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A GUIDE TO USING RESTORATIVE JUSTICE CONFERENCING METHODS WITH ACCEPTABLE BEHAVIOUR CONTRACTS

**Produced by the eb4U Community Safety Team,
Restorative Justice and Victim Support Project.
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Introduction - Using this guide

This guide has been written as an aid to developing the Restorative Justice approach in the eb4U Community Safety Team

The Conference script included in the guide was originally developed in Australia and then used to delivery Restorative Cautions in the UK by the Thames Valley Police at the pre-court stage. It also forms the organising framework for the Referral Order Panel meetings introduced by the Youth Justice and Criminal Evidence Act, 1999.

Evidence from Youth Offending Teams suggests that many victims do not wish to have a face-to-face meeting with the offender. It may also be the case that victims will turn down the opportunity to attend ABC meetings. At the same time, if the perpetrator knows that a victim of his or her anti-social behaviour wishes to meet them, they may well be less co-operative than they may otherwise have been. There is clearly more work to undertake with the eb4U communities.

It is suggested that the script be used verbatim a few times or until you feel comfortable with the format and process and you begin to develop your own personal style. The format is well established although there may be occasions when you may need to consider some changes, eg when a particular victim wishes to speak before the offender.

The script has been broken up into sections to help make sense of the various stages and how they contribute to the overall picture. Text in bold type represents comments or questions to ask the various participants during the meeting.

Restorative Justice originated from the criminal justice system and so the term offender is not really appropriate for young people who have committed anti-social behaviour but have not been through the legal process. I have used 'offender', 'perpetrator', and 'accused' but I accept that these terms are not satisfactory. Sometimes, the term 'young person' has been used although there is no reason why ABCs cannot be used with adults.

George Ware, eb4U Restorative Justice Co-ordinator

Acceptable Behaviour Contracts (ABCs) and participant contact

Contact

The lead caseworker should personally contact the victim regarding the convening of an ABC meeting or conference.

The victim may have been contacted following their original complaint, but the format and purpose of the meeting should be fully explained to them.

Experience suggests that it is unlikely that many victims will want to attend, but they should be offered the choice.

Sometimes, the referral will come from a variety of sources and there may not be a single, identifiable victim. In these circumstances, the caseworker will have to decide, perhaps in consultation with the Victim Liaison Worker, how to proceed.

Victim's perspective

There may still be disagreement about what has actually happened and the issue of guilt has not been decided in court. If this disagreement has not been resolved by evidence from CCTV or mediation, then inviting the victim is unlikely to be productive and may cause too much conflict.

Victim attendance

The victim may have doubts about attending an ABC meeting or conference for a number of reasons, including:

- Uncertainty about the purpose and value of the meeting
- Fear of meeting the person responsible for the anti-social behaviour
- Fear that further reprisals could follow
- Worries that their personal circumstances will be made public

Victim concerns

It is important to re-assure the victim that the meeting should be a 'safe place' in which to discuss what has happened. It is a safe environment because;

- Participants must agree to the basic ground rules for the meeting
- These mean that abusive and violent behaviour is unacceptable
- The meeting has a clear structure that ensures that everyone has an opportunity to speak
- Interrupting another speaker is unacceptable

While it is acceptable for the victim to express anger, this should be owned and take the form of 'I statements'. For example, "I was really angry when you stole the tools from my shed" or "Can you imagine how I felt when you sprayed paint over my new car?". Comments like "You are a nasty piece of work" are likely to inflame the situation further. Criticism of the behaviour is acceptable but blaming the individual is not.

Victim confidentiality

The Victim Personal Statement and any other information should not be kept in the case file but in a separate file. This information should be destroyed when the matter has been resolved.

Benefits of victim attendance

Providing the perpetrator has agreed to a face-to-face meeting, the victim should be encouraged to attend the meeting because considerable benefits can result. These include:

- An opportunity for constructive discussion and resolution
- Putting the matter to rest and moving on
- Developing a better understanding with the perpetrator

A victim, who agrees to attend, may choose to be accompanied by one or more persons known to them to provide support and assistance during and after the meeting.

If the meeting raise confidential issues related to the perpetrator or his or her family, it may be necessary to ask the victim to leave while that discussion takes place.

Victim non-attendance

The victim can decide not to attend the meeting. However, their views and position should be made known at the meeting and a Victim Personal Statement should be read out at an appropriate time during the meeting. The victim should be advised on what to include in such a statement and who will have access to it.

A copy of the contract and any other relevant decisions should be conveyed as soon as possible to the victim following the meeting.

The '15 minute gate'

Ensure that the invitation for the victim is 15 minutes earlier than for the person allegedly responsible for behaving in an anti-social way. This will avoid any awkwardness or conflict that could jeopardise the process.

If a meeting takes place in an 'unsafe environment', it may result in the facilitator losing his or her credibility in the eyes of both the victim and offender.

Identifying two separate waiting areas for the victim, offender and their supporters would be advisable.

Contacting the offender

The person who has committed anti-social behaviour should also be contacted personally before the meeting. As this is likely to be a young person, his or her parents should also be consulted and made aware of the position and the arrangements made for the meeting.

The offender should be given clear information about the allegations and the format and purpose of the meeting. The ground rules and formulation of an acceptable agreement to address the anti-social behaviour should also be discussed.

The guardian or responsible adult should be encouraged to attend the meeting.

Although the meeting is voluntary, both the young person and their guardian's should be advised of the consequences of not attending the meeting.

The alleged wrong doer should be informed if the victim wishes to attend. If, as a result of this information, the perpetrator refuses to co-operate, it may be necessary to discuss this with the victim and advise against their attendance.

Contacting other professionals

In some circumstances, other professionals can be invited to the meeting. Alternatively, it may be better to have a meeting with other professionals and the victim, before the conference with the offender.

With young people, the most relevant agencies are education, the mental health service and drug agencies. At other times Connexions and representatives from mentoring schemes and family support services could be invited.

The advantage of having these agencies at the meeting is that it will be easier to develop a support package to address factors, which could put the young person at risk of further offending.

Time scale

It is important that these meetings are scheduled as soon as possible and probably the whole process should be completed within 28 days.

Arranging the Venue

Physical environment

The physical environment is important and can affect how the meeting is conducted, so try to ensure the following:

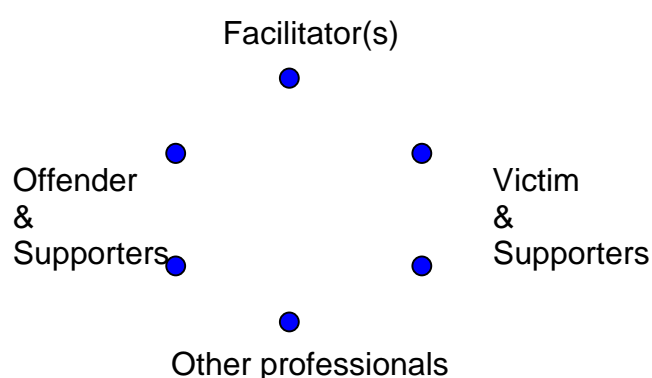
- That the room is large enough for the size of the group
- That the heating and ventilation is satisfactory
- Ensure confidentiality and privacy for participants. Venues like youth clubs, where a participant could be recognised by his or her peers must be used with caution
- That uniform seating is available
- Minimal internal & external disruption and interruptions

There is an advantage in using neutral buildings that have convenient access for the victim.

It is important that the facilitator or caseworker is available and able to welcome the participants to the meeting.

Some venues may have significance for particular participants. A young person may be more or less comfortable in a school building. A victim may feel unwelcome in a youth club, which is clearly owned by young people.

Seating arrangements



It is important that the facilitator has a clear view and that the participants can see each other. One way is to keep the victim plus supporters on the left and the offender plus supporters on the right.

It may be better to position the victim and offender off-centre rather than face to face. This will ensure that they will be able to see the other easily but they can also avoid staring at each other during the meeting.

Pre-meeting preparation

- (i) Be prepared
 - Make sure that you have to hand all the relevant forms, type and dates of incident, names of those involved etc.
- (ii) Some simple rules
 - Take your time in the meeting & don't rush – you are in control!
 - Appear calm even if you are anxious

- Try to ask simple open questions
 - Be prepared to probe to uncover more information
 - Be respectful at all times even when confronted
 - Don't express opinions or give your views
 - Be clear about the purpose of the meeting – to put right harm that has been done
 - Describe briefly the incident that led to the meeting
 - But seek a full version from each party and stay with a person until this is completed
 - Try to direct the meeting using gestures, silence etc
- (iii) Health & Safety
- Make sure you are aware of the Fire Drill and tell participants how to recognise the fire alarm, the location of emergency exits and muster points before the meeting begins
 - Also indicate location of toilets and wash facilities
- (iv) Ground rules
- There are a number of basic ground rules for the meeting. There may be others that you wish to add.
 - a) Listen to what other participants say without interruption
 - b) Treat others with respect
 - c) You can express your feelings but verbal or physical abuse will not be tolerated
 - d) If things get difficult you can ask to take a break

Planning and Organising ABCs

The following steps outline the sequence of events in planning, facilitating, and monitoring an Acceptable Behaviour Contract

- 1 Suitability of the person for an ABC
 - There is sufficient evidence of anti-social behaviour
 - The person has admitted the alleged behaviour
 - The complainant has made a signed statement
 - Preventative action, for example, mediation has been tried or was offered
- 2 The facilitator or Case Worker convenes the meeting
 - Organise a suitable time
 - Organise venue and child care arrangements if necessary
 - Contact the partner agency representative, the complainant, the perpetrator and others who may contribute to the meeting
 - Explain the process to participants
- 3 The facilitator confirms attendance
 - Send details of meeting to participants in writing
 - Confirm attendance
- 4 The facilitator prepares for meeting
 - Write outline script
 - Organise lay-out of room
 - Refreshments
- 5 Facilitate the meeting
 - Open the meeting with introductions
 - Outline the process and state ground rules, purpose of the meeting and consequences of non-co-operation or failure to agree a contract
 - Go through script
 - Invite the perpetrator to describe their actions
 - Probe for details
 - Invite the victim to respond
 - Encourage a full discussion of events and impact on those involved
- 6 Identify sanctions and opportunities
 - Explain voluntary nature of an ABC but stress that failure may mean progression to ASBO and loss of accommodation
 - Develop any ideas from victim around reparation
 - Identify what support could help the young person or parents keep to the contract and stop anti-social behaviour
 - Confirm what opportunities are available in area to replace the problematic behaviour

7 Confirm agreements

- Summarise decisions reached
- Outline strategies to secure additional help and support
- Confirm all parties are satisfied
- Re-assert consequences of failure to complete contract

8 Record contract

- Facilitator to record the decision of the meeting in writing
- Contract to clearly state what the offender has agreed to do (the objectives to be SMART)
- Note any reparation (written apology, direct or indirect reparation)
- Any help and support for the family to be stated clearly and how this support will be secured and by when
- Confirm details of first appointment and review dates
- Contract to be signed by:
 - The young person or perpetrator
 - The young person's parent(s)
 - The housing officer
 - The police representative
- Copies provided for all signatories

9 Conclusion

- Thank participants for their contributions
- Note interactions of involved parties
- Offer refreshments
- Farewell to participants

Templates

Facilitator Script

On / / _____ (name)
_____ (offence)

1. I'd like to start by welcoming everyone. My name is _____
2. Before the meeting begins I would like to go round and introduce everyone and say why he or she are here.
3. I would like to thank you all for making the effort to attend. This is difficult for all of us, and your presence here will help us deal with the matter that has brought us together.
4. I would like to remind everyone about the ground rules for the meeting. Also, if anyone finds the meeting difficult we can take a short break to cool things down.
5. Today this meeting will focus on an incident(s) which happened on _____
6. It is important to understand that we will focus on what _____ (name) has done and how his/her behaviour has affected others.
7. We are not here to decide whether _____ (name) is a good or bad person.
8. _____ (name) has admitted to his/her part in the incident(s).
9. This is an opportunity to be involved in repairing the harm that has been done.
10. The Community Safety Team will also help identify any help and support for _____ (name) and his/her family to prevent similar behaviour occurring in the future.

Script sequence

- Open meeting
- Outline process
- Read script
- Invite perpetrator to speak
- Invite victim response
- Probe for details
- Call for reparative suggestions
- Discuss support available
- What substitute activities available?
- Participant satisfaction?
- Confirm details of agreement
- Confirm compliance
- Set review dates
- Sign agreement
- Close meeting
- Farewell

Ground Rules

- a) Listen to what the other participants say without interruption.
- b) Treat others with respect.
- c) You can express your feelings but verbal or physical abuse will not be tolerated.
- d) If things get hard for you, you can ask to take a break.
- e) No smoking.
- f) Confidentiality – information not to leave the room.

Case summary

Incident(s) with date(s): _____

Referrer: _____ Contact # _____

Date of first ABC meeting

Dates of reviews: _____

Date of final meeting: _____

Outcome: _____

The Young Person's Story

To help us understand what has happened and who has been affected, we will start by asking (name) what happened.

Key questions:

1. How did you come to be involved?
2. Tell us what happened?
3. What happened before... what led up to this happening?
4. What were you thinking at the time?
5. What have you thought since the incident?
6. Who do you think has been affected by your actions?
7. In what ways have you been affected by your actions?

Begin with the young person & if more than one, each takes turns.

Open with a series of structured, open questions.

Explore the incident, and its antecedents / consequences.

If young person finds these questions difficult you can:

- Vary the order you ask them
- Simplify them further eg "Tell us in a word how you feel about what you did?"
- Give options eg "Was it your idea or your mate's idea to take the car?"

The Victim's Story

Key questions:

1. What was your reaction at the time of the incident?
2. How do you feel about what happened? (How has it affected you?)
3. What has been the hardest thing for you?
4. How did your family and friends react after they heard about the incident?

If the victim becomes very upset or angry, you could say something like... "you have a right to be angry about what has happened, but to get a good outcome we all need to stay calm".

The victim may become upset by the perpetrators apparent lack of remorse, indifference or denial. This may need to be addressed, perhaps by asking the offender if he or she can understand why the victim is feeling distressed.

Victims will probably find it easier to talk about their feelings regarding the incident.

May need to support the victim to enable this to happen.

If victim becomes upset, may need to validate what is happening and give them time to compose themselves eg "Mr Smith is clearly deeply affected by what happened".

Usually, the victim shows a flash of anger and then calms down. If anger continues, you may consider a short break.

May help to summarise the key stories. Any differences?

Supporter's Stories

These follow the accused and victim's stories. Ask them all in turn for their views.

To victim's supporters

1. What did you think when you heard about the incident?
2. How do you feel about what happened?
3. What has been the hardest thing for you?
4. What are the main issues for you?

To young person's supporters

(to them all) This must have been very difficult for you to hear? (ask following question in turns)

1. What did you think when you heard about the incident?
2. How do you feel about what happened?
3. What has been the hardest thing for you?
4. What do you think are the main issues?

In larger conferences with multiple offenders and/or a number of victims & victim supporters, ask the group **who else would like to comment** and then facilitate a dialogue between them.

This dialogue helps the offender or young person to:

- Confront their own behaviour
- Enlist support from the others present

Also helps the victim to re-evaluate what happened, re-assess the offender and move towards resolution.

Critical point in the meeting

(To offender) Is there anything you want to say at this point?

(To victim) What would you like from today's meeting/conference? (more likely to be positive if offender has shown signs of remorse)

The participants begin to discuss/negotiate what to put into a contract. Ask the offender to respond to each idea – "What do you think/feel about that?"

Ensure any conditions are SMART (specific, measurable, achievable, realistic, time bounded).

Do not set tasks yourself – give ideas but try to let the participants make decisions. Are ideas practicable?

The agreement

Before I prepare the written agreement, I'd like to make sure that I have accurately recorded what has been decided (read aloud and make any necessary changes)

Check that the agreement is understood by offender.

Explain how contract will be monitored/reviewed.

Refreshments allow victim & offender to connect & talk.

Closure

Before I formally close this meeting/conference, I would like to give everyone a final opportunity to speak. Is there anything anyone wants to say?

Thank you all for your contributions in dealing with this difficult matter. Please help yourself to the refreshments while I prepare the contract.

Case records

Keep record of contract on case file & copy to other professionals as appropriate & in line with data protocols

Ensure that information on the victim is kept in a separate file and destroyed at earliest opportunity.

Verbal & non-verbal cues

During the meeting, a young person may show a range of non-verbal cues and behaviours that can suggest emotional state of young person

- Fidgety
- Anxious
- Avoiding eye-contact
- Looking at the floor
- Hood of sweat shirt pulled down/or pulled up over face
- Lack of any response
- Answering in single words

Offender or young person may be in a state of denial about what happened and their responsibility for it. Attempt to distance themselves from what is happening by avoiding eye contact, not speaking or answering in monotonous or single words etc.

Will need encouragement and help to reach position of showing remorse

Showing remorse

Purpose of the conference is to help the young person take responsibility for their behaviour, empathise with the victim and make amends for the harm done.

An important element is the ability of the young person to show remorse for what they have done.

Remorse is admitting regret for what the person has done plus showing compassion or empathy for the victim. Often a young offender regrets being caught because it is embarrassing for them but lacks any awareness of the impact on the victim.

Just saying 'sorry' without accompanying non-verbal behaviour (bowed head, quiet voice etc) is unlikely to be accepted as genuine remorse by the victim.

Relevant skills

Some basic counselling skills would be helpful:

- Value the person & reject the behaviour (unconditional positive regard)
- Use active listening to draw out participants
- Show/model emphatic understanding during the meeting
- Summarising both the stories and agreements or key decisions made
- Conflict resolution

eb4U Community Safety Team Acceptable Behaviour Contract

Name:

DOB:

Address:

Postcode:

I accept that my anti-social behaviour is unacceptable and I agree not to behave in any way, which causes or is likely to cause harassment, alarm or distress to anyone who is not a member of my household.

1. I agree not to
2. I agree not to
3. I agree not to
4. I agree not to

1. I agree to
2. I agree to
3. I agree to
4. I agree to

To help the above complete the Acceptable Behaviour Contract successfully, the Community Safety Team (CST) agrees to provide the following help and support:

1. The CST agrees to
2. The CST agrees to
3. The CST agrees to
4. The CST agrees to

I understand that by signing this contract I am entering into a contract with Brighton & Hove City Council and Sussex Police not to behave in the ways stated above.

The Community Safety Team will seek to provide the help and support outline in this Contract. If partner agencies are unable to provide the support listed, the CST will discuss this as soon as possible with ... and seek to provide suitable alternatives.

I have been made aware that although this Contract is voluntary, if I continue to behave in an anti-social manner, Sussex Police or Brighton & Hove City

Council may take action against my family and me. This action may include action to re-possess my family's home and an application to the Magistrates Court for an Anti-Social Behaviour Order.

Failure to comply with an Anti-Social Behaviour Order can result in a substantial fine and/or a prison sentence of up to 5 years.

ABC Review Meetings

Date	Location

Final Review

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I confirm that my parent(s)/guardian and me understand the meaning of this Contract and the consequences of a failure to comply have been explained to us.

Signed _____ Date _____
(Young Person)

Signed _____ Date _____
(Parent/Guardian)

Signed _____ Date _____
(Police Officer)

Signed _____ Date _____
(Housing Officer)

Conference Meeting Guidelines

Welcome

I would like to welcome everyone to this meeting. **My name is ... and I will lead the discussion. (Then go round room for introductions).**

Meeting will focus on an incident that occurred on ... at ...

(x) has appeared before the youth court and pleaded guilty to ... The court has referred (x) to this panel to agree a way forward. The court has agreed that the following facts about the offence ...

We will focus on what (x) did and how his/her behaviour has affected others. **We will then agree a plan of action to help (x) work towards repairing the harm and not to become involved in any further offending.**

You will all be given an opportunity to have your say and for questions to be asked.

Does everybody understand? (also procedure & ground rules).

Young Person

To help us all understand who has been affected by this incident I will start by asking (x) to tell us what happened.

What did you do? What happened next?

What were you thinking/feeling at the time?

What do you think now about what you did? Who do you think has been affected?

How do you think you affected (name) by what you did?

Thank you. We will now find out how others have been affected by what you did.

Victim

Could you tell us how you have been affected?

What did you think? How did you feel?

What has been the hardest thing for you?

Who else has been affected by what you did?

Thank you. I would now like to ask (victim supporters) how this has affected him/her.

Victim Supporters

What did you think when you first heard about this?

How do you feel about what has happened?

Thank you. Now I would like to ask (parents/carers) how this has affected them.

Parents/Carers of Young Person

How did you find out about this?

What/how did you think/feel at the time?

What/how do you think/feel now?

What has been the hardest thing for you?

Who else has been affected by this?

Why do you think (x) has behaved in this way?

Young Person's Response

You have listened to everybody and heard how they have been affected by what you did and the harm that has been caused, **is there anything you wish to say?**

Can you understand that you had a choice?

Do you think you need to do something to repair the harm?

Reparation and Restoration

Important that we agree what needs to happen to repair some of the harm that has been done

To:

- a. (to victim): **What do you want to come of this meeting?**
- b. (to YP's parents): **What do you want out of this meeting?**
- c. (to YP): **You have heard from everybody. What do you think is the right & fair thing to do to repair the harm?**

Agree Reparation Tasks

You may ask victim to leave at this point (**thank them**).

Prevention of Re-offending

It is important that we look at why you have behaved in this way and agree a plan of action which involves you and your parent(s)/carers to stop this happening again.

Earlier you said that you committed this offence because of (cite reasons).... What do you think can be done to stop this happening again?

You have read the Report which raises several areas of concern (list them) and then discuss them.

We would like to agree with you and your parents a contract that includes what you have already agreed to do (for victim) but also helps you to stay out of further trouble.

Discussion of risk factors and activities to address them.

Write up Contract (take break if necessary).

I would like to close the meeting now by thanking everyone for coming today. There have been serious difficulties but the agreement you have reached should go a long way towards repairing the harm that has been caused and prevent you getting into trouble in the future.

Before you and your parents sign the contract, I will remind you that you will be expected to carry out all the tasks agreed. You must report to ... from the YOT on ...

You and your parents will be expected to attend a review of this contract on ...

Should you not complete the tasks, the YOT will refer you back to us to see why the tasks could not be completed. If we cannot reach an agreement you could be referred back to court and dealt with in some other way.

**Do you understand?
Have you any questions?**

Sign Contract