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Restorative Justice

The Case for Wider Adoption

By Lucian J. Hudson,
Partner and Managing Director,
Cornerstone Global Associates Ltd

“Kept apart, we’re capable
of unbelievable treachery;
brought together, we’re capable
of unimaginable generosity.
Restorative Justice is about
bringing people together.”

*John M McDonald,
Director, ProActive ReSolutions*

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This Blue Paper™ is written in collaboration with
ProActive ReSolutions Inc., with input from the
Restorative Justice Council and University of Cambridge
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Summary

Restorative Justice (RJ) is an idea whose time has come. It is defined as a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future.

RJ has been tried and tested, and it works. It is good for victims, offenders and communities. The evidence base for RJ is stronger than for that of almost any other criminal justice intervention.

It is remarkably cost-effective and can be implemented effectively. Increasingly, it commands the confidence of police forces and other key players in the criminal justice system. In the words of a senior police officer, RJ is not policing done *to* people but done *with* people. It returns to the ideal of policing as a part of a true community partnership. (1)

Achieving support for RJ has been a marathon rather than a sprint, and the journey is far from over. Despite the Coalition Government's commitment to making it available at all stages of the criminal justice system, fewer than one per cent of victims of crime have access to a RJ process. Success has been painstakingly achieved against a history of ambivalence and often scepticism about its value to the criminal justice system.

The criminal justice system is reaching a turning point in the UK. RJ could take off if it is given a concerted push by central government, the criminal justice system and partners, using models of best practice that already exist but are not yet universally applied.

...RJ saved an average of £9 for every £1 spent on providing it.

Wider adoption and mainstreaming of RJ will mark an irreversible shift in how we think about justice and make it work for victims. RJ can also contribute to more effective and accountable policing, and can build public confidence in the criminal justice system. But is there the political will, leadership and rollout strategy to make it a policy priority? Or are we witnessing another false dawn?

In this paper, as part of my international research into capturing and promoting effective collaboration and partnership, I set out the main challenges that RJ now faces in the UK and recommend next steps.

Context

Where RJ has been introduced, it has been successful. The question now is whether it can be scaled up and adopted more widely. The climate is favourable: an improved policy environment, a robust body of research and evidence, ministerial commitment, and real support from professionals and the public. RJ has been effectively embedded in the youth justice system in Northern Ireland, where three quarters of victims of young offenders choose to meet the young person face to face. Where victims and offenders meet, victim satisfaction rates are 90 per cent – much higher than those achieved when RJ is not available. The Restorative Justice Council (RJC) and Victim Support said RJ should be available for all victims of crime who choose it throughout England and Wales.

For the past two years, I have extensively researched the scope and limits of collaboration, between individuals and within and between groups, organisations and sectors. I chose ProActive ReSolutions as a strategic partner because of its experience in building respectful workplaces and turning dysfunctional teams into productive ones, and because it has successfully pioneered theory, practice, implementation and training in RJ. All the facilitators in the Home Office/Ministry of Justice research programme who were delivering face-to-face conferencing – which resulted in 85 per cent victim satisfaction and a 27 per cent reduction in the frequency of reoffending – were trained by ProActive ReSolutions.

Policy environment: increasingly receptive

The combination of elements in favour of extending RJ across the criminal justice system has never been more propitious. In the past few months, we have witnessed an exceptional alignment of positive forces:

- political will and commitment from key ministers;
- renewed interest in RJ in Whitehall;
- leadership from senior police officers;

- strong support from some senior judges;
- more use of RJ on the ground, backed up by evidence that it is working across a spectrum of antisocial behaviour and serious crime;
- significant investment in training; and
- continuing support from leading criminologists.

According to the RJC, the national voice for RJ and the quality assurance body in the field, “restorative justice empowers the people most affected by the conflict to deal with its effects through enabling communication between people who have been harmed and people who are responsible for that harm.” (2) Lawrence Kershen, QC, the RJC’s Chair, positions RJ as deftly addressing what is so badly missing from the criminal justice system. “I know from my many years as a judge in the crown courts,” he has said, “that court leaves many victims feeling cheated, with unanswered questions. The system encourages offenders to minimise their actions whereas restorative justice encourages them to take responsibility. Restorative justice cannot replace criminal justice, but it can reach the parts that criminal justice can’t – for everyone harmed by crime, including the offenders themselves.” (3)

...developing a victim-focused yet low bureaucratic disposal for low-level offending...

For many close observers of the criminal justice system, well seasoned in the scope and limits of reform, not only does restorative justice make sense in principle and in practice, but the need for its wider adoption has never been more pressing. The House of Commons Justice Committee said, prior to the 2010 election, “We are surprised by the cautious approach that the Government has taken towards restorative justice... We urge the Justice Secretary to take

immediate action to promote the use of restorative justice and to ensure that he puts in place a fully funded strategy which facilitates national access to restorative justice for victims before the end of this Parliament.” (4)

At a time when the spotlight is on cutting and controlling public spending, and the Efficiency and Reform Group in the Cabinet Office is leading a drive to achieve better, not just more, for less, *RJ provides a cost-effective intervention that saves money and produces better social outcomes*. It should provide Oliver Letwin, the Minister for Government Policy, with a prototype of the kind of policy that flourishes under this Coalition Government: RJ cuts down on bureaucracy, empowers front-line officers, engages and benefits victims, offenders and communities. And the evidence already exists – in spades.

Evidence base: breadth and depth

It is almost a decade since the Home Office/Ministry of Justice commissioned a seven-year research programme into RJ using randomised controlled trials. Independently evaluated by Professor Joanna Shapland and her team at The University of Sheffield, the research findings were published in four reports, the last of which focused on recidivism and cost-benefits. (5) These provide the most robust findings on recidivism and cost-benefits internationally. Each offender who took part – either in RJ or in the control group – agreed in principle to meet his or her victim(s). Offenders had committed serious crimes – burglary, robbery and violence – and many had been sentenced to prison.

Using the Home Office standard measure for the cost of crime, Professor Joanna Shapland calculated that RJ saved an average of £9 for every £1 spent on providing it.

The Home Office cost-of-crime measure includes costs to victims, insurance, NHS costs, as well as costs to the criminal justice system. Dr Heather

Strang and Professor Lawrence Sherman, of the University of Cambridge’s Institute of Criminology, analysed the research to demonstrate a 27 per cent reduction in frequency (ie in the overall number of crimes committed). The research trials alone saved the criminal justice system £7.29 million and cost just £5 million to set up and evaluate. Those who took part in RJ approved of it and benefitted from it. A majority of victims wanted to take part and RJ delivered 85 per cent victim satisfaction. Ninety per cent of victims who took part in a RJ conference received an apology from the offender in their case; compared with only 19 per cent of victims in the control group.

...providing a critical tool for neighbourhood policing units to assist in problem-solving and meeting community expectations.

The evidence to support RJ is overwhelming in the eyes of its champions and practitioners, not just as a result of the Shapland research but consequent to other work done by Professor Sherman and Dr Strang. Whitehall officials are now looking more favourably on Shapland’s research and at cost-benefit analysis. Sherman and Strang have been particularly influential in challenging some institutional resistance to making more of Shapland’s research findings. Recognition for the value of RJ in cutting the frequency of reoffending – cutting the overall number of crimes committed rather than simply tracking whether or not someone offended again – has been growing. Unlike other measures used in the criminal justice system – not least, in the prison system itself – RJ has had to surmount a higher threshold of proof to gain acceptance. “I cannot think of another criminal justice intervention that has been subject to such stress testing. Restorative justice has been tested to destruction,” Heather Strang noted.

Ministerial commitment: an historic opportunity?

Last July, the lead government minister, Crispin Blunt MP, argued, “We have an historic opportunity to look at how restorative justice can be introduced into the criminal justice system.” (6) Blunt met with representatives from the RJC and asked them to work with his officials to put forward proposals on how RJ measures could be used across every phase of the criminal justice process – from pre-trial right through to interventions in prisons to prepare offenders for release. His support was emphatic: “I’m a maximalist when it comes to restorative justice – I want to get it into our system at every stage,” he said. “It makes common sense: if you have a system that is remote, so the victim doesn’t really engage, then [they become] frustrated by the lack of involvement.” (7)

RJ is, in theory, very much part of the Government’s vision to put victims at the heart of the criminal justice system, giving victims a voice – and restoration. It is also about offenders taking responsibility for the consequences of their actions. RJ could just as well be called *responsible* justice because of the expectation it sets for perpetrators of crime to understand the effects of their actions, and particularly to work through the consequences of one person’s actions on another. Although RJ fits in with the Secretary of State for Justice Kenneth Clarke’s “rehabilitation revolution”, it is part of a wider agenda that addresses victims as well as offenders. The RJ agenda dovetails with the rehabilitation one but needs to be kept distinct. Champions of RJ warn of a risk of seeing victims as a means of rehabilitating offenders.

Consensus across the political parties is strong. For the first time ever, in the run-up to the General Election, every political party in England and Wales represented in Parliament made a pledge to expand RJ. In the first televised election debate with party leaders, Nick Clegg, now Deputy Prime Minister, spoke in favour of young offenders facing

their victims. The Labour Party Manifesto included a commitment to a RJ Act, and the Conservatives highlighted RJ in a number of policy documents on prisons and criminal justice reform.

Real support: developing community partnerships

There is no substitute for testing approaches on the ground and learning from action and experience. RJ has won the strong backing of senior police officers and other professionals, and of the public itself. RJ is provided by a wide range of community-based organisations and championed by some statutory sector agencies, including prisons and probation services, particularly Youth Offending Teams. The use of RJ in UK police forces is increasing at a significant pace. More than 6,000 police officers and police community support officers (PCSOs) have received training in RJ interventions, as have a significant number of volunteers and partner staff.

Garry Shewan, Assistant Chief Constable, Greater Manchester Police and lead for Restorative and Community Justice, Association of Chief Police Officers (ACPO) for England and Wales, is a strong champion of RJ, not least because of the clear links he sees between RJ and building public confidence in the justice system. “Restorative justice can empower communities to deal with offending according to their own values and expectations,” he said. “It allows communities to reintegrate offenders back into community life and it enables communities to take responsibility for delivering their own justice.” (9)

Shewan said there was growing national interest in the application of RJ and identified two main uses: developing a victim-focused yet low bureaucratic disposal for low-level offending; and providing a critical tool for neighbourhood policing units to assist in problem-solving and meeting community expectations. RJ is also used as a post-sentence element to reduce the need for reoffending

programmes, and as a means of tackling those crimes and incidents that have a disproportionate impact upon communities.

In ACPO's December 2009 survey to assess the extent to which RJ is used in policing, 33 of the 38 forces that responded (87 per cent) indicated that they are using RJ practices.

Shewan observes that RJ has been received positively both by police forces and communities. "The use of RJ interventions has been embraced enthusiastically by officers in participating forces," he said. "They have described its flexible and impactful capabilities as a return to 'common-sense policing'." RJ encourages police and communities to work together on behalf of victims and the community itself. It turns conflict into co-operation, enabling the achievement of real and lasting resolutions. "The application of RJ has set a clear agenda for public services: invite people to get engaged, support their involvement and engage them in proper conversations," Shewan added. "Levels of citizen activity will then increase."

"To the offender...it brings home the damage he has done – not to some unidentifiable individual..."

This example of engagement is further evidence of the relevance and value of the model of collaborative resolution developed in my report, published last year, which examined what makes for effective collaboration and partnership. (10) This report showed that the best approach to dealing with problems that do not lend themselves to one easy answer lies in using collaboration as a strategic, not just as an implementation tool. Even before defining a problem, let alone exploring options and finding solutions, one should carefully consider who else to involve in tackling the problem. If properly managed, earlier and wider engagement generates more options and greater support for the decisions ultimately taken.

The main findings of the ACPO survey revealed the extent to which effective partnership is integral to the RJ process:

- 76 per cent of respondents said that their RJ initiatives involved other partners;
- 74 per cent said that their RJ practices involved response and neighbourhood officers;
- 55 per cent said that neighbourhood officers used restorative conferencing as a part of the process;
- 74 per cent said that they had a very clear understanding of the principles of RJ, and agreed that the process seeks to involve both the harmer and the harmed, seeks to establish the facts as well as acceptance and, above all, seeks to repair the harm.

Early results from the schemes operating in police forces around the UK support the criminological research:

- RJ reduces the frequency of reoffending;
- RJ improves public confidence and satisfaction by directly engaging the affected parties in the disposal; and
- RJ has significant cost benefits, increases efficiency and optimises resources, allowing officers to spend more time on the street dealing with more serious crime, and reducing bureaucracy.

Police forces can see that working with partners such as schools in using RJ contributes towards a reduction in the frequency and severity of reoffending. In Norfolk, after introducing RJ, the re-offending rate is 7.4 per cent. In North Wales, the reoffending rate for recipients of Youth Restorative Disposals (YRDs) is five per cent. And in Cheshire, the reoffending rate for first-time entrants (FTEs) fell from 26 per cent to 12 per cent after RJ was employed.

The quality of the victim's experience is another selling point. In Cheshire, before the restorative practice justice conference, 54 per cent of victims felt traumatised by the incident and felt anger towards the offender. Only nine per cent understood why the crime had happened; 18 per cent felt scared of the offender; and 45 per cent felt safe in their local communities. Following the RJ conference, 73 per cent felt that they could now put the incident behind them and 45 per cent now understood why the incident had happened to them. As opposed to 54 per cent who'd felt anger towards the offender before, only 18 per cent did so following RJ; and 73 per cent now felt safe. Interestingly, 73 per cent of victims viewed the police more positively after a RJ session. (11)

Shewan argues that the use of RJ means a more proportionate and efficient use of resources within the criminal justice system. Issuing a Youth Restorative Disposal takes an hour or so to complete and costs around £14 of a police officer's time, compared with a cost of £63 for a reprimand. Cheshire analysed shoplifting and criminal damage offences and found that the current arrest and custody process takes more than 19 hours to complete. The issue of a street-issue restorative disposal would just take an hour – a saving of almost £500k a year on projected use.

One of the case examples collected as part of the evaluation of the Youth Restorative Disposal tells the story of two young women, both aged 16, who had been caught shoplifting for the first time. They agreed with their parents and the retailer to take part in a restorative conference. It lasted 45 minutes and resulted in both young women accepting responsibility for their actions. The store received a letter of apology as part of the Youth Restorative Disposal, and it was agreed that each of the young women would undertake three months of voluntary work in a charity shop. In addition, they subsequently volunteered to take part in a sponsored charity event, raising £60.

RJ also receives support from eminent figures in the criminal justice system, who endorse the use of RJ in cases of serious crime. In their book *The Pursuit of Justice*, the former Lord Chief Justice, Lord Woolf (edited by Christopher Campbell-Holt), discusses the purposes of sentencing. (12) The Criminal Justice Act 2003 radically revised the approach to sentencing. The purposes are set out in section 142(1) of the Act:

- a. the punishment of offenders;
- b. (the reduction of crime (including its reduction by deterrence));
- c. the reform and rehabilitation of offenders;
- d. the protection of the public; and
- e. the making of reparation by offenders to persons affected by their offences.

Lord Woolf said: "I accept that punishment should head the list but I applaud the attention that is given to the other purposes." Elsewhere he argued, "The issue is not whether we need imprisonment. We do, it is essential. It is one of the ways society can and should demonstrate its disapproval of serious crime. While an offender is serving his or her sentence it protects the public from further crime. However, even as a punishment it has limitations. Once the prisoner has become used to the clang of the prison door, prison makes little demand on most prisoners." (13)

When I interviewed Lord Woolf for this paper, it became clear how much of a supporter he is of RJ. When I asked why, he said, "Because it works." Lord Woolf went on to say, "Restorative justice has a positive effect on the victim but also a salutary effect on the offender. Judges preside over a process on behalf of the public/the state to bring home the guilt of those who have committed offences. That's undoubtedly part of it. But also important is managing the risk of reoffending. That's a very big threat to society."

Lord Woolf found the research done by Shapland, Strang, Sherman and others convincing and, as an experienced mediator in his own right, provided his own insights into why RJ works. “To the offender,” he said, “it brings home the damage he has done – not to some unidentifiable individual, in his mind dehumanised, but to a real person to whom he can relate.” Lord Woolf was adamant that the process is tough, if not tougher than processes that do not include RJ, because it is *intensive*. But it has to be well managed.

When looking back at serious crime cases, Lord Woolf recalled an Asian man who was coming to terms with his niece’s violent death and had contacted Lord Woolf as the trial judge. The man had gone to see the offender as part of an informal RJ process, wanting to find out why his niece had been killed. The man reached the conclusion that the offender was an unfortunate young man, not wicked even though he had a record of getting into trouble with the law, and attributed his actions to the consequences of his upbringing. He urged Lord Woolf to punish the offender but also to show mercy: to give the offender a punishment that left him some hope. This story is backed up by research evidence from Sherman and Strang: often, they found RJ leads to a reduction in the desire for revenge in victims.

Challenges and opportunities

This section identifies six main challenges – and opportunities – facing the further adoption and roll-out of RJ: policy priorities; best practice; integration with the criminal justice system; delivery; perceptions of RJ in the criminal justice system, media and public; and synergies between effective and accountable policing, localism and the vision of a ‘Big Society’.

Policy priorities: delivering benefits all around

Because of reduced public spending, there is a risk that some agendas – unless they are ring-fenced – will be given lesser priority. The consultancy work I do in the civil society and public sectors serves as a warning that, in the battle for recognition and the resources that come with it, one needs to make common cause with others on shared agendas.

In her inaugural address as Victims Commissioner, Louise Casey spoke of the relevance of RJ to an agenda that puts victims at the centre of the criminal justice system. “I give it my 110 per cent support where victims are central to the process,” she said. (14) By closely aligning the two agendas, the RJC and Victim Support convey a powerful message that RJ empowers victims. Victims of crime benefit from RJ by being given the chance to let those who’ve offended against them know the real impact of their crimes, and to obtain answers from their respective offenders to their questions. A victim is also more likely to receive an apology under these circumstances.

Based on the latest crime statistics, the RJC and Victim Support demonstrate that if RJ was offered to 75,000 victims of adult offenders, assuming just a 40 per cent take-up rate, the reduction in reoffending would lead to £185 million cashable savings to the criminal justice system over two years.

The research reveals further evidence of the benefits of victim participation, particularly in finding out how the offence occurred and working to prevent reoffending. Crucially, RJ can provide a sense of resolution, if not closure. For many victims, it lessens the negative effects of the offence. Victims who had been through a RJ

conference were more likely to think the sentence the offender had received was fair than victims in a control group who did not participate in RJ. Only six victims out of 216 interviewed were dissatisfied with the RJ conference after taking part in it, and 78 per cent of victims who participated in RJ conferences said they would recommend it to other victims. (15) This suggests that the very interaction a RJ conference produces can contribute to better understanding of crime, and help inform courses of action.

A study examining the psychological benefits of RJ for victims of burglary and robbery found that victims who participated in RJ conferences were one-third less likely to suffer post-traumatic stress symptoms. Female victims benefitted the most, with 46 per cent experiencing post-traumatic stress compared with 78 per cent in a control group. (16)

The best approach is the one the research shows is the most effective in terms of reducing recidivism...

Within the UK, RJ is most widely used and best integrated with criminal justice in Northern Ireland, following the Justice (Northern Ireland) Act 2002. Key findings from Youth Conferencing in Northern Ireland show:

- high participation: victims participate in 74 per cent of face-to-face conferences, with a further 10 per cent participating indirectly (by providing a statement, engaging in a video conference, etcetera); and
- high satisfaction: 89 per cent of victims expressed satisfaction with the conference outcome and 90 per cent said they would recommend it to a friend.

Public attitudes in Northern Ireland seem favourable to youth conferencing and RJ. According to one survey for the Youth Justice Agency, 69 per cent of adults thought RJ was an appropriate way of dealing with young offenders.

Best practice: training that delivers results

There are multiple programmes operating across the UK but few have undergone the scrutiny of the RJ conferencing process, as developed and trained by ProActive ReSolutions.

Professor Shapland's research shows that restorative conferencing as trained by ProActive ReSolutions provides the strongest evidence available for cost savings through reductions in reoffending and strong victim benefits. (17). On the basis of this model, the victim and his or her offender come together in a face-to-face meeting, each with supporters (family or friends), in a meeting that is facilitated by a trained, impartial facilitator. These meetings are conducted in three parts: exploring what happened; who was harmed; and what needs to happen now to repair the harm. The meetings lead to an outcome agreement in which together, the participants in the conference decide what concrete actions need to take place to help to repair the harm. Victims rarely ask for material or financial reparation – though occasionally, they do. The most important things victims ask for are often symbolic forms of reparation: apologies, commitments to change, to engage with help and support offered to the offender, to stay in touch and report on progress. Key to restorative conferencing is that the participants themselves, not the professionals, decide what would constitute a meaningful and appropriate response to the crime.

*...each time a crime is committed,
we have the opportunity to reduce
the possibility of further crimes
happening elsewhere.*

Face-to-face meetings appear to have the greatest benefit for victim and offender. The research showed, however, that other forms of communication also deliver victim satisfaction and are available to victims where a face-to face meeting is something in which the victim cannot participate for reasons of safety, or in which he or she

does not want to participate, for emotional reasons. Some victims prefer to receive correspondence from and/or exchange letters with the offender, sometimes as a precursor to a meeting. Others participate in restorative conferences by video or telephone conference. In serious and complex cases, indirect mediation, where specific questions asked by the victim are put to the offender by the facilitator, may be appropriate. The evidence suggests that, in general, the outcomes of these indirect processes are positive but less strongly so.

Peter Woolf, a career criminal before he took part in a RJ conference, said: "I owed it to [the victims I met] and to all the people I had done damage to over the years, myself included. Taking part in the RJ conference changed my life because it gave me a purpose in life. It was the beginning, the thing that really gave me the determination to succeed." (18)

RJ connects, and confronts the very questions that matter to victims and communities, providing opportunities for victim and offender as well as for the wider community. The best approach is the one the research shows is the most effective in terms of reducing recidivism while simultaneously delivering high rates of victim satisfaction. This approach was achieved through years of experimentation and learning, followed by the development of a rigorous training programme developed by ProActive ReSolutions (then known as Transformative Justice Australia or TJA).

ProActive ReSolutions' experimentation and training paid particular attention to:

- the big ideas informing the thinking and practice of RJ conferencing;
- the search for explanatory theories to help us understand why, when brought together following harmful interactions, people are capable of such generosity;
- understanding the connection between good theory and good practice;

- turning the theory into practice and practice into theory;
- the techniques for preparation, facilitation and follow-up, developed and refined by ProActive over the last 20 years;
- an emphasis on the process of RJ conferencing rather than programmes developed to support it; and
- a willingness to experiment and have work rigorously assessed by ‘state-of-the-art’ research methods.

John McDonald, Director of ProActive ReSolutions, applies six ‘big ideas’ to deliver results:

1. A process that *delivers fairness* to the participants

- Rules are understood and accepted (FAIR RULES).
- A facilitator ensures that the participants play by the rules (FAIR PLAY).
- An outcome is reached that is considered fair by all involved (FAIR OUTCOMES).

2. A process that is *deliberative democracy*.

As such, it requires that four precepts be satisfied:

- Everyone affected by the crime/incident is encouraged to attend (PARTICIPATION).
- Everyone who attends is given the opportunity to contribute (POLITICAL EQUITY).
- Every contribution is listened to and given adequate consideration (DELIBERATION).
- No-one is allowed to dominate, bully or intimidate anyone else into not attending or not contributing (NON-TYRANNY).

This is a form of democracy often referred to as deliberative democracy.

3. A process that *transforms conflict into cooperation*.

Conflict here is defined as a general state of negative feelings, meaning that a restorative process will provide the opportunity for exploration and understanding of how people’s feelings have been affected by the crime/incident.

4. An approach that *appreciates that if our aim is to change an individual’s behaviour, then paradoxically, it is better *not* to focus only on that individual*.

Rather, we need to pull together the system of relationships that has been affected by the behaviour/crime and focus on that system and how it has been affected. This will then provide the information and motivation the individual offender (and others in the group) require to want to change and to sustain that change.

5. A process that *leverages our civic responsibility to be involved in keeping our community safe*.

*To translate the Big Society into people’s day-to-day interactions, ProActive understands that each time a crime is committed, we have the opportunity to **reduce the possibility of further crimes happening elsewhere**. We do this by leveraging people’s civic responsibility to help them become involved in repairing the harm they have experienced, and involving them in determining how best to prevent any further harm being caused.*

6. The community is to be defined as the people who *caused the harm and those who were harmed*.

The state uses its authority by handing that authority back to the community of people as defined by the crime/incident. It is this community that is given the first opportunity to clarify what happened, understand how they have been affected by it and establish what needs to be done to repair the harm and prevent further crime. *RJ ensures that the people who have been affected by a crime have the authority – and the responsibility that goes with that authority – to respond to the crime/incident*

in a way that is appropriate for them to learn. The result is that this acts to strengthen relationships within those individuals' local communities, allowing people at the local level to collaborate directly in keeping their communities safe.

Police force representatives have told me how important training is in building the confidence of their officers with regard to making more and better use of RJ. RJ as a brand depends on quality standards being met, and practices being implemented in its name being based on sound research and solid evidence.

The European Commission is attaching importance to accreditation and best practice. RJ facilitation should only be done by someone who's been properly trained by a well qualified, experienced restorative-justice provider.

The RJC has a Trainers Code of Practice to which all reputable training providers of RJ in England and Wales must adhere. There are now National Occupational Standards in restorative practice, and a new Diploma in Restorative Practice is being piloted by City & Guilds. The RJC is setting up practitioner registration next year, enabling any practitioner with recognised accreditation to register. This provides the foundations for a quality-assurance framework with regard to restorative practice that is based on the evidence of what works and on practitioner expertise.

Integrating RJ with the criminal justice system

Evidence from the research indicates that there are strong victim benefits to using RJ at any stage of the criminal justice system (CJS) but, if anything, greater victim benefits flow from RJ following more serious crimes, in which the emotional harm has been severe.

There are cost-benefits at all stages of the CJS, too: for low-level crimes, these come through savings in police time. Diversionary RJ saves prosecution and court time; pre-sentence RJ has been shown to lead to reductions in the use of custody (either through judges reducing the lengths of custodial sentences or through them choosing community-based sentences instead), hence it can lead to

a reduction in the number of prison places. Post-sentence RJ can lead to reductions in the length of custodial sentences if taken as evidence of rehabilitation by parole boards. Following serious crimes, RJ at any point – pre- or post-sentence – leads to cost savings through reductions in reoffending, even if it delivers no additional savings via reductions in time spent in custody.

As victim benefits are strong at every stage, supporters of RJ argue that the conferencing process should be available to victims at any point in the CJS. For serious offences by adult offenders, it should be offered pre-sentence, as pre-sentence RJ can help inform sentencing decisions by judges. Pre-sentence RJ can also enable judicial oversight of outcome agreements (for example, ensuring that these are proportionate to the offence) and sentencing can form a ratification of the RJ outcome agreement (for example, making completion of the outcome agreement a requirement of the sentence). For some victims, however, a pre-sentence RJ session would occur too early in their process of recovery from the crime – particularly for more serious offences. In these cases, RJ should be available post-sentence, and could form part of a 'package of rehabilitation' for the offender or help to shape re-settlement plans.

At whatever stage RJ is offered, the key consideration from the offender's point of view is that meeting the victim(s) of their crime(s) and hearing firsthand about the real impact of their actions on other human beings can help to motivate them to change, or build on an existing motivation. RJ has worked best when offenders can leave the RJ meeting with that motivation at a peak and immediately access support (with regard to help with, say, alcohol or other drug addiction) to put their lives back on track. If RJ is to be further integrated with the CJS, facilitators and CJS agencies have a critical role to play in taking outcome agreements seriously and putting the support in place that's needed to enable offenders to deliver what they have promised their victims.

John McDonald of ProActive ReSolutions cites evidence that with regard to more serious crime, RJ (ProActive)

conferencing is the only process that can claim to provide those affected by crime with a voice, effectively and appropriately, so that they can make perpetrators feel at least some of what they felt as victims. “RJ conferencing provides a route for clarity and understanding,” said McDonald. “It gives those affected hope that the offender will not condemn others to the same experience. It allows for the strengthening of relationships within communities created by the crime. It reduces recidivism more effectively than the usual options available to courts and others in the system.”

...the people who have been affected by a crime have the authority...to respond to the crime/incident in a way that is appropriate for them to learn.

McDonald acknowledges that RJ conferencing must be implemented as a complementary part of dealing with crime, not as an alternative (although he recognises that fitting into the CJS as an alternative is better than not being there at all). No other process operating within the CJS has been researched so rigorously and independently in relation to serious property offences or serious offences against the person; nor has any other process continually shown such positive results. As an integral part of the mainstream, RJ conferencing sits as a pre-court option, a pre-sentence option, a post-court pre-release option for incarcerated individuals, a post-release reintegration option; and an option that is available to those on community orders for serious offences.

The Independent Commission on Youth Crime and Antisocial Behaviour is unambiguous in its support of RJ. The Commission, chaired by Anthony Salz, Executive Vice-Chairman of Rothschild and a distinguished commercial lawyer, argues that restorative youth conferencing – modelled on the approach used in

Northern Ireland – is the right way forward for England and Wales in principle and in practice. His report ‘Time for a fresh start’ says that professionally facilitated conferencing achieves clearer, proportionate justice for youth offenders and victims; and can lead to lower reoffending rates and less use of custody. (19) The Commission estimates that the public costs of dealing with youth crime and antisocial behaviour are more than £4 billion a year. This is based on evidence from the Home Office/Ministry of Justice research reports and from Northern Ireland Youth Conferencing.

The report condemns what it sees as the waste of taxpayers’ money on unnecessary use of imprisonment, and suggests that the number of under-18s in custody can be safely halved to less than a thousand offenders who pose a genuine danger to the public. It concludes: “We propose placing restorative practices at the heart of the criminal justice system. We want to see RJ applied at every level of the response to antisocial behaviour and youth offending, including the resolution of disputes and incidents in schools and on the streets. At the most formal level, we recommend the introduction of restorative youth conferencing as a preferred alternative to prosecution and as the standard procedure after young offenders either plead guilty, or are convicted in court.”

Delivery: evidence of performance impact

ACPO has shown that it takes RJ seriously, and can build confidence by establishing early wins. Many forces – in Lancashire, Norfolk, Kent, Devon and Cornwall – are forging ahead in delivering RJ as part of neighbourhood policing.

One problem that is being further researched is evidence of the impact of RJ. Senior police officers feel confident about the quality and quantity of criminological research available, and consider that schemes in existence are soundly based. But the ACPO survey highlighted three barriers to the use of RJ:

- the performance culture and the impact upon sanction detection measures;

- negative media coverage, with the suggestion that RJ is a ‘soft’ option; and
- the costs of training and of maintaining skills.

The survey found that less than half of the police force members surveyed could identify the performance impact that the use of RJ had produced. As the survey was conducted in December 2009, it could be that at the time, it was too early to carry out meaningful analysis. Police forces are developing performance frameworks for RJ to enable the accurate measurement of impacts on reoffending rates, time taken to complete, and victim/offender/officer satisfaction as well as partner involvement.

The survey also identified inconsistencies among police forces with regard to training standards and quality assurance processes.

... where it [RJ] is seen more critically, the appropriate strategy would be both to rebut misinformation and distortion, and to reframe the debate.

One development that could give RJ momentum is that officers are seeing the use of RJ practices as a return to professional decision-making after a decade of rigid performance management. Assistant Chief Constable Garry Shewan said that in the past, officers were encouraged to concentrate on the “low-hanging fruit of detections” in an attempt to raise the detected crime rate. “Performance management has brought more offenders to justice,” he asserts, “only they are the wrong offenders.” (20).

From anecdotal reports that I have received, it seems clear that where officers are trained in RJ, methods for following up on any drop in the use of RJ must also be put in place, especially where RJ is perceived as not contributing directly to performance. One criminologist accompanied police officers in Birmingham recently and was impressed at how much aggravation on the streets they cleared up without making any arrests.

The Birmingham officers did not feel they would be marked down for doing this – in fact, this was what they were encouraged to do – but this may not be the case everywhere.

According to experiments in London Crown Courts with robbery and serious burglary cases, and in Thames Valley research into seriously violent offenders who are in prison or on probation, RJ typically occurs in addition to whatever punishment offenders have received. It is part of the received wisdom (because of the substantial criminological research that has already been done) that the cost savings derived from using RJ result from reduced reoffending.

Perceptions: criminal justice system, media and public

The key question for any brand – and RJ is a brand, whether or not it is consciously owned and developed – is whether its supporters feel that *they* own it or that its critics do. Typically, a brand is not just a product or a service (though products and services are crucial constituents) but the associations it carries in people’s minds. So does RJ carry positive or negative associations, and how strong are these associations?

My hypothesis is that the RJ brand is quite strong but could benefit from greater clarity and better understanding. And where it is seen more critically, the appropriate strategy would be both to rebut misinformation and distortion, and to reframe the debate.

RJ does not normally command front-page headlines, but *The Observer* made RJ its main story earlier this year. (21) Although much of the substance of the reporting was seen to be fair by supporters of RJ, the headline – “Criminals could cut sentences by saying ‘sorry’” – caused hearts to sink.

ACPO’s linking of restorative and community justice is a smart move, provided that police officers on the ground – and the public and media – recognise that RJ is and can be a tough option, and that it involves the

exercise of judgement. Supporters of RJ come from a broad church, and therefore it comes as no surprise to find several sources of philosophical inspiration behind the umbrella concept. ‘Restorative’ can mean everything from reparative justice – where amends are made, often through a third party – through to face-to-face RJ, which those who are regarded as its best practitioners are adamant is anything but soft.

In the process of RJ, offenders cannot escape taking responsibility for their actions, and have to account for what they did and give reasons for it. Effective conferencing is not about fairytale endings but about achieving better understanding and, if possible, resolution. A focus on real people, real lives, brings home why and how RJ can make a difference. Reading some of the case studies compiled by the RJC reveals that fact is often stranger than fiction.

The film *Bond of Silence*, released this year [2010], is based on Katy Hutchinson’s experience as a mother of two forgiving the man who kicked her husband, Bob, to death. In her interview with *Grazia*, she said, “For five years I’d had a recurring nightmare about this moment – meeting Ryan, the man who killed my husband...” (22) Later in the interview, Katy said, “In a strange way he was the only person who could understand what I was going through.” She added, “There is a misunderstanding that the restorative route diminishes the seriousness of the crime, but it doesn’t. Forgiveness wasn’t easy”.

Lawrence Kershen, QC, Chair of the RJC, has seen with his own eyes the limits of the criminal justice system and the extent to which RJ can make a significant difference. Kershen’s practice included much criminal defence work. He saw first-hand people who had fallen foul of the law, and what had led them to that point. “It seemed that we were putting huge resources into trying the issue of guilt,” he said. “But very little into dealing with the underlying behaviours and consequences of the offence.” (23) RJ offers processes whereby victims can speak freely about their experiences, and ask their offenders all their unanswered questions. The offenders can hear and see the effects of what they have done, and also get to tell

their story. Inherent in this process is the possibility of transforming both parties’ perceptions of what has taken place.

There has been little public debate about how RJ actively contributes to safer communities. RJ also shares many principles in common with other social policy initiatives that are proving effective but receive little media attention. In my view, like RJ, many of these initiatives have at their hearts a more collaborative and holistic approach to problem-solving, involving the right groups of people early in the process and creating the opportunity to work through the implications of one person’s – or one organisation’s – actions on another.

The links between many of the principles of RJ and David Cameron’s Big Society are too strong to ignore.

Serious news and current-affairs coverage could do more to reflect the changing relationship between public institutions and the public, particularly when it comes to elucidating the ways in which multiple agencies collaborate and compete to deliver public services. With spending being so tightly squeezed of late, how the public sector works with its partners should be as worthy of media coverage as public spending decisions. As cuts take effect, this is more likely to interest the media. Peak-time soap operas – for instance, *EastEnders* and *Coronation Street* – have usefully dramatised various topical social issues. RJ is a fertile issue through which to explore evolving interpersonal relationships, and the reactions of the community to these. Television and radio drama are interested in the ‘double hurt’ that many victims of crime say they experience: the offence itself, and how the system responds in dealing with the offence.

An understandable concern of those who work in the criminal justice system is that criminal justice reform should be above party politics. The unstated view is that just as the best foreign policy commands broad support at home, successful criminal justice policy also draws on broad agreement. Lord Woolf quotes approvingly the

founder of criminology, Sir Leon Radzinowicz who, at the age of 92, wrote, “No meaningful advance in penal matters can be achieved in contemporary democratic society so long as it remains a topic of political controversy instead of a matter of national concern.” (24)

Synergies: policing, localism, Big Society

Adopting RJ more widely will involve a culture change in what is broadly perceived as ‘effective’ and ‘accountable’ policing. RJ adds value to and is developing the bonds of trust and respect between police and communities by empowering police officers in their roles working with the public. The Big Society vision is about tapping the synergies of effective community involvement and collaboration between different public agencies, civil society and citizens themselves. RJ provides police with opportunities to see positive and powerful results from their work in keeping difficult issues within their local communities, working with others to bring problems to satisfactory conclusions, and creating opportunities for everyone involved to grow closer, learn together and strengthen social bonds within their neighbourhoods. This gives local police officers a strong sense of having been able to use their authority and discretion to assist directly those most affected. It can also boost morale, giving police officers the sort of satisfaction that is lacking in many other parts of their jobs.

A police constable’s authority lies in being able to exercise his or her discretion in order to make an effective decision. Once that decision has been made, the matter is out of the constable’s hands. The decision could include any one of a number of options that are available to a British police officer. The police can choose to put someone in the dock rather than use their discretion to keep that person out of court.

John McDonald explains, “In my experience, one of the main contributors to police not using their discretion to keep people out of the courts has to do with their ‘need’ to fit in with the culture of their workplace.” McDonald has observed that part of this culture is to apply agency policy (as opposed to their own discretion)

when exercising their authority. For example, if the agency places an emphasis on strong policing of juvenile antisocial behaviour and directs constables to charge young people in these instances, most constables will do exactly that. So any rollout of RJ has to address the culture change involved in returning to “common-sense policing”.

...it will take a culture shift for RJ to be seen as not just good, but better at delivering justice...

McDonald lays down this challenge, which raises important questions about the extent to which the current policing culture needs to change. “Often, police will only feel good about their work when an offender is put before the court (regardless of the outcome),” he asserts. “This is how they get their ‘job satisfaction’. And the younger the officer, the more [he or she finds] this aspect of the work satisfying. This feeds into the police forces’ need to count/quantify their activities. The more offences committed (i.e., charged), the more crime there is. The more crime there is, the more police we need, and so on. Many influential police these days reject this approach, and rightly so. They are, in my experience, however, still in a minority.”

The links between many of the principles of RJ and David Cameron’s Big Society are too strong to ignore. Not to address what is inherent in the Big Society vision is to miss an opportunity to win greater acceptance of RJ by sceptics and critics of policies that seem ‘soft’ on crime. We need political and professional leadership to turn an interesting and developing phenomenon into a mainstream practice that commands widespread public support. My hypothesis is that the answer lies in empowering professional discretion, provided this is closely linked to local accountability, and to all of us – not just the police – taking more responsibility for our roles in building safer communities. And if mistakes happen – as they will – we maintain our confidence that, over time, this approach will deliver a better society.

The answer also lies in empowering communities and learning from the experience of others. New Zealand's experience in adopting RJ practices in its youth justice system is relevant here. The indigenous Maori population of New Zealand had well-developed custom and practice that ensured the stability of their societies. When someone offended, the voice of all affected parties could be heard through a system of family and tribal meetings. Steps were then taken to restore the social order of the wider community.

The Children, Young Persons and their Families Act 1989 introduced Family Group Conferences (FGCs). The FGC is mandatory for almost all youth offender cases. The FGC, not the court, determines the manner in which the offending should be addressed. Full decision-making power is devolved to the community in which the offending took place.

New Zealand educators have started applying the principles of RJ to the disciplinary procedures adopted in schools. As one former district manager for children, youth and family services now based in Wellington said: "What is crucial is involving young people early, and their families. Those who caused the harm are confronted with the effects of their actions, and this engages and re-motivates them in ways that the court system often fails to do. These meetings were tough, and often ended in tears."

Next steps

Tipping point or another false dawn?

The year 2012 could mark an international turning point in the development of RJ. In 2002, the fifth international conference on RJ was held in Leuven, Belgium, to position and reposition RJ after 20 years of experience in different criminal justice systems throughout the western world. The year ahead provides an opportunity for the UK to make RJ an integral and distinctive component of its approach to criminal justice.

The 2002 conference was inspired by both satisfaction and concern: “Satisfaction, because restorative justice appears to open ways of dealing with the aftermath of crime [that] are more satisfactory for the victims, more constructive for communities and society, and more integrative for the offenders... But there is also reason for concern. As a buzzword, restorative justice is sometimes misunderstood and even misused. Paradoxically, one could even say that the most important threat to restorative justice is the enthusiasm with which it is being accepted.” (25) The main risk identified at the time was that enthusiasm leads to poorly thought-out implementation, an overestimation of possibilities, negligence of legal rights, blurring of the concepts and confusion with regard to the aims and limits of RJ.

...the debate should be less about the choice of whether to punish or not to punish, and more about breaking the cycle of reoffending.

In the UK, we are now witnessing a growth in support for RJ. While I can certainly detect enthusiasm for it among its champions and practitioners, I also judge that many have come to view RJ positively because it has not promised to be more than it is, and because it complements the workings of a criminal justice system that often seems remote from the very people it is designed to serve.

Lizzie Nelson, Director of the RJC, provides strong leadership and engages with a growing number of stakeholders and practitioners in giving RJ a voice in England and Wales. She has a positive impact because her message is kept simple: RJ can give victims the chance to tell offenders the real impacts of their crime, to get answers, to receive apologies and through this process, be better able to move on with their lives. It holds offenders to account, giving them the chance to understand the real impact of what they’ve done and to do something to repair that harm.

Supporters of RJ see some movement under the Coalition Government and, as part of their case, emphasise the gold-standard research evidence for the cost savings that can be made through delivering RJ – not just for low-level offences but for adult offenders and serious crimes. Lizzie Nelson said: “Restorative justice fits in with the Big Society ethos of this government, empowering communities to own, and find their own solutions to crime.”

Restorative processes are also being used in schools, workplaces, care homes, health services and communities as a better way of preventing and resolving conflict.

Restorative justice: a culture shift

RJ is by its nature a collaborative endeavour; whatever planning and control is in place, success turns on equal and voluntary participation, with relationships being negotiated and developed as the process evolves. (26) *But the embedding of RJ into our criminal justice system also involves collaboration and negotiation. Whatever policies, guidelines and strategies are put in place, it will take a culture shift for RJ to be seen as not just good, but better at delivering justice, especially when combined with other measures.*

As a specialist in advocacy and collaboration, I have identified five main drivers of effective collaborative endeavours: *vision, focus, momentum, inclusion and implementation.*(27)

Vision: meeting victim, offender and community needs

RJ is about meeting the needs of victims, offenders and communities, not favouring any one over the other. The strong evidence for victims' benefits shows that RJ can and should be promoted in the public debate on the basis of its benefits for victims. But I would caution against simply swapping a focus on the offender to a focus on the victim. To single out one party, be that the victim or the offender, releases others, by definition, from any responsibility and disengages their authority. There is a political advantage in talking up victims' rights but at the same time, we should not make the victim the main or only focus.

Justice is always a matter of striking the right balance. There is a place for anger, just as there is a place for compassion and forgiveness.

To be even more effective, RJ needs to be seen as part of a much bigger undertaking to reform the criminal justice system and be part of the Coalition Government's programme of freedom, fairness and responsibility. (28)

I mentioned that as part of a media and stakeholder strategy it was not enough to rebut misconceptions of RJ; it was important to reframe the debate. Historically, too much of the debate around RJ has positioned it in opposition to retributive justice. *Going forward, the debate should be less about the choice of whether to punish or not to punish, and more about breaking the cycle of reoffending.* At the heart of the offence is an experience. That experience can own us – sometimes for the rest of our lives – or we can own the experience. A meaningful interaction provides the opportunity to make sense of what has happened and to work through the consequences.

Without exploring possibilities for change, we risk wasting opportunities to learn more about ourselves, and about how others affect us and how we affect them. This is not fluffy or fuzzy knowledge, but deeper knowledge that can

change perspectives and even behaviours. It is a most precious form of learning, obtained not from a manual but from a face-to-face encounter – and it requires honesty, courage and patience from all involved.

Justice is always a matter of striking the right balance. There is a place for anger, just as there is a place for compassion and forgiveness.

Focus: driving standards

To keep building confidence in RJ within the criminal justice system and with the public at large, we should ensure that RJ is a valued currency. The focus should be on investing in RJ practices that have been proven to work, and to show evidence of their positive impact. It is not enough to build broad support for RJ: we should raise its quality and be seen to do so. I would argue that the vision of what 'good' looks like could be better communicated. Best practice is there but it needs to be brought out more, and become more widely adopted. Best practice should be mainstream practice. We have the evidence and the experience. **So let us be more rigorous and vigorous in applying what we know to be best practice.**

Momentum: taking the campaign to a new level

Momentum for RJ undoubtedly exists, partly because of efforts on the ground but also because of Crispin Blunt's leadership, national campaigning on the part of the RJC and the relentless research by key criminologists in the field. **The next step is for others in government – with shared agendas in education, housing, social services etcetera – to build on developments on the ground to invest in multiple-agency work that addresses common concerns, and to avoid the default of working in silos.** There is a danger that the shift that happened in many areas under the last government – with a greater emphasis on the enabling role of the public sector, and on doing things *with* rather than *to* citizens – will be lost as budgets are cut and the biggest conventional demands are met at the expense of innovation in other areas which, if encouraged, could make an even bigger difference to people's lives.

Inclusion and implementation: trusting professionals

last year, when I was interviewing Chief Constables and other criminal justice leaders on another project, I observed that even before the new government came to power, a growing number of senior police officers were encouraging their front line to use its discretion when seeking to meet performance targets. Officers were encouraged to assess each situation in its totality, and any pursuit of a target would take into account the implications of this action on the desired overall outcome. RJ needs to be properly applied, which means using a combination of clear principles and guidelines, training and experience in handling different levels of complexity, review and evaluation. It is also a matter of building institutional knowledge – in this case across several agencies.

The co-ordinating role of police officers or members of staff in capturing and sharing learning and making RJ work for their communities is vital. Over time, it is an investment that strengthens effective policing. The danger in the current public-spending climate is that in response to political and public pressure to put more police officers on the street, the basic mechanics of starting and maintaining RJ processes will not be prioritised. A good example is the funding of police community support officers, who are proving instrumental in getting RJ off the ground. These posts are co-funded by local authorities and police forces, and are therefore vulnerable if either source of funding is reduced.

RJ and Community Resolution (CR) have been shown to reduce bureaucracy and achieve efficiency savings while delivering on performance. To achieve their full impact, however, RJ and CR schemes need to be implemented as community-focused programmes of activity that give communities better protection, deter offending and strive to heal the harm that crime and wrongdoing cause.

Pace-setting police forces emphasise that it is the involvement of communities that sets the current development of RJ within policing apart from processes

that have gone before. As ACPO's lead on restorative and community justice, Assistant Chief Constable Garry Shewan, argues, "Community restorative justice builds upon the role of local neighbourhood officers and staff to understand local values, priorities and needs, and gives them a flexibility to design interventions to meet them." (29)

Diversory RJ will not be appropriate in the majority of cases of criminal offending, but it could be appropriate for use in addition to the formal CJS for serious offences.

Restorative justice supports effective and accountable policing, but it is about more than policing. The ambition to make Hull the world's first 'restorative city' is a sign of the wider possibilities that RJ practices can generate.

RJ conferencing, the most rigorously researched and successful RJ approach available, operates successfully in conjunction with various programmes in Australia, the USA, New Zealand and the UK, and is being experimented with in Canada and South Africa. In Australia, it operates as an integral part of the youth justice system and, since 2005, as an expanding part of the adult criminal justice system in the country's most populous state, New South Wales. RJ has long been a part of the youth justice system in New Zealand, while in the US it operates within communities as different as Baltimore and Minneapolis.

The opportunity now exists for the Coalition Government to adopt what we know works well here and elsewhere, and lead the world in effective criminal justice reform.

Biography

Lucian J. Hudson is a strategy and communications specialist, supporting governments, business and civil society organisations to deliver social reform through better engagement with media and key stakeholders. His expertise is in influencing, advocacy, and brokering interests and alliances.

Under the then Lord Chancellor, Lord Falconer, Lucian J. Hudson was Director of Communication and a member of the National Criminal Justice Board leading on communications strategy for the criminal justice system. Last year, he produced an internal report for The Office for Criminal Justice Reform (OCJR), working with Chief Constables and other senior officers in a quarter of the local criminal justice boards across England and Wales.

The UK's Foreign & Commonwealth Office published his international report, 'The Enabling State: Collaborating for Success', which examined the scope and limits of collaboration. The report can be downloaded at <http://www.cstoneglobal.com/enablingstate>

Acknowledgements

I would like to acknowledge Henry Brown's contribution to my thinking about the legal dimension of RJ and the related field of alternative dispute resolution, negotiation and mediation; and Mark Napier's contribution to my understanding of current holistic approaches to social policy.

Notes

(1) 'The Case for Restorative Policing', Resolution 36, Summer 2010, Restorative Justice Council.

(2) www.restorativejustice.org.uk

(3) Interview with Lawrence Kershen, QC, Resolution 35, Spring 2010, Restorative Justice Council.

(4) House of Commons Justice Committee (2010) 'Cutting crime: the case for justice reinvestment'. Chaired by Rt Hon Sir Alan Beith MP. Available at www.parliament.uk/justicecom

(5) The university of Sheffield was commissioned to evaluate restorative justice, with the results published in four reports between 2004 and 2008. Professor Joanna Shapland and her team evaluated the work of three restorative justice projects. Two of these projects (CONNECT and REMEDI) had very positive results, but the small sample size did not allow for statistically significant findings. The third project, the Justice Research Consortium (JRC), led by Professor Lawrence Sherman and Dr Heather Strang, provided face-to-face RJ conferencing in 374 cases in London, Northumbria and Thames Valley, primarily with adult offenders. As all three sites used the same model of RJ conferencing, the 374 cases together create a sample large enough for statistically significant evidence. The JRC cases formed part of a rigorous randomised controlled trial research design that canvassed the use of RJ across a wide range of offences. It demonstrated a 27 per cent fall in the frequency of reoffending following RJ conferencing.

Published in four separate stages, the results of the University of Sheffield/Home Office/Ministry of Justice research are contained in the following four reports:

Shapland, J et al (2004) 'Implementing restorative justice schemes (Crime Reduction Programme) A report on the first year'. Available at: www.homeoffice.gov.uk/rds/pdfs04/rdsolr3204.pdf

Shapland, J et al (2006) 'Restorative justice in practice – findings from the second phase of the evaluation of three schemes'. Available at: www.homeoffice.gov.uk/rds/pdfs06/r274.pdf.

Shapland, J et al (2007) 'Restorative justice: the views of victims'. The third report from the evaluation of three schemes. Ministry of Justice Research Series 3/07. London: Ministry of Justice.

Shapland, J et al (2008) 'Restorative justice: Does restorative justice affect reconviction?'. The fourth report from the evaluation of three schemes. Ministry of Justice Research Series 10/08. London: Ministry of Justice. Available at: www.justice.gov.uk/publications/restorative-justice.htm

(6) Crispin Blunt MP, Parliamentary Under Secretary of State for Justice at the annual general meeting of the All-Party Parliamentary Penal Affairs, 6 July 2010. Available at: <http://www.prisonreformtrust.org.uk/standard.sp?id=2239>

(7) Crispin Blunt MP, Parliamentary Under Secretary of State for Justice, *The Observer*, Sunday 25 July 2010. Available at: <http://www.guardian.co.uk/society/2010/jul/25/criminals-should-say-sorry>

(8) Director's Introduction, Resolution 37, Autumn 2010, Restorative Justice Council.

(9) 'The Case for Restorative Policing', Resolution 36, Summer 2010, Restorative Justice Council.

(10) Lucian J. Hudson (2009), 'The Enabling State: Collaborating for Success' (Foreign and Commonwealth Office). See Chapter 5. Available at: <http://www.cstoneglobal.com/enablingstate>

(11) 'The Case for Restorative Policing', Resolution 36, Summer 2010, Restorative Justice Council.

(12) Lord Woolf (2008), *The Pursuit of Justice* (edited by Christopher Campbell-Holt) (Oxford University Press). See Chapter 18: Making Sense of Sentencing. Originally delivered as The Sir Leon Radzinowicz Lecture at the University of Cambridge Institute of Criminology, 12 May 2005. (13) p 297.

(14) Inaugural address, Victims' Commissioner, RSA, 20 July 2010.

(15) Shapland, J et al (2007) 'Restorative justice: the views of victims'. The third report from the evaluation of three schemes. Ministry of Justice Research Series 3/07. London: Ministry of Justice.

(16) Angel, C. (2005) 'Crime victims meet their offenders: Testing the impact of restorative justice conferences on victims' post-traumatic stress symptoms'. PhD dissertation, University of Pennsylvania.

(17) Shapland, J et al (2008) 'Restorative justice: does restorative justice affect reconviction?'. The fourth report from the evaluation of three schemes. Ministry of Justice Research Series 10/08. London: Ministry of Justice. Available at: www.justice.gov.uk/publications/restorative-justice.htm

(18) Peter Woolf, *The Damage Done*.

(19) 'Time for a fresh start' (2010), the report of the Independent Commission on Youth Crime and Antisocial Behaviour. The Police Foundation. Available at: www.youthcrimecommission.org.uk

(20) 'The Case for Restorative Policing', Resolution 36, Summer 2010, Restorative Justice Council.

(21) *The Observer*, Sunday 25 July 2010. Available at: <http://www.guardian.co.uk/society/2010/jul/25/criminals-should-say-sorry>

(22) *Grazia*, 30 August 2010.

(23) Interview with Lawrence Kershen, QC, Resolution 35, Spring 2010, Restorative Justice Council.

(24) L. Radzinowicz (1999), *Adventures in Criminology* (Routledge), p291. Radzinowicz was the first Director of the first Institute of Criminology in the UK.

(25) Lode Walgrave (Editor) and other contributors (2003), *Repositioning Restorative Justice* (Willan Publishing), pp viii-ix.

(26) "Collaboration, by its very nature, means that traditional means of control – market and hierarchy – cannot be used to manage relations among participating organisations. Instead, it depends on the ongoing negotiation of relationships by individuals who are both participants in the collaboration and, at the same time, accountable to and representative of the diverse organisations and communities involved in and affected by it." Hardy and Grant, 2005, cited in Lotia and Hardy (2008), pp.366-367.

Lotia, N. and Hardy, C. (2008) 'Critical perspectives on collaboration', in Cropper, S., Ebers, M., Huxham, C. and Ring, P.S. (Eds), *The Oxford Handbook of Inter-organizational Relations* (Oxford University Press, Oxford).

(27) 'The Enabling State: Collaborating for Success', Chapter 2, sets out what makes for effective collaboration:

Collaboration is the technology for the knowledge economy. It gathers information to produce fresh choices by creating fission – drawing out different perspectives and interests as well as producing fusion – drawing in the parties involved first to agree on the problem, then to agree and act on the solution. It pulls together **task, people, resource** and **process** in pursuit of a **common**

end, and joins up organisations and connects them with their stakeholders and citizens. Because it holds out the promise of **creating value where it did not exist before**, it can expand the size of the cake and bring about agreement on the *highest* common denominator. It galvanises **governments and multinational companies** to get business done (i.e. be technically effective, whatever their field of expertise), and to ensure the risks and benefits of getting business done involve those directly or indirectly affected (thereby building legitimacy and public support). It draws on **NGOs and others in civil society** – think-tanks, institutes, business schools and universities – to see themselves as parts of the solution, as agents rather than critics or bystanders. A catalyst, effective collaboration brings about change in disparate organisations, fostering focus and momentum. And, once it has done its work, the collaborative process can be brought to an end or given a new task.

(28) ‘The Coalition: our programme for government’ (2010). HM Government.

(29) ‘The Case for Restorative Policing’, Resolution 36, Summer 2010, Restorative Justice Council.

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