The NOMS RJ Capacity Building Programme

A study of the quality of participant and implementation experiences

Alexandra Wigzell and Mike Hough

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ICPR
Institute for Criminal Policy Research

Birkbeck
UNIVERSITY OF LONDON

Acknowledgments

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Summary

This report presents the findings of a 27-month study of the National Offender Management Service (NOMS) Restorative Justice (RJ) Capacity Building Programme. The initiative aimed to develop capacity within probation and prisons to deliver RJ conferencing. The package included training, comprising a three-day event and follow-up mentoring days delivered by Restorative Solutions and implementation support provided by Thames Valley Partnership. The programme was rolled out in eight phases to probation and prisons, including partnerships with the police and voluntary sector organisations, with successful expression of interest bids across England and Wales. The first phase started in June 2012. The programme was premised on an offender-led RJ model, whereby the focus for generating cases was on agencies and organisations working with offenders. Restorative Solutions commissioned ICPR to conduct an evaluation of the programme, which examined: the quality of the training; the volume of RJ activity flowing from the training; perceptions of RJ conference participants; and sites' implementation experience. The research did not aim to look at longer term RJ outcomes.

The implementation environment

The RJ capacity building programme was launched at a time of immense organisational upheaval, discussed in more detail below. Soon after the training began, the Government announced several major national reforms to both the probation and prison services, which had significant implications for the implementation of the NOMS RJ programme. As one interviewee remarked 'it could not have been a worse time'. Largely but not entirely because of these reforms, several sites found implementation of RJ a struggle, and the final substantive chapter of this report discusses the reasons for this in some detail. This is not intended to detract from the real achievements of the capacity building project.

RJ activity across sites

There were 2,643 cases processed through the scheme. Of these:

- 153 (6%) went to conference;
- 230 (9%) resulted in an alternative restorative outcome;
- 1,128 (43%) were ongoing at the end of fieldwork; and
- 1,132 (43%) were terminated without a restorative outcome.

The majority of offenders[1] were white (92%[2]) and male (93%), had typically committed serious crimes of an acquisitive or violent nature and were at the custodial (39%) or post-release (47%) stage of the criminal justice system at the point of their referral to RJ.

Of the 230 cases receiving an alternative restorative outcome, victim awareness training was the most common activity (44%), followed by letters of apology (29%), letters of apology kept on file (15%) and indirect communication processes (12%). The main reason for alternative outcomes was that the victim declined a conference (31%). Other factors were that the offender declined a conference (14%) or that the victim could not be contacted (8%).[3] The most prevalent reasons for the closure of cases without a restorative outcome were that the victim declined to take part (19%); offender unsuitability (15%); offender refusal (14%); breach or revoke of the offender's order (9%); inability to contact the victim (9%); and victim withdrawal (9%).

Training and mentoring feedback

Analysis of 591 training feedback forms (encompassing 65 of the 74 three-training courses across phases one - eight[4]) showed that the course was well-received: 99% strongly agreed that they would recommend the course to a

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[1] Demographic details on victims were not collected.
[2] This is disproportionate to the percentage of white individuals in the overall prison population (72%) (MoJ, 2013: 100). This is likely a reflection of the fact that the areas with the highest throughput of RJ cases were in the North of England and Wales in which the white population is higher than the average across England and Wales (Office for National Statistics, 2012: 7)
[3] The most common explanation given for alternative outcomes was 'no reason' but this was skewed by the lack of explanatory data for all of Greater Manchester's alternative outcomes.
[4] This represents 88% of the total number of three-day training courses

colleague; and 68% strongly agreed and 30% agreed that the course content information was comprehensive and detailed. Nevertheless, our interviews found that there was a widespread view that training was overly focused on the business of conference facilitation, at the expense of content on preparing for conferences, such as engaging victims and progressing cases to conference, which was often the most difficult part of the process.

The feedback about the mentoring was similarly positive: of the 239 forms analysed, 39% agreed strongly and 47% agreed that the mentoring had increased their confidence to facilitate RJ meetings. Overall, in response to questioning about whether the session had been convened at the right time to assist with the progression of RJ cases (n=231), 52% agreed that it had. A further 30% said that it had been helpful but had not assisted with case progression since they had not yet been allocated one. A total of 18% felt that it had not been helpful in this respect due to the absence of cases.

RJ participants' experiences

The study was not concerned primarily with outcomes, but we collected some information on the experience and reactions of some of those who took part in RJ conferences. The findings generally provided confirmation of previous research: both victims and offenders tended to view their conference in very positive terms. It was clear to us that at their best, RJ conferences can be genuinely transformational experiences.

The overwhelming majority of participants we interviewed were immediately open to the prospect of RJ or, in a small number of cases, had requested it themselves. Just under a fifth of both victim and offender interviewees said that they were initially uncertain about engaging RJ. Victims tended to engage in RJ to seek answers to unresolved questions about the offence and demonstrate the harm that had been caused. Many offenders were motivated by a desire to apologise – to 'make things right', often as a means of shedding their criminal identity – and to stop offending. Victim and offender interviewees generally reported feeling well prepared for the conference, although several had only met the facilitators on the day of the conference itself and, in one case, an offender was not informed about the conference until the night beforehand.

It was evident that many conferences displayed the features of an emotional ritual, characterised by an emotional build-up and public displays of solidarity, such as eye contact and touching. The experience appeared to have a profound impact on many participants. Many victims displayed an altruistic interest in the offender's future, often remaining in contact (through agencies) after the event. For many offenders, RJ was a revelatory experience in which they understood, often for their first time, the impact of their offending, which generated resolve to desist. The development of a bond with their victim was a similarly powerful vehicle for desistance, aiding offenders' motivation and self-belief in their ability to stop offending and instilling a sense of responsibility to do so.

Participants were generally well-supported following the conference. However, a minority of victims felt let-down by inadequate adherence to the outcome agreement – significant delay to key milestones was the most common grievance – which was felt to be largely due to the failure of statutory services to keep appropriate tabs on offenders' progress.

Implementation

While RJ is, at its simplest, 'about getting two people in a room', implementing it is complex and thus hard to do well. To help us understand the implementation process, we used a conceptual framework that has been used extensively by health researchers, called the Consolidated Framework for Implementation Research (CFIR). This proposes that implementation should be assessed on five dimensions:

- The adequacy of processes designed for implementation
- Intervention characteristics that help or hinder implementation
- Outer setting (including the wider political and organisational context)
- Inner setting (features of the organisation that help or hinder), and
- The individual characteristics of staff that make a difference.

Beginning with *process*es, a key problem for many sites was that they started training before they had processes in place to identify and progress cases. Some

sites were reluctant to embark on RJ work until every process detail had been settled. This meant that the training of some facilitators went unused for many months, eroding their confidence to such an extent, in a number of cases, that they never utilised their skills.

With regards to the *characteristics of the intervention*, our analysis was that the complexity of RJ was often underestimated. At its best it involves the orchestration of participants in subtle ways which create considerable emotional energy. Those who misjudged the level of complexity risked losing their motivation. Understandably, some sites tended to focus on solving the practical complexities of getting victim and offender together in the same room, devoting less effort to the (equally challenging) tasks of ensuring that both participants were properly prepared to get the best out of the experience.

Turning to the *outer setting*, the foremost challenge to implementation was that the RJ capacity building scheme inadvertently coincided with a time of significant upheaval across probation and prisons. The government launched several ambitious reforms, including: Transforming Rehabilitation (the privatisation of the majority of statutory probation services, leaving only work with high-risk offenders in the hands of the statutory probation service); new 'Fair and Sustainable' working structures (new terms and working conditions in prisons); and the application of an 'efficiency benchmark' in public sector prisons, to reduce costs. Both probation and prison staff tended to see these as threats. In combination the reforms created a highly unstable and uncertain implementation environment, resulting in the loss of a significant proportion of RJ trained staff and low management prioritisation of RJ.

Turning to the *inner setting,* insufficient workload capacity for RJ, associated with staffing cuts and the impact of 'Fair and Sustainable' was a serious challenge to implementation. Most RJ-trained staff had other full-time roles and were afforded little, if any, time within these to undertake their facilitator role. Despite the best efforts of facilitators, RJ tended to operate as a 'bolt-on' to their everyday roles, which could result in stilted progress on RJ cases. It was no coincidence that the most successful sites had one or more dedicated facilitators.

Middle management inability or refusal to release staff for the RJ role was commonly identified as another hindrance to effective implementation.

Given that the project was trying to implement a complex set of processes at a time of organisational upheaval, not surprisingly the *individual characteristics* of the staff involved in RJ were important determinants of successful implementation. RJ activity was heavily reliant on the enthusiasm of individual facilitators and coordinators. Our analysis was that where sites succeeded, this was due to the motivation of individual facilitators and management staff who 'wouldn't take no for an answer'. There was a palpable sense of enthusiasm and determination in these sites that was lacking in others. Our concern is that, at present, implementation success is overly dependent on such people; the risk is that it crumbles in their absence. Effective implementation must also be embedded in the wider local and national infrastructure.

Conclusion

Significantly fewer conferences than expected flowed from the programme, primarily as a result of local factors and major organisational upheaval within prisons and probation. Nevertheless, much has been achieved. Conference facilitation and awareness-raising training was delivered to approximately 1,000 individuals in prisons, probation, the police and voluntary sector. Overall, over 300 victims and offenders took part in conferences, almost all of whom felt that the experience had been highly beneficial and, in some cases, transformative. And by the end of the evaluation, a number of participating sites were developing into centres of RJ excellence and expertise. This is the legacy of the capacity building programme.

However the capacity building programme experience underlines the difficulties associated with achieving successful RJ implementation, which have also beset many previous schemes. It is therefore reasonable to ask what are the key pre-conditions for embedding RJ principles and practice in the justice system – for clearly, it has not proved easy to date.

For RJ to become more fully embedded, there is a need to achieve a cultural shift in favour of restorative principles, through positive leadership at every level. It is also clear that systems for RJ need to be simple, robust and properly funded. In this respect, there is a remaining question as to whether and how sentencers, the PCC funders and staff in prisons, probation and the new community rehabilitation companies will all collaborate to make RJ a viable and fully embedded option in the justice system. It is our hope that RJ receives the support it deserves in the new landscape to ensure that a greater number of victims and offenders have the opportunity to benefit from an intervention that evidently can be so beneficial when undertaken well.

Key learning points

We identified a number of conditions for effective RJ implementation. These include the need for:

- Effective local planning in advance of any capacity building training to ensure skills are quickly put into practice;
- Early identification and engagement of key stakeholders;
- Careful selection of individuals who have the capacity, aptitude and enthusiasm for the facilitator and RJ operational lead role;
- Early recognition of the complexity of the intervention and appropriate planning to mitigate possible difficulties (linked to supervision and peer support);
- A culture in favour of RJ principles;
- Regular supervision and peer support sessions for facilitators;
- Sufficient resources ;
- Presence of a stable policy environment;
- An accessible network of like sites with long-standing implementation and intervention experience to learn from; and
- A persistent and/or creative approach to awareness-raising to gain the buy-in of middle and senior managers and frontline staff.

1. About the study

1.1. The Capacity Building Programme

The National Offender Management Service (NOMS) Restorative Justice (RJ) Capacity Building Programme began in January 2012, with the aim of building capacity in probation and prisons to deliver victim-offender conferences. It was jointly grant-funded by NOMS and the Monument Trust. The programme was guided nationally by an executive group, comprising representatives from NOMS, Restorative Solutions, Thames Valley Partnership (TVP) and ICPR.

The programme comprised five days of training delivered by Restorative Solutions: a three-day training course, followed by two mentoring sessions in the months after the training.[5] Each three-day event was attended by a maximum of ten people, with up to an additional ten people attending the first day to gain awareness of RJ. To develop capacity still further, the programme included 'Train the Trainer courses' to train facilitators who gained significant experience of RJ (five conferences) as trainers who could deliver the facilitator training to other staff. The programme included support from TVP, comprising: organisation and participation in the roadshow launch events; a start-up guide to implementing restorative justice, named Wait 'til Eight; implementation support visits; and a help desk, which offered practice and delivery advice.[6]

All prisons and probation trusts in England and Wales were given the opportunity to be part of the programme. An expression of interest (EOI) process was used as a means of selecting services that demonstrated commitment to RJ and preparedness for implementation. Successful bidders were grouped into seven

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[5] Although one site did not take up the offer of the mentoring days as they had already established a monthly practitioner forum that served the same purpose

[6] TVP also developed a module in August 2013, using capacity-building funding, to enable professionals to better engage victims in the criminal justice system. This was called 'Taking a Walk in the Victim's Shoes'.

phases for training roll-out. At the outset of the programme, regional 'road shows' were convened for participating sites by the executive group. The aim of these was to further explain the programme to aid preparation for implementation.

The original ambition of the programme was to deliver 100 five-day courses (i.e. 1,000 staff) and 18 'Train the Trainer' courses. Although those trained are predominantly from prisons and probation trusts, the police and voluntary sector organisations were included in many sites.

By the end of July 2014, 74 three-day courses and 124 mentoring days had been delivered. The one-day RJ awareness training, which was not part of the original proposal, had been delivered to an estimated 250 individuals. The lower than expected number of courses reflects the fact that some sites reduced their take-up of training days or withdrew from the scheme altogether due to the reorganisation across prisons and the probation service. However, some participating sites commissioned more training and there were some new entrants to the scheme, which were not part of the initial bidding process. Towards the end of year one, the decision was taken to focus on providing further support to trained sites to improve their implementation, rather than target new areas. The number of 'Train the Trainer' courses was downscaled to four (encompassing 24 facilitators), mainly because fewer conferences were undertaken than expected and so most staff had not completed the five conferences required to qualify for the training. Other influential factors included the changing landscape, such as the movement towards Police and Crime Commissioners (PCCs) as purchasers of RJ and prisons as supportive environments for RJ.

The surplus capacity was used to fund a variety of activities to bolster RJ activity, including: implementation support visits to participating sites, conducted by TVP, to recognise good practice and provide assistance with addressing challenges; 13 bespoke awareness days for prisons and probation trusts; two new routes for developing professionalism/expertise, through BTEC accreditation and Case Supervisor training; the RJ Forum, an online discussion

room for capacity building-trained facilitators; and guidance for prisons on becoming RJ-hospitable environments[7].

1.2 The evaluation

Restorative Solutions commissioned ICPR in April 2012 to conduct a 27-month evaluation of the NOMS RJ Capacity Building Programme. The main aims of the research were to:

- Assess the quality of training as experienced by trainees;
- Establish the extent to which the training leads to increased volumes of RJ activity;
- Determine the quality of the supporting processes and the impact of the training on the everyday working practices and culture of services;
- Offer an explanation as to why some areas[8] and institutions embrace RJ more enthusiastically than others, putting their training into practice, and draw out the lessons from this for implementation; and
- Capture the perceptions of participants in RJ activities.

1.3 Methodology

The following methods were used:

- An assessment of the quality of training as experienced by trainees, measured by analysis of 591 training and 239 mentoring feedback sheets completed by trainee facilitators across phases one to eight (administered by trainers and designed by Restorative Solutions);
- In-depth interviews regarding the quality of the training with 17 facilitators across a range of satisfaction scores from phases one to seven (one interviewee for every three training events);

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[7] This is aimed at prisons that do not possess the resources to initiate RJ themselves but have the potential to make a significant difference to the RJ landscape by becoming an environment in which conferences can be easily convened.
[8] The terms 'area' and 'site' are used interchangeably throughout the report.

- Observation of three three-day training events (phases one to three) and three mentoring days (phases one to six);
- Monthly collection of data on the volume and nature of RJ activities (initially returned to the ICPR on a quarterly basis) from September 2012 to the end of August 2014;
- Telephone catch-ups with the five phase one RJ coordinators at the end of their training phase in year one (October 2012);
- In-depth face-to-face interviews with 26 senior strategic and operational RJ staff as well as 16 focus groups with RJ facilitators in 16 sites across phases one to eight;
- Telephone catch-ups at the end of year two with RJ coordinators across 14 sites (October-November 2014) ;
- In-depth interviews with all 8 members of the executive group;
- In-depth interviews with 46 RJ participants [9] to capture their perceptions of RJ activities, encompassing:
  - 25 victims (17 women; eight men);
  - 21 offenders (21 men);
  - 15 'sets' of victims and offenders;
  - 30 cases, comprising 29 conferences and one letter of apology;
  - 13 burglaries; four robbery offences; three assaults; three thefts; two dangerous driving offences, including one death by dangerous driving; one murder; one sexual offence; one arson; one false imprisonment; and one threatening with a weapon.
- Collection of case material, where available, which included, 31 conference write-ups, 27 outcome agreements and 74 feedback forms; and
- Observation of two RJ conferences

Interviews were digitally recorded, subject to consent, with the exception of those conducted in prison (due to security issues), of which a comprehensive

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[9] In two cases two victims participated in the conference but they chose to be interviewed together. They have been treated as two separate victims in the interview analysis. Similarly, in two cases, the offender had participated in two conferences and was therefore asked about both experiences in the interview. Again, we treated these cases as two separate interview responses in analysis.

note was made. Recordings of interviews with RJ participants were fully transcribed. All of the remaining interviews were written-up in detail.

The methodology was refocused on two occasions to reflect the smaller than expected number of conferences and the difficulty accessing conference participants for interview. Further information is provided in Annex A.

Data analysis

The qualitative software package NVivo was used to analyse the large number of: interviews with RJ participants; interviews and focus groups with senior strategic, operational staff and RJ facilitators; and interviews with facilitators regarding the training. Due to their small number, our interviews with the executive group and the catch-ups with RJ coordinators (years one and two) were manually analysed. We used the quantitative software package IBM SPSS Statistics (version 22) to conduct descriptive statistical analysis on the training and mentoring feedback sheets. The RJ activity data was analysed in Microsoft Excel.

1.4 Structure of the report

Chapter 2 details the case throughput and outcomes across the active participating sites. Chapter 3 presents the findings on the quality of the training and mentoring. Chapter 4 considers the experiences of RJ conference participants. Chapter 5 examines implementation factors. The final chapter sets out conclusions and key lessons for implementation arising from the research.

2. RJ activity

The figures presented here encompass the case and conference activity in 24 participating sites between September 2012 and the end of August 2014. [10] A total of 31 sites were trained by the end of the evaluation, but statistics have not been collected from seven of these because: two withdrew from the programme following their training owing to implementation difficulties, two were not yet fully active and three did not supply data. Data for six of the 24 sites are out-of-date because further data returns were not available due to staff illness, lack of capacity, and the probation split. [11] In summary, we have data on 2,643 cases processed through the scheme. Of these:

- 153 (6%) went to conference;
- 230 (9%) resulted in an alternative restorative outcome;
- 1128 (43%) were ongoing; and
- 1132 (43%) were terminated without a restorative outcome.

Considering only the cases that were completed or terminated (i.e. excluding on-going cases), the case attrition rate was as follows: 10% of cases resulted in a conference, 15% had an alternative restorative outcome and 75% were terminated without a restorative outcome. An overview of the characteristics of the cases is detailed in Table 1 overleaf. As is shown, the majority of offenders[12] were white (92%) and male (93%). In line with the programme criteria, most offences were tier 3 or 4 cases (the top two categories of case seriousness) and include both acquisitive and violent crimes.

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[10] Data collection problems in one site resulted in submission of their final data return in November 2014, encompassing RJ activity to this point rather than the end of August 2014. However, no further conferences had taken place since their last return in July 2014 and this point.

[11] London (January 2014); HMP Gartree (June 2014); Avon and Somerset (April 2014); Gloucester (July 2014); Humberside (July 2014); HMP Lowdham Grange (July 2014).

[12] Demographic details on victims were not collected.

The majority of cases were referred at the custodial (39%) and post-release (47%) stages (NOMS, 2013). In total, 70% of the offenders had received a custodial sentence of 1 or more years.

Table 1 - Case characteristics

	Characteristic[13]	Proportion	
All (n =2643)			
Gender (n=2503)			
	Male	93%	n=2325
	Female	7%	n=178
Ethnicity (n= 2435)			
	White	92%	n=2232
	Black	3%	n=83
	Asian	2%	n=58
	Mixed	2%	n= 51
Offence type (n= 2447)[14]			
	Burglary	27%	n= 655
	Robbery	15%	n=371
	Grievous bodily harm (s18/s20)	12%	n= 302
	Actual bodily harm or other assault	11%	n=253
	Theft	10%	n=232
Tier (n=2005)			
	Two	12%	n=238
	Three	48%	n=955
	Four	38%	n=771
Referral stage (n=2486)			
	Post-release	47%	n=1161
	In custody	39%	n=973
	Community order	6%	n=147
	Suspended Sentence Order (SSO)	2%	n=45
Sentence (n=1453)			
	Custody 1+ year	70%	n=1021
	Community order	12%	n=169
	SSO	8%	n=122

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[13] Only the most frequently reported categories are detailed here.

[14] The most common other offence types were (in order of frequency): other; criminal damage; murder; affray; death by dangerous or careless driving; handling stolen goods; sexual offences; fraud; harassment; arson; attempted robbery; drugs offences; and public order offences.
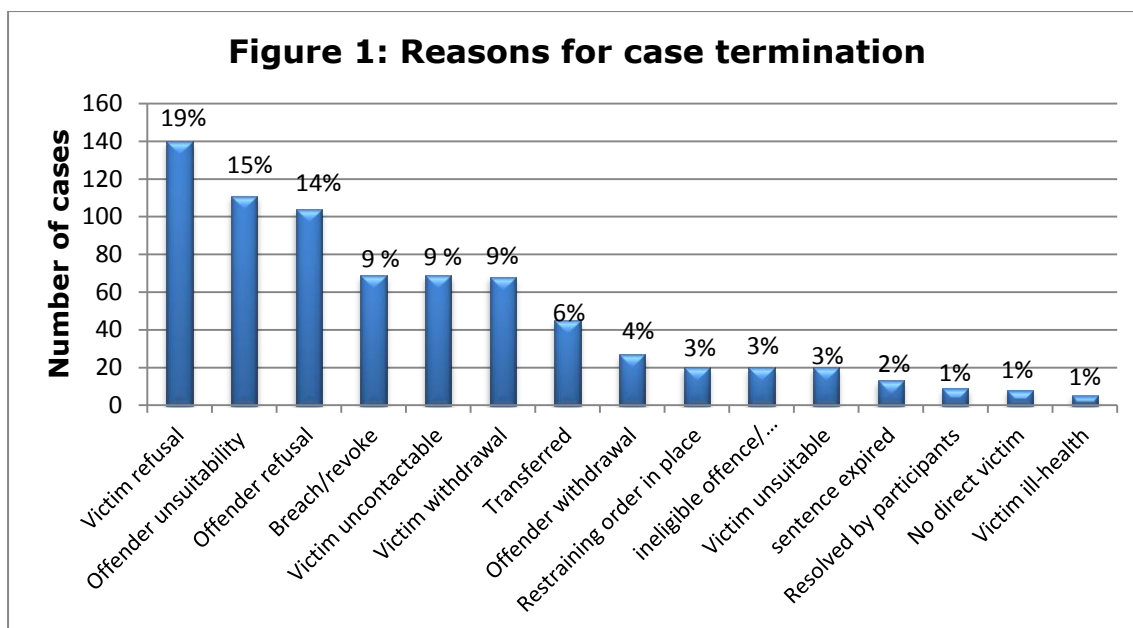
Alternative outcomes

Of the 230 cases that had an alternative outcome, 44% (n=102) completed victim awareness work, 29% (n=66) wrote a letter of apology, 15% wrote a letter of apology that was kept on file but not sent (n=34) and 12% (n=28) participated in an indirect communication process. The key reason for alternative outcomes was that the victim declined a conference (28%). Other factors were that the offender declined a conference (14%) or that the victim could not be contacted (7%).

Case termination

The reasons for case termination are detailed in Figure 1 overleaf. This shows that the most common reason for the closure of cases without a restorative outcome was the victim declining to take part (n=140). Offender unsuitability (n=111) was the next greatest factor; analysis of reasons for unsuitability shows that:

- 32% (n=36) had mental health or substance abuse problems;
- 27% (n=30) were categorised as generally unsuitable;
- 18% (n=20) denied the offence;
- 14% (n=15) displayed attitudes likely to lead to revictimisation; and
- 9% (n=10) failed to comply with their order.

Offender refusal (n= 104) comprised the third most prevalent factor in case termination, followed by breach or revoke of the offender's order (n=69), inability to contact the victim (n=69), and victim withdrawal (n=68).

Figure 1: Reasons for case termination

A bar chart titled "Figure 1: Reasons for case termination" with y-axis labelled "Number of cases" ranging from 0 to 160.

Reason	Number of cases	Percentage
Victim refusal	140	19%
Offender unsuitability	110	15%
Offender refusal	104	14%
Breach/revoke	69	9%
Victim uncontactable	68	9%
Victim withdrawal	68	9%
Transferred	44	6%
Offender withdrawal	27	4%
Restraining order in place	20	3%
ineligible offence/..	20	3%
Victim unsuitable	20	3%
sentence expired	13	2%
Resolved by participants	8	1%
No direct victim	7	1%
Victim ill-health	5	1%

Conference activity

Conference activity gradually increased over the duration of the programme.[15] This is a reflection both of increases in numbers of active sites and increased activity within sites; just six sites were trained by January 2013, rising to 30 by August 2014. The relatively large increase in conferences evident in some months (e.g. July to August 2014) is a result of new data submissions from sites that had been active for some time but had not been making data returns; that is, these conferences actually took place prior to the month in which they have been recorded.

Figure 2: Cumulative total of conferences by month

A bar chart titled "Figure 2: Cumulative total of conferences by month" with y-axis ranging from 0 to 180.

Month	Cumulative total
Jan-13	17
Feb	21
Mar	27
Apr	27
May	30
Jun	33
Jul	35
Aug	36
Sept	39
Oct	42
Nov	50
Dec	66
Jan-14	72
Feb	75
March	104
April	113
May	124
June	133
July	137
August	153

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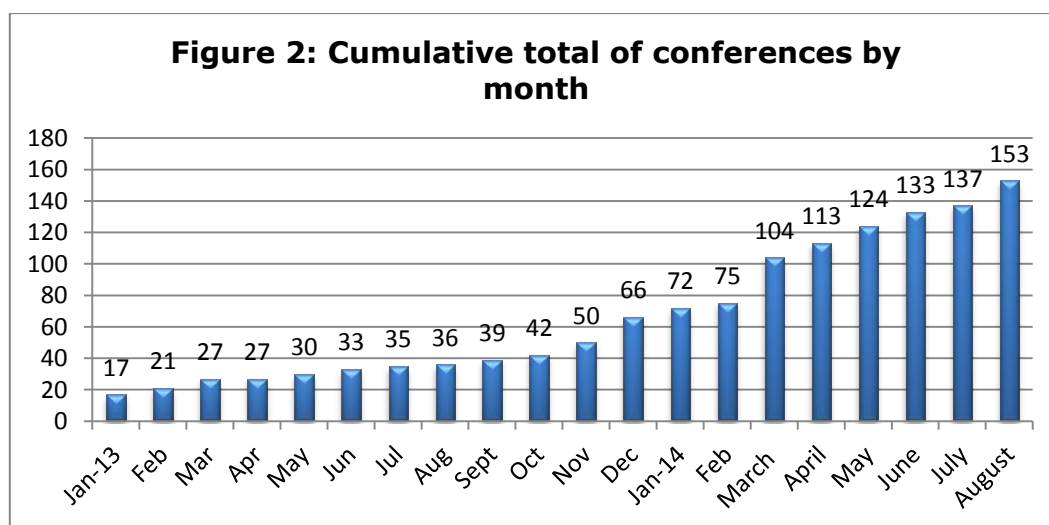
[15] The figure for July 2013 is an estimate due to missing data.

The executive group asked for an annual commitment of five conferences per trained facilitator. The majority of the executive group felt that in hindsight the original projections were unrealistic, and several actually felt this at the time; in other words, however well implemented, the programme could never have achieved anything approaching this level of conferencing. However, there was a sense that it was important to have an aspirational target to emphasise to sites that 'it was a longer term commitment than just going on a few training courses'. Furthermore, the agreed figure was premised on the expectation that sites would allocate facilitators sufficient time to undertake their RJ role.

Site conference activity

Table 2 overleaf details all cases, conferences and the case-to-conference conversion activity by site. In terms of the number of conferences, the five highest performing sites were: Greater Manchester (34); Lancashire (30); Wales (19); Durham Tees Valley (16); and Northumbria (9). On the basis of case-to-conference conversion rates[16], Wales (18%) and Lancashire (13%) were the best performing.

Comparison between the number of conferences and case to conference conversion rate in each site is complicated since sites began their training at different times and had trained differing numbers of facilitators. Nevertheless, one of the highest conferencing sites – Wales – started its training at a later point and with few numbers of facilitators than some of the early starting sites who had larger numbers of trainees.

A further issue is that sites employed diverse recording and allocation processes. This meant that some sites submitted only their list of allocated cases to us (i.e. eligible and suitable[17]), whereas others included some cases that were eligible but not yet assessed for suitability.[18] In addition, areas used different methods for initial suitability screening and allocation, with some mainly relying on paper

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[16] Excluding sites with small caseloads as indicated by *

[17] Eligible cases are those that: involve acquisitive or violent crimes (excluding offences in which the offender has plead not guilty, or of child abuse or domestic violence; are tier 3 or 4 case seriousness, and tier 2 cases that are at risk of custody. Criteria to assess case suitability includes: acceptance of responsibility for causing harm; substance misuse and mental health (severe problems may render the case unsuitable); and attitudes towards taking part in the meeting (e.g. refusal).

[18] We asked sites to submit data only regarding activity on allocated cases.

screening processes before allocation and others only formally allocating a case (and therefore entering it onto the spreadsheet) following a face-to-face assessment of the offender's suitability.

Table 2: Number of cases, conferences and conversion rate by site

Site	Phase	Initial training	No. training courses	No. cases	No. conf.	% cases converted to conf.
Durham Tees Valley	1	Jun-12	4	225	16	7%
Manchester	1	Jun-12	4	961	34	4%
Lancashire & Cumbria	1	Jul-12	5	236	30	13%
Northumbria	1	Jul-12	2	247	9	4%
HMP Doncaster	2	Nov-12	1	105	3	3%
Humberside	2	Nov-12	6	126	2	2%
HMP Lowdham Grange	2	Jan-13	1	57	1	2%
HMP Leeds	2	Apr-13	1	58	6	10%
West Yorkshire	2	Nov-12	2	5	0	0%
Leicestershire	3	Nov-12	3	51	3	6%
London	4	Jan-13	3	2	2	100%[19]
Wales	7	Apr-13	4[20]	105	19	18%
Hertfordshire	5	Apr-13	1	41	3	7%
Kent	5	May-13	4	48	2	4%
Sussex	5	May-13	8	108	2	2%
HMP Guys Marsh	6	Sep-13	1	28	2	7%
Merseyside	1[21]	Oct-13	3	56	4	7%
Dorset	6	Sep-13	1/3	28	1	4%
HMP Gartree	3	May-13	3	6	2	33%*
Avon and Somerset	6	Oct-13	1/3	5	1	20%*
Gloucestershire	6	Sep-13	1/3	59	5	9%
West Midlands	8	Mar-14	2	4	4	100%[22]
HMP Parc	7	Apr-13	4	82	2	2%

Limitations

As with any piece of quantitative work, the accuracy of our analysis is dependent on the quality of the underlying data. It is possible that some conferences were

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[19] This site supplied us complete data only on the cases it had taken to conference so the case to conference conversation rate is inaccurate
[20] Training shared with HMP Parc
[21] This site became part of phase one (it is managed by the Lancashire and Cumbria RJ operational lead
[22] This site supplied us complete data only on the cases it had taken to conference so the case to conference conversation rate is inaccurate

wrongly included in the returns, and that others were wrongly excluded. Some sites had RJ programmes that pre-dated this programme, and some conferences associated with these may have been included in the returns.[23] Likewise, some sites worked closely with one another so it is conceivable that conference outcomes were recorded by both sites, resulting in a double-count in this study. And some conferences certainly went unrecorded; for example, we learnt of two only by chance in the course of interviews.

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[23] Although, in some of these sites, many of the previously trained facilitators had been largely inactive until the advent of this programme so it could be argued that their conference activity should be included in our evaluation returns on the basis that the programme reinvigorated their RJ work.

3. Training & mentoring feedback

3.1 Training feedback

Feedback forms

Analysis of the 591 training feedback forms (encompassing 65 of the 74 three-training courses across phases one to eight) showed that:

- 99% would recommend the course to a colleague;
- 99% said that the course met their needs;
- 83% strongly agreed that the trainer was well-informed and up-to-date;
- 80% strongly agreed and 17% agreed that the trainer was an effective communicator; and
- 68% strongly agreed and 30% agreed that the course content information was comprehensive and detailed.

Comments made on the trainee feedback forms were equally affirmative: exclamations of 'excellent', 'inspiring' and 'brilliant trainer' were common. There was often a palpable sense of excitement and eagerness to commence RJ work.

A minority of those completing feedback forms expressed uncertainty about the local implementation arrangements: 'left unclear how my own agency intends to implement RJ/ what the expectations are of me using RJ in the future'. Likewise, others recommended that there be greater focus on preparation: 'would have liked more detailed info on how to set up a conference. This should be built into the training course'. This became a much stronger theme in interviews.

'Getting people into the room'

Starting with the latter issue, it is evident that many facilitators felt that the training had equipped them excellently to facilitate a conference, but that they often lacked the confidence and know-how to start working on a case and progress it to this end-point. As one facilitator remarked, "I felt sublimely confident on doing the end meeting and really anxious about actually starting cases" (Facilitator interviewee 13). Another facilitator said that: "I felt actually the biggest part of the work was actually just getting somebody in the room. Actually the conference more or less takes care of itself" (Facilitator interviewee 14).

Although this was partly a consequence of uncertain local case processes, many felt that the training lacked content on the 'key principles' of RJ case work. The foremost issue was regarding how best to contact and engage participants – common questions included: what should one say? Is a letter or phone best? Contacting victims was a particular area of uncertainty, likely because many facilitators worked with offenders and were therefore in unfamiliar territory. As is discussed in section 5.2.1, a number of areas experienced teething problems during their initial attempts to contact victims, which may be a reflection of the limited training content on this issue.

Linked to this was widespread anxiety about contacting victims, as illustrated by the following quote from one RJ operational lead: "even with our most competent probation officers and PSOs, there was an anxiety and lack of confidence about approaching the victim" (Area C, RJ operational lead, phase one, year one). Although anxiety about contacting victims was a commonly highlighted problem, this was essentially an issue of confidence: "so okay I was petrified but it's just another thing that's got to be overcome really" (Area D, focus group participant, phase one, end of year one). Further training may have helped to assuage such concerns through providing reassurance, yet tackling the challenge of under-confidence fundamentally lies with the individual.

Nevertheless, in response to the problem, a practice session on victim contact was included in the mentoring days and some sites additionally convened practitioner meetings focusing on this aspect of practice. This was well received by facilitators, as explained in the below quote:

> There's been some really good mentoring recently with my team. That mentor has taken them through the beginning process and they've come back buzzing. They've been given guidance on what to say and not to say in the initial stages. It all fell into place for them; they came back with new ideas. We've changed our first contact letter as a result and are hoping to get better results from this.

(Facilitator interviewee 5)

Despite the addition of victim contact guidance into the mentoring days, there is a remaining question of whether this would be better included in the three-day training event. It is apparent that engaging participants, progressing cases to conference and laying the groundwork for emotional openness to generate effective conferences is a complex progress that requires significant skill. All possible support should be provided to facilitators to optimise their success.

Local processes

Another key factor in uncertainty about "where to start" was that local case management processes and guidance were still under development at the time of the training and often for many months afterwards. Some incorrectly saw this as a deficiency in the three-day training: "We didn't learn how to do any prep, where you start, where you need to start looking for your information, what forms you have to fill in, how you fill in forms, nothing" (Facilitator interviewee 6, phase two). As is discussed in section 5.2, such ambiguity was often a factor in stalled implementation.

3.2. Mentoring feedback

A total of 239 mentoring feedback forms were returned to ICPR, with forms missing for 44 mentoring courses.[24] The absence of so many feedback forms can likely be explained by the fact they were introduced part-way through year one and were not routinely distributed by facilitators.

The mentoring sessions were clearly valued by facilitators. Of the respondents, 39% agreed strongly and 47% agreed that the mentoring had increased their confidence to facilitate RJ meetings (96%); only 4% disagreed with this statement. In a response to questioning about the timeliness of the mentoring to assist with case progression, 52% agreed that it had taken place at the right time. A further 30% said that it had been helpful but had not assisted with case progression since they had not yet been allocated one. A total of 18% felt that it had not been helpful in this respect due to the absence of cases.

Overall, the majority of the facilitators said that the days were useful. They provided a helpful refresher and confidence booster, as well as an opportunity to address practice and implementation issues. Guidance on contacting victims and progressing cases to conference was particularly valued. Facilitators also found helpful the chance to hear about the experiences of colleagues who had started to work on cases. It is notable that some sites delayed their mentoring days until there were a sufficient number of cases to discuss; other might have benefitted from doing so to minimise their feelings of dissatisfaction.

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[24] The number of trainees on each mentoring course varies significantly. Therefore it is not possible to say how many mentoring feedback sheets were missing. The 44 mentoring courses for which there were missing sheets represented approximately half of the total number of formal mentoring courses i.e. excluding courses that were embedded into local practitioner forums (as was the case in two sites) at which mentoring forms would not have been distributed

4. RJ participants' experiences

4.1 Motivations for taking part

4.1.1 Victims

Initial reactions to RJ

The majority of the victims we interviewed spoke of their immediate openness to RJ – if they had not themselves actively requested it. Five of the 26 victims we interviewed said that they were initially unsure about taking part in a conference. A number of reasons were given for this, including still "feeling scared" about the offence, thinking it would be "a waste of time" and concern that the offender might be "smug", which would "upset" their healing process. Most said that they had changed their mind following comprehensive explanation of the process and reassurance that they could withdraw at any time, indicating that facilitators' skilful handling of uncertainty was a significant factor in victims' decisions to progress with RJ.

Asking unresolved questions

The most common reason given for taking part was to seek answers to unresolved questions about the crime. The question of whether they had been "targeted" by the offender was particularly important to the majority who had been the victim of acquisitive crimes, and resolution of such questions was often important to the victim's ability to move on. For example:

> [It was the] first time in my life that we'd been burgled, and as things developed I felt when the opportunity was given to meet the burglar face-to-face that it would be something that I would like to do, because obviously I had unresolved questions – what might appear silly questions but just practical questions about why he was in the village and was I targeted or was I just the person who'd left the garage door open that particular night? (Victim interviewee 4)

Putting a face to a name

For a quarter of victim interviewees a key motivation for engaging in a conference was curiosity to see the offender and hear "what they had to say" about their crime. The following quote is illustrative:

> *I didn't really go in with any agenda particularly other than I suppose I was interested… to see and meet and hear what this person now had to say with regard to the event which had such a massive impact.*
>
> (Victim interviewee 7)

Highlighting the harm

It was an important motive for many victims to demonstrate the harm that had been caused by the offender:

> *I desperately wanted him to know about the massive effect that he'd had on everybody's life...I suppose in a way I almost, it was almost like I wanted to punish him emotionally. I wanted to tell him, "This is what you've done." I wanted to look at him and I wanted to know at that point that he understood that this is where he was.*
>
> (Victim interviewee 19)

Altruism

A fifth of interviewees told us they had taken part in the conference in the hope that it would discourage the offender from reoffending. Their reasons were both to prevent future victims and to help the offender, as the following two quotes illustrate:

> *…I think I didn't want him to do it again, we'd already suffered and the staff had suffered more than me. I thought if there is a 1-5% chance he won't repeat then it will help the next person.*
>
> (Victim interviewee 16)

> *My feeling and my want out of the whole thing was to know that he had benefited from this meeting, and that he could you know put that on one side now, and go forward, and make something of his life.*
>
> (Victim interviewee 18)

It was notable that many of the victims with altruistic motivations were practising Christians, who felt that they had an obligation to give offenders a second chance. A significant further number of victims demonstrated altruism as a result of their conference experience, as is explored later in this chapter.

4.1.2 Offender participants

Initial reactions to RJ

Only three of the offenders reported feeling initially uncertain when they were offered RJ. One said that he was concerned that participation might have negative implications for his prison sentence (e.g. not receiving his Cat D prison transfer request) if the victim was unsatisfied with the conference experience. For the other two offenders, the source of the problem was that they were offered RJ at the pre-sentence stage. One said he was concerned that by participating at this stage his victims would assume he was trying to reduce his sentence: "I didn't want them to think I was doing it to get off". The other said that he "didn't feel mentally ready for it and wanted to focus on being sentenced". In both these cases, RJ was deferred to the post-sentence stage in response to their concerns. It is notable that the main reason for uncertainty was not RJ itself.

Putting the wrong right

Over half of those who took part in RJ said that their motivation was to apologise and try to put 'some of my wrong right'. All of those who expressed such sentiments also spoke of wanting to move away from crime. It was important to them that their victims knew that they were sorry and they were not a 'bad' person:

> I haven't been able to put things right before. I didn't want them to be thinking about it and think they had been targeted. It put closure to it and gave me a chance to apologise and make them see me as human. I don't feel any less bad but I'm glad I've had the chance to apologise.
>
> (Offender interviewee 12)

The opportunity to apologise thus appeared to be part of the desistance process for these men – a means of moving away from their criminal identity.

Desistance

"Wanting to change" was, similarly, a key reason for taking part in RJ for over half of the offenders. However, some offenders engaged in RJ because they were "looking for something" to help them to stop offending: "I wanted to change so I thought to myself it might help me change and it did, it made me feel different in what I was doing" (Offender interviewee 4). While for others, their motivation for engaging in RJ was to demonstrate to others that they were serious about changing: "one of the reasons I wanted to do RJ was to prove to other people – family and friends – that I was serious about it" (Offender interviewee 11). For this latter group, RJ represented something of a 'redemption ritual' (Maruna and LeBel, 2010: 77) that could provide formal recognition of their efforts to desist.

Instrumentalists

Only one offender we interviewed said that he had engaged in RJ for instrumental reasons: due to his perception that it would "look good for my cat D" application. However, several interviewees lived in close proximity to their victim(s) and had engaged in RJ at least partly due to their concern that they would 'bump' into them.

4.2 Preparation

Conferences were convened between two weeks and eight months after the first approach, with most taking place within four - 12 weeks. The majority of victim and offender interviewees reported feeling well prepared for the conference, because "we knew where we were going and what we were doing, and what sort of things were going to come out" (Victim interviewee 19). Some felt that they could never feel fully prepared, despite the facilitators' support. Several interviewees had been insufficiently prepared. These individuals reported that aside from the knowledge that they would meet their victim the wider process had not been explained to them. They also only met one or both of the facilitators at the conference itself. In one case, the offender had expressed

interest in RJ six months previously but reported that he was only informed of the conference the night before (he was detained at the time); he had not any contact with the facilitators prior to this.

4.3 The conference experience

4.3.1 Anxiety

All but one of the offenders spoke of feeling "proper nervous" and "scared" prior to and during the conference. Taking part in a conference was described by many as "one of the scariest things I've ever done", with one ex-services offender stating that it had been "more nerve-wracking and intense" than going on military tour (Offender interviewee 15). Several offenders reported feeling so "terrified" that they "felt like saying no" immediately prior to the conference but had proceeded because they were "determined to go through with it"; in one case the conference was postponed due to the offender's anxiety. When walking over to the conference and into the room itself, offenders variously spoke of feeling "like a little boy" or an "outsider".

Offenders assumed a deferential manner at the outset of the conference. They were commonly described (by victims and themselves) as: being unable to look at the victim at first, hunched over, monosyllabic, very quiet, and "talking into his lap". Such characteristics are reported in the RJ literature (Rossner, 2014: 79). Apprehension was also experienced by victims, but this was only reported by half of such interviewees and was not as pronounced as the nervousness described by offender interviewees. A number of victims notably reported that they had been "looking forward" to the experience and felt "happy" or "a sense of peace" on the conference morning. This may be explained by the fact that closure was a key factor in their decision to participate in RJ.

4.3.2 Interaction/emotional ritual

Our findings strongly accord with Meredith Rossner's theory of successful conferences as emotional rituals (building on interaction ritual theory; Collins, 2004; Braithwaite and Mungford, 1994). The core components of a successful

interaction ritual – outlined in the box below (adapted from Rossner, 2011: 116) – were present in the majority of our interviews and observations as we explore below:

Features of conferences as emotional ritual

1. **Shared focus through conversational rhythm**. Although initially disjointed, over time, participants settle into a turn-taking dynamic marked by a lessening of stutters and silences. They begin to share a common focus and communicate with each other directly.
2. **Conversational and power balance**. All participants feel empowered to contribute, and no one is dominated.
3. **Turning point**. Strong expression of emotions acts as a high point for participants, providing a common focus and drawing them all into the rhythm and the flow of the interaction.
4. **Public displays of solidarity**. After a rhythm has developed and the interaction has reached a crescendo, participants engage in high-solidarity interactions, such as touching or sustained eye contact.

Conversational rhythm

The majority of interviewees spoke of a positive change in the atmosphere as the conference progressed. Whereas most described a "tense" dynamic at the outset, participants said that it "mellowed out" or became "lighter". Offenders were observed – and described themselves – as becoming "more comfortable" and maintaining eye contact. Most participants said that the discussion developed into a more informal – and even friendly – conversation:

> *I felt like we dealt with everything that we had to, and then more as well. Just more questions kept coming to me as well until I think, in the end, we had exhausted everything and it was just like a nice, friendly chat. We even had a laugh at one point, which sounds a bit strange, but I think once we had broken the ice, this really nice lad came out and I actually forgot who I was talking to. It was just like talking to my son and having a laugh. It was really nice.*

<div align="right">(Victim interviewee 1)</div>

A minority of interviewees reported that a time limit had been imposed on the duration of the conference owing to the prison schedule. Although all conferences were concluded in good time, there is a risk that such limits could interfere with the rhythm.

Turning point

In line with interaction ritual theory, in most cases the emotionally charged nature of the conference had prompted a 'turning point' at which stage the atmosphere of the conference changed:

> *It was very, very emotional and very, very tough to hear how I had impacted on someone else's life. It was tense and awkward to begin with. But halfway through you could feel the weight just lift and things changed, everyone looked different and I felt different. The atmosphere changed and everyone commented on this. And then we were just sitting down having tea and coffee and just chatting.*
>
> (Offender interviewee 13)

For some cases, the existence of a 'turning point' as such was not apparent but the conference was described as a very emotional experience:

> *It's the biggest thing I've done. I had more feelings and emotions in an hour than I've felt in 6 week long interventions; I've never felt like that before. I don't cry and I can hold my emotions back but not in the conference.*
>
> (Offender interviewee 16)

As is intimated in the above quotes and explored in more depth in section 4.4.1, the emotional element of the conference appeared to be an important factor in offenders' motivations to change and in victims' belief that they could do so.

Conversational and power balance

A key feature of emotional rituals is that there should be a conversational and power balance between participants, which is marked by all feeling able to participate in the discussion. Most interviewees emphasised that everyone had been given ample opportunity to speak and participants did not interrupt each other. Several victim interviewees notably talked about the importance of adopting a position of empowerment in the conference. For example, many reported feeling more comfortable because they were sitting in the room prior to the offender: "you have come into my space". Although this might appear to conflict with the notion of power balance, Braithwaite and Munford (1994: 158) argue that empowering victims is an important factor in the creation of conferences as 'reintegration ceremonies'. Our findings about the conversational and power balance were closely linked to discussion about the fairness and respectfulness of the conference facilitators and participants, which is detailed later on in this section.

Public displays of solidarity

Eye contact and touching, indicative of public displays of solidarity, were experienced in many conferences:

> *And that's what I was really pleased about - was by the time that he actually left the room he was able to have eye to eye contact with me properly, and we talked about, you know, going forward with him.*

(Victim interviewee 19)

The period immediately after the conference, during which tea and biscuits were typically shared by participants, was an important vehicle for such displays:

> *The friend whom I'd asked to come with me has a profound hearing problem. She brought her hearing dog, with her; she's a black cocker spaniel. Throughout the conference, the dog was in working mode, with her harness on, sitting very quietly. Afterwards, my friend, obviously*

24

realising that this was somebody who was genuinely remorseful, said to him, "Do you like dogs?" He said, "Yes." She said, "Would you like to meet her?" He was completely entranced by her. By the end of the conference, he was a completely different individual.

<div align="right">(Victim interviewee 15)</div>

However, this post-conference experience was uncomfortable for several offenders, as this quote shows:

…tea and biscuits was a bit mad – going from talking about the offence to having coffee and biscuits together felt too much but I felt I had to do it because it was what she [the victim] wanted.

<div align="right">(Offender interviewee 16)</div>

4.3.3 Discussion

Rossner argues that 'a good facilitator can ensure the right ingredients are there to create a successful conference'. She subsequently suggests that the efficiency and effectiveness of conferencing could be increased if there was 'larger emphasis on the provision of effective training for facilitators that includes the development of high level skills in understanding and managing the micro dynamics of emotion' (2014: 143). Rossner is clear that facilitators play a key role in orchestrating the conditions for emotional expression, through building trust to promote participation and openness and engaging in work with participants to prepare them emotionally (ibid: 77-8). The importance of such groundwork was apparent from our interviews. Many participant interviewees praised facilitators for enabling them to feel "safe", and "at ease" as well as having "total confidence" in the process; this encouraged engagement and helped to assuage last minute jitters. In several cases, facilitators were described by participants as "like my supporters in a way", demonstrating their trust for the former. Through preparatory discussions and the provision of prompts during the conference, facilitators helped to ensure that key issues of importance to participants were discussed.

The role of facilitators in assessing the suitability of participants may also contribute to the development of a ritually successful conference. Although there is almost certainly an element of self-selection bias (those victims and offenders who consent to RJ are likely to be more ready to be emotionally open[25]) facilitators were responsible for excluding participants who display negative attitudes or characteristics. This includes lack of responsibility or views likely to lead to revictimisation (offenders) or vengefulness (victims) (such assessment typically applies to offenders but it was clear from our RJ activity data analysis that victims were similarly screened). We raise this issue because the significance of the victim being "nice" or "understanding" was noted by a number of offenders. Their perception was that the conference would not have had impacted on them had the victim been otherwise:

> *If anything she was probably too friendly when I first went in, she wasn't arrogant. [If] they had somebody in there that was just wanting to give you a load of abuse it probably wouldn't work, do you know what I mean.*
>
> (Offender interviewee 9)

It is possible that an angry victim may have had just as powerful and positive affect on them. However it suggests that facilitators have an important role in ensuring they are 'emotionally ready' to participate.

Notwithstanding this evidence, we came across several conferences that took on the quality of an emotional ritual for reasons completely independent of the skill of facilitators. While we do not claim to have engaged in the thorough analysis of the sort undertaken by Rossner (for it was not the focus of this study), we have highlighted them on the basis that they raise important questions about the role of facilitators in orchestrating emotional rituals.

The first and clearest example concerns the conference experience of one particularly emotionally articulate offender interviewee. By his account, the

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[25] It is notable that the randomised controlled trial of cases seen in the Reintegrative Shaming Experiments (RISE) in Australia found that victim participants assigned to court had a far greater desire for revenge than those assigned to conferences (20% compared to 7%, rising to 45% compared to 9% for violent offences) (Strang, 2002, cited in Sherman and Strang, 2007: 63)

conference had been poorly facilitated: he had not met either of the facilitators prior to the conference; the facilitators did not inspire confidence, repeatedly saying that it was their second conference and conferring about 'what to do next'; at its outset they told him and his victim that they would not be allowed to speak directly to one another – "I felt like there was a wall between me and her where I had to ask the ladies to ask her [the victim] a question" (Offender interviewee 5) – and interrupted when they started to do so; and he reported having to "carry the meeting through silences". Nevertheless, the meeting developed into a flowing and emotional conversation between the participants, and the offender was clear that it had been a beneficial experience for him. Our interpretation was that it was the emotional articulacy of the offender that had led to the emergence of a successful interaction ritual. The facilitators were possibly counterproductive to the development of this dynamic (although the poor facilitation may have operated to build solidarity between the victim and offender).

One other salient example was a conference, which, by all accounts (interview and conference observation), was not successful as an emotional ritual yet it had been facilitated by skilled facilitators. The conference was stilted – it had to be rowed along by the facilitators – and there was no evidence of an emotional build-up. The facilitators handled the event with skill – there was lots of good-natured banter to put people at their ease – but we doubted that even a totally skilled facilitator could have engineered the sort of psychological moment of transformation necessary to achieve a real impact. Our analysis was that the source of the flatness lay with the participants, with the offender in particular displaying learning difficulties and self-absorption to such an extent that he could not really empathise with the victim. However, it was notable that the victim felt that the interaction had helped to assuage much of his anxiety about the offence. Rossner notes 'ritual success is only one of many possible definitions of success in restorative justice' while other measures include, victim satisfaction and reconviction (2014: 76). This conference experience underlines the fact that a conference can fail as an emotional ritual but be successful through other means, such as providing victim satisfaction.

4.3.4 Fairness and respect

With one exception, interviewees reported that conferences were run fairly and that participants were respectful towards one another. The anomaly was an offender who commented that the facilitators had not treated him and the victim equally. He reported that the victim had several supporters and was spoken to "softly". In contrast he said he was spoken to "judgementally", had only his supervisor in support and had been ignored by the facilitators when he first entered the room. He felt that it was implicit in the facilitators' approach that the situation was more stressful for the victim than him. The conference had been a positive experience for this offender nonetheless.

4.4 Impact of conference

4.4.1 Reoffending

As discussed in section 4.1.2, many of the offender interviewees engaged in RJ because they wanted to stop offending. Our interview sample is therefore undoubtedly biased towards those who were more likely to be positively affected by RJ. Nevertheless, many of these interviewees were initially sceptical about the ability of RJ to help them – because "I'd never ever been sorry for anything I've ever done" (Offender interview 9). And yet, they expressed astonishment at the potency of the conference experience. In many cases, this appeared to have had a transformative impact (although we have not been able to substantiate such claims):

> *I wouldn't burgle anybody ever again… I can still see her now, sat here and still thinking when she was sat there and it was just, obviously it was horrible seeing her. She nearly started crying…I just remember and obviously I just don't want to put anybody else through that. [If I had not done it] I probably wouldn't even be sat here; I'd probably be in jail.*
>
> (Offender interviewee 9)

In several cases, the offender expressed a desire to reduce the seriousness or frequency of their offending, but the conference experience had not had a radical

impact. As one remarked: "I'm not going to turn into a saint, but I won't do burglaries again". Another who had been convicted multiple times for taking cars without consent (TWOC) (and had crashed into another car, injuring the driver with whom he engaged in a conference) had recently been recalled to prison for stealing a motorbike; however he was at pains to emphasise that he had not joyridden it and would not joyride again. In some small way, the conference appeared to have had a positive impact on his behaviour.

For others, they were "determined to go straight" before the conference and thus they did not feel that the conference itself had reduced their likelihood of reoffending. Nevertheless, the experience, perhaps unwittingly, formed part of the desistance process for these participants in two key ways: engaging in RJ had provided a form of closure to their offending experience or had reinforced their commitment to stop offending as a result of acquiring a sense of responsibility to do so to their victims. This latter point is explored further in section 4.4.3.

As Farrall et al (2011: 2) assert, although 'taking responsibility for past actions…appears at a glance to be at odds' with desistance principles, such as the promotion of a positive identity, 'active efforts to "make good"' may serve as a means of 'making things right in the future' (Maruna, 2001, cited in ibid).

4.4.2 Altruism

Whereas most victims entered into RJ for reasons other than altruism, this was a key result of the conference experience. The majority of victims took an interest in the offender's life – requesting updates about their progress and communicating by letter (through agencies) – and keenly wanted him to do well. Many victims expressed a wish to provide further support to the offender:

> *If it was an ideal world, he'd come out, I'd go and pick him up, give him a job and I could mentor him and sort him out.*
>
> (Victim interviewee 16)

I just thought, "Oh if I could get that lad a job." So I went from wanting
to hit him with a stick to then thinking, "This lad he is 40 years old, he is
going to go nowhere….Why can't we give him a job?"

<div align="right">(Victim interviewee 8)</div>

Although most were unable to fulfil such aspirations, in one case the victim was regularly visiting the offender at his place of work and in a second example, the victim had arranged for a job and accommodation for the offender on his release from prison. A number of victims had become local RJ champions, speaking at schools and conferences about their experience. Previous studies have shown that victim altruism is a common outcome of RJ conferences (Sherman and Strang, 2007:39; Braithwaite and Mungford, 1994: 149).

It was notable that one victim reflected that, despite being a forgiving person, her interest in helping the offender "stops this person becoming a monster in your mind or [it is about] changing him from the monster back to a real person" (Victim interviewee 17). This is linked to the point made in section 4.4.5 regarding the importance for victims to humanise the offender so as to alleviate their fear.

Victims were hopeful that the conference experience would help the offender to desist but were often doubtful as to whether they had the means to do so. In particular, many were critical of the support provided by the criminal justice system to would-be desisters.

4.4.3 Self-belief and commitment to change

Much research has shown that the presence of a positive relationship in an offender's life can help to assist desistance through promoting motivation and self-belief in their ability to do so (Rex, 1999; Healy, 2012; Gray, 2013). Although such relationships are usually personal (e.g. a girlfriend) or professional (e.g. a probation worker) the relationship that was often formed between conference participants was similarly significant:

I did feel like giving up because although you wouldn't expect it, I've wanted to change for ages, but it's never been possible, I usually make it for three - four months before I'm back inside again. But to hear strangers who I've hurt saying that they wanted to see me do good. It felt emotional. I felt proud of myself for doing it. Someone had faith in me…She gave me a pep talk – saying you can do this, you can stop offending and she backed me. It gave me faith in myself and humanity. I haven't ever had someone say they have confidence in me. It made me believe I could do it.

<div align="right">(Offender interviewee 13 and 14)</div>

Victims similarly spoke of their hope that their offer of support on release had "given him a bit of hope for the future" and there was a perception that someone "showing an interest in him, may help him stay on the straight and narrow".

For those offenders who developed a bond with their victim, it also gave them a sense of responsibility and determination to succeed: "He wished us well at the end; that choked me up. It made me want to prove myself and put us on the right track" (Offender interviewee 8).

4.4.4 Moving on

For many victims, it was evident that the conference had played a critical role in their ability to obtain "closure":

Afterwards, then I started to have a really, really good feeling deep down…I found it very positive and almost it kick-started the healing process… It's meant that I can stop thinking [about questions about the offence]. Honestly, I used to think about them probably, God, well, about ten times a day at least. I'd relive everything in my dreams and things like that. It was really weird. I was having nightmares about it. It has definitely changed it.

<div align="right">(Victim interviewee 11)</div>

Others were of the view that although they would have "put it behind" them with the passage of time, RJ had accelerated this process. A minority felt that the conference had reassured them at the time but could never fully "get over" what had happened.

4.4.5 Seeing the human being

Many victims said that it had been particularly significant for them to humanise the offender:

> *I had these images of this dark figure in my house in the middle of the night and I just wanted to meet him and make him human. I felt like I'd been able to do that and that was the biggest thing for me that helped.*
>
> (Victim interviewee 1)

> *I needed to make this a real person in my mind and not this figure of my imagination that was turning into this huge monster. You know, I had to make it real and make it into a real person.*
>
> (Victim interviewee 17)

As is evident from these quotes, dispelling the notion that the offender was a "monster" had been integral to alleviating their anxiety about the offence. Strang et al (2006: 293) similarly found that 'for many victims it seems the fearfulness of their offender is much greater in the abstract than in reality' and thus 'the opportunity an RJ conference presents for victims to make a personal assessment of their offender cannot be overestimated in reducing their fear'.

4.4.6 Understanding the harm caused

For many offenders, the impact of their offending was a revelation:

> *Aye, it was shocking. It was – it's sort of like – you know, like a bully like sort of thing. I mean, worse than that. I don't know. I felt disgusted with myself. We thought it was just like a punch up, like a pub punch up or something like that. We thought that was it. "Oh, a black eye and a couple of broken ribs and that's it". But it was not only that. He lost everything, you know. And that devastated us a lot hearing that.*
>
> (Offender interviewee 2)

Obliviousness to the impact of their offending was commonly cited by offender interviewees as the reason why they had been able to offend previously. Even those who said that they had felt guilty about their crimes before the conference said that the experience had increased their understanding of the harm they had caused. Realisation of the harm contributed to offender interviewees' resolve to desist.

4.5 After the conference

4.5.1   Follow-up

Participants commonly described feelings of elation and relief immediately after the conference. Although a number offenders also described feeling "horrible" and "really gutted" having been faced with the realities of their crimes. Others talked about feeling "shell shocked", "emotional" and "having feelings for the first time". It was notable that some prisoner interviewees said that they had needed to speak to someone about their experience to reflect on what was discussed and "stop myself overthinking it"; their "pad mate" was the most common sounding board. There was a sense that these offenders were confronted with feelings that they rarely experienced and were at a loss of how to process them.

The overwhelmingly majority of participants reported that the facilitators had been in touch shortly after the conference – within hours or a week – to check

that they were "getting on alright". Most felt assured that they could ask for further support if necessary and, in a number of examples, facilitators continued to "check on" participants every few weeks.

4.5.2 Outcome agreements

Dissatisfaction was expressed by a minority of victim interviewees (n = 4) about the failure of services to ensure that the outcome agreement was appropriately adhered to. The main issue raised was that the agreed outcomes – such as progress reports, letters or reparation gifts (e.g. a woodwork item) – were not fulfilled in the specified timescale. In two of the cases, although the main source of the delay was the offender, the perception of victims was that the facilitators had not pressed the former to meet the deadline. In a third case, the case had reportedly "fallen between the gaps" during the probation split. For most of the victims, this was only a small source of discontent but for one – a victim of a particularly serious crime – it was evident that the poor follow-up had caused further harm: "I haven't been angry throughout the whole thing and now I feel like I've done this restorative justice and now I'm really angry because nothing's happened" (Victim interviewee 20). We suspect that the problem, in part, lies with local monitoring processes; sufficient tabs were not being kept on outcome agreements. To better protect against such negative experiences, sites need to ensure that effective outcome agreement monitoring procedures are in place.

5. Implementation

5.1 Introduction

To analyse our findings we employed the Consolidated Framework for Implementation Research (CFIR) (Damschroder et al, 2009). The framework encompasses five major domains, each comprising sub-constructs, which influence implementation (positively or negatively) (ibid: 3). In so doing, it provides a means of understanding 'what works where and why across multiple contexts' (ibid: 2). The tool was developed by researchers in the healthcare field in response to the highly variable quality of implementation in many effective healthcare interventions. It represents the synthesis of a wide range of existing implementation studies and theories from healthcare research.[26]

As with the healthcare experience, RJ has been shown to be an effective intervention. A recent study for the MoJ concluded that it had effected a 14% reduction in offending (Shapland et al, 2008); high victim satisfaction rates are also a frequent finding (although RJ has been found to have little or a negative impact in some studies [various authors, cited in Sherman and Strang, 2007]). But it has proved difficult to implement more widely (Shapland et al, 2004). The parallels between the healthcare and RJ experiences are clear. In recognition of such challenges, the programme provided a range of implementation support, including a start-up guide and follow-up visits.

In highlighting the components of implementation success, the framework enables us better to understand the RJ capacity building programme findings and to identify areas for further development. The very existence of such a framework and the wider implementation science in which it is situated underlines the fact that implementation is a complex and difficult process. The table on the next page maps the RJ implementation experience onto the

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[26] We owe the idea for its application here to our colleagues at the Police Science Institute, Cardiff University who employed the framework in their recent report on Neighbourhood Justice Panels (Innes et al, forthcoming), which was also commissioned by Restorative Solutions.

Consolidated Framework. The relevant constructs are explored in the sections below.

Main construct	Issues	Application to Capacity Building
Process	— Planning: advance & schedule, — Engaging: attracting & involving all needed — Executing: doing it to plan — Reflecting & evaluating: feedback and formative assess	— Delay in start-up follow training; — Lack of strategy in selection of trainee facilitators in some areas
Intervention Characteristics	— Intervention source: internal or external; — Evidence strength & quality; — Relative advantage: compared to other actions; — Adaptability: ease of tailoring to local need; — Trialability: local testing; — Complexity: perceived difficulty of implementation; — Design quality & packaging: presentational; — Cost	— Difficult and time-consuming – often underestimated and risked eroding morale
Inner Setting	— Organisation's structural characteristics: age, size, hierarchy, organisational units, central or devolved?; — Organisational culture: norms & basic assumptions — Communication networks: formal & informal — Implementation climate: rewards for change & capacity to absorb change — Leadership support, — Adequate resources	— Local demographics important - smaller orgs or covering a smaller area more likely to succeed; those with mobile prison population less likely — Conflict with cultural norms — Lack of incentives — Good examples of fostering a learning climate through peer support and supervision — Lack of workload capacity and clearly more successful where there is capacity — Senior management prioritisation of RJ deflected by TR — Inability or refusal of middle managers to release staff for RJ
Outer Setting	— Are participants' needs accurately known? — Cosmopolitanism: external linked organisations easier adoption; — Peer pressure: mimetic influence of peers — External policies & incentives	— TR, Fair and Sustainable, Benchmarking — Difficulties with multi-agency working and networking with external agencies
Characteristics of Individuals	— Knowledge & beliefs about intervention — Self-efficacy ability to deliver, - Key influencers — Personal attributes	— Critical role of coordinator – driving force — Critical role of facilitators' passion about intervention (going the extra mile) — Personnel churn – links to TR and Fair & Sustainable

5.2 Process

The framework details four fundamental features of successful implementation process: good quality advance planning for implementation; the engagement of suitable individuals in implementation and intervention practice, through marketing, training and other such activities; the execution of implementation to plan; and reflection and evaluation of implementation progress.

5.2.1 Planning

Taking the issue of planning first, most sites had not planned suitably in advance of the training. Typically, sites had established a steering group to plan for implementation but had not yet developed adequate processes by which to generate or progress cases. In some sites, potential cases had been identified but facilitators were instructed not to commence work on them until processes, such as case recording documents, were in place. As one manager put it:

> *The training was very motivational, but we had to stop people from running before they could walk – we wanted to get processes in place so people weren't just making up things themselves*
>
> (Area M, senior strategic RJ lead, phase seven, year two)

In many sites, the main barrier to implementation was locating sufficient numbers of cases for all trained facilitators. As a result of such delays, there was commonly a time gap between completion of training and putting the skills into practice, often of many months. The issue, as one manager remarked, is that "it's the type of skill that if you don't do it straightaway, you'll lose it". Thus, we came across examples of facilitators' confidence having been eroded by their lack of experience:

> *I think I left the training thinking, "Yes I'm ready, I want to do it." Then time goes on and time goes on, and I think I'm at a stage now where if somebody was to come to me and say, "Right, there's a case," I would have to do a lot of work to get myself ready.*
>
> (Area A, focus group participant, phase one, end of year one)

There were also examples of facilitators who were swiftly offered cases that they did not accept due to lack of time capacity, will or confidence. These issues are examined further below. Nevertheless, we heard that some inexperienced facilitators were at the point where their confidence was so lacking that they would never practise. Sites commonly cited budget constraints as the reason why they did not have processes in place sufficiently in advance. The gap between training and commencement of RJ work was highlighted as a key challenge by members of the executive group. One member remarked that, in hindsight a "stricter" approach would have been beneficial, whereby the training was conditional on having the necessary infrastructure in place.

5.2.2. Engaging and executing

Selection of facilitators

Most sites endeavoured to select appropriate individuals for the training. A variety of different methods were employed, including handpicking staff on the basis of their aptitude for RJ, competitive interviews, expressions of interest, asking staff to volunteer for the training and nominating staff. The most successful selection processes were those that required facilitators to demonstrate both their awareness of the time commitment involved and enthusiasm for the role.

It was evident that some facilitators had fallen through the selection process net, and had been arbitrarily nominated for the training. By and large this was perceived to have had negative results. As one facilitator noted: "some people were just told to do the training and they don't really have an interest in it, so those types of people are not going to put as much into it" (Area C, focus group participant, phase one, year one).

It is notable that several areas felt implementation effectiveness would have been optimised had they focused on training a smaller number of high quality trainees:

We've tried to select them on interest in RJ…I feel that perhaps that we've just bunged people through the training, rather than starting with a group who develop expertise and can be the vanguard.

(Area J, senior strategic manager, phase five, year two)

This view was also expressed by members of the executive group. The perception was that there was an eagerness to take advantage of the free training on offer but take-up was sometimes ill-thought through: in some sites the number of facilitators vastly exceeded the number of cases, resulting in limited opportunities to practice, loss of confidence and wasted training. In practice, a small core of facilitators were responsible for the majority of conference activity in sites, while many of those trained were inactive.

5.3 Intervention characteristics

The perceived complexity of the intervention, reflected, in part, by the number of steps involved to use the intervention as well as the range and types of organisations and people involved, is a key determinant of implementation success. This is highly relevant to the RJ experience. While at the simplest level, RJ is concerned with "getting two people in a room", in practice it is a complex process involving a variety of stakeholders and steps.

It is clear that many areas underestimated the difficulty of both finding cases and then progressing cases to conference. In many areas, the model was premised on receiving referrals from colleagues, but most areas struggled to achieve these, which affected implementation progress:

I mean our probation officers that we work with, yes they're RJ aware but they're not putting referrals in... I think the fact that all of us have been given so few so far shows that the mechanism isn't full flowing as yet. I think we're still waiting for everyone to buy into it.

(Area D, focus group participant, phase one, year one)

Lack of referrals has been found to be a key challenge to implementation by previous RJ studies (See, for example, Shapland et al, 2004: 52). Reasons for limited referrals were: the perception that RJ was a passing fad; protectiveness

over cases; belief that it required extra work, such as sorting through caseloads for referrals; and misunderstanding of RJ, including concern that it would harm the victim. This issue was linked to the need for greater communication and information about RJ, which is discussed in section 5.4.2. There was a perception too that the advent of Transforming Rehabilitation had aggravated the problem as staff were more preoccupied with their career future than about making RJ referrals, as is explored in section 5.5.1.

Active sites overcame the problem using a variety of different models, such as: including in staff appraisals the screening of their caseloads for eligible RJ cases; appointing administrators to "flag" all new cases that were eligible for RJ; discussing the RJ potential of all new cases at monthly team meetings; and the referral of eligible cases by RJ facilitators (for other facilitators).

With potential cases located, the next step was for staff to obtain the contact details of the victim, which was commonly a key challenge, as is examined in section 5.5.2. Engaging participants was the next hurdle. For many sites, engaging victims was a particular problem in the initial stages of implementation. Several were clear that they had "got it wrong" by sending letters to victims that were "too wordy" or placed the responsibility on the victim to respond if they were interested (whereas the advice is that a letter would be sent in advance of a call) or using non-RJ trained staff to phone victims. This is linked to the issue of training content, as discussed in section 3.1. This was a learning process that resulted in attempts to find a "smarter, softer way" of approaching victims. This included adapting the first victim contact letter and teaming up with the Victim Liaison Unit or Victim Support for initial visits. Such changes were reported to be more effective. Communicating with offenders in prison was also frequently problematic because prison staff could not be contacted and direct letters to prisoners were delayed or unanswered (there were subsequent concerns as to whether prisoners had received correspondence and were able to respond).

The final step was to progress the case to conference, and this too was often fraught with difficulties. Facilitators encountered difficulties finding suitable rooms in prisons (which sometimes required a site visit) and, indeed, in the

community. They needed to keep in regular communication with participants to deal with practicalities, to assuage worries and to address last-minute cold feet. Many facilitators experienced withdrawals from conferences, despite their efforts, for a variety of reasons, including illness and recall to prison.

Such difficulties undermined the enthusiasm and confidence of facilitators:

> *I think initially RJFs have a level of motivation and enthusiasm, don't they, and then they're not getting the hits that we want and then they realise that there is a lot of work involved in it, it isn't just a case of looking at a file and seeing an offender, you're back and forth to the victim, who could live in the middle of nowhere, you're back and forward to the prison, which might take a matter of weeks, your offender might not turn up for the appointment, a critical person might be on leave, so it's not as easy as it looks, so when they begin to realise the enormity of all that, they begin to pull back.*
>
> (Area D, senior operational RJ lead, phase one, end of year one)

As indicated by the above quote, the complexity of the process was such that a lot of time and work was required. Yet, for many facilitators, their RJ work was in addition to their day-to-day roles as offender managers or supervisors. This operated as a further barrier to implementation.

5.4 Inner setting

The Consolidated Framework identified a myriad of internal factors that have a bearing on the success of implementation. These include: structural characteristics, such as age, size and the stability of the delivery team; the implementation climate, which relates to the degree of 'shared receptivity' to the programme and rewarding use of the intervention; and readiness for implementation, which encompasses the level of leadership engagement and resources to support delivery.

5.4.1 Structural characteristics

Given the extent of restructuring in probation it is self-evident that the teams were highly unstable; this was not conducive to successful implementation. Several areas identified size as a factor in their implementation experience. One RJ coordinator said that it was problematic implementing RJ consistently across the many teams in the area:

> *The biggest challenge is that I'm trying to get a very consistent message across 12 teams, and I'm still hearing people ask me questions that actually were answered 4 months ago, because of the sheer size, because we're trying to turn a large tanker around and sometimes that tanker feels like an oil rig – i.e. it's fixed – but I know it's not. It's a tanker and we are slowly turning it around. In terms of my team, it's a speedboat and it's much easier to turn it around. What I'm trying to say is that I need 12 speedboats, but at the moment we're behaving like a large tanker.*
>
> (Area C, senior operational manager, phase one, end of year one)

One small site that had achieved multiple conferences within a short period following their training felt that their success was partly "because we're small, that helps. I know them [the facilitators and partner agency leads] all personally". However, small size was not a condition of success; the highest conference numbers were achieved by sites covering large areas.

Of relevance here is the stability of the executive group that guided implementation. It was evident in team meetings that Restorative Solutions and Thames Valley Partnership sometimes had a tense and fragile relationship due to perceived differences in organisational culture, and this was remarked upon by all members. Our analysis was that this did not have any tangible impact on implementation, but it is conceivable that a more cohesive group may have optimised effectiveness.

5.4.2 Networks and communications

Most RJ coordinators endeavoured to raise awareness of the intervention through briefings and circulation of RJ material to local stakeholders and, in

some cases, a local conference to formally launch the programme. However general staff and stakeholder awareness of RJ was commonly identified as an area in which further work was needed. While some staff had reportedly demonstrated curiosity about RJ, this generally did not translate into referrals. Across many areas we heard that some staff were apathetic or even resistant to RJ, for a variety of reasons as discussed in section 5.3. Organisational restructuring was felt to be at least partly to blame for dampening potential interest and discouraging additional work due to increased workload and stress. The following comments from facilitators are illustrative of some of the attitudes they reportedly encountered:

> *When we did the training for offender managers, a couple of people were also concerned about the workload and I think some people got the message that 'oh, that means we've got to look through our caseload and look for RJ cases'. So, people were a bit like, oh, that's more work when we're already stretched.*
>
> (Area H, focus group participant, phase three, year one)

> *I said 'look [RJ] is a NOMS priority' and the comment made back was 'well I work for the prison service', but I said, 'the prison service is part of NOMS and the MoJ', his response was 'no, no, it's not a prison service priority'.*
>
> (Area B, focus group, phase one, end of year one)

Such attitudes were perceived to be a key factor in the lack of referrals. The creation of incentives for RJ referrals (see 5.4.4.) may have helped to address this problem.

Facilitators in two teams noted that the observation of conferences by colleagues (e.g. as an offender's supporter) and their new team manager had significantly increased understanding and support for RJ within their team, as well case referrals. A national RJ observer programme was launched in early 2013 by the charity *Why Me?,* for the purpose of demonstrating the value of RJ to decision-

makers. [27] The development in active sites of such an opportunity for practitioners and middle managers (with the consent of, and proper protections for, participants) might be a useful means of increasing awareness and support for RJ and thus stimulating referrals.

5.4.3 Culture

The practice of bringing victims and offenders together or working with victims (and offenders for those from victim-centred teams) was often felt to conflict with the norms of some of the participating organisations:

> *I actually think there's a whole set of skills about actually how you deal with a victim and actually how you reassure that victim. Because I guess for us as probation workers it is a very alien thing for us to do to meet victims, unless you're a VLO, Victim Liaison Officer. Essentially our victims are people on pieces of paper that we read about, and we make analysis of the harm that's been occurred and been against them, but we very rarely see them.*
>
> (Area C, focus group participant, phase one, end of year one)

Because of this, some felt that RJ needed greater focus but this had been hindered by the various restructures: "Because RJ is such a different way of thinking that it requires a lot of championing and that's quite difficult at the moment" (Area H senior strategic RJ lead, phase three, year one).

5.4.4 Implementation climate

Partly because of the cultural barriers and the on-going reforms, receptivity to RJ was reportedly often low. In most examples, relatively low priority was attached to RJ implementation because of the need to focus on the national policy reforms:

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[27] Why Me?, 'Observer Programme', available at: http://www.why-me.org/about-us/restorative-justice-observer-programme/ (accessed 10 October 2013).

I'm not 100% certain that the way things are in probation at the moment, that RJ is top of the list. It's right down there at the bottom. It's not something that they're prepared to put money and resources into. People all over the area have done all this training and they've signed up, but I still don't think it's there, nobody is pushing it. We're still doing it on our own.

(Area A, focus group participant, phase one, end of year one)

The number 1 is a 100% behind it, so is the Dep, both 100% behind it, but there is all the outside pressures of privatisation, this, that and the other as well, because they're that tied up with that, they just do not have the ability and time to have a beady eye looking at everything and it's not seen as a prison priority and it should be.

(Area B, focus group participant, phase one, end of year one)

Organisational incentives and rewards for using the intervention – identified in the framework as important were largely lacking. As is explored in section 5.4.5, in most areas RJ was not recognised in the workload management tool used by probation to calculate staff capacity. Therefore there was little formal incentive for facilitators to undertake RJ work; instead activity was largely dependent on individual enthusiasm (see section 5.6 for further explanation). It was also widely seen as a key hindrance to implementation that, with one exception, there was no incentive for the wider staff population to make RJ referrals:

Part of the problem is that it's not seen as being a target, it's seen as being a priority, but not meeting targets is where you're going to get criticised as a middle manager or a member of staff so that's where the commitment is, it's not linked into national expectations and national targets.

(Area B, focus group participant, phase one, end of year one)

Such incentives may not be necessary once RJ is embedded, but would have helped to build momentum in the early stages of implementation.

Many sites had implemented a programme of peer support, involving regular facilitator meetings at which cases were discussed and reflected upon. Some operational leads also provided one-to-one supervision and debriefings following conferences to promote learning and provide emotional support. These were highly valued by facilitators. Also reported as helpful was the existence of an "open-door policy" by the RJ operational lead, whereby facilitators could discuss cases or issues at any time. This fits in with the theory that those that foster a learning climate are more likely to succeed in implementation.

5.4.5 Readiness for implementation

Resource availability

The foremost hindrance to implementation in most sites was perceived to be the limited time capacity of staff to undertake the facilitator role. Many of those trained had daily roles in the criminal justice arena in which they were allowed little or no time for RJ. Their facilitator role therefore operated as a 'bolt-on', which was fitted in when time allowed or in one's own time. RJ activity was therefore heavily reliant on personal enthusiasm for the role, as section 5.6 explores. In the cases in which time was allowed for RJ, this typically took the form of an informal agreement of half a day per week or flexible working (i.e. managers would afford facilitators time as and when needed). A minority had established formal workload relief for RJ of a half to a full day per week. However, it was evident that such arrangements rarely worked in practice because staff were already operating at full capacity. This issue was said to be compounded by the reforms, which had resulted in staff taking voluntary redundancy and teams becoming further stretched. The quote below was typical of the problems experienced:

> *Workload relief, it's virtually impossible at this time of year because of holiday and we've got people in specialist teams, such as IOM, so if we pull them out we haven't got other officers to cover their work because it is a specialism. The hard practicality is that we've got our day job as well as it's on top of that. We try and keep caseloads to a manageable level but we've got maternity leave, sick leave and people leaving, we're struggling to backfill, we do our best that case loads are fair and manageable but it is work on top.*

As is intimated by this interviewee and was common across sites, management failure to afford staff time to undertake their RJ role was more often a consequence of circumstance rather than an unwillingness to do so. Nevertheless a significant minority of senior and middle managers denied staff any time for RJ.

The unpredictable nature of facilitators' daily roles was a further source of difficulty as RJ work sometimes had to be abandoned for urgent work tasks:

> *We might have made an RJ commitment to interview someone on a particular day but we might come in on a morning and our worst offender is being held on remand and our supervisor will say, 'get yourself to court for that remand application' and then you're torn, 'do I break off going to see a victim or do I go to court?'. I can see us having to juggle all the time.*
>
> (Area D, focus group participant, phase one, year one)

This underlines the fact that the daily role of staff inevitably took priority over RJ. The often extensive paperwork associated with the RJ role further diminished time for progressing cases. As one facilitator put it: "I found out we had 11% workload relief one day and the next found out about all the forms – there's 15% there alone!".

Despite the difficultly of realising workload relief, the existence of such arrangements was interpreted as evidence of management buy-in to RJ:

> *The fact that they've actually, in terms of Offender Managers, given us in theory workload relief in order to do the work means that there is some indication that they are on board with it in principle.*
>
> (Area D focus group participant, phase one, end of year one)

The framework suggests that the perceived importance of the intervention in an organisation contributes to a positive implementation climate.

The ramifications of such limited capacity for the role were that facilitators were often only able to work sporadically on one or two cases at a time:

...when we are working full tilt as an Offender Manager, RJ is a second thought. "Right I've got 10 minutes here" or "Before I start doing something else I'll try and do something". It shouldn't be that if we're taking it seriously...I think we do our best but if we had more than one or two cases each I think we'd be completely struggling.

(Area D, focus group participant, phase one, end of year one)

This restricted the potential number of cases and conferences that could be achieved:

I feel like if we had proper workload weighting we could allocate a lot more cases and get through a lot more cases, I feel like things are quite stagnant at the moment because I'm having to do a lot of work and there is only so much I can do, whereas we've got all these trained facilitators that aren't doing anything.

(Area B, senior operational RJ lead, phase one, end of year one)

The situation was also unconducive to good quality RJ. Facilitators explained that case development was sometimes stunted because they were unable to fit in timely visits or phone calls to participants. Protracted cases particularly affected morale where they failed to amount to anything.

It was no coincidence that the higher conferencing sites were those that had one or more half-time or full-time facilitators. When asked what would most assist RJ implementation, the overwhelming response was the establishment of dedicated RJ roles or an RJ team. The contention was that this would enable staff to undertake a larger number of cases and offer a higher quality service by virtue of their dedicated time and the opportunity to develop greater expertise. At the end of year two, several sites were seeking approval from the Community Rehabilitation Company (CRC) or Police and Crime Commissioner (PCC) to establish such a structure.

Management engagement

Senior management were generally perceived to be supportive of RJ in principle but often not in practice because they were "distracted with Transforming Rehabilitation" or were unable to invest sufficient resources. There were a few notable exceptions in which the actions of senior managers played a decisive role in the success or failure of implementation, through approval of resources or not. For example, the lack of managerial commitment to RJ in one of the low conferencing sites, described in the quote below, was a key factor in their difficulty:

> There have been situations where facilitators have been given RJ cases in one team and then moved to another team where the manager has refused to release them for the role. When the coordinators have appealed to the lead to ask managers to release them, she's stuck to her line that it is at the manager's discretion. From the person that is on paper is at the head of the tree, it doesn't give a very supportive line.
>
> (Area J, senior operational RJ lead, phase 5, year 2)

However, senior management engagement was not seen to be a critical condition of success; middle management was more important in this respect because they were the gatekeepers of facilitators' time and a potential generator of cases (i.e. through encouraging referrals):

> I think that ultimately depends on the manager as well. I think since taking on the role, it's obvious which managers are really keen and where they've got things running smoothly...they're the ones who have had the most conferences.
>
> (Area C, senior operational RJ lead, phase one, end year one)

As highlighted earlier, the inability and, in some cases, refusal of middle managers to release staff was a significant challenge to effective implementation. Many facilitators also complained that they felt unsupported by line managers who "don't have a clue about RJ" or lacked awareness of their involvement: "the only reason he knows about what's happening is because we tell him" (Area M focus group, phase seven, year two). Limited understanding of

RJ and an absence of managerial incentives to release staff or generate referrals were perceived to be important factors in these problems.

5.5 Outer setting

This construct encompasses external factors that have an influence on implementation success. Four sub-constructs are identified here: the degree to which participant needs are understood and addressed by the implementing organisation; the extent and quality of relationships with external people and organisations; opportunities to learn from others; and central policy.

5.5.1 Central policy

One of the main challenges to RJ implementation originated from government policy. Three programmes were particularly relevant here. First, the 'Transforming Rehabilitation' agenda, announced in January 2013, has seen the division of statutory probation services into the National Probation Service (NPS) (responsible for high-risk cases and court work) and Community Rehabilitation Companies (CRC) (with the latter competing for contracts to work with lower-risk cases). Second, new working terms and conditions in HM Prison Service – the 'Fair and Sustainable' programme – were introduced in April 2013. And, third, an 'efficiency benchmark' is being applied across all public sector prisons[28], as part of the Government's objective to reduce their cost, which was perceived to have resulted in reduced staffing levels.

These reforms have had a significant impact – both negative and positive – on implementation in four respects. First, it is clear that many members of staff who were trained as facilitators were unable to practise because of the reorganisations. Many RJ Leads reported that they had lost a significant proportion of probation facilitators to either the CRC or NPS, and were unsure whether they would be able to commission RJ staff from the other service. Other trained probation staff had left the service as a result of the changes. In a number of cases, interviewees noted that reduced prison staffing levels

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[28]The Benchmark programme started in November 2012 and is still being implemented in phases. Phase One prisons include Category C and local prisons. Many prisons are still in the implementation phase.

hampered RJ practice because trained facilitators were needed to backfill other staff roles or increase their workload. Fair and Sustainable (F&S) – which was announced in September 2012 – by which point approximately 100 facilitators had been trained – had the effect of precluding some prison facilitators from practising, either because they were 'Band 3' staff and the RJ facilitator role was categorised as a 'Band 4' job under the new terms and conditions or because they were moved to a different role. Further training was delivered in some of these sites to compensate for lost facilitators. Although many trained facilitators were 'lost', the investment may not have been in vain as these persons may have helped to build awareness and support for RJ in the wider criminal justice system.

A second issue was that these reforms led some sites to reduce or delay their take-up of the training or withdraw from the programme altogether. For example, an initial problem, related to F & S, was that the evaluation and subsequent banding of the RJ facilitator role did not take place until late October 2012 and there was uncertainty over which staff would be in which roles under the new structures until late December 2012. As a consequence, although some sites proceeded as planned, others chose to delay their training and one consortium of prisons withdrew from the programme altogether.

Third, there was a perception that the reforms had hampered RJ implementation; this was most apparent in probation. Many reported that senior management had prioritised planning for the reforms to the neglect of RJ, in which insufficient management time had been invested. The following comments are illustrative of what we were heard across sites:

> *Implementation has been slower than I would have wished. And I think part of the problem has been all of the other changes that are going on at this time. It is proving a bit of distraction, being able to give enough time to drive the programme forward is quite problematic. I think the issue is having enough time from a management point of view to push the thing forward.*
>
> (Area H, senior strategic RJ lead, phase three, year one)

It was a similarly widespread view that the changes to probation had caused referrals to 'dry up'. This was typically put down to staff being 'up to their eyeballs in case transfers [between the NPS and CRC] and all the rest of it' as well as pre-occupation about their future and the associated low morale:

> ...they are so preoccupied with the concerns and the worries about the probation review that they are not as keen and enthusiastic to focus on new stuff that's coming through, such as RJ. Their attitude is, "I might not have a job in two years; what's restorative justice in the whole scheme of things?
>
> (Area C, focus group participant, phase one, end of year one)

It was evident that the division of the probation service had destabilised implementation, contributing to the failure of some sites in later phases to 'get RJ off the ground' and eroding momentum in more established sites. For example, one area that had started RJ implementation immediately prior to the split explained that 'we were just starting to get somewhere before the split...but it disrupted everything so we are having to re-start the process, start marketing it again' (Area R, phase six, end of year two). However others overcame problems: one area coordinator explained that she had delivered briefings to all of the teams to emphasise that RJ was "still on the agenda" and had successfully included RJ referral activity into staff appraisals in the CRC. Her view was that TR would only hinder RJ implementation "if you let it". In this respect, while we do not underestimate the impact of the above, our analysis was that a number of less established sites capitulated in the face of the changes, placing RJ implementation in the 'too difficult box'. More could have perhaps been achieved with greater resolve.

The fourth factor is a more positive one. For a number of areas, the knowledge that TR was 'coming down the track' operated as a catalyst for RJ implementation:

> ...there is this big impetus to get it off the ground quickly as we're going to lose the motivation of staff if we don't and we've got to try and get some sort of evidence base before these changes come in. it's going to be

very difficult to implement a new approach to things if you've got four
providers, at the moment we're in control so it's the ideal time to do it.

<div align="right">(Area E, senior operational RJ lead, phase two, year one)</div>

In one site RJ activity was, ironically, hindered by the fast pace of roll-out because it preceded implementation of the necessary structures and processes. Despite such ambitions, most sites were unable to embed RJ sufficiently before the changes owing to other challenges. At the facilitator level, the perceived opportunity offered by RJ to maximise employability increased the commitment of staff to the RJ training and implementation:

If you've got this skill as an individual practitioner, you're in a better
position possibly...because it made me think, "Oh, my God, there's a
victim mediation service," who I did my first conference with. I'm going, "I
could actually work for someone like that if all this goes to pot".

<div align="right">(Area C, focus group participant, phase one, end of year one)</div>

This might be perceived as an additional drawback of the changes in cases in which staff were motivated to train as facilitators for the 'wrong' reasons and lacked a strong commitment to RJ.

In view of the significant impact of the reforms, there was a strong sense that "RJ could not have been implemented at a worse time". Members of the executive group said that they would have designed the scheme differently had been aware of the various changes. Suggestions centred on moving away from the model of developing capacity in the statutory sector and towards the investment in existing RJ organisations (nationally and/or regionally) and volunteers, which could work with probation and prisons. There was a related perception amongst some sites and executive group members that the Government had not sufficiently prioritised RJ, despite its supportive rhetoric. As one facilitator noted:

I think politically it's a kind of mixed message situation as well which
makes it even more difficult. Because on the one hand the government
are saying "RJ is the way forward, we want to make these changes". Then

they're doing all this political upheaval underneath it which makes the whole RJ message very shaky.

<div align="right">(Area D, focus group, phase one, end of year one)</div>

Specifically, opportunities to encourage RJ were seen to have been missed. These included the possibility of: requiring PCCs to spend a proportion of their victim commissioning monies on RJ; and a stipulation that RJ feature in bids for CRCs.

It was notable that in response to questioning about what needed to happen to create a 'tipping point' at which RJ would be mainstreamed, the majority of the executive group felt that a cultural change was required – initiated and supported from the centre – whereby RJ was perceived to be the 'default' option. Such cultural change was perceived to be a 'slow burn', with one member using the analogy of the four stages of learning – unconscious incompetency, conscious incompetency, conscious competency and unconscious competency – to describe the path to the point at which RJ is unthinkingly done and thus embedded.

5.5.2 Networking

In this section we include findings about the dynamics of multi-agency partnerships as well of relationships between single sites (i.e. a prison) with external organisations. There were many examples where sites had good relationships with other relevant organisations. For example, statutory agencies had often built relationships with Victim Support to aid them with locating, contacting and supporting victims.

However, there was clear scope for development too. Many sites reported struggling to obtain contact details from the police, either because of capacity limitations or a reluctance to share data:

One bit we are struggling with is that we don't as yet have any agreement with senior management in the police to release victim details outside of statutory victim cases…police are not obliged to share victim details.

We're not getting information from the police, because we really have struggled getting them on board.

Likewise, we came across examples in which probation liaison teams had refused to share details with prisons. Agency territorialism was another problem reported. For example, in one area, facilitators said that they had been unable to contact victims because of a dispute between probation victim liaison and police victim liaison services about whose case it was. Several sites said that the police often insisted on visiting the victim themselves and would subsequently report that they had declined involvement in RJ. It is clear from previous research in this field that difficulty obtaining victim contact details and access is a common experience (Shapland et al, 2004). These issues are partly a consequence of inadequate implementation processes, particularly with respect to planning and early engagement of key stakeholders, as identified in section 5.2.

Relationships with prisons were often identified as a particular area of weakness. Partly in response to such problems, NOMS commissioning intentions were published in 2013 – which commenced in April 2014 – stipulating that prisons without RJ capacity should develop a 'supportive environment' to enable RJ delivery (NOMS, 2013: 34). Facilitators nevertheless reported difficulties with gaining access to contact prisoners and convene conferences, as detailed in section 5.5.2. However, it should be noted that the intention had only been in place for eight months at the time of writing and its impact was not a focus of this report.

Coordinating the implementation of RJ across multiple local partners and working in partnership was highlighted as a significant difficulty by several sites. As a phase two operational lead commented: "the main challenge is on the partnership side with other organisations. Agencies have different priorities, goals and aspirations".

5.5.3 Learning from others

The Consolidated Framework identifies as important the presence of forerunners from which implementing sites can learn. In this sense, the involvement of Thames Valley Partnership in the programme partnership was particularly significant given that they were one of the pioneers of RJ in the criminal justice system through the Thames Valley Restorative Partnership (Thames Valley Partnership, 2014). Their expertise was shared through the provision of the Wait 'til Eight implementation guide and support visits to all participating sites.

The guide was utilised by many sites in some form, with several using it 'a lot' and others cherry-picking relevant sections, such as the form templates. However, some commented that the guide would have benefitted from the inclusion of a national information sharing template and others felt that the number of forms was overly "bureaucratic". In this respect, several members of the executive group observed that "quite a lot of people used it [the guide] in a way that made it over-complicated and over-prescriptive...people used some of the various processes within it that were supposed to be enabling, as barriers". It was evident that the implementation support visits had been particularly valuable for struggling sites, which had acted on advice given by the TVP team.

A number of sites, particularly prisons, reported that it would be helpful to have contact details of those who had implemented RJ. The establishment of the Restorative Justice Council (RJC) Restorative Services Map (RJC, 2014) may help to address this.

5.6 Individual characteristics

The framework identifies as important individual's knowledge and beliefs about the intervention, their self-belief in their ability to do the work, and personal attributes. In reflection of this, it was evident that a – if not *the* – key factor in the success of sites was the commitment and capability of facilitators and coordinators.

In the most successful sites there was a palpable sense of commitment and enthusiasm about RJ from the start that was evidently lacking in other areas. This was characterised by a core of facilitators who went beyond what was expected of them. For example, some explained that "instead of waiting for referrals to come to me, I've been out looking to try and source them myself" (Area C focus group participant, phase one, year one). As outlined above in section 5.4.5 involvement in RJ was often largely dependent on working on cases in one's own time. It follows that it was commonly a matter of personal motivation and passion as to whether or not facilitators committed the necessary time to the RJ role:

> But it's your passion that keeps it going because collectively if you didn't have that passion and belief, it could easily skip under, couldn't it, because you're not getting that support from top down. So you're keeping it strong because of your personal approach to it.
>
> (Area D, focus group participant, phase one, end of year one)

In a similar vein, some RJ leads demonstrated real tenacity in their role. They typically were: vehement champions for RJ at all levels of their organisation and externally; spent time monitoring the progress of cases, which enabled the identification of problems; supported facilitators through means of regular supervision and/or practitioner forums; and challenged facilitators when necessary, such as if they were not advancing cases. The approach could essentially be reduced to two components, as one Operational Lead articulated:

> You need a number of things to get people going, don't you? You need to create a sense of urgency. That's one of the first things you do: "This is important. It is a priority piece of work." The next thing you have to do is support them in terms of making sure that they have sufficient time, sufficient training, ongoing support and that sort of thing, and feedback.
>
> (Area L, senior operational RJ lead, phase five, year two)

The risk is that activity falters when such persons are absent. We saw numerous examples of this during the study whereby RJ activity had ground to a halt due to a coordinator's extended sickness or unexpected movement to another role.

There was worry too in sites that they would see a decrease in their conference activity as a result of losing some of their "best facilitators" in the restructures. The high dependence on the personal enthusiasm of facilitators was also a source of concern due to the risk that it is unsustainable and such motivation can wane when progress is difficult, (as highlighted in section 5.2).

> *I think it relies on the passion of those people who have been trained and commitment to want to do it that they are even prepared to say, "Look I'll come in after work, I'll do it". Well of course you can't - that's not sustainable in the long term.*
>
> (Area K, senior operational RJ lead, phase five, year two)

Across sites, there were facilitators that were deemed, as one operational lead put it, not to have the "X-factor" because they lacked confidence or drive. Unless action was taken, these facilitators 'sat on cases' because they were reluctant to contact participants or disengaged from the programme altogether:

> *I think there is a certain amount of de-selection of trainees, we've tried to select them on interest in RJ, but once they get a better insight into what it's about at the training, some of them think it's a bit scary and that they will just sit tight and not offer themselves up, and if the coordinator approaches them they say it's too busy, then six months passed, they are de-skilled and never used*
>
> (Area J, senior strategic RJ lead, phase five, year two)

The main consequence of this was wasted training and that cases fell by the wayside.

5.7 Learning points

Using the CFIR, this chapter has aimed to identify why some sites have succeeded in implementing RJ effectively whilst others have struggled. Our analysis offers clear lessons for current and future RJ implementation. These include the need for:

- Effective local planning in advance of any capacity building training to ensure skills are quickly put into practice;

- Early identification and engagement of key stakeholders;

- Careful selection of individuals who have the capacity and aptitude for the facilitator and RJ operational lead role;

- Early recognition of the complexity of the intervention and appropriate planning to mitigate possible difficulties (linked to supervision and peer support);

- Presence of a stable policy environment;

- Regular supervision and peer support sessions for facilitators;

- Sufficient resources to fund dedicated half or full-time RJ posts;

- An accessible network of like sites with long-standing implementation and intervention experience to learn from; and

- A persistent and/or creative approach to awareness-raising to gain the buy-in of middle and senior managers and frontline staff.

6. Conclusion

The RJ capacity building programme could not have been implemented at a more challenging time for the prison and probation services. The momentous reforms that they are undergoing have created significant challenges to implementation. Many trained staff have been under-used or unused for RJ work, management time has been deflected from RJ application, the potential interest of frontline staff in the intervention has been weakened and implementation momentum has been slowed and in some cases stalled. Our analysis is that the programme would have been markedly more effective in implementing RJ if it had not had to deal with these major organisational upheavals.

However, it is clear that the conditions in many sites were a substantial hindrance to implementation. Many planned poorly for implementation, and the selection of trainee facilitators and take-up of training places often needed further forethought to ensure that the most capable and suitable people were trained. The complexity of the intervention was commonly underestimated. A lack of resources resulted in insufficient allocation of staff time to RJ. Much of this is a consequence of inadequate preparation and resourcing. Nevertheless, the implementation experience has provided a clear set of lessons, which will hopefully aid future efforts to develop the capacity of probation and prisons to deliver RJ. These include the need for careful selection of trainee facilitators to ensure that they possess the capacity and aptitude for the role and the creation of dedicated half or full time facilitator posts.

Despite the organisational challenges, much has been achieved. Without the advent of this programme 153 conferences and more than 300 victims and offenders would not have been provided with the opportunity to benefit from the process. The training has also raised awareness and support for RJ amongst staff and managers in probation and prisons. It is evident from Chapter 4 that the overwhelmingly majority of conference participants found RJ a valuable and, in some cases, transformative experience. This was in large part brought about the by emotionally charged nature of the conference experience. Victims entered

into RJ for a variety of reasons but many concluded the process with altruistic intentions towards the offender; they were interested in his future and in a significant number of cases, had taken steps to remain involved through letters and ongoing visits. Offenders similarly demonstrated a range of motivations for engaging in RJ but, without exception, had found it a humbling experience. For many, participation in a conference had deepened or elicited their resolve to desist from offending. We came across a minority of cases in which victims were dissatisfied with the poor adherence to the outcome agreement. It is essential that effective monitoring processes of such agreements are in place to ensure that such negative experiences are protected against.

It is evident from the RJ activity analysis and qualitative data that the programme has played a critical role in the development of several promising centres of RJ practice. These include: Manchester, Lancashire, Wales, HMP Leeds, and Northumbria (which is developing particular expertise in the facilitation of RJ conferences concerning sexual offences). At the end of the evaluation, many sites were in limbo, waiting for the decisions of the CRC or PCC as to whether RJ would be supported in the 'new world'.

The prospects for restorative justice in England and Wales

This report has shown that the capacity building project made some significant achievements. Many victims benefitted from restorative justice conferences or other RJ outcomes. This is consistent with the research evidence from a number of studies. Although we did not track reconviction outcomes, one can be equally confident that many offenders benefitted from participation, and the experience will have helped some of them stop committing crime.

The fact remains, however, that many fewer conferences were conducted than had originally been projected, and it is clear from our account of implementation in the previous chapter that many sites struggled to establish a viable scheme. We have argued that part of the reason for this was the organisational turmoil affecting prison and probation services over the life of the project. But that is clearly not the whole story. There have been many attempts to set up RJ schemes in this country, the first of which we are aware being in Bristol, forty

years ago.[29] Many of the pilot schemes dating from the 1990s and thereafter were beset by problems of low take-up (Shapland et al., 2004, 2008; Innes et al., 2014). It is reasonable to ask what are the key preconditions for embedding RJ principles and practice in the justice system – for clearly, it has not proved easy to date.

Cultural shifts

Perhaps the most important precondition is to engineer a cultural shift within the justice system in favour of restorative principles. In part this involves attaching greater priority to the harm done through crime to victims – and the need to repair this harm – and less priority to the offence against the law. Increasingly politicians stress the importance of putting the victim at the heart of criminal justice, but practice still reflects the priority of catching, convicting and punishing the offender; victims remain a world apart from the routine work of both probation and prison services. It also needs to be recognised that restorative justice principles can sometimes be in tension with those of a victim-centred justice system – given that the aim of RJ is to support and help *both* victim and offender: the treatment of victims and offenders is not a 'zero sum game' in which gains to one side can only be achieved through losses to the other. Achieving a cultural shift requires positive leadership, both at political level and amongst the judiciary and senior justice system managers.

Structures and funding

To become more fully embedded, systems for RJ need to be simple, robust and properly funded. In particular, there is a need for local coordinators or project managers, whose post is explicitly funded (whether on a full- or part-time basis) to do RJ work. There are also key decisions on whether to draw a pool of local facilitators from police, probation and prison workforces, or whether to use volunteers drawn from the local community. The current pilot scheme for pre-sentence RJ conferencing, which uses volunteer facilitators, should shed light on this. Funding is obviously problematic in a period of intense austerity. Responsibility for funding RJ currently lies with Police and Crime Commissioners,

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[29] According to Nigel Whiskin (personal communication), plans for the first victim support scheme included an RJ element, but this was dropped from the scheme, which went live in 1974.

who have a budget to support work with victims, including an explicit allocation for RJ. However, the RJ money is not ring-fenced, and PCCs may choose to spend none of their budget on RJ.[30] Without ring-fenced funding, implementation will continue to be patchy across the country. This is, perhaps, a predictable consequence of the localism agenda, pointing to the need for RJ advocates to focus their efforts on local rather than national politicians. The new Community Rehabilitation Companies may also decide to invest in RJ, the key factor here being whether they judge this to an effective way of meeting the requirements of their contract.

A statutory requirement?

RJ has been successfully embedded in the Youth Justice Agency in Northern Ireland, the main reasons lying in the fact that legislation provides the authority for restorative justice approaches, powers for sentencers to require RJ conferences and requirements for sentencers to explain when they have decided against referral for RJ. It remains to be seen whether similar consequences in England and Wales will flow from provisions in the Crime and Courts Act 2013 which rendered explicit sentencers' powers to defer sentence in the adult courts to permit an RJ conference. The powers are less broad, and there is no equivalent requirement on sentencers to explain when they have not referred a case to RJ. Nevertheless the new statutory provisions and the associated non-statutory guidance, which are currently the subject of piloting exercises, can hardly hinder the development of RJ, and may provide the necessary pressure to establish RJ properly. What remains to be worked out – and the 'pathfinder' pilots may shed light on this – is whether and how sentencers, the PCC funders and staff in prisons, probation and the new community rehabilitation companies will all collaborate to make RJ a viable and fully embedded option in the justice system. It is our hope that RJ receives the support it deserves in the new landscape to ensure that a greater number of victims and offenders have the opportunity to benefit from an intervention that evidently can be so beneficial when undertaken well.

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[30] £83m was allocated to PCCs in late 2013 for the period through till 2015/16. However, they will receive the money "in a single allocation so that they can make decisions about the services that best meet local need" according to a Ministry of Justice press notice issued on 19 November 2013.
See https://www.gov.uk/government/news/new-victims-funding-for-restorative-justice

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Annex A – Methodological issues

Data returns and analysis

Active sites were required to submit a monthly RJ data activity return to us using an excel spread-sheet. We designed this (based on a template used by Thames Valley) and test-ran it with two sites prior to implementation. Conference case material, such as conference write-ups, outcome agreements and participant feedback questionnaires, were submitted separately; the *Wait 'til Eight* guide provided templates of these, which many of the sites adapted for their own use.

Although the data requirements were considerable, such information was necessary for participating sites' internal records and monitoring and should not have been an additional burden. A number of the sites consistently provided high-quality, timely data. However, in many sites there was been an on-going problem with delayed, incomplete, and, in several cases, consistently missing RJ data returns. These problems were due to the absence of any or sufficient and turnover of central administrative support in sites – to compile and return the data, as well as to assist and remind facilitators about the paperwork. The resistance of services to data collection is a common problem and has been encountered in all process evaluations undertaken by the ICPR.

Given that effective monitoring is a key component of good RJ practice, there is a risk that poor data recording is translating into a poor service for RJ participants. The negative experience of a minority of victims with respect to the improper adherence of services and offenders to outcome agreements (see section 4.5.1) suggests that this risk has been realised in some cases.

It should additionally be noted that the conference material was not included in the analysis owing to the illegible and incomplete nature, as well as the differing format of many documents (e.g. some conference write-ups were 2 pages long, others were 2 lines in length). Instead, we drew upon the individual case

material to prepare for the corresponding conference interviews as well as to develop a sense of the nature of conferences and outcome agreements.

Conference observations and participant interviews

We experienced difficulties carrying out conference observations and meeting the target number of conference participant interviews. This was a result of a combination of factors, including:

- Administrative issues, detailed above - consent forms were missing or not utilised and we were often not informed of conferences for which there was agreement to our observation until after they had taken place;
- A lower than expected number of conferences, which reduced the pool of potential interviewees;
- Lack of staff time for RJ, discussed in Chapter 5, which meant that remembering to alert us to upcoming conferences was, understandably, often not a priority; and
- Difficulty contacting some participants who consented to interview – reasons for this included: delayed receipt of consent, by which point the offender had been transferred to another prison or released; inability to contact released prisoners because their probation officer was uncontactable or refused to provide their contact details to us or otherwise facilitate access; and non-responses to phone calls[31].

To mitigate the first three problems, monthly reminder emails were sent to all sites; the executive group included such reminders in their correspondence; interview consent was additionally requested at the point at which the conference was arranged (rather than only in the post-conference follow-up questionnaire); and columns were added to the spread-sheet requesting details on consent, to serve as an additional prompt. Despite this, many sites continued not to return consent forms and alert us to conferences. We had some success with using the NOMS Prisoner Location Service and enlisting the help of facilitators to track down unreachable participants.

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[31] We stopped contacting RJ participants after three attempts if we had not received a response.

Nevertheless, the target number of RJ participant interviewees was revised from 60 to 50 in response to these problems. Overall, six conference observations were scheduled but four of these were cancelled or postponed at the last minute, usually due to participant illness.

Amendments to the methodology

The evaluation design was refocused part way through year one in response to there being fewer conferences than expected and very positive training feedback. It was felt that it would be valuable to dedicate more time to studying the implementation experience in the phase one sites by returning for further interviews and focus groups. The consequence of this was that fewer trainee interviews were conducted. In addition, conference observations and further interviews with RJ conference participants were postponed[32] until year two.

Additional research aims

In addition to the main research aims, the study sought to look at:

- Victim take up rates, the factors that lead to drop out;
- Realistic and sensible alternatives to full conferences, if these can't be organised;
- Whether female offenders are drawn into RJ activities and benefit from them; and
- Technological solutions to problems bringing victims and offenders together: video conferencing.

We were unable to address the latter two points due to insufficient data on the involvement of female offenders and lacking use of technological solutions.

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32 Five participant interviews were carried out in year one.