

Evidence submitted to the All Party Parliamentary Group on Restorative Justice, August 2021

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Introduction:

This evidence is in response to the first group of question in the inquiry under the heading 'Restorative Justice in 2021: Setting the scene'. The response is intended as a guide to some of the key literature; it is not an exhaustive list, but an indication of academic work across a range of key areas.

Restorative Justice and Restorative Practice

The inquiry considers restorative work under two key terms, Restorative Justice and Restorative Practice. These two terms are often used interchangeably, both by those in practice and academic circles. Nevertheless, there are important differences. Given the breadth of applications, the use of terminology is important. In recent work, I am increasingly using the term 'restorative work' to describe all that which is considered restorative justice - where there is work directly with harmed and harmer - as well as that which is restorative practice - the application of the underlying relational philosophies to developing personal and interpersonal practices for dealing with conflict. In the following material, I will provide a more detailed definition for each approach and include a range of examples from academic studies on the types of work in each case

Restorative Justice: definitions and examples

Restorative justice is often used as a catch-all term, referring to all of those approaches that use restorative principles. In its more specific application, it refers to those circumstances in which an act or acts have taken place resulting in one or more parties that are victim and offender – commonly now also referred to as 'harmed' and 'harmer'. For practices within the banner of restorative justice this may include processes within the criminal justice system, for example out of court disposals, victim offender mediation, and other work in which victims, offenders, and communities are involved in repairing the harm of those specific acts. This does not mean that all work that takes place within the criminal justice system comes under the more specific label of restorative justice, and there is a growing body of work that looks at supporting people within the criminal justice system to recognise and address some of their own harmful behaviours. This work, in the

criminal justice system and elsewhere, is what is often considered to be 'restorative practice.' In this specific use of the term, restorative practice has a long history, although more recently has come under an increasing level of scrutiny from academics as more contemporary applications continue to show significant benefits in terms of supporting victims to deal with the harm they have faced, encouraging offenders to face the consequences of their actions, and offering cost-effective approaches to reducing recidivism. A summary of key areas in research includes (but not limited to):

- Studies on the use of Restorative Justice in complex and sensitive cases, such as cases involving sexual offending. This includes research by Dr. Estelle Zinsstag and Dr Marie Keenan's (2019) work on legal, social and therapeutic Restorative responses to sexual violence; work by Prof. Nicole Westmarland, Prof. Clare McGlynn, and Clarissa Humphreys (2018) on the use of Using restorative justice approaches to police domestic violence and abuse.
- A wide range of studies on the role of restorative justice in different aspects of policing, including the work of Dr Kerry Clamp on application of restorative justice in policing (2012) and the potential for a victim-focused policing strategy (2014); analysis by Prof. Lawrence Sherman, Dr Heather Strang and their colleagues (2015) on the training of police officers and the use of restorative justice in policing; and Dr Ian Marder's (2020) analysis of Institutionalising restorative justice in the police.
- Research on the role of restorative justice within prisons and probation, including the work of Dr Michelle Butler and Prof. Shadd Maruna (2016) "on the Potential Future for Restorative Justice within prison disciplinary processes; Prof. Mandeep Dhimi, Dr Greg Mantle, and Dr Darrell Fox (2009) on Restorative Justice in Prisons; and Dr Steve Kirkwood, and Dr Rania Hamad on social work and probation services.
- There has been a great deal of work on restorative justice approaches with young people, including Dr Brendan Marsh and Prof. Shadd Maruna's work on (2016) on the successes of Northern Ireland's Youth Justice Agency; Prof. David O'Mahoney and Dr Catriona Campbell (2008) on Mainstreaming Restorative Justice for Young Offenders; and Dr Nick Pamment (2016) on Community Reparation for Young Offenders.

Restorative Practice: definitions and examples

Where restorative Justice approaches deal with interactions between those that have created harm and those that have been harmed, restorative practices use the same underlying philosophy of relational behaviours and introspection in order to support the development of personal and interpersonal practices for dealing with conflict and promoting positive interaction. As such it has the potential for a much wider range of applications, and we are consequently seeing successful

application of restorative approaches across diverse organisations and settings. Search applications focus on the creation of positive and effective working, learning, and living environments as well as on ways to resolve which 'lower level' conflict and disagreement. A summary of key areas in research includes (but not limited to):

- Work in schools, for example the work of Dr Belinda Hopkins (2002) and of Dr Sanda Pavelka (2013), which supports the growing evidence base that shows the positive impact on pupil behaviour, exclusions, school culture, teacher wellbeing and reduced sickness.
- Work in other institutional settings, including in adult social care from, including that of Kate Parkinson, Dr Sarah Pollock, and Deanna Edwards (2018) on the potential for family group conferences to re-frame responses to the abuse of older people; by Dr Gerrard Drennan and Sarah Cooper (2018) on Restorative practice in mental health; and by Dr Jonathan Hobson, Dr Brian Payne, Dr Kenny Lynch (2021) in structuring engagement in Supported Housing contexts.
- Work building restorative organisations, which use the principles across various aspects of their work, for instance in Charlotte Calkin's (2021) work on building restorative cultures in Prisons to support cultures of fairness, avoiding or defusing confrontation and contributing to constructive approaches

Restorative Justice and restorative practice in post-conflict contexts and beyond

There is also work which crosses over the boundaries of restorative justice and restorative practise, most commonly that work which is part of mechanisms to challenge cultures of violence, repair the harm of conflict, and support the progress of peace. For example

- In the extensive work on Restorative Justice and Restorative approaches in Northern Ireland, including work by Dr Anna Ericksons work on Community Restorative Justice in Northern Ireland; Prof. Kieran McEvoy and Dr Harry Mika's (2001) examination of: Restorative justice as a non-violent alternative to paramilitary punishment; Dr Lyn Graybill's (2017) work on restorative Justice in post-conflict Sierra Leone; Dr Max Rettig (2008) on the Gacaca system of Truth, Justice, and Reconciliation in Post-conflict Rwanda; and Dr Jennifer Llewellyn's (2006) work on Restorative Justice and the Potential of Truth-Telling Mechanisms for Post-Peace Accord Societies.

In Northern Ireland, there continues to be a significant push towards the development of effective restorative services, delivered both at a community level as well as embedded with the mechanisms and services provided by the state (see Dr Jonathan Hobson, Dr Brian Payne, Richard Hester (2019,) for a summary

of the 'top down' and 'bottom up' approaches to developing restorative services). At the community level, services that grew from the conflict, such as Community Restorative Justice Ireland and Northern Ireland Alternatives, support work in both *Restorative Justice* and *Restorative Practice* fields. In the context of Restorative justice this includes support to victims and offenders linked to the troubles and to harmful and criminal behaviours common elsewhere; for Restorative Practice, this includes activities such as diversionary and positive behaviour programmes for young people, and community support and engagement activities.

At an institutional level, there are two important and ongoing developments in Northern Ireland, the first is the ongoing discussions around a centre for Restorative Excellence that aims to bring together practitioners and agencies from both state and community organisations to share good practice and develop services. The second is the recent announcement from the Probation Board for Northern Ireland (2021), of a new 'Restorative Justice Practice Framework 2020-23' that sets out PBNI's ambition to be the leading organisation for the delivery of restorative practices for adults at all stages of the criminal justice system.

At both the community level and the institutional level, such approaches can provide a valuable learning opportunity for the development of services elsewhere.

Summary:

There is a wide breadth of practice across applications of restorative justice and restorative practice, however the underlying philosophy is the same: they are approaches that help to reduce the harm of offending behaviour; that aim to reduce reoffending and problem behaviour; and that seek to involve people more directly in managing those difficult issues and circumstances that they face. In doing this, restorative work often provides more effective (and often more cost effective) ways to address the drivers and outcomes of problem behaviour.

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