



How to have a restorative conversation with victims and people working with victims

Explaining the Restorative Justice process through Virtual Conferencing



Written by Brian Dowling and Why me?

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About Contributors

Why me? was set up by Will Riley, a victim of crime, for victims of crime in 2009, following his own personal experience with Restorative Justice (RJ). Since then the organisation has campaigned for better access to RJ for victims, highlighted the barriers and obstacles for victims in accessing RJ and set up its own national RJ service taking referrals from both victims of crime and other agencies.

The **Why me? Valuing Victims Campaign** highlights the challenges many victims face in accessing RJ and showcases best practice from RJ Services from across the country. Together with our policy work this ensures victims' voices are heard by those in a position to influence change in the criminal justice sector.

Brian Dowling's career spanned over 32 years in London's Metropolitan Service when he retired as Chief Inspector. He has been a restorative facilitator since 1999 and now specialises in facilitating case involving serious crime.

Since 2004 Brian has been the Managing Director of *Fairprocess Ltd*, providing restorative facilitation, consultancy and training to many people across the world. He continues to practice restorative work and has facilitated face-to-face meetings in cases of brutal historic rape and murder. Brian also gives advice to organisations about to develop RJ services involving serious crime, including sexual and domestic violence.

Background to this guide

The British Crime Survey 2016 revealed that less than 5% of victims were aware of RJ being an option. We decided to look at this low figure more closely and ask why it was that so few victims of crime have received the message. We ran a national survey and hosted a workshop, from which we have produced a summary of the key findings and a checklist¹ for practitioners and services working with victims throughout the Criminal Justice System. You will also find case studies demonstrating good practice from across England and Wales.

How to use this guide

This guide is designed:

- to give practical pointers about what to expect in the RJ process and how to help victims make an informed decision about their involvement.
- to support RJ Practitioners working with external agencies to manage risk for all throughout the RJ process.

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¹ **Why me? (2017)** *Improving how victims understand Restorative Justice*. Available here: <http://www.why-me.org/valuing-victims/>

Virtual Conferencing and how it can be used

The Victims' Code sets out the principle that Restorative Justice (RJ) will be explained to victims by the Police or other organisations delivering RJ locally. At the workshop held in May 2017, attendees agreed that one of the best ways of explaining RJ is to take the victim through the different phases of the restorative process, describing the space and what they could expect from meeting the person that committed the crime. This is what is meant by virtual conferencing.

Training practitioners to have a restorative conversation in this way grows confidence and skill when working with victims, but also and most importantly it allows the victim to make an **informed choice** as to whether RJ is the next step for them (or not).

'I use virtual conferencing
to make sure the victim
fully understands what
they are participating in'
Brian Dowling

Virtual Conferencing Method

The RJ practitioner explains the RJ process to the victim through a series of questions, such as the following:

1. Imagine that the person who caused the harm is in the room with us now, what would you say to him/her?

If a home visit, move chairs into a circle, describe the space and who else might be in the room (supporters, chaplain, prison officer etc).

2. How do you think they will respond to that?

3. What other questions would you ask?

Explore with victim, how the incident has made them feel, how it has affected their thinking. What has been difficult or the hardest thing about what happened to them.

In serious and complex cases or circumstances, practitioners are encouraged to take time on this question and mirror the pace the victim is most comfortable with.

4. Do you think you could actually say these things to [name] face-to-face?

So, if I arranged a safe meeting between you and [name], with myself present, would you attend and say those same things to them?

Brian's top tip: allow time to pass and revisit questions 3 and 4. If victim would still like to go ahead, this demonstrates the victim's honest and informed consent to participate in RJ.

Explaining the restorative process to supporting agencies

A discussion point from the workshop and summarised in [Improving how victims understand Restorative Justice](#) was how non-RJ specialist organisations providing additional support and care to the victim can act as barriers to victims accessing RJ and at times can prevent them from finding out more about the process.

One way of removing this barrier can be to explain the restorative process in a similar way to that described for the victim above. Through using *Virtual Conferencing* the RJ practitioner is able to explain to other professionals how they support the victim throughout the process and manage risks that may occur in the lead up to possible conference. This demonstrates professionalism in the service and can alleviate and address concerns about the appropriateness of RJ for any particular case.

'Using the Virtual Conferencing method with non-RJ specialist organisations and/or practitioners is a good way for the RJ practitioner to engage with their concerns and work collaboratively in supporting the victims' needs.

Brian Dowling

Positive engagement between specialist RJ services and other organisations

The victim's needs are best met when **all** organisations connected to the case proactively and positively engage with each other's service. This can be achieved by:

- ❑ Sharing information sheets about the service(s) offered to the victim.
- ❑ Organising time to present information about other services at a staff meeting.
- ❑ Both organisations arrange to be at the same meeting with the victim, where they hear the victim's request, discuss needs and collectively agree the way forward.
- ❑ Practitioners from each supporting organisation, closely linked to the case, can meet and formalise joint victim needs assessment, recording the responsibility and timeframe of each organisations support and care to the victim.

Based on hard won knowledge of successful RJ services and our own national service, it is our view that increasing victim access to RJ relies upon organisations working together. Through our campaigning and working with victims it is evident that increasing victims' access to RJ involves participation from Criminal Justice (CJ) agencies, both Statutory Services and voluntary organisations.

We are happy to support your organisation to connect with the local RJ service provider. Contact us on info@why-me.org leaving a phone number and we will be in touch.

What are the signs a victim might be ready to explore Restorative Justice?

The 2016 Ipsos Mori poll commissioned by the Restorative Justice Council into public awareness about RJ showed that 80% agreed with the principle of RJ² when asked whether a victim should have the right to meet their offender. This indicates that there is a potential demand for RJ which is not being met.

In principle, a victim should be able to access RJ at any stage of criminal justice system; pre-sentence, during trial, following conviction or the years following when the incident took place. It is therefore crucial practitioners across victims service are able to identify when to initiate a restorative conversation and where to refer to local RJ Services.

It is also important to note that victims are unlikely to directly ask for restorative services. They are, however likely to say things which may indicate they would benefit from the process. It is essential that professionals involved in supporting victims identify these signs.

Need help connecting with the local Restorative Justice Service. Contact us on:

W: www.why-me.org/valuing-victims/
E: info@why-me.org
T: 020 3096 7708

The following examples are not an exhaustive list, but act as indicators to the type of comments victims may make which suggest they may benefit from RJ:

- I just want to know, why me?
- I am left with so many questions.
- I don't seem to be able to get over this.
- I keep thinking about it.
- I want to know if I was followed or targeted.
- The court case left me feeling angry
- I don't feel like I have justice.
- I want to tell him/her what I really feel
- I am so hurt by this.
- It's not just me that has been hurt/harmed by this.
- I find it difficult to move on until I get my questions answered.
- I wonder if they realised just what this means to me.
- I still feel like a victim.
- I would really give them a piece of my mind.
- I want to know what they got out of it.
- I wonder what they did with my possessions.
- Do you think they realise just how I feel.

² **Restorative Justice Council & Ipsos MORI (2016)** *Ipsos MORI poll summary*, Available here: <https://www.restorativejustice.org.uk/sites/default/files/resources/files/2016%20Ipsos%20MORI%20Opoll%20summary.pdf>

For two and half years I asked the Police involved in my case, Probation, Victim Support, Women's Aid and the Prison Governor to help me get Restorative Justice. Many of these professionals I trusted to support me questioned my judgement in wanting to take part, which made me frustrated, angry and confused as I didn't understand why they were against the closure I desperately needed.

If it wasn't for Why me? I know I wouldn't have been able to take part. I shall be forever grateful to Why me? for helping me to the victor I was fighting to be.

Why me? Victim Ambassador

Why me? Victims for Restorative Restorative Justice

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