Written evidence from the Griffins Society

1. **About The Griffins Society:** (www.thegriffinssociety.org)

1a. The society is a charity that sponsors practitioner-led, indicative, qualitative research into the treatment of women and girls in criminal justice. Our aim is to influence practice and policy both locally and nationally, for a more proportionate, fairer and just treatment of women and girls in criminal justice.

1b. The society welcomes the opportunity to contribute to the Select Committee’s investigation into restorative justice. The relevant research findings paper that we would like to bring to the committee’s attention, is on female offenders in restorative justice conferences: **Paper 2013:02, ‘Restorative Justice: female offenders in restorative justice conferences’** (copy attached to this submission).

1c. With the above paper we are particularly addressing the fourth point the committee was requesting views on: ‘The effectiveness of delivery of restorative justice....’ In particular, the impact of gender in the use and effectiveness of RJ conferences.

2. **The Griffins Report:**

2a. The report examined the experiences of female offenders (women and girls) in restorative justice conferences, first through a literature review of the available evidence and then through a dozen interviews with restorative justice practitioners who had worked with both male and female offenders.

2b. The interviews with practitioners focused on their work with female offenders and their perceptions of female offenders as candidates for restorative justice. Eight case illustrations were provided as well as a thematic analysis of the practitioners’ observations.

2c. **Findings from the literature review:** There is general academic consensus that restorative justice performs highly in terms of victim satisfaction, and Randomised Control Trials (RCTs) have demonstrated that it can significantly reduce the reoffending of those offenders who take part (Shapland et al., 2008). **However, much of the evidence for restorative justice is based on research with male offenders. Women and girls have largely been overlooked, or assimilated within samples containing mainly males – obscuring any differences that may exist.**

2d. There is some limited international evidence and some from the youth justice...
system, but this is far from conclusive and often generates more questions than answers. The evidence from the Ministry of Justice evaluations suggest that gender makes no difference to reoffending rates after conferences, but this was also based on a comparatively small number of female offenders and cannot be seen as sufficient to rule out the impact gender may have on these conferences.

2e. The Griffins study argues that **there is reason to believe that female offenders may experience restorative justice conferences differently to males.** This can be attributed to existing evidence about their offending patterns, their wider experiences of the criminal justice system and the way in which they interpret their own actions.

2f. The report shed light on these issues through a literature review of the existing evidence that looked at why these might be important differences for female offenders. It also presented case illustrations of female offenders who had been involved in restorative justice conferences, as recalled by the practitioners who facilitated them, and collates further opinions and experiences of these practitioners having had experience delivering conferences with both male and female offenders.

2g. The report concluded by suggesting that there are a number of reasons to think that restorative justice might have a particularly positive effect for women – when it is done well it can be empowering, can support desistance and in many ways can be beneficial for mental health. **However, if it is not carefully delivered, there are a number of risks:**

   2g(i) Vulnerable women who might already feel a heightened sense of guilt and shame could find this magnified, to the detriment of their mental health.

   2g(ii) Moreover if female offending tends to be more interpersonal, and female offenders are more likely to have known their victim previously, then conferences could be entirely different experience and might be more challenging for female offenders.

   2g (iii) The conference might not just be about the offence, but the wider impact on the relationship between the victim and the offender.

   2g (iv) Conferences are also open to power imbalances and can be vulnerable to patriarchal influences and stereotypes if not carefully managed by facilitators.

2h. There are also issues with female access to restorative justice – women are a minority group within the criminal justice system and the types of crime they commit are not necessarily prioritised for restorative justice within the
criminal justice setting. Within prisons, they are also likely to be much further away from home and victims than male prisoners are, so there are more logistical problems to contend with. But cases of female offending could be given greater priority for restorative justice – women’s centres, for example, could liaise better with restorative justice practitioners to offer conferencing to those women who feel they would like to make contact with a victim and offer an apology and/or some form of reparation.

3  Report Conclusions:

3a.  Conclusions: The report found some evidence to suggest that restorative justice can be effective with female offenders (perhaps even more so than with male offenders), but that there are certain precautions that practitioners should take. In particular they should be aware of issues and vulnerabilities that are more likely to be present with female offenders.

3b. In many cases there may be very positive benefits for female offenders who participate in conferences even when these vulnerabilities are present; as one case illustration highlighted, it can lead to female offenders being very glad they took part despite initially finding it difficult. However there are obviously cases in which restorative justice can go wrong, as another of the case illustrations in the report highlighted and female offenders can potentially be adversely affected by a conference. By understanding more about female offenders in restorative justice conferences, practitioners can better protect against this eventuality whilst ensuring a greater number of successful conferences are delivered.

4  Report Recommendations:

4.1  RECOMMENDATION 1
Community based Women’s Centres should work closely with restorative justice practitioners to facilitate restorative justice conferences with women offenders accessing these services. The staff at the Women’s Centres will have significant experience in addressing the particular needs of women and would be well placed to help develop our understanding of the suitability of restorative justice for this cohort.
4.2 **RECOMMENDATION 2**
Greater investment is required to establish restorative justice projects within the women’s custodial estate, including provision to evaluate these projects to reveal more about best practice both in terms of delivery and achieving positive outcomes, and any practical implementation barriers that might be faced by other establishments.

4.3 **RECOMMENDATION 3**
Future publications from the Ministry of Justice on ‘working with women offenders’ should include some guidance in relation to restorative justice, as it is completely omitted from the current document.

4.4 **RECOMMENDATION 4**
Many of the points discussed in this report raise questions for further research and much more should be done in the near future to understand the impact of restorative justice on female offenders. In particular, areas for further research should focus on:

- Whether female offenders are under-represented in restorative justice;
- The approach restorative justice practitioners should take with female offenders;
- Whether female offenders are more likely to physically display emotion and whether this affects conferences;
- Whether female offenders are more reluctant to engage in restorative justice;
- Whether the risk assessment process is right for female offenders; and
- Whether restorative justice should be prioritised for women offenders.

4.5 This study contributed to the (still) relatively meager literature on female offenders’ experiences of restorative justice conferences. **What is clear is the woeful lack of evidence regarding female offenders in restorative justice conferences.** Far more work must be undertaken as the use of restorative justice continues to expand in order to fully understand the impact on female offenders.

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