Facilitating Restorative Conferences in Northern Ireland
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Ring the bells that still can ring.
Forget your perfect offering.
There is a crack, a crack in everything
That's how the light gets in.
Leonard Cohen from Anthem

Restorative justice theory and facilitation

The very extensive restorative justice literature strives to define process, outcomes and values (Van Ness and Strong 1997, Bazemore and Walgrave 1999, McCold 2000, Braithwaite and Strang 2001, Pavlich 2007, Pranis 2007), provides a theoretical underpinning for restorative justice (Braithwaite 1989, Bazemore and Schiff 2005), identifyies how restorative justice might be institutionalized (Bazemore and Walgrave 1999, McCold 2000, Aertsen, Daems, and Robert 2006, MacKay 2006), sets standards for restorative justice (Braithwaite 2002, Leverton 2008) and evaluates its outcomes (Sherman and Strang 2007, Shapland, Robinson, and Sorsby, 2012).

Yet there is very little theory on the actual practice of facilitation other than reference to the 'script' (O'Connell, Wachtel, and Wachtel, 1999). The script is made up of series of 'restorative questions', which structure the conference and guide the participants through a restorative process. Barton (2003) usefully distinguishes between conferencing *programme models* and *facilitation models.* He recognizes the importance of a skilfully executed process outlining a process to achieve the "empowerment' of the participants essentially through a more detailed script. Bazemore and Schiff (2005: 22) provide an argument for not defining practice too prescriptively; that, given diverse community, institutional and ethnic contexts, 'general practice and implementation principles based on replicable theories would seem to be more helpful to practitioners than strict program guidelines.' They set

about outlining an intervention theory, which integrates theory with priorities and tasks, and with immediate and intermediate outcomes.

The literature on restorative justice has been part of a process of gaining public and political support for an innovative response to harm. Schon (1983) found that most professions base their claim for professional status on 'technical rationality', or the application of scientific knowledge to problem solving. Technical rationality involves clear definitions of problems, research based methods and unambiguous solutions or outcomes. This model values control, distance and objectivity. The skills of professionals being more difficult to define and measure are considered secondary to scientific knowledge. Braithwaite (2002) is concerned that the move towards standardization represents the tendency of the state to maintain control over a process that is meant to transfer power to citizens. This echoes Habermas's (1984) concerns over the colonisation of the 'lifeworld' by the state and market systems.

As a result theorizing has tended to exclude the agency of the people involved in restorative conferences: those who offend, those who suffer from offences, their supporters and the practices of the facilitator The literature seems to assert that, if the right systems are institutionalized, the right values adopted and the right standards followed, a diverse range of people with a diverse range of needs will be satisfied by scripted practice.

The expert's ability to define another person's problem and to prescribe its solution is an exercise of power (Foucault 1980). Christie (1977) argued that criminal justice professionals steal conflict from citizens and disregard the people affected by crime such as victims. Restorative justice practitioners can also 'steal conflicts' by imposing principles and values that prevent certain people from gaining access to restorative processes through restrictive referral criteria. They can do so by imposing rigid definitions of what constitutes a victim or of the correct level of offender responsibility and remorse. They can exclude vulnerable victims, corporate victims, and victims of domestic abuse or sexual harm. They can exclude people who have difficulty expressing themselves verbally or who find it difficult to understand the process. They can do so by allowing restorative justice to become simply another method for reducing re-offending. They can do so by restricting what is an acceptable restorative outcome.

Such selectivity on the part of the 'experts' can result in 'cherry picking' and significant attrition (Shapland et al. 2011). Criminal justice is a complex and volatile

political field. The restorative justice movement is in danger of settling for a marginal role within it, confined to 'safe' contexts such as low level offending and schools, areas that do not pose any political risk to the state.

This chapter aims to make a contribution to the development of a facilitation theory using the experience of youth conferences in Northern Ireland.

Youth Conferences in Northern Ireland

Northern Ireland has responded to the challenge issued in 1999 by Bazemore and Walgrave (1999: 5) to develop a 'fully-fledged, systemic alternative' restorative youth justice system. The Justice (Northern Ireland) Act 2002 established the availability of restorative youth conferences to all young people who admit any criminal offence other than those who would receive a life sentence in the case of an adult. The significance of this is that the decision to participate in a conference is made by those responsible for the offence and by their victims rather than criminal justice professionals.

This means that conferences can be held to deal with the full range of criminal offences from the trivial to sexual offences and serious violent offences except for murder. People who choose to participate may be vulnerable or may have disabilities which affect their ability to communicate or empathise. The relationship between those affected by an offence may be close or distant. People may feel indifferent towards each other or may be highly antagonistic. Some offences will have no obvious victim.

It was necessary to design a model of restorative justice which was sufficiently flexible and robust to deliver consistent and equitable processes required by human rights and the due process of the law and to be accessible to and effective with a wide range of people affected by a wide range of harmful acts. There are several models available. The victim offender mediation model tends to be prevalent in Europe while the restorative conference model has emerged from experience in New Zealand and Australia. While there is considerable overlap between these two models, mediation tends to imply two parties facilitated by a neutral mediator to resolve private conflicts arising from a criminal offence. This approach was seen as working well with adult parties referred at the discretion of the criminal justice system in cases where there is a relational or financial conflict. However, a restorative justice approach embedded within the criminal justice system cannot disregard the reality

that youth crime is a public issue and not simply a private matter between the victim and the offender. Furthermore, to respond to young people involved in crime either by being harmed or by being responsible for harm requires the involvement of and support from family and other carers. Including those people indirectly affected by the harm as well as the principle parties strengthens both the levels of support and accountability available to the restorative process. Consequently the conference model was preferred. Although the family group conference accommodates victims, its primary focus is on the well being of the young person responsible for the harm. The Northern Irish approach required a balance between the needs and interests of victims, of the community and of the young people responsible for harm.

Responsibility for the coordination and facilitation of restorative processes is another area in which there is a range of options. Conferences may be delivered by non-governmental organisations or by statutory agencies and facilitated by full-time professionals or by part-time trained practitioners who may be paid fees or be volunteers. Because of the need to provide an equitable and inclusive service and to maintain consistent standards which would earn public credibility, the government decided that youth conferences should be delivered by the Youth Justice Agency and facilitated by highly trained professionals. These practitioners are not neutral; they are committed to enabling each party to have their voice heard and their needs met. While youth conference coordinators are professionals, their facilitation skills and knowledge are designed to enable the parties to take control of the conference. These arrangements reinforced the commitment to place restorative justice at the centre of the youth justice system.

The Balanced Model of Restorative Justice

The Balanced Model of Restorative Justice (Campbell et al. 2003) in Northern Ireland adopted by the Youth Justice Agency was influenced by the Balanced and Restorative Justice project (BARJ 2000). It is based upon the premise that a harmful act affects three parties: the person who has been harmed, the person who is responsible for the harm and their communities. The balanced model recognizes the 'ripple effect' of harm caused by the relationships that people have with each other. Crime is seen as both a private problem and a public issue.

Zehr (1990: 24) defines crime as a violation of the self and specifically 'our belief that the world is an orderly, meaningful place, and our belief in personal

autonomy.' The model classifies the needs that commonly arise from harmful behaviour under three broad categories: the need to feel safe, the need to experience justice and the need to regain control over one's life. While these needs are clearly consequences of harm, the same needs, when unmet over a period of time, are also major causes of harmful behaviour. Thus the youth conference process is designed to restore to all parties those needs that have been violated by the harm.

The Balanced Model

The same needs are as important to the restorative process as to its outcomes. Restoring justice is experienced through accountability to those who have been harmed, through the fair and equitable treatment of all parties, through all parties having their voice heard, through the vindication of the victim (Bennett 2000), through satisfaction with the process and its outcomes and through legal safeguards regarding rights and proportionality[1] (Bazemore and Walgrave 1999).

Restoring safety is experienced through the preparation process when any fears are raised and addressed, through the parties having confidence in the facilitators' authority, through the presence of supporters, through the explanation of the ground rules and their consistent enforcement and through the presence of a police officer.[2]

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[1] In Northern Ireland all conference agreements must be ratified by the Public Prosecution Service or the Youth Court. People responsible for harm can bring a lawyer to protect their rights but not to advocate for them.

[2] The presence of a police officer at a youth conference is required by law in Northern Ireland.

Restoring control is experienced through the facilitator's explanation of the process, through the clarity of expectations that each party has, through the presence of supporters, and through a structured yet flexible process which enables the parties to be in control of what they want to say and ask.

The Balanced Model of Restorative Justice provides a framework for practice. But it does not provide a theory of facilitation. In order to understand the process and value of skilful facilitation we need to inquire into storytelling and the concepts of discourse and narrative.

Stories, Narratives and Discourses

Storytelling is critical to the youth conference process in Northern Ireland. In preparation for the conference, facilitators enable each party to tell the story of what happened. The purpose of this process of listening to the story is not to establish the facts but to enable the individual to make sense of what has happened and what they need to do to deal with its consequences. The story is about meaning and the actions that flow from that meaning.

Borrowing from the insights of narrative therapy and mediation (White 2000, 2007, Winslade and Monk 2001, 2008) facilitation is based upon the understanding that, when an individual is recounting what happened, they are not merely reporting on events but constructing a reality. By listening carefully the facilitator will understand what is important to the individual and how the restorative process might work for him or her. Stories contain elements of the individual's identity, beliefs and values. This can be defined as the individual's personal narrative within which the story of the harmful act is accommodated. Rather than viewing the feelings, needs and interests of an individual as originating solely as a result of the harm, the facilitator sees them as being sustained by the narrative.

Narratives are in turn a product of cultural discourse. Foucault (1972) defined discourse as a social practice within a cultural context determining the way people see and think about the world. Crime, its detection and punishment pervade popular culture in western societies through literature, cinema, television, news media and politics. Various discourses on the problem of crime, its causes, and how to manage it compete within the spheres of public opinion, policy and practice.

Garland (2001) illustrates how powerful dominant discourses on crime control and criminal justice have been in Britain and the USA leading to populist politics
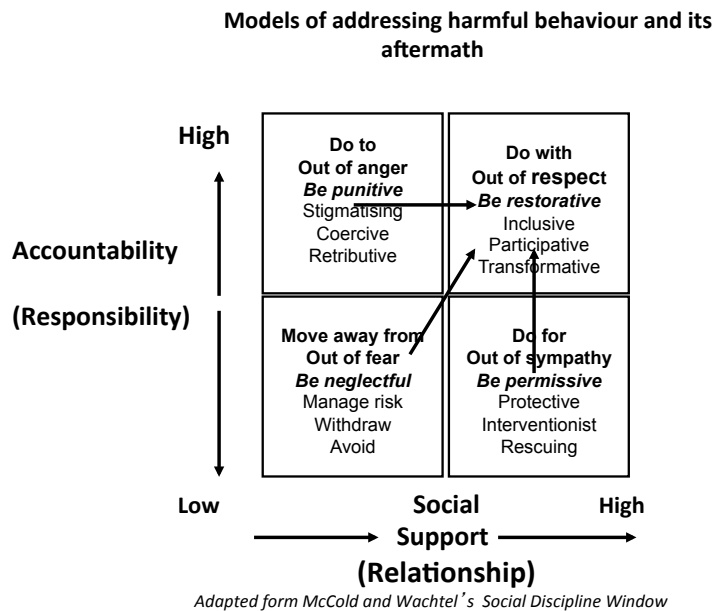
which emphasize public protection, social control and imprisonment. Such discourses provide people with readymade understandings of the problem of crime and its solutions. However, they simplify complex realities. Once linked to an actual distressing situation, a 'thin' story emerges which neither expresses the full facts or needs arising from the harm nor accommodates other possible narratives. Such a discourse is generally made up of 'totalising descriptions' (Winslade and Monk 2001) and characterized by the exaggeration of some truths and the denial of others. A thin story sustains itself through disengagement and separation from those whom it sees as the 'enemy' or the 'threat', objectifying them rather than seeing them as fellow human beings. The problem with such thin stories is that they rarely have a happy ending. Both the victim and the offender are left with a sense that their stories have not been fully heard or completed.

Zehr (1990) presented restorative justice as an alternative discourse or 'lens' different (and superior) to the legalistic system of retribution. Bazemore (1999) also illustrated the different lenses through which people view delinquency. These writers are developing convincing discourses with which to institutionalise a morally superior and more effective system of doing justice. However, they are doing so from the standpoint of a theoretical model. As if, once the institutional arrangements could be perfectly aligned with the correct restorative principles, 'ordinary people', victims, offenders and their supporters would abandon the powerful narratives and discourses that they carry.

The 'Social Discipline Window' (Wachtel and McCold 2001) is used to distinguish the nature and superiority of the restorative response over the punitive, neglectful and permissive approaches to harmful behaviour. Yet many people who will participate in restorative conferences believe in such ideas. Many offenders will have access to 'subcultural discourses' (cf. techniques of neutralization Sykes and Matza 1957).

Campbell et al. (2002) took the liberty of adapting the Social Discipline Window to the model that was being developed in Northern Ireland. The concepts of accountability and social support were used in place of Glaser's (1969) control and support. This configuration links key restorative values, responsibility, relationships and respect. It was important to add an emotional dimension to the model as feelings arise from the underlying needs of each discourse. Finally the arrows signify the restorative process: to respect and include the discourses which each party carries, to

enable individuals to express themselves, to listen to others and to enter into a dialogue which leads to a transformation of thin discourses into thick stories which are satisfactorily resolved or completed.

Models of addressing harmful behaviour and its aftermath

	Do to **Out of anger** *Be punitive* Stigmatising Coercive Retributive	**Do with** **Out of respect** *Be restorative* Inclusive Participative Transformative
	Move away from **Out of fear** *Be neglectful* Manage risk Withdraw Avoid	**Do for** **Out of sympathy** *Be permissive* Protective Interventionist Rescuing

High

Accountability

(Responsibility)

Low

Social

Support

(Relationship)

High

Adapted form McCold and Wachtel's Social Discipline Window

Restorative processes enable the parties to engage with each other's realities in a safe, just and controlled space which reduces the need to attack, defend or avoid. The effectiveness of the conference depends upon the dialogue being based upon a specific direct experience, shared in relationship with others. This allows stories to 'thicken' and to complete. In such a context, difference is not an obstacle to be overcome but a resource (Zernova and Wright 2007) to enable each party to better understand each other and themselves. This requires the facilitator to sustain the conference's respect for each story and the emotions, needs and interests that it expresses. In doing so the facilitator respects the intelligence and creativity of each member of the conference.

Addressing harm is a respectful act. To choose to act in a way that harms another is disrespectful. It can be experienced by the victim as shameful. 'A moral injury consists of being treated as if you do not really count' (Bennett 2007: 252). Restorative justice is founded on the idea that causing harm to someone creates an obligation to make amends. If that person assumes that responsibility and commits to

reparative action, the community should support his or her reintegration. Consequently it is important that the victim's needs are fully addressed before there is any focus on the offender's story and needs. This process is influenced by Braithwaite's (1989) reintegrative shaming theory and Bazemore and Schiff's (2005) concept of earned redemption and is supported by Maruna's (2001) theory of the redemption script as a pathway to desistance from crime.

The facilitation of the stories of people affected by harm within the context of respect is a skilful and professional task which is closer to Schon's (1983) model of 'reflection-in-action' than 'technical rationality'. Professional practice involves numerous judgements and decisions which are rarely based on the conscious application of theory. Through a process of action and reflection the professional improvises a solution through tentatively testing hypotheses in each unique case. Schon found that 'Complexity, instability, and uncertainty are not removed or resolved by applying specialized knowledge to well-defined tasks.' (1983: 19). The key to reflection-in-action is engaging in a 'conversation with the situation' (Schon 1983). Through this conversation the facilitator is designing a process that will lead to a solution. This involves the framing of the problem and strategies for addressing it. The relationship between facilitators and those they serve is built upon a dialogue in which meanings are shared and explored until a common understanding emerges. The key premises are that everyone has knowledge to share and that uncertainties may be a source of learning and discovery. In this way facilitators stage conflicts rather than take them over (Christie 1977).

How does one stage a conference? Primarily by being in control of the process, (but not of the participants), which comprises three stages: inclusion, participation and transformation.

Inclusion

The purpose of the inclusion process is to gain the informed consent of the appropriate people to participate in a restorative process. The challenge to the facilitator is to engage multiple parties (the person who has been harmed, the person responsible for the harm, their supporters, the community and the government/criminal justice system) in working together to meet multiple needs and goals (Van Ness and Strong 1997). While there will clearly be differences of

approach depending upon whether the facilitator is engaging with an offender or a victim, what follows is a description of the core facilitation processes and skills.

Facilitators may be preoccupied by their own questions rather than those of the parties:

- How do I get these people into a room together?
- How do I make this person more responsible and accountable?
- How do I help this person to feel better?
- How do I meet this person's needs?
- How do I get this person to do the right thing?
- How do I get these people to buy into the restorative vision?
- How do I negotiate a good agreement?

These questions assume that the parties are the problem. The parties are not clients, customers or recipients of a service but are acting as active citizens. It is important that each party chooses to participate in the restorative process and that they have sufficient information to make that choice. They should not feel that the facilitator is attempting to 'sell' them a service or product.

Inclusion should take the form of a meeting preferably in a private place where the party feels comfortable i.e. home or place of work. While there are key tasks to be performed in this phase such as developing rapport, explaining the conference process and what is expected of each party within it, the critical task is to facilitate each person's storytelling. This is important because the story will define the issues and goals that each party will want to address. Crucially the stories should not be fitted into the conference structure; rather the conference should accommodate and become part of each person's story, ideally resolving or completing the story and allowing alternative narrative to emerge.

The structure of this process has been influenced by non-violent communication (Rosenberg 2003). The facilitator begins by asking each party what happened. She or he will then tentatively explore the emotional content of the story. Feelings clarify the needs which have been violated by the harm or which may have caused the harmful act. Once the needs specific to each party have been identified, the facilitator explores what each party wants to do about these needs and how the other parties can contribute to addressing the needs.

The story

The facilitator enables the individual to tell the story by simple open questions, perhaps, beginning with "What happened?" Respecting the integrity of the story, the facilitator focuses on moving from general statements to more specific views and concrete examples. Listening to a story the facilitator pays attention to what the story teller pays attention to, what is included and what is ignored, what is given depth and what is skimmed over, what is repeated, what is revealed and what is hidden.

This inquiry can be enhanced by 'externalising' (White 2007) the harm as separate from themselves. Externalizing the problem enables people to address it more directly:

➢ What is the precise nature of the harm to you?
➢ How long has it been affecting you?
➢ How has it changed over time?
➢ How does it make you think about the other person?
➢ How does it affect your relationships, work, home life, health etc.?
➢ If it does not go away, what might happen in the future?
➢ How is it holding you back from doing what you want to do?

The focus of these questions is on the harm not the person or conditions which caused it. Separating the person from the harmful act can begin the process of freeing the individual from the shame they feel about the incident. This can apply just as much to the victim as to the perpetrator. These questions require 'a tentative, curious and deliberately naïve posture' (Winslade and Monk 2008: 115) from the facilitator.

The care that the facilitator takes to listen to the story and to understand its meaning for the individual is the first step in the inclusion process. The facilitator should resist the temptation to provide a resolution to the issues that arise from the questions. That is the function of the conference and the tension (Fritz 1989) of holding these unresolved issues provides motivation to participate in the restorative process.

The emotions

Any story about a harmful situation will contain a range of distressing emotions. The same injury can evoke different emotions in different people. The nuances of the feelings of each individual needs to be appreciated by the facilitator. Such empathy and respect for feelings will aid the inclusion process. Yet, it is important to move on

from empathy. Left to their own devices these often distressing feelings will lead people to adopt common public discourses relating to crime.

The needs

Emotions are a guide to the specific needs of each party. As a general rule if the underlying emotion concerning the harm is anger, people may feel that their need for justice must be restored, if people express fears as a result of being harmed, they need to feel safe once again, if anxiety or worry is predominant, this may indicate individuals' need to regain control over their lives and if shame pervades the story, the individual needs to reclaim respect.

Once there is a shared understanding of which needs have been violated by the harm, the facilitator enables the individual to move from the general to the specific:

➢ in what way do you feel that you need justice?

➢ can you tell me exactly what you fear might happen as a result of this?

➢ what do you worry most about?

➢ how do you feel disrespected?

Some of the needs expressed may not arise solely from the harm. They may be deeper unmet needs reactivated by the experience of harm and may relate to other distressing events or relationships in the past or in their current life. In such circumstances repairing the damage caused by a specific harm may be the beginning of a recovery process and lead to a referral for further support.

The facilitator should resist the temptation to suggest how these needs might be met. Rather she or he should explore with each party how participation in a conference could contribute to restoring what each party needs to move on.

The wants

To engage people's participation in a transformative process requires structural tension (Fritz 1989, Miller and Rollnick 2002) between an undesirable reality and how they would like their life to be. People are motivated by the prospect of meeting their needs and having their interests represented. The facilitator's task is to enable each party to clarify what they want independently of considerations of process (Fritz 1989) and then tailor the process to their needs.

Awareness of needs and wants enables the facilitator to envisage a common ground on which the parties can meet. One area of common ground between the

parties is often the wish 'to move on'. Both those who have been harmed and those who have caused harm usually want to stop the story of the harm controlling them. They wish to regain control and to get on with their lives. This is what it means to complete a story. In many cases the parties need each other to resolve issues relating to safety, justice and control. Zehr (2011: 25) has written about the need to not only retell stories but to transform 'stories of humiliation and shame into stories of dignity and courage' He speaks of journeys towards justice, towards honour and respect, and towards vindication.

The facilitator is only now beginning to envisage a restorative process which will enable all parties to participate in meeting their needs. Schon and Rein (1994: 172-173) describe such designing as a process of making something out of the materials in the specific situation and under conditions of uncertainty and complexity. The facilitator is not attempting to achieve outcomes but to design a process which will enable the parties to achieve outcomes.

The facilitator shapes the design of the conference to accommodate each of the parties. While a face-to-face encounter is generally the most effective form of conference, there are other options:

1. the victim can be protected by a one way screen;
2. video or telephone conferences (useful when the perpetrator is in custody);
3. the victim can make a video, audio or written message;
4. the facilitator can 'shuttle' between the parties;
5. or the victim could choose a representative to attend.

Once each party is aware of their needs and interests in relation to the harm and how participation in a conference could enable them to address these needs and interests, he or she is in a position to choose whether to participate. The choice to participate should be made by the parties rather than by the facilitator except in exceptional circumstances. However, the facilitator's ability to both include and to validate the complexity of each party's story increases the likelihood that they will open themselves to a new experience and possibility.

Preparation

If the invitation to participate is accepted, the second stage of the inclusion process is to prepare each party so that they can do themselves justice. Some models of

restorative practice emphasise the questions that facilitators should ask. This approach focuses on enabling each participant to gain answers to their questions:

- I have been harmed: what protection is available to me?
- I have been wronged: what justice is available to me?
- My life has been disrupted: what support is available to me to regain control of my life?

And:

- I am in trouble: what is going to happen to me?
- I am worried: how can I move on from this?
- Everyone disapproves: will anyone listen to my story?
- I cannot manage on my own: will anyone support me to change what is going wrong in my life?

The skill is to identify and clarify what is the key question for each party and to explain that these questions can only be fully answered at the conference. This enables the parties to begin to realise that they need each other.

The facilitator may spend some time enabling each individual to work out what they want to say to achieve their goals and how to say it in the presence of others. Many young people find it difficult to talk to adults especially when they are aware of the disapproval of what they have done. There is also a higher incidence of language difficulties among young offenders than the norm (Sanger 2001). This can result in the further marginalization of young people (Snow and Sanger 2010). The facilitator takes responsibility for identifying and addressing any obstacle to the full participation of each party in the conference. These may include imbalances of power, low self-worth, lack of confidence in speaking in groups, the expression and control of emotion and disabilities. Facilitators will also ask individuals to imagine how the other parties may respond to them and, having considered this, ask whether this is likely to produce the desired outcome.

Facilitators will explain what will be expected of each party at the conference. This can be done by describing the key phases of the conference process (Campbell et al 2002:

1. The person responsible for the harm accounts for what he or she did;
2. The person who has been harmed asks questions;
3. The person who has been harmed recounts what happened and its impact;

4. Other members of the conference comment on the harm;

5. The person responsible for the harm responds to what has been said;

6. The conference engages in a dialogue about how the person who has been harmed can be satisfied;

7. Once this has been agreed, the conference inquires into what can be put in place to support the young person to desist from such harmful behaviour.

8. A plan is drawn up and agreed.

The facilitator's task is to prepare the individual by paying close attention to the challenges and difficulties inherent in this process and inviting her or him to consider how these could be addressed and what support will be needed.

Part of the preparation stage will be to invite appropriate supporters. For the victim, supporters may include others who have been indirectly affected by the harm or a trusted person who will support and encourage. For the person responsible for the harm, supporters can encourage :the young person responsible for the harm to give a good account, (Maruna et al. 2006: 64-66) stimulate remorse, and offer suggestions and support to the young person's efforts to desist from harming others. Significant members of the extended family, mentors, and other adults involved in the young person's life can make a positive contribution to the conference.

The facilitator may also invite representatives of the community that has been indirectly harmed and professionals who are currently working with the person who is responsible for the harm. These parties also require preparation so that they are clear about their role in the conference process.

In the balanced model the process must be designed not only to include all the parties but also to accommodate an absent audience or 'gallery of public opinion' (Schon and Rein 1994: 168). Once restorative justice becomes mainstream, it inevitably engages with the discourses of the criminal justice system and the local community. The conference process must then not only meet the needs of the parties but also address institutional interests if it is to survive and remain mainstream. This must be explained to those attending the conference.

If the preparation phase has been effective, participants will trust and feel confident in the authority and competence of the facilitator, will be clear about what they can gain from participation in a conference, will understand their responsibilities and the support available to them and will feel safe to participate.

Participation

Habermas (1984) envisages an ideal speech situation in which public decisions are reached by autonomous citizens in a process of unconstrained communication. This is similar to restorative dialogue (Raye and Roberts 2007: 218). To accomplish this a safe, just and controlled space free from domination and deception must be created and facilitated. The role of the facilitator during the conference is to facilitate participation in this space. Facilitators learn to trust the process and focus on ensuring that any obstacles to participation are avoided or overcome, and that includes keeping themselves out of the way of the process.

Ground rules are designed to protect the process and create safety. Other than enforcing the ground rules, the facilitator does not control the participants. The task of the facilitator is to keep the process on track. The authority of the facilitator and the structure of the processes as it moves through its phases provide the participants with a sense of safety and control over their participation. This requires an authoritative style combined with an ability to work with a range of emotions. Feelings are a source of energy moving the conference on towards its outcomes. Being sensitive to the energy of the conference is a key skill of facilitation.

The conference addresses the harm caused first. This gives the priority to the needs of the person who has been harmed by the offence. The young person tells the person whom he or she has harmed what he or she did and what they were thinking at the time and what they think about now. The person who has been harmed can then put his/her questions to the young person. Once the questions have all been answered, the victim tells the young person how the harmful behaviour has affected him or her. Other members of the conference can also add their comments regarding the harm.

The young person who caused the harm will then be invited to respond to what he or she has heard. The facilitator may ask him or her to say what were the most important things that the victim said. It is at this stage that an apology is likely to be made. The victim is invited to respond to the apology. It is the young person's responsibility to convince the conference of the sincerity of their remorse. This is may involve actions to make amends or repair damage as well as words of regret. The conference enters into a dialogue on how to satisfy the victim's needs.

It is important that the victim feels fully satisfied that their needs have been fully addressed before the conference directs its attention towards the needs of the young person in relation to desistance from causing harm. Once victims feel that

justice has been done, they are generally ready to reach out to the young person. Another dialogue addresses the steps that should be taken to reduce the likelihood of further harmful behaviour and how these steps should be supported. The young person and his or her family and supporters should play a major part in this phase. At this stage any professionals present will be invited to offer information and their opinions. This dialogue should lead to another set of agreed actions.

The facilitator then writes up the agreed steps to repair and prevent harm. This will be incorporated into a report to be sent to the prosecution service or the youth court.

This process is facilitated by skilfully enabling the parties' stories to be told, to be enriched or 'thickened' (White 2000) and to be transformed through dialogue. The role of the facilitator is to enable the person or persons who have been harmed to describe the effects of the harm so truthfully that people responsible for the harm cannot evade responsibility for their actions. The victim often needs the accountability of the offender to feel vindicated and the offender needs to develop responsibility in order to work towards a better life.

The restorative process allows different discourses to enter into dialogue. If discourse is a way of organizing meaning about an issue, dialogue is the exchange of meanings. Rather than a debate on who is right and who is wrong, dialogue is a conversation with a centre not sides (Isaacs 1999). The centre of a conference is an act of harm and its consequences. Dialogue seeks to gain access to the collective intelligence and creativity of the group to repair the harm and prevent it from happening again. Block (2007: 11) conceived of conversations which are restorative in that they:

- create *ownership*;
- evoke *commitment*;
- acknowledge *relatedness;*
- identify *possibility;*
- value *dissent* and refusal*;*
- and *invite* rather than mandate action.

When these conditions are present there is a balance between advocacy and inquiry. Advocacy is speaking about the harm from your point of view. Inquiry is exploring

what you do not know and discovering what others think. The complexity of dialogue cannot be facilitated by a simple technique or script.

Following Block (2007), dissent is valued. The facilitator is engaged in double listening (Winslade and Monk 2008) believing that, while each story may have a predominant discourse in conflict with other discourses, there may be another absent but implicit (White 2000) story which may yearn to resolve the situation and move on.

Transformation

The restorative process is designed to transform each person's relationship to the harmful event, and like a ritual or a rite of passage (van Gennep 1960 and Turner 1969) it may also transform the identity of the 'victim' and the 'offender'. Fritz (1989) distinguishes problem solving, as taking action to make something go away, from creating, as bringing something into being. Block (2007: 4) states that 'we cannot problem solve our way into fundamental change. This is not an argument against problem solving; it is an intention to shift the context and language within which problem solving takes place.' Contexts are created by the nature of the conversations that take place. A restorative context is created by communal accountability and commitment.

The conference process enables its participants to understand more specifically the nature of harm and the obligations that arise from it (Zehr 1990). Such an understanding leads to the possibility, though not the inevitability, of the assumption of personal responsibility for the harm and the consequent commitment to act to repair it.

Responsibility has many dimensions and layers. The assumption of responsibility has benefits for both parties. The person responsible for the harm enables the person who has suffered to complete their story of victimisation through vindication and the restoration of justice, safety and control over their lives. The injured parties are also offered the opportunity to exercise civic responsibility in supporting the reintegration of the wrongdoer. Many victims report that this is a source of satisfaction.

The person who has caused the harm can complete their story of condemnation, shame and exclusion through the restoration of the respect and the resources and relationships that they need to achieve redemption as a contributing and

law-abiding citizen (Maruna 2001). This represents the core social contract underpinning restorative justice: that if people repair the harm that they cause, then society should support them to have a good life.

It is the task of the facilitator to enable the conference to build scaffolding of sufficient strength to complete stories of harm and to create sustainable stories of moving on. The facilitator understands the importance of having witnesses to commitment. A commitment to an agreed course of action is strengthened if it is made to the person whom you have harmed and in the presence of people who are significant to you. Just as these people have earlier expressed disapproval of the harm and vindicated the victim, they now offer support for the commitment to repair the harm and express respect for the person responsible for the harm (Braithwaite 1989).

The history of people's relationships with harm varies. For some people the harm may be an exceptional incident in their lives, which can be resolved relatively briefly. For some victims the specific incident that is being addressed is another event in a history of trauma, which cannot be resolved in one conference. Similarly the act of harm by the perpetrator may not be typical of his or her behaviour. For others it is one offence among many. Such a person may need many restorative experiences before he or she desists from harm. Some offenders may take responsibility at some levels but not all. As Block (2007: 20) states, "if we cannot say "no", then our "yes" has no meaning.' Above all agreements must be real. An imperfect plan may still be enough to satisfy some of the victim's needs and be one small step towards desistance. Reparation can be performed effectively even if remorse is not felt or when the apology is not fully meant (Duff 2001).

In this approach to restorative justice, reparation forms the foundation and starting point of the agreed action and reintegration its ultimate outcome. However, in some cases the victim may need further support and rehabilitation to achieve recovery from the harm. Similarly the person responsible for the harm may need rehabilitative support to perform reparation and to work towards reintegration. Using Robinson's (1987) analysis of sentencing, Van Ness and Strong (1997) argue that the determining goal of resolution between the parties must be balanced by the limiting goal of maintaining safety as required by public policy. Consequently restrictions may need to be placed upon the person responsible for the harm so that he or she can remain in the community and perform reparation. In this way, rehabilitation and restrictions of

movement or association become means to the achievement of reparation and reintegration. .

In Northern Ireland the agreed plan of action is scrutinized by either the Public Prosecution Service (PPS) or the Youth Court. This provides legal safeguards in relation to proportionality. Action plans can be amended by the PPS and the Youth Court on the grounds of proportionality or public interest.

Conclusions

This chapter set out to explain the crucial role of skilful and principled facilitation in the restorative conference process. Shapland et al. (2011: 61) identifying the need to avoid the tendency of professionals to fall back into previous practices that are incompatible with restorative practices conclude that: 'The difference, we think, is the rigorous training, expectations of high quality, constant discussion about difficult cases and internalization of restorative values that happened among facilitators at all JRC sites.'

Much professional training focuses on the 'public face' of professionalism, theoretical knowledge and techniques, jargon and certification[3], what Schon (1983) calls 'the professional façade'. These components of professionalism are relatively easy to teach and learn. However, there are other elements of professionalism, of which the professional may not be aware but which others see only too clearly: dismissive tone or language, unexamined beliefs and values, and a lack of cultural competence. These negative attributes of professionalism can be identified and 'unlearnt' through exposure and feedback through role-play, reflective practice or observation of practice by colleagues. Gradually through these processes facilitators embed restorative values in themselves so that their speech and actions are expressions of these values; what Pranis (2007: 60) calls 'the spirit of what we do and how we do it'.

Facilitators understand that cracks in relationships not only cause harm but also offer opportunities to shed light on issues which must be resolved. They learn not to seek in every case a 'perfect offering'. Most conferences do not yield all the

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[3] I am grateful to Kameelah M. Mu'Min, graduate student of the Masters course in Restorative Practices and Youth Counselling, International Institute for Restorative Practices for the ideas in this paragraph.

possible benefits to both parties. However, even a few 'bells that still can ring' will make a difference.

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