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# ***Building restorative services: considerations on top-down and bottom-up approaches***

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## **1. Introduction:**

Restorative justice and its many associated practices have entered a new and exciting phase, one that increasingly blurs the previously implacable lines of demarcation between states, communities, and the civil society originations that reside in-between. A new vernacular based around partnership working, pragmatism and conflict transformation underpins such discussions with a broad range of actors empowered to explore restorative approaches as a means for developing and enhancing the services they provide. This paper is situated amongst such debates and explores the potential for an expansion of restorative services across diverse settings in the statutory and community/voluntary sectors.

As restorative justice approaches have become increasingly adopted into institutional practices, and the range of applications have increased, we have also witnessed perceived mainstreaming of restorative justice into the broader workings of states (Rossner and Bruce, 2016). Marder (2020) detail some of these recent international developments, including in the European framework, including language around restorative justice in the EU's 2012 Victims' Rights Directive (Directive 2012/29/EU), the 2018 Council of Europe recommendation CM/Rec(2018)8 that encouraged member States to 'develop and use restorative justice with respect to their criminal justice systems' (Council of Europe, 2019), and the European Commission's 2020-25 EU-wide Strategy on victims' rights (2020 - 2025) that recognised a role for restorative justice in helping to empower victims of crime.

More recently, the 2021 Venice Declaration (Council of Europe, 2021) on the Role of Restorative Justice in Criminal Matters, specifically section 15.iii compels Ministers of Justice of signatory Member States to:

"Stimulate in each member State a wide implementation of restorative justice, its principles and methods as a complement or, where suitable, as an alternative to or within the framework of criminal proceedings aiming at desistance from crime, offenders' reintegration and victims' recovery."

And section 15.iv:

“Consider restorative justice as an essential part of the training curricula of legal professionals, including the judiciary, lawyers, prosecutors, social workers, the police as well as of prison and probation staff ... while paying attention to the participation of civil society and local and regional authorities in the restorative justice processes...”

Although effective, evidence-based restorative practices are increasingly becoming part of established state services, there are concerns that their alignment with criminal justice may run counter to the values and principles of restorative justice and that greater state involvement in existing community schemes may prevent new bottom-up schemes from emerging. There are those who caution that such integration may lead to a new era of professionalisation that appears remote to victims and prevents genuine community participation (Hoyle and Rosenblatt 2016; Wood and Suzuki, 2016; Aertsen, 2006; Gavrielides, 2015). In this way, new restorative services can encounter a broad range of issues and impediments to their development and sustainability, no matter if they are developed from the bottom-up, as community-led schemes, or are constructed from the top-down, as institutionally or organisationally-led programmes (Hobson et al, 2022). In this paper, we seek to add knowledge on the challenges faced by new services and suggests a range of approaches that can be taken to increase the viability and success of new restorative schemes. We do this by drawing upon a series of interviews and discussions that took place over three days with 20 restorative practitioners, service commissioners, and academics working in restorative justice across different jurisdictions, including England, Northern Ireland and the Republic of Ireland, and Sierra Leone. We consider the findings under three themes that relate to the ways in which bottom-up and top-down approaches develop and function: cross-sector working, funding and resourcing, and expanding the remit of restorative practices. We provide evidence that demonstrates the benefits in both approaches, and importantly that each approach is often a response to the underlying social and political conditions, and to the ‘spaces’ for restorative development (Hobson et al, 2022) that are available. We also highlight some of the tensions in the continued development of restorative services and their integration into government policy, including concerns over the undermining of restorative justices’ transformative potential, and concerns over the ‘dilution’ of restorative ideology as provisions increasingly reflect the priorities of their host services and agencies. Across this, we point to the value of a mixed economy of restorative services, which

can help mitigate these concerns and continue the opening of opportunities to those who would most benefit.

## **2. Tensions between bottom-up and top-down restorative justice**

There are some important considerations in the nature, practice, and role for restorative justice in the context of the professionalization and institutionalisation of services. Such conversations are not new to the restorative field; for instance, Braithwaite (2002) examined the tensions between top-down policy on what restorative justice *should be*, versus the bottom-up *needs* of local communities. These concepts of top-down and bottom-up services have featured heavily in conversations across the field of restorative justice, helping to conceptualise the spaces that restorative services fill, the drivers for their use, and the groups they are most likely to service. Restorative projects, as with other community schemes, evolve within the social, political, and economic contexts of their environment. Those that are bottom-up, community-led schemes, will likely to be driven by perceived deficits, including those linked to a breakdown in relations with the state, including mistrust, marginalisation, and systemic issues with poverty and lack of infrastructure (Maglione, 2019). Projects and services that develop from the top-down as institutionally or organisationally-led schemes often do so in response to policy directives, as attempts to bridge gaps between the state and communities, or as new ways of delivering services.

It is also clear from evidence across a range of different setting and around the world that, there are tensions in the development and integration of restorative services. We have broken these down into two broad and interrelated areas, which relate to ways in which top-down and bottom-up services function: firstly, tensions between how different types of services can function in the same space; and secondly, tensions between the desire to integrate services into state provisions and the fear that this will either subvert or diminish some of the core and underpinning restorative principles.

In the first area of tension, despite sharing a common ethos, bottom-up and top-down restorative services do not always function well together. In Canada, for example, despite 'entrenched' restorative practices within First Nation Communities (Dickson-Gilmore and La Prairie, 2020, p131), Roach (2012, p167) describes how 'restorative jurisprudence' is increasingly present in legal structures and processes to the extent that the country remains one

in which 'there has been more top-down political and legal mobilisation and institutionalisation of restorative justice than measurable bottom-up actualisation of restorative justice'.

In Iraq, Al Hasani (2021, p 510) identified the ways in which 'top-down national reconciliation initiatives overlook the significance of, and connection between, story and culture in social conflict resolution' and that it is those bottom-up forms of storytelling and peacebuilding processes that are the more effective at facilitating cross-communal public discourse and inclusive peacebuilding practices. And, in the context of China, Zhang and Xia (2021, p.6) talk about the ways in which a top-down integration of restorative justice is part of new legislation on criminal reconciliation that 'shares the same format with victim-offender mediation'. They argue, however, that this remains a 'thin version without deep roots in civil society' (2021, p1).

These examples illustrate the tension between top-down and bottom-up services, in which top-down developments miss, ignore, or fail to address some of the important contexts of local communities and their needs. Nevertheless, the desire to integrate restorative justice into policy has continued apace in many countries, not least because of the growing body of evidence that such approaches are effective in reducing the harm of crime and conflict and in reducing recidivism.

This ongoing professionalising and integration of restorative services drives much of the second tension, which relates to the ways in which the embedding of restorative justice services into formalised provision can subvert or diminish some of the underpinning restorative principles and ideology. One such example of this integration on a broad scale are the wealth of recommendations and directives produced by the various policy making and shaping bodies in Europe. In the European Union, the 2012 Victims' Rights Directive (Directive 2012/29/EU) was the first EU wide directive to explicitly mention restorative justice (European Union, 2012). For Gavrielides (2015, p75), the EU victims' directive was a move towards a way in which 'RJ can consistently be implemented throughout Europe through a top-down structure of government legislation and control'. He argues, however, that 'a mixed model of service provision through both the state arm and community organizations seems to be the way forward both in terms of increasing diversity and allowing completion, but also in avoiding a monopoly and a one-size-fits-all approach' (2015, p.84). The EU has continued to grow its policy direction on restorative justice, and in June 2020, the European Commission adopted a new EU-wide Strategy on victims' rights (2020 - 2025) that recognised a role for restorative justice in helping to empower victims of crime. The strategy called on member states to improve knowledge of restorative justice, to support high-quality training of restorative practitioners, and to promote the use of

restorative processes (European Commission, 2020). This language was strengthened as part of the 2021 Venice Declaration on the Role of Restorative Justice in Criminal Matters that both encouraged and offered assistance to Member States for developing action plans and policies for the use and integration of restorative justice (Council of Europe, 2021).

Within Europe but outside of the EU, top-down approaches to restorative justice were also reflected in the 2018 Council of Europe recommendation CM/Rec(2018) 8, which called upon member States to develop and use restorative justice in their criminal justice systems. This instrument promotes the development of 'standards for the use of restorative justice in the context of the criminal procedure' and encourages 'the development of innovative restorative approaches - which may fall outside of the criminal procedure - by judicial authorities, and by criminal justice and restorative justice agencies' (Council of Europe, 2019).

In Norway, Rasmussen (2018. p.154) examines the 2014 adoption of two new restorative youth sanctions, both of which are embedded in the acclaimed konfliktråd institution (Norwegian National Mediation Service, administered by Norwegian Ministry of Justice, and addressing cases across both civil and penal codes). In her analysis, Rasmussen highlights concerns over these otherwise successful services that focus on the ways in which their integration might undermine restorative philosophy. These concerns include the extent to which the processes are truly voluntary as part of an established and integrated state-service, particularly that prison may be the alternative for the young people; and the problems of professionalization (or 're-professionalisation') of services that had previously been 'consciously and carefully de-professionalised', with the risk of both increasing and widening the use of penal powers in youth sanctions.

In the UK, restorative justice and associated practices are increasingly embedded as established elements of criminal justice systems, for instance, restorative justice is increasingly used as an Out of Court Disposal in the UK and in Ireland (Marder, 2020); in prisons (Dhami et al, 2009; Calkin, 2021; Rees and Hobson, 2022) and in probation (Kirkwood and Hamad, 2019). In each of these, restorative services are used to support victims and offenders in addressing the impacts of harm and sit alongside a growing number of schemes that use restorative approaches to help manage relationships and support positive cultures. Outside of the criminal justice system, restorative justice and practices are becoming established parts of statutory services. In Schools and with young people (Wearmouth et al, 2007; Teasley, 2014; Payne et al, 2021; Procter-Legg, 2022), restorative approaches are growing in popularity and deployed as alternatives to detentions, expulsions, and suspensions, in transforming broader behavioural

culture, and in challenging problematic relationships between young people and police. In supported housing, restorative programmes support those with complex and overlapping health and offending histories (Hobson et al. 2021). In social work and social care (Parkinson et al, 2018), family group conferencing is increasingly part of a more inclusive and holistic understanding of individual well-being and strengths-based approach to social work practice. And in forensic mental health (Cook et al. 2015, p. 15; Drennan and Cooper 2018), where 'restorative wards' support people in managing relationships.

In New Zealand, Pfander (2020) examined the impact of legislative design on the practice of restorative justice. New Zealand has a relatively established history of embedding restorative justice into policy, including in the Sentencing Act 2002, the Victims' Rights Act 2002, the Parole Act 2002, the Corrections Act 2004, and to a number of subsequent amendments (Pfander, 2020, p.170). She finds that, whilst the legislation has 'played an essential role in developing effective and well-resourced RJ programmes' there is a 'continued effort required to understand how jurisdictions should best operationalise, enact, and implement RJ mechanisms' (Pfander, 2020, p.183). In particular, Pfander points to the tensions between a professionalised sector's need for 'control and consistency' and the benefits of 'decentralised and non-routine practice' that are key elements of effective restorative services (2020, p.183).

Across these examples, we can see that, despite the growing successes of restorative justice within institutionalised and state settings, there remains a significant thread of concern within both academia and practice around the impact of this drive on the nature of provision (Aertsen et al, 2006; Gavrielides, 2015; and Pavlich, 2018). These concerns reflect the second area of tension; that there is conflict between the desire to integrate services into state provisions in the top-down approach, and the fear that this will either subvert or diminish some of the core restorative principles essential to the underpinning ideology which are more likely to be present in grass-roots, bottom up approaches to services. Pavlich (2018, p.469) tempers the perceived successful integration of restorative justice into international policy by highlighting what he sees as a missed opportunity for 'grappling with the complexities posed by local, plural and often competing visions of justice'. Instead, he argues, the move towards a global restorative justice framework saw it become embedded within criminal justice systems in a manner that tends towards 'homogeneity; a paradoxical situation in which restorative counter-powers were mobilized as local alternatives, but now from within dominant criminal justice cultures' (Pavlich, 2018, p.469). Pali and Maglione (2021, p. 15), share this concern, arguing that 'the institutionalization and standardization of restorative justice undermines its transformative

potential'. For Marder (2020, p.20), the fear is that top-down development sees the restorative ethos bent to the needs of that system and that 'justice agencies dilute restorative justice in ways that mirror their goals and priorities'.

In the work that follows, we contribute to this debate by placing it in the context of top-down and bottom-up restorative provision, examining data from a series of 20 interviews and discussions with practitioners, service commissioners, and academics working in restorative justice across England, Northern Ireland, the Republic of Ireland, and Sierra Leone. We do this using three core themes: cross-sector working; funding and resourcing; and expanding the remit of restorative practices.

### 3. Method:

This paper is based on data collected during a series of focus-group-style workshops and a public forum event that took place across three days in April, 2019, held at Ulster University, Belfast. The workshops included a purposive sample of 20 organisations/groups selected due to their expertise and experience restorative practices in their respective jurisdictions, as detailed in Table 1, below. Although we have named organisations, we have not named the individuals that represented these organisations.

<b>Table 1: Participants</b>	
<b>SECTOR</b>	<b>PARTICIPANTS</b>
Community-led restorative agencies	Community Restorative Justice Ireland; Northern Ireland Alternatives; Restorative Practices Forum NI.
Governmental and state agencies	Department of Justice NI; Gloucestershire Police; NI Prison Service; Police Service of Northern Ireland; Probation Board NI; Probation Service Ireland; Restorative Gloucestershire/the Office of the Police and Crime Commissioner for Gloucestershire.
Housing, victim, and support agencies	Family Group Conference NI; Home Group (Supported Housing); Quaker Service NI; Victim Support NI,
Academic and research	Fourah Bay College, University of Sierra Leone (Sierra Leone); University of Gloucestershire (England); Ulster University (Northern Ireland); Maynooth University (Ireland).

The sample was purposive, with participants invited because we knew of their work in the area from prior research or professional contact, and felt they were able to contribute to the



discussions. In the selection process, we selected participants that worked in both top-down and bottom-up services, and whilst the participants represent a breadth of services and national contexts, we recognise that this is still a limited sample, with a significant proportion of participants coming from the UK and Ireland. Nevertheless, all participants came with extensive experience and/or knowledge of applying restorative practices in their working context and were all aware of, and committed to, engaging in the discussions.

The discussions took place across a series of focus-group workshop events, which engaged the participants on a range of topics around the nature of delivering restorative services, particularly in the challenges and successes of top down and bottom-up, service models. The workshops took place across two days, with a third day set aside for a public forum event that was advertised across the restorative community in Northern Ireland (where the event was held), and which brought together many of these issues from the workshops in two panels, for further discussion and debate with a wider audience. Around 50 people attended the public forum event. Table 2 sets out the schedule of research activities.

<b>Table 2: Workshop and public forum schedule</b>	
<b>Workshop 1</b>	Discussion on challenges and opportunities for restorative justice
<b>Workshop 2</b>	Police-led and community-led models of restorative services
<b>Workshop 3</b>	Challenges & opportunities for the Council of Europe recommendations and an adult restorative justice strategy
<b>Workshop 4</b>	Challenges & opportunities for restorative services working in areas including: education, youth justice and young people; prisons & housing; communities and multi-agency working; sexual violence and domestic abuse.
<b>Public Event Panel 1</b>	Question: How can we realise the potential of restorative practice in our schools and prisons?
<b>Public Event Panel 2</b>	Question: What are the challenges for top-down and bottom-up restorative justice and how can they work together?

Across the three days of workshops and discussions, scribes, note-takers, and group facilitators recorded the conversations that took place. In total, 5 different note takers recorded the group discussions, with notes combined after the event and then analysed thematically to determine key themes for exploration. The quotes used in the following analysis are taken from these

notes; to maintain anonymity, they are referenced to the relevant workshop or public event activity.

The data that follows presents an analysis of the data from the discussion in the workshops and public event. The analysis is structured into three themes: 'cross-sector working', 'funding and resourcing', and 'expanding the remit'.

#### **4. Developing restorative approaches from the top down and bottom up**

##### **4.1 Cross-sector working, buy-in, and engagement.**

###### *Working together:*

One of the central challenges for developing restorative services that encompass a wide aspect of social and structural life is the ability to work together with a range of services and partner organisations. Participants reported how organizations that were similar or had similar values and goals were able to work well together. For instance, across Northern Ireland, restorative agencies from the traditionally separate communities were engaging well on problem issues, and there were well-developed examples of partnership working with the police. Relationships with other statutory agencies such as social work and local government were also described as progressing well (Leonard and Kenney, 2010; Hogg and Butler, 2018).

In the republic of Ireland, restorative justice has 'developed at a slow but steady pace', and has been a 'relatively recent phenomenon in an Irish criminal justice context' (Marder (2019, p.60). Despite this, there is a growing awareness of both restorative practice and the desire to integrate this into various services. In part, this is driven by the success of restorative practice in the north of Ireland, and in part by the policy developments from the EU, and as with many other European countries, the Republic of Ireland is embracing a range of opportunities to develop and integrate services (Marder 2019).

In England, Restorative Gloucestershire manages a well-developed hub-and-spoke model in which networks of restorative practitioners are encouraged and supported to engage in developing services, although the most active are those tied into the same statutory funding mechanisms in the county (Marder, 2020; Hobson et al, 2022). Issues in cooperative working, however, were much more common where relationships spanned sectors, for example where case work required input from different statutory agencies to be advanced effectively, or when bottom-up, community-led services, and top-down state-led and statutory services were trying to

work together. Those involved in restorative practices from both a statutory and a community background struggled at times to consistently engage effectively with key departments in the state sector or had some fears that certain state partners were not fully committed to supporting their work despite frequently accessing their services (Wood and Suzuki, 2016; Walgrave, 2011).

For the community practitioners, a particular dimension arising from the workshop proceedings was the ability of restorative services to engage with innovative approaches. Bottom-up, community-led services identified that the statutory and top-down services were often reluctant to embrace change or put in place new practices in response to perceived community need. Participants that were engaged in community-led RJ also discussed difficulties engaging with top-down restorative services, and a clear message arose from the discussions that suggested there was a need to '*embrace change*', '*overcome cynicism*', and reject the '*we have always done it that way*' narratives on working patterns (Workshop 4). Participants did reflect that many agencies have made good strides in recent years, but it was also a common theme that there was a need to bring organisations 'out of their silos' (Workshop 4). Participants also talked about a lack of openness around the working practices of statutory partners with the strong need to be more visible in the work that they do by conducting more outreach work, opening satellite offices, sharing training and skills, and working to be more approachable. Finally, there was significant discussion around the use of partnerships to share the load, particularly at a time of increased demand for services versus reduced resources available (Ryan and Ruddy, 2014). However, it was recognized that while community-facing parts of the government had made good strides in reaching out to develop new relationships with community-based organisations, considerable institutional resistance to the idea persisted, raising the need for new ways of building confidence in partnership working and generating buy-in.

#### *Generating buy-in to restorative solutions*

Difficulties in engaging were also reported as being cross-sectoral. For example, participants from Restorative Gloucestershire highlighted the difficulties they faced in engaging with other parts of the criminal justice system. They noted issues faced in working with young people in the court system:

*"One of the biggest obstacles for young people around youth justice is magistrates who don't believe in restorative justice. One of the problems is that magistrates don't turn up to training (too busy, etc), so they don't hear about it,*

*from the bottom up, we should teach restorative justice as we teach first aid.”*

(Public Event Panel 1)

Discourse of this nature highlight the frequent problems experienced when restorative approaches encounter traditional forms of criminal justice. I.e., it is normally the restorative approach that has its role assigned or directed by criminal justice agencies and these assigned roles in dealing with an offence are often not up for negotiation (Shapland et al, 2006). A reluctance to embrace such change was identified as a particular issue with police services in Gloucestershire and the Prison service in Ireland. In the context of the police, there is plenty of evidence on the difficulties of cultural change, and officers being sceptical towards work that is not considered ‘proper policing’ (Loftus, 2009, p. 92). This was noted by practitioners when describing ongoing issues experienced with police officers, some of whom did not regard restorative justice as a valid option for dealing with crime. In the Gloucestershire context, this means that referrals to the RJ team were low in number with a referral often used to decrease bureaucracy for low-level jobs that the officers did not want to deal with, particularly due to other workload pressures caused by a lack of resources.

In Northern Ireland, where there has been greater buy-in to community-based services from the Police Service of Northern Ireland (PSNI), one of the senior police officers involved in championing restorative approaches in the police talked about their struggle to answer the question: *‘how do we change police officers’ ideas and behaviours?’* (Public Event Panel 2). The solution was twofold: firstly, to create a clear strategy for restorative policing in the police service which the respondent felt had been achieved. Secondly, to use this mandate to create a culture in which officers felt more able to *‘talk to each other and connect with each other.’* In doing so, they claimed that, although there is *‘still a long way to go,’* officers could *‘buy into RJ but don’t lose sight that they are police officers’* (Public Event Panel 2).

Many of the values and goals of restorative practice form key components of community-orientated police work. For example, promoting public engagement in crime and harm reduction, building community capacity, social inclusion and promotion of less harmful forms of informal social controls (Paterson and Clamp, 2012). Participants in the research made suggestions for ways in which to improve visibility and buy-in for restorative approaches. For instance, improving the training provided to police officers for RJ processes and building awareness in front-line police officers to the benefits of restorative approaches. In Gloucestershire, one such scheme, the ‘Restorative Youth Forums’ brought together young people and police officers with the aim of challenging entrenched negative views held by both parties and improving

perceptions of fairness and procedural justice (Payne, et al 2021). The scheme made clear the benefits of breaking down barriers and promoting engagement for police officers, young people and the wider community. Similarly, the experience in Northern Ireland shows the benefit of approaches that build partnerships with previously estranged communities, supporting the development of strong relationships between community groups and the PSNI (O'Dwyer and Payne, 2016), a particularly challenging aspect given both the history of conflict and some of the ongoing issues in the marginalized communities served by the Restorative agencies. Nevertheless, barriers to successful working arrangements remain. For example, restorative practices are still not integrated across the PSNI, and the absence of 'champions' or lead staff can have significant impacts:

*The local community officer was off for months but came back and a large number of referrals started to come in. It is about knowing the right people, going to the right police sergeants and constables as they know what's going on. (Day 3, Public Event Panel 2)*

Issues with establishing top-down services were not just identified about the police. In Gloucestershire, embedding restorative practice with local communities were often apparent, and it was described how these often impaired the services being provided. Unlike those areas where restorative approaches developed from a groundswell of community need, situations, where the practice has been instituted from the state, will often lead to difficulties in convincing community members on the legitimacy of restorative approaches for dealing with crime and conflict. For example, some participants spoke of the difficulties faced in promoting community engagement in new initiatives and processes, or how communities were less likely to assist the police in their priority areas, and most worryingly that there was little buy-in for restorative justice at times of heightened public concern: *'the community do not always want a voice, they want the police to just fix it'* (Workshop 3).

In contrast to this, the participant from Sierra Leone identified the difficulties faced in a country, where resources and opportunities are severely limited for most. On the West African coast, Sierra Leone has a population of around 7.5 million and struggles with severe poverty, ranked 181 out of 189 in the Human Development Index (Lynch et al, 2020, p. 2; Binns and Bateman, 2017, p. 159). The country suffered through a violent and destructive civil war that lasted from 1991 to 2001, which led to around 50,000 deaths and a subsequent UN backed Special Court (UN, 2021). Furthermore, it was at the front line of the Ebola Virus outbreak, experiencing the highest case rate (14,124) and second highest casualty rate (3,956) (CDC, 2019). Despite their

limited resources, the participant from Sierra Leone outlined a scheme that blends restorative principles with broader opportunities for developing economic development. For the young people engaging with that scheme, many of whom were living in or very close to poverty, it was the chance to alleviate that poverty through the skills development in agriculture that was the biggest driver for participation (Workshop 1). In a survey of 250 young people engaged in the project, when asked about the benefits of the scheme in Sierra Leone, economic issues such as 'jobs and income' and 'self-employment' were considered just as important as 'Better connection between youth and societal peace' and 'Gender and social cohesion, working together and youth relating within their communities' (see also Bangura et al, 2019).

In the context of buy-in, this suggests that there is a play-off between state-resources and community engagement. Where state agencies enjoy access to resources, they may struggle to generate community-level buy in particularly where there is a history of conflict between communities and the state. On the other hand, where community-based organisations may be able to mobilise capital, they can struggle to fund their activities without state support. These challenges reflect the concerns identified in the analysis of services by Rasmussen (2018) in Norway and Pfander (2020) in New Zealand. They also speak to the challenges of engagement, which the following section considers in more detail.

### *Increasing engagement*

Although the practitioners and agencies present discussed a range of issues with cross-sector working, cooperation and engagement, they also identified ways to overcome these challenges. Importantly for our arguments in this paper on the development of restorative societies, many of these suggestions involved ways in which top-down and bottom-up approaches can work together, and each provides important dimensions to developing restorative services. For example, there was recognition that different agencies could play different roles, and whilst they might need to come '*out of their silos*' (Workshop 4), participants on the research discussed ways to enhance these cross-sector relationships, foremost amongst which was the reciprocal sharing of information and resources, although the representatives from community groups appreciated the difficulty with this. Such approaches were identified as offering significant benefits: sharing skills and expertise was described as helpful for building capacity in community organisations, particularly at times of increased demand for services and in a climate of limited resources. More than this, practitioners talked about a widespread integration of restorative approaches across many areas of public and private life.

In the context of young people, practitioners talked about a role for restorative parenting and restorative practices for children in care and identified that the agencies that dealt with young people (particularly those ‘at risk’) needed to improve their coordination. In the context of extreme poverty and post-conflict reconstruction, the participant from Sierra Leone spoke about the role that diversionary and skills-based community schemes can play in supporting young people, teaching them a trade, and contributing to strengthening the local community. This approach extended to the use of restorative approaches in schools. In Gloucestershire, there has been much success over the institution of ‘Restorative Schools’, in which a school adopts restorative practice across all of its key relationships including student-student, student-teacher, teacher-teacher, and teacher-parent. This approach has seen some significant early success, and is being rolled out more broadly across the county:

*[XXX] has become a restorative school and has the ‘restorative motto’ embedded across the school, with signs in classrooms and throughout the building. In that school, exclusions went from 30 students in a year to 1 student*  
(Public Event Panel 1)

In Gloucestershire, this approach is mainly focused on primary schools, whilst in Northern Ireland the focus is on post-primary age children, although they reported that some schools are not yet ready to implement this with those schools most likely to embrace restorative justice embedded in the integrated education sector. Schools of this nature make up a small proportion of secondary schools but are intended to bring together children, parents and teachers from both Roman Catholic and Protestant traditions in order to promote social cohesion (Roulston and Hansson, 2019), with the underlying school ethos making them particularly applicable to attempts to embed restorative approaches for dealing with conflict. The need for the correct cultural or institutional conditions to be in place in order for restorative approaches to thrive was also highlighted by the experiences in communities in Gloucestershire where practitioners have, *‘found it is better if parents are not involved in the process as they favour the more punitive approaches to punishment/management of behaviour’* (Public Event Panel 2).

This poses a dilemma for state actors, such as police agencies, who operate in the front-line and are increasingly exploring new approaches for engaging the public as partners in crime control and maintaining order (Bradford et al, 2009). They need to have a ‘community’ to work with, and that community must have a capacity and willingness to engage in such social action. Yet this capacity may not always be present, may be resistant to cultural or civic change, and/or may not be open to overtures from the state (Sampson, 2004). Certainly, socially cohesive

neighbourhoods prove the most fertile contexts for the introduction of new initiatives with the willingness of residents to intervene for the common good dependant in large part on conditions of mutual trust and solidarity among neighbours (Sampson, 2004). Where these conditions exist, we would argue that they must be given the support they need to evolve naturally and reach their full potential. From such a perspective, the conception of community in restorative justice often points to its role as a positive and mobilizable force for good both in terms of its ability to increase social capital and its role in strengthening relationships, as opposed to more conservative conceptions of community as a source of tradition and morals (Maglione, 2019).

However, when these examples of collective efficacy (Sampson, et al, 1997) are not apparent, the onus falls much more squarely on the state to put in place measures that can mimic local support and generate the conditions in which community capacity can grow. In this instance, the state should be a facilitator of community-led services as opposed to the agent of delivery. This is in order to avoid what, Al Hasani (2021, p 510) describes as the potential to ‘overlook the significance of, and connection between, story and culture in social conflict resolution’, and Zhang and Xia (2021, p.1) describe as a ‘thin version without deep roots in civil society’.

#### 4.2 Funding & Resourcing:

##### *Reliable funding*

One of the biggest differences between top-down and bottom-up services is access to reliable sources of funding. Organisations that are part of the state and those that are part of state-funded bodies enjoy relatively consistent and stable funding. This allows them to focus time and energy on services and engaging in forwarding planning and longer-term development.

Although funding is more secure in top-down restorative organizations, it is still limited and is particularly scarce where public finances are tightly controlled for ideological or economic reasons, which is currently the case for Sierra Leone where there is a significant lack of funding for social and physical infrastructure. In the case of organisations like Restorative Gloucestershire, which is funded by the OPCC rather than directly from the government, participants described how there is often a lack of funding and resourcing to ‘*carry out interventions*’ (Workshop 3). Services may be established, but it requires an ongoing commitment to sufficient funding and support to ensure that they are sustainable and have embedded restorative practices into their provision. This is a clear problem in the current financial circumstances, in which austerity and then the COVID19 pandemic have had such significant impacts on public finance. In Gloucestershire, for example, the residualisation of



public services in areas such as supported housing has meant a 'reduction in the quality, depth and availability of supported housing provision that makes services both harder to deliver and to access' (Hobson et al 2020, p10). More than this, such top-down services are often completely reliant on the funder, who has in many cases established that services: if the funding ends, then the service ends. Therefore, in the context of criminal justice, this rolling back of initiatives that seek to better meet the needs of victims and communities also has the effect of producing services that are less efficient and effective (Criminal Justice Alliance, 2011).

Community-based and led services can be more severely impacted by difficulties in securing funding, and our participants talked at length about the '*constant pressure of working in the context of insecure short-term funding*' (Day 2, Challenges and Opportunities 2). This is reflected in issues such as the difficulties created for planning ahead with staffing and project work, and the amount of time that is required to apply for funding. As one participant described, '*ongoing funding commitment is essential in developing the opportunities*' (Workshop 4). Such circumstances are well researched, for example, Kiernan and Porter (2014: 847) identify a 'glaring disconnect between the rhetoric of empowered, inclusive communities and the burgeoning reality of cuts to publicly funded community provision.' One manifestation of this is the use of volunteers to provide services. On the one hand, volunteers are a valuable resource and where they come from within the community, they can help to provide a valuable link. On the other hand, although volunteers require similar training and management as others working in an organisation, they can be much harder to retain. Our participants from both bottom-up and top-down organisations talked about the challenges of attracting and retaining the 'right' volunteers, with all those present reporting high turnover of volunteer staff. As well as representing the loss of significant training investment, high turnover of volunteers can undermine the time-consuming process of building trust within the community, with which regular staff are more likely to be successful (Dhami and Joy, 2007).

The stipulations applied alongside funding are an additional burden for community-led organisations. Money often comes with a requirement to prove impact; as one participant articulated: '*Funding will often come with a focus on statistics, but it is hard to measure wider impact*' (Workshop 2). More than this, though, there remained a reluctance to embrace state ways of doing things or even a cynicism over the motivations of the state. Particularly, from those community-led organisations that had grown in an environment where the functions of the state were impaired or even absent for a long period of time. For example, where community

services had emerged partly in response to questions of legitimacy for police and state agencies:

*Sometimes it would be easier to be funded from mainstream funders. But does this mean that you become what the funding organisation wants? Do they only give you so much now because they want to hold you back? (Public Event Panel 2)*

The community-based practitioners reflected on the perceived legitimacy of their organisation in two particular ways. Some practitioners described how legitimacy was derived, first and foremost, from the members of the community that they served. However, these practitioners also admitted that there is still work to do in convincing other sections of society that they are legitimate organisations. In this regard, partnerships with the police and other state agencies could be viewed as a work in progress with the legitimating effects likely to increase as their status as formal partners consolidates (O'Dwyer and Payne, 2016; Hogg and Butler, 2018). However, one CRJI practitioner described the partnerships as being of little importance in comparison with their main priority of maintaining the support of community members.

In Sierra Leone, the severe lack of resources was the largest factor hampering initiatives. When 250 youth farmers were asked about the most significant challenges to developing the project, three of the most common answers were 'Limited support services (tools, training, inputs, food for work, storage, processing & marketing)', 'Land insecurity and unfavourable land regulations' and 'Lack of money and financial assistance' (Bangura et al, 2019). Although Sierra Leone is a markedly different context from both Northern Ireland and England, a lack of resources and the precarity and competition this brings is an aspect that was typical to all three case studies and is considered next.

#### *Overcoming competition for resources*

In both the top-down and bottom-up models of restorative services, participants from England, Ireland, and Northern Ireland identified competition as a key barrier to the development of services. This competition is, unsurprisingly, focused on the limited funding and resources available for developing and supporting services. Competition manifested itself in different ways, dependent on the sources of resources and nature of agencies involved. For example, in the context of statutory agencies, our participants talked about the competition across agencies for limited central funding, meaning that agencies would actively compete to provide services in a particular area.

This competition was also experienced between community organisations, who are often forced to make competitive bids to a wide range of funding and philanthropic organisations to pay staff and provide a service, with milestones and stepping off points in funding often used to slash funding at times of economic belt tightening. Experiences of this nature have also led the UK Restorative Justice Council to recommend that adequate and sustained funding must be afforded to restorative projects to make them effective (RJC, 2018).

Finally, participants discussed competition from statutory agencies who feel *'threatened by the rise of community groups working in what they see as their criminal justice space'* (Workshop 4). Whilst this in part may relate to the need to justify budgets for statutory agencies, it also reflects the often difficult working relationships between statutory and voluntary agencies. Scott (2015: 130), in discussion around the localism agenda, talks about the often 'deep ambiguities' between 'ideas of empowerment on the one hand and the responsibilities of local communities for situations beyond their control' on the other. It could be argued that, in circumstances where the state has been either seen as a threat or has been absent, community-based restorative justice is a response by communities to circumstances that they feel are out of their control, and that difficulties can arise when state agencies try to then enter that space. However, the access to resources can often prove a powerful motivation for community groups as was the case with the programme in Sierra Leone, which has worked successfully both independently and in partnership with government and NGOs. While initially effective, efforts to divert young people from problem behaviour and help in the process of reintegrating youths that were former combatants were given added impetus. In this example, where local communities are struggling with poverty, the state can bring with it access to resources that are otherwise hard to achieve.

There was some discussion on how these issues can be overcome, although all participants recognised the varying level of difficulty in doing so across the different jurisdictions. Some reported that they had success through *'encouraging organisations to apply for joint contracts and funding bids with partnership approaches built into them'* and that such bids were *'more likely to be successful'* (Workshop 4).

#### 4.3 Expanding the remit:

All of those involved in the research were exploring ways to develop their work, both in the approach taken and the scope to widen practices out to new service users. Nevertheless, they had all also experienced difficulties in doing so, as identified in the preceding sections of this article. What was clear is that whilst some difficulties were generic across the different organizations, for instance, the problems of generating buy-in to restorative approaches and of

finding ways to work with other groups in an environment where there is increasing competition for a resource, these difficulties were manifest in very different ways depending on whether the services were broadly top-down or bottom-up. This was also the case with participating organisations when it came to widening the remit of services.

Organisations working from an institutional, top-down direction such as those based in statutory agencies, struggled with both practical and organisational issues, many of which centred around the difficulties of engaging with individuals and communities (Workshop 3). These challenges included: getting the 'right people' (i.e. those that were advocates for the process) in place in both police organisations and within communities; that the community do not always 'want a voice' as 'the culture in England as with many communities is that they want it solved for them' – that is, they want the police to 'just fix' the issue; that the visibility of statutory agencies, particularly the police, is not always welcome in communities; and that there is insufficient support to navigate legal systems for both individuals and agencies. As an example of how these issues reflected the difficulties in generating community buy-in and community mobilization:

*Although successful in working with statutory agencies, the restorative Gloucestershire model has had less success in engaging directly with community groups, the vast majority of referrals come from the statutory and partner agencies with which it works with correspondingly few from local communities (Public Event Panel 2).*

The difficulty in engaging with communities is not limited to top-down projects, but common also to community-led schemes, particularly when establishing new services, although they are driven by different community concerns. For example, this was most relevant in cases where services are established in complex circumstances, as described in the context of Northern Ireland:

*The hardest thing in developing restorative justice was trying to get the armed groups to give up violence. There were struggles with acceptance initially and it was hard to sell the model both to communities and to statutory agencies. (Public Event Panel 2).*

In Sierra Leone, the work towards peace and reconciliation has been hampered by the Ebola Virus compounding the already difficult circumstances. Lack of opportunity in bigger cities and isolation from resources in rural areas have created a difficult environment to develop projects.

The organisation 'Fambul Tok' (Family Talk) that grew out of the peace and reconciliation process is one example where a community-based project has been successful in developing a network of agents to support post-conflict reconciliation, community dialogue and decision making (Fambul Tok, 2021). This is despite concerns that some of the international structure of post-conflict justice, particularly the UN established Special Court for Sierra Leone 'undermined internal restorative justice' (Friedman, 2015, p.55); and that it missed opportunities to play a wider role in the processes of reconciliation (Park, 2010, p.98). Nevertheless, Fambul Tok are a good example of where the physical and social closeness of community-led services to those they serve means that engagement is often easier to achieve and sustain. Services can be more responsive to local needs and can more easily utilize members of that community, both of which can help to engender people to those services (Gal, 2016). In countries like Sierra Leone where the available infrastructure limits easy communication, organisations located within communities have the best chance to remain reactive to their needs, albeit often with limited access to central resources.

As a consequence of this 'closeness', practitioners from community organisations described a much broader remit, becoming involved in a wide range of cases across a variety of settings. However, there are challenges with approaches based in the community. For instance, practitioners talked to us about the difficulty in explaining what is meant by restorative practices and the need to challenge existing notions of 'justice'. In England the idea that people just wanted the police to 'fix it' and in some communities of Northern Ireland the reliance on extra-judicial forms of vigilante justice was another common theme. From the perspective of Northern Ireland, the important contrasts between community restorative justice and paramilitary punishment violence can be linked to a battle of wills for the perceived 'hearts and minds' of community members (Chapman and Wilkins, 2010). Whereas, in England, the challenge is one of apathy or an unwillingness to get involved in justice due to broader structural deficits in the ways that community engagement is fostered and deployed (Lloyd and Foster, 2009).

Community-based groups also faced challenges when seeking to develop services; some of these are identified earlier in this paper, particularly those around access to resources and the difficulties this creates in providing services on limited budgets (Gal 2016); of relying on volunteers to staff services; and the need for specialist training in dealing with some circumstances (for instance with young people and with sexual assault). The need for funding also drives community services towards organisations that have resources such as established charities, statutory services and central government funding. Whilst this can offer much needed

support, moving some elements of services towards top-down approaches creates challenges for maintaining community legitimacy, particularly where such organisations grew from a distrust of the state. Community practitioners were concerned with ‘overcoming the risk of being perceived to have moved too far away from the community while striving to close the gap to the statutory agencies’ (Workshop 4), reflecting the previous research in this area (Eriksson, 2009, 2015; O’Dwyer and Payne, 2016).

This is not to say that such approaches don’t work, as there have been some significant successes in instituting restorative approaches with police in Northern Ireland, including generating police officer buy-in:

*“The top-down approach is about restoring the relationships between the police and the community: if the police can be a reflection of the community and consider the needs of the community then things will improve.” (Public Event Panel 2).*

What it does reflect, however, is the difficulty that both top-down and bottom-up approaches can find in expanding the remit of their services, and the considerations that need to be taken when so doing. The tensions in developing new services are typified in the shift of focus in the last few years following the ‘fresh start’ initiative in 2015 (Northern Ireland Office, 2015) and growing state exploration of restorative justice approaches as a solution to long term crime prevention and support, including around paramilitary violence. The proposed measures include a dedicated fund for RJ initiatives and Department for Justice led planning for a Centre for Restorative Excellence (CORE) that would make space and resources available for services working from both bottom-up and top-down approaches to come together and in doing so, overcome some of the challenges including perception legitimacy, gaining acceptance, and limited funding. Although the work towards the Centre of Restorative Excellence is ongoing, it represents significant buy-in from the Department of Justice in Northern Ireland. One of the leading architects of the service, who participated in the workshops that were part of this research, described it as *‘an opportunity to make this a centre that all can learn from, that promotes partnership working, and that provides accreditation and ongoing monitoring of standards* (Workshop 3).

Across many of these examples, and typified in the development of a CORE, is the desire to increase the volume of restorative provision. Doing so, however, also clearly generates a range of concerns over the ways provision is shaped by the top-down requirements of states versus the bottom-up needs of local communities. In part, these concerns are over ways in which there

might be competition for ‘space’ and resources; that state based services become, as they have in other cases, ‘thin versions without deep roots in civil society’ (Zhang and Xia 2021, p.1) or that there is a lack of ‘measurable bottom-up actualisation of restorative justice’ (Roach, 2012, p.167). Criticisms are also driven by concerns that top-down, state based provision undermines the potential of restorative justice approaches either by diluting restorative justice ‘in ways that mirror their goals and priorities’, or, at the more radical end of the criticisms, it reduces the ability for restorative justice to function as a “as a radical alternative to the criminal justice system, and not just another improved scheme for solving the problems of the criminal justice system” Pali and Maglione, 2021, p.13).

## 5. Summary: building restorative societies.

Across our analysis in the three key areas of cross-sector working, buy-in, and engagement, it is evident that there are significant challenges faced by projects. Understanding these challenges and opportunities is important: projects that developed from the bottom-up often require the funds and resources that come with institutional recognition, but they may struggle in achieving that acceptance and the integration of their work into those bodies. Furthermore, if they do achieve this integration and acceptance, they risk alienating the communities from which they grew, often as a response to the previous absence of and/or mistrust in the state. For those groups that grew from the top-down, whilst they may enjoy greater security of funding and have the benefit of institutional acceptance, it can be difficult to engage community members either because they lack on-the-ground legitimacy or because communities may have come to rely on formal instruments, such as the police, for conflict resolution. Table 3 summarises these issues:

<b>Table 3: benefits and challenges for top-down and bottom-up approaches</b>		
	<b>Top-Down</b>	<b>Bottom-up</b>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>• More likely to have secure funding, making longer term planning easier</li> <li>• Better access to decision makers in other bodies makes</li> </ul>	<ul style="list-style-type: none"> <li>• Can be viewed as legitimate actors at community level</li> <li>• Can generate community buy-in and mobilise community action</li> <li>• Can be more immediately responsive to community needs</li> </ul>

	conversations around service spread and development easier <ul style="list-style-type: none"> <li>• Access to facilities, training, and other statutory services makes partnership working easier</li> </ul>	
<b>Challenges</b>	<ul style="list-style-type: none"> <li>• Can lack legitimacy with local communities</li> <li>• Difficult to mobilise community action</li> <li>• Lack of autonomy in decision making / decision making dominated by large institutions</li> <li>• Can become part of established process and lose the element of challenge to existing approaches</li> </ul>	<ul style="list-style-type: none"> <li>• Difficulty in securing funds</li> <li>• Additional time spent completing funding applications / complying with regulatory demands</li> <li>• Requirement to change tried and trusted working practices to meet the needs of external funder</li> <li>• Pursuit of established funding routes can risk loss of legitimacy in community</li> </ul>

Although there are clear reasons why bottom-up and top-down approaches may develop, in this paper we have shown that there are clear benefits in both approaches. This does not mean creating services that are equally influenced by both top-down and bottom-up drivers is an essential part of developing new provision; services should remain a response to the underlying social and political conditions, the ongoing circumstances of the populations they serve, and the ‘spaces’ for restorative development (Hobson et al, 2022) that are available. Rather, we argue that the opportunities to work together can lead to greater reach within communities and organisations. Top-down, institutionally led restorative approaches can mobilise state and other civil society organisations, whilst bottom-up, community-led restorative approaches engage and develop from within and at the level of communities. As partnerships develop and working relationships formalise, restorative schemes that were disparate in nature can move closer together, perhaps by joining a cluster of likeminded organisations or being pulled closer to the orbit of a much larger body such as the model proposed in the Centre for Restorative Excellence in Northern Ireland. Such opportunities can create the space for networks, joint



strategies, and group funding bids. Importantly, they can also help restorative practices become more mainstream, increase visibility, and help facilitate the increasing range of applications.

In short, the institutionalisation of restorative justice is gathering pace and if it is to be effective in these arenas, then it is important for it to be structured and guided in a such a way that it provides a legitimate restorative offer whilst also not reducing the space for those community restorative processes that will remain crucially important for many communities. On this point, both Braithwaite (2016) and Gavrielides (2015) broadly agree. For Braithwaite (2016), it is only by combining multiple strategies that schemes can work proficiently and produce effective outcomes. Institutionally embedded, top-down restorative justice provides a wide range of benefits, often most importantly amongst them organisational opportunity and financial stability. Conversely, community-based restorative justice offers the opportunity for communities to respond where states cannot, will not, or where they are not wanted; in these circumstances, community can provide 'innovation and bottom-up structures of community, unregistered, and localized projects' (Gavrielides, 2015, 72). Therefore, as Gavrielides argues, it is 'a mixed model of service provision through the state arm and community organizations [that] seems to be the way forward both in terms of increasing diversity and allowing completion but also in avoiding a monopoly and a one-size-fits-all approach' (2015, p84).

As we have also shown, there are also ongoing concerns over the impact of integrating restorative justice into established state systems and services. The first of these is concerned with the ways that the top-down requirements of states can shape the nature of services. The argument is that such approaches can lose sight of the unique characteristics and needs of communities, and that consequently, such services 'overlook the significance of, and connection between, story and culture in social conflict resolution' (Al Hasan, 2021, p 510), that they become 'thin version without deep roots in civil society' (Zhang and Xia 2021, p.1), and that there can be a lack of 'measurable bottom-up actualisation of restorative justice' (Roach, 2012, p.167). This is a valid concern, and it is clearly important that systemic integration and delivery take place in a competent manner that involves close working relationships between institutional agents, restorative practitioners, and academic evidence-based practices. There is evidence of this in the EU and Council of Europe directives, both of which engaged with agencies such as the European Forum for Restorative Justice. Similarly, at National level bodies such as the Restorative Justice Council in the UK are increasingly working with academics to grow the evidence base and develop policy.

Secondly, there are concerns that top-down, state based restorative justice provision is 'mobilized as local alternatives, but now from within dominant criminal justice cultures' (Pavlich, 2018, p.469). Consequently, there is a fear that the transformative potential of restorative justice is lost or diluted as it comes to mirror the goals and priorities of the state institutions, and that this reduces the ability for restorative justice to act as a 'radical alternative to the criminal justice system' (Pali and Maglione, 2021, p.13). These, too, are valid concerns and to some extent speak to arguments around what restorative justice *is*. However, whilst it is important to continue to strive for more radical changes to how we respond to harm it is also important to acknowledge (as many of those with concerns do), the significant benefits that restorative justice and associated approaches bring to people and systems. The growing academic and experiential evidence base makes it clear that restorative approaches work, and because of this we are seeing growing pressure at both governmental and community level across the world for inclusion and integration of restorative approaches across an increasing range of institutional systems. So, whilst concerns over expansion are valid, these should not stand in the way of growth in the field. Where concerns related to the sharing of spaces between top-down and bottom-up services can be managed through collaborative working and a mixed-economy of service types, concerns related to ideology are harder to mitigate. Perhaps the answer is that restorative justice is not *one thing*; by this, we are not referring to the well-documented plurality of restorative tools and approaches, but that restorative work encompasses a great many different needs, shaping itself accordingly. In our work on restorative spaces (Hobson et al, 2022, p.29), we take a realist approach in arguing that restorative justice services expand to fill the 'available space', and 'are, as with all facets of our human world, reflections of their circumstances'. Community driven, bottom-up services are more likely to reflect radical challenges to the status quo, born from a need that is not being addressed by the state or being addressed in ways the community feel is unsuitable. Top-down, institutionally driven restorative services are less likely to be radically challenging to the status quo but are more likely to provide an opportunity to shift the dial on how the state manages conflict. Both are important, both fill a 'space' of need, and both can contribute to the continued development and integration of restorative work.

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