



Guidance for Practitioners

Introduction

The Restorative Practices Ireland (RPI) Quality Assurance Framework 'Aspiring to High Quality Restorative Practices' was published in 2021 as a contribution to achieving RPI's key objective of supporting the growth, evolution and sustainability of restorative practice in Ireland. It is designed to provide clear, practical information and to encourage and support individuals and organisations to achieve high-quality restorative practice consistently. It draws on published international standards (relevant sources referenced below) and the experience and insights of RPI members. It is a resource for individual practitioners, service managers, policymakers, funders and oversight bodies.

The complete Framework is available at <https://www.restorativepracticesireland.ie/wp-content/uploads/2021/11/CDI-RPI-QA-Framework-web-2-1.pdf>.

This document provides guidance for practitioners in preparing for and running restorative events:

- restorative circles and restorative conversations, that focus primarily on relationship-building and prevention of harm, and
- restorative meetings and conferences that deal with the aftermath of harmful incidents or breaches of organisational rules.

The guidance is complemented by a series of RPI checklists which are available on the RPI website. The guidance is informed by RPI standards that are based on restorative values, principles and objectives that are set out in related RPI documents. The references at the end of this document refer to the sources used in that related work.

Preparing for Restorative Events

Preparing all parties for a restorative intervention is critical to ensuring compliance with restorative principles and values and the effectiveness of the intervention.

Preparing for restorative circles

Circles are used in many settings and for different purposes. Relationship-building circles are proactive and can be used to build empathy, understanding and connection in a group or to facilitate making decisions on matters of interest to the group. Problem-solving circles are reactive in that they deal with some conflict, difficulty or incident of harm.

If a circle is being used for the first time, the person organising the circle needs to explain the purpose and process in advance.

For problem-solving circles dealing with conflict between groups, much of the guidance for preparation of meetings and conferences applies, taking into account that typically there is no clear wrongdoer in circle scenarios and a larger number of people is involved. The facilitator should have separate meetings with each side to the conflict, ideally face-to-face. Holding these preparatory meetings as circles familiarises participants with the process while exploring each side's version of events, what they hope to get from the full circle and what they might need to make the circle work. Facilitators should consult early with those who can provide context to the issues at hand (e.g., managers, supervisors, teachers, group leaders). They should secure the consent of all parties to observe ground rules agreed in the circle.

In organising the circle, facilitators should attend to the same practical arrangements as for meetings, with the added consideration that the venue should be capable of catering for the group in a large circle with no furniture in between and with good acoustics. They should determine seating arrangements and identify, for each side, who will lead the discussion.

Preparing for conversations

Restorative conversations are between two people, one of whom is the restorative practitioner. The restorative practitioner initiates the conversation and has a direct interest in the issue being discussed (either because they are personally affected or have a responsibility for dealing with it).

Where conflict is involved, the practitioner should wait until they and the other party have had a chance to calm down and reflect before engaging in the conversation. The practitioner should prepare in advance what they wish to say and be clear in their intention. The practitioner begins with an explanation and outlining of their position before inviting the other person to respond but holds off making suggestions as to what should happen next until the other person has made their suggestions.

Preparing for restorative meetings and conferences

Restorative meetings are sometimes on-the-spot responses to presenting situations and there is little opportunity to prepare. Practitioners in such scenarios use their professional judgement to assess the capability of parties to participate calmly and constructively. If the facilitator thinks they are ready, the intervention can proceed there and then. If not, parties should be asked to meet later when they have calmed down and had a chance to reflect on what happened. Facilitators should prepare in advance what they wish to say and be clear in their intention. They must treat all parties in a manner that is consistent with restorative principles (for example, being non-judgemental and hearing each party's story). They should decide on how to determine which party should speak first and be ready to explain their decision to the parties.

In other more planned situations, initial contact with parties should be appropriate to the case circumstances and consistent with the organisation's procedures. In schools and similar

environments, initial contact is invariably face-to-face and parties should be provided with information about the organisation's restorative procedures. In cases of less serious harm or conflict where a speedy, informal restorative intervention is deemed appropriate, the intervention may take place without a separate preparatory meeting, but key messages and explanations should be provided at the start of the process. In a criminal justice environment, an invitation to engage with a service might be sent by written correspondence (including explanatory information in a leaflet or otherwise) or made by telephone, with the aim of securing a follow-up face-to-face meeting.

A harm-doer should be contacted first and any harmed person contacted only if the harm-doer accepts responsibility and is willing to participate.

The initial contact in all scenarios should provide enough information to allow the parties to make an informed decision about whether to engage in a restorative process. The information should include an explanation of the purpose and nature of the restorative process, the roles and responsibilities of those involved, and the different restorative options that might be available. It should also outline potential benefits of participation and make clear the voluntary nature of participation. It should explain how the process fits into the criminal justice or organisational system, e.g. how outcomes will be taken into account in sanctioning decisions. Any questions should be answered clearly.

Subsequent preparatory contact with the key parties should be face-to-face. This helps build rapport and allows a better assessment of risk. The preparatory meeting and any other preparatory contact should be by the person(s) who will facilitate the actual restorative process. As far as possible, the same facilitator(s) should be involved in all stages of the process. This is especially true in cases involving more serious harm and complexity.

Facilitators need to treat all parties with respect and dignity throughout the process and must not discriminate on any grounds (including whether they are harm-doer or harmed). They need to listen actively and empathically to what the parties have to say and seek to understand their needs and capacity to engage. They should encourage an open and honest conversation through reassurances about safety and confidentiality and through their own interactions.

They should enquire if the parties have any fears or concerns about participation and explain that they will be able to have supporters present if they wish. This may be a legal requirement in some cases (e.g., under 18's) and recommended in others (e.g., emotional or other vulnerability, likelihood of power imbalances). Facilitators need to prepare any supporters and furnish them with the same information and explanations as for the primary parties. They should make sure supporters understand their role very clearly. Contact with supporters may be by phone although in practice supporters usually attend preparatory meetings.

Facilitators should not put pressure of any kind on either harm-doer or harmed person to participate and should allow them sufficient time to reflect and decide on participation. They should ensure that parties can make a fully informed decision by providing clear,

accurate information. They should advise the parties of the right to withdraw consent at any stage including during the restorative process, alerting them to any implications of doing so.

Facilitators need to explore all the parties' versions of the events that caused the harm or led to the breach of discipline or regulations. They should ask about the nature of the incident (e.g., any sensitive aspects), participants' thoughts and feelings at the time of the incident and since, and the level and impact of harm caused or experienced. They should also explore the parties' needs and expectations and views on ways forward and should manage unrealistic expectations. They should refrain from offering their own solutions although, if parties seek help in the matter, they may identify a menu of possible actions used in similar cases or perhaps provided for in legislation.

Facilitators should use the preparatory stage to review risk or, if no prior assessment has been made, to complete an assessment. In serious or complex cases, a formal assessment is recommended, to be signed off by a supervisor or manager. In cases with no clear victim or involving a breach of organisation codes, an informal assessment of risk should suffice. Risk assessments carried out by referring agencies or other bodies should be sought and considered where available. Key indicators of risk include ambivalence towards taking responsibility for behaviour and likelihood of coercion and control.

Where a concern over safety arises, factors designed to mitigate the risk should be put in place. Factors relevant to risk assessment identified by the Restorative Justice Council (2020:27-28) include communication ability, emotional state or vulnerability, extent of impact of harm, intimidation, previous history between the parties and significant disagreement in accounts of what happened; factors identified in relation to risk mitigation include use of alternative communication mechanisms, accompaniment by supporters, expectation management, venue selection and practical arrangements. The level of risk should be explained to harmed persons (and harm-doers) to the extent consistent with ethical and legal requirements and they should be empowered to make the final decision as to whether or not to proceed.

Some processes involve provision of refreshments after the formal meeting has concluded in the interests of cementing restoration and relationships. It should be made clear at the preparatory stage that this will take place and that participation is encouraged but optional.

Facilitators should check in with key participants in the run-up to the restorative event, to confirm participation and respond to any final questions or concerns. They should assess the likelihood of strong emotions or conflict emerging at the restorative event and have a plan for dealing with it. They should ensure that participants arrive at different times, giving preference to the harmed person as to arrival before or after the harm-doer.

The facilitators need to decide on an appropriate venue and agreement on forms of address, in consultation with key parties. They also need to consider access issues and practical arrangements (such as travel or child-minding duties) and decide on a seating plan. In many circumstances, such as schools and offices, there may be restricted choice as to venue and practical arrangements may be left to the participants. The key considerations

are that the venue does not put anyone at a relative disadvantage and barriers to participation are removed.

Co-facilitation should be the norm for serious and complex cases and, where feasible, for simpler cases. Where co-facilitation occurs, the facilitators should decide on respective roles and tasks at all stages of the process, jointly assess difficulties that might arise during the meetings and how they will respond and agree how they will communicate with each other during the meeting.

Running restorative events

Running restorative circles

In starting a circle, the facilitator (sometimes known as the 'circle keeper') should state the purpose and focus of the circle. They should remind participants of the ground rules as necessary (e.g., if it is the first time for the group to meet, if an established group is joined by newcomers or if the circle is dealing with contentious issues). For problem-solving circles, they should remind participants of the need for confidentiality.

They should respect the voluntary nature of participation by allowing participants to decline to speak when it is their turn and checking in later to offer an opportunity to speak. They should use a *'talking piece'* to facilitate uninterrupted speech and active listening. They should model behaviour by answering initial questions themselves and should intervene only where necessary to keep the circle (e.g., reminding participants of the ground rule of uninterrupted speech if there are infringements).

As with restorative meetings, facilitators should constantly monitor participants' well-being and intervene immediately to protect participants if required. For problem-solving circles, they should use layered questioning beginning with easy, 'low-effort' questions before progressively moving to sensitive issues and more challenging questions.

They should start proceedings with an opening circle and finish with a closing circle and use intermediate rounds of the circle according to the circumstances of the event. They should adopt different forms of circle as appropriate, beginning and finishing with sequential *'go-around'* circles.

Having restorative conversations

For informal restorative interventions such as restorative conversations, practitioners must act in accordance with restorative principles (for example, being open to hear the other party's story, not rushing to judgement). They should use the restorative questions as a framework for the conversation and give their own answers first to provide critical information and cues to the other person. However, they should not offer solutions before getting the views of the other person.

Running face-to-face restorative meetings and conferences

At the start of the meeting, whether in-person or by video conferencing, the facilitator(s) should introduce themselves and explain their role. They should remind participants of how the process will proceed and basic ground rules (such as no abusive or threatening behaviour, uninterrupted speech, possibility of time outs). Ground rules should be kept to a minimum and take account of participant wishes. The facilitator(s) must ensure that everyone understands each other's role and responsibilities.

In running the event, facilitators should encourage active participation by everyone at all stages, ensuring no-one dominates or is left out. They should move the process on at an appropriate pace that balances participants' needs and the time available. They should work to ensure that the dialogue is between the parties themselves rather than between the facilitator and them.

Facilitators must continuously monitor participants' well-being and, if necessary, intervene to protect participants. They must ensure compliance with agreed ground rules and intervene to halt non-compliance as required and appropriately. Facilitators should stop meetings, call time outs or have break-out meetings as they deem necessary.

Although exact processes and formulations differ between organisations and services, the process should cover at a minimum what happened, what people were thinking and feeling at the time and since, who was affected and how, what could have been done differently and what needs to happen next. Everyone should be asked the same questions, although the facilitator may tease out answers with additional questions.

In looking at what needs to happen next, facilitators should ensure that participants have an opportunity to discuss the outcomes that they would like. Facilitators should not themselves propose solutions but may, if necessary, remind harm-doers of things they had offered at the preparatory stage.

Facilitators must ensure that outcomes are agreed voluntarily and based on full and informed consent. This holds true for both providers and recipients of reparative actions. Agreed actions should be appropriate and proportionate in relation to the harm caused and be realistic in terms of parties' capacities (including resources) and practical limitations (such as insurance, restrictions on liberty and age). Reparative activity should be clear and measurable and necessary supports should be agreed to help the harm-doer to complete the actions. If financial reparation is involved, arrangements should be put in place to verify payment. Actions to address risk of repeated harmful behaviour should take account of the harm-doer's needs and supports available for them. Arrangements for monitoring follow-through on any agreed actions should be explained, where they exist, or put in place if they are not yet established. Facilitators have responsibility for ensuring that these issues are addressed at the meeting. Facilitators should also ensure that harm-doers are aware of possible consequences for them, such as return to court or suspension from school, if they do not fulfil their commitments.

Practitioners should record all decisions and agreements and have them signed by the harm-doer, and possibly the harmed person. Copies should be provided to the harm-doer and others who have a legitimate reason to have them, including relevant referring or overseeing authorities. The meeting should agree who will be informed and/or updated on progress in carrying out agreed actions.

Where refreshments are provided at the end of the meeting, facilitators should remind participants that they are not obliged to remain. All participants should be thanked for their participation and contributions.

Facilitators should check in with the harmed person and harm-doer after 2-3 days to see how they are getting on and get their thoughts and feelings about the restorative process. The opportunity can also be used to see if promised actions are being carried out. Parties should be advised as to where they can access specialist support if required and, with the agreement of the participants, services providing on-going support should be advised of any new concerns.

Running indirect restorative meetings and conferences

Face-to-face meetings are the preferred option, but practitioners need to be able to identify when indirect contact will better meet participants' needs and preferences (e.g., in cases of perceived risk or vulnerability). Parties should not be pressurised to participate in face-to-face meetings and should be offered indirect interventions if they do not wish to meet face-to-face. Much of the guidance for face-to-face processes is relevant to indirect contact. As in all restorative processes, facilitators must remain impartial throughout.

'Shuttle restorative practice' is one option for indirect contact. This entails the practitioner moving between parties, passing information from one to the other. Facilitators using this method should ensure that the information gathered is clear and agree what information can be conveyed to the other party and how. They should make clear that the information being passed from one party to the other is that of the party not the facilitator and they must take care not to alter messages in any significant way.

A variation is communication by audio or video recording which is potentially useful where the parties live far apart. A limitation is the scope for responding to questions and facilitators need to manage expectations in this regard.

Written communication between parties is another option where they do not wish to meet in person. The first communication should come from the harm-doer to the harmed person and may elicit a written or oral reply. Facilitators need to be certain that the potential recipient wishes to receive the letter and should manage their expectations about style and content, taking account of the writer's capability.

For written communication, the harm-doer should be advised of the need to be honest and to address the harmed person's concerns as reported by the facilitator. They should be further advised that the facilitator will read the letter prior to its transmission and may not pass it on if there is concern that it will add to the harm. They should explain how an approved letter will be handed over. Facilitators should deliver letters in person wherever

possible but if it proves necessary to use the post or email, the recipient should be contacted by follow-up phone call. Facilitators should avoid suggesting content but may remind writers of what they said when discussing the incident, its impact and possible outcomes. Practitioners should assess risk in recipients retaining the letters, including the risk of circulation to a wider audience.

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