A Framework for a Restorative Society? Restorative Justice in Northern Ireland

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Abstract

Presenting findings of an unparalleled study, mapping the extent of restorative practices in Northern Ireland, this article argues that while some examples of the use of restorative justice in Northern Ireland have been researched in detail, it is in fact being employed in a much wider range of contexts, including schools and children's care homes. This diversity in restorative justice deployment is used to frame arguments for restorative justice to be given stronger footing by government citing the great potential for Northern Ireland to become a 'restorative society'. Key findings from the mapping research are presented as an explanation for previous growth in restorative practices to date and as a facilitator for further growth both in Northern Ireland and in other jurisdictions. These include recognition that the definition and application of restorative justice must be determined by situation and context, and that the continued expansion of restorative practices is dependent on the cross-fertilisation of ideas both from abroad, but also between organisations within a jurisdiction.

Keywords: Restorative Justice - Restorative Practices – Victims – Offenders – Communities – Reintegration

Introduction

Northern Ireland presents an exciting environment in which to conduct research into restorative justice. A specific historic and political context has ensured that this jurisdiction has become one of the forerunners in the development and practice of restorative methods. Research has documented the advances made in Northern Ireland in relation to both youth conferences and innovative community based-projects but the full spread has not been traced as yet. Two factors make this necessary, given the potential, should it be justified, for enhanced development of restorative practice and possibly even establishing it as a core philosophy underpinning criminal justice: 1. the UK government's policy on justice and 2. the devolution of justice in Northern Ireland.

In June 2010, UK Justice Secretary outlined his plans to spearhead a 'rehabilitation revolution', which promises to bring in a radical new approach to dealing with offenders and rehabilitating ex-prisoners. This new model proposes to change the role of the probation services to become less about correcting prisoners and instead help to build community capacity for reintegration, and supporting the families of prisoners (Maruna, 2010). As Maruna (2010 :1) notes:

> *'What is likely to be proposed is less a rehabilitation revolution than devolution. The plan appears to be about 'rolling back the state', rethinking centralised, state-run efforts at reintegration and instead seeking to grow the 'big society' in the form of community-based projects, charities, and yes, private enterprises who will be paid on the basis of results.'*

This, combined with the adoption by the House of Commons Justice Committee of the process of 'Justice Reinvestment' (Beith, 2010), an approach whereby money is diverted from prison systems to alternative mechanisms for reducing crime and strengthening neighbourhoods (Tucker and Cadona, 2003) providing fertile ground for the spread of restorative practices and ideals.

This is happening at a crucial time for the administration of justice in Northern Ireland. The devolution of justice powers from Westminster to the Northern Ireland Assembly in April 2010 creates an environment in which greater local influence can be exerted on the nature of the criminal justice context. The Minister of Justice David Ford has spoken of a new era where the devolution of justice is taken at its word with a mandate to employ new techniques that provide 'local solutions to local needs' (Department of Justice, 2011).

Into this moment, we present findings of a study which both surveyed and interviewed a broad range of practitioners of restorative justice in Northern Ireland. The intention was to document all the restorative justice work currently being done in Northern Ireland, so as to inform both practitioners and policy makers. The work was commissioned by the Restorative Justice Forum, a collective of professionals working in the field of restorative justice. In this article, we begin by introducing basic concepts of both theory and practice in restorative justice followed by an overview of what has been documented in terms of this work in Northern Ireland. A brief description of the methodology employed in the study is provided. The findings are then presented under a number of subheadings: how practitioners conceive of restorative justice, the range of practices being employed and how key stakeholders ('victim', 'offender' and 'community') are both conceived of and incorporated in this work. We finish with some comments on the significance of these findings, noting in particular how striking the breadth of restorative practice in the jurisdiction is and how broadly it has to date been embedded in the justice system. Indeed, we assert that this is being achieved in an exemplary manner in this jurisdiction.

Restorative Justice: Theory and Practice

Restorative justice can seem an elusive practice, more a philosophy or theory than a concrete methodology. As Ashworth (2002: 578) notes, 'the theory of restorative justice has to a large extent developed through practice, and will probably continue to do so'. This approach is concerned with repairing the harm caused by crime to individuals and relationships with a commitment to victims, communities and offenders as primary stakeholders in the justice process (Bazemore, 1999). Much of the appeal of restorative justice is attached to its ability to challenge long held assumptions concerning criminal justice to the extent that Barajas (1996: 1) has described it as a paradigm shift.

Restorative justice offers offenders, victims, and the community at large an opportunity to come together and collaboratively resolve conflict and repair harm arising from crime (Zehr, 1990, Zehr and Mika, 1998). The practices on which it is based have evolved from victim-offender mediation, family group conferencing, circle processes, and various types of citizen panels. Each shares a common element: the transfer of some decision-making authority from government to victims and offenders, their family, friends and supporters, and community members (Kurki, 2003). Hudson et al (1996: 4) note:

> *'While both retributive and treatment approaches largely deny victim's participation and require only passive participation by offenders, restorative justice is concerned with the broader relationships between offenders, victims and communities ... crime is seen as more than simply the violation of the criminal law. Instead, the key focus is on the damage and injury done to victims and communities and each is seen as having a role to play in responding to the criminal act.'*

Zedner (1994: 230) believes that

> *'it involves more than 'making good' the damage done to property, body or psyche. It must also entail recognition of the harm done to the social relationship between offender and victim, and the damage done to the victim's social rights in his or her property or person.'*

Unlike the conventional criminal justice system, participation in a restorative programme is voluntary for all parties and this is essential to ensure higher levels of victim and offender satisfaction and a more successful rehabilitation and eventual reintegration.

The issue of 'community' occupies a focal position in restorative rhetoric (Bazemore and Schiff, 2001) as many of the critics of criminal justice were inspired by communitarian considerations, leading to a tendency to 'give back crime conflict to its owners' (Christie, 1977). In fact, it has been argued that state-based projects cannot effectively address crime without the moral authority and informal social control provided by community (McCold and Wachtel, 2003) and that any project must identify the community it will serve as a fundamental step of establishment (Dhami and Joy, 2007). But, as Crawford (1999) explains the nature of community is contested in criminal justice discourses and policies. Community representation and participation, and the correspondence between community representatives and the communities they represent, are thereby ambiguous.

Restorative justice is used widely for young offenders and less serious offences. Family group conferences and victim-offender mediations are popular and useful tools in these instances and have proven to be successful in Australia, New Zealand, Scandinavia and elsewhere. More recently restorative values are being applied to many everyday situations, in classrooms and workplaces to deal with every level of dispute (McCluskey et al, 2008; Cameron and Thosborne, 2001).

At the other end of the scale, restorative justice practices, however, can be used effectively for more serious crimes, including sexual and domestic violence as well as crimes of severe violence (McAlinden, 2005). Further, they have also been applied in conflict, post-conflict or transitional setting, where the legitimacy of the criminal justice system has become contested. Practically, this can pose unique problems but the approach can help to overcome the contested nature of those contexts. It has been prominent in the transitional process of countries such as South Africa and Northern Ireland. And in Rwanda, traditional style gacaca courts were used in the aftermath of the 1994 genocide to attempt to achieve justice, truth and reconciliation (Waldorf, 2008).

As attitudes to restorative justice become more open, practices develop and expertise becomes advanced, it is likely that the scope and influence of restorative practices will also continue to be enhanced. It is from this standpoint that we now turn to consider the context into which restorative practices were introduced in Northern Ireland.

Background

The signing of the Good Friday Agreement in April 1998 and its endorsement by referendum delivered a political solution to the previously intractable problems that had blighted the province (Monaghan, 2008). Central to these problems had been the contested nature of the criminal justice system, in particular the police, who at that point were unable to effectively police certain communities (McEvoy and Mika, 2001; Mulcahy, 2006). The Royal Ulster Constabulary, as the police were known at the time, failed to win large-scale support in Catholic communities due to their association with defending the Union with Great Britain and their link to harassment and intimidation, lack of credible accountability structures and compelling evidence of collusion with Loyalist Paramilitaries in the killing of Nationalists (McEvoy et al, 2002). In December 1999 power was devolved to a locally elected Northern Ireland assembly, save in relation to policing and criminal justice which was considered to be too divisive an issue to be successfully resolved at this time (McEvoy and Eriksson, 2008).

Attempts were made to facilitate the transition from armed conflict to a permanent peace in Northern Ireland including a number of steps to assist in the 'normalisation' of society. Measures included the early release of political prisoners, the appointment of new independent human rights and equality commissioners, a commitment to decommissioning of arms by paramilitary organizations and parallel reviews of the policing and criminal justice systems (Gordon, 2008).

Central to the Agreement (Section 6) was a commitment to bridge the gap between the state and communities in Northern Ireland. Measures included supporting: 'the development of special community-based initiatives based on international best practice', and recognising the need to support both community and statutory-based programmes (Good Friday Agreement 1998: 7.12). Attracting and sustaining community support was seen as essential by the Independent Commission on Policing for Northern Ireland, set up in the wake of the Agreement, which recognised the need to move away from a conflict model of policing in order to secure a peaceful future for Northern Ireland (1999:2).

The Criminal Justice Review, published in 2000, made hundreds of recommendations for change across all aspects of the criminal justice system, including restorative justice. Based on a report commissioned as part of the review (Dignan and Lowey, 2000) which recommended the integration of restorative principles into the juvenile justice system to divert at risk young people from the formal justice system, the Review Group recommended the adoption of restorative approaches, including a conferencing model (Criminal Justice Review Group, 2000). The *Justice (NI) Act, 2002* introduced youth conferencing, whereby the victim[1] and victim's supporters (or representatives) are brought together with the offender and offender's supporters in a structured meeting facilitated by professionals.

That Northern Ireland had a well-developed victim's movement across community, charity and statutory sectors, well-versed in speaking for the rights and wellbeing of victims assisted the smooth transition to a restorative youth justice system. Youth conferencing has been embedded in the Criminal Justice System in a manner that has a lot in common with the New Zealand family group conferencing model, encouraging young people to recognise the effects of their crime, to take responsibility for their actions, and to empower participants by engaging victim, offender and community in the restorative processes (Campbell et al, 2005). In this regard, The Youth Conferencing Service (O'Mahoney and Campbell, 2006) works in conjunction with the Criminal Justice System but places much more emphasis on meeting the needs of victims, promoting rehabilitation and preventing re-offending, maximising the potential for re-integration and devolving power to conference participants by involving them in the outcome (Criminal Justice Review Group, 2000).

However, the embedding of restorative justice within the criminal justice system has been problematic. The proximity to the formal system has posed difficulties for practitioners in getting restorative conferencing orders passed by the courts or prosecutors, especially when the young person involved is a repeat or serious offender. In these cases, the courts may conclude that the case is too severe or unsuited for a restorative justice intervention despite the potential benefits that it could bring for the offender (Campbell et al, 2005). In this regard restorative justice techniques and responses are merely adapted to the existing dominant Criminal Justice System (Johnstone, 2002), condemning it to deal only with minor crimes and certain types of offenders, with a consequent existence on the fringes of the criminal justice system (Pepinsky and Quinney, 1991). Further, the continued mistrust

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[1] Where the youth is aged 10-17, has pleaded guilty or has been found guilty of an offence, the Director of Public Prosecutions has directed it and the child consents.

of that criminal justice system by some in Northern Ireland negates full community participation in the state-led scheme (Brogden and Nijhar, 2005).

Despite such difficulties a review of restorative youth justice published by the Prison Reform Trust in 2009 (Jacobson and Gibbs, 2009) found the Youth Conference Service was making a highly positive contribution to youth justice across Northern Ireland. Ample evidence was found of high victim participation and satisfaction. The establishment of the Service had contributed to an overall decline in the use of custody for young offenders and to an increasing rate of diversion of young people from the formal criminal justice process.

Community-based restorative justice projects, largely ignored by the Review Group, emerged in the 1990s (McEvoy and Mika, 2001) and have been the driver of the large-scale adoption of restorative justice in Northern Ireland (Feenan, 2002). A 'legitimacy deficit' in state policing had led to the parallel evolution of violent paramilitary systems of punishment attacks and banishments (McEvoy and Mika, 2001). The peace process placed paramilitary punishment violence under increasing scrutiny (Mika and McEvoy, 2001) and the response was to set up innovative restorative justice programmes, outside the criminal justice system, particularly in alienated Nationalist/Republican communities (McEvoy and Eriksson, 2008).

There are two main community-based restorative justice projects operating in Northern Ireland: Community Restorative Justice Ireland (CRJI) and Northern Ireland Alternatives.[2] CRJI operates in predominantly Catholic/Nationalist areas where residents have traditionally viewed themselves as Republicans who wish to see an end to British involvement in the North of Ireland. NI Alternatives operates in predominantly Protestant/Loyalist areas where the overwhelming majority of residents traditionally align themselves with the British state and seek a continuation of the Union between Great Britain and Northern Ireland. Both began work in 1997.

Community-based projects initially experienced a fraught relationship with statutory agencies, particularly the police (McEvoy and Eriksson, 2008). In June 1999 a protocol on restorative justice was developed between the Northern Ireland Office, the Royal Ulster Constabulary and Probation. The full participation of the police was required for accreditation and projects were subject to inspection. NI Alternatives was recommended for accreditation in May 2007 by the Criminal Justice Inspectorate. CRJI did not receive such accreditation until 2009, until Sinn Féin expressed support for the PSNI and full co-operation with the police began. Accreditation enables both projects to seek funding and develop formal partnerships with the PSNI, statutory agencies and professional organisations.

These two models, statutory (specifically the Youth Conference Service) and community, have been the focus of both academic research and public debate on restorative justice in Northern Ireland. This monopoly has masked the fact that other statutory agencies, schools and children's care homes have in the same period developed solid restorative

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[2] For a full evaluation see Eriksson (2009).

based programmes. Further strong partnerships between these organisations have developed. The failure to acknowledge these developments has somewhat skewed the international portrait of restorative justice in Northern Ireland which it is hoped will be at least partially addressed herein.

Methodology and Structure

A 'mapping exercise' was commissioned by the Restorative Justice Forum, a group of practitioners in the field who aim to 'promote the philosophy and practice of restorative justice through the provision of an independent, neutral space in which restorative thinking, practice and developments can be discussed, analysed and explored.' Their belief was that restorative practice had expanded greatly in the jurisdiction and that knowledge of the work being conducted was needed.

A list of known organisations practising restorative approaches was compiled by the Forum. These were contacted by the research team to seek willingness and consent to participate in the project and to identify further potential participants. The nature of the study and its commissioning by the Restorative Justice Forum meant that we encountered a general eagerness to participate. The final list comprised 18 groups which were divided into five categories:

- Community Initiatives: CRJI, NI Alternatives, Extern, Prison Fellowship NI, Family Group Conference Forum NI, and Victim Support NI.
- Statutory Bodies: Probation Board NI, PSNI and the NI Prison Service.
- Youth Justice Initiatives: Youth Conference Service and Youth Justice and Probation Unit, Department of Justice.
- Schools: Lagan College and Integrated College Dungannon
- Cared for Children: Barnardos, Cuan Court Children's Home, Flaxfield Children's Home and Glenmona Resource Centre.

Two further groups which fell within that final category were also identified but were unwilling to participate as they were assisting with other research on a separate issue.[3]

As there was limited knowledge on many of these groups and their restorative practices we decided to gather both quantitative and qualitative data. To this end a detailed survey was created which involved 60 questions covering background to the organisation, practices used, perceived outcomes and issues and problems. This was done in an online format which was distributed to the participants via email. 14 of the 18 groups completed the on-line questionnaire. The data for these 14 groups was then analysed and issues to be explored further in qualitative interviews were identified. The individual who had completed the survey was then contacted to arrange an interview. All 18 organisations were interviewed[4] and interviews ranged in duration from 20 to 90 minutes. These were

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[3] Many organisations in Northern Ireland suffer from research fatigue (Eriksson, 2009).

[4] The interview teams adjusted the interview format with the four groups that did not complete the on-line questionnaire to fill in the gaps in knowledge caused by their non-response.

transcribed, coded and analysed. This fieldwork was completed between April and June 2010.

In planning the research we had anticipated that participants would present both their knowledge of restorative justice and the success of their endeavours in the best light. This was however not the case. We found that groups stressed the way in which they made restorative ideas work in their context and organisation and that they freely discussed the problems and difficulties they encountered, including their own mistakes. In addition we were presented with factual accounts of highly innovative approaches. All of this, combined with the opportunity to tease out issues at interviews, makes us confident that we were presented with an accurate picture of restorative justice in Northern Ireland. One limitation emerged at the launch of the report, organised by the Forum: there were in fact a number of other schools and care homes practising restorative justice of whom we had not been informed. Time and financial constraints had not enabled us to contact all schools in the jurisdiction and so we were reliant on information provided by Forum members. Our mapping of restorative justice is not to that end complete, however, having spoken with these schools at the event, we remain confident that we nonetheless capture the scale and diversity of restorative work in Northern Ireland.

The Practitioners and the Theory

Believing that it would determine how they practised restorative justice, we directed attention to the beliefs and attitudes of practitioners towards the concept. No one definition of restorative justice pervades all the organisations. The language adopted varies greatly and is revealing in itself. Jim Auld director of CRJI describes restorative justice as: 'a mechanism for people to engage in dispute resolution in a non-violent way'.[5] Debbie Watters of NI Alternatives describes how:

> *'...restorative justice for me is about healing broken relationships, at all levels within community and society. Justice, for me, in the broadest sense of the word, is about people feeling safe and having a good quality of life'.*[6]

NIACRO see restorative justice as 'more an attitude and an approach' to foster a restorative outcome rather than following a particular definition which could fail if adhered to too closely. The Youth Conference Service speak of it as a process whereby people who have been harmed by behaviours come together with those who have committed the harm or been responsible for the harm collectively.

Within the school system, Integrated College Dungannon linked restorative justice to Christian values of respect, integrity and accountability. Lagan College expressed the view that restorative practices are an attitude and a way of being with one another or a way of responding to each other when conflict or wrongdoing happens. Barnardos, who work closely with the care homes, explained that restorative justice in the residential setting is:

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[5] Interview with research team 01 July 2010.
[6] Interview with research team 01 July 2010.

'...almost like a therapeutic tool that the staff can use to avert difficult behaviour or change difficult behaviour... We talk about building restorative communities... Restorative practices as we understand it is about working in a fair and just way with very troubled people... on a daily basis.'[7]

What is clear from this series of definitions is that how organisations perceive restorative justice is entirely shaped by their operating context. Particularly influential was their perception of the community they serve and for some by the political and social environment that their clients inhabit. For the statutory agencies the community was the whole of the jurisdiction (a breadth which created difficulties in accessing that community), whereas for the school and children's home the community was intimate, relating directly to the body of residents. CRJI and NI Alternative operate within quite unique, and differing, situations which was borne out in their comments. The continued focus within the work of CRJI on punishment beatings in their community was at the forefront of their statement while NI Alternatives, who have been engaged in partnerships with state agencies, adopted a less conflict/violence orientated definition.

The children's homes, who have the unusual intensity of a residential setting, placed considerable emphasis on not utilising formal restorative justice procedures, preferring instead to emphasise restorative language within the homes and based their ethos on a relationship-based approach. On the other hand the youth justice agencies, whose notion of community is very different, adhered to conceptions of restorative justice that are aligned closely with the criminal justice system. This is not to say that it is more negative and while it might be expected that the Youth Conference Service emphasises getting young people *through* a system, the reality is that it is dedicated to *preventing* youth from going through the criminal justice system.

The approach of statutory agencies tended to be defined by their stage and role in the system. The PSNI analysed restorative justice's potential from a policing perspective and so spoke of the personal involvement of victims, the possibility of reducing both fear of crime and recidivism and also to remove lower-level offending from their domain. Their recognition of its great potential in their day-to-day activities means that all officers now go through appropriate training.

It was frequently cited that restorative values should underline all work, not just be relied on in response to a crisis or conflict situation. Interestingly, among some of the organisations which predated the Criminal Justice Review (such as the Prison Service) there was a sense that this was an approach which had in fact previously been present in their work, but now had a been given a language and a mandate. In terms of how the term was defined it was worth noting that few spoke about it in terms of criminal activity; repairing broken relationship or addressing harm caused were much more frequently included in a definition. This represents a shift in how the activity concerned is viewed and addressed.

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[7] Interview with research team 28 June 2010.

Restorative Practices

Most striking in our study of restorative work in Northern Ireland is the diversity of the range and their emphasis on adaptability. While we've mentioned how the statutory and community based projects came to utilise a restorative approach, not all of this work emerged out of the context of the peace process, although some like Victim Support, the Police and the Prisons, moved into this area as a result of these developments. Others were devised as restorative organisations independent of this context (Prison Fellowship and Family Group Conference NI). As stated, a number of the organisations expressed the view that their work has always been restorative in nature, even before that language came to be applied (Extern, NIACRO, Probation and to an extent the Prison Service). But the schools and children's care homes which participated all made conscious decisions to adopt a restorative approach and did so outside of the conflict context. This was through either personal experience overseas (Barnardos, Lagan College), training from persons overseas (Dungannon) or the influence of groups in Northern Ireland (NI Alternatives and Barnardos were heavily involved in the training of these groups).

Figure1: Year Organisation Began Using Restorative Justice
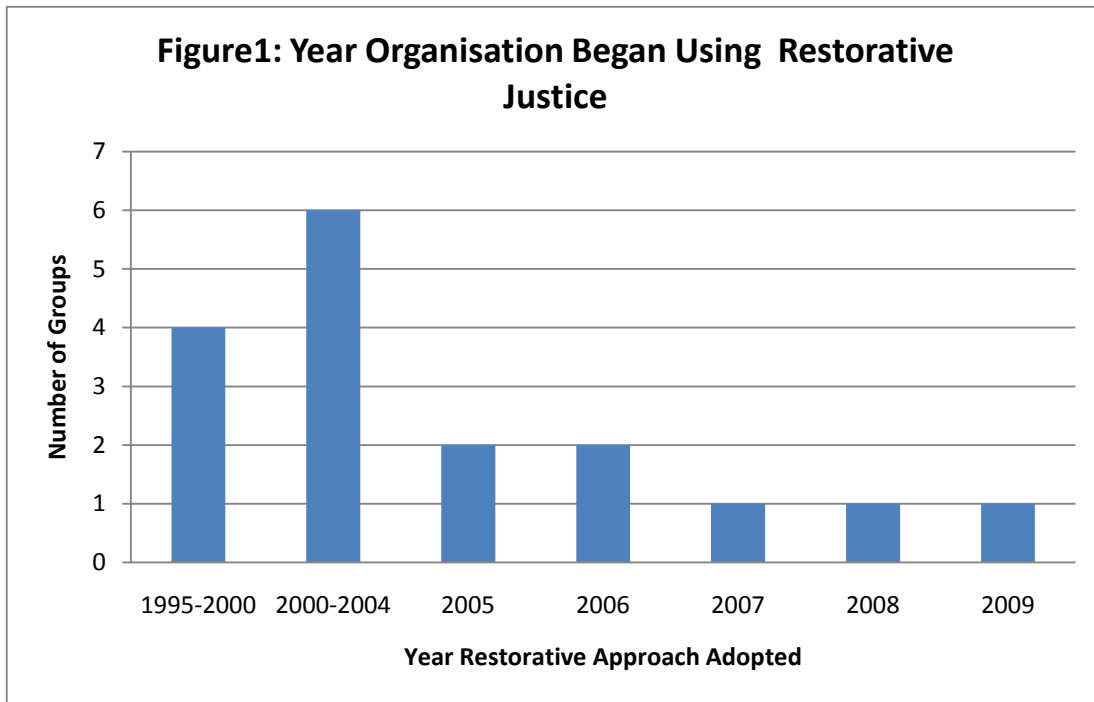
Indeed, training by other groups within the organisation has become the trend in more recent years and is how those who have come to this approach later have acquired their knowledge. Cross-fertilisation has been instrumental in the development of restorative practices in Northern Ireland, which has given organisations confidence and experience in adapting practices to their particular context and circumstances as outlined here by Lagan College:

> '... the Alternatives NI training was excellent to the point that ideas of our own started approaching, so how would we transform our detention system to become

an afternoon where it becomes a restorative experience. That didn't come from our trainers that came from our teachers and I think that's testament to the way that they facilitated, that ideas were starting to come about how to actually make it our own.[8]

Also, out of this cross-fertilisation, has come a strong sense of partnership in many of the organisations and a desire to assist others starting out in this area. Some groups certainly had quite negative initial experiences of training, often due to staff resistance, which was only overcome by a willingness to try again, stemming from direct experience and knowledge that it had worked elsewhere in their sector.

One of the key findings was the range of processes which groups are willing to use, and how these are interchanged. We identified over a dozen distinct restorative justice methods being used. The majority of the organisations use multiple methods with 14 of the 18 groups using two methods or more and half of the groups using four methods or more. Restorative conferences, mediation, restitution (or reparation), circles and family group conferences were the most commonly used restorative practices used by participating groups.

Figure 2: Number of Methods Used

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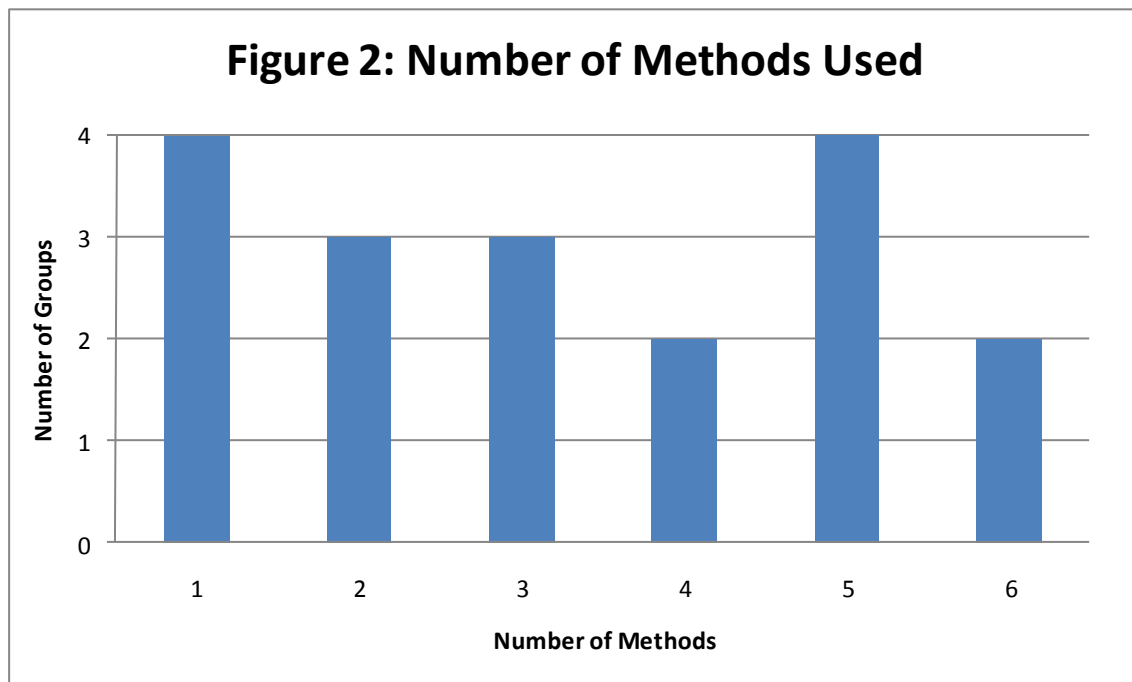
[8] Interview with research team 25 June 2010.

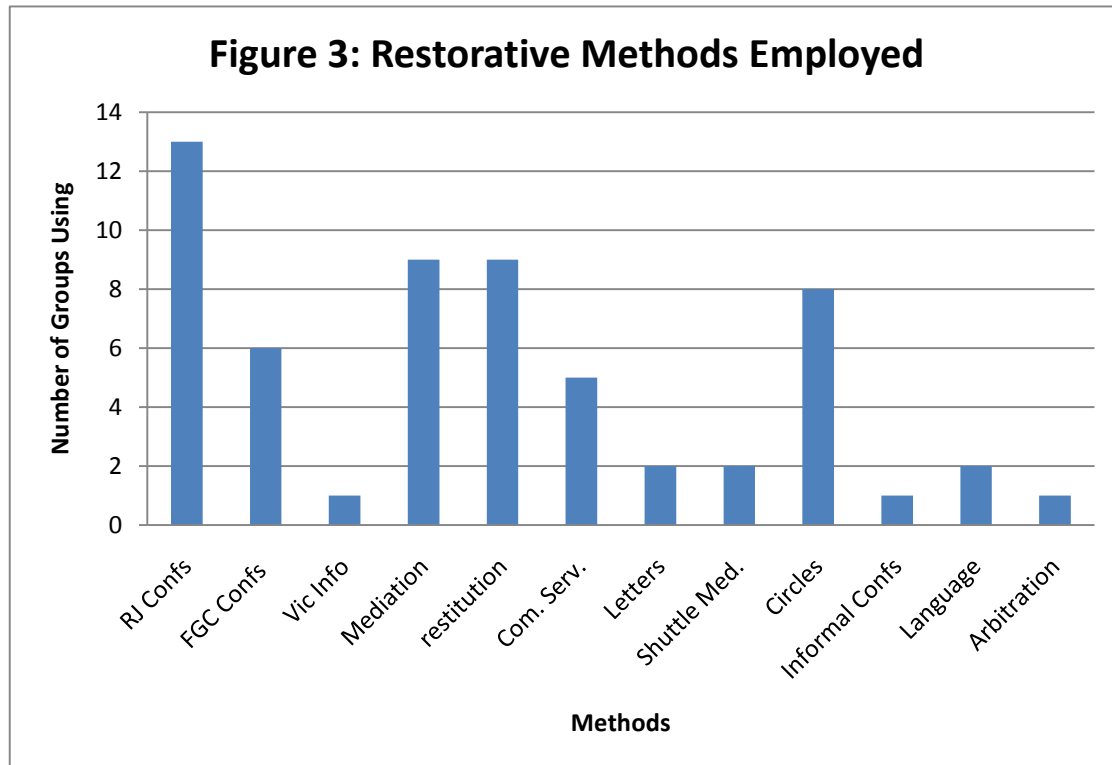**Figure 3: Restorative Methods Employed**

Figure 3, which details the various methods used and how many groups use that method, highlights how every group spoken to used some form of conferencing or victim/offender meeting in their work. The form and practice varied hugely, being formal or informal, restorative or family group based. The Youth Conference Service employs a set approach to its conferences which produce an action plan by way of an outcome. Dungannon gave the full control on the running of conferences to students who have been trained in depth. Ownership is also key to the work of the Family Group Conference Forum. In the children's homes different forms of conferences are used dependent on the seriousness of the behaviour involved. And both the Prison Service and the Probation Board use victim-offender meetings, having established proper motivation and sufficient preparation.

Mediation, used by half of organisations, is used within a victim-offender context or when it is assumed that both parties are required to take responsibility for the causes of a dispute. Two particular trends in the manner in which mediation is used were detected: direct (face-to-face interaction) or indirect (using a go-between). The direct method **(**Flaten**,** 1996**)** is adopted in environments such as children's homes where mediation skills are a continual feature of the work. Questions phrased in restorative language are used to bring them to a point where they can talk through the problem and agree on a solution through a process of self-reflection.

Three groups used indirect, or 'shuttle negotiation' which involves going back and forth between parties to ascertain information and make requests (Shapland et al, 2006). This can overcome dangers or difficulties in bringing the parties together. For example, the

Probation Board might use indirect mediation in cases where there has been a death, a sexual offence or other serious violence.

Circles (Coates et al, 2003) are popular with organisations such as schools, children's homes and the Prison Service. The preference for this method is based on its ability to challenge offending behaviour in residential or educational settings where people are in close proximity and can frequently come into conflict with staff and fellow residents. The method involves placing a core person in the centre of a group with a number of significant others circling. Extern emphasised the circle's ability to include an offender who is generally excluded from the community. Circles were reported to be particularly successful in relation to bullying in schools, making it possible to transform a harmful situation into a positive experience, through recognition of the broader contribution to the bullying:

> *'....we felt like there wasn't really one offender and one victim. There was a whole class dynamic so we took them out of class... and we literally had a circle in the classroom and took the desks away and had a circle... students started to realise that any little thing they were doing was affecting them so it's no good to say 'I wasn't the one who hit him'; they were all part of it.'* (Lagan College)[9]

Half of the contributing groups use restitution regularly (Cunneen, 2001). It was particularly popular among the residential children's homes where in certain circumstances financial restitution is deemed an appropriate response to an incident, for example, if something has been stolen. The key to restitution is that it is meaningful for the victim whilst being realistic for the young person, so it might simply involve an apology or a box of chocolates. Barnardos noted their experience, that in schools or care homes staff were more interested in children doing something for themselves, meaning that it pushed staff to think beyond traditional punishment.

The mapping project also highlighted a range of alternative processes under the umbrella of restorative practices. For example, the use of restorative language (Bazemore, 1997) was a key strategy for a number of organisations both with offenders but also with parents. The language is used in such a way that it frees individuals to answer quite difficult questions in a non-threatening way:

> *'...this is talking about feelings and this is really to try and increase and improve the young person's emotional literacy because a lot of the young people that we would have worked with may have been deprived in their emotional literacy.'* (Flaxfield)[10]

Linked to this, six projects emphasised the need for young people to be able to tell their story. Vocalisation provides everyone the opportunity to share opinions and the listening

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[9] Interview with research team 25 June 2010.
[10] Interview with research team 01 July 2010.

aspect empowers young people to have a voice and therefore a feeling of control over their lives (Retzinger and Scheff, 1996).

Restorative practices are also being used to re-integrate offenders into their communities (McAlinden, 2005). Organisations include NIACRO who find that their key aim of helping people get back into society contains an underlying restorative ethos that fits in well with restorative justice models that produce a supportive context for people leaving custody. Extern run 'time out' programmes for young people in conflict with their families. This can also be done for whole families to provide respite from the pressures and conflicts at home.

NI Alternatives have an 'Intensive Support' programme which was initially aimed at young people under threat from paramilitaries. It worked by engaging with young people at a human level within their communities in order to get the paramilitary threat lifted. This is effectively re-integration as it has prevented young people from being excluded from their community. NI Alternatives now use this model for adult work and it has a remarkable 7-8% recidivism rate:

> *'I think the reason for the success of this model is because it is a grass roots approach, it's rooted in the community and is intensive. The average amount of time a young person will be on that programme is 8-10 months and its relationship based, i.e., it's very much to do with building a relationship with the project worker and them becoming a significant and positive adult in the young person's life.'* (Debbie Watters, NI Alternatives)[11]

Finally, another point which was raised time and again was the importance of integrating restorative practice fully within the organisation, and not just using it in response to certain scenarios. However, the characteristics of each organisation can place restrictions on the ability to pursue this policy. For example, the residential environment of the children's homes is highly receptive to incorporating a restorative justice approach throughout. Flaxfield children's home noted how 'one of the members of staff, a cook, is trained in restorative practices and her kitchen is the most restorative place I have ever seen in my life. The staff respect her and the young people respect her.'[12]

It should not be the case that certain conflicts are dealt with restoratively and others or not. Nor should it be felt that groups use certain approaches only. At the centre of our research is the innovation and adaptability of groups as they display the imagination and confidence to take conventional forms of restorative practice and produce bespoke versions that can achieve their specific objectives:

> *'we have really tried to tweak our model to make it relevant to residential staff'* (Flaxfield)

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[11] Interview with research team 01 July 2010.
[12] Interview with research team 01 July 2010.

'*the most important thing for us is that there is a range of different restorative options for victims and offenders.*' (Probation) [13]

Key Stakeholders

The mapping research found a wealth of approaches and issues relating to the key actors and stakeholders in the restorative processes.
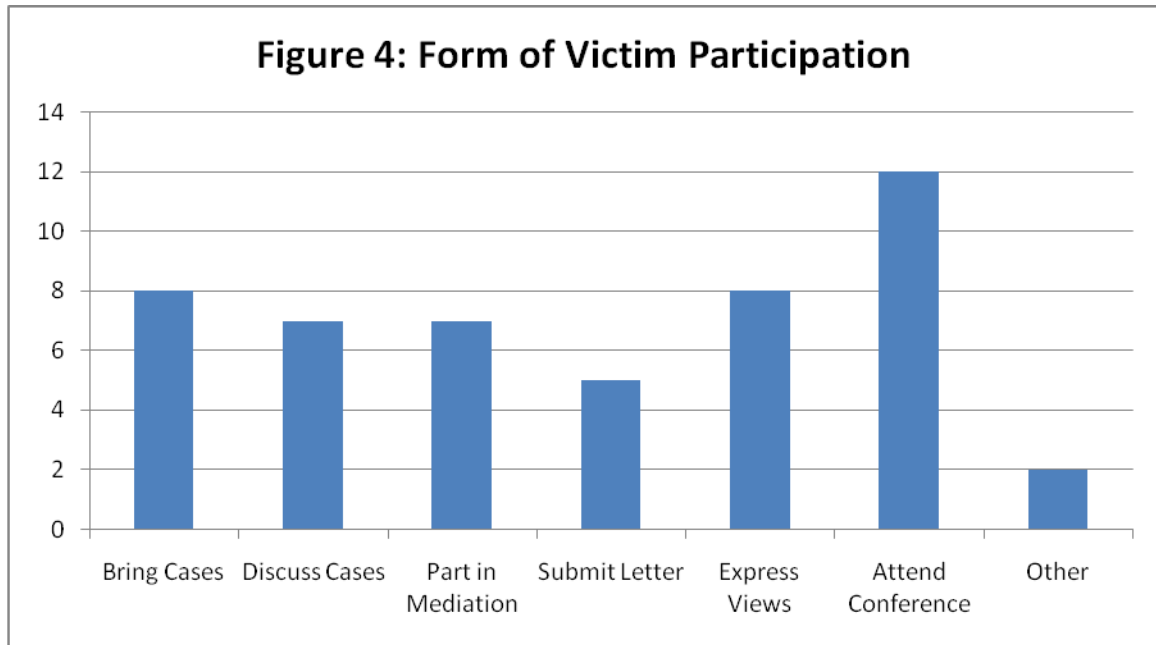
Victims

The primary concern in relation to the issue of victimhood for many of the participating groups is that often in their work there is no clear victim or offender (Zehr and Mika, 2002):

'*…we have found when people talk about the victim and the offender, there is a conception of the poor victim, this conception of the grey haired old lady who has been beaten up, and there are many occasions were this happens a lot. However, the conception that this old lady is helpless and just wants an apology is just not true as this old lady could have a hammer up her coat and just wants to batter the offender.*' (CRJI)[14]

Where a clear victim can be identified the dialogue focuses on whether or not to involve them in the restorative process. In some settings such as schools this decision is clear cut as the persons involved will inevitably interact. In other instances the situation is more complex, with serious concerns as to the risk of re-victimisation raised specifically by six organisations. As a response groups have developed a wide range of process which can be drawn on.

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[13] Interview with research team 01 July 2010.
[14] Interview with research team 01 July 2010.

Figure 4: Form of Victim Participation

Form	Value
Bring Cases	8
Discuss Cases	7
Part in Mediation	7
Submit Letter	5
Express Views	8
Attend Conference	12
Other	2

Some schemes, such as the Prison Fellowship's Sycamore Tree project, use only surrogate victims. The scheme uses Restorative justice to promote victim awareness in prisoners in the form of biblical stories that allow prisoners to see the consequences of crime. A genuine victim, although not the direct victim of any of the participating prisoners, is brought in and urged to tell their story in order to get the prisoners to think about the consequences of their crime. Other projects use indirect forms of mediation ensuring that the victim and offender do not meet. Many organisations offer the victim the choice to be involved in direct mediation with the offender. The Youth Conference Service allows the victim to send a representative should they not wish to attend, a role that Victim Support NI are happy to fulfil. At the heart of these approaches is a recognition that the involvement of the victim is an important factor in achieving a successful intervention.[15]

Organisations generally reported positive impacts for victims. One of the most basic advantages of restorative practices was that victims felt more included in the process than within the traditional criminal justice system (Zehr, 1990). Further, a meeting with the offender could provide the reasons for a particular crime and challenge some of the most distressing fears held by the victim. Indeed the PSNI described a reduction in the fear of crime as an outcome of victim involvement.[16]

There were however, instances where the impact for the victim was described as negative, invariably where expectations were unrealistic or victims had not been adequately prepared. Victim Support NI, CRJI and NI Alternatives mentioned the

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[15] Involving victims has long been viewed as crucial to the success of restorative justice interventions (see for example, Umbreit, 1994; Strang, 2002; Strang and Sherman, 2003).
[16] For a full breakdown of PSNI' services for victims see
http://www.psni.police.uk/policy_directive_0506.pdf

unrealistic expectations that victims can hold, largely due to a lack of understanding of the restorative process prior to its initiation (Marshall, 1999). Specifically, CRJI and NI Alternatives reported that the prominence of paramilitary punishment attacks in their communities in the past has led to some victims of a crime or dispute believing they are there to 'sort out' a problem for them, rather than seeing that they exist to assist them to come to a resolution with the perpetrators of the harm.
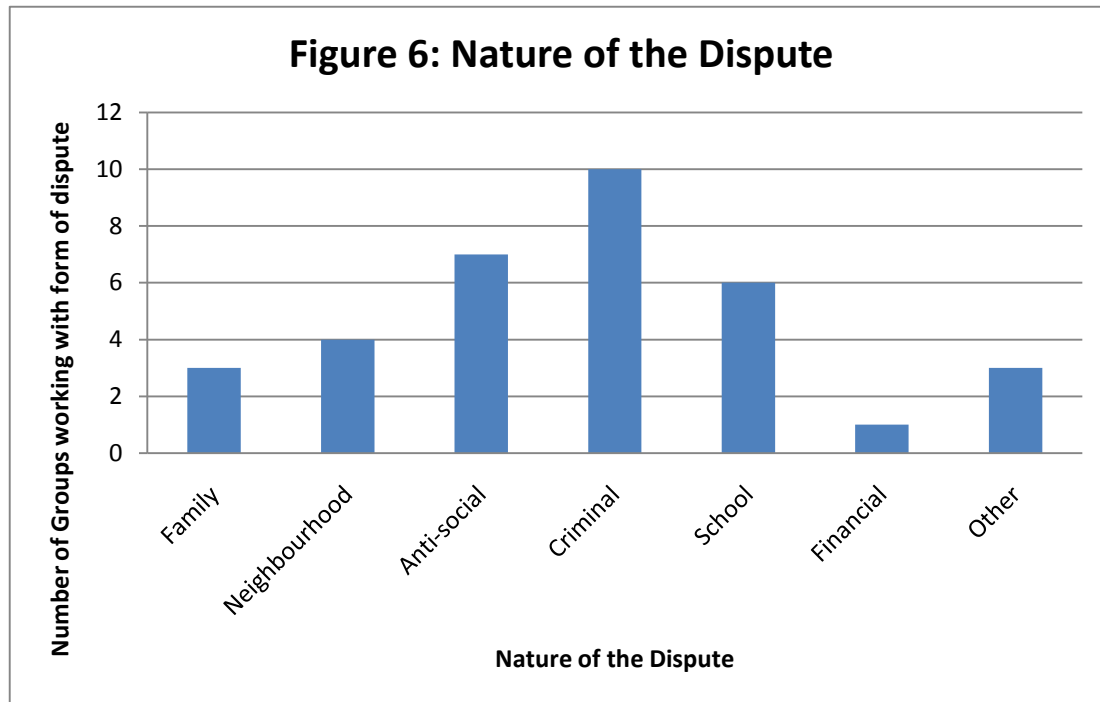
> '*The difficulty with the past was people went to the IRA and told them I have a problem and now it is yours, and the IRA took that problem on and dealt with it, whether that be by shooting them beating them or putting them out, and I had to be very clear that we were not taking responsibility for other peoples' problems and they had to take these problems on and deal with them their selves.*' (CRJI)[17]

Generally, the participating groups reported a strong belief (based on interactions with members of their respective communities) that public knowledge of restorative practices was increasing, and this in turn was decreasing the level of unrealistic expectations. A steep learning curve has allowed crucial issues such as fear of re-victimisation to be controlled through the meticulous planning of meetings, removing the element of surprise, and allowing the victim to be prepared for the event. Careful planning has also allowed the structure of restorative practices to achieve a balanced model in terms of victim-offender participation to ensure the best results follow. Thorough education and training of facilitators with constant support is also essentially to generating sensitivity to the needs of a victim while still respecting the offender (Roche, 2003).

Offenders

When we asked the organisations what types of cases they took on, the research found that there is a diverse range of disputes and behaviours that can led to a restorative intervention. The majority of these relate to criminal offences or anti social behaviour, but a significant amount relate to disputes which would not bring the parties into contact with the criminal justice system at all. These might be disputes in a family, school or neighbourhood context or they might relate to financial disputes between parties. The breadth of perceived relevance of restorative approaches again demonstrates the extent to which the principles are being embedded in Northern Ireland.

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[17] Interview with research team 01 July 2010.

Figure 6: Nature of the Dispute

Number of Groups working with form of dispute (y-axis: 0, 2, 4, 6, 8, 10, 12)

Family: 3
Neighbourhood: 4
Anti-social: 7
Criminal: 10
School: 6
Financial: 1
Other: 3

Nature of the Dispute (x-axis)

This variation requires organisations to move being offence/offender categorisations. Evidence was found of the adoption of a different language and of a need to respond to the wrongdoing in an appropriate manner. The schools talk of students being made responsible for their 'wrongdoing', rather than speaking of offenders and offences. The participating children's home also describe young people in dispute as 'wrongdoers' with non-criminalising language being an overt strategy in preventing police call-outs and fostering a restorative atmosphere in the residence. Those organisations that regularly deal with criminal offences are far less particular with using the term 'offender' as often their work is occurring prior to or after a criminal conviction.

CRJI, the Probation Board and Integrated Dungannon College emphasised how blurry the line between victims and those described as offenders can be (Smith, 2004). As mentioned above, they cite many recorded incidents where an individual can be both an offender and victim within a given situation. Additionally, across the range of projects the scale of behaviour could range from the most serious to low-level, but even within one group this could be the case, and again adaptability and resourcefulness was required to chose and apply the appropriate restorative response and ideally avoid police involvement. The Youth Conference Service, Probation Board and the community-based projects are constrained by legislation which limits their range of practice.

As the wider literature indicates, restorative justice does not represent an 'easier' option for the wrongdoer (Pavlich, 2005). In the residential setting some practitioners report the difficulties young people initially had in adjusting to the processes as it removed them from their comfort zone, actively trying to avoid this approach on occasion:

'Some kids found it hard to adapt to restorative practice. It was common for them to shout 'phone the police, phone the police!' as they were out of their comfort zone, but now they are a lot more comfortable.' (Glenmona Resource Centre)[18]

While the Youth Justice Agency received feedback that suggested that young offenders could find it difficult, embarrassing and shameful to meet victims, they also found it constructive, and over 90% of offenders would recommend the process to a friend. The PSNI stressed that the process could be an opportunity for offenders to return to the community they may have caused harm in:

'From a policing point of view... the offender is more likely not to reoffend in the future when they have been involved in the full blown process. It's a win-win for everybody… some of these young people have been excluded from those communities and it's an opportunity for them to get back into that community through the restorative process. ' (PSNI)[19]

The question of voluntariness of participation was raised, with at least half of the respondents acknowledging that although processes are in principle deemed to be voluntary, this is not always the reality. This approach is often presented, deliberately or accidentally, as the most favourable for an offender. On the flip side experiences of insincere participants were also recounted. These concerns were however outweighed by the overarching benefit to the wrongdoer, particularly in the ability of this approach to make them feel part of the community which made them less likely to undertake harmful acts against their community and the environment that they live in.[20]

Communities

Participating groups conceived of 'community' in ways as diverse as literature indicates (Crawford, 1999). Most participants describe their community from a contextual view of the environment in which a group operates. Residential children's homes such as Flaxfield, Cuan Court and Glenmona report that the 'community' encompasses the home itself, the staff and young people. Within our school sample, we found that the community stretches beyond staff and pupils to parents/guardians and governors. For CRJI and NI Alternatives the community incorporates all the residents of the geographical area surrounding the project offices, areas within which lifelong connections and relationships have been forged due to the unique political environment shared by community members.

The statutory sector, such as the Youth Conference Service and the Probation Board do not have such a definite sense of community. Rather than discussing the context in which their organisations work, they simply describe 'community' in relation to the people and

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[18] Interview with research team 29 June 2010.
[19] Interview with research team 30 June 2010.
[20] For a wide ranging analysis of the opportunities afforded to offenders in restorative justice interventions, including reintegration back into their communities, see (Toews and Katounas, 2004).

places from which the participants in the restorative processes are drawn. Recognising this has required statutory groups to take new approaches to building partnerships:

> '*[we looked] at a range of different ways that we could work closer with the community and that's what we've been able to do through funding partnership with Alternatives and CRJI in the past three years. And that certainly has brought another dimension... any situation where there's been harm caused, even if there isn't an identifiable victim like driving or possession of drugs or disorderly behaviour or graffiti, the community is harmed.... you want to try and involve the community.*' (Probation Board)[21]

Community-based projects place the community at the heart of everything they do and take pride in the fact that their practitioners are drawn from the local community. Other organisations such as the Youth Conference Service include the local community by encouraging community representatives to attend conferences with the consent of the victim and offender. Within the school setting, Integrated College Dungannon notes that restorative practices influenced the whole of the school community as special training sessions were organised for teachers, pupils, parents/guardians and governors. Dungannon has included the community in positive ways, unrelated to wrongdoing:

> '*We had a restorative justice celebration and we had the Mayor etc. and we planted an oak tree in the front turning circle with a plaque saying 'ICD Restoring Conflict Together' because our school motto is learning together. So it's just togetherness. It's not about them and us, crime and punishment.*'[22]

Some of the most tangible effects for the community have been through the provision of reparations (McCold, 1996). The community-based projects, statutory schemes, schools and children's homes all use informal reparations that encourage participants to go out into their community and try to restore the harm caused. The Youth Conference Service currently has 130 or 140 voluntary contracts with community groups for reparations within a neighbourhood context. Young people are fulfilling orders that include voluntary work in charity shops and neighbourhood clean-ups bringing positive benefits to their local communities.

Conclusion

Much has been written about the restorative work which developed in Northern Ireland out of the peace process i.e. the Youth Conference Service (Dignan and Lowey, 2000; Campbell et al, 2005) and the community based projects (McEvoy and Mika 2001; Mika and McEvoy, 2001; McEvoy and Eriksson, 2008). This paper has sketched a map of restorative justice in this jurisdiction and shown it to be a much larger and evolving project. Almost in spite of debates, funding and support directed at these areas, restorative philosophies took hold in unrelated facets of society. So while the ability of

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[21] Interview with research team 02 July 2010.
[22] Interview with research team 25 June 2010.

restorative justice to assist in the transformation of formal justice in Northern Ireland is exemplary, that should not be the sole impression of restorative justice in Northern Ireland. The jurisdiction should equally be known for its success, with minimal support, in schools, care homes and other community groups.

That there are such diverse bases and reasons for attachment to restorative approaches makes the jurisdiction prime for study. It became clear, for instance, that while participating practitioners presented many unique interpretations of what they believe to be the ethos and definition of restorative practices, their interpretations were indelibly linked to the unique context of their organisation, their communities and the political sphere within which they operate.

One of the most striking features of this study was the adaptability of organisations and their willingness to utilise divergent practice and varying methods depending on the circumstances of the offence, the needs of the victim, offender and the community, and the structure of the organisation and staff needs. The range of restorative tools which groups draw on regularly is impressive and reflects a commitment to a fundamental philosophy, rather than an attachment to a particular approach. We classified over a dozen responses, but in many ways these classifications are arbitrary. In reality, practitioners here have proven themselves skilled at adapting a known method to suit the nuances of their circumstances. This adaptability is what has helped many organisations to develop restorative practices in their organisations in their workplace to the point where they speak so glowingly and give of their time to train others.

Relatedly, the partnerships and cross-fertilisation in the jurisdiction has been pivotal and it is interesting to note how this operates irrespective of the context. For instance NI Alternatives provided training to Lagan College: their concerns, contexts and communities are entirely different but they can still share and train.

Also of note is the range of behaviours which are responded to restoratively. From serious offenders in prison to school bullying and from threats of paramilitary violence to children in care, practitioners in Northern Ireland have found a way to apply restorative principles and values, largely due to the range of tools at their disposal. This can be hard when difficulties are encountered and all organisations we spoke to encountered some problems in introducing this philosophy in their workplace.

This leads to the other striking feature of restorative practice in Northern Ireland: that it is seen by most as a philosophy which can underpin all work. Numerous organisations spoke of their endeavour to make theirs a 'restorative community' and through steps like the use of restorative language restorative practices can be seen to penetrate all aspects of these organisations work.

In terms of the perceived benefits, our findings, which are solely from the practitioner perspective, reflect what has been documented time and again. Victims participate and practitioners recognise the importance and the value of victim participation which can be cathartic, healing and, perhaps most significantly, empowering (Zehr and Mika, 2002).

While the process can be emotionally and mentally trying, participants find it a positive experience, with many demonstrating that the process can engender a sense of accomplishment, affirmation and self worth for the offender (Retzinger and Scheff, 1996). Concern as to voluntariness of 'offender' participation was questioned, whether in the school bullying or the paramilitary violence scenario and continues to raise concerns as to the authenticity of the process (Umbreit, 1994). For many of the practitioners the greatest advantage to restorative practice is the reintegration of the offender back into their community (Toews and Katounas, 2004). Restorative processes can help keep families together and people in their communities.

There are of course a number of pitfalls attached to the implementation of restorative practices and these in turn can lead to attacks from critiques. Lack of willingness on the part of many to participate, as well as over inflated expectations of remedy, continue to dog many of the practitioners and their projects. For example Glenmona Resource Centre cited difficulties for staff to accept that they should not call the police when an incident occurred, and the PSNI similarly cited time-constraints in getting officers involved. The degree to which interventions could be perceived as voluntary also caused concern. NI Alternatives questioned 'how voluntary is voluntary',[23] particularly where, as in their work, the person is often with them to avoid a punishment beating. However, they have found that quite quickly the person can 'realise that this is not us trying to scapegoat them or trying to punish them but a process that will try and help make positive changes.' Continued, training and professionalization of staff, education of communities and preparation of participants have assisted in ensuring that these potential pitfalls are overcome and best practice is achieved (Roche, 2003). What is perhaps interesting is that irrespective of the operating context – the criminal justice system, schools, homes or communities moving from paramilitary influence, these problems and the ways to overcome them appear largely the same. These experiences are essential 'normal', although stark differences exist in terms of the legal and financial contexts which have substantial bearings on how they can operate.

As stated at the outset, we are not providing an evaluation of the effectiveness of these projects, however from the perspective of the practitioners surveyed and interviewed the adoption and practice of restorative principles in Northern Ireland has – once implementation problems have been overcome had been a predominantly positive experience. We have highlighted how practitioners believe it is beneficial in a diversity of situations. Within the last 15 years restorative practice has spread far in Northern Ireland and an immense dedication to the concept has become imbedded in those who work in line with its philosophy. Significant scope exists for the practice to expand, both within those organisations already utilising the approach and elsewhere. The devolution of policing and justice to Stormont under the new Minister of Justice, David Ford, creates the potential to open a new and even more fruitful chapter in the progress of restorative practice. In an era of economic uncertainty and an increased level of paramilitary violence, the impact and influence of restorative practices and practitioners has an opportunity to flourish as a workable and successful model of justice and reconciliation. It has already shown great success in prisons and probation as well as among young

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[23] Interview with research team 01 July 2010.

offenders. And while the conflict may have encouraged and driven many to look for alternative forms of justice, it is clear from the diversity of practices and application that the success of restorative practice in Northern has neither been driven nor defined by the conflict. But most important is the need to see is the extent to which practitioners in Northern Ireland fundamentally believe in the potential of restorative justice, and how far beyond the bounds of criminal justice they believe it can stretch.

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Acknowledgements

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