work, however, it is particularly applicable in the context of reducing and minimising offending, protecting the community and reintegrating offenders. A key restorative justice process employed by Extern involves the use of circles of support and accountability, taking a core person in need of assistance and attempting to wrap that person with a range supports such as volunteer buddying and a wider multi agency intervention. As Paul Rooney noted: “It’s about enabling victims of crime and people on the other end to feel more empowered and safer, and what we try to do is ensure that we make the context and environment better for people.”

## **NIACRO**

NIACRO is a non-governmental organisation which was established in 1968 to reduce crime and its impact on people and communities. Although the organisation does not work directly with victims of crime it does fit in with the restorative context by assisting offenders from all sections of the community to re-integrate into society with the understanding that prisoners and their families can also be described as victims of crime.

NIACRO undertake a number of measures to help offenders return to society, such as advising on entitlement for benefits, and the disclosure of criminal records. They also act in a supporting facility, providing practical and constructive advice to families enabling them to cope with having a family member in prison. The organisation recognises a consistent theme of restorative elements throughout their work both in supporting people back into mainstream life and providing an environment in which prisoners can accept and acknowledge what they have done and what has happened to them. Three members of the organisation have, or are about to be involved in obtaining a more academic perspective on restorative justice to complement the 'restorative' practices that the organisation has always used.

## **Prison Fellowship NI**

Prison Fellowship NI was first established in 1981. It is a registered charity with a Christian ethos and is affiliated to Prison Fellowship International, an organisation that operates in 116 countries worldwide. Prison Fellowship NI seeks to support prisoners, ex-prisoners and their families irrespective of their religious or political affiliation. The aim is to provide emotional, practical and spiritual support to these groups.

The organisation uses the Sycamore Tree Project, an intervention that is restorative in nature and is tasked with promoting victim awareness. The premise for the project is taken from a biblical story, however it is values-based rather than faith promoting. It aims to allow prisoners to engage with the consequences of crime. A range of issues are explored within the project including the consequences and impact of crime, taking responsibility for actions, and making an apology and amends in some way. The intervention works alongside an Open College Network (OCN) accredited programme that runs for six weeks at a time catering primarily for small groups of prisoners. Surrogate victims are utilised during this course to give a greater insight to the participants of the harm caused.

Prison Fellowship NI currently employs nine paid staff, two full-time, seven part-time and over seventy volunteers. Staff members do not receive specific restorative justice training. Participants in the project may have been convicted of a serious crime although currently none of those participating have been charged with a sexual crime. This programme has been run in the juvenile unit and with young offenders, however, in September 2010 it was extended to adults for the first time in Northern Ireland. It has

been running in the UK for 6-8 years and approximately 5000 prisoners have participated.

### **The Family Group Conference Forum (NI)**

The Family Group Conference Forum (Northern Ireland) was formed in 1997 acting as a network for practitioners and managers in the areas of social care, education and criminal justice. The aim of the Forum is to see family group conference and restorative approaches underpin and influence all aspects of work with children, young people, families and communities. It is involved in developing standards for best practice, providing networking and training opportunities and influencing policy. The organisations Executive Committee is made up of nine representatives from the PSNI, the Youth Justice Agency, the Education and Health and Social Care Trusts and the Voluntary sector. There are now services established in all five Health and Social Care Trusts and in the last four years almost 2,000 children and young people in Northern Ireland have participated in an FGC.

The family group conferencing model is a decision making process which aims to help the child/young person through a plan constructed and tailored to the individuals needs and environment. Its ethos is centred on assisting families to find solutions appropriate for their problems. The process is voluntary and includes the facilitation of the meeting by an independent co-ordinator and the provision of private family time for the family to come up with their plan. It uniquely draws on the resources of the individual's family, friends and community to focus and co-ordinate a plan, often bringing in professionals to resource and support the plan. The Forum has continued to assist organisations develop their family group conferencing practice within the restorative continuum e.g. with the PSNI using the family group conferencing model to achieve early interventions with families and young people in conflict with the law. In education family group conferencing has been used to reintegrate young people who were experiencing a range of difficulties within the school setting – and there is now a growing interest in developing family group conferencing in adult services – with adults with mental health problems, older people and prisoners. The Forum has an accredited training programme in partnership with the University of Ulster and has developed Family Group Conference Standards for Northern Ireland – both of which have been funded by the Department of Justice.

### **Victim Support Northern Ireland**

Victim Support Northern Ireland was established some 30 years ago to assist victims of crime across the community. The charity employs 60 paid staff and over 200 volunteers in offices, courthouses and outreach centres across the country. Funding for their work is largely supplied by the Department of Justice with the majority of their work drawn from the criminal justice system. The PSNI refers over 26,000 victims of crime annually and approximately 9,000 victims are referred by the Public Prosecution Service.

In the restorative justice context Victim Support supports victims at their request if they wish to participate in a restorative process, although the figure for victim participation in restorative practices with the support of the organisation, remains in single figures each year at present. Victim Support principally engages in two restorative interventions, namely Victim Information Schemes (run by the Prison Service and the Probation Board) and Youth Conferences. Victim information schemes operate when the offender is on probation, and only if the victim wishes to be involved. Working closely with the Probation Board's victims unit, staff members in prisons contact the offender and victim separately in order to ensure that both parties are adequately prepared prior to any potential meeting to decrease the risk of re-victimisation.

Victim Support also supports the Youth Conference Service in matters connected to victims when this is requested. Victim Support staff members have received training in this context from the Youth Justice Agency.

## **Statutory Bodies**

### **Probation Board NI**

PBNI's aim is to reduce crime and the harm it does by challenging and changing offender behaviour. PBNI is responsible for the supervision of approximately 4,000 offenders in the community. The Board seeks to protect victims and prevent other members of the public becoming victims of crime through all its work with offenders. This includes a clear victim focus in offender assessments, supervision plans and offender programmes. Probation Officers are trained in social work and all operational Probation staff have received training in restorative practices.

PBNI seek to employ restorative interventions both to benefit victims and to prevent further offending. The range of interventions available has been influenced by international research as well as victim and offender feedback and partnership work. The range of restorative work with adults includes community service orders (totalling 10,000 reparative hours to benefit the community each year), victim / offender meetings, shuttle mediation, offender and victim awareness and letters of apology.

The Probation Board's Victim Information Scheme became operational in 2005. The provision of supportive information to victims is in itself restorative. The scheme has worked with approximately 700 victims to date. The PBNI Victim Unit has been employing restorative practices since 2007. The Unit has five staff who have social work, specific victim and a range of restorative justice training (including post-graduate and provided by a UK accredited trainer). The Unit has worked with approximately 160 victims and offenders providing restorative interventions. Victims participate by discussing their case with Victim Liaison Officers and choosing which restorative

intervention they wish to be involved in. Should a victim only wish their concerns to confidentially inform the offender supervision, this is an option.

PBNI also works in partnership by funding community-based restorative justice schemes, including NI Alternatives and Community Restorative Justice Ireland. These partnerships have operated since 2008 and offenders have voluntarily agreed to work on a restorative plan as part of their Probation supervision.

PBNI's Restorative Justice Policy (2005) will be further developed into a Restorative Justice Strategy by December 2010.

### **The Police Service of Northern Ireland**

The Police Service of Northern Ireland are responsible for responding to all levels of criminal activity and traffic offences and are required to work within domestic legislation as well as international standards of human rights. The restorative approach, as applied in the PSNI, is drawn from the Thames Valley police model and the experiences of New Zealand.

Restorative practices were introduced into policing in Northern Ireland in 1999, through a pilot scheme hosted in Belfast and Ballymena. A subsequent evaluation led to the adoption of restorative practice across the PSNI through the Youth Diversion Scheme in September 2003. The PSNI use restorative practices in two ways in response to offending behaviour. In the case of informed warnings, the victim may not be present, however others who have been affected, such as the parent, guardian or family members can outline to the offender the impact of the offence. The second approach, the restorative caution, should involve the victim where possible. Both these processes will be overseen by a trained police facilitator and are aimed at preventing re-offending and reducing fear of crime for the victim and the community. The consent of parties is essential. If a victim does not desire a face to face meeting, their views can be presented via a recording, a letter or a supporter.

Last year a new training programme for neighbourhood and beat officers was introduced to promote use of restorative practices in areas of conflict resolution such as neighbourhood disputes. The training will assist in problem-solving within the community. The PSNI also work in partnership with a number of community-based projects, however, these work under the auspices of a strict protocol whereas the schemes have to bring a victim, an offender and a crime. However, this is being revised so that the police can become the service provider and will be able to make appropriate referrals to community-based schemes, via the governance of the Public Prosecution Service.

Finally, PSNI Youth Diversion Officers also have a statutory role to participate in the Youth Conferencing Service restorative conferences.

### **The Prison Service**

The Prison Service provides secure facilities across the province for individuals who have been convicted of all levels of criminal activity. HMP Maghaberry is a high security facility for adult males, both long term and remand and in both separated and integrated conditions. HMP Magilligan is a medium to low security facility for adult males with sentences of nine years or less. HMP Hydebank caters for young males aged 17 – 21 serving four years or less, as well as all female prisoners and all young offenders.

The Prison Service has carried out a significant amount of restorative practice work. The longest running intervention uses restorative conferences within a traditional victims and offender context. The nature of the prison environment ensures that each intervention must go through stringent preparation to ensure that both the victim and offender are motivated properly and to make sure that the victim is not re-victimised and so on. The Prison Service also has high hopes for a new programme that has just been introduced in HMP Magilligan that seeks to make offenders aware of the consequences of their crimes for victims.

### **Youth Justice Initiatives**

#### **Youth Conference Service**

The Youth Justice Agency was established as an Executive Agency in response to the recommendations of the Criminal Justice Review 2000. The Agency works with children aged 10-17, from all backgrounds in Northern Ireland. The Youth Justice Agency is responsible for Reparation Orders, Attendance Orders, Community Responsibility Orders and the main disposal of the youth court: the Youth Conference. The Youth Conference aims to give young offenders the opportunity to understand and make amends to their victims and to take steps to prevent further offending. The process brings together, when possible, victims, the young person's family, the police, the community and supporters to agree on a decision on what can be done to put right the harm caused by a crime. The youth conference co-ordinators are all trained to post-graduate level in restorative practices, and spend time preparing the young person, his/her family, the victim and his/her supporters before the conference.

The conferencing model has been influenced by similar work in New Zealand and is used for adjudicated offenders or those referred by the Public Prosecution Service. There is approximately thirty days from the time of referral to convene a youth conference that will then attempt to arrive at one of a prescribed series of outcomes permissible under legislation. A facilitated discussion on the balanced model of devolved decision making based upon the views of victim and offender is the process for the youth conference. The conference outcomes are placed into a report and presented to the prosecutor or the court to be either accepted or rejected. Typically a successful outcome will involve a form of reparation, such as charity work, an apology and restitution to the victim and

participation in programmes to support desistance from re offending. The community is encouraged to participate in the youth conference to describe the impact of the crime upon them. Most of the reparation opportunities are delivered by community groups and charities amounting to over 200 reparation opportunities available to for youth conference.

### **The Youth Justice and Probation Unit, Department of Justice**

The Youth Justice and Probation Unit (YJPU) is part of the Justice Policy Directorate within the Department of Justice, Northern Ireland. Its role concerns policy and legislation on youth justice and oversight of the performance of the Youth Justice Agency and the Probation Board as well as some wider children's issues. YJPU's use of restorative practice in policy development grew from an exploration of the restorative cautioning techniques used by the Police Services in England.

A key practice brought in was the establishment of the Youth Conference Service following the commencement of the *Justice (NI) Act 2002*, along with a range of other restorative disposals. Whilst they are not service deliverers and therefore do not practice restorative justice directly, the YJPU believe they have had a significant effect by creating a legislative structure that allows the courts to deal with young people who have broken the law effectively. They also promote early intervention work across all the NI departments and provide support and funding to other organisations, such as the charity Barnardos and the Family Group Conference Forum (NI) to use restorative practices.

## **Schools**

### **Integrated College Dungannon**

Integrated College Dungannon was established in September 1995 to provide an integrated all-ability education service to the local area. The college started with 60 students in the first year and has rapidly expanded to the maximum limit of 500 students attended by approximately 70 members of staff. Vice-Principal Claire Venon emphasised the importance of the school pastoral programme that ensures all students are safe, happy and ready to learn. The implementation of restorative justice into the school has been a key component of this support. A series of conversations with the Australian restorative justice practitioner Terry O'Connell encouraged the Principle and Vice-Principal to introduce restorative justice as a replacement for the increasingly ineffective punitive and adversarial methods normally used by the school.

A successful pilot of the project led to further expansion including extensive training for the staff and pupils and the construction of a student restorative justice team that ensures students can receive restorative justice support from within their own peer group. The processes used include restorative circles or 'in school small meetings' made up of victims and offenders led by a staff facilitator or a member of the student restorative justice team.

Restorative justice is now used in a variety of scenarios within the school to improve relationships, avoid repetition of behaviours, increasing student accountability and responsibility, as well as teaching the students a vital life skill. Traditional detention has been reformed to be a restorative experience. Great emphasis is also placed on the use of restorative language among students, staff and parents.

### **Lagan College**

Lagan College is the first planned integrated school in Northern Ireland. It was founded in 1981 and has over 1,200 students and 120 staff members. Its primary funding is from the Department of Education. Staff come from a variety of backgrounds including social work, community work and education. Sharon Verwoerd, one of the chaplains at Lagan, is originally from Australia and had been trained there in mediation and restorative justice. In 2009 the chaplains, the Head of Behaviour Management, Mr Gary McFadden, and a year head visited Dungannon College to see how restorative justice was operating there. Since then, the Senior Leadership Team and all Year Head and Assistant Year Heads have received training from NI Alternatives. A variety of restorative techniques are used including: mediation, circles, restitution, community service and restorative conferences. Typical cases, however, would involve anti-social behaviour as well as general school conflict. Occasionally rare cases arise which require partnership work with the PSNI and/or the courts for a more favourable outcome for those involved. Restorative interventions can include interviewing the complainants as well as others connected to the conflict, construction of action plans, the administration of restorative justice practices, and facilitation of appropriate reparation for the victim as well as separate victim and offender support.

The College hopes that restorative practice can become a respected alternative to suspension or other punitive measures that are more typically used when inappropriate behaviour needs to be addressed ensuring students become more aware of the manner in which their actions affect others.

### **Cared For Children**

#### **Barnardo's Northern Ireland**

Barnardo's has been developing work in restorative practices since 1998. Initially a two year pilot for family group conferencing, the project was established in 2000 working in partnership with the Southern Health and Social Services Board providing family group conferencing in Child Welfare cases and also in partnership with the Southern Education and Library Board providing restorative conferencing in 18 post primary schools.

Barnardo's then established a restorative practices project with Looked After Children in 2005, as the numbers of young people transferring from the residential setting to the criminal justice system was viewed as unacceptably high. Originally established as a pilot

scheme in the new Intensive Support Unit at Glenmona Resource Centre, positive results have seen the project rolled out to five residential units in the Southern Board and twelve Residential Units in the Eastern Board Area. The NIO, the Department of Justice, the Southern Board and Eastern Board, who fund the scheme, select residential homes that will benefit from the introduction of restorative practices and then monitors the outcome.

The initiative attempts to create Restorative Living Communities where restorative practices influence all contacts during daily life. This involves an array of restorative practices including mediation, circles and restorative conferences as well as the extensive daily use of restorative language all in line with a restorative script.

The restorative practices team employs a Team Leader, and two restorative practitioners, one of whom is seconded from the Eastern Board. The project provides training in restorative practices to teams of staff members in residential homes followed up with two days per week on-site support via a facilitator. Refresher training takes place before the training team withdraws, leaving the management of the homes with responsibility for the continuation of the project. Managers continue to be supported by the Barnardo's restorative practices Team Leader.

#### **Cuan Court Children's Home**

Cuan Court Children's Home was established in June 2008 as a replacement for Appletree Children's Home. With eight beds, it works with children in a residential setting who are moving into care. The home works with children from backgrounds within Protestant, Catholic and other communities.

Cuan Court has fifteen full time staff from backgrounds in social work, probation, and community work, education and nursing. Restorative practices form part of their daily practice and were piloted originally by the home itself on behalf of the Trust around 2006. Staff members have two full days and one refresher day of training in restorative practices from Barnardos in order to facilitate the smooth operation of the home. Techniques utilised include: family group conferencing, circles, restitution, restorative conferencing and restorative questions and statements. Their work load relates to incidents which occur within the home but when it was Appletree, which was in a different location, there would also have been problems in the nearby community. The issues which would often arise would revolve around negative interactions between the young people or between the young people and the staff. This can involve verbal or physical abuse, theft or damage to property. The responses adopted by the staff of the home will include speaking to the persons involved in the dispute, constructing an action plan, the administration of restorative justice practices, and the agreement of appropriate reparation.

Cuan Court works together with the youth justice system, where applicable, in order to realise success in the utilisation of these techniques. The home also receives non-financial support from Barnardo's Restorative Project.

### **Flaxfield Children's Home**

Flaxfield is a government-sponsored children's home near Belfast which opened in 2001 and houses eight beds of medium to long term duration for 12 to 18 year olds. They have long-term funding from the government. Flaxfield works with children from cross-community backgrounds. The unit provides alternative accommodation to youth who would otherwise be put in community placements or remain in their own homes.

Much of the restorative justice work carried out in the home relates to incidents which have occurred in house. Flaxfield use four specific restorative justice techniques - mediation, circles, restitution and restorative conferencing – in order to reduce the number of young people who would otherwise be prosecuted for criminal charges. The complainant, whether it is a student or staff member, will be involved in discussions and conferences about how to proceed.

Flaxfield employees, 13 in total, have completed a full two day training session in restorative justice techniques through Barnardos and have background professional work experience in social work and education. Additionally, Barnardos supports restorative justice initiatives by providing a two day a week facilitator to the home. It is the goal of the children's home that the use of restorative practices will encourage young people to employ these techniques in their own lives to achieve success after their time at Flaxfield has come to an end.

### **Glenmona Resource Centre**

Glenmona Resource Centre developed as a regional residential childcare facility on the site of and as a separate entity from St Patrick's Training School in Belfast. The Centre was set up in 1996 to provide assistance for young people who have experienced trauma and who display a wide range of challenging behaviours. Restorative justice is used to maintain good professional relationships between staff and young people and to repair these relationships when there has been a breach of rules. Staff initially undertook two full days of restorative practices training with Barnardos and this has been followed up with further mentoring. A core group of deputy unit managers have been developed and training has been provided for senior practitioners with advanced skills and responsibility for applying the method.

Restorative practices are used as just one of a number of core approaches to dealing with issues within the unit. The Therapeutic Crisis Intervention, as it is termed, works by looking for triggers in order to avoid crisis before it happens, but also to deal with the aftermath and atmosphere after a crisis has occurred. It is within the latter scenario that

restorative practises can be most helpful as it has changed the mindset in the unit from needing to call the police to make a prosecution, to managing most events in-house as one would with their own children. In serious cases the practitioners use circles and formal conferences. However, the much more common day-to-day disputes are addressed through mediation and restitution skills with huge benefits for the way in which young people view their home.

## 4. Practitioners and Theory

Drawing on the survey and interview data, this section explores the beliefs and attitudes of practitioners towards restorative practices. As we will see throughout this report, a key aspect of this work in this jurisdiction has been adaptability, that when practitioners encounter a problem they amend their approach and introduce an alternative, restorative approach. At the centre of this dynamic are the beliefs that practitioners hold about their work and how these have led to the restorative justice initiatives implemented within the unique context of their organisation, their communities and the political sphere within which they operate. In this section we explore the beliefs and attitudes present among each of 18 participant organisations in our study.

### Community Initiatives

Community initiatives participating in this study include Community Restorative Justice Ireland (CRJI), Northern Ireland Alternatives, NIACRO, Prison Fellowship Northern Ireland, Extern, Family Group Conference Forum (NI) and Victim Support NI. Unsurprisingly, this wide range of groups held to differing views on the ethos of restorative justice. This appeared often to be based on the manner in which they perceive communities, as well as the political and social environment that their clients inhabit.

The two community-based projects, CRJI and Northern Ireland Alternatives, presented a view of restorative justice that takes into consideration the unique circumstances that can be found in their communities and the potential for harm that this produces. However, the two organisations reported strong differences in their ethos and the way in which they deliver services. For example, Jim Auld director of CRJI describes restorative justice as: “a mechanism for people to engage in dispute resolution in a non-violent way”.<sup>2</sup> Debbie Watters of NI Alternatives describes that

...restorative justice for me is about healing broken relationships, at all levels within community and society. Justice, for me, in the broadest sense of the word, is about people feeling safe and having a good quality of life.<sup>3</sup>

CRJI leadership remain preoccupied with the prevention of punishment attacks or the violent escalation of community disputes, which is evidenced by the reference to non-violent methods. Indeed, Jim Auld of CRJI stated that already this year<sup>4</sup> he has handled 186 threat cases. This is in direct response to the continuing challenges that CRJI continue to experience in their communities where many nationalist/republican residents still have little or no confidence in the police. With NI Alternatives, these contextual

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<sup>2</sup> Interview with research team 01 July 2010.

<sup>3</sup> Interview with research team 01 July 2010.

<sup>4</sup> As of end of June 2010.

issues exist within the communities they serve, however they were not as pronounced in our discussions with the organisation. The provision of non-violent alternatives was mentioned in the interview, but it was not prominent in their definition of the term. For this reason, NI Alternatives present an ethos which is more focused on building structured partnerships with the police and statutory agencies: “I think we have helped relationships between the community and the police, so that people are now much happier to go to the police.”<sup>5</sup>

NIACRO and Prison Fellowship NI both work primarily with offenders who are either in prison or post-release. NIACRO believe restorative justice is “more an attitude and an approach” rather than a series of techniques. It is used more as a form of support and a vehicle for change than a response to particular situations. Their emphasis is on the attitude and the approach fostering a restorative outcome rather than adhering to a specific definition which could fail if followed too closely. When asked to define the term, they spoke of a

...concept by which people who have become disengaged from their community or the society that they are in can restore their place in society. They can get back a full quality of life within the society so that both they can get back into society and society is in a position to allowed them back in.<sup>6</sup>

That said they equally felt that it was an approach which they had always taken: “that’s what we’ve always done, just never really labelled it as a restorative process.” This is a recurring comment among many of the longer running bodies.

Prison Fellowship NI talked about restorative justice as ‘repairing broken relationships’. Their Sycamore Tree Project runs conferences with offenders within the prison setting, though with a surrogate victim, rather than the actual victim. As Chief Executive Robin Scott explains:

Basically for us we are not in a position yet where we could bring in an actual victim nor would we want to bring in an actual victim of any of the people in the room. However, the idea is that we bring in someone who has been a victim of crime and are willing to tell their story.<sup>7</sup>

This approach on a Christian based model, developed internationally by their umbrella organisation Prison Fellowship International.<sup>8</sup> The main emphasis of the project placed

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<sup>5</sup> Interview with research team 01 July 2010.

<sup>6</sup> Interview with research team 30 June 2010.

<sup>7</sup> Interview with research team 01 July 2010.

<sup>8</sup> A range of literature on the work of Prison Fellowship International can be accessed on their website at: [www.pfi.org](http://www.pfi.org).

on ensuring that the surrogate victim is not re-victimised through the conferencing exercise:

We are very conscious that you need to be supporting those individuals because the big concern is that we would re-victimise them. They have already been through the trauma; the thought of going into a prison to meet people who have committed crimes which may be similar to what they had experienced may be quite difficult.<sup>9</sup>

Extern works in the areas of criminal justice, homelessness and children in care. In terms of children they are heavily based in partnership with children's services alongside family support, which encourages young people to become re-connected with their families or the communities with which they are in conflict. Within this conception Extern view restorative practices as a way of

...working with individuals to keep them safe, to keep society safe, to appropriately connect people back to their communities... it's about enabling, it's about developing resiliency, it's about giving alternatives and showing alternative ways and being there as well with individuals.<sup>10</sup>

The Family Group Conference Forum (NI) supports approaches which seek to repair the harm done to the victim by helping the offender see the consequence of their behaviour and agree to repairing the relationships. To them restorative justice is a way of "providing people with an opportunity to address issues and problems in a way that enables people to acknowledge what's going on for each other and at the same time find a way forward."<sup>11</sup>

Joan McCrum of Victim Support NI described the difficulty that her organisation historically had with restorative justice as a concept:

Restorative justice is a concept that has been difficult for Victim Support down the years. Victim Support Northern Ireland has been going probably 26 years and historically there would have been a degree of antipathy towards it, the feeling that it's all about the offender, that it's not victim focused or victim centred. That is changing now, so we are actually at the moment just developing our thinking on restorative practices. Our view would be that it's about allowing the victim and the offender to engage at some level. However,

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<sup>9</sup> Interview with research team 01 July 2010.

<sup>10</sup> Interview with research team 29 June 2010.

<sup>11</sup> Interview with research team 01 July 2010.

any restorative intervention should be with the permission of the victim and should have the victim's interests central to those interventions.<sup>12</sup>

### **Statutory Bodies**

Statutory bodies which participated in this mapping project include Probation Board NI, the Police Service Northern Ireland (PSNI) and the Prison Service. These bodies are involved in varying stages of the criminal justice system and these resulted in dynamic differences in how they see and apply restorative justice. For some bringing restorative justice principles into their workplace was difficult, while for others it felt like a natural extension of work they were already aiming to do.

The PSNI analysed restorative justice's potential from a policing perspective and so spoke of the personal involvement of victims, the possibility of reducing both fear of crime and recidivism and also to remove lower-level offending from their domain. They recognise the great potential for restorative practices in their day-to-day activities and deliver restorative practice training to neighbourhood officers so that they can use it throughout their role in the community. The PSNI believe that restorative justice is "an opportunity in the first instance for everyone to come away feeling satisfied with the outcome, and that includes the victim."<sup>13</sup>

Probation Board NI heavily centre their practices around the needs of the victims of crime in order to empower them in such a way that they can better understand what has happened to them and teach them how they can move forward after becoming a target or bystander affected by crime. Christine Hunter also envisages restorative practices as a method through which we can "look at the harm that's caused rather than the law that was broken and the sentence that was given."<sup>14</sup> Equally, it can be used to explore ways that things can be made slightly better for both the victim and the offender.

Finally, the Prison Service applies restorative justice post-sentencing, in the prison context, both in terms of prisoner-staff interactions and direct meetings between victims and offenders. They have placed a heavy emphasis on assuring that the victim is not re-victimised through the model they use. Staff screen each offender and victim so as to be as certain as possible that all the parties are involved because they would like to see the matter resolved so that they can gain reassurance or a sense of closure. For them, restorative justice is "a philosophy that you can use to shape how you deal with all sorts of people in all sorts of situations."<sup>15</sup> Equally, it was noted that in many instances this was already being done, particularly in staff-prisoner interactions, though without the

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<sup>12</sup> Interview with research team 01 July 2010.

<sup>13</sup> Interview with research team 30 June 2010.

<sup>14</sup> Interview with research team 02 July 2010.

<sup>15</sup> Interview with research team 01 July 2010.

terminology and labels. What is happening in recent years represents a formalisation and expansion of that.

### Youth Restorative Justice Initiatives

Both the Youth Conference Service and Youth Justice and Probation Unit (YJPU) within the Department of Justice adhere to conceptions of restorative justice that are aligned closely with the criminal justice system. The Youth Conference Service, which deals with large numbers of youths, referred by the Public Prosecution Service, defines restorative justice as:

A process whereby people who have been harmed by behaviours come together with those who have committed the harm or been responsible for the harm collectively.

YJPU have adapted their model of practice on a number of occasions in order to facilitate the process of restoration and to achieve a high level of satisfaction for all parties, including the offender. Their definition of the term is that it is

...an intrusive process that engages both the offender and the victim in a way that allows the victim to better understand what has happened and gives an opportunity for the offender to make amends and allows us, with others around to actually begin to think about what the specific needs of the young person might be. It's a process of dialogue and explanation and acceptance of what has happened.

While it would be easy to conclude with the Youth Conference Service that the emphasis is on getting youth *through* a system, both organisations are dedicated to *preventing* youth from going through the criminal justice system in order to give them a better chance at a healthy and productive life.

### Schools

Within the school system our mapping team interviewed Integrated Dungannon College and Lagan College. The colleges had similar views on what they believed restorative practices should stand for. For example, Vice-Principal Clare Venon of Dungannon College linked restorative justice to Christian values of respect, integrity and accountability. Sharon Verwoerd of Lagan College expressed the view that restorative practices are an attitude and a way of being with one another or a way of responding to each other when conflict or wrongdoing happens. Variations were experienced in how the two colleges envisage restorative practices. At Dungannon empowering discussions were heard of “our restorative journey” and the manner in which restorative justice had “penetrated every aspect of school life”.<sup>16</sup> At Lagan College it was seen not as a leading

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<sup>16</sup> Interview with research team 25 June 2010.

ethos, but a method which could support their ethos: “our ethos is most important and it just serves the ethos, it serves the community.”

There were some tentative reactions to the introduction of restorative justice yet,

...for us restorative practice is about an attitude and a way of being with one another, not only of our response to some issue about justice... So we would see it as a way of responding to each other when conflict or a wrong-doing happens. About repairing harm to relationships.<sup>17</sup>

Lagan did note that Dungannon’s all-inclusive approach, which they witnessed on visits to the school, seemed too much initially for some staff, however, by focusing on small ways it could be introduced it could slowly be integrated to the school. This was equally present in Dungannon’s reflections on the introduction of restorative justice to the school, in how they spoke of pilot projects and how “we started to sow seeds in people’s minds.” Both mentioned that some teachers were resistant to the concepts being introduced. Given these similarities, it can be said that these are normal occurrences but with the passage of time, these can be overcome. Dungannon began using this approach almost six years ago, while for Lagan College this work is very much in its infancy. As Dungannon stated, “I don’t think there is a teacher now who doesn’t use it, it’s now just how we do business.”<sup>18</sup>

One further point of note is that as far as this project could identify the schools utilising this approach to date are both integrated schools. As Lagan noted “as integrated schools we are always going against the tide of education.”<sup>19</sup> It was within normal bounds for them to try something different. The challenge may be for other, non-integrated schools to utilise restorative practices.

### **Cared For Children**

Flaxfield, Cuan Court, Glenmona, three children’s homes in the Eastern Trust area of Belfast, and Barnardos make up this section of the report. This group of organisations had the most in common with respect to models used as the three children’s homes have each had support and training from Barnardos. All of these groups hesitated to utilise formal restorative justice procedures, preferring instead to emphasise restorative language within the homes and based their ethos on a relationship-based approach. As Eleanor Kelly of Barnardos explains, restorative justice in the residential setting is

...almost like a therapeutic tool that that the staff can use to avert difficult behaviour or change difficult behaviour... We talk about building restorative communities...

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<sup>17</sup> Interview with research team 25 June 2010.

<sup>18</sup> Interview with research team 25 June 2010.

<sup>19</sup> Interview with research team 25 June 2010.

Restorative practices as we understand it is about working in a fair and just way with very troubled people... on a daily basis.<sup>20</sup>

She placed great emphasis on the fact that it was “not just for times of crisis or real conflict but it’s actually for daily interaction with these young people.” It had been a more traditional approach in the past to contact PSNI when there was a problem with a young person within a home. However, as Clarke Davidson of Glenmona Resource Centre explains:

We believe that there is no deterrent in being lifted by the police therefore the emphasis must be on building stronger relationships teaching the kids that this is their home too.<sup>21</sup>

In these settings the focus tends to be on interactions between children and staff and restorative justice in this setting can, according to Davidson, “maintain good professional relationships between staff and young people and to repair these relationships when there has been a breach of rules.”<sup>22</sup> Similarly, in Flaxfield, the definition focused on relationships: “making, sustaining and building relationships and very clearly that nobody feels rejected no matter what they have done.”<sup>23</sup> This was also present in Cuan Courts definition.

Flaxfield took great pride in the extent to which restorative practices had penetrated their system, saying that they worked on a ‘restorative continuum’, responding to young people with ‘restorative affective statements.’<sup>24</sup> They spoke of the aim not to make young people feel shame but to emotionally empower them. Cuan Court equally had adopted a model which incorporated restorative questions, statements and conferences. In each, the aim appears to make it a part of daily life, the response to all situations, making it ‘second nature’ for staff and young people alike. Like in the school settings, resistance to these ideas was experienced from both staff and young people but over time they adapted. At the same time, they also recounted evidence that restorative practices had previously been applied, even if without that language.

### **Comment**

Overall, the role that practitioners take in shaping restorative practices in Northern Ireland is heavily influenced by their own beliefs and theoretical influences. The ethos that they hold is heavily context specific to their particular mandate or area of influence. However, important contextual issues such as defining ‘communities’ and the range and seriousness of interventions vary greatly across the groups studied.

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<sup>20</sup> Interview with research team 28 June 2010.

<sup>21</sup> Interview with research team 29 June 2010.

<sup>22</sup> Interview with research team 29 June 2010.

<sup>23</sup> Interview with research team 01 July 2010.

<sup>24</sup> Interview with research team 01 July 2010.

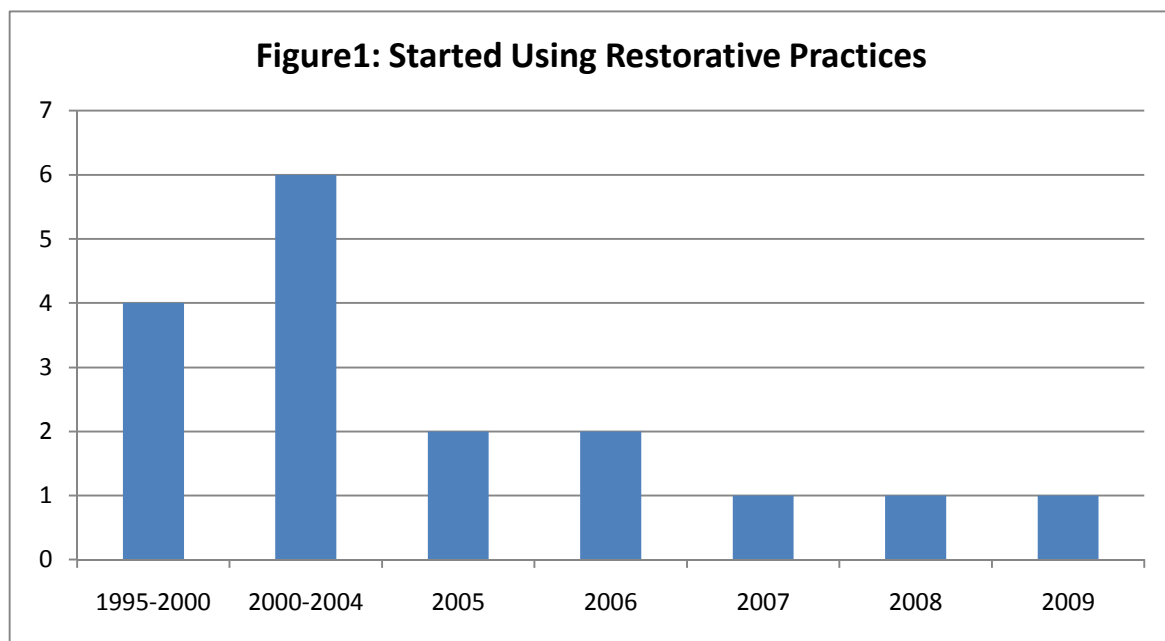
Unsurprisingly, the community-based projects report strategies that are designed to best satisfy the needs of their fellow community-members. However, that is not to say that the other groups are not context specific. In fact those projects that do not hold to the traditional community-based model are heavily driven by the context specific beliefs of their practitioners. For example, the statutory organisations reported continually their ambitions to improve the way in which they reach the communities that require their services the most. The more enclosed organisations, including the schools and the children's homes, are committed to developing their own conceptions of community, both within their own establishment, and with their fellow organisations across Northern Ireland.

That restorative practice should underpin an ethos and philosophy that is adapted as appropriate in a particular context is heavily apparent. Related to this, it was frequently cited that restorative values should underpin all work, not just be relied on in response to a crisis situation. Interestingly, among some of the pre-existing organisations there was a sense that this was an approach which had in fact previously been present in their work, but now had been given a language and a mandate. In terms of how the term was defined it was worth noting that few spoke about it in terms of criminal activity; repairing broken relationship or addressing harm caused were much more frequently included in a definition. This represents a shift in how the activity concerned is viewed and addressed.

## 5. Restorative Practices

This section explores in detail the array of restorative practices that are used by organisations and projects in Northern Ireland. The discussion begins with a description of the processes that are used. There is a diverse range of processes being used by the mapping project participants and many of the projects employ multiple methods to achieve their objectives.

Figure 1 indicates the year when the participating groups first started using restorative practices. It should be noted that for four of the groups (PBNI, the Prison Service, NIACRO and Flaxfield) there was not a specific year in which they started using restorative principles as they believe their particular approach has always been restorative before the term had even become common place.



It is clear that restorative justice formally emerged in Northern Ireland in the mid-1990s. From those we spoke to it would appear to have hit its peak in the early part of the last decade, which may coincide with the review of criminal justice which gave increasing scope to rethink how justice was conceived. While it does seem to have waned somewhat, those we spoke to did indicate that they had been busy training others and so we anticipate an upsurge in these numbers in the coming years.

In terms of training in restorative practices, a variety of experiences have fed into the Northern Irish experience. Two phases are effectively noticeable: the early practitioners in Northern Ireland looked to programmes and trainers from overseas or an umbrella

organisation that they are a part of, the later practitioners received training from those already practising in Northern Ireland. One person had personally been trained in these issues in Australia, another had been trained in America. Some brought in experts from America and Australia. The Youth Justice and Probation Unit travelled to Milton Keynes to see restorative cautioning in operation first hand there. In more recent times Barnardos, NI Alternatives and the schools and homes themselves have been providing training to others that are interested in this approach. Cross-fertilisation has been instrumental in the development of restorative practices in Northern Ireland, which, as we will see, has given organisations confidence and experience in adapting practices to their particular context and circumstances. Also, out of this cross-fertilisation, has come a strong sense of partnership in many of the organisations and a desire to assist others starting out in this area. Dungannon Integrated College have taken personal staff time to assist other schools in developing restorative practices. The University of Ulster now runs a postgraduate course in restorative practices. The Family Group Conference Forum (NI) has an accredited module as part of this course developed in partnership with the University. NI Alternatives stated that they have been assisting people to set up programmes as far afield as Colombia.

One of the benefits of this cross-fertilisation is that staff members begin to see the potential of restorative practice, as this example from Lagan College demonstrates:

... the Alternatives NI training was excellent to the point that ideas of our own started approaching, so how would we transform our detention system to become an afternoon where it becomes a restorative experience. That didn't come from our trainers that came from our teachers and I think that's testament to the way that they facilitated, that ideas were starting to come about how to actually make it our own.<sup>25</sup>

Flaxfield also spoke of how they have “tried to tweak our model to make it relevant.”<sup>26</sup>

It is worth noting, particularly as a lesson for others considering implementing such models, that some groups had quite negative initial experiences of training. In these organisations there was, however, sufficient dedication to the concept of restorative practices to undertake further training with a different facilitator and in both instances this was more successful. This willingness to ‘try again’ is reflective both of a strong dedication to the philosophy underpinning restorative practice and also of the frustration being experienced in many areas with existing approaches and a need to find another way.

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<sup>25</sup> Interview with research team 25 June 2010.

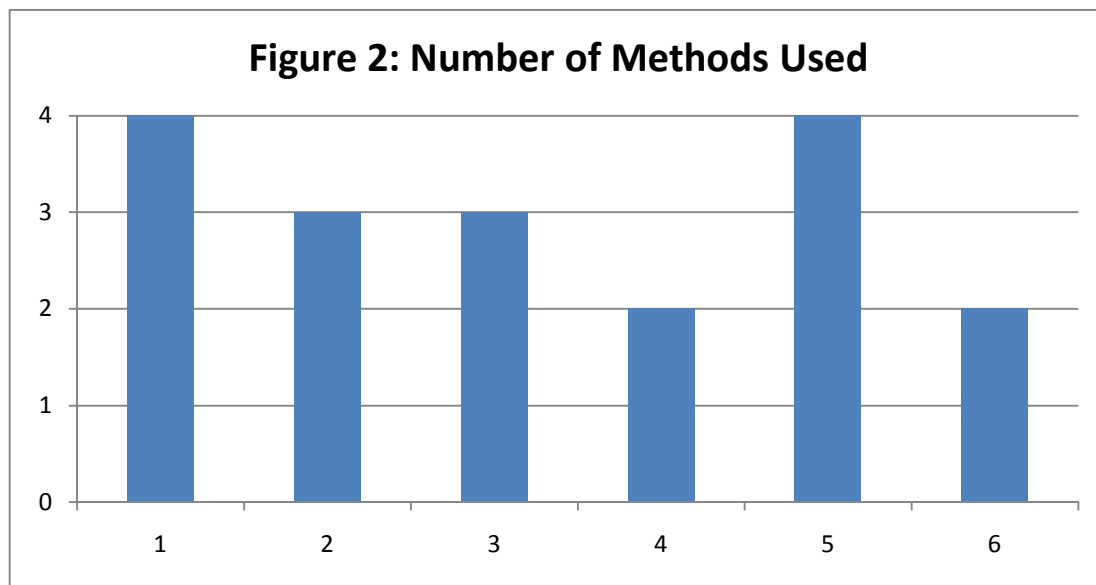
<sup>26</sup> Interview with research team 01 July 2010.

Many of those who participated spoke of how there was resistance within the organisation to the introduction of these principles. However, once they reached a level of understanding whereby staff could say, ‘oh I can do this in my daily practice’<sup>27</sup> implementation improved. Nor should training be a one-off process. Flaxfield have been able to have facilitators on-site two days a week:

... that really does drive it forward and I do believe that that’s why staff have grasped it so quickly and have been so effective. Because when they hit stumbling blocks they’ve actually got somebody here to bounce things off and be objective about things.<sup>28</sup>

### Processes

In this research, one of the key findings has been the range of processes which groups are willing to use, and how this are interchanged. We identified over a dozen distinct mechanisms being used. Figure 2 indicates the number of restorative methods that are used by the contributing projects and organisations.

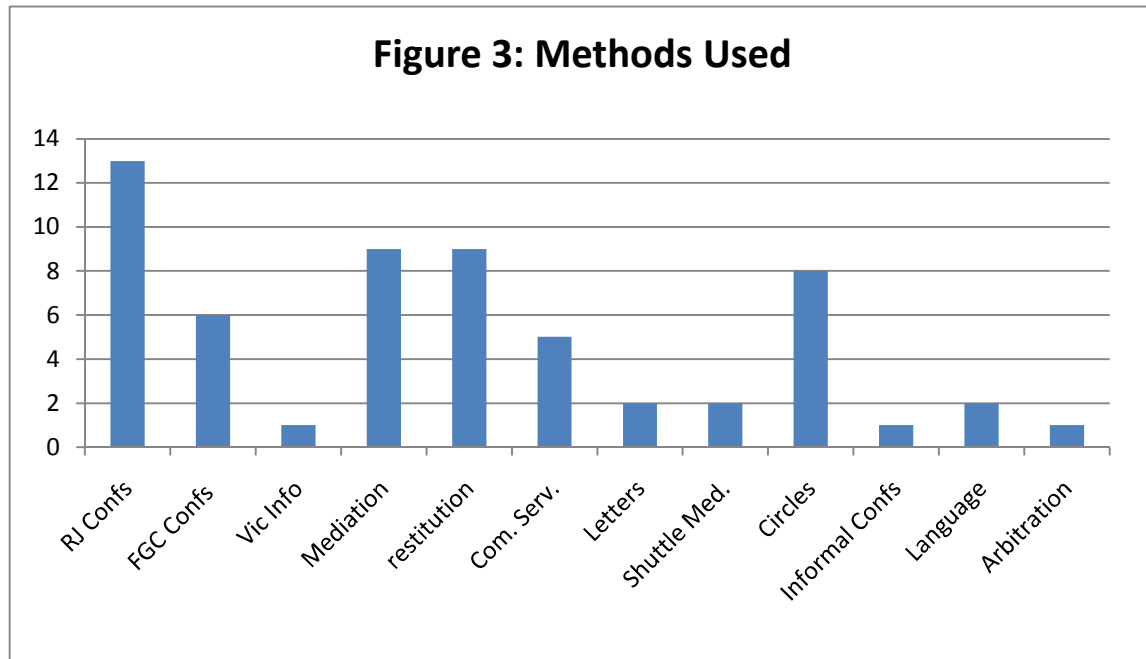


The majority of the organisations use multiple methods with 14 of the 18 groups using two methods or more and half of the groups using four methods or more.

Figure 3 shows the popularity of the methods used by the groups. These are what groups named as methods used when directly asked that question and they could indeed be using further methods. During interviews, for instance, it became clear that all the children’s homes and schools made an effort to use restorative language on a day to day basis, while only two named this as a method used.

<sup>27</sup> As was expressed by Lagan College.

<sup>28</sup> Interview with research team 01 July 2010.



Nonetheless it is clear that restorative conferences, mediation, restitution (or reparation), circles and family group conferences are the most commonly used restorative practices used by the groups which participated in our study. Community service, a formal term, will only be open to limited, statutory groups but would be related to the reparation which other groups reported.

### *Conferencing*

Every group spoken to used some form of conferencing or victim/offender meetings in their work. The form varied hugely, being formal or informal, restorative or family group based. We did find considerable variation in its range of practice. Restorative conferencing was used by 13 of the 18 projects although differences do exist in its range of application.

Restorative conferences are used within the school participants in the form of a restorative meeting that promotes fairness and equality enabling both parties in the dispute to put their side across and as an alternative to traditional sanctions such as suspension or detention. For example, Integrated College Dungannon takes a particularly innovative approach by introducing a student restorative team to deal with many of the incidents that occur within the school. As Vice-Principal Clare Venon explains:

What we did was get a group of upper six, what you would call year 14 volunteers, 12 in all, and I gave them five days training including child protection training, safety training, contract training, i.e., how to build a contract to protect confidentiality etc. Then if there is a more low-level incident at school, the students

can sort it out by following a set of restorative questions.<sup>29</sup>

By enabling students to use restorative practices, Dungannon have encouraged the creation of a restorative justice culture while at the same time reserving more serious issues for senior staff members. Giving students ownership of the process in this way can enable them to buy into the approach. Further, through the requisite reflection with staff following the team meeting, students understand more about what has happened. Lagan College also hope to establish 'student mediation teams'.

Within the context of children's homes, conferencing is used in more serious cases to maintain good professional relationships between staff and young people and to repair those relationships when there has been a breach of rules. As we have described previously, prior to the introduction of restorative justice in children's homes, the alternative would have been to call the police. Two styles of conferencing are used. Firstly, practitioners can call impromptu conferences in the immediate aftermath of minor incidents and to deal with persistent offending behaviour. Or, in the event of a serious incident or transgression, practitioners can take more time to plan a formal conference that is more appropriate for the seriousness of the matter. Nevertheless, both types of conference place a strong emphasis on preparation to ascertain expectations of both parties and to prevent re-victimisation. Moreover, both styles of conference will provide an opportunity for the offender to express their feelings and to talk through their issues.

Conferences or victim-offender meetings are also used within the Prison Service and Probation Board and involve both victims and their offenders. The approach employed by both Probation and the Prison Service places great importance on ensuring that the offender and victim are motivated properly and that there has been thorough preparation prior to the conference. Probation also offers alternatives to a meeting (i.e. indirect shuttle mediation). Within the Youth Conference Service, the process places a dual focus on what is best for both the victim and the young offender with the emphasis placed on reaching a collective consensus on how to move forward. Prior to this there is a discussion of the offence and the harm caused as well as the impact on the victim.

Family group conferencing, as envisaged by its advocates in the mapping exercise, differs from youth conferencing, which operates within fixed timescales. Family group conferencing works at the pace of the family where possible and places a greater emphasis on the young person at the centre of the process. However, the victim was reported as being able to take part in the conference by all 6 of the groups that use this method. The Family Group Conference Forum (NI) placed an emphasis on the family being able to have private time during the process, to talk about 'how are we as a family going to manage that?' The Family Group Conferencing Forum (NI) specialises in this

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<sup>29</sup> Interview with research team 25 June 2010.

conferencing model, while Extern, Cuan Court Children's home, CRJI, NI Alternatives and the PSNI use it in conjunction with other approaches.

### *Mediation*

50% of the participating groups in this mapping exercise use mediation. Those that do not use it include Cuan Court Children's Home, the Family Group Conference Forum (NI), the Prison Fellowship NI and Integrated College Dungannon. No particular reasons were provided for not using mediation other than the projects felt a different method or methods were more appropriate for what they do.

Mediation is used within a victim-offender context or when it is assumed that both parties are required to take responsibility for the causes of a dispute. It is used widely by organisations in both sides of the community and in the traditional victim-offender context promotes mediation between the family, the young person and stakeholders whilst looking at how the actions of the offender has hurt their victims, community, themselves and their family.

The mapping exercise identified two particular trends in the manner in which mediation is presented. These can be described as using direct face-to-face interaction or using a go-between. The direct, face-to-face method is used in environments such as children's homes where direct mediation skills are presented continually when working with young people who are in conflict within the home. This relies on the restorative language questions and bringing them to a point where they can talk through what the problem is and agree on a solution through a process of self-reflection.

Three groups used indirect, or 'shuttle negotiation' that involves going back and forth between parties to ascertain information and to make requests. It is deemed more appropriate than direct mediation in some instances where it proves difficult or dangerous to bring all the parties involved in a dispute around a table. For example, the Probation Board might use indirect mediation in cases where there has been a death, a sexual offence or other serious violence. NI Alternatives also employ this approach. CRJI, however, who reported using indirect mediation, expressed a preference for direct mediation as there is less incentive to reach an agreement when all the parties do not meet in person.

### *Circles*

Circles are used by almost 45% of the groups and are popular with organisations such as schools, children's homes and the Prison Service. Those respondents who use circles based their preference for the method on its ability to challenge offending behaviour in residential or educational settings where people are in close proximity and can frequently come into conflict with staff and fellow residents.

The method involves placing a core person in the centre of a group with a number of significant others circling. Circles will often include victims, families, friends or even students within a school. They also can include teachers, police, probation, social services and other services with the wider community. A common use of the method is in coping with offenders who, because of the nature of their offence, are often excluded from society.

Extern employ their circles of support and accountability model through volunteer 'buddying' and in a wider, multi-agency context around the management of the individual. As Paul Rooney, Director of Adult Services at Extern explains:

So in a sense what we are trying to do is take an individual coming through, particularly with some of the offences we deal with, they are often very excluded from society and the community. Our view would be that if you are highlighted because of your behaviour and excluded from society and demonised, this presents higher risks both to others and yourself. So we use the circle model to wrap people around with a range of supports. This in turn protects the community in the first instance and reconnects with the individual who might present with difficulties or problems.<sup>30</sup>

The South Eastern Trust children's homes often use circles in addition to conferences for more serious matters. Each person has the opportunity to identify their place within the problem or dispute enabling them to work together in order to identify what each person can do individually to make things better within the individual residential unit. Circles are also used within the school context in relation to bullying incidents and are reported to often transform a harmful situation into a positive experience. What was important in that context is the recognition that a number of children in a class may be contributing to the bullying. Referring to one incident, Lagan College said

....we felt like there wasn't really one offender and one victim. There was a whole class dynamic so we took them out of class... and we literally had a circle in the classroom and took the desks away and had a circle... And so we had a few questions we wanted to ask. We were trying to draw as much conversation out from the students as possible around what was going on, what was the situation telling them... students started to realise that any little thing they were doing was affecting them so it's no good to say 'I wasn't the one who hit him'; they were all part of it.<sup>31</sup>

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<sup>30</sup> Interview with research team 29 June 2010.

<sup>31</sup> Interview with research team 25 June 2010.

## *Restitution*

Restitution is the act of compensating for loss or injury by reverting as far as possible to the position before such injury occurred. Half of the contributing groups use the method regularly. Those organisations that do not use restitution, such as the Prison Service, do not as it is either not practicable for their organisation, or they are satisfied with a different case outcome such as an admission of wrongdoing and an apology.

The restitution method is particularly popular among the residential children's homes where in certain circumstances financial restitution can be deemed an appropriate response to an incident, for example, if something has been stolen. Restitution can also include carrying out work such as washing the windows or gardening. The key to restitution is that it is meaningful for the victim whilst being realistic for the young person. In agreeing to restitution, the young person is encouraged to acknowledge the harm that was inflicted on the victim and can become emotionally connected to what they have done.

All of the organisations that use the method described restitutions that were not unduly harsh or onerous. For example, the Youth Conference Service will commonly use a range of restitutions as a conference outcome. One example that was given involved a building that had been vandalised. The young person who committed the offence agreed to return there and do something for the owners that would improve the appearance of the building. Another example given by Integrated College Dungannon described a common restitution as involving something as simple as a box of chocolates and a card of apology. Indeed, Dungannon spoke of how a shared approach to restitution could dramatically alter relationships and dynamics for the better:

...we opened up that discussion with the child, 'now what needs to happen to make this right?' and very often they would say 'well I need to say sorry and I'll do a detention' 'well what kind of detention?' 'well you could suspend me for 5 days' and very often you think that they are very hard on themselves and you think 'well actually I don't want to suspend you for 5 days, well what about an afternoon college detention?' and all of a sudden I'm the hero, they have given themselves a heavy sentence and I've reduce the sentence and it's a win-win situation.<sup>32</sup>

Barnardos told how "most of the victims, staff members, in their restitution they seem to be more interested in getting the young person to do something for themselves."<sup>33</sup>

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<sup>32</sup> Interview with research team 25 June 2010.

<sup>33</sup> Interview with research team 28 June 2010.

### *Community Service*

A community service order is a legal order supervised by the Probation Board which can only be handed down by the courts, so in this sense it is not a feature of most groups researched. It is restorative in nature as it helps the offender give back something to the community and to restore the offender back into society. The Probation Board's work with persons who have been given such an order and invites victims to influence the type of project that an offender<sup>34</sup> will work in.

### *Other Processes*

The mapping project also highlighted a range of alternative processes under the umbrella of restorative practices. The use of restorative **language** was a key strategy for a number of organisations and projects particularly in children's homes and in to varying degrees in the two schools. The language is used in such a way that it frees individuals to answer quite difficult questions in a non-threatening way. Staff are also encouraged to act as role models by using that language in their interactions with young people. As was said by Flaxfield

...this is talking about feelings and this is really to try and increase and improve the young person's emotional literacy because a lot of the young people that we would have worked with may have been deprived in their emotional literacy.<sup>35</sup>

Staff in a number of schools and homes were trained to use restorative questions, responses and even restorative phone calls with parents. Dungannon also described how they had removed the word 'discipline' from all policies, so it was not simple a case of introducing new language, but of removing older, more destructive language.

Prison Fellowship NI operates an **educational** project called Sycamore Tree. The programme is grounded on principles of restorative justice and Christian values. Offenders examine the consequences of crime with a focus on taking responsibility for actions. This may include an apology and a subsequent act in order to make amends. The programme runs over six weeks for at least two hours a week and involves small-group work with a facilitator. They use workbooks, DVDs and get the men to come up with a drama and so on: "get them to explore what they understand by restoring."<sup>36</sup> Reflective work is done by participants in their own time through the use of a notebook. A surrogate victim is brought into the group in Week 3 of the programme to discuss their experiences.

Restorative practices are also being used to **re-integrate** offenders into their communities. Organisations include NIACRO who find that their key aim of helping people get back into society contains an underlying restorative ethos that fits in well with

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<sup>34</sup> In this situation the term 'offender' is less ambiguous as with other groups as the persons involvement stems from their criminal conviction.

<sup>35</sup> Interview with research team 01 July 2010.

<sup>36</sup> Interview with research team 29 June 2010.

restorative justice models that encourages and produces some sort of supportive context for people leaving custody.

Extern have ‘**time-out** programmes’ which are tailored for young people who are on their own and/or in conflict with their families. These programmes provide space and relief for the young people by temporarily removing them from their homes:

Rather than pressure building in a family and a young person being expelled we would work to take the young person out of the family to give some respite, to give a bit of time, and to try and work specifically with the young person around some of the issues that are causing the conflict. We then work directly with the families as well, and sometimes we have taken complete families away and they have been able to come out of their own environment and have more fun family type orientated activities and start looking at parenting, improving relationships and finding ways to manage conflict and difficulties surrounding young people.<sup>37</sup>

By focusing on the skills around managing conflict and the difficulties surrounding young people the programme can enable and empower young people and parents to take control of their own lives.

NI Alternatives use a **support** model that they name, ‘Intensive Support’ (formerly Intensive Youth Support). When conceived this model was primarily aimed at young people under threat from paramilitaries and worked by engaging with young people at a human level within their communities in order to get the paramilitary threat lifted. This scheme could also technically be described as re-integration as it has prevented young people from being excluded from their community in the first place. NI Alternatives now use the same model for adult work as well, leading them to drop the ‘youth’ from the title. The model has achieved a remarkable 7-8% recidivism rate, when prompted, Assistant Director Debbie Watters explained the reasons for the models success:

I think the reason for the success of this model is because it is a grass roots approach, it’s rooted in the community and is intensive. The average amount of time a young person will be on that programme is 8-10 months and its relationship based, i.e., it’s very much to do with building a relationship with the project worker and them becoming a significant and positive adult in the young person’s life.<sup>38</sup>

A key process specifically reported by six of the projects centres on the importance of young people telling their story. **Vocalisation** gives everyone the opportunity to share their opinion and that everybody listens to what is being said empowering young people to have a voice and therefore a feeling of control over their lives. The participating

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<sup>37</sup> Interview with research team 29 June 2010.

<sup>38</sup> Interview with research team 01 July 2010.

children's homes described the importance of allowing the offender to tell their story first as the process works more effectively when the victim hears that the wrong-doer has acknowledged that they have done something wrong. It was also highlighted in the Sycamore Tree project that a surrogate victim can be effective in sharing their story with participants. This in turn laid the foundations for participants to express remorse and in essence tell their story in the last week of the programme. In addition to this, Prison Fellowship also "walk the landings, we talk to the men... as well as running a weekly support group downstairs for folks that would co in here on a Wednesday; tea, coffee and a chat."<sup>39</sup> Within the school context an example we were given described a case in which a boy who was being bullied was empowered to share his story and it was only then that the other students started to realise that their behaviour was contributing to how he was feeling.

Finally, another point which was raised time and again was the importance of **integrating restorative practice fully**, and not just using it in response to certain scenarios. Flaxfield noted how "one of the members of staff, a cook, is trained in restorative practices and her kitchen is the most restorative place I have ever seen in my life. The staff respect her and the young people respect her."<sup>40</sup> Similarly, in Cuan Court specific reference was made to the 'to do *with*' approach which was praised as 'absolutely brilliant.' It requires that whenever staff look for a young person to do something they do not just tell the person to do it, but do it with them and talk to them about what is being done. This was seen to be a part of 'teaching and modelling' good behaviour. Equally, in Lagan College they preferred to speak about restorative practices rather than rather justice to emphasise that this is not just something to be applied in a situation where 'justice' might be an issue.

In summary, the mapping exercise highlighted an array of methods that are currently being employed under the banner of restorative practices in Northern Ireland. Most impressive is the manner in which many of the groups have invested in the development of multiple approaches that enable them to tailor their services to the needs of the participants. At the centre of this are the many examples of innovation and adaptability used by each project as they display the imagination and confidence to take conventional forms of restorative practice and produce bespoke versions that can achieve the objectives they have set for themselves. Flaxfield stated that "we have really tried to tweak our model to make it relevant to residential staff" and Probation Board claimed that "the most important thing for us is that there is a range of different restorative options for victims and offenders."<sup>41</sup>

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<sup>39</sup> Interview with research team 01 July 2010.

<sup>40</sup> Interview with research team 01 July 2010.

<sup>41</sup> Interview with research team 01 July 2010.

## 6. Stakeholders

In this section, attention turns to the key actors and stakeholders in the restorative processes. The discussion begins by exploring the role of the victim and describes the differing conceptions of victim involvement displayed across the groups. Next, we describe the role of the person who is being made accountable with particular reference to the terminologies employed by the different organisations. Finally, the debate closes by explaining the nature of the term community and its role in restorative practices in Northern Ireland.

### The Victim

By this stage of the report the reader will have noted the wide variety of victim-centred restorative practices currently taking place within Northern Ireland. The range of victim participations within these schemes varies significantly. Complicating the issue further, some contributors such as the community-based restorative justice projects find that many cases will not have a clear victim or offender. And in school or care settings it will be particularly difficult for the victim not to have contact with the offender.

For Jim Auld, Director of CRJI, the issue of the victim is a difficult one to pin down no matter how serious or minor the offence:

...we have found when people talk about the victim and the offender, there is a conception of the poor victim, this conception of the grey haired old lady who has been beaten up, and there are many occasions where this happens a lot. However, the conception that this old lady is helpless and just wants an apology is just not true as this old lady could have a hammer up her coat and just wants to batter the offender.<sup>42</sup>

Equally, through exploration it may appear that the offender was only responding to prior victimisation. Integrated College Dungannon made this point clearly

...so you started to see that this whole, were there was the bullied, perpetrator, victim and offender. It became more grey. It wasn't so black and white. There was two sides to everything. ... 'Yes, I did hit you but it was because you have been slagging my mother off for a month and I can't take it anymore'.<sup>43</sup>

Where a clear victim can be identified a core issue is whether or not to involve them in the restorative process. Some schemes, such as the Prison Fellowship's Sycamore Tree project, use only surrogate victims while other projects use indirect forms of mediation

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<sup>42</sup> Interview with research team 01 July 2010.

<sup>43</sup> Interview with research team 25 June 2010.

ensuring that the victim and offender do not meet. Many organisations offer the victim the choice to be involved in direct mediation with the offender. The Youth Conference Service allows the victim to send a representative to the conference should they not wish to personally attend, a role that Victim Support NI are happy to fulfil. At the heart of these approaches is a recognition that the involvement of the victim is an important factor in achieving a successful intervention, as Alice Chapman of the Youth Conference Service explains:

With no direct victim it makes less of an impact on the offender. We would use indirect victims and that's still powerful, but not as powerful as the direct victim. We've learnt that whenever offenders go through it they have an 'aha' moment, but post-conference we need to keep that aha moment going to make them stick to the obligations they made to the victim.<sup>44</sup>

That said, Chapman continued to note that the type of participant and offence are important factors:

We've learnt that it's very, very hard for some categories of young people to meet their victim. Youth's committing assaults on each other, young men, very hard to come together. So we've learnt some offences it's easier to bring people together than others, some of them you wouldn't really want to invest the same amount of time in as you would for others.<sup>45</sup>

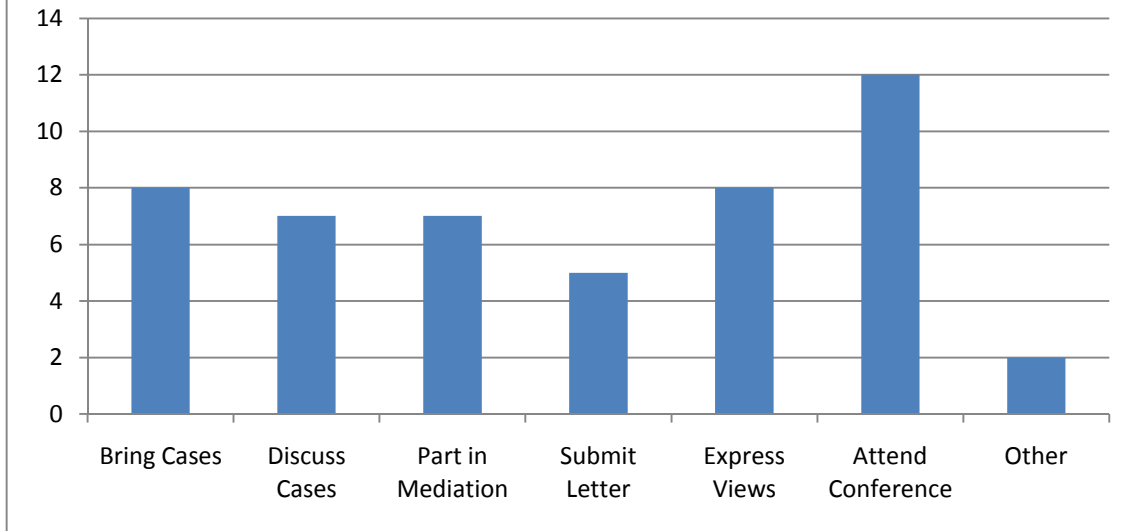
These difficulties aside, the mapping research highlighted a range of impacts that the contributing groups have for the experiences of victims. Figure 4 illustrates the diverse range of victim participation that is encouraged by the different groups. Of the 15 projects that contributed on this point, a strong majority of 12 at least offered victims the opportunity to be involved. We will explore the extent of this participation below. Figure 5 illustrates the extent of victim involvement across the groups. Only one of the 18 groups, the Family Group Conference Forum (NI) reported no victim involvement as it is a network organisation and does not provide direct service delivery. Moreover, just one group, the Probation Board, reported that victims were generally always involved in their restorative interventions. The vast majority of the groups (13) reported that their restorative practices involve victim participation when at all possible.

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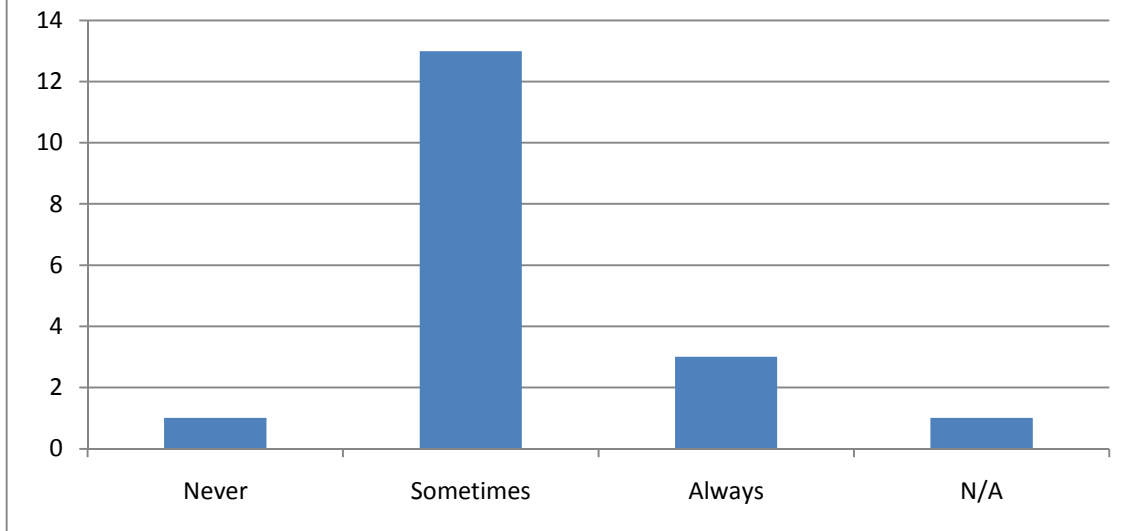
<sup>44</sup> Interview with research team 30 June 2010.

<sup>45</sup> Interview with research team 30 June 2010.

**Figure 4: Form of Victim Participation**



**Figure 5: Extent of Victim Involvement**



*Impact of Restorative Practices on Victims*

The organisations interviewed illustrated a wide range of impacts that restorative practices can have upon victims. These were in the vast majority, positive impacts, however, any negative impacts were often described as a ‘lesson’ that the organisation had been able to learn from.

One of the most basic advantages of restorative practices was that victims felt more included in the process than they might expect within the traditional criminal justice system. The PSNI reported verbally that a reduction in the fear of crime was a happy outcome of victim involvement.<sup>46</sup> A meeting or hearing with the offender could provide the reasons for a particular crime and challenge some of the most distressing fears held by the victim. In a similar vein, Victim Support NI described how victim involvement enables the victim to receive answers to the many questions that follow an offence, helping with the trauma suffered as a result of the incident.

Glenmona Resource Centre reported the value of enabling a victim to express their version of events. The Centre explained how victims could become empowered by the restorative process as it shows their experiences are important. The model employed by the Youth Conference Service has a satisfaction rate among victims of 79% (Northern Ireland Office, 2005). This in turn shows the value that victims place in having an input into the outcome for the offender. Barnardos offer a similar process of victim-input into the outcome of cases and report most staff who were victims of an incident in a residential setting turned the reparation into something even more positive by having the young person “do something for themselves” rather than for the staff member.

Finally, a successful restorative intervention is not necessarily dependent on the victim meeting the wrongdoer. In Section 5 we described the use of indirect or shuttle mediation in cases where the victim and/or offender do not want to meet so the mediator/facilitator shuttles between the two parties until agreement can be reached. This can have specific benefits for victims by protecting vulnerable participants and adhering to the key restorative justices principles of doing no harm, providing a safe secure environment and promoting victim choice (Marshall, 1999).

### *Issues*

The most commonly expressed concern or issue that was raised in relation to the victim involved the risk of re-victimisation. This concern was specifically aired by six of the participating organisations with very different focuses (Victim Support NI, Prison Fellowship NI, Probation Board, the Prison Service, Flaxfield and Extern). This is a key issue in the restorative justice literature, especially when discussing the implications for victims of using restorative justice in serious or sensitive cases where critics have claimed that it can reproduce and reinforce the power imbalances entrenched in abusive relationships as well leading to possible re-victimisation (McAlinden, 2005). Unsurprisingly the most vocal organisation in our sample was Victim Support NI when voicing some traditional concerns with restorative practice when describing prison based victim/offender meetings:

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<sup>46</sup> For a full breakdown of PSNI’s services for victims see [http://www.psni.police.uk/policy\\_directive\\_0506.pdf](http://www.psni.police.uk/policy_directive_0506.pdf)

I know for example from talking to people in prisons that they would speak to the offender, speak to the witness, kind of work out what questions each has for each other in advance. Because their view would be if there is a meeting, there can be no surprises, this cannot be something that blows up and creates more harm so they would already have rehearsed the entire situation with both parties and then if there still is a meeting that they're very clear as to what's going to happen in that meeting and protecting the victim from re-victimisation... That also having been one of the fears historically within the organisation, that it (restorative practices) will do no good and it could actually do more harm.<sup>47</sup>

Furthermore, Flaxfield Children's Home described the importance of planning and preparation:

...the priority is that preparation is done throughout prior to the conference. Ensuring the victim and the wrongdoer should not be shocked and things should not be allowed to go pear-shaped.<sup>48</sup>

Flaxfield described how the risk of re-victimisation could be combated by ensuring that the victim is fully informed of the process and that expectations are made clear prior to engaging in any restorative practices to ensure that nothing unexpected would occur.

A further concern expressed by Victim Support NI, CRJI and NI Alternatives centred on the unrealistic expectations that victims can hold. A lack of understanding of the restorative process prior to its initiation can lead to some frustration among victims (Marshall, 1999). CRJI and NI Alternatives reported that a major difficulty they have is that victims of a crime or dispute believe they are there to 'sort out' a problem. According to Jim Auld:

The difficulty with the past was people went to the IRA and told them I have a problem and now it is yours, and the IRA took that problem on and dealt with it, whether that be by shooting them beating them or putting them out, and I had to be very clear that we were not taking responsibility for other peoples problems and they had to take these problems on and deal with them their selves. So there was a lot of people who came and tried to dump these problems on and when we said you are going to have to sit down with these people face to face it was: "no way, you are going to have to fix it."<sup>49</sup>

And Debbie Watters of NI Alternatives:

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<sup>47</sup> Interview with research team 01 July 2010.

<sup>48</sup> Interview with research team 01 July 2010.

<sup>49</sup> Interview with research team 01 July 2010.

People expect us to be all things to them. Our role in the community is not well defined. When they see us come in after an offence they expect that we will be able to do everything for them that they need. That's an issue for us in terms of the niche and role we have to carve out for ourselves in the community.<sup>50</sup>

The YJPU also noted that past experiences have taught them that having too many victims at a meeting can change the balance of power to an extent that positive work with both the victims and offenders is no longer being accomplished:

In the early days there was a case where an offender had slashed a number of cars and we tried to get all of the victims together but it ended up being a lynch mob.<sup>51</sup>

In response to this realisation policies have now been adopted by the Unit to ensure they are sensitive to the way cases are handled, with regards to treatment of offenders as well as the concerns and interests of victims.

#### *Towards Best Practice*

The results of our study would indicate that these groups believe that public knowledge of restorative practices is increasing, and resultantly important issues such as unrealistic expectations in relation to victim services has decreased. However, there is a common conception that further publicising of restorative practises should aid this trend. A steep learning curve has allowed crucial issues such as fear of re-victimisation to be controlled through the meticulous planning of any meetings, removing the element of surprise, and allowing the victim to be prepared for the event. Careful planning has also allowed the structure of restorative practices to achieve a balanced model in terms of victim-offender participation to ensure the best results follow. Dedication to the thorough education and training of facilitators with constant support has emphasised that this practice is very worthwhile in the results it produces and the sensitivity generated to the needs of all victims. All of the organisations discussed the importance of training in some manner, with the Youth Conference Service stressing the point the most:

What we were told by New Zealand, and we would confirm it, is that there're two prerequisites to successful restorative justice outcomes. And they're simple and complicated. One is preparation, preparation, preparation and the other is training, training, training. If you don't have a trained facilitator to do it, it won't work, because they'll cut corners and if you don't invest sufficient time in preparing them in it, whatever the 'it' is, it won't work. So we invested highly in that and continue

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<sup>50</sup> Interview with research team 01 July 2010.

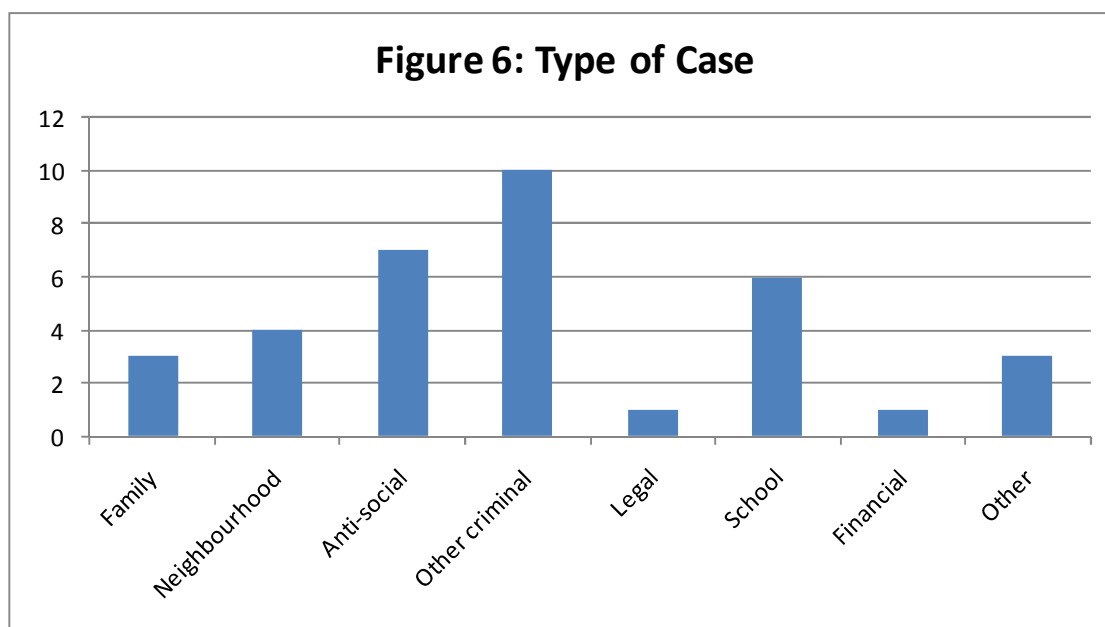
<sup>51</sup> Interview with research team 30 June 2010.

to do so. We also invested in having a practice manual so our staff can study the stuff they're going to be trained in, so we have a consistency to what they do.<sup>52</sup>

This theme of preparation and training continues into the next section which deals with the actor who is most commonly described as the 'offender'.

### Offenders

Figure 6 illustrates the diverse range of offences and disputes that can result in the use of restorative practices across our sample of groups. The reader will notice that the graph is dominated by those bars that signify criminal offences, although there are also a range of issues that are likely to be resolved outside of the criminal justice system.



This variation in offence or example of wrongdoing is best illustrated in this mapping exercise by differences in the approach to categorising and servicing those who are being held responsible for a crime, dispute or incident. For example Dungannon and Lagan Colleges prefer not to use the term 'offender' or 'offence', describing instead how a student can be made responsible for their 'wrongdoing'. The participating children's home also describe young people in dispute as 'wrongdoers' with non-criminalising language being a key strategy in preventing police call-outs and fostering a restorative atmosphere in the residence. Those organisations that regularly deal with criminal offences are far less particular with using the term 'offender' as often their work is occurring prior to or after a criminal conviction. Finally organisations that hold the middle ground between private and public interventions such as CRJI and NI Alternatives

<sup>52</sup> Interview with research team 30 June 2010.

tend to use the term more when they are describing the conventional restorative justice literature.

CRJI, the Probation Board and Integrated Dungannon College emphasise that the line between victims and those described as offenders can often be blurred. They cite many recorded incidents where an individual can be both an offender and victim within a given situation, as described above in relation to victims.

A further factor discussed extensively by the contributing projects concerned the seriousness of the offence. Integrated College Dungannon reported that the range of disputes they experienced varied in level of seriousness from low-level behaviour which can be dealt with by the student restorative team, to more serious incidents where police intervention can be avoided by the use of conferences involving staff, students and parents/guardians. This spectrum of offences dealt with through restorative practices is also a familiar concept within the residential children homes. However, the pattern of police involvement has changed dramatically, as Mary Hughes of Cuan Court Children's Home explains:

The amount of police involvement has really minimised and it would be just for procedural things like young people going out unauthorised or whatever. But at one stage, maybe 4 or 5 years ago before I actually went to work in Appletree, I can remember being a field social worker and having young people placed in Appletree and it just seemed to me that the police were there every day for some minor incident.<sup>53</sup>

The Prison Fellowship Sycamore Tree Project works with offenders who have committed crimes ranging from low-level offences to serious offences such as murder. It does not currently work with prisoners who have committed sexual offences, as they report there are too many issues such as re-victimisation surrounding that. Other groups such as the PSNI deal with a wide range of offences ranging from school conflict to criminal acts.

There are also quite striking differences in the type of offences that the groups can pursue. The statutory agencies such as the Youth Conference Service and the Probation Board as well as the community-based projects must adhere to legislation which places certain limits on their range of practice, whereas the participating schools and children's homes have much more discretion in deciding whether to involve the police in minor criminal matters due to their being contained within a residential or institutional setting.

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<sup>53</sup> Interview with research team 05 July 2010.

### *Impact of Restorative Practices on Offenders*

The organisations report a variety of impacts upon offenders. In the residential setting some practitioners report the difficulties young people initially had in adjusting to the processes as it removed them from their comfort zone. For example, Clarke Davidson at Glenmona Resource Centre described the manner in which young people would ask for the police to be called rather than face up to their actions:

Some kids found it hard to adapt to restorative practice. It was common for them to shout “phone the police, phone the police!” as they were out of their comfort zone, but now they are a lot more comfortable.<sup>54</sup>

Flaxfield Children’s Home described the manner in which restorative practices had improved the emotional literacy of young people, giving them important skills for life. All the children’s homes highlighted the benefits that the structure of restorative practices can bring such as enabling the young person to feel accepted, cared for and feel an important part of the community of the residential home, which in turn can aid in reducing further disruptive behaviour.

While the Youth Justice Agency received feedback that suggested that young offenders could find it difficult, embarrassing and shameful to meet victims, they also found it constructive, and that over 90% of offenders would recommend the process to another friend. The PSNI stressed that the process could be an opportunity for offenders to return to the community they may have caused harm in. Stephen Lilley explained:

From a policing point of view then what we’re saying is the offender is more likely not to reoffend in the future when they have been involved in the full blown process. So it’s a win-win for everybody as far as I can see. And again for the community... some of these young people have been excluded from those communities and it’s an opportunity for them to get back into that community through the restorative process.<sup>55</sup>

The research also demonstrated that the impact of restorative justice interventions can initially be challenging for the offender, however, as the Probation Board explain, in completing the process offenders can feel proud of themselves for having participated in something worthwhile and meaningful. Another positive factor is that the effects of restorative justice for the offender do not end when the process is concluded. NIACRO stresses that the benefits can be ongoing, and it has helped ex-offenders who wish to become community activists. In a similar vein, the Sycamore Tree Project can offer

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<sup>54</sup> Interview with research team 29 June 2010.

<sup>55</sup> Interview with research team 30 June 2010.

offenders the opportunity to obtain a qualification accredited by the Open College Network Level 1 and Level 2.

### *Issues*

Many of the issues associated with offenders are resolved during the completion of an intervention through the skill and innovation of the practitioners. However, at least half of the respondents emphasise that although processes are in principle deemed to be voluntary, this is not always the reality. The restorative justice approach is often presented, deliberately or accidentally, as the most favourable or attractive approach for an offender to take when being held accountable for their actions. Organisations such as the Youth Conference Service, Lagan College and Integrated College Dungannon readily admit a degree of coercion in proceedings, albeit, only because their subjects are aware that the restorative approach is a more attractive prospect than the traditional punitive sanctions that are often used where restorative practices are deemed unsuccessful. For example, Sharon Verwoerd of Lagan College described to what extent the process was voluntary in a case of violence in the school:

I think they were willing enough. It was voluntary in the sense that if they had asked, we would have let them leave. Particularly the victim, we gave him that choice obviously. But the rest of them didn't have a choice. The two who were actually part of the violence had been suspended so they weren't actually there so it was just everybody else.... The year head was very clear that everybody have this conversation.<sup>56</sup>

Removing the voluntary nature of a restorative intervention can create difficulties. Jim Auld of CRJI argues:

When the offender goes through a restorative justice conference they learn to nod and shake their heads at the right time they know they can then get on with their lives doing the same thing they were doing before.<sup>57</sup>

If subsequently, an offender has become familiar with the process, there is a risk that the apology given to the victim will lack sincerity, a damaging prospect according to Jim Auld:

...that is the danger because there is no sincerity in it. There is no emotional involvement at all. All it is, is a get me through this stage, and that is the danger of it because restorative justice is all about exposing people to emotions!<sup>58</sup>

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<sup>56</sup> Interview with research team 25 June 2010.

<sup>57</sup> Interview with research team 01 July 2010.

<sup>58</sup> Interview with research team 01 July 2010.

While numerous points were made throughout about ways in which restorative justice could be made to operate better in certain contexts, this was perhaps the greatest concern expressed. The Probation Board made this point explicitly, emphasising that offenders working with them have already been convicted and sentenced and so their engagement in a restorative process is voluntary:

I think you can learn everything as a process, so restorative work can become a process in the negative way of describing it. So we have had a few offenders who have very quickly said I want to apologise and they've maybe been convicted of a very serious offence. One was an attempted murder and he wanted to apologise but when we looked at the rest of his behaviour he wasn't cooperating with people; he was being dishonest, he wasn't at the place where he could genuinely engage. Some people think that it's easy to say they're sorry. They don't think that the rest of their lifestyle has to change to show that they're sorry and I think that's a challenge within restorative... and I think everything, like probation, like going to court, you know people think that going to court would be really frightening but if you're going all the time it's a process and it doesn't matter. I think we have to be careful that we don't make any of the restorative work become a process that is just something that you go through but that you really take on...<sup>59</sup>

### *Best Practice*

Throughout the research we heard repeatedly that a key requirement for the wrongdoer was that the restorative process arrive at a successful outcome. However, as an intervention can be very challenging initially for offenders, a lot of training, preparation, skill and motivation is required to encourage those involved to complete the process and experience the benefits that restorative practices can bring.

A key attribute reported by half of the participating groups is the ability to reintegrate offenders back into their communities. As we describe in greater detail below, reinstating a sense of belonging to a community or a group can have great benefits for an offender. For example, the contributing children's homes have emphasised that when offenders feel that they are a part of the community within the home, they are less likely to undertake harmful acts against their community and the environment that they live in.

### **Community**

The third and final stakeholder in the provision of restorative practices is the community. The definitions of community identified in the mapping research match the restorative justice literature in their diversity of approaches to the definition, identification and servicing of the community (Crawford, 1999).

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<sup>59</sup> Interview with research team 02 July 2010.

Most participants describe their community from a contextual view of the environment in which a group operates. For example, residential children's homes such as Flaxfield, Cuan Court and Glenmona report that the 'community' encompasses the home itself, the staff and young people. Within our school sample, we found that the community is defined as being made up of the staff, pupils, parents/guardians and governors. The inclusion of parents indicates that their community stretches beyond the classroom or school walls. In other groups, such as CRJI and NI Alternatives, the community incorporates all the residents of the geographical area surrounding the project offices, however emphasis is placed on the lifelong connections and relationships that have been forged within the unique political environment they share with community members.

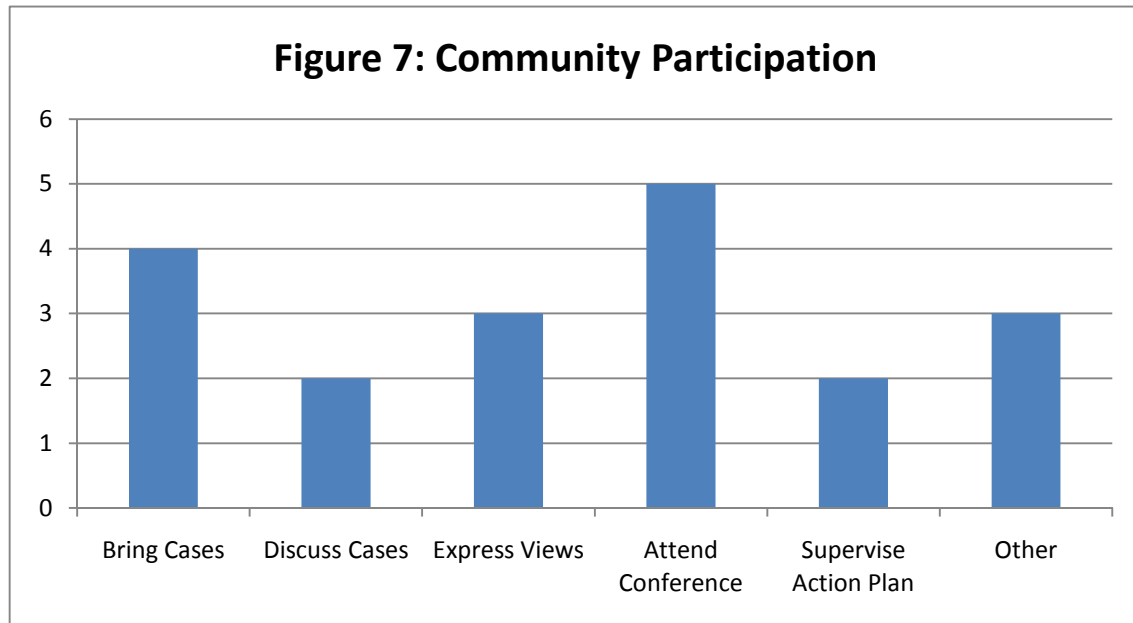
Those groups drawn from the statutory sector, such as the Youth Conference Service and the Probation Board, describe community in a slightly different way. Rather than discussing the context in which their organisations work, they simply describe 'community' in relation to the people and places from which the participants in the restorative processes are drawn and for whom they provide a service. By recognising and exploring this distinction, statutory groups have taken new approaches to building partnerships with groups that share the same community context as those who access their services. Christine Hunter of the Probation Board described this approach:

One of the aspects of our restorative justice policy was that we would look at a range of ways that we would try and integrate restorative principles into our work and that we would also look at a range of different ways that we could work closer with the community and that's what we've been able to do through funding partnership with Alternatives and CRJI in the past three years. And that certainly has brought another dimension... any situation where there's been harm caused, even if there isn't an identifiable victim like driving or possession of drugs or disorderly behaviour or graffiti, the community is harmed. So you know, you want to try and involve the community.<sup>60</sup>

This hints more at community being a less confined entity and more similar to Northern Irish society as a whole. Anyone from anywhere in the jurisdiction could potentially be involved in their work, and certainly affected by it. Most other groupings had a much more defined and confined 'community'. Figure 7 illustrates the range of ways in which the participating groups can involve the community. All of those groups that actually use restorative practices claim they involve community members in some manner or other.

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<sup>60</sup> Interview with research team 02 July 2010.



*Effects of Restorative Practices on the Community*

Contributors such as the PSNI reported repeatedly that one of the greatest benefits of restorative practices is that it can allow offenders to reintegrate into the community. On this point, the Family Group Conference Forum (NI) reported that more young people are remaining within their community rather than going into the care system:

In the health/social care sector social workers refer young people to the Family Group Conference Forum. Each has an evaluation report and if you look at the reports you'll see that it has significantly decreased the number of young people coming into care, so more children and young people are remaining within their own communities and there are cost benefits to that but more importantly are the benefits to the family and child.<sup>61</sup>

As we have discussed above, some community-based projects place the community at the heart of everything they do and take pride in the fact that their practitioners are drawn from the local community. Other organisations such as the Youth Conference Service include the local community by encouraging community representatives to attend conferences where the victim and offender agree. It reports that there has been an increase in the acceptance of this offer in more recent times. To improve community participation awareness workshops for communities were held so that individuals could be informed about the process.

<sup>61</sup> Interview with research team 01 July 2010.

Within the school setting, Integrated College Dungannon notes that restorative practices influenced the whole of the school community as special training sessions were organised for teachers, pupils, parents/guardians and governors. Dungannon have also brought the community in positive ways which were not focused on wrongdoing, to celebrate their restorative work:

We had a restorative justice celebration and we had the Mayor etc. and we planted an oak tree in the front turning circle with a plaque saying 'ICD Restoring Conflict Together' because our school motto is learning together. So it's just togetherness. It's not about them and us, crime and punishment.<sup>62</sup>

Lagan College report that the use of restorative practices has also affected the larger United Kingdom school community, as more schools begin employing the techniques. This spreading of restorative justice practices throughout a group or community is also highlighted within the residential setting where after a successful trial Barnardos described how restorative practices are now operating in 11 care homes<sup>63</sup> across the Eastern Board.

In addition to this, some of the most tangible effects of restorative practices upon the community have been through the provision of reparations. The community-based projects, schools and children's homes all use informal reparations that encourage participants to go out into their community and try to restore the harm caused. The Youth Conference Service currently has taken this further by building 130 or 140 voluntary contracts with community groups for reparations within a neighbourhood context. Young people are fulfilling orders that include voluntary work in charity shops and neighbourhood clean-ups bringing positive benefits to their local communities. The Probation Board have community service placements in 250 community and voluntary organisations.

Related to this, NI Alternatives spoke of having between 100 to 150 volunteers at any one time:

We train ordinary people in restorative practices. We're giving ordinary people ownership over the process of justice. We're saying justice should belong to the people. It's not about professionalising restorative justice.<sup>64</sup>

This research was unable to explore the greater impact of this volunteering but it is feasible that in addition to this direct impact for the operation of restorative justice and

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<sup>62</sup> Interview with research team 25 June 2010.

<sup>63</sup> See the methodology part of Section 1 for an explanation of why just three homes participated in our research.

<sup>64</sup> Interview with research team 01 July 2010.

the community's concept of justice, this may contribute to community cohesiveness at a broader level.

### *Issues*

The issue of community is always pertinent in Northern Ireland as communities are often heavily politicised. Therefore, it is unsurprising that community discourses often dominate the provision of restorative justice. NI Alternatives and CRJI state that their organisations could not function without the support of the community. Therefore, the policy of encouraging community-members to go to the police can be problematic when there are still real divisions between communities and the police (McEvoy & Eriksson, 2008). CRJI told how:

At one level here there has been a total breakdown in civic society. There is certainly a breakdown in trust with the criminal justice system, not only a breakdown in peoples trust in them, but the criminal justice system and the police are totally ineffective in dealing with the issues that affect most people on a day to day basis. That's my experience. On a surface level everything works fine but if you scratch the surface, the levels of frustration, the levels of anger, the levels of distress in peoples' lives, because of their past experiences, has led to a very volatile, very violent underbelly here that is liable to erupt at the most trivial incident, and it is nearly uncontrolled.<sup>65</sup>

The perception of restorative justice organisations within their communities can also be affected at times by factors associated with the conflict. CRJI describe how the influence of former combatants and a perception that their organisation has ties with paramilitary organisations can lead to difficulties:

The history of CRJI is going into 'the' history, and it is receding, up until the last couple of years it has been the mantle of CRJI as a front for the IRA.<sup>66</sup>

A key vehicle in dispelling these perceptions from both the perspective of the community-based groups and the police and statutory agencies is the development of partnerships that can improve and direct the flow of communication and cooperation. The partnerships have been driven initially by the important issue of funding. The community-based projects have, in the past, been able to operate in parallel to the criminal justice system as they sourced their funding from a number of external sources including the North American organisation 'Atlantic Philanthropies' (Gormally, 2006). When this funding ceased the community-based projects had little option but to apply for public funding with a series of conditions including going through a process of inspection

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<sup>65</sup> Interview with research team 01 July 2010.

<sup>66</sup> Interview with research team 01 July 2010.

and adherence to a protocol that required them to refer all cases of a criminal nature to the police (Northern Ireland Office, 2007).

Successful inspections by the Criminal Justice Inspectorate have been very useful in dispelling any remaining misperceptions of the nature and work of these organisations in the eyes of broader society. Moreover, the partnerships between the PSNI and the community-based restorative justice groups are reported to be providing real assistance, especially, in dealing with the types of low level crime and anti-social behaviour that can blight communities. As Chief Inspector Darren Rice of the PSNI notes:

I've absolutely no doubt of its [community based restorative justice's] potential benefit in relation to low level neighbourhood disputes, minor issues that do not need to come to the attention of police which are very time consuming for us to get our teeth into and we're not best placed to deal with that... We'd be aware of the successes in relation to allowing us to deal with key policing areas of business as opposed to some of the low level stuff which has major significance to the communities but they're better placed to deal with that.<sup>67</sup>

#### *Best Practice*

In summary, an important theme reported by the groups was their determination to continue to raise their profiles and inform respective communities of the value of restorative practices. The organisations interviewed for this research realise the value of community support, and it remains key in their thinking. For example, the Youth Conference Service is continually involved in community initiatives:

We try to encourage the community representatives to come to youth conferences and that's getting better than it was when we started. We will go to the community to explain what we do, we've a lot of awareness raising workshops, and we've some more to do. We tell the community we want to hear what they say about youth conferences.<sup>68</sup>

Continuing to implement these important outreach practices such as awareness-raising workshops and community meetings, as well as training local community members will aid this process.

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<sup>67</sup> Interview with research team 30 June 2010.

<sup>68</sup> Interview with research team 30 June 2010.

## 7. Getting it Right

All organisations were asked about problems which they encountered in the course of their work with restorative practices. It was encouraging to note that while all had encountered problems, none were insurmountable. Nothing actively prevented any organisation from implementing restorative practices in such a way that they felt it was having a positive impact. Even when things did not go as they would like, organisations still saw a benefit, reflected on what had happened, amending their approach or procedures and continued to implement their work. In this way, rather than talking about problems associated with restorative practice, we feel that there are lessons from Northern Ireland which can be learned by others to make the transition smoother, to help them to 'get it right'. Many of these are present in much of the literature on restorative justice, yet it remains important to document the experience in this context.

### Leadership and Dedication

Flaxfield quite directly made the point that leadership in this area was key to successful integration of restorative practices:

We believe very much that the model has to be management driven, that in actual fact a lot of models have to be from the bottom up, we believe that it has to be from the top down because in actual fact managers really have to believe in it for them to really drive this forward.<sup>69</sup>

The principle in Dungannon had attended a session given by an Australian expert and quickly became committed to the approach which undoubtedly assisted in its adoption so wholeheartedly in the school. The breakthrough in Lagan College came when the year heads, assistant year heads and a few members of the senior leadership team each went on a training day. In a different yet analogous way the former paramilitaries who initiated the community-based project could also provide the necessary levels of leadership to ensure the legitimacy of the approach. Across the range of projects, what is clear is that the approach must be driven by someone who has the capacity to implement it.

### Training

It was discussed previously how many bodies experienced difficulties in training people in the approach, that the training itself was on occasion disappointing. Lagan College described their experience:

...that workshop wasn't as helpful as we wanted it to be. We were quite disappointed by the facilitator. So it really didn't give them the confidence to try

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<sup>69</sup> Interview with research team 01 July 2010.

anything except those that were quite brave and probably with quite a lot of support from us.<sup>70</sup>

Through further efforts and additional training this was overcome but it took that additional effort and the leadership mentioned above. Along this line, the Family Group Conference Forum (NI) has developed accredited training programmes for new co-ordinators which has incorporated the need to ensure that training was tailored to the context in which co-ordinators would work e.g. voluntary or statutory sector or justice sector. This programme for experienced co-ordinators is able to validate and recognise those who have a wide and broad range of experience in the field of restorative practice.

In addition, the University of Ulster delivers a range of training at a variety of levels. This includes an undergraduate level certificate, a postgraduate certificate, a postgraduate diploma and a masters degree in restorative practices, which many of the groups involved in this work have availed of. All staff within NI Alternatives, CRJI, and the Youth Conference Service are trained by the University. Two groups of prison officers and governors have completed certificates in restorative practice. Over 80 members of the PSNI have received training. Staff at the University have also assisted the Youth Justice Agency in developing the Priority Young Offenders programme and the RESPECT programme for the Juvenile Justice Centre. That local universities have responded to the growing demands within the province indicates the joined up approach to restorative justice. Skills for Justice has developed a vocational qualification in Restorative Practice, based on a suite of ten national occupational standards. This vocational qualification is a work based assessment programme and does not require any formal classroom training.

Another key point is that when training is being conducted it is important to recognise and acknowledge when work already being conducted by the organisation is restorative in nature. NIACRO, the Prison Service and Flaxfield all expressed the view that they were previously doing work that fell within this approach or philosophy. While it would be necessary to critically evaluate this work to ensure this was the case, if it is restorative in nature then this may make it easier for staff to get involved.

### **Involvement**

A problem across many organisations was the difficulty of getting people to buy into the process and to get involved in the approach. Scepticism was commonplace. This occurred in respect of all stakeholders: facilitators, offenders, victims and community members.

Glenamona cited difficulties for staff to accept that they should not call the police when an incident occurred:

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<sup>70</sup> Interview with research team 25 June 2010.

Well we believe that there is no deterrent in being lifted by the police, however, some staff had trouble accepting this. They believed the police should always be called but had their perspectives changed through negotiation and by the apparent success of the restorative approach.<sup>71</sup>

The PSNI similarly cited time-constraints in getting officers involved: “sometimes it’s difficult for officers to get the time to do it in its fullest and purest form.”<sup>72</sup> This was in many ways similar to the problems experienced by Lagan College, where the perception that time would have to be found in the day to fit this in, made some resistant to the philosophy:

...mostly people are afraid of how much time it takes... During a busy school day... they have a class on their heels so you don’t have too much time... If each class has about 30 students you can’t stop everything really and have a restorative conversation like you’d like to. So there’s not a lot of quiet space in a school.<sup>73</sup>

Cuan Court stated that “the most problematic thing would be is that the young people or the young person would actually refuse to engage. But that is something you just need to keep working on and working on.”<sup>74</sup> NI Alternatives questioned “how voluntary is voluntary.”<sup>75</sup> In their work the person is often with them to avoid a punishment beating and they have real concerns about whether they are voluntarily committed to the approach. However, they have found that quite quickly the person can “realise that this is not us trying to scapegoat them or trying to punish them but a process that will try and help make positive changes.” Where the offender is located within the prison, the Probation Board noted the need for facilitators to remember the duty of care which they owed to prisoners:

And we would want to make sure that the prisoner is in a safe place as well. Because if you’ve spent ten years denying what you did and just focusing in on just surviving prison and nobody’s ever talked to you really about what you did and then suddenly there’s this opportunity. You need to be very careful about your duty of care to the prisoner as well. So it’s to both victims and offenders.<sup>76</sup>

This theme of ‘voluntariness’ also arose in terms of victims. The YJPU mentioned the need to ensure that victims were involved on a voluntary basis rather than being forced to participate. Further complications arose with victims in terms of why they wanted to participate. That agency, CRJI, Glenmona and the Prison Service all mentioned the need

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<sup>71</sup> Interview with research team 29 June 2010.

<sup>72</sup> Interview with research team 30 June 2010.

<sup>73</sup> Interview with research team 25 June 2010.

<sup>74</sup> Interview with research team 05 July 2010.

<sup>75</sup> Interview with research team 01 July 2010.

<sup>76</sup> Interview with research team 02 July 2010.

to ensure that victims arrive wanting a restorative outcome rather than expecting the group to sort out the problem or call the police. NI Alternatives initially had problems in getting victims involved.

On the other hand the Youth Conference Service occasionally experienced difficulties in getting community organisations involved in the outcome side of things. Views had been expressed that they had concerns about working with offenders, though through discussion this could be addressed.

### **Preparation**

Many of the above concerns can be pre-empted through preparation in advance of any restorative work, particularly where it may involve interaction between offenders and victims. As was stated by the Youth Conference Service:

...there're two prerequisites to successful restorative justice outcomes. And they're simple and complicated. One is preparation, preparation, preparation and the other is training, training, training.<sup>77</sup>

Both YJPU and Victim Support emphasised the point that everyone needs to understand what is involved in the process and it must be ensured that everyone has reasonable expectations in terms of outcomes. Victim Support gave the following example in response to roles of Probation and the Prisoner Release Victim Information Scheme:

If a victim were to request that the offender on release should not be allowed to live in Northern Ireland, such a request will inevitably have to be ignored as it is not legally achievable. However, if the victim was to request that as they live in a particular town, they would prefer that the offender be excluded from living in the same town, there is a possibility that this may be achieved. Similarly, a request could be made that the offender refrain from alcohol or avoid the neighbourhood where the victim or their family live. By assisting the victim to understand the limits of the scheme and to be realistic about their expectations, the victim can actually feel that their concerns and suffering are taken into account and addressed. In short, Victim Support attempts to help victims understand what they are likely to be able to achieve and what they can't achieve in order to avoid disappointed expectations.<sup>78</sup>

### **Facilitation**

Even after the training and preparation stages of the process it is essential that where the restorative practice involves some more formalised meeting that this is facilitated by competent co-ordinators. The Family Group Conference Forum (NI) places substantial

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<sup>77</sup> Interview with research team 30 June 2010.

<sup>78</sup> Interview with research team 01 July 2010.

emphasis on the need for an independent co-ordinator and the hosting of the event in a safe venue:

It is really important that a family group conference is facilitated by an independent coordinator. They have to have no involvement with the family child or young person in any professional capacity prior to facilitating the conference and not to be involved in any professional decision making.

...finding a neutral venue, neutral in the politics of it and also in terms of somewhere the family won't bump into someone they know. A safe venue both in terms of politically and also domestic violence, child protection.<sup>79</sup>

In the family group conference process another key element in the facilitation of the meeting was the provision of private, family time once all the information sharing has happened to enable the family to develop their plan which is then presented back and agreed by those at the conference.

It is really the family and the community... that make decisions, such as who a child can be left with or to what time they are allowed out at in the company of X and Y. How are we, as a family, going to manage that.<sup>80</sup>

As the YJPU stated the people involved in facilitating the meeting must be skilled. Given the emotions which will be inherently involved, it is important that the facilitator can maintain control of this:

We've seen in the past that things have gone wrong in terms of victims being re-victimised.<sup>81</sup>

This danger of re-victimisation was also raised by Victim Support and by Flaxfield. Victim Support work hard to provide a victim with information in advance of the meeting to prevent further harm from being done. Indeed, it was for this reason that Prison Fellowship operates the surrogate victim system which again provides a good example of adaptation.

### **Reflection**

Some strong examples were encountered of how organisations took time to reflect on their practices. Flaxfield stated that they kept records of all restorative interactions. They use a tick the box record sheet which takes staff approximately thirty seconds to complete. These sheets are reviewed on a monthly basis by the home manager to assess how the work is proceeding. Presumably this could become unnecessary if an

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<sup>79</sup> Interview with research team 01 July 2010.

<sup>80</sup> Interview with research team 01 July 2010.

<sup>81</sup> Interview with research team 30 June 2010.

organisation developed into a ‘restorative community’ whereby all conversations were restorative, but in the earlier stages of implementation this could be very useful.

Others are keen to reflect after the fact on the operation of conferences. Dungannon is keen to encourage students participating in the restorative student teams to reflect on any conferences they facilitate, to examine how it went and what they learned from it. The Youth Conference Service conducts surveys with both victims and offenders twice a year to assess how the process is operating. They have also on a number of occasions commissioned work to be done by researchers in Queen’s University Belfast which has helped in evaluations of practices. The Probation Board conducts evaluations of everyone who has been involved in conferences, after a short period of two to three weeks:

...we don’t want people to feel that we’re influencing what they respond and they get time because I think some people, after a meeting or an exchange of information there can be an initial high and we want to understand how people really feel.<sup>82</sup>

Most report that the feedback has been very encouraging, which is of great use to any organisation in this area as such feedback can give confidence in the work that has been done, can provide evidence for funding lobbying or can encourage an organisation to expand their work. Indeed, the commissioning of this project by the Restorative Justice Forum reflects a desire to learn and expand ideas and practices.

### **Legislation and Protocols**

Legislation arose in different contexts and ways. NIACRO specifically stated that they would like to overhaul the existing rehabilitation of offenders legislation which was felt to inhibit their work:

I’m a child-protection trained social worker. I’ve no issue with protecting children, but the legislation has made it, I think, more difficult for people to get into work that they want to do, and that increases the risks of them re-offending.<sup>83</sup>

For some groups such as the PSNI and the Youth Conference Service the legislation defined their scope and ambit. Others more actively sought to challenge legislation. The community-based projects had been most actively involved in this process, as NI Alternatives pointed out:

But for two small community-based projects, ourselves and CRJI, we actually changed legislation. We were able to get community-based restorative justice

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<sup>82</sup> Interview with research team 02 July 2010.

<sup>83</sup> Interview with research team 30 June 2010.

programmes on the legislative books and put into statutes which is absolutely amazing and that rarely happens in any country.<sup>84</sup>

The YJPU noted positively that increased human rights protections which had been introduced in Northern Ireland since the peace process has provided a 'fertile ground' for restorative work.

However, the PSNI recognised that the application through legislation of a protocol for working with community-based groups had resulted in the failure of the groups to deliver cases successfully:

The numbers over the two years, you could count them on one hand, so that is one of the biggest concerns for ourselves and that is why we're looking at revising the protocol in relation to us becoming an element of the service provider.<sup>85</sup>

The issue of the protocols remains highly contested, with the PSNI and the two community-based groups each expressing differing views in relation to their operation.

### **Government Level Support**

Numerous organisations cited funding and resources as a real problem in their work. Dungannon College, Flaxfield home, Extern, among others all mentioned the difficulties which this created. A particularly poignant example of this came from Dungannon where their restorative practice facilitator commented on the provision of training to others in her spare time:

We have been training up the South West College, Dungannon next week and at the end of the summer, they want their full staff trained so that will be over my summer time... Obviously I have to do this is my personal day because it is just not possible to fit it into my work load, because there are so many people interested. So I'm expanding in that area and taking the good name of the school with me, and sharing processes. We have an awful lot of expertise to share... there is a awful lot of interest on this and more schools need to be on board. I can't do it alone.<sup>86</sup>

The spread of this philosophy which is having such positive implications within schools, for students and teachers alike, is dependent on staff giving of their free time, of which there will not be enough to facilitate the spread as fast as it could occur. Adding to this was the fact that these developments within the schools had occurred without any support, financial or otherwise, from the Board of Education. It was 'all off my own back'.

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<sup>84</sup> Interview with research team 01 July 2010.

<sup>85</sup> Interview with research team 30 June 2010.

<sup>86</sup> Interview with research team 25 June 2010.

That said, other groups expressed an inverted concern that if restorative practices were wholly adopted by government, this could be detrimental to its progression. The Probation Board said

It is important to consider what works best in a range of cases for example repeat offenders and those who commit serious offences. We don't want legislation that is one a size fits all approach. But it would be important to consider legislation for adult offender cases.

...you hear that government are sort of picking up that this is the way to go but you get the impression that they're thinking, this sounds good, it's cheap, short term, it could divert people from custody and from court and I'd be all for all of that if it works but I think that you just have to be cautious that it's not becoming the flavour of the month or inappropriately used.<sup>87</sup>

At the same time an exploration of relevant legislation for restorative work with adult offenders would be important. Similarly, NI Alternatives believe that,

We have done so well because of the fight, the political battle we had with politicians and the Northern Ireland Office has kept us edgy, real, gave us passion and fighting for justice. But now we don't have that fight we're in danger of becoming too mainstream and we risk losing our soul.<sup>88</sup>

So while funding is to be welcomed it is clear that organisations, particularly those located in the community, need to maintain ownership over the systems. This perhaps represents a great challenge for future years.

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<sup>87</sup> Interview with research team 02 July 2010.

<sup>88</sup> Interview with research team 01 July 2010.

## 8. Conclusion

The Restorative Justice Forum has the broad objectives of promoting restorative justice philosophy and practice in Northern Ireland by providing an independent, neutral space in which restorative justice thinking, practice and developments can be discussed, analysed and explored. This report has mapped and documented all the restorative justice work currently being done in Northern Ireland, which we were able to access. This mapping was contextualised within the Northern Irish context. It has described each participating group and explored the diverse range of practitioners operating in Northern Ireland, considering the beliefs and attitudes they hold towards restorative practices. It has identified the various restorative processes being used and has described the role of the key stakeholders in their deployment. Finally, this report has discussed how the projects are ‘getting it right’ and the problems and issues that they have faced along the way. In this conclusion the main findings from the mapping exercise are drawn out and some consideration is given to wider issues relating to restorative practices in Northern Ireland.

### Practitioners and Theory

The participating practitioners in this study presented many unique interpretations of what they believe to be the ethos and definition of restorative practices, with their interpretations indelibly linked to the unique context of their organisation, their communities and the political sphere within which they operate. It is apparent from the data that the beliefs and attitudes held by the practitioners have had a strong influence on the manner in which restorative practices have been constructed in Northern Ireland.

Each organisation allows for divergence of practice as well as varying methods depending on the circumstances of the offence, the needs of the victim, offender and the community, and the structure of the organisation and staff needs. Indeed, this adaptability is one of the most striking features of restorative practices in Northern Ireland and is informed by fundamental attitudes to this work. **We documented that every organisation’s aim is that best practice is reflected, that re-victimisation does not occur, and all parties (victim, offender and community) come away from the process as satisfied as possible with the outcome. Maintaining flexibility of practice is perceived as the best manner by which to achieve this aim.**

Within the Northern Irish context statutory and non-statutory organisations, while maintaining a focus on victims’ concerns and subscribing to a common definition of restorative justice, serve different sectors of the population. Naturally, the political context within Northern Ireland has affected practice as levels of trust between organisations (particularly community-based and statutory) have grown. While a few of the community-based models (CRJI and NIA specifically) are rooted within the political

context of the Good Friday Agreement 1998, they initially disregarded statutory involvement and partnership until statutory agencies were able to demonstrate a more genuine interest in the issues those communities were addressing in a way they felt was constructive. From a statutory standpoint, these organisations have gained legitimacy with statutory agencies by falling increasingly into line with protocols of practice and accreditation which were laid down by these agencies. As a result of these compromises tentative partnerships have arisen between community-based models and statutory agencies because of a growth in trust between the two groups. The focus for the community-based organisations, however, remains primarily on the participants of restorative justice and there is a sense that should statutory agencies lose sight of their community's needs they will likely favour restorative practice within their community over developing partnerships with statutory agencies. On the other hand, it was noted by the schools that a lack of commitment to the principles of restorative practice in education at a political level has hindered its development.

### **Restorative Practice**

**Perhaps one of the most striking findings of this report is the range of practices being used in such a wide range of situations.** From serious offenders in prison to school bullying and from threats of paramilitary violence to children in care, practitioners in Northern Ireland have found a way to apply restorative principles and values. And what they apply is varied and diverse. Drawing on experiences here and abroad as well as local and international research and expertise most practitioners have built a pool of potential responses from which they can draw dependent on the scenario they are faced with. We classified over a dozen responses, but in many ways these classifications are arbitrary. In reality, practitioners here have proven themselves skilled at adapting a known method to suit the nuances of their circumstances. This adaptability is what has helped many organisations to develop restorative practices in their organisations in their workplace to the point where they speak so glowingly and give of their time to train others. This can be hard when difficulties are encountered and all organisations we spoke to encountered some problems in introducing this philosophy in their workplace.

**This leads to the other striking feature of restorative practice in Northern Ireland: that it is seen by most as a philosophy which can underpin all work.** Numerous organisations spoke of their endeavour to make theirs a 'restorative community' and through steps like the use of restorative language or the 'to do with' approach restorative practices can be seen to penetrate all aspects of these organisations work. As Lagan College stated they prefer to speak of restorative practices than restorative justice, given how it applies far beyond justice situations.

### **The Role of Stakeholders**

Each of the participants of this report documented a wide variety of positive victim impacts, with high levels of participation of the victim, particularly when compared to the

traditional criminal justice system, which has often been accused of alienating the victim. The practitioners recognise the importance and the value of victim participation; it is viewed as cathartic, healing and, perhaps most significantly, empowering. Victim participation is not without its potential pitfalls; the practitioners discussed the danger of re-victimisation as well as the potential for a lack of understanding of the process as well as the purpose of restorative justice practises and their staff. It is also noteworthy that the actual level of victim participation varies widely from one scheme to the next.

It is clear from the participants of this report that restorative justice is being used within the province in a wide range of offences of varying levels of gravity. The findings suggest, that while the process can be emotionally and mentally trying the vast majority of participants felt it was a positive experience, with many demonstrating that the process can engender a sense of accomplishment, affirmation and self worth for the offender. The practitioners voiced concern over the genuine, voluntary nature of the offender participation in restorative practice. Duress has been seen either subtly, whereby the restorative process, due to its seemingly “easier” approach, becomes more favourable, or more obviously, whereby those under threat of violence opt for participation in a programme to avoid violence from paramilitary organisations. In either case this lack of voluntary participation detracts from the authenticity of the process.

**For many of the practitioners the greatest advantage to restorative practice is the reintegration of the offender back into their community.** In many instances the benefit for community and offender is very much a two way street with projects incorporating voluntary work for young offenders. Restorative processes can be useful in keeping families together as well as people within their own communities. **A lack of willingness on the part of many to participate, as well as over inflated expectations of remedy, continue to dog many of the practitioners and their projects.** Community-based projects are often perceived as being extensions of local paramilitary cells, often due to the work of ex-combatants within their organisations. Major efforts have been made by these organisations to dispel these misconceptions with varying degrees of success.

With all of the issues faced by restorative practitioners continued dedication to the training and education of staff, publicising of projects, informing participants before and throughout the process as well as a focus on eventual reintegration for offenders have assisted the organisations in ensuring that these potential pitfalls are overcome and best practice is achieved.

#### **Wider Issues relating to Restorative Practices in Northern Ireland**

It is important to mention the distance travelled by many of the groups in terms of helping the PSNI build relationships in communities worst affected by the conflict, the transition to a more peaceful state has been multi-faceted, and it is important to note that the role that restorative justice has had. The devolution of policing and justice to

Stormont under the new Minister of Justice, David Ford, has the potential to open a new and even more fruitful chapter in the progress of restorative practice. In an era of economic uncertainty and an increased level of paramilitary violence, the impact and influence of restorative practices and practitioners has an opportunity to flourish as a workable and successful model of justice and reconciliation. It has already shown great success in prisons and probation as well as among young offenders. And while the conflict may have encouraged and driven many to look for alternative forms of justice, it is clear from the diversity of practices and application that the success of restorative practice in Northern Ireland has neither been driven nor defined by the conflict. But most important is the need to see, as is being seen by so many practitioners, the potential of restorative techniques far beyond the bounds of criminal justice.

In the course of researching and collaborating on this report **the writers were struck by the diversity of groups engaging in restorative practice, the adaptability of these practices across contexts, as well as the evidence that there is still so much untapped potential for expansion of both the practices and the contexts in which they are employed.** There was also an opportunity for greater co-operation between practitioners on common issues, sharing of best practice and indeed the sharing of unsuccessful practice in order to benefit collectively from experience and diversification. By virtue of the number of different organisations engaged in restorative practice specialists have become developed in terms of dealing solely with the needs of the victim, or the offender and there is a fantastic wealth of knowledge to be shared not only across organisations here but indeed with other countries keen to emulate the success of restorative practice in Northern Ireland. Of course the role of funding has a huge part to play especially in terms of training, with more resources restorative practice could be used in more assorted scenarios.

### **Recommendations**

In no way does this report provide an evaluation of restorative practice in Northern Ireland; further research will be required if such assessments are to be made. For instance, we have highlighted the adaptability of restorative practitioners and how they believe that this enhances the satisfaction of participants in the process. For the benefit of current practitioners at least, this can and should be evaluated. Research has already been conducted on the Youth Conference Service and the community-based projects. As this document establishes clearly, restorative practices are being adopted in far wider arenas and the effectiveness of this work should be researched. However, even the mapping presented herein should provide assistance to those within this jurisdiction and further afield in terms of how restorative practice can become imbedded in a wide variety of sectors and organisations.

What we can say is that within the last 15 years restorative practice has spread far in Northern Ireland and an immense dedication to the concept has become imbedded in

those who work in line with its philosophy. Significant scope exists for the practice to expand, both within those organisations already utilising the approach and elsewhere. This should be supported, financially and philosophically within organisations and at government level.

# Appendix 1 – The Questionnaire

## Section One: Background to your Organisation

1.) Name of the organisation:

2.) Contact details:

3.) History and development of your organisation:

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4.) When were you set up?

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5.) Why were you set up?

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6.) Why was restorative justice adopted within your organisation?

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7.) To what extent does restorative justice form part of your organisation?

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8.) How many people do you employ (please specify if paid or voluntary)?

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9.) What restorative justice training do they have? Do you provide additional training?

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10.) What are the backgrounds of those working in your organisation? (please tick all that apply)

Social work

Probation

Housing Support

Community Work

Education

Politics

Criminal Justice

Professional

Restorative Justice

Other (please specify below)

11.) If "other" please specify

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12.) How is your organisation funded? (Please differentiate between government or non-government sources)

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13.) Do you work under an umbrella organisation? If so what is it called?

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14.) What section of the community is your organisation predominantly involved with? (please tick all that apply)

Protestant     Catholic     Other

### Section Two: Describing the Restorative Justice Process

29.) Does your organisation work in partnership with the criminal justice system?

Yes (If yes see below)                       No

30.) Please provide details as above:

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31.) Please describe what type(s) of restorative justice process(es) you use:

- |  |   |
|--|---|
| <input type="checkbox"/> Family group conferencing | <input type="checkbox"/> Mediation                    |
| <input type="checkbox"/> Circles                   | <input type="checkbox"/> Restitution                  |
| <input type="checkbox"/> Arbitration               | <input type="checkbox"/> Community service            |
| <input type="checkbox"/> Restorative conferences   | <input type="checkbox"/> Other (please specify below) |

32.) If "other" please specify:

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33.) What is your referral process?

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34.) What is your average complainant age?

under 10     10-13     14-17

18-24     25-34     35+

35.) What is the average age of the person which complaints refer to?

under 10                       10-13                       14-17

18-24                       25-34                       35+

36.) How many clients do you process per year on average?

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37.) Which type of offence do you most commonly deal with? (please tick as appropriate)

Criminal     Non-criminal     Both

38.) What are the more common types of cases you normally deal with? (please tick as appropriate)

Family disputes                       Neighbourhood / community disputes

Anti-social behaviour                       Other criminal offences

Legal disputes                       School conflict

Financial disputes                       Other (if other please specify below)

39.) If "other" please specify:

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40.) Please describe how clients are normally referred or directed to your organisation?

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41.) How do you contact clients? (e.g. telephone, letter, home-visit?)

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42.) What actions does your organisation employ as part of a restorative justice intervention?  
(please tick as appropriate)

- Interview complainants                       Appoint staff members or volunteers
- Construct an action plan                       Contact those connected to the dispute
- Interview those connected to the dispute
- Appoint stake-holders                       Administer the restorative justice process
- Agree for appropriate reparation to the victim
- Other (please specify below)

43.) If "other" please specify:

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44.) How willing are members of other organisations to access your services and operate in partnership? (please specify the nature of the organisations.)

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### Section Three: Perceived Outcomes of the Restorative Justice

45.) At what point do you deem a case ready for closure?

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46.) What factors do you consider when classifying a case as "successful"?

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47.) To what extent do victims participate in the restorative justice process?

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48.) In what way do victims participate? (tick all that apply)

- |   |  |
|---|--|
| <input type="checkbox"/> Bring case to you            | <input type="checkbox"/> Discuss case with case-worker |
| <input type="checkbox"/> Participate in mediation     | <input type="checkbox"/> Submit a letter               |
| <input type="checkbox"/> Express views on action plan | <input type="checkbox"/> Attend conference/meeting     |
| <input type="checkbox"/> Other (please specify below) |  |

49.) If other please specify

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50.) To what extent do members of the community participate in the restorative justice process?

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51.) In what way do members of the community participate? (tick all that apply)

- |   |  |
|---|--|
| <input type="checkbox"/> Bring case to you            | <input type="checkbox"/> Discuss case with case-worker |
| <input type="checkbox"/> Express views on action plan | <input type="checkbox"/> Attend conference/meeting     |
| <input type="checkbox"/> Supervise action to be taken | <input type="checkbox"/> Other (please specify below)  |

52.) If other please specify

---

#### Section Four: Issues and Problems

53.) Is your funding: (please tick as appropriate)

- |                                    |   |
|------------------------------------|---|
| <input type="checkbox"/> Annual    | <input type="checkbox"/> Three Year             |
| <input type="checkbox"/> Long Term | <input type="checkbox"/> Other (please specify) |

54.) If "other" please specify:

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55.) Do you receive non-financial support from other organisations? If so please specify.

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56.) Do you have a threshold for the seriousness of a case that you can process through restorative justice processes? If so what is it and who sets the threshold?

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57.) In relation to victim and community participation, do you feel that your organisation is taken seriously and is it acknowledged to be a viable alternative to conventional forms of justice and conflict resolution?

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58.) What ambitions, if any, do you have to expand the scope of your organisation?

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59.) Is there anything other than funding that might restrict these ambitions?

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60.) Other information - please use this space to discuss anything else you feel is relevant with respect to problems or issues encountered by your organisation.

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Thank You!

## Appendix 2 – Questions for Interview

1. Could you describe your role in the organisation?
2. How would you define restorative justice?
3. How did you acquire any restorative justice expertise you possess?
4. You say in your form that RJ was introduced because of/through X, can you expand on that (or pick up on any particular point)?
5. On the survey you say that you use these (name) practices of RJ, can you talk us through how these operate in practice?
6. Have you developed any techniques for applying RJ which you feel have worked well for you?
7. Have any techniques or practices been problematic? How have you tried to overcome those problems?
8. You say in the survey about the X persons complained of – can you say more about their feelings on the process and your interaction with them?
9. And what about the complainants?
10. In specific reference to your restorative justice practices what impact do you feel your organisation has in the community?
11. Have you been influenced by research or other projects from this or any other jurisdictions?
12. Do you see your organisation's practices as influential on other projects or organisations?
13. Has the political landscape influenced your work and how have you responded to this?

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