Restorative Justice: Empowering, Effective Engagement with Young People

Seminar 1 October 2015, Redeemer Family Resource Centre, Dundalk

Report by Kieran O’Dwyer

1. Introduction

This one-day seminar was organised by the Restorative Connections All Island Planning Group established after the North-South restorative justice conference in Dundalk in November 2013. It was chaired jointly by Mary Henihan, Le Chéile Mentoring and Youth Justice Support Services and Tom Winstone, Northern Ireland Alternatives. It featured keynote presentations by Tim Chapman, Ulster University, Martin Quigley, Quality Matters and Yvonne Adair, Youth Justice Agency Northern Ireland; cases studies with individuals and professionals about their experiences of restorative processes; parallel workshops on working restoratively with young people who engage in harmful sexual behaviour and community responses to young people who persist in their offending, and a panel discussion.

2. Understanding and Responding Restoratively to Young People’s Resistance to Engage – Tim Chapman, Ulster University

Tim began by referring to well known risk factors associated with harmful behaviour by young people. He presented these under headings of family (e.g. poor parental supervision, harsh and erratic discipline), personal (e.g. lack of self-control, lack of empathy), social (e.g. school expulsion or low achievement) and history (e.g. problems at a young age). He said that over his career in probation he changed the way he saw young people who offend and emphasised that it was to respond to them as children and individuals first and as offenders second. He argued that we have to make interventions relevant to their world in order to have any hope of helping.

He presented models of addressing challenging behaviour and dealing with its aftermath, adapted from McCold and Wachtel’s Social Discipline Window. He argued that the most appropriate and effective way to respond to the young people was to be restorative, work with them, engage out of respect and be inclusive, participative and transformative. This involved combining high levels of accountability and high levels of support. To be inclusive, he underlined, we need to understand the world as seen by the offender, not as we would like it to be.

With the help of volunteers and a simple storyline, he illustrated the effect of repeated negative messages from infancy through adolescence, in the home, school and community and wondered how it could be a surprise that young people exposed to such negativity develop protective mechanisms that involve harmful behaviours and self-exclusion. The job of working with young people was to take away the protection ‘racket’ which they used to deflect efforts to help. They needed to receive messages from the service that the ‘racket’ would not work; that the service was strong and persistent; that they were safe with them and would be treated fairly and with respect;
that the service wanted to work with them and not their ‘racket’; and that they could work with them to find better ways of having a good life. Interaction had to be action-focused; based on listening and checking to enable understanding, responsibility and commitment; involve conversations based upon questions and permission to give concise, specific feedback; authentic; and concerned with reparation and learning, and had to use respectful language and humour.


Martin opened his presentation with an overview of the Le Chéile project which was established in 2010 and provides restorative services to young people who have been involved in crime and are working with the Probation Service. He suggested that the strength of the project lay in the variety of elements in the model, comprising a victim empathy programme (without which some participants would not be ready to engage in other work), victim impact panels (which provides a forum for victims to share their experience of crime with offenders), restorative conferences (with offender supporters, Probation Service and victims), victim-offender mediation, and reparation (on its own or as part of a mediation agreement). Effective inter-agency working was also critical to success.

A range of methods was used in the evaluation comprising literature review, stakeholder mapping, qualitative interviews, focus groups, reviews of data held by Le Chéile (including case records) and calculation of a social return on investment. The findings were very positive. Young people reported greater empathy, improved family relationships, decreased substance use, more pro-social peer relationships, improved maturity and decreased involvement in criminal behaviour and contact with the criminal justice system. They commented favourably on process aspects such as preparation, being listened to and having their views considered, being treated with respect and receiving support. Victims spoke of lower fear and a sense of closure and reassurance and a belief that the restorative process was better in many respects than the traditional criminal justice system. Families of offenders reported decreased stress and anxiety in the home and improved relationships with their children. The community benefited through an estimated reduction in criminal behaviour by participants and the impact of restorative practices in responding to conflict.

The social return on investment was calculated as €2.92 for every €1 spent using assumptions described as very conservative (for example using marginal cost of detention rather than average cost and consistently erring on the cautious side regarding values of quantified benefits) and using a process that was validated internationally. The return was greatest for the community and victims (47%) with a more or less even distribution of remaining benefits among training recipients, state services and young people and their families (17-18% each).

Key recommendations included that the project should continue to engage with young people and victims, that core funding was justified and that the project had potential for replication in other parts of the country, use in relation to vulnerable young adults, and use at the pre-sentence stage. Recommendations were also made to improved data collection, outcome reporting and on-going process reviews based on participant experiences.

4. Restorative Justice with Young People who Appear Resistant to Change – Yvonne Adair, Youth Justice Agency Northern Ireland

Yvonne outlined four themes in her presentation – working restoratively, supporting desistance, motivating to change and building on strengths. A key message was that “if what you are doing is
not working, doing it more loudly and for longer is not the solution” – new approaches were needed and were being adopted successfully in many instances.

Working restoratively was one such approach. She pointed out that following a recommendation by the Criminal Justice Review Group, restorative justice was fully integrated into the youth criminal justice system under legislation that was commenced in December 2003. The potential of restorative justice to provide a solution to deliver justice even in relation to the most serious harmful behaviour was now recognised. She argued for restorative justice and restorative principles to be embedded in the criminal justice system as a whole and operating in every part of the system, not just as some kind of alternative or adjunct. She also argued for a professional and creditable relationship with the judiciary, through constant debate and discussion based on sound evidence. She reflected that while participation in restorative processes was voluntary and individuals should not be coerced into agreeing to the youth conference process, there was often scope for bringing them along gently in their own interests.

She identified a number of challenges, notably the need for robust preparation to build rapport and trust, flexibility to facilitate victim participation; a need for reparation to be restorative and, ideally, matched to victim needs; offenders taking responsibility; and limits to offender capacity (e.g. in cases of learning difficulties or past trauma). She referred to occasional criticism that repeat conferences were not working with offenders and that conferences sometimes lacked consensus. She noted as a part-justification for repeat conferences that the harms caused to victims of new offending needed to be addressed. She also noted efforts to get as much agreement as possible.

The Youth Justice Agency’s experience was that restorative justice worked best when ‘shame’ was positive and endorsed a ‘good core self’; when conferences were memorable (usually when they involved face-to-face contact with the victim); when participants were treated with respect; and when there was a resolution and initial feelings of shame were dealt with. Key restorative values were neutrality, absence of bias, honesty, fairness, politeness and respect. These values were more likely to achieve deterrence, even where the offender did not like the ‘sanction’. Processes that avoided stigmatisation helped improve family bonds. On the other hand, restorative justice tended to flounder when inappropriate labelling provoked defiance; when participations were frustrated over communication difficulties; when the tone was one of lecturing, berating and haranguing; when blame and responsibility were expected automatically; or when the conference was routine and impersonal. Difficulties had also arisen on occasions when there was a lack of preparation by police representatives and where there was inflexibility and lack of creativity.

In focussing on deterrence, she referred to theories of labelling, reintegrative shaming and defiance. Deterrence was less likely when the young person was poorly bonded with family, the state and the criminal justice system. Where offenders felt brutalised and disrespected, they saw sanctions as unfair and were more likely to be defiant. More positively, desistance could be achieved where there was a focus on strong and meaningful relationships and offenders felt that they were being treated fairly, where their case worker was seen as committed, fair and encouraging and where their relationship was seen as active and participatory. The system needed to give strong optimistic messages, avoid labelling and focus on strengths not just risks, while at the same time setting high expectations. It was hugely important to make practical assistance the priority (as well as psychological support), work with parents and work with and support communities. Without community reintegration, the only place the offender could find a warm welcome and social acceptance was with criminal peers.

Her recommendations for successful restorative conferencing included (i) early and thorough identification of offender issues and difficulties, (ii) appropriate pre-conference coaching to
minimise the risk of mutual misunderstanding and a desire on the part of some participants to force full acceptance of blame without recourse to explanations, (iii) acceptance that a longer term approach to accepting responsibility could need to be dealt with over the course of a restorative plan rather than during the conference itself and (iv) follow up of the strong memories of the restorative process with a more dynamic package and final review. Yvonne finished by reminding the audience that “kids have to think that you care, before they care what you think”.

5. Restorative Justice in Practice: Case Studies

5.1 Youth Justice Agency Northern Ireland

Two young men, supported by their case workers, gave personal accounts of their involvement with the criminal justice agencies in Northern Ireland and their experience of restorative justice. Calum’s history was marked by periods of breakdown in family relationships, homelessness, emotional/mental health issues, criminal activity, arrest, substance abuse, hospitalisation, recovery and relapse. However he managed to turn things around with the help of his case worker, family and services. Factors in reaching a turning point included the persistent commitment of his case worker, support for his family to help reconnect with him, his relationship with his girlfriend who was pregnant and meeting one of his victims, with whom he identified. His case worker, Laura, noted a major change when he turned to them rather than run away when a placement broke down. They responded with an unconventional placement, in a hotel. Factors contributing to success included a personalised relationship with him and a genuine concern for his welfare, a willingness to take calculated risks and hard decisions in his interest and a coherent multi-agency approach including sympathetic police work. Success was also attributed to individual work with him (to address anger, shame and frustration), family work, realistic plans/quick wins, diversionary activities, alternative education, celebrating successes and developing life opportunities. The second young person, Keith, recounted his experience, which had many parallels with Calum’s although it involved more serious offending. He found the restorative process gave him valuable insights into the effects of his actions and make up for what he did and he was struck by the victim’s reassurance and wish that he would avoid custody. His message was that restorative justice could work in relation to more serious offending. He and his case worker, Aideen, emphasised the importance of working with young people and not judging them, not being distracted by the criminal label and developing a personal connection with them.

5.2 Garda Síochána

Two Juvenile Liaison Officers, Anita O’Shea and John Brady, gave examples of their restorative justice work with young people. Their work is informed by the Ulster University balanced model and they use a scripted approach, with some flexibility. They have long experience of working closely with families but sometimes found victim engagement a challenge. They outlined use of restorative approaches in less ordinary cases. One was a case conference that centred around damage to a golf course. Members of the club met first to discuss the incident and the secretary then represented the club at the conference. The conference was successful in generating mutual understanding and as part of the agreement the boys agreed to clean up the course. A second case involved incest by siblings and, while it had not gone to court, the family was subject to supervision by state services.

The names of the two young people who presented have been changed to protect confidentiality
The scripted approach was not deemed appropriate to the circumstances. Preparation was extensive to develop trust and show empathy. The conference was highly charged emotionally and helped to restore balance within the family. Key learning points were the suitability of restorative approaches in less standard cases and a need for comprehensive, patient preparation, flexibility in approach, and trust and empathy.

5.3 Northern Ireland Alternatives

Billy Drummond spoke about Alternatives work with a young person who was involved in an incident of interface violence. They engaged with him and developed a relationship and as part of a restorative process set up a meeting with the manager of a care home that had been affected by the violence. The young person got an understanding of the impact of the street violence, wrote a letter of apology and agreed to do voluntary work in the centre over three months. A real learning point for him was when he encountered one of the care home residents and saw how vulnerable they were. He had been the main carer for his mother and it struck home. He went on to join a youth training centre, attended alternative education and undertook a leadership programme. Billy presented the Alternatives RIOT programme – Reducing Interface Offending and Tension – and described its elements. RIOT is one of a suite of diverse programmes run by Alternatives at both the prevention and intervention levels aimed at promoting and developing non-violent community responses to low-level crime, anti-social behaviour and conflict. He said that, as with other services in Northern Ireland, they had had to be prepared to take risks, forge new partnerships and be creative.

5.4 Probation Service, Limerick

Sean Murphy, a Probation Officer, spoke of the need for practitioners working with young people to look at the big picture, check the context of their behaviour and use their instinct. He acknowledged that mistakes would be made from time to time but it was important to learn from them, not avoid risk. He outlined an experience of working with members of the Traveller community. The case involved fighting between two brothers and was a public order offence. The context was that it was the anniversary of a sister’s death, that one brother had become distanced from the family and that a large number of family were affected. After numerous false starts and ‘no shows’, a conference was held in a caravan and resulted in agreement on a Mass of remembrance for family members and re-connection of the alienated brother. As was the experience of previous speakers, it had been important to persevere, build trust, and be creative and flexible, as well as in this case be culturally-sensitive.

5.5 Victim Empathy Programme, Le Chéile, Limerick

Leanne Keely described the Le Chéile victim impact programme which is one of a range of programmes for young people. It targets those who might not be ready for a more direct involvement with victims. It is delivered over 6-8 weeks and takes participants out of their normal context and enables them to see the effects of harmful behaviour. Leanne spoke about a case where a drug-using individual had assaulted his mother. He proved resistant at the beginning and was not really engaging. However he slowly opened up and was described as a different person at the end. He was very nervous about confronting his mother at a conference and needed to participate on the Victim Impact programme in order to feel ready. One of the learning points for her was the
challenge of getting young people to understand restorative justice. She concluded by performing and reading a rap written by one of the young participants in Le Chéile’s programmes.

5.6 Restorative Justice Work in the Police Service of Northern Ireland

Nick Williams, a PSNI liaison officer with community groups, spoke of the restorative work of youth diversion officers with young offenders and collaborative work with restorative groups in the community. He said that initial perceptions of restorative justice were that it was a soft option or operated by paramilitaries but after significant investment in training it had been incorporated in the PSNI work with young people. All informed warnings and cautions under the Youth Diversion Scheme were now restorative. Informed warnings were overseen by a trained police facilitator. Wherever possible, restorative cautions involved a conference and, interestingly, they could be overseen by a trained facilitator who was not a police officer. As regards work with community groups, protocols had been developed which facilitated cooperation. Flexibility was needed in the application of the protocols and trust had proved vital in overcoming challenges such as protecting data. The scope of co-operation included both referrals to PSNI of reported crime and engagement in preventive work, e.g. regarding community disputes. From the PSNI perspective, working with community groups was essential and had brought benefits to all sides.

6 Workshops

Workshop A Working Restoratively With Young People Who Cause Harmful Sexual Behaviour

Yvonne Adair spoke about the development by the Youth Justice Agency of restorative approaches to working in this area. As part of the development they had visited a programme in the Greater Manchester Area and drafted practice guidance. Risk management, harm reduction and therapeutic intervention based on a Good Lives Model remained central to their approach. They received 14 referrals in 2014/15, of which four were court-ordered and nine were diversionary. The Probation Board also dealt with three referrals. Preparation for conferences was substantial and lengthy (12-26 weeks) and included liaison with police, child protection services and specialist services. Victims could participate in a variety of ways, including oral or written statement and indirect representation by family members. Victims were often children and parental support and active involvement was important. Process differences include the full statement of facts NOT being read verbatim, as this may cause further harm to the victim and family, and the victim being invited to tell their story first, rather than the young person who has caused the harm. Their experience was that restorative justice was effective if handled skilfully and with appropriate preparation.

Andy Tuite outlined Garda use of restorative justice in relation to harmful sexual behaviour under the Diversion Programme. They were now receiving around 200 referrals per annum, mostly in relation to consensual sex between girls aged under 17 and boys aged under 18. The Director of Public Prosecutions was reluctant to prosecute in such cases on the basis that the adversarial nature of proceedings almost invited denial of the charges. Restorative justice usually met needs more effectively than the criminal justice system ever could. Andy described three sample cases, highlighting points of particular interest. The first case involved a Rape Crisis Centre representative as support person who acknowledged the restorative meeting as very worthwhile. The second case met the victim’s needs for apology, respect and support; was held, in accordance with the victim’s preference, in the local Superintendent’s office; consciously used a (round) table; and was helped by
the familiarity of the Juvenile Liaison Officer with the boy and his family. The third involved abuse by a babysitter. It highlighted the value of in-depth preparation (including counselling) and the importance of process changes such as no story-telling phase. An open circle was used. A restorative approach was seen as an appropriate, positive response to harmful sexual behaviour once it was delivered skilfully and as part of a process. Potential concerns were different levels of offender remorse, the extent of counselling that was helpful and regional variations in accessibility to services.

Workshop B     A Community Approach to Working with Young People Who Persist in Their Offending

The aim of the first part of the workshop was to get participants to develop empathy and a better understanding of shame in restorative practice. This was done through an interactive shame exercise. It was also an opportunity for participants to feel more enthused and confident about using restorative practice within their roles and communities. The aim of the second part was to provide an opportunity for participants from north and south to network and discuss the challenges associated with using restorative practice and look at ways of meeting these challenges. Participants were split into four groups and asked to discuss the following questions:

- What are the remaining barriers/challenges for practitioners using restorative practice in the community?
- What steps need to be taken to progress this, what are the possible solutions to the challenges?
- What are you going to do in your practice/organisation to move restorative practice forward?
- What recommendations/priorities do you have for 2016 as with regards an RP seminar?

Barriers and challenges identified in the workshop included inadequate funding and resources, insufficient political support, an under-developed evidence base, lack of long term planning, attraction of punitive option time-wise, legacy of punitive approaches in our culture, entrenched retributive mind-set in courts, delays in adjudication of offences, lack of knowledge/understanding/acceptance of restorative approaches generally, novelty of the restorative approach and poor availability of information for young people, lack of resources for working with young people with drug issues, failure to allow the necessary time and pacing for restorative processes, and inadequate provision for staff time for training.

The group’s recommendations for ‘selling’ restorative justice included better media strategies, greater inter-agency work, avoidance of overselling with ‘Nirvana’ stories, integration as part of the wider criminal justice system, and on-going training within organisations. Ways suggested by participants to overcome barriers included education and awareness training, contact with other agencies (creating opportunities as and when possible), legislative change, highlighting the high price of punishment, just getting on with restorative justice and showing that it works, a collaborative approach, effective leadership, early intervention, putting family at the core, media exposure, simplifying the language, consistency, and communication with the justice agencies and Government.
Practice issues included several of the issues mentioned above as well as insights into the experience with using a scripted approach and cards with restorative questions, provision of training (e.g. further development of a victim perspective, sources of accredited training), recognition of offenders’ families as victims, being realistic about time needed, and adoption of reflective practice.

Recommendations regarding a 2016 event included a focus on a holistic approach that involves all parties (victims, offenders, families and community members), restorative circles, widening the audience, an overnight conference, more time for questions and answers and avoidance of information overload.

A key message from workshop discussion was that restorative practices should be used more widely, not just in the justice system but also in schools, workplaces and other fields.

7. Conclusion

The last part of the seminar entailed feedback from the workshops and a Question and Answer Session with a Panel comprising Ursula Fernee (Probation Service), Andy Tuite (Garda Síochána), Mary Henihan (Le Chéile), Yvonne Adair (Youth Justice Agency), Tom Winstone (Northern Ireland Alternatives), Lee Russell (PSNI) and Kieran O’Dwyer (Rapporteur). The seminar ended with the Rapporteur’s summing up and concluding remarks and expressions of thanks by the joint chairs.