

Restorative justice changes lives



Lucy Jaffe has worked in charity, corporate and statutory sectors, leading change. She is Director of Why me?, the national charity promoting restorative justice to and for people affected by crime. In this article she explains the process of restorative justice and its advantages to all concerned.

There is faith among the public that the criminal justice system will deliver justice fairly and that, when that happens, they will feel safer and that justice has been done. Yet people harmed by crime often feel sidelined by the system, maybe called as witnesses, but lucky if their victim impact statement is read out in court. People who commit crime have very few ways of making amends, they are vilified by the public and highly likely to reoffend. What would happen if we bring both parties together to talk about the impact of harm and to come up with solutions to make amends, allowing people to move forward with their lives? We call this process restorative justice.

I used to work in insurance software for Lloyds of London, where the focus is on reimbursing people for the cost of crime, putting a financial value on the trauma and hurt. One might say that sentencing serves a similar function of meting out punishment according to the offence in question, with scant regard to the immediate and long-tail social and emotional consequences of the crime on everyone involved. Yet crime is often caused by and causes deep emotional harm and long term disruption of people's lives.

Why me? (www.why-me.org), the national restorative justice charity, has worked over the last ten years to ensure that everyone affected by crime has access to this powerful process, which gives people the opportunity to come face to face and communicate about the harm which has been done.

What is restorative justice?

Restorative justice gives victims the chance to communicate with the offender about the real impact of the crime. It empowers victims by giving them a voice, and for many people it can help them to move forward and recover. For offenders, the

experience can be incredibly challenging as it confronts them with the personal impact of their crime.

Restorative justice conferences, where a victim meets their offender, are led by a trained facilitator who supports and prepares the people taking part and makes sure that the process is safe. Sometimes, when participants do not want a face to face meeting or it is not safe to do so, the facilitator can arrange for the two parties to communicate via letters, shuttling information between the victim and offender, recorded interviews or video.

Restorative justice is voluntary, meaning that both parties must be willing to participate for it to go ahead.

The process

The restorative process starts with facilitated conversations with both parties, to listen to their situation and ask them to address some fundamental questions:

- What happened?
- Who has been affected since it happened?
- How do they feel about it?
- What can be done to put things right?

The facilitator(s) are neutral, participation is voluntary. Only if it is safe and appropriate do people meet, either in prison or the community. The meeting is conducted in a circle involving the victim and offender and possibly family members or professional workers. Everyone has been prepared. In the meeting, or restorative conference as it is known, the facilitators proceed to ask each person in turn the restorative questions and support participants to talk directly to each other (rather than via them) and to listen to each other respectfully. At the end of the meeting, an outcome agreement is made between the participants, signed by all, and with SMART objectives.

If a meeting is not possible or suitable,

then a letter exchange or shuttle communication may be facilitated. Many people find it beneficial to talk to a facilitator even if it does not result in communication with the person who caused the harm or the harmed. This is known as a restorative conversation.

The feedback

The satisfaction rates among victims who participate are very high – exceeding 95% from the 2019 Police and Crime Commissioner returns, a summary and analysis of which you can read in Why me? Valuing Victims Report. This compares starkly with overall victim satisfaction with the criminal justice system, where people are highly critical of the process, feel retraumatised and disappointed by their 'day in court.' (Victim of the system, Victim Support).

Paul Kohler, who met one of the four men who violently attacked him in his home, said that he wanted to meet them and ask why? Why me? Why my house? Who are you? After a year of preparation, Paul, his wife and daughter all met one of the men in the gym in a Category A prison. I was one of the facilitators that day and we met outside the prison in a bleak spot. Going into a prison was a new experience for all of them, not least leaving behind mobile phones, handbags and papers. It was high security, so there were many checks and security gates to go through. Once we were in the prison, we set up the circle of chairs and the prisoner was escorted into the room. A prison officer

Restorative context

Restorative practice facilitates dialogue between people to address the impact of harm. It can be applied in different settings, such as schools, care homes, neighbourhoods and in the criminal justice system.

Restorative justice uses restorative practice in the criminal justice system to help victim and offenders to achieve better understanding between each other and to agree how to make amends. It can be used as part of a sentence, in addition to a sentence, or out of court disposal. It can be used alongside a prison or community sentence or out of court disposal.

Restorative practice in a non-criminal context, is generally called restorative approaches, is applied in situations where there is no reported crime or further action by the police, to help people to get their questions answered and come to a resolution.

Restorative justice at work

Here are some of the stories from our ambassadors who have been through Restorative justice:

When Rob's son was robbed and assaulted in his local town, Rob was left with "anger and no direction in which to channel it." For him, restorative justice allowed "all of the unwanted negativity [he] had held to finally and permanently go."

Lucy was violently attacked by her ex-partner, leading to her "spending six years locked indoors when he was behind bars." For Lucy, the best thing about the meeting was "seeing him as just one person." Restorative justice was transformational for her, and she described walking out of the meeting as "the beginning of the rest of my life."

When Janika was stabbed eight times by her ex-partner, she was eager to meet him again through restorative justice. "I wanted him accountable to me, not to a judge, not to prison officers, but to me," she explained. The night after the restorative justice meeting was the first time in three and a half years that she slept through the night without waking. Janika describes restorative justice as "the key that unlocked my future."

Rosalyn was raped and tortured by a stranger in her own home. Restorative justice allowed her to regain her personal sense of "power and control," and she has felt "lighter, less afraid and happier" since the meeting.

Ray and Vi met with all three of the people who murdered their son as a teenage boy, and they chose to forgive them. "That restorative justice meeting made a real difference to us."

was present at all times but sat outside the circle. The chaplain acted as the supporter for the prisoner.

For the family, they could ask their questions, put a face to their fears, and explain the trauma and hurt which the attack had caused. For the person who committed the offence, he was able to say sorry. Paul's experience is told in more detail on our website.

The outcomes

Government research shows that restorative justice reduces recidivism by 14-27%. The process can be used to address the impact of any conflict or crime, from neighbourhood disputes, shoplifting, assault, through to murder and terrorism.

When you meet the people you have harmed, they are no longer a piece of A4 paper, or another hurdle to get past, and you think twice before you do it again. "RJ gave me back my conscience," one man said. To look someone in the eye and hear their side of the story is incredibly challenging. The process is not intended to shame, but to support the person to participate, tell their story, be heard, and come to an agreement about what to do next. Peter Woolf, who is featured in the film *The Woolf Within* along with Will Riley, whom he attacked and burgled in his own home, says that restorative justice saved his life. From the day he met Will, he realised just how much damage he had done through his years of committing crime. Since that

day in 2002, he has stopped offending, and stayed off drink and drugs.

Extraordinary though it may seem, most people who take part want the criminal behaviour to stop. How will you stop this cycle of behaviour? What are you going to do next to stop committing crime? Some simply want the opportunity to tell their side of the story and for the perpetrator to listen (*see panel*).

Victims' Code of Practice

For people affected by crime, the Victims' Code of Practice (2015) entitles them to information about it and if the crime is committed by a young person, they are entitled to be offered it. The duty to deliver lies with the police and with regional victim services provided by Police and Crime Commissioners.

For people who are serving a custodial sentence, restorative justice may be made available through their prison or probation service, or delivered by the regional victim service provided by a Police and Crime Commissioner. Why me? has run restorative development programmes for a number of years in prisons, during which time we have gathered evidence that there is huge interest among prisoners. We have worked with the Sycamore Tree programme and other groups of prisoners undergoing victim awareness courses. We explain the process and offer people the opportunity to sign up for an initial restorative conversation with one of our

facilitators. Through these initial conversations, facilitators hear their story, ascertain whether a victim can be identified and whether it is suitable to proceed, i.e. safe for them or the victim, and manage expectations about next steps.

The key to success is to get information sharing agreements set up in a timely fashion so that contact with their victims can be made. Where regional prison and police services fully embrace restorative justice, the governor has signed up and a central SPOC is assigned, restorative justice in prisons really works.

Over the last 20 years, there have been small waves of investment allocated to running prisons restoratively – several pilots have been run in recent years. This can apply to disputes on the wing, staff and prisoner relationships or running adjudications, such as in prisons like HMP Peterborough. Several voluntary organisations run restorative programmes in prisons across the country, such as Belong, Restorative Solutions and Remedi.

The Parole Board has made many changes in the last few years under the leadership of Martin Jones, to improve victim participation in the parole process. Why me? has been glad to contribute, along with people directly affected and who have been through the restorative process. As restorative justice is relatively recently introduced to England and Wales, it is only now that cases are coming to the Parole Board where the individual under review may have participated in restorative justice.

Victims of crime alerted Why me? to the apparent lack of knowledge of parole panel members about restorative justice. There was no guidance on it or how to enquire further, should they believe it had a bearing on their judgement about risk. Victims of crime were concerned that the simple fact of participation could be seen to reduce risk, might in some way convey that they had forgiven them, or that they no longer perceived them to be a risk. Guidance is being prepared this year by the Parole Board on how restorative justice works, and it has been generally agreed that it is not participation in the process which is important, but any positive resulting behaviour change.

Restorative justice is a gold mine which has the potential to change so many lives for the better by empowering people affected by crime to talk to each other, to find solutions and move on with their lives. To find out more about restorative justice, the short videos on www.why-me.org give an immediate insight into its power and potential; and you can watch a restorative conference re-enactment based on a real conference too.