

AN EXPLORATORY STUDY OF UNDERSTANDINGS AND EXPERIENCES OF IMPLEMENTING RESTORATIVE PRACTICE IN THREE UK PRISONS

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Abstract

The aim of this research is to examine the meanings and impact of implementing restorative practice (RP) within three prisons from the perspectives of prisoners and staff. The prisons were selected as they demonstrate outwardly a commitment to RP and also are indicative of good cultures, according to recent MoJ data. The methodology is qualitative, using a variety of research techniques including semi-structured interviews and observation. The paper also studies the available literature on restorative justice (RJ) in prisons and compares it to the literature on embedding RP in schools which has received more empirical research attention. The paper illustrates that the school's literature could benefit custodial settings.

The key findings demonstrate benefits experienced by both residents and staff when RP is implemented; implemented well, RP delivers and supports a culture of fairness, avoiding or defusing confrontation and contributing to constructive approaches to prison and post-release life and relationships. However, there is widespread confusion as to the definition of RP and what constitutes RP. Few staff are trained and assumptions about restorative justice hamper the possibilities of RP. RP does not sit at the heart of the prisons' philosophy, as in schools identifying as 'restorative'. Instead, they use RP as a form of social 'lubricant', managing challenges as they arise through the discretion of those capable of employing RP. In conclusion, the paper makes recommendations based on the findings for further embedding RP across the secure estate.

Keywords

Restorative, restorative justice, restorative practice, rehabilitation, culture change

Introduction

This paper explores how Restorative Practice (RP) is understood and operationalised currently within three (Category C and Category D) UK prisons in the secure adult male estate; HMP Warren Hill, HMP Buckley Hall and HMP Thorn Cross. Drawing a clear distinction between Restorative Justice (RJ) and Restorative Practice (RP), the author chose to work with three prisons, all of which have a demonstrated commitment to RP both in

outward communication and practical application and have embraced versions of a rehabilitative culture. Whilst working in custodial settings as a facilitator, trainer and consultant in RJ and RP, the author observed that broader RP techniques were being implemented sporadically in prisons by some Governors. This ignited some questions: What do those who work or live within the prison environment understand RP to be? What are the ways in which prisons are implementing RP? How far is it possible to integrate RP within UK prisons, and what are the obstacles? And what examples are there of the benefits of RP interventions in prisons?

The findings are compared to those of the research into traditional victim/perpetrator RJ dialogue in prisons to the research on RP in education to explore whether prisons using RP might perform better, as has been evidenced in some schools.

If the benefits of RP are as demonstrable within prisons as they are within schools, could RP be applied more broadly across prisons, as has the national implementation of the Five-Minute Intervention concept after its pilot at HMP Portland. Finally, the paper considers possible next steps as a result of the findings.

The difference between RP and RJ

Currently, in the UK, RJ is more broadly understood within the CJS as victim/perpetrator dialogue. The Restorative Justice Council website however demonstrates that contemporary RJ practitioners include RJ as part of a toolkit of interventions under the title Restorative Practice; tools that are proactive rather than reactive by reducing conflict and building relationships, looking at consequences of actions rather than punishments.

Wachtel, from the International Institute of Restorative Practice (IIRP), explains that what makes a practice specifically restorative is in the use of the restorative questions:

In the normal system the response is: What happened? Who is to blame? How can we punish them? In restorative we ask: What happened? What was the impact? What needs to happen to make it better? (Wachtel, 2013:12).

When RP is used, it is posing these restorative questions in a wide range of situations, and these questions have far broader application and possibilities than victim/perpetrator dialogue alone. A simple definition of RP therefore is the application of these questions through different methods in different situations. For example, creating RP cultures within restorative schools involves using the restorative questions in the following ways: how I restoratively express myself, hold one to one conversations, hold group meetings and finally, the most known, how I facilitate conversations between parties who are in conflict using the restorative questions (Vaandering, 2014). Restorative ways of working are shown to minimise shame. For example, Braithwaite's work on RJ and shame, demonstrates that RJ offers re-integrative shaming rather than stigmatising shaming (Braithwaite, 2003). This is relevant to prison life, an environment that is frequently triggered by trauma and shame (Hohfeler, 2018). Nathanson's work states that the 'adaptive' way to move beyond shame is to acknowledge it, look at the impact and then show remorse if necessary; a process echoed in the restorative questions (Nathanson, 1994). Therefore, the restorative questions

are an 'adaptive' way to respond to shame as opposed to the four 'maladaptive' ways, as described in Nathanson's Compass of Shame (Nathanson, 1994).

The IIRP add that these restorative questions, when posed in an environment that requires an understanding of RP values, including the concepts of fair process, accountability, and the Social Relationship Window model then provide the basic underpinnings of a restorative culture (Wachtel, 2013). Neither forgiveness nor restitution are part of the current definitions of RP in any of the literature from practitioners, nor does there need to be a clear victim or perpetrator. The difference between RP and other interventions, such as Reflective Practice, is the focus on impact and away from blame (or asking why).

RP has grown apace in education and there is a quantity of literature on its implementation that might support its advancement in custodial settings which will be discussed later.

How RP has evolved within the Criminal Justice System

Restorative Justice was first introduced into the CJS in the 1990s, with specific pilots involving victim/perpetrator initiatives taking place in prisons in the early 2000s in Europe, Australia and Canada, which were extensively researched (Dhami et al, 2009). Since then, the broader application of RP within the prison service has only recently begun to be explored. In the same way that RJ has been evidenced to demonstrably improve the lives of victims and perpetrators, so effective implementation of RP has been evidenced as impacting positively on schools; improving the working environment, reducing bullying and a reduction in sanctions (Kane et al, 2008). Might the introduction of RP tools and skills have a similar impact on the custodial environment, with potential benefits for staff, residents, and overstretched resources? This paper identifies the following issues as unaddressed by existing literature:

- Whether the potential for organisational transformation, as seen in schools, exists within prisons that are embracing the use of RP;
- How this broader approach is being operationalised; and,
- Whether a clear methodology for the implementation of RP in prisons has been established, and the extent to which such methodology is necessary.

So, could restorative practices within prisons make the difference, make prison a more positive experience and better prepare perpetrators for release? (Wallace and Wylie, 2013:60).

There is little academic research analysing how RP has been implemented effectively within prisons. The available literature suggests that the full breadth of the possibilities of RP to improve prisoner/resident experience in prisons remains unexplored. RP strategies, beyond the dialogic victim/perpetrator process of RJ, are barely offered; nor is it referenced in the government documents or strategy documents such as the Ministry of Justice's Restorative Justice Action Plan for the Criminal Justice System of 2012. An increasing number of academics have begun to advocate for the broader possibilities of RP within prisons (for

example within adjudications, prisoner councils, or other ways of working within the prison environment). Butler and Maruna's analysis of the lack of legitimacy in prison adjudications suggests that the current methods in adjudications (prison's internal courts) are not deemed fair by residents and suggest that RP techniques could be used within adjudications for better outcomes for all parties (Butler and Maruna, 2016). Dhimi explore the broader use of RJ within prisons in the 2009 paper and concludes that RJ 'might be used to improve prisoners' experience of imprisonment' (Dhimi et al, 2009:433). Dhimi's research also notes a possible further application of RP in relation to accountability (Dhimi et al, 2009). These researchers recognise the vital importance for residents of issues such as legitimacy, accountability and fairness in prisons and that RP can support these issues. Butler and Maruna discuss the importance of fairness in resident/officer relationships and how RP could be used to build this within prisons, suggesting resident/officer RJ interventions encourage fairness and legitimacy (Butler and Maruna, 2016). The benefit of strong resident/officer relationships is critical to the maintenance of stable prisons and building trust, a critical component in rehabilitation (Armstrong, 2014 and Liebling et al., 2015). These ideas are very similar to the ideas outlined by Edgar and Newell who introduce the possibility of moving beyond the victim/perpetrator dialogue into broader restorative dialogues, however they still retain a clear harmer/harmed standpoint and little progress has been made within the secure estate since publication (Edgar and Newell, 2006).

The available literature demonstrates an understanding of the potential of RP within prisons but does not explore whether it is currently taking place; thus missing the opportunity for prisons to review and analyse contemporary operational RP to understand how and where it is working and with what benefits. Butler and Maruna are critical of the 'ad-hoc, piecemeal' approach to the implementation of RJ within UK prisons (Butler and Maruna, 2016:16). Their findings illustrate a lack of coherency and research, potentially undermining the benefits of RP work and its value to the CJS. The following quote sums up the issues of RP in all its guises:

RJ programmes constitute a patchwork of loosely connected ideas and practices rather than a tightly knitted set of principles and institutions. The practices are "messy" although thematically linked in important respects (Ward et al 2014:24).

Does this flexibility work or provide too much inconsistency for a system that is used to standardising its processes? Marshall recognises the potential benefits of a flexible approach and a far broader use of RP within the CJS (Marshall, 1999) and yet this is not the reality 20 years later. Perhaps the unresolved challenge has been to blend two seemingly opposing systems - restorative philosophy and prison culture - and the evidence from

schools, has not yet transferred to prisons. Marshall also had the foresight to talk about the benefits of RP within schools:

Some of the most effective RP initiatives are found in schools, helping to prevent exclusions and inculcate a sense of citizenship (Marshall, 1999: 21).

Marshall describes a flexibility where RP could be aligned within supportive prison cultures encouraging rehabilitation. Alongside RJ's availability as an intervention within the prison and available to victims of crime, RP could be part of an existing suite of relational skills to encourage effective dialogue, de-escalate conflict, encourage accountability, and problem-solve. The following quote represents the view of this paper:

Restorative Justice as a process could be part of the repertoire of tools that enhance pro-social identity change. However, restorative principles could be woven through treatment practice and probation as well as any interventions that address offending (Ward et al 2014 attributed to McNeill 2009:37).

The overall literature on RJ in prisons focuses on potential or hypothetical RP and does not explore or evidence existing practice. The closing line of 'The Potential Future for Restorative Justice in Prisons' starts 'If prisons began to successfully model restorative practices ...' and this line alongside the author's experience within custodial settings of tentative explorations into operationalising RP have inspired this paper (Butler and Maruna, 2016:146).

RP in schools: Evidence and Support

Moving from custodial settings to education, there were similar pilots in parallel to the prison RJ pilots in the early 2000s, in schools in England, Scotland, Australia and Canada; each one working with between 18-25 primary and secondary schools. Justice is an uncommon phrase within school settings and RP emerged as a more common phrase, whilst a reduced focus on the needs of victims allowed the field to move beyond traditional RJ interventions. Academics have seemingly found evaluating RP in schools less onerous than in prisons. In their large-scale evaluation of the implementation and impact of RP across 18 Scottish schools, Kane et al. acknowledge in their conclusion that there is something more humanistic about RP:

Restorative Practices encouraged connection at a deeper and more personal level than many other educational initiatives (Kane et al, 2008:248).

Studies have continued including an extensive study of twenty schools implementing RP, in the Lancet, rigorous in its evaluation over three years. The use of quantitative methods illustrated interesting outcomes:

At 36 months, students in intervention schools had a higher quality of life and psychological wellbeing and lower psychological difficulties than did students in control schools. There was evidence of lower emotional, conduct, hyperactivity, and peer problems (Bonell et al 2018.).

This study illustrates the far greater depth of research into the impact of RP in the education sector. The positive impact of RP to decrease bullying behaviours stood out, as well as demonstrating benefits to general wellbeing. There is a whole suite of literature from academic professionals who have guided schools in how to introduce RP and honed its implementation, including Thorsborne, Vandearing, Hopkins and Bevington.

The literature on schools is very clear on one outcome: the introduction of RJ techniques such as conferencing as a way of managing harm and post conflict works best when it is 'not an isolated intervention ... (but) inextricably linked to all interactions' (Thorsborne, Blood, 2013:9). The restorative initiative otherwise becomes swallowed by the existing punitive culture, another lesson for prisons. The RP literature contends that in order to successfully implement RP in schools it must not exist as one of a range of optional interventions, but as a central philosophy that informs decisions. Whole school practice is identified as the optimal method of causing behavioural shifts as described in the paper: "I was dead restorative today": From Restorative Justice to Restorative Practices in School' (McCluskey, 2008). Such titles see RP as a way of instigating whole school culture change; talking eloquently about the challenges and sharing a step-by-step guide to develop a culture built on RP. They all agree that it is a movement away from 'behaviour management' and towards 'relationship management', echoing a rehabilitative culture in prisons (Shaw, 2007). Crucially, they highlight that RP works best with the most challenging behaviours in students. They also describe a culture where the Senior Leadership Teams (SLT) need to model the RP behaviours.

Interestingly the challenges to implementation of a restorative culture in schools are as relevant to prisons. According to Shaw it is when teachers experience a loss of power and control:

sometimes staff resistance is a part of the problem and (as with all change) when people are under pressure they do not respond restoratively ... It may threaten some teachers with a perceived loss of power (Shaw, 2007).

This has been similarly identified in prisons with regards to RJ:

One of the most important pressure points in implementing Restorative Justice in prison is the degree of co-operation or resistance of prison staff. No other factor is cited as frequently in the literature. RJ initiatives often encounter resistance from staff and are repeatedly obstructed by the prison regime. This resistance can be as a result of any number of factors: a view amongst staff that RJ is unnecessary or a soft-option; annoyance at the time and energies required of staff; fear that restorative processes invalidate the traditional role of prison officers; or worry that RJ will lead to a questioning of the dominant values and practices of the prison (Noakes-Duncan, 2015:56).

This resistance was noticeable within the findings and the literature on prison officer culture, exploring these complexities for prison officers, the complexities of boundaries and balance (Bennett, Crewe, Liebling, 2013).

Whilst presenting challenges, there are also considerable benefits to implementing RP highlighted in schools research, which again could be pertinent to custodial settings, for example:

There is a deliberate shift away from individualism toward interconnectedness; treating one another with justice and equity (Evans, Vaandering, 2016:58).

Morrison describes schools as ‘discrete face-to-face communities made up of a complex set of relationships’ (Morrison et al, 2005: 353). Prisons are similar communities, irrespective of whether some of the population choose to be there. Communities give an opportunity to develop environments of active citizenship, and this is where schools demonstrate that RP encourages a sense of belonging and away from isolated self-interest, a prominent feature of a prisoner’s life (Thorsborne 2013). Morrison writes on schools that RP is ‘also a means by which we can protect and enhance the social capital that school communities create’ (Morrison et al, 2008:354). The need for developing social capital and interconnectedness is relevant to prison life. This aligns with the literature on active citizenship in prisons; including the Prison Reform Trust paper, *Time Well Spent* (Morrison et al, 2005). Additionally Morrison notes that harnessing ‘the emotional economy’ develops an emotionally intelligent justice in schools (Morrison et al 2005:342). This is a concept entirely in harmony with Procedural Justice, which is gaining traction within custodial settings and HMPPS and significantly researched by Fitzalan-Howard (Fitzalan Howard, Wakeling, 2019). There are a number of progressive theories, initiatives, and practices within prisons alongside Procedural Justice such as Rehabilitative Culture, Enabling Environments and the Good Lives Model which are compatible with RP values and ideas (Mann 2018, Bennett 2019, Walgrave 2019). This paper argues, as do some academics, that RJ/RP can provide the tools to complement many of the existing rehabilitative models. Fair Process, as described by Kim and Mauborgne, is a key principle of RP and a key feature of both Procedural Justice and the Rehabilitative Culture model (Kim and Mauborgne, 2003). The importance of giving everyone a voice, as described by the IIRP, features heavily in all of these models (Costello et al. 2009).

The difference between RJ and RP is clearly understood and best described within the literature on schools. RJ is a reactive response when harm happens and RP techniques build relationships in order to prevent or minimise the harm happening in the first place, and in addition add value to the environment in many ways. Schools acknowledge that RP thrives alongside other initiatives as a ‘complementary practice’ (Shaw, 2007:131), it could also support existing initiatives in prisons. Kane notes in her research on the impact of RP in Scottish schools that: ‘Multiple innovations were not a problem when they were seen to connect to each other and to have the same values base’ and adds that RP ‘gave an identity to changing school ethos through its capacity to knit together a range of practices permeating the social network of the school’ (Kane et al, 2009:248). The research from schools that have embedded RP illustrate that it can benefit whole systems, for example, behaviours, pastoral care, and staff management. It can help to de-escalate conflict, provide a toolkit to repair damaged relationships, and build skills to prevent relationship breakdown. The potential to use the research from the education sector to develop strategies of implementation in prisons or to evaluate RP’s effectiveness within prisons has

not yet happened. The Handbook of Restorative Justice's chapter on RJ in Prisons ends with a brief mention that the RP model from schools could be replicated within our prison system (Johnstone and Van Ness, 2007).

Prisons, who are beginning their journey into RP, could benefit from the wealth of research in education.

Whilst analysing the literature it provided unanswered questions which formed the basis of this study:

1. What do those who work or live within the prison environment understand RP to be?
2. What are the ways in which prisons are implementing RP?
3. How far is it possible to integrate RP within UK prisons, and what are the obstacles?
4. What examples are there of the benefits of RP interventions in prisons?

Study methodology

The research for this paper was qualitative. 29 semi-structured interviews were held in total; including nine prison residents, 16 officers and Governors and four professionals within the Criminal Justice System. The residents interviewed ranged in age from 28 to 62. They identified as Afro-Caribbean (two), white British (four), white European (one), Asian (two).

Sixteen individuals who worked within prisons were interviewed. These ranged from two governing Governors, four Governors, three wing officers, two in Programmes, two in the Offender Manager Unit, two in Safer Custody, and one chaplain. Nine men and seven women were interviewed with experience working within prisons from 12 months to 29 years. The interviews were transcribed word-for-word and coded manually to identify emerging themes. The themes that emerged are the subject of the findings. A range of questions were asked exploring the scope and practice of RP in prisons including consistency of practice, compatibility with other rehabilitative practices and possible support by HMPPSA.

A minimum of three-day observations took place in each of the three prisons. These facilitated many ad-hoc conversations, and a Field Diary was kept as "Subjectivity is positively valued in the qualitative paradigm" (Braun and Clarke, 2013:36). Specific Case Studies emerged as a result of the observations, demonstrating RP in action. A reflective journal was kept as the author is an RP and RJ professional wanting to analyse bias as well as bringing expertise to disseminating others' interpretations of RP. The researcher was not familiar with any of the three selected prisons prior to the research and anonymised participants and prisons, which are described as A, B and C

Findings

As identified, most research on RJ projects in prisons has focused solely on the facilitation of RJ conversations to heal harm between perpetrators and victims. The reality in UK prisons is a far broader use of RP than academics and the authorities have kept abreast of. The findings unearthed examples of restorative conversations between residents, and between officers/residents, conversations for building relationships with families and the use of RP circles. RP techniques are already being embedded within the adjudication process in all three prisons.

Understandings of RJ/RP – Question One

All three of the prisons are committed to embedding restorative initiatives within their prisons and have a broad understanding of RP without the fluency to be able to describe it with nuance or understand the fullness of its possibilities. This, in part, is due to a 2014 NOMS pilot introducing RJ facilitator training to prison officers. The purpose of this training was to encourage delivery of RJ victim/perpetrator conversations within custodial settings. However, this did not result in an expansion of RJ interventions within prisons as was hoped, as the prison officers did not have access to, or the capacity to, manage the victim's needs. However, the training did leave an impact in other ways and the author met many who were trained and recognised that their RJ skills could be adapted to improve prison life. Barely any of the senior leadership had received this training and whilst enthusiastic about RP lacked an understanding of its potential application within their prisons. The lack of clarity and understanding is hardly surprising given the confusion, inconsistencies and overlaps around RP that abound in literature and the media.

The governing bodies, or Senior Leadership Teams (SLTs), of the three prisons are not clear on how to implement RP but are keen to further explore these nascent ideas believing RP could add value to their prison to improve relationships, reducing tensions. The governing bodies understood that they have much to learn to build more rigorous RP strategies within their prisons and to explore its full reach. Successful RP interventions were taking place within establishments unbeknownst to the SLTs, for example, restorative family interventions between residents and their families in Prison C. This demonstrates a healthy restorative culture, by giving staff autonomy to be creative and use their initiative. The SLTs also demonstrated a marked lack of cynicism and scepticism towards RP alongside a healthy dose of pragmatism. Each prison was quite clear in its view that the traditional punitive system or, as everyone described it, the 'old school' ways of doing things fails everyone: staff, residents, families and the community. They were keen to learn a new way, reflecting a fairer process:

Why are we taking everything away? Why are we punishing them? Taking their jobs? How can we do this differently? (Governor A2)

Those who best understood RP within the prison were those who had been trained to become traditional RJ facilitators, mainly in Prisons B and C. In Prison B, officers and residents had been trained as facilitators together and were now using these skills within the prison environment, facilitating conversations together. In Prison C, officers and the OMU had been trained, but were not yet using it amongst themselves within the prison

environment. This cohort had the deepest understandings of RP and described it as 'being' restorative rather than 'doing' restorative, for example:

Not by saying, right, today, I'm going to be restorative, it's just by the way you communicate. (Resident C1)

It is a mindset. (Officer C1)

Some of those who had received training understood the ways the restorative principles could be adapted to different situations. It was the residents who really saw the full breadth of its possibilities. This story from a resident who is also a trained facilitator exemplifies this:

Case Study: The Kitchen Story

The residents have a kitchen facility on the wing to cook their own food, often sharing meals together. The kitchen was sometimes left messy and the officer's response to this was to shut it for two days creating resentment and tensions amongst everyone. One of the residents who had been trained restoratively wanted to hold a restorative circle to create a Code of Conduct for use of the kitchen with all those living and working on the wing present. The purpose of the circle would be to express their frustrations in a safe way and agree expectations of behaviour and consequences. However, there was resistance from the wing officers to this idea.

Resident:

The staff don't want to do that. But at the same time, the staff are coming to the lads and saying - you've got to sort this out, get everyone to clean it. We're like, well that's not a safe place for us.

The officer's advice to the resident had been that the residents resolve the situation themselves and the resident went on to explain why it is difficult to tackle these situations without officers' present.

... if you and me have an issue, I'll say 'please can you clean up, it's doing me head in' but if I know a member of staff is there then I'm safe and that lad's safe. But the staff don't want to do that because they're saying it's down to us.

The residents not only felt unsafe to tackle the issues themselves but there was also resistance from the staff to engage with them. In this situation, there was a clearer understanding of the benefits and reach of RP in residents than officers and staff. Not only do the residents understand the benefits of applying RP to this situation but also how to facilitate the intervention effectively.

The findings around the prisons' understandings of RJ and RP echo the findings in the literature of lack of clarity, myths, and misinterpretations. One resident summed it up by stating "there is this big cloud of confusion around what it is."

The understandings from the residents varied widely with one resident asserting that as a cohort they were suspicious of RJ, seeing it as a form of 'grassing':

You know what prison is like, rumours go about, suspicions surrounding the Restorative Justice...I'm sure you're familiar with the term snitching or grassing. (Resident A1)

One senior Governor within one of the prisons who believes strongly in the benefits of RP added:

One of the problems in restorative working at the moment is definitional. There is all this confusion around restorative practice, restorative approaches, restorative thinking, Restorative Justice. That's one of the barriers to its wider acceptance. (Governor B2)

This quote profoundly echoes the findings in the literature and illustrates a significant problem to the field. There is also little coherent understanding of the methods and application of RP in these prisons, but this is not a criticism of the prisons. There is no simple, clear guidance in available prison literature to give an understanding of RP or how to implement it for the prisons to refer to. Most untrained professionals struggled to describe how what they are doing reflects RP unless it is a facilitated conversation. There is however a deep understanding by those who have been trained restoratively and are using it and adapting their practice to suit the needs of their environment. RP professionals interviewed were all clear in their interpretation of RP:

My definition of restorative practice: the emphasis is on the building of relationships and the maintaining of them and then when you need to use the reactive process, you've got the repairing of them through an RJ conference.

One went on to exclaim: "I am sick of people assuming you have to be in trouble to do restorative practice."

Operationalisation and Application: How is RP/RJ interpreted in selected prisons? Question Two

Interestingly each prison has adopted a different approach to RP. There is no formula, no clear handbook, and this flexibility is important to maintain to adapt to different environments. Each prison has chosen to interpret RP in different ways. In Prison B they name it 'restorative approaches' or RA and yet it resembles traditional RJ more closely than either of the other prisons. This prison uses traditional RJ conferencing techniques bringing together parties in conflict to resolve their difficulties; facilitated by staff and residents and requested by putting in an application through the prison system. These RA conversations can be between officer/resident or resident/resident and the author met with RJ trained officers and residents who had facilitated these conversations successfully.

Referring to the RA or restorative conversation he participated in, one resident commented:

“It dealt with it a bit better for me. It helps you, me and the atmosphere in the jail at the same time. (Resident B1)

How did it help?:

Because there’s a lot of anxiety in here. And you know when you’ve had an incident that you’ve sat in a room with this person - it’s forgotten about.

The interventions do not focus on titles of victim/perpetrator or harmer/harmed instead they use RP to create a space where parties can come together to resolve difficulties. These conversations are used less for adjudications or formal processes; the consistent theme being that restorative conversations resolved situations more effectively and nipped conflict in the bud.

Adjudications (mini court hearings within prisons for breaching of prison rules)

As described in the Literature Review, adjudications are often perceived as unfair by residents. Each of the prisons has applied and adapted RP within their adjudication process. Residents were interviewed in each prison who had participated in an adjudication process with an RP initiative, ranging from a restorative conversation with another resident to a Community Payback scheme. The overwhelming theme emerging from these interviews was that residents felt it had been a fair process:

Resident A1 said:

I believe it was very fair the way I was dealt with. Anything beyond that I would have felt it was over the top or the individual exerting their authority over me.

This sense of fairness repeated so often is a key theme of these findings in stark contrast to the resident’s views on punishment.

As discussed, residents often have a more holistic and in-depth understanding of RP than the staff, as they move around the prison more. There were stories of residents using RP to intervene and de-escalate situations in each prison.

Governor in Prison B, illustrate this:

We had a certain fella and he would use it as his normal day-to-day business, often seeing things that were happening on the wings then actually intervene before it even got high.

Another story involved a resident who described de-escalating a situation between a resident and an officer, and later being congratulated by an officer:

The member of staff came to me and he said, 'You know what, thanks, because he was high and you coming over has brought it down. (Resident B1)

However, one problem is that the learning from the RP work is not gathered or interpreted (e.g. in the Programmes Department, Prison B) as there is no RP lead within these prisons; as a result implementation of RP is not harvested for process, strategy or even to share the learning. This leads us on to Question 3, the obstacles to embedding RP.

Obstacles to embedding RP – Question Three

In addition to the points already identified, namely, no clear understanding of RP within the prisons or evidencing the existing restorative initiatives to develop and embed further within the prison, there is also a noticeable problem with 'old school'/'new school' thinking, as identified earlier. This was referenced in the literature from schools and was clearly witnessed in these three prisons. The SLTs in the prisons were all aware of the complexities and the resistance in pockets of the prison to changes encompassed by RP and staff described 'old school vs new school' thinking (this has nothing to do with age – often more experienced staff were more restorative). The SLT are also clear that it is the 'old school' staff in particular who would benefit from this new approach:

But some staff, I call them old school staff, would be resistant to meeting somebody on semi equal terms, and it's those staff where the [restorative] process could be most useful, because it's them who the prisoners respond to negatively, and go back to bad communication. They want that difference to be highlighted, rather than being brought closer together. (Governor B2)

Much of the literature from schools looked at the benefits of a culture encouraging accountability and a philosophy of consequences as opposed to punitive responses and this was echoed by the findings. Residents are desensitised to punishment and this is understood by the more experienced officers.

You don't stop people doing things by punishing them. If that worked, nobody in prisons would take drugs ever. So, it's about supporting people to make changes rather than punish them to make them change. (Governor A1)

They are supremely immune to punishment as a way of changing their behaviour. (Professional Five)

In fact, the pointlessness of punishment tied in with the need for fairness was endlessly repeated. Almost everyone interviewed recognised that this is a population inured to punishment. In fact, punishment is counter-productive.

One of the most profound quotes came from a resident:

By validating my badness, you are raising my stature. (Resident A2)

This resident went on to explain that punishment actively promotes bad behaviour.

This was repeated time and again with searing clarity, from inexperienced Governors who had recently joined the prison service after years in the education sector, to older Governors who had years of experience within the prison service. Those who held these beliefs around the futility of punishment had a calm distilled wisdom from years of experience; understanding that their role required them to hold their populations safely and with rigour but understanding that 'old school' methods were no longer fit for purpose.

And self-evidently, punishment is not likely to get you terribly far in prison, because you're dealing with a population of people who are used to punishment. (Professional Four)

However, officers are confused about an alternative and residents also want to see consequences for actions, all parties recognise the fundamental importance of consequences. This is where prisons could learn from the schools learning and literature.

It's the story of our lives that you do something wrong and you get punished.
(Resident B2)

The positive impact of RP – Question Four

Whilst the benefit of RP is noticeable in relation to a prevailing culture of fair process, it is difficult to assess how much the implementation of RP impacts specifically on the culture of these prisons and staff/resident relations. However, the implementation of RP has clearly supported the prevailing culture which has built excellent staff/resident relations in all three prisons. One resident contrasted staff in previous prisons to his current establishment, Prison A:

They were absolute dogs. They come into work to piss you off. Whereas staff here ... to be honest ... it's fair. My anti-authority issues were sky high growing up in foster care. And with me there's a difference between being told and asked. If you ask me, I will do it in a heartbeat but if you TELL me I'm not backward in coming forward and I'll say f**k off. (Resident A2)

This resident exemplifies the benefits of using RP, and working 'with' people, to improve staff/resident relationships.

The prisons for the most part maintain a calm and orderly environment throughout their establishments but, nevertheless, are full of tensions; as one officer said during the observations, "using someone else's coffee and coffee cup takes on a whole new significance inside prison." These are daily tensions which RP addresses via a simple suite of tools, with skills learnt that would then be life skills which the residents could take beyond custody to manage themselves in their future.

In these three prisons it was apparent that all parties, residents and officers, felt empowered to find creative solutions to problems, thus developing a sense of active citizenship. The desire for a conversation around the kitchen issue, evidenced earlier,

illustrates this. Residents are given responsibility in these prisons but would like even more. This accountability and responsibility is essential for life after prison.

Restoring Family Ties

Two Offender Supervisors (OS), both trained in formal RJ interventions, were interviewed. They had adapted their RJ training to better suit their work with their clients in many creative ways. One had held restorative conversations with two residents and their families to help heal and deepen these supportive relationships before they left prison. Both men were thriving since leaving prison and greatly valued their family's support. This OS clearly understood the benefits of providing these families with a facilitated restorative space,

to talk about what he was going through at the time, how he was feeling, having those conversations in a controlled way. Because when things are so emotive to try and have those conversations in the community, or you're not in the best space...that could turn into an argument. (OS B2)

In Prison B a resident explained that he had never had vital conversations with his family during visits as "we are thinking of each other's feelings too much" but the prison was now offering a way to have these conversations restoratively. The Farmer Review of 2017 investigated the value of building family ties for prisoners; calling it 'the golden thread' for the rehabilitation of prisoners and this essential work between families and residents was, without any fanfare, taking place using RP in all three prisons (Farmer, 2017).

These are prisons that are working hard to be decent and safe places, holding a complex population and wishing to support them towards a constructive future life. They recognise that, because of the well-documented 'pains of imprisonment', conflict will always be an issue in prisons: the residents are not there out of choice and they are open to managing conflict in new ways (Sykes, 1958). As part of that work, all three prisons are committed to developing RP and can see the benefits to implementing it.

Findings

- Each prison studied has introduced RP to its culture with varying degrees of success.
- A variety of RP techniques were being implemented in all three prisons.
- Whilst the lack of coherent practice can be a mixed blessing, flexibility seems essential to develop RP in prisons, it cannot be a 'one size fits all' practice.
- Traditional RJ techniques are not widely used with few traditional victim/perpetrator RJ conferences taking place. The labels 'victim' and 'perpetrator' are largely unhelpful in building RP, as is the concept of forgiveness.
- The use of RP in these prisons has supported a better quality of life for staff and residents and skills for de-escalating and managing conflict.

- The prisons profoundly recognise that RP can ease conflict before and after incidents and support prisons to be positive places to live and work.
- The staff are asking for and need greater support in embracing and encouraging an RP approach, for the benefit of both staff and residents.
- The prisons for the most part maintain a calm and orderly environment but, nevertheless, it is full of daily tensions which RP could address via a simple suite of tools. The skills learnt would then be life skills for residents to take beyond custody to manage themselves in their future lives.
- For these three prisons RP did not sit at the heart of their cultures and aims, as in schools that identify as restorative. Instead, RP is used as a form of social 'lubricant', managing conflicts and challenges as they arise through the discretion of those capable of employing RP techniques.

Conclusion

The findings identified that employing RP techniques can offer a better prison experience for both residents and staff through preventing and de-escalating conflict, supporting communication, personal and collective responsibility, as well as supporting a rehabilitative culture through acting as a 'social lubricant'. Whilst pockets of RP were present the practice varies and there is, generally, a limited understanding of RP. Prisons could learn more from the implementation of RP in schools. The pockets of RP that are quietly thriving are doing so without the top-down or centralised support that could help them to flourish and become more replicable. With additional support from HMPPS, through awareness raising and training in RP, this paper attests that RP could potentially significantly and positively impact the UK prison system. A more standardised approach would also give consistency to the implementation of the RP tools and give the possibility of more effective evaluation. Therefore, the paper has the following recommendations:

Recommendations

Firstly, badging this work and the interventions as restorative would enhance cohesion and understanding. Developing a specific RP guide for prisons with a clear definition of RP, showing its value and impact, would be highly beneficial; the findings illustrated that no one really knows what it means, beyond trained practitioners.

Secondly, developing a simple restorative toolkit would increase the uptake of restorative techniques. It is not to create 'restorative prisons' as per 'restorative schools' in the education sector but to offer a suite of tools to support the existing cultures.

Thirdly, training in the RP toolkit for both prison staff and residents. For staff, this will build greater understanding and expertise in RP that can be standardised, including understanding of the use of the three restorative questions in a multitude of scenarios from better self-expression to managing sanctions. This toolkit could enhance prisons that are embedding methodologies, such as rehabilitative culture, as RP techniques are demonstrably superior methods for managing conflict and relationship management.

An RP training programme could extend to residents, building vital communication skills. Prisons could then also support residents to use RP to build better family ties for their lives beyond prison. One interviewee, a recently trained officer had never heard of restorative justice; it therefore could be introduced in the initial POELT (officer training). For residents it could be offered through online/in-cell courses.

Finally, to truly embrace an RP culture the principles of RP could be extended to the management structures within the prisons to assure that all staff are modelling behaviours in all aspects of their roles.

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