



**RESTORATIVE JUSTICE IN THE
JUVENILE SECURE ESTATE**

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EXECUTIVE SUMMARY

This research was funded by the Youth Justice Board for England and Wales in order to establish the scope of restorative work currently being undertaken within custodial and secure establishments, and to identify and disseminate good practice. It was undertaken by the Community and Criminal Justice Division at De Montfort University, Leicester between 2002 and 2003. The full report describes the use of a range of restorative interventions in Young Offender Institutions (YOIs), Local Authority Secure Units (LASUs)¹ and Secure Training Centres (STCs) (collectively known as the juvenile secure estate). The research aimed to establish the extent to which restorative justice influences the regimes and programmes in secure institutions, as well as to identify good practice that might usefully be replicated elsewhere.

The main finding of the research was that there is currently little restorative justice intervention of any kind taking place either in YOIs or in the juvenile secure estate generally. Some projects that had previously flourished were dealing with only small numbers of cases, and many had disappeared completely. This had happened for a variety of reasons, mostly related to the pressure of numbers of young people sentenced to custody and secure conditions, and the resulting inability to allocate places within a reasonable distance of the home area. This made direct victim-offender mediation impractical because of victims' understandable reluctance to travel long distances, and other types of innovative intervention were unlikely to succeed simply because pressure of numbers necessitated prioritising other tasks.

Where restorative interventions were still being practiced, it was occurring in partnership with Youth Offending Teams (Yots) and voluntary agencies (such as Mediation UK and Victim Support schemes) in the outside community. Such partnerships also alleviated the difficulties experienced by staff in institutions in communicating with victims, and identifying good professional practice for restorative justice work. The voluntary agencies and the secure establishments identified lack of specific resources for developing this work as another obstacle.

Staff in custodial and secure settings were broadly sympathetic to the notion of experimenting with restorative approaches to work with young people, especially in relation to tasks such as dealing with bullying and disciplinary matters, and in order to bring home to young offenders the impact of their behaviour upon victims of crime. The community agencies also welcomed the possibility of becoming more deeply involved in such interventions, subject to the availability of sufficient resources.

While the research literature broadly supports the idea that restorative justice can be an effective approach to working with young people in the community, there is only limited (albeit encouraging) evidence of its effectiveness within custodial and other secure settings. Most of the evidence so far available, here and abroad, relates to adult prisoners rather than young people. This research found that there are isolated examples of good practice

¹ At the time this research was conducted, Local Authority Secure Children's Homes (LASCHs) were still known as LASUs.

across the whole range of restorative interventions in custodial and secure institutions in England and Wales, but that there is no common understanding of what is meant by restorative justice and no policy guidance from the centre. The report, therefore, recommends that an experimental project be set up, in partnership with relevant community organisations, in order to explore the potential of a range of restorative interventions such as:

- ❖ direct victim offender mediation (VOM) and conferencing
- ❖ indirect (or ‘shuttle’) mediation
- ❖ direct reparation or compensation from victims in secure settings to victims in the community
- ❖ indirect reparation
- ❖ offenders writing letters of apology to victims from custodial and other secure settings
- ❖ victim awareness group-work sessions.

A controlled experiment is proposed in the use of a range of restorative interventions with young offenders held in custodial and secure establishments and their victims. This would need to be rigorously evaluated, ideally with control and treatment groups of similar young people in the same institution. Any such experiment would have to be ethically designed so that those in the control group were not denied worthwhile opportunities available to the treatment sample. It would also be designed to create opportunities that are clearly restorative – in the interests of victims, communities and offenders. It should be implemented by well-trained and supported staff, perhaps in one of the institutions which already has a track record of innovation in this area. It would need to be adequately resourced; and it would be best if any experiment could be set up in consultation or, if possible, in collaboration with a local mediation service and Victim Support.

RECOMMENDATIONS

The Youth Justice Board should devise and publicise a strategy for restorative justice in secure institutions for young people, with agreed, common definitions of the various terms used in this field.

The Board has begun this process with the publication of *Key Elements of Effective Practice – Restorative Justice* that will be updated/revised, as appropriate.

Staff at secure establishments need guidance and set procedures or protocols in obtaining victims’ contact details: the flow of such information is currently problematic, and there is no official framework encouraging its transmission to establishments. It has also prevented restorative justice from taking place within some establishments.

In cases where the victim and the secure establishment the young person is residing in are far apart, it would be advantageous to arrange the temporary release of a young person in order to enable them to engage in victim-offender mediation. This would require an official endorsement and direction. There are wider implications for resettlement policy – for example, do establishments potentially have a wider role in resettlement than merely taking part in a single meeting with the receiving Yot?

Rigorous training on what works in the restorative justice area is required for both the specialists and the staff who will have less central involvement with offenders.

There also appears to be interest in how direct mediation might most appropriately be used in relation to the resolution of disputes between inmates and between staff and inmates. General awareness training on restorative justice and wider victim issues could address some of the concerns raised by staff – for example, the likelihood that victim empathy work with young offenders will open up questions about offenders’ own experiences of victimisation with which staff may feel reluctant or ill-prepared to engage.

CHAPTER ONE

INTRODUCTION

The Youth Justice Board for England and Wales provided De Montfort University with funds to undertake research to establish the scope of restorative work being undertaken within custodial and secure establishments, and to identify and disseminate good practice. This report describes the work undertaken in the course of researching the use of a range of restorative interventions in YOIs, LASUs and STCs. The research aimed to establish the extent to which restorative justice influences the regimes and programmes in secure institutions, as well as to identify good practice which might usefully be replicated elsewhere.

Although some previous research had been undertaken in this area, there was a lack of up-to-date information needed to inform practice. There has been a substantial development in the use of restorative justice approaches elsewhere in the criminal justice system in the UK, not least within the adult prison system, and this project offered an opportunity to establish the current situation and the potential for future developments in the juvenile secure estates.

A range of complementary research methods was employed, and the existing research was reviewed in order to inform the process. Questionnaires were sent to all Yots, secure institutions, Victim Support schemes and mediation schemes in England and Wales. This was followed up by qualitative research to find out more about what was being done in the areas where the questionnaires indicated that staff were active in this field, and to explore the views of key stakeholders.

Yots were included in the research for three main reasons. First, because they work with young people who are sentenced to serve time in custodial and secure establishments, and the use of restorative justice in these settings has implications for resettlement planning. Second, the Yots have developed a range of restorative interventions for use in the community, and there is considerable potential for Yot staff to work in partnership with their colleagues within the YOIs and the juvenile secure estate. Third, there are already some examples of such partnership-working, which the research had the opportunity to explore as examples of existing good practice.

The research took place over 15 months, from January 2002 to March 2003. The core research team consisted of Devinder Curry, Derek Owens-Rawle, Mike Semenchuk and Brian Williams, joined at a later stage by Victoria Knight and Sunita Patel.

The research team found evidence of good practice in a number of areas, and considerable optimism in a number of quarters about the potential for building upon this. The report ends with specific recommendations about a possible way forward, and suggests the need for existing knowledge about the possible uses of restorative justice to be spread more widely within secure settings.

In the second chapter, previous relevant research is examined. A good number of general reviews of restorative justice and its place in work with young offenders have been

published in recent years. The chapter therefore confines itself to literature which specifically addresses the use of restorative interventions with young people in custodial and other secure settings. In view of the recent innovative work undertaken in adult prisons in Belgium and Canada, the research on these projects is briefly reviewed.

The third chapter describes the methods employed in undertaking the research, some of the problems encountered in obtaining accurate and comprehensive information, and the strategies employed in an attempt to overcome these obstacles.

In the fourth chapter, the main field research findings are presented. These consist of questionnaire surveys of restorative justice work undertaken in the field and in the juvenile secure estate, questionnaire surveys of the involvement of Mediation UK and Victim Support in such projects, and follow-up interviews with staff in the establishments where such activity was taking place.

The fifth chapter outlines the other main field research. It summarises interviews with key stakeholders in national agencies about the place and the future of restorative work in the juvenile secure estate.

Finally, the sixth chapter contains the conclusions arising from the research, along with a number of recommendations suggesting a possible way forward in terms of pursuing the potential offered by restorative interventions with young people in YOIs and other secure institutions.

CHAPTER TWO

PREVIOUS RESEARCH²

Introduction

To a large extent the criminal justice system as practised throughout the UK has, until now, excluded the victim from playing any role in the process of the dispensation of justice on their offenders (Marshall, 1999, Christie, 1978). The state, with the active co-operation of the public, has taken over this responsibility in a way which excludes the victim, albeit in many observers' eyes in a largely benign way. The police, the legal profession, the courts, and the penal system within the UK are not geared up for any involvement by victims other than their role in providing information as witness and victim (Dignan, 1992). Offending behaviour is viewed as an offence against the state rather than an offence against a victim. As such, victims have largely been marginalised *by* the state (Dignan and Cavadino, 1996).

As Dignan and Cavadino argue, the decision-making processes regarding prosecution and sentencing are firmly in the hands of the state, which claims to reflect the demands of the public interest. It may be that this exclusivity of power in the hands of the state might be at the cost of the interests of those who suffer at the hands of offenders. Greater involvement of victims in the dispensation of justice in less formal legal systems has been called for by a number of commentators, among whom Christie (1978) was one of the first.

Restorative justice attempts to include the victim in the process of criminal justice. A central issue of this approach is that both victim and offender should be viewed as equal partners who are making a serious and sincere attempt to heal a breach. As such, it is important that neither party is used by the other for their own interests. The restorative justice philosophy is firmly centred on a concept of mutual rather than individual interests.

That restorative justice, in general, and mediation, in particular, are being acknowledged internationally as an important step toward reform of criminal justice is reflected in *Recommendation No. R (99) 19 of the Council of Europe Concerning Mediation in Penal Matters*, adopted in September 1999, which encouraged member states to provide mediation services at all stages of the criminal justice process. Additionally, the Council of the European Union adopted a Council Framework Decision in December 2001, which obliges member states to promote mediation practices (Aertsen and Willemsens, 2001). The United Nations Economic and Social Council adopted a resolution encouraging member states to use mediation and restorative justice in appropriate cases in 1999 (Crawford and Newburn, 2003) and consultations with member states on its implementation continues.

It may be however that a sea change in the way that society conceptualises crime is needed for this type of process to become acceptable. It has been suggested that restorative justice should be viewed as treatment for a single symptom of a much wider malaise (Miller and Schachter, 2000). Restorative justice, Miller and Schachter propose, can only succeed when

² This chapter represents a very selective review of the most relevant research. A fuller literature review is available on request from the authors at the Community and Criminal Justice Division, De Montfort University, The Gateway, Leicester LE1 9BH

placed within the context of other fundamental social problems such as pre-school education, proper care for mental illness, poverty alleviation and improved literacy rates. The active support of these relevant agencies is needed to address the fundamental social problems, by what they have termed restorative governance, in order for the justice system to make a significant impact with restorative justice practices.

What is restorative justice?

Despite its growing popularity, there remains a debate as to what is meant by restorative justice (Mackay, 2002). It involves, a priori, an offence (either civil or criminal) being committed, the offender identified, and said offender admitting to committing the offence. Restorative justice, in general, is perceived as being centred on the concept of repairing the damage that is caused by crime rather than with the punitive measures more commonly applied (Walgrave, 2000).

Restorative justice is intended as a means of “healing the physical and emotional wounds that harmful behaviour has produced, as well as the communal connections that were severed” (Sullivan, Tifft and Cordella, 1998, page 8). While today’s society unquestioningly associates crime with punishment, this precept is challenged by Wright (1996b) who suggests that in many cases reparation might be a more positive remedy.

Johnstone (2002) describes restorative justice by defining crime as a violation of a person by another person, rather than a violation of the law, and goes on to explain rather than define his view of restorative justice. He proposes that the primary aims of restorative justice should be to help offenders understand the harm caused to victims and their liability to repair that harm, and assist the cessation of offending behaviour. The reparation delivered by the offender to the victim should be agreed by all the parties involved, with efforts to improve the relationship between offender and victim to facilitate reintegration back into society.

Doubts remain, however, as to what is actually being restored and to whom. It has been argued that restorative justice is “centrally concerned with restoration” (Marshall, 1999, page 7). While the concept can be clearly connected to victims and community, with the restoration of property, peace of mind, services, etc. it becomes more problematic to relate restoration to offenders. Marshall suggested that the offender was being restored to a law-abiding life. In many instances, offenders may well never have had what may be understood as a law-abiding life in the first place. It is argued that it is, therefore, not possible to restore what never existed. Thus, it is further argued that, for offenders, it may be the case that nothing is actually being restored; rather, something is being either changed or imposed. If this is the case, then it would be more accurate to claim that, as far as the offender is concerned, the objective is less that of restoration and more that of reform or rehabilitation.

Restorative justice is defined in this study as a procedure that involves victims, offenders and others whose interests have been affected, in resolving how to deal with the aftermath of an offence. It seeks to help victims regain a feeling of safety, and to help offenders to make things right. It seeks to hold offenders accountable and to reconcile victims and offenders; and it aims to strengthen the community in order to prevent further offences (this definition was adapted from Van Ness et al, 2001).

Victim-offender mediation

Restorative justice, as by now will be apparent, may be termed an umbrella concept that incorporates a number of methods of applying justice as alternatives to the highly impersonal punitive system currently adopted in most countries including the UK. These restorative methods include restorative conferencing, family group conferencing, reparation, community mediation, VOM and, in England and Wales, youth offender panels. There is currently a substantial amount of published work on the general concept of restorative justice, as carried out in the format of reparative programmes within the community. But little has, so far, been written about mediation projects carried out in custodial settings between offenders serving sentences and their victims.

According to Umbreit (1999a, p. 215), the goals of victim-offender mediation (VOM) are those of “holding the offender directly accountable for their behaviour while providing important assistance and compensation to the victim.” The means of achieving this, he says, are “the assistance of a trained mediator who facilitates a dialogue between the involved parties”. According to this methodology:

The victim is able to let the offender know how the crime has affected him/her, to answer questions he/she may have, and to be directly involved in developing a restitution plan so that the offender is accountable for the losses incurred. The offender is also able to take direct responsibility for their behaviour, to learn of the full impact of their action, and to develop a plan for making amends to the person(s) violated.

Others however have also suggested that another significant goal should be that of the prevention of further offending (Zehr and Mika, 1998; Miers et al., 2001). From these aims and objectives, mediation programmes should be recognised as being a legitimate form of restorative justice. VOM starts at the point that an offender admits that he/she has committed an offence. Methods of VOM can be separated into two broad groups: direct and indirect mediation.

Direct mediation

The most frequent method of conducting direct VOM sessions is where the mediator, usually a trained volunteer, initially conducts separate meetings with both victim and offender. The purpose of separate meetings is to “listen to their story of what happened, explain the program, invite their participation, and prepare them for the meeting.” (Umbreit, 1999a, pages 217-8). At an appropriate point, when the mediator judges both parties to be ready, a face-to-face meeting takes place. According to Nugent et al (2001), a tool often used within the mediation process is a written restitution agreement, which is composed, agreed and signed by the victim and offender. Direct mediation removes the buffer of the state that exists between the victim and offender, which tends to isolate offenders from their victims (Cragg, 1992). This isolation may contribute to the difficulties that victims experience in effecting closure of the offending incident, which of course is a major objective in restorative justice.

The importance of remorse for mediation to be truly successful has been stressed. Young (1999, page 268) suggests that “the act of saying ‘I’m sorry’ may seem trivial in the aftermath of a violent crime, but if the act is accompanied by contrition, it can sometimes help victims begin to reconstruct their own lives.” Young adds that, where remorse is demonstrated on the part of the offender, victims may be helped in vitiating the self-blame

from which they frequently suffer. It has to be said that remorse is a problematic concept in that it is difficult to measure. In addition, while much criminal justice decision-making is based upon assessments of offenders' levels of remorse, many of which are subjective, little is known about the relevance of remorse to offenders' future behaviour. (Dominey, 2002; Horne, 1999).

Indirect mediation

This form of mediation, where victims and offenders do not meet face-to-face, may result in offenders writing and sending a letter of apology to their victim (Marshall, 1999). However, as Marshall suggests, this form of mediation is less likely, by reason of its impersonality, to be as effective as the more direct method of victim and offender meeting face to face. Letter writing itself may be problematic since some schemes only allow letters to proceed to victims after scrutiny (and presumably approval) by those running the scheme (Howard League, 1997). The effect of this type of scrutiny may inhibit offenders in expressing their genuine feelings and may thereby compromise such forms of mediation, as well as raising scepticism on victims' part about the genuineness of the offenders' remorse.

Restorative justice in British custodial institutions

As a consequence of the range of practices that seek shelter under the umbrella of restorative justice, British studies of custodial institutions have tended to focus on what can be described as forms of victim awareness and community reparation. For example in its paper reviewing work carried out within prisons on offenders' attitudes towards and understanding of the feelings of their victims, the Howard League (1997) indicated that at least 52 prisons claimed to be carrying out some form of work with prisoners on victim issues. However, only six prisons reported that they had specialist courses dealing with victim issues, and there were no examples of VOM.

The setting for the courses dealing with victim issues will normally be a group one, during which both the short- and long-term impacts of offences on victims will be discussed. Letters (which are not posted) will be written to victims as a means of detecting empathic failure and may be used in future sessions. Offenders may be required to watch video footage designed to increase their understanding of the fear and sense of powerlessness that victims experience. They may then be encouraged to write, from the victim's viewpoint, an account of their most serious offence. Role-play can be used, and the original letter written by offenders will be reviewed and discussed in the light of subsequent experience and insight gained during the course.

Some projects have been reported by Liebmann and Braithewaite (1999) in which prisoners carry out work within the community. These projects cover a wide variety of activities, which include carrying out community work outside the prison, the manufacture of various products for charitable purposes and also working with people (both adults and children) with special needs or who may be at risk.

While many of these projects concerning community reparation and victim awareness may be considered very worthy, and are no doubt providing a service, the degree to which they might be considered as examples of restorative justice may be debatable. An issue that must be addressed is the motivation of prisoners for taking part. It is not sufficient to assume that, because a prisoner has agreed to take part, there is any degree of commitment to the goals of restorative justice. The novelty of working outside the prison or attending a group

that allows contact with the outside world; the possibility of communicating with people outside the prison system; a welcome alternative to the regimented routine within the prison; even the opportunity to observe members of the opposite sex may be sufficient for prisoners to volunteer to work on such projects. They do not guarantee any degree of commitment to restorative justice. Additionally, there must be adequate safeguards to ensure that prisoners are not being exploited as a source of cheap labour in order to carry out community projects that the authorities might otherwise choose not to finance. These practices may be satisfactory, acceptable, or even (depending upon one's point of view) laudable in a punitive context, but should not necessarily be taken at face value as restorative justice projects.

That little formally organised VOM takes place within prisons generally, and the juvenile secure estate in particular, is supported by Liebmann and Braithewaite's (1999) study. In a survey of the 44 known mediation services in the UK, they were only able to confirm that six initiatives were actually taking place in custodial settings. However, a more recent survey prepared by Liebmann referred to VOM projects in three YOIs, a Christian restorative justice project (Sycamore Tree) operating in two YOIs and victim awareness courses in another two. There are also references to restorative conferencing as an approach to dealing with assaults, bullying and other offences in a further two YOIs (rjkbases, 2003).

Of the three YOI projects, Liebmann and Braithewaite found that at HM YOI Stoke Heath both indirect and direct mediation had taken place between victims and offenders. Sessions were preceded by a three-day group training session on mediation with offenders. Trained prison service personnel with the support of local mediation services carried out the training. Victims are prepared for mediation by community-based mediation services. Mediation had been primarily carried out with young offenders who had been involved in offences for burglary and assault. At the time of their report, no evaluation as to effectiveness had been carried out.

At HM YOI Brinsford, they found that indirect and direct mediation were practised. Selection of suitable participant offenders was carried out by prison officers and probation staff, who monitored letters of apology that were sent to victims as the indirect component of mediation. Youth justice workers trained by Sandwell Mediation Service facilitated the direct mediation sessions. Participant offenders had been selected from those who had committed a range of offences from burglary to arson. Although no evaluation had been carried out at the time of their report, the project had received an award from the Butler Trust for innovative work in a custodial setting.

A small amount of mediation had been found to be practised at HM YOI Huntercombe, where sessions of direct mediation had been carried out. This had involved taking a young male offender out of the YOI for direct mediation sessions at a local probation office. It was not reported whether any follow-up or evaluation as to effectiveness had been carried out, and the young person's age was not specified

The HM YOI Brinsford project was also reported by Renshaw and Powell (2001), who found that for the period between 1996 and 2000 some 60 offenders had been found suitable for mediation. It was possible to engage with victims in 23 of these cases where mediation sessions subsequently took place. It was reported that one young offender who took part

wanted to apologise to his victim and to explain why he acted as he did. He also claimed that he needed to understand the victim's thinking about the offence. This offender felt that the meeting had achieved its expected result, and that he subsequently felt a greater degree of responsibility for his actions and hoped that his victim then understood that he wished no harm towards him personally. In turn, the victim (a police officer) felt that the process had been worthwhile and that he was then able to move on and resume his life.

Restorative justice in Canadian custodial institutions

Background

Concern regarding the growth in the prison population was a significant factor in the decision to develop demonstration projects based on restorative principles in Canada in 1996 (Cormier, 2002). The projects initially concentrated in community corrections settings, but the Federal Corrections Service in Canada went on to establish a restorative justice and Dispute Resolution Branch at its national headquarters, which is charged with supporting local initiatives in this field and developing policies across all settings.

The most recent version of the Corrections Service's mission statement (CSC, 2001) makes it clear, in general terms, that offenders should be "informed participants in the correctional process" and be provided with "opportunities to contribute to the well-being of the community" (strategic objectives 1.1 and 1.6). This is seen as providing a mandate for restorative justice initiatives, and a number of local projects are being encouraged to develop in penal institutions.

Emerging practice

A specific prison-based project was established experimentally in Grande Cache Institution in Alberta in 1999, initially involving a training programme in restorative principles for staff followed by a week-long, intensive group work programme for inmates. The latter concentrated on the impact of offences upon their victims, and used video material, homework and group exercises. Although not rigorously evaluated, the project was carefully recorded by psychologists at the institution and written up by one of the officers involved (Jackson, 2000). It has led to the establishment of a restorative justice coalition within the institution, chaired by an inmate, and more recently, an experimental restorative justice unit has been set up in one housing unit of the prison, designed with advice from the former governor of Grendon Underwood therapeutic prison in England, Tim Newell.

Restorative justice committees have been established in a number of prisons. One such committee at the federal penitentiary in Kingston, Ontario has organised a victims' justice day as part of which offenders donate a day's pay to a victim-oriented charity. On Vancouver Island in British Columbia, a project entitled Restorative Alternatives to Parole Suspension works with serious offenders in the community to avoid recall to prison when parole conditions are first breached (CSC, 2002).

Restorative justice in Belgian custodial institutions

Background

The Belgian justice ministry revised its statement of correctional policy in 1996, to link the primary aim of imprisonment with restorative outcomes. "Safe and human corrective measures aiming at the social reintegration of the convicted person" remained the main thrust of prison policy, but the new policy statement clarified how this was to be achieved. Reintegration, it stated, was "dependent on the [offender's] recognition of victims and/or

the acceptance of responsibility for restorative actions” (Biermans and d’Hoop, 2001, page 1).

Emerging practice

A pilot project was set up by the justice ministry in 1997, in partnership with the universities at Leuven and Liège and six penal establishments (Ministry of Justice, 2000). It involved placing a restorative justice consultant in each prison, charged with advising the governor on the reorientation of the culture of the establishment towards a restorative approach, making links with relevant outside organisations and creating opportunities for an improved understanding of restorative justice. As far as prisoners are concerned, the consultants have a pro-active role in promoting victim awareness, VOM and the provision of information. The basic assumption is that offenders need to be encouraged to take responsibility for their actions.

The role also includes improving the handling of enquiries by victims, ensuring that they are provided with appropriate information, and referring people victimised inside the prison to appropriate external services. The consultants are also required to take steps to improve awareness of life in prison and of restorative justice in the prisons’ local communities. The consultants are also expected to work towards a culture of respect within prisons. A federal pilot group is evaluating the project. Since late 2000, it has been extended to cover the whole Belgian adult prison system – thirty institutions in all (Biermans and d’Hoop, 2001).

In at least one prison, this experiment has led to the establishment of a VOM project and a financial compensation scheme allowing prisoners to earn money that is paid to their victims. These are run by external voluntary agencies, as envisaged by the ministry circular of 2000 (Regelbrugge and Dufraing, 2002). Direct work with prisoners is based upon a recognition that many prisoners themselves feel victimised: group work can acknowledge these feelings and promote the work on the offenders’ awareness of the effects of their offences upon victims. Increasingly, victims are being consulted about decisions on early release. In appropriate cases, this can involve victims giving evidence in person. In a few cases, this has led to direct VOM (Biermans and d’Hoop, 2001).

Until 1 January 2002, young offenders in Belgium were held in adult prisons. As a result of reaching crisis point in the lack of available places in youth establishments, a new youth prison, Everberg, opened in March 2002. It is only intended to hold young people temporarily until they are allocated to more suitable establishments, and it does not take part in the restorative justice arrangements described above. At this stage, a restorative justice consultant has yet to be appointed. There are still some young people in adult prisons because of a legal provision allowing youth court judges to refer certain young offenders to an adult court for sentencing, and these prisoners do come into contact with restorative justice consultants in the same way as anyone else (van Poucke, 2002).

Prison-based restorative justice: challenges

If the concept of very serious crimes being dealt with by means of restorative justice methods is to be accepted, it is then likely that the prison will be the locus of any restorative activity (Mackay, 2002). A study by Immarigeon (1996), which concentrated on prison-based reconciliations, defines the purest model of victim-offender reconciliation as that

where the victim and offender meet face to face within the institution where the offender is being held in custody.

One challenge to mediation processes in custodial settings, as identified by Francis (2001), concerns the balance of power between the victim and offender, which might be viewed as unequal. While there is little doubt that, in custodial settings, offenders are less empowered by reason of their lack of liberty to return home on completion of the mediation session, it should also be considered that the prison environment might well have an inhibiting effect on the victim. It could be argued that this might, to some degree, restore the balance of power between the parties. There is, however, as Francis (ibid.) points out, a real concern that offenders who choose not to take part in mediation may be considered as exhibiting a lack of remorse, which might have negative effects – for example, with regard to reviews for early release.

Geographical locations of YOIs would appear to present problems for face-to-face mediation in many instances. The original intention to have YOIs serve local catchment areas has proved difficult, with young offenders now being placed in YOIs far from home. This usually means that young offenders are also far from their victims. As such, it is likely that many victims (particularly the elderly and those with mobility problems) faced with potentially long journeys will be reluctant to become involved in mediation projects.

According to Immarigeon (1999), the growth of prison-based VOM had been limited in Canada, the UK and the US by two main factors: institutional opposition and a shortage of funding. Institutional opposition arises from a tension between the basic assumptions underlying prison administration and the very different assumptions of restorative justice advocates: there is a clash of values and restorative justice can be perceived as a threat to the very philosophy of imprisonment. When addressing the question of the ethical implications of introducing restorative justice into the prison Mackay (2002) suggests:

It depends on what you are proposing to introduce; where you are going to introduce it, and whom you are intending to involve in the process. Although this approach seems fraught with detail and difficulty, it does recognise the need for engagement between advocates of restorative justice and prison staff. There needs to be dialogue between advocates of restorative justice and governors and officers of the prison about what restorative justice means, what it could entail, and, above all, how it fits with the concerns that prison staff have about the work of the prison itself (e.g. bullying, assaults, changing behaviour, the interface with disciplinary systems). (page 6)

Prison-based restorative justice: constructive examples

Studies of restorative justice involving young offenders have demonstrated the potential for development within defined parameters. For example, work in Australia undertaken by Sherman, Strang and Woods (2000), comparing subsequent reoffending of groups that took part in the diversionary restorative justice programme with those that took the conventional court route, found that the effect of diversionary conferences is to cause a:

*big drop in offending rates by violent offenders (by 38 crimes per 100 per year).
Very small increase in offending by drink drivers (by 6 crimes per 100 offenders per year).
Lack of any difference in repeat offending by juvenile property offenders or shoplifters (though after-only analysis shows a drop in reoffending by shoplifters). (page 3)*

A more recent study by Nugent et al (2001) found that children and adolescents who participate in mediation programmes are likely to commit fewer further offences. While the aforementioned studies relate to community-based restorative justice, there have been instances where prison-based VOM has been used successfully in cases where serious offences have been committed, including manslaughter, attempted murder, and murder. In the latter case, mediation is between the offender and survivors of the victim (e.g. parents). The study describes examples of successful mediation, enabling surviving relatives to achieve closure (Flaten, 1996; Immarigeon, 1996; Umbreit, 2001).

Earlier work by Wynne (1996) included VOM in both community and custodial settings. While stressing the need for great sensitivity when assessing the suitability of cases for mediation, Wynne reports that the Leeds Mediation and Reparation Service (formerly the Leeds Reparation Project) mediated in a wide variety of offences including arson, assault, burglary, criminal damage, manslaughter, robbery, sexual assaults, theft and car thefts. In two follow-up studies carried out on the Leeds project, the first, in 1988, reported that, of the 90 offenders who had taken part in the project during its trial period between 1985 and 1987, 75% had no further convictions after one year, and 68% had no further convictions after two years. The second follow-up study showed that, of the 69 offenders who had taken part in mediation during 1989, 78% had no further convictions after one year, and 58% had no further convictions after two years. The study claimed that the project was effective “with both juvenile and adult offenders and their victims” (Wynne, 1996, p. 445).

After taking part in face-to-face mediation in a YOI, a victim expressed the view that he felt the process had been worthwhile and that he could now put the incident behind him and “get on with his life.” In addition, the same study found that face-to-face mediation had increased offenders’ understanding of how victims feel and the sense of responsibility for action experienced by the offender (Renshaw and Powell, 2001).

The potential benefits of successful implementation of restorative justice practices within custodial institutions can lead to fundamental changes of attitudes that may make prisons easier to run (Newell, 2003). Some US criminologists see restorative justice as the platform from which to create what they have called a “virtuous prison”, characterised by an ability to inculcate moral awareness in inmates (Cullen et al, 2001).

Conclusion

Too little is known about the extent to which restorative justice is used in YOIs and the juvenile secure estate more generally. Where it is in use, this is often as the result of initiatives taken by individual staff, which makes projects very vulnerable as these individuals move on. Even less is known about the theories and methods underlying such projects. Even the definition of restorative justice appears to vary widely from project to project. There is a small but growing literature on the development of restorative justice with incarcerated offenders in Canada and Belgium. While there may be some valuable lessons for expanding practice in the UK, international findings are unlikely to be directly transferable. There is clearly a need for further field research and experimentation to inform future policy and practice in the UK. In what follows, the relevance of this existing research literature should become apparent. Before presenting and discussing the findings of the field research, however, the next chapter looks at the methodology employed for the present study.

CHAPTER 3

METHODOLOGY

The research design for this study aimed to combine qualitative and quantitative methods with a view to ensuring that the results were as accurate as possible. Such a combination, or triangulation, of research methods helps to ensure that findings are verified in a number of different ways. For example, quantitative methods helped to establish the proportion of institutions and teams that were using restorative interventions, and qualitative methods were chosen as a way of finding out more about what this meant to the participants, and how restorative justice was implemented in practice. The research contained a number of elements; a literature review, postal questionnaires, follow-up interviews, an email questionnaire and individual stakeholder interviews.

A literature review

A literature review was compiled at the beginning of the project, and continually revised and updated throughout the research period, in order to ensure that the findings of previous, relevant research were taken into account.

A postal questionnaire for Yots

A questionnaire was sent to all Yots, having first been piloted with the assistance of one Yot. The responses were analysed using the SPSS statistical package. This questionnaire was designed to measure the extent of the teams' involvement in restorative interventions, both in the community and in secure settings. It also allowed the research team to identify secure settings in which restorative interventions were taking place, where no response had been received from the companion postal questionnaire to the secure establishments.

A postal questionnaire to YOIs and secure establishments

A questionnaire was sent to all YOIs, STCs and LASUs. It was first piloted with the assistance of one STC, and the responses were analysed using SPSS. The questionnaire was designed to measure the level of activity in terms of a number of specified restorative interventions and approaches, and to allow the research team to follow up particular examples of restorative practice in order to obtain fuller information by qualitative means (see below).

Telephone reminders were made to non-respondents, and following a low response rate to the two postal questionnaires, the process was repeated in the case of the non-respondents four months later.

Follow-up interviews

Where questionnaire respondents had given their details and agreed to be interviewed, those who had indicated that relevant restorative justice interventions were taking place at their establishments were contacted by telephone or letter. They were then interviewed in greater depth either by telephone or in person. The interviews were recorded and transcribed, and then analysed. This process allowed information from the questionnaire survey to be checked and gave respondents an opportunity to provide greater detail.

A questionnaire via email

On the advice of Mediation UK, it was decided that local mediation schemes could best be contacted via email. A questionnaire was sent to all mediation schemes in England and Wales by email and analysed using Excel. Given the relatively small number of mediation schemes and their accessibility via email, this allowed the swift collection of a significant quantity of data without taking up too much of the respondents' time.

A postal questionnaire

An additional postal questionnaire was sent to all Victim Support schemes in England and Wales with the assistance of the body's national office. The relevant parts of the responses were analysed using Excel. The advice the research team received from Victim Support suggested that this method of data collection would produce a better response rate than an email questionnaire.

Individual interviews with stakeholders

Individual interviews were conducted with 10 key stakeholders. These were taped, transcribed, checked for accuracy with the respondents, then analysed using traditional manual data reduction techniques. It was felt that a number of key national organisations and individuals had influenced the development of restorative interventions in the custodial sector, and that incorporating these perspectives would enrich the research. Initial approaches were made to the key organisations involved (such as Victim Support and Mediation UK), and some respondents from the organisations suggested others who had an influential role, and who were also subsequently interviewed. The interview schedule used is reproduced in Appendix 4, but it should be noted that in many cases it prompted the beginning of a discussion rather than constraining what was discussed.

The low level of activity detected in all the areas researched surprised the research team initially, in view of the findings of previous studies of restorative interventions in custodial settings (discussed above in the literature review). It appears that much of the restorative activity discussed in earlier research occurred either in adult prisons or youth custody establishments on an *ad hoc* basis which has not continued.

It became clear from the stakeholder interviews that a number of constraints currently discourage activity of this kind, and these are discussed in the summary of those interviews and in the concluding chapter.

CHAPTER FOUR

THE QUESTIONNAIRES AND INTERVIEWS

This chapter describes a series of postal questionnaires and follow-up interviews that were designed to ascertain the level of involvement on the part of Yots, YOIs, juvenile secure estate establishments, mediation schemes and victim support schemes in the provision of various types of restorative interventions within YOIs and the wider juvenile secure estate. Postal questionnaires were followed up by personal interviews in the case of the YOIs and other secure establishments that reported being involved in restorative activities.

Restorative activities undertaken within Yots, YOIs and other juvenile secure estate establishments

This stage of the research began with a postal questionnaire, and there were inevitable difficulties in encouraging responses from busy practitioners. The research team was aware of the heavy workloads of the practitioners targeted, and so the questions were limited and very simple in order to encourage them to take part. This approach resulted in 19 (59.4%) out of 32 LASUs/STCs returning their forms; 12 (92.3%) out of 13 YOI's responded within the specified timeframe, as well as 101 (74.8%) out of 155 Yots. One questionnaire was returned without the contact section being completed (0.7%), so that the researchers were unable to identify the type of establishment which had provided it. Altogether, the questionnaire received 136 responses (87.9%).

The questionnaires did not completely meet the expectations of the research team, in terms of highlighting the extent to which restorative justice is currently used when working with young offenders. The detailed interviews at specific establishments were able to extract more information regarding the various initiatives that were in operation. It was interesting, however, to observe that, although 103 respondents stated that they ran restorative justice programmes, only 73 agreed to being contacted again for more detailed information.

By analysing the results from the questionnaires, it is clear that the Yots seem to be more involved in a variety of restorative justice initiatives than the secure establishments. However, it is important to bear in mind that Yots were disproportionately represented in terms of the number of respondents.

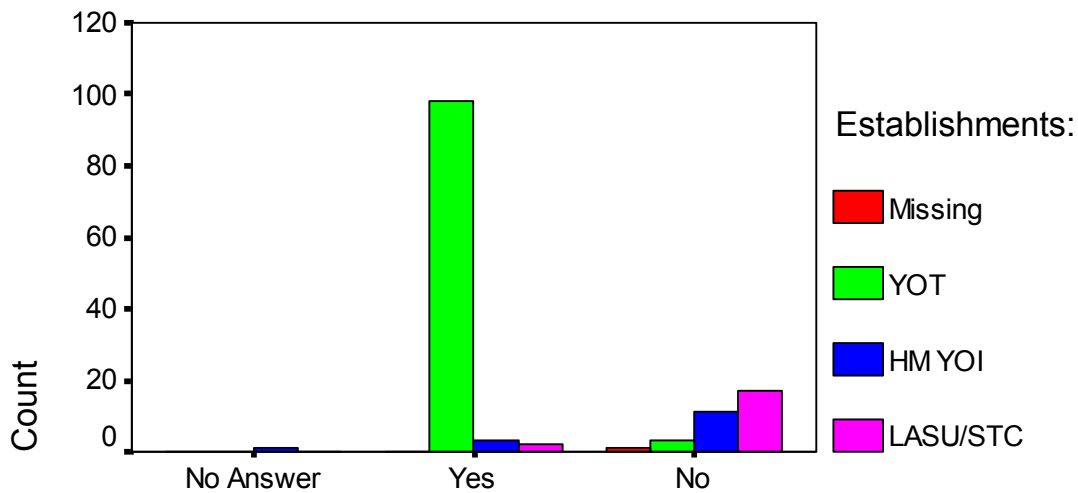
However, many questionnaires were returned with incomplete data. For example, in the final section of the questionnaire, respondents were asked to describe other restorative justice initiatives taking place within their establishments, and very little information was provided in response to this question. There was a clear need to follow up some of the respondents to get more qualitative data on the various activities taking place. The data were collated and analysed using SPSS; relevant respondents were then chosen for follow-up contacts.

Findings

A total of 103 (75%) of the respondents indicated that their establishments or teams ran some restorative justice programmes, whereas 32 (23.5%) indicated that they did not run any restorative justice programmes.

GRAPH 1:

Q 1a: Does your establishment currently run any RJ programmes?



Question 1a

RJ= Restorative Justice

LASU: Local Authority Secure Unit. STC: Secure Training Centre

This could reflect an inconsistency in relation to the way practitioners from different establishments perceive the definition of restorative justice, although the questionnaires specifically referred to the research team's preferred definition (see 'Chapter Two').

The survey also aimed to differentiate between different restorative justice initiatives such as mediation (direct/indirect) and reparation (direct/community).

A total of 67.6% (92) of respondents stated that they currently operated VOM programmes, 11% (15) did not, and 21.3% (29) did not answer the question. Some Yots were undertaking mediation with surrogate victims, which may offer a solution to some of the practical problems that the juvenile secure estate faces. It may be argued that the use of a surrogate victim may not be as effective as a direct meeting between an offender and his/her victim. However, in the cases where the victim is not willing, or it is not possible to facilitate direct mediation, a surrogate victim could be useful in representing the feelings and views of victims.

When asked about mediation, respondents often answered in terms of conferences, failing to differentiate between VOM and family group conferences.

When the respondents in YOIs and LASU/STCs were asked the extent to which mediation was used when resolving conflicts between inmates and/or staff or other inmates, only six establishments stated that they used mediation at their establishment, whereas 25 did not answer. This shows that work is still required to introduce the concept of mediation as a conflict resolution method within a prison/secure environment.

When asked about direct mediation, i.e. where the victim and offender meet face to face, again this is an area where Yots have been undertaking most work, with 98 respondents (72.1%) saying they operated direct mediation programmes, 11 (8.1%) saying that they did not and 27 (19.9%) not answering the question.

The work of the Yots does perhaps allow for more opportunities to facilitate direct mediation between victim and offender, compared with a prison/secure environment. However, the fact that so many chose not to answer this part of the questionnaire could be an indication that there needs to be more clarification around the definition of direct mediation and, perhaps, also some more training for staff at YOIs and STC/LASUs as to how direct mediation can be used to resolve conflict between staff and/or inmates.

Indirect mediation is defined in 'Chapter Two'. It involves the offender and the victim engaging in some form of interaction, but not actually meeting. For example, letters can be exchanged between them. Of the respondents to the questionnaire, 99 (72.8%) operated indirect mediation programmes, 9 (6.6%) did not, and 28 (20.6%) did not answer the question.

The survey differentiated between direct and community reparation, where direct reparation is an opportunity for the offender to perform a task that directly benefits the victim.

A total of 96 respondents (70.6%) said they had developed structures where direct reparation could take place. Again, the Yots were much more likely to facilitate direct reparation for the obvious reason that the offenders have the freedom to carry out different tasks in the community. Twelve respondents (8.8%) had no structures available for direct mediation and 28 (20.6%) did not answer. Many practitioners said they felt that participation in reparation had a very positive effect on the offenders.

Only 3 (2.2 %) respondents from YOIs and LASU/STCs said that there were structures in place whereby offenders could directly perform tasks that benefited the community, six (4.4%) said that there were not, and 27 (19.9 %) respondents did not answer. Where YOI's answered in the affirmative, there were no examples given that would provide any insight into how this was achieved. This issue was pursued, where contact details were provided, by interviewing the relevant staff:(see the next section of this chapter).

One question asked if there were any other forms of restorative justice initiatives taking place at the various establishments. This was designed to gain detailed knowledge of other initiatives that may have been highlighted elsewhere in the questionnaire. Of 136 respondents, only 70 (51.5 %) answered yes to this question. There was, however, little

information given in terms of examples. Most of the answers simply stated indirect mediation or community reparation, both of which had been covered earlier in the survey. Sixty-two (45.6%) respondents did not answer this part of the survey, whereas seven respondents answered in the negative when asked if there were any other forms of restorative justice in their establishments.

However, the replies from the Yots identified four specific initiatives: video apologies; community placements; retail-crime initiatives; and various community payback schemes.

Twenty-three Yots stated that community placements were a much-used method. This involved building good links with various organisations in the community which would, in return, offer the young person a placement involving some form of voluntary work to benefit the community. Examples of this have been gardening projects, general tidying up of the area, maintenance of boats, painting and work at local residential homes for older people.

Three Yots were currently involved in some form of retail-crime prevention initiatives. Here local businesses have volunteered their time to talk to young offenders and explain the effects of retail crime to them. The effects and consequences of shoplifting and other forms of retail crime are explained either by someone who works for a company which has been a victim or by a representative from the local community.

Ten Yots were operating various community payback schemes. This is very similar to the community placements. However, here the Yots try to find the young person a placement relevant to the offence. As an example, a young person who is known for his anti-social behaviour towards older people might better realise the effect of his/her actions if placed to work with older people in the community.

Some Yots also run restorative justice programmes designed to tackle specific types of offences – for example, car crime and anti-social behaviour.

Respondents from the juvenile secure estate were also offered the opportunity to say on the questionnaire whether they were employing other forms of restorative justice. Some said that they were, without giving specific details.

Based on the statistical data, restorative justice programmes do seem to exist to some extent within the juvenile secure estate. However, there seems to be a degree of confusion over clear definitions for the different elements that come under the restorative justice umbrella. This makes the understanding of restorative justice and the delivery of restorative justice initiatives rather inconsistent across different establishments.

Interviews at YOIs and juvenile secure estate establishments

The research design envisaged that, after receiving and analysing the replies to the postal questionnaires from Yots and establishments within the juvenile secure estate, visits would be made to establishments that indicated they used restorative justice with young people in their custody. The purpose of these visits was to interview identified members of staff to ascertain the extent to which restorative justice was used in each establishment.

Visits or extended telephone calls were made to one STC, two YOIs in the juvenile estate and three LASUs. In order to maintain anonymity, the names of those interviewed and the institutions visited have not been identified; instead, each institution has been assigned a letter of the alphabet. Semi-structured interviews were used in order to facilitate a discussion about restorative justice practice within particular establishments.

There were, on occasions, some difficulties with arranging interviews – for example, when staff who were contacted did not return telephone calls and, at some establishments, it was not possible to identify a suitable member of staff to speak to. Despite occasional assistance from the Youth Justice Board, some establishments were still unable to provide researchers with the required information.

On other occasions, telephone calls to arrange interviews resulted in long conversations with the member of staff. These discussions generated sufficient information, particularly where programmes were only in their infancy, and this meant that a visit was not required. Notes of these telephone conversations were kept by the researchers involved and are used to inform the discussion in this section. Where face-to-face interviews did take place, they were tape-recorded, and transcriptions of the recordings used for analysis.

The replies are considered from a number of different perspectives below, including the use of direct mediation, indirect mediation, reparation and any other activities that were undertaken. Interviewees were also asked to provide additional comments on how restorative justice could be introduced in secure establishments in the future and the obstacles that might lie in the way of this.

Direct mediation

In terms of direct mediation, only one of the institutions had undertaken mediation, where victims were brought into the establishment (Establishment A). Some of the other establishments had undertaken mediation work within the institution between young people in conflict (Establishments B and F). At Establishment E, one mediation meeting had taken place in the community, where the offender was taken to meet the victim. However, it appears that this process was initiated and led by the relevant Yot in the community.

At Establishment C we were informed that “there is not direct mediation where they (offenders) meet direct with the victim.” At Establishment D, the head of youth offending services talked of direct mediation taking place in relation to matters of internal discipline: “We...involve both young people and staff in incidents that happen, particularly between young people and young people.”

At this establishment it appears that mediation is often on an informal basis and that links with established mediation techniques are quite tenuous, as will become clear later in this section. However, it was indicated that there are plans to introduce restorative justice more formally.

Where meetings did take place, the numbers involved were very small. At Establishment A, the only institution that brought community victims into the secure setting, five mediation meetings of between 45 and 90 minutes in length had taken place over the previous year.

Where meetings had involved young people within secure establishments, the numbers were smaller still. At Establishment B, two meetings had taken place that lasted between 45 and 60 minutes whereas at Establishment F, there had been one intervention that involved two sessions of around 30 minutes each.

At Establishment D, where there have been some attempts to mediate internal disputes between young people, themselves, and between young people and staff, the staff member interviewed could not specify the number of such interventions. It was explained that quite a lot of the work is on a day-to-day basis, informally resolving disputes between young people: “We try and sit the trainees down and talk to each other about what’s happened.”

In terms of preparation, Establishment A appeared to work according to more established mediation methods. There were between three and eight pre-interview sessions, depending on the needs of the individual victim, lasting between 20 and 90 minutes. There were also between two and six pre-interview sessions with offenders; these lasted between 20 and 90 minutes

At Establishment B there were no formal sessions to prepare either party, but staff were said to work towards that end over a two-week period. In the one intervention that had taken place at Establishment F, there had been one preparation session of 20 minutes with the victim and two sessions of 20 to 30 minutes with the offender.

At Establishment D, where work is on a more informal basis, the victim (if a member of staff) would speak to the young person “if they felt comfortable to do that”.

In cases where the incident was more serious, the respondent stated that “we might look at it at a more management level of engaging staff and young people in the unit to discuss what happened.”

It was also suggested that, at this establishment, staff would mostly approach young people on their own initiative and that “sometimes the young person apologises”.

In more serious cases, the management team might decide to speak to the young person and ask how they would feel about talking to the member of staff about the incident. As for the likely duration of such meetings, it was stated that “in some cases, it might just be a couple of minutes...sort of just a chat about what happened...I don’t think there’s any kind of set times as far as I am aware.”

So, in some cases, there may be some preparation where representatives of the management of the establishment would discuss the incident with the young person and suggest that they speak to the member of staff – but there was no preparation time, as a formal policy, for such mediation.

At Establishment E, where the mediation took place outside the secure setting under the auspices of the Yot, the team manager stated that preparation with the offender involved “talking it over with him, preparing him for what he would be likely to face, how he would deal with it, putting those scenarios to him etc”.

As the Yot dealt with this case, the team manager could not comment upon preparation work with the victim.

As for who was present at the mediation session, it was only at Establishment A that specially trained mediators were present. The mediator facilitated the meeting and a member of the institution staff was also present to provide security and, in some cases, in order to support the offender.

At Establishment B, a staff member was present to support each young person and to assist with facilitating the meeting. The same was true for Establishment F.

At Establishment D sometimes the head of care or a unit manager would attend the meeting “because the member of staff might not feel comfortable talking to the young person on their own...the unit manager or somebody else would sit and discuss it with them.”

Agreements reached at the end of such meetings usually involved a verbal apology to the staff member by the young person, or unit staff and the young person drawing up a behaviour management plan with a contract to be signed by the young person.

When it came to discussing exit strategies and post-mediation meeting follow-up, Establishment A offered a post-mediation meeting to the victim, where a written evaluation was completed. The contact details of the mediator were also left with the victim in order that assistance could be obtained if required. With regard to offenders, the mediator notified the appropriate institution staff if there were reason to believe the offender was in any way distressed following the meeting and there was no planned further contact with the offender.

As both victim and perpetrator were resident in the examples given at Establishments B and F, they both received ongoing support from staff. However, at Establishment F, there was also a separate interview with both parties to evaluate the perception of outcomes from both the victim and the offender points of view. At both establishments, the relationship of the participants was also monitored, as was their general behaviour.

At Establishment D, there were no established exit strategies or follow-up procedures as “it is not directly recorded because it just happens day to day.”

Indirect mediation

Only at Establishment A did there appear to be indirect mediation in the form of shuttle mediation (involving the use of a go-between). At this establishment, it was felt that shuttle mediation could be used as a way to build a relationship between the victim and the offender with a view to a later face-to-face meeting.

The young person was introduced to the concept after their initial interest was established by staff, either via victim empathy work or because of unresolved feelings of guilt. The young person was then assessed by the mediator, based on information gathered from a number of sources. To be suitable for such a process, the young person must accept full responsibility for the offence, demonstrate genuine remorse and express a willingness to apologise to the victim.

The victim was introduced to the process by the mediator initially by way of letter, then a phone call, and then by means of a visit. The process was fully explained to the victim, and the fact that they could withdraw from the process at any stage was emphasised to them. There was no prescribed time limit to the process, either for the offender or the victim. The exit strategy and follow-up procedures for this process at Establishment A obeyed the same guidelines as that used for direct mediation meetings.

Letter writing issues

Letter writing is another means by which offenders apologise to victims, although in this area too there appeared to be no standardised method of working and the purpose of writing letters did not always appear to be clear.

At Establishment C, the deputy governor said that young people were encouraged to write letters to their parents as well as their victims. He went on to explain that

those are quite common targets that might be set on day one in that initial sentence planning meeting, depending upon what the circumstances are. It is very common for them to say, yes you need to go and write a letter to the victim or sometimes you need to be even writing a letter to your own family because, often you know, disappointment really is what you've done to your own mum and dad.

At this establishment letters of apology could also be sent to firms that were corporate victims of crime, and there had been some positive results. The deputy governor explained:

The Yot worker will approach companies... we'll get a contact point for companies to have letters of apology. It's been quite good; we've had one lad recently who was in for burglaries of warehouses and things like that. Once we got things going, and he was here for quite a fair time, we actually got him out onto a fork-lift truck driving course. We got him to pass his fork-lift truck driving licence, then we got a placement for him with a warehouse. And the warehouse was one of the warehouses, not the actual one, but one of the type of warehouses he had been burgling. And suddenly the boot was put on the other foot, and that was quite interesting. He has left here recently and has still got the full-time job with them. So that was very interesting.

Establishment A also employed letter writing as a restorative technique. However, the staff approach at this establishment appeared to support the emphasis in literature, that the restorative justice approach offered the offender the opportunity to pursue restorative relationships with a direct victim of their offence. By default, this appeared to exclude corporate victims. The situation regarding vehicle crime was slightly different. While staff approaches to such crimes were closely allied to those employed in relation to corporate crimes (the view was taken that it was impractical to pursue such offences for restorative interventions due to the high numbers of car thefts and break-ins committed by offenders), an example was given of a successful mediation where reckless driving was a feature.

At Establishments E and F, letters were written occasionally as part of victim awareness programmes but these were not sent to the victim. Letter writing was not used at Establishments B or D in any format.

At Establishment A, it was the mediator who prepared the offender for the letter writing exercise. At Establishment C, the offender often wrote the letter with the assistance of his personal officer because “they will need support...because it is not an easy thing to do. It’s an area that they’ve probably never been challenged in before.

Letters were generally handwritten and, where literacy was an issue for the young person, assistance was provided. In such circumstances, at Establishment A the mediator then wrote the letter using the young person’s words: At Establishment C, it was stated that staff would help if this were a problem.

Contact with the victim was usually made on behalf of the establishment by the relevant Yot. At Establishment A, the mediator contacted the supervising Yot worker, and he/she, in turn, contacted the victim specialist or police officer within the Yot who traced the victim. This information was then passed to the mediator who wrote to the victim.

At Establishment C, the victim was also contacted by the Yot: “The outside Yot worker consults, it’s quite common as well for the magistrate that hears the case to actually state...that the victim would respond well to a letter of apology or explanation or whatever, and it is sometimes quite revealing to read some of those letters that explain why a child’s got to where a child is. Some of those are quite, you know, yes reveal is the right word.”

However, in the case of Establishment C, it would appear that there was rarely any feedback from victim to offender after a letter of apology was sent. This lack of feedback may mean there is unlikely to be any positive effect on the offender, since restorative justice is intended to be a reciprocal exercise. Establishment A also pointed out that contacting victims had been a major stumbling block, as mediators have great difficulty obtaining victim contact details from Yots.

Difficulty in obtaining victim contact details seemed to spring from a range of sources. In some cases, insufficient efforts were believed to have been made in retrieving the relevant files. In many cases, the delay between the young person being apprehended, dealt with and sentenced meant that substantial time had elapsed and the victim of the offence had moved and was no longer traceable. In other cases, the victim did not respond to written communications.

In the cases described as successful, these difficulties had not arisen. This was attributed to the success of the move towards employing specialist staff within Yots and, to a less extent, to the availability in some cases of victim personal statements.

Surrogate victims

Surrogate victims were also not widely used, although reasons for this varied. The view at Establishment A was that staff were not convinced that surrogacy offers sufficient impact to warrant its development. Surrogate victims were also not used at Establishment B, D, E or F.

Only at Establishment C were surrogate victims used, they explained:

The outside Yot workers will come in and they'll bring people in with them who have been victims of crime and they will address the lads and talk to the lads, but...it will never be the actual person who committed the crime.

However, it was made clear that the young people were not meeting with their real victims, i.e. those against whom they had perpetrated crimes. While this is the direction the institution wants to move towards, the member of staff stated “We have not established that link yet.”

Description was also provided of how victims of car crime had been brought into the establishment and had given talks to young people. It was argued that this presented young offenders with an opportunity to gain greater understanding of the consequences of their offences: “It does let the lads look at the other side that they don't see when they commit the crime.”

Reparation

Reparation work was also not widely practiced at any of the establishments. At Establishment C community work was available, and some young people who had committed offences of vandalism went out into the community and worked on a project that repairs the damage caused by vandalism.

At Establishment D, reparation was viewed as a task to be undertaken when damage or harm had been caused within the institution. In cases of vandalism, graffiti for example, the young person is “made to go and clean it up”, but staff were there to assist them so that there is still “a level of engagement” while they undertook the task. Where items have been stolen, an educational book for example, the young person is made to pay. As the member of staff said: “It's about getting them to value the property we have here”.

At this establishment, negotiations were currently under way with the local Yot about young people undertaking reparation work in the community, possibly as part of their training plans and also as part of their post-release supervision.

At other establishments reparation work in the community was also still in its infancy. At Establishment E negotiations were taking place with the local Yot to look at the type of work that could be found for young people, considering their ages and levels of functioning. This included work out in the community, as well as reparation work that could be undertaken within a secure setting. The team manager at this establishment stated that the Yot seemed keen to work in partnership on this project with the secure establishment. However, there were a number of considerations limiting such initiatives. These included risk assessments of the projects and of the risks young people posed to themselves and to the local community. In addition, there were concerns about young people from the secure setting working alongside young people on community sentences. These were based on fears that mixing these two groups may allow young people in the community to pass drugs and other paraphernalia to young people in custody, as had happened at another establishment.

At Establishment E, however, the same principles were applied as at Establishment D when it came to work currently undertaken inside the secure setting. If a young person damaged

something within the secure setting, they would be expected to “pay for it, make a contribution from their pocket money, so much per week”.

Other issues raised

A number of other issues were raised during the interviews by some of the interviewees.

Training

At Establishment A, wider staff training was felt to be the key in encouraging a wider use of restorative justice. The staff interviewed felt that, while a small number of prison officers had commitment to mediation, wider staff training would provide greater impetus for growth. This was extended further at Establishment B. It was suggested that there should be a framework/process that is implemented by senior management throughout the establishment. The whole organisation would have to be aware of the potential of restorative justice and then be actively involved. Staff training was, therefore, seen as essential.

While this interviewee emphasised that not all staff would need to be involved in restorative justice processes, it was suggested that they should at the very least be aware of the principles of restorative justice. The campaign in relation to bullying was cited as an example of how this could be done. The manager at Establishment F could also see the potential benefits of undertaking aspects of restorative justice, but felt that the levels of staff training required and more immediate concerns would prevent progress in the near future.

Restorative justice within the institution

At Establishment A, it was felt that the development of restorative justice as a tool in resolving internal matters was impractical because staff would not be viewed with the impartiality that is essential to mediation, and it would also require a change in the “robust masculine” image of staff. This was not a view shared at other establishments.

At Establishment D, there was some suggestion that restorative justice could be built into the process of director’s hearings, where the director sees a young person about their behaviour: “At the moment, we look at it in terms of them having a talking to about their behaviour, and it may be, as a result of that, there is some kind of direct mediation.”

Mediation was already used for anti-bullying initiatives within this institution – but from the interview it appeared that a lot of this work lacked clear structure and focus.

At Establishment E it was also felt that mediation could be used to resolve conflicts within the unit. When talking about disputes between young people, the following comment was made. “We would get them together and talk to them on their own but we would need to look at the circumstances to see if this was appropriate.”

However, in relation to conflict between young people and staff the team manager explained that “it’s not tolerated, they would be spoken to. We have a points system where they’re marked for their behaviour and the more points they get, the more privileges they would get.”

At Establishment C, it was also acknowledged that restorative justice is likely to be effective in resolving situations within the establishment itself, in addition to being used between offenders and victims.

We've got local policies – for example, anti-bullying. So we may get a lad that's been bullying while they're in prison or a lad that's been bullied, and we try to use mediation and restorative justice to address that while they're in custody as well...and that appears to work.

Others explained that restorative justice was just part of the process for working with young people, and other factors may need to be addressed before such work could be undertaken. At Establishment B, the view was taken that many young offenders have victim issues of their own that are unresolved and, until this is addressed, they are unlikely to recognise another person's victim issues.

This view was reiterated at Establishment C where the importance of taking a more eclectic approach with offenders to address offending behaviour successfully was highlighted. Mediation was felt to be a significant way to encourage offenders to identify and empathise with their victims and could contribute to the required behaviour modification.

At this establishment the importance of imparting social skills to young people was also emphasised:

A lot of these lads lack social skills. So they learn social skills in here as part of the community; but it's about them learning those social skills to go back into the bigger community. And they are sometimes different social skills, but a lot of them are the same social skills as well, and restorative justice; if you use restorative justice to tackle bullying then you can, if that works and you can turn a lad round and say, well let's look at a bigger picture. Let's look at what you've been doing in the community.

However, while there appeared to be an understanding of the links between social skills, empathising, victim awareness and understanding consequences of actions at this establishment, the strategies employed appeared to lack real focus.

Logistics

The logistics involved in organising mediation were also mentioned by a number of those interviewed. At Establishment C staff stated that they were only supposed to house young people from a radius of 50 miles from the institution, but the reality was somewhat different, and this situation presented difficulties for arranging restorative justice practices with victims. Victims are likely to be reluctant to take part in any direct mediation if they are faced with lengthy journeys.

At Establishment B, the general lack of contact with outside agencies and the logistics of arranging meetings were such that VOM was impossible. At Establishment E, there were also no plans to organise family group conferences because it was felt that the process had to be Yot led, and the institution held young people from across the country, so making it difficult to arrange mediation meetings at the establishment.

Mediation processes

At Establishment A, it was seen as essential that the mediation process could begin at any point within the sentence and that mechanisms should be put in place so that work can be continued even if the young person is transferred to another institution.

At Establishment B it was further proposed that early/temporary release could be used to facilitate VOM, as this would be far more effective in reinforcing the victim issues that are raised in a range of cognitive behavioural programmes.

At Establishment C, the issue of post-release supervision was highlighted, and it was pointed out that the establishment is only funded to attend one meeting for each young person in the community after release, and this in effect was a handover meeting. This meant there was no feedback on progress and in effect: “We only ever see our failures, we don’t see our successes.”

The survey of mediation schemes and victim support schemes

A postal survey was distributed to mediation and victim support schemes throughout England and Wales, asking for their opinions in relation to restorative justice work in the juvenile secure estate. In total, 245 mediation and victim support schemes responded to postal surveys and these surveys provided an indication that the level of work on and assistance with restorative justice in the juvenile secure estate by these schemes is low. In particular, the work is more likely to occur in adult prisons rather than juvenile secure estate establishments. There was also an absence of policy in relation to restorative justice work in the juvenile secure estate by these organisations. Charts used in this section highlight the combined responses from mediation and victim support schemes, and a breakdown of the responses from the various schemes is provided later in this section.

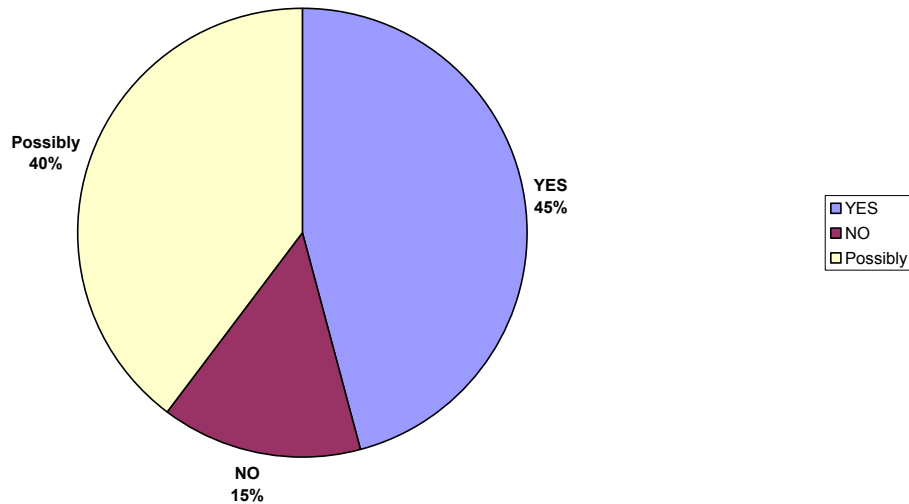
The total number that offer and carry out victim awareness sessions in secure institutions is 16 schemes (89%) from the whole cohort surveyed. Of this sample, 13 (62%) of the schemes have offered and run sessions in the adult juvenile secure estate, compared with 8 (38%) of the schemes conducting sessions in the youth juvenile secure estate.

The total number of schemes that offer support and assistance with restorative justice in the juvenile secure estate is 8 (5%) compared with 140 (95%) schemes that do not.

For those schemes (eight in total) that offer support and assistance, six (75%) support and assist in the adult juvenile secure estate, compared with two (25%) schemes that support and assist in the youth sector.

The findings also demonstrate that the development of restorative justice practices with mediation and victim support schemes is low. However, the survey has highlighted that 60 (45%) of the schemes would definitely consider the prospect of carrying out such work. Likewise, a further 52 (40%) of the schemes surveyed would consider this as a possibility.

Proportion of Schemes Surveyed that would be Sympathetic to Work on Restorative Justice in Secure Institutions



These quantitative data confirm that minimal restorative work by victim support and mediation schemes is occurring in the juvenile secure estate, in both the adult and youth sector.

Based on remarks made on the returned surveys, funding is a contributing factor to the mediation schemes' involvement in restorative justice in the juvenile secure estate. There are likely to be other contributing factors that determine how and why victim support and mediation schemes become involved in restorative justice work in secure institutions. More specifically, a lack of support and assistance with restorative justice in the youth estate needs further explanation.

The aggregated data reported above are now considered separately in respect of first victim support and then mediation schemes.

The victim support scheme survey

The research team collaborated with Victim Support to design and administer a joint survey in relation to restorative justice practices in local victim support schemes throughout England and Wales. (See Appendix 3) This equates to a total of 48 Victim Support areas, which, altogether, consist of 323 local schemes and branches. All were approached for this survey, and a total of 214 schemes responded with 109 not responding. The questionnaire was divided into sections that could be appropriately directed at either area managers or local branches of Victim Support.

Of the area managers, 94% stated that their Victim Support areas did not have a policy on victim-offender work in secure institutions. Only one (3%) of the areas that responded had a policy in place for this kind of work.

Thirteen (11%) of the local schemes carry out victim awareness sessions in secure institutions. This is mainly conducted in adult prisons (65%), compared with YOIs (35%). Consequently, 104 (89%) of the respondents do not assist in the provision of any awareness sessions in the juvenile secure estate.

The responses demonstrate that local Victim Support schemes offer minimal support with restorative justice interventions; 114 (97%) of the schemes that responded do not, compared with four (3%) local schemes that do offer such support. These four schemes stated that this has taken place in the adult juvenile secure estate and one young offender institution.

Moreover, local victim support schemes are fractionally more likely to refer victims to restorative interventions with offenders in the youth juvenile secure estate than to support or supervise victims. Three (3%) of the local schemes confirmed that they had made referrals to adult prisons only.

In terms of developing work relating to victims and offenders in the juvenile secure estate, 110 (93%) of the respondents indicated they were not actively engaged in or planning work in this area. However, 41 (35%) of the respondents would possibly be sympathetic to supporting victims in restorative interventions with offenders in the juvenile secure estate. Likewise, 52 (44%) of the respondents would definitely be interested in carrying out work in this area. Therefore, a significant proportion of the local victim support schemes have demonstrated an interest in restorative justice with victims and offenders in the juvenile secure estate.

The mediation scheme survey

A total of 124 mediation schemes in England and Wales were approached in relation to their work and support for restorative justice in the juvenile secure estate (see Appendix 1). A total of 31 schemes responded to the questionnaire they were sent; 93 schemes failed to respond.

From those responses, none (0%) of the mediation schemes currently has a policy on VOM/ restorative justice. Three of the mediation schemes that responded to the survey have or currently run victim-offender awareness sessions in secure institutions, whereas 27 (53%) of the respondents declared that they have not and do not run any awareness sessions in any type of secure institution. For the three (6%) schemes that offer awareness sessions in secure institutions, the respondents stated that they were run in equal numbers in adult prisons (50%) and YOIs (50%).

Four (8%) of the respondents declared that they offered support with respect to restorative justice interventions in secure institutions at any stage, whereas 26 (51%) of the schemes surveyed declared they do not offer any support in secure institutions. Those that have offered support have predominantly done so in adult prisons at 67%, compared with YOIs at 33% (one scheme offered support in both the adult and youth sectors).

In terms of setting up restorative justice in secure institutions, only three (6%) of the schemes that responded have been involved in this process. According to the respondents, restorative justice has been set up predominantly in adult prisons (60%), compared to YOIs

(40%). By contrast, 26 (51%) of the mediation schemes surveyed declared that they have not been involved in setting up restorative justice.

Four (8%) of the mediation schemes declared that they were developing restorative justice in secure institutions. Half these respondents are currently developing work in both adult prisons and YOIs.

For those schemes that do not do any restorative justice work, nor provide support for its provision in secure institutions, 11 (22%) of the respondents stated that this would be a possibility. Equally, 11 (22%) of the respondents would not consider this at all, and 8 (16%) of the schemes would possibly be sympathetic to restorative work in secure institutions. Remarks like “depends on funding” and “if funding becomes available” were stated on the questionnaires by respondents.

These quantitative data confirm that minimal restorative work by mediation schemes is occurring in the juvenile secure estate, in both the adult and youth sector.

What factors determine whether mediation schemes become involved with restorative justice in the juvenile secure estate? Based on remarks made on the returned surveys, funding is a contributing factor to the schemes’ involvement in restorative justice in the juvenile secure estate. It is also likely that secure institutions would respond favourably to approaches from mediation schemes with the resources to assist in the development of restorative interventions in many instances.

CHAPTER FIVE

THE VIEWS OF STAKEHOLDERS ON INTRODUCING RESTORATIVE JUSTICE WITHIN THE JUVENILE SECURE ESTATE

Introduction

This chapter reports the part of the research which involved interviews with the key stakeholders in national organisations whose views have informed the development of restorative interventions in custodial institutions, and are likely to be influential in the development of future work of this kind in YOIs and the juvenile secure estate. Interviews were conducted with representatives of Victim Support, Crime Concern, Rethinking Crime and Punishment, Justice, Mediation UK, the International Centre for Prison Studies (ICPS) and the Prison Service. Later in the process, interviews were also arranged with Tim Newell, former governor of the therapeutic regime at HM Prison Grendon Underwood, and with Sir Charles Pollard, the retired chief constable of Thames Valley Police, who is on the board of the Youth Justice Board³. Both were interviewed because of their expertise in the field, their involvement in recent developments in restorative justice in adult prisons, and the fact that their names were mentioned by a number of other informants, as people whose views should be taken into account.

In what follows, references to the policies of particular agencies or the views of particular individuals have been checked with those concerned. Where unattributed comments are quoted, these either represent the views of several of those interviewed, or personal opinions that do not necessarily reflect the policies of particular agencies.

Agency policies

Perhaps surprisingly, one clear finding of the research interviews was that none of the agencies mentioned above has a specific policy on the use of restorative justice with young people in YOIs, STCs or LASUs. Having said this, a number of those interviewed added detailed comments, elaborating on their answers to the question of what the agency's policy was.

Crime Concern, for example, acts as a national supporter for Yots, implementing the restorative elements of the youth justice legislation, and has an interest in "the development of a restorative prison ethos". As such, its present remit implies a possible future role in this area of work. It has also been involved in developing a restorative justice website to support Yots that includes some material on restorative justice in secure settings.

Victim Support has been involved in developing policy guidance on the implementation of Referral Orders and has commented on draft *National Standards for Youth Justice*. Its national office has also issued guidance to its local schemes about restorative justice, in general, and the new court orders, in particular. Therefore, while it has no specific policy on the use of restorative justice in custodial and secure settings for young people, the organisation has considerable experience in the general area of restorative justice. Since this

³ Sir Charles Pollard is a board member of the Youth Justice Board and was acting chair at the time this research was carried out.

interview was conducted, a specialist staff member has been appointed to lead on restorative justice policy at Victim Support head office.

Similarly, a number of respondents mentioned the absence of any specific prison service policy on restorative justice, but David Waplington, the operational manager (juveniles) for the prison service in England and Wales, made it clear that he supported experimentation in this area within YOIs. Building upon the experience of offending behaviour courses, greater use of projects designed to enhance young offenders' levels of victim empathy would appear to be one way of introducing restorative practices within YOIs. Experimentation with a restorative approach to disciplinary adjudication is another possibility. He added that direct VOM projects offer "scope for more imaginative work", as long as this is properly supported by specialist agencies with relevant expertise, and by sufficient resources.

Sir Charles Pollard, speaking as a board member of the Youth Justice Board, felt that support for restorative justice was implicit in many of its policies. He felt that "within that is the implied requirement that, over time, we will expand what we're doing now, and we may move that into young offenders' institutions and the juvenile secure estate." He added that the Youth Justice Board is "currently supporting, with a big grant, the development of restorative conferencing in Feltham YOI" (this is a reference to Feltham's intended involvement in the random controlled trial that is being developed by the Justice Research Consortium in a number of English prisons, with support from the Board, Yots and other agencies).

Issues of principle

All those interviewed were invited to specify principles which they or their organisations would wish to see applied if or when restorative justice approaches are implemented in the juvenile secure estate. There was some agreement about a number of these, and they are reported first below.

Voluntary involvement and informed choice

These principles were important to a number of the agencies. For Victim Support, this might involve a degree of preparation for victims – for example, to help them make an informed choice about involvement in direct reparation with offenders. Informed choice, in these circumstances, would necessitate telling victims about the range of possibilities open to them:

They should be given sufficient information to be able to make a decision as to whether they want to be involved, and that should include different levels of involvement, respecting people's decision, but also providing support to people. And that might be through being supportive in the way that you offer things, but it's also about allowing, offering people other support such as victim support... to have somebody to talk things over with before they make decisions or, possibly, accompanying people to meetings if that's appropriate, or having somebody to talk to afterwards as a sort of debriefing.

So, for Victim Support, informed choice about involvement in restorative justice approaches implies a need for preparation of the victim (and, by implication, of other parties), and the availability of support during and after such involvement.

Other respondents made similar points in different ways, including Crime Concern, Justice, Mediation UK and Rethinking Crime and Punishment. One respondent used the phrase “non-coercive”, drawing attention to the context of youth justice in England and Wales, where young offenders’ participation in some restorative justice activities is only voluntary up to a point. As another person said:

I think there is a need to try and incentivise involvement all round really. I mean there’s a whole set of issues around voluntariness for people in custody and secure accommodation.

Work with young offenders in secure settings needs particular safeguards to ensure genuinely voluntary involvement on the offenders’ part, both for their protection and in the interests of the victims. This is partly an issue of consistent and careful assessment in individual cases, as one respondent pointed out. Some respondents argued that young people in custodial or secure settings are particularly vulnerable in terms of needing their rights protected:

Some sceptics say that what you’ve got is a room full of adults and one child. And the power differentials in relation to juvenile restorative justice are there in a way in which they aren’t with adults. So how do you ensure that the rights of the youngster are properly safeguarded? If parents are involved that might or might not do the trick. I think that’s an important principle, to have somebody looking out for the offender.

Victim Support endorsed this, arguing that grudging offender involvement is unlikely to be beneficial to victims:

I think the issue about whether the offender has the choice is important from the offender’s point of view, but can also have a knock-on effect for the victim. So if the offender is only involved because they’ve been forced to be there, or because it’s going to have an effect on their sentence, than that’s a worry in terms of if it’s going to work properly. The idea is that people would have some sense of remorse, to be able to put that across to the victim.

The need to avoid re-victimisation

Several participants argued that a fundamental principle of restorative justice is that the process must avoid re-victimising the victims of crime. One aspect of this, referred to only by Victim Support, was the selection of offence types suitable for restorative justice interventions in such settings. While there is no generalised policy prohibiting victim support schemes from becoming involved with restorative interventions for victims of particular types of crime, there was a feeling that some offence types are more sensitive than others:

I know we haven’t really considered [this in] cases of domestic violence, and that’s something we’d have to consult about. So that’s not a written policy, but it’s something I’m aware is one of the issues that [we] need to look at more.

Sensitive handling of victims who visit custodial and other secure institutions will clearly be important in this respect. Some respondents saw this mainly as a “logistical issue to be overcome” rather than as one of principle. Others argued that “personal safety must be paramount [and] support should be given to vulnerable participants”.

Drawing upon examples from the adult prison system, respondents endorsed the view that victims' concerns need careful attention. The need to recognise that offenders may have a history of victimisation was raised. The experience at Grendon Underwood was that many serious offenders were unable to empathise with victims until they had dealt with their own issues, which sometimes required extensive treatment. Tim Newell argued that

most prisoners and probably most young offenders as well have had similar sort of traumatic experiences that unless you actually deal with that, it's very difficult to move on. I am concerned about rushing in and doing something with someone who's so damaged that it's not going to work out, and the victim's going to be re-victimised through the process

Sensitive handling of victims who visit custodial and other secure institutions will clearly be important in respect of re-victimisation. Some respondents saw this mainly as a "logistical issue to be overcome" rather than as one of principle. Others argued that "personal safety must be paramount [and] support should be given to vulnerable participants".

Tim Newell saw safety as an issue which concerned not only the direct participants but also the prison staff, who might have to deal with the repercussions of any mishandled interventions:

[For] restorative justice... to gain credibility with practitioners in prisons it has to develop a sound, safe practice.

However, the custodial setting can be a reassuring rather than a threatening one for victims who decide to take part in restorative interventions:

From the victim's point of view, seeing the offender in custody, any lingering safety concerns will be alleviated plus, at some level or other, they will see that the person is being punished for what they've done.

Clearly, issues of how victims are received and treated in institutions will be important to the success of restorative interventions taking place there, and special arrangements will need to be made. There is some experience within the system on which to draw, as the prison service respondent pointed out:

At Lancaster Farms YOI, Victim Support volunteers have been shown around the establishment by inmates, followed by an informal discussion about crime. I'm more cautious on VOM – I'd want to be guided by the agencies that are the specialists in this.

Both the experience of these experiments in the UK and others abroad are available to those designing restorative interventions with young people, and it seems likely that there are valuable lessons to be learnt in terms of avoiding the danger of re-victimisation.

Openness to different models of restorative justice

A number of respondents expressed concern about avoiding the creation of a single orthodoxy about what might constitute restorative justice in secure settings for young people. From the prison service point of view, restorative justice is a new and largely unproven technique:

We would like to get into restorative justice, but staff do not have successful models of effective practice to copy. The adjudication system provides a structure: young people restoring the damage would be an alternative to being put on report, and this would offer a starting point for experimentation. A useful first step would be a practically based conference on restorative justice tools which are available in a prison setting.

Some advocates of restorative justice might view the adjudication of disciplinary complaints within custodial establishments as a relatively marginal concern, compared to VOM. However, from the prison point of view, an improved adjudication system would offer immediate practical gains for staff – and one based upon restorative principles would also raise awareness of restorative justice.

Victim Support made a similar point about the need for a range of restorative justice interventions (quoted in part in an earlier section). Its representative said:

Victims should be given sufficient information to be able to make a decision as to whether they want to be involved, and that should include different levels of involvement. The people working with them should then respect their decisions about that. And some of that might be limited responses, being kept informed about what's happening; that might be about providing information; that might be about face to face meetings.

Restorative approaches are used in some places without necessarily using this terminology. A good deal of restorative work was done at Grendon, but was more commonly referred to as aiming to avoid the creation of further victims: “The staff in Grendon would say: ‘Well, we’re doing this in order to minimise harm to victims.’”

Also, in the Thames Valley Partnership restorative justice project in three adult prisons, prison staff came up with a wide range of potential applications for restorative principles in their own establishments, including “sentence-planning work, induction, working with visitors to the prison, certainly working on race relations, working with requests and complaints, anti-bullying.”

Paul Crosland of Mediation UK also went further in advocating the use of a variety of models of restorative justice. He suggested that

the interesting question is to what extent do you bring experts in to say this is what restorative justice is, or to what extent do you have a more drawn out process of enabling the team to take on those values for themselves? So that it's not just a package that's been bought in from somewhere, [but] something that's been thought through in relation to all of their procedures – maybe their reward structures within those settings.

He suggested that at present:

I don't think enough attention is being given to surrogate victims and groups who can represent the concerns even where the original parties are not able or willing to engage in restorative justice.

Rob Allen also advocated an imaginative approach to the use of family group conferences:

I've always been of the view that conferencing should be as much about trying to generate sensible ways and resources to try and help offenders get back on the straight and narrow as they are about getting offenders to take responsibility and say sorry and make amends.

Paying due attention to what works for prison officers

Perhaps not surprisingly, respondents who have worked as prison governors pointed to the importance of ensuring that whatever kind of restorative justice is used in secure establishments should fit in with the working lives and outlooks of prison staff as far as possible. And they were not alone in this.

In terms of sustaining and institutionalising change, which is always difficult in the prison environment, Tim Newell said: "I think the importance of sustaining anything is that it needs to work with prison officers. It needs to work with the staff within the establishment."

Describing the Thames Valley Partnership's work in three adult prisons, where he built upon his previous career experience, he said that he and his colleagues decided

to involve grassroots staff in the prison, to use staff who had day-to-day relationships with prisoners, to develop a sort of core team within the prison, and to give them some training and then ask them to carry out an audit in their establishment about what are the sort of things they think this might work with.

This point was echoed by David Waplinton of the prison service, who said that staff need "successful models of effective practice to copy", but are keen to innovate. In this context, he drew particular attention to the widespread dissatisfaction with the current system of disciplinary adjudication, where he felt the provision of alternative models would be positively received.

A number of respondents argued, pragmatically, that there are many obstacles to change in total institutions, and it is therefore important to bring prison staff on board. However, there is also a good deal to gain in learning from their experience, rather than attempting to impose a model developed in the community on the different situation within penal establishments. Not only can disgruntled staff be obstructive: committed staff can make experiments work especially well. As Vivien Stern of the ICPS put it, within prisons, "projects come and go like mushrooms."

Restorative justice in secure institutions should build upon the findings of evaluative research. Several respondents argued that any new applications of restorative justice in the juvenile secure estate should build upon the knowledge gained by evaluative research about what works. The Victim Support representative pointed out that previous research and the pilot projects for Referral Orders showed that the failure to keep victims properly informed was a frequent concern. She saw this as evidence that the "cultural change" involved for Yots, in moving from an exclusive emphasis on work with offenders to a greater concern for victims of crime, is occurring only slowly. She added that any experimental projects should be evaluated by paying attention to "qualitative and satisfaction issues for the victims, whether they're feeling better as a result of the process".

Crime Concern also emphasised the need for restorative justice work to be “research led” and to draw upon international experience. Satisfaction levels and recidivism rates were not the only valid measures of success: there is also a need to ask: “Are we giving children sufficient and good enough opportunities to learn from their mistakes?”

Sir Charles Pollard spoke of the lack of “sophisticated, independent” evaluation in some previous restorative justice interventions. He also mentioned the ethical requirement for full and informed consent when conducting randomised trails, something the Justice Research Consortium intends to build into its restorative justice projects at Feltham and elsewhere.

The need for adequately-resourced experiments

A number of respondents mentioned the need for additional resources to support any restorative initiatives (although not necessarily in response to the question about the principles they would wish to see upheld in any experimental projects in secure establishments).

Victim Support had some concerns about the danger that statutory responsibilities in the youth justice field might be inappropriately “contracted out to Victim Support”. Specifically in the field of restorative activities with young people in custody, its representative said that

there’s actually a need for additional funding to do the victim contact work, but that would be the Yots, and the issue for us is, what do we do if we don’t have that money?

The prison service expressed a similar concern: in the current context of overcrowding:

There is scope for more imaginative work if we had the freedom – and the funds – to do it ... The lack of stability makes it difficult to innovate at present. Young people are being transferred well out of their home areas, and there is uncertainty about the possibility of the Youth Justice Board withdrawing from some establishments.

Vivien Stern of the ICPS, however, took a different view, saying that restorative justice is a relatively unimportant issue in the context of rising numbers of young people in custody:

The first principle would be one of minimalism: as few young people as possible should be in custody. The question of restorative activities is a very small aspect of this major issue, and to spend major resources on it would, in my view, be misplaced.

Other principles involved in restorative work in secure establishments

A number of other issues of principle were raised by a single respondent, or by several of the people interviewed. These included:

- ❖ the importance of involving the families and supporters of young people in custody in restorative interventions, where possible (three respondents mentioned this [3])
- ❖ the need for restorative interventions to be fair and empowering (2)
- ❖ the importance of neutral, impartial facilitators (2)
- ❖ the need to acknowledge and take proper account of cultural differences between participants (1)
- ❖ the importance of confidentiality (1)

- ❖ the need to share information with victims (1).

Two people stressed the crucial importance of designing restorative activities so that they would reintegrate young offenders effectively. One argued that much current criminal justice activity, labelled as restorative, is

only by a stretch of the imagination restorative to victims, if the phrase restorative justice is being used simply to refer to a kind of community payback, community service scheme, where the victims haven't been asked what kind of reparation they would like offenders to make.

As Vivien Stern put it:

One reason it has become fashionable to talk about restorative justice in youth custody is that the term offers a peg to hang constructive activities on – a way of getting around current punitive policies by the back door.

Staff training issues

When they were asked whether they were aware of any training undertaken by staff involved in restorative initiatives, many respondents mentioned individuals who had provided such training, and the same names kept coming up, including three “high profile victims” who had assisted with training events for prison staff. In addition to four professional individuals providing training in England and one in Australia, respondents also mentioned Mediation UK, Victim Support, the Youth Justice Board, Thames Valley Police, Real Justice, and the Trust for the Study of Adolescence as providers of relevant courses (the latter not specifically relating to restorative justice).

There was agreement that none of the existing training courses was exactly what would be required for staff undertaking restorative projects in YOIs in England and Wales, and a number of respondents expressed opinions about the adequacy of existing staff training and the type of training that is required. According to Crime Concern, many Yot staff still have unmet training needs, and while individual prisons have commissioned tailor-made training for staff involved in restorative initiatives, there has so far been “nothing systematic”. Asked about the training provided to date, Mediation UK’s representative said: “I know of a number of trainers who would be willing to engage – it could be put together.”

The consensus was that the experience of the Thames Valley Partnership prisons project, and of the individual trainers mentioned earlier, could easily be drawn upon to design appropriate training for staff working in YOIs and the juvenile secure estate. There was also a general view that consistent staff training and supervision would be required for such experiments to succeed. Any such training would need to be designed with a victim perspective in mind, and probably in consultation with victims’ organisations with experience of such work, according to a number of respondents.

One person argued that it was important that proper structures were set up to enable prisons to liaise with home probation officers (or Yots)

so we can actually say to prisoners, if you want to do anything, there's a proper process through which you do this – don't do anything yourself because you're going to re-victimise your victim.

A number of staff accepted that restorative justice training in YOIs has had to take a back seat to other priorities in a time of intense pressure upon the prison service.

Likely difficulties involved in introducing restorative projects in YOIs and the juvenile secure estate

Respondents were invited to describe any problems encountered by existing projects, and to say what potential problems they envisaged new projects coming across.

Tim Newell referred to the threat that, for many people in prisons, restorative justice represents the dominant paradigm of prison management (this is the theme of his Cropwood Fellowship report, which is mentioned in the literature review). He said:

Restorative justice challenges the paradigm of current practitioners so much that it's quite frightening – and it does encourage you to see prisoners in a totally different way, custody or any penalty having a much different purpose. And as a result I think it alters the role of staff, which makes it quite difficult for some people who think they've got the answers, and certainly challenges the 'what works' sort of culture which we seem to be developing.

Drawing upon the experience of the pilot Referral Order projects, Victim Support suggested that involving victims fully is important but sometimes neglected. Victims were not always offered opportunities to decide whether to be involved; things were not always properly explained to them; and they were often not told the outcomes of restorative interventions:

There were times when people were involved properly, there was quite a high level of satisfaction as a result, but there were a number of situations where people just hadn't been asked and would have liked to have been asked, that they could have been involved. And there are also a number of situations where, reading between the lines, perhaps things hadn't been explained properly; also the other end, giving them the information about what happened – they weren't getting that information.

To date, have victim concerns been properly considered in designing projects?

Some respondents (including Victim Support, quoted in the previous section) raised concerns about this question earlier in the discussion, when asked about the principles they would wish to see upheld in restorative interventions, and difficulties encountered to date.

As one pointed out, the new youth justice system means that, overall: “victims of young offenders are gaining more opportunities for involvement in restorative justice than victims of older offenders”, and this is an obvious anomaly.

From Victim Support's point of view, it was important to draw a distinction between the number of victims who choose to become involved in restorative justice projects, and the choices with which they are provided:

One of the things that is a general concern around victims' involvement is the sense that... it's seen as successful if the victim's been involved, but our issue is that it's about giving the victim the opportunity to be involved, whether all the appropriate victims have been given the opportunity to be involved.

Where victims are concerned, one size certainly does not fit all. What may be required is a range of possible levels of involvement. This has implications for

how you design it, how you deliver it, and how you look at what your outcomes are and what makes a successful outcome. It's, from our point of view, about opportunities for victims.

The danger, otherwise, is that victims become disillusioned with restorative interventions, and this has been reflected in the findings of some research, as one respondent pointed out (referring to the "One Stop Shop" evaluation by Hoyle and colleagues in 1998).

Another respondent felt that the debate about victim involvement is sometimes conducted at an unduly simplistic level:

We've reflected on the involvement of victims –and the issues are more complex than people would admit. For example, talking to young children who've done something wrong, about their victims, is a monumental absurdity.

To date, have offender concerns been properly considered in designing projects?

For a number of respondents, this question provoked reflections about the purpose and effectiveness of punishment, and particularly of incarceration. Chris Stevens of Crime Concern, for example, said:

What about not bolting restorative justice on to secure establishment regimes, but attempting the development of a restorative prison ethos, questioning the use of punishment, developing a different mindset about what prison is for? This would focus upon restoring harm, and optimism about young people being able to change, restoring young people to communities and encouraging acceptance of responsibility rather than using suffering as a deterrent. Humiliation and stigma do not lead to rehabilitation.

Rob Allen raised an issue about confidentiality in relation to personal information about offenders:

There's also a difficult question about how much a victim should be exposed to information, background information, about the offender. And particularly, I guess, in custody. It's an issue that people are pretty vulnerable. Should victims know that an offender is a drug addict or has been sexually abused or their parents are mentally ill or he has had psychiatric treatment or not? Now, it's one of those areas where, because there isn't a sort of settled set of protocols, practice will vary.

He also suggested that it is important not to romanticise what happens as a result of restorative justice interventions, the myth that, in most cases,

scales will fall from an offender's eyes when they are exposed to a victim and hear about the impact on them and they will suddenly think: 'Oh, gosh, yes, I realise the error of my ways.'
I mean, it's fanciful really.

A more hardheaded approach will accept that, in some cases, “these conferences do end up with very powerful emotions being released”, but that they cannot be relied upon, of themselves, to change offenders' behaviour. As noted earlier, Allen went on to argue for a more rounded approach:

I've always been of the view that conferencing should as much be about trying to generate sensible ways and resources to try and help offenders get back on the straight and narrow as they are about getting offenders to take responsibility and say sorry and make amends. I mean, the more New Zealand model than the Australian model, which I think is better at the end of the day. And not everybody agrees with that – and the more the shaming and humiliation, you know, wearing a T-shirt saying "I am a thief" is the one that's more likely to lend itself to some political support, I suppose.

Victim Support's response resisted the rigid differentiation between offender and victim concerns in the design of projects: “I think the issue about whether the offender has a choice is important from the offender's point of view, but can also have a knock-on effect for the victim.”

Token compliance by offenders is not helpful for victims and – as several other respondents pointed out – the decision about whether offenders become involved in reparative activities should be taken independently of decisions about early release, privileges, regime, conditions and so on. Paul Crosland agreed:

It's very easy for an observer, and even more so perhaps for a victim, to suspect that the reason the offender is being involved is in relation to how their sentence will be managed and that they may be treated leniently. So offenders need to be engaged for restorative rather than pragmatic sentence related reasons and victims need to be reassured that that is happening.

Tim Newell referred to the challenging nature of becoming involved in restorative justice from the offender's point of view. While such initiatives are “politically sensitive”, this is partly because of misunderstandings about the demands they make upon offenders. There is, he said:

The potential, I suppose, of seeing this as a very soft on crime sort of approach, whereas offenders will tell you that it's one of the hardest experiences they've ever had. Certainly, the guys in Bullingdon [adult prison] are amazed at how difficult it was, and how painful the experience was, and yet how transforming it was, through the cathartic sort of experience. It's obviously linked to my previous experience and some of the guys in Grendon who really had a great need to give answers, to be accountable, and to also ask questions and give answers directly for people rather than suppose.

Additional issues raised during the interviews

Respondents were given an opportunity to add anything they thought important at the end of the interview, and to digress from the pre-determined questions. A number of important issues arose from these discussions.

The need to recognise that offenders may have a history of victimisation was raised. The experience at Grendon Underwood was that many serious offenders were unable to empathise with victims until they had dealt with their own issues, which sometimes required extensive treatment. Tim Newell argued that

most prisoners, and probably most young offenders as well, have had similar sorts of traumatic experiences that unless you actually deal with that, it's very difficult to move on. I am concerned about rushing in and doing something with someone who's so damaged that it's not going to work out, and the victim's going to be re-victimised through the process.

A tendency to describe small initiatives in this field as huge steps forward was noted (the reference is to Miers, 2001):

The reality is, you know, the David Miers research on restorative justice, which I thought was probably unnecessarily sceptical in tone, but I mean, I think the reality was, he struggled to find as much of it in its pure form as you would be led to believe there was going on by the enthusiasm and how much people talked about it.

However, YOIs had clearly

attempted to do some quite pure restorative justice and actually get victims in [and...] some of the STC providers do victim awareness type work and I think they probably develop quite elaborate programmes for that.

Possible future directions

Respondents made reference to a total of eight YOIs (Brinsford, Feltham, Guys Marsh, Lancaster Farms, Moorland, Stoke Heath, Thorn Cross, and Warren Hill) and “some STCs”, where restorative justice projects had been, or might be, found. Not all this activity was reflected in the outcome of the survey reported in ‘Chapter Four’ and ‘Chapter Five’, and it may be that the respondents were discussing projects that were no longer running. Mention was also made of experiments in adult and youth offender prisons in North America and Belgium. Several spoke of the need to test restorative justice principles in the future, and of the reasons why this might be difficult in the current circumstances.

Four respondents in particular commented on the future of restorative justice in secure institutions for young offenders. In different ways, they all accepted that the current climate is not likely to prove conducive to large-scale innovation. Tim Newell expressed disappointment that the project run by Brinsford YOI and Sandwell Mediation Service has yet to fulfil its potential:

To some extent, it's been allowed to lapse, really. And I took the director of resettlement there to see the project and to say: 'Look, it wouldn't take very much to actually invest a little bit of attention in this, and it would really be integrated because you've got two people

in the community who are so keen on developing [it] and very good practitioners who'd have credibility with any prison officer'. And it was a prison officer in Brinsford that won a Butler Trust award for setting it up initially.

Part of the reason such projects have yet to fulfil their potential, he felt, was the need to respond to immediate “operational pressures”. Another reason was that small, isolated projects do not command institutional support:

I think that a whole establishment approach, or certainly a whole establishment awareness of the implications of involving this sort of work is best. It's not just another little workshop that people can do, because it will have ripples, and the whole way that the offender feels about himself and the purpose of him being in there and facing reality.

This approach, he feels, makes it easier for prisons to become accountable to local communities – a “paradigm shift that makes it quite frightening for some people”. This has happened to some extent in Winchester, where prison staff

are now seeing themselves as a community prison and they call themselves that. Part of my thinking on that came from a visit to Belgium. To have a stated public policy that our prisons are going to be places of restorative work: I think that gave a super lead to the development of practice.

He sees the introduction in Belgium of a restorative fund that allows selected prisoners to compensate victims financially as particularly positive.

Sir Charles Pollard, too, was positive about the potential for learning from current experimental projects, although he referred to a restorative regime in the USA, at Red Wing correctional facility, and also to the Justice Research Consortium's experiment at Feltham in England:

I would not be surprised to find, in another three years plus, when we've developed restorative justice much more across a whole range of fields, this becomes one of the most productive of them all. Restorative justice, with the serious end of crime and with the youngsters in particular, getting them out in a way which really makes us see change to their life opportunities and for themselves individually and for society. I think we may find this is one of the biggest, most productive ways of using restorative justice. So I'm very excited about the developments in this area.

The prison service respondent was more sympathetic to the potential for making a small start on an experimental basis, concentrating on the potential for short-term gains:

A range of low-level interventions would be the way to start. A useful first step would be a practically based conference on restorative justice tools which are applicable in a prison setting.

In particular, he expressed interest in the applicability of restorative justice to adjudications and complaints, and in a professionally run VOM experiment.

Rob Allen echoed this to an extent, saying:

It does seem to me that there's a big opportunity being missed to at least try out some things here. To set against that, the juvenile secure estate is pretty much in crisis. I mean, not all the establishments, but there is a sort of reality question about getting this off the ground or on any kind of scale. Properly done, restorative justice is resource intensive and requires quite a lot of time and energy and commitment and people... there are some hard decisions to make about priorities in terms of getting this off the ground. And it may be that restorative justice as part of regime management, of trying to pilot or encourage ways of actually dealing with the here and now on the landings, rather than the then and there of what happened six months ago or whatever to a victim, might be a way to start with it, because it offers more immediate pay-offs to everybody really.

He added that

more realistically, we should make a funding pot available for institutions to bid to establish schemes for a year or eighteen months, and then evaluate those. You've got to let a thousand flowers bloom.

Conclusions

This research has shown that there is currently little restorative activity taking place in YOIs or other secure institutions for young people in England and Wales. Where restorative interventions have been used in the past, they seem to have failed to take permanent root in most of the institutions involved, although there has recently been a revival of this kind of work in adult prisons. This research gives some firm information on the reasons for this situation and we can speculate about other possible causes.

The research reported here shows that the institutions which are keen to experiment with restorative interventions are experiencing a range of obstacles in so doing. Direct victim-offender contact is highly unlikely to take place when young offenders are moved around rapidly, and held long distances away from where their offences were committed (which is where the victims are), so current circumstances militate against most types of restorative work. Resources to undertake such work are also an issue. What is more, it is clear that the institutions are under such pressure that there are currently strong disincentives to innovation of any kind. While there is goodwill and considerable interest in the potential of restorative interventions, other pressures understandably receive higher priority.

It may be that some of the restorative interventions currently taking place in a number of establishments are causing confusion about what restorative justice is, and it is possible that such projects are diverting energy and attention away from more purely restorative interventions. Some of these kinds of projects have highly indirect restorative aims and effects, if any.

It is interesting, and on the face of it rather surprising, to find that there appears, at present, to be more restorative activity taking place in the adult prison system than in the YOIs and the rest of the juvenile secure estate. However, it would appear, particularly from the stakeholder interviews reported in 'Chapter Six', that the particular constraints mentioned above apply even more to the YOIs than they do to adult prisons. Some adult prisons have relatively stable populations and a local catchment area, making it easier to arrange meetings between victims and incarcerated offenders, for example. Such conditions may

also make it easier for the establishments' managers to free up resources to try out experimental and innovative projects.

There is a willingness on the part of local mediation schemes in particular, but also local victim support schemes, to become involved in the design and delivery of restorative interventions within YOIs and the wider juvenile secure estate. However, this support is qualified on behalf of both organisations by statements of the need for additional financial resources in order to enable such developments to occur.

There is good evidence internationally of the potential effectiveness of a number of restorative approaches to youth justice, although the knowledge base is very much weaker in respect of such work specifically in custodial and other secure institutions for young people. However, some of the evidence does seem promising in this respect.

Recommendations

In the light of the situation reported here, the time may be right for a controlled experiment in the use of a range of restorative interventions with young offenders held in custodial and secure establishments and their victims. This would need to be rigorously evaluated, ideally with control and treatment groups of similar young people in the same institution. Any such experiment would have to be ethically designed so that those in the control group were not denied worthwhile opportunities available to the treatment sample. It would also be designed to create opportunities that are clearly restorative – in the interests of victims, communities and offenders. It should be implemented by well-trained and supported staff, perhaps in one of the institutions which already has a track record of innovation in this area. It would need to be adequately resourced; and it would be best if any experiment could be set up in consultation with – or if possible collaboratively with – a local mediation service and victim support agencies. These (voluntary) organisations would be likely to need financial support to enable them to become fully involved. The indications are that many people in the juvenile secure estate believe that additional resources would also be required there. Such an experimental project need only be relatively short term in nature, and this would also serve to aid effective evaluation.

We would also recommend that further research be undertaken into the successes and failures experienced in implementing restorative interventions in the adult prisons in this country, and in Belgium and Canada, in order to learn from this experience in designing future restorative interventions in the YOIs and the juvenile secure estate. The existing literature emphasises process rather than outcomes.

The suggestion that a conference be held to share current knowledge with practitioners might also usefully be taken further, and colleagues in Canada and Belgium would no doubt be willing to share their experience and knowledge at such an event. Although it is currently at the planning stage, the staff involved in the experimental project being run in London prisons and Feltham YOI would also have something to offer participants in such an event, sharing the early experience of that experiment. Given the rapid turnover of staff in parts of the juvenile secure estate, such an event might need to be repeated periodically.

Policy and practice implications

Building on such an approach, the Youth Justice Board would be better equipped to devise and publicise a strategy for restorative justice in secure institutions for young people, and to

offer agreed, common definitions of the various terms used in this field. The Board has begun this process with the publication of its general *Key Elements of Effective Practice – Restorative Justice*.

The establishment of such a strategy across all secure institutions would make it easier for staff within establishments to obtain victims' details. The flow of such information is currently problematic, and there is no official framework encouraging its transmission to establishments.

Similarly, in certain cases, it might be advantageous to arrange the temporary release of a young person to enable them to engage in VOM. This would require an official endorsement and direction.

Such approaches have wider implications for resettlement policy: for example, do establishments potentially have a wider role in resettlement than merely taking part in a single meeting with the receiving Yot?

There is also the need for further staff training, both for the specialists and the staff who will have less central involvement with offenders. There is currently little information available to staff about 'what works' in this area, and given that the culture of establishments has changed, placing higher priority on questions of effectiveness, the opportunity to fill that gap with staff training that meets the requirements of what does work in relation to restorative justice in specific settings.

In particular, there appears to be interest in how direct mediation might most appropriately be used in relation to the resolution of disputes between inmates and between staff and inmates. In some institutions, it appears that restorative justice initiatives have been developed by a small number of highly motivated staff, but not owned by the establishment as a whole, partly because wider staff training in the principles and practices involved was not provided. General awareness training on restorative justice and wider victim issues could address some of the concerns raised by staff – for example, the likelihood that victim empathy work with young offenders will open up questions about offenders' own experiences of victimisation with which staff may feel reluctant or ill prepared to engage.

In summary, it appears that there is considerable good will towards the idea of experimenting with restorative approaches to working with young people in custodial and other secure settings. But the development of this potential is currently hampered by a lack of resources, the lack of accessible knowhow on which to draw, and a general shortage of information about how best to proceed.