



**Interventions  
Alliance**

Part of the Seetec Group

# **Restorative Justice**

Enabling Communication, Repairing Harm

**Evidence-Led solutions to build better futures and wellbeing.**

This research was conducted by David Coley and Jess Lawrence (KSS CRC Research and Policy Unit) and Peter Salami (Restorative Justice Team, Wales Probation Services).

The research team would like to offer their thanks to all participants who volunteered their valuable time. It is appreciated that the issues addressed within the research are difficult to discuss at times and therefore we are very grateful for the contributions. This thanks is offered to the victims, perpetrators and staff, without whom this project would not have been possible.

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## **About Interventions Alliance**

Part of the employee-owned Seetec Group, Interventions Alliance bridges the gap between the social care sector and the criminal justice system.

We aim to prevent individuals from becoming trapped in a cycle of criminality by offering evidence-led solutions that focus on three core strands: prevention, rehabilitation, and recovery.

Our community rehabilitation company – Kent, Surrey and Sussex Community Rehabilitation Company (KSS CRC) - and our probation services sit under this division.

**Evidence-Led solutions to build better futures and wellbeing.**

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## 1.0 Executive Summary

- Those who voluntarily choose to engage in Restorative Justice (RJ) do so for a variety of reasons. For victims, these reasons appear to be associated with various questions that need answering in relation to the crime perpetrated against them. Without answers to these questions, they may feel stuck in a rut and struggle to move forward with their lives. They may also wish to express their thoughts, feelings, attitudes and dispositions in relation to the individual perpetrator of the offence. Some are driven in part by an expectation that the perpetrator should face-up to the consequences of their actions. For perpetrators of offences, the motivations to engage in RJ relate to a desire to demonstrate regret and remorse, perhaps to enable the victim in some small degree to 'move-on', to show the victim the 'real' person behind the offending, and finally, to continue their already initiated journey away from offending. Staff engage in the RJ intervention as it offers them a sense of job satisfaction and fulfilment in their work role, feeling that they undertake a worthwhile task on a daily basis, especially in relation to the unique opportunity to work with victims.
- Issues of timing in relation to any RJ intervention present as important. For victims, the most favourable point of engagement remains difficult to determine due to the complexity of their personal situation and their experiences post offence and court hearing. Similarly, with perpetrators, the most opportune moment for intervention must relate to their readiness to participate, albeit questions of personal maturity within their life journey may come into play here to a greater extent.
- The outcomes and impacts of RJ are numerous for both victims and perpetrators. Most victims are glad that they undertook the process, however emotionally draining it may be. They experience the opportunity to pose the questions that trouble them whilst also enabling a perpetrator to accept some degree of responsibility for their actions through some form of written or in-person discourse. For perpetrators of crime, although some initial level of acceptance of responsibility is a pre-requisite, this acceptance develops as the intervention progresses, with corresponding insight development into the consequences of their behaviour. Both parties require support from RJ facilitators to progress through the intervention. RJ appears effective across a range of offence types.
- Most victims and perpetrators within this study expressed positive regard towards the process of RJ in procedural terms. They would recommend it to others in similar positions. Despite some limitations within the process, most participants feel it is a worthwhile exercise.
- RJ is not suitable for everyone and indeed presents challenges for a small minority of individuals, be they victim or perpetrator. Some question its efficacy in their particular case, believing it had a limited or even negative impact upon them. Others felt that it did not offer them the opportunity to fully express what they wanted to say.

## 2.0 Introduction and Study Aims

Some would argue that the Probation Service is at the heart of the Criminal Justice System (CJS), maintaining that when giving an account of the CJS, the work of probation, amongst other agencies, should be fully considered (Canton & Dominey, 2017). Due to the position that probation occupies within the CJS, probation practitioners are well placed to effect change in the lives of service users. This is because for the time they are serving the sentence imposed by the court (whether that's in custody or in the community), service users work very closely with their probation Responsible Officer (RO). The RO's job is to manage risk, reduce reoffending and support the rehabilitation of the service user, focusing on their risk to the public, individual criminogenic needs and being responsive to any changes in behavior.

One way to achieve rehabilitation and reduce reoffending is by referring service users to structured group-work programmes delivered by probation practitioners within interventions teams. Accredited Programmes and structured individual interventions are designed to support desistance from offending and in the recent Her Majesty's Prisons and Probation Service (HMPPS) Target Operating Model (HMPPS, 2021) there is a clear recognition of the importance of both activities within service users' desistance journeys away from crime. One such intervention is that of Restorative Justice (RJ). In terms of understanding RJ, it can be seen as a process of communication between victims of crime and perpetrators which aims to repair the harm caused by the crime.

This case study aims to explore the RJ intervention provided by the Wales division of Kent, Surrey and Sussex Community Rehabilitation Company (KSS CRC), which sits within the Seetec Group's justice and social care division, Interventions Alliance. It explores the extent to which RJ is effective primarily through focusing on the outcomes (shorter-term) and impacts (longer-term) it has upon perpetrators and victims. By using a case example approach focusing on one victim, one perpetrator, and one facilitator, the study hopes to elucidate some of the nuances associated with the intervention's effectiveness. Although a total of twelve interviews were completed within the study, three principal examples were selected for detailed examination, with the remainder being presented as supporting material. This interview data is supplemented with documentary data collected over the period of the case study, some of which is RJ intervention feedback data. The study does not explore broader issues such as stakeholder relationships. For a fuller research methodology, please see Appendix A.

For the purposes of evaluation, an assessment framework was constructed, comprised of Delivery Plans and Operating Manuals produced by KSS CRC, the UK RJ Council principles, as well as Ministry of Justice Offending Behaviour Programme and Interventions Guidance materials. The values and principles enshrined in all these documents include improved health and wellbeing for victims, with victims being better able to cope with aspects of life. This should be combined with increased feelings of safety, with victims being better informed and empowered. This involves staff and perpetrators adopting a problem-solving, perspective taking approach, in which improved relationship building and self-management outcomes must be pursued. For all involved, the primary aim must be victim-focused with the aims and objectives of repairing harm (Ministry of Justice, 2018; Restorative Justice Council, 2015).

The layout of this report is designed to offer some introductory context to the KSS CRC RJ intervention in Wales, followed by a brief overview of some related literature. Documentary data that includes feedback findings are presented, followed by three interview findings in the form of case examples. Discussion is followed by some concluding remarks and recommendations for future practice and implementation.

A brief word about the language used in this report. Within RJ practice, those probation service users who participate are referred to as perpetrators and will be designated as such throughout the remainder of this report, where appropriate. Probation staff who deliver the RJ intervention are referred to as facilitators. Victims of crime can self-select any designation they so choose.

### 3.0 Background

In 2013 a Probation Practice Direction (Wales Probation Trust, 2013) was issued in relation to RJ. In Wales, ROs have been able to refer suitable perpetrators to this intervention. However, at that time, RJ was delivered on a local basis and not all ROs had access to the intervention. RJ referrals and subsequent facilitation of RJ depends on good levels of awareness amongst the probation staff who supervise perpetrators. In these early days, awareness of RJ availability across Wales Probation Trust (as it was at the time) was still developing, which meant that those who were more aware of what RJ was and those who had been trained in RJ were the ones who were referring into the service.

Following the part-privatisation of the Probation Service in 2014 (Ministry of Justice, 2013), the newly created Community Rehabilitation Companies (CRCs) were able to develop innovative ways to work with service users and support desistance from crime. As part of the winning bid to run the CRC contract in Wales, the then parent company (Working Links) included RJ as part of its provision. The first paid RJ staff began their employment in 2016.

In the beginning, interventions staff who were trained to deliver accredited programmes were able to express an interest to be trained to facilitate RJ. Initially, they began facilitating RJ on a dual role basis, whilst also delivering other Accredited Programmes. Following a change in parent company (from Working Links to Seetec) in 2018, more investment was made in RJ and interventions staff were given full time RJ facilitator roles. Four RJ facilitator roles were created to cover the whole of Wales and one RJ coordinator to case manage and supervise the facilitators, to also cover the whole of Wales. Figure 1 illustrates the numbers of referrals, offenders and victims assessed and total outcomes for the years 2018-2020.

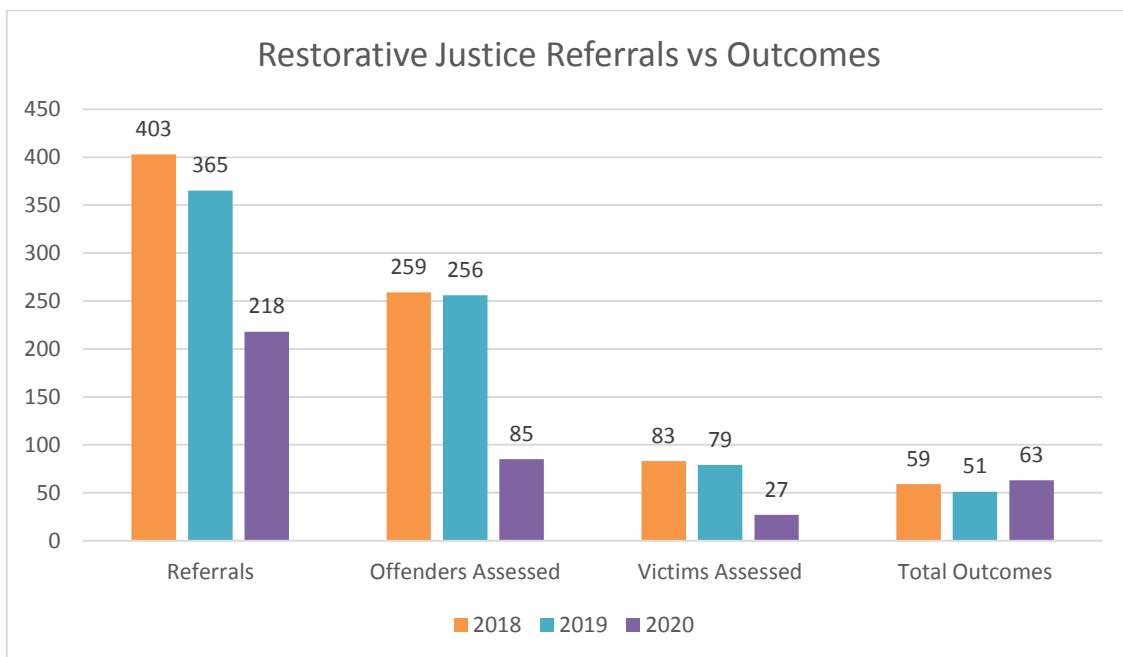


Figure 1

The RJ team sought to evaluate the effectiveness of the RJ intervention on offer which, over the years, became more and more popular. In 2018, the RJ team won ‘Team of the Year’ in the HMPPS National Probation Awards, due to the excellence of the service provided and the high number of outcomes achieved that year. Furthermore, annual statistical data produced by the team show very high victim and perpetrator satisfaction rates for those who had completed the intervention (see Figures 3, 4 & 5).

Finally, in Wales there is an established working relationship between the various police forces and Welsh probation services in relation to co-working RJ interventions. In Dyfed Powys, there is a contract to deliver RJ for the Police and Crime Commissioner (PCC) which has been in place since 2015. In North Wales, there is also an established co-working relationship with probation RJ practitioners.

## 4.0 Related Literature

There is a growing body of literature resulting from the academic discourse on RJ. There is research on procedural justice, RJ satisfaction, RJ cost effectiveness, the rituals associated with RJ, public opinion related to RJ, emotions such as shame, and RJ's links with perpetrator rehabilitation and desistance from offending (See Bonta et al., 2006; Daly et al., 2013; Johnstone & Van Ness, 2007; Liebmann, 2007; Morris, 2002; Shapland et al., 2008; Sherman & Strang, 2007; Ward & Langlands, 2009; Van Ness & Strong, 2010; Wilson & Prinzo, 2002; Zehr & Mika, 1997; Zehr & Toews, 2004; Zernova, 2007). Similarly there are different research methods which have been used to explore RJ within academic discourse, such as meta-analysis, literature reviews, mixed methods approaches and randomised control trials (Bolitho, 2015). This research study aims to add to the debate by focusing on RJ delivered in the UK (and notably, in Wales rather than England) and from a probation provider. As indicated by Bolitho (2015, p258), "*there is less literature written about exactly what it is that RJ itself offers or is (and why it works).*"

It should first be noted that there are difficulties associated with comparing RJ practice and RJ research. One reason is that RJ is used and operationalised at different points within the CJS, for example as part of a diversion from criminalisation, young adult pre-sentencing programmes, in prison programmes and as part of post-sentence adult supervision (Bolitho, 2015).

We develop our literature review with the paper written by Ward, Fox and Garber (2014) in which they explore RJ in relation to offender rehabilitation and desistance. They look at both the Risk Need Responsivity (RNR) and Good Lives Model (GLM) of offender rehabilitation and contend that RJ fits better with the latter as "*the values that are contained within [RJ] mesh well with the GLM*" (Ward et al., 2014, p29). From an offender desistance point of view they further contend that "*RJ can play a role in promoting desistance*" (Ward et al., 2014, p34). An interesting critique of RJ they offer is the 'self-selection' argument, which reasons that RJ is effective because those that do it are already on a journey of change, hence why they give their consent voluntarily to take part and why it is likely to be positive for them. This certainly is a point that needs consideration in relation to this current study.

Ward et al. (2014) recognise the role RJ can play within probation, as "*restorative justice as a process could be part of the repertoire of tools that enhance pro-social identity change. However restorative principles could be woven through treatment practice and probation*" (Ward et al., 2014, p37). They conclude by suggesting that viewing RJ as an overarching ethical umbrella linking rehabilitation and desistance would be a useful way of understanding its effectiveness.

Bolitho (2015) carried out an empirical study on the outcomes and process involved with post-sentence, victim-centered RJ practice in Australia. Whilst the paper is from an international perspective, there are some links with this Welsh study, as they both use a case study approach to explore research questions. Furthermore, the RJ under investigation in this current study is also post-sentence and victim-centered. Bolitho (2015) asserts that post-sentence RJ offers something more than the court system can offer. Her study found that victims were motivated to take part in RJ because it addressed one or more of their unmet justice needs. Those needs include: relationship and safety, empowerment, information, venting, growing, accountability and meaning (Bolitho, 2015, p268). One of the more interesting findings was the benefit of their RJ intervention being 'in-house' within the correctional service, as "*being in-house seemed to be an advantage in terms of building trust needed for professionals to exchange sensitive information*" (Bolitho, 2015, p272). This seems to support Ward et al.'s (2014) assertion that RJ could be woven through treatment and probation practice.

The focus of the current study is on probation delivered RJ and it remains to be seen to what extent RJ delivered within a probation environment is placed to produce positive outcomes for both victims and perpetrators. Bolitho's (2015) study concludes that RJ works because of the policies and procedures that govern practice and the use of advanced and experienced facilitators with specific skill sets. This, she argues, creates a specific kind of space which reduces trauma and incorporates therapeutic techniques. Similarly, the current study also explores the perspectives of advanced and experienced facilitators who arguably have specialist skills which allow them to deliver the intervention effectively.

Cunneen and Goldson (2015) provide a critical analysis of RJ, explaining that RJ's introduction into western criminal justice agencies was helped by a number of European and global initiatives. These included the European Council's 2010 recommendation that RJ should be made more available in territorial jurisdictions of each of its 47 member states and the United Nations Economic and Social Council's principles relating to RJ, published in 2002. These include non-coercive offender and victim participation, voluntarism and confidentiality (Cunneen & Goldson, 2015, p5). Their chapter also shows that RJ in youth justice has had significant funding over the years.

There have been several articles written by Maglione on the subject of RJ. In 2017 he re-conceptualised the 'ideal victim' of RJ interventions. Here Maglione argues that we should understand 'ideal victims' of RJ as "*a person or category of individual who, when hit by a crime, most readily is given the complete and legitimate status of being a victim*" (Maglione, 2017, p404).

Maglione's 2019 paper on the political rationality of RJ categorises the field of RJ into three distinct conceptions; 'the encounter conception', 'the reparative conception' and 'the transformative conception'; claiming these areas cover the majority of values, aims and goals, metaphors, storylines and stakeholders (Maglione, 2019, p547). Firstly, Maglione provides an explanation of how RJ was introduced into the probation service, stating that RJ fits with probation's emphasis on diversion, mitigation and offender education. Secondly, exchanges of youth justice practitioners from the USA who brought with them restorative principles and practices (often influenced by religious groups). Thirdly, the diffusion into probation of theories like Braithwaite's (1989) 're-integrative shaming', alongside penal minimalism and 'civilising' criminal justice (Christie, 1977; Harding, 1982; Wright, 1982, as cited in Maglione, 2019).

Maglione's first paper of 2020 provides a legal-archeological analysis of RJ in policy, breaking it down into three main discourses; proactive stakeholders, from reparation to restoration, and multiple forms of reintegration (Maglione, 2020a). Maglione presents RJ as a 'new' instrument meant to enrich the Leviathans justice toolbox (supporting similar assertions from Ward et al., 2014 and Bolitho, 2015) and provides an informative summary of the case for police-initiated RJ. This paper maintains that RJ enhances police-victim relationships, resonating well with community-based policing and providing a cost-effective, common sense justice mechanism (Maglione, 2020a). From this point of view RJ appears to be a justice option that could be well utilised by the police.

Maglione's second paper (2020b) is mainly a critique of the institutionalisation of RJ within law. It looks at RJ institutionalisation from the perspective of UK, French and Norwegian law. He provides a comprehensive summary of the inclusion of RJ within UK law, starting with New Labour's Crime and Disorder Act 1998, which introduced the 'Reparation Order' for youth offenders. This was followed by the Youth Justice and Criminal Evidence Act 1999. If perpetrators pleaded guilty and accepted the terms of the Order, they could get 'Referral Orders' which had restorative and rehabilitative elements. The Criminal Justice Act 2003 was the first legal mechanism for adults that incorporated RJ, however RJ was as part of 'conditional cautions'. The Crime and Courts Act 2013 regulates pre-sentence RJ and stated that courts could defer sentencing to allow the perpetrator to take part in RJ. Perhaps most significantly, the Offender Rehabilitation Act 2014 established a type of post-sentence RJ, which can take place as part of the new Rehabilitation Activity Requirements (RAR) that the Act brought in. It states that "*within the Rehabilitation Activity Requirement it is to be considered restorative any action that includes the offender or one or more of their victims*" (Maglione, 2020b, p10). Whilst

this has been constituted within UK law since 2014, arguably it hasn't been used as much from an adult perspective as it could have been.

Lastly, Lanterman's (2020) paper outlines the 'need to crack the black box' of RJ. She argues that there needs to be more of an established evidence-base in RJ practice in terms of programme development, facilitator training and programme implementation. In her paper she briefly discusses the Thames Valley Police pilot of RJ in the 1990s, which she states was the beginnings of RJ being experimented with as a response to crime from a policing point of view. She suggests some interesting yet unexplored research areas for future RJ research, including research into the voluntary nature of RJ. An interesting point made in her paper is the role of the Restorative Justice Council (RJC) in the UK in benchmarking standards of practice for RJ practitioners and RJ organisations. This, she claims, is a unique feature of RJ in the UK compared with RJ in the United States.

## 5.0 Study Findings

### 5.1 Documentary Data

A variety of documents relating to RJ Wales were evaluated within this case study, all presenting as genuine and credible in appearance. These included two instructive process maps for operational staff, a 'Wales, South-West and KSS CRCs Restorative Justice Delivery Plan (December 2019 to March 2021)' and an 'RJ Wales Staff Operating Manual'. These documents define the aims and objectives of RJ in Wales probation services, as well as encompassing what a good quality intervention looks like. For the stated purposes and focus of this case study, the key aspects of these documents are presented below.

The Delivery Plan assists this study and all those engaging with RJ in Wales by offering an understanding of what RJ is, defining it as follows;

*"Restorative justice (RJ) has been defined as a process through which parties with a stake in a specific offence collectively resolve how to deal with the aftermath of that offence and its implications for the future. RJ can take the form of victim-offender mediation either through direct contact between the offender and victim or indirect communication involving third parties. It can also involve restitution or reparation where this is agreed between a Service Users and their victim".*

The Delivery Plan also offers an agency vision of RJ as a "mission to empower victims", with this empowerment being achieved through providing victims with the opportunity to "share the impact that the crime has had on them as individuals", as well as being able to "have a say in how the harm caused can be repaired". This is supplemented through "encouraging perpetrators to acknowledge the harm caused by their actions; develop victim awareness and empathy"; and "build the skills they need to change their offending behaviour".

Thinking about the quality of any structured RJ intervention, the Delivery Plan informs us that,

*"RJ is safe, competent and focused on the needs of the victim. RJ is always delivered by a facilitator trained to recognised standards and only takes place where an assessment indicates that this would be an appropriate course of action for all relevant parties with a particular emphasis on ensuring there is no re-victimisation".*

Furthermore, in terms of being aware of RJ in Wales, "victims and offenders can make informed decisions about participating in RJ and know how to access it". Additional aspects of the Plan include an outline of a growth and development strategy, objective setting, action planning and a description of the planned measures of success. This latter category includes feedback, both qualitative and quantitative, from victim and perpetrator participants.

The second key document to fall within the focus of this study is that of the RJ Wales Operating Manual. Through its Policy Statement, it not only echoes but also expands upon some of the above values, understandings, plans and vision, indicating that RJ, “*is an opportunity for an offender or perpetrator to put right the harm they have caused.....It is a victim focused resolution to a crime*”. Additionally, it holds perpetrators “*directly accountable to their victims.....allowing a victim opportunity to challenge and understand the crime and ensuring the perpetrator learns about the impact of their behaviour*”.

The second half of the above sentence is interesting as it allows for a developmental aspect of the process to prevail for service users as they “*build the skills, resources and cognitive processes necessary to change offending behaviour*”. Further, for victims there is the opportunity to “*improve their mental health and wellbeing*”. The scope for staff who deliver the intervention is reflected within this document as it encourages them to “*have the flexibility to adapt delivery styles and methods to meet the specific needs of individuals and activities can therefore be tailored to meet assessed individual needs*”. Moreover, the Operating Manual covers all elements of the intervention process including the referral process, risk assessment, preparation for intervention, suitability, and post intervention work, as well as staff supervision and line management accountability.

## 5.2 RJ Statistical Data

This section highlights key data collected by the RJ team which relates to RJ interventions during 2018, 2019 and 2020. Note that during 2020, the Covid-19 pandemic meant that probation services were curtailed (see Dominey et al., 2020), which in turn impacted RJ referral rates. The pandemic also meant that face-to-face RJ was largely unavailable.

### 5.2.1 RJ intervention completions

Figure 2 shows the total number of RJ outcomes each year, broken down by the type of outcome recorded. There is a relatively stable number of completed outcomes over the three years. Note: recording of ‘restorative conversations’ as outcomes began in 2020, so there is no data on this for the preceding years.

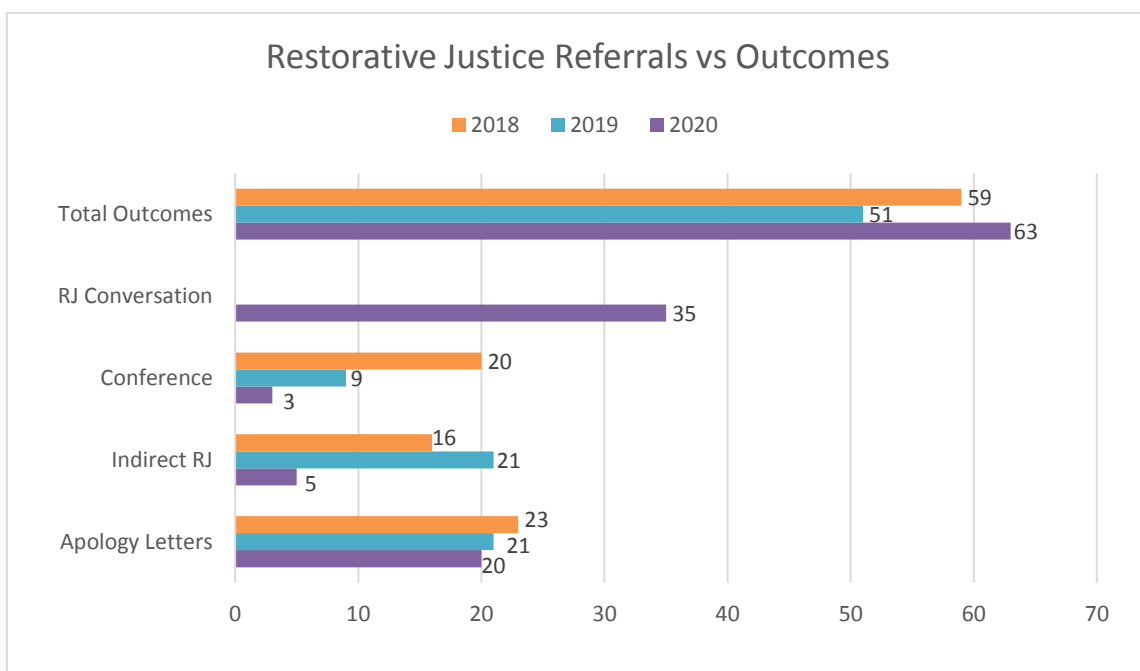


Figure 2

## 5.2.2 RJ participant feedback

Victims and perpetrators who participated in RJ can complete feedback forms following the end of their intervention. A total of 29 victims and 59 perpetrators provided feedback over the three years illustrated here.

Figure 3 shows the feedback from victims and perpetrators in response to the question 'How do you think the meeting/intervention went?' Most people who participated in RJ reported that they thought the intervention went 'well' or 'very well', with none saying that they felt the process went 'badly' or 'very badly'. In the feedback collected over three years, all except one participant said that they would recommend RJ to others.

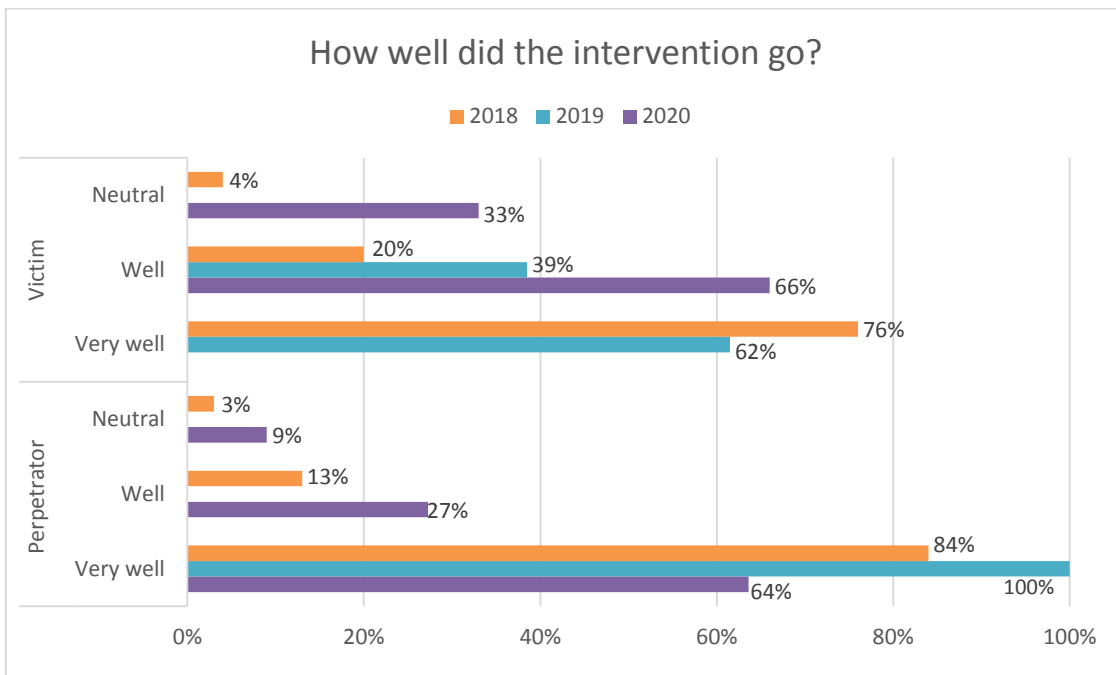


Figure 3

Figures 4 and 5 show that all RJ participants (both victims and perpetrators) felt that they were 'completely' or 'mostly' able to say what they wanted during the intervention.

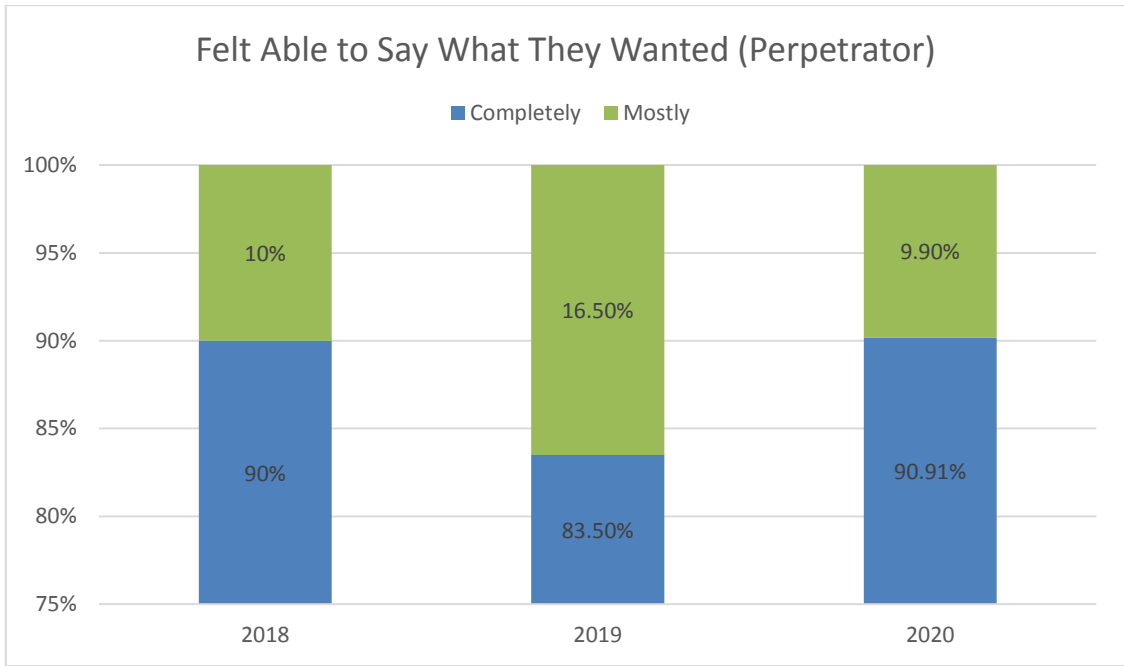


Figure 4

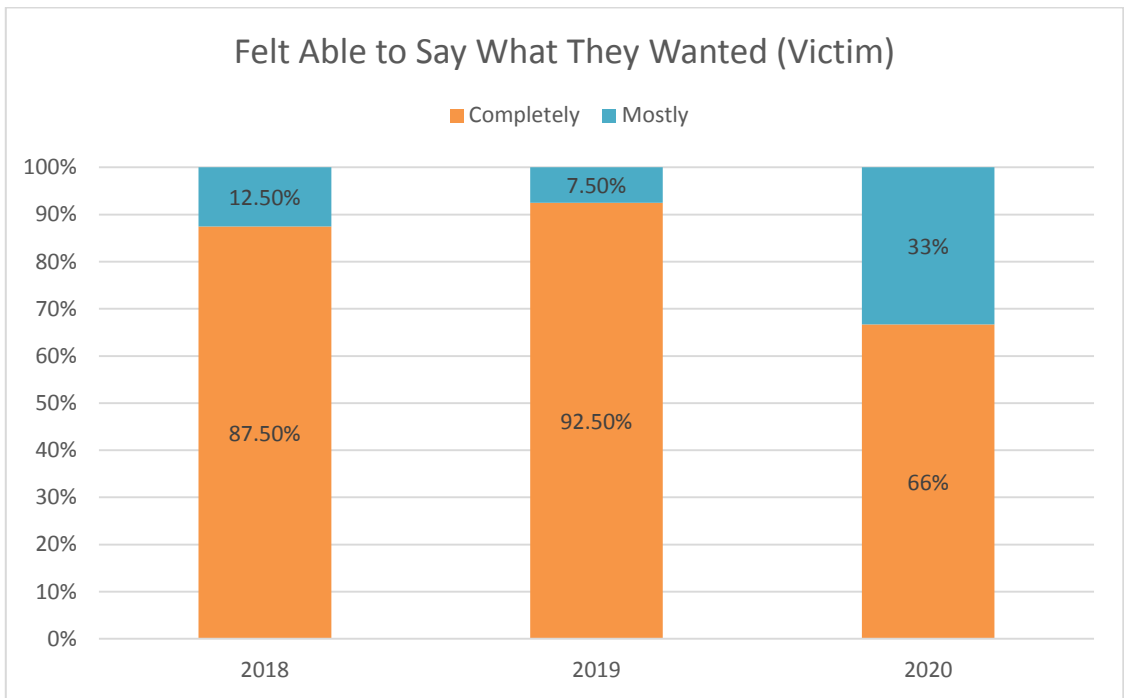


Figure 5

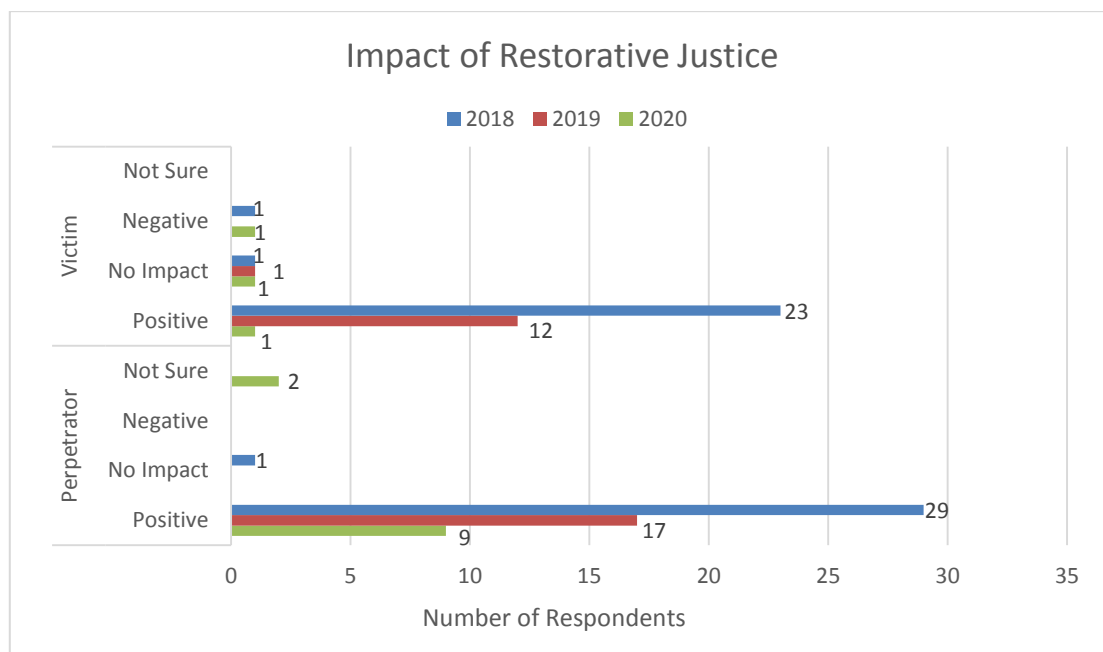


Figure 6

Figure 6 shows that most RJ participants (both victims and perpetrators) reported that the intervention had a positive impact. However, not all victims had a wholly positive experience, with a total of two victims reporting a negative impact following the intervention.

### 5.3 Selected cases

For this research, twelve interviews were undertaken (four RJ facilitators, one victim and seven perpetrators). One participant from each group is presented below as case examples. Data from other interviews has been used as supplementary data, where appropriate.

#### 5.3.1 Case Study 1 – Linda

Linda is an experienced RJ facilitator who has worked in probation services for many years. Within her period in service she has operated in such diverse roles as case management and group-work programmes, having delivered a variety of structured interventions in the past. RJ facilitation has occupied her skills and professional self-application in recent times, as she finds the role rewarding for all involved. Additionally, it offers Linda the unique opportunity to work directly with victims.

Our starting point with Linda’s account of how she works within the RJ process must begin with the apparent professional enjoyment and fulfilment she gains from undertaking the role. This includes the opportunity to work with victims and the unique rewards this can bring. Other staff also expressed these views.

*“It is just so lovely to be able to work with people once they are in that stage....perhaps sometimes repair the harm that they have caused. And then, regardless of the outcome, have taken something positively away from the process... On the other side is working with victims. I have never been able to work with victims in the past. So I just feel it is a very privileged job, to be honest. And so rewarding, you know,*

*when you get into a conference or even an indirect outcome”.*

Part of Linda’s passion for delivering RJ interventions stems from her belief that the RJ process provides undeniably constructive and developmental effects upon perpetrators, indicating as she does that,

*“it is just such a powerful intervention... in my experience, each perpetrator that I have seen go through the process has always taken something away from it... I don’t think in all cases, but in a majority of cases it is really helped them being able to desist from offending again”.*

This view was echoed by other staff participants. This however raises questions as to how or in what ways RJ serves as an intervention with effective outcomes. For Linda, the RJ process addresses questions of responsibility taking as the perpetrators,

*“have to have an element of responsibility for them to be able to engage in restorative justice anyway. But it is quite surprising actually, at the start, when you first meet somebody they will accept a level of responsibility for what they have done but it is obviously uncomfortable for a lot of people, but as you go through the preparation stages, you have met them four, five, six times, how their level of responsibility increases over that period... So I’ve found that quite often they do take more of that responsibility, so by the time we get to conference it’s even more powerful”.*

Linda refers here to the ‘conference’ (meeting) stage of RJ and in terms of the outcomes or impacts of different stages of the RJ process, this is the most effective. As she indicates further,

*“I think the ultimate one is when you reach conference, so they get to meet face-to-face. I don’t think there is anything quite as impactful as that, to be honest. That is the ultimate goal, really, for us... Because it is so powerful, sitting down face-to-face, going through that experience of talking about the offence to the person, and the victim”.*

Nevertheless, having said that, for Linda within each stage there is definitely a level of effectiveness upon both the perpetrator and the victim.

*“Even through an indirect process, and they don’t get to meet face-to-face, when you are literally writing down, seeing the victim’s questions, word for word, and then you come back to them at a later stage with the perpetrator’s answers, word for word, regardless of how uncomfortable... then you can see the impact that has on them then”.*

Referring to the letter writing stage and reflecting the experiences of some other staff participants, we see here a suggestion that the more tangible, material nature of a written letter can, for some participants, have a more lasting effect as it is read, re-read and possibly shared with significant others in their lives. From a staff facilitator perspective, questions relating to the longevity of any outcomes or impacts from RJ upon perpetrators are of interest, For Linda this is measured through degrees of behaviour change as a result of the psychological effects of their personal intervention experience. As she states,

*“the way I see it as well is, if a perpetrator stops offending because of the process, for me, that is hugely impactful. That is regardless of if it is an acquisitive offence or something more serious. If it means they have changed their behaviour, then that is hugely impactful... but I think just how much it has impacted somebody’s life is how to dictate how long the impact of going through the process would have on them”.*

Although Linda and her colleagues within this study were clear that RJ provides demonstrable effects upon individual perpetrators, these effects must be understood on an individual, case-by-case basis and be seen to provide efficacy through differing mechanisms, depending upon personal attributes.

In the above quote, Linda also alludes to the effectiveness of RJ against a range of offence types, suggesting that it can be effective across a spectrum of offences and their differing gravity. With the exception of sexual offences and domestically abusive offences, study participants, including Linda, did not identify RJ as particularly effective against any specific category of offending, but rather across the board from more straightforward offending to more complex offence types.

Where Linda and her facilitator colleagues also spoke in accord was in regard to the timing of any RJ intervention with perpetrators and how this chimes with narratives of personal maturity. For Linda these are recurring themes as,

*“I have heard so many times and this has come from people of various ages, ‘oh I have grown up now, I have grown up a bit.’ It is irrelevant what age they actually are, but it is when they realise, ‘Okay, yes, I have grown up a little bit now. I want to be a little bit more serious. I’ve got kids. I’ve got all of these responsibilities and here I am sat in a prison’”.*

Furthermore, in Linda’s experience many perpetrators “*acknowledge that they would not have been ready, beforehand...so yes, and again, only the offender is going to know the exact situation*”. Additionally, in the views of staff, some perpetrators within this study benefit from the effect RJ has in encouraging and supporting them at critical milestones along their desistance journey. As articulated by Linda,

*“it’s like some people don’t know how to change, even though they might want to. So it is just about helping them get on that first rung of the ladder, you know, and providing that support. That is where I find restorative justice really does help”.*

Questions of perpetrators’ personal maturity, the timing of the RJ intervention in someone’s life and their ability to change, all feed into the further notion that the RJ intervention should be offered to all perpetrators. This was agreed across the interview data sets, with Linda maintaining that the possibility of an RJ intervention should be incorporated into every case management sentence plan, thus giving a perpetrator the power of informed choice in relation to participation, either immediately or later on. The opportunity to make the decision regarding their involvement, or not, with RJ is certainly a view that Linda sees as important and in need of development across the probation service. This view also applies to victims and their opportunities to participate at the time of their choosing, with improved RJ intervention information dissemination being key to this.

When considering what motivates an individual perpetrator to engage in RJ, certain clues can be quarried from the data, including clues relating to personal agency within any desistance journey. From these findings a sense of morality presents itself, as in the experience of staff, most perpetrators want to ‘do the right thing’.

*“the offenders, the perpetrators, are in restorative justice, engaged in the process voluntarily, they had nothing to gain with regards to, you know, affecting their order or shortening, or any brownie points. They are purely in it because they want to make amends, they are remorseful for what they have done”.*

Aspects of moral identity thus begin to become apparent as some perpetrators can be depicted as individuals “*who are completely and utterly ashamed and remorseful, and disgusted with themselves and their behaviour*” (Linda), also holding deep seated fears that others will view them in wholly negative terms. This ethical and moral dimension appears to indicate an impactful aspect of the RJ process. A non-judgemental stance held by all facilitators would seem to support such expressions of thought, reflection and subsequent active engagement with RJ.

Intersecting with individual moral identities are various criminal identities and Linda portrays these lucidly when she says that,

*“some people, sadly, usually the younger ones, do have this identity that this is who and what they are. They steal, they rob, they whatever, because that is what they have grown up doing. So, thankfully, then they get the opportunity to explore that in interventions, and find out they don’t actually have to stay like that, they don’t have to be that person”.*

These identity issues can nonetheless be addressed within the RJ process, as consequently for Linda,

*“they are also there talking about their background, their lives, their thoughts and feelings about it all. So that in itself definitely helps...quite often I will get feedback saying that that, in itself, has helped them to see themselves a little bit differently, and realise that they can change”.*

In Linda’s experience of trying to understand identity challenges, many perpetrators undertaking RJ quite often say they *“just want to be normal... you know, get a job and a home, and look after my family.”* Similarly Linda spoke about the importance of going through the restorative questions and the process of talking, as this process offers opportunities for deeper engagement by perpetrators as they reveal a wider context to their lived experiences. In Linda’s words,

*“I find restorative justice really does help, because, you know, yes we are going through our restorative questions and the process, but they are also there talking about their background, their lives, their thoughts and feelings”.*

Here then, in Linda’s account of her experiences in delivering RJ, we can identify a committed, engaged and enthused staff member, one who carries a firm belief in the efficacy of RJ upon improving the lives of perpetrators and victims. She witnesses on a daily basis what motivates and sustains perpetrators in their engagement with the process and the outcomes and impacts it has on their futures, glimpsing as she does aspects of individual agency and identity shift as they progress through the intervention. RJ, however, is not without its limitations in Linda’s opinion, as she offers her reflections and how the intervention can be improved as it moves into its operational future.

### 5.3.1 Case Study 2 - Owain

Owain was the perpetrator of an extremely serious offence. He completed an RJ conference whilst serving his prison sentence. He has since been released back into the community. He has a family, engages in regular employment and has settled accommodation.

A clear motivation for Owain’s participation in RJ was to *“bring a bit of closure to what had happened”* for both the victim and himself; and to *“answer a lot of unanswered questions, on [the victim’s] behalf really, as best as I could.”* As well as introducing the notion of ‘closure’ he wants to offer some broader context to events and goes on to explain further,

*“I hope that it’s helped my victim in the sense that, being able to move on, or actually give her a bit of background of the events that led up to that accident that night, really.”*

The theme of wanting to tell the victim their side of the story came through from several other interviews with perpetrators, as did the desire for closure for both the perpetrator and the victims.

Owain spoke of the benefits of being able to face his victim and let them see that he was only human, and remorseful too. RJ was seen as an opportunity to clear his name and allow him to move past identity concerns

relating to thinking “*what the victim might think of me,*” that the victim may have thought the offence was intentional, or meant with malice.

*“I think it helped for the fact that [the victim] could actually see me face to face and see that I wasn’t a monster or, or an idiot or a, somebody with nobody with no remorse or anything like that, so yeah I think it’s helped in that sense”.*

A strong theme coming from interviews with other perpetrators was that they wanted to apologise to the victim and try to help the victim feel better. Owain was clearly intent on doing as much as he could to help ease the pain for his victim by explaining how and why the offence occurred.

*“I think mainly [the] feeling of relief, the being able to try and make a difference with somebody else’s journey, on the way to understand what had happened, and I think it’s, um, I think it’s a great healing process for both parties”.*

When asked about the offence and its consequences, Owain said “*there wasn’t a day that went by that I didn’t think about it*” before participating in RJ. He then noted that since talking to the victim and clearing the air, it is easier to think about. He talks about RJ having helped “*put my mind at rest, on a number of issues*” and says there was a “*feeling of relief*” and that “*it’s a burden lifted, really*”. He presents as pleased to have done RJ, stating,

*“at the start, before the process started I mean, I used to dwell, dwell on it a lot, I’m not saying that I don’t think about it anymore, but I certainly feel that it’s a lot easier now, and I don’t think it would be like that at this time, had I not done that process”.*

In the days following the conference he reported feeling “*quite euphoric really, that I’d done it, and that it had gone so well.*” Owain says he is “*just wholeheartedly glad that [he] had the opportunity to do it*” and that it has allowed him to start to progress from it. As it is some months since he completed the intervention there is a longer term impact evident here that Owain attributes to his participation in RJ and the feedback he received from his victim. In reflective mode, he knows this will be with him for years to come, as he indicates,

*“obviously it’s something that I’m going to think about for the rest of my life...obviously I can never take back what happened...the consequences will continue to ripple for the rest of my life, and the victim’s life. So I just hope that it has helped, I know it’s helped me, and I hope it continues to help the victim as well”.*

When Owain spoke of the outcomes of RJ, he cited the benefits for his ability to process the offence and keep moving forward, whilst he consistently also mentioned the impact he hoped it had on the victim too. There was a clear correlation between the positive impact the conference had on him with his perception of positive outcomes for the victim also.

Owain’s awareness and remorse for the consequences of his offence and the lasting impact this has had on the victim is clear throughout his interview. Through the RJ process he gained an even deeper understanding of how the victim’s life has been changed. His participation in allowing the victim the space to relay this information to him resulted, unexpectedly, in an offer of forgiveness from the victim.

*“I think what it gave me was a more of an understanding of the effects on the victim, and I think one thing that I did take away from the meeting is the fact that I was offered forgiveness by my victim, which for me was, was an absolutely massive thing, which I didn’t expect to gain at the start of the process at all”.*

Perpetrators talked about RJ being a healing process for them, allowing them to feel better and be able to further their lives, perhaps allowing them to forgive themselves and be less hard on themselves. For Owain,

and several other participants who found RJ helpful, this inspired real behaviour changes in their lives, with many absolute in their assertion that they would never offend again.

*“I think it’s probably emphasised that I will never reoffend again...obviously it makes you aware of the victim impact more so, I mean not that people don’t know but I think [when your victim is] put in front of you like that, face to face, it just, it makes it a lot more real... I think it certainly helped in the fact that it does [put] your mind in perspective, stops you behaving as you behaved in the past, which obviously led up to those events, so yeah, yeah I think it’s uh, it’s definitely made a big impact in that sense of my life”.*

The humanisation of the victim and making the consequences of their offending ‘real’ is a clear influence in Owain’s journey and in his commitment to never offending again. The victim’s desire for them both to put the incident behind them and move on with their life is described as a motivator for growth and learning for Owain, and as he states, to *“spur me on, to you know, better myself, behave in a different manner”*. Whilst it is evidently not forthcoming in every case, having the victim’s blessing is certainly appreciated in this example journey.

Fortunately for Owain he was not alone during the RJ process, as he received support from his family. However, his mother was *“apprehensive about [him] doing it, basically just trying to protect [him] because she didn’t want [him] to hurt or didn’t want it to affect [him] mentally, in any way really.”* Interestingly, a minority of interview participants spoke of sharing their experiences with others, albeit most spoke, like Owain, of being nervous about how the conference would go and how the victim would react, but were put “at ease” by facilitators and the preparation they had done together.

Lastly, with reference to the RJ process itself, Owain spoke about how he, *“did feel at ease...and the whole experience leading up to that was very...informative. So yeah it did put me at ease and before the actual meeting commenced, I was more than ready for it by then”*. Indeed, no perpetrator participants in this study offered negative comments in relation to the systems and procedures involved in the RJ intervention. Other perpetrators interviewed spoke about the importance of the process itself when it comes to engaging with the victim and gaining insight. As one said, *“I found the process useful, having an organised activity around this forces me to...be engaged which requires you, I think, to think about yourself and move forward from that”* (Thomas).

### 5.3.1 Case Study 3 - Natasha

Natasha participates in this study as an individual who has been the victim of crime. She has also chosen to participate in the Restorative Justice process and confront the perpetrator who offended against her through meeting him in a face-to-face manner. The offending in question was extremely serious in nature. Natasha continues to suffer the consequences and will do so to some degree for the rest of her life. She is supported by family and friends.

When it comes to reasons why victims choose to participate in RJ, Natasha’s articulation of the issue for her personally could not be clearer. She has a plethora of questions in her mind and as long as these go unanswered she feels stuck in a rut, unable to progress with her life in the way she would wish. As she states,

*“that was the main goal to be honest, to close that book for myself. To deal with [my] own grief and stuff, and until I’d done that, I felt like I couldn’t close the book, does that make sense?...like I could not close that book because I had unanswered questions, and, I suppose it’s like that, I wanted answers. And I can either choose to believe it or not”.*

Furthermore, whilst forgiveness is no prerequisite for any party to engage in RJ, for Natasha it is an essential

aspect of the process, *“for my own sake, I’ve got to forgive in order to move on. To have a better life”*. Her sense of self-determination is almost palpable here as she seeks to drive herself forward and find the strength to forgive and construct a better future for herself and by extension those around her who are dear to her. A key part of this endeavour would also appear to be the effort required to address the depth of ongoing anger within her, because as Natasha candidly admits, *“I wanted to hurt him, I really did”*.

The alternative is to press the self-destruct button within a context of ongoing misery. As Natasha says,

*“I can move on... I was pressing the destructive button, and I’m not even going to lie, I still do that now, alright, but I can move on properly now, I know that I’ve done what I need to do... I’ve now gotta move on or choose to be miserable. And I don’t want to be miserable”*.

In Natasha’s experience however, undertaking RJ does not come without some costs, as she indicates how the whole process completely exhausted her. *“It creamed me. It really did... Makes you tired. It sounds silly but it’s just, takes it out of you, believe it or not”*. This in itself must make the effort of finding some energy within oneself to start and complete RJ all the more daunting.

Whilst in discussion Natasha stated that she was pleased that she went through the RJ process, though for her some difficulties remain and a sense of feeling conflicted continues to be experienced.

*“yeah I’m glad I done it. I am. I really am...yeah most definitely I’ve got something out of it yeah, even if it’s not the, not what I want, but something... I probably didn’t say everything that I wanted to – well actually, I felt like I did but, I don’t know, it’s really hard, to be honest with you”*.

No doubt much of the conflict that Natasha continues to experience stems from the spells of anger, hatred and low mood that still visit her today. It would appear then that wrestling with the difficult issues involved in being the victim of a crime persist to some extent after RJ, albeit overall the challenges can be overcome and are worth the investment, as for Natasha, *“yeah I’d deffo recommend it, to anyone. It may seem daunting at first but, once you done it you’ll feel so much better”*.

As indicated above, an element of agency is redolent within Natasha’s comments as she speaks of choosing to make her own decisions and direct her own future, however difficult that may be. This sense of agency not only presents as an aspect of her wider identity but encompasses her moral identity as she resolutely states,

*“‘cause I thought ‘well you do that to me, and then you haven’t even got the guts to face me’. You do something like that, I thought, ‘own up’, know what I mean, ‘hold your hands up, face the person’. I deserve that much at least, he took everything else away so, yeah...’you’ve done this to me and you can’t give me some sort of respect, by looking me in the eye and looking at the person that you’ve done this to’. And I thought I deserve that, you know, ‘stop trying to get out of it’”*.

Of interest is the issue relating to the extent to which victims share the RJ process with others around them, be it family, friends, or trusted associates. Sharing could imaginably form part of any self-preparation process, an aspect of support through the process, or a post-RJ reflective exercise. For Natasha however, with friends and family members,

*“erm no, they know about it, I never really talked about it fully, I told them bits, but I didn’t really talk to them about it, it’s a difficult one really, it’s not something I like to talk about”*.

This decision lies of course with the individual involved and in Natasha’s case she chooses to be selective of when, to what extent and with whom she involves others within her social circle. Again, this option must present as a daunting prospect in itself.

Here then we catch a glimpse of some of the personal motivations inherent within the RJ process, as deep-seated feelings of anger require attention and questions need to be at least partly answered if victims are to move forward with their lives and enjoy a more rewarding future. Natasha for one was pleased that she garnered the strength to undertake and complete the process and felt the outcomes to be worth the difficulties involved, with constructive effects resulting. A keen sense of moral identity and expectations present as key drivers in this case, with the question of sharing the experience, or not, with trusted others also relating to deeply personal and individual contexts.

## 6.0 Discussion

As we can see from the documentary data and case examples, there are a number of overlapping themes that emerge, primarily relating to what motivates individuals to participate in RJ, what outcomes and impacts it has for them, and how they experienced the whole process. We discuss these here.

### 6.1 Motivation

From the victim's point of view motivation to take part seems to be centered on voicing her emotions about the incident to the person responsible and moving past the incident through gaining some peace of mind, leading hopefully to a new chapter in her life. A noteworthy finding was that one of the reasons the victim participated in RJ was for altruistic reasons. What this point may demonstrate is that despite a very serious incident occurring, the victim still held some positive regard for the perpetrator which underpinned her motivation to want to engage. If this altruistic motivation for participating is communicated to the perpetrator, as it was in this case, then there is potential for this pro-social attitude and behavior to influence perpetrators, thereby assisting them with their expressed journey of desistance. The vision of RJ offered by the KSS CRC Delivery Plan also seems to be achieved here as the victim in this case expresses some sense of empowerment. Additionally, her potentially unmet justice needs (Bolitho, 2015) have been addressed in terms of the need to acquire information. The victim clearly embraces the opportunity to express her views and experiences to the perpetrator, evoking a subsequent improvement of her wellbeing to some degree.

From the selected case example perpetrator's point of view, motivation seems to be linked to wanting to answer his victim's questions, explain himself and to address the emotions he has linked to his actions. This he relates to a sense of gaining some closure through assisting the victim in dealing with the harm caused towards her. The perpetrator in this case, at the outset, wanted to answer any questions his victim had and the victim, from the outset, wanted to get closure and move on. As the perpetrator was able to answer the victim's questions satisfactorily, this gave her the information she needed to move forward to some extent, resulting in a constructive outcome for both. With specific regard to perpetrators, glimpses of moral identity also appear to drive individuals forward as they want to be seen in ethical terms as a 'good' person, a human being with integrity and not some archetypal image of a demonic individual. The extent that this reflects a key driver within the initial stages of any identity shift is of interest. RJ principles of empathy, awareness, perspective taking and acknowledging harm are all evident within the perpetrator's account. It may be the case that where both parties have similar reasons for wanting to do RJ, this may increase the chances of the outcome being constructive for all, although that isn't to suggest that where motivations differ positive outcomes can't be reached.

The voluntary aspect of RJ and the fact both victim and perpetrator give their informed consent to take part underpins the case example facilitator's point of view that participants must want to engage. This is not surprising perhaps because the facilitators are trained and experienced RJ practitioners who endeavor to follow the Delivery Plan of their organisation. This plan links the quality of the intervention to the fact that victims and perpetrators are able to make informed decisions about participating. The facilitator(s) in this study clearly viewed perpetrators' prior motivation as being linked to informed consent. That is to say that since they are

giving their informed consent to participate, this is associated with wanting to develop pro-social attitudes such as actively taking responsibility and 'doing the right thing'. In the view of the case example facilitator, this prior motivation to participate in RJ and adapt one's behavior comes through clearly from perpetrators.

Furthermore, motivation for the facilitator to deliver RJ was linked to supporting their probation colleagues with their sentence plans, alongside general supervision of the perpetrator. Criminogenic risk factors such as lifestyle and attitudes are likely to be positively impacted from doing RJ. On a professional and organisational level this desire to want to support colleagues is understandable, particularly when viewed through the overarching probation lens and aims of the organisation as a whole, which is to protect the public, reduce reoffending and manage risk. In addition, the organisational documents related to RJ include a risk assessment for standard cases and for sensitive and complex cases. In documents produced by the Welsh RJ team, there is a clear commentary on participant motivation and this informs the overall judgement of suitability and helps in the balancing act between the impact of positive outcomes from participation against the risk of further harm from participation. This allows the facilitator to address any issues with regards to motivation, to ensure the process is safe for both participants. Facilitators were clearly victim focused in their practice, adopting a tailored approach and allowing for flexibility.

Some commentators have argued the opposite stating, "*one of the main reservations about the effectiveness of RJ as a crime-reduction, desistance enhancing-tool is the problem of self-selection*" (Ward et al., 2014, p35). Whilst RJ is voluntary and as such those that selected themselves may be more likely to benefit because they chose to do it, it is possible to challenge a critique surrounding 'self-selection' and instead view it as a positive element in relation to understanding the effectiveness of RJ. It can be viewed that it is precisely because participants select themselves for this intervention that this is one of the fundamental reasons why there seems to be positive impacts for such a high number of people who partake.

Whilst it is understood that this point does not address those who may not want to do RJ, it can be assumed that RJ isn't for everyone for varying reasons, including personal, situational, lifestyle, and attitudinal factors, to name a few. Similarly to other interventions available to the probation service, RJ can't and doesn't claim to be suitable for every perpetrator, nor 100% effective for everyone.

Lastly in this section we must note the narrative relating to maturity that runs through the facilitator and perpetrator accounts. This theme is related to those of motivation to engage and readiness to engage in any change process. Within facilitator narratives maturity was not necessarily associated with chronological age, but an insightful desire to escape the behaviour of the past and develop new ways of approaching a more fulfilling personal future for individuals. Support to achieve this change is necessary and apparent within the accounts of facilitators, with elements of support being not only practical, but also enmeshed with constructing a self-envisioned future for the perpetrator, with aspects of hope for a 'normal life'.

## 6.2 Outcomes and Impacts

The effects upon participants represent further significant themes that all those involved spoke about within the study findings, albeit the focus is more on shorter-term outcomes over any longer-term impacts.

For the victim case study, the outcome and overall impact of the process was positive, despite her mixed feelings going into it and feeling angry with the perpetrator. She spoke about getting something out of the process and feeling glad that she had participated. This echoes previous feedback data from most participants. The KSS CRC RJ Delivery Plan talks about empowering victims and from this point of view it can be argued that victims who feel as though they have gained something positive out of the process have also obtained a level of empowerment in relation to the impact of the offence. This appears to be allied to how they subsequently process it and are able to move on with their lives. That certainly seemed to be the situation in our case example. The RJ experience was not, however, without its difficulties. The victim found the whole process exhausting at the time, whilst expressing how she continues to struggle with longer term impacts of the harm caused against

her, despite welcoming the improvements in her life since RJ. Of note, a sense of agency pervades her narrative relating to RJ participation as it appears that her self-determination drove her through the process and continues to the present day.

From the perpetrator case example's point of view, his outcome was similarly encouraging. He described how relieved he felt afterwards which may in some sense be seen as an endorsement of the benefits of RJ. His feelings going into the process were generally upbeat and the outcome for him was also constructive. Some literature on desistance from crime suggests that perpetrators can use 'hooks' for change or turning points in their lives, as opportunities to make substantive changes to their criminality (Serin & Lloyd 2009; King, 2013, Bushway et al., 2003, Farrall & Maruna, 2004). Viewed through this lens, positive outcomes from RJ interventions can provide perpetrators with those opportunities to make changes if they view them as a catalyst for change. Farrington (2007, p131) calls for future research into "*what interventions foster or accelerate desistance*". This study could provide some answers to that question as it suggests that RJ has the potential to nurture desistance.

Our perpetrator case example spoke about how he felt after the intervention and what changes he thought it would help him make. The RJ Operating Manual states that RJ helps perpetrators '*build skills necessary to change offending behavior*'. Our perpetrator felt that RJ helped him move on and place offending behind him. Not only can we view this as a self-reported turning point in his life but we may also surmise that he is likely to have developed some cognitive and emotional management skills necessary for him to make changes to behaviours associated with taking increased responsibility for offending.

Intriguingly, when it comes to impact, from a facilitator point of view it is also related to desistance from offending. The facilitators interviewed all spoke about how they felt RJ was linked to the perpetrators' desistance from crime. This was believed to be the case across a wide spectrum of offence types. The facilitator case example felt that RJ had an impact for all that participated, but has more of an impact if the case goes to conference. This seems to support evidence from other empirical studies which claim RJ is its most impactful post-sentence and for those that meet their victims face to face: "*in post-sentencing RJ, justice is understood as something more than the justice offered by traditional adversarial court systems....RJ encounters are an avenue for achieving a different and perhaps deeper form of justice*" (Bolitho, 2015.p259). Where previous research may be somewhat at odds with this study data is the suggestion from our facilitators that RJ would be beneficial for all perpetrators. This runs slightly against some academic discourse which claims that RJ is likely only to be more beneficial for low-risk perpetrators (Ward et al., 2014). Within this study, the facilitator in this case example expressed the view that the longevity of any impact from RJ correlates directly with the psychological impression it makes upon perpetrators.

Although face-to-face conference interactions may, for some, present as the most potent form of communication, other aspects of RJ also featured. Several study interview accounts spoke of all individuals being unique and thus any evaluation must be on a case-by-case basis. This led to some facilitators expressing the view that in their experience letter writing can be just as advantageous for some participants. For victims, letters present a more tangible, portable form of impact as they can be read, carried, shared, and re-read for months or years to come.

## 6.3 The Process of RJ

In the case examples we focus on within this project, the victim didn't speak much about the process itself, rather how she felt and what the impact was. Nevertheless, both the perpetrator and facilitator had similar things to say in relation to the RJ process. All comments were complimentary in nature with the vast majority of participants saying they would recommend the RJ process to others. Staff found the role fulfilling and rewarding. They expressed commitment and passion for the work, with mechanisms to protect their personal wellbeing within a potentially challenging job appearing in place and available as and when required.

When thinking about the mechanism, the nuts and bolts, of the RJ process, comments related to how perpetrators and victims come to know about RJ are apparent. Findings here were mixed as individuals spoke of hearing about RJ via courts, prisons, police, or probation staff. This raises obvious questions relating to the general dissemination of information about RJ and how to access it.

Following on from the theme of discovering RJ, participants spoke about the necessity for preparation before conferences involving facilitators and perpetrators. Both our facilitator and perpetrator spoke about the preparation; the importance of it, the length of it and what they got from it. Of interest at this juncture is the degree to which perpetrators shared their involvement in RJ with significant others, be they family, friends or associates, with few fully sharing with those around them. The reasons for this are most probably complex, but as such remain unclear from this study.

The concluding issues to discuss when thinking about the RJ process include whether RJ should be offered to everyone and precisely when to offer RJ to victims and perpetrators. Facilitators were clear that the potential for involvement should be made more widely available, possibly through a mandatory risk management approach. RJ could be offered to all perpetrators on an 'opt-out' as opposed to 'opt-in' basis. This would, in part, address the question of 'if' and 'when' to offer the process to perpetrators, (i.e. at the beginning of any court imposed sanctions or a later stage). The study findings found the question of when to offer RJ to victims to be a more perplexing one. No clear picture emerges, as the complexities of precisely when and how to revisit painful, harmful experiences with victims remain highly challenging.

## 7.0 Conclusion and Recommendations

This research study aimed to evaluate why RJ appears to be effective for those who participate in it. A case study design was utilised to draw on documentary data and interviews with those with experiences of RJ. Findings related primarily to the shorter-term effects of RJ, aligning with previous literature.

What the data from this study indicates is that motivation and impact are two areas that readers can look to when trying to understand why RJ seems to be so powerful. Those victims and perpetrators who are previously and sufficiently motivated to take part, knowing all that it entails, are likely to gain encouraging benefits from it. They are looking to move on with their lives through having questions asked and answered, whilst addressing thoughts and emotions that deeply and persistently trouble them. The subsequent outcomes for both victim and perpetrators appear substantial across a range of offence types, with the supportive RJ process itself seeming to offer some encouragement in terms of how participants prepare, engage and complete a successful intervention. Nevertheless, RJ is not for everyone, as it is apparent that not everyone gains from it and as such intervention assessment must be on an individual basis. Those who do participate can find it emotionally bruising and strength of character is required by both victims and perpetrators to face and overcome difficult previous life experiences.

For perpetrators, facing the demands of RJ intersects with moral identity and possible offending identity-shifts, which is expressed through narratives of maturity, readiness for change and personal growth in a responsible manner. Perpetrators require practical and agential support in formulating their ambitions and achieving their personal visions of a crime-free lifestyle.

The experience of facilitators is something we point to in terms of understanding how and why the process has been spoken about by the study participants, as facilitators are experienced and multi-skilled in delivering RJ. Facilitators enjoy the role and posed important questions regarding whether RJ should be offered to all perpetrators who meet the suitability criteria and whether RJ should be more of a feature of sentence planning? The sufficient resourcing of RJ was also questioned by facilitators. As we have seen from the literature review, significant investment has been made into the youth justice service in relation to RJ and significant legislative

directives have also supported the operationalisation of RJ. In the adult CJS however, much less resource input has been made in terms of RJ.

Probation services in the UK are on the cusp of significant changes through re-unification. In Wales CRC the interventions teams (including the RJ team) will be transitioning into the National Probation Service (NPS) in June 2021 and will continue delivering RJ from within the NPS. This means that Wales NPS is in a unique position to develop probation delivered RJ and there is already an award winning history to support this. The Target Operating Model (HMPPS, 2021) for probation services in England and Wales makes positive references to the future of RJ within the CJS. As such it may be timely to give consideration to the opportunities offered by the upcoming changes to implement the findings of this report.

## 7.1 Recommendations

1. **Further promote RJ services.** This would include the need for greater information dissemination to probation staff, victims, perpetrators, community and statutory agencies. This needs to be undertaken not only in Wales but probably more widely across the whole of the probation landscape, in part via the opportunities offered to probation by the re-unification process. Options for probation could include, for example, RJ single points of contact (SPoC) within RO teams, or inclusion of RJ agenda items at every RO team meeting. Part of this approach could involve greater attendance at RJ conferences by ROs (with the consent of all parties involved).
2. **Operationalise RJ more widely via RARs.** An option could be to support all service users sentenced to a RAR to be assessed for their suitability to take part in RJ. After an initial assessment appointment, if they are found suitable they can opt-out of the process if they don't wish to participate. The principle would be to opt-out rather than opt-in. This would still retain the integrity of RJ in terms of voluntarism. This is feasible when we consider the provisions that have already been made in terms of the Offender Rehabilitation Act 2014 and its references to RJ and RAR requirements.
3. **Make RJ more of a feature within sentence planning.** Those who are not sentenced to RARs may still be eligible for an assessment and if it was more of a feature in sentence plans then ROs would be more aware of RJ and hopefully make additional referrals to the intervention. This would need to be incorporated within the CORRE (Centralised Operational, Resettlement, Referral and Evaluation) process in Wales, as outlined in the Target Operating Model (HMPPS, 2021), or whatever assessment and planning procedures are utilised within wider probation services.
4. **Future research into RJ.** This could focus upon several aspects of the intervention that have been identified by this study, or alternatively those only briefly touched-upon here. These could include,
  - To examine and evaluate the extent and effectiveness of partnership working between statutory agencies (e.g. probation, police) and community based organisations to promote awareness and uptake of RJ to victims. The Victims Commissioner's recent report suggests that many victims do not recall being offered RJ and suggest that RJ should be a statutory entitlement (Victims Commissioner, 2021).
  - An evaluation of the longer term impacts of RJ, possibly with participants being revisited at a five to ten year time point. This could revisit issues of possible reoffending or journeys away from crime facilitated by aspects of RJ.
  - Research exploration could be undertaken into those individuals who did not find the intervention to be of benefit, seeking to explore why and in what ways. The reasons why RJ does not work for some individuals, including some in this study, could be scrutinised in more depth.

- The issue of when and how to approach victims in order to offer RJ as a service has proved difficult within this study. As such, victims could be engaged within a study into the most opportune time and manner in which it is preferable to invite them to participate in RJ.
- Responsible Officer perspectives in relation to RJ could be explored. It has been suggested within this study that ROs could become more involved in the RJ process relating to individuals within their particular caseloads. Consequently, their everyday practice experiences could benefit from investigation. It may be worthwhile endeavor to attempt to capture a nationwide picture of this issue and the RJ provision available to ROs.
- Inter-agency collaboration and co-working between police and probation services is an area of possible research interest. This may in-part support community policing efforts and inter-agency victim support work. Whilst this working relationship exists to some extent in Wales, it may benefit from examination of its daily operation with a view to improvement and expansion.

## References

- Bolitho, J. (2015). Putting justice needs first: A case study of best practice in restorative justice. *Restorative Justice*, 3(2), 256-281.
- Bonta, J., Jesseman, R., Rugge, T., & Cormier, R. (2006). Restorative justice and recidivism: Promises made, promises kept. *Handbook of restorative justice: A global perspective*, 108, 120.
- Braithwaite, J. (1989). *Crime, shame and reintegration*. Cambridge University Press.
- Bushway, S. D., Thornberry, T. P., & Krohn, M. D. (2003). Desistance as a developmental process: A comparison of static and dynamic approaches. *Journal of Quantitative Criminology*, 19(2), 129-153.
- Canton, R., & Dominey, J. (2017). *Probation*. Routledge.
- Christie, N. (1977). Conflicts as property. *The British Journal of Criminology*, 17(1), 1-15.
- Cunneen, C., & Goldson, B. (2015). Restorative justice? A critical analysis. *Youth, Crime and Justice (2nd ed)*. London: Sage, 137-156.
- Daly, K., Bouhours, B., Broadhurst, R., & Loh, N. (2013). Youth sex offending, recidivism and restorative justice: Comparing court and conference cases. *Australian & New Zealand Journal of Criminology*, 46(2), 241-267.
- Dominey, J., Coley, D., Ellis Devitt, K. & Lawrence, J. (2020) *Remote supervision: Getting the balance right*. Kent, Surrey & Sussex Community Rehabilitation Company. Retrieved from <https://www.kssrc.co.uk/wp-content/uploads/2020/12/Dominey-Coley-Ellis-Devitt-Lawrence-2020-Remote-supervision-Getti....pdf>
- Farrall, S., & Maruna, S. (2004). Desistance-focused criminal justice policy research: Introduction to a special issue on desistance from crime and public policy. *The Howard Journal of Criminal Justice*, 43(4), 358-367.
- Farrington, D. P. (2007). Advancing knowledge about desistance. *Journal of Contemporary Criminal Justice*, 23(1), 125-134.
- Harding, J. (1982). *Victims and offenders: needs and responsibilities*. London: Bedford Square Press.
- HMPPS (2021) *The Target Operating Model for probation services in England and Wales: Probation Reform Programme*. Retrieved from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/959745/HMPPS - The Target Operating Model for the Future of Probation Services in England Wales - English - 09-02-2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/959745/HMPPS_-_The_Target_Operating_Model_for_the_Future_of_Probation_Services_in_England_Wales_-_English_-_09-02-2021.pdf)
- Johnstone, G., & Van Ness, D. (Eds.). (2013). *Handbook of restorative justice*. Routledge.
- King, S. (2013). Early desistance narratives: A qualitative analysis of probationers' transitions towards desistance. *Punishment & Society*, 15(2), 147-165.
- Lanternman, J. L. (2020) Models versus Mechanisms: The need to crack the black box of restorative justice. *British Journal of Criminal Justice*.
- Liebmann, M. (2007). *Restorative justice: How it works*. Jessica Kingsley Publishers.
- Maglione, G. (2017). Embodied victims: An archaeology of the 'ideal victim' of restorative justice. *Criminology & Criminal Justice*, 17(4), 401-417.

- Maglione, G. (2019). The political rationality of restorative justice. *Theoretical Criminology*, 23(4), 545-562.
- Maglione, G. (2020a). Restorative justice policy in context: a legal-archaeological analysis. *International Journal for the Semiotics of Law*, 1-25.
- Maglione, G. (2020b) Restorative justice and the state. Untimely objections against the institutionalisation of restorative justice. *British Journal of Community Justice*.
- Ministry of Justice (2013) *Transforming Rehabilitation: A Strategy for Reform*. Retrieved from <https://consult.justice.gov.uk/digital-communications/transforming-rehabilitation/results/transforming-rehabilitation-response.pdf>
- Ministry of Justice (2018) *Offending behaviour programmes and interventions currently available for offenders in England and Wales*. Retrieved from <https://www.gov.uk/guidance/offending-behaviour-programmes-and-interventions>
- Morris, A. (2002). Critiquing the critics: A brief response to critics of restorative justice. *British Journal of Criminology*, 42(3), 596-615.
- Restorative Justice Council (2015) *Principles of restorative practice*. Retrieved from: <https://restorativejustice.org.uk/sites/default/files/resources/files/Principles%20of%20restorative%20practice%20-%20FINAL%2012.11.15.pdf>
- Serin, R. C., & Lloyd, C. D. (2009). Examining the process of offender change: The transition to crime desistance. *Psychology, Crime & Law*, 15(4), 347-364.
- Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J., ... & Sorsby, A. (2008). Does restorative justice affect reconviction? The fourth report from the evaluation of three schemes. UK Ministry of Justice Research Series. Retrieved from: [http://webarchive.nationalarchives.gov.uk/+/http://www.justice.gov.uk/restorative-justice-report\\_06-08.pdf](http://webarchive.nationalarchives.gov.uk/+/http://www.justice.gov.uk/restorative-justice-report_06-08.pdf)
- Sherman, L., & Strang, H. (2007). *Restorative justice: The evidence*. Smith Institute.
- Van Ness, D. W., & Strong, K. H. (2010). Restoring justice: An introduction to restorative justice. 4<sup>th</sup> ed. Anderson.
- Victims Commissioner (2021) *Victims Law Policy Paper Victims' Commissioner's Proposals for a Victims Law*. Retrieved from: [https://s3-eu-west-2.amazonaws.com/victcomm2-prod-storage-119w3o4kq2z48/uploads/2021/02/VC-Victims-Law-policy-paper\\_FINAL-1.pdf](https://s3-eu-west-2.amazonaws.com/victcomm2-prod-storage-119w3o4kq2z48/uploads/2021/02/VC-Victims-Law-policy-paper_FINAL-1.pdf)
- Wales Probation Trust (2013) *Restorative Justice – Instructions for RJ Facilitators and Administrators*. Professional Practice Direction
- Ward, T., Fox, K. J., & Garber, M. (2014). Restorative justice, offender rehabilitation and desistance. *Restorative Justice*, 2(1), 24-42.
- Ward, T., & Langlands, R. (2009). Repairing the rupture: Restorative justice and the rehabilitation of offenders. *Aggression and Violent Behaviour*, 14(3), 205-214.
- Wilson, R. J., & Prinzo, M. (2002). Circles of support: A restorative justice initiative. *Journal of Psychology & Human Sexuality*, 13(3-4), 59-77.
- Zehr, H., & Mika, H. (1997). *Fundamental concepts of restorative justice*. Center for Restorative Justice and Peacemaking, School of Social Work, University of Minnesota.
- Zehr, H., & Toews, B. (Eds.). (2004). *Critical issues in restorative justice*. Criminal justice press.
- Zernova, M. (2007). *Restorative justice: ideals and realities*. Abington, Ashgate.

## Appendix A – Methodology

### Methods Used

The research project comprised a case study design that involved the collection of interview and documentary data. The data was drawn from an initial evaluation design which had to be revisited in light of the ongoing pandemic. This was supplemented by a literature review. The case study unit of analysis encompassed the three year period from January 2018 to December 2020. Some participant views and experiences were gathered via semi-structured interviews. Others were captured through extant intervention feedback findings from within the documentary data. The documentary data also included such materials as intervention operating manuals and organisational delivery plans.

### Data Collection

Interview data collection amongst all participants took place between July 2020 and December 2020. Documentary data collection also occurred throughout this period. Due to social distancing laws, most interviews were conducted by telephone, with participants being in their own homes. One perpetrator was interviewed face-to-face in his local probation office. All interviews were digitally recorded and later transcribed. The total number of interviews within the project amounted to four staff (N=4), one victim (N=1) and seven perpetrators (N=7). It must be noted that the ongoing pandemic required RJ to be delivered in a more remote manner and as such 2020 intervention practice differs to some extent from previous years, having a probable bearing on some of the findings.

### Recruitment

Recruitment of perpetrators and victims involved contacting individuals who had previously indicated an interest in being involved in some form of research relating to RJ in Wales. As such they were contacted directly by phone to enquire about possible continued interest. Staff were contacted directly by phone and invited to participate on a voluntary basis. Interview times and dates were agreed in advance, at the convenience of the participants.

### Analysis

A thematic analysis was used to explore the data in relation to the semi-structured interview findings. The process began with reading over the transcripts and preliminarily identifying themes. A degree of inter-rater reliability was achieved through several researchers reading the transcripts. Preliminary themes were then revisited and revised, then a set of core and subsidiary themes were agreed on. At the final stage, transcripts were coded using these themes and added to a large Excel database. The database cross-referenced participants alongside the key themes. Documentary data analysis involved the identification of themes within the written materials, with patterns being sought within participant feedback data. An evaluation framework was constructed through combining best practice principles from a variety of recognised sources. A logic model was utilised to scrutinise all key linkages.

### Ethics

The KSS CRC Code of Research Ethics was adhered to at all times throughout the life of the project. Participation for all involved was on a voluntary basis, with participants being invited to take part in different ways, as outlined above. All participants were informed that individual participation would be kept confidential. For all participants, staff, perpetrators and victims, personal and unique information was anonymised to ensure there were no identifiable cases or situations.

