



RPI Standards for Restorative Practice

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 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>.

The quality of restorative practice relates to the extent to which practice adheres to restorative values and principles. A key focus of the Framework is therefore on the values and principles that underpin effective restorative practice, associated practice standards and guidance for good practice.

The QA Framework relates to restorative practice in all its guises and in all domains. RPI sees restorative practice as a continuum of practice that features use of restorative language (expressing feelings and needs) and one-to-one conversations at the more informal and universal end of the continuum and facilitated circles, meetings and conferences at the more formal and targeted end. Domains of application include criminal justice, schools, youth work, workplaces, communities and families and in both statutory and voluntary organisations. Restorative practices emerged from restorative justice but go beyond dealing with the aftermath of harmful behaviour to include proactive relationship building and conflict prevention.

This document focuses on RP Standards set out in the QA Framework. Other documents in this series focus on Restorative Values, Principles and Objectives; Guidance for Practitioners; and Quality Assurance Mechanisms. Checklists from the Framework are available on the RPI website as separate leaflets.

Quality in restorative practice is assured by adherence to standards that give expression to restorative values, principles and objectives. Understanding the basis for standards helps

ensure that practice choices are aligned with the overall ethos and objectives of restorative practice.

The RPI standards draw mainly on work by the European Forum for Restorative Justice (2018), the Council of Europe (2018), the Institute for Research and Innovation in the Social Services, Scotland (2018), the New Zealand Ministry of Justice (2019), the Restorative Justice Council (2020) and the United Nations Office on Drugs and Crime (2020). They are also informed by the European Union Directive 2012/29/EU establishing minimum standards on the rights, support, and protection of victims of crime and the Criminal Justice (Victims of Crime) Act 2017. References are provided at the end of the document and include references in relation to the values, objectives and principles set out in the RPI QA Framework on which the standards are based.

The standards are framed mainly in respect of restorative processes addressing harm or conflict but are relevant and readily adaptable to processes aimed at building relationships and preventing harm.

Voluntary participation

Participation in restorative events dealing with incidents of harm should be voluntary and based on informed consent. Participants should have the right to withdraw consent at any time, before or during the process. This principle holds equally for both harm-doers and harmed persons.

Information should be provided that will enable parties to make an informed decision about participation. Such information should include the nature of the process, expectations, rights, and potential consequences of participation.

No parties should feel coerced or induced by unfair means into giving their consent. Sufficient time should be allowed for parties to reflect and get independent advice. The consent of victims should refer to their own participation, not to whether a restorative process takes place. In the case of multiple harm-doers and/or harmed persons, each should have a say in whether they would prefer a joint or separate process. Children should have access to parents or guardians in deciding whether to participate.

Agreed actions should be arrived at voluntarily without coercion. Participation by a harm-doer in a restorative process should not be used as evidence of guilt in any subsequent proceedings nor should a failure to reach an agreement be used against them. Processes involving children must guarantee their safety, respect their rights and be in the best interests of the child.

Participation in restorative practices aimed at building relationships or preventing or defusing conflict should also be voluntary. Participants in restorative circles should be given an option to pass when their turn to speak arrives. The extent of voluntariness may be

limited in practice in school or similar settings where the restorative practice is a normal way of doing business.

Inclusivity and engagement

Restorative processes should be inclusive by seeking to ensure representation of all parties affected by what happened and enabling their active participation in dialogue and decision-making. When seeking to address harmful behaviour, the harm doer and harmed person should be central to the process. Both should have the right to have a support person present if they wish. Parental consent and right not to participate are a requirement for under-age offenders in the criminal justice system. Restorative events which deal with harmful incidents in school and similar settings should likewise involve participation by parents or, with their permission, proceed in their absence, and should allow peer support.

Involvement of other parties thought likely to have been affected or able to contribute to finding solutions should be considered in consultation with the harm-doer and harmed person.

Practical arrangements for holding restorative events should take account of the needs and preferences of parties as far as possible. Accessibility issues should be addressed to ensure that participants with additional support needs are not excluded. Restorative practice treats all participants as equal, without discrimination on any grounds. Practitioners need to show equal concern for and commitment to all parties, respecting diversity, catering for differences in language or other communication abilities, respecting the dignity and inherent value of all participants, and requiring all participants to honour these values. Translation and interpretation needs to be provided where required.

Restorative practices should take account of community interests and involve the community to the extent possible. Communities can be defined in different ways. In a school setting it may constitute a class or school and include teachers, students and parents. In a criminal justice setting it may be a local or wider community affected by social disharmony or specific offending behaviour. In a residential setting, the community may include some or all residents. Representatives of communities or organisations affected should be either those individuals most affected or those best placed to communicate the nature of the harm.

Empowerment and restoration

Participants in restorative processes should be empowered to tell their stories, express their views and jointly find solutions that best meet their needs. Processes dealing with harm should have a problem-solving focus and favour inclusive outcomes such as reconciliation and restoration rather than exclusion or stigmatisation. The focus should be on repairing harm and relationships and preventing recurrence and maximising collaboration, rather than competition of interests.

A dialogue between the harmed person and harm-doer is at the heart of restorative processes: professionals who attend must not dominate discussion and facilitators should manage the process in an unobtrusive and non-directive way. An exception is that facilitators of relationship-building and problem-solving circles can have an active but not preeminent involvement.

The task of empowerment begins with preparation of the parties, with facilitators ideally having separate face-to-face meetings with the harmed person and harm-doer. Practitioners should listen to each person's side of the story, answer questions and respond to concerns. They should provide clear explanations of the process and what the participants can expect, including the likelihood of strong emotions. They should encourage participants to think about what they want to say and how they will say it. They should provide appropriate support even if those involved decline to join a restorative process. They should offer the possibility of indirect participation and/or feedback from any restorative intervention that proceeds without them. Participants should be encouraged to bring a support person if they wish.

Restorative values and positive outcomes are best served by direct, authentic communication between the parties (European Forum for Restorative Justice, 2018:13). Direct dialogue between the parties is favoured accordingly. The approach must take account of the wishes, needs and capacity of participants and potential risks to their safety and well-being. Practitioners should facilitate a dialogue in a way that is empathetic, respectful, calm, patient and understanding (UN, 2020:58). They need to ensure a safe space where participants feel free to express their feelings, needs, questions and requests and can expect to have their voices heard. They must be impartial in doing so and treat all persons fairly.

The process must show respect for the personal experiences of harmed persons, acknowledge the harm caused and recognise their right to repair of that harm and protection from future harm. They should be afforded the opportunity to ask questions of their harm-doer and seek reassurance about the future. Harm-doers should be given the chance to take responsibility, make amends and seek support for the future. The aim of the process is to restore and reintegrate both parties, not to establish guilt or impose punishment.

Facilitators should manage all interaction between the parties to ensure that it is respectful. During the process they should allow participants a fair and equal opportunity to speak without fear of interruption. The process should control for any power imbalances. It should cater for cultural differences. Facilitators should intervene if necessary to remind participants of the need for respect and other ground-rules. A process dealing with multiple harm-doers and/or harmed persons should only hear the accounts of, and address the impact on, those present or those represented by an agreed person.

Safety

Restorative processes should be safe, even if challenging and uncomfortable, for all participants at all stages of the process. Participation in processes dealing with incidents of harm has potential risks for both the harm-doer and the harmed person that have to be managed carefully. At a minimum the process should not cause additional harm, physically, emotionally or otherwise.

Processes should not be initiated where there is an assessed risk of further harm, unless the harmed person wishes to proceed in full knowledge of the risks. Relevant factors to consider include appropriateness of cases, risk assessment prior to commencement, planning for management of risk, on-going protection during the process, maintenance of confidentiality and need for follow-up support. Participation in relationship-building and problem-solving processes entails lower risk but the well-being of participants has to be protected throughout.

Measures to manage identified risk should be put in place. These include flexibility in type of process, method of communication, presence of supporters and venue selection as well as preparation of the parties. Harmed persons should be contacted only after harm-doers have indicated that they are willing to engage. Facilitators should be vigilant during the restorative process and call a time-out or end proceedings if they consider it unsafe or detrimental to continue.

Meetings are private and what is communicated during the process is confidential. Personal information or information about what occurred during the process should not be disclosed without consent. Participants should be informed in advance about the types of information that may be provided to third parties, such as court or school authorities. Practitioners need to point out to participants that there are limits to confidentiality, such as where an imminent and serious threat is disclosed. The consent of harm-doers and harmed persons should be secured before observers or other non-participants can attend.

Practitioners also need to follow-up with participants after the restorative process to ensure that they are ok and assist them in accessing needed supports.

Accountability and support

In cases where harm has been caused, harm-doers should be held accountable for their behaviour. They should be required to agree about essential facts of the incident and accept some involvement or responsibility prior to any restorative process taking place. They should be treated with dignity and respect and given the opportunity to have their side of the story heard. The focus should be on increasing understanding and finding solutions, not on blaming or shaming. Harm-doers should be supported and encouraged to understand the impact of their behaviour and, knowing the impact, take real responsibility. Harm-doers should be provided with opportunities to make good the harm caused and should be

supported in their efforts to repair the harm and avoid recurrence of the behaviour. The inherent capacity for good in wrongdoers should be recognised and nurtured.

Agreements aimed at repairing harm should be concluded voluntarily by all parties. Actions should reflect what people think needs to be done to put right the harmful behaviour and none should be considered as mandatory. Agreed actions should be fair, appropriate and proportionate and be clear, relevant and achievable within a reasonable time. They should not be intended or experienced as punishments. Agreements should address issues around the nature and conduct of any future contact between the harm-doer and the harmed person.

The process of reaching agreement needs to be fully inclusive and responsive to the needs of the participants who are most directly affected by the incident. Outcomes should reflect what these participants think can be done to repair the harm caused. Assistance in identifying options can be given by other participants when invited or when necessary. Agreements should address the needs of all participants, including restoration for the victim and support for the offender.

Agreements should be recorded in writing unless explicitly decided otherwise and the consequences, if any, of non-compliance should be made clear. Arrangements should be agreed for monitoring implementation and dealing with any failure to comply. There should be clarity about what constitutes successful completion and whether and how success is to be acknowledged. Remedial action should be taken where necessary and additional support and encouragement provided to parties who find completion difficult. Significant developments about compliance should be reported to affected persons unless they have indicated that they do not wish to be kept up to date. Participants should be informed of next steps in the restorative procedure, including reporting to anyone in authority.

References

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