

Restorative Justice and Young People who Display Sexually Harmful Behaviour: Opportunities and Challenges

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Report by Marian Liebmann

Introduction

This national conference was a landmark in the fields of Restorative Justice and Sexually Harmful Behaviour. It brought together professionals in fields which have not had much contact until recently. In the field of restorative justice, many people have taken it as axiomatic that it cannot be used with sexual offences, because of power imbalances and the possibility of re-victimising the victim. In the field of sexually harmful behaviour, policies and practices have often concentrated on separate work with victims and offenders, with little communication between them, though it has long been acknowledged that being victimised and becoming an offender are often closely linked.

The conference was organised by the AIM Project (AIM stands for Assessment, Intervention and Moving on), in conjunction with the Restorative Justice Consortium, and was held at the Together Trust in Cheadle, near Manchester. 80 people attended, and a similar number remained on a waiting list, showing the timely nature of this topic. Most participants were working in the area of sexually harmful behaviour, with a smaller number working in restorative justice. The jargon initials SHB and RJ were familiar to all participants by the end of the day, and will be used during the rest of this article.

The day was chaired by Carol Carson from the AIM Project, based in Salford, a multi-agency framework of response for children and young people who display SHB. There were four plenary speakers and six parallel workshops, which all ran twice.

The organisers wanted to bring the children with whom they work into the room in some way, so around the room on screens were laminated cards with quotes from children, such as:

Jimmy is my brother and he is also my victim. I know I hurt him... I'm supposed to protect him not scare him.

We never talk about it at home, I've let everyone down.

My parents jokingly referred to the way my brother treated me as sibling rivalry. I would call it sibling abuse. They had no idea how I was suffering.

Everyone said I was clever, so why did I not work out a way to stop the abuse?

Plenary speakers

A. Julie Henniker: Setting the scene. AIM in context

Julie described AIM and its origins, starting in 2000 as an inter-agency project working across the ten local authorities in Greater Manchester to develop and maintain consistent responses to children and young people who display SHB. It has developed an impressive array of literature, which was on display at the back of the hall. This includes comprehensive Initial Assessment and Intervention Manuals, as well as guidelines, policies and procedures, all much needed in this field. AIM tries to demystify this area of work and provides training in all these areas. It has developed a unified assessment model to cover behaviour coming to light via the Criminal Justice route or the Child Welfare route. About one third of all sex offences are perpetrated by young people, and 60% of their victims are known to them, so RJ has a large potential role to play in healing the harm. Julie also highlighted the opportunities for linking the fields of SHB and RJ.

B. Vince Mercer: AIM Project

Vince started his talk by telling the story of a young man who offended against the child he was babysitting, leading to a breakdown of relationships between the families. The agencies deemed sexual offences ‘unsuitable for RJ’, and it was left to the mothers to take ‘the long walk across the street’ to mend relationships. Vince felt that agencies had abandoned them. This incident led to him working on how AIM could offer the safety and security needed. He described the developments in SHB and RJ which showed how they could work together: a focus on families, engagement with victims, assessing risk while taking account of need, looking for strengths, using a variety of RJ models. Vince also identified ‘stories of resistance’ to RJ (e.g. government ambivalence) and ‘stories of persistence and possibility (e.g. the benefits for victims, offenders and families). He finished with a quote from Barbara Hudson (2002): ‘Instead of having to define herself and the harm done to her in terms of a limited repertoire of available legal constructions, the victim is at the centre of events, in control and telling her story in her way...her story will not be refracted through legal language but will be told in her own words...she will be the centre of her own story...’

C. Karin Sten Madsen: ‘How could you do this to me?’

Karin works at the Centre for Victims of Sexual Assault, Copenhagen, one of six centres similar to the British Sexual Assault Referral Centres. She asked the audience to imagine how they would feel if someone in their family had been raped or accused of rape. She gave statistics from Denmark, showing that only 10-15% of rape cases ever made it to court (in the UK it is even lower, about 6.5%). Only 30% of rapes were attack or stranger rapes (thought of by many as ‘real rapes’), while 70% were acquaintance, family or ex-partner rapes – which were almost all discontinued because there were no witnesses, and therefore ‘insufficient evidence’. Even though Karin was a mediator, she had never thought of mediating rape cases – it was simply ‘not done’ – until a young woman who had been raped by a friend asked for help to contact him. After looking in vain for other, more impartial resources, Karin and her colleagues decided to take on the task. However, because their centre is hospital-based, she had to ask the victim to write the letter herself to initiate the dialogue, a practice they still follow. There is no connection with the criminal justice system. Rape victims ask for this dialogue for several reasons:

- They want to know why it happened

- They want to make sure it never happens again (to them or to others)
- It is their usual way of dealing with conflict
- They want to do something and move on

Karin told the story of a girl of 13 raped by a boy of 16 at the same school, and how the local community (a small village) first turned against the offender's family and then against the victim when she refused to involve the police. After much deliberation, they met – with peer supporters but no parents present, by common consent. Karin talked about the need to negotiate the language used, as few men admit to rape; but other phrases can be enough for the victim. Karin left us with the quote: 'No victim should be forced to confront her perpetrator, but neither should she be denied the opportunity if she desires it.' (Mary Koss – USA) .

D. Richard Swann: Therapeutic Conversations with Parents

Richard started by asking us to imagine ourselves aged 15 again...our lives and interests...and then to imagine having done something to hurt someone – how would that change our lives, especially our relationship with our parents/carers – then to multiply that by 100 in order to begin to comprehend the impact harmful sexual behaviour might have upon the whole family. Richard outlined the philosophical shift in emphasis from clinical interventions which focused on challenging denial in young people who harm sexually, to current interventions which focus upon the need to treat the whole youth in a systematic and holistic approach. Richard quoted from much research, showing the importance of parental involvement for successful therapeutic outcomes. He showed that parental disbelief and denial were normal responses to the situation (similar to the bereavement cycle), so to be expected rather than pathologised. However, if denial persists over time this can act as a block to therapy.

Workshops

These provided an opportunity to explore the speakers' topics in greater depth; and there were three further workshops.

1. Sensitive Apologies & Victim Clarification (Rowland Coombes & Paul Crosland)

Rowland works as a senior therapist for the Lucy Faithfull Foundation, with sex offenders on long sentences. Paul is Head of Restorative Justice at Mediation UK and founder of the web site www.ApologyPlus.org.uk. They started with figures from a survey of 11 year olds. 88% said it was difficult to say sorry; and 88% said they would like someone to make up for something they did that upset them. We were asked to do an exercise with post-it notes, noting positive and negative associations with the word 'apology' and later stick these on charts reflecting different human needs – the largest cluster landed on 'empathy'. Paul drew on Beverley Engels' work on meaningful and meaningless apologies: 'With more serious offences, it is the care and thought that goes into the apology that dignifies the exchange.' Rowland showed videos from the USA on Victim Clarification Work (so called because it clarifies whose responsibility the offence was – the offender's): first victims talking about meetings and letters; then offenders talking, apologising and stating that it was not the victim's fault; then responses of survivors to this.

2. *'How could you do this to me?' (Karin Sten Madsen)*

In this workshop, Karin focused on results from a pilot project she conducted at the Centre for Victims of Sexual Assault in Copenhagen, expanding on her plenary presentation. Of the initial sample of 30 women, 16 elected to take part in the restorative process. Of these 16, 5 had reported the assault to the police and 11 had not. All were acquainted with the offender. 10 of the women ended up sending a letter that they had written, either themselves or with Karin's help. Karin explained that it took months for most of them to draft the letters and get ready to send them. Karin showed us one of the letters that had been drafted by a young girl. In the closing sentence, the girl says, *'What is important for me is to tell you how much you hurt me, so that you'll think twice next time and not do to others what you did to me'*. Of the 10 that wrote a letter, 6 received an answer and 3 did not (one letter was not sent). Five of the women met their offender face-to-face. Only one of the men involved admitted rape and, as Karin explained in her plenary, such an admission is very rare. Most of the men admitted 'unfortunate sex' or a misunderstanding, but not rape. Even though the women did not always get the kind of response they wanted they felt powerful and proud of having taken action themselves – changing position from victim to victory.

As far as the men were concerned, only two of the 16 were convicted of rape. But even those not convicted have issues of anger and shame from the accusation of rape, and RJ can help with these too.

3. *Young People who Sexually Abuse: The Importance of Early Family Intervention (Richard Swann)*

Richard provided a narrative exercise for participants to engage in speculating out loud about the thoughts and feelings of family members after a 14 year old boy committed a sexual offence on a 6 year old girl he was babysitting. The workshop started with disclosure of the offence and continued with scenes of the family in the kitchen, the family returning from the police station after the boy's interview by the police, the first visit by social worker and YOT worker, the family in their kitchen after the Professionals Planning Meeting one month on. At each stage characters voiced their feelings, needs and worries. At the end of the exercise the participants were asked to reflect on what was heard in order to identify what the early tasks might be for any professional coming working with this hypothetical family.

4. *Finding the forgotten child in child on child abuse; looking for appropriate responses for all children affected by sex (Tim Woodhouse)*

Tim is a play therapist and social worker with NSPCC, seconded to St Mary's Hospital Sexual Assault Referral Centre. He started his workshop with a poem by a child, followed by a presentation on the ways in which both perpetrators and victims were stigmatised but little was done to help them. He demonstrated the long-term effects on adults of untreated child sexual abuse, and therefore the importance of availability of therapies for children (though not all children need therapy). He showed there was no set pathway to recovery for children, but many different routes, and demonstrated this with a set of pictures by a child showing different stages of

emotional recovery, moving on to enjoying normal things in life, such as Christmas and outings and games and so on.

We did an intriguing activity, in which we were asked to assemble a pile of cut-out cardboard bodies, heads, arms and legs with attributes on them, such as ‘Night terrors’, ‘Emotionally illiterate’, ‘Achieving in school’, ‘Targets and isolates younger children’ into three children, aged 11, 9 and 7. They were two sisters and a brother who had been abused in different ways by their family and exhibited different behaviours, some of which were harmful to themselves and others as a result. It was not straightforward to fit them together. Tim then used this as a basis to discuss the place of different therapies that might be helpful at different developmental stages for these children. These therapies included a mixture of individual and sibling group work at various points in their childhood. The children longed for the truth about their experiences to be acknowledged by their parents (towards whom they had changing feelings), but this was a step the family remained unwilling to take. The last word in the workshop came from the oldest girl and how she saw her future at age 16.

5. The AIM RJ Assessment Framework (Julie Henniker & Vince Mercer)

In this workshop Julie and Vince took the group through the Assessment Framework for Potential Restorative Intervention (a 45 page manual given to all conference participants), with the aid of a case study currently in progress. The AIM initial assessment is conducted whilst the alleged offender is on 28 day police bail. The assessment is co-worked by a Youth Offending Team worker and a child protection trained Social Worker. The purpose of the assessment is to:

- Identify strengths and concerns;
- Identify young person’s needs;
- Assess the young person’s capacity and motivation;
- Identify the capacity of parents to support the young person;
- Suggest priorities for initial response.

The restorative justice assessment is ‘layered on top’ of the AIM initial assessment and extends the AIM assessment to include restorative considerations in respect of:

- Parents/carers;
- Victims;
- The young person (the ‘offender’);
- Non-abused siblings.

One outcome of the assessment could be a Family Group Meeting (FGM). Benefits of this approach are:

- It can provide restorative links across the victim-offender divide;
- It involves and engages the family (of both the offender and the victim);
- It enables a ‘welfare’ or ‘planning only’ approach if a restorative element is not appropriate;
- It has a victim focus.

6. Observations on mediation practice with sex offences: achieving the balance (Barbara Tudor)

The seminar focused on two very simple yet powerful diagrams. The first of these diagrams looked at the process of recovery from violent crime. It illustrated how people go through shock/denial to disorganisation/depression to reconstruction/acceptance and then to normalisation/adjustment with varying levels of esteem over varying periods of time. Barbara explained how she uses this diagram when working with different cases to identify where people are and what their needs may be. She explained that offenders are often at the disorganisation/depression stage and that they can get stuck there. The acceptance/reconstruction can be what happens in restorative meetings through an explanation or perhaps an apology. She explained that this is not a 'one-way street' and that people can swing back and forth through these various stages depending on many changes or events that take place in their lives. The second diagram illustrated the four levels of change: word, thought, belief, and feeling. Barbara discussed how at the start, communication is essential and talking through various issues is invaluable. The offender can then begin the thought process and start to work through the changes in their lives. The third stage is belief, where it is essential that the young person believes in themselves and knows that they aren't going to continue the offending behaviour. The final stage is feeling, where the offender knows that it's wrong and reacts accordingly. To put these two diagrams into practice, Barbara went through a case study where participants were able to distinguish where the stakeholders in the case were on the process of recovery, and the levels of change, so that practitioners could understand how best to address the need of each individual involved and fit them together, working towards everyone's recovery and rehabilitation.

Evaluation

The evaluation forms showed that, for almost everyone, the day met their expectations and the content was very relevant to their work. As usual with good conferences, 'more time needed for workshops' was the main complaint.

One of the questions asked was 'What important messages will you be taking away?' and responses to this ranged over:

- RJ can work with Sexually Harmful Behaviour
- Victims need the opportunity to be involved
- Family work is very important
- Assessment is crucial
- Multi-agency working is vital

And many more.

The form also asked 'Can we take this work forward? If so, how?' The basic response to this was 'We need MORE' – more conferences, training, networking, dialogue, awareness raising, research, sharing of information, shared resources, inter-agency working, to name but a few. Several people said they would like to see the conference become an annual event, and some mentioned the importance of a national lead as well as local. Some participants went so far as to say they would be developing initiatives in their own area on their return.

Conclusion

The conference finished with a short plenary session, in which we were asked to think about these questions:

- How do we take this forward?
- How do we engage Government bodies in this process?
- How do we continue to share knowledge?
- Could this be an annual event?

Sadly we only had a short time to address these questions in the plenary, but we were encouraged to say more on our evaluation forms.

This was an exciting and ground-breaking conference in which links were made, conversations started and possibilities glimpsed. Hopefully there will be more opportunities like this for those working in SHB and RJ to converse, plan joint projects and collaborate. In the paranoid and pessimistic atmosphere of our time, this conference provided a ray of hope based on solid practice.

Further information

AIM Project

Email: aimproject@msn.com

Restorative Justice Consortium

E-mail: info@restorativejustice.org.uk

www.restorativejustice.org.uk