



INTRODUCTION TO RESTORATIVE CONFERENCING AND PRACTICES

The aim of restorative practices is to develop community and to manage conflict and tensions by repairing harm and building relationships.

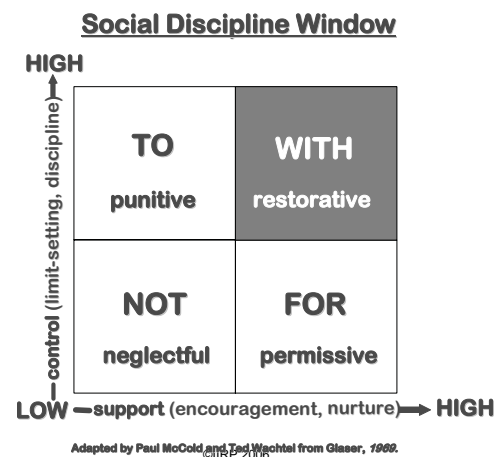
This statement identifies both proactive (developing community) and reactive (repairing harm and building relationships) approaches. Organisations and services that only use the reactive without building the social capital beforehand are less successful than those that also do the proactive.

Restorative Practices as defined by the IIRP have **four key elements** which make them explicit rather than implicit. These are:

1. **Social Discipline Window**
2. **Fair Process**
3. **Restorative Questions**
4. **Free expression of Emotions**

1. Social Discipline Window

Restorative Practices are about working **WITH** people rather than doing things **TO** or **FOR** them. It is about offering High levels of Support, whilst challenging inappropriate behaviour through High levels of Control, encouraging acceptance of responsibility and the setting of clear boundaries.



2. Fair Process

Fair Process - The Central Idea:

‘...individuals are most likely to trust and co-operate freely with systems - whether they themselves win or lose by those systems - when fair process is observed.’

W Chan, Kim & Renee Mauborgne, in their article 'Fair Process: Managing in the Knowledge Economy' for the Harvard Business Review in July – August 1997, described Fair Process as having three core elements:

1. **Engagement** – 2. **Explanation** – 3. **Expectation Clarity**

Principle 1 - Engagement: Involving individuals in decisions that affect them by asking for their input and allowing them to refute the merit of one another’s ideas.

Principle 2 - Explanation: Everyone involved and affected should understand why final decisions are made as they are. Creates a powerful feedback loop that enhances learning.

Principle 3 - Expectation Clarity: Once decisions are made, new rules are clearly stated, so that everyone understands the new boundaries and consequences of failure.



What Fair Process Isn't:

- Decisions by consensus
- Does not set out to achieve harmony
- Does not set out to win individual support through compromises that accommodate every individual's opinions, needs or interests
- Democracy in the workplace
- Managers forfeiting their prerogative to make decisions, establish policies and procedures

What Fair Process Achieves:

- Fair process builds trust and commitment,
- Trust and commitment produce voluntary co-operation,
- Voluntary co-operation which drives performance and
- Leads people to go beyond the call of duty,
- by sharing their knowledge and applying their creativity.

3. Restorative Questions

The scripted conferencing model based upon restorative questions is an internationally tried and tested process which delivers all of the elements of Restorative Practices.

Restorative Questions 1

To respond to challenging behaviour:

- **What happened?**
- **What were you thinking about at the time?**
- **What have your thoughts been since?**
- **Who has been affected by what you did?**
- **In what way have they been affected?**
- **What do you think you need to do to make things right?**

Restorative Questions 2

To help those harmed by others actions:

- **What did you think when you realised what had happened?**
- **What have your thoughts been since?**
- **How has this affected you and others?**
- **What has been the hardest thing for you?**
- **What do you think needs to happen to make things right?**

4. Free Expression of Emotions

If participants are going to reach a shared understanding and feel the process is fair, then within a safe environment with clear meeting protocols around dignity and respect, they need to be free to express all of their emotions (or affects), including those emotions which are negative. Don Nathanson pioneered work in the Psychology of Affect that helps us better understand why human beings act or respond the way they do. In his book "Shame and Pride", Don Nathanson builds on the work of Silvan Tomkins, who developed the Psychology of Affect. According to this theory, there are nine innate affects (which when influenced by upbringing, culture, experience etc. become emotions).



Most affects are experienced within a range from mild to strong.

- Two of them are **positive**:
 - Interest - Excitement
 - Enjoyment – Joy
- One is **neutral** and operates as a restart mechanism:
 - Surprise – Startle
- Six are varying degrees of **negative**:
 - Distress - Anguish
 - Disgust
 - Dismell (when something is physically or emotionally revolting)
 - Fear - Terror
 - Anger - Rage
 - Shame – Humiliation

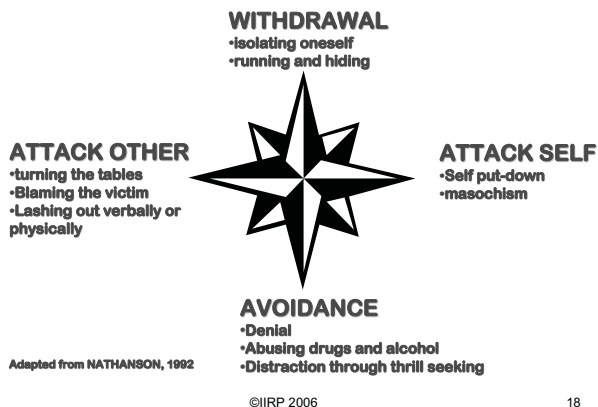
‘Shame’ is nothing but the interruption of one of the positive affects. Anytime one of those affects is interrupted, we will experience varying degrees of ‘shame – humiliation’. It cannot be avoided. We can however, minimise the negative aspects of shame.

“Compass of Shame”

The Compass of Shame was developed by Don Nathanson and he said there are 5 ways people respond to shame – four are negative, one is positive. Nathanson organised the four ways into something he called the Compass of Shame. These are the four **negative** responses:

- **Withdrawal** – isolating oneself, running and hiding
- **Avoidance** – denial, drug and alcohol abuse, distraction through thrill seeking
- **Attack others** – ‘turning the tables’, blaming the victim, lashing out verbally or physically
- **Attack self** – self put-down, masochism

Compass of Shame



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We take time to talk about the negative ways people deal with shame because, when we see these responses in other people, we can recognise them for what they are; expressions of shame. Strange as it may seem, it is a kind of admission that they’ve done something wrong. Once we’ve recognised what this reaction actually is, there are things we can do to help them deal with their shame in a positive way.

Some of the positive ways you can deal with shame are to talk about it, apologise, admit the wrongdoing, make amends and express feelings. All of these things are restorative ways to handle shame in a way that does not become toxic to the group. In your community, you probably notice those negative shame responses all the time (*with work colleagues, clients, students, parents etc.*).



In his book, *'Crime, Shame and Reintegration'* Australian Criminologist John Braithwaite claims that: "Shame is innate in all of us, and occurs at two levels:

- **Internal: Through our Socialisation, ability to decide between right & wrong and our developed conscience.**
- **External: Through sanctions or condemnation from family, community or important others.**

Healthy communities are the ones that learn to deal with shame in a positive way. The important thing is to recognise the responses because there are positive ways we can respond to help people work through their shame. We can respond to others experiencing shame by:

- **Listening to what they have to say**
- **Acknowledging their feelings**
- **Encouraging them to talk about their experience**

These are the key steps needed to build and maintain healthy relationships, according to Tomkins' 'Blueprints'

Tomkins' 'Blueprint' for **Individuals** proposes that Individuals are at their best when they:

- **Maximise positive affect** (or emotions)
- **Minimise negative affect** (or emotions)
- **Freely express emotion**
- **Do as much of the above three as possible**

Tomkins Blueprint for Healthy **Communities** :

- **Increase positive affect**
- **Decrease negative affect**
- **Express emotion freely**
- **Increase the power to do the first three things**

Every instance of wrongdoing or conflict is seen as an opportunity for learning and can be addressed either informally through the conversational use of key questions or more formally through a restorative conference.

Our experience within the organisations that form the International Institute for Restorative Practices (IIRP) over the last three decades and in particular the last decade in respect of Restorative Justice; led us to realise that a discreet one off restorative intervention in the form of a Family Group Conference (FGC), Victim and Offender Mediation (VOM) or Restorative Conference (RC) is only one form of restorative response. In many cases this is all that is needed, whilst in others a more long term and comprehensive restorative approach is required or at least desirable.

Restorative Practices Continuum

The IIRP defines five main strands of restorative practices on a continuum as follows:

Affective Statements which are brief comments about how others were impacted by the person's behaviour.

Affective Questions which are one step further, asking the wrongdoer questions like who was affected, how they were affected, etc.

Small Impromptu Conference where you bring together a few people to talk about the incident, its impact and what to do next



The Large Group or Circle which allows everyone to have some say in what should happen as a result of the wrongdoing and...

The Formal Conference which involves more planning and preparation and tends to be more structured and complete.

The full Restorative Conferencing model sits at the formal end of the informal to formal Restorative Practices Continuum and is largely used in cases where responsibility has been accepted and harm acknowledged. Most formal models (including RC and FGC (with the exception of the welfare model of FGC), are based upon Restorative Justice principles, the basic tenets of which are around: *Harm and Relationships*.

When contrasting an Adversarial with a Restorative style we find the language differs:

Adversarial:

- “What happened?”
- “Who’s to blame?”
- “What punishment is needed?”

Restorative:

- “What happened?”
- “What harm resulted?”
- “What needs to be done to make things right?”

There are several definitions of Restorative Justice worldwide, none universally accepted, though the most widely accepted and used is:

Restorative Justice can provide a forum whereby those most directly affected by wrongdoing come together to determine what needs to be done to repair the harm and prevent a reoccurrence.

Effective restorative practices foster awareness of how others have been affected by inappropriate behaviour. This is done by actively engaging participants in a process which separates the ‘Deed from the Doer’ and rejects the ‘Act not the Actor’ allowing participants to make amends for the harm caused.

In his book “Crime, Shame and Reintegration” John Braithwaite tells us (in shorthand):

Restorative Practices:

- **allow The act (unacceptable behaviour) to be rejected because they failed to meet expectations or standards, whilst**
- **acknowledging the intrinsic worth of the person and their potential contribution to society (the community, school, workplace, etc.)**

Restorative Conferences have been used for many different purposes over the last decade. Some have been cases involving full acceptance of responsibility and acknowledgement of harm caused, whilst others have not. Some have involved all parties to the incident whilst others have provided a service to one or the other party and their respective supporters.

It is not always appropriate or necessary to hold a full conference for all incidents and in fact the use of restorative practices at all levels, from informal through to formal is to be recommended.

When restorative practices and language are embedded into the way we deal with all conflict and inappropriate behaviour we are most likely to make a difference in the lives of those harmed and affected and the lives of perpetrators too.



Models/Uses of Restorative Justice and Practices

Adapted from entries in the 'Restorative Justice Consortium' www.restorativejustice.org.uk (recognised UK Restorative Justice umbrella body) online Glossary.

Circles

A process which encourages the use of many restorative skills and values, such as: mutual respect, empathy, active listening, impartiality, non-judgemental acceptance of difference and win-win problem solving. Circles can be used to begin a lesson/group session, as a morning meeting, to close the day or at anytime. It should be used for both praising good work, behaviour etc. as well as dealing with behavioural issues and when things go wrong in teams, workplaces etc. The process works by sitting in a circle, preferably on chairs of the same height, in an airy room where there will be no interruptions. Sometimes a 'talking piece' is used in a 'go around', where only the person/student holding the 'talking piece' may speak if they choose to do so. Other types of circles can be used such as 'fish bowl', non-sequential, problem solving, etc .

Community conferencing

A meeting involving members of a community who come together to resolve a conflict facilitated by an impartial third party in a safe and positive way. These are often run in the style of a Restorative Conference (see below).

Family Group Conference (FGC)

A group meeting or conference where members of the extended family are invited to come together with the aim of resolving family crisis, conflict or behavioural problems (including crime in some cases). It can involve social workers, education welfare officers, service providers, police, etc. It can be used for both welfare and criminal justice purposes.

There are two main forms of Family Group Conferencing (known as 'Family Group Decision Making' in the USA), which were first introduced in New Zealand in 1989 and based on traditional Maori methods and later used in other countries, including the UK.

- In the 'welfare' Family Group Conferencing, a young person is invited to attend with his or her extended family and other persons who have a significant place in his life; after the problems have been outlined and agencies have explained what resources are available, the family is allowed private time (family Caucus) with no one else present to work out an action plan for the young person.
- The 'justice' Family Group Conference is similar, except that the victim is also invited to attend, with a supporter if desired, and the action plan often contains an element of reparation.

Indirect mediation/process

This is where the wrongdoer (offender) and/or the harmed person (victim) do not wish to meet with each other. The mediator or facilitator 'shuttles' between them to convey messages and often to reach agreement. This is also known as shuttle mediation.

Mediation

A face-to-face process, in which an impartial outside party helps two or more disputants work out how to resolve a conflict. This differs from Victim/Offender mediation (see below) in that: '...in a mediated dispute or conflict, parties are assumed to be on a level moral playing field, often with responsibilities that may need to be shared on all sides. While this sense of shared blame may be true in some criminal cases, in many it is not.' (Zehr. Howard, 'Little book of Restorative Justice', pp.9)



Restorative Conferencing or Restorative Justice Conferencing

What defines a restorative conference varies. In general it refers to a structured intervention by a trained facilitator involving all those affected by an incident seeking ways to repair the harm. It may or may not have a script.

Restorative Cautioning

A process pioneered in the UK by Thames Valley Police using the conferencing method, but often not involving the victim.

Restorative Justice Programme

Any programme that uses restorative processes, which adhere to restorative values, or aims to achieve restorative outcomes for all those affected by a conflict.

Sentencing circles

Sentencing circles bring together a wide range of people affected by an incident (victim, offender, friends/family, police) to help sentence (decide the penalty for) the offender, together with a sentencer.

Victim / Offender Mediation

A process in which victim(s) and offender(s) communicate with the help of an impartial third party, either directly (face-to-face), or indirectly through a third party, enabling the victim(s) the opportunity to express their needs and feelings, and offender(s) the opportunity to accept and act on their responsibilities. This may be used in place of the criminal justice process, or during or after it.

For more information on Restorative Justice and Practices go to the following great online library resources:

IIRP (International Institute for Restorative Practices) Online Collection:

http://www.iirp.org/lib_online_collection.php

Restorative Justice Online (Prison Fellowship) RJ Library:

<http://www.restorativejustice.org/research>

Conclusion

So to re-cap - For Restorative Practice to be explicit, they must actively integrate:

- **The Social Discipline Window – working in the WITH box (High on both Control & Support)**
- **Fair Process – Engagement, Explanation and Expectation Clarity**
- **Use of Restorative Language & Questions**
- **Tomkins Blueprint - the Free expression of all emotions**

Implementation

When considering the implementation of any new process, work practice etc., including Restorative Practices, the manner in which this is achieved can have a marked impact upon its successful implementation or otherwise.

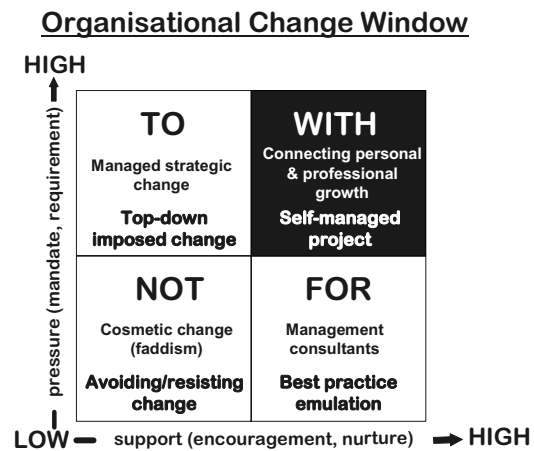


The concepts behind the Social Discipline Window can be adapted to describe different styles of ‘Organisational Change’ as follows:

Pressure without Support can lead to such things as a work to rule, slowdown or a passive aggressive stance being adopted.

Support without Pressure can lead to a waste of resources.

With both Pressure and Support, changes have a greater likelihood of being accepted and introduced successfully. It will be helpful to keep the Organisational Change Window in mind when considering the questions that follow.



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Some questions you need to ask yourself and others when seeking to implement Restorative Practices in your work are:

- **How can you integrate restorative practices into your work area?**
- **How can you build upon experiences of using restorative practices? (example: sharing stories with another colleague)**
- **How can you develop a strong and sustainable collective approach to restorative practices?**
- **How can you bring restorative practices to students/clients/parents/staff etc.?**

I hope this short overview has raised your awareness, interest in and knowledge of Restorative Justice and Practices and we wish you every success in your endeavours to embrace and implement such practices in your own field.

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