

Responding Restoratively series

#1 Responding Restoratively to COVID-19

**Amal Ali
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About the Criminal Justice Alliance

The Criminal Justice Alliance (CJA) is a coalition of 160 organisations – including charities, think tanks, research institutions and staff associations – working across the criminal justice system. The CJA works to achieve a fairer and more effective criminal justice system which is safe, smart, person-centred, restorative and trusted.

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'With restorative approaches there is potential to give the criminal justice system a real sense of legitimacy.'

CJA member, Connecting for Change Strategy 2019-22

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Introduction

The criminal justice system (CJS) in England and Wales, in the main, seeks to deter potential crimes and punish those who commit them. But to what extent does it specifically seek to prevent, address or repair harm? How can we move from a retributive to a restorative CJS? These are the questions we will be exploring in our *Responding Restoratively* series of briefings.

In 2019, the CJA launched its briefing on Restorative Justice – ‘A Journey of Learning, Growth and Change: A Roadmap for increasing Restorative Justice across England and Wales.’¹ This briefing provided a succinct account of the Restorative Justice (RJ) and restorative practice landscape in England and Wales, based on the results of a survey sent to all police forces and follow-up interviews.

Home Office research shows the positive benefits of RJ for victims and there is robust evidence that it also reduces reoffending, with a particularly significant effect on violent crimes.² However, many people involved in the CJS do not have adequate access to RJ. The CJA briefing concluded that a lack of restorative culture and understanding in many agencies, institutions and communities was a barrier to the successful embedding of RJ services across the CJS. This issue has also been found in other research:

‘Efforts to implement restorative justice in the criminal justice system are often undermined by workplace cultures that are not based on restorative justice values and principles.’³ Implementing a fully restorative approach to crime requires the cooperation and commitment of those working in the criminal justice system.’⁴

Kay Pranis

In conducting our survey, we found a hidden but innovative range of restorative practice taking place both inside and outside of the CJS, including in schools, housing services, mental health treatment settings and prisons. However, there was little recognition of this good practice among the public and policy makers. In our briefing, 80 percent of respondents also noted their areas were looking to expand the scope of their restorative services.

Working with our restorative expert group, we felt there was an opportunity to showcase restorative practices and approaches taking place across the CJS and highlight how they can be used to embed a more restorative culture in agencies, institutions and communities. We hope that by encouraging a growth in restorative practices and approaches, this will also support an increased use of RJ conferencing.

This is the first of a number of briefings showcasing restorative practice and approaches and the potential for a more restorative CJS. This briefing highlights the potential of restorative approaches as a positive and effective response to heightened tension, conflict and anxiety in our society and our CJS.

¹ Keeling, P. (2019) [‘A journey of learning, growth and change’ A roadmap for increasing Restorative Justice across England and Wales](#), *The Criminal Justice Alliance*.

² Shapland, J. et al. (2007). [Does restorative justice affect reconviction?](#), *The Ministry of Justice Research Series*.

³ Wonshe, A. (2004) How Does the ‘Who, What, Where and How’ Affect the Practice of Restorative Justice?, In, Howard Zehr and Barb Toews, eds., *Critical Issues in Restorative Justice*. Monsey, New York and Cullompton, Devon, UK: Criminal Justice Press and Willan Publishing. Pp. 253-263.

⁴ Pranis, K. (2007) [Healing and Accountability in the Criminal Justice System: Applying Restorative Justice Processes in the Workplace](#), 8 *Cardozo J. Conflict Resol.* 659.

*'While the coronavirus is a medical issue, a large part of what we are experiencing is a social crisis. Therefore, the relevance of consciously being relational becomes even more important. We need to continue to engage WITH people [...] During times of stress, we may be more inclined to default to doing things TO or FOR people [...] We need to be aware when that is happening and make a conscious decision to step back in the WITH box as much as possible.'*⁵

International Institute for Restorative Practices

The experts

We interviewed a range of restorative experts, from practitioners to academics, to understand how restorative approaches could support police, victims, people in prison, families and the wider community during COVID-19 and beyond.

We also held a series of virtual meetings with CJA members during June and July to discuss the challenges COVID-19 had brought to their work, the adaptations they had made and the policy and practice recommendations that will help rebuild a stronger CJS. One of those online meetings included members who deliver restorative services, and we have incorporated their expertise into this briefing.

In this briefing we have included insights from:

- **Becky Beard:** Service Manager for Restorative Gloucestershire. She has been an RJ practitioner for ten years.
- **Becky Childs:** Service Manager for Restorative Cleveland (as part of Safer Communities) since 2018. She has worked as an RJ practitioner for over eight years. She is both an accredited practitioner and an accredited case supervisor.
- **Charlotte Calkin:** Director at Restorative Engagement Forum. Charlotte has worked in the field of RJ for over ten years. Charlotte also obtained an MSc in criminology from the University of Cambridge and her thesis explored understandings and experiences of implementing restorative practice across three UK prisons.
- **Ian Marder:** A criminologist at Maynooth University and a member of the European Forum for RJ. Ian is also the founder of the Community of Restorative Researchers.
- **Garry Shewan:** A former police officer, now Lead Associate Impact at Mutual Gain – an organisation that aims to reconnect communities to the social space.
- **Janine Carroll:** Director of Restorative Now. Janine has over 30 years extensive experience in restorative practice, much of this gained in New Zealand and the UK.
- **Lucy Jaffé and Ben Andrew:** Director and Policy and Communications Officer from Why Me?, a charity that champions greater access for victims of crime to RJ throughout England and Wales.
- **Lesley Parkinson:** Executive Director and founder of Restorative Thinking. She leads on projects with prisons and probation services, local authorities, children's and adult services and individual schools to support the implementation of restorative practice.
- **Shirl Tanner:** Chief Executive Officer at Sussex Pathways. Shirl began her career as a volunteer key worker in 2009 while studying for a master's degree in Social Work.
- **Aafira Gani, Gary Herbert and Natasha Livingstone:** RJ practitioners at the Manchester Office of Remedi, a charity that seeks to offer victims of crime the opportunity to engage in restorative intervention with the person responsible.

⁵ International Institute for Restorative Practice. (2020). [During the COVID-19 crisis restorative practice can help.](#)

The interviews and online meeting focused on how restorative work has adapted to social distancing measures with the use of technology and how the restorative community has come together to share innovation and new ways of working. The experts also discussed how restorative approaches could provide a unique and effective response to the unprecedented challenges and tensions caused by COVID-19. Most importantly, we explored how restorative approaches could be used to address the harms and trauma caused by the pandemic and build a safer and more cohesive, resilient society.

Definitions

What is Restorative Justice (RJ)?

RJ gives victims the chance to voluntarily communicate with the person that caused them harm about the real impact of the crime. It empowers victims by giving them a voice, and for many people it can help them to move forward and recover. For those who committed the offence, the experience can be incredibly challenging as it confronts them with the personal impact of their crime. RJ can take place at any stage of the CJS from early intervention through to conviction, sentencing and after release into the community.

What does the evidence tell us about RJ?

RJ has been shown to have significant benefits for victims of crime, who are too often marginalised by the 'traditional' criminal justice process, which has the potential to re-traumatise victims in intimidating and unsupportive environments. Numerous studies have shown victims who are given the opportunity to engage with RJ are more satisfied than those who only experience the traditional CJS process. For example, Why Me?'s 'Valuing Victims' Report⁶ found that victims who went through RJ in 2018/19 reported improved health and wellbeing, being better able to cope with aspects of life, having increased feelings of safety and feeling better informed and empowered. Research commissioned by the Home Office in 2007 found that 85 percent of victims participating in RJ were satisfied with their experience, 20 percent more than the control group.⁷ The same randomised control trial study also found that RJ reduces the frequency of reoffending by 14 percent, with a 25 percent reduction in recidivism in people who committed violent offences.

*'Research shows that when RJ is planned around the victim's wishes, it helps them move on with their lives, and can reduce crime by getting offenders to appreciate the impact of their actions on others.'*⁸

Dame Vera Baird, Victim's Commissioner

*'Evidence suggests these [restorative] approaches have a particularly significant effect on violent crimes, and that victims are significantly less likely to seek revenge against the offender.'*⁹

College of Policing

What is restorative practice?

A 'full' RJ intervention – which brings together all who have been harmed with the perpetrator of that harm – may not always be necessary, appropriate or desired by participants. Restorative practice instead supports people, often less formally, to recognise harm and responsibility and reflect on their ability to resolve conflict. The Restorative Justice Council sets out six key principles to underpin restorative practices: restoration, voluntarism, neutrality, safety, accessibility and respect.¹⁰

⁶ Why Me?. (2020). [Valuing Victims](#).

⁷ Shapland, J. et al. (2007). Loc. Cit.

⁸ Keeling, P. (2019). Loc. Cit.

⁹ McNeill, A., and Wheller, L. (2019). [Knife crime evidence briefing](#), College of Policing.

¹⁰ Restorative Justice Council. [Principles of restorative practice](#), Accessed 04 August 2020.

What is a restorative approach?

A restorative approach provides an underpinning ethos for preserving and restoring relationships, as well as for encouraging a sense of collective responsibility and accountability. This can be better understood as a strategic approach to addressing key issues and embedding a culture of restorative principles and practices across agencies, institutions or communities; for example, 'restorative prisons', 'restorative schools' and 'restorative cities.'

What is a restorative circle?

A restorative circle is a process for supporting those in conflict. The dialogue process used is shared openly with all participants and guided by a restorative practitioner using restorative questioning. The process ends when actions have been found that bring mutual benefit. Restorative circles invite shared power, mutual understanding, self-responsibility and effective action.¹¹

Examples of restorative questioning include:

- What happened?
- What were you thinking?
- How were you feeling?
- Who else has been affected by this?
- What do you need now so the harm can be repaired?

What does the evidence tell us about restorative practices and approaches?

A 2018 evaluation of a restorative prisons pilot found that '*with commitment, leadership and clear lines of accountability, it is possible to use RA [restorative approaches] to deal, both formally and informally, with a wide variety of conflicts.*'¹²

Restorative approaches in schools have been found to improve behaviour and resolve classroom conflict. This has led to children regulating their own behaviour and independently using restorative circles to resolve minor conflict.¹³ In the same study, staff also confirmed that incidents of bullying had been resolved following the use of circles between involved parties.

An evaluation of restorative practices in three Scottish councils also reported a number of schools had increased student attainment, with a decrease in exclusions.¹⁴ The report also notes that there was clear evidence of children developing conflict resolution skills. A project evaluation examining the implementation of restorative practices at Approved Premises (AP) found that '*staff described increased confidence in tackling conflict within the AP environment between residents.*'¹⁵ Furthermore, residents who completed the restorative intervention programme also discussed the benefits this had on them and felt more positively about leaving the AP and making future decisions.

¹¹ Restorative Circles. [Restorative Circles](#), Accessed Friday 31 July 2020.

¹² Fair, H., and Jacobson, J. (2018). [Process evaluation of the Restorative Prisons project](#), Birkbeck University of London.

¹³ University of Leeds. (2012). [An Evaluation Following the Introduction of Restorative Practice in Comparative School Settings](#).

¹⁴ Scottish Executive. (2007). [Restorative practices in three Scottish councils Evaluation of pilot projects 2004-2006](#).

¹⁵ Bates., E. A. (2017). [Implementing a culture of restorative practices to foster inclusive residential environments at Approved Premises](#), NOMS Pilot Project Evaluation Final Report May 2017.

Adapting restorative services during the COVID-19 pandemic

Restorative check-ins

As social distancing measures became the new normal, many of those working in the restorative community delivering services face-to-face considered how they could continue to provide restorative support remotely. This was particularly important when working with people midway through engaging with an RJ conferencing process, which can bring up many emotions.

'Staff are all working from home and are staying in contact with our [RJ] participants via phone, sometimes via Zoom, if that's possible. I also find that our participants are really grateful just to check-in.' Becky Beard, Restorative Gloucestershire

Restorative Cleveland has been using online chats, video messages, and phone contact or text messages to keep in contact with its RJ participants.

'[...] whatever best suits that person. And actually, people are really supportive of that because we're all in the same position. We're all adhering to the same restrictions.' Becky Childs, Restorative Cleveland

When the person who caused the harm is in prison, victims have been unable to engage in face-to-face RJ conferences due to restrictions within prisons, so regular check-ins are vital.

'We've continued to be in touch with the victims who we were supporting and they really liked the regular contact that we've been able to do more of because people are at home, they're not travelling and not trying to get in and out prison [which] takes a long time.' Lucy Jaffé, Why Me?

To maintain communication with the people they were working with in prisons, Restorative Cleveland signed up to the Email a Prisoner service. This was used to check-in on the emotional wellbeing of the men and provide reassurance that the practitioners would be back when safe to do so.

'We've utilised Email a Prisoner to maintain communication with men that we already were working with in local prisons. So at least we can touch base and see how they're doing.' Becky Childs, Restorative Cleveland

RJ conferences involving people in prison could not move online because of the lack of technology within establishments. In response some organisations, such as Sussex Pathways, who offer both RJ in prisons as well as through-the-gate mentoring services, adapted their business model to offer support elsewhere, and even provided prison leavers with Personal Protective Equipment (PPE).

'In recent weeks it came to light that anybody using public transport had to use facemasks. We spoke with service users, asking them if they were aware and their response was 'no, we don't watch the news.' We put together safety packs, which includes two facemasks, hand gel and gloves. We put together 75 packs which were given to the prisons for anybody being released and anybody we could meet at the gate with them as well.' Shirl Tanner, Sussex Pathways

Sussex Pathways' through-the-gate mentoring service was moved to a remote model with contact being made with clients on a more frequent basis.

'A lot of the men we work with have said they are grateful for the support. One came back and said it's so nice to hear such a friendly voice over the phone. Normally, when we do our face-to-face work we only meet once a week but at the moment we are phoning them every other day, or they are phoning us because that support is so paramount.' Shirl Tanner, Sussex Pathways

We heard from Restorative Thinking that the provision of virtual catch-ups with RJ service users can be like 'psychological PPE', which they argue should be considered equally important as physical PPE.

'We are thinking about what we can do in prisons and probation services to support psychological PPE, which is just as important as our physical PPE, and how we can keep ourselves and others safe. This includes a deliberate focus on our mental health and wellbeing' Lesley Parkinson, Restorative Thinking

Virtual RJ conferences

CJA member Remedi, which offers victims of crime the opportunity to engage in restorative intervention with the person responsible, gathered case studies and reflections from their practitioners during the COVID-19 crisis.¹⁶ Some of the practitioners described their experiences using virtual conferencing to bring together the victim of crime and the harmer.

'We finally managed to facilitate some video call prep sessions when the offender was in the community and then a video call [RJ] conference via WhatsApp. During the prep sessions, the offender stated that he wanted to know what the impact had been on the victim and that he wanted to build a relationship with him moving forward.' Aafira Gani and Gary Herbert, Remedi

'The offender completed a victim awareness session over the phone and afterwards the victim joined the call to read out her victim impact statement. It was important for the victim to explain the care her charity delivers and how the money [stolen and cost of damage to the charity shop] could have been spent on vital care for patients.' Natasha Livingstone, Remedi

Some of the Remedi RJ practitioners noted that despite challenges experienced due to technology, the virtual conferencing was a success.

'We experienced many technical difficulties with regards to signal and network, however, this proved to be humorous which allowed for both parties to feel more comfortable in the call. After the conference, the offender said; 'I'm more than happy with how it went and I would recommend this service to anyone. You helped me more than any of the staff in the jail and when you said you'd come to see me, you turned up every time.' He also said that the technical issues actually helped lessen his anxiety because of the laughter in the meeting. The victim also said that he was thankful for our help and felt that the conference went very well. He also said that he is looking forward to building bridges with the offender.' Aafira Gani and Gary Herbert, Manchester Office, Remedi

It was stressed that the increased use of technology for RJ should be evaluated to carefully assess what is suitable to take place online and what should continue to be done face-to-face. It was also felt that if virtual meetings became the default, such services would risk losing intimacy and human contact. However, there were also benefits which had revealed themselves throughout the process of moving services online.

¹⁶ Remedi. (2020). Restorative Stories: A Collection of Case Studies and Reflections Volumes 1-3.

'I think the other thing is that victims often feel safer in their home. It's also very good for people who are mobility impaired or find travel difficult. So, in some ways, it opens up opportunities.' Lucy Jaffé, *Why Me?*

'[...] restorative justice is all about the energy of being in the room and the relationships between people. But at the same time, I think it's going to emerge and already people are talking about the fact that some cases can be delivered online and in some cases there may even be benefits to online delivery.' Ian Marder, Maynooth University

Online restorative circles

With social distancing and lockdown measures coming into effect overnight, practitioners quickly adapted their approach to running circles virtually.

'I'm always with people delivering training. My assumption was that when this happened, I would go home and work on the book, but that's not happened because actually the need is still there. So I've had to become very creative and flexible and think up new ways of doing things so that I can continue providing the service that people want. I'm doing online restorative check-ins with organisations that I work with and I am holding online restorative circles.' Charlotte Calkin, Restorative Engagement Forum

One expert discussed the use of restorative circles when delivering online classes for postgraduate students.

'I deliver a master's course in Restorative Justice, for example, that's moved online. That's changed because I deliver that using circles. Usually it's very important that we're all in the room together. I rewrote some of that and now I use Zoom for online circles.' Ian Marder, Maynooth University

In-cell provision of restorative work in prisons

As RJ conferencing was not available in prisons during the pandemic, organisations have used creative solutions to continue restorative-themed work for people in prisons.

One expert emphasised the additional pressures on those in prison, who are spending most of the day locked in their cells, unable to access rehabilitative activities such as education and RJ. She recognised this as an opening to continue building the restorative work through the provision of in-cell packs, as a means of both engaging in meaningful cognitive activity and encouraging personal development.

'We prepared some in-cell RJ themed workbooks. It is a really difficult time for frontline officers within the prison and also for the men themselves, especially if you're needing to keep focused to help you with your wellbeing. We hoped that by sending in an in-cell workbook it would help occupy the men who wanted to complete it, but also allow them to focus on their ongoing movement away from crime and the possibility of being able to change.' Becky Childs, Restorative Cleveland

Feedback from the men who have used the in-cell resources has been positive.

'They really appreciated the contact. One male spoke about the sense of hope it gave him and that it's reinforced for him the life that he can have when he comes out on release. The continued contact is enabling him to remain focused on that.' Becky Childs, Restorative Cleveland

Another expert, who usually delivers restorative group workshops in prisons, also produced resources to be used in-cell.

'I've made a suite of films and workbooks for the men in the prisons I work in, which can be played on the [in-cell] TV and then they have workbooks to go alongside them.'

Charlotte Calkin, Restorative Engagement Forum

The pandemic has shown how innovative practitioners are able to use restorative approaches to meet the needs of the situation and individuals.

'I think what this [situation] has particularly shown is that it is an adaptive practice. That's one of the really positive things about RJ, it is about trying to make it meaningful for both parties, because that's what's going to be of most benefit. Our focus has been what we can do to really help through creative means.'

Becky Childs, Restorative Cleveland

Restorative Out of Court Disposals

COVID-19 has placed exceptional pressure on a CJS that was already under immense strain. Practitioners highlighted the critical role of RJ in releasing some of this pressure. Although RJ can happen after a conviction, it can also be issued as an Out of Court Disposal (O OCD). These disposals are designed to deal with less serious offending and repair the harm; for example, by apologising, compensating victims, repairing damage or by doing some form community service.¹⁷

'There was already a burden on the court system before this happened and now with various courts closing [...] we're using RJ as an Out of Court Disposal where we can and where victims agree to that. It's surprising just how many people would prefer to go down this route. This has been a real eye opener for other people that didn't know that much about RJ. It enables people to reintegrate back into the life that they were leading before this happened or the life they want to live.'

Becky Beard, Restorative Gloucestershire

According to a report by Transform Justice, the use of O OCDs in England and Wales appears to have declined significantly in the last decade, more so than court disposals.¹⁸ Furthermore, analysis of the 43 police force areas estimates that the average force prosecutes two thirds of low-level cases.

With courts in England and Wales facing a backlog of 40,000 cases¹⁹ and the prison population predicted to rise to over 90,000 and possibly over 95,000 by 2023/24²⁰, emphasis should be placed on effective alternatives including greater use of O OCDs, such as RJ.

There have also been concerns that the COVID-19 court delays will result in more children being convicted as adults. A recent report estimated that 1,400 young people risk being prosecuted as adults, meaning that they could lose access to youth diversion schemes.²¹ While RJ is not appropriate for everybody, consideration should be given to using this process to relieve some of the pressure being experienced by courts.

The effort to ease pressure on the CJS through a more restorative approach is not exclusive to the UK. Restorative responses have been used across Europe and beyond during the crisis.

¹⁷ Her Majesty's Inspectorate of Constabulary & Crown Prosecution Service Inspectorate. (2011). [Exercising Discretion: The Gateway to Justice](#).

¹⁸ Transform Justice. (2020). [Deflect and divert: a common sense approach to dealing with low level crime](#).

¹⁹ The Bar Council. (2020). [Joint statement on jury trials, court capacity and dealing with the backlog](#).

²⁰ Institute for Government. (2020). [The criminal justice system How government reforms and coronavirus will affect policing, courts and prisons](#).

²¹ Youth Justice Legal Centre. (2020). [Turning 18 legal guide](#).

'For example, restorative services in Estonia have been taking referrals from police of young people found to be in breach of the lockdown regulations, offering RJ as a resolution. This can be replicated here but all that needs to happen is a referral pathway or indeed for the police to take a restorative approach themselves.' Ian Marder, Maynooth University

Since the outbreak of COVID-19 there has been an increase in the number of hate crimes against people of Asian origin.²² Police forces have received reports of physical and verbal abuse against members of the Asian community. Abuse has also increased on social media. A recent report showed a 900 percent increase in hate speech on Twitter directed towards China and Chinese people.²³ With restrictions on movement now beginning to ease, it is anticipated that racially-motivated attacks will increase. There should be improved efforts to mitigate the risks of such crimes occurring. However, where they have occurred, RJ can be an appropriate response to reduce some of the anxiety being experienced by victims²⁴ and combat prejudice.

The Restorative Justice Council highlights, '*given that hate crimes are known to have a greater impact on victims than other crimes – being more likely, for example, to cause fear, anxiety and depression – giving them an active role in how the offence is dealt with is surely vital.*'²⁵

'Victims of hate crime want to be listened to and taken seriously. Restorative Justice empowers them to have their voices heard, express the impact of the crime, and move forward with their lives. It also gives them the opportunity to educate the perpetrator and combat prejudice.'²⁶ Lucy Jaffé, Why Me?

Restorative policing

Restorative policing is a community style of policing that seeks to use alternative means of resolving conflict which does not resort to law enforcement. Instead, it calls on officers to use discretion, dialogue and negotiation to come to an effective resolution for all parties involved.²⁷

Temporary measures granting police the power to enforce lockdown restrictions have come under scrutiny from the public due to examples of misapplication and a lack of formal guidance. In some areas, this has increased tensions and resulted in an emerging need to restore relations and trust between police and communities. Guidance coproduced by the National Police Chiefs' Council and the College of Policing suggested that fines were only to be enforced if individuals failed to comply after officers had 'engaged with them, explained the risks to public health and encouraged voluntary compliance.'²⁸ This is known as the 4 E's approach (Engage, Explain, Encourage, and only then Enforce) which has restorative elements within it as an approach to policing.²⁹

²² Campbell, L. (2020). [Chinese in UK report 'shocking' levels of racism after coronavirus outbreak](#), *The Guardian*.

²³ Light, (2020). [Rising Levels of Hate Speech & Online Toxicity During This Time of Crisis](#); Sheridan, E. (2020). [Coronavirus: Hackney Mayor pledges to address 'stark' trauma of South-East Asian community](#), *Hackney Citizen*.

²⁴ Hayashi, M. (2020). [I'm Japanese and terrified about the end of lockdown because of the racist abuse I will face](#), *The Independent*.

²⁵ Restorative Justice Council. [A restorative approach to hate crime](#), Accessed 30 July 2020; The Home Office. (2015). [Hate Crime, England and Wales, 2014/15](#), Statistical bulletin.

²⁶ Why Me?. [Access to Justice: Delivering Restorative Justice for hate crime](#), Accessed 04 August 2020.

²⁷ Wakefield, A., and Flemming, J. (2020). [Restorative Policing](#), *The Sage Dictionary of Policing*.

²⁸ National Police Chiefs Council & The College of Policing. (2020). [Engage, Explain, Encourage, Enforce – applying the four E's](#).

²⁹ Araújo, R., and Andrew, B. (2020). [Restorative policing: The pandemic and beyond](#), *Why Me?*

Leaders Unlocked – Policing the Pandemic

A recent report by CJA member Leaders Unlocked³⁰ highlighted mixed experiences by young people of policing during the pandemic. Young people felt more positive about police interactions during the pandemic when the 4 E's approach appears to have been used:

'Had a chat with a police officer whilst going Morrisons. She was very friendly and seemed caring for me. She was asking me how I was dealing with this lockdown, what I do to get through it and how my family is. This experience was great.' (17, Merseyside)

'Out with 4 people and we had to climb over gates to get into the park and the police asked us to move. They said they knew how hard it was to be separate and were respectful so we listened to what they were saying.' (16, Avon and Somerset)

However not all the experiences had been positive:

'On two separate occasions, I was fined by police who were patrolling my area and realised that I've been out for too long. Their lack of consideration and intolerance is inhuman. Many of my friends who are also in temporary accommodation by themselves have also had the same problem. They aren't doing so well and have no one to talk to.' (17, London)

'One of my friends was arrested and one was given a fine. Because they were playing football with other people on my estate. It's not fair that we get a fine and arrested when we're young people. We don't have much to do at home so that's why we go out and play with our friends.' (16, London)

A review by the Crown Prosecution Service found that every prosecution brought under the Coronavirus Act was wrongly charged.³¹ Analysis by Liberty also showed that black and ethnic minority people were more likely to receive a fixed penalty fine under social distancing regulations.³² Some of the experts saw the need for restorative conversations to rebuild trust and confidence between the police and the public.

'The police have had to enforce and manage this as best as they can and some of those attempts haven't been met favourably. There's an opportunity there to be able to try and alleviate some of that tension. [...] I see that there are some opportunities here to have community forums where the police can explain from their perspective the legislation and how they have to interpret it individually. I think there could be some really good opportunities for relationship building between communities and police forces.' Becky Beard, Restorative Gloucestershire

'I think community police officers could potentially work with community development people to hold some useful restorative conversations. I mean, that's kind of in there on the reconciliation end of the spectrum, but also in the healing end of the spectrum. People need to have a place where they can safely talk about how the crisis was for them, what's been the toughest stuff for them.' Ian Marder, Maynooth University

For offences against officers, such as spitting and coughing, experts suggested the police could work with convicted individuals to hold restorative conversations.

³⁰ Leaders Unlocked. (2020) [Policing the pandemic: Exploring young people's experiences and recommendations](#).

³¹ Crown Prosecution Service. (2020). [Coronavirus: Interim CPS Case Review Guidance – Application of the Public Interest Covid-19 crisis response](#).

³² M, Gidda. (2020). [BAME people disproportionately targeted by coronavirus fines](#), Liberty.

'Potentially people that have coughed and spat at emergency workers would benefit from some form of restorative intervention. A police officer or an emergency worker could explain how they were affected. I know that we've done similar work where people have been spat at, such as custody officers, and they have to explain to people that it means six months of not being able to hold your children or be intimate in any way with your partner, because you're having to go through tests for HIV, Hep C, and the impact that it has is huge. I don't think that is always thought about by perpetrators. So, a restorative intervention would be ideal.' Becky Beard, Restorative Gloucestershire

An expert who recently retired from the police service after serving 13 years reflected on how he overestimated the level of buy-in he would receive from colleagues when implementing a restorative programme. He went on to discuss the need for a shift in culture and attitudes within policing to drive RJ forward.

'At Mutual Gain we work on a weekly basis with police across the UK and we're still working hard to give them a cultural outlook, that community justice and community activity is vital in terms of reducing crime. One-by-one we can work through these individuals and teams to be able to make a difference, but culturally it is the one big challenge. There is a real opportunity but there is challenge in shifting mindsets towards restorative practice within an organisation that is driven towards retribution and reaction, which is often how policing is done.' Garry Shewan, Mutual Gain

He went on to discuss what is required for police forces to adopt greater use of RJ and coproduced community solutions.

'Where you have a police force led by people who are committed to building strong communities and who have the time and patience to come up with coproduced solutions then you will find restorative practice works really well. Where you have an organisation driven by people constantly looking for ways of demonstrating their effectiveness then you will not find commitment to long-term restorative programmes.' Garry Shewan, Mutual Gain

Another expert also spoke about the potential for police in the UK to work with restorative services when dealing with intrafamilial violence.

'I think there's a potential for restorative workers to work more closely with the police. For example, in child on parent violence, the child still has to live at home. So, the police will go in and then they will maybe charge the child, but the child will still be at home and the parent doesn't want the child to go or be imprisoned. A restorative worker could help to ask some restorative questions to identify what the issues and needs are and then to refer that family to the appropriate support.' Lucy Jaffé, Why Me?

Support for people leaving prison and their families

Release from prison is a challenging time in normal circumstances. People may be on an electronic tag, with a curfew keeping them at home during certain hours of the day or night. During the pandemic, many people were furloughed or working from home, and children were off school, resulting in overcrowding in the home and the potential for increased tensions and conflict.

In preparation for release, an expert described how some prisons facilitate restorative interventions between those in custody and their families in recognition that harm usually extends beyond the actual offence. Such conversations are undeniably difficult but restorative approaches provide an opportunity for positive dialogue. This will be particularly important going forward for those being released from prison where localised lockdown restrictions still apply, but could be delivered to all prison leavers returning to the family home or shared accommodation in the future.

'One of the things that I have been struck by, is how they [people in prison] don't have the conversations with their families that they need to because they don't know how to. If those conversations don't happen, then it does not set up a good foundation for life after prison and, as the Farmer Report said, families are the golden thread.' Charlotte Calkin, Restorative Engagement Forum

Restorative Engagement Forum – Family restorative conferences

Prior to the pandemic, Charlotte Calkin from Restorative Engagement Forum had used restorative approaches to reintegrate prisoners with their families. Charlotte worked with Marianne, a young woman who had come into the criminal justice system on numerous occasions and whose relationship with her family had broken down, resulting in feelings of isolation. After preparation, family restorative conferences were facilitated which resulted in the triggers which caused conflict between them being diffused and a reduction in Marianne's offending behaviour.

Restorative conversations support families to begin the process of healing. Restorative conversations also help family members to think more consciously about how they communicate effectively with those around them.

'It became apparent to me that this work could be delivered in a broader way post COVID-19 and could be very useful for everyone being released from prison back to their family home [or any shared accommodation].' Charlotte Calkin, Restorative Engagement Forum

Restorative family work with young people

The principles that underpin a restorative approach were also valuable to families in the community, particularly those with children, in sustaining and developing more positive relationships during lockdown. During the pandemic, home became a place of safety from COVID-19, but confinement intensified tensions and exacerbated already weakened family dynamics. Experts described how increased intrafamilial tensions involving children and young people could be resolved more effectively with a restorative family group conference.

'Some of the harms and strains that have become apparent in households during the crisis could very well lend themselves to restorative intervention. Nothing other is required than for parties to hear each other out, appreciate the reality for others and then collaborate on a way forward.' Janine Carroll, Restorative Now

The Anti-Bullying Alliance and Restorative Thinking

During the pandemic, the Anti-Bullying Alliance and Restorative Thinking developed a four-part short course on restorative thinking and positive relationships that were aimed at families, particularly those with children. The short course aimed to ease household tension, argument and conflict and was free to those who wished to partake. It introduced families to restorative and relational thinking – methods that can deescalate disputes and help people manage their emotions better and communicate with one another more effectively.

An expert discussed the continuation of restorative dialogue between young people and their significant adult to support them in processing their feelings and improving understanding about the relationships they hold.

'I'm really pleased with key work undertaken with youth offending services, young people and their significant adults. This has been able to continue during the lockdown by way of remote interaction. This is the application of restorative practice in scrutinising a key relationship between a young person and their significant adult. Whether or not the behaviour that has brought them into the youth justice setting has been within this relationship or not, scrutinising that relationship now for the impact that the events have had is important. This ensures that each young person does still have one relationship where they can actively check out for themselves: Do you still love me? Do you trust me? What can I do now to mean you will trust me? This is who I am, who are you?' Janine Carroll, Restorative Now

Virtual restorative communities

The crisis has also resulted in the restorative community coming together virtually to provide each other with peer support and share ideas.

'At Why Me? we've seen an explosion of interest in sharing knowledge and understanding. We've had over half the country's RJ services attending our weekly forums. It's been really exciting.' Lucy Jaffé, Why Me?

Another expert described how he worked with international colleagues to coordinate a forum for RJ and other restorative services to discuss their approaches in relation to the pandemic.

'The forum had been useful in people learning from each other or hearing other's thoughts about what the issues might be.' Ian Marder, Maynooth University

There was hope that the pandemic would provide an opportunity for restorative approaches to be better understood and used more routinely going forward.

'We've had lots of discussions with other practitioners in the field during this time for ongoing peer support and sharing of good practice. It really reinforces the need for RJ to be kept on that agenda at a higher level, so that it is embraced as an intervention that can really help and enable. Hopefully it can be utilised as something that's more of an automatic go-to, rather than something that needs to be promoted as much as it is now.' Becky Childs, Restorative Cleveland

A restorative recovery

Healing trauma through restorative dialogue

As we move into this next phase and begin healing in the aftermath of what has been the one of the most disastrous pandemics in living memory, practitioners discussed work that must be done, and how restorative thinking and approaches can be used in the recovery phase.

'There needs to be a safe forum, for staff, students and parents to process what has happened. We're all in the same storm but different boats.' Lesley Parkinson, Restorative Thinking

The experts also discussed the need for safe spaces in schools, youth clubs, prisons and other settings, where people can openly discuss the challenges or harms they may have experienced during the pandemic, such as bereavement and abuse.

'There is a need to acknowledge that something really serious has happened and people have some feelings about that. They might need to share those feelings as a basis for moving forward. Restorative provides you with the language and the tools and the structure to do that systematically. For example, providing scripts and structures to allow teachers and youth workers to work restoratively with young people in a way that provides social and emotional learning and gives people an opportunity to voice their feelings about what's going on right now.' Ian Marder, Maynooth University

'We have developed an accredited restorative e-learning programme to support children returning to school and to help them process what has happened. It looks at sustaining positive mental health over the coming weeks and months and how to use circles effectively and how to draw on restorative enquiry to help each other process...' Lesley Parkinson, Restorative Thinking

In a recent report, the Youth Violence Commission expressed concerns about the impact lockdown has had on young people's mental health, educational attainment, attitudes and behaviour. The report highlights that if schools are unable to *'adapt and cope with these challenges, then there are serious risks of an additional spike in school exclusions, and a further widening of the attainment gap.'*³³

A report by the University of Oxford looking at school exclusion risks after COVID-19 recognises zero-tolerance policies will not work in the immediate aftermath of the crisis. To mitigate the risk, schools must adopt alternatives such as restorative approaches.³⁴

Restorative methods can be valuable not only in schools and other academic institutions but also in places of work where people have spent months away from colleagues and have endured their own personal challenges.

'I think where restorative practice could be really useful is where some people have been told to self-isolate and there are people working at home. Then there are other people, such as key workers, that are needing to come in and actually this can create quite a divide within the workplace. I think that this could be one area which could really be explored within the workplace when building relationships again.' Becky Beard, Restorative Gloucestershire

Restorative Engagement Forum – Virtual restorative circles

Restorative Engagement Forum has been working with organisations to offer their employees to be a part of virtual restorative circles. This was an opportunity for coworkers to 'touch base' in a much more profound way and offer them a safe space to share their lockdown experience as well as concerns and fears about returning to work.

There is also an opportunity to use restorative approaches with people in prison and staff to heal trauma, with an emphasis on valuing relationships. A report by the Reducing Reoffending Third Sector Advisory Group (RR3) 'What does recovery look like?'³⁵ recommended such a focus: 'We are aware of examples of improved staff/prisoner relationships in many prison establishments and see this as a critical factor to build on to create not only a new normal but a better normal. We recommend that HMPPS considers rolling out programmes that foster better staff/prisoner relationships.'

³³ Youth Violence Commission. (2020). [Final report](#).

³⁴ Daniels, H et al. (2020). [School exclusion risks after COVID-19](#), University of Oxford.

³⁵ Reducing Reoffending Third Sector Advisory Group. (2020). [What does recovery look like?](#). *Clinks*.

Building community cohesion and empowerment

Now more than ever, there is a need for open dialogue and difficult conversations. Through the pandemic, there has been a focus on how individual behaviours, such as not wearing a mask, can have fatal consequences for others, and communities also came together to address injustices experienced by black people following the police killing of George Floyd in the US.

There have been calls to reallocate some police funding to community-focused restorative initiatives, such as some of the work highlighted throughout this briefing. In dismantling the racism that permeates institutions, there is a lot to learn from restorative models that listen to people's lived experiences and bring communities together to repair harm.

The traumatic murder of George Floyd, in the backdrop of a global pandemic which has disproportionately affected some communities, has reinforced the importance of discussions about race, power and privilege. As we emerge from the crisis, the creation of safe spaces for restorative discussions about experiences of COVID-19 and racial inequality, and the intersection of these issues, is critical to an effective recovery which heals trauma and builds more cohesive and safer communities.

Why Me? – Restorative listening forum

In June 2020, Why Me? held a virtual restorative listening forum, where people could participate in dialogue and share their own experiences of racism from state bodies such as the police. Attendees were broken up into two groups, and a restorative facilitator from Why me? led each discussion. The session focused on the experiences of attendees, the harm that these experiences have caused, and what could be done to repair that harm. Ground rules were set at the start, such as no interrupting, and the facilitator led the conversation with restorative questions such as 'what has been happening for you?' and 'what thoughts and feelings do you have about this issue?'

Why Me?'s restorative listening forum provided an opportunity to discuss the experiences of individuals and affected family members, describing feelings and emotions and reflecting on possible solutions. The forum provided an opportunity to talk, which in itself can help address the harm and trauma associated with experiences of racism. Participants commented that:

'My life was turned upside down because of an encounter with the police and because I am a black woman.'

'I have a lot of friends and family who have suffered injustice, being stop and searched comes to mind as a common problem.'

'You can tell from facial expressions and attitudes from coworkers when they don't like you, and they want to impose their ideas and thoughts on you.'

'I'm so angry about these things some of us witness daily. I am completely focused on changing things as best I can.'

'Sometimes you just want to talk about it and think – 'okay why did this happen'. I just need to talk about it and then let it go.'

Experts also said that the current climate presents an opportunity to begin rebuilding relationships through the use of restorative practice, moving away from a punitive approach to an approach underpinned by principles of accountability and mutual healing.

'The key learning that I am hoping to see more of, is rather than demonising individuals for their behaviour and intimating that they had a choice and they made the wrong choice – much more seeing it in a human way of what individuals need and how we each lean in to help the other heal.' Janine Carroll, Restorative Now

'Does it have to go down the punitive route? Maybe I can listen to the victims, the perpetrator, to the people that have been affected and see how they would like to deal with it best.' Becky Beard, Restorative Gloucestershire

'To go back to a retributive approach would be so detrimental to UK society. Over the last few weeks we have seen a growth in volunteers and people helping each other out and I think now is the time to nail a restorative community conversation.' Garry Shewan, Mutual Gain

One expert described the impact that restorative communities would have.

'If we could build restorative communities across the UK, what would the impact be? Increased social capital, restored but also improved relationships, repairing harm, increased trust and respect and greater social cohesion. When restorative work is targeted within communities you can have specific impacts – reduced crime, less exclusions, fewer family breakdowns and raised attainment. Looking forward to discussions post-COVID, I've been fascinated by the opportunities that will exist in terms of how we change the relationship between communities and those who deliver services, whether that's the police, local authorities or schools.' Garry Shewan, Mutual Gain

To initiate the process of healing, our experts argue that there should be a restoration of power to communities and social capital building to empower and facilitate the coproduction of solutions by impacted persons. There are already restorative cities in the UK, such as Bristol and Hull, where efforts are being made to develop a restorative culture and acknowledge that people and communities are experts in their own solutions.

Conclusion

With lockdown restrictions now being eased, emphasis and focus must be placed on healing. It is almost certain that life will be significantly different from the one we had before the pandemic, and there will be further challenges to come, as indicated already by recent 'local lockdowns' which have meant cancelled holidays, family gatherings, religious celebrations and long-awaited family visits to prisons.

As outlined in this briefing, there must be a recognition that our experiences during this time have been difficult and life-altering for many. This recognition should serve as an opportunity for mutual healing and learning.

The crisis has had an unprecedented toll on the relationships we hold with ourselves and others but has presented an opportunity to form new and positive habits and relationships. This could be an opening to transform mindsets and change the trajectory from a purely punitive approach within the CJS to an approach centred in restorative thinking which seeks to prevent and repair harm.

COVID-19 has changed life as we know it. Restorative responses have been a beacon of light in such dark and turbulent times. We have witnessed some exciting and innovative practice taking place in communities, policing and prisons. We are hopeful that the lessons learned from the restorative community will be carried forward into the future. We hope this series of briefings will support this effort by sharing good practice and expertise.

Recommendations

The Home Office and Ministry of Justice:

- Produce an urgent joint national strategy for promoting and increasing opportunities for RJ and restorative practices across the CJS as a crucial part of the recovery phase of the pandemic and beyond.
- Provide additional resources to Police and Crime Commissioners and police forces to run community mediation and restorative circles with police and black and ethnic minority communities.
- Collect data on the use of RJ as an Out of Court Disposal (OOC) and produce an updated national RJ action plan to promote greater use of RJ both as an OOC and as part of a community sentence to divert more people away from custody and the CJS.

Police and Crime Commissioners:

- Commission restorative services working with black and ethnic minority groups who have been disproportionately impacted by COVID-19 and hate crime.
- Ensure victims' services and police are informing victims about the potential for RJ.
- Commission restorative services to be used to tackle issues like anti-social behaviour and neighbour disputes, and for family mediation. Work with other community leaders to develop plans to establish more restorative cities.

Her Majesty's Prison & Probation Service:

- Enable restorative practitioners to provide in-cell provision to people in prison and facilitate access for restorative work to continue as soon as it is safe to do so.
- Train Offender Management in Custody (OMiC) key workers and peer workers in restorative techniques and commission restorative services to facilitate check-ins and socially distanced circles, where prisoners can discuss how the lockdown has impacted them and suggest ideas to the prison.
- Develop a national plan for developing 'restorative prisons' as a way of building a rehabilitative culture, mitigating the mental health needs caused by lockdown, reducing violence and facilitating better family ties.

The Department for Education:

- Provide investment for education leaders to work with restorative practitioners to support staff, students and their families to address the trauma and challenges the pandemic has brought, which will improve wellbeing. This should particularly focus on the reintegration of those who have not been in school since the start of the pandemic to prevent a spike in exclusions.

Restorative Service providers:

- Evaluate the use of technology in restorative interventions to better understand the benefits and challenges and inform future provision of services.
 - Look to develop models for continuing restorative work with people in prison and their victims, as well as other people who cannot attend face-to-face restorative interventions, through post, telephone or technology where available.
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Useful reading and listening

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National Centre for School Safety. (2020). [Restorative Virtual Circles](#).

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