

Editorial

Hello everyone,

Warm greetings from a rather cool and cloudy Sydney, I am sure that you are all looking forward to warmer weather across Europe after a cold and wet winter.

At the time of writing, things are certainly heating up within the Forum with final plans for the conference underway. The topic this year draws our attention away from the application of restorative justice in response to 'ordinary' crime to the use of restorative justice in situations which can be considered 'beyond the mainstream.' There is much exciting work being undertaken in this area and Belfast is certainly a perfect location for discussions of this nature to take place! We will be looking to focus on some of the themes that arise from the conference in our third edition of the newsletter; so please feel free to send us any thoughts or reflections that you may have about the conference.

We are pleased to present our second newsletter for 2014, which has once again been made possible by the wonderful contributions provided both those within and outside the Forum. It has transpired that the theme of this edition is 'reflection.' In an unplanned manner all three contributions provide reflections on the authors' experiences of the work that they have and are undertaking. We begin with a contribution from one of our Executive Board members who provides an insight into how she became a member of the Board and her reflections of the inner workings of the Board over the last six years. We are very grateful that Eleonore agreed to produce something for us and wish her well in her future endeavours as she officially steps down from the Board after the conference!

Our second contribution is from Malini Laxminarayan and Emanuela Biffi who co-ordinated the EFRJ 'Accessibility and Initiation of Restorative Justice' project. In their contribution they reflect on the findings of their project which sought to further understand the complexities facing restorative justice providers across Europe and to learn more about how we might increase access to restorative justice schemes. Achieving these aims involved a survey and the delivery of a number of workshops in member states who were partners of the

project. I think that you will agree that the insights that arise from the project are valuable and I hope that you will engage in further discussions with Malini and Emanuela about how their findings might be useful to projects where you are running them.

In our final substantive contribution, Robert van Pagée, the Chief Executive Officer of *Eigen Kracht Centrale* in the Netherlands, shares with us his insights about not only the legislative conditions under which family group conferencing operates in the Netherlands but also into Dutch society which is refreshing. Accompanying this overarching narrative is a reflection on his career trajectory and the core beliefs that he has injected into his organisation. We hope that you enjoy reading his article as much as we did. Again, let us know your thoughts or get in touch if you could present something about yourself and your own countries — we would love to hear from you!

Our final features have been written by Robert Shaw who sits on the Editorial Board for the Newsletter. The first is a newsflash which provides an overview of developments of restorative justice in England and Wales. This jurisdiction has become somewhat of a hotbed for restorative practice as the new coalition has thrown its full weight of support behind the use restorative justice processes in relation to both minor and serious offending. In his second contribution, Robert reflects on the work of Frederick Lennhoff. I hope that these contributions to the newsletter illustrate different ways in which our readers might contribute to the content. I very much appreciate Robert's contributions — please feel free to send us your own!

We would be keen to hear your thoughts on any developments on restorative justice, theory or practice; so please feel free to get in touch with me at Editor@Euforumrj.org. I would also encourage you to email me with any thoughts or responses that you might have to the articles that have been written in this edition as we would like to develop a new feature which highlights your reactions or feedback on other members' work. Furthermore, any ideas that you may have about the structure or content of the newsletter, any offers to contribute to it in the form of written articles and information about events would be very

welcomed. We hope that this year will begin a greater involvement of our readership with the editorial board and other readers.

I look forward to receiving any thoughts, advice or contributions over the next coming months.

With very best wishes,

Dr Kerry Clamp

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Reflections on being on the Executive Board of the European Forum for Restorative Justice

I have been an active member of the board of the European Forum for Restorative Justice for the last six years, between the conference in Verona 2008 and the conference in Belfast 2014. This has been fun and engaging and I have met many interesting people. The learning has been immense especially concerning EU policy making and how to run an EU project. I have also gained much insight into how different countries in Europe manage restorative justice. In this contribution to the newsletter I wish to share my journey and experiences with you, the reader.

Background to how I came to be elected to the board

When my colleagues at the “[Konfliktrådet](#)” in Norway suggested my name to the board of the European Forum for Restorative Justice, I had not much insight into what the EU Forum board did. I had participated in one fantastic conference in Barcelona 2006 and was by no means a novice to victim-offender mediation or to other forms of restorative justice. My background is in Transactional Analysis (social psychiatry and psychotherapy) with a clinical focus (psychotherapy) and mediation as a method, in different settings. In 1994 I trained in Community Mediation and was one of the founding members of Mid Devon Mediation in the UK. I worked in this field before moving back to my native Sweden in 1998.

At that time restorative justice was just beginning to unfold in Sweden and I soon became a member and an active participant in *Riksföreningen Medling vid Brott*, founded in 1998 with a focus on the development of victim-offender mediation in Sweden. There was not much chance to work as a mediator and I soon offered my services to schools in the Gothenburg region as I also had experience of facilitating and teaching peer mediation. Having trained both pupils and teachers in peer mediation, I wrote a handbook on the topic: *Medkompis: medling och konflikthantering i skolan* (Lind, 2001). At the time, peer mediation was virtually non-existent but now it is one of the six most used methods in Swedish schools for conflict management and bullying. My book is still the standard book on the subject, almost 15 years after it was first published.

During my early years in Sweden, I also worked with and offered training in neighbourhood and victim-offender mediation as well as in family mediation and mediation in the workplace. In 1999, I attended the

second conference of the Nordic Forum for Mediation in Oslo which resulted in the founding of the Swedish Forum for Mediation and Conflict Management (SFM) in January 2000. In the early years I was the Treasurer, then the Secretary and later the Chairperson of SFM. In 2002, I was also elected board member of the Nordic Forum for Mediation and Conflict Management where I worked with engagement until 2006. We hosted two fantastic conferences, one in Sweden in 2004 with more than 350 participants from all the Nordic countries and then one in Helsinki in 2006. In 2004, as a direct result of the Swedish conference I was asked by the National Council for Crime Prevention to be responsible for implementing and training victim-offender mediation in Sweden according to the Mediation Act (2002). I worked at the Council from 2004 until the end of the Swedish Government’s Commission in 2008 (there is no longer a victim offender mediation secretariat in Sweden as the responsibility of VOM is now with the Agency for Social Services).

It was during this time that my name was suggested as a board member of the European Forum for Restorative Justice and, although I was not a well-known name in EU Forum circles or among researchers, I did have considerable experience of restorative justice, both locally in Sweden and through regional, national and international contacts.

The first four years

After my election in Verona I was thrown into the deep end straight away during our first board meeting. And as I am a person that willingly says yes, often without much thought, I agreed to become the Treasurer of the Forum at our first board meeting. Not perhaps the most suitable person as my expertise is as a practitioner of restorative justice. Figures tend to do funny things to me! During these years I had the wonderful support of our trusted bookkeeper Bruno Deprins of *De Kleine*

Prins (Not for Profit Accounting) in Leuven, who is the accountant for the Forum.

After Siri Kemeny from *Konfliktrådet* in Norway stepped down as Chair of the EU Forum, the position was taken over by Niall Kiarney from Scotland. Niall and I worked closely together both during the executive meetings which we had twice a year and during the board meetings. As Chair of the Forum Board, Niall was a pleasure to work with. He was always very careful to include everybody in his thought processes and to make sure we all knew what was happening in the daily running of the Forum. He was also a fantastic support to Karolien Marien who was the Executive Officer during his time as Chair. This was an innovative period for the Forum, where we started interacting with members and the public in a new way, both through Facebook and by Niall sharing the Forum's progress on YouTube regularly. He also made sure the Board Members were updated on the progress of the Forum every month.

During my years as a Board Member I was responsible for overseeing two conferences in Bilbao (Spain) 2010 and Helsinki (Finland) 2014. Of course the practical work was undertaken by Karolien and the team in Leuven, and put together locally in Bilbao by Robert Moreno and his team and in Helsinki by Aarne Kinnunen and his team. The planning and administrative decision-making was done by me, other members of the board and the office in Leuven. This was a fun task and very important as the conference in reality is the Forum's face to the world. This is when we meet our members and others interested in restorative justice.

But not all work is done in connection with conferences; much hard work is done behind the scenes. As Treasurer, it was my responsibility to make sure the finances were in good order; as you can imagine we were concerned about this and it was naturally a priority area for the Board. Over the last six years project money has been our biggest income, as it has been since the beginning. The running of the office and much of the work of the Board was made possible by project money, but also by the operating grant that was granted most years.

The last two years

During the last few years focus has been on the Victims Directive, which finally was published in 2012. The Directive (2012/29/EU) establishes minimum standards on the rights, support and protection of victims of crime, and it has also taken into account restorative justice. I have also seen the development of the Criminal Justice Platform Europe (CJPE), which is a working network consisting of the European Forum for Restorative Justice, the Confederation of European Probation, Victim Support Europe and EUROPRIS. The idea is that together we have a stronger voice in matters of developing better justice for the ordinary person in the EU, and in dealing with the EU parlia-

ment. I have been present at some of our meetings and given a talk at a conference in Barcelona in 2012 on these matters.

I have also been a practical supervisor on an exciting project about the work of the Forum, 'Accessibility and Initiation of Restorative Justice.' Apart from a report and a handbook, we held workshops in the five partner countries of the project so that we could establish how to get restorative justice implemented and working successfully in Europe. Some of the findings included needing to increase trust and awareness, which is not something that is easy to teach! For me the workshops have highlighted the importance of the local context of each country, especially recent history and culture. This has been a learning experience where I have been able to use my competency and knowledge in concrete and hands on teaching of that which works!

As I think back on my years with the Board, I have many fond memories of many wonderful people, taking their time moving restorative justice forward in Europe. Being part of a team, with a vision of peace and understanding, where dialogue is the means to gaining peace, understanding and meaning in ordinary peoples' lives, has been very inspiring. However, I must also admit that it has been tiring and at times confusing. I live my life in Sweden, where I have my work far away from the hub of our office in Leuven, Belgium. At times decisions have had to be made, through the Internet and telephone calls (Skype) that have been profound and have affected many people. This has been taxing and worrying, certainly when decisions have concerned finances. Finances continue to be a huge task in the future, as it has been every day, especially for the staff in Leuven. There are still many challenges ahead for the new board. Challenges and changes I do hope for the better. Changes in the future that mean our permanent staff can have the peace and stability to work with a long term vision and mission and can be part of putting in place a better and more humane justice system in Europe. I am glad to have been part of this work for some years together with great colleagues from all over Europe.

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Research findings and effectiveness of training in the ‘Accessibility and Initiation of Restorative Justice’ project

Projects at the European Forum for Restorative Justice aim to provide practical and policy related outcomes that enable research findings to be applied to the field. For this reason, the ‘Accessibility and Initiation of Restorative Justice’ project, co-coordinated by Malini Laxminarayan and Emanuela Biffi and co-funded by the European Commission, sought to deliver workshops to practitioners in the partner countries in the project.

The workshops provided an interactive platform for exploring how to make restorative justice more accessible in daily practice and how to improve the quality of restorative justice processes offered to victims and offenders. The objectives of each workshop were to present the research results, suggest good practice, encourage new ideas, develop new skills and stimulate discussion and debate regarding the barriers to referrals and access to restorative justice schemes.

The workshops took place between January and March 2014 in four of the five partner countries in the project: Warsaw (Poland), Dublin (Ireland), Utrecht (The Netherlands) and Zagreb (Croatia, together with Romania). Approximately 25 restorative justice practitioners and other professionals interested in restorative justice came together to listen to the expertise of local and international trainers and to share their ideas and experiences on how to increase referrals to restorative justice. The topics addressed included the following: changing attitudes in relation to restorative justice practices, increasing cooperation between referral bodies and restorative justice organisations, raising awareness of restorative justice among professionals as well as in wider society and reflecting on the most appropriate methods for approaching the parties in order to have the best chance of initiating a restorative justice process. These topics were first presented by the trainers and then examined through group exercises, discussions, role-plays and the sharing of experiences.

After a brief introduction on the research project, this summary will present the findings that arose from the workshops as well as their effectiveness as a result of the feedback given by participants. In addition, it will assess the appropriateness and need for such workshops in the future.

The research

During the first year of the project, research was conducted to identify when and under what conditions restorative justice processes are made available to citizens and how exactly such processes are initiated under different jurisdictions and in different models. A questionnaire was disseminated to referral bodies and restorative justice organisations around all European

Member States in order to better understand the practices of each country. In total, 96 respondents from 17 countries¹ answered the questionnaire, often sharing the same thoughts and frustrations. Many respondents (71.4%) agreed that lack of awareness of the existence of restorative justice practices, its benefits and procedures is one of the main causes of limited referrals to restorative justice. Other respondents believed that the small number of referrals is related to legal culture: the belief in punishment as a solution to crime still prevails, despite the fact that the restorative justice alternative provides a more positive way to deal with crime. A number of respondents (15.6%) also claimed that legislation plays a role in granting more accessibility to restorative justice practices: obligations to refer cases, as well as the negative consequences for not doing so, are sometimes not clearly stated in European legislation. Surprisingly, when asked if other bodies (beside prosecutors, police, probation, victim support organisations, offenders’ rehabilitation programmes, lawyers and the parties themselves) should refer cases to restorative justice, many respondents said ‘no.’ Others, however, suggested that schools, psychiatrists, psychologists, doctors, social workers, therapists and prison officers should be able to refer.



Warsaw 16–17 January 2014

In addition to the questionnaire, qualitative interviews were conducted in five European countries either with referrers or with those parties affected by a crime.

¹Participants included 64 individuals working for restorative justice organizations and 32 individuals working for referral bodies from the following countries: Croatia, Ireland, The Netherlands, Poland, Romania, Austria, Belgium, Estonia, Finland, Hungary, Germany, Italy, Luxembourg, Norway, Spain, Sweden, U.K. More detailed information will be available in the final research report (downloadable from the EFRJ website from December 2014).

As has previously been established, there is no one specific profession that can initiate a restorative justice process (police, probation officers, prosecutors, judges, etc.). Moreover, different methods are adopted to inform and invite the parties to participate in a restorative justice process, such as letters, phone calls and face-to-face conversations. Victims and offenders who have been interviewed drew attention to the way the offer was made, in particular to the level of coercion and authority, the language used, the timing and the way issues were dealt with. Most interestingly, when reflecting on their perception of coercion and authority, interviewees in Ireland stated:

I suppose the fact that the Court asked for it to happen made me feel a bit under pressure.

No one is going to upset the judge that is dealing with their case. So I just said yeah.

These comments may demonstrate that receiving the offer of restorative justice from an authoritative source is helpful for initiating a restorative justice process, despite the fact that this offer seems to be against the principle of voluntariness of restorative justice processes. Special attention was given to the letter sent to the parties to inform and invite them to take part in the process. Indeed, several factors are crucial for the parties receiving the invitation: not only must the audience be considered (no standardised letter can be sent to both victims and offenders), but also the source of the letter, the information provided and the type of language adopted are important.

Important findings of the workshops

Although minor changes were made to adapt to the specific regional context, the four workshops were always a combination of short lectures and practical exercises on the topics of co-operation, awareness, the letter and face-to-face talks. Concerning co-operation between referral bodies and restorative justice organisations, the personal experiences of trainers such as Eleonore Lind (Sweden) and Kjersti Lilloe-Olsen (Norway) were considered crucial for understanding how co-operation may be increased in the future. For example, in Sweden formal meetings are regularly organised between police, social services and prosecutors and mediators also attend these meetings. Furthermore, informal meetings are spontaneously organised, such as lunches or other social activities, in order to increase trust, raise awareness, give information and change attitudes.

Another topic discussed during the workshops dealt with strategies for raising the awareness of restorative justice practices. Trainers stimulated participants' creativity by sharing their knowledge about existing

awareness campaigns. For example, participants were given the postcards created by the EFRJ during the international RJ Week 2013.² In addition, the trainers briefly presented other projects helpful to inspire the participants' creativity, such as: an Italian theatre play on female victims of violence, an American mural project made with young offenders restoring old buildings, a comic on restorative justice and a global art project to raise awareness on alternative ways for conflict resolution.³ In Ireland, a group of participants designed their own awareness campaign for children at school around the message 'to say sorry and make amends; to take responsibility and repair the damage.' Interestingly, the mediator was drawn as a flying owl, to represent the wisdom in solving conflicts but also the capacity to 'fly' in and out whenever is needed. In The Netherlands, participants suggested creating a new job position in all schools, the 'recovery/restorative coordinator,' to tackle youth conflicts in a restorative and constructive way.



Dublin 18–19 February 2014

Another session during the workshops was dedicated to identifying the 'ideal' letter for informing and inviting the parties to participate in a restorative justice process. Participants from all countries agreed that an ideal letter does not exist, since every single case should be treated differently. Standardised letters were rejected because the parties affected by an offence should be addressed differently according to their role in the offence (victims/offenders), the type of crime suffered/inflicted and their age. Moreover, many participants experienced phone calls and personal meetings to be more efficient than letters for obtaining the parties' interest in restorative justice. Many agreed that the letter has the function of inviting the parties; thus it should be short, concise, formal and easily understandable; a flyer should be attached to it with information about restorative justice, its benefits, the organisation and the professionals working in this field.

²Downloadable on the EFRJ website: <http://www.euforumrj.org/publications/other-materials/>

³These creative ideas, as well as many other practical tools, will be published at the end of the project 'Accessibility and Initiation for Restorative justice' in a practical guide to greater accessibility and successful initiation of restorative justice cases. The practical guide as well as the research report will be downloadable from the EFRJ website from December 2014.

Some terms were considered to be important for ensuring the parties' participation in the process, such as 'voluntariness,' 'confidentiality,' 'neutrality,' 'possibility,' 'opportunity,' 'option,' and 'chance.' In a few countries, a debate started on the importance of acknowledging the harm suffered by the victims: many participants disagreed because this may undermine the principle of neutrality of mediators, while victims may feel offended for receiving compassion in a written letter from an unknown person.

The last topic discussed during the workshops was the first meeting with the parties, the face-to-face talks. Participants were asked about practical strategies of initiating discussion with the parties, structuring the first interview, identifying what to say and what not to say, handling resistance and developing the appropriate skills for approaching the parties. During this session, role-plays were mostly used to make participants reflect on the parties' roles as victims or offenders during a restorative justice process. Participants were asked key questions about the facts of the crime suffered/committed, their past history, their feelings and thoughts about the conflict, their reflections about other people affected and their needs, and their future plans. Role-plays helped participants to reflect about the different ways to make the offer and initiate a restorative justice process by 'wearing the parties' shoes' in a situation of disagreement and conflict. Since often it is difficult to describe feelings and emotions, a trainer in Ireland suggested the use of a ten-point scale to speak about hopes, motivations and trust during the first interviews with the parties.



Zagreb 20–21 March 2014

Concluding comments

Although it is clear that every country uses different approaches, similar obstacles arise across European countries concerning access to restorative justice processes; they include the lack of awareness of restorative justice, the lack of co-operation between referral bodies and restorative justice services, unclear legislation, high costs and a lack of funding. Concerning the initiation of restorative justice, the workshops have been helpful in identifying good practice in making the offer to the

parties involved in a conflict and similarities have been seen in the mode of delivery, the information to be given, the type of language to be used and the timing and frequency of the offer.



Utrecht 11–12 March 2014

The two-day workshops have been successful not only because they helped participants to share and gain new ideas applicable in their daily practices, but also because the workshops have been a good occasion for local practitioners to meet and enlarge their professional network. This was explicitly mentioned by most participants in the final evaluations of the workshops; they also suggested making such workshops annual events of the EFRJ. Comparing training and systems also provided important insights into each country. In addition, the EFRJ team gained more expertise in organising and providing workshops on restorative justice in different European countries. Participants contributed with their own knowledge and experience to the assessment of the restorative justice models implemented in their own countries and they gave their own inputs on identifying best practice for increasing access and referrals to restorative justice in Europe.

The information collected during the workshops will be included in the final research report and practical guide which will be available by December 2014 on the EFRJ website. Only a few months are left before the end of the project; thus it is essential to acknowledge all the people and organisations that allowed this project to take place and be successful. In particular, the EFRJ is grateful for the commitment and work done by the following institutes who organised and hosted the workshops: the [Polish Mediation Centre](#) (Warsaw), Restorative Justice Service (Dublin), the [Verwey-Jonker Instituut](#) (Utrecht), the [Center for Peace Studies](#) (Zagreb, together with the [Association of Schools for Social Work in Romania](#) from Bucharest and [Ars Publica](#) from Zagreb). Last but not least, the EFRJ team is happy to have met many capable and promising practitioners that will surely stimulate restorative justice practices.

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Transforming care: the New Welfare State

In the spring of 2014, the Dutch parliament took several important decisions regarding organising care and welfare. From now on, decisions on services and measures will be taken at local level, close to the people. The starting point in this is that all support that is available in natural networks will be used first. People can only request support from official services at a later stage. Citizens' personal responsibility and personal means are needed to maintain the current level of public care.

Professional approaches to resolving citizens' problems and the ways in which conflicts between them are handled have in recent years offered citizens a strong and secure legal framework. But, in the meantime, society has had to cope with the other side of this: many people no longer see any connection with central and local government. They feel estranged from the authorities that guarantee care and security. They mainly experience bureaucracy and a lack of influence on what happens to them. The message that policy will take a different course is now only seen in the light of making necessary savings on collective services. This makes an appeal for personal responsibility to help sustain public services and the request for active personal efforts to realise welfare and security seem like a double encroachment on the citizen's position: fewer entitlements for higher personal contributions.

On the other hand, over the last ten years, when faced with problems, more people have again learned to take on a role as an active citizen and noticed that they were unable to take personal responsibility when care and judicial authorities threatened to intervene in their lives. This contribution is about this development. It describes the host of discoveries regarding developments in social awareness, in which the government is retreating and citizens are exerting their responsibility and power to resolve issues that previously presupposed government intervention.

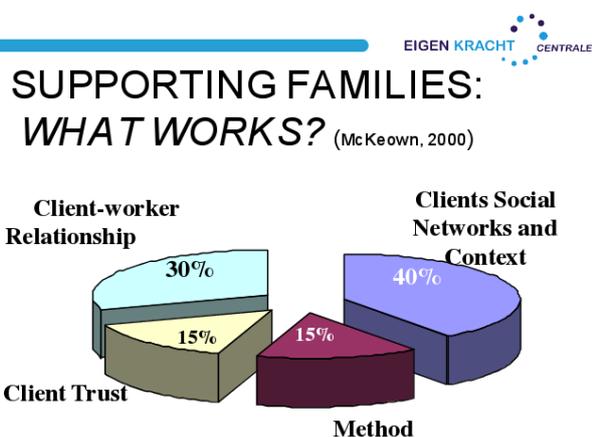
Let's start close to home. In my first job, around forty years ago, I was appointed by the government to intervene in families where there was a question mark about their care, to ensure that that family's children were able to develop safely and responsibly. I needed to assess whether a plan was needed for a child. And, if necessary, I had authority to intervene on behalf of the government. Allow me to describe the context of this position. Child protection authorities thought they knew best what was safe for children and how children should develop. As an educated professional, I was one of their experts. I had a lot of intensive contact with families and their children. You could say: they were 'my' families. They adapted to my way of

working. They came to my office, at a time chosen by me. They learned my professional jargon. It was about my explanation of their problems. Our organisation prescribed the solution. We generally used one, not particularly broad, range of solutions. I saw countless problems that were connected, such as poverty, poor housing, debt, medication use and unemployment, but I focused mainly on upbringing and development opportunities. I didn't know the debt restructuring, housing association or job centre experts; these were in other offices. Our protocols were all about referrals: each with its own specialisation.

Fifteen years ago and inspired by a model from New Zealand, we introduced, 'Family Group Decision-Making' in the Netherlands. We called these meetings of family, friends and acquaintances '*Eigen Kracht-conferenties*' (Own Strength Conferences); they are the expression of the unique responsibility that family groups can take to resolve their problems and conflicts. We recognised that those families described in my first job as 'people with problems' are also the experts regarding the history and development of their issues. Their own stories, told in their environment, which developed within their own network and with people who count for them, also provide the source for a solution. This was a discovery: start where they are. Don't take over. Don't take over their story. This required a vision that involved professionals being modest; not I, but they, with their direct environment and people important for them, are capable of creating a solution and making a plan. They could use the authorities to get information about which professional knowledge and which services could be made available to them. That's where the professional can contribute: additional knowledge, the authority to intervene, offer support, punish. However, it is essential that the family group is offered the opportunity to create its own solution in the first instance.

Following continuous development of the 'family group conferencing' model, in 2014 we will be organising our ten thousandth *Eigen Kracht-conference*. We have facilitated more than sixty research studies on

this restorative approach. This has taught us to think differently about those families threatened by governmental intervention. Activating the family group is the core of a good solution. Families have a lot of knowledge that the authorities don't have (the authorities mostly only know the 'identified patient' (Bateson, 1972)). Solutions arise from this knowledge. The family group is of course larger than just parents and their (good for nothing) children. For children this relationship and their cultural family connections, wherever they live, are of ultimate importance. The authorities should recognise and respect this. It is important that the government protects families against intrusive interventions. Start from the premise that families can organise their own business. That is the principle: increase the size of the group and ask the family group to first try to find a solution and it goes without saying that intervention is sometimes necessary. However, we should first start by inviting them to find their own solution. The ongoing fixation on professional intervention has made methodologies very important. But meta studies into the effect of behavioural change factors show the over-estimation of these methodologies and the underestimation of the importance of the people in the context. In identifying what works, methods are shown to contribute 15%, and the same amount for the client's faith or hope in improvement of the situation. The professional/client relationship appears as twice as important (30%), but the most significant influence on the desired change is the context or the network of that person (40%) (McKeown, 2000). The strength that is present in the family group appears to offer the best support for future change. The following figure demonstrates this further.



Public services are not designed according to such insights. The professional system is politically-driven. It is connected strongly to organisational and procedural requirements and is also employment-driven. The process that leads to the solution is formalised; those directly involved have no or little influence on this. On the contrary, this prevents participants from telling their 'own stories.' It isolates the person with the problem

and excludes the group around him or her. In that process information from a person's network is not heard or is hard to hear. In contrast, family dynamics act on different levels, with changing ambitions, and have different, always informal ways of keeping their members on track. The core is: authorities and families don't easily form one network. These are two completely different systems and this sometimes brings them into conflict (Früchtel et al., 2009). What is certain is that the formal system often doesn't have a clue what to do and fits the client into their menu of services. What is also certain is that the majority of the budget is spent on relatively few families with problems and that a lot of money is used differently from what is legally intended.

Yet it is necessary that the interests of professional systems and those of families remain attuned to each other. That is important because problems, certainly when the government is obliged to intervene, need to be resolved and need a plan for the future. What's more, this plan also needs to be realised and to have the desired effect. Family Group Conferences form the independent connection between the authorities and families. The conference has an informative first round, in which professionals have an important role. In this round the authority on behalf of the government can set requirements for the plan; often these are related to the safety of the child. The family then, on its own, works out a plan in private time using the professional information and their own knowledge and resources. When the conference concerns a plan that is intended to prevent government intervention or is intended as an alternative to this, the plan is presented to an authorised representative of the authorities in the third round. This is also to check whether the plan meets the prior set requirements. Our experience with the conference approach means that we know that plans almost always meet these conditions (Schuurman, 2011).

We have made more important discoveries and I would like to emphasise a number of these here. In using this restorative approach, it makes no difference what kinds of problems are involved. It also doesn't matter what types of limitations the main person has. It concerns only whether and how the group of people involved can be made as large as possible and concerns their joint capabilities to design a plan. So, you need to bring 'human capital' together in society. If asked, people do turn up and they join in when they see how they can keep control of their lives or the lives of 'their people.'

This method of care planning and conflict management does have an important condition, however. The conference cannot be part of the existing system of any authority. It also cannot be a part of a family system: a conference is a bridge between the two worlds. And it is an independent bridge. This means that those who take on the organisation or help preparing the conference should not have any interest in the result, or

outcome of the plan, and should also not have any influence on the plan. A double position is created when a professional organises such a conference. Even if the professional doesn't use his/her (traditional) position of power, this possibility undermines the family's faith in reaching an honest and adequate decision (Frieling, 2008).

In the Netherlands we organise the conferences from an independent centre, the [Eigen Kracht Centrale](#). Citizens from a diverse range of jobs and professions register and are trained in the role of independent community coordinator. For fifteen years we have built an ever-changing database that now comprises 800 citizens who have chosen to work as an independent conference facilitator several times per year. The independent centre makes connections between them and the involved parties, coaches the coordinator and contributes to the broader implementation of this approach.

A discussion started in the Netherlands in recent years about activating citizens, certainly when problems occur. Traditionally, they would be known to the social and judicial authorities and therefore would have been supervised by these authorities. The conference model has proven to deliver effective plans also in situations in which the government should intervene. However, there is a tendency to build the model into the procedures of formal authorities and to use it as a care methodology for some citizens at the discretion of the professionals. But it can't be emphasised enough that this approach is not a methodological support tool but a right for a family group to make a plan before the government or others can or will intervene. And rights are enshrined in legislation and valid for all citizens. The Dutch Parliament has recently recorded the right to a 'family group plan' in the new Youth Act and earlier recorded this right in the Civil Code by the revision of child protection measures.⁴

The core of this approach is that the person in question, together with his/her relatives, reaches a decision in an independent way regarding the desired change and makes a plan. The methodological tool here is about offering relevant professional information on problems and appropriate services. It involves a shift in decision-making power compared to traditional government interventions. Chambers (1997) points out: Empowerment can be weak and short-lived unless it is embodied in institutions (Ashley and Nixon, 2007).

The professional is positioned differently when there is a need to correct someone's behaviour. First, it's about activating families and networks and using their resilience. Second, it's about participating in implementing the family group plan, supplying the requested services. Dutch experiences show that supplying services forms 20 percent of the family group plan. Professional behaviour is no longer evaluated on the

number of interventions carried out, but on increasing the resilience of society. How do we get people together to redress the consequences of an offence? How do we resolve conflicts between neighbours? How can we stop violence in the home? How can this student stay in school? How do we ensure that the lifestyle of this child changes so much that s/he loses weight? Unemployment? Debt? It doesn't make any difference who it is about, or what problems are involved, it's about bringing together a group of helpful people. This will make the system change. In this way people are given and or take responsibility for the public functions of safety, care and handling conflicts. This ensures that a caring society remains intact.

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⁴See Amendment 32 015 in Book 1 of the Civil Code (2011), and Amendment 33 684 in Law on Child Welfare (2013).

Newsflash: Pre-sentence restorative justice in England and Wales

The Ministry of Justice for England and Wales has issued guidance on the provision of RJ after conviction and before sentence (Ministry of Justice, 2014). It stresses that RJ can also happen outside the criminal justice system and after sentence as well. As in Finland (Kinnunen, 2007), whether participation in RJ should be taken into account by the court in determining the sentence is a matter for the court. Before considering RJ, the court must be satisfied that the offender has entered a guilty plea, that there is an identifiable victim who has been personally harmed (this may include someone in an organisation who was personally affected by a crime against the organisation) and that offender, victim and all those who are to be involved from the community have given their consent to RJ. RJ may be considered for any offence, however serious and however long the potential sentence, but should only be used for domestic violence, hate crime and sexual offences if the victim requests it and there is a suitably experienced RJ facilitator available.

The lower courts already have the power to adjourn sentence for up to four weeks and the guidance suggests that, if necessary for the completion of the RJ, they should adjourn sentence for a further period. Al-

ternatively, they might decide to make the completion of a RJ process part of the sentence. The higher courts may adjourn sentence for as long as they see fit. Face-to-face RJ, such as a ‘victim-offender conference’ or ‘community conference,’ is to be preferred but indirect RJ may also be used where appropriate. The RJ facilitator should be a trained facilitator and should undertake a risk assessment of the impact of RJ; if s/he determines that no RJ process is suitable, the court should proceed to sentencing. The RJ facilitator is responsible for preparing the participants for the process as well as for its facilitation and for providing a report for the court on the process and the outcome. If participants do not consent to RJ at this stage, this should not preclude post-sentence RJ.

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NEW FEATURE!

Frederick Lennhoff: a pioneer of restorative justice

Frederick Lennhoff was an educational psychologist who, with his wife, opened a boarding school for maladjusted boys (Fr. *enfants inadaptés*; De. *unangepassten Kinder*) in 1949, moving in 1952 to Shotton Hall, near Shrewsbury, England. Many of the boys would destroy things out of jealousy or frustration and, when they did, expected to be punished; as he saw their destructiveness as a symptom of their emotional disturbance and he wanted them to take responsibility for their actions, he encouraged them to make restitution and the other boys to show generosity towards them. They were often astonished at being asked to consider their actions and how to modify them.

There was an elected committee of three boys plus a secretary which met twice a week to decide punishments, special purchases, outings, etc. ‘If someone steals, we tell the child that things like this can be sorted out, that there is no need for recrimination and fuss. We can see that restitution is made and a gift of some kind of service to the person who has suffered

by our actions. But, we explain, this sort of tolerance can only be observed within our own walls — outside we could not guarantee the same degree of toleration’ (Lennhoff, 1960, pp. 60–61). Acts of service were also used as an alternative to some or all of any monetary compensation to avoid leaving a child without any pocket money.

In addition to being made to other boys, restitution was made to local tradesmen, the police, neighbours, domestic staff and the fire service after a boy lit a fire in a dormitory. He sent a letter and a contribution to the fire service welfare fund and received a letter back from the fire chief telling him of the risks that firemen face which the boy carried round for months afterwards. Lennhoff stresses that it is ‘important that the sufferer shows that he appreciates the good deed itself and does not reject the child for his wrong-doing’ (p. 71).

Initially, the police were suspicious of the ways in which the school dealt with the boys but they gradu-

ally accepted the value of restitution, particularly after the Committee on Maladjusted Children (1955, p. 76) emphasised the need to tolerate anti-social behaviour and to help the child through to restitution.

Four years after Lennhoff had published his account of his work at Shotton Hall, the Longford Report (Labour Party Study Group, 1964) initiated a debate about the welfare and justice models which dominated the nineteen sixties and which the Black Report was later to criticise as 'exaggerated and artificial' (Children and Young Persons Review Group, 1979, p. 35). Lennhoff's approach, which showed how to integrate justice and welfare, was forgotten in the noise of a battle in which neither side was prepared to compromise.

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Calendar

The 2nd International Summer Academy on Peace-building & Intercultural Dialogue 17–27 August, 2014 Institute for Peace and Dialogue. This will take place in Baar, Switzerland. For further details and the applications process, please go to the following page: <http://www.ipdinstitute.ch/International-Summer-Academy-2014/>. Deadline: 30 June, 2014.

The Victorian Association for Restorative Justice (VARJ) is running a three day professional development training session for practitioners entitled: 'Conflict Transformation through Conferencing.' The event is being held at La Trobe University, Melbourne from 25-27th August 2014. For further details, please go to [this page](#).

The Community Justice Consortium (CJC) is hosting an event called 'Restorative Justice, Responsive Regulation & Complex Problems' due to take place at The Davis Conference Center, University of Vermont, Burlington, Vermont from July 15 to 18, 2014. Further information may be found at: <http://www.uvm.edu/conferences/restorativejustice/>.

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