

# The risks and challenges of mainstreaming restorative justice

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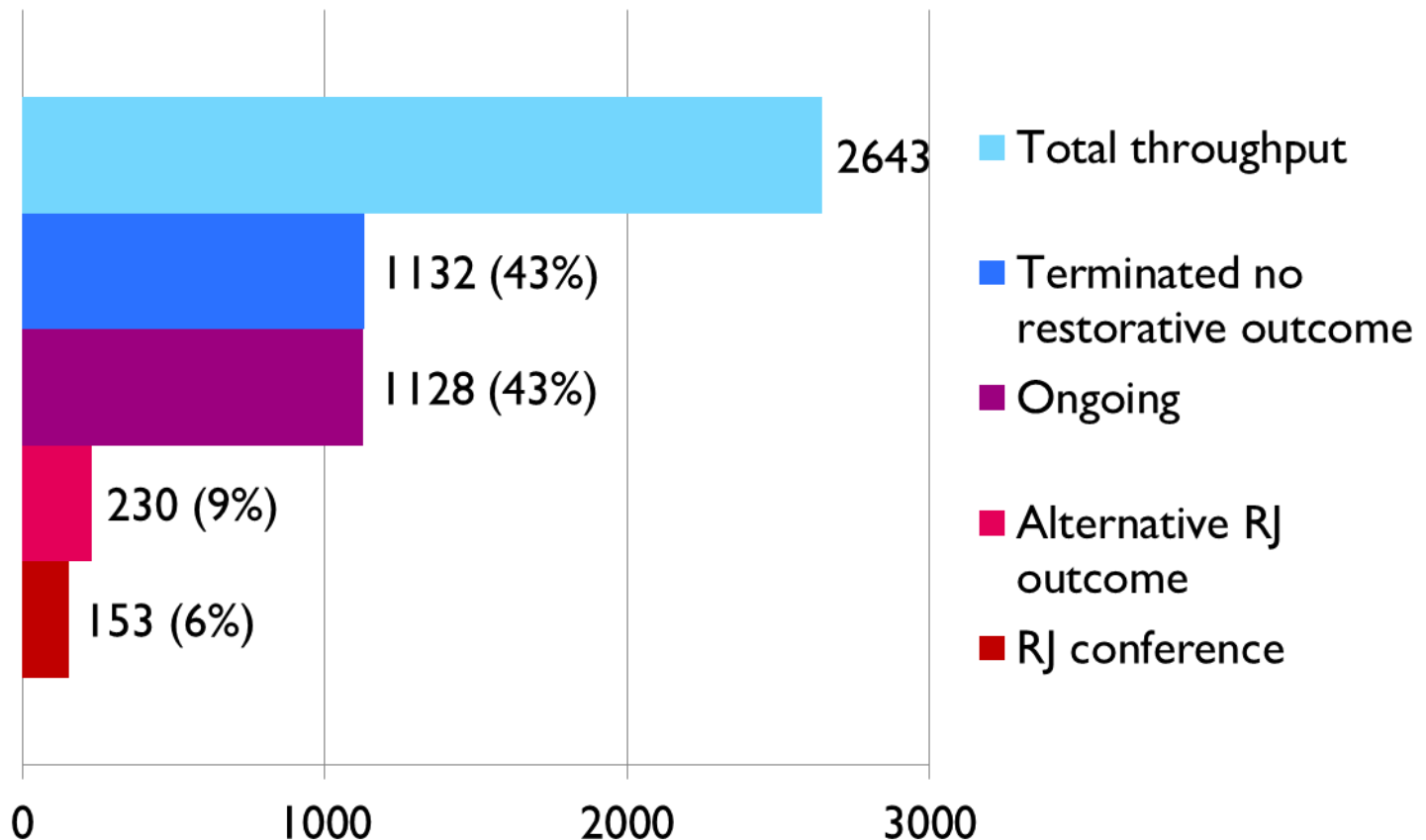
# Setting the scene

- The tipping point for RJ has been just around the corner...
- ... for at least fifteen years
- Are there structural blockages?
- Or are we really getting there?
- Gains over last three years will be lost
- Without cash, legislation and contractual obligations

# What evidence do we have?

- A series of research project since 2012
  - NOMS RJ Capacity Building Programme
  - Pre-sentence RJ in Crown Courts
  - Restorative approaches in prisons
- Today we'll draw on the capacity building project
  - Training & implementation support by RS & TVP
  - 31 prisons, probation areas & consortia in England & Wales
  - Rolled out across 8 phases
- 30 month descriptive evaluation

# Case throughput (Sept '12 – Aug '14)



# Factors in implementation

- The adequacy of implementation processes
- Intervention characteristics that help or hinder
- Outer setting— e.g. political context
- Inner setting – organisational context
- Individual characteristics of staff

# Adequacy of implementation processes

- Training often started before processes were in place to identify and progress cases
- Difficulties identifying enough cases for all facilitators
- Skills/confidence eroded and training unused
- Poor selection of facilitators

# Intervention characteristics

- **The challenges of getting RJ ‘off the ground’**
  - Referral-based model and associated difficulty generating cases
  - Difficulty obtaining victim contact details
  - Approaching victims in the ‘right’ way
  - Getting the case to conference
  - Impact on facilitator morale

# Inner setting

- **Insufficient workload capacity**
  - RJ often a 'bolt on' to their 'everyday' roles
  - Difficulty realising 'workload relief' where in place
- **Cultural barriers to RJ** - 'an alien thing to us'
- **Implementation climate**
  - National policy reforms detracted from implementation
  - Lack of organisational incentives for RJ
- **Management engagement with RJ**

# Outer setting

- **Coincided with a time of significant upheaval in prisons and probation**
  - Many trained staff lost
  - Delays to take-up of training & withdrawal
  - Low management prioritisation
  - Disruption to initial implementation or momentum
  - ‘Drying up’ of referrals
  - Catalyst for implementation
  - Another string to one’s bow

# Staff characteristics

- **RJ activity heavily reliant on enthusiastic managers and facilitators**

*“Instead of waiting for referrals to come to me, I’ve been out looking for them myself”*

- **But implementation success perhaps too dependent on such people?**
  - Risk that RJ falters in their absence
  - Unsustainability

# RJ participant experiences

- A positive if not transformational experience for most
- Victims tended to want answers to unresolved questions
- Offenders wanted to 'make things right' and to stop offending

# Conferences as emotional ritual

- Conversational rhythm

*“Just more questions kept coming to me as well until I think, in the end, we had exhausted everything and it was just like a nice, friendly chat.”* (victim interviewee 1)

- Emotional energy

*“I had more feelings and emotions in an hour than I’ve felt in 6 week long interventions; I’ve never felt like that before. I don’t cry and I can hold my emotions back but not then”.* (offender interviewee 16)

# Conferences as emotional ritual

- Turning point

*“It was tense and awkward to begin with. But halfway through you could feel the weight just lift and things changed, everyone looked different and I felt different. The atmosphere changed...”*  
(offender interviewee 13)

- Public displays of solidarity

*“And that’s what I was really pleased about - by the time that he actually left the room he was able to have eye to eye contact with me, and we talked about going forward with him.”*  
(victim interviewee 19)

# Helping the victim to move on

*Afterwards, then I started to have a really, really good feeling deep down...I found it very positive and almost it kick-started the healing process...*

*....it's meant that I can stop thinking about the offence.*

*.....honestly, I used to think about them probably, well, about ten times a day at least. I'd relive everything in my dreams and things like that... It has definitely changed it.*

(Victim interviewee 11)

# Victim altruism

*If it was an ideal world, he'd come out, I'd go and pick him up, give him a job and I could mentor him and sort him out.*

(Victim interviewee 16)

*I just thought, "Oh if I could get that lad a job." So I went from wanting to hit him with a stick to then thinking, "This lad he is 40 years old, he is going to go nowhere....Why can't we give him a job?"*

(Victim interviewee 8)

# Motivation to stop offending

*I wouldn't burgle anybody ever again... I can still see her now...it was horrible seeing her. She nearly started crying...I just don't want to put anybody else through that.*

(Offender interviewee 9)

*Aye, it was shocking. ..I felt disgusted with myself. We thought it was just like a punch up...We thought that was it. "Oh, a black eye and a couple of broken ribs and that's it". But it was not only that. He lost everything, you know. And that devastated us a lot hearing that.*

(Offender interviewee 2)

# Instilling commitment to change

*...I've wanted to change for ages, but it's never been possible*

*.... But to hear strangers who I've hurt saying "you can do this, you can stop offending"*

*...I haven't ever had someone say they have confidence in me. It made me believe I could do it.*

(Offender interviewee 13)

# But room for improvement

- Some poor preparation evident:

*“I was only told that my victim was coming in the night beforehand”*

(Offender interviewee 16)

- Poor facilitation:

*“We were told we weren’t allowed to speak directly to each other”*

(Offender interviewee 5)

- And failure to keep outcome agreements:

*“I haven’t been angry throughout the whole thing and now I feel like I’ve done this restorative justice and now I’m really angry because nothing’s happened”* (Victim interviewee 20)

# The current landscape

- RJ work in prisons and probation is seriously threatened
- Collision of TR and austerity
- NPS lacks the resources and political will
- CRCs aren't convinced of the case and lack the contractual pressures
- Prisons lack capacity, and can't buy it in
- PCC support is variable and their RJ cash is not ring-fenced. Some good progress

# Mainstreaming RJ needs:-

- Cross-system local coordination
- By PCCs?
- Ring-fenced resources
- Tighter legislative whips
- Tighter contractual whips (on CRCs)
- In other words, some serious political commitment
- A glimmer of hope: the crime drop

The NOMS RJ Capacity Building  
Programme  
A study of the quality of  
participant and implementation  
experiences

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