

AN INTRODUCTION TO RESTORATIVE AND RELATIONAL PROCESSES (RP)

The aim of restorative and relational processes is to develop community and to manage conflict through building, strengthening and maintaining existing relationships plus repairing harm and broken relationships.

This statement identifies both proactive (developing community) and reactive (repairing harm and building relationships) approaches. Organisations and services that only use the reactive without building the social capital beforehand are less successful than those that also do the proactive.

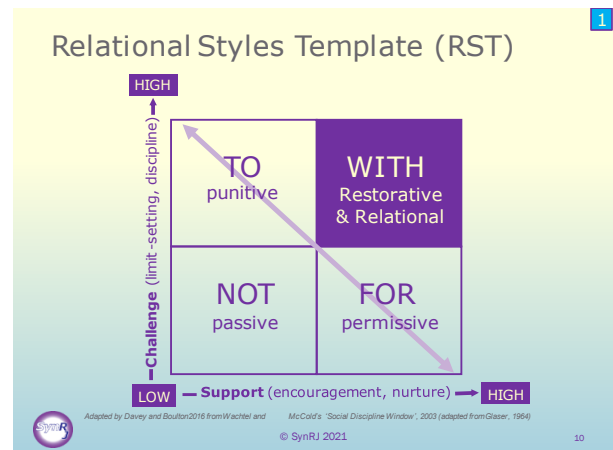
Restorative and Relational Processes as defined by the SynRJ have **five key elements** which make them explicit rather than implicit. These are:

- 1. Relational Styles Template**
- 2. Fair Process**
- 3. Relational (Restorative) Questions**
- 4. Free expression of all Emotions**
- 5. Braithwaite’s Hypothesis**

1. Relational Styles Template

Restorative and Relational Processes (RP) are about working **WITH** people rather than doing things **TO** or **FOR** them. Two major factors are Challenge and Support - **Challenge** being limit setting, discipline, setting boundaries, high expectations and **Support** being encouragement, nurturing, love.

So, it is about offering high levels of support, whilst challenging inappropriate behaviour through high levels of challenge, encouraging acceptance of responsibility and the setting of clear boundaries.

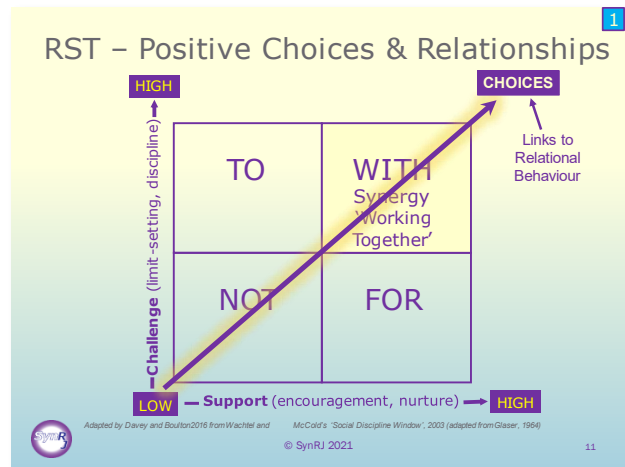


The Relational Styles Template (RST) is a useful framework to examine our practice in general or our daily interactions. It helps us answer the question: **"Was that restorative?"**

If you think about it, the Relational Styles Template (RST) really applies to just about anything; including teaching, parenting, supervision, counselling, policing and social work.

Working within the RST, people do have choices in the style they adopt, as shown in the slide opposite about positive choices and relationships, which builds upon it.

Making positive choices tend to lead to building better relationships. The ability to make the right choices is strongly influenced by the extent to which people accept and follow the concept of 'Relational Behaviour':

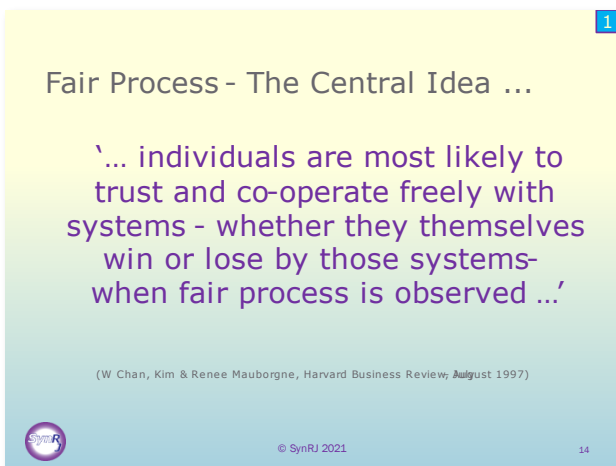


'Feelings are simply feelings; Behaviour is a choice and Thinking can influence both.'

If we could encourage people to think before acting on their feelings, a lot of hurt and upset (like bullying and assaults), could be avoided.

The Relational Styles Template is the cornerstone of everything we do and is entirely compatible with the second element of restorative and relational processes – Fair Process.

2. Fair Process



Fair Process - The Central Idea ...

'... individuals are most likely to trust and co-operate freely with systems - whether they themselves win or lose by those systems- when fair process is observed ...'

(W Chan, Kim & Renee Mauborgne, Harvard Business Review, August 1997)

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Fair Process has three core elements:

Engagement: Involving individuals in decisions that affect them by asking for their input and listen to one another's views and ideas.

Explanation: Everyone involved and affected should understand why final decisions are made as they are. Creates a powerful feedback loop that enhances learning.

This is a chance for you, as an authority figure, to reinforce your basic rationale, i.e. 'This is the decision I made and this is why'."

Expectation Clarity: Once decisions are made, new rules are clearly stated, so that all understand the new standards and any penalties for failure.

What Fair Process Achieves:

- Fair process builds trust and commitment,
- Trust and commitment produce voluntary co-operation,
- Voluntary co-operation which drives performance and
- Leads people to go beyond the call of duty,
- by sharing their knowledge and applying their creativity.

Fundamentally, fair process is about exercising authority in a way that is engaging, it takes the feelings and needs of others into account and feels fair and respectful.

3. Relational (Restorative) Questions

The following relational and restorative questions are tried and tested and based upon those used in the internationally recognised structured restorative conferencing model.

Relational Questions 2	Supporting Those Being Harmed	Relational Questions 1	Challenging Those Causing Harm
<ul style="list-style-type: none"> • What happened? • What were your thoughts at the time? • What have your thoughts been since? • How has this affected you and others? • What has been the hardest thing for you? • What do you think needs to happen next?  <p>©2020 SynRJ www.synrj.org</p>		<ul style="list-style-type: none"> • What happened? • What were you thinking about at the time? • What have your thoughts been since? • Who has been affected by what you did? • In what way have they been affected? • What do you think needs to happen next?  <p>©2020 SynRJ www.synrj.org</p>	

Relational (Restorative) Questions – Characteristics

They deliver all of the key elements of Restorative Practice:

- the questions are neutral and non-judgemental
- they are about the wrongdoer's behaviour and its effect upon others
- they are open questions which require an answer
- they take everyone from the past (what happened) to the future (repairing harm)
- they require people to reflect on who has been affected
- they are likely to help the wrongdoer develop some empathy for those affected
- they seek to build an understanding rather than to blame
- the person asking is likely to be seen as objective and respectful
- they actually allow the person to tell their story
- they are more likely to promote responsibility
- they can be applied in every situation
- they are thinking questions, yet are likely to get 'feeling' responses

4. Free Expression of all Emotions

If participants are going to reach a shared understanding and feel the process is fair, then within a safe environment with clear meeting protocols around dignity and respect, they need to be free to express all of their emotions (or affects), including those emotions which are negative. Don Nathanson pioneered work in the Psychology of Affect that helps us better understand why human beings act or respond the way they do. In his book "Shame and Pride", Don Nathanson builds on the work of Silvan Tomkins, who developed the Psychology of Affect. According to this theory, there are nine innate affects (which when influenced by upbringing, culture, experience etc. become emotions).

Most affects are experienced within a range from mild to strong.

- Two of them are **positive**:
 - Interest - Excitement
 - Enjoyment – Joy
- One is **neutral** and operates as a restart mechanism:
 - Surprise – Startle
- Six are varying degrees of **negative**:
 - Distress - Anguish
 - Disgust
 - Dismell (when something is physically or emotionally revolting)
 - Fear - Terror
 - Anger – Rage
 - **Shame** – Humiliation

'**Shame**' is nothing but the interruption of one of the positive affects. Anytime one of those affects is interrupted, we will experience varying degrees of 'shame – humiliation'. It cannot be avoided. We can however, minimise the negative aspects of shame.

'Compass of Shame'

The Compass of Shame was developed by Don Nathanson and he said there are 5 ways people respond to shame – **four are negative, one is positive**.

Nathanson organised the four ways into something he called the Compass of Shame. These are the four **negative** responses:

- **Withdrawal** – isolating oneself, running and hiding
- **Avoidance** – denial, drug and alcohol abuse, distraction through thrill seeking
- **Attack others** – 'turning the tables', blaming the victim, lashing out verbally or physically
- **Attack self** – self put-down, masochism



We take time to talk about the negative ways people deal with shame because, when we see these responses in other people, we can recognise them for what they are; expressions of shame. Strange as it may seem, it is a kind of admission that they've done something wrong. Once we've recognised what this reaction actually is, there are things we can do to help them deal with their shame in a positive way.

Some of the **positive ways** you can deal with shame are to talk about it, apologise, admit the wrongdoing, make amends and express feelings. All of these things are restorative ways to handle shame in a way that does not become toxic to the group. In your community, you probably notice those negative shame responses all the time (*with work colleagues, clients, students, parents etc.*).

In his book, '*Crime, Shame and Reintegration*' Australian Criminologist John Braithwaite claims that: "Shame is innate in all of us, and occurs at two levels.

Healthy communities are the ones that learn to deal with shame in a positive way. The important thing is to recognise the responses because there are positive ways we can respond to help people work through their shame.

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Behavioural Change and Social Control

Braithwaite claims ...
That shame is innate in all of us, and occurs at two levels:

- **Internal**
 - Socialisation
 - Ability to decide between right & wrong
 - Developed conscience
- **External**
 - Through sanctions or condemnation from family, community or important others

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We can respond to others experiencing shame by:

- **Listening to what they have to say**
- **Acknowledging their feelings**
- **Encouraging them to talk about their experience**

These are the key steps needed to build and maintain healthy relationships, according to **Tomkins' 'Blueprints'**

Tomkins' 'Blueprint' for **Individuals** proposes that Individuals are at their best when they:

- **Maximise positive affect** (or emotions)
- **Minimise negative affect** (or emotions)
- **Freely express emotion**
- **Do as much of the above three as possible**

Tomkins Blueprint for Healthy **Communities**:

- **Increase positive affect**
- **Decrease negative affect**
- **Express emotion freely**
- **Increase the power to do the first three things**

5. Braithwaite's Hypothesis

Instead of asking, "Why do people commit crimes?", John Braithwaite asked, **"Why do most people do the right thing most of the time?"**

Most people do the right thing because they care about each other, they are connected and have relationships. They want to be well thought of.

Braithwaite's notion of re-integrative shaming, with the importance of separating the 'deed from the doer' is consistent with the good practice identified in the Relational Styles Template (RST).

Effective restorative and relational processes foster awareness of how others have been affected by inappropriate behaviour. This is done by actively engaging participants in a process which separates the **'Deed from the Doer'** and rejects the **'Act not the Actor'** allowing participants to make amends for the harm caused."


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Braithwaite's Hypothesis

Restorative and Relational Processes...

- allow the act (unacceptable behaviour) to be rejected, whilst ...
- acknowledging the intrinsic worth of the person and their potential contribution to society (the school, community, workplace, etc.)

- Rejects ... **'ACT not ACTOR'**
- Separates ... **'DEED from DOER'**



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Braithwaite 1989
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Restorative and Relational Processes: Intervention Levels

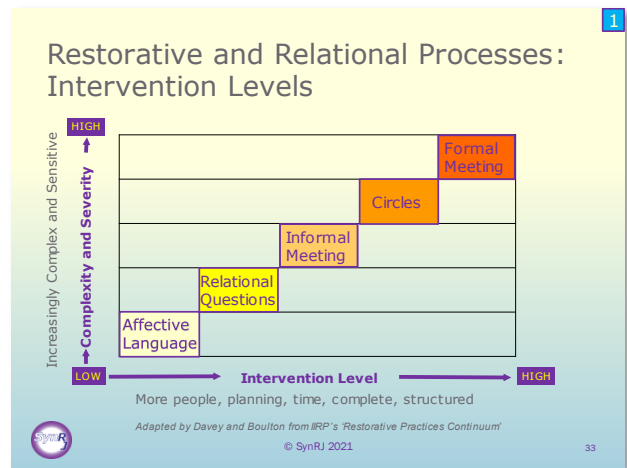
Every instance of wrongdoing or conflict is seen as an opportunity for learning and can be addressed either informally through the conversational use of key questions or more formally through a restorative conference.

Our experience over many years has led us to realise that a discreet one-off restorative intervention in the form of a Family Group Meeting/Conference (FGM/C), Victim and Offender Mediation (VOM) or Restorative Conference (RC) is only one form of restorative response. In many cases this is all that is needed, whilst in others a more long-term and comprehensive restorative approach is required or at least desirable.

Looking back to the key elements of Restorative and Relational Processes, if we believe that it is best to do things WITH people; whenever possible we should use fair process; our responses to behaviour should involve building relationships and repairing harm; then the following Restorative and Relational Processes emerge.

We call these 'Intervention Levels'. Within the WITH box there are a range of responses and we've organised them from informal to formal."

As you move from the informal to the formal responses they tend to involve, more people, more planning, more time, be more complete and more structured.



The five intervention levels:

- **Affective Language (and Statements):** the use of restorative and relational language to make brief comments about how others were impacted by the person's behaviour (positive as well as negative affects).
- **Relational (Restorative) Questions:** asking the wrongdoer questions like who was affected, how they were affected, etc (positive as well as negatives).
- **Informal Meeting (Restorative Conversation):** bring together a few people to talk about the incident its impact and what to do next (positive as well as negative).
- **Circles:** allow everyone to have some say (positive as well as negative).
- **Formal Meeting (Conference):** a formal, structured process, which in most cases brings together harmed persons, wrongdoers, and their supporters.

There will always be differences in how this way of thinking is applied in different settings. We encourage you to begin to think about how you can apply the restorative and relational framework in your own setting.

The Restorative Conference (RC)

The full structured Restorative Conference sits at the formal end of informal to formal processes and is largely (though certainly not exclusively), used in cases where responsibility has been accepted and harm acknowledged. This more formal use of the relational and restorative questions almost always involves more people, needs more preparation and take more time to complete.

Restorative Conferences have been used for many different purposes over the last few decades. Some have been cases involving full acceptance of responsibility and acknowledgement of harm caused, whilst others have not.

Some have involved all parties to the incident whilst others have provided a service to one or the other party and their respective supporters.

It is not always appropriate or necessary to hold a full conference for all incidents and in fact the use of restorative practices at all levels, from informal through to formal is to be recommended.

When restorative practices and language are embedded into the way we deal with all conflict and inappropriate behaviour we are most likely to make a difference in the lives of those harmed and affected and the lives of wrongdoers too.

Models/Uses of Restorative Justice and Practice

Circles

A process which encourages the use of many restorative skills and values, such as: mutual respect, empathy, active listening, impartiality, non-judgemental, acceptance of difference and win-win problem solving. Circles can be used to begin a lesson/group session, as a morning meeting, to close the day or at any time. It should be used for both praising good work, behaviour etc. as well as dealing with behavioural issues and when things go wrong in teams, workplaces, etc. The process works by sitting in a circle, preferably on chairs of the same height, in an airy room where there will be no interruptions. Sometimes a 'talking piece' is used in a 'go around', where only the person/student holding the 'talking piece' may speak if they choose to do so. Other types of circles can be used such as 'fish bowl', non-sequential, problem solving, etc.

Community Conferencing

A meeting involving members of a community who come together to resolve a conflict facilitated by an impartial third party in a safe and positive way. These are often run in the style of a Restorative Conference (see below).

Family Group Meeting/Conference (FGM/C)

A group meeting or conference where members of the extended family are invited to come together with the aim of resolving family crisis, conflict or behavioural problems (including crime in some cases). It can involve social workers, education welfare officers, service providers, police, etc. It can be used for both welfare and criminal justice purposes.

There are two main forms of Family Group Conferencing (known as 'Family Group Decision Making' in the USA), which were first introduced in New Zealand in 1989 and based on traditional Maori methods and later used in other countries, including the UK.

- In the 'welfare' Family Group Conferencing, a young person is invited to attend with his or her extended family and other persons who have a significant place in his life; after the problems have been outlined and agencies have explained what resources are available, the family is allowed private time (family Caucus) with no one else present to work out an action plan for the young person.

- The 'justice' Family Group Conference is similar, except that the victim is also invited to attend, with a supporter if desired, and the action plan often contains an element of reparation.

Indirect mediation/process

This is where the wrongdoer (offender) and/or the harmed person (victim) do not wish to meet with each other. The mediator or facilitator 'shuttles' between them to convey messages and often to reach agreement. This is also known as 'shuttle' mediation.

Mediation

A face-to-face process, in which an impartial outside party helps two or more disputants work out how to resolve a conflict. This differs from Victim/Offender mediation (see below) in that: '...in a mediated dispute or conflict, parties are assumed to be on a level moral playing field, often with responsibilities that may need to be shared on all sides. While this sense of shared blame may be true in some criminal cases, in many it is not.' (Zehr. Howard, 'Little book of Restorative Justice', pp.9)

Restorative Conferencing or Restorative Justice Conferencing (RC)

What defines a restorative conference varies. In general it refers to a structured intervention by a trained facilitator involving all those affected by an incident in seeking ways to repair the harm. It may or may not have a script.

Restorative Cautioning

A process pioneered in the UK by Thames Valley Police in the UK using the conferencing method, but often not involving the victim.

Restorative Justice Programme

Any programme that uses restorative processes, which adhere to restorative values, or aims to achieve restorative outcomes for all those affected by a conflict.

Sentencing circles

Sentencing circles bring together a wide range of people affected by an incident (victim, offender, friends/family, police) to help sentence (decide the penalty for) the offender, together with a sentencer (Judge).

Victim / Offender Mediation

A process in which victim(s) and offender(s) communicate with the help of an impartial third party, either directly (face-to-face), or indirectly through a third party, enabling the victim(s) the opportunity to express their needs and feelings, and offender(s) the opportunity to accept and act on their responsibilities. This may be used in place of the criminal justice process, or during or after it.

Most formal models, including RC and FGM/C (with the exception of the welfare model of FGC), are based upon Restorative Justice principles, the basic concepts of which are around: **Harm and Relationships**.

When contrasting an Adversarial with a Restorative and Relational style we find the language differs:

Adversarial:

- "What happened?"
- "Who's to blame?"
- "What punishment is needed?"

Restorative and Relational:

- "What happened?"
- "What harm resulted?"
- "What needs to be done to make things right?"

There are several definitions of Restorative Justice, the most widely used being:

'Restorative Justice can provide a forum whereby those most directly affected by wrongdoing come together to determine what needs to be done to repair the harm and prevent a reoccurrence.'

Conclusion

So, to re-cap, **RP** as defined by the SynRJ has **five key elements** which make them explicit, rather than implicit. These are:

- 1. Relational Styles Template**
- 2. Fair Process**
- 3. Relational (Restorative) Questions**
- 4. Free expression of all Emotions**
- 5. Braithwaite's Hypothesis**

I hope you have found this short introduction useful and informative.

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