

Innovation Needs Training: the restorative justice experience

Martin Wright defines some of the training components necessary to further develop restorative justice services.

In the early 1970s a new idea was introduced into criminal justice, albeit with parallels in history and in customary justice: that when one person harms another, the conventional criminal justice process is not the only option. If the victim and the offender can meet, or at least communicate indirectly, this may be more healing for the victim and a better way to integrate the offender into the community. The Home Office sponsored four demonstration projects; researchers found most victims satisfied and most offenders feeling fairly treated. The first mediators had to learn by trial and error, but a training manual was produced (Quill and Wynne 1993) which, though dated, is still widely used. Several projects have been running for up to fifteen years, and their experience has been under-valued.

In 1989 New Zealand introduced its new family group conferencing system for helping troubled young people and their families. Where an offence was involved, victims could attend too, but at first they were not adequately considered, through lack of staff training; when research revealed this, procedures were improved. In Australia a similar process was introduced by the police, in connection with cautioning; its enthusiastic advocates expounded the idea to an ISTD conference (1994) and to Thames Valley Police, who adapted it for their own use.

Meanwhile the concept of restorative justice was being developed, stressing the value of victim/offender dialogue, and community involvement as mediators; it was also pointed out that many victims regard voluntary co-operation with rehabilitative programmes as a form of reparation, and that the mediation dialogue allows lessons to be learnt which can be passed on crime reduction strategists (Wright 2000).

Disorderly implementation

Jack Straw, as Home Secretary, visited Thames Valley Police and was impressed by the impact which restorative justice cautioning seemed to have on young offenders. Provision was made for some forms of reparation and victim/offender mediation in the *Crime and Disorder Act* 1998. A hybrid arrangement partly based on the Scottish panels, but with scope for involving victims, as outlined in the *Youth Justice and Criminal Evidence Act* 1999 is currently being piloted. However, the emphasis was on speed rather than thorough preparation, both

in the procedures themselves and in the manner of their introduction, and unfortunately that was also true of training and research. Unfortunately Mr Straw did not have the benefit of the recent Home Office report *Making Punishments Work*, which advises that "a target implementation date should be set as far in advance as possible" (Home Office 2000).

The Chief Constable of Thames Valley, Charles Pollard (now Sir Charles), was invited to join the new Youth Justice Board, which later awarded a large contract to Thames Valley Police to provide training in its brand of restorative justice; belatedly, in response to criticism that this was too offender-centred, further courses were commissioned from a team from Victim Support, Mediation UK and Thames Valley Police; these were not skills courses, but emphasised awareness of the victim's feelings and restorative justice principles.

What would a good training programme look like?

Mediators

The central task is to train mediators; but first the methods and objectives (criteria for success) have to be formulated. For some victims reparation or compensation is the primary aim, but for others the dialogue itself is the most helpful aspect. Policies do not have to be uniform, but do need to be spelt out after discussion with those already working in the field. Some will use victim/offender mediation, others conferencing, or a combination - which entails criteria for deciding which to use.

Mediators need to understand the principles of restorative justice, and the operation of the criminal justice system. Visiting victims and offenders, listening, and explaining what mediation would entail are crucial skills. Mediators need to be more than usually aware of prejudice - not only in regard to race, sexual orientation and so on, but they also have to understand the importance of not blaming the victim, and of respecting the offender while not condoning the offence. It is good practice to work in pairs; they can evaluate each visit and mediation together afterwards, and training should include the ability to give and receive constructive criticism.

Administrators

YOT managers and others involved in the administration of restorative justice need to understand its principles, especially the victim's dimension, even if they do not undertake mediation themselves. For



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them training may be not so much showing them what to do as an assisted process of working out procedures. To offer victims the potential benefits of mediation, it is vital to work out how they should be contacted, by whom, and at what stage of their recovery process - not too soon, while they are still in shock and disbelief, nor too long afterwards. The government's emphasis on speed has not helped, and the victim's right to privacy (Data Protection Act, Human Rights Act) has to be balanced against their right to know of a service which might help them. Victim support workers might be invited to contribute to this part of the training.

The training would emphasise the need for resources. If an offender agrees to make reparation, through paying compensation or direct reparation to the victim, undertaking community service or by taking part in a rehabilitative programme, the appropriate service or programme to facilitate this reparation needs to be available. Training should also explore the pros and cons of providing the service in-house (where staff may not be perceived as neutral, and work-loads may limit the number of mediations or conferences they can handle) or contracted out to a community mediation service, which can recruit volunteers to match demand.

Trainers

When a new method - indeed a new philosophy - is introduced, it is vital that the first cases are handled well. Trainers should acquire first-hand experience of mediating as a priority. Calculations should be done: how many mediation projects are expected to start up each year, how many cases are likely to be referred, how many cases each pair of mediators can handle per month, and hence how many trainers need to be trained. Trainers need to be experienced in conducting role plays, preferably based on actual cases. It should be possible for an organisation such as Mediation UK to co-ordinate the training programme, given the resources and adequate preparation time. The Criminal Justice National Training Organisation has modules for victim support and for working with offenders, but not yet for victim/offender mediation.

Standards

The practice standards drawn up by Mediation UK (1998) and the Restorative Justice Consortium (1998) should be at the core of training. A system is also needed for the accreditation of mediation services and trainers - one is in preparation by Mediation UK - as well as of individual mediators (for example an Open College Network course is being prepared by Amends, the mediation service based in north-east London).

Restorative justice's slogan is that it involves victims, offenders and community. A well thought out training policy could make it a reality.

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