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Synopsis

This chapter reflects on the use of Restorative Approaches (RAs) with children in two different types of institutional context, as well as the challenges inherent in researching their impact. It draws on two research projects in different settings that use different restorative approaches: Family Group Conferences (FGCs) in mainstream schools (see Hayden, 2009) and Restorative Justice (RJ) in children's residential care (Hayden and Gough, 2010). As the key findings of these studies are already published they are not reproduced in full here. Instead this chapter sets out to consider how the approaches used in these two institutional settings demonstrated key values and practices associated with RAs. In so doing the chapter considers the transferability of RAs to different contexts that work with and care for children. Considerations to do with research design and 'findings' are presented to encourage discussion about how we go about researching RAs in a climate where performance management strongly influences 'success' criteria and how Children's Services in the UK have to operate.

Introduction

This chapter reflects on the use of Restorative Approaches (RAs) with children in two different types of institutional context, as well as the challenges inherent in researching their impact. It draws on two research projects in different settings that use different restorative approaches: Family Group Conferences (FGCs) in mainstream schools (see Hayden, 2009) and Restorative Justice (RJ) in children's residential care (Hayden and Gough, 2010). As the key findings of these studies are already published they are not reproduced in full here. Instead this chapter sets out to consider how the approaches used in these two institutional settings demonstrated key values and practices associated with RAs. In so doing the chapter considers the transferability of RAs to different contexts that work with and care for children. Considerations to do with research design and 'findings' are presented to encourage discussion about how we go about researching RAs in a climate where performance management strongly influences 'success' criteria and how Children's Services in the UK have to operate.

Two approaches: FGCs and RJ (later referred to as RAs)

In characterising the great variety of practices that are used by RJ practitioners McCold and Watchel (2003) view FGCs as 'fully restorative' because 'victim reparation', 'offender responsibility' and 'communities of care and reconciliation' are all present. Using the same conceptualisation, the way that RJ was used as a values and practice framework for working in children's residential care could be seen as 'largely restorative', paying most attention to 'offender responsibility' and 'communities of care and reconciliation'; but with less attention to 'victim reparation'. However, we are already in trouble with this use of language when applied to the two types of institutional setting that inform this article. The way that FGCs in schools were used strongly resisted any connection to the language of 'justice', 'victim' and 'offender' and did not seek to implement 'reparation'. The users of RJ in children's residential care also quickly rejected concepts associated with the criminal justice system, and the term 'Restorative Approaches' (RAs) was adopted within the first year after staff training; although the concept of reparation in the residential care setting was viewed as *sometimes* appropriate. Do these departures from key RJ concepts matter? Are these two approaches still within the RJ suite of approaches? I would argue that despite the differences and departures from key aspects of RJ as used in relation to criminal justice, they are both examples of how the values and practices of RJ have evolved in different contexts; and specifically when applied to working with children and young people. What these two restorative approaches share in common is the desire to change the way we respond to children and young people displaying problematic behaviour and/or in conflict with others. Both approaches set out to move away from punishment and towards the resolution of problems through encounter and planning for continued attempts to include the child or young person more successfully in school (FGCs) or in the residential care home (RJ/RAs).

However, the starting point for the two approaches is different (see Figure 1). The FGCs in education service was focussed on families and significant others coming together to address problems presented in schools – specifically attendance and behaviour problems (sometimes leading to

exclusion from school). At the time of the research (2003-2004) FGCs were already well-established in the local authority and had been used in child protection cases since the early 1990s. In this well-established model conferences are set up by an independent co-ordinator, paid for by the FGC service within the local authority. Independent co-ordinators spend time talking to the child and immediate carers; through which they identify the family network and significant others. Invitations to an FGC are issued and participants are prepared for the event by the co-ordinator.

Values underpinning the FGC approach include the belief that families (rather than professionals) are best placed to help understand and address their children's problems; that families have the best interests of their child in mind; that children can participate meaningfully in such conferences and that professionals will be willing and able to agree and act on the plan put forward by the family. The service evolved out of its established use in child protection in this local authority. 'Empowering' families is a key underpinning aim. Having an independent co-ordinator to set up and 'mediate' the FGC event (or encounter) is crucial in this model. The principal of voluntarism is also fundamental. Schools and families have the choice to offer or ask for an FGC (or not) and withdraw after an initial period of willingness. Indeed about a quarter of referrals in the research did not go as far as a conference, after some hours of work from the co-ordinator. Overall, this way of being restorative could be seen as based on a service model, wherein the external FGC service could be brought in to the school, but without any wider contact with or adjustments to values across the school staff.

In contrast the work in children's residential care was about whole service change, with ambitions to influence agencies outside the residential care environment. So, for example a protocol was agreed with the police in relation to how they responded to calls from children's residential care units. This approach started by using the language of the criminal justice system and was originally referred to as RJ (rather than RAs); with a focus on reducing conflict and offending behaviour as the key indicators of success. The research in this setting was undertaken between 2006-2008, starting in the year after all staff had received training. Like the FGC work, this initiative built on a longer period of changing practice in the local authority. All the residential homes had already completed training in the Team-Teach approach (Team Teach, 2003), which includes conflict resolution, as well as 'positive handling strategies': so staff were used to the concept of consistency of approach, as well as the values that underpin conflict resolution. The focus in children's residential care was on using RAs to resolve conflict and reduce offending behaviour. The wider objective was to create a more positive living and working environment for young people and staff. The local authority emphasised from the outset that this approach was not seen as a 'quick fix'; it was seen as part of a long-term programme of culture change.

Figure 1: The two approaches: FGCs and RJ

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	FGCs (established in CP in 1994; in education in 1998)	RJ (all staff trained during autumn 2005/ spring 2006)
The model	**Formal - Full conference.** External service part funded by short-term grants. 80 conferences funded per year. *Evolved from use in Child Protection.*	**Continuum of approaches, mostly informal.** An approach to be used by all staff in children's residential care, with attempts to liaise with external agencies (eg YOT). Underpinned by a Police Protocol on RJ. *Trainers and language came from a Criminal Justice background.*
Roles: relevance of 'victim' 'offender'	**Victim and offender roles not relevant.** Focussed on the individual child and the need for support to change.	**Blurred- not always clear.** eg Staff could be victims, offenders or mediators. Relationships, history and inter-personal conflict very relevant to both staff and yps in the residential care setting.
External mediator	**Independent 'co-ordinator'** as mediator	**No external staff.** Some homes had members of staff who regularly acted as the mediator in formal conferences
Reparation	Not the focus	**Often, but not always**
Cultural change in schools/homes	Not the focus	**Strong focus**
Links across agencies	Part of the local authority support services to schools: **co-ordinators worked across agencies using FGCs.**	Attempts made via a **steering group. EG Youth Offending Team** in particular, who later developed RJ differently. **Protocol with the Police.**
Period of research	2003-2004	2006-2008

All care staff in the ten children's homes in this local authority were trained over a one year period. The initial training for staff communicated the idea that a 'gold standard' of restorative justice was the formal scripted restorative conference with the established roles of the *victim*, the *offender* and the trained *mediator*. Care staff soon realised that such formal scripted approaches would have limited the impact upon the care environment and would possibly make relationships between young people and staff even more problematic. As a result, care staff decided that more fluid restorative processes would have to be developed and this resulted in what has been called 'stand up RJ' or 'corridor' RJ in work with schools (see for example, Morrison, 2001). By the second period of field research most staff referred to restorative *approaches*, rather than restorative justice, because they wanted to emphasise the difference in what they did in comparison with the youth justice system. Furthermore, most of the behaviour responded to with a restorative approach was not necessarily criminal. The most frequent situation was inter-personal conflict, mostly between young people, sometimes involving staff.

The values underpinning the adoption of an RJ approach included a commitment to change in staff culture and a belief that RJ was a better way of resolving conflict than 'sanctions' or punishment. Thus this work was based on homes 'owning their own conflict' (see Christie, 1977) and reducing

reliance on external help; in this case calls to the police, out-of-hours service or incident records sent to management. However, the principal of voluntarism was compromised for staff, who were *expected* to adopt this approach. Also there was no funding for external or additional staff to act as mediators in an encounter; although certain individual staff took on this role in particular homes.

The research projects

Both research projects were commissioned by a local authority, so the design in each case was developed and agreed with the local authority. Both commissioners wanted a fairly 'hard-nosed' look at the outcomes they had to address in terms of performance management. Both commissioners were well aware of the evidence available about whether or not participants tended to prefer this sort of approach to traditional and other ways of addressing problem and conflict in the lives of children and young people. The FGC work in this local authority was already well established and valued. The RJ project had a different starting point: it had a strategic manager who believed that values and cultural change in children's care homes was the most important objective. The performance management indicator that focussed on records of offending and children in care was just the organisational hook to get the change underway. The key aspects of the research design and data collection in each piece of research are summarised in Figure 2 below.

Figure 2: The two research projects: FGCs and RJ

	FGCs (2003-2004)	RJ (autumn 2006-2008)
Design	Quasi experimental (41 FGC and EWS comparison group 37) **78 children** in all	Natural experiment (before and after, informed by a realist approach) **10 residential care homes**
Outcomes data	All children: % attendance and whether excluded FGCs: 24 cases teacher and parents SDQs	All homes: 2001-2007 - % offending; incident records; police call outs; out-of-hours service. Cohort study (n=46)
Staff viewpoints	Referral agents (n=60) EWS staff team (n=9) FGC co-ordinators (n=20)	Care staff (2006: n=99; 2007: n=71) Managers (2006:n=10; 2007:n=8)
Young people's viewpoints	YPs experiences of an FGC (n=27)	After staff training and one year later: how staff responded to conflict (n=43)

FGCs in education

As this was to be a study comparing outcomes from FGCs with the EWS (educational welfare service) there was much discussion at the outset of the possibility of random allocation – to either an FGC or the EWS service only. However, there was resistance to doing this amongst practitioners who felt that they did not want their assessments compromised. There were also concerns to do with the special project status of FGCs and the possibility that random allocation could interfere with the number of FGCs convened in a year. Other concerns centred on the specific requirement that referrers and families were 'committed' to the FGC process; a practical issue that could make random allocation difficult, if not impossible to achieve in practice.

Other research has illustrated the difficulties in achieving random allocation because of practitioner resistance to random allocation (see Brown, 2003; Little *et al*, 2004).

At the time the research began (2003), this was already an established service, having provided FGCs in education since 1998 (and in Child Protection since 1994), experiences of the process were generally positive. The education service had funding for up to eighty FGCs a year and a crucial question for them was how and where in the lives of children and families these conferences might operate. The local authority as a whole had created a pool of FGC co-ordinators for use across services/issues (at the time of the research this included child welfare, youth justice, domestic violence and schools). However, the central concern of the research reported upon here (and the education service funding it) was to take a harder look at outcomes and also investigate the potential of FGCs as a way of enhancing support systems for children in difficulty at school. The EWS as a long established support service to schools was also one of the main referral agencies to FGCs, alongside schools themselves. The research sought to investigate whether FGCs in education could set a framework for working with families in relation to improving pupil attendance and behaviour in school, and as such whether they were a potential way of working for the EWS. What we wanted to know was whether FGCs set a *more* or *less* effective framework for working with families on these issues than would otherwise be the case in the way the EWS has traditionally worked.

Key aspects of the FGC and EWS referral forms were harmonised for the purposes of the research. Official records of attendance and exclusion were part of the way we wanted to compare the FGC and EWS groups. In practice referrers did not always use the new FGC forms and even if they did, did not always supply data in the same way. Therefore all attendance and exclusion data was verified from local authority records in exactly the same way and for the same timescale before and after a referral, at the end of data gathering. At this point, it is worth reflecting for a moment upon whether levels of attendance and amount and duration of exclusions *are* the best comparative outcome measures for the study and indeed whether they are *a fair way* of establishing the impact of an FGC. The main defence for using these measures was the pressure on the FGC and EWS services to focus on these performance indicators and their consequent desire to have some answers on this in the research.

In the event only 30 of the planned 41 FGCs were convened (that is the conferences went ahead) but we followed up the attendance and exclusion data for those individuals who did not have an FGC, despite some time spent with the co-ordinator. We reported on the SDQ (Strengths and Difficulties Questionnaires, see Goodman, 1997) for convened FGC cases only; as insufficient SDQ questionnaires were completed in the EWS comparison group. SDQ data from teachers was the most complete and enabled a useful 'before' and 'after' comparison to be made for 24 children (80% of 30) who were the focus of convened FGCs from the perspective of those working directly with the children and young people on a daily basis. Survey and

interview data in this research was used to help provide more insight into where and how FGCs in education are perceived as being successful or unsuccessful. Children were consulted about their experiences of taking part in an FGC.

RJ in children's residential care
The field research in care homes was undertaken during autumn 2006 and 2007, with organisational data being analysed over a longer period (2001-2007). The research was an evaluation, involving the collection and triangulation of a range of types of data: before, during and after the implementation of a Restorative Justice approach across all children's residential units in one local authority. In a sense this provided the opportunity for a natural experiment, in which any change could be tracked over both an extended (2001-2007) as well as a more focussed (2006 and 2007) time period; with the latter time period being after all care staff had been trained in the same RJ approach. Like most natural experiments conducted in a service setting, this study presented lots of complexity and potential for multiple influences and measures of 'success' or 'failure.' For this reason we were influenced by the way a realist evaluation recognises the complexity of 'real world' settings and avoids the use of single measures of effectiveness (Pawson and Tilley, 2004, p.8).

Although our study does not meet the full criteria for a realist evaluation, we have borrowed concepts from this approach because it helps make sense of the complexity of the research setting and data collected. It also helps situate the implementation of the RJ approach in children's residential care. Pawson and Tilley (2004) argue that programmes or interventions (in the current research, Restorative Justice) are based on a vision or theory of change which can be explained by the *context-mechanism-outcomes configuration,* as shown in Figure 3 in relation to the RJ study.

Figure 3: RJ in children's residential care - Context-Mechanism-Outcome Configuration

Contexts: *(those features of the conditions in which programmes are introduced that are relevant to the operation of the programme mechanisms)*
Different types of children's residential care homes (secure, open, long-stay, short-stay, younger children -9-13, teenagers -13+) as places where conflict and offending behaviour might occur or emanate. Staff all have the requisite training, but will have different attitudes towards, experiences and understandings of young people's behaviour. Attitudes, experiences and understandings of agencies external to residential care will also vary (e.g. Police, YOT, schools).

Mechanisms: *(what it is about programmes or interventions that is likely to bring about an effect)* Young people, through the actions and responses of staff trained in the use of an RJ approach will develop more empathy for others, learn to resolve conflict and address offending behaviour through the RJ encounter and process. They will learn to take responsibility and make amends for wrongdoing through the process of reparation. Staff in turn will have a way of resolving more conflicts without resorting to external help, particularly the police.

Desired outcomes: *(what the adoption of an RJ approach is trying to achieve)*
Reductions in conflict and offending behaviour; residential homes become a better place to live and work.

The research tracks both process and outcomes from training all residential care staff in this approach; as well as the changes over time in a range of secondary data available from within the local authority. The key changes that were investigated in the fieldwork were staff attitudes towards the use of restorative justice and the way in which it was being used. Other parts of the research use existing organisational data (from 2001 to 2007) to track any evidence of changes in resolving conflict that may relate to how RJ is being used, both across the service (for example by looking at the pattern of police call-outs and incident reports) and in relation to individual children (by conducting a cohort study as well as individual case studies). We also interviewed children about the way RJ was used in their home.

Contact with care staff from homes prior to starting the field research revealed that some were uncomfortable with the criminal justice language of 'victim' and 'offender' and indeed with the concept of Restorative *Justice*. However, the local authority used the term 'Restorative Justice' in their promotional literature and clearly saw the adoption of the process as something they were trying to do *with* other agencies, such as the Youth Offending Team (YOT). The local authority promotional literature clearly explained the key restorative concepts of 'responsibility, reparation and reintegration.' The Training literature referred to both Restorative *Justice* and Restorative *Approaches* in relation to what they were doing, with an emphasis very much on the more formal use in meetings and conferences.

Reflections on Key Findings

As both pieces of research were evaluating the impact of the practical application of different types of restorative approach they had to come up with conclusions on whether these approaches had worthwhile results. Neither research study started with a commitment to either approach *per se* on the part of the researcher. However, these two studies, followed on from earlier work on conflict resolution (Hayden and Pike, 2004) and with hindsight became part of a process of change in the researcher's understanding of the common value base of these approaches and the responsibility of researchers to reflect on what they do when they evaluate the 'impact' or 'outcomes' of this sort of work.

The evidence in the FGC study overall was that FGCs had demonstrable impact (better attendance, improved SDQ scores, no further exclusion) in some cases but not in most. FGCs were clearly not the panacea hoped for and sometimes believed to be by some of the local authority practitioners at the start of the research. Part of the issue here is about whether what the FGC is trying to achieve is possible through the FGC mechanism; and, whether it can happen quickly enough. We also have to consider how we measure this and whether the measure is valid. In relation to FGCs, we already knew from existing research that families willing to commit to an FGC generally have positive experiences of the process, but there was no evidence that FGCs could set in motion the kind of support that would lead to changes that agencies working with families are expected to bring about (improved school attendance and avoidance of exclusion from school in particular in this study). Furthermore, the schools had to be willing to allow

time for change to happen. But in relation to behaviour it appeared that some schools were impatient (or 'making a point', or maybe they were 'at the end of their tether') and excluded children within weeks of an FGC referral. It is important then when looking at interventions that try to harness the resources and support of the family for children and young people, to consider whether this can happen quickly enough and in a way that also meets the remit and performance targets of the agencies tasked with providing a service.

Figure 4: FGCs in Education: summary of findings

Data types and sources	Conclusions
Outcomes data (attendance and exclusion)	FGCs not successful overall in helping to increase attendance or prevent exclusion – in comparison with the EWS - although some success in individual cases.
SDQ (Strengths and Difficulties Questionnaire) for 24 children who had an FGC	For a few children - change in total difficulties score. Reduced 'sense of burden' – for both teachers and parents. Increased 'pro-social behaviour' -parents and teacher assessments.
Referral agents	Often positive about the idea of FGCs. Outside help popular with schools.
EWS team	Saw the potential and wanted the option in some cases.
FGC co-ordinators	Last resort status of FGCs in schools. Very reliant on individual change of the child, compared with other uses of FGCs.
Children	Self conscious – didn't like the number of adults in meetings, especially those from school. Wanted a friend in the meeting; some schools would not allow this in school time. Most children's SDQs illustrated the perception of difference in relation to themselves, also found in the adult SDQs on the same children.

RJ in children's residential care had some positive (and measurable) impacts and it fitted well with the existing practise of most homes and most staff. There was a reduction in call outs to the police, calls to the out-of-hours service, as well as a reduction in incident reports. But, there was no change in the rate of official records of offending. Also, in the year following the formal implementation of the approach the differences between institutions and within staff groups became more marked. External issues limited the potential of the work done in these homes: a somewhat hostile external climate towards youth crime, a lack of agreement within key external agencies who had the power to act restoratively (or not) and changes in the residential care service all hampered the realisation of the full potential of the approach. The conclusion to the study acknowledged that cultural change takes much longer than could be captured in the two years of this research study and was able to reflect back on earlier research in the same local authority.   Earlier research was undertaken in residential care homes in the mid 1990s, when 'physical restraint' was the focus of the research (Hayden, 1998) and 'sanctions', 'punishment' and 'loss of activities and opportunities' was the language used. Taking this longer perspective it was clear that there had been significant improvements in the way these homes worked with and related to children and young people and that RAs were (for most) a logical step in their development.   Furthermore, we concluded that the values and practices underpinning a restorative approach were a better way of working with

vulnerable children who have already missed out and lost so many opportunities; making a 'sanctions' approach one that can lead to the replication of harms already suffered before entry into care.

Translating the research findings into the framework of 'context-configuration-outcomes', presented earlier in Figure 3, creates the following 'realist conclusions.'

Figure 5: Realist conclusions to the RJ research

Contexts: *(those features of the conditions in which programmes are introduced that are relevant to the operation the programme mechanisms)*
RJ was implemented in very different types of children's residential care home; it was 'a useful tool' in all types of home, but met with more success in homes with staff that saw the broader relevance of the approach. Care staff working with younger children did not always like/see the relevance of the focus on offending behaviour. Care staff in the secure home were more confident in the use of the approach and voluntarism was not seen as an option: children were expected to resolve conflict within an RJ encounter. The timing in the use of RJ was crucial in all settings, it had to be immediate enough (as people had to go on living and working together) but also timely in relation to the young person being calm enough and willing to talk things through.

Mechanisms: *(what it is about programmes or interventions that is likely to bring about an effect)* Most staff used informal RJ as a style or way of communicating or in impromptu conferences or 'encounters' to help resolve everyday conflicts within children's homes.   This approach was viewed both as a way of resolving conflict as well as modelling wanted or pro-social behaviour.

Desired outcomes: *(what the adoption of an RJ approach is trying to achieve)*
Some reduction in conflict but no reduction in official records of offending behaviour; some improvement in perceptions of residential homes as better places to live and work; evidence of staff/homes 'owning more of their conflicts' by reduced calls to the police, incident records and calls to the out-of-hours service. But, it appeared that any learning for young people, in terms of managing conflict or behaving in a pro-social manner, did not transfer to outside the home, partly because the response of people outside the home could not be controlled or predicted.

Conclusions

Researching real world interventions is an inherently political act, the choices that are made in terms of research design, any outcome measures and so on can have an important effect on the perceived success (or otherwise) of a practical project. Although both evaluations collected data on experience and perception, from operational staff as well as children and young people; senior managers focussed most on 'hard outcomes' that related more to performance management criteria than the wider objectives of the services and context in which they were working. However, both pieces of research ended with some consideration of values and whether the approach was simply one alternative amongst others, or a *better* way of responding to conflict or problem behaviour in schools or residential care homes.

When the two approaches are compared, 80 externally facilitated FGCs looked like a luxury item in a mass service like schools; whereas RJ had informed and developed the expertise of all care staff in how they responded to conflict with children placed in the residential care environment. As such the latter was sustainable and did not rely on major funding to continue being

used. In contrast the FGC approach in schools looked like a drop in the ocean, in relation to the scale of the issues of poor attendance and problem behaviour in schools. All schools have children and families with a poor record of attendance and difficult behaviour; it was difficult to rationalise where the 80 conferences a year should be used when there were hundreds of schools in the local authority. Probably because only a small number of FGCs were available to schools they became a last resort for some schools and the way that this approach was brought in from outside, did little to change school culture. Perhaps this led to frustration and a tendency to exclude children when the FGC was slow to materialise or did not 'work.' FGCs were a good idea that had some impact in some cases and SDQ data showed that they reduced the 'sense of burden' for participants. However, they did not have an overall impact on measurable outcomes – attendance and exclusion. It is not unreasonable to comment that attendance and exclusion were perhaps the wrong measures for the impact of FGCs in any case. But the service had set itself up to address these issues and so became subject to the same performance measures that other services had to address in this area of work.

RAs (as they became known) in children's residential care were more successful because they were more pragmatically adopted and resonated with existing practice for many staff. Adopting this approach did not reduce offending behaviour though – the key performance management criteria. The adaptation of RJ in children's residential care compromised some key principles associated with RJ – such as the independence of the mediator role and the principle of voluntarism in the parties involved in an encounter, but it did adhere to key characteristics of encounter and often (but not always) reparation.

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