

RESTORATIVE PRACTICES IN PRISONS

- A restorative practice is any process in which relevant parties participate actively in the resolution of matters arising from the offence, with the help of one or two trained facilitators
- Each restorative practice involves a discussion of the facts (what happened, who was responsible), the consequences (how have people been harmed or affected) and the future (how this incident can be prevented)
- Restorative practices can be used by prison staff as an alternative, non-punitive way of dealing with misconduct, bullying or a breach of prison rules and violence
- Restorative practices are most likely to be effective if implemented as a 'whole prison' approach, rather than as an 'add on' scheme
- Restorative practices can be facilitated by prison officers or senior management
- Restorative practices must be voluntary for all parties

There are a variety of restorative practices designed to take account of the specific needs, wishes and circumstances of the participants. They involve some form of communication between the person responsible for the offence and the person harmed. To ensure the safety and effectiveness of the process, the facilitator prepares all parties prior to any communication.

Restorative Justice Conferences - normally led by two facilitators and attended by the person(s) harmed, the person(s) responsible, their respective support persons and other affected persons

Face-to Face Meetings - can be led by either one or two facilitators and are attended by only the person(s) harmed and the person(s) responsible

Shuttle Mediation - involves a facilitator acting as a go-between for the person(s) harmed and the person(s) responsible

Police Restorative Warnings - involve the person responsible and their support persons meeting with a trained police officer for a 20-30 minute meeting. The person harmed can be informed of the outcome and receive a letter of apology and/or reparation

The following are practices involving no communication between the person responsible for the offence and the person harmed. In a restorative justice context, these practices are used if (and only if) one party does not wish to participate in a restorative process, is unsuitable, or cannot be contacted or identified:

Victim Awareness - involves only the person responsible in one-to-one or group-work sessions with a facilitator, and may include reparative tasks

Restorative Conversations - involve only the person responsible in a 5-10 minute meeting with a facilitator. These are used immediately after a minor breach of rules that may have affected others, but which did not directly harm an identifiable person. Conversations are designed to create a learning experience. Instead of simply telling the person responsible what to think or how to behave, the facilitator leads them through a simple but structured dialogue, using open questions and reflective listening. The process is designed to enable the person responsible to think through the reasons for their behaviour, to reflect on how it might have affected other people, and to discover for themselves alternative ways of behaving in the future

Support for Persons Harmed - is used to address the hurt, fear and anger experienced by person harmed by an offence or bullying, to raise their awareness of how to protect themselves, and to assess whether they require professional help in their recovery process. It is used where the person harmed doesn't know, or doesn't want to reveal the identity of the person responsible, or doesn't want to communicate with them

Restorative Meetings can be held where there is an identifiable person harmed. The incident may be a clear case of one person causing harm to another (e.g. cell theft); or it may be where both have harmed each other (e.g. a fight). The facilitator carefully prepares both parties before they meet so as to ensure it is a safe and productive process

If the parties do not wish to communicate in a meeting, they can use –

Shuttle Mediation - where the facilitator acts as a go-between to resolve the issues. If the person harmed does not wish to be involved at all, then the facilitator can help the person responsible to work through a Victim Awareness process. Restorative Meetings can be used as an informal means of resolving conflict and addressing the harm done. They can also be used as an alternative to punitive measures through the disciplinary system using a remanded award pending a successful outcome which would then be followed by either a caution (for a first offence), or a time-bound suspended award (for a second offence)

Restorative Conferences - are almost identical to Restorative Meetings, except that support people may also attend. Support persons can include family members, prison staff, or other imprisoned persons. Conferences are ordinarily used only where the incident has caused significant harm and/or where the involvement of family members or other support persons are critical to a positive outcome. Like Restorative Meetings, this practice can be used informally or as an alternative to punitive measures

Restorative Circles - are used where there has been an incident involving a number of individuals which has caused significant harm to themselves, other imprisoned persons, prison staff and the establishment (e.g. a riot, destroying facilities, etc.) The circle allows all those affected to discuss the incident openly and honestly in a safe and structured context. They can enable staff and prisoners to work together to resolve conflicts and address harm in a win-win setting, rather than 'win-lose' or 'blame and scape-goating'

Community-Building Circles - involve around 12 participants, and can be held regularly (for the same group) or for a specific topic. The aim is to enable prisoners to develop a commitment to community, mutual respect, a willingness to listen to each other, a sense of belonging or inclusion, relationships that they want to restore, self-esteem, appreciation of others, problem solving skills, co-operation, emotional and moral literacy, etc. They also enable staff and prisoners to develop the skills and ethos that will support and sustain the use of restorative practices

Therapeutic Community Meetings - involve larger groups of prisoners meeting to discuss their behaviour and the impact it has on the group and its members. It can be a very powerful process of community building and safety development within the right setting when it is supported by staff who work to the values of restorative practice

All the practices are in use in prisons in the UK and all can be introduced through staff development and commitment. There is training available to develop the skills so that restorative practice can develop organically from within prison settings.