Portfolio Volume 1: Major Research Project

Facilitators' Perspectives on the Place of Offenders in Restorative Justice: A Grounded Theory Approach

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Smooshes to my Big Pooh Dingles and the Gorgeous Gerda, my sources of joy and jollity.

Rosam Quae Meruit Ferat

Abstract

This study sought to explore and develop a preliminary, yet substantive understanding of the ways in which the offender's position within a Restorative Justice process is influenced and impacted by the wider system around them. In an RJ conference, a facilitator conducts a structured meeting between offenders, victims, and both supporters, to allow them to understand the consequences of an offence and decide how best to repair the harm. Little research has so far investigated the experience of getting to RJ conferences for offenders or considers how other participants may be positioning them within the wider system. The current study comprises fourteen semi-structured interviews with facilitators, managers, and offenders about their experiences with RJ conferences. Data was analysed using Constructivist Grounded Theory (Charmaz, 2014). A model was constructed which described the funnelling process of an offender moving towards or being excluded from attending a conference. Whether an offender made it to conference appeared to be most affected by an over-arching philosophy of victim-focus, the focus of the RJ system, the facilitators beliefs, the offenders' motivations and relative powerlessness, and the victims' motivations and perceived need for protection. Repairing harm is not easy in postmodern industrialized Western societies, even with the use of programmes designed to facilitate this. The findings of this study reveal just some of the difficulties with bringing in concepts of repair to a criminal justice system and a culture which is not necessarily used to focusing on community and restoration.

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1.0 Introduction

1.1 Outline of Structure and Direction of the Introduction

This research concerns the experience of taking part in a Restorative Justice (RJ) programme in the United Kingdom, from the perspective of facilitators and offenders, focusing primarily on issues which impact upon the experience for offenders. This section will begin with a consideration of the language used in this study and an introduction to the researcher and her relationship to this field of study, as well as her epistemological stance for this research. It will then consider how the study came about and important notes about the language that will be used throughout. Following this, there is a brief exploration of the concepts and theories of RJ, followed by a systematic review of the literature regarding the experience of participants of RJ programmes and system influencers. Lastly, the rationale and aims of the research are clearly outlined.

1.1.1 Use of language.

Throughout the research, the term “offender” will be used when referring to an individual who has been found guilty of committing an offence, or has admitted to doing so. However, it is recognised that different programmes may use different terminology and that the use of different labels is important in terms of the impact on the individual and on the system. Therefore, where a programme specifically prefers the term “harm-doer” and “harmed” in place of “offender” and “victim”, the writing will reflect this choice.

This thesis will be written in the third person, as is a convention generally accepted for this style of research project (Clark-Carter, 2009). This style is more strongly applied to quantitative research and does not always allow for a recognition of the researcher's position or influence on the work (Webb, 1992). Therefore, when reflecting on the processes being discussed using the researcher's own voice, the writing will change to first person to indicate this shift in perspective.

1.2 Situating the Researcher

1.2.1 Background and personal philosophy.

The work of qualitative research requires that the researcher practice reflexivity throughout, to facilitate the understanding of the phenomenon being researched, as well as the research process itself (Watt, 2007). This reflexivity is necessary to understand how a research project has been created and designed, as well as how it was carried out. The hope is that by considering the position that the researcher takes throughout the process, it will be possible to understand the ways in which the outcome of the research may have been impacted by the researcher herself (Malterud, 2001). Therefore, this section will be concerned with how the researcher came to develop this research project, how her relationship to the topic may influence the direction that it took, and to consider the epistemological stance taken throughout.

1.2.2 How the study came about.

I grew up in a small farming village where neighbours were very much integrated with each others social networks and personal lives. I then moved outside of the United States to communities that are less tightly knit, which began my interest in the concept

of community in modern society. In my childhood community, we always knew each other's familial ties, histories, and behaviours. If one person did something wrong against a neighbour, the whole community took an interest in resolving any rifts. It was a way of being together that I have not seen replicated in my new communities. In many ways, crime differs significantly between rural and urban communities, both in frequency and in type of crime likely to be experienced (further reflections on the relationship between crime and community—particularly in rural areas--are explored in Chilenski, Syvertsen, & Greenberg (2015). There is also a difference in terms of who takes ownership of the responsibility for resolving the damage done by crime.

From this foundation, it seems only natural that I would be intrigued by the concept of RJ when it was introduced to me at a conference where I heard Peter Woolf speak on his experiences[1]. Alongside the focus of community involvement in restoring the damage which follows crime, I was also drawn to thinking about how people who are outside of the community group—offenders—are brought back and restored to their victims and their community.

1.3 Epistemological Position

This research is situated in an interpretivist epistemological positioning, as the foundation for understanding how meaning is made from the accounts given by participants in the research (Becker, 1996; Vasilachis de Gialdino, 2009). It is understood that by asking questions—the choosing of which question to ask, how they are asked, and in the attempt to answer that question—the very nature of the experience being recounted is changed or rethought. There are, therefore, multiple

[1] Peter Woolf had a long history of crime, until he was brought to a RJ programme that led him to meet one of his victims. This, alongside his engagement with a 12-step programme, led to a change in his life. He has written a book on his experiences, speaks around the world, and works with the Forgiveness Project (Woolf, 2008).

realities, and as the investigation into these experiences goes on, these realities change according to the perspectives of each individual and the context they find themselves in. This project accepts that there may be an objective ontological reality, but that our experiences of this are constructed; it follows an epistemological social constructionism whilst accepting an ontological reality.

This research will not attempt to provide an unbiased representation of the facilitators, participants, and managers of RJ practices. Instead, the aim is to explore and understand the constructions that are made of their experiences—as well as the researcher's part in that construction--and to consider how these constructions are impacted by the societal and discursive resources and networks around them (Willig, 2008).

1.4 Overview of Restorative Justice

1.4.1 The Western criminal justice system.

The Western criminal justice system has its roots in both Roman law and Common Law (Plucknett, 2010). It is widely accepted that there are five objectives for enforcement of criminal law by punishments: retribution, deterrence, incapacitation, rehabilitation, and finally restoration (Baker, 2011). Although England and Wales has seen a general decline in both recorded and reported crimes since 1997 (Office for National Statistics, 2018), public perception is often focused on the increase in knife crime, acts of terrorism, and violence. In 2014/2015, there were 1.32 million violent crimes counted. There are, however, questions about whether these reports are underestimates due to unreliable police statistics, which includes 19% of reported crimes not being recorded by police and a system of "no-criming" wherein reported

crimes are written off as not constituting a crime (Her Majesty's Inspectorate of Constabulary, 2014). England and Wales currently has just over 83,000 people in prison, which is 148 per 100,000 people (BBC News, 2006; Ministry of Justice, 2018).

The question of how a society should respond to those who commit acts of harm or injustice against other members of society is one which can feel increasingly urgent, as modern media places increasing emphasis on cases where the system appears to be failing[2]. The Western criminal justice system not only affects how we think about crime, but also how we formulate our understanding of how to manage all other harms and offences[3]. There can be a feeling that the system as it stands—whilst having some clear strengths—also has particular limitations and weaknesses which create a sense that it only further divides members of society by deepening wounds and conflicts. There is a lack of healing or coming together following a harm (Braithwaite, 1996). This is connected to how offenders are often treated in isolation from the community and stigmatises them even after the offence has been 'discharged', as well as the differing ways in which offences are treated relating to the race and class of both the offender and the victim (Vago, 2015).

1.4.2 Considering Restorative Justice.

The modern use of the term "Restorative Justice" has been in written sources since 1977 when Albert Eglash distinguished between "retributive justice", which was punishment based; "distributive justice" which looked at providing therapeutic

[2] An exploration of this trend, as well as consideration of the "ideal victim" and misrepresenting of crimes can be found in "Victims, Crime and Society" (Davies, Francis, & Greer, 2007).
[3] A comparison between restorative and retributive systems can be explored at greater length in Zehr's "The Little Book of Restorative Justice: Revised and Updated" (Zehr, 2015), whilst a more direct consideration of retribution as a cultural norm can be found in Cohen's examination of violence and culture (Cohen, 1998).

treatment of offenders; and “restorative justice” which was based on restitution between victims, offenders, and the community (Van Ness & Strong, 2010). The history of restorative practice, however, is much older and is linked primarily to the First Nations people of Canada and the United States and to the Maori people of New Zealand. Howard Zehr suggests that RJ validates the values and practices of indigenous groups whose traditions has largely been ignored by Western colonial powers (Zehr, 1990).

Much of the current work in RJ has come from programmes in New Zealand/Aotearoa in recognition of the incorporation of Maori traditions. Legislation was passed in 1989 in New Zealand that was instrumental in the current RJ movement, as it required all young offenders to attend family group conferences (Bowen & Boyack, 2003). This was then followed by further legislation in New Zealand—particularly the Sentencing Act 2002, the Parole Act 2002, and the Victims’ Rights Act 2002—which outline restorative principles and restorative processes for adult offenders and victims. This level of embedding has allowed for a cohesive approach to combining restorative practices with traditional Western criminal justice systems that is not seen elsewhere at this point in time. Several of the analyses of systems have outlined the challenges inherent with RJ programmes that are taking place in countries and systems which do not so deeply embed RJ approaches [see **Section 1.5.3.2]**.

RJ is an approach which seeks to rebalance the relationship between an offender and his or her victim(s), as well as between the offender and the community (Braithwaite, 2002). Rather than taking a punitive approach, it seeks to help offenders to take responsibility for their actions, to allow victims to take a more active role in the criminal justice system, and help the offender avoid committing future offences. The approach

looks at the interconnectedness of crime and community and the relationship between social exclusion and re-offending (McNeill, Batchelor, Burnett, & Knox, 2005).

Within an RJ programme, offenders and victims are brought together in facilitated conferences or are helped to communicate with each other through a series of letters. The aim of this communication is to help the offender to understand the impact he or she has had on the victim and the victim's network, as well as to help the victim to gain understanding of why they were offended against (Scheuerman & Matthews, 2014). This process is guided by a facilitator who seeks to hold a neutral position in the conference, allowing the victim and the offender to ask questions and gain understanding in a safe environment. Their role is to ensure that the conference is guided through a process that is relatively uniform in terms of each step, whilst still able to accommodate the specific needs of the individuals in the conference.

Steps in a Victim-Offender Conference tend to follow the below pattern (Amstutz, 2009):

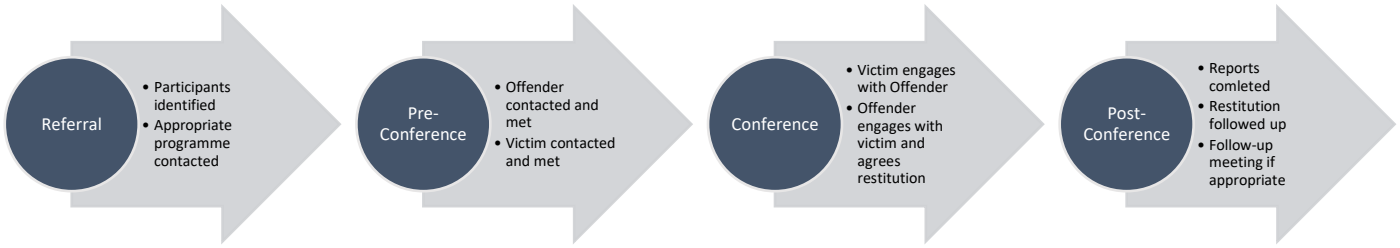

Figure 1: Steps To and From a Victim-Offender Conference

Within a Victim-Offender Conference, there will be a Facilitator and likely a Co-Facilitator (where possible, there should always be a second facilitator present to allow for ensuring that the facilitation is balanced and neutral), the Victim and Victim Support (this may be a friend or family member or a victim advocate), and the Offender ideally with Offender Support (this may be a friend or family member or an Offender Manager/Probation Officer who the Offender feels supported by).

RJ programmes can be described as either being victim-led—in which victims can instigate the connection with the offender—or as offender-led, where the communication is initiated by the programme itself on behalf of the offender or the criminal justice system (some of the differences of these programmes are considered in Rosenblatt's consideration of the role of community in RJ programmes (Rosenblatt, 2015); this will also be further explored in the below section on RJ programmes.

Importantly, the direction of the programme—either victim-led or offender-led—has a significant impact on funding availability and commissioning. Where programmes are Victim-Led the funding will be attached to referrals which come directly from victims or victim advocates seeking conferences. This is seen in programmes such as the University of Hertfordshire's Restorative Justice programme or the Why Me? Restorative Justice charity programme in London. Here, should an offender approach the programme, they would be unable to progress any further, as there would be no resources allocated for offender-led work or possibility of seeking out victim details. Where a programme is Offender-Led, the funding comes from the other direction and is usually coming from Probation Services, the police, or the courts themselves. This would be a programme such as the Choice or Consequences (C2) programme in

Hertfordshire. Here, referrals come directly from the offender, the offender manager, or the criminal justice side.

1.4.3 Restorative Justice in the UK.

Within the UK, the application of RJ has not been as cleanly integrated into the established criminal justice system (Davey, 2005). It began in earnest in the early 1980s, which coincided with the increased use of cautioning and intermediate treatment by the criminal justice system. Restorative practice is growing, particularly in the last decade, and there are now more than a hundred programmes running across a range of sectors throughout the UK with the Restorative Justice Council serving England and Wales, Restorative Justice Scotland covering Scotland, and Northern Ireland Alternatives serving Northern Ireland (Shapland, Robinson, & Sorsby, 2011).

Most referrals to RJ programmes came from juvenile panels or boards seeking youth diversion, which raised criticisms about the imbalance between offender referrals and those coming from victims. An attempt to redress this imbalance involved four pilot victim-offender mediation projects funded by the Home Office. The findings showed that ‘the majority of victims offered the chance of meeting their offender would like to do so’ and ‘the great majority looked back on the experience as worthwhile’’, but there was also criticism drawn as a few programmes appeared to place pressure on victims to take part (Marshall, 1999).

Restorative Justice in the UK following these pilots is characterised by disparate programmes that are often initiated in parallel to others, rather than with a cohesive approach. Two of the longest-standing and most successful programmes are the

Thames Valley Police's restorative conferencing set up for young offenders in 1991 based on the New Zealand model and The Family Rights Group piloted a national programme based on Family Group Conferences[4].

RJ with adult offenders in the UK has only really begun to achieve national attention from the early 2000s with three Home Office pilots: the Justice Research Consortium ran several schemes at different points of the CJ process; REMEDI is a voluntary-sector mediation service in partnership with the probation service to offer RJ for victims and offenders; and CONNECT, a voluntary-sector organisation offering RJ for offenders and victims primarily after conviction and before sentencing. All the pilot programmes had problems with referrals and case flows in the early stages and had to adapt their referral criteria to get enough throughput for evaluation (Shapland, et al., 2004).

There are some additional challenges with applying RJ to a UK context, in relationship to the principles of community restoration and neutrality within the system. These are explored in following sections.

1.4.4 Aims of Restorative Justice programmes.

Many of the outcomes of RJ programmes are closely connected to offenders, whether this is measured through focusing on recidivism or on restoration. The restoration of the relationship between offenders and victims and to the community is considered the primary goal of RJ according to the original conceptualisations of RJ work (Zehr,

[4] Family Group Conferences originated in New Zealand in 1989 as a response to unhappiness within the indigenous Maori people with the child protection and youth justice system in that country which did not implement their cultural needs or focus on the community (Davey, 2005; Mutter, Shemmings, Dugmore, & Hyare, 2008).

2015). This is evinced by offenders being tasked with repairing the harm they have done to the victim and the community (Beven, 2005). It is also understood that an important secondary goal of RJ is to reduce recidivism rates amongst the offenders (further exploration of how RJ programmes are evaluated can be seen in the following Systematic Review, which evidences the frequency with which 'satisfaction' or recidivism rates are used in place of 'restoration'). The goal of restoration of offenders is a challenging one for a variety of factors, including the availability of resources and ability of the offender to make reparations, the community resources to restore the victim, and a clear path of what restoration would mean (Bazemore & Schiff, 2015).

The literature is also largely inconclusive as to whether RJ programmes have an impact on recidivism rates and if they do, just how big that impact is. Earlier studies tended to indicate that there was no real impact (Braithwaite, 1999), whilst later studies showed modest (Bonta, 2006) or larger impacts (Latimer, Dowden, & Muise, 2005). Substantially more research has been carried out on juvenile offenders who go through RJ programmes than adult offenders; these findings often indicate that there is a change in the offenders responsive regulation (Braithwaite, 2002), reduced recidivism (Rodriguez, 2007), or the development of empathy following taking part in the programmes (Van Stokkom, 2002).

1.4.5 The need for a systematic review.

What has been shown so far is that there is wide variety in how programmes are set up and run, as well as conflicting considerations of what the goals of RJ are in comparison to the original philosophical leanings of restorative practice, leading to differences in the way that success is assessed and recorded. As such, it is difficult to assess the value of RJ.

What is needed is a more complex and nuanced consideration of current knowledge to consider the ways in which RJ is working for each party involved—the victim, offender, facilitator, and the system—in order to better understand the experience of RJ for each party and the effectiveness and impact of RJ.

As such, this literature review will not focus simply on objective outcome measures such as recidivism as a means of assessing the validity or success of an RJ programme. It will, instead, consider all recorded outcomes of RJ and the experiences of those involved.

1.5 Systematic Literature Review

1.5.1 Aims of the systematic literature review.

The focus of this systematic review of peer-reviewed empirical literature was on the experience of RJ programmes or Restorative Practice interventions on those involved including victims, offenders, and facilitators, as well as elements of the system focus which may impact upon the intervention.

1.5.2 Search strategy.

Searches were carried out for the terms which are shown in Table 1 below, using different databases: Scopus, PubMed, APA PsychNet, Social Care Online, and Google Scholar. Initially the search was limited to offenders who had served a prison sentence, but this was later widened to also include those who had taken part in an RJ programme in place of a prison sentence. Included studies were limited to only

those focused on adults, to reflect the population of the local programmes being recruited from for the current study. It was also understood that the majority of literature was focused on youth programmes; focusing on adult programmes allowed for considering the gaps in the literature. The reference and citation lists of each relevant paper were also searched to ensure that no studies had been missed out in the primary searches.

No limitations were put on the date of the publication, but due to the relatively new nature of research in Restorative Justice, no responses were returned earlier than 2000.

Additionally, the main journals where these papers were published were searched by hand for issues from 2010 onwards for possibly missed primary articles. No articles were included from this hand search.

AND	NOT
"restorative justice" OR "restorative practice" OR "restoration intervention" "adult"	Youth OR Juvenile Dent* Occ* Spinal Attention Lesion

Table 1: Search Terms Used in Systematic Review

Scopus produced 93 results which was then reduced to 80 when books, book chapters, meta-analyses, and editorials were removed. Two additional papers were

removed for focusing on youth programmes. In total, 77 abstracts from this search were examined more closely[5].

PubMed produced 59 results based on journal articles. This was reduced to 20 by removing medical articles focused on dental, ocular, spinal, or lesion restoration.

APA PsychNet produced 14 articles, which was reduced to 10 when articles focused on youth programmes were eliminated.

Social Care Online produced four articles, none of which were immediately excluded.

Google Scholar returned 14 results, with none immediately excluded. Note that as Google Scholar yields large results which are not easily restricted to peer review articles, a far more restrictive search was performed, requiring that "restorative justice" and "adult" be in the title. Additional searches were done more inclusively after the initial searches to ensure that no articles were missed in the more focused search.

When the articles were sorted to remove any duplicate articles or articles which were clearly not specific to RJ programmes (for example, articles which were focused on medical interventions or were focused on a very specific aspect of a niche area), the search was left with 59 articles. The abstracts for these 59 articles were read in order to ascertain whether articles were appropriate for inclusion in that they were based on primary research or a review of previous primary research studies and had a clear focus on RJ or similar programme. This sorting left 23 total articles for closer

[5] Sherman, et. al.(2015) conducted a systematic review on RJ that produced different numbers. The primary difference in our searches is around the term "restorative justice"—Sherman took a broader approach initially to the label in order to capture similar programmes that may have different dynamics, but then used more exclusion criterion than I did for final inclusion (for example, eliminating VOMs, where I included them).

examination. A diagrammatic representation of how papers were chosen for the literature review can be viewed in Figure 1 below:

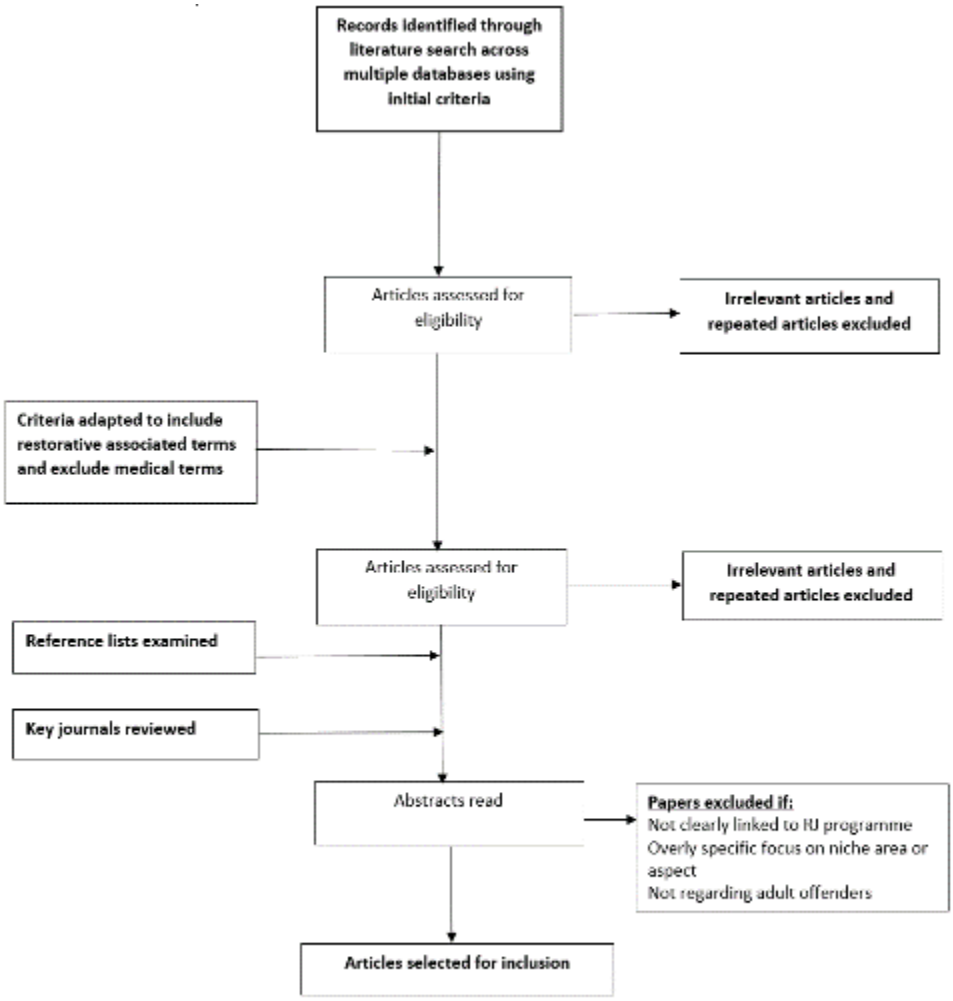

Figure 2: Diagrammatic Representation of Search Process

1.5.2.2 Details on excluded papers following abstract critique.

Further details of excluded papers following the abstract critique can be found in Appendix 5.6. The following table outlines the inclusion and exclusion criteria for this review:

Inclusion Criteria	Exclusion Criteria
Programme has a clear RJ focus	Mediation programmes or similar which do not have a clearly established RJ philosophy
Participants are adults	Programmes that focus on youth or a combination of youth and adults
Papers are written in English	Papers unavailable in English
Primary data or review of secondary data	Theory-only paper
	Programme focus too niche for findings to be applied more broadly

Table 2: Inclusion and Exclusion Criteria for Systematic Review

1.5.3 Systematic Review Findings

In total, 15 articles were included in the systematic review (Table 2). They were written by researchers in the fields of law, sociology, psychology, and social policy. Of these papers, nine used qualitative methods, five were reviews of previous studies or current programmes, and two used quantitative methods. The researchers used a variety of data collection methods, including focus groups, interviews, survey data, and analysis of court cases.

Even after including only adult RJ programmes, the remaining papers contained studies with a diverse array of aims and foci. The findings below have been grouped by their focus on victims, offenders, and system/facilitators. There were six studies considered within the category of Victims, five within Offenders, and eight under Facilitator/System. These add up to greater than 15 total articles examined more closely, as some studies had multiple focuses and so were discussed in more than one category.

Table 3 below summarises the included studies by their focus (Victims, Offenders, System, or a combination of these), the methodology, participants, and their key findings.

	Authors	Title	Focus	Methodology	Participants	Key Findings
1	Zebel, S.; Schreurs, W.; & Ufkes, E.G. (2017)	"Crime seriousness and participation in restorative justice: The role of time elapsed since the offense"	Victims	Quantitative analysis of types of crime/seriousness of crime compared to VOM attendance	199 victim-offender mediation cases	Cases registered for Victim-Offender Mediations(VOMs) are on average more serious than all offenses in the population and resulted in mediated contact (or not) independently of the three seriousness indicators. Victims' willingness to take part in VOMs increased over time for more harmful offences, but decreased where there was less harm.
2	Gromet, D.M.; Okimoto, T.G.; Wenzel, M.; & Darley, J.M. (2012)	"A Victim-Centered Approach to Justice? Victim Satisfaction Effects on Third-Party Punishments"	Victims	Review of three studies	230 participants, 717 participants, 452 participants	Victim satisfaction attenuates people's desire to seek offender punishment, regardless of offence severity or conflicting reports from a third-party observer.
3	Maxwell, G.; Morris, A. (2001)	"Putting Restorative Justice into Practice for Adult Offenders"	Offenders	Qualitative analysis of reoffending rates, review of methods used in each scheme	Two pilot schemes	Both RJ pilot schemes resulted in fewer reconvictions and less serious reconvictions compared to matched processes and correctional outcomes, even though they were different in their approaches (one focused on the involvement of victims and the second on responsibility of the community and taking re-integrative measures).
4	Halsey, M.; Goldsmith, A.; Bamford, D. (2014)	"Achieving Restorative Justice: Assessing Contrition and Forgiveness in the Adult Conference Process"	System/Victims/ Offenders	Qualitative analysis and review	9 of 12 conferences	RJ conferences are greatly valued by victims, largely due to structured opportunities provided for victims to deepen their sense of participation in the CJ system. Offenders found it exacting and moving; it personalised the offense.

5	Wasileski, G. (2017)	"Prosecutors and Use of Restorative Justice in Courts: Greek Case"	System	Semi-structured interviews; thematic analysis	15 public prosecutors; 3 mediation facilitators	Patriarchal rule in the family has been incorporated into domestic violence laws, which impacts mediation. Prosecutors do not see mediation as an option and are unreceptive to Restorative Justice in intimate partner violence cases.
6	Barnes, G.C.; Hyatt, J.M.; Angel, C.M.; Strang, H.; Sherman, L.W. (2015)	"Are Restorative Justice Conferences More Fair Than Criminal Courts? Comparing Levels of Observed Procedural Justice in the Reintegrative Shaming Experiments (RISE)"	System	Observational data	87 court cases; 86 conference cases	Reintegrative shaming experiments produced significantly higher levels of ethical treatment; in line with RJ goals.
7	Fox, K.J. (2015)	"Trying to restore justice: Bureaucracies, risk management, and disciplinary boundaries in New Zealand criminal justice"	System	Semi-structured interviews	64 participants; prison workers etc.	There are systemic challenges to incorporating RJ programmes into the wider CJ system.
8	Cook, A.; Drennan, G.; Callanan, M.M. (2015)	"A qualitative exploration of the experience of restorative approaches in a forensic mental health setting"	System, Offenders, Victims	Constructivist grounded theory analysis of semi-structured interviews	10 participants, RJ facilitators, patients, and mental health staff	Processing emotions, developing thinking and coherent narrative and immediacy are key components of the intervention.
9	Bradt, L.; Bouverne-De Bie, M.; De Visscher, S. (2014)	"Victim-offender mediation and social work: Focus groups with mediators in Flanders"	System	Focus groups	11 juvenile mediators; 6 adult mediators	How mediators think about their role is connected to their perception of the position of victim-offender mediation.

10	Bates, A.; Williams, D.; Wilson, C.; Wilson, R.J. (2014)	"Circles south east: The first 10 years 20022012"	Offenders	Qualitative analysis of reoffending rates	140 participants and control	Over a comparable follow-up period of 55 months, the incidence of violent and contact sexual reconviction in the comparison group was significantly higher than for the Circles cohort. Comparisons are made between expected and actual levels of sexual reconviction, with the Circles cohort showing lower than expected rate of sexual reconviction but not to a statistically significant degree.
11	Paterson, C.; Clamp, K. (2012)	"Exploring recent developments in restorative policing in England and Wales"	System	Review of programmes	33 police forces	Despite the significant positive rhetoric that surrounds the adoption and use of restorative justice, there are a number of procedural and cultural challenges that pose a threat to the extent to which RJ may become embedded within the policing response.
12	McGlynn, C.; Westmarland, N.; Godden, N. (2012)	"I Just Wanted Him to Hear Me: Sexual Violence and the Possibilities of Restorative Justice"	Victims	An exploratory study of a restorative justice conference involving an adult survivor of child rape and other sexual abuse	1 case	RJ may offer the potential to secure some measure of justice.
13	Gilligan, J.; Lee, B. (2005)	"The Resolve to Stop the Violence Project: Reducing violence in the community through a jail-based initiative"	Offenders	Review of records	101 inmates; 101 shorter term prisoners	Multilevel, comprehensive prevention approaches that: emphasize making available to violent individuals the kinds of tools they need in order to develop non-violent skills and reality-based sources of self-esteem; increase their capacity to experience feelings of empathy and remorse; and provide opportunities to take responsibility and amend the injuries they have inflicted on others and on the whole community, may play an important role in reducing the cycle of violent crime.

14	Curtis-Fawley, S.; Daly, K. (2005)	"Gendered violence and restorative justice: The views of victim advocates"	System	Thematic analysis	Victim advocates from two states	Although victim advocates have concerns and reservations about restorative justice, most saw positive elements.
15	Herman, J.L. (2005)	"Justice from the victim's perspective"	Victims	In-depth interviews; thematic analysis	22 victims	Survivors' views of justice do not fit well into either retributive or restorative models.

Table 3: Summary of articles included in literature review

1.5.3.1 Victims.

"I think that if I could put that rapist in a chair--I know this will never happen-but if he would admit it was a horrible thing, express regret, apologize to her and then do the same for me, I think that would help. Boy, I'm surprised to hear myself say that!" (Victim Interview, Herman 2005, p. 586)

Nearly all of the studies available which consider the impact of RJ programmes on the victims' response consider it in terms of satisfaction—this satisfaction is both related to the involvement with the programme itself and also with the wider criminal justice system (McGlynn, Westmarland, & Godden, 2012; Cook, 2006; Halsey, Goldsmith, & Bamford, 2014; Gromet, Okimoto, Wenzel, & Darley, 2012; Zebel, Schreurs, & Ufkes, 2017). Five of the studies focused solely on the issues of RJ from the perspective of or concerning the victims; the remaining three incorporated the consideration of the victim's experience with that of the offender's or with the wider system.

The link between crime seriousness and victim participation in RJ was examined in greater depth by Zebel, et al. (2017). Their study analysed 199 cases that had been registered for victim-offender mediation in the Netherlands and coded those cases based upon the perceived "wrongfulness", harmfulness, and the average duration of the incarceration of the offence to determine the level of seriousness. Using this analysis, they determined that on average, those cases which are put forth for victim-offender mediation are more serious than all other offences in the population. Their findings showed also that victims' willingness to take part in mediation increased

over time following a more harmful offence, but decreased over time for less harmful offences. Whilst this raises some interesting questions related to the connection between the seriousness of the crime and a victim's desire for restoration with the offender, this research also shows that as most RJ programmes do not consider the time elapsed after the crime in considering referrals, it is as likely across the average to have mediation between victims and offenders of both minor and serious offences. The findings of this study are limited, however, by not having empirically addressed the underlying psychological processes that affected victims' participation willingness over time. Therefore, its ability to create possible explanations for the victim's changing experience over time must necessarily be tentative.

Research that seeks to better understand a victim's response to being a part of a RJ process often first considers the ways in which a more retributive justice system leaves the victim on the side of the process, to the detriment of their ability to feel both a part of what is happening and to avoid being re-traumatised (Mendeloff, 2009). This question provides the basis for the work done by Judith Herman, which used 22 in-depth interviews with victims of violent crime in the United States to better understand their views of justice (Herman, 2005). Of these women, only half were offered some form of RJ or mediation through the court system; the other half sought out informal restorative meetings with their offender. They were then interviewed to better understand their experiences and beliefs about the justice system. Following a thematic analysis of their responses, her findings indicate that survivors of violent crime do not have a perception of justice that necessarily fits well with either retributive or restorative models, but instead combines elements of each. Importantly, though, is the recognition that many of the discussions around more restorative models in these interviews are almost wholly theoretical. Of the women

who were able to meet with their offender, only one person stated that they were satisfied with their attempts at coming together with their offender.

The cases in Herman's work were both criminal (11) and civil (10). Half of the latter were petitions for restraining orders in domestic violence cases, with petitions for divorce. Within the civil cases, five of them also involved retaliatory lawsuits (of which all were later judged to be without merit and were dismissed, but which carried a heavy financial and emotional burden). For those participants who were involved in the criminal justice system, themes emerged of not feeling served by the current justice system. It has previously been discussed in the literature that retributive justice systems can often make the victim feel that they are unimportant or do not matter (Erez & Tontodonato, 1992)[6]. Herman's findings evince the limitations of influence that the victim experiences within the criminal justice system; although the feelings and needs of the victim are considered important, they are still not the prevalent focus. This will be particularly meaningful when this level of influence is compared to offenders' influence on the system. This research was strong in its ability to provide an in-depth and rich account of victims' experiences; however, it was limited in being able to directly address experiences of restorative justice, as so few of the victims were able to take part in a formal programme.

One of the themes that came out of the data within the Herman paper, however, is echoed in a paper by Gromet, et al. (2012), which considers how third parties

[6] The Herman paper also suggested how strongly the women interviewed identified with the need for safety as a necessary outcome of their participation within any system. Whilst they were unanimous in agreeing that rehabilitation of offenders is a worthwhile goal, the majority doubted that it was achievable for their particular offender (who were all guilty of violent crimes against the victim). Therefore, their focus was on the importance of incapacitation as the primary goal of criminal justice—that their offender not be allowed to harm them or others again (Herman, 2005). This speaks to the challenges of restoration conferences between victims and offenders.

perceive levels of fairness in the justice system, depending on how satisfied the victim appears to be with the outcome. Gromet et. al., perhaps underscores Herman's final summary which shows how much the victims focus on the need to be reintegrated with their communities--but not necessarily with the offender--following their trauma. Therefore, how well RJ interventions satisfy their need is in question.

Although the Gromet, et al. paper is ostensibly victim-focused in its approach—and this is centred on victim satisfaction—the overall drive for this research was to determine how satisfied a third party feels following a RJ process, through the mediating effect of the victim's reported levels of satisfaction. Here, the third party stands in for the community and provides a way of reflecting on perceptions about crime and RJ from the perspective of a cultural stakeholder. Gromet's research was based on a three-part study; the first arm of the study was to consider the impact on an outside observer when they are informed that a victim was either satisfied or unsatisfied with the justice system. The second part of the study was then focused on considering whether this effect was mediated by offense severity (where severity of the initial crime has been shown reliably to be a moderator of punitive judgements (Rucker, Polifroni, Tetlock, & Scott, 2004). The final part of this study sought to explore whether victim satisfaction is influential on the third party, even when conflicting information about the success of the process is relayed to the third party. The value of knowing how third parties are influenced throughout the process is that it allows for considering how the public will respond to changes in policies and interventions. This could be linked to the growing popularity of restorative practices and a shift in the culture.

The findings from the Gromet study, which supported the initial hypotheses both that the third party's satisfaction would be in line with the victim's reported levels of satisfaction and that the perception of the offender would decrease with the victim's satisfaction, were upheld in the study. This is important, particularly in relation to the current thesis, as it begins to illustrate the ways in which victims' experiences and satisfaction are held central to the process, whilst offenders are judged primarily through the lens of the victims' experiences with them (Section 3.3.1.1.2). Gromet's design was particularly strong in being able to assess the differing factors that were influencing third parties' perceptions; this allowed for a straight forward conclusion that even if a third party participant was given objective information that contradicted the victim's testimony, they still valued the victim's view of the RJ intervention most highly. This is relevant to the current study in consideration of the high value placed on the victim's experience for other participants. It was also able to illustrate the punitive orientation of third parties, by showing that even when victim satisfaction is high, they still tended to endorse some additional punishment for the offender. This is of particular relevance in thinking about the impact of a punitive culture on an offender's position in the system (Section 1.4.2). Although this research considered several components of a conference, it did not consider the ways in which offender perception could be influenced and what this change would have on perceptions of satisfaction with the programme.

The earlier consideration of safety by victims of trauma was echoed in a single case study paper by McGlynn, et al. (2012). Here, an in-depth consideration of a victim's experience of a RJ conference following childhood rape and sexual abuse was

carried out[7]. The aim of this paper was to address the lack of empirical evidence related to the victim experiences and perspectives. They combined an examination of the current movement towards RJ with interviews of four people associated with their case study conference. These interviews were with the victim, the victim's rape crisis counsellor, the conference facilitator, and a senior police officer involved in the case. The offender declined to be interviewed for the study and he had not had a supporter with him in the conference, so no additional interviews from the offender side were possible. Although the findings from a single case study can be extrapolated only so far, the lack of offender (and the revelation that the offender attended the conference without support), raises some questions as to how offenders are positioned within the intervention.

Based on the findings from analysing the interviews, the researchers argue that RJ conferences can provide the victim-survivors with greater control and decision-making regarding how their case is handled, the possibility for empowerment, and the reduction of victim-blaming through the focus on the offender. They present the possibility—which was perhaps echoed in the discussion of RJ presented by the victims in the Herman (2005) paper—that there is some confusion about the nature of RJ and it is this confusion that leads to the primary criticisms currently levelled against it.

Throughout several of the research papers which focus on victim expectation or goals for RJ there is a common theme of the victims wanting an apology or display of

[7] Sexual abuse—particularly sexual abuse that occurs during childhood—is often excluded from RJ programmes, similar to domestic violence, due to the perceived and real complexity of managing these cases through a conference (Daly, 2006; Strang & Braithwaite, 2002). There are also concerns in some contexts that using conferences following sexual and family violence can 'trivialise' violence against women or re-traumatise victims who are already vulnerable and unsafe (Clark, 2010). No other studies of the use of RJ interventions in the case of domestic or sexual abuse were included in the current review.

remorse from the offender (Gromet, Okimoto, Wenzel, & Darley, 2012; Halsey, Goldsmith, & Bamford, 2014; Cook, 2006; Herman, 2005). This was evinced as well in Halsey, et al.'s consideration of victim testimony across interviews with ten victims from nine conferences attended by researchers (Halsey, Goldsmith, & Bamford, 2014) in an observational study. Halsey, et. al., had initially designed a study that envisaged being able to examine 50 pilot cases and 20 of those to a great depth. Instead, they had a much lower rate of referral than expected and ended up with only 12 completed conferences; they were able to observe nine of these conferences[8]. Their methodology combined conference observations with post-sentence follow-up interviews with conference participants and other members of the process. Their observation schedule was created inductively and they observed conferences in pairs. Their findings suggested that most victims seek an apology from the offender and that their needs support Corlett's definition of a sincere apology requiring that an offender first admit their responsibility in the offence, then explain their reasons for committing the offence, and communicate both how they are going to rectify the damage done and offer reassurance that they will not re-harm the victim. This echoes earlier work suggesting that victims are also safety-seeking in these conferences (Corlett, 2006; Cook, 2006).

Cook's work looks at applying RJ principles to a mental health hospital setting, wherein the victims interviewed in the study were staff members who had reported experiencing conflict with a patient in a secure setting. Their research was run in tandem with the implementation process of a project to introduce RJ to the service. They spoke with patients, staff, and victims following RJ interventions to better

[8] This disparity between the numbers of expected and actual conferences completed is echoed in the current study as well and is discussed in greater length in Section 3.2.1.

determine if RJ practices were appropriate for secure forensic settings. The design of the study was non-experimental using semi-structured interviews which were then analysed using constructivist grounded theory methodology.

Ten individuals were interviewed, comprising six facilitators, two victims, and two patient/perpetrators. One of the two staff-victims met with the patient-offender for a conference, whilst the other one was worked with individually, as the patient-offender declined to take part. Their findings indicated that the largest impact for the victims was of 'getting it off their chests'—rather than specifically about restoration or re-engagement with the offender-patients, the focus was on having a forum where it felt possible to openly discuss their feelings. This research, however, is on a pilot programme for RJ programmes and therefore, the findings must be understood in the context of a secure unit becoming familiar with RJ processes in the initial stages.

The victim-focused papers taken together illustrate how important victims are to the system in terms of being central to the focus, but also how often victims feel that the system is not responsive to their true needs or reflective of how they want their criminal justice involvement to go. It also outlined the ways in which victims are focused on safety, which is not always addressed in how RJ programmes are set up and may speak to the limited motivation shown by some victims to take part.

1.5.3.2 System and Facilitators

Some of the studies outlined below did conduct interviews with the facilitators for conferences, but were included in a wider systemic approach, as the nature of their

interviews tended towards considering broader implications of RJ work than just that which occurred in individual conferences.

Kathryn Fox makes the argument in her consideration of the New Zealand Criminal Justice system in relation to adult offenders that the limited inroads to RJ for this population (as compared to juvenile offenders) is related to bureaucratic silos which raise questions as to whether RJ fits within a rehabilitation or reintegration framework (Fox, 2015). This is in line with a system that questions whether a preoccupation with risk management can orient correctional practice towards more therapeutic approaches to the treatment of offenders. This work situates RJ within the wider societal context, wherein it is argued that alternatives to punishment can be hard to 'sell' to the population at large.

This work is reinforced by the theories posited by Paterson and Clamp who reviewed 33 police forces in order to look at the challenges of bringing RJ practices to more serious adult persistent offenders in England and Wales (Paterson & Clamp, 2012). They argue that the positive rhetoric surrounding RJ has not been able to more roundly combat the procedural and cultural challenges to embracing restorative practices more widely. Here there is recognition that much of the progress in police reform in England and Wales is driven by a desire to increase community confidence in the police and an acknowledgement of the limited capacity of formal state agencies to manage problems of crime and deviance separately from the community. The authors of the study concluded that restorative practice would appear to sit well with both drivers, but there is a real need for policy implementation to have greater leadership, focus on training and performance measurement in order

to be successful. This is echoed in the current study's recommendations (see Section 4.4).

Where facilitators were the focus of the research, it was shown that a different professional background and philosophical positioning can have a significant impact on how the role of facilitator is carried out and how it is perceived. This is particularly important in consideration of the over-arching presumption that facilitators are neutral, which most policies and programmes assume. In a research study focusing on the role of social work in the RJ field (Bradt, Bouverne, & De Visscher, 2014), facilitators of juvenile and adult mediation practices in Belgium were interviewed about their experiences. It was shown that there was a tension between their understanding of their own individual beliefs and the needs of the system to show neutrality. Facilitators hold a specific role of being both a part of the wider system within which the conference exists, but also of attempting to be a neutral presence in the conference itself. A limitation of this study is that it focuses solely on social workers, who have a particular focus in their professional orientation which may be influencing their position.

This tension between system philosophy and individual conferences was also at the forefront of the work done by Wasileski, where interviews with 15 public prosecutors were compared with three with facilitators of the conference and three with psychologists (Wasileski, 2017). The findings of these interviews showed that there was confusion as to the rationale for using mediation, misunderstanding of interpersonal violence dynamics when working with intimate violence cases, and conflicting roles and responsibilities of the prosecutor in the mediation process. It was clear that whilst different facilitators may have the same role in practice, their

approaches and understanding of the role varied widely. This begins to illustrate some of the ways in which personal and professional positioning may be influencing the true "neutrality" of a facilitator's position in a conference and this in turn influencing how different participants are treated (see Section 4.6).

How facilitators and the wider system positions itself in the context of RJ is integral to the process, as research by Barnes et al. (2015) shows that where the conferencing process is delivered in line with RJ principles and attuned to the reintegrative shaming process, offenders are more engaged within the adjudicative process and show higher levels of ethical treatment from other participants as compared with standard trials (Barnes, Hyatt, Angel, Strang, & Sherman, 2015). This study benefited from consisting of four separate Randomised Control Trials (RCTs), covering five years and comparing standard court processing with RJ conferences. However, the structure, pacing, and goals of the different conference processes varied between experiments and puts some limitations on the conclusions that can be drawn.

These tensions between facilitators and the wider system can also be seen when the focus is placed on victim advocates who were interviewed in relation to their views on using RJ in cases of gendered violence through a feminist lens (Curtis-Fawley & Daly, 2005). Many of the considerations raised here were echoed in the previously discussed work by Koss and by Herman, wherein the discussion was around the ways in which different programmes which seek to help female victims can also have the effect of "watering down" aspects of intimate violence or of re-traumatising victims (Koss, 2000; Herman, 2005). Again, however, there was a great deal of expressed confusion as to the general theories of restorative practices and

misinformation as to what RJ programmes would look like or could do for victims of intimate partner violence. Facilitators are repeatedly shown as trying to hold a middle ground between true neutrality in the conference and their own beliefs and professional ideologies.

Across the literature focused on facilitators and the system, it is shown that there are tensions between the system's philosophy that facilitators are neutral participants in the conference and the facilitators' struggles with establishing that neutrality. Facilitators come from different professional contexts and hold a variety of personal experiences which can impact upon their ability to hold a truly neutral stance. When this neutrality is impacted upon, it is likely that there is an effect shown on some of the participants that is as yet unknown.

1.5.3.3 Offenders.

"One of the women discussed things as if I wasn't even in the room. She said 'what are we going to do with [D'] and similar remarks." (Offender Interview, Maxwell & Morris, 2002, p. 62)

With only five articles having a primary focus on offenders—of which only three looked solely at offenders—this perspective is the one least taken up by researchers included in this systematic review. In many ways, this is reflected throughout the literature; that there is a de-emphasis on the role of the offender in the process, in respect to the victim or wider systemic considerations. Even in projects where the offender is a part of the research review, there is often less representation of offenders than other participants. For example, Cook et al.'s research included

interviews with three staff -- victims, six facilitators, and only two offenders (Cook, 2006). There are several factors which are associated with this phenomenon, including offenders declining to take part in the research following a conference, declining to take part in conferences, or not being approached for research participation.

Maxwell and Morris assessed offenders of "medium serious" offences who took part in conferences and found that the most common outcome was to give an apology to the victim (this number was reported as about half of the time when a victim was present) or to do work in the community (just under half of the conferences (Maxwell & Morris, 2001). Where they took part in interviews following these conferences, Maxwell et al.'s participants were asked to reflect on their reasons for taking part, how they felt the process had gone, their concerns with the process, their feelings of shame, and how they felt about the presence (or lack thereof) of victims in the conference. At least half of those who were interviewed in this research stated that the conference had made them feel that they were a bad person. Those who had not found the process to be shaming in a way that felt like it reflected on who they were as people, often reflected that this was due to the way that the conference had been facilitated. Similarly, many who did find it shaming noted that this was linked to "how they spoke to" the offender. Offenders who found the experience to be more positive noted that it allowed them to have their apology accepted and to "make good the harm [I] did"[9].

[9] The majority of offenders in this study, which included participants from two different types of project, said that they felt that it was useful to take part (70%). However, in considering the comparison with other RJ programmes, it is important to note that in these schemes, the victim was very rarely involved in the conferences (instead, members of the community were there to confront the offender on the consequences of their actions and to re-embrace them into the community); therefore, they are not fully consistent with restorative processes (Maxwell & Morris, 2001).

Often in reviews of RJ programmes, the “success” of the intervention is determined by the rate of recidivism for the participants (Latimer, Dowden, & Muise, 2005; Sherman, Strang, Mayo-Wilson, Woods, & Ariel, 2015). This was addressed directly in Bates et al.’s research, which compared 71 participants who took part in Circles South East for sexual offenders in South-East England with 71 comparison subjects who were determined to be appropriate for the programmes but who did not receive the service (Bates, Williams, Wilson, & Wilson, 2013). When they were both considered for all forms of reconviction, breach of orders, and prison recall, it was found that over a period of 55 months, the incidence of violent and contact sexual reconviction was significantly higher for the comparison group. Importantly, their findings were solely concerned with how to measure re-offending and re-convictions, with no additional information collected as to the experience of Circles from the perspective of the offenders or other parties within the intervention. Therefore, it is not possible to consider factors such as shame or the impact of the victim’s presence when assessing these findings.

A similar focus on rates of recidivism for determining the usefulness of a programme was taken by Gilligan and Lee’s review of the effectiveness of the “Resolve to Stop the Violence Project” in the United States (Gilligan & Lee, 2005). Their study examined court and criminal records for one year following release of 101 inmates who had taken part in an eight-week programme focused on developing non-violent skills and reality-based sources of self-esteem in prison and a similar number who had not taken part in the programme. Their findings suggested that there was a lower arrest rate for violent crimes and less time spent in custody for those who took part in the programme. Again, however, the research looked only at re-offending and time in custody, rather than on the reasons for change from the offenders’

perspective, which makes it challenging to consider particular elements of restorative practice. The researchers have suggested that the lower rates may be linked to the offenders increasing their ability to feel empathy and remorse, opportunities to take responsibility and amend the injuries they created, and on the development of non-violent skills and self-esteem. However, this is based on giving equal weight to the different aspects of the programme plan, rather than through reporting from the offenders themselves.

The offenders' perceptions of the programmes were provided to at least some extent in the final two papers which considered the offenders' perspectives. Halsey, Goldsmith, and Bamford's work interviewed five offenders from nine conferences and showed that offenders were quick to offer apologies to victims without prompting and that the offenders were perceived as being more sincere (which was evinced in post-conference interviews with both victims and facilitators) where they qualified that their regret was based on the harm they caused, rather than distress at the consequences for their actions (Halsey, Goldsmith, & Bamford, 2014). Although the researchers observed that the offenders were generally quite quick to offer remorse, they were less able to provide explanations for the motivations for their crimes. All offenders expressed their feelings that the process of conferences was extremely daunting and anxiety-provoking. Several noted that they felt an increased respect for their victims following talking to them during the conferences.

This increase in respect for the victim was also reflected in the interviews with offenders in Cook, et al.'s research, where one of the offenders noted that their previous assaults had been carried out without consideration for the victims, but afterwards, they felt aware that the victims "had families to go home to" (Cook, 2006,

p. 520). Offenders also noted that they were motivated to engage with the RJ interventions because of a desire to have better relationships with staff and to be forgiven; staff spoke of a desire to move on from challenging dynamics following dangerous or aggressive behaviour on the ward. However, likely due to the limited number of offenders who were interviewed, there is limited ability to draw out analysis of how the process was perceived or experienced by the offenders.

1.5.5 Critique of the literature.

All included studies were assessed using CASP Appraisal Checklists, appropriate to the type of study, to ensure that they were of a high enough quality to use within this review (Critical Appraisal Skills Programme, 2018). All of the CASP Appraisal checklists can be found in Appendix 5.7. In addition, a summary table of quality appraisal checklists using Elliott et. al's., standards (1999), can be found in Appendix 5.8.

Interpreting the literature in this area is not without its complications, because, for example, there is a wide variation in how RJ programs are organised and run, what population of offenders are being researched, and the issue of self-selection bias with offenders who both take part in programmes and consent to being a part of research on the programme. Additional considerations regarding the diversity in how conferences are run or set up (Sherman, et al., 2015) and recent evaluations on the measuring of recidivism rates (Shapland, et al., 2008) are also considered in the assessment of the quality of the literature.

The primary issue behind the diversity of the literature available is the necessity which drives the study designs. These studies incorporated an examination of

different RJ programmes with a wide range of different types of crime, a focus on victim or offender, and different conceptions of RJ and RJC. To compare any two programmes, it is necessary to consider the fundamentals of each programme, alongside the population that is receiving the programme. All of this is even before beginning to tease out more complex issues such as which participants were offered the opportunity to take part and which were not, who may have unsuccessfully completed the programme, and which participants may have opted out of being studied afterwards. To look at any aspect of this in detail, other aspects must be ignored. It is just not practical to look at all aspects of restorative type programs in one study, let alone many such studies. A body of literature has not built up to a point where there is enough work in any one area. This often arises where there is a lack of theory driving research questions. Fundamentally, the “what works” tradition is about recidivism. If RJ theories are not recidivism based, then it stands to reason that research into RJ is likely to be light, because it is a theory that does not necessarily concern itself with the key outcome metric of the time: reducing offending.

As was noted in Halsey’s work (Halsey, Goldsmith, & Bamford, 2014), there is a very real difficulty presented in the literature in terms of access to appropriate conferences, offenders, and victims as there is a large disparity between the anticipated number of cases going to conference compared to those that actually complete. This was echoed across several of the studies in this review (and will be reflected in the current study; see Section 3.2.1). However, there is very little universality applied to understanding why recruitment remains so low across different RJ programmes. It is clear, though, that consideration must be given to the possible differences between self-selecting participants and those who opt out.

This leads to an issue related to the self-selection bias alluded to in Latimer's work (Latimer, Dowden, & Muise, 2005), which suggests that across the breadth of literature in restorative justice, this issue is inherent in this research and is likely having an impact on both the findings and on the interpretation of the findings. It is possible that this self-selection bias is affecting the findings, but there are very real challenges in understanding the impact and in determining how to manage this issue. It could be possible to make some estimates, however, that it is likely that more cooperative victims, facilitators, and offenders are more likely to be connected with positive experience and data. Where a study has not been able to capture those participants who failed to complete an RJ programme or who did not find an intervention helpful, it is reasonable to consider whether or not their results may be unduly skewed towards a more positive interpretation.

1.5.6 Summary of findings.

When McCold conducted a meta-analysis on mediation and conferencing which looked at thirty years' worth of evaluation research on different RJ programmes, he noted that the research literature is "…a mile wide, but only an inch thick" (McCold, 2003, p. 106). Although the current systematic review is less ambitious in scope, it shows the same issue with the research—it covers a broad range of topics, but is never able to achieve true depth across all topics. Therefore, the findings presented in this section are limited in this respect.

Victim-focused research has highlighted the value that victims place on RJ approaches for helping them to feel more included in the criminal justice system that

otherwise excludes them (Herman, 2005), to feel more satisfaction in the outcome of the proceedings (Gromet, Okimoto, Wenzel, & Darley, 2012), and to feel more restored in terms of their relationship with the offender (McGlynn, Westmarland, & Godden, 2012).

The role of the facilitator or mediator is an influential one and shows both in the tension reported by mediators in terms of how they position themselves in the wider system of RJ and within the individual conference (Bradt, Bouverne, & De Visscher, 2014), but also in how they are perceived by the victims as providing emotional containment and safety (McGlynn, Westmarland, & Godden, 2012; Gromet, Okimoto, Wenzel, & Darley, 2012), and by the offenders in how they position themselves in shaming or not shaming (Halsey, Goldsmith, & Bamford, 2014). It is clear from the research that this role is highly influential on the process, but that it is not always overtly considered as an aspect of the process, and training and background of facilitators can vary widely.

There is currently limited available literature on the offender's experience of Restorative Justice, and even less that would provide information as to what aspects of the programme most positively influence—or even set back--the offender's changed perspective of offending and victim empathy. The primary focus is on recidivism rates and holding the offender accountable (Wright, 2002). What literature is available is primarily associated with young offenders, with even less available for adult, repeat offenders. Although there is less research focused on the offender's experience of restorative justice, the research has suggested that it has an impact on recidivism rates (Gilligan & Lee, 2005), the ways in which an offender feels about his or her crime and victim (Bates, Williams, Wilson, & Wilson, 2013), and their

satisfaction with how they are dealt with within the wider community (Maxwell & Morris, 2001). However, as little of the research includes offenders or has been focused on the offender, making conclusions as to 'why' there might be an impact on behaviour after a conference challenging.

It is possible to conclude from this review that very little is known about how the offender experiences this process, and that there are possibly iatrogenic effects[10] or at least that it is not possible to rule these out. It is also becoming clearer that there is an atheoretical approach being applied, where ideology, victim focus, and outcomes shroud the mechanisms at play, which may or may not be aligned with a wider theoretical approach.

1.6 Rationale for the Current Study

What this systematic review has highlighted is the extent to which the offender's perspective is under-represented within the literature. The literature has also suggested that facilitators may be influential in the overall process of RJ in a manner which is not yet fully clear. This seems particularly pertinent given the wide variety of RJ approaches that appear to be used under the overall banner of RJ internationally and within the United Kingdom specifically. This opens up many avenues of needed research, focused on different aspects of offender perspective. Currently, most research in adult offender RJ programmes comes from the fields of criminology or law (Gavrielides, 2015), rather than from a psychological perspective.

[10] Iatrogenic effects are those which happen inadvertently following treatment. In this instance, it speaks to the possibility that the effects following an RJ conference are not necessarily directly related to specific RJ interventions. For an examination of the iatrogenic effect of traditional juvenile justice, please see a study linking juvenile interventions and adult offending (Gatti, Tremblay, & Vitaro, 2009).

Given the significant difficulty accessing offenders directly, and the necessary time limits of a thesis project, this project primarily focuses on the facilitator's perspective of the place of offenders in RJ and the wider system, with additional consideration to offenders' accounts of their lived experience. Given the important role facilitators play, their views and attitudes towards the offender appears central to shaping the potential experience of the RJ process.

1.6.1 Research questions and aims.

Overall Aim: To understand how the offender and the wider Restorative Justice programme is viewed by RJ facilitators and the impact this has on offender opportunities for RJ and their experiences within a programme, including getting to and through a Victim-Offender conference.

The specific aims are to understand:

1. How do RJ facilitators view offenders?
2. What do facilitators think is the place of offenders within the RJ process?
3. How do the facilitators' views and opinions of offenders impact the offenders' access to the RJ process?
4. Are there other factors within the programme or wider system which may impact upon an offender getting to conference or benefitting from RJ work?

2.0 Method

This study takes a qualitative design, using in-depth semi-structured interviews and Grounded Theory methods. In this chapter, I will outline the research methodology used to address the research question and will detail the rationale for the choices made throughout the process of the project. This will include a consideration of how my epistemological position helped inform the choice to conduct qualitative research rather than use a quantitative method and the particular way this method was applied. I will then consider the study design; participant inclusion, exclusion, and recruitment; data collection; and data analysis. I will provide an examination of the ethical issues within this topic area and for this specific research project, and consider how the process changed with consultation and with self-reflexivity, and will evaluate my study against qualitative research criteria.

2.1 Design

Although there are many viable reasons for conducting quantitative research in this area, including making more generalisable conclusions about recidivism and participation rates in RJ programmes (McCold, 2008), it was considered more favourable to take an exploratory position in regard to the research question. Following the systematic review evidencing the limits to the current research body in terms of understanding the subjective thoughts, feelings, and experiences of RJ participants and a real lack of consideration of the offenders' experiences in particular, it was decided that a qualitative approach would allow for a richer exploration of these issues (Banister, et al., 2011).

Qualitative methods are particularly appropriate when using an exploratory approach to an otherwise neglected research area (Bazeley, 2013), such as looking specifically at how offenders are perceived and dealt with in RJ systems. Using interviews and taking a constructivist grounded theory analytical approach allowed for a richer examination of these experiences. In the current study, this allowed for asking facilitators to reflect upon their perceptions of offenders within the RJ programme, offenders to reflect on how they felt and believed they were positioned, and managers to consider the connection between practice and policy, in particular.

2.1.1 Epistemological position.

The methodology chosen for this research project was based on the overall suitability of the design to answer the proposed research question. It is also worth considering how the methodological approach outlined here remains consistent with a constructionist position.

A constructionist position holds that there is no single objective truth; that it is instead the social interactions between people that creates their version of knowledge. Constructivist grounded theory allows for holding the middle ground between a positivist approach and postmodernism. It assumes that there is a relativism of social realities, that knowledge is created mutually between the person doing the observing and the person being observed (Glaser, 2012).

As this sought to create a fuller understanding of the offender's experience of Restorative Justice, it has done this by both looking at the subjective experience of the facilitators, offenders, and managers, and by situating these experiences within a

wider context of organisational and societal systems. This follows Clarke's guidance on using situational maps to understand not only the individual's experience, but to also consider the social worlds around that individual and nonhuman elements which may be affecting that individual (Clarke, 2003).

Throughout this research, it is important to continually recognise that the researcher is affecting nearly all aspects of the findings and conclusions of this work (Malterud, 2001). Through my own biases, experiences, and beliefs, I have guided the research through what I chose to explore and what I have not explored, and in how I assessed what the participants presented me with. Therefore, it has been necessary to remain reflexive throughout the process—both in the work that I did directly with the participants and with my assessment of the findings—in order to ensure that it is possible to best understand the impact of the researcher on the work through all stages, including the rendering of participants' experiences into a grounded theory. The use of a constructivist grounded theory approach allowed for my own memos, reflections, and analysis to be a part of the focus and conclusions of the work (Mills, Bonner, & Francis, 2006).

2.1.2 The choice of Grounded Theory and Constructivist Grounded Theory.

Grounded theory is a qualitative methodology that involves a process both for collecting and then analysing data (Strauss & Corbin, 1994; Bazeley, 2013; Bryant & Charmaz, 2007; Glaser & Strauss, 1967). The focus is to end with a theory that has been grounded in the data through the use of inductive methods. The hope is that this will allow for a model to be created which can provide an explanation for understanding what is being studied. The value of grounded theory for this particular study is that it

allows for an exploration of the phenomenon without being guided by pre-existing knowledge in the area; this is particularly useful here where so little is known about the ways in which participants experience RJ and how their experiences may impact the other participants within a conference.

Importantly for this research, grounded theory is not only focused on understanding the "what" or the "how" of a research topic, but is also interested in understanding the "why" (Charmaz, 2008). This is fundamental to answering the particular research question within this project, as the focus is on understanding the depth of the experiences for the participants, not only the description of what happened to them.

There are several different versions of grounded theory which could have been applied to this research, including classic, Straussian, or constructivist. Each of these versions come with their own particular philosophical approaches and individual critiques. A constructivist version of grounded theory "takes a middle ground between postmodernism and positivism, and offers accessible methods for taking qualitative research into the 21st century" (Charmaz, 2003, p. 250). Of particular value to the current study, Charmaz's approach allows for more flexibility in adapting the GT methodology to this particular research context and a much more confident assertion of the influence of the researcher as an influential actor on the research. Because of the constructivist approach offering a melding between the classic methodology and the value of constructivism within social research (Breckenridge, Jones, Elliott, & Nicol, 2012), it was felt to be a particularly useful approach for this specific research project as it allowed for a pragmatic approach to recruitment and interviewing, whilst maintaining the core principles of GT. It also allows for placing an emphasis on the

inductive creativity of the original methodology whilst integrating more modern approaches to the design of the study.

In choosing a particular version of grounded theory, it is important to recognise that there are critiques around the viability of differing schools within GTM. Although there are naturally clear similarities between the differing versions which keep them all "in the same family" of grounded theory, Glaser himself has offered the counter view that they differ enough from the original methodology that they can no longer be said to be providing the same approach (Bryant & Charmaz, 2007). It is not easy to draw a clear distinction between a creative application of an original methodology and the beginning of a completely new methodology. It can also be a challenge, in particular for a researcher who is new to using grounded theory, to make a fully informed decision of which approach to take or to understand the differing incompatibilities between them (McCallin, 2003).

In summary, there are key differences between the different GT approaches, primarily around the amount of predetermined structure applied to the coding during the latter stage of analysis and the epistemological position. Taking a constructivist approach to GT allows for the recognition that the researcher has an impact on the work and that meaning is co-constructed. That benefits the current study's focus, as it is attempting to understand the ways in which each person's own beliefs and knowledge may be impacting upon the RJ process.

2.1.3 Consideration of other methods.

Consideration was also given to taking other phenomenological approaches that would allow for a qualitative design that would consider the subjective nature of participants' experiences. In particular, Interpretative Phenomenological Analysis (IPA) was considered as a possible approach which would allow for an in-depth exploration of the meaning that participants made of their experiences. In a similar manner to Grounded Theory, IPA also allows for considering the ways in which the researcher's explicit assumptions about the participant's explanations of their experiences is impacting the meaning making process (Starks & Brown Trinidad, 2007). A real benefit to using IPA would have been the possibility of gathering rich detail about participants' experiences, but it would have not allowed for developing a theory of understanding that might link up different experiences across the wider RJ system. Being able to develop a theory of understanding would allow for using the information within this research to possibly inform future RJ practice.

At the end of the planning period, it was determined that GT was the most appropriate method in order to not only explore the participants' experiences, but also to produce useful results for understanding connections between different elements of An RJ programme. In particular, GT is a useful approach because whilst there is theory around the philosophical roots of RJ, there remains little empirically-based understanding of the offender role in practice. Thus, the need for a model to be developed to further examine this, which GT would be better situated to provide. This was discussed in consultation with the supervisory team to ensure that the decision making process was creating the best possible research design.

2.1.3 Using interviews.

From the early stages of Glaser and Strauss' contention that researchers should move from data towards theory to allow new theories to develop (Glaser & Strauss, 1967), rather than allowing the established theory base to heavily influence the direction of research, interviews have been an important methodological tool to establish this goal. It would have also been possible to consider implementing another qualitative method, such as focus groups or participant observation within conferences, but due to the specific practicalities associated with the local area's RJ programmes these were not practical options. Additionally, it would have been useful to have been able to sit in a conference and then apply GTM to the video recording. However, it is not possible to do this at this time in an ethical or practical manner.

2.2 Ethical Issues

2.2.1 Ethical approval.

Ethical approval was granted by the University of Hertfordshire Health and Human Sciences Ethics Committee with Delegated Authority (Appendix 5.1), including appropriate updated requests to add in new recruitment sites as they were identified. Protocol number is cLMS/PGR/UH/02680. The title of this research was amended from "The Impact of Restorative Justice: An exploration of the offender's process using a Grounded Theory approach" to "Facilitators' perspectives on the place of offenders in Restorative Justice: A Grounded Theory approach" as the work progressed and this was updated in the research registration paperwork for the University of Hertfordshire's doctoral programme (Appendix 5.2). The title change reflects the shifting focus of the study due to early interviews focusing on facilitators and limited access to offenders.

The research was conducted in line with the BPS Code of Human Research Ethics (The British Psychological Society, 2014).

2.2.2 Ethical considerations.

2.2.2.1 Informed Consent.

In obtaining informed consent, the same process was followed for facilitators, offenders, and managers. Prior to beginning the formal interview, I explained the project in further detail and provided an information sheet (Appendix 5.3). I offered opportunities for questions and to withdraw; in addition, participants were told they could withdraw at any future point, up to the point where the data was fully anonymised. I also explained that the participant could direct the interview and not answer any question or address particular topics, as they chose. Each participant was taken through the consent form before they signed it, with each point being explained and agreed before obtaining a signature (Appendix 5.4). These points included how the data would be used, future publications, and that any divulged crimes that had not been discharged would be reported.

In interviewing both facilitators and offenders, there were potential challenges with the misinterpretation of my role or connections with other institutions, particularly for offenders who were part of RJ programmes that also included mandatory interaction with a range of professionals attached to their wider programme. Therefore, it was important that every participant was clear on not only what my research was focused on and that it was completely voluntary, but also on the methodology so that they were

prepared for the style in which their information would be collected, and that this information would be fully anonymised and kept confidential from their programmes.

Facilitators working in RJ conferences were explicitly reassured regarding processes related to anonymity and confidentiality, in consideration of how interconnected the RJ programmes often are.

2.2.2.2 Confidentiality and anonymity.

Confidentiality and anonymity were particularly important to this population of participants due to the sensitive nature of the information given by offenders and for the facilitators, being part of a relatively small and insular system. It was explained to every participant that their interviews were anonymised from the point of transcription and that access to the original voice recordings was limited to the researcher and her supervisors.

The audio recordings were downloaded to a password protected laptop, saved with a code name. The code names were not linked to the participant in any way; the code names were unisex names. During transcription, all identifiable information was removed, including any descriptive detail that might reasonably be used by a third party to find further information. A single master document was saved on a password protected computer which connected participant name and location with their transcript code name. This link was not available anywhere else and the original data could be traced back to the specific participants only by the principal researcher.

All participants were told how the information would be stored and used; no potential participant declined to continue after initial agreement to the interview. Consent forms

were kept only in paper form and were retained in a locked filing cabinet that was only accessible by me. All forms will be securely destroyed on completion of the study.

2.2.2.3 Managing potential distress.

Facilitators were asked to speak of their experiences of working within an RJ programme, which often involved needing to reflect on the possibilities of their own prejudices, short-comings of their work or that of the system, and other issues which may have been experienced as distressing (Mitton, Peacock, Storch, Smith, & Cornelissen, 2010). Equally, programme managers also needed to reflect on areas where their practice might not be indicative of their principles or where system limitations meant they were not able to work the way that they may have felt was best (Manttari-van der Kuip, 2016). Throughout the interviews, care was taken to be aware of and manage any distress through the changing of topics, validation of the value of their previous work where appropriate, and the use of humour or compassionate language (Knox, 2009).

Offenders were invited to talk about their experiences of RJ programmes, which often included disclosing sensitive information about their pasts and their past offences. It was recognised in the creation of this project that how participants might respond to this would differ. Some may have found that it was helpful to have space to talk about their experiences with an outside party (Newman & Kaloupek, 2004); whilst others may find some aspects of sharing sensitive information distressing (Corbin & Morse, 2003). Participants were reminded at the beginning of the interview that they could disclose as much or as little as they wanted (with one additional caveat that any disclosure of a non-discharged crime would result in breaking confidentiality), and they

were reminded of this at any point in the interview where it was felt they were becoming distressed.

One facilitator needed to take a break in the midst of an interview, due to feeling physically unwell which was resolved through getting something to eat and drink.

Care was also taken in considering how to interview an offender after completing several other interviews so that the changed interview schedule did not cause specific distress due to issues raised by other interviews. For example, an offender who was interviewed at the end of the process could potentially have been asked direct questions about his perceived powerlessness in the system or bias against him shown by other participants. This was handled by asking the offender if he had any experiences related to the power dynamics or prejudices, without referring back to the specifics of previous interviews.

2.2.2.4 Safety precautions.

Interviews took place in public places and in participants' homes, so a lone working procedure was employed, in line with the University procedures. This included establishing a checking-in and checking-out procedure with a colleague to ensure that someone was always aware of where I was during interviews.

2.2.2.5 Particular issues considered in relation to offender participants.

It was also important to recognise the inherent power dynamics associated with the offenders who took part in this project, both so that there was less possibility of any participants feeling that there were implied incentives to taking part, possibly in the form of favouritism being shown to them within their RJ programme; or possible risks for taking part, for example, concern about their information being given to their

facilitators. Fuller discussion of the ethics of the project is in Section 2.2.2.1, but is also discussed here to clarify that awareness of the positioning of the participants within a complex system was considered throughout. The power relations of offenders compared with any of the other participants within RJC settings is not likely to be the same; this has a range of different implications, including the language used (as raised in the Introduction Section 1.1.1) to describe the offender ("harm-doer", "client", "ex-offender" have all been used at various points by different participants) and the power that this language choice imbues. It is recognised that the dominance of discourses of stigmatisation can be isolating of the offender's experience and that this social isolation has been mirrored in other aspects of their participation.

It was also considered that the sharing of experiences, particularly in a non-judgemental and neutral situation like a research interview, could possibly be experienced as validating. This is of concern when an offender is discussing his victimisation of a victim who is not present to counter that narrative. This was held in consideration when interviewing the offender and informed some of the choices around how questions were posed and expanded upon.

2.3 Consultation

This project was designed following initial meetings and consultations with different RJ-focused agencies and both victim and offender advocates who were involved in some form with restorative justice. This included speaking with individuals who manage an independent RJ service, members of the Hertfordshire Constabulary who oversee both the Choice and Consequences (C2) programme and their own RJ programme, as well as members of the university committee associated with the

victim-led RJ programme. These consultations helped to shape the interview schedule and illustrated the importance of programme funding focus. This led to a greater appreciation for the need to ensure that the design of the study looked both at individual conference specifics and at wider systemic issues.

There were initial plans to also do a preliminary consult with offenders who had been through An RJ programme prior to data collection in order to utilise their experiences to help shape the research design, but this was not possible on a practical basis.

2.4 Participants

In light of the relative importance that the facilitators were shown to hold in the ways in which a conference was carried out, the focus started with facilitators and then moved on to include offenders and managers to attempt to marry together practice with impact.

Once initial interviews with facilitators were completed, recruitment then focused on getting a sample of offenders to gain their perspective on the facilitators' positioning of them in the RJ process. This later stage of recruitment also focused on sampling programme managers to reflect how the facilitators were positioned within the RJ system and the philosophy of the programme as a whole.

2.4.1 Inclusion Criteria.

The inclusion criteria for participants in this study was either to be a facilitator who had managed a conference, an offender who had participated in An RJ programme, or a

senior manager who oversees a current RJ programme. Participants were recruited from Hertfordshire, London, and Cambridgeshire RJ programmes both within their respective constabularies or private and charitable organisations.

As the data collection progressed, it raised the possibility of interviewing offenders who had begun an RJ programme but who did not complete it. However, no interview from this possible population was included due to the offenders approached choosing not to take part.

2.4.2 Participant Demographics.

Fourteen interviews were carried out for this study across twelve months. This includes twelve facilitators or managers and two offenders, with two facilitators being interviewed twice in order to further saturate the data collected. In line with grounded theory methodology and with theoretical sampling, these interviews took place at different points within the year and following initial and continued data analysis. However, due to pragmatic limitations on time and on availability of participants within a relatively small pool of possible participants, it was not possible to equally stagger these interviews. Instead, some interviews were carried out in clusters of a few interviews before further data analysis could take place.

Each participant identified as being interested in the project was contacted individually to discuss arrangements for how they would like to be interviewed. They were each asked if they had a preferred meeting place, including their place of employment, the local constabulary, a public place, or their home. Twelve interviews were conducted in person and two were conducted via telephone interview. No significant

demographic information was collected beyond geographical location and programme focus, which was used to consider different programme approaches unique to each area (please see Table 4 below). Both offenders were male and the facilitators included two men and eight women. The youngest participant was in their mid-20s and the oldest was in their late 60s. All facilitators had been involved in RJ programmes for at least two years and with the most experience being just over ten years. Both offenders were considered "prolific" offenders in that they had committed more than five crimes in the local area; both were acquisition-based in nature. The table below outlines the participants in the order that they were interviewed, their gender, role, and the programme focus that they took part in. The final three participants had the initial models presented to them as part of their interview for discussion.

Pseudonym	**Gender**	**Role**	**Professional Background**	**Programme Focus**
Avery	Female	Facilitator	Offender Manager	Victim-Focused
Blake	Female	Facilitator	Offender Manager/Victim Advocate	Victim-Focused
Charlie	Male	Facilitator	Police	Victim-Focused
Dakota	Female	Facilitator	Victim Advocate	Victim-Focused
Elliot	Female	Facilitator	Police	Offender-Led
Finlay	Female	Facilitator	Police	Offender-Led
Gentry	Female	Facilitator	Victim Advocate	Victim-Led
Harley	Female	Facilitator	Victim Advocate	Victim-Led
Indigo	Male	Offender		Offender-Led
Jules	Male	Facilitator/Manager	Police	Victim-Led
Kingsley	Female	Facilitator/Manager	Police	Offender-Led

Linden	Female	Facilitator	Police	Offender-Led
Memphis	Female	Facilitator	Police	Victim-Focused
Navy	Male	Offender		Offender-Led

Table 4: Participant Code Names and Programme Orientation

2.4.1 Recruitment.

Recruitment strategies began with focusing on facilitators, by contacting the RJ programmes associated both with the University of Hertfordshire and with the constabulary programmes in Hertfordshire. This was then broadened out to include other local areas, as well as RJ managers and offenders who had completed conferences.

Initial recruitment came from earlier consultation meetings with the University of Hertfordshire RJ programme. Emails were sent to the managers of the local RJ programmes that had been identified in those consultations to request involvement from each. Following initial interviews, participants suggested other local or nearby RJ programmes and facilitators who could be contacted, which provided a snowballing technique for the recruitment. Each time a new programme was identified, emails were sent out and in-person visits were arranged with interested programmes.

Three facilitators were interviewed from the University of Hertfordshire and the Hertfordshire Constabulary programmes, which is all of their active facilitators. Further programmes were identified in Cambridgeshire and London areas, which produced

the remaining facilitators who were interviewed. One programme manager came from the Hertfordshire constabulary programme and one from a London programme.

There were challenges with recruiting offenders from the Restorative Justice programmes due to incoming General Data Protection Regulation (GDPR) which was due to come into force mid-way through this project's recruitment. This involved some delays whilst new data sharing and protection agreements were reached between the University and the Hertfordshire Constabulary. Once this was completed, two offenders were identified who had completed the programme successfully. One offender was identified who had dropped out before conference, but he was unwilling to take part. Both offenders who were identified by the Hertfordshire Constabulary, had the intention of the project explained to them, and then agreed to be contacted by the researcher.

2.4.3 Rationale for sample size.

Within constructivist grounded theory, data collection stops at the point when there is no new information emerging that adds to the meaning; this can be considered to be saturation (Charmaz & Belgrave, 2012). The recommendation is that the aim for a GT research study is to create well-developed categories that contain a depth of information and are distinct from each other. In the current study, the aim was to continue recruiting or interviewing until the categories were fully established without new information coming out that would necessitate new categories in order to make meaning of the data.

However, it should be noted that saturation can be defined differently, with some GT approaches being based on a point of saturation where no new theoretical insights could be found with further data collection (Charmaz, 2003). How to define this end point is challenging, as it would be possible to revise the categories in such a way that further data might affect the saturation point. Particularly considering that multiple constructions of data are possible, the researcher plays an integral role in establishing the end point for recruitment and interviewing.

Recruitment for facilitators and managers for this project was concluded after it was noted that the interviews were not producing clearly new information. At this point, two previous interviewees were re-interviewed to discuss the emerging categories and if they felt they were indicative of their experiences or if they would like to provide more information. Recruitment of offenders stopped once all available post-conference offenders from the local programme had had the option to agree or decline to take part. Although more offenders would have been desirable for the current study, the two that were interviewed did recognise the constructed model as resonating with their own experience, so from this point the categories were supported rather than further refined.

2.5 Data Collection

2.5.1 Resources.

An interview guide was used, which is described in fuller detail below, as well as a digital Dictaphone to record the interviews. One follow-up interview with a facilitator and one with an offender was conducted remotely, in which a telephone was used to make the call and the same Dictaphone was used to record the session. A password protected laptop was used to keep a reflective diary and to transcribe interviews.

Microsoft Word 2016 and Microsoft Excel were used for writing up and working with the data. NVivo 11 software was used to support the analysis of the data.

2.5.2 Developing an interview guide.

In line with grounded theory, interviews were used to collect data following Charmaz's contention that initial data should be "detailed, focused, and full" (Charmaz, 2014), which is best captured in an open-ended interview style applied to a loose interview guide that was adapted as the data analysis progressed (examples of the initial interview guide and its progressions for both facilitators and offenders can be found in Appendix 5.5). This allows for an examination of participants' views and feelings about their experiences, but also to allow for movement between data gathering and analysis by returning to data collection as the data required.

An interview guide was developed for both offenders and for facilitators following consultation with my supervisors, reflection on the needs of the research design and aims, and ideas garnered from the literature review. The initial facilitator interview guide included topics on: Structure of the Programme, Attitude Towards Offender, and Value of Restoration. For the offender, these topics were: Acceptance of Programme, Readiness for Change, Development of Empathy, and Experience at Conference. The aim was to create an open space where participants could explore their experiences and feelings through open questions, but that would have some frame to provide a context of focusing on the perception of the offender's position within RJ and their progression through the process. The guide was made to be able to adapt flexibly to any emerging issues from the interviews. The questions were connected to the participants' views, experiences, understanding of restorative justice, feelings, and behaviours.

The guide was changed and adapted following each interview to ensure that it was flexible enough to incorporate the iterative process of grounded theory. Where new hypotheses emerged or there were different leads showing up during the coding process, these were incorporated into the next interview's guide. In each interview after the first one, the participant was informed that there were previous interviews and that I might therefore ask a question based on what had been said in prior interviews to determine if it also had meaning for them. Care was always taken to raise a topic or issue without applying undue influence as to how the topic or issue should be experienced or with the researcher's opinion posited.

This could be seen, for example, when interviewing a facilitator from an offender-led programme after interviewing a facilitator from a victim-led programme—I mentioned that I had been informed about funding concerns with that particular type of programme and questioned whether similar or different concerns were evidenced in their programme. Participants were encouraged to express differing opinions or to express if the topic did not apply to them in the same way, as well as to raise any new idea that might be important to them. This was done with the intention of saturating the emerging categories as much as possible (Charmaz, 2014).

2.5.3 Interview procedure.

In using an adaptive approach such as grounded theory, the data gathering took place in stages, where the earliest interviews were quite open explorations of participants' experiences and feelings, but later becoming more focused as the interviewer adapted to the incoming data from the analysis.

All participants gave their consent for the researcher to go back to participants and to use theoretical sampling throughout the analysis process in order to follow earlier data codes up and to allow for constant comparative analysis.

Participants chose locations that were convenient and contributed to feelings of comfort for them. Interviews lasted between 45 and 75 minutes, with most being nearly exactly an hour long.

At the beginning of every interview, I placed the research in context by telling the participants what I was most interested in and what my research question was. In the earliest interviews, this included only a very broad outline of the topic, but later interviews included some of the more specific categories that had begun to emerge from the previous interviews. Throughout the interview, participants were encouraged to elaborate their responses and clarification was asked for when needed. Participants were also asked to specifically speak about their programme's context on the audio recording in situations where we had previously had off-the-record conversations prior to the recording, so that the data would accurately reflect the specifics of each participant's situation.

Each interview was situated in such a way that it was ended on a positive point, by referring back to something that the participant had reflected on positively earlier or by looking at key points that I might be taking forward or considering how their information might be used in the future. All participants were thanked for their time and for sharing their experiences, and were given the opportunity to reflect on the interview or ask me any questions. After each initial interview, each participant was asked if it was ok to be back in contact to ask any additional clarifying questions and to feedback to them the final findings of the study.

2.6 Data Analysis

All interviews were audio recorded and then transcribed using a verbatim style (Lapadat & Lindsay, 1999). The data was analysed using NVivo 11 software and followed the guideline for a constructivist grounded theory approach as outlined by Charmaz (2014). Transcription was primarily done by the researcher, but some interviews were transcribed by a third party (Appendix 15.14 shows confidentiality agreement).

Preliminary analysis began following each interview through the means of using researcher memos (Savin-Baden & Major, 2013) and an informal consideration of the information being collected. Throughout the research project, I used memos and notes to document my own thoughts and experiences of the research, including initial ideas about codes or topics that were emerging, and used this to consider future interviews (an example of memos being made within a portion of a transcript can be found in Appendix 5.9). This was also where it was possible to explore my thoughts on how my interests, beliefs, and feelings might be influencing the participant and therefore the data. A reflective account was written after each interview to allow for a consideration of any key parts of the interview that appeared to be meaningful. The interviews were then transcribed verbatim and the transcripts were read through with additional annotations being made based on reflections on my responses to what happened during the exchange.

The first four interviews were analysed using the initial coding principle of grounded theory and was done with a line by line method focused on creating codes based around gerunds (Table 5 below illustrates how several phrases moved from initial code, to focus code, and to category; a fuller list of initial and focused code can be

found in Appendix 5.11). The data was broken up by lines and each segment was coded where possible. Gerunds were used where possible as it was important to create codes that were based around capturing action, in addition to meaning that might be evident in other ways. As an example of this coding, the phrase transcribed as: “I mean, and I think that is quite prevalent across the borders, because the MOJ funding that it has got to be victim led” was coded as “Funding has to be victim-led” and “Belief that stance is prevalent in other programmes” (examples of codes linked to individual quotes from transcripts can be found in Appendix 5.10).

A portion of the initial coding was undertaken by both a project supervisor and by a trainee clinical psychologist colleague. This work was also discussed during peer reviewed methodology workshops. Comparisons were made between each set of codes to ensure that they were similar in nature to those created by the researcher and that no relevant ideas were being missed in the coding process. What was discovered through this process was that there were times when the researcher’s relationship with the participants sometimes made it more challenging to see more negative biases or attitudes which were showing up in the data. For example, after an early transcript was coded and then counter-coded, there were indications that whilst many of the codes were the same in content, the researcher’s codes had not captured a feeling of offender-bias that was coming through in some of the language being used. This was discussed and reflected upon through a series of memos, which led to beginning to think more about unexamined prejudices on both the side of the participant and the researcher.

The initial coding stage was followed by focused coding stage. This involved reviewing the set of initial codes to identify any codes that were appearing frequently or were

similar to other codes or which appeared to have a significant meaning. Focus codes were created for each individual interview and these were then considered for comparative focused codes across the initial four interviews. Throughout the process, memos were used to keep a record of the processes and how data was being managed. This allowed for an exploration of key ideas and feelings about the direction the data was going. Following the previous example, the focus code of "Funding dictates has to be victim-focused" was selected because it had shown up several times in the previous initial codes and seemed to have particular relevance to what was happening in the system.

These focused codes were then used to analyse the remainder of the interviews. The codes were continuously refined and developed, to ensure that they stayed connected to the data (Appendix 5.11 shows a selection of initial and focused codes). There were constant comparisons across the data sets and where needed, new initial codes were identified if unique information came through in later interviews.

As focused codes were used to analyse the interviews, they began to be synthesised and combined into initial categories and subcategories. The aim of these categories and subcategories was to begin to identify the theoretical direction of the results. The process for this involved considering how the different focused codes could fit together under a higher conceptual category. Categories were formed from focused codes that appeared to be helping to explain key ideas or important processes. Clusters of focused codes that helped to develop a theoretical description of codes and data were then joined together into larger categories. To continue the previous example of initial and focused codes, the final category that this focused code fell under was "System as a Barrier" when it was grouped with other focused codes which indicated that there

were issues with how the system was set up which created barriers to offenders being offered the opportunity to get to conference.

Original Phrase	Initial Code	Focused Code	Category
"I mean, and I think that is quite prevalent across the borders, because the MOJ funding that it has got to be victim led."	Funding is for victim-led	Funding dictates victim-focused	System as Barrier
"Well, I'm sorry we haven't got the funding to do that"	Offender can't access RJ if funded for victim-led		
"A retired policeman was engaged to help us and to ...[get] the details of victims, but it just didn't work very well. "	Challenge accessing victim details even as ex-police		
"As we said, we agreed that probably the biggest barrier of all is the access to information."	Access to victim information is a barrier	Access to victim challenges RJ journey	
"...you can't do it because ultimately it is for the benefit of the victim"	RJ is for the benefit of the victim	RJ is for the benefit of the victim	Victim as Focus of RJ
"...make it all about how we can help them rather than it being a benefit for the offender"	RJ is not about benefiting the offender		
"Every single victim should be knowing about Restorative Justice."	All victims should know about RJ	Feelings dictate victim-focus	
"What we find, our service is very educative, very very victim-focused.""	Importance of being victim-focused		

Table 5: Example of Coding Process from Quote to Category

The final coding stage was theoretical coding. This follows the codes that were first selected as focused codes and then looks at the developed categories. The overarching goal of this process is to integrate the data into a construction that is

able to tell a coherent analytical story (Charmaz, 2014). Within this study, this involved moving from focused codes through to recognising emerging categories associated with challenges to getting to or through a conference, and recognising that a narrative was being developed regarding the tight funnelling that offenders experience in moving towards a conference.

From here, several different hypotheses were created. The interviews were then reviewed to assess whether or not the theoretical links were able to explain the data. Different models were tried out and considered during this process. The final grounded theory model described in the following chapters is the one which appeared to explain the majority of the data, in which the theoretical code and concepts accounted for the data.

Throughout, the relational units between categories remained flexible in order to consider any possible link that might join up the data. Whilst higher level categories were primarily used to fit into the emerging theory, lower level codes were also considered where appropriate. It was recognised when codes were repeating throughout multiple interviews, but density was not used as a priority consideration in integrating codes. Periodically throughout category creation, the data was returned to in order to determine if any revisions were needed.

2.7 Quality, Validity, and Methodological Rigour

The validity of this research was assessed using the framework which was described and defended by Elliott, et al., (Elliott, Fischer, & Rennie, 1999). This focuses on using seven specific guidelines common to both qualitative and quantitative research and seven that are related specifically to qualitative research in psychology and related social sciences. This same framework was used in the previous Systematic

Review chapter to assess the validity of research included for review. Full details of the review of this project against these quality criteria can be found in the Discussion chapter (Section 4.5)

2.7.1 Self-Reflexivity.

Self-reflexivity has been the cornerstone of this research project from its earliest conception through to the completed work. The reasons for this in relation to this type of research was discussed in the Introduction chapter and has been continued here. Reflections will be used throughout the following chapters to further discuss how the researcher's experiences during the different parts of the research may and will have had impacts upon the ways in which meaning was constructed throughout the data collection and analytical procedure.

3.0 Results

3.1 Overview

This is the researcher's own construction of the phenomena being studied; another researcher could have observed the same or similar processes but created a different understanding or construction from them (Flick, 2014). Therefore, throughout this chapter, there will be examples shown of how the initial codes moved through to focused codes, then to categories, and finally are linked together in the model. A fuller examination of these processes can be found in the appendices (see Appendix 5.14, Section 3.1, Table 5 for examples of the analytical process).

The purpose of providing a range of examples throughout is to allow readers to perform their own credibility checks when considering the material, in line with the criteria discussed earlier in Section 2.7 (Elliott, et al., 1999). Sub-sections of transcripts can be found in Appendix 5.12. Throughout the chapter, quotes taken from participants during the interviews will be provided to better illustrate the findings of the analyses. Where appropriate, these may have been edited for clarity or ease of reading[11].

Throughout, it is important for the reader to recognise that there are systemic difficulties with applying Restorative Justice principles in a Western context [please refer back to **Section 1.4.1.** and **1.4.3** for further information on these challenges]. The results outlined below will therefore necessarily be reflecting the principles of RJ

[11] Quotes have been written in 'clean verbatim' style, which eliminates non-lexical conversation sounds and interjections such as "hmm" or "uhh" and also deletes hesitations. Where words have been removed for clarity in the quote, this will be denoted with "…" and where words have been changed in order to keep clarity around pronouns or tense changes, this will be shown with the use of brackets [].

work through a prism of Western practices and the challenges of working restoratively in a retributive system. Any tendency to attempt to understand these results in a dichotomous manner should be avoided as much as possible. Additionally, it was discussed in Section 2.1.1 that the researcher's own positioning and bias has had an impact on all stages of this work; it is important to recognise that this is particularly relevant when it comes to identifying emerging themes. Although every effort has been made to directly tie the themes and the data together, another researcher may have focused differently.

3.2 Summary of Results

The models that have been constructed from the data and coding are initially presented and summarised below. This initial summary is then followed by a detailed description of each individual component of the model, as well as the categories and sub-categories within each part.

3.2.1 Models and higher-level results.

The representation of the researcher's understanding of the data is constructed in two figures. Figure 2 represents the process by which an offender—with attached victim—may or may not make it through to an RJ conference. This is represented in the model entitled "Offender: Journey Through RJ Process". This model captures

some of the factors which may act as a barrier to a successful conference taking place.

The model suggests, but does not fully explore, the relative influence each of the individual parts of the system may have on this process. Therefore, there is a second conceptual map included in Figure 3 which is entitled, “Scale of Influence within the RJ Programme”. This figure seeks to illustrate the difference in power and influence each role can wield within the system.

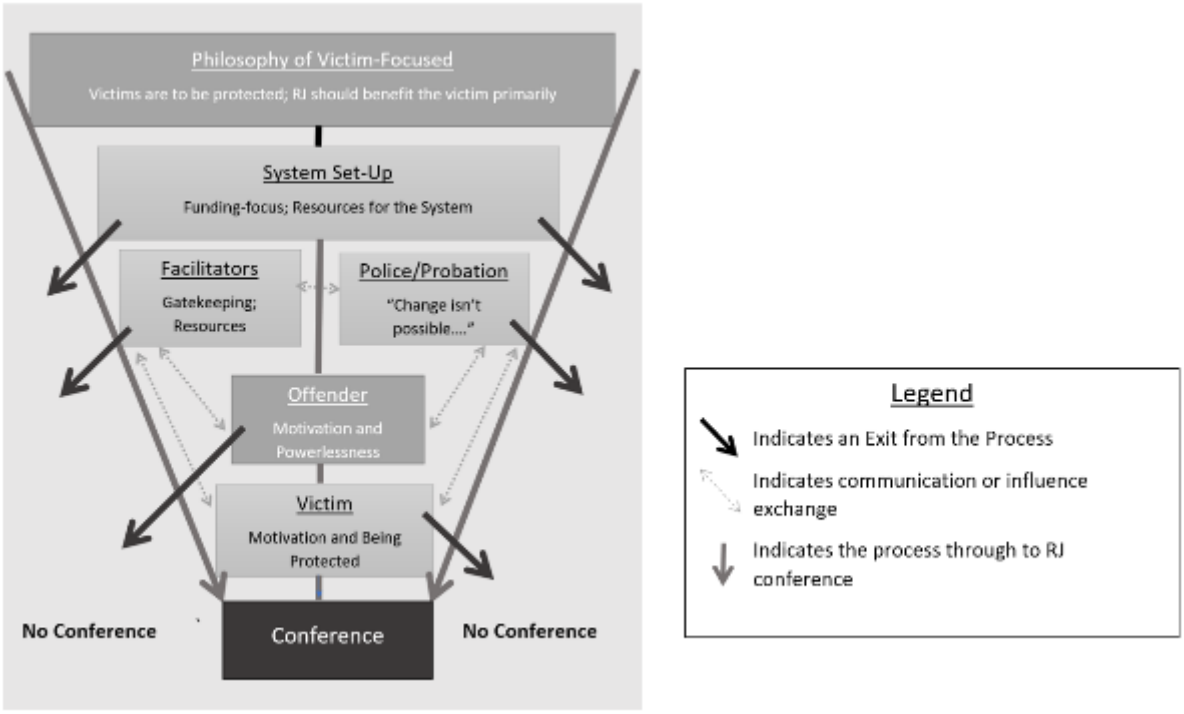

Figure 3: Model 1: Journey Through the Restorative Justice Process

Figure 2 describes how I have understood participants’ conceptualisations of an offender’s journey through the RJ process. The model is funnel-shaped, which is illustrative of how the very large number of offenders that could potentially be considered for an RJ conference are systematically whittled down to smaller and

smaller numbers as the offender passes through each potential barrier. The funnel itself is contained within a larger box of “No Conference” which illustrates the much greater likelihood of an offender not going to conference.

The widest part of the funnel is the “Philosophy of Victim-Focus” which refers to the pervasive nature of a victim-focused culture which permeates every other aspect of the model. Moving downwards leads to “System Set-Up” which refers to the RJ system or programme itself, including whether the programme is funded as offender-led or victim-led, resources available for facilitators and training, and communication within the system. An offender who comes under the ‘wrong’ system set-up (for example, if their area is served only by a victim-led programme) will never even be approached for RJ work. Following downwards moves towards “Facilitators” and “Police/Probation” which are illustrated as occurring at roughly the same area as each other, but as separate entities. Arrows between them evidence the communication and influence that they often have on each other. At each of these stages, it is possible for the offender to be removed from the process and go no further towards a conference. Police and Probation are both highly influential under the current system for making referrals (or declining to refer a particular offender) and also have an influence on the offender’s motivation to take part and how the offender is perceived by others in the system.

Moving downwards towards the Conference, is the “Offender” factor, which includes both the motivation of the offender to take part or avoid RJ work, as well as whether or not the offender is given sufficient communication and information to make an informed choice. Below the offender is the “Victim”—the factor shows up as the final element not to suggest less importance, but instead to tie it most closely with the

conference and show that it is not possible to move through to the RJ conference without the victim giving approval and agreement. Arrows of influence move back and forth between facilitators, police/probation, offenders, and victims to show the ways in which they may communicate and influence each other.

3.3 Detailed Results

3.3.1 Model 1: Journey through RJ Process.

The facilitators interviewed suggested that there are several different barriers or factors that an offender has to navigate through to get to a conference. These include the culture within which the system exists of being victim-focused, the RJ system itself, the facilitators and prison/probation services, the offender and the victim, and their associated sub-categories shown below. These will now be discussed in turn.

Philosophy of Victim-Focus	• "Victims Are To Be Protected" • "RJ Should Benefit the Victim Primarily"
System	• Funding-Focus • Resources for the system
Facilitators	• Gatekeeping • Resources for facilitators
Offenders	• Appropriate offender motivation • Powerlessness
Victims	• Appropriate victim motivation • Being Protected

Table 6: Summary Table of Categories and sub-categories

3.3.1.1 Philosophy of Victim-Focus.

The category of “Philosophy of Victim-Focus” describes the ways in which I have understood the participants’ relationships to their beliefs about victims being seen as ”needing to be protected” and their beliefs about who RJ should benefit. This is particularly important as it appears to heavily influence when offenders are offered the opportunity to go through to conference or when they are stopped in the process.

3.3.1.1.1 Victims ”Need to be Protected””.

Underscoring the idea of there being a wider philosophy of victim-focus were several participants who spoke about victims in a way that indicated that as an abstract idea, victims are often seen as ‘needing to be protected’. This is outside of issues which could otherwise be explained by the funding of an RJ programme or the orientation of an aspect of a programme.

Avery described one victim in warm, caring terms (fuller section of transcript can be found in Appendix 5.12.1):

> He [the victim] was just the nicest young person you could ever meet and he'd had a lot done to him. (Avery)

Memphis identified the ways in which it was felt that other facilitators or participants in the system were too committed to the idea that the victim was to be favoured and in doing so, provides an ambivalent and nuanced view regarding how to situate the self in a pro-victim system (fuller section of transcript can be found in Appendix 5.12.2):

> I've seen where people mainly talk in favour of the victim or somewhat. Maybe they're very much into rehabilitation, but it's slightly worrying when people start talking and weigh

> themselves heavily on one side rather than the other because, I think, as I say to people, this process, it's a process, it's not me, it's not simply-- it's a process. (Memphis)

3.3.1.1.2 RJ should benefit the victim primarily.

Many of the participants showed complex beliefs about who should benefit from RJ work. Even where participants were asked about the benefits or impact on offenders, they often circled back to talking about the value for victims and that they believed that RJ should primarily benefit the victim.

Avery clarified that even where an offender has sought RJ work, the focus should be on the victim (transcript sub-section Appendix 5.12.3).

> I think it's important that we are very victim-focused, but not taking anything away from any offender that might initiate them wanting restorative justice. I mean, and I think that is quite prevalent across the board, because the MOJ funding that it has [means it has] got to be victim-led. So, I feel strongly that it can still be, it should and can still be victim-led even if it is initiated by the offender. (Avery)

Gentry extended this idea by positing that all victims should know about RJ and have the opportunity to be educated about it, as the programme is "very, very victim-focused"; offender education and work is "perhaps" also important (transcript section Appendix 5.12.4):

> Every single victim should be knowing about Restorative Justice. What we find, our service is very educative, very, very victim-focused. But what you need both parties, you need both sides in this. We can work more with an offender to discuss and perhaps, and look at their behaviour and perhaps influencing them to wanting to engage in Restorative Justice or not, but actually do some really good work with them. (Gentry)

Elliot noted that the primary concern was around victims and what they get out of RJ; it was also recognised how much easier it is to relate to how victims (as opposed to offenders) feel throughout the process. Also, that offenders' motivations and honesty need to be assessed in a way that victims' do not and that while a facilitator can say what they like to an offender, they need to be careful of the victim's feelings as they are more vulnerable (transcript section in Appendix 5.12.5).

> My concern is around the victims and what they get out of it and it's like what would you have done to them. I relate, how would I feel…I would be really annoyed.
>
> I don't know, is it more me being around them [offenders], and I can say what I think, I can say what I like; whereas the victims got a little bit more careful, they were a lot more vulnerable. They're more vulnerable and you question everything [that the offender says], don't you… (Elliot)

Later in the same interview, Elliot noted that there is a feeling of discomfort around identifying with the offender in any way, when RJ should be "about the victims".

> No, I think the only thing I've sitting here just thinking is that, yes, I've put more time into the offenders than I do the victims and that makes me feel a little bit uncomfortable because I'm thinking really, "This is about the victims, isn't it?"
>
> Maybe more time should be going into that. I might need to come out of my comfort zone a little bit…and then also you mentioned about some of the **[other facilitators]** you spoke to said that it is the offender manager [rather than the facilitator] who deals with the offender.
>
> I'm thinking maybe the whole way that RJ works perhaps needs to be looked at in terms of what works best. (Elliot)

Finlay linked these feelings back to the wider culture and the idea that it is punitively oriented and allied with the victim (transcript section seen in Appendix 5.12.6).

> That has come up a couple of times. This idea that on a personal level, not everyone is keen, and I don't know if it's part of our culture. We are more punitively minded, I think. You have this idea of, if someone does me wrong, then, lock them up and throw away the key. I hope that things happen to them. (Finlay)

This orientation towards the victim and away from the offender was also recognised by Gentry and begins to lead to questions around how an RJ system is set up (transcript section seen in Appendix 5.12.7):

> Yes. We should be taking referrals from everybody as well, and then her higher ups…[they don't] understand the service [and what] we're seeing, "Oh no, you can't take it from an offender, can't take a note from an offender," but we've always been very open to that and we still make it victim-focused, we still make it victim led, all about the victim, but if it is offender initiated it is a bonus really for us… (Gentry)

3.3.1.2 System Set-Up.

System Set-up refers to the specifics of an RJ programme. As outlined earlier, if a programme is identified as being "victim-led" then the funding is only available for cases where the victim has initiated the RJ process; similarly, in "offender-led" programmes, it is the offender who initiates the proceedings[12]. The direction of funding has direct impact on who RJ is offered to and how information is shared between services.

3.3.1.2.1 Funding focus.

[12] It is important to note here that this is a necessarily simplistic way of describing initiation; the reality is more complex. Until either group knows or hears about RJ , they cannot initiate any aspect of it. Therefore, the role of others--such as victim support or offender managers--in informing and encouraging initiation must feature in the process. Initiating an RJ process is something that occurs along a continuum; this is however, beyond the scope of the current project to fully explore.

Several participants noted that they had been in situations where they were approached by the “wrong” side of the RJ process and so could not go forward. Avery here notes that she has said ‘no’ to offenders who were interested in doing an RJ conference because the programme was victim-led only (Appendix 5.12.1).

> That’s been a little bit of a grey area that offender might say “yes” they want to do it. Well, I’m sorry we haven’t got the funding to do that and then you take that decision away from the victim [as approaching a victim based on an offender’s interest does not allow the victim to initiate]. It’s one thing that I feel fairly strongly about. (Avery)

Gentry illustrated how this distinction has also led to rejecting possible participants and that this was a point of contention between other elements of the system (Appendix 5.12.4).

> I thought that's all fine but that shouldn’t discourage an offender coming forward and saying, "I want to engage in restorative justice," and I say ‘no’ because it hasn’t been victim initiated, it has been offender initiated. We’ve had these arguments or these discussions quite a lot actually… (Gentry)

Although Kingsley is within an offender-oriented programme, it was still noted that often RJ was not discussed with offenders because the funding itself was only for victim-led conferences. Therefore, if it was deemed by the programme that the victim was unlikely to benefit or be interested in taking part, the offender would not be offered the possibility of initiating RJ conferences (Appendix 5.12.8).

> It wasn't so much offering it to the offender because very much how it's delivered to us is that it should be victim-led. (Kingsley)

Kingsley went on to state her own feelings about how it would be more right to be possible to speak to victims about offenders who have initiated RJ work.

> If it is promoted by the offender, are we allowed to just go and contact the victims? Is that right? In my head, yes, of course that's the right to do. If there's an offender who's ready, of course, we should give that victim the opportunity. (Kingsley)

3.3.1.2.2 Resources for the system.

Alongside the funding-focus are issues related to how resources are or are not available depending on the orientation and aims of the programme. Elliot references here when there is not the possibility, time, and resources to continue working with an offender if they are not immediately ready for the process (Appendix 5.12.9).

> I did my training years ago and I've done one conference myself. There's been one I was trying to set up, but then the guys would change his mind, "Oh, no I'm walking away now," you get a little bit deflated. I just think-- I don't think it's [knowledge about RJ in the wider system around the offender] been given enough attention. (Elliot)

Dakota illustrated a wider problem with resource allocation where the system is not set up to freely exchange information between elements (for example, getting victim details from police where an offender-led programme has identified an offender who wants to proceed), referrals do not come through, and other issues.

> I don't know, I just don't know. I was so pleased when I heard that Restore: London was being set up, that Sadiq Khan[13] felt that every victim of a crime in London should have the right to have restorative justice. I thought, "Well, there's a good starting point least." What's happening? Again, the case is not being referred, victim details are not being released by the police through all sorts of data protection and other excuses, reasons, I don't know what…and it just isn't happening. (Dakota)

[13] Sadiq Khan is a British politician serving as Mayor of London since 2016. In August 2016, he launched a new £1.3m support programme led by victims of crime, and for victims of crime, to cut reoffending rates and help victims recover and move on with their lives. The Pan-London Restorative Justice programme is the UK's single biggest restorative justice commission and offers access at every stage of the criminal justice system.

3.3.1.3 Facilitators.

Facilitators evidenced several ways in which they could either be a barrier to the offender's process to conference or help guide the offender through when other challenges present themselves. These issues can be divided into subcategories related to Gatekeeping and Resources.

3.3.1.3.1 Gatekeeping.

Several facilitators showed their status as 'gatekeepers' for the RJ process, by focusing on assessing whether or not an offender (and only rarely the victim) had the 'right' motivation to take part in RJ. If they were deemed to have the 'wrong' motivation, facilitators would not proceed with the process.

> I'd visit them a couple of times in prison just to make sure that the motivation is the right motivation … I mean the intention was for me to go to risk assess him, find out what his motivations were… (Avery)

Linden echoed this focus on 'right' motivation, but spoke about an incident where the facilitator stopped a conference from going forward even though both participants were willing, because it was felt that the victim's motivation would not have the 'right' effect on the offender:

> He [the victim] said to me, "Is it going to benefit me now?" He said, "Not really, but I'm [willing to do the conference]" I thought well, what's the point in putting an offender up against somebody that's clearly not really that bothered about it. That could then come across and then that's going to have a negative impact on him [the offender].

Linden continues the anecdote and concludes that this one offender was never able to go to conference, even though two different victims were approached. Although the offender was highly motivated, he could not progress as neither victim was considered suitable for conference.

> That didn't go anywhere. Then there was another guy [a victim] that I was asked to go and see and it was with the same offender. [The victim wasn't interested.] He [the offender] was just really caught tight [he had no options to do a conference], he didn't get a conference at all… (Linden)

Even where their comments were ostensibly focused on being neutral towards all participants and moving everyone forward in the process, participants' word choice suggests a deeper bias that may be impacting their work. Harley speaks about the importance of balance (which was viewed to be more of a strength compared to other facilitators), but refers to "predators"[14]:

> Depends on people's backgrounds and I think, maybe, I have got more of a **balanced** [view of things compared to other facilitators] having so much experience working on the offender's side, because I see the effect it has on the **predators** and I see how much it means to them to take part. (Harley)

3.3.1.3.2 Resources for facilitators.

Facilitators referenced the times when they were not able to do what they wanted to do within RJ or that they believed was most important, due to limits on their resources. Kingsley speaks here of being ready to progress offenders through to RJ conferences, but not being able to find sufficient facilitators:

[14] From the wider context of the transcript, there was no indication that the participant was speaking about a specific subsection of offenders who might be viewed as more predatory than others; rather, the reference was to all offenders who had been worked with.

> I've been told, and this is, again, all through grapevine, that they don't have any facilitators, and they don't have any facility to run RJ at the moment until another month or two. I'm stuck between… we have offenders who are potentially ready… (Kingsley)

Blake references feeling like the impact of RJ is kept small and contained because there is not an infrastructure available to ensure that more people are aware of RJ such that it can be integrated more widely into the culture. She also begins to allude to how views in society about offenders as 'bad' rather than their behaviour being 'bad' might be a de-motivator for doing RJ work:

> The difference we're making is really small because we're only reaching such a small audience. Such a small pool of people. How do we integrate it further? It's a really good question. I don't know how we counter -- I go round telling people there's no such thing as bad people, only bad behaviour. If you identify bad people by the things they did, then I mean I wouldn't have the job I have because I have done plenty of naughty things when I was younger. If I was labelled, I'd be labelled for life. (Blake)

3.3.1.4 Police/Probation

Police and probation influence the RJ system through their referrals and through how they engage with the participants before, during, and after conferences. Dakota speaks here of their perception of the general attitude of the police system appearing to be less willing to embrace RJ and negative beliefs about its efficacy:

> And I'm always very cautious saying, "What do you think about restorative justice?" My general impression--and it is only a general impression--is that the judicial system and the police system are not sympathetic to restorative justice. (Dakota)

Blake echoes this sentiment and references their impression that attitudes within probation are more "punitive":

> I think that's where you find a lot of offender managers being so stuck in the -- or probation -- being so stuck in the punitive elements, punishing people for wrong doing and then we don't do much to help them get back on their feet. (Blake)

Dakota went on to also reference this idea of the elements within the criminal justice system appearing to them as being punitive in orientation:

> I think the criminal justice system and the police systems generally don't think restoratively. They think punitively, "He's done something wrong, he's got to be punished and he's got to have his freedom taken away." That seems to be where the thinking stops. (Dakota)

Here, Gentry considers whether police have an attitude that offenders are unable to change, and what impact this might have on their behaviour towards the offender before and after the conference. This behaviour might then influence how the offenders experience a motivation to try to change:

> When you train cops and stuff, they'd always say, "It's never going to work" or "How's that going to work?" or "They'll never change." I always think, "If they hear that, if an offender hears, 'You'll never change', why should they?" Why should they? Because they don't have the motivation. They might not have the motivation to want to change. (Gentry)

Harley referenced the positive effect on referral numbers that can be seen when probation and police are more pro-RJ in their orientation:

> We get a lot of police referrals and most of them come out of court disposal, so low level stuff. However, we do get-- Are now getting more of offender-level referrals from probation and prisons. Probably the ones we get the least are victim-made post-sentence stuff. It's interesting because that's what the [main funding is] for… (Harley)

Here is a reference to the attitudes that Charlie has experienced with the police and probation services. The impression gained by Charlie was that they feel they do not have the time or resources to do more with RJ:

> Yes, but this is two-and-a-half hours, if you had the amount of time you, or the police or anyone, has been called to deal with this and the paperwork and the money…" (Charlie)

3.3.1.5 Offender

Offenders within the RJ process can be understood both through their motivation to take part in RJ and in their perceived or experienced powerlessness.

3.3.1.5.1 Questioning offender motivation.

Offender motivation was often discussed in terms of being unknowable, as Avery has done here:

> ["Why would they do it?"] I don't know. I really, really don't know (Avery)

Several facilitators indicated that they "didn't know" why an offender would choose to take part, although one speculated if it had something to do with a belief in God or a spiritual belief. Some referenced the idea of maybe the offender wants to make things better for the victim, but were not able to rationalise why or what mechanisms might be at work.

Finlay noted that lay people rarely believe they would be willing to take part in an RJ conference and that that does not surprise her (Appendix 5.12.6):

> I'm thinking more about offenders really. I've asked the few of my friends would they be prepared to take part [if they were an offender] [laughs] in RJ stuff. I've not been really surprised that the number of them that have said no… (Finlay)

This was echoed when Indigo, an offender, discussed how other offenders would talk about the idea of taking part in a conference (Appendix 5.12.11):

> And then they'd be, "I've heard you've done that victim thing." And be-- a lot of people would be like, "I ain't doing that. I ain't doing that." But to be- to be fair, I probably would have been one of them people- (Indigo)

Linden recounted that she once had an offender who was very motivated, but that that only happened one time; most offenders are less inclined to do RJ, as it is seen as hard:

> Yes, he was very, very motivated, but he's the only one. The rest of them-- I think it does come down to, "I'll do it, if that's what you want me to do, but I'm really, really nervous about this." As I said to the guy, it takes a lot of courage talking to [the victim] It's not an easy thing to do. (Linden)

Linden's suggestion in that quote that offenders may do it if "that's what you want me to do" was echoed by Navy, who stated that it could feel like giving something back to the programmes that had helped him (Appendix 5.12.10):

> Yes, you feel like you can give them a little bit back, a tiny bit. (Navy)

Jules referenced an offender telling how impacted he was by a conference and how other prisoners did not understand why he would do the conference:

> He'll talk about going back to his cell and not really knowing what to think. And how the prisoner next door banged on the pipe, Fat Gerald, he calls him.
>
> This is prison culture, "How did it go," says Gerald, and he goes, "I don't know, I don't know what to think," says Peter. It took him back. What he describes without using the words, I think is [the emotions are] really strong. It couldn't marry his previous thinking with the new thinking easily without really discarding something else. (Jules)

There was limited discussion in the transcripts about the difference between motivations to take part in a conference compared to the possible impact of taking part. One offender did note that whilst he felt it was an impactful experience, he would not be inclined to do another conference again if asked, without more time to prepare himself.

When an offender, Navy, was asked to discuss his motivation to take part, he noted that it was important that it came at the right time (Appendix 5.12.10):

> I don't think I would have done it back then, to be honest with you. It's only because I've grown up somewhat since then, that it's more relevant to me. (Navy)

3.3.1.5.2 Offender powerlessness.

Linden considers the powerlessness of offenders within the system and recognises that they will sometimes do it as a "favour" for the people who had been working with them[15]:

[15] In consideration of the exchange involved in either granting a favour or not—wherein it can be said that the person who can do the favour holds more power than the person who needs it done—it could be possible to interpret this comment as granting the top position to the offender. However, as the facilitator does not truly 'need' the favour of the offender's participation and as the offender often feels emotional or systemic pressure to grant the favour, it is seen here as an example of having less power.

> **Interviewer:** One of the things that has been coming through is, that no matter what kind of program it is, the offender is quite powerless in terms of whether a conference goes through. Obviously, they can say no but then depending on the program it might be more pressure.
>
> **Linden:** … They felt that they were doing us a favour by doing it.

Harley also reflected on how powerless the offender is if a conference is called off, whilst the offender is still keen to proceed:

> **Interviewer:** "*I'm starting to get the picture of almost powerlessness that the offender has that … they can be super keen. They can be ready to go. They can be signed up, and just shine their shoes and ready to be there.*
>
> *But if anything happened around them, that changes that, it stops. The follow up after that as well, it's not…it's just a stop. Do you agree or not?"*
>
> **Harley:** Yes. Absolutely. I absolutely agree with you. I think there isn't a process. (Harley)

3.3.1.6 Victim

Although victims were not interviewed in this current study, they were often referenced by all participants. They were considered for their motivations and benefits of taking part, as well as the expressed desire of facilitators to protect the victims from being re-traumatised through the RJ process.

3.3.1.6.1 Victim motivation.

Finlay stated that where a victim's motivation is 'right' and they are a particular type of person, the conferences are usually more successful:

> If you know, letters are sent out or contacts made with injured parties. I don't know what the ratio is but I would imagine you would have a number of options as to who would want to

> participate in it. I think another sort of victim of crime is identified which appeared more suitable really. The conference that I did do I think was very much helped by the fact that the injured parties were so understanding. (Finlay)

Linden recounted a time when the victim's motivation seemed 'weird', but also noted that it did not stop the conference from going forward:

> The only victim motivation that I thought was weird was that time when he was wanting to know what his interests was. To buy him a gift. "Did he have a particular favourite football team?" Stuff like that. It wasn't anything that made me think, "I can't go to the conference for it." It was just a case of trying to address that. Well, that's not really appropriate to be buying this person gifts[16]. Questioning what their motivation was behind that. It didn't make me feel that I needed to maybe put a stop on that. (Linden)

Gentry recounted a time when the victim's motivation to not take part in an RJ conference was seen as a way of taking back control from the offender:

> She was really keen to meet with the victim. We arranged another conference date and, unfortunately, the victim didn't show up and it was almost like that control - because the victim didn't answer her phone, she won't answer her text messages, letters, that sort of stuff. We don't want to burden them, I became very clear that she didn't want to engage in it but the offender didn't really see that as -- she [the offender] was disappointed but that wasn't going to stop her from doing - continuing with all the hard work that she was doing. (Gentry)

3.3.1.6.2 Victim needs to be protected.

[16] Although there is not space to fully examine this in the current study, this exchange raises interesting questions about how RJ principles are seen in practice. Here, an offer of a gift—which often symbolises the desire to build bonds with others—is seen as suspect at best and certainly branded by the system as unorthodox. Further exploration would be useful to consider how RJ values are experienced in practice.

In an echo of the very first category of Victim-Focus, Jules recognises that the victim is placed central to the process and that there is a desire to help and protect the victim:

> When you go to the victim first, you can say, "It's your choice whether this goes ahead at all". I haven't even spoken to the offender yet. I don't know whether he's going to do it but if this is something that would help you, I'm going to do that." (Jules)

The desire to protect the victim can also come from the support network around the victim, which might prevent victims from seeing the value of taking part in RJ programmes. Elliot noted that there was often an attitude of attacking the offender on behalf of the victim that could get in the way of RJ principles (Appendix 5.12.9):

> No. I think we're conditioned to be like myself and think, "God, I'd give him such a slap." Do you know what I mean? Because that's the thing to do. Because with [victim]...I said to him [about attending the conference], "You can take someone along if you want." He went, "No one is going to come with me because they all think I'm mad." I'm like, "Okay, I don't know why you're doing this." My friends are like, "Yes, I'll go along with you. We'll kick his head in." Stuff like that. That's the mindset I think we're told is the normal mindset to have. That puts a lot of people off.

The offenders, as well, spoke about the importance of doing the conference to benefit the victim, as Indigo does here (Appendix 5.12.11):

> And-and they said, "Um, what would you think if, like, wo-would you meet them?" and stuff like that. And, obviously, then they told me about the lady and stuff. And I goes like, "If I think that it's gonna help them come over what I've done to them, then I will do it." And so, obviously, that's what got me in the room, really, was knowing the impact that I've had on them like, basically, more in-depth. Obviously, you know … if you're doing a crime against someone, you're gonna have some kind of impact on them. …

> Then I think that's what made me do it. It's because like-- I don't know, it was a bit like, "I have to do that. So she can try and get some closure and try to get some peace with it." (Indigo)

3.3.1.7 Conference or No Conference and what happens afterwards.

Although many participants spoke about what happened in conference or why a conference was not initiated, a few also referenced what happened when the process was started, but stopped before completion. It was clear that offenders were powerless in this situation, but these comments appeared to indicate more the role of the system so were categorised as “Conference Blockages”. Harley talked about the difficulties that this raises for offenders who can begin to think about the effect of their actions, but then have no process to help them if the conference then does not happen:

> You can't put somebody in that position where they're considering the impact of their behaviour. They've probably never thought about it before. You've gotten to the point where they've really starting to think about how much damage they've done to other people. Then suddenly just the [element within the system intervenes and stops conference] and they never hear from you again. …
>
> I definitely think there needs to be a lot more on what happens if you don't get-- …There's no guidance out there. There's a lot of stuff about what happens when you get a conference and how does it work and what do you do with it. But there's not so much on what happens if it doesn't… (Harley)

Linden reflected on how a conference can be impactful, but then there is a limitation on what happens after that experience:

> It's difficult isn't because I think a lot of conferences at the time when ended, they ended positively. There was tears. It was exceptionally done… We left there, and it was buzzing. "I'm so glad I've done that. It's really made me think blah blah blah." Then it's like the long term, we forget about things, don't we? Things happen and then suddenly "Oh yes I did that. It was great at the time but yes it's not important now."
>
> No matter how you change RJ, how do you get away from that once it's done and time starts to pass? The effects are great at the time. They're very powerful very impactive... [but then time passes] You can't have somebody doing RJ conferences once a month, just to keep them in that mindset. (Linden)

3.3.1.8 Summary.

Model 1 was created as a means of conceptualising the different factors that are involved with influencing or stopping the RJ process. It looks at the influence of a victim-focused culture, specific RJ systems and their focus, facilitator attitudes and biases, offender motivation and powerlessness, and victim motivation to take part. There are other ways to illustrate this information, but this current model provides a means for considering why so few offences go through to a conference and to begin to consider what might lessen the positive impact of a conference that does take part.

4.0 Discussion

4.1 Overview

This study sought to explore and develop a preliminary, yet substantive understanding of the ways in which the offender's position within an RJ process is influenced and impacted by the wider system around them. The network constructed from the data is best understood as a model which represents the barriers to moving from an offence through to an RJ conference, as well as one that considers the relative influence that each aspect of the first model has on the process.

This chapter will re-focus on the research question and aims which first guided this study and provide a summary of the key findings that have been constructed via the analysis. It will then situate these findings in the existing literature around the RJ process and relevant psychological theory. This will be followed by a reflection on the strengths and limitations of the current study, which will lead to consideration of the clinical relevance and possible significance of the research, and some recommendations for future research. It will conclude with a final summary of personal reflections on the research process of this study.

As was highlighted in Section 2.1.1 and Section 3.1, the researcher's own position and biases will have impacted every stage of this work. This includes the below discussion of how to make meaning of the results and how these might be applied to future work. The researcher throughout has chosen—through her own beliefs, position, and interests—which questions to ask, when to follow or not follow a thread of information, and how to make meaning of the data that was produced. Although every effort is made to tie the data to themes and themes to theory (and to be

transparent in how those connections were made), another researcher may have had different results or discussion. Therefore, it is important to hold the researcher in mind when considering the below discussion.

4.2 Research Questions Answered

4.2.1 Summary of findings in consideration of the research question and aims and relevant literature

4.2.1.1 Research Aim 1. How do Restorative Justice facilitators view offenders?

"Offenders must see potential benefit for themselves in order to be willing to participate in such a meeting [a VOC]. They need to see how a dialogue process can be of value to them. Being knowledgeable about issues important to offenders, and being able to connect those issues to a process of dialogue, is key to moving offenders to a place where they are willing to engage in a face-to-face meeting." (Gilman, 2006)

This quote typifies the way that many facilitators wanted to position themselves: As understanding the value of helping offenders to see the benefit of RJ and being able to communicate this to them in a way that was honest and of value. However, many of the facilitators interviewed were not clear on why an offender would take part in RJ interventions, stating that they "don't know" and several stating that they would not take part, if they were in the offender's position. Importantly, although the literature for RJ interventions often references the importance of needing to have the offender recognise the value of taking part, there is very little guidance on how this should be accomplished (Amstutz, 2009; Zehr, 2015; Elliott, 2011). Each of the different participants in this study evinced very different positions regarding how offenders

should be informed about RJ and motivated to engage—some spoke about offender managers who were doing that work for them in the background, some spoke about their own personal beliefs about how to encourage offenders to take part (including relying upon their established relationships with the offenders), whilst others seemed to take it as something on their 'to-do list' to gain consent to take part as quickly and easily as possible.

"There may be an element of coercion for participation. There may be an element of coercion for offenders, although it is clear that coercing anyone into a process likely will lead to an unsuccessful outcome. Yet offenders generally are not eager to meet face to face with the person they have harmed. Many have said it is easier to go to jail than to meet their victims." (Amstutz, 2009, p. 37)

This quote helps to illustrate one of the key issues with the powerlessness that exemplifies the role of the offender in this process: Their participation throughout is never truly without some form of coercion, due to their position. They are integral to the process yet are often viewed as a hindrance or an unknown--and possibly untrusted-- element. In many ways, offenders serve as one of the most influential, yet unknown aspects of both this project and in the wider RJ field. Throughout this project, facilitators would often refer to not quite understanding why an offender might do something or would choose not to do something else; offenders were often forgotten or little considered when creating policies, developing procedures, or considering the effect after the conference[17]. The Fundamental Attribution Error

[17] This is very much in line with literature on the Fundamental Attribution Error. The FAE suggests that when an individual is used to explaining people's behavior based upon their dispositions or group membership (for example, "John robbed a store because John is a criminal") then their perception of that individual is often

described in the below footnote may help explain why offenders are so often removed at different stages of the Model in this research. Facilitators throughout the project appeared to find it easier to reflect on their relationship with victims and with other facilitators or factors within the system, rather than with the offenders themselves.

Facilitators throughout the interviews would often follow any show of empathy towards the offender with an apology and an explanation that they "understood that RJ should benefit the victim" or would clarify that they were not unduly sympathetic to offenders. This was even without prompting by the interviewer, appearing to be a habitual way of situating the offender as below the victim and the needs of the system[18]. It is possible that the victim-focus seen in the culture is a self-fulfilling cyclical one—each element within a system both positions the victim's experience in primacy in relationship to the offender's experience and insists that others do so; additionally, knowing that others will be policing attitudes towards the offender and the victim to ensure that each element continues to perpetuate the approved philosophy will strengthen those positions (Principles of Management, 2010).

What was perhaps more surprising than this, however, was seeing this effect mirrored in the interviews with the two offenders. Rather than providing wholly new information that changed the perspectives of what had come before, the offenders themselves were often echoing similar sentiments to what had been reflected about them. When asked why they took part in the conference, for example, both were

unable to see how other factors might drive their behavior when "crime" is not the thing to be explained (Maruna & Mann, 2006).

[18] Theories of Observational Learning may help to describe how it is that so many factors within the system are taking the same position of distrust towards the offenders' motivations and ability to change; based strongly on Bandura's work, the OL theory posits that learning on social norms and behaviours can take place even without the presence of reinforcements or punishments (Bandura, 1971).

less than concrete on their thoughts and feelings at the time but stated that they felt guilt for what they had done and wanted to make it up to the victim[19]. They also noted their positive relationship to the facilitators (both offender participants came from an offender-centred programme wherein the facilitators had worked with the offenders for many months leading up to the conferences) and that other offenders had said that they would not be willing to do a conference.

The tendency for offender participants to echo what others have said about their experience in a more superficial manner is perhaps indicative of the limited nature of engagement with the offenders in that there were only very few opportunities to develop a safe interview space to discuss issues which might be challenging to be open and honest about, as well as the intrinsic complexity of both offenders still being within the wider programme with their facilitators.

This 'unknown' element of the offenders in terms of their experiences leading up to, within, and following the conference, is reflected in the wider literature, with only very few of the searched studies focusing on the offenders. What must be considered here is that it is not only the lack of research which focuses directly on the offenders, but also the challenge of establishing an environment which would allow for an effective and genuine consideration of their experience without the potential of internalised discourses about who they are as offenders[20]. If the offender's experience is put into the wider context discussed above—one wherein many

[19] Although it is beyond the scope of the current work to describe all of the factors which may be involved in how the offenders have made meaning of their actions both before and after engagement with a RJ process, the Self-Perception Theory (SPT) may help explain how it is that an individual can use judgement of their behaviours to infer their attitudes and beliefs, rather than assuming that beliefs/attitudes drive behaviours (Bem, 1967).

[20] These challenges are outlined and explored in relation specifically to young offenders by Holt, but the discussion is certainly relevant to adult offenders as well (Holt & Pamment, 2011). It raises specific challenges related to the individual psychosocial, biographical, and institutional contexts of researching offenders.

aspects of the RJ intervention is focused primarily on the victim and in a victim-centric culture—then it raises questions as to how to go about learning more about what it is like to be the most powerless factor within a wider system that is quite often negatively oriented towards the offender[21].

What is not clear as yet is whether this offender powerlessness is a cause or a consequence of the victim-centric culture. It was shown repeatedly throughout the interviews that victim-focus is central to nearly all processes, but it is not clear how it has come about and become so apparently concrete. There are some indications within these interviews that some elements within the system see offenders in a very negative light—that they are dangerous, not like other 'normal people', and morally bereft—and that this position is then contrasted in the notion of an idealised victim[22]. This finding has been echoed in the wider literature around victimology.

4.2.1.2 Research Question 2. What do facilitators think is the place of offenders within the RJ process?

The first model described here positions the offender at a late stage in the process--where many decisions about whether a conference should take place are made before the offender is even aware of the possibility—and shows that whilst the offender's opinion is sought, and consent required, this is not the central decision-making point. It is instead the victim's thoughts about whether to go ahead with

[21] A more in-depth exploration of the debate around the "proper division" of functions between state, victims, offenders, and communities can be found in Ashworth's discussion of responsibilities and rights within Restorative Justice (Ashworth, 2002). Bazemore provides an exploration of a model that would allow for more nuances in the system beyond the retributive paradigm that suggests it is only possible to choose between helping or hurting offenders (Bazemore, 1998).

[22] A further discussion of how victimology and RJ may be coming together in a way that is not wholly helpful can be found in a consideration of RJ in the media (De Mesmaecker, 2010).

conference that is the final and most important factor as to whether a conference goes ahead. The second model depicts the offender as the smallest and least influential part of the system.

Therefore, to understand how facilitators position offenders, it is necessary to consider how they position other elements of the process. Notably, this project has highlighted the fact that so many facilitators (and managers) are focused more on where the victim sits in relation to the offender than how the process is impacting upon the offender. In order to understand how this impacts the offender, it is necessary to consider the position of the victim. Following this exploration of the victim within RJ, this work will then consider the relationship between the victim and the facilitator, and how this relationship impacts upon the offender.

"Only he could tell me the truth, and I believed what he told me. He admitted what he did. I let go when I walked out the door. I went into this thinking I was doing something for me—but I realised I had done something for him, too." (Robinson, 2000)

The quote above suggests that victims may find an RJ experience benefits both themselves and the offender, yet throughout this research, one of the key issues which has come up in relation to my attempts to focus primarily on the experience of offenders, is how the focus of participants seems more naturally drawn exclusively to the experiences of victims. Throughout the interview process, it was necessary quite often to redirect the facilitator or manager to focus on the offender in context.

Although this will be explored in further detail below (Section 4.3.5) in relation to a wider victim-focus within the culture, it is important to recognise in discussion how much of the data was focused on victims, which reveals how victim-focused the culture is.

This experience is further reflected within the body of literature and can perhaps be explained by recognition of the influence of the 'three pillars of restorative justice' as defined by Howard Zehr (Zehr, 2015; the fundamental principles of RJ were explored in greater detail in Section 1.4): 1. RJ focuses on *harm to the victim;* 2. Wrongs or harms result in *obligations to the victim or community;* 3. RJ promotes *engagement or participation*. Here, two of the three core elements of RJ work put the victim at the very centre of what is being done; it is therefore perhaps understandable how relevant the victim is to the work. However, there is some indication that there may be issues around upholding the third pillar when the victim becomes the primary focus of the entire system or where a stigma associated as being seen as "offender focused" leads elements of the system to swing too far the other direction[23]. The need for balance within these three elements can be considered through Braithwaite's discussion on how regulatory theory (a responsive regulatory pyramid; (Braithwaite, 1999)) could be applied to RJ practices to re-balance the aspects of the system that have become out of balance.[24] Here, it is also important to recognise

[23] In one interview, a facilitator from an offender-focused programme was discussing why she felt so empathetic towards offenders—she then stopped herself, laughed, and suggested that she has to be careful around other facilitators that it not get out that she "liked her offenders". This raises the consideration of not only how facilitators see offenders, but also whether the way other facilitators see offenders goes on to effect their own beliefs and behaviours. There were other points in interviews where facilitators referenced the importance of 'everything is for the victim' or not doing something solely to help an offender.

[24] Responsive regulation involves considering the viewpoints of multiple stakeholders and then choosing how to respond in a way that is both deliberate and flexible, using regulatory strategies that can be considered in a pyramid model.

that the punitive orientation of the culture towards the offender cannot be avoided even within an RJ programme (Section 1.4.2).

Within the programmes studied in this research, victims hold a significant amount of influence over nearly all aspects of the system. The current study showed that there were many examples referenced by the facilitators of times when RJ conferences did not go forward because the victims did not want to proceed; this was considered to be the most common reason for a conference to not take place and is linked both to limited information being given to the victims about the possibility of RJ work and the victim's limited motivation to take part when it was offered to them. It was suggested that victims had often not previously heard about RJ and therefore were less able to recognise why they might benefit from it. There were also expressions of concern about whether it would be upsetting to be in the same room as their offender[25].

Although throughout the process it is clear that victims are seen as central and they are able to directly influence whether their conference goes ahead or not once it is offered, it is members of the wider system—the facilitators, police, probation, and system managers—who are the true gatekeepers. Additionally, the victim's role is never truly independent of the offender's role within RJ programmes.

[25] Interestingly, "wrong" victim motivation (as perceived by the facilitator) was almost never used as a reason to stop a conference once they had agreed to go forward. There were two anecdotes shared throughout the course of the interviews wherein the victim's motivation to go to conference was considered suspect or with the victim being too interested in the offender (one where the victim was asking very personal questions and one where the victim was buying presents for the offender); neither resulted in the conferences not going ahead. Only in one anecdote did a conference not go ahead because of the victim's motivation being a danger to the offender; in this instance, the victim was so angry they were seen as "gunning" for the offender.

4.2.1.3 Research Question 3. Within the system they operate, how do the facilitators' views and opinions impact the offenders' access to the RJ processes?

What the results of this study show is that although the idea of neutrality within the conference is held in high esteem, there is little support to suggest that it is possible to manage this neutrality where there are already unconscious biases and beliefs in place that have gone unchallenged. Although the facilitators individually spoke of their own attempts to manage their conference in a fair way, there was little suggestion of training or time being given over to reflective practice that would help support identifying and working through these underlying beliefs. This is seen in instances where the facilitators suggested that they did not know why an offender would take part in an RJ conference, questioned their motivations, or suggested that it was not really possible for offenders to change.

It is very difficult to fully speak the impact that these beliefs might be having on getting the offenders to conference, how they are managed within the conference itself, and how they are supported afterwards, but there is enough here to suggest that there is an impact htat is not being considered in depth. This would be another area where future involvement by clinical psychologists may be of benefit (see **Section 4.4.2**)

In addition to their own beliefs and motivations, it was shown throughout the study that the facilitators were aware of the beliefs and prejudices of the system around them. There were references made to the need to not appear overly "pro-offender" and consideration given to the ways in which other elements of the system may be influencing the offenders. This is examined in greater depth in the following section.

Within the current project, some participant facilitators and managers felt that it was ‘not right’ that the primary funding and focus of RJ programmes be contained within the probation service. When asked for further clarification on why this would be, they stated that it was because doing RJ at that point was “too late” in the process. This concern recalls earlier points which were discussed regarding the positive impact of RJ and delays since the original offence (see section 1.2.3.1 and 1.2.3.2; (Zebel, Schreurs, & Ufkes, 2017).

Perhaps felt more acutely than issues related to the timing of RJ intervention, are those around who has the funding and power to complete interventions, as well as the attitudes that might come with those particular systems. The use of RJ within police forces in England and Wales is increasing at a rapid pace, but it is not doing so uniformly in all areas and there is confusion around the guiding principles of what it means to combine policing with restoration (Restorative Justice Council, 2014). There were several references made throughout multiple interviews that looked at the impression the participant had about attitudes towards the offender and their possibility of change following the intervention. Even amongst participants who were themselves either current or past police officers, there was consideration given to the differences of opinion that is found between those who are considered more pro-victim or anti-offender. This belies a particular attitude related to ‘if it works, do it’—although elements within the programme may individually believe that an offender is unlikely to change, they will still go along with an RJ conference in the off-chance that it does. However, it raises important questions about what that initial belief system is doing to impact on the success of the intervention.

The guidance given from the Restorative Justice Council towards training police officers to take part in RJ programmes—either as facilitators themselves or as informed members of a wider network—is very much centred on the importance of the victim and working "to ensure that every victim in England and Wales can access Restorative Justice wherever and whenever they need it" (Restorative Justice Council, 2014). They do also take care to affirm that RJ interventions are not "a soft option" and that it can be used at all stages of the criminal justice system, but it is unclear how much that message has become part of the on-the-ground work of RJ programmes. There is reference made to the idea that offenders can have challenges with facing the idea of meeting with the victim (with one quote in the literature noting that an offender had been having nightmares before the conference), but there is little real depth given to the exploration of what it is like for the offender.

4.2.1.4 Research Question 4. Are there other factors within the programme or wider system which may impact upon an offender getting to conference or benefitting from RJ work?

Throughout the study, there was reference made to the wider elements of the process which were having an impact on both the offender and the journey through to conference. This includes, in particular, the perception of how offenders are seen and how people within the system respond to the idea of offenders making changes in their behaviour and motivation, as well as their beliefs about restoring an offender's relationship to the victim and to the wider community. These views—expressed by the police, probation, and others—are often presented to the facilitators before or after a conference and are likely to have had an impact on the perception of offenders.

"Restorative Justice is often characterised as a "soft" response to crime or wrongdoing. This belief relegates the expression of Restorative Justice to low end, minor transgressions; consequently, in criminal justice, it is seen as mostly appropriate for young, first-time, non-violent offenders." (Elliott, 2011, p. 25)

The quote above referenced a concern that was raised by several facilitators in early conversations—that someone would perceive RJ as an "easy" option. This was particularly evident when facilitators discussed police or probation officers who were often perceived as being most desirous of offenders being punished. Although there were no probation officers interviewed in the current programme, they were referenced across several different programmes. Often they were discussed in consideration of whether or not RJ programmes should be a part of their work or contained within other parts of the system. Having RJ programmes be a part of or a primary focus of probation services is not a unique consideration. Across several different areas, there are programmes which seek to bring together restorative practices and the already established probationary process. A programme in Northern Ireland which has been ongoing since 2009, states that it is a main goal of their Probation Service to 'make good' the harm that was caused by crime, including giving victims the opportunity to meet or communicate with the offender (An tSeirbhis Phromhaidh/The Probation Service, 2018)[26].

The guidance given from the Restorative Justice Council towards training police officers to take part in RJ programmes—either as facilitators themselves or as

[26] The Northern Ireland programme was very much influenced by the Truth and Reconciliation Commission in South Africa following apartheid (http://www.justice.gov.za/trc/). It was followed by the Institute for Justice and Reconciliation in 2000.

informed members of a wider network—is very much centred on the importance of the victim and working "to ensure that every victim in England and Wales can access Restorative Justice wherever and whenever they need it" (Restorative Justice Council, 2014). They do also take care to affirm that RJ interventions are not "a soft option" and that it can be used at all stages of the criminal justice system, but it is unclear how much that message has become part of the on-the-ground work of RJ programmes. There is reference made to the idea that offenders can have challenges with facing the idea of meeting with the victim (with one quote in the literature noting that an offender had been having nightmares before the conference), but there is little real depth given to the exploration of what it is like for the offender.

This research question became the primary focus of this study and links together the majority of the discussed data; therefore, this question can be found answered with all discussion around Model 1 (including Sections **3.2.1** and **3.3.1**) and in the more detailed discussion of the implications of the findings associated with the sections on the System (Section **3.3.1.2**) and the Philosophy of Victim Focus (Section **3.3.1.1**). Importantly, the implications of this answered question on future work can be found in the Clinical Implications for people working within the RJ system, found in Section **4.4.1**.

4.4 Clinical Implications

4.4.1 For the professions that work within RJ and the development of RJ programmes.

Nearly every facilitator and manager interviewed for this study evinced a great deal of passion for RJ work and a deep belief that it was a better way forward compared

to non-RJ criminal justice programmes. However, that passion was not always sufficient to work through challenges associated with difficulties throughout the process with sustaining referral numbers, getting parties to conference, and feeling that each conference was a measurable success. In many instances, facilitators were ready to do conferences, but without the referrals or resources to carry them out. Understanding the systemic issues around getting an offender through to a conference may provide ways for the system policies to be adapted to account for some of the difficulties that are getting in the way of referrals coming in and conferences being completed in order to make effective changes.

Facilitators who took part in this research were asked to take a reflective position in regards to their own work and to the work of their colleagues in RJ interventions. It is important to recognise the challenges associated with attempting to identify—and discuss openly—our own prejudices and biases which may be impacting upon our efforts (Nagda, Kim, & Truelove, 2004)[27, 28]. With it being clear that prejudicial attitudes towards offenders can both lead to offenders not being offered RJ interventions initially or in them being unable to complete the conference successfully, a way to better address the identification and resolution of these beliefs is needed.

[27] Most of the literature around RJ interventions focuses strongly on the importance of each conference having a similar, standardised method on which to fall back (Amstutz, 2009; O'Connell, Wachtel, & Wachtel, 1999; Daly, 2002). Several of the participants in this study spoke about the importance of having "a script" that they followed—that this script was not just important for keeping the facilitators on task, but that it also offered a feeling of emotional safety and containment for the offender and victim. Although there was not space to consider this within the Results of this study, it has implications for the neutrality of conferences in consideration of possible prejudices.

[28] A more comprehensive consideration of what emotional containment and feelings of safety can mean for victims of crime can be found in work which focuses on developing a model for affectively centred treatment of adult victims of abuse (Cornell & Olio, 1991) and in work which focuses on the impact of inadequate emotional containment for persistently traumatised systems (Vivian & Hormann, 2015), which has implications for the wider system which contains both the victim and the offender.

This study suggests the need for more work to be done on developing systems awareness, identifying blockages on the route to conferences, and finding a way to measure the outcomes of conference that feels truer to the belief-systems associated with RJ work. This study evinced a culture in which the victims were placed at the centre of RJ work, which seems in line with many of the RJ core tenets. However, for many facilitators, this appeared to have become unbalanced, with it no longer feeling acceptable to recognise an offender's needs or wishes or to think of the potential benefits of RJ for them. This exclusive focus on victims—potentially at the expense of offenders—seems counter-productive, as it may reduce offenders' willingness to take part and reduce the potential benefits of the conference taking place. Therefore, this study recommends that the balance be restored, through the training of RJ facilitators, the commissioning of RJ programmes in which referrals can be taken from either victims or offenders, and by addressing issues within the culture of RJ. This may be achieved in the early stages by highlighting the implicit bias or prejudice against the offender. It is beyond the scope of the current study to fully investigate and explain why there is a victim-centric culture—whose interests does it serve, how it is perpetuated, learned, or maintained—but it is evident that there is a need for greater awareness of the victim-focus and consideration given to its implications on RJ programmes.

4.4.2 For the involvement of psychologists.

There are several areas where there is a suggestion that having greater psychological input into the process would be beneficial.

The lack of psychological consideration is evinced in how the relative success or benefit of RJ interventions is currently being measured or not being measured (see

Section 1.4.5 for a discussion on the pervasiveness of this issue in the literature). Although some of the programmes were collecting information on 'participant satisfaction' following a conference, this was primarily a tool for ensuring that the victims felt they were well taken care of within the conference, rather than a true exploration of the dynamics within the conference or the impact following. Several programmes had no measurements associated with their work at all. This is an area where psychologists could potentially really bring value to the programmes, through developing and administering appropriate measures for what is happening before, during, and after an RJ intervention (Cicchett, 1994).

4.4.3 Recommendations for policy makers and service providers.

Throughout this study, it was clear that people who work within RJ programmes are incredibly passionate, dedicated, and motivated to make these programmes work. Although they are often challenged by difficulties in funding streams, appropriate resources and additional training when needed, and getting referrals through, they worked with real dedication to get the most out of every case they worked on.

4.4.3.1 Sufficient time and funding to allow programmes to show effect.

In order to ensure that RJ practices are given sufficient time and support to begin to show effect within a Western criminal justice system, policy makers should ensure that there is a dedicated funding stream and clear planning for the future that gives programmes a feeling of stability to do their work. Within the course of this research, the tendering process changed the RJ programme that would be covering work in Hertfordshire. This led to a destabilisation within the wider system and a feeling from facilitators that they did not know who would be managing different responsibilities or how. RJ work is one which requires there to be an ability to trust other elements of

the system to be 'on board' with the same principles—a facilitator may need to work with a co-facilitator from a different programme yet needs to know that they will be similarly trained and motivated. This trust and safety is undermined by frequent changes to the individual parts of the system.

4.4.3.2 Space for reflection and re-connecting with RJ principles.

Facilitators are challenged by working in a system that is not easily understood or embraced by their wider culture. As RJ principles are not readily accepted or modelled elsewhere in their personal and professional lives (consider, for example, the tension between Police/Probation's perceived beliefs that offenders cannot change and a facilitator's duty to support restoration between the offender and the community), there is a heavy burden being placed on facilitators to maintain a strong adherence to RJ principles within their work, but without necessarily additional support to help them to manage that. Therefore, it would be recommended from this work that a priority be given to allowing facilitators time and space to meet up with other elements of the RJ system—other facilitators, managers, and policy makers—to reflect on their work 'on the ground' and the challenges that they are facing. This would allow not only a strengthening of communication between the different elements of the system, but also a way to reconnect with their principles and ensure that their work is continuing to integrate RJ principles.

4.4.3.3 Continuous Professional Development focused on refreshing old skills, updating learning, and developing an awareness of psychological principles.

Several of the facilitators referenced how much time could pass between their RJ training and their first conference or between conferences. This passage of time sometimes led to a feeling of being de-skilled and concerns about their ability to work

effectively when a referral did come in. Therefore, it would be recommended that clear guidance be created around taking on additional and continuous training in order to keep original skills up. For facilitators who are doing more conferences, this focus on training could help to up-skill to work on more complex cases—such as sexual assault and homicide—as well as allowing more training on RJ congruent theories which may influence their ability to work more confidently and closer to RJ principles.

4.5 Evaluation of the Research

4.5.1 Strengths.

The current study is a consideration of the different factors which influence the facilitators' roles and attitudes towards RJ and offenders, as well as the offender's process within an RJ system, using a grounded theory methodology to allow for a genuinely open exploration of this journey. Methodological rigour has been attempted throughout the process (see Section 2.7 and Appendix 5.14). As was discussed in 1.5.3.3., there is a limited amount of published literature which focuses specifically on offenders and this study is able to add to this body of research to further emphasise the need to consider offenders in more depth.

The choice to use the GT method allows for the creation of tentative models for understanding some of these factors (Attitudes, Systems, Victims, and Offenders) in a way that is strongly grounded in the data. A strength of this approach is that it both allows for new information to be considered, whilst doing so in a way that may resonate with other researcher methodologies in the future to show transferability with what was found here. The current study was able to return to two early

participants to ask them about the emerging categories after the majority of interviews had been completed, which enhanced and enriched the data.

Without striving for a fully generalisable set of findings, this study is able to contribute to the understanding of the different factors which are having an impact on both individual offenders and the success of the system as a whole. As RJ is rapidly growing in the UK and elsewhere (Dignan, 2004), these findings may provide useful information in how to understand the ways in which previously less considered elements may be impacting upon the RJ system. It is able to make some suggestions as to how changes might be made in the future which would further clarify the values of RJ work and ensure that the processes are more in line with those same values. This is particularly relevant when considering the specific challenges of applying RJ to a UK context, which is not always in line with RJ principles of community restoration and neutrality.

4.5.2 Limitations.

In some ways, the strengths of this current research are also mirrored in the limitations. By focusing on the individual experiences of only a few participants, it is impossible to make concrete generalisations of other systems or be less tentative about the connections which are made. Additionally, although the Systematic Review illustrated the dearth of offender voices in the available literature, they continued to be difficult to hear due to the relative power of victims versus offenders in this research. This inability to make offenders' experiences the core of the study in many ways is indicative of the wider issues with the system's ability to access and focus on offenders.

This project was able to hear a range of different perspectives from RJ facilitators, managers, and participants, but it was not able to access those who determine policy, and time with each individual was necessarily limited. It was also not possible within the scope of the current project to include an active RJ conference, which would have given rich insight into these power issues within an intervention.

Although every care was taken to get experiences from a range of different programmes around the regional area to ensure that there were experiences from both offender-led and victim-led programme orientations, the challenges of recruitment meant that one local programme had all of their facilitators interviewed, whilst other programmes had only one representative to speak for their experiences. Similarly, offenders came from the same programme—which had a strong offender-focus—which would have influenced their experiences.

Due to practical constraints, two interviews were conducted by telephone and this was part of a general challenge in terms of accessing participants, particularly offenders.

4.5.3 Evaluation of Project Quality

The guidelines suggested by Elliott et. al., (1999) outline the need for the research to be explicit in its scientific purpose, which was done here by clearly stating the research questions in the Introduction Chapter. The rationale for the current research was clearly grounded in the literature review which evidenced a strong argument for the importance of the current work. The design of the study, which has been clearly outlined in Section 2.1 , was focused on using appropriate methods for exploratory research and outlines how this design was followed. There is a clear

consideration given—as well as respect shown—for the issues that may affect participants. These were also outlined in the Methods chapter, including a discussion of informed consent and how distress was managed throughout. The research is also discussed thoroughly, including initial and tentative consideration of any clinical implications or contributions to the field (Section 4.4 - Discussion). It is also careful to be open and honest about both the strengths and limitations of the work. This was evidenced throughout the discussion on recruitment in Section 2.4.1.

As a result of the qualitative nature of this study, this work has shown clearly the researcher's own perspective—both the epistemological stance taken throughout and a consideration of the impact of the researcher's constructs on the work itself—which demonstrates an awareness of the researcher's values and position, in order to consider the interaction between the researcher and the model (Section 1.3 and 2.1.1). It is outlined clearly that the model does not exist as an objective representation of the participants' experiences, but instead is a collaborative interaction between the participants and the researcher. The value of this is that it positions the findings of this study within a specific context and allows for a flexible approach to be taken to any alternatives. The sample of participants is clearly situated, with the Methods Chapter outlining the recruitment methods and consideration of demographic information. The research shows that the model itself comes from the data, by using examples and quotes from the participants (throughout Results Section 3.3 and provides transcript sections in Appendix 5.12). By describing clear quotations and examples, the reader is able to critically assess the data, rather than relying solely on the researcher's interpretations. The researcher has also provided examples of her analysis procedures, and includes an

example of diagramming within the attached information in the appendices (see Section 3.2 in Results and Appendix 5.13).

Initial categories and codes were assessed for credibility by checking back with original participants and by exploration of constructed hypotheses with later participants. It was important to take a reflexive position throughout in order to acknowledge how the researcher was impacting upon the research, which was recorded through memos and frequent contact with the supervisory team. Several peer colleagues in both a workshop and in one to one sessions, as well as a supervisor, independently analysed sections of the transcript. This allowed for comparing codes and ensuring that the researcher was aware of potential blind spots or areas where they had over-emphasised a particular code, allowing a reflexive stance to be maintained. An attempt was made at achieving coherence in the research by creating a model which showed how the data is interlinked and also preserves the participants' account. An analysis audit trail is included in Appendix 5.14. The applicability of this model is clearly discussed in the Discussion chapter including the limitations for generalising for other RJ programmes, but also some conclusions that might reasonably be made for other similar populations.

Every attempt was made to present the research material in a way that would accurately represent the topic and findings, and hopefully in a way that can stimulate the interest of the reader and expand their knowledge of the topic area. The research was reported to be interesting to the participants and consultants to the project, as well as peers and others who helped to guide the research topic. With this consideration, it can be said that the research has performed well within the guidelines for qualitative research (Elliott, Fischer, & Rennie, 1999).

4.6 Suggestions for Further Research

Given the current findings, there is a suggestion that future research could focus on a couple of different factors to good benefit. The first is to consider the offender's experience in a much more in-depth, context specific way. Although the current work has allowed for considering how others position the offender within the RJ system, it has not allowed for a deeper exploration of the offender's journey through his or her own experiences. The benefit to this would be to allow for a different perspective on the process before, during, and after the conference that might help understand how impactful or aversive the experience is found to be. This is important because the findings suggest that the powerlessness of the offender is both a cultural and an organisational matter; however, with appropriate facilitation, it may be possible to attenuate this in balance. Future research may also investigate whether the concerns that shape funnelling in RJ conferences found here are spurious or essential when it comes to the effective facilitation of RJ conferences.

The second area of study that future research may benefit from focusing on would be the facilitators' more direct effect on the system through a thorough analysis of their personal belief systems and biases that are in line or not in line with core RJ philosophies. The current study showed that many facilitators spoke about their beliefs about the need for neutrality, but also that there are limitations on how true neutrality is possible with human facilitators. Therefore, looking specifically at this issue might allow moving beyond the suggestions within the findings of this study which suggest that neutrality is desired but not achieved and towards an exploration of whether or not neutrality could be truly possible in RJ conferences.

It would also be useful to replicate the current study with a larger sample, one which focuses on drawing from a wider pool of different programmes and programme types. These results could then be triangulated with the current research to bring greater depth to the findings and to consider how reflective the model is to the wider system. Other studies could also consider areas of the system not sampled in this research—for example, victims—in order to see how that does or does not affect the models created here.

4.7 Study Reflections

This research has been a project that was saturated with both passion and with challenges. The topic has been one which has at turns invigorated and excited me with the possibilities, and at others, left me feeling that it was impossible to shift such a large beast as the criminal justice system—or even that it made sense to try to do so. This project has changed during the course of starting, doing, and completing it, and each change has felt a balance of enjoyment at making something that was a better fit to what needed to be looked at and of loss of my original plans and ideas.

There has been a lot of affection felt for this project and enjoyment of the process, particularly where I was able to speak with people who were working within RJ and to hear how meaningful they found it to have me doing this research. But there has also been a lot of pressure felt, where I wanted to be able to do more than was possible with the time and the availability of resources. I have certainly felt frustrated and challenged at times, with the discovery of different roadblocks to getting access to all of the people that I needed.

The practicalities of conducting this research—of attempting to gain access to offenders who have completed an RJ conference or exchange of letters, of meeting

up with facilitators who are able and willing to talk about the process, and of navigating the political landscape of a contentious issue—has clearly illustrated to me that my initial premise of the offender's voice being hard to find is a true one. When I first started looking at the literature on Restorative Justice, it was difficult to find many personal accounts or offender-based reflections on the process outside of talks or workshops held by RJ programmes. When I began working on this project, it became clear to me that there are many valid reasons for this lack of insight. It has been a challenge throughout the process to gain access to the population and it raises the question of how many other researchers may have tried and been unsuccessful in this pursuit.

These issues—whilst personally frustrating and challenging for a student working on a dissertation—were also deeply upsetting in the context of the implications for this population. I found myself frequently dismayed by the dismissiveness with which offenders might be talked about even by those who work closely with them on these programmes and challenged by the difficulty of navigating the responses to offenders in consideration of victims on every level of these organisations. There is so much more here to be done, explored, and considered. Whilst I am in many ways sad to leave this current project behind, I am also very excited to consider where it might take me in the months to come.

4.8 Conclusions

With the initial interest in communities and who holds responsibility when a member of a community causes harm to someone, it is clear that RJ practices are able to speak to the need for a better balance than is perhaps currently seen in a Western

criminal justice culture. Within a community, people need good relations with each other for the common social good, as well as individual wellbeing. However, offenders—and non-offenders--sometimes thoughtlessly, and sometimes deliberately, damage these relations by their actions. No one--victim or offender or third party within the community--can truly live well if these are not repaired.

Repairing harm is not easy in postmodern industrialized Western societies, even with the use of programmes designed to facilitate this. There are inherent challenges to attempting to apply RJ principles to a UK context, particularly in relation to community restoration and neutrality. The findings of this study reveal just some of the difficulties with bringing in concepts of repair to a criminal justice system and a culture which is not necessarily used to focusing on community and restoration. It shows that an ideology that legitimizes disparities in the worth of parties looking to repair relations exists in tandem with a system populated by those frustrated by its inefficiencies, and one that produces little repair even by its own standards. If the ideology of the system is sustained and nurtured by the values of wider society, then until the origins of these social values are better understood and addressed, we have a society that does not wish to repair itself or does not know how to. This work is important because it may give insight into this. It has also made it clear just how passionate those who work within RJ programmes are about what they are doing; by refining what they are already doing and illuminating where changes need to happen, it may be possible to move RJ in the UK towards a truer ideal of community restoration.

References

Amstutz, L. (2009). *The Little Book of Victim Offender Conferencing: Bringing Victimsand Offenders Together in Dialogue.* Intercourse, PA: Good Books.

An tSeirbhis Phromhaidh/The Probation Service. (2018, May). *Restorative Justice.* Retrieved from Probation Ireland: http://probation.ie/EN/PB/WebPages/WP16000044

Anderson, J. (2015). Comprehending and Rehabilitating Roman Catholic Clergy Offenders of Child Sexual Abuse. *Journal of Child Sexual Abuse, 24*(7), 772-795.

Ashworth, A. (2002). Responsibilities, Rights and Restorative Justice. *The British Journal of Criminology, 42*(3), 578-595.

Baker, D. (2011). *The Right Not to be Criminalised: Demarcating Criminal Law's Authority.* Ashgate.

Banister, P., Bunn, G., Burman, E., Daniels, J., Duckett, P., Goodley, D., . . . Whelan, P. (2011). *Qualitative Methods in Psychology: A Research Guide.* Manchester Metropolitan University: McGraw-Hill Education.

Barnes, G., Hyatt, J., Angel, C., Strang, H., & Sherman, L. (2015). Are RJconferences more fair than criminal courts? Comparing levels of observed procedural justice in the Reintegrative Shaming Experiments (RISE). *Criminal Justice Policy Review, 26*(2), 103-130.

Bates, A., Williams, D., Wilson, C., & Wilson, R. (2013). Circles South East: The First 10 years 2002-2012. *International Journal of Offender Therapy and Comparative Criminology, 58*(7), 861-885.

Bazeley, P. (2013). *Qualitative Data Analysis: Practical Strategies.* Research Support Pty Limited, Australia: Sage Publications Ltd.

Bazemore, G. (1998). RJand Earned Redemption: Communities, Victims, and Offender Reintegration. *American Behavioral Scientist, 41*(6), 768-813.

Bazemore, G., & Schiff, M. (2015). *Restorative Community Justice: Repairing Harm and Transforming Communities.* Routledge.

BBC News. (2006). *World Prison Populations.* London: BBC .

Beck, E., Lewinson, T., & Kropf, N. (2015). RJwith older adults: Mediating trauma and conflict in later life. *Trauatology, 21*(3), 219-226.

Becker, H. (1996). The epistemology of qualitative research. In R. Jessor, A. Colby, & R. Shweder, *Ethnography and human development: Context and Meaning in Social Inquiry* (pp. 53-72). Chicago: University of Chicago Press.

Benson, M., Alarid, L., Burton, V., & Cullen, F. (2011). Reintegration or stigmatization? Offenders' expectations of community re-entry. *Journal of Criminal Justice, 39*(5), 385-393.

Beven, J. (2005). Restoration or Renovation: Evaluating RJOutcomes. *Psychiatry, Psychology and Law, 12*(1), 194.

Bonta, J. (2006). RJand Recidivism: Promises made, promises kept? In D. Sullivan, & L. Tifft, *Handbook of Restorative Justice: A global perspective* (p. 108).

Bowen, H., & Boyack, J. (2003). Adult RJin New Zealand/Aotearoa. *Pleanary Speakers* (pp. 120-131). Auckland, New Zealand: 30 August 2003.

Bradt, L., Bouverne, -D. B., & De Visscher, S. (2014). Victim-offender mediation and social work: Focus groups with mediators in Flanders. *International Social Work, 57*(2), 121-130.

Braithwaite, J. (1989). *Crime, shame and reintegration.* Cambridge: Cambridge University Press.

Braithwaite, J. (1996). RJand a Better Future. *The Dalhousie Review*.

Braithwaite, J. (1999). Restorative Justice: Assessing optimistic and pessimistic accounts. In M. Tonry, *Crime and Justice: A review of research .*

Braithwaite, J. (1999). Restorative Justice: Assessing Optimistic and Pessimistic Accounts. *Crime and Justice, 25*, 1-127. doi:https://doi.org/10.1086/449287

Braithwaite, J. (2002). *RJ& Responsive Regulation.* Oxford University Press.

Braithwaite, J. (2002). RJand therapeutic jurisprudence. *Criminal Law Bulletine*, 244-262.

Breckenridge, J., Jones, D., Elliott, I., & Nicol, M. (2012). Choosing a Methodological Path: Reflections on the Constructivist Turn. *Grounded Theory Review: An international journal, 11*(15).

Bryant, A., & Charmaz, K. (2007). Grounded theory research: Methods and practices. In A. Bryant, & K. Charmaz, *The Sage Handbook of Grounded Theory* (pp. 1-29). London: Sage Publications Limited.

Butler, M., & Maruna, S. (2016). Rethinking Prison Disciplinary Processes: A potential future for restorative justice. *Victims and Offenders, 11*(1), 126-148.

Campbell, R. (2008). The psychological impact of rape victims. *American Psychologist, 63*(8), 702-717.

Charmaz, K. (2003). Grounded theory: Objectivist and constructivist methods. In N. Denzin, & Y. (. Lincoln, *Strategies of qualitative inquiry (2nd ed.)* (pp. 249-291). London: Sage Publications Limited.

Charmaz, K. (2008). Constructionism and the Grounded Theory. In J. Holstein, & J. (. Gubrium, *Handbook of Constructionist Research* (pp. 397-412). New York: The Guilford Press.

Charmaz, K. (2014). *Constructing Grounded Theory (2nd Edition).* New York: SAGE Publications Ltd.

Charmaz, K., & Belgrave, L. (2012). Qualitative interviewing and grounded theory analysis. In J. Gubrium, *The SAGE Handbook of Interview Research: The Complexity of the Craft* (pp. 347-366). SAGE.

Chilenski, S., Syvertsen, A., & Greenberg, M. (2015). Understanding the link between social organization and crime in rural communities. *Journal of Rural and Community Development, 10*(1), 109-120.

Cicchett, D. (1994). Guidelines, criteria, and rules of thumb for evaluating normed and standardized assessment instruments in psychology. *Psychological Assessment, 6*(4), 284-290.

Clark, H. (2010). 'What Is the Justice System Willing to Offer?': Understanding Sexual Assault Victim/Survivors' Criminal Justice Needs. *Family Matters, 85*, 28-37.

Clark-Carter, D. (2009). *Quantitative psychological research: The complete student's companion.* London: Psychology Press.

Clarke, A. (2003). Situational Analyses: Grounded Theory Mapping After the Postmodern Turn. *Symbolic Interaction, 26*(4), 553-576.

Cohen, D. (1998). Culture, social organization, and patterns of violence. *Journal of personality and social psychology, 75*(2), 408-419.

Cook, K. (2006). Views of justice among survivors of historical child sexual abuse: Implications for RJin New Zealand. *Theoretical Criminology, 10*(1), 125-138.

Corbin, J., & Morse, J. (2003). The unstructured interactive interview: Issues of reciprocity and risks when dealing with sensitive topics. *Qualitative Inquiry, 9*(3), 335-354.

Corlett, J. (2006). Forgiveness, apology, and retributive punishment. *American Philosophical Quarterly, 43*, 25-41.

Cornell, W., & Olio, K. (1991). ntegrating affect in treatment with adult survivors of physical and sexual abuse. *American Journal of Orthopsychiatry, 61*(1), 59-69.

Critical Appraisal Skills Programme. (2018, April). *CASP Qualitative Checklist [online]*. Retrieved from CASP-UK: https://casp-uk.net/wp-content/uploads/2018/03/CASP-Qualitative-Checklist-Download.pdf

Curtis-Fawley, S., & Daly, K. (2005). Gendered Violence and Restorative Justice. *Violence Against Women, 11*(5), 603-638.

Daly, K. (2002). Mind the gap: RJin theory and practice. In A. von Hirsch, J. Roberts, A. Bottoms, K. Roach, & M. (. Schiff, *RJand Criminal Justice: Competing or Reconcilable Paradigms?* Oxford: Hart Publishing.

Daly, K. (2006). RJand Sexual Assault: An Archival Study of Court and Conference Cases. *The British Journal of Criminology, 46*(2), 334-356.

Davey, L. (2005, March 4). The Development of RJin the UK: A personal perspective. *International Institute for Restorative Practices*.

Davies, P., Francis, P., & Greer, C. (2007). *Victims, Crime and Society.* London: SAGE Publishing.

De Mesmaecker, V. (2010). Building social support for RJthrough the media: Is taking the victim perspective the most appropriate strategy? *Contemporary Justice Review, 13*(3), 239-267.

Denscombe, M. (2017). Chapter 7: Grounded Theory. In M. Denscombe, *The Good Research Guide: For small-scale social research projects (6th edition)* (pp. 106-121). Berkshire: McGraw-Hill Education.

Dignan, J. (2004). *Understanding Victims and Restorative Justice.* McGraw-Hill Education (UK).

Duff, R. (2003). Restorative punishment and punitive restoration. In G. (. Johnstone, *A RJreader: Texts, sources, and context* (pp. 382-397). Portland, OR: Willan Publishing.

Duwe, G. (2013). Can Circles of Support and Accountability (COSA) Work in the United States? Preliminary. *Sexual Abuse: Journal of Research and Treatment, 25*(2), 143-165.

Elliott, E. (2011). *Security with Care: RJ& Healthy Societies.* Halifax and Winnipeg: Fernwood Publishing.

Elliott, R., Fischer, C., & Rennie, D. (1999). Evolving guidelines for publication of qualitative research studies in psychology and related fields. *British Journal of Clinical Psychology, 38*, 215-229.

Elliott, R., Fischer, C., & Rennie, D. (1999). Evolving guidelines for publication of qualitative research studies in psychology and related fields. *British Journal of Clinical Psychology, 38*, 215-229.

Erez, E., & Tontodonato, P. (1992). Victim participation in sentencing and satisfaction with justice. *Justice Quarterly, 9*(3), 393-417.

Flick, W. (2014). *An Introduction to Qualitative Research.* SAGE.

Fox, K. (2015). Trying to restore justice: Bureaucracies, Risk Management, and Disciplinary Boundaries in New Zealand Criminal Justice. *International Journal of Offender Therapy and Comparative Criminology, 59*(5), 519-538.

Freiberg, A. (2001). Affective Versus Effective Justice: Instrumentalism and Emotionalism in Criminal Justice. *Punishment & Society, 3*(2), 265-278.

Fulkerson, A., Leena, L., & O'Brien, E. (2013). Understanding success and nonsuccess in the drug court. *International Journal of Offender Therapy and Comparative Crimonology, 57*(10), 1297-1316.

Garland, D. (2001). *The Culture of Control: Crime and Social Order in Contemporary Society.* Oxford: Oxford University Press.

Gatti, U., Tremblay, R., & Vitaro, F. (2009). Iatrogenic effect of juvenile justice. *The Journal of Child Psychology and Psychiatry, 50*(8), 991-998.

Gavrielides, T. (2015). *The Psychology of Restorative Justice: Managing the Power Within.* Surrey: Ashgate Publishing Company.

Gilligan, J., & Lee, B. (2005). The Resolve to Stop the Violence Project: reducing violence in the community through a jail-based initiative. *Journal of Public Health, 27*(2), 143-148.

Gilman, E. (2006). *Engaging Offenders in Restorative Dialogue Processes.* Clark County Juvenile Court. Retrieved from http://voma.org/docs/Engaging_Offenders_in_Restorative_Dialogue.pdf

Glaser, B. (2012). Constructivist Grounded Theory? *Grounded Theory Review: An international journal, 11*(1).

Glaser, B., & Strauss, A. (1967). *The Discovery of Grounded Theory: Strategies for Qualitative Research.* New Brunswick and London: Aldine Transcation: A division of Transcation Publishers.

Gray, P. (2005). The Politics of Risk and Young Offenders' Experiences of Social Exclusion and Restorative Justice. *British Journal of Criminology, 45*(6), 938-957.

Green, D. (2013). Repeat performance: Is RJanother good reform gone bad? *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice, 16*(3), 359-390.

Groh, A., & Linden, R. (2011). Addressing elder abuse: The Waterloo RJapproach to elder abuse project. *Journal of Elder Abuse and Neglect, 23*(2), 127-146.

Gromet, D., Okimoto, T., Wenzel, M., & Darley, J. (2012). A Victim-Centered Approach to Justice? Victim Satisfaction Effects on Third-Party Punishments. *Law and Human Behavior, 36*(5), 375-389.

Halsey, ,. M., Goldsmith, A., & Bamford, D. (2014). Achieving restorative justice: Assessing contrition and forgiveness in the adult conference process. *Australian & New Zealand Journal of Criminology, 48*(4), 483-497.

Harris, N. (2003). Reassessing the dimensionality of the moral emotions. *British Journal of Psychology, 94*(4), 457-473.

Her Majesty's Inspectorate of Constabulary. (2014). *Crime Recording: Making the Victim Count.* London: Home Secretary.

Herman, J. (2005). Justice From the Victim's Perspective. *Violence Against Women, 11*(5), 571-602.

Holt, A., & Pamment, N. (2011). Overcoming the challenges of researching 'young offenders': using assisted questionnaires – a research note. *International Journal of Social Research Methodology, 14*(2), 125-133.

Hopkins, C., & Koss, M. (2005). Incorporating feminist theory and insights into a RJresponse to sex offences. *Violence Against Women, 11*(5), 693-723.

Horan, R. (2015). Restorative Justice: The relevance of desistance and psychology. *Safer Communities, 14*(3), 147-155.

Izumi, C. (2010). Implicit bias and the illusion of mediator neutrality. *Washington University Journal of Law and Policy, 34*(1), 71-155.

Jones, M., & Sims, B. (2016). Reintegrative shaming, redemption, and acceptance: A survey of Christian church goers in eastern North Carolina. *Journal of Ethnicity in Criminal Justice, 14*(4), 348-370.

Jost, J., Mahzarin, R., Banaji, R., & Nosek, B. (2004). A Decade of System Justification Theory: Accumulated Evidence of Conscious and Unconscious Bolstering of the Status Quo. *International Society of Political Psychology, 25*(6), 881-919.

Jussim, L., Nelson, T., & Manis, M. (1995). Prejudice, stereotypes, and labeling effects: Sources of bias in person perception. *Journal of Personality and Social Psychology, 68*(2), 228-246.

Knox, S. (2009). Qualitative research interviews. *Psychotherapy Research, 19*(4-5), 566-575.

Koss, M. (2000). Blame, Shame and Community: Justice Responses to Violence Against Women. *American Psychologist, November*, 1332-1343.

Kraus, M., & Keltner, D. (2013). Social class rank, essentialism, and punitive judgement. *Journal of Personality and Social Psychology, 105*(2), 247-261.

Lapadat, J., & Lindsay, A. (1999). Transcription in research and practice: From standardization of technique to interpretive positionings. *Qualitative Inquiry, 5*(1), 64-86.

Latimer, J., Dowden, C., & Muise, D. (2005). The Effectiveness of RJPractices: A meta-analysis. *The Prison Journal, 85*(2), 127-144.

Latimer, J., Dowden, C., & Muise, D. (2005). The effectiveness of RJpractices: A meta-analysis. *The Prison Journal, 85*(2), 127-144.

Lawrence, J., & Tar, U. (2013). The use of Grounded Theory Technique as a Practical Tool for Qualitative Data Collection and Analysis. *The Electronic Journal of Business Research Methods, 11*(1), 29-40.

Leidner, B., Castano, E., & Ginges, J. (2013). Dehumaniation, Retributive and Restorative Justice, and Aggressive Versus Diplomatic Intergroup Conflict Resolution Strategies. *Personality and Social Psychology Bulletin, 39*(2), 181-192.

Livingstone, N., Macdonald, G., & Carr, N. (2013). *RJConferencing for Reducing Recidivism in Young Offenders (aged 7 to 21) (Review).* Cochrane Database of Systematic Reviews.

Loeffler, C., Prelog, A., Prabha Unnithan, N., & Pogrebin, M. (2010). Evaluating shame transformation in group treatment of domestic violence offenders. *International Journal of Offender Therapy and Comparative Criminology, 54*(4), 517-536.

Lopez, A., Sanderman, R., Ranchor, A., & Schorevers, M. (2018). Compassion for Others and Self-Compassion: Levels, Correlates, and Relationship with Psychological Well-being. *Psychology and Psychotherapy, 9*(1), 325-333.

Malterud, K. (2001). Qualitative research: standards, challenges, and guidelines. *The Lancet, 358*(9280), 483-488.

Malterud, K. (2001). Qualitative research: standards, challenges, and guidelines. *The Lancet, 358*(9280), 483-488.

Manttari-van der Kuip, M. (2016). Moral distress among social workers: The role of insufficient resources. *International Journal of Social Welfare, 25*(1), 86-97.

Marshall, T. (1999). *Restorative Justice: An Overview.* London: Home Office Research Development and Statistics Directorate.

Maruna, S., & Mann, R. (2006). A fundamental attribution error? Rethinking cognitive distortions. *Legal and Criminological Psychology, 11*(2), 155-177.

Maxwell, G., & Morris, A. (2001). Putting RJinto Practice for Adult Offenders. *The Howard Journal, 40*(1), 55-69.

Maxwell, G., & Morris, A. (2002). The role of shame, guilt, and remorse in RJprocesses for young people. In E. Weitekamp, & H. Kerner, *Restorative justice: Theoretical foundations.* Routledge.

McCallin, A. (2003). Designing a grounded theory study: some practicalities. *Nursing in Critical Care, 8*(5), 203-208.

McCold, P. (2003). A survey of assessment research on mediation and conferencing. In L. Walgrave, *Repositioning restoraive justice.* Annandale, Australia: Federation Press.

McCold, P. (2008). Protocols for Evaluating RJProgrammes. *British Journal of Community Justice, 6*(2), 9-28.

McGlynn, C., Westmarland, N., & Godden, N. (2012). 'I just wanted himi to hear me': Sexual violence and the possibilities of Restorative Justice. *Journal of Law and Society, 39*(2), 213-240.

McNeill, F., Batchelor, S., Burnett, R., & Knox, J. (2005). 21st Century Social Work: Reducing re-offending-key practice skills. *Working Paper*.

Mendeloff, D. (2009). Trauma and vengeance: Assessing the psychological and emotional effects of post-conflict justice. *Human Rights Quarterly, 31*(3), 592-623.

Mills, J., Bonner, A., & Francis, K. (2006). The Development of Constructivist Grounded Theory. *International Journal of Qualitative Methods, 5*(1), 25-35.

Ministry of Justice. (2018). Prison population figures: 2018 (May). *Official Statistics*.

Mitton, C., Peacock, S., Storch, J., Smith, N., & Cornelissen, E. (2010). Moral Distress Among Healthcare Managers: Conditions, Consequences and Potential Responses. *Healthcare Policy, 6*(2), 99-112.

Mutter, R., Shemmings, D., Dugmore, P., & Hyare, M. (2008). Family group conferences in youth justice. *Health and Social Care in the Community, 16*(3), 262-270.

Nagda, B., Kim, C., & Truelove, Y. (2004). Learning about Difference, Learning with Others, Learning to Transgress. *Journal of Social Issues, February*. doi:https://doi.org/10.1111/j.0022-4537.2004.00106.x

Newman, E., & Kaloupek, D. (2004). The Risks and Benefits of Participating in Trauma-Focused Research Studies. *Journal of Traumatic Stress, 17*(5), 383-394.

Noll, D., & Harvey, L. (2008). Restorative mediation: The application of RJpractice and philosophyto clergy sexual abuse cases. *Journal of Child Sexual Abuse, 17*(3-4), 377-396.

O'Connell, T., Wachtel, B., & Wachtel, T. (1999). *Conferencing handbook: The new real justice training manual.* available online: RealJustice.

Office for National Statistics. (2018, May). *Statistical bulletin: Crime in England and Wales: Year ending June 2017*. Retrieved from Office for National Statistics: https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/june2017#main-points

Paterson, C., & Clamp, K. (2012). Exploring recent developments in restorative policing in England and Wales. *Criminology & Criminal Justice, 12*(5), 593-611.

Pettigrew, T. (1979). The ultimate attribution error: Extending Allport's cognitive analysis of prejudice. *Personality and Social Psychology Bulletin, 5*(4), 461-476.

Plucknett, T. (2010). *Concise History of the Common Law.* Indianapolis: Liberty Fund.

Posick, C. (2014). Victimization and reporting to the police: The role of negative emotionality. *Psychology of Violence, 4*(2), 210-223.

Principles of Management. (2010). Chapter 8: Organizational Culture. In *Principles of Management.* Creative Commons: University of Minnesota Libraries Publishing: eLearning Support Initiative.

Quattrone, G., & Jones, E. (1980). The perception of variability within in-groups and out-groups: Implications for the law of small numbers. *Journal of Personality and Social Psychology, 38*(1), 141-152.

Regalia, C., Pelucchi, S., Paleari, F., Manzi, C., & Brambilla, M. (2015). Forgiving the terrorists of the Years of Lead in Italy: The role of RJbeliefs and sociocognitive determinants. *Group Processes and Intergroup Relations, 18*(5), 609-623.

RJCouncil. (2014). *RJand Policing: Information Pack.* Manchester and London: RJCouncil.

Ritchie, J., Lewis, J. M., & Ormston, R. (2013). *Qualitative Research Practice: A guie for social science students and researchers.* New York: SAGE.

Robinson, S. (2000, October). The Beginning of the Healing Process. *Office of the Victim Advocate*.

Rodogno, R. (2008). Shame and guilt in restorative justice. *Psychology, Public Policy, and Law, 14*(2), 142-176.

Rodriguez, N. (2007). RJat work: Examining the impact of RJresolutions on juvenile recidivism. *Crime & Delinquency, 53*(3), 355-379.

Rodriguez, N. (2007). RJat Work: Examining the Impact of RJResolutions on Juvenile Recidivism. *Crime & Delinquency, 53*(3), 355-379.

Rosenblatt, F. (2015). *The role of community in restorative justice.* Routledge.

Rucker, D., Polifroni, M., Tetlock, P., & Scott, A. (2004). On the assignment of punishment: The impact of general-societal threat and the moderating role of severity. *Personality and Social Psychology Bulletin, 30*(6), 673-684.

Saulnier, A., & Sivasubramaniam, D. (2015). Effects of Victim Presence and Coercion in Restorative Justice: An Experimental Paradigm. *Law and Human Behavior, 39*(4), 378-387.

Savin-Baden, M., & Major, C. (2013). *Qualitative Research: The Essential Guide to Theory and Practice.* London and New York: Routledge.

Scheuerman, H., & Matthews, S. (2014). The importance of perceptions in RJConferences: The influence of offender personality traits on procedural justice and shaming. *Justice Quarterly, 31*(5), 852-881.

Schiff, M. (2003). Models, Challenges, and the Promise of Restorative Conferencing Strategies. In A. von Hirsch, J. Roberts, A. R. Bottoms, & M. Schiff, *RJand Criminal Justice: Competing or Reconcilable Paradigms?* (pp. 315-338). Oxford: Hart Publishing.

Shapland, J. (2014). Implications of Growth: Challenges for Restorative Justice. *International Review of Victimology, 20*(1).

Shapland, J., Atkinson, A., Atkinson, H., Colledge, E., Dignan, J., Howes, M., . . . Sorsby, A. (2006). Situating RJwithin Criminal Justice. *Theoretical Criminology, 10*(4), 505-532.

Shapland, J., Atkinson, A., Atkinson, H., Dignan, J., Edwards, L., Hibbert, J., & Sorsby, A. (2008). Does RJaffect reconviction? The fourth report from the evaluation of three schemes. *Ministry of Justice Research Series, 10*(8).

Shapland, J., Atkinson, A., Colledge, E., Dignan, J., Howes, M., Johnstone, J., . . . Sorsby, A. (2004). *Implementing RJSchemes (Crime Reduction Programme): A report on the first year.* Sheffield: Institute for the Study of the Legal Profession.

Shapland, J., Robinson, G., & Sorsby, A. (2011). *RJin practice: evaluating what works for victims and offenders.* Taylor & Francis.

Sherman, L., Strang, H., Barnes, G., Bennett, S., Angel, C., Newbury-Birch, D., . . . Gill, C. (2007). Restorative justice: The evidence. Retrieved from http://www.iirp.edu/pdf/RJ_full_report.pdf

Sherman, L., Strang, H., Barnes, G., Woods, D., Bennett, S., Inkpen, N., & Slothower, M. (2015). Twelve experiments in restorative justice: The Jerry Lee program of randomized trials of RJconferences. *Journal of Experimental Criminology, 11*(4), 501-540.

Sherman, L., Strang, H., Mayo-Wilson, E., Woods, D., & Ariel, B. (2015). Are restorative jutice conferences effective in reducting repeat offending? Findings from a Campbell Systematic Review. *Journal of Quantitative Criminology, 31*(1), 1-24.

Sidanius, J., & Pratto, F. (2001). *Social Dominance: An Intergroup Theory of Social Hierarchy and Oppression.* Cambridge: Cambridge University Press.

Starks, H., & Brown Trinidad, S. (2007). Choose Your Method: A comparison of Phenomenology, Discourse Analysis, and Grounded Theory. *Qualitative Health Research, 17*(10), 1372-1380.

Strang, H., & Braithwaite, J. (2002). *RJand Family Violence.* Cambridge: Cambridge University Press.

Strauss, A., & Corbin, J. (1994). Grounded Theory Methodology: An Overview. In N. Denzin, & Y. (. Lincoln, *Strategies of Inquiry* (pp. 273-285). Thousand Oaks, CA, USA: Sage Publications, Inc.

The British Psychological Society. (2014). *BPS Code of Human Research Ethics (2nd edition).* London: The British Psychological Society.

Turner, J., & Oakes, P. (1986). The significance of the social identity concept for social psychology with reference to individualism, interactionism and social influence. *British Journal of Social Psychology, 25*(3), 237–252.

Urquhart, C. (2012). *Grounded Theory for Qualitative Research: A Practical Guide.* Los Angeles, CA; London; New Delhi: SAGE Publications.

Vago, S. (2015). *Law and Society* (Tenth Edition ed.). London and New York: Routledge.

Van Ness, D., & Strong, K. (2010). *Restoring Justice - An Introduction to RJ*(4th Edition ed.). New Province, N.J.: Matthew Bender & Co., Inc.

Van Stokkom, B. (2002). Moral emotions in RJconferences Managing shame, designing empathy. *Theoretical Criminology, 6*(3), 339-360.

Van Stokkom, B. (2002). Moral emotions in RJconferences: Managing shame, designing empathy. *Theoretical Criminology, 6*(3), 339-360.

Vasilachis de Gialdino, I. (2009). Ontological and Epistemological Foundations of Qualitative Research. *Forum: Qualitative Social Research, 10*(2).

Vivian, P., & Hormann, S. (2015). Persistent Traumatization in Nonprofit Organisations. *OD Practitioner, 47*(1), 1-63.

Walklate, S. (2016). The Metamorphosis of the Victim of Crime: From Crime to Culture and the Implications for Justice. *International Journal for Crime, Justice, and Social Democracy, 5*(4), 4-16.

Wasileski, G. (2017). Prosecutors and Use of RJin Courts: Greek Case. *Journal of Interpersonal Violence, 32*(13), 1943-1966.

Watt, D. (2007). On Becoming a Qualitative Researcher: The Value of Reflexivity. *The Qualitative Report, 12*(1), 82-101.

Webb, C. (1992). The use of the first person in academic writing: objectivity, language and gatekeeping. *Journal of Advanced Nursing, 17*(6).

Weitekamp, E. (1999). The History of Restorative Justice. In G. Bazemore, & L. (. Walgrave, *Restorative Juvenile Justice: Repairing the Harm of Youth Crime* (pp. 75-102). New York: Criminal Justice Press.

Wenzel, M., Okimoto, T., Feather, N., & Platow, M. (2008). Restributive and Restorative Justice. *Law and Human Behavior, 32*(5), 375-389.

Willig, C. (2008). *Introducing Qualitative Research in Psychology.* Maidenhead: Open University Press.

Woolf, P. (2008). *The Damage Done: The True Story of a Brutal Life of Crime in London's Dangerous Underworld.* London: Bantam Press.

Wright, M. (2002). *Repair or Revenge: Victims and Restorative Justice.* Clarendon Press.

Zebel, S., Schreurs, W., & Ufkes, E. (2017). Crime Seriousness and Participatin in Restorative Justice: The Role of Time Elapsed Since the Offense. *Law and Human Behavior, 41*(4), 385-397.

Zebel, S., Schreurs, W., & Ufkes, E. (2017). Crime seriousness and participation in restorative justice: The role of time elapsed since the offense. *Law and Human Behavior, 41*(4), 385-397.

Zehr, H. (1990). *Changing Lenses.* Scottsdale, PA: Herald Press.

Zehr, H. (2015). *The Little Book of Restorative Justice.* New York, New York: Good Books.

Zehr, H. (2015). *The Little Book of Restorative Justice: Revised and Updated.* Skyhorse Publishing, Inc.

Zehr, H., & Toews, B. (2004). *Critical issues in restorative justice.* Monsey, NY: Criminal Justice Press/Willow Tree Press.

Appendices 5.0

Appendix 5.1 Ethics Approval from University of Hertfordshire

University of Hertfordshire UH

HEALTH & HUMAN SCIENCES ECDA

ETHICS APPROVAL NOTIFICATION

TO Jessica McCloskey

CC Dr Dave Williams & Dr Helen Ellis-Caird

FROM Dr Richard Southern, Health and Human Sciences ECDA Acting Chairman

DATE 6/2/17

Protocol number: cLMS/PGR/UH/02680

Title of study: The Impact of Restorative Justice: An exploration of the offender's process using a Grounded Theory approach.

Your application for ethics approval has been accepted and approved with the following conditions by the ECDA for your School and includes work undertaken for this study by the named additional workers below:

Approval Conditions:

Confirmation from the Hertfordshire Constabulary and the RJProgramme at the University of Hertfordshire that National Offender Management Service (NOMS) approval is not required must be submitted to hhsecda@herts.ac.uk prior to recruitment and data collection

This approval is valid:

From: 6/2/17

To: 1/6/18

Additional workers: None named

Please note:

Your application has been conditionally approved. You must ensure that you comply with the conditions noted above as you undertake your research. You are required to complete and submit an EC7 Protocol Monitoring Form once this study is complete. Available via the Ethics Approval StudyNet Site via the 'Making an Application' page http://www.studynet2.herts.ac.uk/ptl/common/ethics.nsf/Homepage?ReadForm

If your research involves invasive procedures you are required to complete and submit an EC7 Protocol Monitoring Form, and your completed consent paperwork to this ECDA once your study is complete.

Failure to comply with the conditions will be considered a breach of protocol and may result in disciplinary action which could include academic penalties. Additional documentation requested as a condition of this approval protocol may be submitted via your supervisor to the Ethics Clerks as it becomes available. All documentation relating to this study, including the information/documents noted in the conditions above, must be available for your supervisor at the time of submitting your work so that they are able to confirm that you have complied with this protocol.

Approval applies specifically to the research study/methodology and timings as detailed in your Form EC1. Should you amend any aspect of your research, or wish to apply for an extension to your study, you will need your supervisor's approval and must complete and submit form EC2. In cases where the amendments to the original study are deemed to be substantial, a new Form EC1 may need to be completed prior to the study being undertaken.

Should adverse circumstances arise during this study such as physical reaction/harm, mental/emotional harm, intrusion of privacy or breach of confidentiality this must be reported to the approving Committee immediately. Failure to report adverse circumstance/s would be considered misconduct.

Ensure you quote the UH protocol number and the name of the approving Committee on all paperwork, including recruitment advertisements/online requests, for this study.

Students must include this Approval Notification with their submission.

5.1.1 Confirmation of additional information regarding NOMS

RE: cLMS/PGR/UH/02680 McCloskey J 14193691

DELETE REPLY REPLY ALL FORWARD ...

hhsecda, uh
Mon 2/13/2017 8:55 AM

Mark as unread

To: Mccloskey, Jessica;
Cc: Williams, Dave; Ellis-Caird, Helen;

Bing Maps | + Get more apps

Dear Jessica,

Thank you for sending the additional information regarding NOMS. The Chairman of the Ethics Committee for Studies Involving Human Participants (ECSIHP) has confirmed that if NOMS approval is only required for projects funded by them, he is satisfied that the conditions of approval for your study have been met. Should it transpire that NOMS approval is required, you must advise us as soon as possible.

Kind regards,

Lesley Powell

Academic Services Officer (Ethics)
Academic Services
MacLaurin Building
de Havilland Campus
University of Hertfordshire

Ext – 1254

5.1.2 Additional recruitment site approvals

5.1.2.1 Recruitment sites for Restore: London and additional Hertfordshire Constabulary programmes.

UNIVERSITY OF HERTFORDSHIRE

ETHICS COMMITTEE FOR STUDIES INVOLVING THE USE OF HUMAN PARTICIPANTS ('ETHICS COMMITTEE')

FORM EC2: APPLICATION FOR MODIFICATION AND/OR EXTENSION TO AN EXISTING PROTOCOL APPROVAL

Please note: this form may be used to amend a study approved after January 2013. For studies approved pre-January 2013, please complete a new EC1 form for review and approval.

1 **Title of original application**:
The Impact of Restorative Justice: An exploration of the offender's process using a Grounded Theory approach

Protocol Number:

cLMS/PGR/UH/02680

Is this the first modification/extension request for this study?

Yes No

If no, please include the most recent approval notification document with your application.

---

2 **Protocol holder details**

Applicant name:	Jessica McCloskey
Student/Staff number :	14193691
Applicant e-mail address:	j.mccloskey@herts.ac.uk
Work address (if appropriate):	Click here to enter text.

Supervisor's name: Dr. Dave Williams

Supervisor's School & Department: Department of Psychology

Supervisor's e-mail address: d.a.williams@herts.ac.uk

---

3 **Specify the nature of the modification/extension (please tick all that apply and complete Q4 & 5).**

☐ Revised title of study.

Please state amended title here

☐ Amend/extend dates

From: Click here to enter a date. To: Click here to enter a date.

☐ Additional worker(s):

Names and student/staff numbers for any additional investigators involved in this study

Click here to enter text.

☐ Change of supervisor from: Click here to enter text. to:Click here to enter text.
Please complete declaration below and give reason in Q4

Declaration by new supervisor:

I have reviewed the ethics protocol paperwork for this study and am aware of any conditions which must be adhered to.

Signed Click here to enter text.. Date: Click here to enter a date.

☒ Location of study

Recruitment and work within the Hertfordshire Constabulary to extend beyond the previously agreed "Choices and Consequences Programme (C2)" to include all other RJ programmes within the Hertfordshire Constabulary. Physical location remains the same.

Additional recruitment locations to include RJ programmes within the

Restore: London RJ consortium comprised of Catch22, Restorative Solutions, Khulisa, and IARS International Institute. Physical location: 32 Cubitt Street, London, WC1X 0LR.

☐ Other

Please specify here

4 **Reason for extension/modification request**

Increasing the breadth of programmes recruited from for both offenders and RJ Facilitators will allow for a more comprehensive data set and a richer exploration of the topic. Hertfordshire Constabulary has three RJ programmes running concurrently which offer slightly different approaches which may illustrate different experiences for offenders and facilitators. The Pan London Consortium is supported by the Mayor's Office for Policing and Crime (MOPAC) and therefore represents the government's attempt to create more cohesive approach to RJ work, which should be represented in the current study.

5 **Hazards**

Does the modification or extension present additional hazards to the participant/investigator?

YES ☐ NO ☒

If YES, please complete a new risk assessment EC5 form. Subject specific forms may also be necessary; you should therefore contact your Supervisor or School to see whether this is the case.

If you are required to complete a School risk assessment, please append this to your EC5 form. In this case the EC5 form should be used to note any risks **not** already noted on your School risk assessment. It is acceptable to state 'Included in <School> risk assessment> in the relevant spaces of the EC5 where applicable.

Signature of Applicant : Date: 17/08/2017

Support by Supervisor: Dr Dave Williams Date: 17/08/2017

5.1.2.1 Recruitment sites for Forgiveness Project and Cambridgeshire Constabulary programmes.

University of Hertfordshire UH

HEALTH, SCIENCE, ENGINEERING AND TECHNOLOGY ECDA

ETHICS APPROVAL NOTIFICATION

TO Jessica McCloskey

CC Dr Dave Williams

FROM Dr Rev Kim Goode,

Health, Sciences, Engineering & Technology ECDA Vice Chair

DATE 21st September 2017

Protocol number: acLMS/PGR/UH/02680(2)

Title of study: *The Impact of Restorative Justice: An exploration of the offender's process using a Grounded Theory approach*

Your application to modify and extend the existing protocol as detailed below has been accepted and approved by the ECDA for your School and includes work undertaken for this study by the named additional workers below:

Modification: Amended location of study.

Approval Conditions:

The supervisor will need to see formal permission letters prior to the collection of data from:

- RJ programmes within the Forgiveness Project. Physical location: 42A Buckingham Palace Rd, Westminster, London SW1W 0RE.
- RJ programmes contained within the Cambridgeshire Constabulary. Physical location: Hinchingbrooke Business Park, Brampton Rd, Huntingdon PE29 6NP.

This approval is valid:

From: 21/09/2017

To: 01/06/2018

Additional workers: no additional workers named

Please note:

Your application has been conditionally approved. You must ensure that you comply with the conditions noted above as you undertake your research. You are required to complete and submit an EC7 Protocol Monitoring Form once this study is complete. Available via the Ethics Approval StudyNet Site via the 'Application Forms' page http://www.studynet1.herts.ac.uk/ptl/common/ethics.nsf/Teaching+Documents?Openvi ew&count=9999&restricttocategory=Application+Forms

If your research involves invasive procedures you are required to complete and submit an EC7 Protocol Monitoring Form, and your completed consent paperwork to this ECDA once your study is complete.

Failure to comply with the conditions will be considered a breach of protocol and may result in disciplinary action which could include academic penalties. Additional documentation requested as a condition of this approval protocol may be submitted via your supervisor to the Ethics Clerks as it becomes available. All documentation relating to this study, including the information/documents noted in the conditions above, must be available for your supervisor at the time of submitting your work so that they are able to confirm that you have complied with this protocol.

Any conditions relating to the original protocol approval remain and must be complied with.

Approval applies specifically to the research study/methodology and timings as detailed in your Form EC1/EC1A or as detailed in the EC2 request. Should you amend any further aspect of your research, or wish to apply for an extension to your study, you will need your supervisor's approval and must complete and submit a further EC2 request. In cases where the amendments to the original study are deemed to be substantial, a new Form EC1A may need to be completed prior to the study being undertaken.

Should adverse circumstances arise during this study such as physical reaction/harm, mental/emotional harm, intrusion of privacy or breach of confidentiality this must be reported to the approving Committee immediately. Failure to report adverse circumstance/s would be considered misconduct.

Ensure you quote the UH protocol number and the name of the approving Committee on all paperwork, including recruitment advertisements/online requests, for this study.

Students must include this Approval Notification with their submission.

5.2 Examination Arrangements and Approved Title Change

Hertfordshire

University of Hertfordshire
Hatfield
AL10 9AB
UK

tel +44 (0)1707 284000
fax +44 (0)1707 284115
www.herts.ac.uk

Ms J M McCloskey
76 Bowling Road
Ware
Hertfordshire
SG12 7EH

30 May 2018

Dear Jessica,

Examination Arrangements for DClinPsy under Schedule C

The University Research Degrees Board has approved your examination arrangements as follows:

Approved title of submission:	Facilitators' Perspectives on the Place of Offenders in Restorative Justice: A Grounded Theory Approach
External Examiner:	Dr D Harper School of Psychology University of East London
Internal Examiner:	Dr J Harrington Life & Medical Sciences University of Hertfordshire

Please note that the approved title of the submission may not be changed without approval of the Research Degrees Board (Research Degrees – Generic Institutional Regulations 14.1.2). These examination arrangements are approved on the basis of the information given on the examination arrangements application form. If any of this information changes, i.e. your employment status, please let me know as it could affect these arrangements.

External Examiners are required to be independent of the University, any Sponsoring Establishment and of you, the candidate, and your research programme. If you know of any reason why the independence of your approved External Examiner could possibly be compromised, or you have any comments on the approved examiners in general, please let me know within seven days from the date of this letter.

Please refer to your Doctoral College Handbook, which contains the regulations for the conduct of your examination (see regulations 16 to 19, Research Degrees – Generic Institutional Regulations), the format of your submission (see regulation 6 of your Schedule) and the full range of examination outcomes (see regulation 8 of your Schedule). If you do not have a copy of the Doctoral College Handbook, please let me know.

INVESTOR IN PEOPLE

A charity exempt from registration
under the Second Schedule
to the Charities Act 1993

I wish to remind you that you should have no direct contact with your examiners on matters relating to the examination between the appointment of the examiners and the oral examination. Academic Services will ensure that arrangements for your oral examination are made. It is recommended that these arrangements are made within six weeks of you submitting for final examination, with the examination to have taken place within four months of that date.

When the submission is ready please submit a copy for each examiner together with the Submission Form and the completed University Declaration Form, to me and I will issue a receipt. If you wish to see me in person, you must email me to make an appointment. If you wish to submit by post I recommend the special delivery service. The other copies of your submission should be given to your supervisors.

The University is a participant in the British Library Doctoral Thesis Scheme. In order to meet the requirements of this scheme you are required to submit electronic copies of your title page, abstract and list of contents once the examination process is complete and you are ready to submit the final version of your submission. I will remind you of this requirement once the examination process is complete. Once the examination process is complete and the Research Degrees Board has confirmed the outcome of your examination, you will be sent copies of the examination reports for your information.

You will be informed of the time and place of the oral examination when the arrangements have been finalised. May I remind you that the University reserves the rights to withhold the conferment of an award if fees are outstanding and/or if University Regulations have been breached, e.g. if ethical approval was not sought where applicable.

If you have any specific requirements for your examination due to a disability or any additional needs then you need to contact you need to contact Disability Services as soon as possible on DisabilityServices@herts.ac.uk.

INVESTOR IN PEOPLE

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under the Second Schedule
to the Charities Act 1993

I wish you a successful outcome to your research programme. Please contact me if you have any queries.

Yours sincerely,

Kyla Murphy
Academic Services Officer (Research)
Tel: 01707 284235 (internal ext. 4235)
Email: k.murphy7@herts.ac.uk

Encs: Submission form
Candidate's declaration form
Checklist for submission

Cc: Principal Supervisor: Dr D Williams
Second Supervisor: Dr H Ellis-Caird

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5.3 Participant Information Sheet

Participant Information Sheet

Study Title: *The Impact of Restorative Justice: An exploration of the offender's process using a Grounded Theory approach*

Note: "Grounded Theory" is a type of research method that allows for creating theories based on information discovered through interviews.

What is the purpose of the study?

The project is for a doctoral dissertation for the clinical psychology programme at the University of Hertfordshire. The main purpose of this project is to understand the ways in which An RJ programme has an impact on offenders who complete the process. It is hoped that by understanding what the impact is and what factors made it more or less useful, that RJ can be made more effective and useful in the future.

When we talk about "impact", we are specifically thinking about how the participants in the programme feel about themselves and each other, and whether those who have committed crimes in the past are likely to go on and commit more crimes in the future.

Why have I been invited?

You have been invited to take part in this study because you have recently taken part in either an RJ conference or have exchanged letters with the person you have offended against/who offended against you. You may also have been invited because you have facilitated a conference or an exchange of letters. It is hoped that by telling us of your experience, we can better understand how the programme is working.

Do I have to take part? How will my information be used?

It is completely up to you to decide to take part or to decline to participate. You will be provided with information about the project and the opportunity to ask any questions; if you agree to take part, you will be asked to sign a consent form indicating that you are aware of what the study is going to involve.

You are free to withdraw at any time, without giving a reason, even after you give your consent (this will not affect any other aspect of your participation with the RJ programme).

You can choose to withdraw not only your participation, but also your data. If you do take part, all information gathered will be kept confidential and safely stored. No one but the research team and associated agents will have access to the raw data. You

will not be identifiable to anyone but the research team and will be anonymous in any published work.

If you withdraw your participation, all of your data will be destroyed.

What will you have to do if you agree to take part?

If you agree to be contacted, you will have the opportunity to talk to the primary researcher about the study details and ask any questions you have. An interview time will then be arranged at your convenience. The interview will last approximately an hour and will be conducted by the primary investigator at the RJcentre.

If you have exchanged letters as part of the RJprogramme, you may be asked for permission to take a look at these letters. You can choose to accept or decline to have these letters looked at without that impacting on your interview process.

Your interview will be audio-recorded so that the researcher can analyse it afterwards.

These audio-recordings will only be available to the primary researcher and her supervisors. It will be stored securely in line with University policy and will then be destroyed with the project has concluded.

No identifiable information will ever be published.

When the study is completed, a summary of the findings will be written up and can be provided to you if you are interested.

How much of your time will participation involve?

It is expected that the interview will not take more than one hour.

What are the possible disadvantages of taking part?

As this project is looking at your experience with the RJ programme, it is possible that the interview will be exploring sensitive issues that may be upsetting to you. Every care will be taken during the interview to ensure that this is as comfortable and as worthwhile as possible; we will take any breaks needed or can stop if it becomes distressing.

At the conclusion of the interview, information about further available support can be provided if needed.

What are the possible benefits of taking part?

You may find the project interesting and find value in talking about your experience and your feelings about the programme. Once the study is finished, it could provide valuable information about the RJ programme that will be useful for future participants.

What if there is a problem?

If you have a concern about any aspect of this study, you should ask to speak to the research team who will do their best to answer your questions.

Jess McCloskey (researcher)	**Dr. Dave Williams (primary supervisor)**	**Dr. Helen Ellis-Caird (secondary supervisor)**
Doctorate of Clinical Psychology	Senior Lecturer in Forensic Psychology	Senior Research Tutor
Room 1F429	Room 1H268	Doctorate in Clinical Psychology Department
Health and Science Research Building	Department of Psychology and Sport Science	Health and Science Research Building
University of Hertfordshire	University of Hertfordshire	University of Hertfordshire
College Lane Campus	College Lane Campus	College Lane Campus
Tel: 07885668969	Tel: 01707 284 615	Tel: 01707 284 767
j.mccloskey@herts.ac.uk	d.a.williams@herts.ac.uk	h.ellis-caird@herts.ac.uk

If you remain unhappy and wish to complain formally you can do this through the University of Hertfordshire's Ethics Committee:

Ethics Committee	s.grey@herts.ac.uk j.h.2.allen@herts.ac.uk

What will happen to the results of the research study?

The results of this study will be written up in a dissertation that will be kept in the library at the University of Hertfordshire. Parts of the research project may be written up and published in appropriate journals or presented at conferences or workshops.

You will not be identifiable in any publication or presentation, unless this is agreed in advance.

Who is organising or sponsoring the research?

This research project is being organised and supported through the University of Hertfordshire and with participation by the University of Hertfordshire RJ Centre and the Choices and Consequences (C2) programme with the Hertfordshire constabulary, as well as RJ programmes across London and surrounding counties.

5.4 Consent Form

UNIVERSITY OF HERTFORDSHIRE

ETHICS COMMITTEE FOR STUDIES INVOLVING THE USE OF HUMAN PARTICIPANTS

('ETHICS COMMITTEE')

FORM EC3

CONSENT FORM FOR STUDIES INVOLVING HUMAN PARTICIPANTS

I, the undersigned *[please give your name here*, *in BLOCK CAPITALS]*

……

of *[please give contact details here, sufficient to enable the investigator to get in touch with you, such as a postal or email address]*

…..……

hereby freely agree to take part in the study entitled: *"The Impact of Restorative Justice: An exploration of the offender's process using a Grounded Theory approach"*

Signature: ….....

(UH Protocol number: ….....**cLMS/PGR/UH/02680**.....)

1 I confirm that I have been given a Participant Information Sheet (a copy of which is attached to this form) giving particulars of the study, including its aim(s), methods and design, the names and contact details of key people and, as appropriate, the risks and potential benefits, how the information collected will be stored and for how long, and any plans for follow-up studies that might involve further approaches to participants. I have also been informed of how my personal information on this form will be stored and for how long. I have been given details of my involvement in the study. I have been told that in the event of any significant change to the aim(s) or design of the study I will be informed, and asked to renew my consent to participate in it.

2 I have been assured that I may withdraw from the study at any time without disadvantage or having to give a reason.

3 In giving my consent to participate in this study, I understand that voice, video or photo-recording will take place and I have been informed of how/whether this recording will be transmitted/displayed.

4 I have been given information about the risks of my suffering harm or adverse effects. I have been told about the aftercare and support that will be offered to me in the event of this happening.

5 I have been told how information relating to me (data obtained in the course of the study, and data provided by me about myself) will be handled: how it will be kept secure, who will have access to it, and how it will or may be used.

6 I understand that if there is any revelation of unlawful activity or any indication of non-medical circumstances that would or has put others at risk, the University may refer the matter to the appropriate authorities.

7 I have been told that I may at some time in the future be contacted again in connection with this or another study.

8 I have been told that my interview data may be used in other publications with the retained anonymity.

Signature of participant……..…Date……

Signature of (principal) investigator……Date……

Name of (principal) investigator *[in BLOCK CAPITALS please]: ……JESS MCCLOSKEY……*

5.5 Initial Interview Guides for Offenders and Facilitators

Interview Guide for Offenders

Can you talk me through what the RJ programme was like for you--

What, if anything, did you get out of the process?

What was important in the process for you?

Prompts:

Victim's response?

Social and cultural factors?

Personal factors?

Anything else?

Interview Guide for Facilitators

Can you talk me through how you experience your work with the RJ programme?

What was your experience of this conference/exchange of letters?

What was important in the process for you?

Prompts:

Offender's response?

Victim's response?

Social and cultural factors?

Personal factors?

Anything else?

5.5.1 Interview schedules and prompts.

5.5.1.1 Offender matrix and schedule.

Name: **Interviewer:**

Date/Completion:

	Acceptance of Programme			**Readiness for Change**			**Development of Empathy**		
	Awareness	Problems	Suggestions	Awareness	Problems	Suggestions	Awareness	Problems	Suggestions
Referral into programme									
Programme Function									
Interaction with facilitators									
Being part of the programme									
Victim Connection									
Going forward after programme									
Anything else									

5.5.1.2 Facilitator matrix and schedule.

Name: **Interviewer:**
Date/Completion:

	Structure of Programme			Attitude Towards Offender			Value of Restoration		
	Awareness	Problems	Suggestions	Awareness	Problems	Suggestions	Awareness	Problems	Suggestions
Working in the programme									
Programme Function									
Interaction with offenders									
Victim-led vs. Offender-led									
Relationship Offender/Vic									
Difficulties with programme									
Anything else									

5.6 Details of Excluded Papers Following Abstract Critique

Citation	Exclusion Reason	Comments
(Livingstone, Macdonald, & Carr, 2013)	Focused on a shortened age range of 7-21	Excluded as being too inclusive of youth offenders even though there were adults also included.
(Benson, Alarid, Burton, & Cullen, 2011)	Focus was outside of the experience of an RJ programme	Focused on the offender's perception of re-entry into the community following their prison.
(Jones & Sims, 2016)	Focused on reintegration without the use of restorative justice	Focused on church goers' beliefs about accepting former prisoners into their community.
(Saulnier & Sivasubramaniam, 2015)	Manipulation of specific elements in a conference is significantly different from observing and evaluating conferences, so this paper represents data too far removed from the other included papers.	Created a new experimental paradigm which used coercion and manipulation of victim presence in order to manipulate the offenders' responses and to use a third party to subjectively rate the quality of the apology.
(Leidner, Castano, & Ginges, 2013)	Focus was solely on the use of RJ and retributive forms of justice impact on resolution of protracted conflicts, which is too far outside of the parameters of the other papers.	Examined groups of Palestinians and Jewish Israelis to consider the effects of protracted conflicts and the ways in which retributive and restorative notions of justice may mediate or hinder resolutions between participants.
(Regalia, Pelucchi, Paleari, Manzi, & Brambilla, 2015)	Too far removed from the broader focus of this review.	Focus on how forgiveness of terrorists following the "Years of Lead" in Italy can be linked to RJbeliefs and variables such as outgroup empathy and trust.
(Posick, 2014)	Not clearly enough focused on An RJ programme or practice.	Work on evaluating the impact of negative emotionality on how victim s perceive criminal justice services.
(Kraus & Keltner, 2013)	Not clearly enough focused on An RJ programme or practice.	Perspective on the relationship between social class and social cognitive tendencies (including patterns of causal attribution and moral judgement).
(Butler & Maruna, 2016)	Not clearly enough focused on An RJ programme or practice.	Consideration of why the movement for RJ has struggled to gain mainstream acceptance, using disciplinary hearings within prisons to consider possible advances.
(Shapland, et al., 2006)	Not clearly enough focused on An RJ programme or practice.	Attempt at situating RJ within the criminal justice system.
(Wenzel, Okimoto, Feather, & Platow, 2008)	Not clearly enough focused on An RJ programme or practice.	An exploration of different justice systems.
(Shapland, 2014)	Not clearly enough focused on An RJ programme or practice.	A consideration of the challenges facing RJ being able to make greater inroads towards mainstream acceptance.

(Green, 2013)	Did not include primary research or a review of primary research.	A consideration of whether or not RJ is likely to go in a similar direction to past benevolent penal reforms in the United States.
(Horan, 2015)	Did not include primary research or a review of primary research.	A consideration of how RJ can contribution to both the desistance paradigm and the psychology related to these approaches.
(Rodogno, 2008)	Did not include primary research or a review of primary research.	A consideration of the impact of shame and guilt in restorative justice.
(Noll & Harvey, 2008)	Focus included niche factors which were too far outside of the scope of the current review.	A consideration of practice and philosophy in restorative mediation for clergy members who had sexually abused children.
(Anderson, 2015)	Focus included niche factors which were too far outside of the scope of the current review.	Focus on Roman Catholic clergy regarding sexually abused children.
(Cook, 2006)	Focus included niche factors which were too far outside of the scope of the current review.	Focused on the victims of historical child sexual abuse.
(Beck, Lewinson, & Kropf, 2015)	Focus included niche factors which were too far outside of the scope of the current review.	Focused on elderly populations using mediation to deal with long term trauma.
(Groh & Linden, 2011)	Focus included niche factors which were too far outside of the scope of the current review.	Focus on using a RJ approach to victims of elder abuse.
(Hopkins & Koss, 2005)	These specific cases were not evaluated in the RJ programme being considered.	Considered An RJ programme through a feminist lens in consideration of ongoing domestic violence.
(Campbell, 2008)	Did not have a clear RJ approach or intervention.	A consideration of the psychological impact on rape victims.
(Jones & Sims, 2016)	Did not have a clear RJ approach or intervention.	Survey on attitudes of Christian church goers towards re-integrating prisoners.
(Fulkerson, Leena, & O'Brien, 2013)	Did not have a clear RJ approach or intervention.	Reflections on the successes and non-successes in an Arkansas drug court programme.
(Duwe, 2013)	Did not have a clear RJ approach or intervention.	An examination of a Circles of Support and Accountability programme in Minnesota.
(Benson, Alarid, Burton, & Cullen, 2011)	Did not have a clear RJ approach or intervention.	An examination of offenders' expectations of being stigmatised following being in prison.
(Loeffler, Prelog, Prabha Unnithan, & Pogrebin, 2010)	Did not have a clear RJ approach or intervention.	Research focusing on shame transformation with domestic violence offenders.
(Harris, 2003).	Did not have a clear RJ approach or intervention.	A consideration of the dimensionality of moral emotions.

5.7 CASP Appraisal Checklists

5.7.1 CASP appraisal checklist for Systematic Reviews

www.casp-uk.net
info@casp-uk.net
Summertown Pavilion, Middle Way Oxford OX2 7LG

CASP Checklist: 10 questions to help you make sense of a **Systematic Review**

How to use this appraisal tool: Three broad issues need to be considered when appraising a systematic review study:

- Are the results of the study valid? (Section A)
- What are the results? (Section B)
- Will the results help locally? (Section C)

The 10 questions on the following pages are designed to help you think about these issues systematically. The first two questions are screening questions and can be answered quickly. If the answer to both is "yes", it is worth proceeding with the remaining questions. There is some degree of overlap between the questions, you are asked to record a "yes", "no" or "can't tell" to most of the questions. A number of italicised prompts are given after each question. These are designed to remind you why the question is important. Record your reasons for your answers in the spaces provided.

About: These checklists were designed to be used as educational pedagogic tools, as part of a workshop setting, therefore we do not suggest a scoring system. The core CASP checklists (randomised controlled trial & systematic review) were based on JAMA 'Users' guides to the medical literature 1994 (adapted from Guyatt GH, Sackett DL, and Cook DJ), and piloted with health care practitioners.

For each new checklist, a group of experts were assembled to develop and pilot the checklist and the workshop format with which it would be used. Over the years overall adjustments have been made to the format, but a recent survey of checklist users reiterated that the basic format continues to be useful and appropriate.

Referencing: we recommend using the Harvard style citation, i.e.: *Critical Appraisal Skills Programme (2018). CASP (insert name of checklist i.e. Systematic Review) Checklist. [online] Available at: URL. Accessed: Date Accessed.*

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CASP
Critical Appraisal Skills Programme

Section A: Are the results of the review valid?

1. Did the review address a clearly focused question?

Yes ☐
Can't Tell ☐
No ☐

HINT: An issue can be 'focused' in terms of
- the population studied
- the intervention given
- the outcome considered

Comments:

2. Did the authors look for the right type of papers?

Yes ☐
Can't Tell ☐
No ☐

HINT: 'The best sort of studies' would
- address the review's question
- have an appropriate study design (usually RCTs for papers evaluating interventions)

Comments:

Is it worth continuing?

3. Do you think all the important, relevant studies were included?

Yes ☐
Can't Tell ☐
No ☐

HINT: Look for
- which bibliographic databases were used
- follow up from reference lists
- personal contact with experts
- unpublished as well as published studies
- non-English language studies

Comments:

CASP
Critical Appraisal Skills Programme

4. Did the review's authors do enough to assess quality of the included studies?

Yes ☐
Can't Tell ☐
No ☐

HINT: The authors need to consider the rigour of the studies they have identified. Lack of rigour may affect the studies' results ("All that glisters is not gold" Merchant of Venice – Act II Scene 7)

Comments:

5. If the results of the review have been combined, was it reasonable to do so?

Yes ☐
Can't Tell ☐
No ☐

HINT: Consider whether
- results were similar from study to study
- results of all the included studies are clearly displayed
- results of different studies are similar
- reasons for any variations in results are discussed

Comments:

Section B: What are the results?

6. What are the overall results of the review?

HINT: Consider
- If you are clear about the review's 'bottom line' results
- what these are (numerically if appropriate)
- how were the results expressed (NNT, odds ratio etc.)

Comments:

CASP
Critical Appraisal Skills Programme

7. How precise are the results?

HINT: Look at the confidence intervals, if given

Comments:

Section C: Will the results help locally?

8. Can the results be applied to the local population?

Yes ☐
Can't Tell ☐
No ☐

HINT: Consider whether
- the patients covered by the review could be sufficiently different to your population to cause concern
- your local setting is likely to differ much from that of the review

Comments:

9. Were all important outcomes considered?

Yes ☐
Can't Tell ☐
No ☐

HINT: Consider whether
- there is other information you would like to have seen

Comments:

10. Are the benefits worth the harms and costs?

Yes ☐
Can't Tell ☐
No ☐

HINT: Consider
- even if this is not addressed by the review, what do **you** think?

Comments:

5.7.2 CASP appraisal checklist for Qualitative Research

www.casp-uk.net
info@casp-uk.net
Summertown Pavilion, Middle Way Oxford OX2 7LG

CASP Checklist: 10 questions to help you make sense of a **Qualitative** research

How to use this appraisal tool: Three broad issues need to be considered when appraising a qualitative study:

- Are the results of the study valid? (Section A)
- What are the results? (Section B)
- Will the results help locally? (Section C)

The 10 questions on the following pages are designed to help you think about these issues systematically. The first two questions are screening questions and can be answered quickly. If the answer to both is "yes", it is worth proceeding with the remaining questions. There is some degree of overlap between the questions, you are asked to record a "yes", "no" or "can't tell" to most of the questions. A number of italicised prompts are given after each question. These are designed to remind you why the question is important. Record your reasons for your answers in the spaces provided.

About: These checklists were designed to be used as educational pedagogic tools, as part of a workshop setting, therefore we do not suggest a scoring system. The core CASP checklists (randomised controlled trial & systematic review) were based on JAMA 'Users' guides to the medical literature 1994 (adapted from Guyatt GH, Sackett DL, and Cook DJ), and piloted with health care practitioners.

For each new checklist, a group of experts were assembled to develop and pilot the checklist and the workshop format with which it would be used. Over the years overall adjustments have been made to the format, but a recent survey of checklist users reiterated that the basic format continues to be useful and appropriate.

Referencing: we recommend using the Harvard style citation, i.e.: *Critical Appraisal Skills Programme (2018). CASP (insert name of checklist i.e. Qualitative) Checklist. [online] Available at: URL. Accessed: Date Accessed.*

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CASP
Critical Appraisal Skills Programme

Section A: Are the results valid?

1. Was there a clear statement of the aims of the research?

Yes ☐
Can't Tell ☐
No ☐

HINT: Consider
- what was the goal of the research
- why it was thought important
- its relevance

Comments:

2. Is a qualitative methodology appropriate?

Yes ☐
Can't Tell ☐
No ☐

HINT: Consider
- If the research seeks to interpret or illuminate the actions and/or subjective experiences of research participants
- Is qualitative research the tight methodology for addressing the research goal

Comments:

Is it worth continuing?

3. Was the research design appropriate to address the aims of the research?

Yes ☐
Can't Tell ☐
No ☐

HINT: Consider
- if the researcher has justified the research design (e.g. have they discussed how they decided which method to use)

Comments:

CASP
Critical Appraisal Skills Programme

4. Was the recruitment strategy appropriate to the aims of the research?

Yes ☐
Can't Tell ☐
No ☐

HINT: Consider
- If the researcher has explained how the participants were selected
- If they explained why the participants they selected were the most appropriate to provide access to the type of knowledge sought by the study
- If there are any discussions around recruitment (e.g. why some people chose not to take part)

Comments:

5. Was the data collected in a way that addressed the research issue?

Yes ☐
Can't Tell ☐
No ☐

HINT: Consider
- If the setting for the data collection was justified
- If it is clear how data were collected (e.g. focus group, semi-structured interview etc.)
- If the researcher has justified the methods chosen
- If the researcher has made the methods explicit (e.g. for interview method, is there an indication of how interviews are conducted, or did they use a topic guide)
- If methods were modified during the study. If so, has the researcher explained how and why
- If the form of data is clear (e.g. tape recordings, video material, notes etc.)
- If the researcher has discussed saturation of data

Comments:

Critical Appraisal Skills Programme

6. Has the relationship between researcher and participants been adequately considered?

Yes ☐
Can't Tell ☐
No ☐

HINT: Consider
- If the researcher critically examined their own role, potential bias and influence during (a) formulation of the research questions (b) data collection, including sample recruitment and choice of location
- How the researcher responded to events during the study and whether they considered the implications of any changes in the research design

Comments:

Section B: What are the results?

7. Have ethical issues been taken into consideration?

Yes ☐
Can't Tell ☐
No ☐

HINT: Consider
- If there are sufficient details of how the research was explained to participants for the reader to assess whether ethical standards were maintained
- If the researcher has discussed issues raised by the study (e.g. issues around informed consent or confidentiality or how they have handled the effects of the study on the participants during and after the study)
- If approval has been sought from the ethics committee

Comments:

CASP
Critical Appraisal Skills Programme

8. Was the data analysis sufficiently rigorous?

Yes ☐
Can't Tell ☐
No ☐

HINT: Consider
- If there is an in-depth description of the analysis process
- If thematic analysis is used. If so, is it clear how the categories/themes were derived from the data
- Whether the researcher explains how the data presented were selected from the original sample to demonstrate the analysis process
- If sufficient data are presented to support the findings
- To what extent contradictory data are taken into account
- Whether the researcher critically examined their own role, potential bias and influence during analysis and selection of data for presentation

Comments:

9. Is there a clear statement of findings?

Yes ☐
Can't Tell ☐
No ☐

HINT: Consider whether
- If the findings are explicit
- If there is adequate discussion of the evidence both for and against the researcher's arguments
- If the researcher has discussed the credibility of their findings (e.g. triangulation, respondent validation, more than one analyst)
- If the findings are discussed in relation to the original research question

Comments:

CASP
Critical Appraisal Skills Programme

Section C: Will the results help locally?

10. How valuable is the research?

HINT: Consider

- If the researcher discusses the contribution the study makes to existing knowledge or understanding (e.g. do they consider the findings in relation to current practice or policy, or relevant research-based literature
- If they identify new areas where research is necessary
- If the researchers have discussed whether or how the findings can be transferred to other populations or considered other ways the research may be used

Comments:

5.8 Quality Appraisal Summary Table (Elliott et. al.)

		Guidelines Shared by Both Qualitative and Quantitative Approaches							Guidelines Pertinent to Qualitative Research						
	Authors	Explict scientific context and purpose	Appropriate methods	Respect for participants	Specification of methods	Appropriate discussion	Clarity of presentation	Contribution to knowledge	Owning one's perspective	Situating the sample	Grounding in examples	Providing credibility checks	Coherence	Accomplishing general vs. specific research tasks	Resonating with readers
1	Zebel, Schreurs, & Ufkes (2017)	vv	vv	vv	vv	vv	vv	vv	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2	Gromet, Okimoto, Wenzel, & Darley (2012)	vv	vv	vv	vv	vv	vv	vv	N/A	N/A	N/A	N/A	N/A	N/A	N/A
3	Herman (2005)	v	v	vv	v	vv	vv	vv	v	vv	vv	v	vv	vv	vv
4	Barnes, Hyatt, Angel, Strang, & Sherman (2015)	vv	vv	vv	vv	vv	v	vv	N/A	N/A	N/A	N/A	N/A	N/A	N/A
5	Maxwell & Morris (2001)	vv	vv	vv	v	v	v	vv	X	v	vv	v	vv	vv	vv
6	Halsey, Goldsmith, & Bamford (2015)	vv	vv	vv	vv	vv	vv	vv	X	vv	vv	v	vv	vv	vv
7	Wasileski (2017)	vv	vv	vv	vv	vv	vv	vv	X	vv	vv	v	v	v	v
8	Fox (2015)	vv	vv	vv	vv	vv	vv	vv	vv	vv	vv	vv	vv	vv	vv
9	Cook, Drennan, & Callanan (2015)	vv	vv	vv	vv	vv	vv	vv	vv	vv	vv	vv	vv	vv	vv
10	Bradt, Bouverne-De Bie, & De Visscher (2012)	vv	vv	vv	vv	v	vv	vv	X	vv	vv	v	vv	vv	vv
11	Bates, Williams, Wilson, & Wilson (2014)	vv	vv	vv	vv	vv	vv	vv	N/A	N/A	N/A	N/A	N/A	N/A	N/A
12	Paterson & Clamp (2012)	v	v	v	vv	vv	vv	vv	N/A	N/A	N/A	N/A	N/A	N/A	N/A
13	McGlynn, Westmarland, & Godden (2012)	v	v	vv	v	vv	v	v	vv	vv	vv	vv	vv	vv	vv
14	Gilligan & Lee (2005)	vv	vv	v	v	vv	vv	vv	N/A	N/A	N/A	N/A	N/A	N/A	N/A
15	Curtis-Fawley & Daly (2005)	v	v	vv	v	vv	vv	vv	vv	vv	vv	vv	vv	v	v

5.9 Example of Memos Throughout a Portion of Transcript

Name: Avery Redacted Transcript

…

[00:03:56] Interviewee: Well! [laugh]

[00:03:57] Interviewer: Oh dear.

[laughter].

[00:03:59] Interviewee: I'm like a dog with the bone if I think something is right or I had to work in the best interest of the victim. You do risk re-victimizing them if you say, "I'm sorry, that's too difficult, I've got to put that in the "Too Difficult to Handle" drawer." So I spoke to my line manager,[1] who was then...have you met or heard of [X]?

[00:04:21] Interviewer: Yes, I have heard of him but haven't yet met**.**

[00:04:22] Interviewee: He was my line manager who is a law lecturer and a trained barrister, so everything that he does is adversarial-based which not what RJ is[2], it is not about arguing the case against two sides. He was insistent that I don't take it forward as was [Y]. His argument was that if we did it and something happened it would reflect badly on the university.[3] So.

[00:05:00] Interviewer: When they think something bad might happen, what are they thinking about?

[00:05:02] Interviewee: Well, for instance, if they decide then to or he gets... if the offender gets legal advice to say, "No, you shouldn't do this."[4] And then it can...you know...lots of ramifications that--

[00:05:18] Interviewer: That the idea that doing the RJ would be admission of guilt and maybe that would--

[00:05:21] Interviewee: Exactly.[5]

[00:05:21] Interviewer: Okay.

[00:05:25] Interviewee: Anyway, they said, "No, we can't do it for the obvious reasons" and he doesn't want it to look bad on the university. I said, "Okay, but those are barriers, I want to be solution focused. How do we overcome these barriers?" And they were just still insisting that they wouldn't do it and I said, "Well, this is what I think we could do. I can do in my own time and disassociate myself from the university so that being me doing it voluntarily in my own time[6] because the prison that the offender was in was Thames Valley and you must have heard how Thames Valley are with their RJ services..?

[00:06:05] Interviewer: Yes.

…

[00:07:44] Interviewer: So, did the community know that it had happened?

[00:07:46] Interviewee: I think so.

[00:07:47] Interviewer: Afterwards but not during--

[00:07:49] Interviewee: I'm not quite sure, I think it might have been during and that sort of denial thing... And I said to him what the problems might be, I said that, "My first thing would to approach the prisoner, the offender, and see what he's got to say." Got in touch with the prison and his offender manager, this woman who works for Thames Valley, she also works with the public protection unit in the prison and is RJ trained, so you know that was really really lucky.[7]

Went to see him and his answer was, "I would do anything that would make it better for him." I was so surprised absolutely elated and this is just a personal objective view that if he was a man of God, it might have been some way that absolving himself from what he's done because I mean he said that he would do for this guy, there will be nothing in it for him. That's all.[8] I thought happy days and-- [laughs]

[00:09:13] Interviewer: Storytelling tells me there's about to be a twist.

[00:09:15] Interviewee: [chuckling] No, it was a happy ending[9]. I got in touch with the young man and I told him what had been said, he was so surprised because he didn't even know which prison he was in. He didn't know where he was. He was just somewhere out there in the prison so that I had to try and find out and that took quite a while. He was taken aback and he said, "Oh, okay. Well, thank you." Said, "I'm going to wait for the weekend."

I say, "Absolutely, there is no pressure, it's purely voluntary. Have a think about it, if you want to go ahead with it, we will do it and we will support you. If you don't, that's absolutely fine." He went away for the weekend and he rang me on a Monday and said, "I want to thank you very much." He said, "I'm not going to take it any further." My opinion on that is, that having given him that little bit the power and control over a situation that he'd been completely powerless in, he didn't have a voice, he didn't have any control over the situation...

Then he got that back by saying, "Yes, you've come to me saying you'd do it for me. No, thank you." I was really pleased about that. I didn't ask him why he didn't want to do it, I just go ahead and that.

Then ironically, a few weeks later after the prisoner had been released, he e-mailed me and said, "Somebody mentioned when I was in prison about RJand I hadn't heard anything back and I'm willing to go ahead with it." I write him a denial saying, "No, we don't want to take it any further."[10]

[00:10:57] Interviewer: I think that's quite interesting. If he hadn't gotten in touch with you, he wouldn't have known that the victim had decided not to go forward.

[00:11:07] Interviewee: No.

[00:11:07] Interviewer: See that's quite interesting but he still--

[00:11:08] Interviewee: Although I told the prison.

[00:11:09] Interviewer: You think they didn't tell him?

[00:11:12] Interviewee: Whether they did or whether he said they didn't... I don't know. I'd be very surprised if they didn't tell him. I don't know that.

[00:11:14] Interviewer: Yes, do you think he was... I'm interested that he chased it back up? I think makes me interested. Do you think he was hoping to have that meeting?[11]

[00:11:22] Interviewee: I think so. Yes, otherwise, he could've just... [crosstalk] ignored it and just gone away. It sounded to me as if he did want that meeting.

[00:11:30] Interviewer: Why do you think he would want that meeting? Because I'm just trying to put myself in his position.

[00:11:41] Interviewee: Well, I don't know. I think he got a 10-year sentence... which is quite a long stretch. If that's correct, he would have spent five years inside. The only reason I can think of is what I said. If he's a man of God it might be his way of reconciling himself back with his faith. If he's caused this damage to all this young man--

[00:11:46]S Interviewer: Have you had that before? Where the offender seems to have a religious--

[00:12:15] Interviewee: No.[12]

[00:12:22] Interviewer: No one's ever said to you... "making it right"? Or--

[00:12:23] Interviewee: No.

…

[00:13:16]Speaker 1: I did a conference, I think it was last summer, and it being an offender that I had worked with one of in my other job with a probation service, so I did know him quite well. Now, you do run the risk of that being a conflict of interest, you have to be very open and honest with the victim and say to them, "I have worked with him in the past" because you don't want to get into a situation where he says something, the offender "he", the offender says something and then turns to you and says, "Oh, you know what I'm like [Interviewee]."

That makes it quite one-sided.[13] And he'd done very well with his rehabilitation. He had a few sort of rocky parts. I don't think he'd committed another offense, but he hadn't been staying clean from drugs. He'd had quite a lot of positives for class As and then that stopped. After the conference he would say to me, he said, "It doesn't matter how much you say that you're not going to offend again"--

He was a burglar, a street burglar--"how much you say that. Something happens and there will always be that thought, that something that you could do, if you need it to." He said, "After having met my victim," he said, "I would never ever do that again. "

[00:14:42]Speaker 2: What do you think made that difference?

…

[00:18:13] Interviewer: That snags you, doesn't it? That idea of...it's terrifying to people like us who have had--not to make guesses!--but mostly normal, you know, lives and interactions compared to what we can see in an offender's history that there can be a lack of those skills, can't there, of how do you manage something that difficult. I just keep thinking, how do we get the ones who just say "Yes"? What is it that pulls them out of that pile of people who say "No" because its petrifying versus those who can do it. [crosstalk]

[00:18:56] Interviewee: Yes, yes, that's the thing. I've recently visited a woman in prison whose agreed to do it and she's prolific, she's a C2 one...so if you've got tens and tens of the people.... You can't invite them all to RJconference. So you have to ask the offender who sticks out most in their mind and then you will-'[14].

[00:19:23] Interviewer: In terms of victim?

[00:19:24] Interviewee: Yes.

[00:19:24] Interviewer: Okay.

[00:19:25] Interviewee: You will approach them first.

[00:19:27] Interviewer: I had wondered about that because I know someone made a comment once before about the C2 programme, that you could send out theoretically a letter to a hundred victims-

[00:19:36] Interviewee: Yes.

[00:19:37] Interviewer: -if it's a very prolific criminal. So the way you do it is you say "across your history who do you think...?"

[00:19:44] Interviewee: Which one sticks out most in your mind, who you think has been affected most.'[15] If you get--and I have never done this, haven't facilitated one like this and it does need a lot of perparation--you can do group sessions. So you've got four people and they all want to be part of...

[00:20:09] Interviewer: I've read about these, but you haven't done one yourself?

[00:20:10] Interviewee: I haven't done one.

[00:20:12] Interviewer: I read they existed. They sound terrifying.

[00:20:13] Interviewee: Oh, absolutely. I mean it's sort of a little bit like [laughs] a lynch mob really, in my opinion, but that's where all the preparation comes in. I don't know.'[16] Am I the first facilitator you've...?

[00:20:24] Interviewer: You're my very first facilitator.

[00:20:26] Interviewee: Okay. I'm presuming a lot of them will tell you that the biggest part of any RJ process is preparation and the face to face meeting is probably the...I won't say is the easiest, it's probably the most emotional, but in terms of process, it's...'[17] I've lost track.

[00:20:52] Interviewer: Well, to finish that, what do you think takes the biggest focus in that preparation? Because I know a lot of it is the actual mechanics of it. You know, getting people in the same room, how are we doing that? Also, a lot of it is helping them understand the process and what to expect on the day.

[00:21:06] Interviewee: Oh, yes and that could take a long time, that could take weeks, it could take months.

[00:21:12] Interviewer: So, just to get an idea of... what do you think the time break down is in terms of how much of that time is spent with the victim preparing them for the day and how much is spent with the offender getting them ready for the day?

[00:21:24] Interviewee: Well, I haven't done much offender preparation because that's normally done by the probation officer or the police. But if they're in prison then hopefully their offender manager in prison will do it and I'd visit them a couple of times in prison just to make sure that the motivation is the right motivation and that they're doing it for the right reasons, not for anything that's going to help them in sort of parole hearings.'[18]

[00:22:01] Interviewer: I'm just thinking about something that you said earlier, where you were talking about someone that you had, an offender that you had done work with previously, and you wanted to make sure that there wasn't that feeling in the room maybe that the victim would think that you are allied with the offender. Do you ever have any concern that it would go the other way, that the offender would feel that you were allied with the victim in a way?

[00:22:21] Interviewee: I think you've got to make it clear to both parties from the start that you are impartial and that the meeting is not about you or your co-facilitator, it's about them. You're only there to facilitate it and you take as little a part as possible because the last thing you want is for anybody that's in a meeting for them to think that it's the facilitator's show.

[00:22:54] Interviewer: Do you think that works though? This is where I've read but now you've done, because I read that but I think, if I spent time with a victim and I've heard their story--however much they wanted to tell me--and I've connected with them and I've, you know, might be spaced over months that we're exchanging messages, and then on that day, I go into a room and I'm trying to remember that I'm the neutral facilitator. Do you think it works?

[00:23:22] Interviewee: Well, it's got to work. [laughs] If you are a professional, you can't let anything cloud any judgment that you make whilst you're there. I mean my instinct now is, I'm very protective of my victims.'[19]

[00:23:40] Interviewer: I would imagine, yes.

[00:23:41] Interviewee: So I could easily say I'm on their side. And it's hard...it's hard not to be judgmental, but you keep that for your private life, if you know what I mean. You don't bring that to the professional table, if that makes sense.

[00:23:58] Interviewer: It does. In no way do I mean to say, "I don't believe you can do that" because I'm a therapist. I know that sometimes you're sitting in a room with a couple or a family... it's just... wondering in terms of how the system is set up around... Does it allow for a truly neutral or do we even actually want a truly neutral? Is there something to be said for the victim having an advocate or the victim having--

[00:24:28] Interviewee: No, I think I'd say, you have to be neutral because each party can have a supporter with them and that person is there to be on their side, if you know what I mean. Because you as a facilitator, you're on both person's side.

[00:24:43] Interviewer: Trying to reach a merge-- [crosstalk]

[00:24:45] Interviewee: Yes, I mean because there are no sides in this, you know. When we start off, we start off by saying, "We're not here to judge if anybody's a good or a bad person. We're just talking about what the facts are and how we can move on from that and repair any harm that was caused."[20]

In my opinion, it's not, like I said, it's not the facilitator's show. That is to facilitate, you must take as small a part as possible. You're there just to jog it along. And it's start, if you're talking about it face to face, you start off with a script and you let each person know that it's scripted. And one of my feedbacks was that she was--I don't know that she wrote this down or if she told me--she was so glad that it was scripted. That we don't just go into the room and say,-

[00:25:36] Interviewer: "Right, go for it."

[00:25:37] Interviewee: - "Get on with it." You start off with asking the offender what happened, what they were feeling, who do you think was affected. Then you ask the victim and you just hope that they enter into a dialogue together.

[00:25:51] Interviewer: It was the victim in this instance you said, "I'm glad that was scripted."

[00:25:55] Interviewee: Yes.

[00:25:55] Interviewer: Is there something there about it feeling contained that feels like that there's some structure, is that what it is?

[00:26:02] Interviewee: Yes, I mean, yeah, definitely. Yes. I went to a prison a couple of months ago. This was a horrible, horrible case, it was a murder case. And I had been in contact with the offender supervisor and asking him what his opinion was and saying that I wanted to come in and assess him, the prisoner. And the offender supervisor told me the morning that I got there that the prisoner thought that I was actually going with the victim's mother.

Somewhere along the line, it hadn't been explained to him properly what the process was. He thought that I was popping along and taking the victim's mother with me so that they could have a meeting.

[00:27:01] Interviewer: But you were there just to--

[00:27:02] Interviewee: Here we are! He thought that... I mean the intention was for me to go to risk assess him, find out what his motivations were, what his understanding of it all was and then go and then make a decision. Like I said, he thought I was taking the victim with me. [laughs] "So sorry!"[21]

[00:27:24] Interviewer: I think that's something that I find quite interesting, is we understand--You understand, I watch!--the system and who is doing what in what role. I just wonder, do the offender's know? Or do they get it? How often do we think they get confused...because when you were saying about you help the victim to prepare, the offender is prepared by the offender manager or the prison, but we don't actually know what that looks like. Or do you?

[00:27:59] Interviewee: No, no, I don't actually.

[00:28:00] Interviewer: Because it could be quite different from each offender, couldn't it?

[00:28:02] Interviewee: You see the initial meeting or the initial dialogue has to start, I can't sort of ring up the prison and say... or you can email the prison, but that wouldn't be appropriate. The dialogue has to be initiated by the offender's supervisor. Now. How much that person knows is not always easy to gauge. And then I'll go in and explain everything about it. And once the initial meetings taken place, then you'd go back again to just...find out if they understood what you said.

[00:28:40] Interviewer: You would meet with the offender or just the offender manager--

[00:28:42] Interviewee: No, the offender.

[00:28:43] Interviewer: Okay, you would say, "What do you know? This is what you should know." Okay.

[00:28:48] Interviewee: Yes.

[00:28:49] Interviewer: And do you think that tends to mop up any of the confusion or...? I just wonder how many times do people say "Yeah, no, I got that. That makes sense." but they go away and they have no idea.[22]

[00:28:58] Interviewee: Yeah, no, I mean, I always leave it... First of all, when I'm finished I say, "Do you have any questions? Do you understand all that?" Of course I get--

[00:29:08] Interviewer: "Yes. Not a question. Perfect." [laughs]

[00:29:10] Interviewee: I say, "Look, if you've got any other concerns, any other questions, ask [X] and [X] will get in touch with me. And I'll have to come and see you again or give the answer through him."[23] Because it's very important they do understand it.

[00:29:28] Interviewer: Do you ever lose offenders who have said "Yes" and then from the point that they start hearing more about it, they just go, "Never mind"?

[00:29:35] Interviewee: I lost one, [laughs] I think it was last year. I made a mistake. I admit that this was my mistake. His offender's supervisor was going on quite a long-term leave. Couple of months, I think, and I wanted to visit him. I started to explain to him what was what and that I would come and visit him and just further explain. When I arrived at the prison, he wouldn't come out of his cell. He wouldn't come to speak to me.

So, that was my fault because I should have waited for the offender's supervisor and met him with him. If he didn't understand, it's easier for him to say, "No, I don't want to do that", than trying to meet somebody, a complete stranger, who he wouldn't know who I am or what I did or where I was coming from.That's why it was better in my opinion to do it with the offender supervisor in prison.

[00:30:44] Interviewer: So what would you do with that? Do you try again or do you say, "Well, that's it"? [laughs]

[00:30:48] Interviewee: No. That's it. I haven't contacted any of those victims. That's a C2 one, as well.

…

[00:37:56] Interviewee: Yes, it's a government post, Victim's Commissioner. She was the victim, she was the wife of a victim of murder. I found out that she was coming and I wasn't invited to meet her but somebody from the OPCC was invited to meet her, I think he was going to talk about my job. I don't see them from one month to the next, I don't see them from one year to the next. I feel very isolated and anything that I'm doing, I'm doing completely autonomously. I'm doing it on my own.

When you speak to other people, find out whether I'm doing it right or not. [laughs]

[00:38:42] Interviewer: I think, we make a joke--a slightly angry joke--but still a joke, but it does raise a question, doesn't it? Because you could be doing anything.

[00:38:52] Interviewee: Absolutely.

[00:38:54] Interviewer: I'm not actually thinking of you here, but it's one of the things that I want to get at is, if we had a terrible facilitator out there, if we had someone who didn't take professionalism so seriously and had these strong positions about offender-victim, whatever, would we know?[24]

[00:39:16] Interviewee: I haven't got a case management system, I've been putting it on Word documents and then Excel sheets. I'm not very adept at anything IT and I just found out, that I've been saving everything to the hard drive on my laptop. That's frightened the life out of me and that's all they're worried about now, is to think I've got these files all over the place. We do need to consolidate them, but I needed help months ago. I don't need it now.

People said to me, "You should have been doing this." I've been telling them months ago, "Get me a case management system that's easy to use."

…

[00:46:59] Interviewee: No, I don't think I will. I feel passionate about it because I think that when it works, it works really really well. You don't just get... and that's another thing I think that we need to look at. I don't know that this has been spoken about in other places that a face-to-face meeting is not the only successful restorative process. Because I mean that one that I was talking about earlier, that was a successful resolution.

[00:47:37] Interviewer: Do we capture that? Is there any way for us to say--?

[00:47:40] Interviewee: I write that down on my returns that it's been a successful outcome, even if they have never met. But I'm going to go and see someone this afternoon, I will show you the letter actually... I'll send it to you electronically. I have had her permission to send it to you, it is a very very powerful. It's like a victim impact statement but it goes a lot deeper than that is sent. Again, as in C2 offender who burgled this woman's house and took a lot of her children's possessions for eight children.'[25] She has let him know how it made her feel she said she was brought up on an estate in East Hampton.

She thought she'd seen everything and she had seen quite a lot of horrible stuff. It took her moving to leafy Hertfordshire for something like that to happen to her. He's …

[00:52:50] Interviewer: It's not easy, is the end result of that! Is there anything that we didn't touch on that you think we need on that recording?

[00:53:02] Interviewee: Let me think. I think that the aftercare, as well, of participants is very important. Just say "You've had your meeting. You've had your cup of tea and your biscuit. Off you go, I'll see you later." I think that post-conference support is very important and I think it's equally as important for the offender as well.

[00:53:31] Interviewer: Do you think they get it?

[00:53:33] Interviewee: Probably not.'[26]

[00:53:34] Interviewer: Because I think we had that conversation, didn't we? Some many, many moons ago and that wasn't we meant to talk about. We did say that about what happens to them afterwards because I think you were talking about that the victims have their own questionnaire that they can fill out an interview to make sure that it worked for them, the user satisfaction.

[00:53:54] Interviewee: I have got an offender post-conference questionnaire as well, I'll send it to you. I've actually from your sort of training in Psychology, I'll be interested in your input. If you think there's anything that might be too wordy or I might not be asking the right questions to--

[00:54:13] Interviewer: Do you tend to get them back? Do you tend to get good feedback?

[00:54:15] Interviewee: I do it face to face. Some I sent...let's see, I haven't done that many.. The road traffic victim was sent and then they sent back to me. But it's always better I think to do it face to face.'[27]

[00:54:31] Interviewer: Absolutely. I was more just thinking about practicality, sometimes it doesn't happen, does it? Do you tend to get good feedback from offenders?

[00:54:39] Interviewee: I haven't had that many from the offenders. One from C2, I got very good feedback.'[28]

[00:54:44] Interviewer: Has anyone ever--

[00:54:44] Interviewee: He might be one that you're lined up to meet.

[00:54:47] Interviewer: Okay, has anyone ever not met with you afterwards? Say you've done the conference or the letter exchange and then you said, "Tell me how it was?" They just said, "No, it's okay."

[00:54:55] Interviewee: No.

[00:54:55] Interviewer: That's a good sign.

[00:54:56] Interviewee: Yes.

[00:54:57] Interviewer: Most of them, well we can take that as a good sign?

[00:54:58] Interviewee: Yes.

[00:55:03] Interviewer: All right. I'm going to turn off just in case you needed to curse or something.

[00:55:07] Interviewee: I have already sworn on that audio. [laughs]

[00:55:23] [END OF AUDIO]

Annotations

[1] Strongly held prejudice against the rights and needs of prisoners/offenders? Is there a possibility of offenders being "forced" into RJ through the facilitators sense of what is right?

[2] Where RJ facilitators and system in RJ are primarily from backgrounds in CJ and policing, what is the impact on holding to RJ principles?

[3] The system doesn't want to proceed in an RJ case where the offender has not been convicted or tried for the crime, not because the offender has rights, but because the university might get into trouble.

[4] Would they have gone ahead with the RJ if the offender said yes, without recommending that he get legal advice? What are the possible ramifications of this? Does RJ protect or hurt offender in this instance?

[5] Here, being approached for RJ or agreeing to take part can be seen as an admission of guilt for the offender. Consider the implications of both parties for someone being approached for RJ, depending on where they come from within the system.

[6] Are the barriers and limits in place in the RJ system there to protect the victim, the offender, the facilitator...? Is the system set up faulty if facilitators feel they need to step outside of their normal role to pursue or are facilitators going too far when they go independent?

[7] Many police, lawyers, judges, etc within the system do not have RJ training or knowledge, so being RJ-friendly is seen as very "lucky" to facilitators. Impact on system?

[8] No one seems to know why an offender would take part in RJ--when an offender does, this is seen as suspicious or as a way to 'game the system'. How is the offender a part of a wider system if that wider system sees them as unknowable/un-understandable?

[9] There was no conference, no communication between offender and victim, and the offender was left hanging--but this was seen as "a happy ending". Where does the offender sit within all of this if a happy ending does not need to benefit him in any way?

[10] It was understood that there was potentially high risk to the offender to take part and that the system had to be convinced to do it--yet, the offender could agree to take part, but be dismissed so easily. This was done as an afterthought, with the offender needing to seek out contact after they left him in silence for some weeks.

[11] The offender chased the RJ after not hearing anything back. Originally, facilitator was dismissive of whether or not he had been contacted, but then became defensive about being sure that someone would have talked to him. This led to casting suspicion on his motives for saying he wasn't contacted. But reasonably, if he was told that it wasn't happening, why would he chase it up again? Doubt and distrust of offenders throughout, even when showing the "right" interests.

[12] No offender has ever been identified as having a religious motivation for taking part in RJ, yet it is her go-to explanation for why they would.

[13] Previously talked about having a lot of communication with victim as a good thing; here, previous communication with the offender is seen as a risk of being seen as one-sided or unfair. That implies that offenders cannot be trusted to not exploit a relationship or that the only "right" relationship is with the victim.

[14] Consider again the policy for how prolific offenders are dealt with in terms of victim-invitations. Previously stated that all victims known would be sent out a letter, but here states that the offender identifies the one who "sticks out most in their mind"...

[15] How/who determines which victim has been affected most?

[16] For a group RJ conference to appear as a "lynch mob" it implies that even smaller RJ conferences are a place to accuse/attack the offender. But this does not sit with theory--does the issue lie with the practice even on the small scale or does it only become a problem when multiplied?

[17] Facilitator sees conference as easiest part of the process, which is very much in contradiction to experience of victims and offenders.

[18] Consider the impact of their being a "right" reason to take part in RJ for the offender and the gate-keeping that appears to be going on here. Also, the disinclination to allow the offender to directly benefit from the RJ process, even though victim benefit is held sacrosanct.

[19] Strong contradiction shown here between the necessary neutrality to be shown by the facilitator--that it is, in fact, the only way to be "professional"--with being "very protective of MY victims".

[20] There is a contradiction shown here throughout in terms of how the facilitator sees RJ as needing to be--neutral, non-judgmental, no sides, to everyone's benefit--and how she personally feels in her "private life". She explicitly states her neutrality, whilst personally holding very strongly pro-victim feelings.

[21] The offender's confusion--and rightful concern--that he was about to be accosted by the victim's family member is seen as a light-hearted, funny anecdote.

[22] Confusing account of who talks to offender when, seems to contradict previous accounts of who is responsible. This may be diffusion of responsibility or defensiveness or perhaps unexamined in first place...?

[23] Word choice here is interesting. "I'll HAVE to come and see you again"--how is that given and how is that received? As an unwanted obligation? As a threat?

[24] There is very limited oversight with facilitators--those who work in smaller teams have almost no one around who is RJ trained to speak to in order to ensure that they are working appropriately. Whilst they co-facilitate, there are questions about who challenges more experienced facilitators.

[25] De-humanising of offender--he is only "C2 offender" whilst victim is the woman and her children.

[26] Very casual about the moving from "after care is important for everyone" to "probably don't get it" when it is offenders that we are discussing.

[27] Although we were talking about offender feedback, she switched back to discussing victim feedback without thinking. Is this because not much offender feedback is sought or because she is aware of the disparity?

[28] It is not usual to seek feedback from offenders, but it is to seek it from victims. There is a disparity between 'importance' shown in how much attention each participant gets afterwards.

5.10 Examples of Codes Linked to Individual Quotes

5.10.1 Significant problems getting to conference; Funnel.

Code: Significant Problems Getting to Conference; Funnel

<Internals\\Facilitators\\Kingsley Transcript> - § 3 references coded [1.98% Coverage]

Reference 1 - 0.25% Coverage

"We have facilitated probably four-ish now, maybe a few more. But we've offered them to all of the offenders that we work with."

Reference 2 - 1.10% Coverage

"We took a step that we wrote to in the region of 500 victims, quite a lot of them were quite historic, going back offences. If at one, I know 18 years because they actually did go to conference. We wrote to in the region of 500 victims, saying, explaining what RJwas, explaining how we were going to offer that as an opportunity, trying to deliver it through the program that I run, which, obviously, is a rehabilitation program for prolific offenders. [coughs]

The take up was relatively small, although I'm told it was above the national average."

Reference 3 - 0.64% Coverage

"From that, she then filtered it down to those that would be suitable to go to some kind of conference. Which. again, those numbers were further reduced. From that, that's how we then-- because, putting it into context, we've been working with the number of offenders for a while and RJwasn't part of our work."

<Internals\\Facilitators\\Dakota Transcript> - § 1 reference coded [0.36% Coverage]

Reference 1 - 0.36% Coverage

"I was involved in four different cases during that 12 months, which by the way was extended to 18 months because of all these practical problems. Only one of my cases went to conference."

<Internals\\Facilitators\\Jules Transcript> - § 2 references coded [2.06% Coverage]

Reference 1 - 1.28% Coverage

"That's right. We developed, originally the RJ Fund, this is an analogy of a funnel and you start at the top of this massive crime that's committed. In practice, there should be no shortage of cases because you've got this mess, you've got this mess at the top of all the crime. Well, you can't do all the crime because you do need an offender to accept responsibility."

"If you use a plea of guilty, as that acceptance, and I know they are not the same although I think a lot of people thought it was, but that in many cases, I think our project that's actually said plea of guilty is not the same as acceptance of responsibility because people will deny cases for technical grounds to get off it. Actually when you speak to them, they say, "Yes, I did hit that person. Yes, I did do this.""

Reference 2 - 0.78% Coverage

"Yes, that's right. They are just technically not the same. That's almost your first funnel. In many cases, you have to be informed by offender's activity first. Because if the offender doesn't plead guilty, you know you've got somebody that's potentially not accepting responsibility and you're probably your wasting your time with them. In fact, I've missed out, although I haven't portrayed, you've got all the crime, then you've got the crime where people don't get caught."

<Internals\\Facilitators\\Finlay Transcript> - § 1 reference coded [0.41% Coverage]

Reference 1 - 0.41% Coverage

"If you know, letters are sent out or contacts made with injured parties. I don't know what the ratio is but I would imagine you would have a number of options as to who would want to participate in it."

5.10.2 Feeling dictates victim-focused.

Code: Feeling Dictates Victim-Focused

<Internals\\Facilitators\\Jules Transcript> - § 1 reference coded [0.25% Coverage]

Reference 1 - 0.25% Coverage

"Yes. I have to say that I have a preference with victim lead, having done the both. I have reasons for that, which I'll hopefully remember and come to."

<Internals\\Facilitators\\Avery Transcript> - § 3 references coded [0.34% Coverage]

Reference 1 - 0.15% Coverage

“I feel strongly that it can still be, it should and can still be victim led”

Reference 2 - 0.10% Coverage

“It’s one thing that I feel fairly strongly about.”

Reference 3 - 0.10% Coverage

“I had to work in the best interest of the victim.”

<Internals\\Facilitators\\Gentry Transcript> - § 1 reference coded [0.38% Coverage]

Reference 1 - 0.38% Coverage

“Every single victim should be knowing about Restorative Justice. What we find, our service is very educative, very very victim-focused. But what you need both parties, you need both sides in this.”

5.10.3 Few referrals coming into system.

Code: Few Referrals Coming into System

<Internals\\Facilitators\\Jules Transcript> - § 3 references coded [2.06% Coverage]

Reference 1 - 0.25% Coverage

“Eventually, we learned a lot of skills about case gathering and we decided that we had to steal the cases to what we call it partially now extraction.”

Reference 2 - 1.30% Coverage

“…which is the big mistake that many modern projects make in relation to casework. Referral means that you go around telling everybody how wonderful the RJ is, and then they send you a case that they think suitable. Most of the time, that ends up with nothing. If you're very energetic, there are a lot of presentations and such like, you'll get one or two every now and then. Then they'll take roughly you have to do another presentation.”

“We decided we were going to take everything, and that's the only way we could get significant caseloads. We started off trying to get judges to send those cases. Then we went in and said, "We are taking all these robbers and all

these burglars as soon as there is a guilty plea, we will going and deal with the offender." And we were offender lead at that time."

Reference 3 - 0.51% Coverage

"I know this and I explain it to people all the time, sometimes in the training and sometimes in the consultancy stuff I deal with groups that are setting up projects. Most of the time, they just ignore me because they actually think that it's such a wonderful thing people are just going to send them stacks of cases."

<Internals\\Facilitators\\Avery Transcript> - § 1 reference coded [0.10% Coverage]

Reference 1 - 0.10% Coverage

"I'm not getting that many referrals at the moment."

5.10.4 Offender motivation to do RJ.

Code: Offender Motivation to do RJ

<Internals\\Facilitators\\Kingsley Transcript> - § 1 reference coded [0.32% Coverage]

Reference 1 - 0.32% Coverage

"I only hear it from that side of it and from a couple, the others who have done it, again, I know have found it very useful. Obviously, they found it very useful."

<Internals\\Facilitators\\Jules Transcript> - § 2 references coded [1.15% Coverage]

Reference 1 - 0.81% Coverage

"He'll talk about going back to his cell and not really knowing what to think. And how the prisoner next door banged on the pipe, Fat Gerald, he calls him."

"This is prison culture, "How did it go," says Gerald, and he goes, "I don't know, I don't know what to think," says Peter. It took him back. What he describes without using the words, I think is [unintelligible 00:16:36] really strong. It couldn't marry his previous thinking with the new thinking easily without really discarding something else."

Reference 2 - 0.34% Coverage

“…not all of them want to speak to you. A lot of people want to move on, a lot of the families want to move on. The RJ for them is a good marker to move on if they do it later in their sentencing or just after.”

<Internals\\Facilitators\\Gentry Transcript> - § 1 reference coded [0.67% Coverage]

Reference 1 - 0.67% Coverage

“When you train cops and stuff, they'd always say, "It's never going to work" or "How's that going to work?" or "They'll never change." I always think, "If they hear that, if an offender hears, 'You'll never change', why should they?" Why should they? Because they don't have the motivation. They might not have the motivation to want to change.”

5.11 Examples of Initial and Focused Codes

Name		
~Are you all right having gone through that~~	Bringing together wider community	Kind gestures in community rejected due to race
Access to victim challenges RJ journey	Community as pockets of individuals	Label of offender is there to keep community safe
Challenges accessing victim details even with ex-police facilitator	Community conferences allow a way to connect offenders with their crimes	Modern community is faceless
After-care of RJ seen as important	Community conferences consider who is at the bottom of the pyramid of community impact	Modern community is hard to define and is primarily online
Anger prevents victim from meeting offender	Community not immediately considered as important	Limited resources available for facilitators
Apology seen as a way to move on	Community offences seen as the worst kind	~Well, we don't got six and a half hours. Where would we find that~~
Are we managing risk or are we managing our own anxieties~	Community resolution used to force RJ on offender	Additional facilitator training not paid for by system
Assumes offenders have mild learning difficulty	Community RJ is focused on discovering who in community was impacted	Additional training requested in order to give the system more kudos
Belief in doing the 'right' thing	RJ is for the benefit of the victim	Facilitator protective of victim's privacy
Supporters of RJ have to know they're doing the right thing	Acceptance of RJ seen as different by each generation	RJ seen as giving power to back to victim

Name		
Community has an impact on RJ	Another RJ system willing to work with independent facilitator	RJ is victim-led
No case management system in place for facilitator	Asked to join RJ and grateful for that offer	Able to do facilitation work full time
Probation lacks resources and facilities	Asking local authority to explain the wait	Being pro-RJ seen as good and necessary for running rehabilitation course
Long passage of time before RJ conference	Assumption of additional offences when programme fails	RJ easier to sell in person than on phone
No case management system in place for facilitator	Awareness and choice are important in the network	Facilitator protective of victim in contradiction of neutrality
Crime impacted victim's family within community	Background in offender work as buy-in to get police on side	RJ does not continue without victim
Bringing together wider community	Bare minimum relationship between offender and victim not agreed	RJ seen as giving power to back to victim
Community as pockets of individuals	Being asked to take part was seen as a privilege	RJ is victim-led
Crime impacted victim's family within community	Being chosen to work in RJ seen as a privilege	RJ as a way to allay victim's fears about offender
System not set up with appropriate policies for unusual situation	Acceptance of RJ seen as different by each generation	Facilitator seeking out victim independently
Long time since offence had occurred before RJ	Offender communication is limited and difficult	Offender was unable to look at victim in conference
Offender - knowing who they are	Approaching offender through prison and officials	Offender is powerless

Name		
An offender is always an offender to the community	Offender can be approached for different crimes	Offender powerless as to who comes to talk to him
Offender should be given a chance	Offender can be approached whilst on suspended sentence	Offender powerless to continue RJ
Offenders are people who can come from good backgrounds	Offender questions have to go through different people	Offender is to be pitied
Offenders are people who have made mistakes	Offender-led programme communicates more with offender than victim	Offender was seen as chained and pitiful
Offenders as best people to mentor other offenders	Offender expresses remorse and shame in conference	Offender motivation to do RJ
`Offender's attempt to overcome poor background	Offender apologies and facilitator says okay	Belief that offender should not directly benefit from RJ
Offenders hurt themselves and their communities	Offender expresses change after meeting victim	No communication with offenders who decline RJ work
Offender's lack of father seen as factor to offense	Offender communication is limited and difficult	Offender understanding of RJ not easily assessed
Offender expresses remorse during conference	Approaching offender through prison and officials	Offender's understanding may be limited even after meetings
Offender sees RJ as a way to offer apology to victim	Offender understanding of RJ not easily assessed	Police are anti-offender
Offender expresses remorse during conference	Offender's understanding may be limited even after meetings	Programme focus determines funding and resources
Offender understanding of RJ not easily assessed	Police are anti-offender	Aim of new programmes is focused on victims

Name		
Offender's understanding may be limited even after meetings	Facilitator sees a lack of community linked to locked doors	All organisations are results-based
Police are anti-offender	Offender should do RJ for 'right' reasons	Significant problems getting to conference; funnel of numbers
Offender refuses to speak to facilitator about RJ after initial information	System unclear on policies and procedures for facilitators	Historic crimes make it difficult to get victim's involved
Offender understanding is necessary	Unsure if allowed to contact victims when offender-led	System divides between strategic and practical
Victim motivation to take part	Being RJ trained seen as lucky within system	Facilitator sees victims as needing to be protected
Offender shows submissive agreement out of fear	Belief that foundations are important	Facilitator spending time with victims
Offender willing to do RJ even at cost	Burglary took memories as well as physical items	Facilitator understands victim's position
Offenders are asked if they would like to do RJ after rehabilitation	Can't know everything, but a leader should know the basics of RJ	Feeling dictates victim-focused
Offenders are offered RJ as an invitation from the facilitators	Casual dismissal of RJ for offenders being a way to move on	Feelings of victim are important
Offender's motivations seen as unknowable	CJ system deals with incident and then moves on without additional work	Offenders not contacted if victims not interested
Offender understanding of RJ	Clean from drugs, but still seen as rocky in rehab	Perceived differences between victim and offender
Allocation of responsibility of offender given to someone else	Peter Wolf talks to community	Protective of victim when previous relationship with offender
Offender has limited understanding of RJ	Testimony from Peter Wolf makes a change	Respect for victim's privacy around choices

Name		
Offender has right to know about RJ	Being RJ trained seen as lucky within system	Facilitator sees victims as needing to be protected
Offender is unclear on who does what in RJ	RJ seen as giving power to back to victim	Facilitator is on the side of the victim
After thinking, victim declines RJ	The victim gets more from RJ than traditional CJ	Facilitator happy victim didn't take part but had power
Anger does not stop victim from meeting offender	The victim is empowered from conferences	Facilitator personal communication with victim throughout
If a victim wants RJ, they should have it	Victim seen positively	No pressure on victim to take part in RJ
Importance of how the victim is approached		

5.12 Sections of Transcripts Linked to Results Quotes

5.12.1 Avery transcript section

[00:07:12] Interviewer: See, you always say too much interesting stuff! [Interviewee laughs] It's true though, you make me think about things!

[00:07:18] Interviewee: Anyway, so I went to see this young man, he was just the nicest young person you could ever meet and he'd had a lot done to him. I don't go into details, you know, if they want to tell me then I would listen but I'll never probe about anything but he went through a rough time and I think he got ostracized and his family from the [XX] community where they lived because-

[00:07:44] Interviewer: So, did the community know that it had happened?

[00:07:46] Interviewee: I think so.

[00:07:47] Interviewer: Afterwards but not during--

[00:07:49] Interviewee: I'm not quite sure, I think it might have been during and that sort of denial thing... And I said to him what the problems might be, I said that, "My first thing would to approach the prisoner, the offender, and see what he's got to say." Got in touch with the prison and his offender manager, this woman who works for Thames Valley, she also works with the public protection unit in the prison and is RJ trained, so you know that was really really lucky.

Went to see him and his answer was, "I would do anything that would make it better for him." I was so surprised absolutely elated and this is just a personal objective view that if he was a man of God, it might have been some way that absolving himself from what he's done because I mean he said that he would do for this guy, there will be nothing in it for him. That's all. I thought happy days and-- [laughs]

[00:09:13] Interviewer: Storytelling tells me there's about to be a twist.

[00:09:15] Interviewee: [chuckling] No, it was a happy ending. I got in touch with the young man and I told him what had been said, he was so surprised because he didn't even know which prison he was in. He didn't know where he was. He was just somewhere out there in the prison so that I had to try and find out and that took quite a while. He was taken aback and he said, "Oh, okay. Well, thank you." Said, "I'm going to wait for the weekend."

I say, "Absolutely, there is no pressure, it's purely voluntary. Have a think about it, if you want to go ahead with it, we will do it and we will support you. If you don't, that's absolutely fine." He went away for the weekend and he rang me on a Monday and said, "I want to thank you very much." He said, "I'm not going to take it any further." My opinion on that is, that having given him that little bit the power and control over a situation that he'd been completely powerless in, he didn't have a voice, he didn't have any control over the situation...

Then he got that back by saying, "Yes, you've come to me saying you'd do it for me. No, thank you." I was really pleased about that. I didn't ask him why he didn't want to do it, I just go ahead and that.

Then ironically, a few weeks later after the prisoner had been released, he e-mailed me and said, "Somebody mentioned when I was in prison about RJand I hadn't heard anything back and I'm willing to go ahead with it." I write him a denial saying, "No, we don't want to take it any further."

[00:10:57] Interviewer: I think that's quite interesting. If he hadn't gotten in touch with you, he wouldn't have known that the victim had decided not to go forward.

[00:11:07] Interviewee: No.

[00:11:07] Interviewer: See that's quite interesting but he still—

5.12.2 Memphis transcript section 1.

[00:21:21] Interviewer: There's something that you've touched on there that I think came into that final point about going back to an offender and talking them through it or convincing them or however will soften the language of how that actually happens. I have certainly come across people who don't have that attitude, that their position is, if the offender says no once, then it's done because it's not the right time, they're not going to be ready, however you want to define that.

What seems to be coming through is that some of that is almost beliefs about the people who perpetrate offense against people, that there's a certain, I hate using the word bias or prejudice, but you'll see what I'm trying to lean towards is that some facilitators do have a certain perception. Do you have anything there for yourself that you think you've seen that or you have your own feeling that the way you position yourself or the way you've seen other facilitators position themselves, either quite protectively towards the victim or even protectively for the offender, that might impact whether the process goes through or whether the process is successful?

[00:22:36] Interviewee: Yes, I have. I always put myself up as the best, I'm still learning, but I would say I have seen people, certainly very early on and they talk outside of the process. When you're heading towards a meeting or coming away from the meeting, that's when people **…** I've seen where people mainly talk in favour of the victim or some not. Maybe they're very much into rehabilitation, but it's slightly worrying when people start talking and weigh themselves heavily on one side rather than the other because, I think, as I say to people, this process, it's a process, it's not me, it's not simply-- it's a process.

To enable it to truly move forward, and this is the hardest thing, is to be totally totally there in the middle, totally neutral. Yes, of course, you're human being, you've got emotions, you've got thoughts, but you've got to be able to just go straight down the middle and see that you're on this process for both parties, for obvious reasons going

into it. If you're slightly biased towards one or the other, it comes out. It's bound to come out.

The bar about the offender, certainly. If you sit down with someone and you go through it, first of all, they've agree to meet so you've got your foot on the door. You sit down with them and build up a rapport and go through what you need to go through in the prep. Ultimately when they say no, okay, it's an option, all right, that's it. I personally would like to revisit that because I think there's thinking time. Certainly, if they're incarcerated, there's a lot of thinking time.

You might like to revisit that and I say, "Okay, I'll accept what you said today, but would you mind if I contact you again in a month? Who knows? I'm not putting any pressure, but just to see, just to check how you feel after a month." Invariably, they say yes. That's not an issue, but, of course, something else, certainly when they're in prison, is they-- and it's just gone out of my head.

[laughter]

[00:25:07] Interviewer: Always [crosstalk].

5.12.3 Avery transcript section 2.

[00:00:06] Interviewee: Okay, right, [laughs] where do I start?

[00:00:11] Interviewer: Big one. [laughs]

[00:00:12] Interviewee: I think it's important that we are very victim-focused, but not taking anything away from any offender that might initiate them wanting restorative justice. I mean, and I think that is quite prevalent across the borders, because the MOJ funding that it has got to be victim led. So. I feel strongly that it can still be, it should and can still be victim led even if it is initiated by the offender.

That's been a little bit of a grey area that offender might say yes they want to do it. Well, I'm sorry we haven't got the funding to do that and then you take that decision away from the victim. It's one thing that I feel fairly strongly about.

[00:01:15] Interviewer: To clarify here, can an offender come to you without the victim coming first? When you say victim led, let's make it sure that exactly how you work?

[00:01:26] Interviewee: Yes, they can do that.

[00:01:29] Interviewer: Okay, and if the victim doesn't want to take part, what happens to that offender?

[00:01:36] Interviewee: Then we say sorry no, you can't-

[00:01:37] Interviewer: Nothing.

[00:01:38] Interviewee: -you can’t do it because ultimately it is for the benefit of the victim and you have to be very careful how you approach a victim. If they initiated it, explain that is their right to know about RJand the victim's code of practice and make it all about how we can help them rather than it being a benefit for the offender.

I have one case... it is a very interesting case, actually.

5.12.4 Gentry transcript section.

[00:00:00] Interviewer: All right. It's started recording. If you just want to-- I don't maybe start with what got you into the business.

[00:00:08] Interviewee: Yes. I worked for the **…** Cambridgeshire back in 2013 and then through the work we had created a victim hub and then a year later created or were starting to look at what RJwould look like. We wanted to create a service for victims where they could meet with their offenders. I had started to love a bit working there and I thought that it's actually interesting and I want to do a little bit more.

I decided to go for the job as the **…** manager when it was advertised and luckily I got the post. That was about two and a half years ago now? It was 2015. I first started to create and develop the RJHub and for us and Cambridgeshire, we sat within the victim and witness hub. The victim and witness hub provided support to victims of crime. Telephone support that they can get within 28 to 48 hours of a crime being committed against them.

The original thought, the initial thought was that during the support the victims get, the victim care coordinator to make those phone calls would also be discussing restorative justice. The victim hub has developed to become the victim and witness hub so over the last 18 months, we've also taken on witness care as well. Now in fact we're looking to achieve is have that single point of contact.

So that person that phones the victim at very outset say, "We've heard you're a victim of crime, is there anything we can do to help practically or emotionally?" And then that same person will them when the case goes to court and then support them through court as well.

It's about giving them that single point of contact and allowing them to have that rapport and building that rapport with victims. We've tried a number of different ways to get referrals through to the RJHub, so we've got the victim hub, victim and witness hub that get those referrals and that can be from the very outset for the victim that's just become a victim of crime.

The care coordinators can identify that the victim is asking for RJwithout really knowing what it is. Then they can refer to us. It might be that they'll say, "I just want to understand why. What did I do wrong?" All that sort of stuff. We'll engage with victims even where when we don't have an offender, there's no offense identified because we've seen that does help with the appropriate cover process.

What we're wanting to focus more on now is actually the court outcome. When we get a guilty plea or somebody is found guilty that's when we will start to fully engage with victims around Restorative Justice. It's high quality referrals that we get and that we're able to then do something with. We've got two parties but sometimes don't even have and then we've got one that is guilty or has been found guilty.

We can start to work with them a bit more. That's how we get referrals from the Hub. I've also done some work with police officers who are on the front lines when they first meet with the victim or an offender, they can talk about Restorative Justice, who have leaflets that they can hand out and again our initial thought were victim could practices, every single victim of crime needs to know about Restorative Justice.

Actually, we were saying every single person you meet, you must tell them about Restorative Justice. But then what we're starting to find is that actually, sometimes is just not the right time. We need to to be-- we need to use our own professional judgement as to when we introduce RJ. It might not be right when an incident has just happened and actually it's more for the victim and witness help to take on that responsibility to tell the victim about that.

Every single victim should be knowing about Restorative Justice. What we find, our service is very educative, very very victim-focused. But what you need both parties, you need both sides in this. We can work more with an offender to discuss and perhaps, and look at their behavior and perhaps influencing them to wanting to engage in RJor not, but actually do some really good work with them.

Even if they don't want to engage in RJ we have still done some victim empathy type work with them. We started to look at how we could build the partnership so we engaged with the National Probation Service, the Community Rehabilitation Company, and the Youth Offenders Services as well.

They are some of the partners that we pulled into our partnership. We worked very closely together so we'd often - and HMP Peterborough. We are trying to get into the prisons- in Cambridgeshire we've got three prisons, one is sexual offenders, the other one is a Category E or C, or maybe B category. Then we've got HMP Peterborough which is Category B as well, females and males are in that prison.

We started to do a lot more work with them and initially there was a bit of confusion around, well, the funding that you get in this is for victims and it's for victim service, so it's got to be victim-focused, it's got to be victim-centered.

They started to use [approach] and I thought that's all fine but that shouldn't discourage an offender coming forward and saying, "I want to engage in restorative justice," and I say no because it hasn't been victim initiated, it has been offender initiated. We've had these arguments or these discussions quite a lot actually, at the Hertfordshire as well because [facilitator]'s very much, "We should be taking -"

5.12.5 Elliot transcript section.

[00:48:59] Interviewer: In what way?

[00:49:01] Interviewee: This is going to sound awful but--

[00:49:03] Interviewer: I love it when things sound awful.

[00:49:04] Interviewee: With victims, you've got to be nice-y nice-y all the time even if sometimes they're being daft. Whereas with the offenders, I can say, "For God's sake, grow up. Shut up and grow up." I can do that. I think because I've been in this zone for like -- policing is quite a confrontational role when you're going out and about. Like I said, generally speaking when we see these offenders, we're arresting them.

You're in that thing and that to me now -- it sounds awful, don't it? It sounds more normal to be like that than to be nice. [laughs]

[00:49:38] Interviewer: You know why I find that -- Don't--

[00:49:39] Interviewee: It sounded so bad.

[00:49:41] Interviewer: That's not even the worst thing I've heard. It's fine. What was making me laugh and I was making a note to make sure that I'd remember to ask you is because I've heard that same thing of policing changes you that's why I said, yes it does but yes from the flip-side. I've heard other facilitators who are more on the soft side, the victim side.

One of the reasons I asked you about how much time do you spend with offender versus the victim is because some programs don't spend any time with the offender in advance of a conference but they will spend lots of time with the victim and of course then this raises questions for me about what's that like in terms of neutrality, how does that feel in the room for everybody?

What they would often say is the offender manager would do that work with the offender and if they are in prison, it's you guys have different titles don't you? The same types of jobs. I'd say okay, do we know that offender manager, for example, would have training in RJ or would they just be generic management.

Often, what people would say to me is, "Oh, I have no idea" Probably not they were cops and policing. It was always that way of the police couldn't possibly care about RJ, they just exist as someone who helps the offender get from point A to point B for the conference. You're the flip of that of policing changes you but you're actually showing me something that is warmer towards offenders not that that was soft and gentle.

[00:51:16] Interviewee: My concern is around the victims and what they get out of it and it's like what would you have done to them. I relate how would I feel, I would be really annoyed. I don't know, is it more me being around them and I can say what I think, I can say what I like whereas the victims got a little bit more careful they were a lot more vulnerable. They're more vulnerable and you question everything, don't you?

5.12.6 Finlay transcript section.

[00:59:14] Interviewer: Is your feeling that if you had your idea is that from the point of at the court rather than then-- or not rather then, but in the ideal world, being given the choice there of saying RJ is a possibility at this point that we could be thinking about rather than wait--

[00:59:32] Interviewee: Yes, I think if it was part of a program or part of an order or something like that, then people would know, wouldn't they? That it was there, it needed doing. But it's important that it is still done carefully so that it's productive.

[00:59:56] Interviewer: You can't just throw everyone into it

[00:59:58] Interviewee: No.

[00:59:58] Interviewer: But when you say that people would know, are you thinking particularly of people in the court side, the police side, the probation side, or you're thinking about offenders, victims?

[01:00:07] Interviewee: I'm thinking more about offenders really. I've asked the few of my friends but would they be prepared to take part [laughs] in RJstuff. I've not been really surprised that the number of them that have said no, because I would say, yes, I think. Although, I've never been burgled. I've never been burgled. I always think, a touch would dig like it will never happen. It's not as simple as that.

It's an interesting question, I think. That has come up a couple of times. This idea that on a personal level, not everyone's keen, and I don't know if it's part of our culture. We are more punitively minded, I think. You have this idea of, if someone does me wrong, then, “lock them up and throw away the key. I hope that things happen to them.” You don't think “what I'd really enjoy is sitting across from them and having a good conversation.”

5.12.7 Gentry transcript section.

[00:07:15] Interviewee: -Yes. We should be taking referrals from everybody as well, and then her higher ups …could understand the service such and we're seeing, "Oh no, you can't take it from an offender, can’t take a note from an offender," but we’ve always been very open to that and we still make it victim-focused, we still make it victim led, all about the victim, but if it is offender initiated it is a bonus really for us.

For us it makes it easier that the offender is there, already willing to engage and we’ve usually got other services supporting them at that point as well, which makes it so much easier. When we’ve got a victim coming forward saying, "I want to engage in restorative justice," and they say offender is under probation, CRC, or in prison it’s quite difficult to get hold of them sometimes actually.

[00:08:09] Interviewer: When you do get hold of them, do they tend to say yes? If you get this one unicorn offender out there who has finished his sentence when he gets contacted?

[00:08:24] Interviewee: Yes we have had one or two but the majority are in prison or under probation, really. I'm just trying to think of those that we have engaged with. The other service or the other way that we have really started to expand RJis we are running a pilot, and so we have what's called an offender hub as well so that monitors all unconditional cautions that could start referring…

That means that the way that we have got RJ into that is where there is an identified victim, we ask that the offender engages in a RJinitial assessment. That's something that they have to do in order to comply with the conditions, if they don't comply with that then they could get taken to court.

What we have to be very clear on again with that, is that we are just asking them to come and meet with the practitioner for us to have a discussion about their behaviours, the potential impact that could have had on others and get them to start thinking about that and to start thinking consequences.

Now we might do our assessment and think, "This person is perfect for restorative justice." If we then offer it to them and they say, "I don't want to do it," that's fine, we have to walk away from that but what we're finding a lot of time is that when these offenders go through the initial assessment, they want to engage in it. They are open and willing to meet or communicate in some way with their victim and to talk about the impact that has been caused and a lot of the time to apologize to them, because it's usually-- it's the more sort of low-level issues that we deal with and a lot of the time it's just somebody has maybe acted **[unintelligible 00:10:31]** or has acted unkindly **[unintelligible 00:10:35]** and they want to be able to explain that to the victims.

We've seen a lot of success with that. We've not had any that have gone to conference, but for offenders what we're finding is that they're seeing that there's other people that have been affected by this. They are willing to take this opportunity that's provided for them and start to try and make changes.

5.12.8 Kingsley transcript section.

[00:10:10] Interviewer: This is what-- Okay.

[00:10:11] Interviewee: It's now gone to Catch-22 which I believe is a charity. I think only took effect this week, so it's brand new. I've been told, and this is, again, all through grapevine, that they don't have any facilitators, and they don't have any facility to run RJ at the moment until another month or two. I'm stuck because we've offenders who are potentially ready. Is there anything stopping us contacting the victims in most cases to get that work underway or do we have to now wait several months for Catch-22 to get up and running? I knew in my head what was the most practical solution, but because I'm not a facilitator and I'm not in any way in the strategic plan of it all.

I contacted the person who I believe is the force more strategically for it to say, "Can we do this? Can we do this? Is there anything that stops us doing this?" There's that frustration over time. Is that me as a supervisor I'm not pressured by anyone, I know what I think is operationally right to do, but I felt actually now I've got to take advice elsewhere to see whether there's anything stopping us because this is we call a lot confusion about whether we're doing a victim led, offender led. It is promoted by the offender are we allowed to just go and contact the victims. Is that right? In my head, yes, of course that's the right to do. If there's an offender who's ready, of course, we should give that victim the opportunity.

But it's about how you approach that victim, for sure. I'd like to think that none of the people that I would use to approach the victim would be bullish about it. They would be very empathetic and do it for the right reasons. Because there's this almost a stigma, I think, of victim led. It's all got to be victim led. They're a bit like the holy grail. We shouldn't contact those victims unless they've come to us. That's why I think it's perhaps wrong. I think we're in the criminal justice system and whether it be a victim or an offender, if either one of them has a protest then we should explore the possibilities of a conference.

[00:12:04] Interviewer: I'm really pleased to speak to you genuinely on the record because this is been the question. A lot of facilitators have been saying the same things that you are saying. My curious has been was that just because the facilitators don't know-

[00:12:17] Interviewee: No.

[00:12:17] Interviewer: -the next level up. But it sounds like-

[00:12:19] Interviewee: I think there's too much of a division. I can only speak for us as a policing organization. I think there's too much that division that the strategic people aren't involved in the operational delivery, and then the operational delivery aren't involved in the strategic decisions so don't know what's going on. In the early days of RJ when we were trying to approach those 500, I was trying to do the right thing by saying, well, take advice from those strategic leads and say what can we do, because this what I want to do.

I was troubled it's all got to be fit victim led. Well, that goes against how we do it. I found a lot of obstacles. Yes, it was frustrating. I think I've got more of a knowledge involved in it now since we approached these 500. I think generally there's probably at an operational level of offices isn't a huge amount of knowledge of what should or shouldn't be done. That's why then there's perhaps that reluctance to do it or hesitancy.

[00:13:12] Interviewer: When you raise the issue of probation, the reason I ask the follow up is because probation has come up in other interviews and in other areas, but often with a very different perspective on it. In some places, the probation service really has taken the run of RJ and that's where the bulk of the work is done and that policing side almost none of it. They handle leaflet and some point **[inaudible 00:13:36]** has taken up.

Another place is take the position of probation is almost too late. It should have been **[unintelligible 00:13:42]** through at the beginning. I think that disparity between who holds the responsibility for RJ or where do we start the training, where do we put the resources, it has really stood out for me that there isn't a clarity of purpose.

[00:13:55] Interviewee: No, you're right, there isn't.

5.12.9 Elliot section of transcript.

[00:33:31] Interviewer: I was going to say when you said that, I remembered that moment in Peter Wolf's talk where he said, "It wouldn't have worked if you had done it at this point in my career. At this point in my career, I had a moment and then I went back to offending." It raises the question, doesn't it? Maybe it did work for [offender], we just haven't seen the full effect of that working.

[00:33:52] Interviewee: Yes. It has worked, but it hasn't. It's very difficult.

[00:33:59] Interviewer: What keeps you going? Because everyone, everyone eventually-- because you tell me these horrific stories and it's not-- and people go, " Yes, but RJ, you're still in the job?"

[00:34:08] Interviewee: Yes. I still think, I still believe it's a powerful tool although there's parts of it that I'm a little bit-- I did my training years ago and I've done one conference myself. There's been one I was trying this up but then the guys would change his mind, "Oh, no I'm walking away now," you get a little bit deflated. I just think-- I don't think it's been given enough attention.

[00:34:38] Interviewer: Okay. Now we're in the grit, aren't we? Because, I think that's the question of why do I keep meeting passionate people? It doesn't seem be as facilitators just don't care.

[00:34:48] Interviewee: No.

[00:34:48] Interviewer: You can be like RJ doesn't work as facilitators are doing a crappy job. That doesn't seem to be it.

[00:34:53] Interviewee: No.

[00:34:54] Interviewer: What do you think holds it back from RJsetting the world on fire over there?

[00:34:58] Interviewee: Just I think it's wearing off. We will know it's there and apparently like the victim service teams, spaces offer it to people. It's not there for them. You can only offer it to people. They can't invest ages and ages into each victim because there's hundreds of victims every day, isn't there? Trying to explain it and get it across to them. I just don't think the media is -- I don't know.

[00:35:28] Interviewer: When I think about these individual programs, because I spoke with some of the programs that are growing in London now because of a bit

more infrastructure and money have gone into that. It seems like it isn't part of the average person's vernacular to think about if I was ever the victim of crime, I would want to meet the offender. That doesn't seem to be a part of how we think.

[00:35:52] Interviewer: No. I think we're conditioned to be like myself and think, "God, I'd give him such a slap." Do you know what I mean? Because that's the thing to do. Because with [victim]...I said to him [about attending the conference], "You can take someone along if you want." He went, "No one is going to come with me because they all think I'm mad." I'm like, "Okay, I don't know why you're doing this." My friends are like, "Yes, I'll go along with you. We'll kick his head in." Stuff like that. That's the mindset I think we're told is the normal mindset to have. That puts a lot of people off.

5.12.10 Navy Transcript Section.

00:11:53] Interviewer: Yes, absolutely. Do you think it makes a difference for you as well, that if we caught you and shoved you into a conference 18 years ago, do you think you would have wanted to be more defensive or less ready?

[00:12:03] Interviewee: Yes, maybe. Yes.

[00:12:08] Interviewer: Or do you think actually probably would have been fine for you at any point that you'd done it?

[00:12:11] Interviewee: I don't think I would have done it back then, to be honest with you. It's only because I've grown up somewhat since then, that it's more relevant to me.

[00:12:24] Interviewer: Okay. All right, thank you for that. Is there anything that you think someone from the outside should know about what RJis like for you or for other people who might be about to go through it?

[00:12:40] Interviewee: Yes, I think that it can only be done by where your head's at. A lot of people, it's not just the right time… You've got to think, if you're in that stage in life where you've actually decided to go and offer people…whatever…

[laughter]

Get over yourself, sort of thing. Certain people don't grow up. Like, mentally. I don't know. I suppose inside I'm a good person. [laughs]

[00:13:24] Interviewer: Yes. I can buy that.

[00:13:31] Interviewee: Yes, you feel like you can give them a little bit back, a tiny bit.

[00:13:32] Interviewer: Okay. For you, it sounds like one of the most important things is that it happens at the right time, that-

[00:13:39] Interviewee: Yes.

[00:13:39] Interviewer: - the person who's doing it has to be at the right point.

[00:13:41] Interviewee: I think there's too many people to be.. I think it just so happened my one was old enough. Although, I think if they brought it up to me, even if it was relatively new stuff, I'm still in that stage where I'd almost quite happily do it.

5.12.11 Indigo Transcript Section.

[00:22:11] Interviewee: -it's- it's a bit like, "Well, I-I don't know them," sort of thing. Do you know what I'm saying? So it was a bit like that. And, um, I think it was a bit-- obviously, coming face-to-face with them, like people on-on this program. 'Cause we got to meet people who-who are on the program as well when we're going to meeting. We would be in court and we would be chatting and stuff like that. And then they-they-they will say to you, "Oh, obviously, have you talked between yourselves?" Do you know what I mean? Without the police input and stuff.

[00:22:39] Interviewer: Mm-hmm.

[00:22:40] Interviewee: And then they'd be, "I've heard you've done that victim thing." And be-- a lot of people would be like, "I ain't doing that. I ain't doing that." But to be- to be fair, I probably would have been one of them people-

[00:22:49] Interviewer: Mm-hmm.

[00:22:50] Interviewee: -before I've done that because it was half like-- it-it-- I don't know. I-in another sense, if I never done that, I probably, like I said, I probably would've been one of them people would be saying that. But after doing it, I just thought, "Do you know what? It-it was-- it has helped in a sense where I know the impact, face-to-face."

[00:23:13] Interviewer: But what got you in the room? 'Cause I'll- I'll tell you. For me, personally, I look at it and think, "I don't know, If I've done wrong to someone--"

[00:23:20] Interviewee: I've always-- I've seen this one on-on tele. you see it all the time on tele and-

[00:23:25] Interviewer: Mm-hmm.

[00:23:25] Interviewee: - stuff like that in-in America, or whatever. And it's been like, oh, you see him breaking down, and crying, and this, whatever. And-and-and you look and think, "No way could I ever do that-

[00:23:36] Interviewer: It looks scary.

[00:23:37] Interviewee: -I could never do that." But I think it was-- or I-- obviously, having the talk with, obviously, probation beforehand, and-and the police beforehand, knowing the impact that I've had on this lady, to know like, obviously, they was the oldest couple, and she couldn't leave the house. She was like, "Oh--" She was-- every time the door knocked. she'd be scared, shaking, and stuff-

[00:24:00] Interviewer: Mm-hmm.

[00:24:01] Interviewee: -like this. And-and they said, "Um, what would you think if, like, wo-would you meet them?" and stuff like that. And, obviously, then they told me about the lady and stuff. And I goes like, "If I think that it's gonna help them come over what I've done to them, then I will do it." And so, obviously, that's what got me in the room, really, was knowing the impact that I've had on them like, basically, more in-depth. Obviously, you know, for world, if you're doing a crime against someone, you're gonna have some kind of impact on them.

But when they're telling you in-in like more in-depth about how it's affected her and how it's affected the, like, the family and stuff like that.

Then I think that's what made me do it. It's because like-- I don't know, it was a bit like, "I have to do that. So she can try and get some closure and try to get some peace with it."

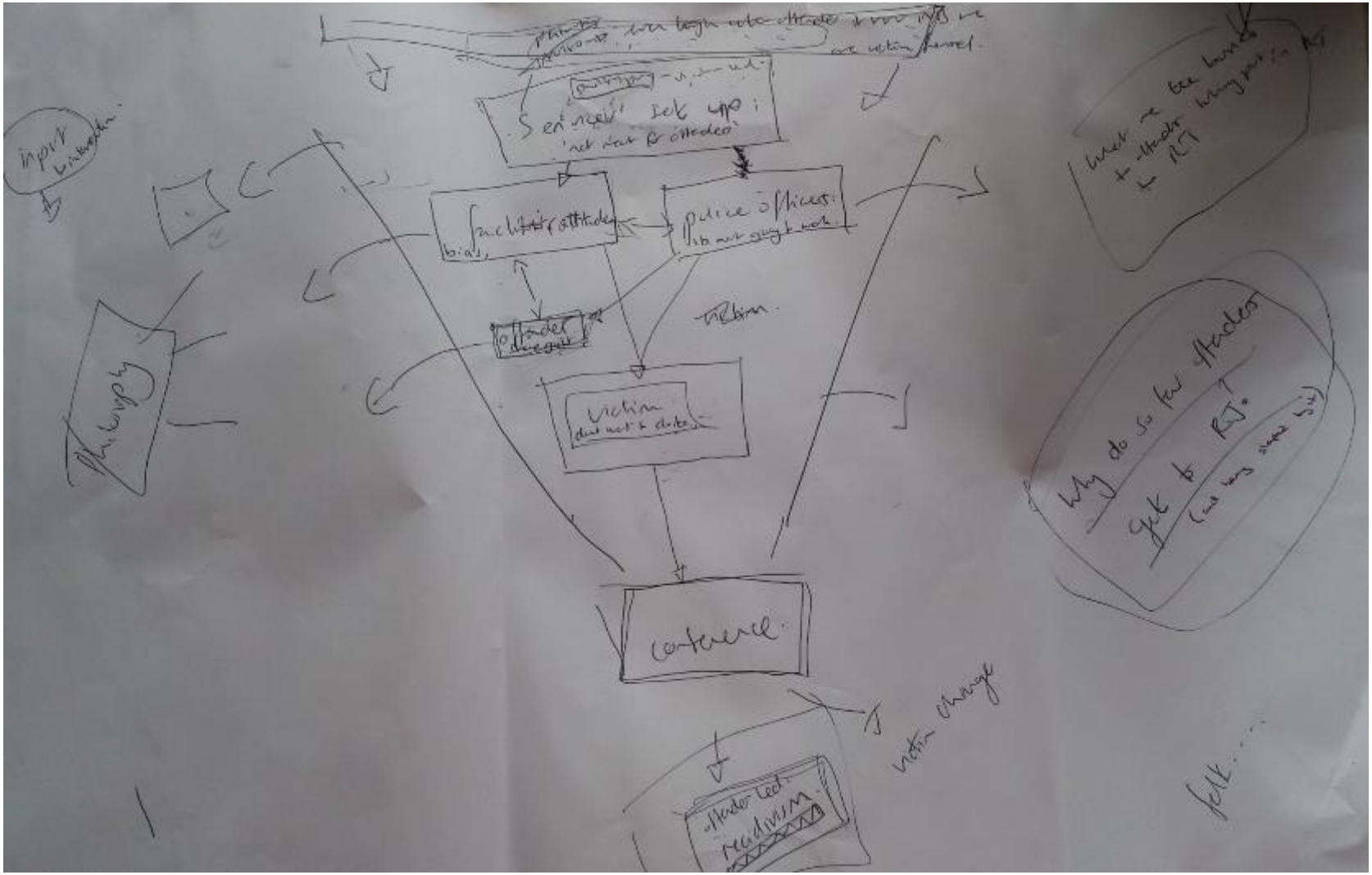
[00:24:53] Interviewer: Mm-hmm. Mm-hmm.

[00:24:54] Interviewee: If that make sense?

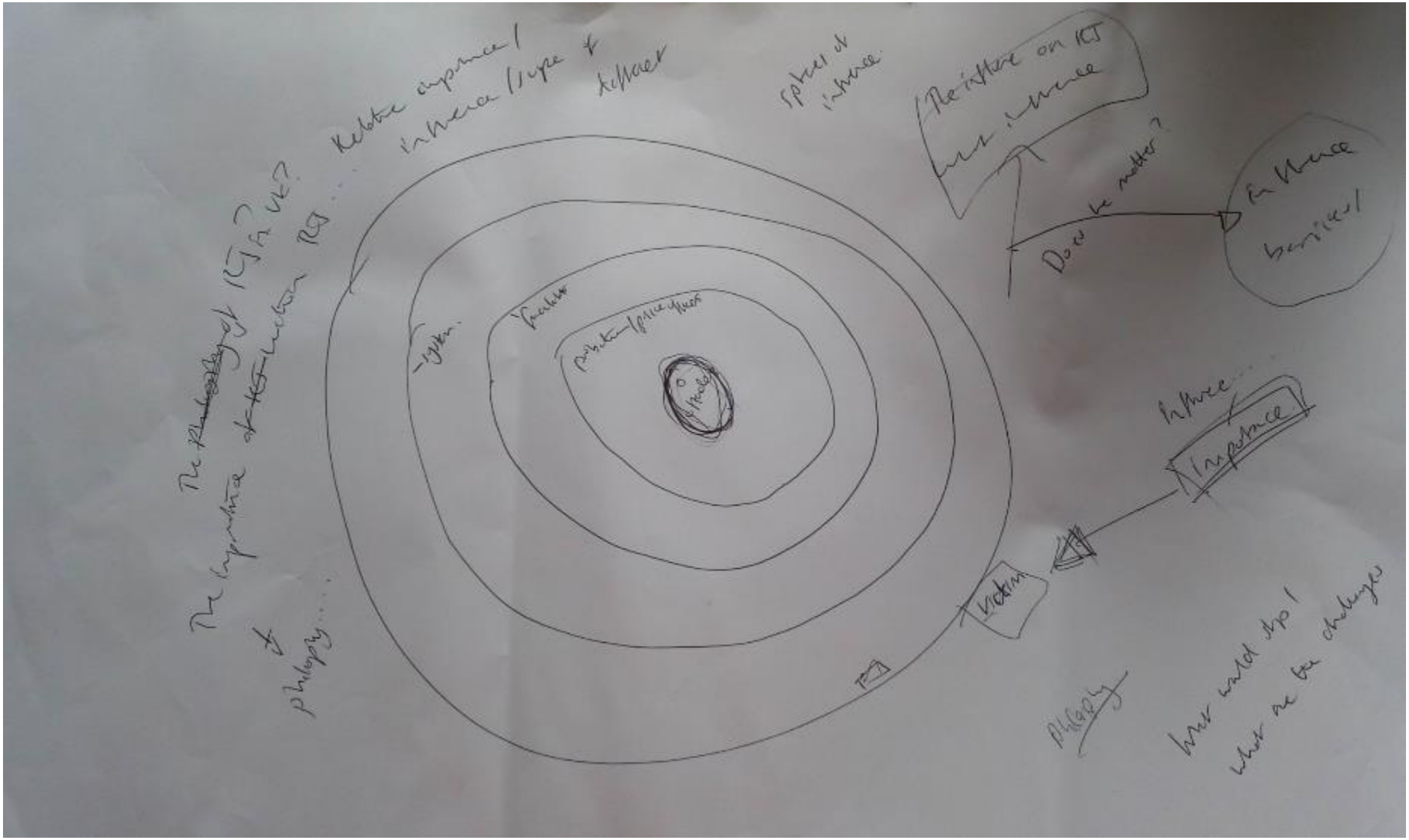
5.13 Initial Data Analysis Diagramming

Initially, there was no cohesive link between any of the categories—I had moved from initial to focused codes to categories, without a clear direction for joining up the categories. I talked through my data with a listener who was unfamiliar with RJ and used their questions and my explanations to begin to pull it together.

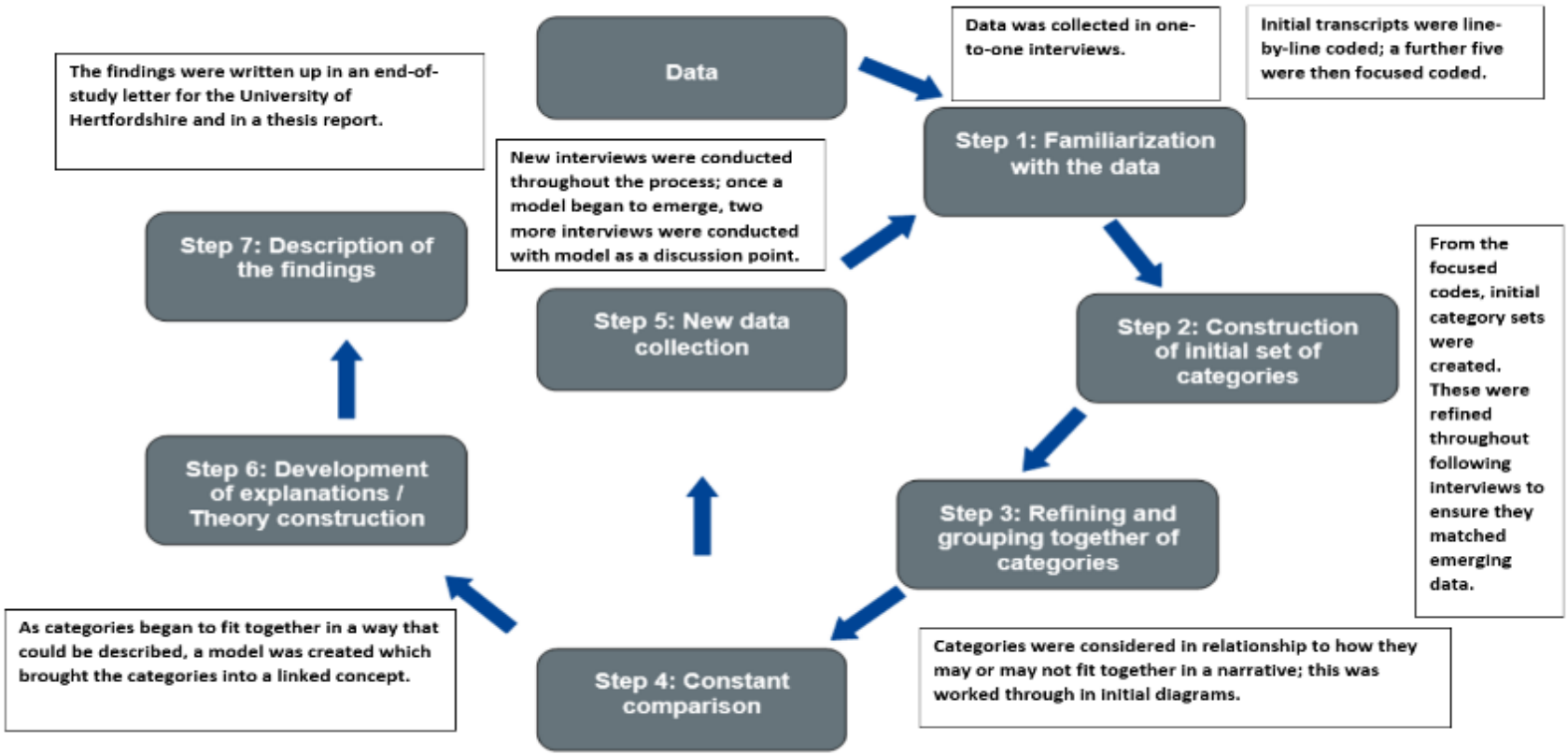
As it became more and more evident that I was talking about the ways in which Offenders would not make it to conference, a natural funnel began to appear for the points when Offenders move out of the system.



As much as the funnel helped explain a lot of the different categories, it was not allowing for a description of the powerlessness of Offenders that was coming through so many of the codes. Therefore, I began attempting to consider how a second model might speak to this phenomenon.



5.14 Analysis Audit Trail



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