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EVIDENCING SUCCESS FOR SUBJECTIVE STAKEHOLDERS IN RESTORATIVE JUSTICE

ICCCJ-2024: COLOMBO, SRI LANKA

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UNIVERSITY OF
GLOUCESTERSHIRE

ABOUT ME:

Doctoral research scholar, lecturer,
global ambassador for RJC:

(Evidencing success & successful evidence in RJ:
Developing models of effectiveness, efficiency, &
impact)

Senior leader in education:

(Head of Boarding, Shanghai, China;
Associate Dean of Boarding; Jeju-do, S.Korea)

Restorative practitioner:

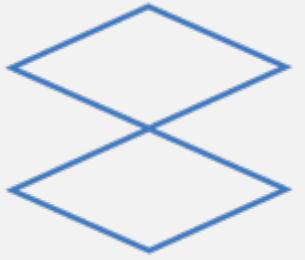
(FGC Coordinator, Leeds, UK)

Registered Social Worker:

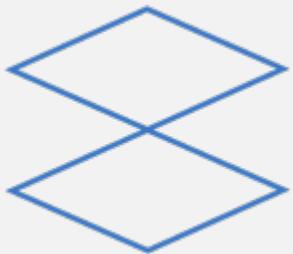
(Social Work England: Complex Needs Service,
Child Health and Disability Team, Leeds, UK)



WHAT WE WILL COVER



1. Research background
2. Literature review
3. Methodology
4. Findings
5. Conclusions & Recommendations
6. Next steps



RESEARCH BACKGROUND:

ACCESS, CAPACITY, AWARENESS



Restorative Justice APPG Inquiry into Restorative Practices in 2021/2022

1. Registration of commissioned services

2. Standardise the sharing of information

3. Improving quality through effective monitoring and evaluation

4. Publication of a new Action Plan

5. Reviewing ring-fenced funding for RJ practices

6. Explore automatic rights for victims through the Victim's Law

7. End to blanket bans

8. More and better communications.

9. Government Minister with specific responsibility for RJ

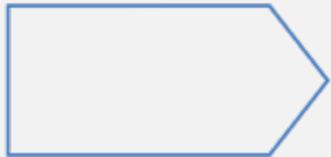


Phase 2: workstreams

- i. Raising practitioner standards within the criminal justice sector
- ii. Opening up universal access to restorative justice in the criminal justice sector
- iii. Implementing restorative practices in education, health and social care
- iv. The commissioning, collection, and dissemination of evidence-based research & the benefits of a national reporting framework ([Fisk, 2023](#); [Hobson, Fisk, Hook, & Jaffe, 2023](#))

Beyond the workstreams

- a) PhD researchers commissioned to explore key areas identified by the initial inquiry and subsequent workstreams
- b) Academic analysis of enquiry and workstream reports ([Marder et al., 2023](#))
- c) Victims & Prisoners Act 2024.
- d) Parliament prorogued for UK General election (June 2014) - APPG-RJ reformed



LITERATURE REVIEW



- Multiple RJ definitions, each depend on culture and legal frameworks that confer institutional legitimacy (Paul & Borton, 2017; Boyes-Watson, 2018):

- Process definitions:

‘A process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of an offence and its implications for the future’ (Marshall, 1999).

- Outcome definitions:

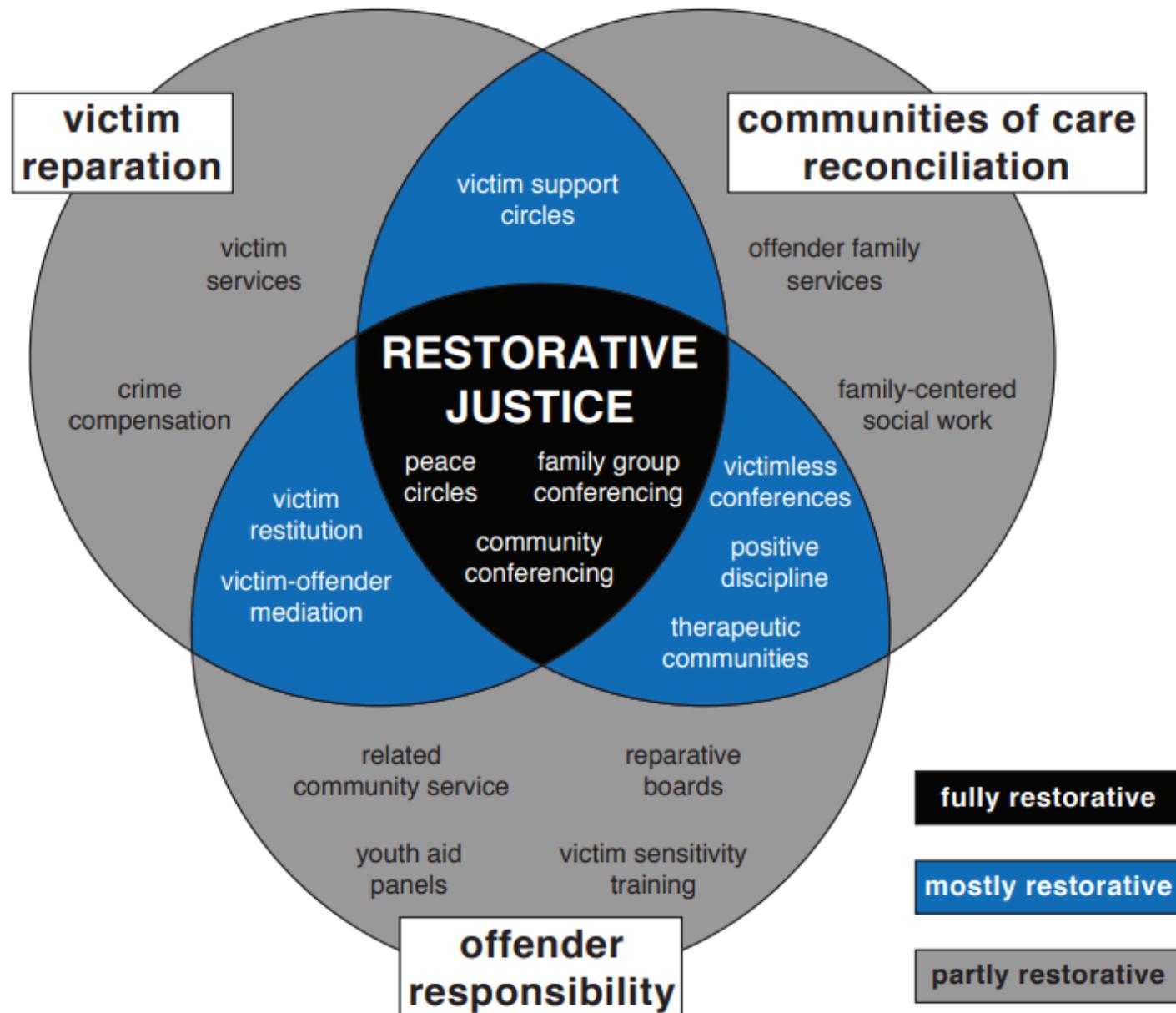
“Every action that is primarily oriented toward doing justice by repairing the harm that has been caused by crime“ (Bazemore and Walgrave, 1999).



Processes that involve:

- Offender
(Person who caused harm)
- Victim
(Person harmed)
- Stakeholders
(Person with interest in the harm)

Image source: McCold & Wachtel (2003)



LITERATURE REVIEW



- RJ used globally, variety of methods, varied theoretical underpinning:
 - *Neutralisation* (Sykes and Matza, 1957); *Reintegrative Shaming* (Braithwaite, 1989); *Labelling* (Becker, 2003); *Procedural Justice* (Tyler, 2003); *Interaction Ritual* (Collins, 2004)
- Service evaluations (process; outcomes; impact) and randomized control trials have produced evidence of success (Shapland et al., 2011; Strang et al., 2013):
 - *Satisfaction rates; recidivism; cost effectiveness; importance of apology; PTSD reduction*
- Success in RJ is subjective (O'Mahoney & Doak, 2017)



LITERATURE REVIEW



- But who defines ‘success’? -- *Those with power.*
- Disagreement about the extent to which RJ should embed in statutory or traditional systems: Purism / Maximalism definitions ([McCold, 2000](#))
- To what extent should RJ professionalise, standardise, and become part of the CJS? Institutionalisation is a big issue in academia. ([Aertson, Dam, Roberts, 2013](#); [Maglione, Marder & Pali, 2024](#))
- Should RJ services be evaluated on their own merits, not judged by the dominant CJS and forces of capitalism, which RJ was ‘designed to resist?’ ([Llewellyn et al., 2013](#); [Olson & Sarver, 2021](#)).



LITERATURE REVIEW



- UK RJ uses marketized services, shaped by decades of social and political paradigm shifts, including New Public Management ([Case, 2021](#); [Marder et al., 2023](#)).
- Services record and monitor data for many reasons, but data collected is inconsistent between services in terms of format, terminology, timescales, and measures ([Shapland, 2022](#); [Fisk, 2023](#)).
- Is there a disconnect between theory, evidence, academia, and practice?



METHODOLOGY



- Qualitative (Interpretive and social constructivist) multi-method
- Survey (n=70); Interviews (n=23)
- Purposive sampling approach
- Inductive thematic analysis
- Limitations?
- Research questions:
 - How is effectiveness, efficiency, and impact interpreted by professionals undertaking Restorative Justice?
 - How are definitions reflected in service recording and monitoring processes



SURVEY FINDINGS

OECD Definition

Efficiency:

How well are resources being used?

The extent to which the intervention delivers, or is likely to deliver, results in an economic and timely way.

Effectiveness:

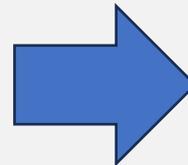
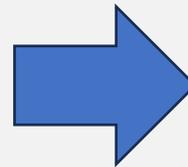
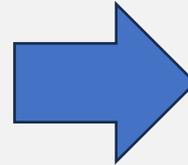
Is intervention achieving its objectives?

The extent to which the intervention achieved, or is expected to achieve, its objectives and its results, including any differential results across groups.

Impact:

What difference does intervention make?

The extent to which the intervention has generated or is expected to generate significant positive or negative, intended or unintended, higher-level effects.



Participant definitions

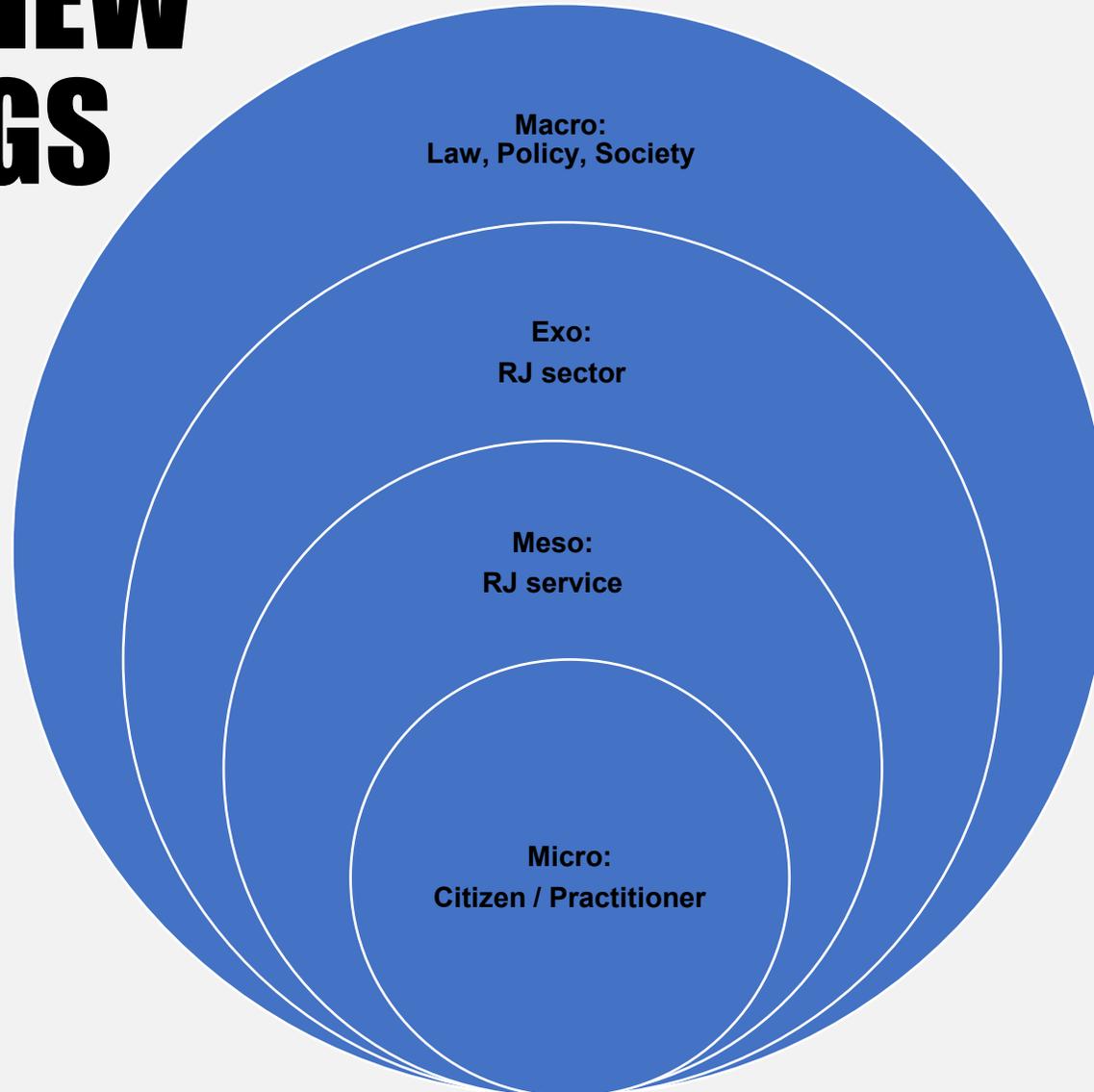
- Practice
- Cost
- Concept rejection

- Process
- Outcomes

- Objective/Demonstrable
- Subjective



INTERVIEW FINDINGS



Macro-level:

Data which feeds into political structures, MoJ, national crime survey, Victims Code of Practice. Linked to social norms and trends.

Exo-level:

Data that represents the entire 'restorative sector', across all services, other sectors, including evaluations and research

Meso-level:

Collected primarily for the service from data across all cases, staff and service performance, finances, complaints

Micro-level:

Collected primarily for the service user and the practitioner on an individual case level

Adapted from Bronfenbrenner (1979)

CONCLUSIONS



- Through the lens of data, we can see
 - Concept of ‘stakeholders’ in RJ goes further than just those involved in micro-level processes to repair harm, e.g structural stakeholders
 - Success is not a product of a ‘full’ process – services struggle to evidence transformation and movement that can occur at any stage before, during, and after a process.
 - Success is subjective (O’Mahoney & Doak, 2017), and many types of success are not formally evidenced in data processes.
 - Different stakeholders value different forms of RJ success, these can be targeted and leveraged if understood.



CONCLUSIONS



- Connections to issue of institutionalisation:
 - Structural factors via top-down data demands limit extent RJ can evidence itself.
 - Practitioners perceive that quantitative data about service performance (meso/objective) is valued more than data about personal transformation of citizens (micro/subjective), because of government / funding demands (macro/objective).
 - Top-down approach, not person-centred or needs led.
 - Efficiency generally not valued by practitioners in terms of traditional 'capitalist' and 'market driven' perspectives.



RECOMMENDATIONS



- The RJ sector must push for standardisation of data to better *'play the game'* of the dominant CJS and provide quality evidence.
- Repeated transformation of process participants (micro/subjective) must be evidenced at the service and sector (meso & exo) levels to evidence success to shape government policy and types of measures valued (macro).
 - More 'restorative' measures needed – longitudinal and 'distance travelled' have most potential for accuracy
- RJ sector (exo) must influence data demands by challenging commissioning processes to value a broader array of outcome and evidence types. Greater emphasis on complexity, case studies, push models such as *'Human Learning Systems'* in local government.



NEXT STEPS



- We need a fuller account of success, led by the RJ sector itself, emphasizing *quantitative* **and** *qualitative* narratives of success:
 - National Repository of Restorative Case Studies
- Success can be mapped across a process, that identifies the vast range of outcomes possible, and the range of socio-ecological stakeholders invested: *a Timeline of Success in Restorative Work.*
 - Using the ‘chrono’ of socio-ecological approaches to demonstrate success from the micro through to the macro.



MEET EVERY AMBITION

Thank you 😊

If you are based in India with an interest in RJ/RP please contact me on LinkedIn

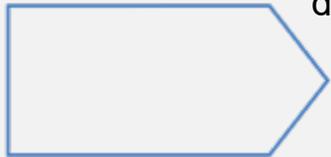
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BIBLIOGRAPHY



- Aertsen, I., Daems, T., & Robert, L. (Eds.). (2013). *Institutionalizing restorative justice*. Routledge.
- All-Party Parliamentary Group on Restorative Justice. (2022). *Restorative justice APPG inquiry into restorative practices in 2021/22*. Available at: <https://rjappg.co.uk/inquiryreport/> (accessed 6 August 2024)
- Bazemore, G., & Walgrave, L. (1999). Restorative juvenile justice: In search of fundamentals and an outline for systemic reform (pp. 45-74). *Restorative juvenile justice: repairing the harm of crime juvenil*. Monsey, NY: Criminal Justice Press.
- Boyes-Watson, C. (2018) Looking at the past of restorative justice. Normative reflections on its future. In Gavrielides, T. ed., (2018). *Routledge International Handbook of Restorative Justice*. Routledge.
- Fisk, B. M. (2023). What Are Restorative Justice Services Recording? Qualitative Analysis of Six Restorative Justice Reporting Templates for Offices of the Police and Crime Commissioner in England. *Laws*, 12(2), 28. MDPI AG. doi:10.3390/laws12020028
- Fisk, B. M., Hobson, J., Twyman-Ghoshal, A. (2024). Effectiveness, efficiency, and impact in restorative justice: Navigating the subjective and objective to evidence success. *International Journal of Restorative Justice* (In peer review)
- Hobson, J., Fisk, B., Hook, K., & Jaffe, L. (2023). *APPG for Restorative Justice RJ Workstream 4: The commissioning, collection, and dissemination of evidence-based research in Restorative Justice and Restorative Practice & the benefits of a national reporting framework*. Calcomms.
- Llewellyn, J.J., Archibald, B.P., Clairmont, D. and Crocker, D. (2013). Imagining Success for a Restorative Approach to Justice: Implications for Measurement and Evaluation. *Dalhousie Law Journal*, 36(2), 282–316. Retrieved from <https://core.ac.uk/download/pdf/288305365.pdf>.
- Maglione, G., Marder, I. D., & Pali, B. (Eds.). (2024). *Restorative Justice at a Crossroads: Dilemmas of Institutionalisation*. Taylor & Francis.
- Marder, I. D., Banwell-Moore, R., Hobson, J., & Payne, B. (2023). New ideas, enduring cultural barriers? An analysis of recommendations from the All-Party Parliamentary Group on Restorative Justice in England and Wales. *Criminology & Criminal Justice*, 0(0). doi:10.1177/17488958231198787.



BIBLIOGRAPHY



- McCold, P. (2000). Toward a mid-range theory of restorative criminal justice: A reply to the Maximalist model. *Contemporary Justice Review*, 3(4), 357-414. (14) Available from: https://www.researchgate.net/publication/292733753_Toward_a_holistic_vision_of_restorative_juvenile_justice_A_reply_to_the_maximalist_model
- Ministry of Justice (2012) *Restorative justice action plan for the criminal justice system*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/217311/restorative-justice-action-plan.pdf (accessed 6 August 2024).
- Ministry of Justice (2017) *Restorative justice action plan for the criminal justice system for the period to March 2018*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/596354/rj-action-plan-to-march-2018.pdf (accessed 6 August 2024).
- Olson, J., & Sarver, R. S. (2021). How Restorative are You? Introducing the Restorative Index. *Victims & Offenders*, 17(6), 941–973. <https://doi.org/10.1080/15564886.2021.1942358>
- O'Mahony, D. and Doak, J. (2017). *Reimagining Restorative Justice: Agency and Accountability in the Criminal Process*. Hart, UK.
- Paul, G.D., & Borton, I.M. (2017). Toward a Communication Perspective of Restorative Justice: Implications for Research, Facilitation, and Assessment. *Negotiation and Conflict Management Research*, 10(3), 199–219. doi:10.1111/ncmr.12097
- Strang, H., Sherman, L. W., Mayo-Wilson, E., Woods, D., & Ariel, B. (2013). Restorative justice conferencing (RJC) using face-to-face meetings of offenders and victims: Effects on offender recidivism and victim satisfaction. A systematic review. *Campbell Systematic Reviews*, 9(1), 1-59.
- Shapland, J., Robinson, G., & Sorsby, A. (2011). *Restorative justice in practice: Evaluating what works for victims and offenders*. Willan.
- Shapland, J. (2022). Evaluating Restorative Justice — According to Its Aims. In Molinari, E and Randazzo, S. (eds) *The Impact of Restorative Justice*. Retrieved from <https://www.euforumrj.org/en/evaluating-restorative-justice-according-its-aims>

