


PRISON SERVICE JOURNAL

November 2016 No 228



crime
prisoners
prisons
process
victim
prison
COSA
justice
core
one
criminal
victims
also
work
offender
community
members
volunteers
restorative

Restorative justice in prison:

A contradiction in terms or a challenge and a reality?

Penny Parker is a Sycamore Tree Tutor.

The Sycamore Tree course has been introducing restorative justice principles and working restoratively in prisons across the country with short- and long-term offenders, men, women, and young people, to great effect since 1998. Sycamore Tree was introduced to prisons in England and Wales at HMP The Mount and since its inception it has reached over 22,000 offenders and currently runs in over 40 prisons and YOIs and is in early stage development for delivery to 15–18-year-olds.

What is Sycamore Tree?

Sycamore Tree was developed in 1996 by Prison Fellowship International, a Christian social movement working on behalf of prisoners, ex-prisoners, their victims and families. The course came out of a desire to facilitate reconciliation between offenders and victims and at its creation it was intended to sit within the restorative justice paradigm, at the time a relatively new and revolutionary concept. Dan Van Ness, one of the authors of the course, is a key proponent of the approach to restorative justice that places emphasis on values rather than processes. The two fundamental concepts of a values-based approach are that crime represents a breakdown in relationships and causes harm and that resolution of the conflict caused should involve all those affected. A values-based approach encourages an enlarged view of the restorative justice 'tent': direct victim and offender conferences but also a range of alternative restorative approaches or practices involving wider groups affected by crime, shuttle mediations, circles of support and accountability and a victim awareness course such as Sycamore Tree. This contrasts with policy on restorative justice in England and Wales, which adopts a process driven definition focussing primarily on direct conferencing of a related victim and offender. Academic debate tends to raise theoretical issues such as whether the custodial setting of any restorative practice undermines the

nature and essential elements of restorative justice and risks legitimising the prison regime¹ and whether a programme developed as part of a rehabilitative strategy and therefore primarily, though not exclusively, offender-focussed, can be considered as a form of restorative justice. The pragmatic and practical reality is that restorative justice practices can and indeed have been working successfully in prisons for many years.

Sycamore Tree stems from the idea that restorative justice is both an alternative way of looking at crime and the impact of crime and a tool for resolving the issues crime gives rise to. It acknowledges that retributive approaches to crime resolution are overly offender-focussed and can lead to dissatisfaction among victims and a failure to deliver 'justice', where justice is measured by victim and community satisfaction, concepts of peace and wider interpretations of outcomes that recognise and deal with harm in the broadest sense.

Ideas that retributive and restorative justice might be mutually exclusive are no longer persuasive. Courses such as Sycamore Tree, and the adoption in England and Wales of restorative justice as a pre-sentencing option in appropriate cases under the Crime and Courts Act 2013, are based on an acknowledgement that restorative justice practices (restorative practices) and the traditional criminal justice system have to develop ways of cohabiting in the same space concurrently or consecutively as the circumstances permit and that the arguments for mutual exclusivity hold value only at a theoretical level.²

Over the last decade restorative justice has rightly gained widespread acceptance among all the political parties and has played a key part in the current Government's criminal justice agenda with policy driven by recognition of the need to get justice, and the experience of justice, right for victims of crime. Much of the excellent work to date has been focussed on rolling out direct restorative justice conferencing. But awareness is low and success, if measured in

1. Guidoni, O.V. (2003). The ambivalences of restorative justice: some reflections on an Italian prison project. *Contemporary Justice Review*, 6, 55–68.
2. Daly, K. (2002). Restorative justice; the real story. *Punishment and Society*, 4, 55–79; Morris, A. (2002). Critiquing the critics: a brief response to critics of restorative justice. *British Journal of Criminology*, 42, 596–615.

conferences coming to fruition, is also relatively low.³ A restorative practice such as Sycamore Tree offers an opportunity to widen the spread of the restorative justice net by working with a group of offenders, introducing them to an unconnected victim of crime. It therefore offers an opportunity to reach offenders who may never be able to meet their own victims in a conference. However, it may also be a preparatory step for those for who direct restorative justice may be an option in the future and it can be the catalyst for an offender to seek a conference. As prisons appoint restorative justice coordinators many are finding, where Sycamore Tree operates, that the primary, if not only, source of offenders looking to pursue restorative justice to conference is Sycamore Tree. The course can also offer a similar opportunity to victims of crime: where a victim wishes to meet their offender but for whatever reason is not able to, Sycamore Tree can offer an opportunity for the victim, with appropriate preparation, to have a voice and to speak to an audience of offenders about how crime has impacted their life.

Sycamore Tree was developed by an international team including experienced restorative justice theorists and early-adopters with experience of Victim Offender Reconciliation Programmes (VORP) in North America. Somewhat extraordinarily, Sycamore Tree is used across the world in work from 'normal' criminal justice environments to work with perpetrators and victims of genocide in Rwanda; in response to ethnic conflict and tensions in the Solomon Islands; and the demobilization of paramilitary forces in Colombia.⁴

In England and Wales,⁵ Sycamore Tree was introduced as a prison-based programme designed to be delivered to a group of up to 20 offenders in an adult environment (up to 16 with young offenders and in a small group of six–eight when working with 15–18-year-olds). The course is delivered by a team of trained volunteers under the lead of an expert tutor. The course consists of six two-and-a-half hour sessions (subject to minor variations to fit individual prison regimes). The course is faith-based but not faith promoting and is open to offenders of all faiths or none. It has only one preferred criterion for participants: that they should be convicted or, if on remand, that they should have pleaded guilty. As with direct restorative justice, acceptance of conviction and guilt and a willingness to participate is an important precursor for the course, which examines what it means to take responsibility for offending behaviour.

Sycamore Tree:

- ☐ Explains restorative justice concepts.
- ☐ Helps offenders to understand the wider impact of crime.
- ☐ Introduces offenders to victims' experiences.
- ☐ Explores what it means to take responsibility.
- ☐ Encourages reconciliation between offender and victim and offender and his or her family.
- ☐ Offers offenders an opportunity to respond personally.
- ☐ Engages community in the rehabilitation of offenders.

Practical issues: Selection of candidates for the course

The selection methods for the course vary from prison to prison. However, the course is rarely, if ever, advertised with posters and applications are often almost entirely by peer recommendation. It is not unusual for a tutor to be given several names over the duration of the course as cell-mates or peers on the wing ask participants to 'put their name down'. In individual prisons referrals may also be taken from Offender Managers, probation officers or CARATs (Counselling, Assessment, Referral, Advice and Throughcare) teams but participants usually submit a standard prison 'app'. In most prisons the course, which is accredited educationally by Gateway, is run through the Chaplaincy team. In some prisons final selection may be subject to a brief interview process to ensure that the expected level of commitment and engagement is understood.

All selected participants are required to complete a sign-up form acknowledging the key aspects of the course, including that they are expected to contribute, to participate in small group discussions and to complete a workbook between sessions. The workbook is the basis for much of the personal work participants are encouraged to do. This explores the impact of their own offending and moves on to consider how they can make amends for their behaviour. It also forms the primary basis for assessment for the Gateway Level 1 or 2 qualifications.

The principle of voluntary participation can be undermined where applicants for the course are motivated by the requirements of their OASys (Offender Assessment System) sentence plans. Over the last ten

3. NOMS Restorative Justice Capacity Building Report, (March 2015) <http://www.icpr.org.uk/media/39384/Final%20RJ%20Report%20-%2026%2003%202015.pdf> (last accessed 01/05/15).

4. <https://pfi.org/how-we-make-a-difference/restoring-justice/> (last accessed 01/05/15).

5. Sycamore Tree is run in prisons in Scotland and Northern Ireland by the Prison Fellowship Scotland and Prison Fellowship Northern Ireland.

years, the course has gained wider recognition within prisons and so is increasingly being specified for a variety of offenders, including those of so-called 'victimless' crimes involving drugs or fraud. The need to progress during a sentence, and the issues that gives rise to this, are well documented and feedback at the conclusion of Sycamore Tree often acknowledges the coercive pressures offenders can feel.⁶ Initial positions are captured in a pre-course 'expectations form' which, as well as acknowledging the requirements of a sentence plan, can give answers such as 'to give something back', 'to know more about victims' or to 'learn more' or to 'better myself'. The language is often from a limited range of vocabulary and feels like 'prison-speak' acquired after experience of the system and interviews with offender managers or probation officers. None-the-less, it is a common experience in feedback at the conclusion of the course, that participants acknowledge the progress-driven or box-ticking nature of their initial motivations but then seek independently to acknowledge the value of their experience on the course in their own, often very personal, terms.

Delivery methods

The sessions comprise a mix of tutor-led whole-group presentations and facilitator-led small-group work throughout which the observations, contributions and experiences of participants are welcomed. A tutor manual outlines key themes and session aims but delivery is not prescribed and the sessions are unscripted. This allows tutors to adopt their own style and language and to respond flexibly to comments, questions and events. This is a key strength of the course; the flexibility in sessions results in greater 'buy-in' by participants and a sense of 'ownership' of the responses.⁷ Participants have responded that it makes it 'real'. Tutors make clear that their intention is to create a 'safe place' that requires mutual respect and confidentiality between participants and trust within the group. From the outset, tutors and facilitators couch their language in terms of trust and openness and ownership of the course by the

A tutor manual
outlines key themes
and session aims
but delivery is not
prescribed and the
sessions are
unscripted.

offenders, resonating with the idea that desistance is a process that belongs to the desister.⁸ A variety of delivery tools are used including ice-breaker exercises encompassing a thought provoking idea, role-play exploring offender and victims attitudes and experiences based around the story of Zaccheus the tax collector from Luke's Gospel, interactive discussion and a range of short films commissioned specifically for the course. These films comprise a mix of short documentary-style clips portraying actual offender experiences, including some who have been through restorative justice conferencing with their victims, and a three-part fictional story that contributes to debate about the wider impact of crime on victims, community and on an offender's family. The approach of the delivery team is of positive reinforcement. Modelling responsible behaviour and involving the participants throughout, the team guide the participants through a process of self-discovery and learning, engaging emotional awareness and developing inter-personal skills.

After an initial wariness in session one, it is noticeable that relationships warm. Some participants have noted that facilitators were 'nice people who care about us and want to see us do well and turn our life around'. It is clear that the volunteer role is significant as participants realise course delivery is not simply someone doing their job. The positive, personal and humanizing impact of volunteers working with prisoners has been noted in other studies^{9, 10} and in Sycamore Tree, participants have noted such small courtesies as 'these ladies ask about my mum' and 'they smile and shake your hand'. The approach is intended to be non-judgemental: tutors and facilitators intentionally avoid obtaining risk profiles and offending histories of participants. Instead the participants are invited, initially in their workbooks but then also in discussions in their small groups, to talk about themselves and the impact of their offending, encouraging them to develop a personal narrative. Participants note the apparent lack of an agenda, explicit or implicit. The importance of

-
- 6. Crewe, B. (2007). Power, adaptation and resistance in a late-modern men's prison. *British Journal of Criminology*, 47, 256–275.
 - 7. Clarke A., Simmonds, R. & Wydall, S. (2004). Delivering cognitive skills programmes in prison: a qualitative study, Home Office Online Report 27/04.
 - 8. McNeill, F. (2006). A desistance paradigm for offender management. *Criminology and Criminal Justice*, 6, 39–62.
 - 9. Dhami, M.K. & Joy, P. (2007). Challenges to establishing volunteer-run, community-based restorative justice programs. *Contemporary Justice Review*, 10, 9–22.
 - 10. Ronel, N. Frid, N. & Timor, U. (2013). The Practice of Positive Criminology; a Vipassana Course in Prison. *International Journal of Offender Therapy and Comparative Criminology*, 57, 133–153.

significant key relationships in probation work is well established:¹¹ a similar approach is adopted by the tutor and small group facilitators, creating supportive encouraging relationships between participants and the team whose approach is based in an 'ethic of care'¹² which, as Elliott has recognised, is essential if the learning environment is to be 'experienced as a safe and empathetic place . . . itself a necessary prerequisite for the development of those values'.¹³

Volunteer facilitators exhibit the characteristics recognised as important by McNeill and Farrell:

*Some human concern for [offenders] as struggling fellow citizens seems likely to be a necessity if we are to engage with people in the process of change. If we don't show people virtue and phronesis (prudence) in the ways that we treat people (especially when they offend us), we are unlikely to convince them of the beauty of society and to draw them towards good citizenship of the good society.*¹⁴

Just like any other course?

Participant feedback suggests that the straightforward approach frees them from worrying about desirable responses, giving 'time to develop your thoughts' without worrying because there was 'not so much psycho-analysing' or even tricks to elicit unguarded responses ('Tell us about a crime you haven't committed' has been cited as an example of that approach). Sycamore Tree delivers an opportunity to explore personal issues in a setting that encourages openness and honesty. One said the approach which requires participants to explore their lives and their crimes was much more challenging than considering the hypothetical situations typical of some other courses. Another described it as 'more real — it puts the stamp on it — on all I have done' and recognised that the proactive approach meant it wasn't about 'just ticking boxes'.

Victim involvement

During the course offenders are introduced as a group to a victim of crime unconnected with any of them. The crime they have suffered will, by definition, therefore only bear similarity to the offending behaviours of some of the participants. An exception can be in the delivery of Sycamore Tree with longer term prisoners where most of the victims of crime who volunteer to come in to talk on the course are people who have lost a family member to murder or manslaughter.

The victim joins in session three to tell their story and explain the impact of crime on their lives and the lives of those around them. As a prelude, the offenders explore the experiences of a victim of crime through role-play and discuss the likely feelings and needs of victims and communities affected by crime. Sycamore Tree departs from the format of a restorative justice conference, as the meeting is not based around dialogue. Offenders do not share their stories or explanations of their offending with the victim but do listen to the visitor who shares, often with great emotion, the challenging events and impact of a crime on their lives. If the victim is willing, this group session is usually followed by conversations between the victim and the participants in small groups. At this point dialogue can open up:

Offenders do not share their stories or explanations of their offending with the victim but do listen to the visitor who shares, often with great emotion, the challenging events and impact of a crime on their lives.

frequently the immediate response is one of sympathy and apology but it may also include elements of 'confession' as some offenders chose to say a little about their own offending. It is in the follow up that an empathetic reaction and response develops. As personal work supporting the session, offenders are asked to write up the experience, to reflect on how the victim has been affected, to examine the wider impact and to explore how they feel. In subsequent sessions they are invited to translate that experience and to think about what their own victims or their own family might wish to

11. Rex, S. (1999). Desistance from offending: experiences of probation, *The Howard Journal of Criminal Justice*, 38, 366–383.

12. Elliott, L. (2007). Security without care: challenges for restorative values in prison. *Contemporary Justice Review*, 10, 193–208.

13. Ibid.

14. McNeill and Farrell (2013), 'A moral in the story? Virtues, values and desistance from crime', in 'Values in Criminology and Community Justice', Policy Press 2013.

say or to ask them if they were given the opportunity in a similar way.

Sycamore Tree is not unique in working with unrelated victims and offenders. Feedback and research suggests that even though the victim has no connection, and that there is no homogeneity in the selection of participants on the course by reference to crime type, Sycamore Tree is still successful in raising victim concern and victim empathy in offenders, which can be a key factor in increasing motivation to change.^{15, 16, 17}

Victim preparation is key and tutors are trained to work with victims of crime to ensure they are prepared and supported through the experience. Some victims of crime choose to volunteer more than once as the experience gives them a voice. Many say they are encouraged to see the positive responses in offenders that listening to their story has brought about. One said: 'It was overwhelming that so many cared about what happened to me and that it had such a strong impact on them — enough to give them a thought to change. It helped me realise that not every person is bad and that there is hope for everyone.'¹⁸

Taking Responsibility

Offender responsibility and making amends is a core value in restorative justice. Sycamore Tree encourages offenders to explore taking responsibility both for their offending and the impact of their crimes but also for their lives going forward. The course explores excuses, challenging techniques of neutralization¹⁹ and recasting these as matters offenders need to recognise and take responsibility for. This process of reviewing personal offender narratives is intended to develop a practical approach to working out how to take steps forward but also to initiate ideas of developing a new non-offending identity.²⁰

Victim preparation
is key and tutors are
trained to work
with victims of
crime to ensure they
are prepared and
supported through
the experience.

Participants are encouraged to tell their stories but to adopt new 'prison-free' ordinary language; to think how others would want to hear their explanations of what happened and why, and their intentions for the future. The involvement of outsiders in the weekly input of the volunteer team transforms the environment and reduces the 'carceral tightness'.²¹ At the start of the course it is made clear that there are no 'right answers' and that the certificate awarded on completion of the course is not dependent on a response in the final session but on active participation throughout.

In the final session, the victim of crime returns and in front of invited guests representing 'the community'; participants are offered the opportunity to make a personal response through a 'symbolic act of restitution'. The idea of the obligation on offenders to 'make amends' being quite separate from the concept of punishment through serving time gives rise to interesting debate. For some it can involve something practical; others relate their personal stories and the impact the course has had on them in encouraging a new understanding. That may include expressions of responsibility, commitment to change or a new understanding or motivation acquired on the course. The presence of visitors

representing the community in session six can be seen as an opportunity for public approval of the rehabilitation of the offenders; the tension before and the relief after, and often the tears shed and emotion shared, are palpable. It offers an opportunity for offenders to feel they can 'earn redemption',²² an especially powerful concept to those on long sentences. In some prisons family members attend the final sessions, which can be the catalyst for the powerful reconciliation of broken relationships, in some cases after many years.

15. Armour M.P., Sage, J., Rubin, A. & Windsor, L. (2005). Bridges to life: evaluation of an in prison restorative justice intervention. *Medicine and Law*, 24, 831.

16. Feasey, S. & Williams, P. (2009). An evaluation of the Sycamore Tree programme: based on an analysis of Crime Pics II data. Sheffield Hallam University available at <http://shura.shu.ac.uk/1000/1/fulltext.pdf> (last accessed 01/05/15).

17. Beech, A.R. & Chauhan, J. (2012). Evaluating the effectiveness of the Supporting Offenders through Restoration Inside (SORI) Programme delivered in seven prisons in England and Wales, *Legal and Criminological Psychology*.

18. Response from a victim of crime to the author after returning to visit session 6.

19. Sykes, G.M. & Matza, D. (1957). Techniques of neutralization: A theory of delinquency. *American Sociological Review*, 22, 664–670.

20. Stevens, A. (2012). 'I am the person now I was always meant to be': identity reconstruction and narrative reframing in therapeutic community prisons. *Criminology and Criminal Justice*, 12, 527–547.

21. Crewe, B. (2009). *The Prisoner Society: power, adaptation and the social life in an English prison*, Oxford: Clarendon Press.

22. Bazemore, G. (1998). Restorative justice and earned redemption: communities, victims and offender reintegration. *American Behavioral Scientist*, 41, 768–813.

The final session and its form of public ceremony is a unique outcome of Sycamore Tree that may speak of both Braithwaite's ideas of re-integrative shaming²³ and McNeill's ideas of a public reparation forming part of an offender's moral and social rehabilitation.²⁴ Those who choose to respond in session six, who make amends in a symbolic way marking an intention to change, report an increase in self esteem and a sense that they have drawn a line under their offending past.

This is the best thing I ever did in prison

The seemingly mutual exclusivity of prison and restorative justice is overcome in Sycamore Tree by the unique atmosphere created by the team who deliver the course. Participants recognise something different in the volunteers and the course offers a culture change from life on the wings. This is key for restorative practices to be effective,^{25, 26} and it counters concerns about punitive values and the risk of restorative practices being co-opted by the prison regime.²⁷

Sycamore Tree introduces restorative concepts and principles in an effective way to groups of offenders, providing the opportunity of a transformative experience to many for whom a restorative conference is not possible. It delivers a powerful positive emotional experience. Recent work by Meredith Rossner has unpacked the micro-dynamics of restorative conferencing and she argues that the combination of ritual outcomes of solidarity, reintegration and emotional energy (effervescence) can be used to predict the prevalence and frequency of reoffending.²⁸ Sycamore Tree produces powerful connections with victims and volunteers; session three where the offenders meet a victim of crime and session six, where they explain their offending behaviour and offer reactions to the course, each

create an intense emotional experience which therefore has the potential to impact on propensity to reoffend in a similar way to a restorative justice conference.

But does it work?

Anecdotal evidence abounds. Research evidence to satisfy the rigours of the 'what works' evidential requirements of NOMS is still awaited with the first randomised controlled trial to be conducted in prisons for 30 years being conducted under Professor Larry Sherman at the Institute of Criminology at Cambridge University. This will examine whether participation in Sycamore Tree has an impact on reducing reoffending. In the meantime, reliance is placed on a large cohort study using Crime Pics II pre- and post-course published by Sheffield Hallam University in two phases²⁹ which shows a statistically significant change in attitudes to victims and an awareness of own needs which may be taken as proxy indicators of a reduced likelihood of reoffending.

The history of Sycamore Tree predates any practical steps to deliver direct restorative justice in England and Wales and, importantly, it continues to offer a way of broadening the scope and availability of restorative justice in prisons, reaching a far wider audience and allowing a much greater participation in restorative justice practices than direct restorative justice ever will. Direct restorative justice may represent a holy grail for some, but in the meantime and for the vast majority who will not be able to go on to meet their victims in a conference, Sycamore Tree offers a unique opportunity to explore the impact of crime and how to take meaningful responsibility in a course that most report to be both challenging and encouraging and which motivates offenders to start to build a new, non-offending identity.

). *Crime, Shame and Reintegration*, Cambridge University Press, New York.

24. McNeill <http://blogs.iriss.org.uk/discoveringdesistance/useful-sources/http://blogs.iriss.org.uk/discoveringdesistance/files/2011/09/McNeill-2012-Four-forms-of-offender-rehabilitation.pdf> (last accessed 26/04/2015).

25. Coyle, A. (2001). Restorative justice in the prison setting. International prison Chaplains' Association (Europe) Driebergen, The Netherlands.

26. Edgar K. & Newell, T. (2006). *Restorative Justice in Prisons: A Guide to Making it Happen*, Waterside Press.

27. Toews, B. & Katounas, J. (2004). Have offender needs and perspectives been adequately incorporated into restorative justice. In: Toews, B. & Zehr, H (eds) *Critical issues in restorative justice*. Cullompton, Devon, Willan Publishing.

28. Rossner, M. (2013). *Just Emotions: Rituals of Restorative Justice*, Oxford University Press.

29. Feasey, S & Williams, P. (2009).