

'It is successful, and if it is successful it reduces crime, and it can make the victims happier': Volunteers' perceptions of working in Restorative Justice.

Abstract

Purpose

The purpose of the study was to explore the experiences of those volunteering within a Restorative Justice service thus enabling an insight into their perceptions of the different methods used, their beliefs about Restorative Justice effectiveness and its place within the Criminal Justice System (CJS). The study also sought to identify any challenges and positive experiences the participants encountered during their role as a volunteer, with volunteering during the COVID-19 pandemic explored specifically.

Methodology

Data was collected from the participants (n=5) via semi-structured interviews and analysed using thematic analysis, thus enabling patterns within the experience of the volunteers to be identified.

Findings

A prior understanding and interest in Restorative Justice was evident within the data, with participants demonstrating a preference for direct, face to face mediations. The perceived lack of support from external agencies was discussed along with the role of education in their volunteering experience. Finally, it was acknowledged that although face-to-face practice was deemed the most effective overall, certain practices adopted during Covid-19 enabled aspects of the role to be carried out more efficiently, and equally as effective.

Practical implications

The findings from this study draw out real-world implications, producing tangible action points for Restorative Justice services. Some tentative suggestions for future practice are outlined.

Originality

The volunteers' role within Restorative Justice is often over-looked within the literature (Paul and Borton, 2013) and time constraints can add additional barriers to a hard-to-reach population. However, volunteers play a vital role in Restorative Justice. By exploring and listening to the volunteers' experience, this study expands an additional strand within the literature in terms of what makes Restorative Justice effective and the challenges that are faced from a volunteer perspective.

Keywords: Restorative Justice, volunteering, Covid-19, mediation, criminal justice, education

Article classification: Empirical research paper

Purpose

Restorative Justice can be viewed as a 'theoretical-practical approach' existing within the Criminal Justice System (CJS) (Nascimento *et al.*, 2022, p.1), which is concerned with the needs of the victims of crime, those who commit the offence and the communities in which they take place (Hannem and Petrunik, 2007). Despite this general understanding of Restorative Justice there has been much deliberation regarding a clear definition. Daly (2016, p.21) discusses this in depth, arguing that 'Restorative Justice is a contemporary justice mechanism to address crime, disputes, and bounded community conflict'. Specific practices will vary depending on the context and they are guided by rules and procedures that align with what is appropriate in the context of the crime (Daly, 2016). Alongside this there are, arguably, six key principles of Restorative Justice, which the Restorative Justice Council in the UK state should over-arch the core values held by all practitioners in the field (RJC, 2016). These principles of Restorative Justice outline an ethical model, which aim to address and repair the harm caused by crime through *restoration* (Ward and Langlands, 2009). This should be conducted in a *voluntary*, inclusive and *neutral* way (RJC, 2016). Rather than stigmatising those who commit crimes through punitive control, restorative programmes are believed to encourage desistance from crime by offering redemption and thus allowing reintegration (McAlinden, 2005; Moss *et al.*, 2019). Restorative practice carried out in this way aims to provide a *safe* and *accessible* space for the *respectful* discussion and expression of feelings by all those involved or affected by the crime (RJC, 2016).

Indeed, initiatives with a restorative nature aim to engage individuals to help them appreciate the consequences of their actions and seek, to reintegrate them back within the community (McAlinden, 2005). This 'giving back' to the community enables the individual to change their self and public image from an offender who has caused harm, to a resourceful member of the community who is worthy of support; thus, justice is perceived to be achieved (Bazemore and Maruna, 2009). It is this community-based response to the equal needs of the victim and the person that has committed the offence that is believed to enable desistance to take place (Rogers and Miller, 2019). Although Restorative Justice can vary between countries and areas, in the UK it typically involves mediations between the victim of the offence and the individual who committed it. These meetings are often facilitated, by volunteers with the aim being to communicate the effect of the offence and consider any opportunities to redress the damage (Moss *et al.*, 2019). Offender accountability and responsibility is encouraged, thus enabling victim reparation (Rogers and Miller, 2019). Relevant members of the community who are also 'stakeholders' in the crime can be present, such as parents or teachers, with the facilitators themselves also representing the community in a macro sense due to their shared values and aspirations with the stakeholders (Chang, 2017). Victim-offender meetings of this nature have been

reported as having positive psychological impact on the victims such as less anger towards the offenders and a decrease in guilt and self-blame (Nascimento *et al.*, 2022). In addition, significantly lower post-traumatic stress symptoms have been reported in those victims assigned to Restorative Justice meetings when compared to those subjected to regular criminal justice (Abgel *et al.*, 2014). Restorative Justice is reported to have the greatest level of success, in terms of repeat offending, for the most frequent and serious offenders (Sherman *et al.*, 2015). In addition, mediations of this nature also enable the victims to develop a more empathic and humanising perception of the offenders (Nascimento *et al.*, 2022), thus viewing them as more than just their offence; something which is arguably essential for desistance from crime to take place.

An alternative, indirect restorative approach can involve a letter of apology. With the assistance of the facilitator these are written by the individual convicted of the offence and then sent to the victim (Shapland *et al.*, 2006). In some cases, these letters can be read to the victims in a mediation context, although as Choi and Stevenson (2009) argue, it is the perceived sincerity in which the apologies are received that determine their effectiveness, rather than the format of delivery alone. Although developed as an opposing paradigm to criminal justice, it is now being increasingly recognised that restorative principles have to find a place in the mainstream retributive CJS to make a difference (Hannem, 2011). With the media continually demanding punitive punishments, particularly for individuals convicted of certain types of offence, an alliance with the retributive framework is argued as necessary to ensure the legitimacy and viability of such restorative practices (McAlinden, 2011). Indeed, interest in the process of Restorative Justice is arguably growing among criminal justice agencies, however the use of these agencies as facilitators is often met with criticism.

Marder (2020) explored how mainstreaming Restorative Justice within agencies such as the police can lead to practice which deviates from the core principles. A victim-centred narrative was reported within the study reflecting an arguably deep-trenched belief within police forces that the victims' needs should be prioritised over the offenders (Marder, 2020). Restorative Justice, however, is reported as most effective when the principles of neutrality and respect are upheld, meaning all those involved feel included, respected and fairly treated (Sherman *et al.*, 2015). A victim-focused agenda that prioritises victim support and communication over those who commit the crimes can result in the 'equality of concern and collective ownership of decision making' being threatened thus deviating from the true aims of Restorative Justice (Marder, 2020, p.513). In addition, attempts at embedding Restorative Justice within a prison setting are often hampered due to an incapacity to manage the victim's needs alongside that of the offender (Calkin, 2021). A lack of guidance regarding the application of Restorative Justice and few prison staff being adequately trained have all been reported,

which, again, hampers the effectiveness of this approach in dealing with crime in prisons and results in many interpretations of such practice (Calkin, 2021).

In the community volunteers are often used to deliver restorative services. Working in the facilitator role, volunteers ensure both parties feel fairly treated, respected and open to express themselves, without either party feeling dominated by the other (Marder, 2020). Neutrality, being one of the key principles of Restorative Justice, is therefore a requirement of the volunteers, along with a lack of judgement towards either party (Suzuki and Yuan, 2021). In the UK, facilitator competence also evolves around knowledge and understanding of restorative practice and principles, deeming it unsurprising that many facilitators also have prior experience or knowledge of working in the CJS (Bolitho and Bruce, 2017). Although the number of specific hours required by the volunteers may vary, a commitment to the process of Restorative Justice, along with the time and effort required to deliver this effectively, is essential (Dharmi & Joy, 2007).

The use of volunteers working in the CJS is unquestionably invaluable. There is, however, arguably an over-reliance on volunteers to deliver Restorative Justice services due to the reduction in costs it provides (APPG, 2022). In addition, the level of skill of the volunteers is often varied and this, along with absenteeism, can present challenges to the organisations who utilise them (Souza and Dharmi, 2008). For example, funding to support volunteers to develop the skills required in Restorative Justice is often insufficient, meaning the standards of delivery can often vary greatly between services (APPG, 2022).

Heeden and Coy (2000) acknowledge, a further difficulty can be in balancing the necessary training and knowledge with the recruitment of volunteers from a variety of backgrounds, who contrast with professionals by representing the community's norms and values. Volunteer representativeness is recognised as a challenge in Restorative Justice organisations with representation of the sub-cultures present within a community argued as vital for perceived inclusiveness and subsequent buy-in from all types of victims and offenders (Dharmi & Joy, 2007). Enlisting volunteers from the same area where the Restorative Justice takes place has therefore been suggested as one way of providing a more accurate representation of the community voice, thus ensuring they key principle of accessibility is being upheld (Boyes-Watson, 2004).

Like many, Restorative Justice initiatives also faced the recent challenges brought about by the COVID-19 pandemic. Voluntary organisations already stretched, such as those that deliver Restorative Justice, had to adapt quickly often using telephone and online platforms to carry out their work. A recent Clinks report (2020) highlighted how the voluntary sector in the CJS was resilient and flexible to the challenges posed by the pandemic. However, little is known about the volunteers' experience of

delivering Restorative Justice during this period and the perceptions of those that facilitate such initiatives generally remain under researched (Paul and Borton, 2013). This is important to consider, particularly as this could have an impact on the relational process and/or effectiveness of the intervention.

As mentioned previously volunteers play an essential role in Restorative Justice initiatives. The main aim of the study, therefore, was to explore and identify themes relevant to the participants' experience of volunteering with a Restorative Justice service. It was hoped that doing this would enable an insight into the participants' perceptions of the different methods used within the service, their beliefs about Restorative Justice effectiveness and its place within the CJS; all perceptions which often go unheard in the literature. Many changes and adaptations were implemented during the COVID-19 pandemic, which impacted the volunteers' role in Restorative Justice directly. This study, therefore, also sought to identify any specific challenges and positive experiences the participants encountered during their volunteer role throughout the COVID-19 pandemic.

Methodology

Design

A qualitative research design was used within the study involving semi-structured interviews to collect the data, which was then analysed using Thematic Analysis (TA). TA aims to explore, interpret and tell the story of the participants (Braun and Clarke, 2019) and can be successfully applied to small samples with as little as 1-2 participants (Clarke and Braun, 2017). It was therefore deemed an appropriate method of analysis for the sample in this study ($n = 5$). The approach used was reflexive in nature enabling the researchers to make sense of the data and consider patterns within the experience of the volunteers via semi-structured interviews.

Ethics

Ethical approval was gained for the research in May 2020 from Nottingham Trent University's School of Social Sciences Research Ethics Committee. In January 2021 ethical approval was given to continue the research further, enabling a second round of volunteer recruitment and interviews. The research design and aims were agreed with the organisation and written approval provided.

Procedure

The Restorative Justice service acted as gatekeepers during the recruitment of participants. All volunteers involved with the service were sent an initial consent form by the organisation to ensure the confidentiality of personal data. Upon expressing an interest in taking part in the study, an information sheet and consent form was sent to potential participants by the researchers. Due to the

COVID-19 pandemic, this process was carried out using Qualtrics with interviews arranged via email once fully informed consent was given. Interviews were conducted via the telephone or Microsoft Teams and used a semi-structured interview schedule. The interviews lasted approximately one hour and explored topics based on the existing literature, such as motivations to volunteer, the perceived effectiveness of Restorative Justice and positive and/ or difficult experiences as a volunteer. On completion of the interview, participants were debriefed advising them how to withdraw their data should they wish and contact details for further support if required. This process was repeated for the second wave of data collection. The following year, a second wave of recruitment took place following the same procedure. Volunteers were informed, however, that the impact of the COVID-19 pandemic on their volunteering experience would also be explored on this occasion and were therefore invited to participate even if they had previously taken part. This decision was made by the researchers and the organisation to try and include as many experiences as possible and ensuring all participants who wanted to discuss their experience of volunteering during Covid-19 were given the opportunity to do so.

Participants

Over the two time points of data collection a total of five participants expressed an interest in taking part in the research. Four participants were recruited during the first wave and three during the second. Two of the participants who volunteered at the second time point, however had previously taken part meaning only their experience of Covid-19 from that interview were considered during the analysis process. Although complete confidentiality could not be guaranteed due to the use of extracts from a small sample, demographic data, such as age, prior employment and gender, were excluded from the write up to minimise the risk of identification.

Data analysis

The data was analysed using an inductive, data driven approach to understand the participants' subjective experience of being a volunteer. To ensure a reflexive analysis, the thematic analysis framework, devised and developed by Braun and Clarke (2006, 2019) was followed. This involved the researchers familiarising themselves with the data through the reading and re-reading of the transcripts. Following this, initial codes were generated for each transcript, which were then reflected on and constructed into initial themes. These two stages overlapped to some degree, which as Maguire and Delahunt (2017) acknowledge is often the case for very small data sets such as that in this study. There was also an attempt to understand the significance of these patterns and the possible implications of these as previously recommended by Patton (1990). These themes were then reviewed and defined before the write-up began.

Findings and discussion

From the analysis of the data collected, three main themes were identified as relevant to the participants' volunteering experience. These were 'volunteers as quasi professionals', 'direct versus indirect communication' and 'institutional ignorance or expanding knowledge', all of which will now be discussed in more detail.

Volunteers as quasi professionals

The participants interviewed appeared to hold jobs, interests and characteristics that already ensured positive perceptions of Restorative Justice and its place within the CJS.

'as people do start becoming more aware and police officers start to become more aware, [of Restorative Justice] you start to get answers to questions that weren't answered previously, you start to deal with crime in a different way, so its ever increasing its value' P1

'It is successful, and if it is successful it reduces crime, and it, and it can make the victims happier, hopefully it reduces the propensity of mental health issues. It has got so many positives' P4

As shown the extracts from participant one and four demonstrate, all of the volunteers interviewed held an interest in people as humans and expressed a belief in the effectiveness of the services for both the victims and the perpetrators.

'I'd like to think I've got good people skills so I can perhaps identify why people are presenting in the way they are and what we need to do or what I need to do to, to, get them to engage again' P2

Four out of the five participants had previous experience either working or volunteering within the field. Indeed, as the extract from participant two highlights, all appeared to have the necessary skills required to remain neutral and unbiased whilst seeking a common understanding between parties. Their ability to connect with all involved appeared essential and something which was challenged during the COVID-19 restrictions as participant three explains below.

'A lot of what we do is body language, we're looking for the body language and you know we also have to build a rapport with the people in the cases and you can't really do that [remotely]...so it's been difficult and I personally don't think it's as effective'. P3

Despite the seemingly positive traits of the volunteers, some authors have questioned the extent to which the volunteers in the CJS are representative of the general community, instead representing a small pool of individuals who hold greater positive attitudes than most (Meek, Gojkovic and Mills, 2010). Indeed, some authors warn against the potential pitfall of Restorative Justice becoming dominated by quasi professionals (Souza and Dhimi, 2008). Whilst it is important that a diverse range of volunteers are recruited where possible, it is argued as more vital that these volunteers embrace

the principles of Restorative Justice (Souza and Dhimi, 2008). The volunteers interviewed in this study fit this profile; already holding a passion or interest in working in theCJS.

Direct vs indirect communication

The volunteers' role involved Restorative Justice that offered both direct and indirect forms of communication. However, a common theme within the findings was that the more indirect forms, i.e. letters of apology, were not always perceived as effective.

'So, generally with that sort of age group I say you get less sort of interested, I would say letters are often written as a way of writing them to get them out the way' P1

'I don't have enough experience of doing them however there is no conversation as far as I'm concerned and that's what we do..' P5

The participants here appeared to believe that the true value of the volunteers is in the services where the victims and offenders directly communicate. All of the participants spoke in detail about the work that takes place prior to bringing the two parties together and a real sense of achievement when this happens is evident. In support of the participants' view, Gold and Weiner (2000) highlighted how allowing the victim to directly see the expression of remorse increases the level of communication between the parties. Choi and Stevenson (2009) similarly argue that non-verbal cues, such as looking the victim in the eye, looking remorseful and speaking with humility can impact on the perceived genuineness of an apology. In addition, the challenges of reading body signals when conducting mediation through a screen have been reported in the literature, particularly when emotions such as hostility are high (Konovalov, 2020).

It could be, therefore, that meeting in person enables the connection to form between the victim and the offender, which is required to underpin a more authentic apology and subsequent forgiveness. Indeed, participant 3 provides an example of the indirect letter of apology being viewed as ineffective by the victim.

'with this one [the] victims annoyed she doesn't think it's [the letter of apology] good enough [it] not only doesn't give her satisfaction she doesn't think it's gonna teach these four kids a lesson at all she feels they're all still out there in local area laughing at her and her colleague.'
P3

In contrast to the findings however, recent research concluded that letters of apology were significantly effective for both property and low-level offences (Wager *et al.*, 2015). In addition, an imbalance in the verbal skills required for direct communication has been reported within the literature, often due to the culture, ethnicity or socioeconomic background of the individuals (Willis,

2020; Willis and Hoyle, 2022). An indirect approach such as a letter of apology may in fact be preferable for some individuals and should not be dismissed entirely.

Although the volunteers may not be utilising the full range of their skills when facilitating a letter of apology, this can still be beneficial to the victim and perpetrator involved. In addition, all of the participants interviewed during the COVID-19 pandemic reported an ease of facilitating the more indirect approaches, giving room for thought around effective and efficient practice. For example, working over the phone or online enabled the volunteers, in some cases, to engage both victims and perpetrators more easily.

‘Some cases have become actually slightly easier, a simple letter of apology...it’s a simple process instead of having to make appointments, go and visit and so on and so on. So, that’s become easier’. P1

‘we do letters of apology which normally come from police and community resolutions and I did one in a day, I rang both people and the person said that he would email me his letter of apology, I then phoned the victim and read it to them, boom boom boom, job done, so yeah. So some of it is actually easier’. P2

Although this may not have been the experience of all the volunteers working for Restorative Justice services during the pandemic, it would still be a useful finding to consider further now that ‘normal’ roles are likely to have resumed. For example, a hybrid type approach, involving both face-to-face and online practice, may lead to the recruitment of potential volunteers who may have previously been excluded due to geographical and time limitations (Lachance, 2021).

Institutional ignorance or expanding knowledge?

Another common theme presented in the data highlighted the perceived lack of support towards Restorative Justice from both political and law enforcement parties. All of the participants showed confidence in their views; explaining how Restorative Justice must be backed by these groups to enable it to continue to make a positive contribution in terms of criminal justice.

‘dare I say with particularly the longer serving [police] officers that “no Restorative Justice is not an answer”.’ P1

Here the participant perceived police officers who have been in the force for a long time as not sharing the participants’ belief in the effectiveness of Restorative Justice.

‘But, you know you have got to convince the politicians.’ P4

Likewise, as shown by participant four, politicians were also perceived as not always in favour of Restorative Justice. This pattern perhaps adds further credit to the role of the volunteers, who give up

their time to work for something that is not always supported by those in perceived positions of power.

'I think some people have heard of us but haven't got a bloody clue about what we do you know haha. So, if we can go out and do that sort of stuff like promotion, and when we talk to the police of course we can work with you and reduce some of your work.' P2

'Greater awareness is the biggest thing yes. It's growing in the police...we're very good, we train all the probationers, we now train detectives, we train all sorts of groups, police groups, who have not received training and there is gradually a greater awareness of the effectiveness of Restorative Justice' P1

Participants one and two discussed the importance of sharing the work they do with organisations such as the police and probation services. Indeed, a study looking at Restorative Justice programmes in the US reported that services should aim to educate and inform organisations and businesses in the local community to develop awareness and support of the service (Dhami and Joy, 2007). Recently in the UK, however, a lack of awareness of Restorative Justice, and the practices it encompasses, was reported amongst the professional sector often leading to inadequate support from gatekeepers such as the police or prison staff (APPG, 2022).

A retributive approach to punishment still dominates in the current CJS. However, the education of professionals about the practices and benefits of including more restorative approaches may help develop more collaborative partnerships. Although focusing on individuals convicted of sexual offences, previous research has suggested that, due to the positive attitudes discussed previously, the volunteers themselves may be the ones best placed to provide awareness training and education regarding their role and the service they provide (Richards and McCartan, 2017). This in turn may enable criminal justice organisations to learn to trust and respect the volunteers that facilitate this type of Restorative Justice (Dharmi and Joy, 2008), creating greater awareness and increasing the potential reach and effectiveness of this approach.

Further Discussion

The aim of this study was to explore and identify themes relevant to the participants' experience of volunteering with a Restorative Justice service. Three main themes were derived from the data, which will now be briefly summarised. Firstly, the findings highlighted how the volunteers held a prior understanding, interest, and often direct experience, of working within the CJS and a belief in the effectiveness of Restorative Justice. It is important, however, that this embracement of Restorative Justice is balanced with recruiting a diverse range of individuals. For example, the victims and offenders involved in Restorative Justice may come from a variety of social classes and have differing

levels of communication due to ethnicity and disability (see Willis, 2020 for more detail on this). Volunteers within Restorative Justice, therefore, need to offer a humanising appeal to victims, offenders and stakeholders from a variety of backgrounds (Dhami and Joy, 2007).

The findings also highlighted how the volunteers displayed a preference for direct, face to face mediations, possibly due to a belief that these were more effective and utilised their role as a volunteer to its potential. Although, indirect methods of Restorative Justice are evidenced as effective in the literature, the participants highlighted a dislike for the letters of apology. Underpinning this could be a feeling that the participants were not able to use the full extent of the skills they associate with their volunteer role. Choi and Stevenson (2009), however, stress the importance of understanding the components of an apology that are necessary for perceived sincerity, genuineness and therefore reparation to take place. Encouraging this could become more of a focus for the volunteers rather than the method of delivery, thus aligning with the safety principle vital to all restorative practices regardless of the type of intervention used.

Finally, the volunteers discussed the perceived lack of support from external agencies such as the police and politicians but spoke of the role education in their volunteering experience. The literature highlights the benefits of using volunteers to educate local organisations, businesses and public in the purpose and benefits of Restorative Justice. Two of the participants alluded to this already taking place and the benefits of which could be explored in further research. It is also important for organisations to explore what it is in particular that may make volunteers best placed to facilitate education initiatives. Is it that they are purely unpaid or is it the voluntary nature combined with their reporting of the positive impact Restorative Justice can have on victims and offenders?

From the second wave of data collection both the positives and challenges of volunteering within Covid-19 restrictions were highlighted. Although face-to-face practice was deemed the most effective overall, it was acknowledged that certain aspects of the role could be carried out more efficiently, and equally as effective, when undertaken over the phone or online. This, in turn, may result in a potential increase in volunteer availability and victim/offender accessibility due to less time and travel required, although it would need to be balanced with effectiveness and volunteer expectations.

The volunteers' role within Restorative Justice is often over-looked within the literature (Paul and Borton, 2013) and time constraints can add additional barriers to a hard-to-reach population. The effectiveness of Restorative Justice is often considered in terms of a reduction for the victim in the negative impacts of crime (e.g. Lloyd and Borrell, 2020) and a reduction in recidivism rates for the offender (e.g. Kennedy *et al.*, 2019; Kimbrell *et al.*, 2022). However, there is much to be learnt from the volunteers who also play a vital role in this type of community justice. By exploring and listening

to the volunteers' experience of Restorative Justice, this study adds to and expands an additional strand within the literature in terms of what makes Restorative Justice effective and the challenges that are faced. Despite this, it cannot be presumed that the findings discussed in this paper represent the views of all the volunteers who work within Restorative Justice services due to a small sample, all recruited from the same organisation. In addition, the role of the professionals who work within Restorative Justice have not been considered and explored in this study. To build on and strengthen the existing findings further, future research including a wider sample of volunteers and all stakeholders (including the professionals) is recommended.

Conclusion

This research adds to the ongoing conversation regarding Restorative Justice and focuses on the experiences of the volunteers who hold such an instrumental role. Although preliminary learning can be taken from the findings much more research is required to effectively understand the potential implications of involving volunteers within Restorative Justice initiatives.

Implications for practice

The findings from this study draw out the following implications for practice. These are tentative at this stage however, due to the small sample size and need for future research.

- To ensure the pool of volunteers is both diverse and knowledgeable thus ensuring the key principles of neutrality and accessibility are upheld.
- For organisations to explore further the views and frustrations of the more indirect methods of Restorative Justice such as the letter of apology. The effectiveness of the in-direct methods and why they are important could possibly be emphasised more during training sessions. This alongside encouraging volunteers to focus on the effective components of an apology rather than the method of delivery.
- To explore the possibility of a standard hybrid approach to the services offered by Restorative Justice organisations, whereby practices such as apology letters and initial appointments can be carried out over the phone or online.

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