

The introduction of restorative justice approaches in young people's residential units: A critical evaluation

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Foreword

This report evaluates Hertfordshire County Council's introduction of restorative justice in its young people's residential units.

It provides quantitative data about police call-outs to residential units before and after the introduction of restorative justice. It also presents qualitative data drawn from the experiences of young people living in residential units, as well as from the staff who work in them.

The report is set out in such a way as to enable readers to access the findings and recommendations at different levels, depending on the detail they wish to have. The executive summary outlines the report's key findings and recommendations. The full research report, which follows the summary, gives more detail about the evaluation process and its findings.

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Executive summary

Background and purpose of the evaluation

In 2000, Hertfordshire County Council's Youth Justice and Children, Schools and Families (CSF) services successfully introduced restorative justice in one of its young people's residential units. Following this introduction and its evaluation, this report looks at the widespread introduction in 2002 of restorative justice into all four of the county council's young people's residential units, including a home for children with disabilities.

Restorative justice was introduced as a way of dealing with interpersonal conflicts, as well as with residents' criminal and anti-social behaviour. This report evaluates the influence of restorative justice on young people and staff, and their experiences of its effects as a means of dealing with residents' criminal acts, anti-social behaviour and interpersonal conflicts. It also analyses the effect that its introduction had on police call-outs to the four residential units.

One of the key aims of the evaluation project was to analyse the impact of restorative justice on bullying. A previous evaluation had found that bullying was the most challenging form of anti-social behaviour for staff and young people to deal with.

Funding for the evaluation was provided by the National Society for the Prevention of Cruelty to Children (NSPCC) and the research was supported by Hertfordshire County Council and Hertfordshire Constabulary.

There were two aspects to the evaluation:

- Interviews and focus groups with young people and staff, during which they explored their experiences of restorative justice in their units.
- A quantitative study of police call-outs to residential units in response to criminal and anti-social incidents. It compared the three years before the introduction of restorative justice and the three years after.

These experiences and views were considered through:

- semi-structured interviews with the eight managers in the residential section of Hertfordshire County Council
- focus groups with 33 care staff in the four residential units that were studied
- semi-structured interviews with eight young people living in three of the units.

Restorative justice approaches

Restorative justice forums and interventions have become increasingly popular among mental health professionals, social and youth justice services and educationalists (Fox, 2005; RSA Journal, 2007)

In contrast to conventional UK adversarial models of justice, restorative justice has been found to be a cost-effective, innovative and just way to deal with child welfare and criminal behaviour (Shaw and Jane, 1999). It has also reduced recidivism rates and allows the person who has been harmed to have a greater voice in the criminal justice system (Sherman and Strang, 2007).

The key features of restorative justice are to:

- make space for those who have experienced crime (particularly the offender and victim)
- view crime and anti-social behaviour within their social context
- have a preventative and forward-looking problem-solving orientation
- allow for flexibility of practice.

Marshall's commonly-quoted definition describes restorative justice as:

“...a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future.”

(Marshall, 1999)

This is in contrast to the UK's largely adversarial criminal processes, where all parties – including the defendant and the State – have legal representation. It has been argued that an adversarial approach fails to make the perpetrator confront the effects of their actions on the victim in any meaningful way.

In conjunction with restorative justice, Hertfordshire County Council staff also used mediation methods in their work, though this is not usually a feature of restorative justice. Mediation can be valuable in conflict situations. It allows people to describe their experiences and express their point of view, and to discuss and potentially resolve conflicts in a safe and mutually respectful environment with a person who, as the facilitator of the process, is independent from the dispute.

The Hertfordshire evaluation found that such approaches allowed the victim to talk about their experience, ask for an apology, and/or ask the perpetrator to undertake restorative tasks by way of reparation. Staff used formal and informal approaches. While restorative justice approaches normally require formal conferences, very few formal restorative justice meetings had been arranged in the period covered by this research.

Staff believed that it was important to put restorative justice into place as quickly as possible after an incident or set of incidents; otherwise the focus and impact of the approach became lost. In addition, some young people reacted better to the informal mode of restorative justice rather than formal meetings. Only a small number of young people refused to take part in the formal meetings.

Using restorative justice approaches within a residential unit setting was found to be more challenging than in other settings. One reason is that residential units are a close community, where relationships can be intimate. This is in contrast to many restorative justice settings in the criminal justice system, such as a court room, youth offending team office or probation office.

Residential unit relationships are more similar to domestic relationships. This is in contrast to criminal justice system interventions, where relationships between offenders and victims are generally less close and intense. Conflicts and arguments in residential units can be compared to domestic conflicts. Therefore the way conflict is dealt with is not the same as a situation where the victim and offender do not know each other well or are strangers. This has led to a more informal use of restorative justice and the development of conflict resolution processes, sometimes described as relational conflict resolution (RCR).

The introduction of restorative justice in young people's residential units has been a positive experience for staff and residents, and has possibly led to a reduction in police call-outs. It cannot, however, be categorically concluded that restorative justice in itself led to this reduction.

In one unit there was an increase, while there were decreases in other units and a decrease overall across the units. Yet this result, combined with interviews and focus groups with young people and staff, suggests that the introduction of restorative justice had a positive effect on the units' cultures, in terms of relationships, responsibilities to others and the resolution of conflicts. After restorative justice was introduced, staff less frequently felt the need to call out the police.

On the whole, staff believed that restorative justice, used in the context of group care settings, was an effective tool for dealing with criminal acts, conflict between residents and between staff and residents.

Conflict and bullying in residential young people's units

Morris et al (1994) conducted research into looked after young people who used the ChildLine telephone support service. They found that bullying was widely practised. Barter et al (2004) examined young people's perspectives on peer violence in children's residential care and came to the same finding.

While there is evidence of a high level of conflict within residential units (Morris et al, 1994; Barter et al, 2004), recent publications about young people living in local authority accommodation (eg Crimmens and Milligan, 2005; Thomas, 2005) make little mention of conflict and its resolution within residential units. Therefore, the need for staff to develop conflict resolution skills is key for residential and group care work.

The conflict resolution and restorative approaches outlined in this report can be an effective way of dealing with criminal behaviour for both victims and perpetrators, as well as for developing positive social and interpersonal attitudes within residential units. However, any benefits need to be considered alongside an understanding of the inequalities of power and of the abusive behaviour (especially bullying) prevalent within units. Workers need to be keenly aware of how those who are aggrieved or harmed may react to such approaches. While pursuing the benefits of restorative justice and conflict resolution, staff must actively protect young people from further abuse.

The possible abuse of power in mediation and restorative justice

One area of concern in the use of mediation/restorative justice is within domestic living contexts, such as residential institutions, day care settings and schools, where, for example, domestic violence or bullying may be happening. In these settings, issues of power/control between bully and victim can mean that the victim might be further abused during, but more likely after, the mediation/restorative justice approach. Those implementing such an approach need to fully understand these power/control relationships if the victim is not to be further victimised.

The current research

This report explores the introduction of restorative justice methods in four young people's residential units managed by Hertfordshire County Council. The evaluation used both qualitative and quantitative methods. In particular, it set out to discover how effective restorative justice methods were in residential young people's units from the perspectives of both staff and residents.

In addition to focus groups and interviews with staff and young people, police call-out figures from the different residential units were examined. This was to give a possible indication of the effects of the introduction of restorative justice over a longer time than the period studied in Littlechild's 2003 initial evaluation in one council unit.

Littlechild's 2003 evaluation revealed that bullying was a particularly difficult form of behaviour for staff to deal with. Therefore, in the second evaluation we particularly focused on the impact of restorative justice methods on bullying.

Another area examined in the second evaluation was the impact of restorative justice on young people with disabilities. The criminal justice and restorative justice systems find it difficult to deal with people with learning difficulties.

In the adversarial criminal justice system, criminal actions are judged on the basis that the perpetrators and the victims are "competent", exercising fully-developed choice and rationality in choosing their behaviour and actions. This assumption has created significant problems for the

criminal justice system in dealing with people with mental health needs or learning difficulties, and for those people themselves (Littlechild and Fearn, 2005).

This evaluation examined whether the introduction of restorative justice methods in residential units for children and young people with disabilities was valuable or not, and in what ways.

Restorative justice and developmental/learning difficulties

One of the units analysed in this report was a residential home for young people with developmental and physical disabilities. This report took into consideration other research findings about the use of restorative justice for people with learning difficulties, as well as the views of staff working in these homes.

It has been argued that restorative justice has only a limited function with regard to children and young people with disabilities, and in particular those with developmental disabilities. In the evaluation carried out for this report, staff who worked in the unit dealing with young people with developmental disabilities expressed mixed views concerning the use of restorative justice methods.

Summary of the main findings

Quantitative findings

Police call-out data

Findings from an analysis of offence-related police call-out data demonstrated a 23 per cent decrease during the three years following the implementation of restorative justice methods compared to the three years prior to that introduction; although there was variation between the four units.

After excluding “grey data” relating to missing persons and personal and general calls, call-outs to the police decreased from 433 calls in November 1999–November 2002 to 340 calls in December 2002–December 2005.

One unit, however, did have an increase in call-outs, so it cannot be concluded that any decrease is necessarily due to restorative justice, or that the introduction of restorative justice will necessarily reduce the need to call out the police. What this study cannot determine is whether there might have been an even greater increase of call-outs from this unit if restorative justice had not been introduced, or if the introduction had perhaps even caused an increase.

The findings from interviews and focus groups with staff and young people suggest that they believed the introduction of restorative justice led to a decrease in the need to call the police. Nearly all respondents stated that they believed the police were called much less frequently after restorative justice methods were implemented in their units.

The overall decrease across the units, the reduction in call-outs in three of the four units studied, alongside the clearly stated views of staff and young people, would tend to support the conclusion that the introduction of restorative justice in a local authority area such as this:

- was a positive development
- meant the police were called less frequently than before it was introduced
- was an effective and beneficial initiative.

Qualitative findings

General views on restorative justice

The majority of the children and young people who participated in the evaluation stated that the introduction of restorative justice was a positive development in the residential units.

Overwhelmingly, the participants in the evaluation stated that the restorative justice methods used in the units were informal. In practice, staff members in the units used a mixture of formal and informal restorative justice and mediation processes, rather than purely the formal restorative justice processes imported directly from the criminal justice system. This was because of a need to apply a method suitable for those within a residential group care situation.

It was believed that the more formal restorative justice used in the criminal justice system is not designed for this group. The residential staff also believed that restorative justice methods allowed young people to understand the impact of their negative behaviour and the effect it had on other people's feelings.

Restorative justice approaches were also used as a way of bettering the quality of residential life by improving relationships between residents and staff, and providing young people with positive and constructive conflict resolution skills.

Restorative justice for children and young people with disabilities

Staff working in the residential units said that the value of restorative justice was limited for young people with communication difficulties and/or a short attention span. For these reasons, staff found that it was necessary to limit and simplify discussions so that residents understood what was happening and why.

Restorative justice for children and young people with attachment disorder

The majority of staff members felt that it was often difficult to conduct restorative justice with children and young people with attachment disorder.

Young people's views on the benefits of working restoratively

The young people participating in the evaluation identified a number of advantages for working restoratively:

- Restorative justice is a beneficial way of dealing with conflicts.
- Restorative justice methods allowed them to talk about their feelings.
- Restorative justice provided them with an opportunity to understand the perspectives of staff, victims and other residents.
- For the most part, formal and informal meetings were helpful in resolving problems.

Staff views on the benefits of working restoratively

According to staff, before the implementation of restorative justice there was a greater emphasis on punishment. The focus shifted after the training as restorative methods were used to understand the perpetrator's behaviour, make good any harm done and encourage positive change.

Managers and staff also found that, while victims especially benefited from restorative justice practices, it also resulted in positive outcomes for all of the residents in their units. These outcomes included:

- improved anger management skills
- an improved sense of responsibility and guilt

- more opportunities for residents to voice their concerns and feelings
- a feeling that they were part of the process
- an understanding that actions have consequences
- improved skills for managing conflict
- greater empathy towards others
- increased mutual respect
- more age-appropriate behaviour.

The staff participants in the evaluation identified a number of general advantages to working restoratively. Some of these advantages included:

- a beneficial impact on the young person by being shown that someone really cared about them – either as a perpetrator or victim
- a positive impact on young people's behaviour
- improvements in how young people learn to resolve interpersonal difficulties and in the development of social skills.

Managers and staff also found that restorative justice improved levels of trust between residents and staff. Staff believed that it helped them to develop better relationships with the young people, as well as improving relationships between the young people themselves.

Bullying and restorative justice

Staff and young people expressed a general belief that restorative justice was an effective method for dealing with criminal offences and anti-social behaviour, such as theft or property damage. However, not all believed that it worked so well with bullying, which they found the most difficult form of anti-social behaviour to deal with. Although restorative justice can be an important response to such behaviour, it was felt that bullying needed more detailed assessment and monitoring.

Analysis of findings and conclusion

This evaluation found that the use of restorative justice within young people's residential units had an overall positive impact for both staff and residents. It would appear from the comparison of police call-out figures before and after the introduction of restorative justice that it can assist with the reduction of police call-outs for behaviour that causes conflict and/or is criminal.

The evaluation shows that, according to young people and staff, restorative justice is an effective tool for dealing with acts that are clearly criminal, and the types of behaviour that lead to conflict between residents, and between staff and residents.

The units all worked within a restorative model, providing a safe forum in which young people and staff could express their emotions. Young people and staff viewed this as a positive benefit of restorative justice. This was the case in all of the units, including the unit that had an increase in police call-outs after the introduction of restorative justice.

It was felt that, as some young people and staff may not wish to use restorative justice, full-scale implementation of it within a residential unit could be problematic.

One of the outcomes of restorative justice methods in residential units is relational conflict resolution (RCR). This term more accurately reflects this evaluation's findings concerning the development of conflict resolution processes within residential and group care, relevant to the sets of affective relationships found within it.

Within restorative justice work in the criminal justice system, there is an emphasis on formal processes. The need to use informal intervention methods different from (and in addition to) the very formal methods used in the criminal justice system provides a new perspective for developing the use of restorative justice within residential units and other forms of group care situations.

In cases of bullying, restorative justice is seen as effective but needs more intensive and critically-aware assessment and monitoring.

The innovative work in Hertfordshire highlights the potential for using methods of restorative justice as a means to deal with conflict resolution, as well as other types of anti-social situations that might end up as criminal if not handled effectively.

Such situations can significantly affect the wellbeing of staff and young people in residential units. We can then start to look at the use of the term “restorative justice” in a new sense:

- as a means to divert young people from the youth justice system
- as part of a set of formal and informal methods which use restorative justice, mediation principles and skills that can be applied in residential and group care settings.

The idea of restorative justice can be reformulated to include situations where people feel aggrieved about, and hurt by, the behaviour of others, whether or not that behaviour is criminal.

Developing a mix of informal mediation and informal restorative justice processes within a relational conflict resolution approach, as set out in this report, can provide a means of dealing with the conflicts and potentially criminal behaviour present in young people's residential units.

Key points from the evaluation

- Restorative justice methods can be used to successfully resolve conflicts and deal with criminal behaviour in residential and group care settings. This is particularly successful when combined with more informal and mediation approaches, within what can be termed relational conflict resolution (RCR).
- The introduction of restorative justice methods in residential young people's units in Hertfordshire led to three out of four of those units reducing the frequency of their need to call out the police. Overall, in Hertfordshire there was a 23 per cent reduction in police call-outs in the three years after the introduction of restorative justice compared to the three years prior to this introduction; although in one of the units there was an increase of 16 per cent in police call-outs. One area for further research would be to look at the reasons for these variations in call-out rates.
- Interviews and focus groups with young people and staff showed that restorative justice was seen as positive, helping to reduce conflict between young people and between young people and staff. It also helped young people realise the effects of their actions on, and develop ways that helped them to appreciate the experiences of, others. This was also

the case in the unit that had an increase in police call-outs after the introduction of restorative justice.

- Staff and young people were of the opinion that the use of restorative justice helped develop positive attitudes on how to live together, and develop positive and creative conflict resolution methods within the units. A number of them said that it was helpful to share feelings and thoughts about problematic situations in the restorative justice meetings held, as it helped them develop positive and trusting relationships.
- Staff and young people emphasised the need for all participants to positively take part in restorative justice, and to ensure that some perpetrators do not just pay lip-service to it to avoid having to accept other, possibly more punitive, responses.
- One challenge for the use of restorative justice was the perception that some victims were very punitive.
- Staff members subjected to severe and/or continued abuse can find it difficult to be objective in the restorative justice facilitator role.
- Some staff had concerns that children and young people with autism, or with a significant degree of learning difficulty, attention deficit and hyperactivity disorder or attachment disorder, could find it difficult or impossible to engage with restorative justice process or concepts.
- Bullying was especially difficult to deal with. While restorative justice was considered to be effective if perpetrators were genuinely willing to take part in it, there were concerns that some young people could purport to be “buying into” the process, but in reality were not [see also the fifth point above]. Victims may fear they would be bullied further and not protected if issues of power and control present within bullying relationships were not recognised, monitored and dealt with by staff carrying out restorative justice.

- Managers and staff felt that the introduction of restorative justice resulted in beneficial outcomes for residents in their units. These outcomes included:
 - improved anger management skills
 - an improved sense of responsibility and guilt
 - more opportunities for residents to voice their concerns and feelings
 - a feeling that they were part of the process
 - an understanding that actions have consequences
 - improved skills for managing conflict
 - greater empathy towards others
 - increased mutual respect
 - more age-appropriate behaviour.

NSPCC recommendations

- Residential units should continue to implement restorative ways of working, as they have many positive benefits for staff and residents.
- When conducting a restorative justice meeting, staff members need to make sure that those involved are participating voluntarily.
- There is a need to remain alert to the potential repercussions of using restorative justice approaches with young people who bully others, and the possibility of further bullying following the use of such restorative methods. The great majority of unit staff and residents believed that restorative justice can deal effectively with the problems arising from bullying.
- There needs to be assessment of when, and to what extent, young people are not participating fully within the spirit of the restorative justice approach, and if they are paying lip-service to its principles within restorative justice meetings. In these circumstances, alternative strategies may need to be put in place to deal with the conflict/incident. This is particularly important in relation to bullying.

- Further work is needed on dealing with bullying within restorative justice and relational conflict resolution approaches. There should be a joined-up approach within all the units to tackle bullying together, so that victims do not suffer repeated bullying by new bullies being moved from one unit to another.
- If possible, the staff should monitor and work proactively with the bully individually over a period of time, to confront their bullying behaviour, discover the reasons why they are acting that way, and help them to change. Crucially, staff members also need to monitor if further bullying takes place. If young victims are concerned that if, the restorative justice/ relational conflict resolution processes do not protect them, they will be less likely to report bullying in the future.
- The experiences of victims of bullying need to be emphasised in training and ongoing supervision to ensure that the restorative justice process does not further victimise them.
- Clarity is needed for all people trying to implement a restorative justice approach within their organisation, on the methods that constitute restorative justice and the use of more informal methods. This will give staff more confidence that they are carrying out restorative justice effectively within their units, emphasising a combination of restorative justice, mediation and other methods (also known as relational conflict resolution).
- Restorative justice training for staff working within residential units needs to:
 - be tailored to their specific area, particularly in relation to children with disabilities, autism, attention deficit hyperactivity disorder (ADHD) and attachment disorder
 - specifically address issues of bullying and intimidation
 - empower informal approaches and incorporate mediation concepts and skills for informal conflict resolution, rather than always waiting to set up formal restorative justice conferences. This reflects the need for relational conflict resolution, which is appropriate to residential and group care settings.

Chapter 1. Introduction

1.1 Background and purpose of the evaluation

In 2000, Hertfordshire County Council's Youth Justice and Children, Schools and Families (CSF) services successfully introduced restorative justice in one of its young people's residential units. Following this introduction and its evaluation, this report looks at the widespread introduction in 2002 of restorative justice into all four of the county council's young people's residential units, including a home for children with disabilities.

Restorative justice was introduced as a way of dealing with interpersonal conflicts, as well as with residents' criminal and anti-social behaviour. This report evaluates the influence of restorative justice on young people and staff, and their experiences of its effects as a means of dealing with residents' criminal acts, anti-social behaviour and interpersonal conflicts. It also analyses the effect that its introduction had on police call-outs to the four residential units.

A key aim of the project was to analyse the impact of restorative justice on bullying. A previous evaluation in one residential young people's unit in the same county council (Littlechild, 2003) concluded that bullying was the most challenging form of anti-social behaviour for staff and young people to deal with. The study also examined the introduction of restorative justice in a unit for children with disabilities.

Funding for the evaluation was provided by the National Society for the Prevention of Cruelty to Children (NSPCC) and the research was supported by Hertfordshire County Council and Hertfordshire Constabulary.

There were two aspects to the evaluation:

- Interviews and focus groups with young people and staff, during which they explored their experiences of restorative justice in their units.
- A quantitative study of police call-outs to residential units in response to criminal and anti-social incidents. It compared the three years before the introduction of restorative

justice and the three years after.

These experiences and views were considered through:

- semi-structured interviews with the eight managers in the residential section of Hertfordshire County Council
- focus groups with 33 care staff in the four residential units that were studied
- semi-structured interviews with eight young people living in three of the units.

The qualitative findings of the evaluation are discussed in more detail, based on a thematic analysis of the transcripts of interviews with young people and focus groups with staff. The extensive use of quotations from young people and staff in the report reflects the researchers' conviction that any policies and practices in social work and care should be informed by the views and experiences of service users and staff.

1.2 The original introduction and evaluation of restorative justice in Hertfordshire in 2000

This current evaluation project was developed from pioneering work in Hertfordshire County Council's Youth Justice and Children, Schools and Families (CSF) services in 2000. The work involved the introduction of restorative justice methods, following restorative justice training for staff, within one young people's residential unit, and an evaluation of the introduction.

That initial evaluation revealed a number of positive outcomes of the use of restorative justice, including the reduction in police call-outs. What had not originally been envisaged was that residential unit staff would find restorative justice a valuable way of dealing with anti-social behaviour, which might or might not be deemed criminal (Littlechild, 2003; Littlechild and Rees, 2004; Youth Justice Board News, 2005).

The findings from the 2003 evaluation of the introduction of restorative justice in the unit included quantitative data (police call-out figures and incidents recorded in the units) and qualitative data (views and experiences of young people and staff). The findings from this earlier research follow:

1.2.1 Police call-out figures

The police call-out rates to the unit fell by 22 per cent in the 10 months following the implementation of restorative justice compared with the 10 months before its introduction. These statistics support the findings from the interviews undertaken with staff and young people: their experiences and impressions were that the implementation of restorative justice had led to a reduction in police call-outs.

1.2.2 Recorded incidents

The number of incidents of anti-social behaviour recorded in the residential unit's incident record book showed that there had been a real reduction in the number of recorded incidents, when comparing the 10 months before the introduction of restorative justice and the 10 months following its implementation. Scrutiny of the incidents recorded as "alternative measures of control" within the unit revealed that such measures had decreased by 54 per cent. However, within this figure, the incidents of violence recorded had increased.

1.2.3 Views on the effectiveness of restorative justice approaches

Most of the staff and young people interviewed believed that, in general, the introduction of restorative justice had proved a better way of dealing with conflicts.

1.2.4 Training of staff

The restorative justice training and approaches changed the way in which most of the staff dealt with conflict in the unit, whether matters relating to criminal offences, bullying, arguments or other non-criminal conflicts. The training that staff members received was good at introducing the concepts and approaches for use in formal conferences. However, it did not aid staff to readily apply those concepts to a residential setting, where staff-resident relationships and relationships between residents are more complex than most of the situations for which restorative justice is used.

1.2.5 Bullying

Issues surrounding bullying after the introduction of restorative justice to the unit in 2000 were the most difficult to deal with. It was found that there could be negative repercussions for the victim from the perpetrator if the former reported the bullying.

1.2.6 Areas for further consideration

Young people and staff raised issues that they concluded needed more consideration:

- bullying
- the issues for restorative justice use within the intense and complex relationships built up over time between staff and residents, and between residents
- repercussions that can follow through into these patterns of relationships following a formal meeting.

These findings helped frame the areas to be addressed in the research set out in this report.

Chapter 2. The current research

This report explores the introduction of restorative justice methods in four young people's residential units managed by Hertfordshire County Council. The research utilised both qualitative and quantitative methods. In particular, it set out to discover how effective restorative justice methods were in residential young people's units from the perspectives of both staff and residents.

In addition to focus groups and interviews with staff and young people, police call-out figures from the different residential units were examined. This was in order to analyse the effects of the introduction of restorative justice over a longer period of time than Littlechild's 2003 initial evaluation of one council unit. The impact of restorative justice on bullying is a particular focus of this report.

Another area examined was the impact of restorative justice on young people with disabilities, such as learning difficulties. The criminal justice and restorative justice systems find this a challenging area. Within the criminal justice system, it is assumed that a person is responsible for their behaviour and so their criminal actions should be judged accordingly (Littlechild and Fearn, 2005). The evaluation examined whether or not the introduction of restorative justice for children and young people with disabilities was valuable, and in what ways.

2.1 Conflict and bullying in residential young people's units

Morris et al (1994) conducted research with looked after young people who used the ChildLine telephone support service (0800 1111). They found that bullying was a key feature of their experiences.

In 2004, Barter et al examined young people's perspectives on peer violence in children's residential care. They identified a variety of meanings, definitions, evaluations and justifications for various forms of violence. The evaluation findings suggest that the same types of violence can impact on different people in very different ways and are dependent on several factors: their previous experiences; the culture of violence in the home; and their gender, age and peer group status.

A large proportion of the young people's accounts of violence were linked to wider peer group dynamics and power relations. Barter et al also argued that particular types of violence were gender specific:

“High-level verbal attacks for boys took the form of mother-cussing, and for girls derogatory sexualized attacks. Property attacks were reported to have a greater impact for girls. Sexual violence was experienced mainly as a female phenomenon and physical violence was more severe for boys.”

(Barter et al, 2004)

Within the children's units Barter et al studied, they found that the young people placed a large emphasis on the hierarchy or pecking order. Young people also frequently used the term “bullying” and this generally referred to an abuse of power. Violence that was used in self-defence or as a response to verbal insults or an assault, however, was not viewed as “bullying”.

The main triggers to violence identified by the young people were:

“...insult to the young person's mother or family, sexual insults, and behaviour by very young or immature residents aimed at ‘winding-up’ other young people.”

(Barter et al, 2004)

The evaluation conducted by Littlechild (2003) found that bullying was the most difficult issue to deal with in residential units. One reason for this was that bullying is caught up within sets of relationships between the residents. There could also be negative repercussions for the victim from the perpetrator if the former had reported the bullying to staff. Creating closure for the victim, where they were satisfied with the outcome, or were prepared to accept it had been dealt with as well as possible, was seen to be particularly difficult.

The same types of criticisms of restorative justice are also found in bullying scenarios in schools (*The Observer*, 2005). The power/control relationship between bully and victim needs to be fully understood and worked with by those implementing a restorative justice approach to ensure that further victimisation of the victim does not occur. Further damaging effects can be caused if restorative justice and mediation measures are introduced without a full appreciation of the effects of the bullying in the first instance, and the possible repercussions of trying to confront it.

Trying to confront bullying can not only be damaging emotionally, psychologically and socially, but also have catastrophic outcomes. This was the case for 13-year-old Laura Rhodes. Laura was encouraged in her school to take part in a circle time meeting (not in Hertfordshire) with her alleged bullies as part of a no-blame strategy (*The Observer*, 2005). Laura took her life after the meeting. It was felt that the discussion had in fact given more power to the bullies.

Claude Knights of Kidscape, quoted in *The Observer*, 2005, stated that she was concerned that some “socially skilled” bullies manage to convey a false sense of understanding of the harm they do, but use information from meetings as fuel for fresh aggression. This leaves the victim feeling that the system has failed them and so would be less likely to report further bullying.

Full preparation, protection and choices need to be in place for the victim if further victimisation and distress is to be avoided. However, it should be noted that, while seeing bullying as the most difficult area to deal with, staff and young people mostly thought that bullying could often be confronted satisfactorily by the use of restorative justice. These findings are of great significance for the use of restorative justice in residential and group care situations.

2.2 Restorative justice for young people with developmental and learning difficulties

One of the residential units studied in this evaluation catered for young people with developmental and physical disabilities. This report therefore examines literature about the use of restorative justice for people with learning difficulties. In the evaluation for this report, there were mixed views from staff who worked in that unit about the use of restorative justice.

It has been argued that restorative justice has only a limited part to play in working with children and young people with disabilities, and in particular those with developmental disabilities.

Restorative justice processes can allow the needs of a victim to be addressed in a more personal way. If the victim has a developmental disability, this is of particular importance. This is also the case for recognising the needs of a person who supports someone with a developmental disability, whether they are the victim or the person who has committed an offence (Angus, 2005).

2.3 Restorative justice approaches and their application to residential and group care

2.3.1 Literature review and analysis

Although restorative justice methods have been present within various social systems for centuries, they have only started to receive attention within the youth justice and wider criminal justice systems in the past 30 years. Restorative interventions or conferences have since become major areas of interest in mental health, social services, youth justice, domestic violence, and educational areas (Fox, 2005; RSA Journal, 2007).

Restorative justice has also been shown to be cost-effective (Shaw and Jane, 1999). In contrast to conventional UK adversarial models of justice, restorative justice has been found to be an innovative and just way to deal with child welfare and criminal behaviour (Shaw and Jane, 1999; Graef, 2000). It has also reduced recidivism rates and provided more satisfactory outcomes for victims, allowing the person who has been harmed to have a greater voice in the criminal justice system (Sherman and Strang, 2007).

However, it needs to be acknowledged that there is an ongoing discussion about how exactly restorative justice should be defined. Johnstone (2003) argues that it is often unclear how restorative justice should be described or envisaged. Haines (2000) argues that there is currently no coherence or consistency to the concept of restorative justice.

Marshall, an influential writer in this area, views restorative justice as:

“...a set of principles which may orientate the general practice of any agency or group in relation to crime.”

(Marshall, 1999)

He states that these principles are:

- making room for the personal involvement of those mainly concerned (particularly the offender and the victim, but also their families and communities)
- seeing crime problems in their social context
- a forward-looking (or preventative) problem-solving orientation
- flexibility of practice (creativity).

Marshall takes the view that diversity of practice is a distinct advantage. There is a wide range of settings in which restorative justice could be used (RSA Journal, 2007), and the research findings in this report add to the growing body of knowledge concerning flexibility and development of practice in this field.

Littlechild and Rees (2004) argue that restorative justice ensures that offending and/or challenging behaviours are confronted as part of a process within which young people are made responsible for their actions in a restorative not punitive way; usually involving some form of apology and reparation. Marshall's (1999) commonly-quoted definition regarding offending behaviour describes restorative justice as:

“...a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future.”

(Marshall, 1999)

Daly and Immarigeon (1998) use a definition that applies equally well to welfare approaches as to criminal processes:

“[Restorative justice]...emphasizes the repair of harms and of ruptured social bonds resulting from crime; it focuses on the relationships between crime victims, offenders, and society.”

(Daly and Immarigeon, 1998)

The formal legal process relies on what is termed “due process”.

“Aside from all else, ‘due process’ means fundamental fairness and substantial justice.”

(Black's Law Dictionary, 2002)

In the criminal court process, the State has to prove an offender's guilt beyond any reasonable doubt within an adversarial system. The guilty person is then sentenced with a punishment deemed proportionate to the crime. The adversarial-based legal system that operates in Britain involves legal representation for all parties, the defendant and the State. However, it fails to make the person confront the effects of their actions on the victim in any meaningful way.

Restorative justice shifts the focus away from the State as the aggrieved party to the victim and community. It takes into account the views, experiences and wishes of all those involved in the incident and considers their potential to heal and restore community harmony (Morris, 2002; Fox, 2005).

It attempts to deal with the situation closest to where it has occurred and where harm has been caused (Morris, 2002). This is in contrast to the bureaucratic criminal justice systems, which take a long time to process and conclude matters and often alienate protagonists from the very sets of relationships that they could have been part in repairing.

In restorative justice, the victim can talk about the incident in a safe forum. However, there are issues to be aware of where abuse and intimidation of the victim is taking place; these are examined in later sections of this report. The victim or those at risk may be involved in a consensus plan to help guarantee their safety. Such components of the restorative justice process can heal the effects of the damaging episode (Fox, 2005). The victim can ask for an apology, and/or ask the perpetrator to undertake restorative tasks by way of reparation.

A formal conference is normally required for such approaches to take place. Where relational conflict resolution (RCR) – which includes elements of restorative justice and family and community mediation – is taking place, the need for formal conferences on every occasion is called into question (see further discussion of RCR later in this report). As a result of particular sets of relationships and conflict patterns inherent in residential units, staff developed more informal restorative justice approaches than those used in the criminal justice system.

A range of restorative processes can be used. The facilitator must choose the appropriate response they believe will work best for each individual situation and for the individuals concerned. When one or more of the people involved have a development disability, the support that they need will be greater. They must be well supported before, during and after the restorative justice intervention.

The person/people who give the support can be a friend, a trusted family member and/or a caregiver. The person/people should be there to provide a range of support if required. They can provide moral support and should make the victim feel safe and comfortable. They can help facilitate good communication for the individual with the development disability and can, if necessary, help the person understand what is going on.

2.4 Uses of restorative justice

2.4.1 Restorative justice in the adult and youth criminal justice processes

In England and Wales, the dominant paradigm within which restorative justice has tried to establish itself is the adversarial-based legal system, which relies on “due process”, as mentioned in earlier sections. In stark contrast, restorative justice approaches give primacy to social reintegration and overcoming rifts between those involved in the situation, not the violation of the law per se.

One criticism of due process is that it has historically excluded the victim of an offence (Angus, 2005) in both the investigation and court processes: traditionally the victim has had no part to play. In contrast, restorative justice puts the rights and interests of the victim at the heart of its aims.

Another criticism of court processes is that they fail to make the offender confront the effects of their actions on victims in any personally meaningful way. This also applies to disposals (apart from the small number of disposals that are sparingly used where reparation is part of the court order or in youth offender referral orders).

Haines (2000) states that one of the main criticisms of restorative justice methods is that they are not based on justice approaches. For example, there is no “due process” before conviction.

There is therefore no possibility of finding the person guilty and the alleged perpetrator does not have the opportunity to defend her/himself, and therefore the victims' interests are not properly protected (see also Williams 2005; Angus, 2005).

This latter criticism is particularly pertinent in the context of interpersonal violence between those in close affective relationships (such as bullying) and is examined more fully later in this report.

2.4.2 Mediation models

Other developments based on similar approaches have occurred in the civil justice system, for example, where it deals with parents who are separating and whose children have suffered more in an adversarial court system that encourages conflict, blame and “point scoring” (Humphreys and Stanley, 2006). One of the areas of concern for use of mediation/restorative justice

approaches can be the abuse of power within domestic living situations, such as domestic violence, child protection, and bullying within residential institutions.

Approaches based on restorative justice and mediation methods have been given great credence in the youth justice, criminal justice, and civil justice systems. Harassment and bullying within affective relationships, and the power/control dynamics involved, have been recognised within situations where domestic violence has been present. The need to eliminate the possibility of further abuse within any such processes are also relevant to the use of restorative justice in residential settings, as discussed in this report (Humphreys and Stanley, 2006).

In family mediation services and in family court services, the effects of continuing violence between separating parents has begun to be recognised and incorporated into proceedings. Initial screening is undertaken with the parents in mediation processes to ensure that abuse will not lead to further intimidation of the abused partner.

However, this area of knowledge still has to be developed within the restorative justice field. In responses to bullying within close sets of relationships (for example, within residential units and day care settings for young people, including schools, and adults in domestic situations), if the victim is not to be further victimised, the power/control relationship between bully and victim needs to be fully understood, worked with and monitored by those implementing an restorative justice approach.

The introduction of restorative justice approaches in the arena of interpersonal violence has produced differing points of view. While arguments for the use of formal court processes and retributive justice have been very apparent in recent decades, others have argued that, if the issues for victims are carefully considered and put squarely at the centre of considerations, restorative justice methods can be valuable. However, a number of staff and young people interviewed voiced their concern that any response from the perpetrator should be genuine, and that attention should be paid by staff to establish whether the perpetrator may simply be paying lip-service to restorative principles (see also Hudson, 1998; Behrens, 2005).

2.5 Types of processes used within restorative justice

A variety of approaches drawn on in restorative justice work are set out below and their application to residential units examined.

2.5.1 Victim-offender mediation

This process encourages victims and offenders to meet face to face, so they can talk about their feelings. They should try to reach an understanding of each other's thoughts, actions and feelings and then jointly try to repair the harm done.

Dignan (2000) makes suggestions about “good practice” in victim-offender mediation. He emphasises that it has to be a completely voluntary process and that consent needs to be gained from all parties involved. Offenders should have acknowledged responsibility for the offence before being asked to apologise to the victim. If offenders do not fully acknowledge their responsibility then they should not be required to take part in the mediation. In situations where offenders are held accountable, they should not participate in the mediation in a way that is tokenistic or mechanical.

2.5.2 Community conferencing

This is based on the premise that the behaviour of a person is linked to what they see as approval or disapproval by a person close to them. This could perhaps be a family member or a parent. The mediation session and discussion broadens the range of people by including friends and family of the victim and of the offender (Johnstone, 2003). A facilitator will generally also be asked to take part in these discussions.

The facilitator's role is to make sure that everyone gets the chance to speak and that the conversation stays within acceptable parameters. A conference format or structure is generally agreed in advance, but this is not usually rigidly kept to. Participants should be allowed to express their thoughts freely, as long as the rights and interests of others are also respected.

After the conference, agreements reached by participants are compiled on a piece of paper and signed by everyone. This document then becomes an outline for the actions that the offender will try to follow in an attempt to repair the harm that they have caused. It also outlines the actions

that others, including family, friends and maybe the victim, have to carry out to help the offender achieve this goal.

There are a number of similarities between mediation and restorative justice. Both processes aim to avoid the adversarial and alienating nature of court procedures. However, restorative justice is used more in cases where an offender has admitted their guilt or responsibility for the harm caused; this is not necessarily the case in mediation. In this evaluation, elements of both approaches were combined to deal with specific situations presented in the residential units, namely conflict resolution in both formal and informal meetings.

2.5.3 Mediation in residential settings

Mediation, while similar in its methods to restorative justice, focuses more on the resolution of disputes rather than on criminal behaviour. It tends to be used more in resolving family conflicts, such as divorce and separation where children and young people are involved (Roberts, 2007), youth homelessness, neighbourhood disputes, and within schools.

Mediation works because it allows the different participants in a dispute to:

- put forward their experiences and points of view
- discuss and potentially resolve their conflicts in a safe and mutually respectful environment with an organiser who is independent from the dispute.

It can engender greater ownership of agreements produced. This contrasts with civil legal proceedings, for example in family breakdown situations, which are frequently found to be an intimidating experience by those subjected to them. Participants speak for themselves rather than having someone (eg a solicitor) speak for them.

One advantage of mediation is that it can be organised quickly. If conflicts and disagreements are not addressed rapidly, they can escalate and become more intractable. This was found to be the case in the residential units studied, where developments led to many more informal restorative approaches, rather than relying totally on more formal conferences and approaches.

Most work on restorative justice de facto refers to the criminal justice process. In residential and other social settings it needs to be used, not only as a means of diverting young people away from

the Youth Court system, but to deal with situations where people feel aggrieved about the behaviour of others, whether or not this is potentially criminal.

This approach is more akin to certain forms of mediation processes. Both restorative justice and mediation approaches attempt to keep the problem from getting worse by avoiding expensive bureaucratic and adversarial proceedings. Such proceedings can take away a young person's opportunity to face up to the distress and/or harm they have caused to others.

The Hertfordshire research found that such approaches allowed the victim to talk about the matter, ask for an apology, and/or ask the perpetrator to undertake restorative tasks by way of reparation. While restorative justice approaches normally require formal conferences, in the Hertfordshire research project it was found that very few formal restorative justice meetings had been arranged. Staff believed that it was important to put restorative justice into place as quickly as possible after an incident or set of incidents; otherwise the focus and impact were lost.

In addition, some young people reacted better to an informal use of restorative justice rather than formal meetings, which could make the perpetrator and/or victim anxious and uncooperative. Only a small number of young people refused to take part in the meetings.

The same arguments used for restorative justice in the criminal justice system as a method for conflict resolution (as opposed to punitive sanctions) can be applied to residential young people's units.

Restorative justice methods in residential units aim to confront the offending and/or challenging behaviour, and make young people feel responsible for their actions, usually involving some sort of apology and reparation.

While restorative justice in the criminal justice system requires a completely independent facilitator to provide a safe environment in which difficult and emotive issues can be explored, this was not necessarily seen as the best way to deal with matters within residential young people's units, where the use of staff as facilitators was developed. Staff in the residential settings also developed the use of more informal mediation techniques, as outlined in this report.

2.5.4 Restorative justice in residential units for young people

While there is evidence of a high level of conflict within residential units (Morris et al, 1994; Barter et al, 2004), recent publications about young people accommodated by local authorities (for example Crimmens and Milligan, 2005; Thomas, 2005) give little attention to conflict and its resolution.

Equally, restorative justice literature does not relate the methods of restorative justice to situations where people live together in close affective relationships. However, government agencies recognise the need to develop new approaches to deal effectively with criminal offences such as aggression and violence in different types of group care settings for young people, for example in custodial institutions.

The need for mechanisms to repair ruptured and conflict-laden relationships in residential work is clear. The conflict resolution and restorative justice approaches outlined here can be effective in dealing with conflict and criminal behaviour, both for victims and for those causing the problems. Positive social and interpersonal attitudes can also be developed.

However, the benefits of such approaches need to be developed within an appreciation of:

- how residents can be affected by inequities of power
- the effects of abusive, especially bullying, relationships.

Staff members need to be proactively aware of how those who are aggrieved/harmed will react to the use of conflict resolution. They need to actively protect such young people from possible further abuse.

Littlechild and Rees (2004) argue that the introduction of restorative justice shows it can be used effectively within residential settings. However, it was concluded that training should be specific to the tools and techniques used to deal with specific types of conflict.

Taylor's (2005) research, based on interviews with looked after young people, found that the nature of much residential UK care provision can encourage and exacerbate young people's problems and increase their potential to be criminalised. This is partly because of rigid application of rules and responses to difficult behaviour. Taylor argues for a greater focus on secure attachments and resilience for young people.

The research findings outlined here suggest that restorative justice methods can enhance attachments and resilience: such methods help young people develop relationships in which they are shown respect, and can develop respect for others, within a system that encourages dialogue.

Willmott (2007) carried out interviews with members of the Children's Residential Network, as well as a literature review on restorative justice initiatives in young people's residential care. The review found that restorative justice was often used for bullying, criminal damage, assaults on staff and other residents, disputes between residents and also between residents and staff.

Willmott also found that combinations of formal and informal methods were used, and that respondents were mainly pleased with the impact of restorative approaches (for example, the reduction in police call-outs and the decreased use of restraint).

Chapter 3. Methodology

3.1 Sampling

The evaluation was conducted in four residential units for looked after children in Hertfordshire. Interviews and focus groups took place with line managers, heads of care, staff and residents. All of Hertfordshire County Council's residential units that had introduced restorative justice in the period covered by this current evaluation were included, apart from one unit for young people with disabilities. Within Hertfordshire, there are in fact two units for young people with disabilities; the county council believed that only one needed to be included.

Eight managers in total were interviewed: the lead manager of the children's units in Hertfordshire; all the managers of the units; and three of the heads of care. Focus groups were carried out with staff from all four units. Participants included everyone who attended staff meetings at the designated time and day for the focus groups.

Interviews were also conducted with eight residents from three of the units. Unit staff chose residents on the basis of who they thought was most suitable to be interviewed. Residents also put themselves forward. The county council did not want children or young people from the unit for those with disabilities to be interviewed. All the participants took part willingly.

The evaluation has followed the most current ethical guidelines provided by the British Sociological Association (2002), the Social Research Association (2003) and the University of Hertfordshire (2002–2003). All the names of the participants used in the write-up of the evaluation are pseudonyms.

3.2 Research methods

It was decided that a grounded theory approach was the most appropriate method for the evaluation (Glaser and Strauss, 1967). The researchers wished to come from an open viewpoint with no assumptions about how restorative justice was used within residential units for looked after children, or about the conflicts that existed within the units.

The intention was to gather views and experiences of young people and staff members on the introduction of restorative justice; therefore, no hypothesis was developed or tested. We wished to find out and systematically examine these views and experiences through interviews, focus groups and an in-depth analysis of the literature on the topic.

This evaluation combines two qualitative methods of semi-structured interviews and focus groups, on the basis that these two methods would produce a well-rounded evaluation of the views and experiences of staff and young people.

Holmberg and Wahlberg state that:

“A rather small sample of interviews is sufficient in qualitative methods. The number is determined by when the point of saturation is reached. A qualitative study gives rise to ideas, hypotheses, or theories.”

(Holmberg and Wahlberg, 2000)

The evaluation used this viewpoint in its methods, given the small number of respondents involved. Taking into account the recommendations of Strauss and Corbin (1990), a literature review was conducted at the initial stage of our research. The results of this are included in this report.

3.2.1 Semi-structured interviews with staff

For this evaluation, semi-structured interviews were conducted with managers, heads of care and young people living within the residential units. Different interview guides were used for adults and for young people.

Semi-structured interviews were chosen over unstructured or structured interviews. Questions, in semi-structured interviews, are open enough to let participants express their views in their own words. Semi-structured interviews also lead the discussion into areas brought up by the interviewer, along with other related areas that the interviewer may not have considered (May, 1997).

Extensive use was made of quotations in the Analysis of findings section of chapter 6 in this report. This allows the voices of children and young people, as well as staff members, to be presented as clearly and authentically as possible.

“Interview bias” was considered when deciding who should conduct the interview and where the interview should take place. Interview bias is one of the main disadvantages of the interview technique. It refers to all aspects of the interview and the impact that the environment where it takes place, as well as the characteristics of the interviewer, will have on the potential interviewee. This includes gender, class, status, ethnicity and appearance/behaviour of the interviewer and the setting and timing of the interview. The interviewee's overall sense of the interview situation will be affected by this, and this in turn may impact on the information that they give to the interviewer (David and Sutton, 2004).

All the interviews with managers and heads of care took place within their own offices to cater for privacy and confidentiality.

3.2.2 Semi-structured interviews with young people

Eight interviews were conducted with young people living in three of the residential units. Interviews were not conducted with young people with disabilities due to managers' concerns about the communication needs of those young people. The number of interviews undertaken reflects the number of young people who were prepared to be interviewed. The interviews took place where the young person stated that they felt most at ease.

The interviews conducted with the young people varied in depth and length. Some young people gave very full answers, while others provided much shorter responses.

3.2.3 Focus groups with staff

In this element of the evaluation, focus groups were conducted with unit staff members. Four focus groups were conducted in total, one in each residential unit.

Krueger (1994) states that a focus group is a special type of gathering, where the aims, procedure, size and composition are all juxtaposed to make each focus group unique. Krueger sees the focus group as something that is generally repeated to investigate the same topic but with different people.

He defines the focus group as:

“A carefully planned discussion designed to obtain perceptions on a defined area of interest in a permissive, non threatening environment.”

(Krueger, 1994)

The focus groups were conducted during a staff meeting and not at a neutral time. While this could have been a drawback for the evaluation, gaining access to residential staff in their free time or at other times would have been extremely difficult to organise. Staff members in residential units work shifts, and the demands from young people occur on a virtually constant basis.

Kitzinger (1995) argues that this method allows for people's experiences and knowledge to be explored. It also allows for the researcher to examine why, how and what people think. Focus groups:

“...reach the parts that other methods cannot reach, revealing dimensions of understanding that often remain untapped by more conventional data collection techniques.”

(Kitzinger, 1995)

In this evaluation project, participants explored conflict resolution within residential units. They also discussed how they thought restorative justice was used in the unit and what the term meant to them. The types of conflict occurring in the units were explored. A semi-structured interview guide was used. The researcher facilitated by asking participants, the whole group and individuals questions. All the participants got involved.

3.2.4 Transcribing and analysing qualitative data

Professional transcribers transcribed the majority of the interviews and focus groups, and some interviews were transcribed by the research assistant. The evaluation has used a grounded theory approach, which requires data to be coded (for full discussion of the method, see Ezzy, 2002).

The process used two researchers in the development and refinement of thematic categories. Qualitative data was analysed using a manual approach rather than a computerised approach, as the evaluation was small-scale. Conducting it manually allowed the researcher to get a good insight into the intuitive aspects of the data.

Chapter 4. Quantitative findings

4.1 Analysing police call-outs to the units

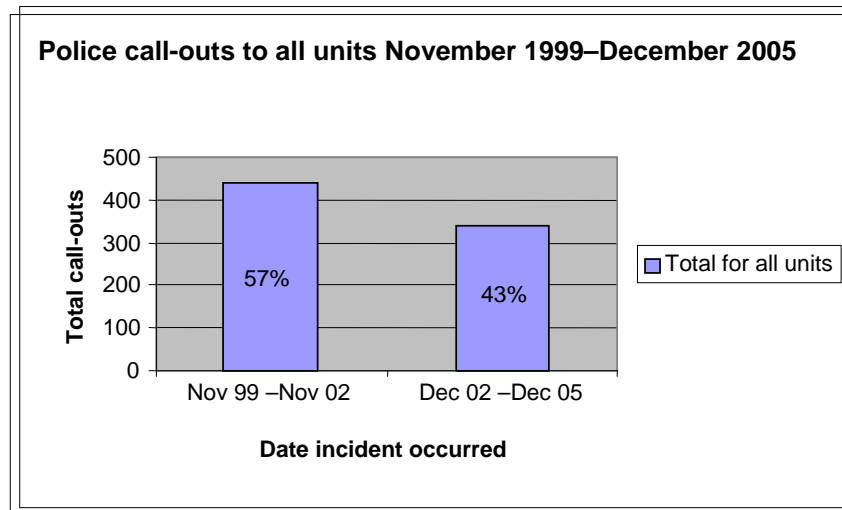
Telephone calls to the police from the four units participating in the evaluation were analysed. The data relating to police call-outs, from November 1999 to December 2005, was analysed. It was decided to only analyse call-outs where a crime or offence was recorded. “Grey data”, such as missing persons, personal and general calls, was omitted since it was not possible to relate these to any criminal offence or interpersonal conflict. The results are displayed in charts, illustrated with bar graphs and discussed in detail.

Data was given from November 1999 to December 2005. Staff first participated in restorative justice training courses in November 2002, with the aim of implementing restorative justice within their units. Data analysis was therefore split into two parts; Period 1, from November 1999 to November 2002, and then Period 2, from December 2002 to December 2005. This is an equal amount of time between the two and allows for comparisons and data trends to be examined.

The different outcomes of the calls have been analysed, along with the overall numbers in relation to each unit. The data is presented below in a series of charts and graphs, produced with MS Excel software.

Figure 1 shows a reduction in overall police call-outs from the four units between Period 1 (1999–2002) and Period 2 (2002–2005). The percentages in figure 1 represent the total number of call outs (783) made from the four units to the police over the six year period. Of this total:

- 57 per cent (443) were made in the period 1999–2002
- 43 per cent (340) were made in the period 2002–2005.

Figure 1 – Police call-outs to all units during November 1999 and December 2005

It is important to note that this decrease was largely due to substantial changes in one unit only.

As tables 1 to 4 (below) suggest, police call-outs decreased substantially in one unit (Queensdale). There were more modest decreases in two other units (Uprove and Catley Way), and an increase in the other unit, Reddington.

Police call-outs to the four looked after children's units in this evaluation

Table 1 – Uprove unit

Outcome	Nov 1999–Nov 2002	Dec 2002–Dec 2005
Anti-social behaviour	0	15
Assault	1	1
Assistance	0	2
Community disorder	17	24
Crime – burglary	2	4
Crime – criminal damage	18	14
Crime – drugs	0	0
Crime – other notifiable offences	1	4
Crime – other thefts	6	0
Crime – robbery	1	0
Crime – sexual offences	2	3
Crime – theft and handling goods	1	9
Crime – violence against the person	22	21

Damage	1	0
Disorder	48	0
Disturbance	1	3
Enquiries	1	0
Fight	0	1
Public safety – suspicious activity	0	6
Theft	0	1
Total call-outs	122	108

Table 2 – Reddington unit

Outcome	Nov 1999–Nov 2002	Dec 2002–Dec 2005
Anti-social behaviour	0	7
Assault	3	4
Assistance	1	0
Community disorder	5	33
Crime – burglary	3	3
Crime – criminal damage	22	17
Crime – drugs	6	0
Crime – other notifiable offences	5	6
Crime – other thefts	9	0
Crime – sexual offences	0	1
Crime – theft and handling goods	5	6
Crime – violence against the person	17	37
Damage – criminal	0	1
Disorder	30	0
Dispute	2	0
Disturbance	1	2
Malicious calls	0	2
Public safety – suspicious activity	0	5
Theft	0	2
Total call-outs	109	126

Table 3 – Queensdale unit

Outcome	Nov 1999–Nov 2002	Dec 2002–Dec 2005
Anti-social behaviour	0	10
Arrest enquiry	1	1
Assault	1	4
Community disorder	23	24
Complaint	1	0
Concern welfare	0	1
Crime – burglary	7	3
Crime – criminal damage	59	13
Crime – drugs	1	0
Crime – other notifiable offences	5	2
Crime – other thefts	10	0
Crime – sexual offences	4	2
Crime – theft and handling goods	1	8
Crime – violence against the person	35	26
Damage	1	1
Disorder	52	0
Dispute	0	1
Disturbance	3	0
Drugs	1	1
Exclusions	0	1
Nuisance kids	1	0
Public safety – suspicious activity	0	3
Theft	0	1
Total call-outs	206	102

Table 4 – Catley Way (specialist unit for children with disabilities/developmental delay)

Outcome	Nov 1999–Nov 2002	Dec 2002–Dec 2005
Anti-social behaviour	0	2
Community disorder	3	1
Crime – burglary	1	0
Criminal damage	1	1
False call malicious	1	0
Total call-outs	6	4

Table 5 gives the total call-outs for all four of the units between Period 1 (1999–2002) and Period 2 (2002–2005).

Table 5 – Total call-outs for all units

	Nov 1999–Nov 2002	Dec 2002–Dec 2005
Total call-outs for all units	443	340

4.2 Analysis of police call-out data

The data analysed in figure 1 and tables 1 to 5 excluded the grey data from the original analysis. The following is a full list of the grey data that has not been included: abandoned call; absconder; advice given; advice request; enquiries; found missing person; general administrative; general domestic/industrial; general false call; general information; general non-police matter; general non-recordable information; general other; general personal; information log; message; miscellaneous children and young persons; miscellaneous escapees/absconders/deserters; miscellaneous missing persons; miscellaneous other; miscellaneous suspicious incident; missing person; missing person information; non-incident; public safety concern for safety; public safety missing persons; public safety unauthorised absence; response action – no offence disclosed; suspicious incident; traffic/other traffic.

The data displayed is split into two time periods:

- November 1999 to November 2002, which is prior to restorative justice being implemented within the units
- December 2002 to December 2005, which is after restorative justice was implemented.

The data displayed in the bar graph in figure 1 shows the police call-outs made between November 1999 and December 2005.

- From November 1999 to November 2002, 443 call-outs (57 per cent of all call-outs) were made from the four units.
- There were 340 call-outs (43 per cent of all call-outs) from the four units between December 2002 and December 2005.
- There was, therefore, an overall call-outs decrease of 23 per cent from November 1999–November 2002 to December 2002–December 2005.

Tables 1 to 4 break these figures down in more detail. They show the police call-out outcomes and the number of times these outcomes were given for the two periods: November 1999–November 2002 and December 2002–December 2005.

- The largest disparity between the two periods is “disorder”: this was the outcome given in 130 cases during November 1999–November 2002. In comparison, this outcome was zero in December 2002–December 2005.
- “Community disorder” was higher during December 2002–December 2005 (82 times); November 1999–November 2002 (48 times).
- “Anti-social behaviour” was much higher during December 2002–December 2005 (34 cases), compared with none during November 1999–November 2002. A key reason for this may have been that the “anti-social behaviour” category was not widely used as a police recording outcome in the period November 1999–November 2002.
- “Crime – violence against the person” (84 times) was slightly higher during December 2002–December 2005; during November 1999–November 2002, there were 74 instances.
- “Crime – criminal damage” (200 times) was much higher during November 1999–November 2002; during December 2002–December 2005, there were 45 instances.
- “Crime – drugs” was recorded as an outcome seven times during November 1999–November 2002. In December 2002–December 2005, this was not categorised as an outcome. “Drugs” was given once during November 1999–November 2002, and again once during December 2002–December 2005.

These overall figures mask differences in the call-out outcomes within the different units. The reasons may be one or a mix of the following:

- changes in police recording practices over the period studied
- changes in legislation
- changes in how staff presented the problems to the police when they contacted them.

In relation to possible changes in police recording practices, there were no policy or legislative changes for the police that might have led to such reclassification. The introduction of anti-social behaviour orders in 1998, with a further emphasis for their use being placed on them by central government in 2003, might possibly have had an effect in the opposite direction; focusing more attention on classifying behaviour.

When legislation changed in 1998, there was concern by central government that not enough anti-social behaviour orders were being made. Efforts to increase their use led to discussions within relevant agencies. This may have caused residential staff to report (and police to record) difficulties that were classified as “anti-social behaviour” or “community disorder”, rather than just “disorder”. This is probably why such types of behaviour were being recorded as anti-social, and the elimination in the numbers classified by the police as “disorder”.

Incidents recorded prior to 2002 as “disorder” in the latter part of the evaluation were being classified as “anti-social behaviour” or “community disorder” post the 2002 introduction of restorative justice. Incidents in the “disorder” category dropped from 130 to zero, while the combined totals of “anti-social behaviour” (rising from zero to 34) and “community disorder” (rising from 48 to 58) increased to 92, with a drop in incidents by 38 when the total of these two categories is compared with the “disorder” category.

In relation to the overall drop in figures for call-outs, there were variations between the four different units:

- There was a drop in call-out rates for three of the units (although it is important to note that in Catley Way residential unit, the figures were very small, with an overall drop in call-outs from six to four across the two periods studied).
- The Reddington unit saw a rise from 109 to 126 call-outs; an increase of 16 per cent.
- Uprove residential unit saw a reduction from 122 to 108 (11 per cent).
- Queensgate unit experienced a reduction from 206 to 102 (100 per cent).

The main reasons for the increase at the Reddington unit were rises in the categories of “crime – violence against the person” and “community disorder”. What such a study as this cannot do is to determine whether the introduction of restorative justice reined in what would otherwise have been an even greater increase, or if the introduction perhaps caused the increase.

Further research is required to understand why there may be such differences between units. Possible reasons may be the commitment of staff to the aims and means of restorative justice, and/or the differences between the mixes of young people in the units and their backgrounds and learned behaviour. Changes over time in patterns of referral to a unit may also be a factor, for example, if young people referred and accepted have fewer or more behavioural difficulties over the changing periods in question.

There were also variations in the reduction or increase in types of call-out within the units. The main notable findings on these are set out below.

In the category of “crime – violence against the person”:

- Reddington unit saw an increase from 17 to 37.
- Uprove unit remained virtually the same, from 22 to 21.
- Queensgate unit saw a reduction from 35 to 26.
- There was annual return on these categories in both periods studied from the Catley Way unit.
- Overall, call-outs for this category increased from 74 to 84.

In the “anti-social behaviour” category:

- No units were reported to have any call-outs in the first period of study.
- Call-outs for the Uprove unit during the second period totalled 15.
- The Reddington unit call-outs during the second period totalled seven.
- Call-outs to the Queensgate unit during the second period totalled 10.
- The Catley Way unit had none.

Incidences of “community disorder”:

- The Uprove unit experienced an increase from 17 to 24.
- Call-outs for the Reddington unit increased from five to 33.
- The Queensgate unit went up from 23 to 24.
- The Catley Way unit fell from three to one.

In categories where police recorded call-outs as “crime” (excluding sexual offences and violence against a person), there was a relatively consistent spread of changes across the four units, with a very small increase in one unit, reductions in the others, and a very significant drop at the

Queensgate unit:

- Overall call-out figures for the four units reduced from 166 to 94.
- Call-outs for the Uprove unit increased from 31 to 34.
- The Reddington unit reduced from 50 to 33.
- Queensgate unit had a large decrease from 83 to 26
- The Catley Way unit had a reduction from two to one.

One of the most consistent areas of decrease was “criminal damage”:

- Overall, there was a 55 per cent drop, with 100 call-outs reducing to 45.
- All units reported a drop in call-outs apart from Catley Way, where the figure remained at one call-out for both periods.

4.3 Recording of incidents in the units

Hertfordshire County Council changed the units' behaviour management recording system during the period of the evaluation and called it “Making it right”. Based on a restorative justice approach, this put the focus on recording information when an incident happened, rather than on the sanction that may have been otherwise given; this was previously the basis of the recording of incidents. These changes during the periods studied precluded the analysis of data across the timespan of the evaluation.

Chapter 5. Qualitative findings – main themes

The themes that emerged from the interviews and focus groups fall into a number of main themes and sub-themes. These findings are mainly related to the specific areas of restorative justice and conflict management within the residential units.

This section will examine the findings from the focus groups and interviews. The main themes relate to:

- views of restorative justice
- restorative justice and children with disabilities
- restorative justice and attachment disorder
- benefits and disadvantages of the restorative justice approach
- views on restorative justice training
- formal restorative justice meetings/conferences
- informal restorative justice
- views on using the legal system and restorative justice
- bullying
- views on use of restorative justice to resolve bullying
- main types of conflict in unit
- how conflict is resolved
- how conflict is avoided
- views on contacting the police
- how conflict was managed prior to restorative justice being implemented
- ideal ways of resolving conflict
- impact of conflict on staff.

5.1 The impact of restorative justice

The views of staff

An overall view expressed by the majority of participants was that restorative justice was a very positive way of carrying out their work. It was viewed as a very powerful approach, if not the only way of working.

“It's another tool in the tool box.”

(Marion, Queensdale unit)

The views of young people

In the main, the young people believed the restorative justice had different effects on different people, depending on the situation in which it was used.

5.2 How restorative justice works in practice in the units

The views of staff

The manager of the Queensdale unit believed that the use of restorative justice had changed the ethos of the unit, in terms of relationships between staff and young people, as well as between the young people themselves. There was a general consensus by the majority of the managers and heads of care that they take restorative approaches to a “more basic” level than the use of restorative justice in the criminal justice system. They believed that working restoratively can be on a par with the way things are negotiated in normal life.

“I think just in the way we approach the kids and talk to the kids. I think it's very restorative about trying to let each party know, sort of, how it's made the other one feel. And the effect it's had and let them see that. Rather than say, 'you've been naughty and you aren't getting that'.”

(Rebecca, Reddington unit)

One of the most important aspects identified in order for restorative justice to work effectively is that good relationships between the staff and the young person are required.

The managers thought that in longer term units, the young people may pay lip-service to restorative justice, as:

“They get wise to the approach.”

(Claire, Reddington unit)

The staff in the units had used their initiative in ways of carrying out restorative justice. The residents had completed restorative justice tasks in various ways, for example helping the site maintenance staff to repair damage to the building. All staff members thought that it was advantageous to conduct restorative justice in a much more informal way, rather than through formal conferences.

The main challenge that many of the staff faced when trying to resolve conflict restoratively was that they could not use restorative justice in all circumstances, such as when the people involved refused to participate. They felt that in many of these situations restorative justice would have been a good tool to use.

The views of young people

The majority of the young people interviewed thought that restorative justice was a positive method.

“Well, it helps the young person realise the problem and will hopefully try and sort that situation out...calming and as easily as possible. Sometimes there is a negative effect when young people ‘kick off’ and can be quite threatening and quite dangerous to other people and property.”

(Aaron, Queensdale unit)

There were mixed views from the young people on whether restorative justice was the best way to deal with conflict.

“It depends on the situation, on the person. They can see if they can resolve it. It depends on the person really.”

(Rosie, Uprove unit)

The majority had been involved in a high number of informal restorative justice meetings.

5.3 Restorative justice and young people with disabilities

One important part of the discussion was how restorative justice is conducted with children and young people who have learning difficulties or physical disabilities. There was a general view that its impact is limited because of some young people's communication difficulties.

One of the main challenges was that children and young people with learning difficulties often have a short attention span. Staff members therefore need to be careful about time limits on discussions. Some of the participants were also of the view that restorative justice may not mean anything to children and young people with a certain degree of learning difficulty.

However, there was recognition that staff members do try to use some aspects of restorative justice within the unit for children with disabilities, and that staff implement elements of restorative justice work.

5.4 The benefits of working restoratively

The views of staff

A head of care described a main benefit of restorative justice as the impact of someone caring for the young people through the implementation of such an approach. They believed this probably has a huge impact on the residents. Other advantages that the managers and staff identified for children in their care were:

- assisting with learning to manage their anger
- giving the children and young people a sense of responsibility and guilt
- acknowledging them and giving them a voice
- making them feel they are part of the process
- understanding that actions have consequences.

Other benefits for the young people included:

- being able to cope with and develop a wider range of responses in different situations, as restorative justice stresses a more positive way to resolve difficulties, conflicts, problems and to develop social skills
- developing empathy with other people and building relationships

- developing mutual respect
- helping them to learn to be able to behave in an adult way (age appropriate)
- being a learning process for the young people.

Staff participating in the focus groups also felt that young people themselves may be able to suggest ways to make amends. They believed that this was an important issue for young people's development. Some of the managers and heads of care also felt that restorative justice had a lasting impact on young people's lives.

"I think the main benefit has to be that of the understanding of the benefits of self understanding, respect and prevention of a criminal route."

(Julia, Upprove unit)

Staff also found this beneficial for themselves, as it was helpful to share their feelings.

"...you don't go overboard with it, obviously. But it does make you feel better too. And I think they see you as a little more normal, rather than just staff."

(Jane, Queensdale unit)

The views of young people

Young people felt that restorative justice allowed people to talk about how they felt. It is a chance for staff to discover what is going on between young people and vice versa. One of the young people also argued that its after-effects can have a positive impact on their families and other young people living in the unit.

"Kids feel better after they have done it. Whoever the victim was, they can see they are sorry."

(Luke, Upprove unit)

5.5 The disadvantages of using a restorative justice approach

The views of staff

One of the main disadvantages is linked to the difficulties of keeping up the process of restorative justice.

“It does need pushing along all the time; that can be difficult.”

(Lucy, Uppgrove unit)

The process is voluntary, which can be a challenge, as:

“You cannot always deal with something restoratively even if you want to, because people won't buy into it.”

(Marion, Queensdale unit)

According to staff and managers, one of the main disadvantages of restorative justice is that the participant can pay lip-service to it. Other disadvantages are using its methods with children and young people with physical disabilities and/or learning difficulties, as mentioned previously. The majority of staff believed that it can be difficult to conduct restorative justice with children and young people who have an attachment disorder. The unit for children with disabilities also highlighted areas for improvement in restorative justice training. The main problem was that the original police-led training was not focused on children with disabilities.

Another main disadvantage of using restorative justice within residential units is the challenge of setting up formal conferences. This can be a lengthy process, with delays between the incident and a formal restorative justice meeting. Staff believed that there needed to be a more rapid process. They also found that restorative justice can be difficult to implement with certain young people. Some staff felt that young people need to “own” their behaviour before they can participate in restorative justice processes. This can be remedied by the use of informal conferences, facilitated by staff on duty, which was thought to be on the whole effective for staff and for young people.

It can be very difficult if the victim involved is punitive. Another challenge can be where a victim who has been bullied is looking for complete resolutions, as this might not happen. Some of the staff also highlighted the care they needed to take with restorative justice because of the huge power imbalance between staff and young people. They felt it could be similar to bullying.

Using restorative justice with young people who only stayed in residential units for short periods was seen by the county council as a particular challenge. Its crisis and assessment unit felt that it could be challenging to implement the programme with young people resident only for short periods. They believed young people would not have the same level of investment in the unit or in longer-term relationships with staff.

The views of young people

One young person felt that restorative justice did not have many disadvantages. Other young people believed that the main drawback was that its success was so dependent on the individual concerned and whether they were willing to carry it out.

People can also sometimes be “pushed” into taking part in restorative justice when they do not really want to do it. Another young person argued that it does not always work, and/or it does not always happen.

If young people do not want to participate in restorative justice it can then be difficult to know what to do next. One young person also felt that it was difficult to make restorative justice work because it is impossible to ever make the victim feel completely better afterwards.

5.6 Restorative justice training

The views of staff

The original restorative justice training was based on the philosophy and the principles of restorative justice within formal conferences and processes, but did not give day-to-day examples of residential units' issues. The training had been carried out by Thames Valley Constabulary in a five-day training course conducted by a police officer.

One staff member, Marion, from the Queensdale unit stated that, once she had been on the training course, she was “sold”. Her main dilemma was how it could be brought into a residential unit because they had never done it before at that point. The majority of managers of children's units had completed a “train the trainers” course.

Most managers and heads of care stated that they had found the past training helpful, as it was about:

“...negotiating of work, self responsibility, self ownership.”

(Julia, Upprove unit)

It was stressed that it was up to the management team in each unit to keep restorative justice “alive” after the training. Staff members Lucy and Claire from Reddington unit stated that restorative justice training crosses over with therapeutic crisis intervention and keeping safe training and that it is about “defusing” techniques and listening skills. When managing conflict they often combine them all.

The staff participating in the focus groups had mixed views regarding the restorative justice training. They felt that it was a good skill to learn, in terms of the ability to “talk someone round” and commented on their lack of knowledge of the restorative justice approach prior to the training.

“We hadn’t heard anything or knew anything about it.”

(Dave, Queensdale unit)

Most of the staff thought the restorative justice training was useful and a good idea.

By the end of 2006, the county council had reviewed its restorative justice training package for staff and decided that the formal conference model would only form part of the overall training. From 2006 onwards, training was carried out by a member of staff who had further developed the training by bringing in anecdotes from the units and giving examples of where it had worked and had not worked.

The majority of the training for staff concerns day-to-day issues that arise in residential units, and uses examples from experiences in the units. Staff members are now able to practise approaches and take them back into the workplace.

5.7 Main difficulties with restorative justice training

The views of staff

Within both the interviews and the focus groups carried out in this evaluation, a number of difficulties were expressed about the restorative justice training. Managers felt that the main challenge was in getting people to understand the restorative justice process. People had been on training sessions but still do not understand it.

“Unless people really understand it, they can't work effectively with it, so that has to be a disadvantage.”

(Elizabeth)

The majority of staff also said that the training was geared to formal conferences and that this was not completely relevant for people working in a residential unit. The original training, they said, was not specific to residential units. Some of the staff also argued that the training was very lengthy.

A main disadvantage that was stressed by both the managers and the staff of the unit for children with disabilities was that training is not tailored to young people with learning and communication difficulties.

“They tend to tag disabilities on at the end.”

(Lisa, Catley Way unit)

Staff members stated that it is very difficult to carry out restorative justice with children who have autism because they can be very insular. One manager, however, thought that the principles of restorative justice are still perfectly useable where young people exhibit autism or have a learning difficulty. Staff would require someone spending the time to look at how to work with such young people in this way, and that restorative justice needed to be adapted in a more workable way. At her unit, restorative justice had only been carried out informally, rather than taking the formal approach.

Training for people with disabilities requires a focus on communication skills and attention span, as a lot of children can struggle when it comes to sitting down and paying attention for more than 10 minutes. Trainers would need to find different ways of communicating that were not just verbal.

5.8 Types of restorative justice methods used

The views of staff

Some managers said that they do not have set restorative justice methods. The main methods identified were the use of negotiation and looking at the impact on others, as well as a young person's own responsibilities. Restorative justice was conducted in meetings with young people, both through informal meetings and formal restorative justice conferences.

Overwhelmingly, the participants in this evaluation agreed that the majority of restorative justice conducted in the units is informal. They thought that it allowed them to look into the reasons behind someone's behaviour.

5.9 Informal restorative justice meetings

The views of staff

Managers and heads of care said that informal restorative justice meetings can be carried out at any time, but are dependent on the situation. They felt that the focus should primarily be about working with the young person/people. The importance of identifying which staff members had a good rapport with the young person in question was key.

The focus then was on ensuring that that one of those staff members either conducted or was involved in the restorative justice meeting. Generally, it is the link worker or the head of care who will conduct the meeting. Sometimes they felt it is possible hold restorative justice meetings on the spot, as a way of responding to the situation. These meetings are generally carried out by a unit staff member.

The staff in two of the focus groups also mentioned how they conduct restorative justice informally over the dinner table. There was a majority-held view within the focus group that an informal approach works in some situations.

The views of young people

The main views given were that informal restorative justice, on some occasions, had seemed to help both parties involved. One young person highlighted the importance of timing the informal restorative justice meeting appropriately. She stated that it can make her angrier if she is “worked up” at the time, and it is better if staff conduct the informal meeting later on, when she is calmer.

5.10 Formal restorative justice meetings and conferences

The views of staff

Staff generally conducted more informal restorative justice meetings than formal ones. Formal meetings are conducted by the managers, and usually by one specific manager.

Restorative justice meetings are also carried out by young people themselves. These are called “fess meetings”. They usually have an adult present to ensure that it does not become a “free-for-all”. Young people took the initiative to set up these meetings.

One manager who conducted the majority of formal meetings for most units felt that an independent person was the ideal choice to conduct restorative justice conferences. However, this manager was generally the one to conduct them.

Formal meetings can have advantages:

“I think formal ones should definitely be run because I think that’s a message...it sends a very different message to the kids if it’s a formal setting and the manager is dealing with it.”

(Dave, Queensdale unit)

“I think the conference is good, but I think because it’s so formal the kids tend to go ‘no, I won’t do it’. So when we have tried, they’ve usually said no.”

(Jane, Queensdale unit)

Examples of organising conferences to deal with bullying have been given by one of the managers:

“Where we’ve had some major severe bullying; where we have children really intimidated...we have to move some out of the home temporarily and things. It’s taken more time to prepare everybody for that, you know, especially the young people. They say ‘I’m not doing it!’ so that can take days. I think we try and do it as soon afterwards as possible.”

(Elizabeth)

The young people in the Catley Way unit had a variety of different communication needs, which can be difficult for themselves and others in organising restorative justice meetings.

Several challenges were identified by the unit managers and heads of care regarding formal restorative justice meetings. They stated that there had been occasions where the participant had not entered completely into the spirit of the meeting, and that other people involved had felt more “victimised”. The perpetrator had occasionally just walked out:

“Oh well, that was easy, I can fight again.”

(Barbara, Uppgrove unit)

“Because they haven’t been able to be in touch with their own feelings to have any empathy with the member of staff.”

(Julia, Uppgrove unit)

A member of staff who was the victim of a conflict and participated in a restorative justice conference was very disappointed with the conference. The main problem in this situation was that the perpetrator did not really want to do it. She also had an attachment disorder.

“I just felt completely...nothing got resolved, nothing was followed up. Complete waste of time.”

“The meeting turned into a farce....The meeting just made me feel worse.”

(Lucy, Uppgrove unit)

Staff members said that they had seen some restorative justice meetings go wrong. They felt, therefore, that it was important for staff to work out a strategy for the meeting prior to it taking place. The success of the meeting also depended upon how motivated the shift leader or their assistant was.

The views of young people

One of the young people spoke about her experience of being involved in a formal restorative justice meeting. She felt that it went well. The meeting was between herself and a member of staff. The meeting was conducted two weeks after the conflict occurred and she felt that this was the right period of time to have waited to do it, allowing immediate feelings to die down.

Another young person spoke about his experience of a formal restorative justice meeting. The meeting was held about a month after the conflict had occurred. Although he was of the view that it would have been more beneficial if the meeting had happened earlier and that it would have stopped a lot of fights from breaking out, he did feel that the meeting really worked as it helped to resolve the situation:

“All the kids got together. Said what they wanted to say, between us all. Just what they liked and disliked. And they put it all into practice.”

(Nick, Uprove unit)

One boy living at the Queensdale unit stated that he had been involved in many formal restorative justice meetings. He said that he found them “boring” and mainly listened, preferring not to speak a lot in them as he did not see the point. He stated that he:

“...goes into meetings, doesn't pay any attention and then walks out of meetings.”

(Julian, Queensdale unit)

He said that after these meeting nothing else happens.

5.11 Restorative justice and children with disabilities

The views of staff

The manager and the head of care at the home for children with disabilities felt that restorative justice can be usefully deployed in such units. However, this manager stated that formal conferencing would not be appropriate because of communication difficulties.

For children with disabilities, relationships are key. The way they relate to others is very important to them, said the manager and head of care. They also said that they could not call the police. This strategy would not work, they said, as the young people would not understand the implications of being involved in the youth justice system, and would not be able to meaningfully engage with it.

5.12 Restorative justice and attachment disorder

The views of staff

There are a high proportion of children who have attachment disorder in the looked after children system. One manager stated that attachment disorder can be missed due to young people's other disabilities. Staff therefore continued with the restorative justice way of working because they were not sure whether such a disorder existed for a particular young person.

There were mixed views from the participants on how effective the use of restorative justice is for children/young people with such attachment disorders.

“The restorative practices approaches; restorative conferencing, even informally, depends very much on the child or adult actually being able to be affected by what the victim is saying. If you have attachment disorders to any degree where you have failed to make a meaningful attachment with a main carer when you were little... As you grow up, because you don't have those feelings of bonding, it is much harder to attach with an adult; therefore, to be able to sit and listen for anyone even if you have worked with them for ages, to be saying 'this is how you made me feel', for a child with attachment disorder to feel affected by that is very slim, but we have seen children with serious attachment disorder really improve their behaviour because of the restorative approach but not totally made it better but it certainly has made improvements.”

(Marion, Queensdale unit)

“I would say I haven't known a kid who's supposedly got attachment disorder that hadn't made some sort of relationship with people that work here or the kids that live here. Even if they do have some type of attachment disorder...they do still make some form of relationship on their own level.”

(Linda, Queensdale unit)

Participants in one unit said that the last formal restorative justice meeting that they attended had not been very effective. A key reason was because a young person had a major attachment disorder. One of the managers went into more detail on her views on children/young people with attachment disorder:

“They often prefer residential care I think because they don't have to make very close relationships if they choose not to, which can be too intense and too much for them really. And it means at their pace they can gradually start to feel relaxed enough to start trusting people again in their life.”

(Elizabeth)

5.13 Issues in using the legal system and restorative justice

The views of staff

Facing up to whether or not the restorative approach was working can be difficult and disturbing. Staff could also feel that they were not being supported to pursue the legal route, and could feel pressured to use restorative justice methods. Those who have not “bought into” the restorative justice route may feel pressured to do so.

“It depends on the situation sometimes; you can wait weeks or months before you actually get round to being able to deal with it, but other situations like serious criminal activities actually have to be dealt with even though you would rather deal with it restoratively...if the child gives you no option, you do have to bring in the law or the justice system.”

(Marion, Queensdale unit)

There are also challenges for staff using the legal system at the same time as restorative justice, for example, charging someone and/or them going to court, while trying to (substitute) parent them at the same time.

One of the managers felt that staff should not generally pursue legal interventions and restorative justice in parallel, as this does not really work. Ultimately, though, said this manager, it needs to be up to the young person, depending on what their views were. It can be difficult to punish/make reparation twice; once through courts and once through the restorative justice route.

5.14 Bullying and restorative justice

The views of staff

Managers and heads of care said that they dealt with each individual child very differently, and the young people were always confronted with their behaviour. They talked to them about what was occurring and tried to be positive about the young person and their behaviour. They also tried to understand the feelings of the bully.

“That is not an easy one, because the person who has caused the harm has to acknowledge responsibility before this process can move on. What stage does a bully acknowledge that they are a bully? That is a very difficult one, I have to say.”

(Marion, Queensdale unit)

The majority of staff interviewed said that they would not want to invoke the county council policy of removing the bully from the residential home unless absolutely necessary.

“We have had to do it but it's very difficult and there is not one answer to that, but restorative practices and restorative approaches are very difficult to work in that situation.”

(Marion, Queensdale unit)

During interviews and focus groups, staff discussed what types of bullying occurred within the units. All the staff in the units said that bullying had either occurred or was occurring in their unit. One manager of a unit stated that in the past severe bullying had occurred. There has also been bullying that it has been difficult to prove. According to one staff member, there is a fine line between bullying and other forms of conflict.

One of the participants from the focus group said that children can bully even if they have a disability. Wheelchair users are reportedly more physically vulnerable and therefore tend to be bullied more.

The views of young people

Young people were asked about their experiences of bullying. Six of the eight young people said that they had bullied. Five said they had been bullied. Of the eight, five reported that they had both bullied and been bullied.

Rosie from the Uprove unit stated that she had been bullied and had bullied others.

Nick from the Uprove unit stated that he had been a bully, but had stopped. He used to be a school bully though this was only when he was "little".

Luke from the Uprove unit said he had been bullied and had bullied someone else.

Janet from the Reddington unit said that she had bullied someone and had been bullied. The bullying was resolved by members of staff, who had made them sit down and discuss the situation, sometimes initially over a meal. She felt that this does help.

Paula from the Queensdale unit stated that she had probably bullied, depending on how it is defined, and had been bullied. This occurred in schools and colleges a great deal, but not in the residential unit.

Aaron from the Queensdale Unit had been bullied on several occasions and he had done a "little bit" of bullying himself. He said that there had been quite a lot of bullying in the unit, but that it was quite rare now. The reason for this was:

"It's because there used to be other people here who have left. But because people are starting to get along now. They find it easier. Because there used to be someone who lived here who used to cause a lot of trouble, there used to be a lot of people that they used to terrorise other young persons. Since that person left it has been a lot easier for the people who live here."

(Aaron, Queensdale unit)

5.15 Dealing with bullying

The views of staff

The units have a variety of different ways of dealing with bullying. They use the child and adolescent mental health service's review guidelines and its bullying strategy. They have a bullying information pack, part of which this includes guidance for lead workers. They also have written guidelines in terms of showing respect, and the importance of reminding young people of this. It is also part of their training.

The majority of managers and heads of care argued that empathy, understanding and the need to talk through issues with both the bully and the victim were required and that they may raise this in young people's meetings. Staff members find it very difficult to monitor bullying in a residential unit environment. In one interview, a participant urged staff to be more vigilant. One manager said that they can only work with a young person once they demonstrate a sense of responsibility for their behaviour, as restorative justice approaches are not going to work when a person is in denial.

In the focus group conducted at the Reddington unit, participants said that any approach needed to be maintained over a long period of time for it to be effective. Staff members do not always see the benefits of the restorative justice methods, as they are not with the young people long enough. The staff in focus groups felt that managers and heads of care are trying to "stay on top" of bullying. Restorative justice is not appropriate for all forms of bullying, though there are circumstances where it would be appropriate for it to be used.

Staff felt there was a need to judge each situation individually. In one unit, participants felt that restorative justice had not been used to deal with bullying. They said it could be difficult if you have been bullied and are not sure how the bullies are going to react in, or after, a restorative justice meeting. In the past, people have not always agreed to a restorative justice meeting. However, for the people who have taken part in such a meeting, no disadvantages were reported.

There have been a variety of ways of dealing with bullying:

“I think in the past we have dealt with bullying issues and either the staff members throughout the evening taking individuals into a room and really laying it down the line and saying how other people are being affected, that sort of thing.”

(Pete, Reddington unit)

The staff said their aim was to always address bullying as soon as possible. They usually tell everyone about the bullying, not just the individual. They tell the bully/bullies that they are being watched and that it is not acceptable. They may use residents' meetings to try to raise the issue. They try to make young people more aware of bullying by pointing out that the behaviour they displayed was bullying. Sometimes a young person may not have realised this. They want them to know that the children/young people can talk to staff about bullying.

Suggestions were made by about how bullying should be dealt with. Some ideas included discussions about bullying or enacting plays about bullying. A number of staff thought the best method was to remove the bully in order to give them time to think about what they had done. They were not, however, always in a position where they could move a bully away. When it is not possible, then they have to deal with it at the time.

“...and actually, I'll be honest, you'll probably jeopardise the care of other kids while you're doing that process.”

(Robert, Upprove unit)

An example was also given of a young person who used to bully the staff. This was, they thought, encouraged by outsiders and the hierarchy living in the area. The team was badly affected and staff went on leave with stress.

One staff member felt that, while it is possible to keep on working restoratively with a bully, at some point there may have to be other consequences. Staff said that if the bullying is very severe, they will move a young person.

While the staff members are of the view that they should move the bully if necessary, the reality can be that they end up moving the victim:

“...yet the restrictions on whether it be budget, whether it be on provision, lack of provision or lack of availability of placements. We end up always moving the victim. And, you know, our policies are very clear about if we have bullying there are steps that we take. It may be the person who is the bully needs to be moved on. There's nowhere for that person to move on to so you're forced to try and invent more strategies for dealing with that person who's bullying.”

(Kate, Upgrove unit)

The views of young people

Young people said that bullying is resolved through meetings and other discussions about bullying. They have policies relating to bullying in the unit. Overall they felt that these policies are quite good. One resident did not feel that there was anything else the staff could do:

“They do everything in their power; they do everything they can.”

(Rosie, Upgrove unit)

Another girl said that she spoke to staff at the unit about problems she was having being bullied. Staff tried to help as much as possible. One of the boys interviewed said that he could talk to staff when he was being bullied. Sometimes he dealt with it by himself but most of the time he would talk to staff about his problems. Staff tried to be helpful in their response. They spoke to the person who was bullying him. The issue was only occasionally resolved, depending on what the problem was. Another girl said that if a lot of bullying was taking place, people would get moved out because of it.

One of the residents interviewed spoke about how his bullying of others was dealt with in the school. He had formerly been given detention. Teaching staff, he said, never talked to him about why he was bullying. He did not think, at the time, that it would have been useful if someone had spoken to him about the bullying. He felt that his response would have been, “and then what?”

5.16 The main types of conflict

The views of staff

Staff members within focus groups and interviews were asked about the main types of conflicts occurring in the unit. The following is a list of the main types mentioned:

- swearing
- defiance
- poor behaviour
- severe drug use and drug dealing
- neighbours making complaints
- sibling conflicts
- teenage and sibling rivalry
- confidentiality conflicts
- loyalty conflicts
- gangland hierarchy
- stealing
- bullying
- abusive behaviour
- verbal abuse
- physical assault
- criminal damage
- behaviour towards staff (abusive language, abusive resistance, keeping them awake at night)
- intimidation
- unpredictable violent episodes
- destroying property
- taking other people's property
- general disruption
- young people finding other people's behaviour distressing
- shouting at each other
- giving each other "dirty" looks
- young people falling out with each other for various reasons
- physical and verbal conflict by young people to each other

- disregard for other people's space, possessions and feelings
- children wanting things that they cannot have, either because it's dangerous or materially staff cannot provide it
- conflict about going to school
- problems of people being excluded from school
- drink
- drugs
- gendered differences of conflict/problems
- the young people let their emotions get the better of them
- large amount of jealousy around how a member of staff sees them
- conflict between young people and staff caused when they want to do something inappropriate and staff won't allow them to.

Staff believed that young people would continue to do things if they felt they got a reaction from a particular staff member. This could be due to a clash of personalities. They may start a conflict because they feel they are being treated differently.

Conflict can be worsened if the particular member of staff is not flexible enough or responsive. Inconsistency in the different approaches used by staff members can mean that the child/young person can become confused. This in itself can then cause conflict. There is also inconsistency across the services, for example in schools. Conflicts within staff groups can also occur. A main cause of conflict is about the right type of approaches to use with young people.

The views of young people

Young people were asked about the main types of conflicts occurring within residential units. The following is a list of the main types of conflicts mentioned:

- gossiping
- stealing
- thieves in the house
- bullying
- being put in a headlock
- arguing
- petty arguments within the unit

- teasing
- lots of breaking of things in the unit
- people coming in drunk
- staff getting abused
- fights
- “wind-ups”
- having disagreements with staff about the general day-to-day living in the unit
- staff having “mood swings”
- people start on you, if you accidentally wind them up. They will start on you and everyone will turn on you.

“Sometimes they have been on at me and I have just flipped and destroyed stuff and then I refused to clear it up and that.”

(Luke, Upprove unit)

One young person found that the arguments were between him and another girl living in the house, and that they were generally petty arguments. With staff, it would be when someone says they can do something and someone else turns around and says they cannot do it.

“Each day there is, like, a conflict – it depends on the conflict and stuff. I can't really tell you, like. It's just all different every day.”

(Rosie, Upprove unit)

Some young people felt that there were not many arguments and conflicts within the units. Two young people said that most of the arguments that occurred were more silly than serious, though arguments did happen about “anything and everything”.

5.17 Contacting the police

The views of staff

One manager felt that it was the right of every member of staff to telephone the police, in particular when a “nasty assault” had taken place. However, she said it could then be difficult to work with the person who had been reported when the police had been alerted. She felt it could

be a dilemma when the incident was not particularly serious and said that the culture of a residential unit is influenced by the management.

Another manager also argued that if the police were called every time they had a problem that it:

“...actually disempowers our ability, when we're already saying at times we flounder with the empowerment of the role that we do.”

(Julia, Upprove unit)

A number of staff believed that they and the young people were now more willing to talk things over. By saying things to the young people like:

““Have you thought about this and what about that? How dare you say that?” ...and that's been really good. But it's hard work to sustain it.”

(Barbara, Upprove unit)

The manager and head of care from the unit for children with disabilities said that they had not called police out due to conflict, as it would have no benefit for the young people. Staff, however, believed that they were entitled to call the police if they needed to:

“The likelihood of that going through criminal courts procedure with someone with a severe learning disability, maybe communication difficulties, it is less likely that it's going to go the full way.”

(Nicola, Catley Way unit)

Within the focus groups, many of the staff said that not calling the police so often could be a positive thing:

“Personally I think that's good. I don't think it sends a negative message at all. You know, if you need to call the police I think a lot of the times it's a waste of the police's time and I think people tended to call them...But I think...I don't know, I just think the way we've gone about it does mean that we haven't felt the need to call them as much.”

(Ben, Queensdale unit)

5.18 How conflict is dealt with

The views of staff

All staff members were trained in the Keeping safe technique and would use that and its principles in the first place. They also have behavioural management plans for each of the young people about what kind of behaviour is and is not acceptable. When an adult withdraws their approval it can be an effective method for behaviour. Sanctioning approaches can also be used. Generally the children/young people are given a choice.

A large variety of ways were used to deal with conflict in residential units. Conflict is dealt with in any way feasible and there is no clear process. An individual and situation is judged on individual merit and is partly dependant on the relationship an adult has with a child or young person. It is important to look at the overall situation to deal with it effectively. Different people feel different things need to happen, though some staff believed that having a management structure provided some consistency to responses.

Some of the managers felt that squabbles are a normality of growing up and aimed to work within the:

“...normalities and boundaries of a, sort of, family unit.”

(Barbara, Uppgrove unit)

In the Catley Way unit for children with disabilities, staff members deal with extremes of challenging behaviour. One young person was very violent:

“Even to keep her clean you cannot avoid being attacked.”

(Nicola, Catley Way unit)

Staff emphasised how they worked to instil values and principles, by trying to teach young people about respect, such as imparting basic skills, like “please” and “thank you”.

Staff members tried things; sometimes they worked and other times they did not. When they did work, they tried to use the strategy with a particular young person. They responded to the situation and to the young person, because this governs the way they respond. They set up strategies in their team meetings.

Staff gave examples of restorative justice being used informally. One young person, for example, came to a member of staff and said she was not very happy with a "joke" name that one of the staff members was calling her. The head of care facilitated a discussion between the staff member and young person, helping them to resolve the matter.

Physical restraint was used within all the units, though staff all stressed that they tried to use it as little as possible and only in situations where it was absolutely necessary. The findings from this piece of evaluation seem to support many of the findings from Morgan's (2005) research study on restraint.

The views of young people

There were a variety of views given regarding the way conflict is dealt with in the units. The main view given was that everyone has their own way of being dealt with and how they like conflict to be resolved. The method they use depends on the young person.

"There are different methods for every young person."

(Rosie, Upprove unit)

Rosie said that she knows what kind of method they have for her:

"Leaving me to get on with it. Walking away when I need to calm down. When there is a conflict going on, leaving me to calm down."

(Rosie, Upprove unit)

Some of the young people said that staff will ignore the conflict; often it will just go away naturally. If it does not go away then the head of care will intervene, and then it will often go away. One boy stated that everyone likes to be left alone with no noise around them. After staff members have left them alone for a while, they go and talk to them.

Another thing that staff members sometimes do is to get a person from another unit, who is a “joker” (ie someone who is very funny):

“To laugh them out of their anger.”

(Nick, Upprove unit)

Staff members try to negotiate with young people to defuse a situation. One of the girls argued that that this sometimes works, and the staff can resolve the conflict then, but at other times they cannot. The main thing they can do, she believed, is to persuade the person to stop doing it.

“The staff talk to us about what is going on, and then they leave us usually to calm down. Best thing for them to do is to walk away.”

(Janet, Reddington unit)

Staff may then sit down to talk about the incident. Generally the incident will be “sorted out” after about a week. If the conflict is really serious the police will be informed as well.

“Let people calm down. Sitting down, talking about it. Ring police if can't resolve it if more serious.”

(Paula, Queensdale unit)

Young people do also try to stop the conflict. They do it to keep other people and other property safe. An example was given:

“If there is, like, a fight going on then the other young people will pull the people away from each other. Calm them down. This has happened on a few occasions.”

(Aaron, Queensdale unit)

Two other young people from the Queensdale unit stated that they try to resolve conflict among themselves. If needed, they would get help from staff. The staff try to talk to them about it.

“The staff tell them to ‘shut up’. They then let them argue it out. If that doesn't work they ask them to sit down and have a chat. If that doesn't work, they let them argue it among themselves.”

(Julian, Queensdale unit)

When things have been stolen they ask the staff to find their things or to reimburse them. Young people felt that there was a strict enough approach in their units to deal with conflict and that people have been asked to leave the units because of conflict.

The majority of young people interviewed were not aware of an overall name for the way conflict was resolved. Some of the young people had not heard of restorative justice when asked at the beginning of the interview for this evaluation. Some young people felt that the staff seemed to try restorative justice methods when resolving conflict once they had understood its principles.

The majority of the young people interviewed said that physical restraint was only used in the unit when necessary. They sometimes felt that restraint was needed to stop serious incidents occurring.

5.19 Main difficulties of dealing with conflict behaviour in children's units

The views of staff

The main difficulty identified is a lack of consistency:

“I think the difficulty in a children's home is, from one shift to another, you will get a different decision made from the same behaviour. So the worst thing for kids is lack of consistency because it's such a grey area of boundaries. Because, you know, we're talking about people, so it can't be black and white...but the decisions within that and your own interpretation.”

(Lucy, Reddington unit)

“There needs to be more specialist training that we can learn about, which is all about young people with disabilities.”

(Jackie, Catley Way unit)

5.20 How staff members try to avoid conflict

The views of staff

Staff try to avoid conflict by generating a positive atmosphere within a residential unit and getting the young people to feel a part of their home. They do this partly through personalisation, by letting them purchase all their own belongings.

They also advocate on behalf of the children and young people. They try to be as consistent as possible in their approaches, though everyone does have a different interpretation:

“...because we can all read the same books but we all have a different interpretation.”

(Julia, Uppgrove unit)

Some managers argued the need for firm collaborative boundaries, and that these boundaries should be clear and consistent but with flexibility within a particular situation. Staff also stressed the importance of having fun and that they should not be “robotic”. They need to show young people that they care about them and that it is positive to talk from the heart. They also try to avoid conflict by negotiation. They try to establish normality and a balance in the young people's lives.

A good way to try to avoid conflict is by really knowing the individual and by knowing the team. It is also important to have support from one's own team. When staff members do intervene in a situation, they give reasons why. In one unit, an inbuilt element of work helps a young person explore “how would you feel if they behaved the way you just did, through, say, taking your stuff”. That is alongside practical actions, by not giving young people ammunition to hurt someone else.

There are crossover points from the practical elements that relate to the whole ethos.

“...with all those things, like the meetings, like the attitude of staff, training. The whole thing that makes a residential home is designed around taking away conflict and making it a nice place for the kids to grow up.”

(Nicola, Catley Way unit)

Conflict is avoided through the use of defusing techniques and diversion strategies. Some of the main defusing techniques used are through:

- the tone of voice
- negotiating techniques
- having a reasonable rapport with the young person
- a sense of humour
- use of ignoring behaviour, which most staff find is a good method.

Sometimes the young person is not really angry; they just want to make a point. Staff said that they try to withdraw from the situation and then subsequently adhere to what they are supposed to do. If the child cannot gain ground within the situation, then they usually give up after a while.

“So the only way is just to be clear and stick with what we know is correct and eventually, hopefully, they get it.”

(Dave, Queensdale unit)

They also discuss concerns with the child and adolescent mental health service. Ongoing work with the whole team is undertaken on how best to avoid conflict. Sometimes though, the plan is to confront conflict. They may restrain a child immediately if behaviour continues and before someone is harmed.

5.21 How conflict in the units was managed before the implementation of restorative justice

The views of staff

The four units all had separate responses for dealing with conflict prior to the implementation of restorative justice. In the Queensdale unit they had a punitive system, with LOPs (loss of privileges). Some of the main strategies included cutting pocket money, and spending free time with staff rather than being allowed out on their own. However, children were never deprived of special activities or personal belongings.

“But if a child was in a temper, had a pretty tough (telephone) call from mum and smashed a window then if they didn't call the police in to have them “done” with criminal damage, they would be put on something called LOPs (loss of privileges). That meant that he would not be allowed on any activity, grounded, he might have a pocket money delay, which they did in those days or he would have to spend pocket money with staff and he wasn't allowed out in the car.”

(Marion, Queensdale unit)

Marion said relationships between staff and young people had been frightening before the restorative justice implementation. Some staff had been away from work with ill-health as a result of physical assault, and/or long-term stress. The only form of comforting physical contact between the staff and the young people was a “pat on the shoulder”.

Marion stated, however, that they currently do give young people “genuine cuddles” when they are needed.

In the Upprove unit, a sanctioning approach was used. There was little sense of what normal youth culture was and they were not child focused. Staff in general felt that, at that time, they were meeting their own needs rather than the needs of the young people.

Sanctions were also used in the Reddington unit. Reparation work was the main method for solving conflict. A system of rewards and positive reinforcement was used. The head of the service said that there had formerly been a lot of work keeping staff and everybody else safe. Some form of restorative justice was always used. A number of units used behaviour modification techniques. She felt that ultimately children and young people need structure and boundaries and as long as positive rewards are built in with the negative sanctions, they may well work.

The Catley unit worked in a similar way to how they operate currently. They always used restorative principles in some way.

A view was given that it can be a waste of police time being called. Before the restorative justice implementation, they were more likely to telephone the police; though police will still be called if necessary. A participant in a focus group commented on the impact on a young person of calling the police:

“But often that way they’ve never actually...took responsibility for what they’ve done really, and they never spoke to the staff or some of the other kids about what had happened. Whereas this way, they might not have been punished in the normal terms of people seeing punishment, but I think they understand what they’ve done and how it’s affected people much more than they did before.”

(Dave, Queensdale unit)

Staff also stated that in the past they would use methods akin to a restorative approach to deal with conflict but had not viewed it as restorative justice. This would include talking with the young person who had caused difficulties to others, and talking with the victim.

They had not seen such talking as potentially providing a restorative basis for discussion with and between the victim and perpetrator.

After the introduction, the staff members were generally saying more about themselves and how restorative justice had helped. Previously, they wanted young people to be punished. Afterwards, there was a lot more focus on understanding rather than demanding punishment. They felt that they had a much better relationship with young people, and created different ways to deal with conflict.

The views of young people

The majority of young people were not aware of a different way of managing conflict. One boy from the Queensdale unit, who had been there for four years, argued that in the past:

“...they used to just break it up, didn't talk about it afterwards.”

(Julian, Queensdale unit)

He stated that now they have regular talks and meetings about the conflict or incident after it has occurred.

5.22 Ideal ways of dealing with conflict

The views of staff

The researchers asked the participants what their ideal way of dealing with conflict in their residential unit was. The main responses from the staff were:

- through open negotiation
- willingness to learn from each other
- willingness to participate in the restorative processes
- being open and honest and through participation
- restoratively
- through clear boundaries and very clear systems
- not being swayed from the main methods and purposes used within the unit.

“To clear it up really is, I suppose, the best way. Yeah just to...very much together and say, ‘we’re not going to accept this and if you want to deal with someone you’re going to have to deal with a member of staff you have targeted’. I think that gave a huge message to the kids and more often than not it stopped quite quickly.”

(Anna, Reddington unit)

The views of young people

There were a variety of views given on the ideal way to resolve conflict within the unit. A key view was that a person should get moved out if they are fighting all the time. One young person also suggested that the perpetrator should sign a contract to say they would not do it again, and if they do not abide by the contract, they should get moved out for good. The young people also stated that the people involved in the conflict should be separated:

“Leave them to sort it out. In the end they have to live with each other. If they don’t sort it out then they will have to move out.”

(Sarah, Queensdale unit)

Some of the young people stressed that it is dependent on the situation. In most situations they let the person calm down and then talk to them afterwards.

“If it is minor then talking about [it] will solve the problem. If it is serious then, one, restraining or, two, again getting the police in, let them deal with it. Whatever is safer.”

(Aaron, Queensdale unit)

One young person felt that that they should rename restorative justice meetings, as young people generally don’t like the word “meeting”. He suggested that they should use a set of initials or a different name. This was agreed upon by the other young person who was participating in this joint interview.

Other young people felt that the way their unit dealt with conflict was the ideal way to do it.

5.23 Impact of conflict on staff

The views of staff

Staff may not be able to cope with the conflict situation and this may result in them taking time off. Conflict can be related to stress; relentless conflict can wear people down and can result in high sickness levels. Staff can be less relaxed due to various conflicts. Conflict affects people in different ways and is dependent on what type of conflict it is. Threats of violence within the units can be very common. The extreme end of conflict is people going off on very long-term sick leave.

“I can understand why staff would get completely and utterly stressed. Because you do come in and you are like a sponge and you absorb all this negativity and I just think that sometimes you just think, ‘I cannot go, I cannot face that today’.”

(Barbara, Upprove unit)

“It can wear them down. It can be very stressful. You can have people going off on long term sick but, on the whole, they actually deal now very well. I don't have many people going off for stress-related reasons and I have a very low turnover of staff.”

(Marion, Queensdale unit)

It is important to have a close staff team as people manage the abuse better. Problems occur when they have a less supportive environment and a divide appears between the staff. A staff member in one of the focus groups stated that they did not think it was about the conflict, they thought it was about the level of support received. A main issue for some of the staff was that:

“It's being not feeling that they're listened to, not feeling that they're being supported, not feeling they've been given the methods of communication with other parts of the service.”

(Lara, Catley Way unit)

Within the unit for children with disabilities, the manager and head of care stressed that there is little sickness leave due to stress, although the work is stressful in terms of emotional effects. They were proud that they had a high retention level of staff, and felt that they have the ability to see when something is happening and someone has had enough.

Some staff within the focus groups argued that it can get frustrating when restorative justice has not worked. When conflict occurs they try to manage the best way they can. It can be a strain and they do get tired and fed up. Staff said that this does “chip away” at them. However, they do still need to come into work. Some staff stated that because of the stress they may need to take time off, to sleep, to get rid of stress and so on. One unit team stated that they have to deal with crisis after crisis and they end up having their own protective mode. It can feel a very negative environment to work in and this can make people dread coming into work.

The managers and heads of care also spoke of the reason why they chose to work in the units. The key reason is the positive feeling they derive from working with and for young people.

Chapter 6. Analysis of findings and conclusions

This evaluation project has produced a number of findings about the implementation of restorative justice in residential care settings for young people in public care.

According to the qualitative data gathered, the introduction of restorative justice has had a positive impact on the young people and staff in the units studied, and a great many of them saw benefits in the use of it. This was judged in the way conflict, criminal and anti-social behaviour were dealt with using restorative justice methods. People felt that restorative justice provided valuable ways of learning about the feelings and needs of others within a residential group care setting. Innovative methods for conflict resolution had been established by staff within residential units and these approaches allowed for a more rapid response to interpersonal conflict than the use of formal restorative justice conferences.

From an analysis of police call-out data to the four units studied, it was found that there had been an overall decrease in call-outs for offence-related incidents following the implementation of restorative justice. After excluding the grey data, such as missing persons, personal and general calls, there was a 23 per cent decrease, from 443 call-outs during November 1999–November 2002 to 340 call-outs during December 2002–December 2005.

The quantitative findings were mixed. In three units, the rate of police call-outs fell, while in a fourth, they rose by a small degree. These findings require further exploration. It cannot be stated conclusively that the reason for the drop in police call-outs in the three units was necessarily due to the introduction of restorative justice, although the qualitative findings would suggest this had been a major factor.

In the interviews and focus groups with staff, participants stated that they generally called the police out less than they had previously, which they attributed to the use of restorative justice. This was also true of staff in the unit that had experienced an increase in call-outs, which could be interpreted to mean that there may have been an even higher increase if restorative justice had not been introduced. It is also possible that other positive factors they saw with the introduction of restorative justice may have skewed their view on this.

The evaluation found that the units studied had implemented restorative justice in informal as well as formal ways. Three of the units conducted formal restorative justice meetings, but for the majority of incidents, all units carried out a very informal type of restorative justice. Staff used their existing communication skills to talk with a young person who was causing difficulties, but had realised, from their restorative justice training with the police, the potential to use more structure – even if normally less formal than the process used in the criminal justice system. They had not seen their earlier communication methods as potentially providing a restorative basis for discussion with and between victims and perpetrators.

Staff also found that they said more about themselves in meetings with the young people. They also said that restorative justice had impacted positively on the culture of residential units. Previously they had wanted young people to be punished rather than negotiated with; whereas, after the introduction of restorative justice, staff felt that they had a better relationship with young people.

In some cases, young people participating in the exercise did not initially recognise that they were involved in a restorative justice process, for example where they were sitting down and “having a chat” about the conflict, and the people involved were telling each other how they felt. The unit caring for children with disabilities stressed that they had some difficulties implementing a restorative justice approach, though they did work in a revised restorative manner.

Staff participants identified many advantages of working restoratively, including:

- beneficial impact on young people of being shown that someone really cares about them
- impact on young people's behaviour
- improvement in how young people resolve difficulties
- helping to develop beneficial social skills
- trying to help the victim by giving them a voice and a presence.

Some of the managers and heads of care felt that restorative justice could have a lasting positive impact on young people's lives.

The young people participating in this evaluation thought that restorative justice was a beneficial way of dealing with conflicts, particularly as it allowed them to talk about their feelings as well as providing them with the opportunity to understand the perspective of others affected by their behaviour.

Young people involved in the process felt that staff had implemented restorative justice through both informal discussions and formal meetings. For the most part, they believed that the meetings were helpful in resolving problems and conflicts.

However, both staff and young people said that there were some disadvantages in the use of restorative justice within residential units. One disadvantage articulated was the fact that the process is voluntary. This can create challenges for staff when trying to resolve conflict if those involved do not voluntarily agree to participate.

Another disadvantage expressed is that some people can pay lip-service in restorative justice meetings, saying what they think others want to hear, without really meaning it. This needs particular attention, as it is something that can occur in all situations where restorative justice is being used, regardless of the setting.

From a staff point of view, there were varying views on the effectiveness of using restorative justice with young people with autism, an attachment disorder or with learning and physical disabilities. The staff who worked in the unit for children with disabilities felt that there were drawbacks in the restorative justice training they'd received. It did not, they said, focus on children with disabilities. They also stated that there was insufficient research on how to carry out restorative justice with young people with disabilities, and that this had therefore had an impact on their ability to conduct such methods effectively within their unit.

The staff members from the other three units were generally positive about the restorative justice training that they had received. They felt, however, that the training was too focused on how to carry out formal restorative justice conferences rather than carrying out day to day restorative justice within a residential setting.

All staff stated that they would telephone the police if a conflict was very serious, and young people agreed with this view. Some managers highlighted the difficulty of carrying out restorative justice while simultaneously pursuing the legal route of charging/prosecution. They felt that it could be confusing for the young person involved, and that restorative justice should only be carried out if the young person was fully aware that they could still face formal punishment. It was important, they said, for young people to realise that restorative justice was completely voluntary.

Staff and young people identified a variety of types of conflict within units. There were in-depth discussions in the individual interviews and the focus groups about the ways in which conflict was managed. An overarching view was that each situation should be looked at individually before an appropriate method of dealing with the conflict was used. Staff and young people stressed that this was, of course, dependent on the people involved as they all reacted in different ways. Staff also said that they tried to avoid conflict by using defusing/diversion techniques. They also tried to create a positive atmosphere within the residential units by making them as “homely” as possible.

Young people and staff spoke about their perceptions and experiences of bullying within the units. Bullying, they felt, was very difficult to deal with. The staff from the Catley Way unit also believed that young people with disabilities can be bullied and can be bullies – an issue they believed was rarely spoken of. Young people with physical disabilities, such as those in wheelchairs, can be particularly victimised by bullies.

The majority of young people interviewed said that they had been bullied at some point. Most stated that they had also bullied others. Staff tried to resolve bullying in various ways, for example, by making young people realise it was unacceptable, through the use of different bullying strategies and by making them aware of the impact they were having on others. One of the best methods, they found, was spending a lot of time with each bully on their own, working through their behaviour and the reasons for their actions. This worked particularly well in a neutral environment, for example taking them out on a trip to the countryside, well away from other young people in the residential units.

In residential unit settings, power/control issues can mean that the victim might be further abused during, but more likely after, the mediation/restorative justice meeting. Victims may fear that they will continue to be bullied if issues of power and control are not recognised, monitored and dealt with openly by staff carrying out restorative justice. Staff members need to monitor and work proactively with the bully over a period of time, confronting the reasons for behaviour, to enable them to change.

Crucially, staff members need to be trained and supported to assist young victims of bullying, and to monitor if further bullying takes place after the meeting. If young victims feel that restorative justice/relational conflict resolution processes do not protect them, they are less likely to report bullying and be protected from it in the future.

Conflict can impact greatly on staff and can be related to high stress levels. Relentless conflict can wear them down and can result in them taking sick leave, sometimes for long periods. Some staff said that the most important way of minimising the stress was by having a very close and supportive staff team – where they felt comfortable to talk about the conflict and problems that they faced, and were listened to.

Participants in the evaluation discussed what they thought was the ideal way of solving conflict within the unit. The staff stated that the best ways are through:

- open negotiation
- working restoratively
- willingness to participate and learn from each other
- having clear boundaries and systems
- not being swayed on the approach they are using.

Young people felt that each conflict should be dealt with individually. They said that it is important to let the person concerned calm down and then talk to them afterwards about the incident. Some young people argued that the ideal way of resolving conflict within the unit is by separating those involved. They felt that a perpetrator should be moved out of the unit if the conflict is very serious.

In conclusion, this evaluation found that the use of restorative justice within residential units can have beneficial impacts for both staff and residents. While it cannot be firmly concluded that restorative justice leads to a reduction in call-outs to the police (in one unit there was an increase, while there were decreases in the other units, and a decrease overall across the units) this result, combined with results from interviews and focus groups with young people and staff, suggests that restorative justice had positive effects on residential units' cultures (and on the learning and development of young people about relationships, responsibilities to others, and resolution of conflicts).

Staff also believed that restorative justice led to a reduction in the need to call out the police. They felt that, when catering for the dynamics of group care settings, it can be an effective tool for dealing with criminal acts, as well as the types of behaviour that lead to conflict between residents, and staff and residents.

The evaluation, however, found that restorative justice is not the only approach to be used within residential units. Other approaches and methods may sometimes need to also be used. The voluntary aspect of restorative justice is one of the most challenging areas for a complete implementation of it, since some young people and staff may not wish to take the restorative justice route. Residential units used a restorative model for carrying out restorative justice. Those interviewed felt that units should be places where both residents and staff could express their emotions about how incidents made them feel.

Formal restorative justice meetings were only one form of conflict resolution employed by staff in the units. The principles, methods and skills of restorative justice have been adapted to the particular situations and types of relationships that occur and develop within residential living situations. Young people and staff, in the main, felt that conflict should not be allowed to develop and should be dealt with as quickly as possible. Restorative methods have therefore been combined with other skills to defuse situations, often akin to mediation techniques. If young people are too angry or insufficiently prepared for this approach, staff will engage with them informally as quickly as possible.

The use of an independent facilitator, a key aspect for most types of formal restorative justice, is foregone but this was not seen as a problem for those who took part in the research. The general view was that, where possible, it was useful to hold informal meetings with young people to minimise the stress or anxiety that could be caused waiting for a formal meeting to take place.

A formal restorative justice meeting would only be set up if these methods could not be used to try to deal with more difficult, and/or deep-rooted situations that the other more informal approaches could not adequately cope with. Informal resolutions may be inappropriate if the conflict was too entrenched, or if one or both of the participants did not wish to take part in informal discussions. The police would only be called if this formal level of intervention did not result in settling the matter, or if the situation was too problematic.

For these reasons, the results of this evaluation lead us to consider the type of restorative justice that staff in the units had developed beyond the formal approaches, and as constituting relational conflict resolution, which incorporates restorative justice and mediation techniques, often in informal ways, to be used for many types of anti-social behaviour, not just criminal acts.

The majority of staff and young people believed that restorative approaches were valuable in helping young people to learn to:

- live with others with as little conflict as possible
- communicate better with others about their concerns and feelings
- deal with conflict/offending better when it does occur.

From their experiences within residential settings, dealing with problematic behaviour and criminal acts as informally as possible was seen as the best option, before moving through to more formal sets of proceedings when these were necessary. It would seem that problematic behaviour that is not necessarily criminal was being addressed by use of relational conflict resolution approaches effectively. If situations could not be dealt with adequately in this way, then the formal restorative justice meetings would often prove to be of value.

Chapter 7. NSPCC recommendations

- Residential units should continue to implement restorative ways of working, as they have many positive benefits for staff and residents.
- When conducting a restorative justice meeting, staff members need to make sure that those involved are participating voluntarily.
- There is a need to remain alert to the potential repercussions of using restorative justice approaches with young people who bully others, and the possibility of further bullying following the use of such restorative methods. The great majority of unit staff and residents believed that restorative justice can deal effectively with the problems arising from bullying.
- There needs to be assessment of when, and to what extent, young people are not participating fully within the spirit of the restorative justice approach, and if they are paying lip-service to its principles within restorative justice meetings. In these circumstances, alternative strategies may need to be put in place to deal with the conflict/incident. This is particularly important in relation to bullying.
- Further work is needed on dealing with bullying within restorative justice and relational conflict resolution approaches. There should be a joined-up approach within all the units to tackle bullying together, so that victims do not suffer repeated bullying by new bullies being moved from one unit to another.
- If possible, the staff should monitor and work proactively with the bully individually over a period of time, to confront their bullying behaviour, discover the reasons why they are acting that way, and help them to change. Crucially, staff members also need to monitor if further bullying takes place. If young victims are concerned that if, the restorative justice/ relational conflict resolution processes do not protect them, they will be less likely to report bullying in the future.

- The experiences of victims of bullying need to be emphasised in training and ongoing supervision to ensure that the restorative justice process does not further victimise them.
- Clarity is needed for all people trying to implement a restorative justice approach within their organisation, on the methods that constitute restorative justice and the use of more informal methods. This will give staff more confidence that they are carrying out restorative justice effectively within their units, emphasising a combination of restorative justice, mediation and other methods (also known as relational conflict resolution).
- Restorative justice training for staff working within residential units needs to:
 - be tailored to their specific area, particularly in relation to children with disabilities, autism, attention deficit hyperactivity disorders (ADHD) and attachment disorders
 - specifically address issues of bullying and intimidation
 - empower informal approaches and incorporate mediation concepts and skills for informal conflict resolution, rather than always waiting to set up formal restorative justice conferences. This reflects the need for relational conflict resolution, which is appropriate to residential and group care settings.

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