



Challenging cases

A guide to helping victims
achieve their restorative justice
goals with different degrees of
offender participation.

Contents

● A spectrum of offender cooperation	Page 3
● Victim goals framework	Page 6
● Five victim goals and how they can be achieved with different levels of offender cooperation:	
● To have their say and be treated fairly	Page 8
● To get feedback about the offender's punishment	Page 12
● To stop it from happening again	Page 16
● To find out more about the crime or the offender	Page 20
● To see themselves differently	Page 25
● Tools for discussing goals with victims	Page 29
● Reflecting on goal achievements	Page 35
● Questions for discussion	Page 37

What is this guide?

Sometimes offenders don't take full responsibility for a crime they committed. They may be unremorseful, unable to answer victims' questions, or even unwilling to participate. Yet with the right information, preparation, and support, victims often still achieve at least some of their goals through a restorative justice (RJ) process.

In this guide we consider a spectrum of offender cooperation, and what it means for the victims who wish to communicate with them. We describe five main victim goals for RJ, and ways that facilitators can help victims achieve these goals at different levels of offender cooperation. We include tools to help victims identify, articulate, and reflect on their goals.

How can I find my way around this guide?

We recommend that you read about the spectrum of offender cooperation as an introduction. You can then use the victim goals framework on pages 6-7 to navigate the main section of this guide. The boxes at the bottom of the framework consider in brief how each goal might be achieved at different levels of offender cooperation. In each box you will find the page number for the section later in the booklet which describes the issues in more detail (pages 8-28). You may then want to read the tools for working with victims, so you can return to them when they are needed for future cases.

Wherever possible we include practical suggestions for facilitating these difficult cases. Many of the issues raised in this booklet have no easy answers, however, so we hope that this guide will also stimulate further discussion, research and sharing of best practice. You will find questions for discussion in the final section to help you further reflect on these issues using your own experiences, skills, and approaches.

What is the evidence for this guide?

This guide is based on interviews with 40 people who were victims of a range of different types of crime.¹ Their experiences of restorative justice ranged from little involvement to several meetings with the offender. In addition, the guide is informed by insights from clinical supervision meetings with a group of restorative justice practitioners over a period of three years.

Who can use this guide?

This guide is free to use for anyone who may find it helpful. We expect it will be most useful for:

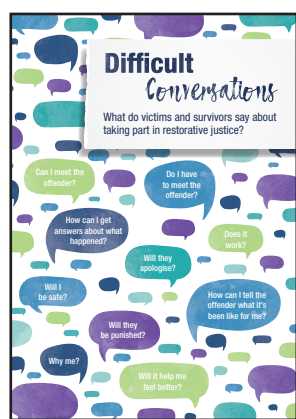
- RJ facilitators who are taking on sensitive and complex cases, such as cases involving serious or sexual violence, vulnerable participants, domestic abuse or a risk of continuing harm.²
- Criminal justice professionals involved in decisions about whether a case is suitable for restorative justice at any stage of the process, from before charge to post prison sentence.

Victims who are considering communicating with the offender may wish to read the accompanying booklet *Difficult Conversations: What do victims and survivors say about taking part in restorative justice*.³ This booklet draws directly on quotations from victims who took part in restorative justice. Its purpose is to help victims identify their main goals and consider whether they can be fulfilled through communication with the offender.

A note about victims and offenders

We are going to use the words ‘**victim**’ and ‘**offender**’ in this booklet. We recognise that these labels are limiting, that people can be both, and that it can be unhelpful to refer to individuals with these labels. We are using these terms simply to distinguish between the roles people take in RJ processes, as defined by the criminal justice system.

This guide addresses how to help victims fulfil their goals given a range of involvement from the offender. The equivalent questions could be asked to help offenders fulfil their goals given a range of involvement from the victim. This is an important consideration, but it is beyond the scope of the current guide.



¹ Batchelor, D. (2019). How restorative justice ‘works’: Psychological changes expected and experienced by victims who communicate with offenders [PhD thesis]. University of Oxford.

² The full definition of serious and complex cases according to The Restorative Justice Council can be found here: <https://restorativejustice.org.uk/resources/practitioner-code-practice>

³ Difficult Conversations (2019). Available at https://www.researchgate.net/publication/331165005_Difficult_conversations_What_do_victims_and_survivors_say_about_taking_part_in_restorative_justice

A spectrum of offender cooperation?

Every RJ facilitator will come across offenders who are unwilling or unable to provide all that the victim wants from them, especially in sensitive and complex cases. Instead of considering a case to be either 'suitable' or 'unsuitable' for restorative justice, it can be useful to consider that the offender's willingness to cooperate falls on a spectrum.

For many years, the guidance has been clear that restorative justice processes should not be used if the offender is denying the offence. The purpose of this ‘rule’ is to avoid using a justice mechanism with people who may in fact be innocent, and to avoid falsely raising expectations or revictimising participants.⁴ Like most things in life, the reality regarding ‘taking responsibility’ is more complicated. Offenders do not necessarily wholly accept or simply deny responsibility for a crime. Rather, it is a spectrum.

Of course, some offenders do take full responsibility for the crime, and others completely deny it. Much more commonly, their attitude falls somewhere in between these two ends of the spectrum. They may admit that they took part but did not initiate the crime, that they carried out some parts of the crime but not others, that they didn’t intend to do it, that they were under the influence of alcohol or drugs, or that they don’t remember. These attitudes are so common that forensic psychology has a multitude of labels for them: cognitive distortion; neutralisation, rationalisation, minimisation, etc.⁵

Offenders’ attitudes to the crime and to the victim vary in other ways too. The offender may, for example, be only partially remorseful, empathetic, or willing to listen to the victim. These variations are illustrated on the next page. **It is possible for offenders to be high on one scale and low on another.** An offender may take only partial responsibility, for example, and yet be extremely remorseful about their part in the offence. Conversely, they may take full responsibility but show no remorse at all.

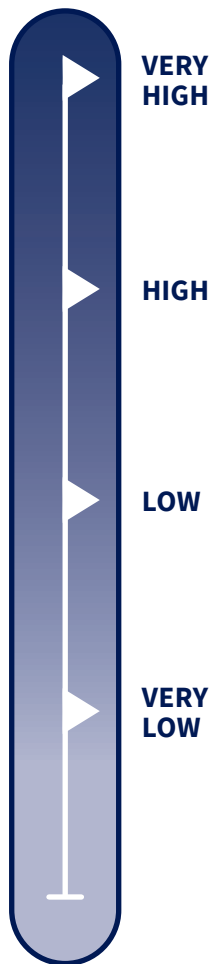
The offender’s attitude can change over time, and we would expect it to change during an RJ process. However, the victim needs to understand the offender’s *current* position on the scales to make a truly informed decision about taking part, to prepare themselves, and to manage their own expectations. The facilitator can update the victim as the offender’s attitude changes. They can also provide an expert opinion on which changes *might* take place through restorative justice. But as no-one can guarantee future changes, this can be a tricky balancing act. You can find more on this issue in the *Questions for discussion* section on page 37.

The scales on the next page illustrate some of the ways that aspects of offender cooperation can vary.

It is possible for offenders to be high on one scale and low on another.

⁴ Collins (2016) Do you need an offender for restorative justice? Challenging cases/blog/do-you-need-offender-restorative-justice

⁵ For a review see: Kaptein, M., & van Helvoort, M. (2019). A Model of Neutralization Techniques. *Deviant Behavior*, 40(10), 1260–1285. <https://doi.org/10.1080/01639625.2018.1491696>



Willingness to communicate with the victim

Very high: Willing to meet victim (online or in person, once or multiple)

High: Willing to send/receive letters, audio or video messages

Low: Willing to send/receive messages via the facilitator

Very low: Unwilling to communicate with the victim

Admission of guilt

Very high: Fully accepts responsibility

High: Mostly accepts responsibility with a few exceptions (e.g., can't remember some parts)

Low: Accepts some responsibility but also blames others or claims it was unintentional

Very low: Denies responsibility entirely

Willingness or ability to listen

Very high: Fully open to listening and to understanding the victim's story

High: Willing to listen but with some obstacles/exceptions

Low: Begrudgingly willing to 'hear them out'

Very low: Unwilling to listen to the victim

Victim empathy and remorse

Very high: Full remorse and willing to empathise with victim

High: Remorse with some exceptions (e.g., particular consequences for the victim)

Low: Some willingness to consider the impact on the victim, but may blame the victim

Very low: Unremorseful and may blame the victim

Willingness or ability to offer information about the offence and answer questions

Very high: Answers everything clearly and comprehensively

High: Can mostly answer questions but with some exceptions

Low: Can answer a few specific questions but largely unable to remember and/or explain

Very low: Doesn't remember/ won't talk about the offence

Willingness or ability to offer other specifics desired by the victim (e.g. reparation/ compensation/return stolen items/promise to attend rehab or another program, etc.)

What you might hear victims say:

*The process is so unfair.
No-one's listening.
I don't know what's going on.*

*They've got away with it.
The sentence is nothing
compared to what I've
been through.*

Underlying goal:

Have a say and be treated fairly

- Have their say
- Be respected
- Regain sense of control
- Receive information

Get feedback about punishment

- Hear about or see the offender's punishment
- Find out that punishment is not too lenient, too harsh or both

Offender cooperation:



VERY HIGH: Offender is remorseful and fully willing to communicate.

Victim feels respected and listened to by the offender.

Victim sees punishment (e.g., meets with offender in prison).

HIGH: Offender takes partial responsibility and is willing to listen.

Victim has their say, but may have doubts that the offender fully listened.

Victim hears about punishment from the offender.

LOW: Offender denies offence but is willing to meet.

Victim can take final decision about meeting for a sense of control over the process.

Victim may want to meet to see prison even if other goals can't be met or decide to get information another way.

VERY LOW: Offender is unwilling to participate.

Even in absence of offender, victim feels respected and listened to by the facilitator.

Facilitator can help victim find out about sentence from police, CPS or VLU.

For more detail, see page 8.

For more detail, see page 12.

*I don't feel safe.
I don't want it to happen
to other people.
I want to help the offender.*

*I can't stop thinking
about whether she meant
to do it or not.
I don't know if he's evil or ill.*

*I'm not my old self.
I'm afraid of everything.
I'm angry all the time.
I feel guilty (even if I
know it wasn't my fault).*

Stop it happening again

- Feel safe and less at risk from the offender
- Prevent the offender doing it to others



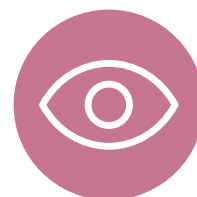
Find out more about the crime or the offender

- Reduce uncertainty
- Find out about the offender's life and character
- Hear why the crime happened



See themselves differently

- Feel strong despite impact of the crime
- Stop blaming themselves
- Overcome fears
- Do something altruistic



Victim is fully reassured by the offender's commitment not to reoffend.

Victim hears from the offender about the crime and the offender's life.

Victim fully able to separate themselves from the offence and its consequences.

Offender commits not to reoffend, but the victim may have some doubts.

Victim finds out about the offender, but some questions unanswered.

Victim feels somewhat empowered and less self-blame.

Victim is reassured by offender commitment to a specific action (e.g. "If we pass in street, I will...").

Victim draws own conclusions about what the offender is like.

Victim takes the risk of meeting, which asserts their own sense of bravery.

Victim feels sense of 'having tried everything' even if it cannot go ahead.

Victim interprets offender unwillingness to communicate as an answer to what they are like.

Victim feels empowered because they took action, and they feel less self-blame because the facilitator reassured them.

For more detail, see page 16.

For more detail, see page 20.

For more detail, see page 25.



Victim Goal: To have a say and be treated fairly (procedural justice)

Victims, like almost anyone involved in the justice system, tend to want the *process* to be fair. While some may wish to see specific justice *outcomes* (e.g., punishment of the offender, see page 12), they are often just as concerned - or even more concerned - with being treated fairly along the way.

For people to feel that a justice process has been fair, the key elements⁶ are:

- A chance to have their say (a voice)
- Some degree of control over the process
- To be shown respect
- To feel that the process has not been biased (impartiality)
- To feel fully informed about the process and outcomes

Victims are often motivated to communicate with the offender because they are looking for some or all these elements of procedural justice. Our interviews with victims have confirmed many previous findings⁷ that procedural justice is very important to victims, and it is one of the key factors in victim satisfaction with RJ processes. Indeed, some might say this goal should always be fulfilled by an RJ process, given that a founding principle of RJ is to treat the participants fairly.

Although the criminal justice system should ensure that the process is fair for everyone⁸, most of the victims in this study were dissatisfied by the level of procedural justice they had experienced during the investigation of the crime and/or the prosecution and sentencing of the offender. Victims commonly felt that the offender was put at the centre of the criminal justice process, while they were made to feel like bystanders. **Many hoped that RJ would provide them with opportunities to have their say, to receive information, or to be shown respect - opportunities they felt were missing from their experience of the criminal justice system.**

Uncooperative or absent offenders

Even when the offender is unremorseful, in denial or unwilling to participate, taking part in a restorative justice process can achieve the victim's goal of having their say and being treated fairly. Most RJ training focuses on giving the victims a voice, enabling them to have some control over the process, showing them respect, providing them with information and being impartial. The facilitator's interactions with the victim will often provide the victim with a sense of procedural justice, regardless of the offender's level of involvement.

In our study, many victims experienced a lack of procedural justice because they felt that the offender had the power to stop the process at any time (even in cases where a meeting did eventually go ahead). This is an inevitable consequence of a process that is voluntary on both sides, but it made some victims feel that the offender had control over the process, and in some cases victims they felt that the facilitator was more concerned with the offender's rights and wishes than their own. When the process is offender-initiated, victims are usually only contacted when the offender has already agreed to take part. Thus, the victim has the final say over whether to proceed and has a sense of control over the process. However, in RJ processes initiated by the victim and in many sensitive and complex cases where the victim is contacted first, the reverse can be true. This issue may be unavoidable in a process that is voluntary on both sides, but it is well worth considering what can be done to reduce the harm it can cause. Here are just a few ideas:

⁶ Tyler, T. R. (1989). The psychology of procedural justice: A test of the group-value model. *Journal of Personality and Social Psychology*, 57(5), 830–838.

⁷ Wemmers, J.-A., & Cyr, K. (2006). What fairness means to crime victims: A social psychological perspective on victim-offender mediation. *Applied Psychology in Criminal Justice*, 2(2), 102–128.

⁸ HMPPS Guidance: Procedural Justice (2019) <https://www.gov.uk/guidance/procedural-justice>

- Spend time early in the process explaining to every victim that it is voluntary for both parties and why this principle exists, even where it does not appear to be relevant. For example, it is worth explaining even if the offender has already agreed to take part, because the offender may change their mind.
- Although it is important for facilitators to manage expectations, some victims in our study felt that their facilitators overemphasised the possibility that it would not go ahead if the offender declined. As a result, they felt that the process was too focused on the offender's wishes. This can be handled by reframing and putting the emphasis on it being voluntary on both sides.
- Even with adjustments and good preparation, there will still always be situations where victims are disappointed. Facilitators can help victims process their perceived lack of procedural justice by:
 - Ensuring that even when the victim feels the offender had the final say over a meeting, the victim at least experiences all the other aspects of procedural justice (e.g., being listened to and believed by the facilitator, feeling respected, feeling that the facilitator is neutral, receiving lots of information about the process and outcomes).
 - Focusing on victims' other goals and considering alternative means of fulfilling them. For example, some victims felt their goals had been met even when the offender did not participate because of how they interpreted the offender's decision (see page 26).

Whilst most people agree that RJ should be voluntary for all involved, some people do not see 'voluntariness' as a simple black-and-white, yes-or-no issue either. If the extent to which something is voluntary is also on a spectrum, this raises implications and questions which we consider further in the *Questions for discussion* section, on page 39.



Offender cooperation level	How an RJ process might fulfil the victim's goal to have a say and be treated fairly at different levels of offender cooperation
VERY HIGH: Offender takes responsibility, is remorseful and willing to listen with respect.	Communication between victim and offender. This enables the victim to be treated fairly and listened to with respect by the offender as well as by the facilitator/professionals.
HIGH: Offender takes partial responsibility/remorse but is willing to listen.	The victim expresses themselves to the offender in a meeting or by letter/message. This can fulfil the victim's need to be listened to, but careful preparation is needed. To avoid revictimization, the facilitator could consider with both parties what it would mean to feel and show respect, and whether this can be achieved when the offender is only taking partial responsibility.
LOW: Offender denies offence but is willing to meet.	<p>The victim takes the final decision about meeting the offender. In our study, most victims decided not to meet with offenders who denied the offence, and having the final say about the meeting gave them a sense of procedural justice.</p> <p>Giving this choice to victims can lead to a scenario in which they do choose to meet with an offender in denial. Very careful preparation is needed for both parties. Could a meeting fulfil the victim's goals, and if so, which ones? What is the offender's motivation for meeting? What are the potential benefits, risks and safeguards needed for both parties?</p>
VERY LOW: Offender is unwilling to participate.	<p>The facilitator helps the victim fulfil their need for procedural justice.</p> <ul style="list-style-type: none"> ● Facilitator listens to and respects the victim. ● Victim may want to receive information about the process and outcomes by other means (e.g., police, CPS, etc.). ● Victim has their say (e.g., story-telling, an art project, a letter that doesn't get passed on, a victim's campaign) ● A meeting to be heard and respected by someone other than the offender (e.g., family, witnesses, other offenders, other victims).



Victim Goal: To get feedback about the offender's punishment

Some victims who participate in RJ processes do not want the offender to be punished. Much more commonly - especially when the offence is serious - victims want to communicate with the offender *and* for them to be punished. For some victims, communication with the offender is an opportunity to understand more about action taken by the police or the courts, the sentence involved and the offender's reaction.

Advocates of RJ have had to work hard to reassure critics that victims are much less punitive than one might think, and that RJ is not a smokescreen for vigilante justice. As a result, many facilitators have overlooked a natural and perfectly understandable desire for victims to know that the offender has been punished for the crime. The victims in our study did not wish to hear that the offender had suffered horribly. Rather, **the victims tended to be concerned that the punishment was proportionate to the crime (neither too lenient nor too excessive), and they wanted to hear that the offender had accepted and was willing to learn from the punishment they received.**⁹

Communicating with the offender gave victims a chance to hear what the offender said about their experience of punishment, such as being in prison. Some victims said they were glad to hear the offender was not being beaten black and blue in prison, or that being in prison hadn't 'made them worse'. Some victims said that they were glad to hear that being in prison was not as easy as it sounds, or that it was not the 'holiday camp' as prison is sometimes portrayed in the media. Several victims were simultaneously reassured both about lenience and excessiveness. In cases where a meeting with the offender took place in prison, one reason victims said that the experience was valuable was because they could see for themselves what the punishment was like.

Uncooperative or absent offenders

Victims have a right to *some* information about the offender's punishment, and they may be able to access other information when it is in the public domain. Yet some aspects of the feedback they seek can only be obtained by communication with the offender. A facilitator can explore four main ways of helping victims achieve this goal, even without full cooperation from offenders: 1) inform victims of their right to information; 2) help victims understand the information they have been given; 3) seek out information that may be available through other means; and 4) seek the offender's consent to communicate information directly. Most importantly, facilitators should not assume that the victim has chosen RJ as an *alternative* to punishment. An open conversation about this goal will make the process safer for everyone involved.

If an offender is convicted, victims have a right to know about the offender's punishment, and it is possible for them to receive this information regardless of the level of cooperation from the offender. **In the UK, the Victim's Code entitles victims to information about the investigation and prosecution, the trial process, and any appeals.**¹⁰ Victims have a right to know if an out of court disposal is given (and reasons for it), or about the nature of a sentence given in court. In the UK, when the crimes are sufficiently serious, victims are also entitled to more detailed information from the Victim Contact Scheme (Probation Service). For example, victims can learn whether the offender is attending courses and complying with the terms of their sentence.

⁹ This is consistent with findings in other contexts that victims are most satisfied by punishment when they get feedback about the offender's response: Funk, F., McGeer, V., & Gollwitzer, M. (2014). Get the message: Punishment is satisfying if the transgressor responds to its communicative intent. *Personality and Social Psychology Bulletin*, 40(8), 986–997. <https://doi.org/10.1177/0146167214533130>.

¹⁰ Code of Practice for Victims of Crime in England and Wales (2020) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/936239/victims-code-2020.pdf

Facilitators can inform the victim of these rights and check that victims have been given all the information they are entitled to by the criminal justice system. For some victims, the knowledge that they are entitled to such information will be enough, and they will not need help to acquire or understand it.

Some victims may need help acquiring and understanding this information. For example, if a victim has been told that the offender received a 'caution', they may want to know what that involves, and whether it will appear on the offender's record. The facilitator might help them to find information from the police, the prosecution service, or the probation and prison services. One victim we interviewed said she felt she understood the offender's punishment better after she visited a prison that had been turned into a museum.

There may also be information that victims do not have an official 'right' to obtain but is available in the public domain. In some cases, for example, the police may volunteer information about the offender's reaction to being arrested. When the offender appears in court, members of the public (including the victim) can see the offender's responses. If the victim is unable to attend court, they may find out through friends or family who attend on their behalf, from police officers, the CPS or even the media. The facilitator can help the victim obtain this kind of information while still respecting the offender's right to privacy.

Most ideally, of course, the facilitator can arrange for the victim to receive information and feedback about the offender's punishment directly from the offender, with the offender's consent. This may or may not be accompanied by acknowledgement and remorse.

Further ideas for achieving this goal at different levels of offender cooperation can be found on the following page.



Offender cooperation level	How an RJ process might fulfil the victim's goal to get feedback about the offender's punishment at different levels of offender cooperation
VERY HIGH: Offender takes responsibility and is remorseful.	<p>Offender gives detailed feedback about their punishment directly to the victim. For example, the offender talks about life in prison/on a community sentence, courses attended, lessons learnt, the impact of the sentence on their lives and plans for reducing future offending.</p> <p>Offenders may also tell victims about other ways they have been 'punished' as a result of the crime (e.g., the consequences they suffered in terms of their mental wellbeing, their relationships, their employment or education). The victim may also hear about any punishment imposed on young offenders by their parents.</p> <p>Victim can see the punishment in person by meeting with the offender in prison or at a probation office.</p>
HIGH: Offender is willing to talk about punishment, even if only taking partial responsibility/unremorseful.	<p>Offender gives some feedback about their punishment directly or indirectly to the victim perhaps without details or 'lessons learnt' (e.g., by a letter or a message through the facilitator).</p> <p>Victim can see punishment in person (as above).</p>
LOW: Offender meets facilitator but is unwilling to communicate with victim.	<p>Facilitator provides feedback to the victim about the punishment and the offender's response while respecting the offender's right to privacy. For example, the facilitator can tell the victim about the terms of the offender's prison/community sentence, what the rules are and what such sentences are like in general.</p> <p>If offender consent is given, the facilitator can give the victim more details about the offender's description of life in prison or on a community sentence, and courses they have attended.</p>
VERY LOW: Offender is unwilling to participate in RJ process.	<p>Facilitator ensures victim has received all information they are entitled to through the criminal justice system. Importantly, the facilitator also helps the victim understand the information they have received, and/or helps the victim find other help if needed.</p> <p>Facilitator helps victim find any available information about the offender's reaction to the punishment. This might take place through a meeting with the police or the CPS. As some people are given more information than others, the facilitator may need to advocate for equal access to information that is given on a discretionary basis.</p>



Victim goal: To prevent future crime

While it should never be the victim's responsibility to prevent the offender from reoffending, many victims concern themselves with this goal. They want to feel safe, and so they may seek reassurance that the offender is not going to target them again. Many victims who participate in RJ processes do so because they want to prevent the offender from reoffending against others.¹¹

¹¹ Victims' Commissioner: Review of Restorative Justice (2016) <https://victimscommissioner.org.uk/published-reviews/a-question-of-quality-a-review-of-restorative-justice-part-2-victims/>

Most victims in our study said that they knew intellectually it was not their responsibility to prevent the offender from reoffending, but nevertheless they felt emotionally compelled to try.

Some mentioned that they felt this burden because they did not have confidence that the criminal justice system would prevent reoffending. Others simply wanted something good to come of the harm they had suffered.

Some people might think of this goal as most relevant for victims of minor offences by young offenders, as such victims often say that they wish to meet the offender mainly to prevent them from reoffending. However, for the victims of serious violent and sexual crimes that we interviewed, prevention of future crime tended to be important as well. Unlike with victims of more minor crimes, these victims had lower expectations that their attempts to prevent future offending would be successful. This meant that while they hoped the process would stop the offender from committing crimes in future, they held this goal somewhat 'lightly' (i.e., it was not usually stated as their primary goal), and they only wanted to go ahead if they also felt the process would achieve some of the other goals.

Uncooperative or absent offenders

This goal to prevent future crime is perhaps the most difficult for the victim to achieve with an offender who does not take responsibility, is unremorseful or unwilling to participate. Preparation with the victim should not impose or increase their sense of obligation to prevent reoffending as this burden could affect their recovery. However, many victims already feel an obligation, and so the best preparation will explicitly discuss their attitude to this goal and evaluate it. If it is truly a goal of theirs (rather than externally imposed), facilitators may want to consider with the victim how it might be fulfilled.

Most victims mentioned this goal to a greater or lesser extent, though they had very different ideas about how to reach it. Facilitators therefore need to explore with victims the details of this goal, to consider together how it might be fulfilled at different levels of offender cooperation. Even when the offender is only partially taking responsibility or is unremorseful, some victims wish to talk to the offender about the harm caused by the crime in the hope that the offender will think twice before harming others. **The key to ensuring this process is safe for both parties is to establish whether the offender is willing to listen to what the victim has to say.**

After communication with the offender, none of the victims we interviewed said they could be sure that the offender would not reoffend, but all felt a sense of pride in at least having tried to achieve this goal. Some victims who were unable to meet the offender at all were still satisfied with the process and had a sense of closure because they had 'pushed all the doors'. Even those who felt sure the process had definitely not 'worked' were pleased that they had at least been able to judge for themselves how likely the offender was to reoffend. They mentioned that this new knowledge had reduced their sense of uncertainty (see also page 20).

One person said he felt vulnerable after meeting the offender because he had given the offender lots of personal information, and he worried that the offender might take revenge for having been so fiercely challenged in the meeting. The offender had shown remorse and promised to reform, but the victim had not been convinced it was genuine. The victim's anxiety passed with time as no further offences took place, but it is important for facilitators to consider that victims may feel particularly vulnerable when they either don't receive or don't believe the offender's assurances. The facilitator may wish to warn the victim in advance that this may happen, and ensure that after the process the victim has the appropriate support in place to manage these feelings.

When the crime is serious, it is very unlikely that prevention will be the victim's only goal. It is important to consider whether an RJ process with an unremorseful offender will be able to fulfil the victim's other goals. As with all the recommendations here, the benefit to the victim must also be balanced with the goals and wellbeing of the offender, but that is a topic for another guide.



Offender cooperation level	How an RJ process might fulfil the victim's goal to prevent future crime at different levels of offender cooperation
VERY HIGH: Offender fully intends to stop offending.	<p>Offender communicates to the victim their intentions to stop offending</p> <ul style="list-style-type: none"> ● Offender assures the victim that they will reduce or stop offending (they may or may not be believed). ● Offender agrees to seek support for stopping offending (e.g., offending behaviour/substance abuse programs) <p>Even with the best of intentions, no person can guarantee they will live a life free from crime. Even where the facilitator feels confident that the victims will receive genuine declarations from the offender, the victim should be prepared that they may not be forthcoming at the meeting, that the victim may not find them easy to believe, and that the offender may not be able to fulfil even sincerely meant promises.</p>
HIGH: Offender displays willingness to listen and to consider stopping offending.	<p>Victim communicates the impact of the crime and appeals to the offender to stop offending. Ideally, this will cause the offender to stop offending, but it cannot be guaranteed. Therefore, victims deserve complete information to make their own decision about whether communication will be worthwhile, including a full description of the offender's attitudes towards offending. Victims should also understand there is evidence that RJ does reduce recidivism on average, but that a total transformation is rare and there can be no guarantees in any one case.</p>
LOW: Offender willing to communicate but is unremorseful/shows no intentions to stop offending.	<p>Offender agrees to specific actions which make the victim feel safer. For example:</p> <ul style="list-style-type: none"> ● Offender agrees not to target the victim. ● Offender agrees to specific steps (e.g., stay out of a certain area, not approach the victim if they pass in the street, not contact their friends and family)
VERY LOW: Offender is unwilling to participate in RJ process.	<p>In this case it is impossible for the victim to be involved in preventing the offender from reoffending. However, some victims may gain satisfaction knowing that they at least tried, and that the failure of the process was out of their hands.</p> <p>Victim gets involved in alternative prevention work unrelated to the specific offender. Victims may partially meet this goal by becoming involved in work with other victims and/or other offenders (e.g., surrogate RJ schemes, victim awareness schemes, crime and safety campaigns).</p>



Victim goal: To find out more about the crime or the offender

Victims often have questions about the crime or the offender. Some of these questions may be answered by the court process. Often, however, victims are left ruminating about what happened and why. They may be left with uncertainty about what the offender is like, especially when they knew the offender before the crime happened. Many of the victims we interviewed said their motivation for communicating with the offender was to find answers to their questions.

Famous stories of transformative RJ processes often result in a dramatic positive change in the victim's view of the offender. Prior to meeting, the offender appears as a monster in the victim's thoughts and nightmares. After meeting the offender, the victim finds out that the offender is not a monster but is human, has a mix of good and bad qualities, and is often much less powerful than they imagined. Some of the victims we interviewed experienced this type of change, ranging from a slight improvement to a dramatic transformation in their view of the offender.

However, many victims said that their aim was to find out about the offender, regardless of whether what they found out was positive or negative. While many hoped to discover that the offender was not a monster as described above, they wished to know the truth whether it was good or bad. **Some victims were satisfied with the RJ process even when it resulted in a more negative view of the offender, because their sense of uncertainty was replaced by clarity.**

Even negative answers to their questions helped some victims stop repeatedly going over the offence in their minds (ruminating), because they knew more about what happened.

One of the most common things victims in our study wanted to know about the offender was why they had committed the crime. However, different people meant different things by 'why'.

- Some meant that they wanted to know **'why me?'** For example, why did the offender choose them or their property to be the victim (rather than somebody else)? In line with previous research, when the offender explained that their choice of victim was due to circumstances or entirely random, this tended to make the victim feel less to blame and less vulnerable (see also page 25).

- Some victims wanted **historical explanations**, they wanted to know how the offender became the kind of person who could commit such a crime at all. For some crimes such as burglary, victims who heard the offender's life story said they understood how the offender's childhood or circumstances led them to commit crimes. Some victims even said that if they had a similar life, they might also commit such crimes. However, when the crimes were more serious, especially serious sexual offences, there did not seem to be an answer to this question that satisfied victims. People who had committed sexual offences were generally unable to articulate how they had become the kind of person who could commit such a crime. Some offenders suggested it was because they themselves had been abused, but this explanation was unsatisfactory for the victims, particularly because the victims had been abused but had not become offenders.

- Sometimes victims wanted to know what **the offender's reasoning** was on the day(s). What were they trying to achieve? Why did they think that action was ok? Victims tended to receive this kind of explanation through the part of the RJ process in which the facilitator asks the offender about their thoughts and feelings. When given this kind of explanation, however, victims in our study seemed to mostly benefit from the opportunity to *challenge* it, (i.e., to argue to the offender that their reasoning was wrong). This response may have been an attempt to prevent the offender from committing the same kind of crime again in future (see also page 16).

- Sometimes offenders responded with ‘**enabling factors**’ (i.e., factors that contributed to the crime but were at least partially out of the control of the offender). For example, offenders explained that they had been under the influence of drugs and alcohol, or that they were influenced by their peers. Some victims saw these explanations as excuses and wanted to challenge them, while others appeared to accept them as at least partially reasonable explanations.

Uncooperative or absent offenders

Most of the victims we interviewed did not want a rosy picture of the offender painted for them; they wanted the unvarnished truth. This goal is therefore easier to fulfil than it first appears even when the offender is in denial, unremorseful or uncooperative. If the facilitator fully understands what the victim is seeking, it is possible to gain information from an offender who is willing to communicate even if they are not wholly cooperative, and to obtain information from other sources.

The ideal way for victims to find out more about the crime and the offender is for the offender to answer their questions directly, or to give explicit consent for the answers to be passed to the victim. When the offender is only partially cooperative or does not want to participate, facilitators should gain consent for as much detail as possible to be passed to the victim (e.g., the offender’s attitude towards the offence, their reasons for declining communication). Bringing bad news to the victim is a heavy burden for facilitators, but victims in our study all said they wanted the option to hear the truth regardless of its content (see *Feedback about punishment*, page 12).

If the offender was unremorseful or even dangerous, some victims said they nevertheless wished to know these details.

After the RJ process, several victims said they were satisfied with having taken part despite hearing that the offender was still denying the offence or was unremorseful, because at least they now knew.

Like the other victim goals mentioned here, the most important step is for the facilitator to explore the goal in more depth with the victim. If the victim says that part of their motivation for wishing to communicate with the offender is to ‘find out about them’, there are a range of different things they may mean by this. Similarly, if the victim says they want to know ‘why’ the offence happened, it is essential to discuss what they mean by the question and what *kinds* of answers they would find satisfying. The facilitator can then explore in advance whether the offender is able or willing to answer the question. This information can help the victim to make an informed choice about participating:

- If the victim is hoping to understand why they were targeted (**‘why me?’**), facilitators can check in advance what the offender’s answer will be. Hearing that they were chosen at random is likely to benefit the victim. Hearing that they were chosen because of something about who they are or what they have done will be much more difficult. The victim still has a right to understand that this was the case, but the facilitator will need to carefully manage the communication to minimise any negative impact on the victim’s view of themselves.
- If the victim is looking for a **historical explanation**, warn the victim that the offender may not have a ‘satisfactory’ answer, especially if it was a sexual offence. Perhaps explore this by shuttle mediation prior to a meeting.

- If the victim wants to understand the **offender's reasoning** at the time of the crime, check whether the victim is likely to challenge the reasons given. If so, give them tools/language that might help them do so restoratively. Perhaps warn the offender that this is likely to take place and think about how they will respond. If communication is taking place by letter, give the victim the opportunity to respond even when the offender has already provided an explanation, as they may wish to challenge it.
- If the offender is likely to explain the offence with '**enabling factors**' (e.g., drugs, alcohol, peer influence), check with the victim how they might feel. Will they perceive this explanation as an excuse, or will they find it useful to understand the crime better?

Of course the facilitator cannot anticipate the whole conversation between the victim and the offender in advance, so some questions and answers will arise that have not been prepared. We consider this tension further in *Questions for discussion*, page 37.

When victims have the option to communicate with an offender who isn't giving the 'right' answers, there are some parallels with families of murder victims seeing the bodies of their loved ones. Traditionally, the police took a protective approach, for example, by assuming that it would be damaging for a mother to see the injuries that killed her son. However, research has shown that even when it is deeply traumatic, families appreciate having seen the body of their loved one, because it gives a sense of closure and answers questions.¹² Perhaps most importantly, families appreciate being offered the opportunity to see the body even if they decide not to. Police officers can help them manage their expectations, explain to them what they are likely to see, and even advise against it. However, it is common practice for the family to take the final decision.¹³ This raises the question of whether the same should be true for an RJ process. Should professionals ever deny victims the opportunity to communicate with the offender on the basis that it will be too traumatic or revictimizing? Or should they - like the police offering a family the opportunity to see their murdered loved one's body - let the victim know what to expect, with precise details about the offender's level of remorse and responsibility, and then let the victim decide?¹⁴

¹² Chapple, A., & Ziebland, S. (2010). Viewing the body after bereavement due to a traumatic death: Qualitative study in the UK. *British Medical Journal*, 340(7754), 1017. <https://doi.org/10.1136/bmj.c2032>

¹³ See for example, Metropolitan Police. (2018). *Metropolitan police bereavement advice booklet*. London, UK.

¹⁴ This would not be to say that the final decision should always be the victim's. There are many other considerations that will inform whether the RJ process goes ahead. However, it may be that only the victim can make the final decision not to proceed *on the basis that the victim will be retraumatized*. Indeed, they may wish to go ahead with the process even believing that it is likely to retraumatise them. Should they be given the final say on this decision?



Offender cooperation level	How an RJ process might fulfil the victim's goal to find out more about crime or the offender at different levels of offender cooperation
VERY HIGH: Offender takes full responsibility and is remorseful.	Offender communicates fully and openly with the victim. When the offender is remorseful and takes full responsibility, they will be able to fully answer the victim's questions about their life, the causes of the crime, and their future plans. The victim can get to know the character of the offender, and ideally they will come to learn the offender is more 'human' than they realised.
HIGH: Offender takes partial responsibility or remorse.	Victim decides whether the partial information/explanation the offender is offering will fulfil this goal. The facilitator passes details to the victim in advance (e.g., which parts of the crime they can remember, what types of explanation they are giving for committing the crime, how much about their childhood they are willing to share). Then the victim can decide with full information whether they want to communicate with the offender. If victims decide not to proceed with a meeting, consider if their questions could be answered another way: <ul style="list-style-type: none"> ● More information from the police or CPS ● More information from elsewhere – think creatively depending on the case (e.g., friends, family, media coverage of the crime) ● Indirect communication with offender
LOW: Offender shows no remorse/ responsibility but is willing to participate.	Victim finds out about the offender indirectly. With both parties' consent, the facilitator may pass on any answers to the victim's questions that the offender is able to provide. The offender may not say why the crime happened, for example, but might say that they do not hold a grudge against the victim for reporting them. If victim wants to know what offender looks like to prevent accidentally bumping into them, could a photo be provided? Video message? Other?
VERY LOW: Offender is unwilling to participate.	No communication between victim and offender. The victim may therefore conclude the offender is 'bad'. This conclusion may nevertheless make them feel that their questions about the offender have been answered.



Victim goal: To see themselves differently

Crime often makes people feel vulnerable and ashamed, and this can have long-term effects on their health and wellbeing. For some victims in our study, communication with the offender helped with their self-image. Victims felt stronger after talking about the ways they survived the offence or its aftermath, or through feeling brave enough to face the offender. Victims felt better about themselves and less ashamed through hearing the offender take responsibility. Overall, communication with the offender was often an opportunity for victims to separate their self-identity from the offence and its impact.

Crime often makes people feel that they can't control what happens to them, and that they have lost a sense of personal power. For some victims in our study, taking part in RJ was an opportunity to prove to themselves that they were strong and in control. Describing the offence and its impact to the facilitator and/or the offender gave them a chance to demonstrate their resilience. Moreover, victims know that any communication with the offender involves taking a risk, and for some it was precisely by taking that risk that they could demonstrate their strength to themselves and to others.

Some victims blame themselves for the crime or the aftermath of the crime. Communicating with the offender is a chance to discuss whether they were to blame, and to hear the offender take responsibility. For some, the very act of communicating with the offender is an act of altruism. After feeling shame associated with the crime, the RJ process can restore the victims' sense of themselves as a good person.

Many victims say that they want to tell the offender about the ways in which the crime has affected them. If the purpose from the victim's perspective is to feel stronger, then it is perhaps surprising that they would want the offender to know the ways in which the crime made them feel weak and hurt. Indeed a few victims in our study said that they did not want to talk about the impact with the offender precisely for this reason. For most victims, however, talking about the impact was important. Some believe it will prevent the offender from committing further crimes (see page 16), for others it may be a cathartic expression of negative emotions. In addition, the victims we interviewed described how talking about the impact of the crime enabled them to clearly distinguish between the effects of the crime (resulting from the actions of the offender) and the victim's sense of self.

For example, if the victim had been very afraid since the crime, describing this to the offender helped them clarify that this was *as a result of the crime*, not because they were simply a fearful person. When the crime was committed over time and/or when the victim was young (e.g., childhood sexual abuse) it was harder to differentiate the effects of the crime from the victim's character, but it appeared to be even more important to victims to try and do exactly that. **While one of the fundamental principles of RJ is that it separates the crime from the person who committed it, or the 'deed from the doer', it is also an opportunity for the victim to separate themselves from the crime, or to separate the deed from the 'done to'.**

Uncooperative or absent offenders

Victims' views of themselves can change through participating in an RJ process, even when the offender does not take responsibility, is unremorseful or unwilling to participate. More so than the fulfilment of the other goals, however, this depends on how the victim interprets the behaviour of the offender.

It is always true that preparation is key, but this is especially true to help victims achieve this goal. As an example, more than one victim we interviewed wished to meet the offender but was unable to because the offender declined to participate. Some victims interpreted this as proof that the offender was in control of the process, and as a result felt even more weakened and vulnerable. Other victims focused on their own willingness to participate, taking this as evidence that they were more courageous and stronger than the offender. Facilitators can play a large role in explicitly helping victims recognise and celebrate their own courage.

In the preparation stage, facilitators can explore victims' views of themselves, how they have been affected by the crime, and the specific types of change they hope to achieve through communicating with the offender. While the most powerful changes arose through direct communication with the offender, some victims felt stronger because the facilitators listened to and respected them, and because they were given options and a degree of control over the process (see also procedural justice, page 8).

Many of the victims we interviewed blamed themselves, even when it seemed clear that they could not possibly have played any role in causing the crime. In an ideal RJ process, victims' self-blame can be reduced through hearing the offender take responsibility for the crime. In our study, several victims said that they felt less self-blame afterwards because the facilitator had reassured them that the crime was not their fault, even when the offender did not take responsibility or was unwilling to meet. In some cases, the process of preparing the victim for RJ also led to other family members echoing this message. For several of the victims we interviewed, hearing that family members did not blame them for the offence was just as important - if not more important - than hearing from the offender. The complex role other people play in fulfilment of victim's goals is considered further in the *Questions for discussion* section on page 39.

In summary, there are two main aspects of the victim's view of themselves that they most often sought to change: vulnerability and shame. These can be overcome through talking (to family members, a counsellor, or the offender) and/or by taking action (proving to themselves in some way that they are a strong and good person). Some ways of fulfilling this goal with different levels of offender cooperation can be found on the following page.



Offender cooperation level	How an RJ process might fulfil the victim's goal to feel stronger and better at different levels of offender cooperation
VERY HIGH: Offender takes full responsibility.	Victim – offender communication includes: <ul style="list-style-type: none"> ● Offender takes responsibility for offence and its aftermath, meaning the victim feels less responsible, stronger and less ashamed.
HIGH: Offender is willing to listen (even if only partial responsibility/remorse).	Victim – offender communication more limited, but can still include: <ul style="list-style-type: none"> ● Victim conveys impact of crime to offender, thus 'offloading' it to the offender and separating it from their own character.
LOW: Offender is willing to meet but denies responsibility/shows no remorse.	Victim chooses to meet the offender, meaning: <ul style="list-style-type: none"> ● Victim feels like a good and strong person, by having the courage to take a risk/make a sacrifice and meet the offender, even though the circumstances are not ideal. Victim chooses not to meet the offender, meaning: <ul style="list-style-type: none"> ● Victim feels empowered/strong because they had process control and made the final decision about meeting.
VERY LOW: Offender refuses to participate.	Facilitator helps victim reduce vulnerability and shame by: <ul style="list-style-type: none"> ● Acknowledging the offence, believing the victim, and reminding the victim it was not their fault. ● Helping the victim distance themselves from the impact of the offence by talking it through, even though it cannot be 'offloaded' to the offender. ● Acknowledging and celebrating victim's willingness to take a risk/make a sacrifice even though meeting was unable to proceed. Communication with others: Victims may need help communicating with others (e.g., counsellor, friends, family, workplace) who can reinforce positive sense of self. <p>Taking other action. Victim may take other action that proves strength (conquering a personal fear) and/or that makes them feel good about themselves (e.g. volunteering, campaigning for other victims).</p>

Tool for discussing goals with victims

The following tools can help victims talk about their goals and consider how to achieve them. Within each of the five categories discussed above, victims can think about how important each aspect of that goal is to them.

They can explore:

- 1) **their ideal outcomes** (i.e., in a perfect world, what does the victim wish to achieve),
- 2) **their expected outcomes** (i.e., if the process goes reasonably well, what do they expect to achieve through participating) and
- 3) **the essentials** (i.e., the victim does not want to participate unless these things can be achieved).

We have created two tools to guide this reflection:

- 1) a fillable table and 2) a ‘tree’ exercise that may be useful for more visually oriented people.

In many cases, facilitators will discuss goals with victims informally, and no tools will be necessary. However, where there is doubt about whether victims' goals can be achieved through RJ process, these tools may help the victim to think, talk and write about their goals. The facilitator will then be able to respond in more depth about how likely such goals are to be achieved, according to their knowledge of the offender and of RJ processes in general. This will allow the victim to break down the different elements of each goal, manage their expectations and make an informed choice about participating. It may also help the facilitator to distinguish between their own expectations of the process and those of the victim.

Sometimes, it may not be appropriate to use these tools with the victim, for example, when there are literacy or trust issues. In these cases, facilitators may still wish to use the tools to think through what they have been told by the victim and consider what else they need to do to prepare the victim for engagement with the offender.

This version of the tool includes examples in blue which illustrate how a victim might use the tool. There is no need to have something written in every section. Some goals or sections within each goal may not be relevant to the victim, and the victim's goals may change over time so this exercise can be repeated as many times as necessary.

Victims are likely to mention goals which do not fit into one of the five categories. In this case, the facilitator may want to ask further questions to understand whether there is a goal which underlies their stated goal. For example, a victim could say that they want to meet the offender because they want their mother to hear what the offender has to say. This is a valid goal, but it doesn't explain what internal, psychological changes the victim wishes to achieve. Is it, for example, because they want their mother to believe it happened, and that will help them feel less of a victim? Or is it because their mother will ask questions they feel unable to ask, and that will help them to find out about the offender?

Of course, even after exploring underlying goals, this framework will not cover every possible victim goal. Feel free to add to the tool and do contact us if there is a category of goals which comes up often which you think should be added (see end for contact details).

Victim goals table

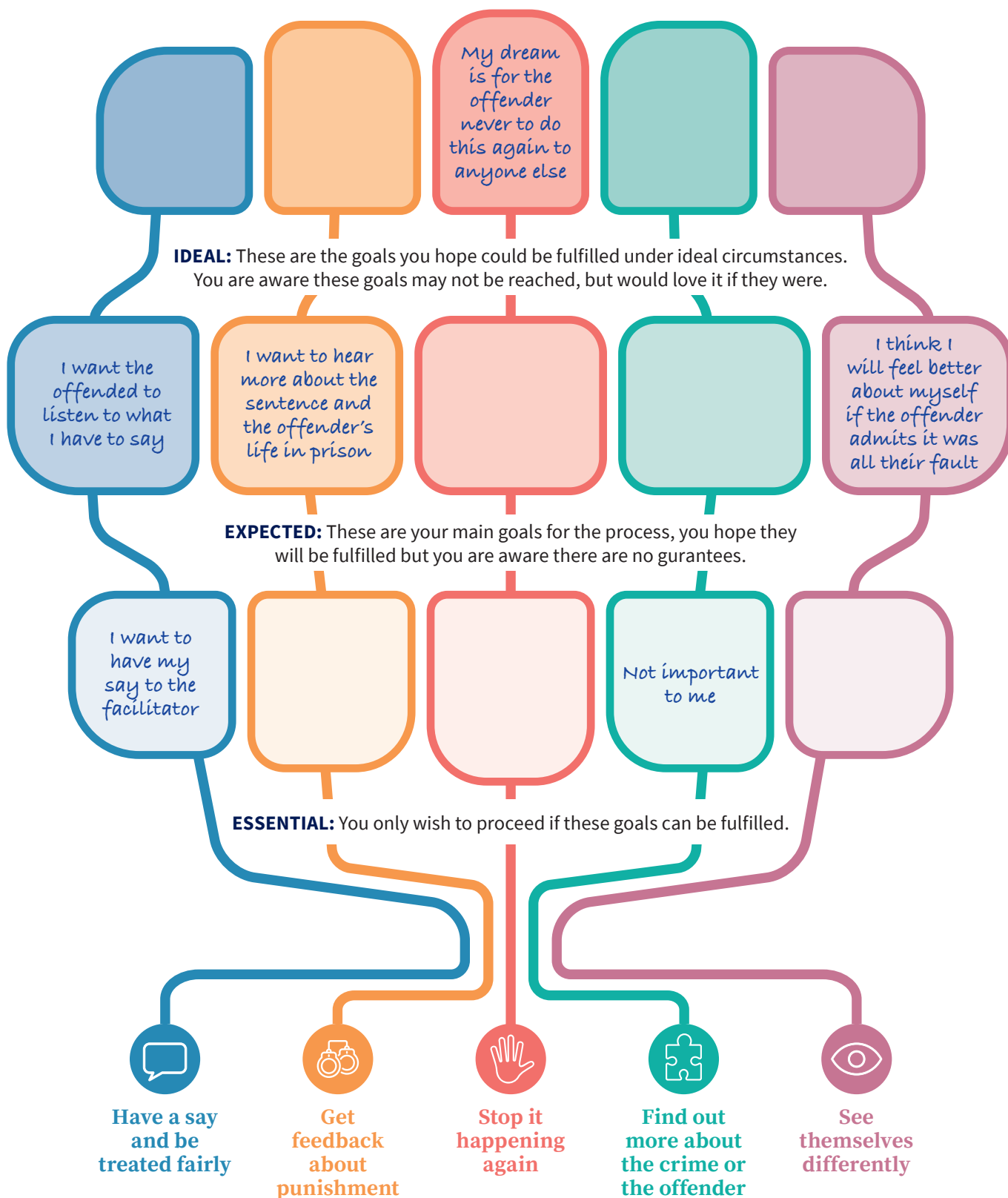
In this example, the table has been filled in, but a blank version can be found for use with victims on page 33.

	ESSENTIAL I do not want to take part unless it is very likely that I can achieve these things.	EXPECTED These are my main goals. I expect to achieve them by taking part, but I am aware there are no guarantees.	IDEAL In a perfect world, this is what I would wish for as an outcome.
Have a say and be treated fairly 	I want to have my say to the facilitator and have all the options on the table.	I want the offender to listen to what I have to say.	
Get feedback about punishment 		I want to hear more about the sentence and the offender's life in prison.	
Stop it from happening again 			My dream is for the offender never to do this again to anyone else.
Find out more about the crime or the offender 	This goal is not important to me.		
See myself differently 		I think I will feel better about myself if the offender admits it was all their fault.	

Victim goals tree

The following diagram has the same content as the table above, but it uses the metaphor of a tree. Victims can think about their **ideal** outcomes as flowers on a tree, the best-case scenario.

The **expected** outcomes are the leaves, outcomes that are desired and are important, but cannot be guaranteed. Finally, the trunk and branches are the **essentials** – if these outcomes are unlikely to be achieved, the victim would not want to go ahead with the process. This page contains an example of how it can be used, and a blank version can be found on page 34.



Restorative justice goals (Table)

Are you considering communicating with the person or people who committed an offence (or offences) against you? This table is designed to help you think about what you want to gain.

There are five main categories of *change* written across the top of the table. Within each category, you can write about goals that are essential to you, what you expect to achieve by taking part, and what you would wish for in an ideal world.

You do not have to fill in every section, and you may have other goals that you don't find a place for here. We hope that this helps you prepare yourself and make decisions that suit you best.

This table is not copyright protected, and can be freely duplicated or adapted.

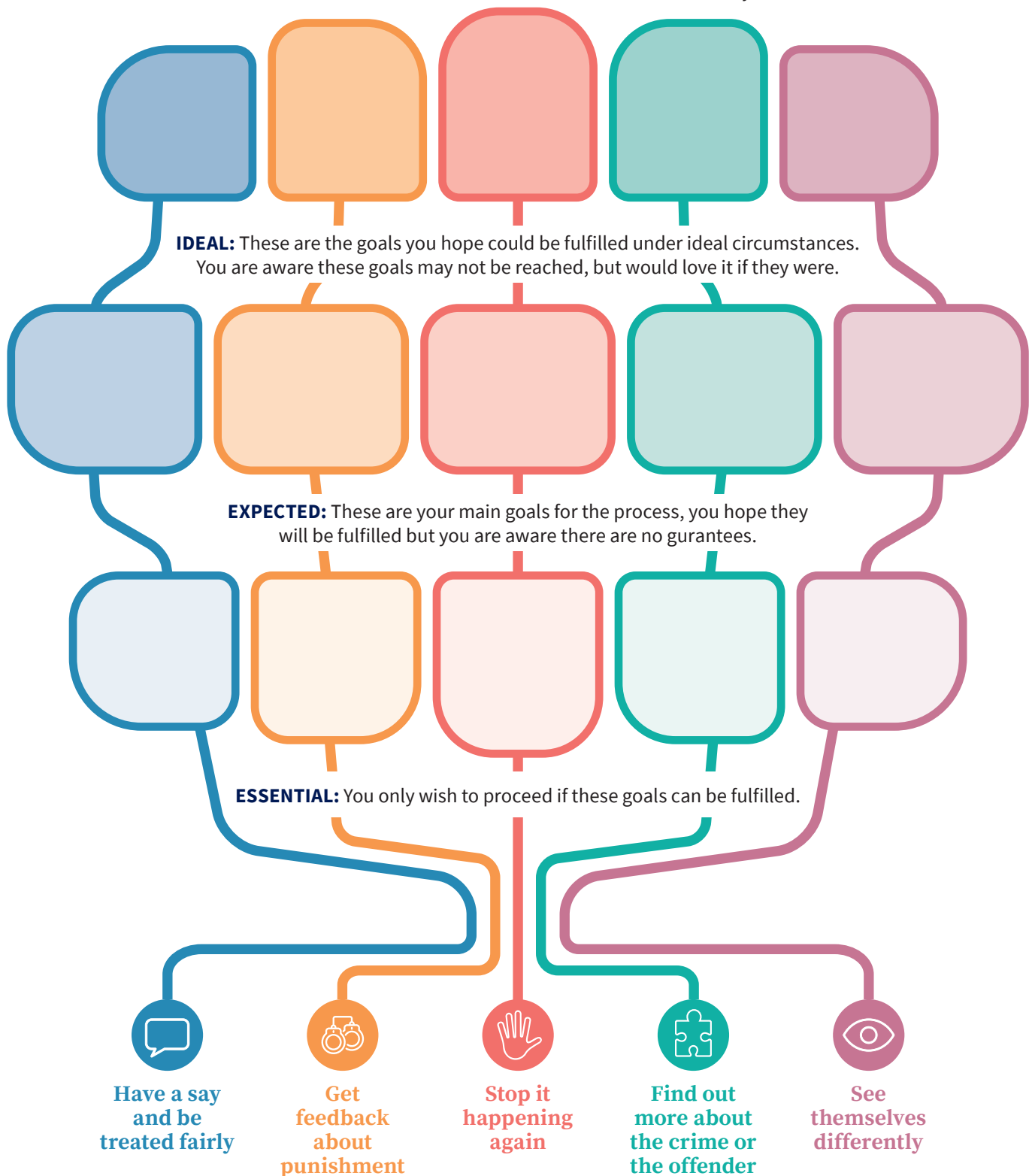
	ESSENTIAL I do not want to take part unless it is very likely that I can achieve these things.	EXPECTED These are my main goals. I expect to achieve them by taking part, but I am aware there are no guarantees.	IDEAL In a perfect world, this is what I would wish for as an outcome.
Have a say and be treated fairly 			
Get feedback about punishment 			
Stop it from happening again 			
Find out more about the crime or the offender 			
See myself differently 			

Restorative justice goal tree

Are you considering communicating with the person or people who committed an offence (or offences) against you? This diagram is designed to help you think about what you want to gain.

There are five main categories of change pictured as a branch/trunk of a tree. Within each category, you can write about goals that are essential to you, what you expect to achieve by taking part, and what you would wish for in an ideal world.

You do not have to fill in every section, and you may have other goals that you don't find a place for here. We hope that this helps you prepare yourself and make decisions that suit you best.



Reflecting on goal achievements

Victims' goals may change over time. During the preparation process, it may be appropriate to revisit one of the tools above with (or on behalf of) the victim on multiple occasions to consider what has changed and identify new goals as they arise. As the RJ process comes to an end, it will be important to reflect with the victim on which of their goals have been achieved, to help them identify what they have gained from the process, and to identify unfulfilled goals that they may wish to try and fulfil elsewhere.

We suggest that a simple table such as the one below could be used to reflect with victims on the extent to which their goals have been achieved. In most cases, some goals will have been achieved while others will not have been. Many victims in our study found it helpful when facilitators pointed out the positive aspects of the process, and celebrated the achievements made by the victim. Yet some victims in our study felt that facilitators were too keen to celebrate the 'success' of the process, and did not acknowledge there might be outstanding needs. A formal tool like this one can help facilitators to acknowledge any negatives while keeping them in perspective. This table could also be used for facilitators to reflect on their own practice, and as an evaluation tool for RJ programmes.

First, the victim writes their individual goals (from the goal table or tree, pages 33-34) under each main goal heading in the left column. Next, they consider each sub-goal in turn and think about how fully they feel it has been achieved (from 0 – 100%). Then, they consider how much of that goal remains unfulfilled, what contributed to this and if there is anything else they want to do about it. Finally, they consider in the righthand column the percentage of this goal that was fulfilled and celebrate this achievement.

Unless a goal has been 0% or 100% achieved, the victim will have something to write in both the negative and positive columns. Encourage them to think of what has been achieved during the full response to the crime, not just through the RJ process. This approach may help them process and reflect on their goals more broadly. They may want to think about the contribution made by each of the following to their goals: themselves, the offender(s), the facilitator, friends and family, the criminal justice system, and others. If you or your organisation wants to identify the contribution of the restorative justice process more precisely, you could ask the victim to fill in this table both before and after your intervention, so you can track any changes.

	How much has this goal been achieved (so far)? (%)	Acknowledge negatives <ul style="list-style-type: none"> • What was missing? • What could have been done differently? • What else could be tried? 	Celebrate positives <ul style="list-style-type: none"> • What went well? • How do I feel about any change that was achieved? • How will I remember this achievement in future?
 Have a say and be treated fairly Goal 1. _____ Goal 2. _____ Goal 3. _____			
 Get feedback about punishment Goal 1. _____ Goal 2. _____ Goal 3. _____			
 Stop it from happening again Goal 1. _____ Goal 2. _____ Goal 3. _____			
 Find out more about the crime or the offender Goal 1. _____ Goal 2. _____ Goal 3. _____			
 See myself differently Goal 1. _____ Goal 2. _____ Goal 3. _____			

Questions for discussion

Many questions arose during our study and in the process of writing this guide. Where possible, we have shared in the sections above the answers that we discovered from analysis of victims' experiences, discussions at practitioner meetings or guidance from existing research. Some questions, however, seem important but don't lend themselves to an answer. We have included them in this section as part of the ongoing conversation about restorative justice best practice. You may already have thought of these questions and have your own answers. You may find that these questions articulate something you've been thinking about but hadn't put your finger on. You may never have considered these things before. Either way, we know that the best kind of restorative justice practice is reflective practice, and we hope that these questions help you to reflect on your values and approaches in these difficult situations.

Which victims can consent to participate?

In this booklet, we have written that victims should be given a full understanding of what the offender can and can't offer, and then they should decide for themselves whether to participate. However, there may be times when the victim doesn't have the capacity to understand or make the decision, for example, when the victim is very young. Currently, teenagers (under 16 or 18) are often denied the opportunity to communicate with the offender, but it is unclear what the appropriate age boundary should be. Similar dilemmas arise when mental health or learning difficulties affect the victim's capacity to consent. How do power dynamics with the offender influence the victim's capacity to consent (e.g., in cases of domestic abuse)?

What about positive outcomes victims don't or can't predict?

Given the right kind of information about the offender, victims may be able to anticipate the outcomes of an RJ process and decide whether it is likely to meet their objectives. However, human nature and human relationships are complicated, so even with the best possible preparation the participants may not be able to anticipate what will occur.

RJ facilitators often talk of 'trusting the process' because sometimes a kind of 'magic' seems to take place once the victim and offender are in the room together. Indeed, one of the central purposes of RJ is precisely to increase the offender's level of remorse and empathy for the victim. However, no-one can guarantee in advance that this change will occur, so when victims are choosing whether to communicate with the offender, they only ever have the offender's *current* level of cooperation upon which to base their decision. Some victims we interviewed also said they felt too much emphasis had been put on a meeting with the offender, so that shuttle mediation or communication by letter was seen as 'second-rate' RJ.

How can the facilitator describe the positive benefits that victims experience and the ways in which restorative justice changes offender attitudes, without unhelpfully raising victim expectations?

What about negative outcomes that victims don't or can't predict?

Just as no-one can anticipate all the positive outcomes of an RJ process, they cannot anticipate all the potentially negative outcomes either. In all the research conducted with victims, including our study, there are very few examples of an RJ process making the victim feel worse. However, this could be because victims who feel worse are also less likely to agree to take part in research.

It seems important to consider the possibility that an RJ process *could* make victims feel worse, and to prepare them accordingly. This would involve fully conveying the offender's attitude, helping victims identify their own objectives, and discussing how the victim may feel if those objectives are not fulfilled. Once again, this is a tricky balancing act. We know that RJ processes do tend to benefit the victims that take part, so the facilitator may not wish to go through all the potential negative outcomes for fear that it puts the victim off. Facilitators may be especially reluctant to do anything that puts the victim off once they have already put a lot of work into setting up a meeting. How do we find the balance between preparing victims for possible negative outcomes and discouraging them from taking part?

How can we balance the victim's goals with meeting the needs of the offender?

In general RJ processes seek to meet the needs of all parties, not just the victim. Offenders have their own motivation for taking part which is beyond the scope of this booklet but is vital to consider.

Especially for victims of very serious offences who believe that RJ will help them recover, the key question is: what should the criteria be for involving the offender? Certainly, the process should not harm the offender. But if it will benefit the victim, is it ok to proceed only on the basis that it will not harm the offender, or should the criteria also be that it *benefits* the offender too?

What happens when victims' goals change?

Sometimes victims' goals will change over time because they have already been achieved, and sometimes the victim will simply have different priorities from one period to another. For example, some studies show that people have different ideas about justice depending on what they are asked to focus on.¹⁵ Our interviews with victims took place from a matter of months after the crime, through to several decades afterwards, and there was no identifiable pattern in how victim goals changed with time. However, it was clear that victim goals do change, and that some may not become apparent until the top priority ones are either met or prove impossible to meet. In therapy, clients are often encouraged to try and achieve their easiest goals first to experience a sense of achievement that further motivates them. However, RJ facilitators sometimes do not wish to pass on 'minor' information to the victim during the preparation phase, in the hope that it will be more powerful to hear it directly from the offender. How can we incorporate an awareness of changes of victim goals in RJ practice?

¹⁵ Gromet, D. M., & Darley, J. M. (2009). Punishment and beyond: Achieving justice through the satisfaction of multiple goals. *Law and Society Review*, 43(1), 1–38. <https://doi.org/10.1111/j.1540-5893.2009.00365.x>

Is the extent to which the process is ‘voluntary’ also on a spectrum?

The offender’s decision to participate must be taken freely and without pressure. Yet it is worth considering that ‘voluntariness’ is also somewhat of a spectrum. For example:

- In a parallel research project, we interviewed probation officers about how they speak to offenders about restorative justice. Some probation officers said that they gave the offender a completely free initial choice to participate. However, the offender’s decision was made on the basis that once they had ‘signed up’, they would not be allowed to change their minds. Is this model compatible with RJ goals and principles?
- Communicating with the victim is hard for offenders, and facilitators frequently said that they provided ‘encouragement’ along the way. The level and style of encouragement differed between facilitators. Should we more explicitly acknowledge that this ‘encouragement’ takes place, and should we recognise that there is a grey area between encouragement and pressure? Might this awareness enable us to discuss more openly and decide what levels are acceptable, both to give victims a consistent experience and to protect offenders?¹⁶

How to balance the victim’s goals with those of others (e.g. friends, family and professionals)?

In our study and experience it was common for victims’ own goals to be in some conflict with the goals that others had for them. Commonly, victims were traumatised by the crime and were willing to take a risk in the hope that it would help, whereas friends and family were concerned that the process would ‘set them back’. Where offenders were not entirely cooperative, the gap between the victim’s perspective and the perspective of their friends and family often widened. This was also true about professionals in the victim’s life, such as their therapists or support workers.

Some victims dealt with this conflict by not telling others about their participation in RJ until the process was over. This approach meant that they also did not get the informal support they might have needed throughout the process. Other victims came into conflict with family members, and they needed help from the RJ facilitators to manage this conflict alongside the RJ process. Social support is a key element in victims’ recovery, so the ideal outcome would be for others in the victim’s life to at least understand the victim’s goals for taking part in RJ. How can facilitators encourage victims to build a supportive network around them while also respecting their independence and autonomy?

¹⁶ This issue is also discussed in a chapter called *Choice, encouragement or coercion?* in Wallis, P (2014) *Understanding Restorative Justice*. The Policy Press.

Some final words

As we have seen, even when offenders are unable or unwilling to provide everything that victims are looking for, there are still many ways in which taking part in a restorative justice process can help victims meet their goals.

Many victims instinctively know this and are willing to communicate with the offender in the hope that they will achieve something from it. Some victims are not only willing to take a risk by participating, rather they achieve some of their goals precisely through taking such a risk. **The purpose of this guide is not to micro-manage the process for victims, pretend that we can eliminate risk, or anticipate every possible outcome. Our aim is to stimulate conversations with victims that allow them to make a truly informed decision about participating, to manage their own expectations and to feel a sense of control over the process.**

In sensitive and complex cases, offenders can only rarely offer everything that the victim is seeking from the process, so it is not enough to just trust that a meeting between victim and offender will be beneficial to all parties. Victims may need help not just to articulate their goals, but to identify what information they need before they even decide whether to take part. The extent to which the process benefits the victim often depends on how they interpret what has happened, and the facilitator plays a huge role in framing and discussing the process with the victim.

With the right preparation and support, victims can benefit hugely from the process even in ‘less than ideal’ circumstances.

We have seen fantastic examples of facilitators who navigate the many difficult tensions described in this guide, gently steering victims through seemingly hopeless situations to immense personal benefits. In most cases, their wisdom comes from explicitly reflecting on the issues, on their own values and on their approach to RJ. We have shared with you some facilitator wisdom and the experiences of victims. Most importantly, we hope that this guide stimulates reflection and conversation, for each of us to find a way to navigate these challenges.

Other practitioner guides

The pocket guide to restorative justice

Pete Wallis and Barbara Tudor. Jessica Kingsley Publishers, 2007.

Restorative Justice Council practitioner's handbook

Restorative Justice Council UK, 2016 and 2020 https://restorativejustice.org.uk/sites/default/files/resources/files/Practitioners%20Handbook_0.pdf

Doing restorative justice in cases of sexual violence: A practice guide

Vince Mercer and Karin Sten Madsen. Edited by Marie Keenan and Estelle Zinsstag. Leuven Institute of Criminology, 2015.

https://www.euforumrj.org/sites/default/files/2019-11/doing-restorative-justice-in-cases-of-sexual-violence_practice-guide_sept2015-1.pdf

Restorative justice and domestic violence: A guide for practitioners

European Commission, 2013

https://www.verwey-jonker.nl/wp-content/uploads/2020/07/Restorative-Justice-and-Domestic-Violence_7388_def-2.pdf

Acknowledgements

The study that forms the basis for this guide was written in collaboration with Thames Valley Partnership. Julie, Helen, Helen, Diane, Rob, Martin, Mark, Sue, Linda, Melanie, Angie, and Katherine, facilitators from the Thames Valley Restorative Justice Service, referred victims to interview and offered valuable insights and experience which have shaped this project. Dr. Andrew Bates generously offered his expertise in applying RJ to cases of sexual offending, and Geoff Emerson's wisdom regarding complex and sensitive cases was invaluable. The research and creation of this guide would not have been possible without Thames Valley Partnership's commitment to creating an evidence base for best practice and their admirable openness to working with researchers.

The support of the Economic and Social Research Council (ESRC) for the research and production of this booklet is gratefully acknowledged.

Above all, many thanks go to the generous victims and survivors who were willing to give their time, energy and advice, so that others may learn from their experiences.

Contact

If you have comments or questions about this guide please do share them with us. Find author contact details at www.dianabatchelor.com, or to discuss RJ in the Thames Valley see www.thamesvalleypartnership.org.uk

We know that we won't have got everything right, as this is a difficult and complex area, so we are happy to have further conversations and we look forward to hearing from you!

This guide is for facilitators of restorative justice processes, based on research and practitioner experience. We consider cases in which offenders do not take full responsibility, are unremorseful, or unwilling to cooperate in some way. This is most often true in complex and sensitive cases, but could be relevant to any type of communication between a victim and offender. We found that victims can benefit enormously from restorative justice processes even in ‘less than ideal’ circumstances if they receive the right preparation and support. This guide provides a range of practical tips and issues to consider when facilitating this difficult type of case.