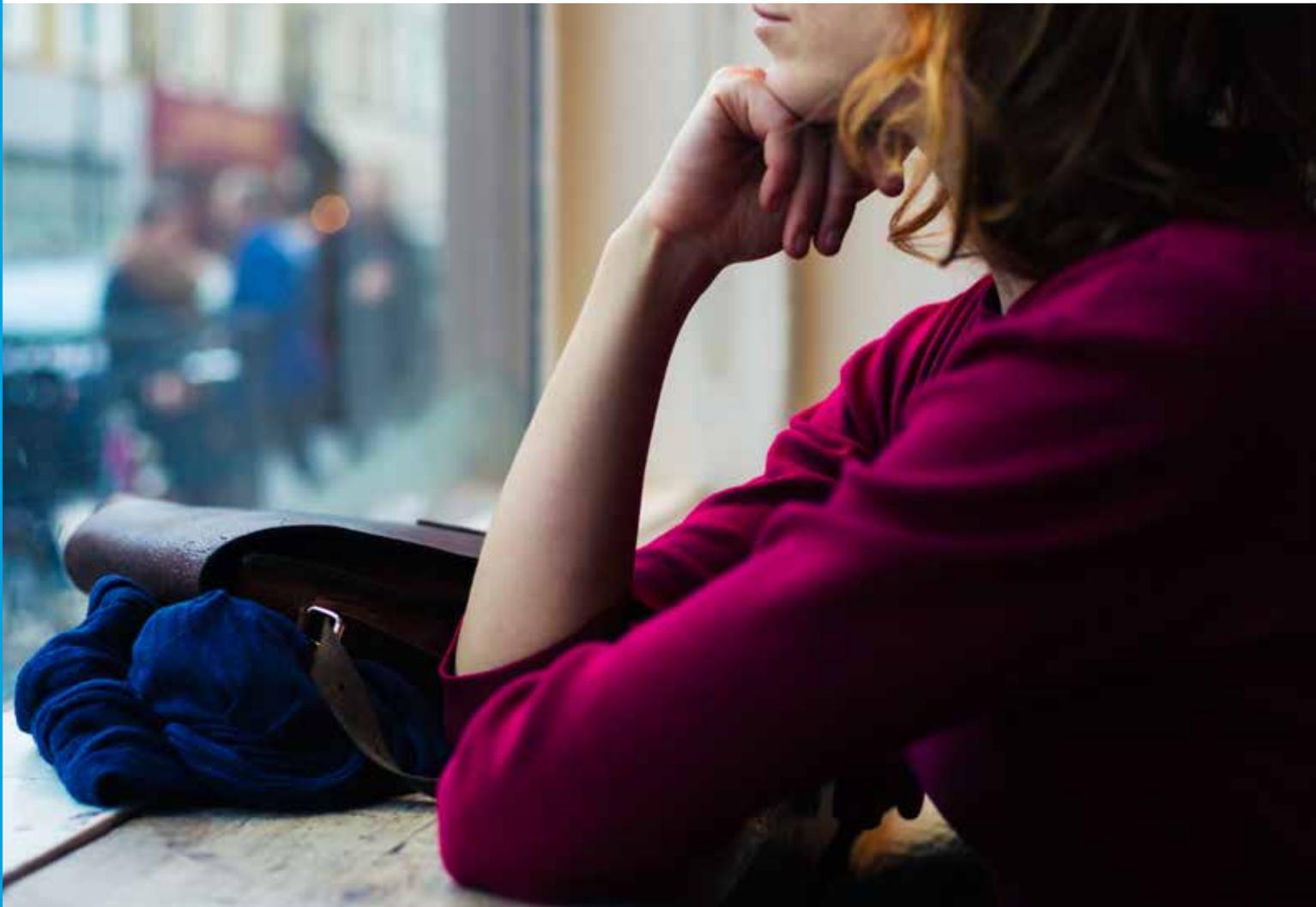


Making restorative justice work for women who have offended

**A Restorative Justice Council
research report**



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Acknowledgements

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About the Restorative Justice Council

The Restorative Justice Council (RJC) is the independent third sector membership body for the field of restorative practice. It provides quality assurance and a national voice advocating the widespread use of all forms of restorative practice, including restorative justice. The RJC's vision is of a society where high quality restorative practice is available to all.

The RJC's role is to set and champion clear standards for restorative practice. It ensures quality and supports those in the field to build on their capacity and accessibility. At the same time, the RJC raises public awareness and confidence in restorative processes. The ultimate aim of the RJC is to drive take-up and to enable safe, high quality restorative practice to develop and thrive.

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Foreword

Jon Collins
Chief Executive Officer
Restorative Justice Council



The last five years have seen significant steps taken to embed restorative justice into the criminal justice system. Legislation has been passed to enable it to take place pre-sentence and as part of a community or suspended sentence, its use by prisons and police forces has been growing, and funding has been provided to police and crime commissioners to make restorative justice available to victims of crime in their area. This is based on a robust evidence base which shows that restorative justice works and that there is widespread public support for its use.

As a result, new projects have emerged, enabling more people than ever before to access restorative justice. This is wholly welcome and long overdue. Despite this significant progress, however, little work has been done to consider whether restorative justice is equally accessible to different elements of the population and how they experience it. This includes a lack of consideration of gender, despite the widespread recognition that there is the need for a distinct approach to dealing with women in the criminal justice system.

As a result, and with the generous support of the Barrow Cadbury Trust, we have conducted a research project to explore female offenders' experiences of restorative justice. The aim of the research is to determine how we can best enable women who have offended both to access restorative justice and to have a positive and impactful experience of the process.

This report is the result of that research and sets out the key findings, exploring the views of both practitioners and women who have participated in restorative justice. Their views are illuminating and on behalf of the RJC I would like to thank them all for agreeing to contribute to the project.

As the national membership body for the restorative practice field, it is a key part of our role to take every available opportunity to provide our members – the individuals and organisations delivering restorative justice in England and Wales – with information that improves their practice. We hope that the findings of this research will help them to do that. The recommendations contained in this report are not only aimed at frontline practitioners, however. There are also important lessons from the research that are relevant to commissioners of services and national stakeholders.

As with any piece of research, we hope that it is read by all those to whom it is relevant and will inform the future development of policy and practice. This would be an important step towards ensuring that more female offenders access restorative justice and improving the experiences of those who do.

Executive summary



This study addresses a major gap in research and knowledge regarding female offenders' experiences of, and access to, restorative justice. The research was funded by Barrow Cadbury Trust and conducted with the support of the RJC, in association with Coventry University.

1. Context and background

Restorative justice is about direct communication between a victim and their offender, typically through a face to face conference. It holds offenders to account for what they have done, helps them to take responsibility and make amends, and also gives victims the chance to explain the real impact of the crime. While restorative justice has experienced a surge in both theory and practice of late, there remains “[a] woeful lack of evidence regarding female offenders in restorative justice conferences” (Miles, 2013: 8). The vast majority of evidence around restorative justice is gender-blind (Cook, 2006), and/or uses an all-male sample. This is despite a significant and growing evidence base showing that women¹ involved in criminal justice have different offending patterns and come into the system with different backgrounds (Elis, 2005). In view of this, recent years have seen a mounting recognition in both policy and practice of the value of gender-sensitive approaches when working with women in criminal justice. This study critically questioned whether restorative justice is lagging behind other areas for criminal justice service provision in this area.

The extremely limited literature that exists suggests that very low numbers of female offender cases go through to conference, and that there is a perception in the field that women who have committed an offence are more reluctant to engage in restorative justice (Miles, 2013). The reasons behind this remain unclear, though it is not wholly unlikely to be related to the particular nature and circumstances of female offending. Moreover, there are tentative suggestions in the literature that restorative justice may have a stronger effect on women who offend, especially those convicted of violent offences (Strang, 2015; Sherman et al, 2006). Again, the reasons behind these suggestions remain unclear, though theories include higher levels of empathy and a particular female ‘ethics of care’,

¹ For the purpose of this document, ‘women’ is used as a summary term to refer to females of all ages.

positive impacts on mental health and new opportunities for engagement with services and positive networks. In contrast, some gendered risks have also been highlighted in the limited literature, including that restorative justice, if not well delivered, may exacerbate mental health problems, linked to particular experiences of shame, guilt, and a higher prevalence of vulnerability, trauma and self-harm.

2. Approach and methodology

The study is of a qualitative nature and draws on interview data², first collected with restorative justice practitioners who had experience of working with women in restorative justice contexts and second, with women who had personal experience of going through a restorative justice conference from an offender perspective. The data collection remit was restricted to England and Wales. The ultimate objective of the project was to develop an evidence-based set of recommendations for effective and ethical working with women in restorative justice frameworks, with a view to increasing the number of female offenders accessing restorative justice, as well as to ensure that those women who do take part have a positive experience of it.

3. Summary of the findings: Practitioners' perspectives and experiences

3.1 Access and case selection

- None of the practitioners interviewed for this study supported the view that female offenders were less likely to engage in restorative justice. In their view, the number of female cases was in proportion to general female involvement in the criminal justice system.
- A wide range of access routes into restorative justice was identified, and all practitioners felt these were equally available to both male and female offenders.
- There was a suggestion in the data, however, that there may be missed opportunities for restorative justice with female offenders, linked to the fact that female cases more commonly lack a personal victim — the main example being shoplifting. Cases without a personal victim were in some areas seen as lower case priority, while in others these cases were more challenging to get to conference due to a reluctance from commercial premises to engage.
- There was a majority consensus that a standardised assessment tool would be helpful in terms of producing consistency in approaches across the field.
- Thorough preparation work was identified as essential to a successful conference. Due to the higher levels of complexity prominent in female offender cases, there was a suggestion that preparation work with this group may take longer and be more demanding.

3.2 Barriers to engagement

- The majority of the barriers to engagement that were identified in this study were general rather than gender-specific.

² For the remainder of this document 'interview data' is shortened to 'data'.

- On an individual level, lack of both offender and victim engagement prevented conferences being undertaken. It was felt that offenders were more likely to have an interest in participating in restorative justice if they had some previous awareness of it.
- Likewise, it was found that an increase in public and professional awareness and understanding of restorative justice may increase referrals and uptakes.
- From the perspective of practitioners, major structural barriers included a lack of political will and investment, a lack of robust evidence, missing resources and a discontinuity of, or inconsistency in, provision.
- In a small majority of the data the heightened complexity common in female offender cases was identified as a potential gendered barrier. An awareness and understanding of these issues may be useful when developing effective and ethical restorative justice working with women.

3.3 Views on gender and working approaches

- This study found clear evidence to support previous research (Miles, 2013) that there is a lack of consistent approach to gender in the restorative justice field.
- Regardless of attitudes to gender-specific working approaches, there was a consensus in the data that conferences should be managed in the same way regardless of gender, based on individual needs and sensitivities.
- None of the practitioners interviewed in this study had received any particular training on working with women in restorative justice.
- Several practitioners, however, highlighted the special skills required in identifying complex needs, although addressing such needs will rest outside of restorative justice practitioners' remit.

3.4 The role of gender in restorative justice conferences

- There was a dominant view in the data that relationship building plays a particularly important role for effective working with women.
- While it may take more preparation to get female offenders ready for a restorative justice conference, many practitioners felt that when they do take part it is more heartfelt.
- It was generally felt that women were also better communicators, which could help conferences to run smoothly.
- In terms of maturity, the data suggested a general sense that females mature earlier than males. Two practitioners, however, suggested that due to the higher frequency of disruption and trauma in female offenders' life experiences, though they may mature earlier, they are often still very 'young' in many ways, including in terms of vulnerability and naivety.
- Prior relationships between offenders and victims were highlighted as being more common in female cases.

3.5 Gendered benefits versus disadvantages

- Overall, the practitioner data was, maybe unsurprisingly, dominated by benefits. Again, the majority of these were general rather than gender-specific.
- However, two gendered beneficial themes did emerge in the data, which concerned a perception that female offenders typically had higher levels of emotional intelligence compared to males, as well as higher levels of empathy. Due to these factors, some practitioners suggested that the restorative justice process might bring particular benefits to women.
- Conversely, some practitioners suggested that female offenders' more heartfelt involvement might mean they experience more challenging emotions linked to the conference. Shame and guilt, and associated mental health risks, were especially prominent themes here. Therefore, if not managed correctly, restorative justice may increase women's vulnerability.
- As a result of more heartfelt involvement, the heightened value of relationship building and more common internalisation of emotions, some practitioners felt that female offenders may especially benefit from good quality post-conference support to reap the full benefits of restorative justice.
- Given the higher prevalence of prior relationships in female cases, it is suggested that repairing these relationships may have a greater impact, with implications beyond the actual offence.
- There was a gendered risk expressed in a small minority of the data around negative stereotypes and gender norms possibly negatively impacting on judgement in female offender cases.

3.6 Partnership working

- Most practitioners identified partnership working as essential for effective restorative justice work. However, the general consensus was that this was not currently happening. Good linked up multiagency working was predominantly identified in the youth sector.
- Effective partnership working was highlighted as particularly important for dealing with complex needs. Good signposting practices were also identified as critical in this area, with many practitioners feeling that this was especially applicable, again due to heightened complexity and needs, when working on female offender cases.
- To echo previous findings in the field (Miles, 2013), this study found major scope for partnership working being developed between women's centres and restorative justice facilities. It is suggested that such partnership working would offer a great opportunity to deliver effective and ethical forms of restorative justice with women who have committed an offence.

4. Summary of the findings: Female offenders' perspectives and experiences

4.1 Access to restorative justice

- There was a great variation in terms of how the women who took part in a conference came to access restorative justice.
- The vast majority of the women interviewed had not heard of restorative justice prior to being contacted about taking part. The few who had heard of it, however, expressed that this prior familiarity was a positive factor for willingness to engage.
- There was wide variation in the length of time between the offence being committed and the conference taking place, ranging from two weeks to 11 years.
- The data indicated that it may be beneficial for restorative justice to be offered at the earlier stages of the criminal justice process, when the offence is still 'fresh' for all parties, to help tackle guilt and manage challenging emotions. It is essential, however, to allow for flexibility in the length of time allowed for getting the person 'ready'.
- Most of the women were initially quite uncertain about taking part in the restorative justice conference, but once it was explained to them they typically felt quite strongly that it was something they wanted to do.
- For the vast majority of the women, agreeing to take part was not a decision taken lightly. Rather, taking the decision to meet their victim was a daunting task, which often brought about anxiety.
- A small number of women who had not accessed restorative justice rejected the idea of participation due to the fact that they did not consider their case to have an existing victim. This was either because they viewed their crime to be 'victimless' (in this case a drug dealing offence), or, in one case, because the victim had since passed away. This suggests that restorative justice may have a role to play in helping offenders to recognise the broader impact that their offence has had on other, less immediately apparent, victims.

4.2 Offence and background

- The majority of the women's offences related to shoplifting and various forms of fraud and theft, though there were two instances of more serious offence categories.
- Falling in line with existing evidence (Corston, 2007), the vast majority of the women's offending took place in the context of complex circumstances and needs, such as mental health issues or living with trauma or abuse.
- Giving support to previous studies (Rumgay, 2004), however, this study found that previous victimisation, trauma and/or mental health issues were not subjectively viewed by any of the women to excuse their offending behaviour.

4.3 Conference processes and preparation

- Supporting previous research in the area (Daly, 2008), restorative justice conferences were found to be very variable events, with different outcomes for those involved. Despite this variability, all of the women who were interviewed for this study said that they would recommend it to others.
- Overall, the majority of the women felt well prepared for the restorative justice conference. Knowing what to expect was an important theme in terms of good preparation.
- However, a minority of the women felt poorly prepared due to having very little understanding of what restorative justice was or what the conference would entail, or poorly managed preparation meetings. Alternatively, a woman did not feel understood by the male facilitator leading her case.
- It was suggested that, for some women, preparation work may be more effective if done with a female worker, to encourage trust and a feeling of shared understanding of personal challenges.
- For the vast majority of the women the pre-conference experience was experienced as nerve-racking. Several of the women reported experiencing panic attacks just before going into the conference.
- Overall the data gave support to the findings from the practitioner section, in that good preparation work is essential for good restorative justice. On a gendered note, preparation may be especially important with women to reduce the impact on mental health, such as managing severe anxiety ahead of the conference.

4.4 The conference meeting

- The majority of the conferences were experienced as positive by the women.
- There were, however, some examples of poor organisation of the conference event. Major organisational concerns included not using a neutral location, a lack of proper mental health assessment (therefore, insufficient preparation for the meeting), not being informed about who would be in the room, insufficient time to speak to the victim and a lack of balance between the victim and the offender parties present (specifically an overrepresentation of the victim side).
- This issue of overrepresentation of the victim's party was predominantly identified in cases where indirect victims, such as officials or store staff, represented the harmed side. Given the dominance of non-personal acquisitive crimes such as shoplifting being committed by women, this experience of imbalance may be a gendered experience.
- In terms of support during the conference event, an unexpected finding was that despite being offered the opportunity to invite a family member or friend as informal support, the vast majority of the women chose not to. Instead, the women were commonly comfortable with the support provided by someone they had a positive professional relationship with, such as a probation officer.
- The vast majority of the conferences experienced by the women were highly emotional events, which for some was reported as being highly stressful.

- However, a clear association was found in the data between the type of offence and the level of emotional impact of the event, with shoplifting being the least emotional.
- Although potentially having less of an emotional impact, conferences relating to shoplifting offences were still overwhelmingly experienced as valuable by the women, as it forced them to think about the offence from a different perspective.

4.5 Outcomes and post-conference experiences

- Showing continuance in the theme of inconsistency and flexibility in the restorative justice process, agreed outcomes varied from case to case. None of the women felt that the outcome was unfair or unjust.
- For many the most powerful outcome of the restorative experience was the alleviation or removal of guilt. However, for a minority of the women heavy emotions of guilt continued to negatively affect them after the conference.
- Although it was overwhelmingly an emotionally draining experience for most of the participants, the majority of the women felt positive about the event post-conference.
- Most also felt well supported following the event. However, a minority of the women did not receive any follow-up, or at least what they felt would have been adequate support, once the conference had concluded. The lack of adequate follow-up is concerning given some of the women's vulnerability.
- A small minority of the women interviewed were engaged with women's centres, which were deemed to provide a highly valuable source of support. Other women, who may have found this support helpful, were unaware of the centres.
- As such, and in support of previous research (Miles, 2013) better liaison links between restorative justice facilities and these centres would be valuable.

5. Conclusion and recommendations

The findings in this study clearly demonstrate that restorative justice conferences are generally experienced as positive both by the female offenders who participate, and by the practitioners leading such cases. The findings also suggest, however, that due to the complexity in many of the women's lives, particular forms of support and encouragement may be valuable for the effective and ethical delivery of restorative justice with women who have offended.

In order to help women break away from their offending behaviour, the findings in this study clearly indicated that restorative justice should be used in conjunction with other forms of intervention and support. It must be recognised that the professional skillset and training required to treat complex sets of needs is different from those required for the delivery of good restorative justice practice. The role of partnership working and signposting is therefore essential. Major gaps were identified in the study in this area, evident in both the practitioner and female participant interview data. Though there were pockets of good practice, primarily identified in the youth offending service, a major

overall theme in this research was a fundamental lack of effective joined-up working across the field.

The huge potential value of investing in the development of partnership working with local women's centres was identified. As well as opening up effective signposting avenues, this would allow for restorative justice to be introduced, and women's ability and willingness to participate to be assessed, in a working context where there is familiarity and expert knowledge of relevant issues. If done effectively, such partnerships are likely to enable more women who have committed an offence to access, and have a positive experience of, restorative justice.

5.1 Policy and practice recommendations

The findings in this study have implications in terms of both policy and practice of restorative justice. Some of these are gender-specific, others are more general. While this study focuses on the experiences of women who have committed an offence, it is nonetheless deemed valuable to highlight recommendations that have emerged from the study that apply to restorative justice working more widely. A separate document specifically providing guidance and recommendations to frontline practitioners has been produced alongside this report and is available on the RJC website.

The following recommendations are made from this research.

Structural/strategic:

- Given the dominant lack of knowledge about restorative justice prior to its introduction by a practitioner, and the finding that previous familiarity is helpful for positive engagement for female offenders, investment should be directed into awareness raising and public education about restorative justice.
- Partnership working needs to be developed across the restorative justice field. A key aspect of this should involve practitioners in any sector of the field initiating and nurturing effective working liaisons with local women's centres with an expertise in working with women in, or on the periphery of, the criminal justice system.
- Through the development of effective partnership working, signposting practices should be integrated into core restorative justice practice.
- Recognising that restorative justice schemes are inevitably sensitive to funding streams, practitioners need to carefully consider the implications, including the support provided to previous or current participants, if their funding is cut and they can no longer carry out their services. It is vital that the vulnerability of those who have engaged with the schemes is not increased as a result of insecure funding.
- Training of restorative justice facilitators should include at least some basic awareness training around complex needs, including gendered factors and sensitivities, in order to enable them to identify potential issues and provide appropriate support. Practitioners should be encouraged to view restorative justice as an opportunity for engagement and opening up of access, through signposting, for women to deal with offending behaviours beyond the specific remit of a restorative justice conference.
- It should be standard practice to offer the option of exploring restorative justice participation to all women who have committed an offence. This offer should be made at the earliest suitable point in the criminal justice process, though then

allowing for flexibility in time in terms of getting both the female perpetrator and her victim to the point of 'readiness'. For some female offenders this may include dealing with other factors first, to allow for a more effective conference to take place.

Practical/frontline:

- Shoplifting offences are common in the female offender population. In light of this, and the proven positive impact conferences involving shoplifting offences can have on changing female offender behaviour, indicated in this study, these types of offences should be prioritised for restorative justice interventions with women.
- Standardised assessment tools should be developed, disseminated and utilised across the field. These should include aspects of mental health and gendered vulnerabilities, such as the existence of coercive/abusive relationships, and references to signposting needs.
- Practitioners should have an awareness of the higher likelihood of complex needs in female offender cases, and adapt their practice accordingly. For detailed practitioner guidance on restorative justice practice and mental health, please see the RJC's guide Restorative practice and mental health, which is available to the RJC's members on our website.
- Given that female offenders were more likely to have an interest in participating in restorative justice if they had some previous awareness of it, it might be valuable to develop visual materials for the introduction of restorative justice, providing an insight into what the process will entail from an offender perspective. Existing materials, such as the film Recovering from crime – restorative justice in action, may be useful to include in the introduction until more specific introductory materials have been developed.
- When introducing restorative justice to women who have committed an offence, the option of a female restorative justice worker should be offered wherever possible. For some women, working with another female may help foster a more open and honest working relationship.
- Practitioners should be aware of the importance of relationship building and increased likelihood of emotional anguish when working with female cases, including allowing additional time for preparation work.
- In line with the RJC Practitioner Code of Practice and supporting guidance, found in the RJC Practitioners Handbook, practitioners should pay careful attention to the organisation of the conference. Aspects highlighted in this research that should be avoided are the use of non-neutral spaces to hold the conference, parties accidentally meeting beforehand and ensuring an even balance between the victim and offender sides in the conference setting. This is especially relevant when dealing with female offender cases involving indirect victim representation.
- Practitioners should also be mindful of the importance of upholding good practice in terms of ensuring that female and male offenders are treated with equity. This must include an awareness and questioning of the presence of gendered judgements.
- Finally, more rigid follow-up practices need to be put in place to ensure appropriate levels of post-conference support for female offenders, including signposting to appropriate services to deal with other factors linked to their offending behaviour.

1.

Context and background



Restorative justice is about direct communication between a victim and their offender, typically through a face to face conference. It holds offenders to account for what they have done, helps them to take responsibility and make amends, and also gives victims the chance to explain the real impact of the crime. Restorative justice has experienced a surge in political support in recent years (Miles, 2013), and there is growing momentum to further develop and integrate restorative justice practices into the criminal justice system in England and Wales. Overall, restorative justice is much more commonly used in the youth section of criminal justice in England and Wales, though use for adults is on the increase (Marder, 2013). There is a growing evidence base that argues for the many benefits of restorative justice, including positive victim effects (Strang et al, 2013), high levels of procedural justice and a sense of citizen engagement (Daly, 2002; 1996). Links have also been established with desistance (Marder, 2013; Strang et al, 2013; Strang, 2015; Rodriguez, 2005).

The vast majority of research in the area of restorative justice is, however, gender-blind (Cook, 2006; Elis, 2005; Alder, 2000), and/or focuses exclusively on male samples. To date, research on women and restorative justice, commonly delivered by feminist authors, has almost exclusively focused on women as victims, and the appropriateness of restorative practices in cases involving domestic and sexual violence. There is consequently a huge gap in research and understanding around women who have committed an offence and their experiences of restorative justice (Miles, 2012; Daly 2002). Key authors in the field have called for: “[a] widening of the feminist lens on restorative justice,” (Daly, 2002) and have highlighted the need for research that explores women as perpetrators of crime and their experience of the practice (Daly, 2002; Daly and Stubbs, 2005). This study begins to address this significant gap in knowledge.

This section will situate the study in its relevant literature context. First, a brief look at women in criminal justice will be provided, including the recent growing calls for gender-sensitive approaches in criminal justice. It is critically questioned whether restorative justice practices are lagging behind other parts of criminal justice in this area. Second, the very limited research on restorative justice that has included a gendered angle to date will be highlighted. Reflecting the spread of the use of the practice across different sections of the criminal justice system, the majority of this work draws specifically on research with young people. Finally, the few studies that have explored practitioners’ views and experiences of working on female offender cases will be given some attention.

1.1 Women in criminal justice and the call for gender-responsive approaches

Crime and criminal justice are gendered phenomena (Cook, 2006). Women commit fewer and less serious crimes, have shorter criminal careers than men (Silvestri and Crowther-Dowey, 2008), and also have significantly lower re-involvement in offending than their male counterparts (Giordano et al, 2003; Rungay, 2004; Graham and Bowling, 1995; McIvor et al, 2004). Gender ‘matters’, therefore, and makes for an important variable for understanding offending patterns.

Moreover, women and girls do not only come into the system with different offending patterns, but also with different backgrounds and circumstances (Elis, 2005). There is a growing evidence base showing that women in criminal justice have very particular circumstances and needs (Corston, 2007). For example, research shows that mental health problems and drug and alcohol misuse have significantly stronger links to female than male offending, and women who offend also report lower levels of self-esteem compared to male offenders (Malloch, 2003; Baird, 2003; Teague et al, 2008; Belknap and Holsinger, 2006; Macmillan, 2001; Daly, 1992). There is accordingly a suggestion that women use more internalised coping mechanisms compared to men (Holsinger, 2000). Furthermore, women who offend are more commonly dealing with a range of problems, including living with consequences of trauma and abuse (Covington, 2012) and managing gendered aspects of childcare (Miles, 2013). In addition, women involved in criminal justice also deal with harsher judgements, as the literature clearly shows that women who have offended are likely to experience a higher level of stigma compared to male offenders (Miles, 2013; McIvor et al, 2004; Baldry, 2010-2011; Estrada and Nilsson, 2012).

Women’s motivations for committing crime are also often different from those of men. The Ministry of Justice highlights that women’s offending is more likely to be related to an abusive partner, via coercion, manipulation or bullying (Miles, 2013). Indeed, research consistently shows that women’s relationships, especially to men, significantly impact on both their pathways into crime and their experiences of criminal justice (Failinger, 2005-2006). Not unrelated to this, the majority of women who are involved in criminal justice, both nationally and internationally, are typically a victim *first* and an offender *second* (Verrecchia, 2009; Rungay, 2004). For example, over two-thirds of women in UK prisons have experienced domestic violence and/or sexual abuse (Fawcett, 2010).

This dual role as victim and offender has consequences for the experience of criminal justice. For example, Rungay (2004) suggests that the psychological implications of trauma and harm, such as self-harm and substance misuse, have developed into a major management problem for the criminal justice system. To put some figures on these claims, Ministry of Justice (2010) data shows that 37% of the female prison population in England self-harmed in 2009, compared with 7% of the male population. To acknowledge the extensive overlap between victim and offender for women, and how their offending patterns often link to these experiences, is not about justifying criminal behaviour, but to locate actions within a complex web of conditions and circumstances. Research suggests that the assumption that victimised offenders try to evade responsibility for their actions is flawed (Rungay, 2004).

In view of this growing evidence base, there is an increasing recognition that for criminal justice to effectively deal with women’s offending, the complexity of their circumstances

and experiences needs to be taken into account. The criminal justice system was not, however, built with women's particular needs or vulnerabilities in mind. The Corston Report brought unprecedented political attention to this issue in 2007, when it was argued that: "Women have been marginalised in a system largely designed by men and for men for too long" (Corston, 2007: 2). Women-centred criminal justice approaches were accordingly called for. Although implementation of the Corston report's recommendations has recently slowed down, frontline agencies have continued to push for progress. "Organisations and advocates are clear that a gender-specific approach to reduce reoffending is absolutely necessary if we are to address the needs of female offenders" (Clink 2014: 6).

With this firm recognition of the value of gender-responsive approaches in working with women involved in criminal justice, evident both among service providers and in the political arena, the question arises, where does restorative justice sit within this?

1.2 Female access to and experiences of restorative justice

There is a real lack of data in the area of gender and restorative justice (Strang, 2015). Indeed: "Few have ventured to consider how it may help or hinder female offenders, or whether there may be gender differences in offenders' orientations to a restorative justice process" (Daly, 2008: 113). This section will briefly summarise the limited knowledge that exists on female offenders' engagements with restorative justice. Reflecting the spread of restorative justice practiced globally, the limited research that does exist on female experiences predominantly deals with youth.

1.2.1 Access to restorative justice by women who have committed an offence

Very low numbers of cases involving women who have committed an offence go through to a restorative justice conference — this is particularly so for adult women (Miles, 2013). The reasons behind this are unclear, but the type of offence and the nature of the relationships involved may be important aspects to consider. For example, it may be that the different offending categories that women are predominantly involved with, such as non-violent acquisitive crimes (Ministry of Justice, 2015), are not, generally, prioritised for restorative justice. There may be some logic in such priorities, as research indicates that restorative justice conferences are less effective with so called victimless crimes, while having a more marked impact on serious crimes (Strang, 2015). These findings could have gendered implications in terms of which type of cases are most incentivised to bring to conference.

The nature of the relationships between offenders and victims may also differ, making it more complex to bring female cases to conference. Some studies have for example found that girls more often come into conferences linked to 'punch-ups' with other girls (Daly, 2002). This is a finding that is also supported in the UK setting, where research shows that pre-existing relationships are more common in female cases (Miles, 2013). Daly (2008) suggests that in such cases the situation becomes more complex, with 'blurred lines' between victim and offender and contested facts. It could be a possibility that this heightened complexity may deter cases from going to conference. Additionally, there may also be more reasons on the individual level. In Miles' (2013) study into restorative justice practitioners' views on working on female offender cases, there was a suggested

higher reluctance by women to engage in restorative justice compared to their male counterparts. Bearing in mind the evidence around women in the criminal justice system and their more complex needs and circumstances, one hypothesis could be that it may be more challenging to get women to engage with the process, as there may be other more pressing issues at hand.

1.2.2 Gender and the restorative justice conference

When considering female experiences of restorative justice, the gendered nature of offending and criminal justice must be taken into account. One of the largest studies into restorative justice conferences to date, a study of youth conferences in Australia led by Kathleen Daly (1996), showed that conferences are highly gendered events. It was found that few offenders were female, though the majority of supporters were. Additionally, victims in violent cases were predominantly female, the offender was more commonly known to the female victim compared to a male, and women were significantly overrepresented in restorative justice conferences in which victims were treated with disrespect (Ibid). It was concluded that: “The experiences of boys/men and girls/women in conferences – as victims and offenders – are conditioned by what brought them to the conference in the first place, and the gendered contexts of offending and victimisation in larger society” (Daly, 2002: 6).

A range of variables and background factors are likely to impact on the restorative justice experience. As noted by Strang (2015), restorative justice has different effects on different types of people. For example, in a study looking at outcomes in youth conferences in New Zealand (Maxwell et al, 2004), it was found that girls were less likely to report that a conference had helped them to stop or reduce offending (although they were still less likely to reoffend following a conference comparison to boys). They more commonly also reported mood-swings following a conference. To understand these particular experiences we need to consider gendered differences in backgrounds and entry points into offending. For example, in the same study it was found that while girls were less likely than boys to commit a serious offence, they were much more likely to report more adverse background factors and had greater involvement in risk-taking activities than the boys (Maxwell et al, 2004). Irrespective of the conference, research clearly shows that individuals’ previous experiences, including levels of disadvantage and trauma, will inevitably have an impact on the outcomes of the process (Hayes and Daly, 2003; Hayes and Daly, 2004).

Moreover, studies show that the type of offence committed has an impact on the qualitative experience of the conference. Revisiting Daly’s extensive work in Australia (2002), it was found that girls were generally less apologetic for their behaviour in conferences. This sits against the backdrop that conferences involving offenders with higher levels of remorse and the acceptance of personal responsibility have the most successful reoffending rates (Hayes and Daly, 2003). However, the less apologetic female behaviour was, at least in part, specifically linked to the fact that female cases more often involved ‘punch-ups’ between known parties. Studies have found that this type of violence, not uncommonly responding to insults, violence or threat of violence, is often experienced as more justified by young girls (Burman, 2004). The offender case situation thus becomes more complex, which is likely to impact on both the dynamics of the conference, as well as outcomes.

Other gendered differences in the conference environment detected in Daly's study were a higher proportion of crying in female on female cases, and it was more common in female offender cases for the victim's story to have a lasting impact on them (Daly, 2002). Drawing on restorative justice practitioners' narratives, Miles (2013) also found evidence for female offenders being more likely to physically display emotions during the conference. The level of maturity is another factor that is likely to have an impact on the conference (Daly, 2008; Strang, 2015; Marder, 2013).

1.2.3 Potential gendered benefits of restorative justice

There are some tentative suggestions that the restorative justice experience may have stronger effects on women and girls who offend, particularly those convicted of violent offences (Strang, 2015). In Australia, again looking at youth specifically, Hayes and Daly (2003) found that, controlling for other variables, girls' reoffending rates following conference were significantly lower than boys. Likewise, in unpublished findings from a study by Sherman and colleagues (2006: 48), it was concluded that there is evidence "of a greater return on investment in restorative justice for girls than for boys, at least in assault cases". Though emphasising caution due to the limited evidence, there are empirical suggestions that the value of restorative justice involvement may be especially prominent for females.

This would fall in line with a number of authors in the field who have proposed that restorative justice may be more beneficial for women (Gaarder and Presser, 2006; Verrecchia, 2009; Elis, 2005; Miles, 2013). There are a range of factors associated with this argument. Some argue that restorative justice may potentially have stronger effects on females compared to males as it focuses on strengthening informal relationships (Elis, 2005). Elis (2005) goes on to also suggest that due to gendered socialisation processes, females may also be more affected by empathy than males. Others have put forward the idea that the practice may have special value for women due to a particular female 'ethics of care' (Failing, 2005), though some argue that the idea that a female 'ethics of care' links with a different form of justice is 'misleading' (Daly and Stubbs, 2006b). Alder (2000) suggests restorative justice can be especially empowering for women, as well as opening up new positive network opportunities. Others again argue that it may have particular positive impacts on mental health, which we know have a closer link to female offending than male, and thus encouraging desistance (Miles, 2013). Marder (2013) for example argues that restorative justice has great value for building a sense of self-worth, and can produce a feeling of being in control of one's life. Overlapping with what is known about younger offenders (Marder, 2013), shame and stigma are indeed major concerns for women who offend, especially young females (Alder, 2000). From this perspective, restorative justice may have particular potential benefits to young as well as adult females.

Moreover, some authors in the field argue that restorative justice is particularly compatible with feminist ideals of jurisprudence, as it emphasises core factors such as listening, empathy, mutual responsibility and forgiveness (Verrecchia, 2009; Elis, 2005; Gaarder and Presser, 2006). Interlinked to these factors, restorative justice is often presented as a more holistic form of justice, which may allow for a wider contextualisation of offending behaviour than more traditional forms of justice. It may, therefore, have particular value for female offenders as it allows a space for placing offending in the context of previous victimisation, though still encouraging moral agency and responsibility (Failing, 2005). In a similar vein, Verrecchia (2009) argues that restorative justice has the potential to be used

as a gender-specific model for female delinquents, as it can allow for a deeper assessment of personal circumstances, and can, via an emphasis on dialogue, give girls 'a voice'.

Finally, women who are involved in offending often lead isolated lives, and evidence shows that they rarely access community-based services (Rumgay, 2004). Being a part of the broader criminal justice mechanism, restorative justice, especially within a framework of multiagency working, may have a role to play in this context by opening up links between women and community-based services.

1.2.4 Potential gendered risks of restorative justice

Some authors in the field have also highlighted potential gendered risks of restorative justice, specifically in terms of exacerbating women's problems. Miles (2013) points out that restorative justice conferences may, if not delivered appropriately, exacerbate mental health issues. For example, we know women and girls who offend often struggle with guilt and remorse, which in turn can impact on self-worth and identity. These factors must be taken into consideration in restorative justice practices (Alder, 2000). A major critique of restorative justice is its lack of recognition of the context in which offending and victimisation takes place (Daly, 2008), including the victimisation-criminalisation continuum (Balfour, 2008). Restorative justice conferences are inherently binary events, with a firmly defined victim and offender. Alder (2000) goes on to raise questions about this and the potential impact it may have on females' mental health in terms of judgement and self-portrayal.

There are also aspects of gendered abuse that need to be considered. We know that women and girls are more often abused by someone close to them, and that it starts at an earlier age and goes on for longer periods than in male abuse cases (Holsinger, 2000; Salisbury and Voorhis, 2009; Belknap and Holsinger, 2006; Schaffner, 2007). Evidence shows that females involved in criminal justice have experienced disproportional rates of physical and sexual abuse in their lives (Estrada and Nilsson, 2012). For example, a situation where an abuser is invited to a conference as a supporter to a woman who has committed an offence must be avoided at all cost. However, the ability to identify the presence of violence and abuse, and associated personal difficulties, requires specialist skills. If these are lacking, there is a potential that not only opportunities to offer support are lost, but also that conferences could lead to significant negative consequences for the female.

Moreover, conferences may also be vulnerable to power imbalances and stereotypical reinforcements of female appropriate behaviour (Miles, 2013; Elis, 2005; Alder, 2000). The inclusion of community members in restorative justice events means that community norms and values can be brought into the process (Rodriguez, 2005). We are reminded, however, that there is not one 'unified community' out there (Alder, 2000), and the type of norms and values that are upheld in the restorative justice setting requires critical attention. Restorative justice has received criticism for its potential to reproduce race, class and gender relations, as well as for not taking into account complex social and economic conditions and circumstances (Balfour, 2008). It is essential, as noted by Gaarder and Presser (2006), to ensure that social injustices are not further exacerbated by restorative justice interventions. The limited research that exists indicates that social categories do interact with restorative justice settings, with for example gendered stereotypes being drawn and acted on, potentially leading to a reinforcement of gendered structures (Cook, 2006).

1.2.5 A gender-aware restorative justice practice?

In recognition of the growing evidence base showing that women and girls who are involved in the criminal justice system have particular backgrounds and circumstances, many experts in the field are calling for gender-aware restorative justice practice (Alder, 2000; Verrecchia, 2009; Elis, 2005). Exactly what such a practice should look like, though, remains unclear. A first stepping stone would be to consider the criticisms outlined above and, with those potential risks in mind, encourage standard-setting and consistency in practice. However, if restorative justice is to enable women to move in positive directions, Alder (2000) argues that restorative justice policy and practice must develop further and find a way to acknowledge and address women's needs and circumstances.

1.3 Restorative justice practitioners: Views on and experiences of working with women who offend

There is very limited research into restorative justice practitioners' attitudes to and experiences of working with female offender cases. Miles (2013) provides a valuable exception in this area. In line with what is known about broader criminal justice practices, Miles (2013) found major inconsistencies in practitioners' attitudes to working with women who have committed an offence. Three standpoints dominate the data:

- Treat them the same – women and men who offend should be treated the same.
- Acknowledge the difference – working with females requires a different approach.
- Case by case – gender is not considered as a factor per se, but work should purely be done on a case by case basis.

Miles (2013) goes on to detail this split in approach among different practitioners, critically questioning whether restorative justice can be effectively delivered with females when there is such a lack of consistency in approach across the restorative landscape. This is an important question. Applying a critical lens to the practitioner idea of neutrality in treatment, history tells us that so called 'neutral processes', being based on a male norm, have often acted to disadvantage women and girls in the criminal justice system. Specifically, so called 'gender neutral' services often fail to acknowledge gendered experiences of abuse and disadvantage, thus lessening the likelihood of meeting women's needs (Scott and McManus, 2016).

Moreover, studies in Australia, again focusing on restorative justice work with young people, indicate that some practitioners find it harder to work with girls. This is not uncommonly linked to a higher level of complexity that many do not feel skilled to deal with (Alder, 2000). Miles (2013) also found a view among some restorative justice practitioners in the UK that female offenders can be more manipulative. Furthermore, there is an issue around trustworthiness and relationship building with practitioners who may not have experience of dealing with complex and traumatic experiences. Alder (2000) points out that expecting women to be completely honest when sharing personal, possibly traumatic, experiences with strangers is a rather unrealistic expectation. Indeed, the reality of gendered harms "demand caution and dialogue among restorative justice practitioners and scholars" (Gaarder and Presser, 2006: 490).

There is a major evidenced issue across the field around consistency, with great variability in meanings and practices (Daly and Stubbs, 2006). This means that practitioners may view their role and responsibilities in different lights, leading to significant unevenness in conferencing. For example, studies show that there are great inconsistencies in the level of offenders' interests and background being included in the conference (Alder, 2000). This links to how the role of restorative justice is conceived. While some suggest that restorative justice should "concern itself with an agenda for structural change as well as individual change" (Gaarder and Presser, 2006: 487), others argue that the primary aim should be reparation by the offender to the victim or community (Hoyle and Rosenblatt, 2015). Depending on the individual practice and approach then, the female is likely to have a different experience of the restorative justice process. Worryingly, there is evidence that many conferences are affected by poor practice, with studies concluding that: "The ethical practice of restorative justice ... may require a good deal more preparation and groundwork than what many have assumed" (Daly, 2008: 134).

1.4. Contributions

Situated in this limited literature context, this study aims to contribute to the restorative justice field in both theory and practice. First, it aims to extend current knowledge of restorative justice and female offenders. Second, it aims to feed into the growing evidence base around women in criminal justice. Third, the hope is that it will contribute to the embryonic debate of what gender-aware practices in restorative justice may look like, including making some recommendations for how restorative justice practices may evolve to aid the development of effective and ethical working with women who have committed an offence.

2.

Methods and approaches



This chapter sets out the core methods and approaches applied in this study, including participant recruitment processes and ethical considerations. Limitations of the study are also highlighted.

2.1 Project design and aim

This study was funded by Barrow Cadbury Trust and ran for seven months, from September 2015 to March 2016. It was designed to specifically address a major gap in knowledge in the area of female offenders' experiences of, and access to, restorative justice. It should be noted that the study was not aiming to evaluate particular services or engage in the debate around general advantages of restorative justice in comparison to other forms of justice, or maybe more correctly, other justice mechanisms (Daly, 2015). The research is of a qualitative nature, and its remit stretched across England and Wales. The ultimate objective of the project was to develop an evidence-based set of recommendations for effective and ethical working with women in restorative justice frameworks, with a view to increasing the number of female offenders accessing restorative justice, as well as ensuring that those women who do take part have a positive experience.

2.2 Data gathering and participant recruitment

The data gathering process involved two strands. The first entailed collecting data with practitioners who had experience of working with women in restorative justice contexts, and the second with women who had personal experience of going through a restorative justice conference. The hope was that by marrying practitioners' perspectives with first-hand female accounts, the study would enable a more rounded investigation of the research problem.

Drawing on the RJC's existing network, contact was firstly sought with restorative justice practitioners. The recruitment process aimed to engage with practitioners from a range of sectors upholding a variety of roles, including perspectives from both managerial and frontline levels. An initial introductory email detailing the study was sent out to practitioners and organisations, which was followed up with one or more phone calls.

If the practitioner had the suitable experience and was willing to engage with the study, then an interview was arranged. Overall, while there was much positive interest in the study from across the field, there were only a minority of practitioners who had experience of working with female offenders.

With the knowledge that previous attempts to research female offenders' experiences of restorative justice in the UK have been unsuccessful in terms of recruiting women who have been through conferences (Miles, 2013), it was anticipated that the second strand of data collection would be significantly more challenging than the first. The recruitment routes were designed with this in mind. In total around 75 restorative justice locations and premises were contacted, enquiring whether they had knowledge of any conferences that involved a female offender and, if so, whether there were contact avenues to the woman in question. The majority of practitioners did not have either knowledge of, or contact avenues for, female offender cases. A minority did and these cases were followed up.

In addition, to increase the chances of recruitment, women's centres across England and Wales known to work with women involved in criminal justice were contacted. Contact was initiated with around 60 women's centres. A fifth of these had gone into administration, while some had lost their funding to work with women involved in criminal justice. Most of the centres with which contact was established did not work with women who had experiences of restorative justice, or at least were not aware of doing so. A small minority, however, did, and these cases were followed up.

The study, including calls for research participants, was also advertised in the RJC's practitioner bulletin online as well as during the organisation's AGM in November 2015.

2.3 Data summary

2.3.1 Practitioner data

Meeting the set target for the first strand of the data collection, a total of 10 practitioner interviews were conducted. The interviews were of a semi-structured nature, and ranged between 30 and 80 minutes in length. The final sample included perspectives from practitioners working within the police (POL), the national probation service (PROB), the youth offending service (YOS), and within community settings (COMM)³. An even balance between the different sections was aimed for, with each sample group containing both managerial and frontline perspectives. The majority of the practitioner interviews were conducted at the interviewee's work location, while two were conducted over the phone or Skype and one was completed in a public space.

2.3.2 Female participant data

Exceeding the set target for the second strand of the data collection, a total of 14 female participant interviews were conducted⁴. Eleven of these had gone through a full restorative justice conference, in an offender capacity, and three women had recent involvement in the criminal justice system but had not had the opportunity to partake in restorative justice. The final sample was diverse in terms of offence type and background. In line with

³ These abbreviations are used in the data presentation to identify which sample section different data is derived from.

⁴ As is common when doing research with the named sample group, there were four additional interviews that were arranged but ended up being cancelled. Two of these were complete no-shows on the day of the interview, while two stopped engaging some days in advance of the interview.

evidenced patterns of female offending, with non-violent, acquisitive crime dominating the statistics (Ministry of Justice, 2015), the majority of offences for the women going through restorative justice related to shoplifting and various forms of fraud or theft. However, there were also two cases that would be classified as more serious in nature — a false allegation of rape and a murder. For the three women who had not been to conference, two offences related to drugs and one was a crime involving a family member. For most of the women, the offence that led them to get involved with restorative justice was their first offence. For a few, however, offending had become a repetitive pattern, and they also had previous experiences of arrest.

In terms of the age of the female participants, the final sample ranged from 15 to 60 years of age. Initially the study was to focus exclusively on over 18s, which was what the original ethical clearance covered. This is set against the backdrop that, as noted in Chapter 1, the limited research that exists in the area predominantly focuses on youth. However, as several contacts said they had women under the age of 18 who would be suitable to participate, in combination with the recruitment process with adult women proving challenging, ethical approval for interviewing under 18s was sought approximately half way through the project. Ultimately, the sample only included one woman who was under the age of 18, as this was the only lead that resulted in an interview within the set data collection timeframe.

The interviews with the female participants were conducted across a range of locations. Flexibility was essential to allow for the interviews to be as convenient as possible for the women. Four interviews were conducted at women's centres, three at probation offices, one in the participant's home, one in a café, one at the RJC's office, one in prison, two at the women's work places and one was conducted over Skype. As a thank you for their time and contribution to the study, the female participants received a £10 high street voucher.

2.4 Analysis and outputs

The data was partially transcribed, then categorised and thematically coded. A semi-structured analytical approach was employed. Thus, while the majority of the codes were pre-set, in accordance with the set aims and objectives of the study, new codes were also allowed to emerge 'in vivo' from the data. This was a useful method for the discovery of unexpected themes in the data.

In terms of research outputs, in addition to this current research report, the project will also produce a short practitioner guide, which will summarise the core findings and draw out the main recommendations relating to best practice in working with women who have committed an offence. A third research output will also be produced following the end of the official project period in March 2016, specifically focusing on new contributions to knowledge relevant to the academic field, in the form of a peer-reviewed journal article.

2.5 Ethical considerations

The research project was ethically reviewed and approved by the University of Coventry's Ethics Board at its outset. This original ethics clearance was updated and resubmitted a few months into the project, to cover the extended recruitment remit of also including under 18s in the study.

All participation in the study was based on informed consent. An information sheet detailing the study and the data use was provided to each participant. Time was set aside for questions and discussion, which was followed by a consent form being signed. Participants in the study were guaranteed full anonymity and confidentiality, and all data has been anonymised and is being stored securely in accordance with the Data Protection Act (1998). In accordance with the RJC's policy and practice, the data will be saved for a minimum of three years following the completion of the study. The female participants in the study were all assigned pseudonyms⁵, and practitioner participants were assigned numbers. In addition, the practitioner data is also identified according to sector (please see footnote 3 above).

Undertaking research with women involved in the criminal justice system requires particular ethical awareness. Participants upheld the right to terminate the interview at any point or opt not to answer a particular question without giving a reason. The majority of the female participant interviews included sensitive and personal information, and some were highly emotional. At such points the woman's wellbeing was always prioritised over and above data collection. Moreover, the safety and wellbeing of the researchers were also an important part of the ethical considerations. Standard safety procedures were adhered to at all times and debriefing sessions were held regularly.

2.6 Limitations of the data

This study was of a small-scale qualitative nature, and focused exclusively on first-hand perspectives of practitioners and women who have engaged in restorative justice conferences. As always with research of this kind, there are limitations in terms of empirical generalisations. That said, the data does lend itself to theoretical generalisations, and can thus extend our understanding of lived female social realities, as experienced first-hand by women who have committed an offence, in the context of restorative justice processes in England and Wales. Moreover, no observational or other external data were collected for this study, and so the findings rely exclusively on retrospective account-making by the participants. In addition, due to the data not being evenly balanced between under and over 18s, the data cannot comparatively explore the qualitative female experiences of restorative justice across these age groups.

In view of these limitations, the findings in this study should be interpreted as exploratory. It would be beneficial for the findings to be built on in a larger-scale research project. It is recommended that such a study should include observational data gathering, to allow for an exploration of, for example, the enactment of gendered scripts in the conference setting.

⁵ Pseudonyms were assigned on an alphabetic system relating to the chronological order of the interviews. None of the pseudonyms have any association with the female's real name.

3.

Findings: Practitioners' perspectives and experiences



This chapter presents the findings from the practitioner data. Overall, the data indicates great variety in practices and approaches, both in regards to gender and more broadly.

3.1 Female access and case selection

Miles (2013), exploring restorative justice practitioners' views and experiences, suggested a prevailing perception that female offenders are more reluctant to engage in restorative justice compared to their male counterparts. This research did not find support for this argument — none of the practitioners interviewed for this study felt that female offenders were less likely to engage in restorative justice. Overall practitioners estimated that 20-30% of their caseload involved a female offender case. This falls in line with the general involvement of females in the UK criminal justice system, with around 25% of court proceedings dealing with female cases in 2013 (Ministry of Justice, 2014).

A broad range of access routes into restorative justice was detected across the data, with great variability both within and across different sections of the criminal justice system. There was no single typical access point — some were victim-led, others were offender-led. For example, one youth offending service contacted every victim, of all ages, which steered the process. In contrast, in one probation setting each offender was individually assessed and profiled for restorative justice, which then determined whether victim contact was initiated. In some areas the police would initiate a restorative justice process, in others cases could be identified in community hubs or recovery services. There was also variability in terms of who was responsible for offender assessment. In some cases the offender manager assessed suitability, in others, cases were referred to a specific restorative justice worker. Despite this wide variability, all practitioners felt that access routes did not differ for male and female offenders. The smaller number of women undertaking restorative justice as an offender was primarily viewed to be related to the small number of female offenders in the criminal justice system as a whole.

In terms of the selection criteria of cases, there was inconsistency in regards to which offenders and what types of offences were viewed as suitable for restorative justice. General selection criteria included assessing the offender for levels of remorse, acknowledgment of guilt and acceptance of responsibility for their actions. There was no

consistency found in the data in terms of assessment tools, however, except in the youth justice system. Overall there was a majority consensus that a standardised assessment tool would be helpful in terms of producing consistency in approaches across the field. In terms of offence type, many practitioners felt restorative justice was suitable for all types of crimes, that the field needed to “push the boundaries” (PR 9: COMM) and dare to include offences often deemed not appropriate. Others expressed the view that some offences, for example those of a sexual nature, or crimes relating generally to power, were unsuitable.

On a managerial level, there were some suggestions that the restorative justice field needed to “walk before it can run” (PR 3: POL), which in practice meant a strategic focus on high volume and high-impact crime. This strategic focus may have an impact on female access to restorative justice, as most female crime is non-violent and acquisitive (Ministry of Justice, 2015) and thus generally considered low-impact. Supporting this view, many practitioners saw burglary cases as one of the most straightforward crime types for restorative justice conferences. Therefore, there may be fewer opportunities for female engagement as a result of particular female offence patterns. As noted by one of the interviewees:

“The messaging is the same, you know, both for victim and offender regardless of male or female, regardless of age. But I wonder sometimes if because we got more, we have less personal victims for women offenders, whether we’re actively thinking around that opportunity to offer it ... Say you stole £5,000 worth from Tesco’s, that may not immediately trigger in my mind that that’s what would be appropriate, you stole £5,000 from your elderly neighbour [and straightaway I’m thinking restorative justice].” (PR 7: POL)

There is, therefore, a suggestion that there may be missed opportunities for restorative justice with female offenders due to the lack of a personal victim. A small number of practitioners had positive experiences of getting shoplifting cases to conference, with positive results. However, a number of practitioners expressed it being a challenge to get engagement from commercial premises, as exemplified here by PR 8:

“With shoplifters, we did [approach businesses], we did, we tried to, but they were a bit sterile about it and they’d say: ‘OK listen, if I can I’ll do it 4 o’clock tomorrow.’ ... So they’d state their time, so that didn’t always work, so no, we didn’t ever take any of that. We tried, shop owners and small businesses, we tried that as well. Again, it would fall apart for different issues, it wasn’t just one specific issue, but it was always time for them because it was their business and they’re running their business and they don’t have time for the meetings, pre-conference talks, you know: ‘Do I want a supporter? No I don’t, I just want to tell them what I think of them’, and then the offender wants a supporter so you can’t have two on one, and yeah, it was all sorts of issues.” (PR 8: COMM)

Given the prevalence of shoplifting offences in the female offender population, it may be that this issue of engaging commercial premises, along with possibly a lower priority of such cases, at least in some areas, has a negative impact on female access to restorative justice.

Moreover, many practitioners stressed that timing was of key importance for successful case selection — a person needed to be ‘ready’. Flexibility was emphasised as an important aspect of this:

“When is the right time to approach somebody? It can be that I can approach someone immediately after sentence, and it might be fine to you ... for someone else it might be the wrong time. So at the very least you’re having a restorative conversation and it could be quite soon after sentence, or it could be as someone is starting to show some victim empathy for example, a willingness to try to change ... to try to break that cycle of offending, then you come in.” (PR 9: COMM)

Again demonstrating inconsistency in approaches, some practitioners felt conferences should be carried out as soon as possible. They felt victims could find it frustrating if the process was dragged out, or offenders would end up being over-assessed until they “switch off” (PR 7: YOS). Others felt it was important to give the process time and “not rush it” (PR 10: PROB), to ensure that each party had time to think about it and discuss it with others.

3.1.1 Preparation work

Thorough preparation work was identified in the data as essential to a successful conference. Major subthemes in the area of preparation included managing offender and victim expectations, and ensuring that they are all there for the right reasons. A small majority of the interviewees expressed some gendered differences in the volume and nature of preparation work in female and male cases. As suggested by PR 3:

“I think we have to be more flexible [with female cases], and I think we have to, it’s that whole preparation that goes into it, you know? You really have to understand the complexity of the females’ lives, which will be more, as I said, than the males, but you have to, before you go into that conference, it might take more time, more preparation, more flexibility and more understanding. There’s issues that might never come out, issues that you can’t research and prepare for beforehand, that’s the reality, it’s just more complex.” (PR 3: POL)

Therefore, due to the higher levels of complexity prominent in female offender cases, there is a suggestion in the data that preparation work may take longer and be more demanding. This complexity was not expressed as an impediment to engagement, however. Instead, it was highlighted that an awareness of the issue may be valuable, as it may mean that it takes more time to reach the point of ‘readiness’.

3.2 Barriers to engagement

The majority of the barriers to engagement that were identified in this study were not gender-specific but general. These will be familiar to anyone in the restorative justice field and included both individual and structural factors. On an individual level, lack of both offender and victim engagement, due to already moving on or not wanting to think about the offence, were highlighted as barriers. Lack of victim engagement was especially prominent in the youth section of the data. In terms of offenders’ willingness to engage, a small minority of the practitioners felt that offenders were more likely to have an interest in participating in restorative justice if they had some previous awareness of it. For example, a number of practitioners mentioned the Sycamore Tree programme in prison as a useful starting point for offenders to consider the impact of their behaviour.

From the perspective of practitioners, major structural barriers included a lack of political will and investment, a lack of robust evidence, missing resources and a discontinuity of or inconsistency in provision. For example, a small number of practitioners had been involved in time bound pilot schemes, which abruptly stopped when funding finished leaving the project, and the people involved, in disarray. This had negative consequences for all involved, including a small number of female offenders who had participated. When discussing the issue of discontinuance of provision, one interviewee highlighted the need for consistency, as well as joined-up working across the field:

“I personally gave my number to three offenders, my personal number ... because I wanted to make sure that the outcome agreement came out, because I didn't trust the probation office to do what they said, cos' they're so inundated with work. I felt like I was just another thing they pushed aside, because it was — no offence to them — it was just the way it was running for them.” (PR 8: COMM)

Discontinuance of provision, combined with heavy workloads and a lack of joined-up working, therefore meant that conference outcomes were not always prioritised. Overall, this lack of a coherent approach across the field was experienced by many practitioners as a major barrier. As expressed by PR 5:

“The whole thing is a mess, because I don't think people really, the majority of people who are making the decisions ... really don't know what they're doing. They don't know what they're meant to be offering. ... When we got a service that is embedded nationally and people know where to go ... then it's not about whether it goes to conference or not, it's just about having the option to explore it. Then it will be working. But some counties only work with young offenders, some counties only work with people post-conviction, some counties don't work with anybody post-conviction, some counties only focus on victim referral, some counties, I mean it's a mess! ... It's a massive lack of consistency nationwide.” (PR 5: COMM)

Another major barrier that emerged strongly in the data was lack of public and professional awareness and understanding. Many thought more people needed to know what restorative justice actually is to understand it and engage with it. Some suggested that the term itself was unhelpful, even a 'turn off':

“It's getting people into that engagement. Once people have engaged ... overwhelmingly there are benefits ... But restorative justice is a turn off for people. I do not make contact with people and automatically say: 'I want to talk to you about restorative justice'. If I'm talking to an offender then: 'I want to talk to you about your experiences as an offender' ... and then we start to talk about the rest, the restorative practice and what this can lead to, how it works, what the direct and indirect processes are, the options are there, and be realistic and honest with people.” (PR 9: COMM)

In support of previous research findings (Miles, 2013), offender managers were a group identified by several practitioners as presenting a barrier to offender engagement. Specifically, case managers were identified as playing a critical role in the engagement process, but some were deemed to be protective of 'their' offenders:

“I think sometimes case managers are scared ... Sometimes they are a bit protective of their young people, so the offenders, and they’re like: ‘Oh they couldn’t possibly do that’ ... So sometimes, you know, we then have to, we kind of go out and visit the young person ... I think it was a lack of confidence in the beginning to be honest, about them not being sure, whereas now we’re seeing many more, actually, yes this person would be willing to engage.” (PR 1: YOS)

Further training of case managers may therefore be a useful aspect for lowering barriers to engagement.

3.2.1 Gendered barriers to engagement

While the vast majority of barriers identified above were not gender-specific, apart from case selection issues in regard to shoplifting offences, a few interviewees noted some particular barriers to female engagement in restorative justice. These particularly revolved around the complexity of women’s lives, and the multiple challenges they are often dealing with:

“I think there’s a complexity for women offenders in so far as I think that there are factors beyond the crime much more often than in a male offender type environment. And therefore actually, it’s trying to unpick and to help them, support them with the things that are going on behind the scenes that are far more complex, probably, than perhaps in a man’s world.” (PR 7: POL)

“I think the challenge is with women who’ve got complex needs sometimes, some women, is that it’s not a priority because they are living such challenging lives. So that is a distant thing which they, they need to focus on what’s happening. So I think, for some of the women, within the chaos that they live every now and again they go: ‘Actually I could go and say sorry about that’. So there is an awareness of the remorse, but actually they’ve got so many other things that they can’t stick with that because something else comes in and trumps that particular desire.” (PR 4: PROB)

The issue around heightened complexity in female offender cases potentially acting as a barrier to restorative justice engagement was prominent in a small majority of the data. There is, then, a suggestion linking with the findings in section 3.1.1 that it may be more challenging to get a female offender case to conference due to more issues that need attention before the case reaches the point of ‘readiness’. An awareness and understanding of these issues may be useful when developing effective and ethical restorative justice working with women.

Additionally, in support of previous research (Miles, 2013), there was a suggestion by practitioners that prior relationships between offender and victim were more common in female cases, thus making these cases more complicated. Although it did also appear in the adult section of the data, support for this theme was somewhat more prevalent for those working with young offenders:

“I think what girls probably find more difficult is getting past that prior relationship. You know, whether they feel they can physically step into a room and face the person that they were once perhaps friends with. So I think that’s probably the difference. It is definitely more complex.” (PR 1: YOS)

As highlighted in the literature (Daly, 2002; Hayes and Daly, 2003), cases involving previously known parties, especially girls and 'punch-ups', have a different dynamic, including containing more contested facts and less apologetic behaviour. In turn, such conferences have been found to have lower levels of positive outcomes, including reoffending rates. The higher prevalence of these cases, especially among young females, may have gendered consequences in terms of conference impacts.

3.3 Practitioners' views on gender and working approaches

This study found clear evidence to support previous research (Miles, 2013) that there is a lack of consistent approach to gender in the restorative justice field. There were also a variety of viewpoints on gender and pathways to offending, with some practitioners recognising difference and others emphasising similarity. Furthermore, there were also clear dividing standpoints on practitioners' subjective conceptualisation of their working role in relation to this. So for example, a small number of practitioners felt that the individual's background rested firmly outside of their role:

"My field is not to look at why people do, and [pathways to offending] is certainly not something I ever explore when I am taking on a case, why people got to where they got to is not my job as a restorative justice facilitator. That might be a therapist job or a probation person's job, but it's not my job. My job is to look at whether they have victim empathy, what the crime was about, whether they take responsibility for the crime, whether they show remorse for the crime, whether they want to make amends for the crime. My job is not about exploring what got them to that point." (PR 5: COMM)

Other practitioners viewed their role as including at least some exploration into an offender's background, including gendered aspects of this. In turn, this was then an awareness that they brought into the restorative justice process:

"I think I am always mindful of, with women, because I think women are so harshly treated by the criminal justice system anyway ... So I think possibly in the early stages, so before we get to conference, I would be different with women possibly than I would, I would be more mindful of how they have come to be in a position where they have committed that crime." (PR 10: PROB)

These different subjective attitudes towards their own role and responsibilities towards the offender will inevitably have consequences for the female experience of restorative justice. That said, regardless of the view on gender approaches in the working process overall, there was a consensus in the data that conferences should be aimed to be managed in the same way regardless of gender, based on individual needs and sensitivities. For example:

"When it comes to the actual conference, partly because it's scripted, I don't think there's a need for it to be different, once you actually get to the conference stages. I think it's just about being respectful of both sides." (PR 10: PROB)

"Every case we build around the case ... I would be sensitive to the needs and requirements of the individual concerned, and that would apply to both male and female." (PR 9: COMM)

However, a few practitioners re-emphasised a particular value of flexibility and the importance of being mindful of the higher likelihood of complexities in female offender cases:

“I think we jump ahead in the process, so we got an offender and we go: ‘Wouldn’t it be great if you met that person and you apologised’. We might get them to that point but it might actually take a whole load of work behind the scenes to unpick the complexity of their own situation before they get to that point.” (PR 7: POL)

This complexity means that women may need more support for the conference to be successful, as more ‘unpicking’ is required.

3.3.1 Training

None of the practitioners interviewed in this study had received any particular training on working with women in restorative justice. Reflecting the different views on the role of gender, as noted above, there were mixed responses on whether particular training on gendered issues would be useful or not. Some practitioners rejected the need for this and argued for complete neutrality:

“I treat every case sensitively, so I don’t get how that works, to be honest. I’m a bit lateral, I guess I think a bit more holistically, maybe, I don’t know ... It’s about not to bring in your own judgements in this, which is hard for people, I get that. So I’m totally neutral, I’m here for everybody.” (PR 6: YOS)

In contrast, and recognising that working with female cases was different, a number of practitioners felt there is a need for a different approach. This was something that was identified as already being in place in the youth offending service:

“We’ve got particular packages of work that we work with, with girls in particular. We see that girls work in different ways to boys, so their relationship with the people they work with. So based on all of that you would want to suggest that yes there should be something different [in terms of training].” (PR 1: YOS)

Moreover, specialist skills may be required when working with certain type of offenders. As expressed by one practitioner working in the community, when discussing assessments for mental health, they admitted that some practitioners do not even risk assess for this, because: “We don’t know how to, that’s the problem.” (PR 5: COMM). Indeed, several practitioners highlighted the special skills required in identifying complex needs, which are likely to rest outside of restorative justice workers’ remit. As noted by PR 7:

“It’s about understanding that it is far more complex than the simple female offender label. And therefore it does need those extra considerations around the person. What led you to be where you are today, and tracking that back. That’s gonna take an awful lot of time and it’s gonna take some specialist resources as well, way beyond the general skills and abilities of a restorative justice practitioner.” (PR 7: POL)

The training requirements that appeared prominently in the data all revolved around complex needs. Most practitioners did not, however, feel that these were necessarily skills that were needed by a restorative justice worker. Rather this is where the role of signposting came in. Signposting and multiagency working is further explored in section 3.6.

3.4 The role of gender in the restorative justice conference

There were some prominent themes on how gender influenced the nature and dynamics of the conference event. Overall, while it may take women longer to get to the conference, many practitioners felt that when they do take part it is more heartfelt. PR 7 linked this to women internalising more:

“I think there’s a fundamental difference between men and women. A man probably wouldn’t, we don’t tend to internalise stuff as much, we probably, it’s kind of, it’s done and dusted then, so it’s kind of an easier thing to do. You know: ‘yeah I’m sorry,’ you move on. While actually, for a female offender it would probably be more heartfelt to be involved in that process but they’re not ready and they’re not in that place to be, because they’ve got all these other things to deal with.” (PR 7: POL)

This theme overlaps with another gendered theme of communication. It was generally felt that girls and women were better communicators, who like to ‘tell a story’. It was deemed that this positively impacted on conferences, making some female cases ‘easier’ for facilitators. These overlapping themes are illustrated by PR 8:

“Massive difference [between male and female conferences], because they spoke a lot more ... With a woman offender, we just sat back and they spoke, you didn’t have to read off the questions off the script and unticking every question, cos’ they’d covered every angle ... Less prompting, cos’ they’ll just start and then they’ll carry on ... With a man you’d, they’d say a sentence and then they’d look at you for guidance, and you’d go ‘ok so what did you feel about this?’ And then they’d answer that and then they’d look at you again. Yeah so there was a lot of scripted moments with men, with women it was more heartfelt.” (PR 8: COMM)

While there was a sense of more heartfelt involvement of female offenders, the level of emotional display in the conference was not clear cut. The majority of practitioners discussed the complex relationships between the expression of emotion and gender in the conference setting, as illustrated by PR 10:

“If anything it’s been more emotional dealing with men ... it is such a cathartic process, and I think because women operate at a more emotional level generally, that restorative justice isn’t anything particularly more emotional than they’re used to ... from early on women are encouraged to be emotional, so it’s not considered, you know, it’s not a negative thing for women to be emotional, whereas, you know, from early on little boys are discouraged from showing emotions ... So actually when it comes to conference, a restorative justice conference, men are confronted with a situation where they can’t help themselves ... I think for men it is, it is quite often the most emotional thing they’ve done for a long time, and it’s ok to be emotional in that situation.” (PR 10: PROB)

This more complex portrayal of the association between gender and emotion in restorative justice conferences hints at a challenge to previous studies that suggest that female offender conferences stand out as being more likely to involve physically displayed emotions (Miles, 2013).

3.4.1 Relationship building

Relationship building came across as a strong theme in the gendered aspect of restorative justice working in and around conferences. There was a dominant view in the data that relationship building plays a particularly important role for effective working with females. As exemplified by PR 1:

“Girls are more needy, they need to build that relationship, boys they just turn up to their appointment, they do what they need to do and they’re off again. Girls invest a lot more in their court orders, and I think they need that investment from you as well ... I do think that where we’ve been successful in working with girls it’s because they’ve built that relationship with that person.” (PR 1: YOS)

A few practitioners mentioned the aspect of considering the gender of the facilitator, though when clarifying this point, these references were typically most relevant for cases where women were victims rather than perpetrators. Linking to the overall theme on relationship building, some practitioners did emphasise that the woman’s relationship with the facilitator would, however, be key:

“Very often what they got out of it was the relationship with the facilitator as much as the conference. It was such a supportive relationships, it was so non-judgemental, it was so willing to see the best of her, and it was so, it was empowering, it helped her to believe she could do it. So I think the importance of the relationship is possibly more important to empower the women to believe they can do it, when they maybe have some self-doubts.” (PR 4: PROB)

Interlinked with the importance of relationship building, the data suggested that how restorative justice is introduced might also be important, with some indications that it may be more effective coming from another woman. The relations that the woman has with the person who introduces it to her, and how it is introduced, may therefore be significant. This includes assuring the woman that restorative justice will not involve being cross-examined or interrogated:

“Personally I think if there’s people that can explain it to them ... actually talk to these people about what it means, and not make it, you know...anything other than normal chit chat. You know, just explain it, I think women would like it ... And that they’re not being told off and they’re not being told they have to do it as part of their sentence, it is just something they might want to do ... To me, for women it [communication] is needed. For men it is less ... So for me a female offender needs more attention ... If you’re very robotic and read off a script, me personally, I wouldn’t want someone dealing with me like that.” (PR 8: COMM)

When thinking about increasing female participation in restorative justice, therefore, it may be valuable to take into account relationship building, and consider how it is introduced and who by. The data suggests that this may encourage more women to take part, as well as provide a more positive experience.

3.4.2 Maturity and gender

Several practitioners suggested that girls generally mature earlier than boys. However, data on maturity also highlighted the complexity of this area. In particular, it was a clear expression that maturity is much more than a particular age:

"[Maturity] is another massive area that I think is under-understood, or underused I suppose ... You know, you say there's earth age, we all got an earth age, but we all got an emotional age as well and they don't always tally up. And I think this is where we're very old-fashioned in our criminal justice system, to be honest." (PR 6: YOS)

"I don't think that, you know, you can have a 28 year old who's got a potential emotional age of 17, may it be a boy or a girl." (PR 5: COMM)

Some felt there was a gendered layer to the question of maturity, and expressed that due to many female offenders' life experiences, though they may mature earlier, they may still be young in many ways:

"Female offenders some have horrific lives, and they have no understanding of warmth and care, you know? ... They're vulnerable, a lot of them, I don't want to stereotype, but in my experience a lot of them [women] have come from, you know, children's homes, they're looking to be loved, they're trusting, they want someone to guide them. They're just really naïve and vulnerable, kids, even the 30 year olds are still kids. And they feel terrible for what they've done." (PR 8: COMM)

These findings support previous research demonstrating that maturity is a very complex matter, which should be interpreted as a process rather than an event, and that many individuals continue to lack the social, psychological and emotional maturity far beyond the age that legally situates them as adults (Marder, 2013). Some of the manifestations of lack of maturity in young people that practitioners are encouraged to consider, such as the impact of chaotic lifestyles and lack of agency (Marder, 2013), may also be beneficial to consider when working with women who have committed an offence.

3.5 Gendered benefits versus disadvantages

In terms of benefits and disadvantages of restorative justice, overall, the practitioner data was, maybe unsurprisingly, dominated by benefits. However, the majority of these were general rather than gender-specific. Major highlighted benefits included restoring harm, encouraging victim satisfaction and care, fostering offender insights and reductions in reoffending, cost-benefits to the system, and a chance for both parties to reach a resolution and rebuild their lives. Though most interviewees acknowledged benefits to both offenders and victims, there was an overall dominance of victim-focused benefits. The majority expressed the opinion that restorative justice needs to be victim-led, a viewpoint that they felt was encouraged in restorative justice training.

The interviewees were invited to reflect on gendered benefits and risks. Some practitioners felt that gender was not a relevant factor for benefits and disadvantages in restorative justice processes. Rather, the core variable involved the skills of the facilitator:

"I think good restorative justice is the measure, rather than the gender ... I think there's a direct correlation between the skill of the restorative justice facilitator and the outcome." (PR 4: PROB)

However, two gendered themes did emerge in the data, which concerned a perception that female offenders typically had higher levels of emotional intelligence compared to

men, as well as higher levels of empathy. The data suggested that due to this higher level of emotional awareness, empathy work might be easier in female cases. This also overlaps with the previously noted finding regarding how female conferences were often more 'heartfelt', and how women communicate more. Overall, there was a suggestion in the data that these factors may mean that the restorative justice process brings particular benefits to women. As exemplified by PR 6:

"I think the whole concept of restorative justice is about communication, at the end of the day. There's a lot of miscommunication going on with human beings, and I think this is what causes a lot of problems in life. And if they could see a process being professionally ran and actually feel good after it, then hopefully they will apply that into their life and they will talk more, instead of listening to others. So in that sense I think it is really beneficial, because it is showing them another way, a grown up way, a mature way of sorting out conflict or dispute. And I would say that's more beneficial to girls, cos' girls are communicators ... With boys, they're very one-track minded, do you know what I mean? Whereas girls I think they get the concept in all forms. So girls are a little bit more intelligent, emotionally intelligent." (PR 6: YOS)

Conversely, some practitioners suggested that a more heartfelt involvement meant female offenders may experience more challenging emotions linked to the conference. Shame and guilt, and associated risks, were especially highlighted in this context by a number of practitioners:

"I imagine that it could make their self-esteem worse. It might be times where, if they're quite vulnerable, it could make them feel dreadful. And if, there's a lot, apparently there's a lot of self-harmers in Holloway, and other ladies' prisons, but Holloway, it's a massive problem there. So there could be those issues, which is something that has to be looked at." (PR 8: COMM)

This gives some support to the limited literature in the area, noting that restorative justice may exacerbate female offenders' mental ill-health (Miles, 2013; Alder, 2000). Conversely, while acknowledging this risk, a couple of practitioners saw restorative justice as an opportunity for these emotions to be managed in a 'less destructive' way:

"I think with the female offenders that they're...I think because they experience shame in such a particular way, and I think maybe it is different to the way men experience shame. ... I think women are very in touch with their emotions, but the emotion of shame is so painful, whether it is to do with their own, the abuse they've experienced themselves, that there is more likely to be more self-harm. So I wonder whether, thinking about it, that restorative justice might get them, help them ... manage the shame in a way that is not destructive ... It's such a respectful intervention, it could help them see that this is an incident that they can get closure on and that they can give the victim closure on, that might give them the impetus to, kind of, work on other interventions. So I think that's, restorative justice is not a programme for changing your behaviour ... it can create great impetus for having a different type of life." (PR 4: PROB)

There was also a concern among some practitioners that women in criminal justice are generally more vulnerable, due to being in the system. There was an associated risk of restorative justice increasing their vulnerability, if not managed correctly.

Acknowledging this risk, while women who have contact with the criminal justice system often come from a disempowered background, restorative justice was also presented as an opportunity to empower, as suggested by PR 10:

“If you take the point that women in criminal justice are disempowered a lot of the time ... actually being able to take part in restorative justice is an incredibly empowering thing to be able to do. You know, not only are they given an opportunity to apologise and make amends, but what they hear back is that that it's OK, that they are forgiven, that it's OK and, you know, sometimes, the victim will say: ‘Yes I would like that person to do X Y and Z’. ... So they actually get a chance to do something practical as well. But more often than not it's not that, it's just that the victim really welcomes and appreciates the fact that they've had the courage to face them. So again this whole thing just becomes this very positive affirming thing to take part in, that everybody comes away feeling that something very very worthwhile has taken place. And it is life-changing.” (PR 10: PROB)

Interlinking to the gendered theme of internalising, some practitioners felt that due to women internalising more, restorative justice may lead to more long-term benefits:

“Women don't forget. I think men, in my experience, they can forget about emotion, they can cry, we've had bogies hanging down and sobbing and pleading for forgiveness, and five minutes later they're talking about the football results. Whereas women are distressed for hours, you know, long time after, and they don't forget. So I think that's where it can be powerful.” (PR 8: COMM)

The findings therefore suggest that due to a possible more heartfelt involvement by women, along with an internalisation of emotion, female offenders may especially benefit from good post-conference support to reap the full benefits of restorative justice. Linking this to the theme of relationship building, a continuance of support from the same worker is likely to be most beneficial.

Acknowledging a higher prevalence of prior relationships in female cases, there was also a suggestion that repairing these relationships may have a greater impact, with implications beyond the actual offence:

“With the kind of prior relationships ... for females it absolutely repairs those relationships, because they were, there was a link before. So for instance in the X case, it happened at school, they were in the same year, they were both leading up to their GCSEs, so it was really important for both of them, and yet it was this incident that had made things really kind of awkward. And actually ... by the end of it [the conference process] the awkwardness had gone. The offender in particular, her attendance at school improved significantly ... So in that respect it was just huge.” (PR 1: YOS)

Moreover, some practitioners expressed the view that some women need more support networks to help them stop offending, which restorative approaches can help with. Here some potential gendered differences were suggested:

“It's a series of restorative meetings, to give her the support system that she needs after prison, and to rebuild her relationships with her family. And do I think that's potentially more beneficial for women than men? Yes.” (PR 5: COMM)

Finally, there was a gendered theme present in a minority of the data around negative stereotyping of female offenders. The presence of preconceived ideas about gender and behaviour in community representation was identified in referral order panels, for example:

“I think it is just trying to keep a balanced view, because you try, you know, the criminal justice system ... well they criminalise females more than, you know, because of this whole idea of: ‘you look like a nice-looking girl, why did you get involved? You shouldn’t have done that!’ And I think that’s key, to try to keep it balanced, and just give, um, an offer of an equitable service, and an opportunity, and just be led by what they want out of it and then support them through that whole process ... I have seen on the odd occasion, where it’s ... ‘it’s a girl and she’s assaulted?’ Where it’s: ‘oh he’s assaulted’. So you say: ‘no hang on, this is a young person,’ male or female, you shouldn’t, you shouldn’t differentiate, deal with them as who they are, not that preconceived idea that: ‘oh they’re female and this is absolutely disgusting!’, whereas if it would be a lad it would be alright.” (PR 2: YOS)

In addition, this was also a theme that was present in the data coming from within the criminal justice system, including a recognition that the way women who have committed an offence are judged is likely to be different than their male counterparts. In turn, this may have consequences for their experience of justice, including that of restorative processes:

“As well, how do people within the law and order, do we deal differently with ... female offenders? I think probably yes, you know, because society does ... You know, because we do things, like: ‘How can you do that when you got three kids and you’re a mother?’, and you know, we’re not saying that about dads who do that.” (PR 3: POL)

It is exactly due to this double breach, of both gender norms as well as legal norms, that the female offenders have been positioned to be ‘doubly deviant, doubly damned’ (Heidensohn, 1996; 2002; Lloyd, 1995; Carlen, 2002). The presence of this theme in the data gives support to this also being relevant for restorative justice practices, with gendered scripts being drawn on within some processes. Practitioners should be mindful of the importance of upholding good practice in terms of ensuring that female and male offenders are treated with equity. This must include an awareness and questioning of the presence of gendered judgements. This will reduce the risk, highlighted in previous work, of particular gendered norms and ideals about suitable behaviour being reinforced in restorative justice processes (Cook, 2006; Balfour, 2008).

3.6 Partnership working

Most practitioners identified partnership working as essential for effective restorative justice work. However, the general consensus was that this was not currently happening. As expressed by PR 10, restorative justice is ‘missing a trick’:

“There are little pockets of restorative justice, it’s so not joined-up though at the moment. You know, the police are doing their bit, but that tends to be pre-sentence, and then you’ve got ... a housing association ...

and they have their own sort of restorative justice team, so they're doing a little. And then there's me in probation, but I'm the only person coordinating it ... So you've got these little pockets, and I'm sure that's the case up and down the country, but there are various [organisations], but there's no joined up thinking on it at the moment. It seems like we're missing a trick!" (PR 10: PROB)

There were some examples of good practice within the data where there was linked-up working, practices of sharing information and clear referral mechanisms. Though there were some limited examples of it in other sections, good linked-up multiagency working was especially identified in the youth section of the data. In the youth sector restorative justice sat in the context of multiagency team working, where for example a team would consist of a mental health worker, a substance abuse worker and an educational worker. There were also clear overlaps between restorative justice working and other work with the young person, including special packages for working with females. The value of this type of multiagency working came through very clearly in the data. The prominence of this theme in the youth section of the data gives clear support to previous research showing that young people have better access to mental health support and drug and alcohol interventions than adult populations in criminal justice (Marder, 2013).

Recognising the themes highlighted in section 3.1.1 regarding the need for specialist skills to unpick complex needs, several practitioners emphasised that this area particularly needed good partnership working. For example:

"It must be done in partnership ... For the police to get it right they have to be working with people who are already doing it well, with the right skillsets." (PR 3: POL)

The skillsets required for treating complex needs and performing restorative justice are likely to be rather different, and restorative justice workers should not be expected to fulfil all roles. Arguably this makes good referral and signposting practices, situated in the context of partnership working, even more important. As exemplified by PR 7:

"I think what it could do is that it could provide, a restorative justice practitioner could provide a catalyst for a referral ... That's what we need to do, rather than just, just go back and revisit it once whatever it is that's going on has been dealt with." (PR 7: POL)

Indeed, some practitioners recognised restorative justice as an opportunity for women to be linked in to appropriate support. As also suggested by PR 3:

"A lot of these women offenders to turn their life around, or get some support, or break away from it, they need a bit more ... A lot of them will need encouragement for the chaotic lives they have going on as well, so it's a case of, you know, this is your opportunity to stay out of prison, to get some support, to think about your children, to think about yourself." (PR 3: POL)

As expressed clearly by a significant majority of the practitioners, due to the complexity in their lives, restorative justice is likely to be one of many mechanisms that can offer positive change for female offenders.

3.6.1 The role of women's centres

To echo Miles' (2013) findings, this study found major scope for partnership between women's centres and restorative justice facilities. As noted by organisation such as Clinks (2014) and AGENDA (Scott and McManus, 2016), gender-specific services are more likely to offer service provision that is gender-responsive, and have the right expertise to identify and effectively treat complex female needs. Situated in a safe, familiar and supportive space, women, and those supporting them towards change, are more likely to make informed decisions about suitable processes. The value of 'one-stop-shop' working with women in the criminal justice system was recognised in a small section of the practitioner data. As noted by PR 10:

“The things outlined in the Corston report as being the most effective of treating women offenders, and absolutely it does work! It's quite extraordinary what difference it makes. So women are already using this centre and are familiar with the fact that, you know, it's a one-stop-shop, where you can go to get help with housing, with debt, with getting a CV, with anything ... There's so many things happening in this one building, so when they actually get sentences to do the women's programme, they're going somewhere they're already familiar with ... And as a result, offending rates are reduced ... It really does make a difference”
(PR 10: PROB)

A small number of practitioners in this sample had attempted to liaise with women's centres, but with little success. There were hints in the data of a reluctance from professionals in women's centres to engage with restorative justice, potentially due to them working at a highly stretched capacity. Indeed, many of the centres contacted for this study had lost their funding, or were so overwhelmed with work that they could not engage with the study. However many expressed an interest in the development of some form of partnership working in the restorative justice area. It is suggested that this would offer a good opportunity to deliver effective and ethical forms of restorative justice with women who have committed an offence.

4.

Findings: Female offenders' perspectives and experiences



This chapter presents the key findings from the female participant data. As outlined in the methodology chapter, a total of 14 females who had committed an offence were interviewed for this study, 11 of whom had engaged in a full restorative justice conference where all parties involved in the offence were present or represented.

4.1 Access to restorative justice

There was a great variation in terms of how the women who took part in a conference came to access restorative justice. For some it was suggested by the police or probation, one had it suggested to her through a member of staff at a women's centre, one was victim-initiated, one was offender-initiated and one woman was introduced to it by her barrister after they were approached about a new pre-sentence restorative justice pilot scheme.

The vast majority of the women interviewed had not heard of restorative justice prior to this initiation. However, two were aware of it through television shows and one had undertaken the Sycamore programme in prison, both of which gave some familiarity and a greater sense of what the process would entail. Echoing the findings from the practitioner data, there was wide variation in the length of time between the offence being committed and the conference taking place, ranging from two weeks to 11 years. Some women were happy with the time it took, as it allowed time for them to reach the point of 'readiness', as exemplified by 'Magdalena':

"When it was first raised I think it was agreed that we'd leave it for a couple of months, wasn't it, yeah [I wasn't ready]. It was very easy to keep putting it off, but it was always there in the back of my mind." ('Magdalena')

Others were frustrated at delays, as it dragged out anxieties and also possibly deterred the victim from participating. 'Laila', for example, felt that the benefits of the conference were reduced due to the length of time that had elapsed:

"It was a long, it was 12 months more or less that I didn't have any contact with anybody, other than a police officer probably three times in that year ... I think perhaps in those early stages in might have been beneficial, because then I could

have gone and spent those 12 months and the time I was in [prison], knowing that my colleagues didn't despise me, and it might have been more likely that [person she felt most guilt towards] would have met me, cos' it was raw, you know, it was fresh for her then ... Yeah, I think if it was early, pre-sentence, it may have made more of a difference." ('Laila')

Supporting the findings from the practitioner data, flexibility was emphasised as an important factor in terms of getting the timing right. However, reiterating the point on inconsistency, this flexibility only reaches as far as the available schemes in the area. That is, 'Laila' was not approached about restorative justice until some time after her sentence, when she had already struggled with anxiety and guilt during her sentence. The data suggest that it may be beneficial for restorative justice to be offered at the earlier stages of the criminal justice process, when the offence is still 'fresh'. It is then essential, however, to allow for flexibility following this introduction, in terms of length of time in getting the person 'ready'. Bearing in mind the findings from the practitioner data, it may also be that this flexibility is even more essential in female offender cases, as there is a suggestion that it may take longer to get female offenders to a place of 'readiness' for the conference compared to male offenders.

4.1.1 Motivations for taking part

Most of the women interviewed were initially quite uncertain about taking part in restorative justice. However when the process was explained to them in more detail, they typically felt quite strongly that it was something they wanted to do. The reasons for taking part varied. Some wanted to achieve closure and give a sense of context to their offending, as noted by 'Holly':

"I just wanted them to see that it wasn't cut and dry, there was a lot of stuff going on in my life." ('Holly')

One woman was quite honest about how she initially agreed to do it in the hope of getting a lighter sentence. However, this changed as the process went on, and she also began to consider the importance of closure for the victim, as well as herself:

"I sort of did it at the beginning to see if I could get a bit of a lenient sentence at first, but then as it got closer to my release [from prison], I thought that it probably would be a good idea for the victims to have a bit of closure, and sort of for me as well...it might make me see what I've done." ('Gillian')

The motivation may therefore develop and shift depending on where in the process the woman is. Others wanted to meet their victim to apologise, get their side of the story across, along with giving the victim a chance to see the offence in a different light. As exemplified by 'Faye':

"I was given this leaflet and asked whether I'd be willing to meet the victim basically...which obviously was a huge decision ... I was very anxious, to be honest with you ... You know, you always want the opportunity to tell your side of the story, if you know what I mean? So regardless of how it was, I did want to say my apologies. Cos' I know for a fact as well, that the reason why I believe restorative justice is pretty much, and I know this is gonna be the question at the end, is the fact of, like, the actual victim gets an opportunity to say their side ... It's like seeing the reasons and the actual person behind the offences." ('Faye')

More than highlighting the various motivations for taking part, 'Faye' also highlights another major theme in the area of motivations. That is, for the vast majority of the women, agreeing to take part was often not a decision taken lightly. Rather, taking the decision to meet their victim was a daunting task, which often brought about anxiety.

This theme of challenges to motivations for agreeing to take part also found clear support in the data with women who had not had the chance to participate in restorative justice. They all agreed that it was something that should be offered, but when asked to reflect on whether it would be something they think they might do themselves, all three rejected the idea. For one of the women this related to the challenging emotions she anticipated would come from it. The other two, however, rejected the idea of participation due to the fact that they did not consider their case to have a victim. One of the offences related to drug dealing, and the other had committed an offence against a family member, who had since passed away. Both expressed that they would not engage in restorative justice on the basis of there not being a victim, as argued by 'Deborah' (in conversation with 'Cassandra'):

"I don't think I've got any [victims] 'No I don't either ('Cassandra')'." You know what I mean, I did not deal to people who did not want to be dealt to, do you know what I mean? I did not drag people off the street and say: 'You're having it', do you know what I mean?' They came to me, they were already doing it!" ('Deborah')

This suggests that restorative justice may have a role to play in helping offenders to recognise the broader impact that their offence has had on other, less immediately apparent, victims. With drug offences (Malloch, 2003), and offences involving a prior relationship (Miles, 2013) being more common among female offending, this finding may have gendered significance.

4.2 Offence and background

The majority of the women's offences related to shoplifting and various forms of fraud and theft. This falls in line with evidenced patterns of female offending, with non-violent, acquisitive crime dominating the statistics (Ministry of Justice, 2015). However, there were also two cases that would be classified as more serious in nature — a false allegation of rape and a murder.

4.2.1 Contextualising offending

Falling in line with existing evidence (Corston, 2007; Gelsthorpe et al, 2007; Rungay, 2004) the vast majority of the women's offending took place in the context of complex circumstances and needs. Poor mental health was a dominant theme in this area, with the majority of the women reporting struggling with various forms of mental health problems at the time of the offence. There were also a range of issues in the data around coercive and violent relationships, living with the consequences of trauma and abuse, childcare, poor physical health and financial hardship.

Giving support to previous studies into responsibility and blame in the context of victimisation and trauma (Rungay, 2004), this study found that previous victimisation, trauma or mental health problems did not imply a subjective removal of culpability on behalf of female offenders. That is, none of these issues were viewed by the women themselves to provide an excuse to their offending behaviour. In fact, many of the women

were keen to emphasise the opposite, stressing how the context of their offending was not an excuse. As illustrated in this quote, for example, from 'Amelia':

"I did say what had happened, so I talked about the rape, I said it was non-consensual when I got pregnant, and that I had post-natal depression. That's what I said, but that was no excuse for what I did though ... And they said they forgave me, but I still haven't to this day to be honest with you, I still beat myself up about it." ('Amelia')

In view of the extensive research showing the considerable overlap between victim and offender for the majority of female offenders (Verrecchia, 2009; Rungay, 2004), this theme of taking responsibility for offending, often closely interlinked with guilt, in the context of trauma is likely to be of a gendered nature.

4.3 The conference process and preparation

Supporting previous research in the area (Daly, 2008), the interviews clearly showed that restorative justice conferences are very variable events with different outcomes for those involved. Despite this variability, all of the women who were interviewed for this study said that they would recommend it to others. The reasons given for this were multiple and varied. Dominant themes were about seeing different viewpoints and understanding the damage caused, as exemplified in these quotes:

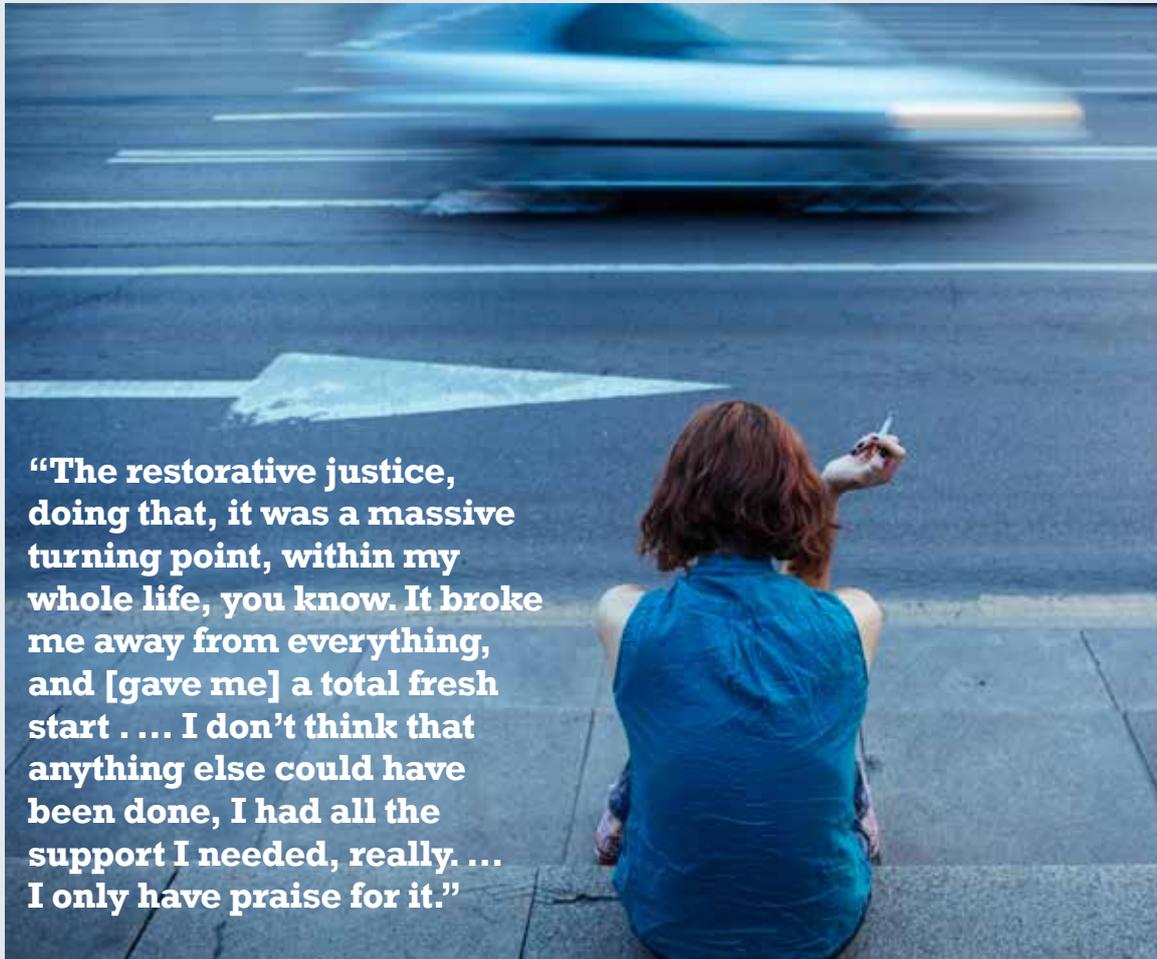
"It helps you see things from other people's point of view, because if you're a criminal you're very selfish, let's face it you are, because it's a very selfish act, because if you thought about that person you wouldn't do it." ('Amelia')

"It was nice to hear all their perspectives." ('India')

Recognising that the overall experiences were positive, certainly not every aspect of every conference proceeding was positive or well organised. This section contains two case studies, showing the stark contrast in experience between different women. The first case study portrays the restorative justice experience of 'Keira', which was hugely positive. It clearly illustrates the value of good preparation work and effective organisation of the event, the importance of suitable and holistic support, and how joined-up working between different agencies and centres can help a woman turn a corner in her life. The second case study is of 'Faye', and demonstrates some of the severe concerns raised by poor restorative justice practice. This includes inadequate assessments, poor organisation of the event, the challenges of mental health in the conference process, a lack of joined-up working, the negative personal consequences of projects losing their funding and, overall, the limitation of what restorative justice as a standalone measure can achieve in terms of positive change in broader offending factors.

Following these two case studies, the section goes on to explore the conference process and highlight different experiences within this, demonstrating both good practice and areas that could benefit from improvement.

Case study: 'Keira', 44



“The restorative justice, doing that, it was a massive turning point, within my whole life, you know. It broke me away from everything, and [gave me] a total fresh start . . . I don't think that anything else could have been done, I had all the support I needed, really. . . I only have praise for it.”

Keira was in a volatile relationship and was using drugs and alcohol heavily, describing herself as being “just out of control”. She has a history of mental health problems, but had never received any proper treatment other than the odd tablet from her GP. In a chaotic life situation, Keira came to make a false allegation of rape towards a man she hardly knew. This was her first conviction. She received a 20-month prison sentence, served seven months inside and did the rest on electronic tag. Through probation she was put in touch with a local women's centre, which she attended frequently

and found really positive, and also continued to volunteer and do peer mentoring with after her sentence. One day a lady came to see her at the centre and asked if she would be interested in doing a restorative justice conference with her victim. Keira had never heard about it before, and the thought completely terrified her. She let the idea sink in, chatted to her worker at the women's centre and soon saw the benefits, so she agreed to do it. Once she agreed, it all happened really quickly. Her probation officer, the restorative justice worker and the lady she worked with at the women's centre

all worked together to support her up to and through the conference, and she felt she had all the support she needed to go ahead.

During her meetings with the restorative justice worker Keira filled in assessments and discussed what to expect. She also had support to write a three-page letter to the victim, which it was agreed he would receive before the meeting. This meant that when it came to the conference, everyone there already knew her story, which helped her to deal with her anxiety in the build-up to the event. That said, on the day of the conference she was terrified. She was physically sick just before going in, but with the support around her, she felt ready to face the experience. Keira describes the whole conference as really well organised. It was in a neutral location, there was a good balance in the room between the different sides, she felt well supported by all of the staff, everyone had their turn to speak and she felt she got the chance to give her side of the story. It was a hugely emotional event for all involved.

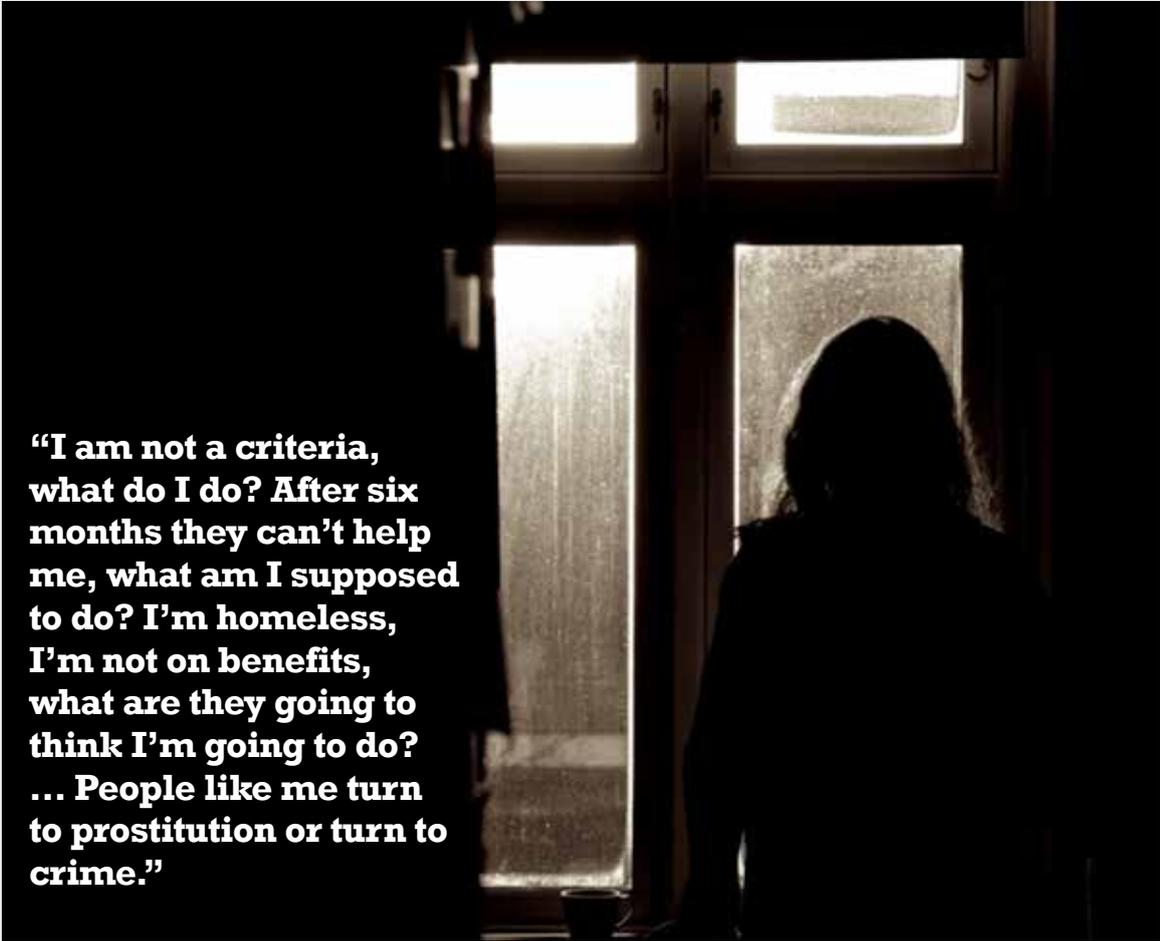
After the formal ending of the conference, the victim came up to Keira and shook her hand and said 'thank you'. This, Keira felt, was her turning point. She stayed in the room for a while, just crying. When she walked out of that room it was like a weight had been lifted off her shoulders — everything felt hugely positive. The conference allowed her to understand better how she had made her victim feel, but also helped her understand her own actions better, and she felt it allowed both of them closure and the chance to move on. More than seeing the damage she has caused, meeting



her victim also helped her with the heavy guilt she had been carrying since the offence.

Keira had some ongoing contact with the restorative justice worker after the conference, who came and saw her at the women's centre. She was also linked into counselling, and she gradually reached a point where she was strong enough to leave her abusive relationship. She learned how to manage the chaos and trauma that she has been through in a less destructive way, without turning to drugs or drink. From this point onwards, Keira describes her life as having got "better and better". Closing a challenging chapter in her life, Keira decided to leave that part of the country and move somewhere where she could start from a clean slate, where no one knew her or judged her. She is now working full-time, has built an active social network around her in a new area and is continuing to move in a positive direction with her mental health. She still thinks about the conference now and then, and wishes more people knew about restorative justice, as it is something that she feels, if done in the right setting with the right support, everyone would benefit from.

Case study: 'Faye', 22



“I am not a criteria, what do I do? After six months they can't help me, what am I supposed to do? I'm homeless, I'm not on benefits, what are they going to think I'm going to do? ... People like me turn to prostitution or turn to crime.”

After becoming homeless Faye was accused of squatting at her place of work and she was soon sacked. She is 22 years old and has a history of alcoholism and mental health problems, including suffering from severe anxiety and claustrophobia. She has been in and out of counselling her whole life. Struggling with nowhere to live and no income, Faye had an opportunity to make some cash through fraud renting, and she took it. Soon afterwards Faye was arrested. It was her first arrest, which she describes as a horrible experience, and she received a two-year suspended sentence, which she is currently completing.

Faye was given a leaflet about restorative justice. Never having heard of it before, she was uncertain about taking part. It felt like a huge decision, but after taking some time to think about it she decided to go for it, as she felt it would give her a chance to give her side of the story, as well as apologise to the victim. Faye recalls meeting with a restorative justice worker, who she describes as being warm and kind, and who she started to build a positive relationship with. The first meeting was also attended by another person, who Faye experienced as prying and judgemental, which she found distressing. She cannot recall



undergoing any assessments prior to the conference.

When it came to the conference, Faye was hugely anxious. The event was held at a victim-centred location, which was not experienced as neutral at all, and it was generally poorly organised. Faye was running late and when she arrived she and the victim met outside the building, where it was just the two of them for a while. Faye started panicking and wanted to run away: "Like, what the fuck was happening?" Faye had a panic attack and ran into the bathroom. The supportive restorative justice worker she met with previously helped her to calm down, and after some time she managed to collect herself. Faye went into the conference and found that it was a tiny room with no windows. The room was so small she almost touched legs with her victim, and again Faye felt she was panicking. She is not sure how she got through the conference. She recalls it to be a very emotional event, but remembers little from the panic attack onwards. An outcome was agreed, which involved Faye speaking to a group of young people about her experiences.

The restorative justice scheme Faye was part of finished soon after her conference, so there were no official

follow-ups. She explained the outcome agreement to her probation officer, but they said they were not familiar with any of it. Faye is now trying to chase it up herself. She is finding it very challenging, and is not sure whether she is in a stable enough place in regards to her mental health to deal with a group of young people. Her restorative justice worker has had some informal contact with Faye, which she describes as positive, but she is no longer officially working with a restorative justice service so it is something she is doing in a personal capacity.

Faye is still struggling with housing and is currently in a vulnerable position. She stayed in supported housing for a while for people with alcohol problems, but was sexually approached by one of the men in the house and responded violently, which led to her being evicted. She is currently homeless and has been told she cannot access benefits at this point as she carries a European passport. Faye describes herself now as being in exactly the same desperate situation that she was at the time of her fraud offence, and she feels like she's heading towards a mental breakdown.

4.3.1 Pre-conference and preparation

Continuing on the theme of variability, there was considerable disparity in the level and nature of preparation work. Overall, the majority of the women felt that their emotions had been well managed by the restorative justice worker who led them through the conference process, and they felt well prepared. For example, most had met with the facilitator on at least one occasion, had been given an opportunity to ask questions and, in some cases, go through what would be asked of them in detail. Knowing what to expect was an important theme in terms of good preparation. These themes are illustrated by 'Gillian' and 'India':

"She went through, like, what did I want to say? What would they say? I got a chance to express my concerns." ('Gillian')

"I wasn't shot in the deep end, I knew what was expected of me." ('India')

A minority of the women, however, felt poorly prepared. Major themes in this area included having very little understanding of what restorative justice was, or what the conference would entail, as exemplified by 'Julie':

"No I wasn't prepared, I didn't know what was gonna happen ... [I had previous contact] just with the probation officer, yeah nobody else." ('Julie')

Something that was especially concerning was that one participant, who was particularly vulnerable due to her young age, knew so little about restorative justice that she did not know that someone representing the victim would actually be present at the conference:

"I didn't have any idea what was going to happen, I thought I would be sat in the room with the police officer and he would speak to me. I didn't know the man from the shop or anyone else would be there." ('Nicole')

There were other examples in the data of poorly managed preparation meetings, where inappropriate questions took place or, alternatively, the woman did not feel understood by the male facilitator leading her case, as expressed by 'India':

"To be fair I don't think he [the restorative justice worker] really understood my reasons for it. I was trying to say to him: 'It's not because I'm skint, it's not because I'm a druggie, I've got mental health problems.' And I think, I don't think he could grasp that. That's why I didn't really get on with him cos' I thought, we're not seeing eye to eye sort of thing." ('India')

She later added:

"I think he prejudged me because he was like, when I told him all stuff that, it's not like I was looking for a get-out clause or something, I didn't want him to say: 'Ah, OK cos' you've had this sort of life it's ok for you to do that,' but I wanted to make him aware that it's not just like, to get money for drugs or, obviously there was massive issues and stuff, you know ... I think it would have been different it is was a woman, cos' I think a woman working with a woman, doing restorative justice, they know where they're coming from." ('India')

Poor preparation made the process more challenging, and possibly also less effective, for the women involved. In addition, in support of indications made in the practitioner data, there is some evidence of particular potential value in having a female doing preparation work with female offender cases, to enable the woman to feel in a better position to share the context of her offending, including issues around mental health. This falls in line with

evidence in wider criminal justice policy and practice that argues that it may, in some cases, be more appropriate for female staff to work with female probation clients (Malloch and McIvor, 2009).

Despite the varied levels of preparation, for the vast majority of the women, both those who subjectively felt they had received good versus poor preparation, the pre-conference experience was experienced as nerve-racking. Several of the women reported suffering panic attacks just before going into the conference, including being sick and experiencing uncontrollable crying. As exemplified by 'Keira' and 'Faye':

"Ah I was a wreck [just before going in], I was sick and everything." ('Keira')

"One of them [a restorative justice worker] was trying to calm me down, cos' literally I was having a panic attack. So after that I just ran into the toilet and I didn't come out of the toilet for quite a bit, cos' I was, like...just seriously crying, like a serious panic attack." ('Faye')

This sits among generally high reported levels of emotions and worry leading up to the conference, as exemplified by 'Gillian':

"I had this vision that they'd be that angry they'd wait for me after and attack me or something, cos' you do, that's what ... It was just the thought of what if this caused some grief for me, and I just didn't want any grief, you know, I'd just come out of prison, I wanted to try to sort myself out at that point, I didn't have to be worried about seeing somebody as I'm walking through town, and you know: 'That's the one who burgled my house,' you know...I just wasn't sure how it was going to go." ('Gillian')

These experiences give support to the findings from the practitioner section, in that good preparation work is essential for good restorative justice. Moreover, on a gendered note, preparation may be especially important with women to reduce the impact on mental health, such as managing severe anxiety ahead of the conference. This is also likely to result in a more effective conference, if the woman is not experiencing panic attacks pre-conference, for example.

In addition, the point is made that in some cases, for some women, preparation work may more be more effective if done with a female worker, to encourage trust and a feeling of shared understanding of personal challenges. This theme overlaps with the practitioner theme around the value of relationship building when working with female cases (see section 3.4.1).

4.4 The conference meeting

Despite the high levels of emotion and anxiety in the build-up to the event, the majority of the conferences were experienced as positive by the women. In line with the varied preparation work, however, the data clearly showed that the organisation of the event was of varied quality, which in some cases had a negative impact on the restorative justice experience for the women. Major issues in the organisation of the event included not using a suitable or neutral location, a lack of proper mental health assessment (therefore, insufficient preparation for the meeting), not being informed about who would be in the room, not having enough time to speak to the victim and a lack of balance of the two sides in the room.

4.4.1 Organisation of the conference

There were some examples of very poor organisation of the conference event. A prime example of the issues around conference location and lack of proper mental health assessment was illustrated in 'Faye's' case study on page 48. Specifically, this included the event taking place at a non-neutral space, that the victim and offender bumped into each other prior to the meeting and that the offender's anxiety around small spaces had not been accounted for in the set-up of the event.

Moreover, an issue was identified in terms of imbalance in representation of the victim and offender sides in the room. This theme of imbalance in the room, though, emerged exclusively in cases where indirect victims, such as officials or store staff, represented the victim. In these cases there was commonly more than one representative attending, often also with a police officer present. One woman felt bullied due to the number of people present who were on the 'other' side, while another just experienced it as slightly challenging. 'India' said:

"It was quite daunting as well, definitely yeah, it was like going for an interview with like a panel of people there, but at the end of the day I had been a naughty girl. So it's one of them things, I just got to like grin and bear it and take it on the wrist really." ('India')

This imbalance is likely to have a negative effect on the conference, as it was suggested that it may make a female offender feel uncomfortable and close up. Given the dominance of acquisitive crimes, such as shoplifting, being committed by women, this experience of imbalance in the room with more official representation may be a gendered experience.

In contrast, several of the women spoke of well organised conferences in a neutral environment for both them and the victims. Some pointed out the value of the event being well balanced and well laid out, with each party having an opportunity to have their voice heard. As noted by 'Keira':

"It was laid out really well, because I got a chance to speak, then he got a chance to speak and there was no interruptions, no butting in. And it was just I spoke to him and he spoke directly to me ... He was already aware of the issues I was having [through a letter]. Yeah it was organised really well, it was somewhere neutral, to both of us, and it was just, we were just literally sat in a circle, yeah ... Yeah, it was done well." ('Keira')

Likewise, several of the women said the meeting had been well arranged to fit around their needs, such as childcare arrangements, ensuring that there would be enough time between the conference and them picking up their children. This left them feeling positive as their requirements had been prioritised and, as noted by 'Holly':

"Everything just worked around me ... I couldn't fault it." ('Holly')

These examples are deemed to show good practice in terms of organisation of the events, enabling effective and ethical restorative justice working with women.

4.4.2 Informal and formal support in female offender conferences

In terms of support during the conference event, an unexpected finding was that despite being offered the opportunity to invite a family member or friend as informal support, the vast majority of the women chose not to. Instead, they typically felt very comfortable

with the support provided by a probation officer, restorative justice facilitator or a staff member from a women's centre. This positive relationship with the worker meant that their support was experienced as sufficient.

"[They/family] didn't, no, cos' they lived in X. I did have the option to take somebody if I wanted and I did think about it, and then in the end, because I was comfortable with X [probation officer] and X [restorative justice worker], I didn't feel I needed to ... I felt I was supported as much as I needed to be." ('Laila')

This is very much in line with the findings in the practitioner section, regarding the importance of practitioners building good relationships with the women. It would seem that if this is achieved, they are more likely to meet with their victim, and actually feel supported enough that informal support is not required during the meeting.

In a small number of cases however, no informal support was brought in due to the isolation of the woman. As illustrated by 'Faye', when asked whether she brought a support person with her to the conference:

"No...well no one knew about what I'd done, I didn't talk to my family ... I just didn't tell anyone, I couldn't." ('Faye')

This lends some support to research that shows that female offenders often lead very isolated lives (Rumgay, 2004). Moreover, what these findings also show is support for previous research which indicates that restorative justice conferences are highly gendered events. In her extensive study, Daly (1996) found that while offenders were rarely female, females were typically the supporter to male offenders during restorative justice conferences. This study indicates that this supportive role of informal support is often not reflected in female offender cases.

4.4.3 Emotions during the conferences

The vast majority of the conferences experienced by the women were highly emotional events. Statements such as this by 'Amelia' were commonplace in the data:

"It punished me more than an actual prison sentence...she [the victim] was crying and telling me the effect of what I had done, it was just really emotional for all of us." ('Amelia')

However, a clear association was found in the data between the type of offence and the level of emotional impact of the event. Several of the women expressed the view that restorative justice may be more beneficial in cases involving prior or personal relationships. This was illustrated in comments such as:

"If it would have been a stranger then it might not been as much impact." ('Magdalena')

"I think maybe if X had come ... because, she was my assistant for X years, and also a friend, so she would have been devastated and disappointed. So that makes that personal, and I think with restorative justice I kind of think, for me it felt like it's more of a personal thing." ('Laila')

Bearing in mind the previous findings in both sets of data regarding the higher prevalence of prior relationships between victim and offender in female offender conferences, the suggestion that a prior relationship may make the conference more emotional and impactful may have gendered significance.

Moreover, it was a clear theme in the data that shoplifting cases were significantly less emotional conferences than other offence groups. When taking these findings together, it is clear that the type of female offending patterns are likely to produce different dynamics in restorative justice conferences. Although potentially having less of an emotional impact, conferences relating to shoplifting offences were still overwhelmingly experienced as valuable by the women, as it prompted them to think about the offence from a different perspective. It was clear that for those women taking part in a conference interlinked to shoplifting offences, the experience changed their view in as far as no longer seeing it as a victimless crime. 'Bethany' exemplifies this theme:

"It makes you think though really, you go in and take something, and there is a lot of people you know that it does affect like, like security, the money what they put in and everything else, it does make you think, you don't think like that, you don't, you just think it's a big company they've got the money...but you think the number of people do that it does affect them, I do understand that now."
(Bethany)

This study gives strong evidence to the positive role restorative justice can play in shoplifting offences, ultimately eliminating the perception of shoplifting as a victimless crime. Bearing in mind the overrepresentation of women in this offending category, this is arguably a gendered factor. Linking this finding to the practitioner data, where it was clear that there were regional differences in terms of making shoplifting a priority for restorative justice, as well as various challenges in engaging commercial premises in the process, there is a clear suggestion here that investing in restorative justice for shoplifting would be a valuable prospect. It is clear from the practitioner data that good practice in this area is taking place in some parts of the country, which other regions may benefit from drawing lessons from.

4.5 Outcomes and post-conference experiences

Showing continuance in the theme of inconsistencies and flexibility in the restorative justice process, agreed outcomes varied from case to case. For some there were no outcomes specified. The shoplifting cases appeared to have the most practical outcome agreements, relating specifically to the right to visit certain shops or not. In one case the restorative justice conference led to a ban from a particular shop actually being lifted, which was experienced as a very positive outcome. 'Holly' said:

"It was put in place, you know, that me, it didn't happen straight away, but it was me, you know like, I think it maybe was about another six months, you know, of me now being in trouble or anything, then obviously my ban would be lifted. So that was what they offered me ... Yeah, absolutely [I felt that was a fair outcome], cos' they didn't have to take, they didn't have to let me back in, they could have just said, you know like, 'I'm not doing it'. But they did, so it was a good outcome." (Holly)

This noted flexibility in outcomes, being considered on a case by case basis, and adhering to what the parties wish for at the time, including not having an expressed outcome, was experienced as a positive for the women involved. None of the women felt that the outcome was unfair or unjust, though one woman felt that a time-limited ban from a shop would have been a more positive outcome than a lifetime ban:

“Yeah I felt listened to, I listened to them, everything they had to say, she listened to me, I listened to her, yeah ... [Coming out from the conference] I did feel a bit gutted because of, like, the life ban. That’s the only thing. But then again I did feel better for going in, having the guts to go and apologies, cos’ she said I was the first person who’s ever done that as well. She said she had never had no one in to apologise, you know, and she said she appreciated that. So that did make me feel a bit better.” (‘Bethany’)

Linking this to the point raised previously regarding the value of engaging more commercial premises in restorative justice, the positive experience of a store representative, including the uniqueness of the apology, may be a valuable resource to engage more premises.

4.5.1 Guilt and post-conference support

It is known from the literature (Alder, 2013; Miles, 2013) that feelings of guilt and shame are experienced in an especially pronounced way for women who offend. They often internalise their coping mechanisms to a greater extent than male offenders (Holsinger, 2000), for some resulting in very self-destructive behaviour, including self-harm. Positively, for many of the women interviewed, the most powerful outcome of the restorative experience was the alleviation or removal of guilt. This is illustrated in quotes such as:

“I felt that I’d kind of been forgiven for, it took all my guilt away...because they’d accepted my apology.” (‘Holly’)

“I did carry a lot of guilt, but the conference made the guilt better, or I learnt how to deal with it a little better.” (‘Keira’)

However, for a minority of the women it was not so straightforward, and despite their victim not expressing further anger or hatred, they continued to be negatively affected by guilt. ‘Amelia’, for example, still struggled with this after the conference:

“It didn’t close the door for me, no, it might have done for them ... I still beat myself up about it...you have to go through your suffering for the punishment.” (‘Amelia’)

One woman expressed how the conference rather than improving feelings of guilt actually added to her stress levels due to having to relive the reasons behind her offending behaviour:

“I didn’t to be truthful [get anything out of it]. But I understand the process, and the benefit of it, but I didn’t because I think it was so long ago, like the gap, and because ... perhaps the crime, and because I had already visited very deeply the whys, and why things have turned out the way they have done and stuff like that. So, um, you know, and I took my own actions very hard as well and I had a lot of guilt about it. So I think me personally, I don’t think I really got anything out of it, only a bit more stress ... I was still, and I suppose I am a little bit now still, feeling very guilty ... I don’t know why really ... I just walked away from it feeling drained.” (‘Laila’)

This links to the findings in section 4.1, and how ‘Laila’, during her lengthy sentence, critically reflected on her own experiences and struggled with guilt. Therefore the significant time lapse between the event and the conference meant little was achieved in the conference in terms of dealing with her feelings of guilt.

Despite this variance in outcomes as related to guilt levels, for all of the women actually meeting their victim was experienced as positive. There were no examples of subjective feelings of animosity and disrespect in the room. Rather, many came out with a feeling of relief, as exemplified by 'Julie':

"I felt a relief to be honest, because they listened. I was very, it was very, in the beginning I didn't know what to expect ... But afterwards, yeah, it was quite a relief." ('Julie')

The parting words or gestures in the conference setting stayed vividly with many of the women:

"They were very really nice afterwards, cos' they could have just walked out and just gone home, but they stayed for a cup of tea ... Talking about loads of different subjects under the sun, you name it, you know ... And both gave me a hug afterwards, I couldn't believe it." ('Amelia')

"He shook my hand, said thank you to me, and I was just in floods of tears, and he said: 'I hope you gain from this what I've gained, and that you can move on with your life in a positive way,' and that to me was just a huge turning point." ('Keira')

An important part of this positive post-conference experience was a subjective feeling of the victim side going an extra mile, showing an act of kindness that was beyond the set requirements of the conference. The value of this informal section of the conference was something that was also echoed by some of the practitioners.

Although it was overwhelmingly an emotionally draining experience for most of the participants, the majority of the women felt positive about the event post-conference. Most also felt well supported emotionally following the event. This valuable after-support was primarily identified as involving some form of ongoing contact, in person or by telephone, with the facilitator checking in on how they were doing:

"Yeah, X rung me afterwards, and then X rung me back up as well just to make sure, you know: 'Are you alright about it?' and that." ('Bethany')

"Yeah X called me a few times, just to check that I'm ok and that everything's going well and, I'm just, cos' I'm just getting better and better now. I went through a lot of therapy as well after the conference ... So I've done that as well ... I was already linked in to the women's centre in X as well when I was doing restorative justice, so yeah, I had all the support I needed." ('Keira')

A minority of the women did not get any follow-up support, however, or at least what they felt would be adequate support, once the conference had concluded. That is illustrated in these quotes, responding to a question about whether they received post-conference support or follow-up:

"No, nothing." ('Nicole')

"Just X [probation officer], we went for a coffee ... it was lovely. Yeah, but that was it, that was it. If it wasn't for X [probation officer] then I wouldn't have had any, so you don't get any after support really ... I class myself as a very strong person ... but it knocks you, and I think if I was a very weak person who had gone through all that and had no aftercare, then maybe I'd gone to a life of crime, I don't know." ('Julie')

First, this data indicates an issue around who is expected to do the follow-up, and whether it is subjectively experienced as adequate support or not by the women. Second, the presence in the data of a lack of adequate follow-up is concerning, especially given some of the women's vulnerability. It is suggested that more robust structures for post-conference practices need to be put into place, making sure there are clear roles and responsibilities, ultimately ensuring that there is a sufficient level of support available after an offender has met their victim. This is especially important bearing in mind levels of mental health issues presented in the female offender group, and the particular experiences of guilt and shame, that can, in some cases, lead to destructive behaviour.

4.5.2 Gender-specific support

Finally, in terms of gendered support, 'Keira' mentions being linked in to a women's centre in the quote above, which she associates with her total experience of being well supported. She goes on to develop the value of this link later on in the interview:

"I do think more stuff needs setting up for women especially, it's not enough, I mean I'd never heard about the women's centre until I offended ... They do so much good work there, but not enough people know about it, and that's what needs to change. It's not publicised enough, do you know what I mean? So the women that do need it don't know it's there until it's perhaps too late." ('Keira')

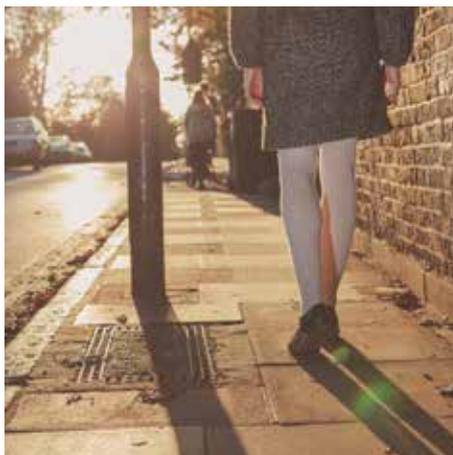
Only a small minority of the women interviewed for this study had links with women's centres. However, 'Keira' raises an important point about the lack of awareness of these centres by some women who may find the support helpful to break their offending pattern. The value of this support is very clear in the data, as also exemplified by 'Bethany':

"Cos' some of them like, like I said I have, going through depression and that, and it's not just a case of: 'She's done this, she's done that,' she might have other problems and I think the women's centre might be able to help them with that as well. Not just, you know, the criminal thing that they've done, but looking at her in other ways as well." [So did you have any contact with this women's centre before?] "No not at all, no ... It has been nice to come here, I mean on the day I was very nervous to come here ... And we all just sat there and clicked and talked, it was nice to do that, you know, and you're not judged at all either, for what you've done, that was nice, yeah." ('Bethany')

This finding echoes the highlighted theme of the need for effective joined-up working in the restorative justice field, to ensure that women who have committed an offence get the best opportunities to tackle their offending behaviour. For some, a restorative justice conference may be sufficient to ignite a different perspective and change behaviour. However, for many women, due to the complexity of their lives, they may need more support in order to reach that point. It is clear from this study, indicated in both the practitioner and the female offender findings, that women's centres can play an important role in this. In view of these findings, and in support of previous research (Miles, 2013) better liaison links between restorative justice facilities and these centres should be made a priority.

5.

Conclusion and recommendations



The findings in this study clearly demonstrate that restorative justice conferences are generally experienced as positive both by the female offenders who participate, and by the practitioners leading such cases. It is noteworthy that all of the women, despite some feeling that certain aspects of the process could have been managed better or more effectively, would recommend it to other women in similar situations. Many of the women felt it should be mandatory for all female offenders to at least have to consider participating in restorative justice, as it had been such a powerful and often life-changing experience for them. There was a clear consensus, both by practitioners and female participants, that participation in the conference must be based on individual willingness, and that mechanisms need to be in place to ensure that each party is there for the right reasons. Information and awareness of what participation entails was identified across the board as an essential factor for effective and ethical restorative justice practice, in order for each party to take an informed decision about attending.

It is therefore key that those working in restorative justice are given the tools that they need, whether that is finances, training or practical resources, in order to provide suitable support to encourage more females who engage in offending behaviour to meet their victim. The findings also suggest that due to the complexity in many of the women's lives, particular forms of support and encouragement may be valuable for the effective and ethical delivery of restorative justice with women who have offended.

Despite a lack of consistency, the majority of the women received at least some support that did not hinder the benefits of restoration. That said, for most women — and this was also a theme identified in the practitioner data — to actually break their offending behaviour they needed more than a restorative justice intervention. Restorative justice was thus identified as one mechanism, in some cases playing a minor role and in some a major role, among others that aided the woman's route out of offending. Other key factors included mental health support, trauma counselling, drug and alcohol interventions, support to leave coercive and often abusive relationships, engaging in peer mentoring, developing a more stable and positive relationship with their family (including children), accessing stable housing, and securing some form of employment. This is very much in line with desistance theory and the existing female offender literature.

However, these other factors are not likely to be part of restorative justice workers' role to tackle, though there were some disagreeing views on this across the practitioner data. Indeed, as noted in the literature as well as in the data, the professional skillset and training required to identify and treat complex sets of needs is often different from those required for the delivery of good restorative justice practice. The role of signposting is therefore essential. Major gaps were identified in the study in this area. Additionally, some also recognised their own limitations in being able to assess for complex needs. At a bare minimum, for effective signposting to take place, the person in question must be able to identify the need for it.

Regardless of training and assessment practices though, for effective signposting to take place, there must be somewhere to signpost to, which raises the concern of partnership working. Though there were some pockets of good practice, primarily identified in the youth offending service, a major overall theme in this research was a fundamental lack of effective joined-up working across the field. This was clearly suggested by the practitioner data, and the consequences of this were evidenced in some of the female participant data. Although the precise format of how partnership working can and should be developed rests outside the remit of this project, the findings clearly suggest some particular areas that would be beneficial to develop in terms of signposting and linked-up working practices.

There is a firm evidence base, supported by the findings in this study, showing that there are certain forms of working with women in criminal justice that are more effective. These include the tailoring of services to meet female circumstances and needs. A milestone was reached in this area with the recommendations of the Corston Report, which was published in 2007. A core part of these recommendations included the development of 'one-stop-shops' at local women's centres, offering a gender-specific support environment for women involved, or at risk of getting involved, with the criminal justice system. Despite clear evidence of significant positive impact from the work of these centres, there has been a slowing strategic movement to fulfil the Corston agenda in recent years, and increasing financial insecurity is posing severe threats to adequate service provisions (Clinks, 2014; Corcoran, 2010-2011).

This study initiated contact with over 60 women's centres nationwide, around a fifth of which had closed down due to having lost all of their funding. Others, who had lost some funding, no longer worked with particular groups of women, including those who had offended. Most of these centres did not know much about restorative justice, though a minority were very interested in developing some form of partnership working. The findings from this study clearly show that there is huge potential value in investing in the development of such links. This is likely to open up effective signposting avenues, and allow restorative justice to be introduced, and the female's ability and willingness to participate to be assessed, in a working context where there is familiarity and expert knowledge of potential gender-specific issues. If done effectively, these links have the potential to enable more women who have committed an offence to access and have a positive experience of restorative justice.

5.1 Policy and practice recommendations

The findings in this study have implications in terms of both policy and practice of restorative justice. Some of these are gender-specific, others are more general. While this study focuses on the experiences of women who have committed an offence, it is nonetheless deemed valuable to highlight recommendations that have emerged from the study that apply to restorative justice working more widely. A separate document specifically providing guidance and recommendations to frontline practitioners has been produced alongside this report and will be available on the RJC website.

The following recommendations are made from this research.

Structural/strategic:

- Given the dominant lack of knowledge about restorative justice prior to its introduction by a practitioner, and the finding that previous familiarity is helpful for positive engagement for female offenders, investment should be directed into awareness raising and public education about restorative justice.
- Partnership working needs to be developed across the restorative justice field. A key aspect of this should involve practitioners in any sector of the field initiating and nurturing effective working liaisons with local women's centres with an expertise in working with women in, or on the periphery of, the criminal justice system.
- Through the development of effective partnership working, signposting practices should be integrated into core restorative justice practice.
- Recognising that restorative justice schemes are inevitably sensitive to funding streams, practitioners need to carefully consider the implications, including the support provided to previous or current participants, if their funding is cut and they can no longer carry out their services. It is vital that the vulnerability of those who have engaged with the schemes is not increased as a result of insecure funding.
- Training of restorative justice facilitators should include at least some basic awareness training around complex needs, including gendered factors and sensitivities, in order to enable them to identify potential issues and provide appropriate support. Practitioners should be encouraged to view restorative justice as an opportunity for engagement and opening up of access, through signposting, for women to deal with offending behaviours beyond the specific remit of a restorative justice conference.
- It should be standard practice to offer the option of exploring restorative justice participation to all women who have committed an offence. This offer should be made at the earliest suitable point in the criminal justice process, though then allowing for flexibility in time in terms of getting both the female perpetrator and her victim to the point of 'readiness'. For some female offenders this may include dealing with other factors first, to allow for a more effective conference to take place.

Practical/frontline:

- Shoplifting offences are common in the female offender population. In light of this, and the proven positive impact conferences involving shoplifting offences can have on changing female offender behaviour, indicated in this study, these types of offences should be prioritised for restorative justice interventions with women.
- Standardised assessment tools should be developed, disseminated and utilised across the field. These should include aspects of mental health and gendered vulnerabilities, such as the existence of coercive/abusive relationships, and references to signposting needs.
- Practitioners should have an awareness of the higher likelihood of complex needs in female offender cases, and adapt their practice accordingly. For detailed practitioner guidance on restorative justice practice and mental health, please see the RJC's guide Restorative practice and mental health, which is available to the RJC's members on our website.
- Given that female offenders were more likely to have an interest in participating in restorative justice if they had some previous awareness of it, it might be valuable to develop visual materials for the introduction of restorative justice, providing an insight into what the process will entail from an offender perspective. Existing materials, such as the film Recovering from crime – restorative justice in action, may be useful to include in the introduction until more specific introductory materials have been developed.
- When introducing restorative justice to women who have committed an offence, the option of a female restorative justice worker should be offered wherever possible. For some women, working with another female may help foster a more open and honest working relationship.
- Practitioners should be aware of the importance of relationship building and increased likelihood of emotional anguish when working with female cases, including allowing additional time for preparation work.
- In line with the RJC Practitioner Code of Practice and supporting guidance, found in the RJC Practitioners Handbook, practitioners should pay careful attention to the organisation of the conference. Aspects highlighted in this research that should be avoided are the use of non-neutral spaces to hold the conference, parties accidentally meeting beforehand and ensuring an even balance between the victim and offender sides in the conference setting. This is especially relevant when dealing with female offender cases involving indirect victim representation.
- Practitioners should also be mindful of the importance of upholding good practice in terms of ensuring that female and male offenders are treated with equity. This must include an awareness and questioning of the presence of gendered judgements.
- Finally, more rigid follow-up practices need to be put in place to ensure appropriate levels of post-conference support for female offenders, including signposting to appropriate services to deal with other factors linked to their offending behaviour.

5.2 Future research

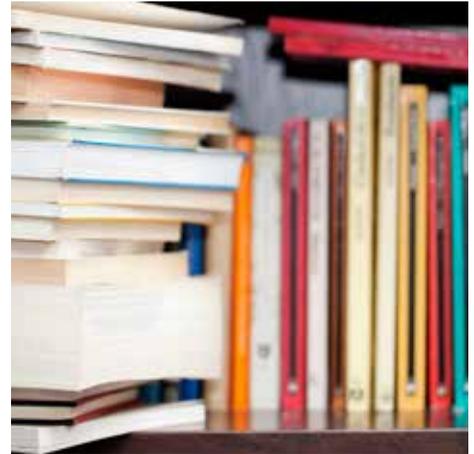
Recognising the limitations inherent in any small-scale qualitative study of this kind, some particular areas that would benefit from future research have been identified. These include:

- Exploring areas such as power relations and enacted gendered scripts within the conference setting. Studies including observational data collection as well as video and audio recordings of conferences with female offenders would be useful for this.
- Further research into the area of mental health and how this is assessed for within restorative justice contexts is recommended.
- Investigating areas where good working partnerships between restorative justice services and other areas of the criminal justice system are present would be valuable, in order to enable dissemination of ‘best practice’ in this area.
- Further research needs to be conducted regarding both offenders and victims who choose not to take part, and what barriers practitioners felt prevented engagement.
- Methods to increase shops’ engagement in the restorative justice process, in order to allow more shoplifting offences to go to conference, would be valuable.
- Research into how information about restorative practice in prison can prepare and encourage female offenders to participate in restorative justice is recommended.
- More research should be conducted into the efficacy of restorative justice for ‘victimless’ acquisitive crimes.

Implementing the recommendations contained in this report would support the development of high quality restorative justice with women who have committed an offence. This would not only open up female access to restorative justice and ensure that they have a positive experience of taking part, but ultimately it would support more women to put their offending behind them and move on with their lives.



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