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Process evaluation
of the
Restorative Prisons project

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Acknowledgements

Summary

This report presents the findings of a process evaluation by the Institute for Criminal Policy Research (ICPR) at Birkbeck, University of London, of a Restorative Prisons pilot project. The project was developed by Restorative Solutions and funded by the Monument Trust, and was launched in two prisons – HMP Buckley Hall and HMP Featherstone – in July 2016. It was subsequently discontinued at Featherstone and introduced to HMP Peterborough in February 2017. The evaluation period was from July 2016 to end November 2017.

The project

The Restorative Prisons pilot involves the use of 'restorative approaches' (RA) to address conflict in prisons, including conflict in the form of verbal altercations, physical violence, and bullying or intimidation. As defined by Restorative Solutions, restorative approaches:

> bring people in conflict into a dialogue. Using a skilled and structured process, those who have been harmed have an opportunity to be heard and those that have caused the harm are held to account for what they have done.

The core components of the Restorative Prisons pilot are as follows:

- It encompasses conflict between prisoners, between prisoners and staff and (potentially) between staff;
- Both staff and prisoners are trained to deliver, facilitate and promote RA;
- RA are applied in formal meetings and in informal meetings and conversations;
- In RA meetings and conversations, the parties to the conflict are asked to respond to the key 'restorative questions':
  - What happened?
  - What were you thinking?
  - What were you feeling at the time? And now?
  - Who has been affected? How do you think they have been affected?
  - What needs to happen to put this right?
- RA complement internal prison disciplinary processes, including adjudications.

Use of RA is intended to ensure that individual incidents are resolved quickly and effectively and that escalation of conflict is thereby avoided. It is expected that staff and prisoners' exposure to skilled facilitation, and to restorative principles more generally, will help those involved in conflict to be better able to take **responsibility** for their actions, to **reflect** on how these actions impact others, to show **respect** for others' feelings, and to **reintegrate** themselves within the prison community. Over the longer term, the goal is to achieve organisational and cultural change: improved relations among staff and prisoners, reduced levels of violence and self-harm, and a better living and working environment for all. It is also

hoped that trained prisoner facilitators will acquire skills to enhance their resettlement and employment prospects post-release.

Evaluation findings

As evaluators, we undertook interviews and group discussions with staff and prisoners involved in the pilot in different capacities: as trained facilitators, participants in restorative meetings, project managers/administrators and through senior management roles in the prisons. By these means, we sought to chart the RA in each of the pilot sites; to identify factors supporting or impeding implementation; to review the scope of project activities; and to draw learning for further development of RA in prisons.

<u>Training and implementation in Buckley Hall and Peterborough</u>
In Buckley Hall and Peterborough, training was delivered to both staff and prisoners who were interested in becoming facilitators. In Buckley Hall, 20 prisoners and 38 staff were trained, at least to 'foundation' level; in Peterborough, 21 prisoners and 75 staff received foundation level training. Feedback from trainees reveals that the training was extremely well-received across all groups: for example, *all* trainees who submitted feedback replied 'Yes' to the questions: 'Did the course meet your needs?' and 'Would you recommend the course to a colleague?'. Alongside the training, a range of activities aimed at raising awareness of and promoting RA among both staff and prisoners were undertaken in the pilot sites.

In Buckley Hall, the log of RA activities shows that 11 formal and 15 informal meetings were completed over the period January to 2017. (It should be noted that there is likely to be significant under-counting of informal work.) Prisoners facilitated or co-facilitated with staff seven of the formal and four of the informal meetings. Peterborough saw the completion of ten formal and 29 informal meetings, with prisoners having facilitated or co-facilitated five of each type of meeting.

<u>Pilot launched and discontinued at Featherstone</u>
Seven prisoners and nine staff received foundation level training at Featherstone. Feedback from the nine staff trainees was very positive, as in the other two prisons; prisoner feedback was not received. In Featherstone, the pilot did not continue in a meaningful way beyond the training: we were told of only one intervention which took place here. The pilot was subsequently discontinued in this prison, which was grappling with severe staff shortages and a general problem of violence.

<u>Challenges and opportunities</u>
In the early stages of implementation of the pilot, its scope and parameters were deliberately left open, in order that the prisons could themselves determine how exactly they wished to put it into practice. This gave rise to differing and sometimes competing expectations about what the pilot was seeking to achieve. On the other hand, we have found there to be

significant value in the fluidity of the concept of RA. This permits its application in a highly flexible manner to the wide-ranging types of conflict that can readily – and often very quickly – arise in the highly pressurised prison environment.

Like any restorative project, this one has encountered practical and logistical difficulties – relating, for example, to the identification and referral of cases, liaison between parties, and project monitoring. The highly structured and limiting prison setting poses its own challenges, particularly at a time when general staff shortages reduce the capacity of staff to engage fully with new initiatives.

The involvement of prisoners as trained facilitators is a critical component of the project, but is also challenging. While there are many established peer support initiatives in prisons, the active involvement of prisoners in the management of conflict – including conflict between prisoners and staff – amounts to a notable and unique extension of existing peer support work. The prisoner facilitators we talked to were highly enthusiastic about their role and optimistic about the effectiveness of RA; and also about the opportunities for personal and professional growth that involvement in the project offered to them. However, many were also frustrated that their opportunities to facilitate meetings had to date been limited. They were inclined to place at least part of the blame for this on staff lack of awareness or understanding of the project. On the other hand, among staff who spoke to us about their own involvement in the RA work, there was a clear recognition of the critical importance of the prisoner facilitator role, and a willingness to give a considerable level of responsibility and trust to prisoners who demonstrated their ability to fulfil this role. Within the limited scope of the evaluation, it was not possible to assess the extent of support for RA among prison staff more generally.

Conclusion

Introducing innovative practices in the prison context is fraught with difficulty. By virtue of their very purpose – that is, the secure detention of people who are convicted of, or are suspected of having committed, criminal offences – prisons are necessarily rule-bound, bureaucratic institutions, within which the maintenance of security and good order is a paramount aim. Given the risk averse culture of prisons, change tends to be a slow process, and a core part of prison life is the unambiguous delineation of status and roles between staff and prisoner.

Thus, the scale of the ambition of the Restorative Prisons project – particularly, its requirement that staff and prisoners should work together in examining, addressing and seeking to resolve conflict – is considerable. And yet this process evaluation has found that none of the challenges encountered by the Buckley Hall or Peterborough in the implementation of the pilot has been insurmountable. From the outset, the senior leadership teams, staff and prisoners in both prisons displayed their willingness not only to commit time

and resources to the project, but also to take the risks that its development and implementation entailed.

These prisons have proved that, with commitment, leadership and clear lines of accountability, it is possible to use RA to deal, both formally and informally, with a wide variety of conflicts. There is no doubt that this can only happen where prisoners and staff alike are willing to challenge some ingrained aspects of prison culture. It is striking that in both Buckley Hall and Peterborough, many individuals in diverse circumstances were prepared to do just this. The full evaluation report includes a number of case studies, most of which provide vivid examples of situations in which the RA has effectively brought 'harmers' and 'harmed' together, not only to explore how their conflict arose and what impact it had on them and others, but how to live or work together more peaceably in future.

1. Introduction

This report presents the findings of a process evaluation by the Institute for Criminal Policy Research (ICPR) at Birkbeck, University of London, of a Restorative Prisons pilot project. The project, developed by Restorative Solutions and funded by the Monument Trust, entails training and supporting staff and prisoners to use restorative approaches in addressing conflict in the prison setting. The project was initially launched in two prisons, HMP Buckley Hall and HMP Featherstone, in July 2016. In January 2017 it was discontinued at Featherstone and was subsequently introduced to HMP Peterborough.

1.1   The project

'Restorative approaches' are defined by Restorative Solutions as approaches which:

> bring people in conflict into a dialogue. Using a skilled and structured process, those who have been harmed have an opportunity to be heard and those that have caused the harm are held to account for what they have done.[1]

The premise of the Restorative Prisons project is that restorative approaches can be usefully applied to much of the conflict that arises in prisons on a day-to-day basis, including conflict in the form of verbal altercations, physical violence, and bullying or intimidation. The core components of the project design are:

- Conflicts between prisoners, between prisoners and staff and (potentially) between staff are all within the scope of the project.
- Both staff and prisoners are trained to deliver restorative approaches – including by identifying and referring cases, facilitating meetings, and promoting a restorative culture in the prison more generally.
- Restorative approaches encompass formal, pre-planned meetings, and informal, ad hoc meetings and conversations.
- Restorative meetings and conversations (whether formal or informal) are expected to explore how both parties to a conflict – generally defined as the 'harmer' and 'harmed' – understand the conflict, by focusing on the key 'restorative questions':
    - What happened?
    - What were you thinking?
    - What were you feeling at the time? And now?
    - Who has been affected? How do you think they have been affected?
    - What needs to happen to put this right?

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[1] As set out in the 'Restorative Prisons Project Outline' produced by Restorative Solutions in 2016.

- Restorative approaches complement the existing system of adjudications within the prison.[2]
- As distinct set of practices, restorative approaches are delivered additionally to any conventional (victim-offender) Restorative Justice that is being undertaken within the prison.

The most immediate aims of this **'whole prison approach'** to tackling conflict are twofold: first, to ensure that individual incidents are resolved quickly and effectively and that escalation of conflict is thereby avoided; secondly, to reintegrate prisoners back into prison life after the conflict has been resolved (and after the case has gone through the prison disciplinary process where necessary). It is expected that staff and prisoners' exposure to skilled facilitation, and to restorative principles more generally, will help those involved in conflict to be better able to take responsibility for their actions, to reflect on how these actions impact others, to show respect for others' feelings, and to reintegrate themselves within the prison community. Over the longer term, the goal is to achieve organisational and cultural change: improved relations among staff and prisoners alike, an overall reduction in levels of violence and self-harm, and a better living and working environment for all.

An additional intended outcome of the project is that trained prisoner facilitators will acquire general lifestyle as well as specialist skills to enhance their resettlement and employment prospects post-release – including, for example, through participating in further restorative training which can lead to BTEC Accreditation in Restorative Approaches.

Further, as a pilot, the project is intended to generate lessons for the wider design and implementation of restorative approaches across the prison service.

1.2   The context

At the time of writing, the prison population of England and Wales stands at around 85,000 – having almost doubled in size since the early 1990s. While prisoner numbers have stabilised in recent years, England and Wales continues to have a significantly higher prison population rate than most western and northern European countries. Prisons are overcrowded, and poor conditions have been exacerbated in recent years by staff shortages.

Rising levels of violence and self-harm in the prisons of England and Wales are a cause of profound concern. The past year has seen a series of prison disturbances, while growing use of 'Spice', a type of New Psychoactive Substance, is causing severe health problems and is associated with debt, bullying and violence among prisoners.[3] Latest Ministry of Justice *Safety in Custody Statistics* reveal that over the 12 months to June 2017 there were:

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[2] Adjudications are the formal process by which alleged offences by prisoners against Prison Rules are dealt with by prison management.

[3] HM Inspectorate of Probation and the Care Quality Commission (2017) *New Psychoactive Substances: the response by probation and substance misuse services in the community in England,*

- 41,103 self-harm incidents, of which 2,833 required hospital attendance;
- 19,678 prisoner-on-prisoner assaults, of which 2,911 were serious assaults;
- 7,437 assaults on staff, of which 798 were serious.[4]

In his 2016-17 *Annual Report*, the Chief Inspector of Prisons noted 'startling increases in all types of violence', and that of 29 local and training prisons that had been inspected over the year, 21 were judged to be 'poor' or 'not sufficiently good' in terms of safety. The proportion of adult male prisons assessed by the inspectorate as 'good' or 'reasonably good' dropped from 78% to 49% over the year 2016-17 – described as 'a dramatic and rapid decline'.[5]

An innovative and flexible approach to addressing conflict, which makes full use of existing staff and prisoner resources, potentially has much to offer a prison system struggling with record rates of violence, intensifying drug problems, under-staffing and poor conditions (albeit a basic level of good order in an establishment is required if the project is to be successfully implemented). The pilot sites welcomed the opportunity to take part in the Restorative Prisons project and – as will be documented over the course of this report – embarked on the work with considerable commitment and enthusiasm, notwithstanding the implementation challenges that arose. The broader policy environment has been favourable to the project from the outset; with, for example, the 2016 *Prison Safety and* Reform White Paper referring explicitly to the pilot as one way in which violence against staff is being tackled.[6] David Lidington, Secretary of State for Justice from June 2017 to January 2018, made it clear that prisoner rehabilitation and prison safety are closely linked priorities of his department, and that increased staff numbers and improved quality of engagement between prisoners and staff will play a vital part in work towards these goals.[7]

https://www.justiceinspectorates.gov.uk/cjji/wp-content/uploads/sites/2/2017/11/New-Psychoactive-Substances-report.pdf

[4] Ministry of Justice (2017) *Safety in Custody Statistics, England and Wales: Deaths in Prison Custody to September 2017 Assaults and Self-Harm to June 2017*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/654498/safety-in-custody-stats-q2-2017.pdf

[5] HMIP (2017) *HM Chief Inspector of Prisons for England and Wales Annual Report 2016 –17*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/629719/hmip-annual-report-2016-17.pdf

[6] Ministry of Justice, November 2016, *Prison Safety and Reform*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/565014/cm-9350-prison-safety-and-reform-_web_.pdf

[7] 'Prison reform: open letter from the Justice Secretary', 21 June 2017, https://www.gov.uk/government/speeches/prison-reform-open-letter-from-the-justice-secretary; 'Delivering safer and more secure prisons: the roots to rehabilitation', speech by David Lidington, 18 December 2017, https://www.gov.uk/government/speeches/delivering-safer-and-more-secure-prisons-the-roots-to-rehabilitation

1.3   The prisons

After the funding was secured for the Restorative Prisons project, Restorative Solutions requested advice on the selection of prisons from the (then) National Offender Management Service, which provided a shortlist of establishments.[8] The Restorative Solutions project team then met with the Governor of each of the shortlisted prisons, and selected Buckley Hall and Featherstone as the initial two sites. The main selection criteria, at both the shortlisting and final stages, were that:

- The pilot prisons should be male, Category B or C,[9] public sector establishments;
- They should not hold large numbers of young offenders or remand prisoners;
- They should not have severe problems with gangs or extremism;
- They should have a relatively stable staff and prisoner population;
- They should not be engaged in other major programmes that would limit capacity;
- There should be strong commitment to the pilot from the Governor and senior management, and support from the regional Deputy Director of Custody;
- The Governor and senior management should have experience of managing change and be supportive of restorative justice and peer support initiatives.

Following difficulties with implementation at Featherstone (see Chapter Two), the project was discontinued there and Restorative Solutions took the decision to introduce the pilot at Peterborough. This prison had not been on the initial shortlist, but was considered appropriate for accelerated implementation of the pilot on the grounds that it was highly committed to victim-offender restorative justice work, in which Restorative Solutions was already involved. Further, as a private prison, and one which holds both male and female prisoners, it was deemed to offer an interesting point of contrast with Buckley Hall.

Restorative Solutions are currently in discussion with the North West Region and HM Prison and Probation Service to progress the initiative in a sustainable way across this region and the secure estate more widely.

1.3.1 HMP Buckley Hall
HMP Buckley Hall, situated just outside Rochdale in the North West region, is a Category C Training Prison with a capacity of 445. It holds adult male prisoners serving sentences of four years or more. After five years as a privately run prison, Buckley Hall has been under public sector management since 2000. An unannounced inspection in June 2016 'found a prison that continues to ensure reasonably good or better outcomes in most of the areas we inspect' and that 'prisoners had good access to time out of cell and the majority were involved in full-time work or training'. The inspection report also commented on the 'effective leadership' provided by senior management, and described the establishment as 'generally

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[8] In April 2017, the National Offender Management Service was replaced by Her Majesty's Prison and Probation Service (HMPPS).
[9] Category B and C prisons are closed prisons which do not hold the most high risk prisoners.

safe', with low levels of violence, although there had been a significant increase in use of force by the prison.[10]

1.3.2 HMP Featherstone

HMP Featherstone is situated near Wolverhampton, in the Midlands region. Like Buckley Hall, it is a public sector, Category C prison for adult males; its capacity is 687. An unannounced inspection in late 2016 (at which time efforts were being made to implement the restorative pilot at the prison) found a 'shocking worsening of standards' at the prison, particularly with respect to safety which was judged to be 'poor'.[11] The inspectorate reported 'clear evidence of poor industrial relations, staff shortages and some significant prisoner unrest', that 37% of prisoners said they felt unsafe, and that both staff and prisoners were 'outspoken about what they perceived to be a lack of leadership and direction in the prison'. The most recent reported disturbance at Featherstone was in August 2017.[12] A report by the prison's Independent Monitoring Board, published on 5 January 2018, refers to very poor physical conditions; encouragingly, however, it also notes an increase in staff numbers and improving prisoner-staff relationships.[13]

1.3.3 HMP Peterborough

Peterborough is a private prison, operated by Sodexo Justice Services, and is the country's only purpose-built prison for both men and women, who are housed entirely separately. The prison's capacity is 916 men and 360 women (including 12 in a mother and baby unit). For men, Peterborough operates as a category B local prison, meaning that it takes prisoners immediately after sentencing and prisoners on remand. Female prisoners in Peterborough include both long and short-sentence prisoners, remand prisoners, and young offenders. The men's section of Peterborough was last inspected in February 2015, and found 'a prison which produced very good outcomes' and that 'excellent relationships between staff and prisoners underpinned much that was good about the prison'.[14] A 2014 inspection of the women's section noted the 'wide and complex range of needs' of the women prisoners, but found that the women were well managed overall, that staff-prisoner relationships were good, and that the prison was safe.[15]

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[10] HM Chief Inspector of Prisons (2016), *Report on an unannounced inspection of HMP Buckley Hall, 7-16 June 2016*, https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2016/12/Buckley-Hall-Web-2016.pdf

[11] HM Chief Inspector of Prisons (2016), *Report on an unannounced inspection of HMP Featherstone, 24 October-3 November 2016*, https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2017/02/Featherstone-Web-2016.pdf

[12] http://www.bbc.co.uk/news/uk-england-41093345

[13] Independent Monitoring Boards (2018), *Annual Report of the Independent Monitoring Board at HMP Featherstone, for reporting year 1 November 2016-31 October 2017*, https://s3-eu-west-2.amazonaws.com/imb-prod-storage-1ocod6bqky0vo/uploads/2018/01/Featherstone-2016-17.pdf

[14] HM Chief Inspector of Prisons (2015), *Report on an unannounced inspection of HMP Peterborough (Men), 16-27 February 2015*, https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2015/06/Peterborough-Men-web-2015.pdf

[15] HM Chief Inspector of Prisons (2014), *Report on an unannounced inspection of HMP and YOI Peterborough (Women), 16-27 June 2014*, https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2014/10/Peterborough-web-2014.pdf

1.4   The evaluation

ICPR was commissioned by Restorative Solutions to conduct a process evaluation of the Restorative Prisons pilot. As a process evaluation, the aim was to chart the procedures devised and put into practice in each of the pilot sites; to identify factors which supported and those which impeded implementation; to review the scope and types of project activities; and to draw learning for further development of restorative approaches to prison-based conflict. Measurement of the pilot's success in terms of containing and reducing conflict, and ultimately achieving positive organisation and cultural change, was outside the remit of the evaluation.

For the evaluation, we visited the prisons at regular intervals (including one visit to Featherstone) to conduct interviews and group discussions with staff and prisoners involved in the pilot as trained facilitators, participants in restorative meetings, project managers/administrators and in senior management roles within the prison. Additionally, we observed training in restorative approaches, observed some adjudication hearings, reviewed project monitoring data and training evaluation forms, and obtained regular feedback from Restorative Solutions.

The pilot, and accompanying evaluation, was originally conceived as a 12-month initiative running from summer 2016. The hope was that at the end of the 12 months, Restorative Solutions would withdraw from the sites and the prisons would continue the restorative work with limited external support. However, because of delays to implementation and at the request of the Governor, Restorative Solutions extended its involvement in Buckley Hall and, as of January 2018 continues to provide some input here. In Peterborough, where the initiative was only launched in February 2017, Restorative Solutions' involvement is scheduled to end in February 2018. The evaluation period ran to the end of November 2017.

The findings of the evaluation are presented in Chapters Two and Three of this report: Chapter Two outlines project activities to date in each of the three prisons; Chapter Three describes the main challenges encountered during implementation and opportunities offered by the project. Chapter Four then provides a conclusion and sets out learning points for further development of Restorative Prisons.

In conducting this process evaluation, we necessarily paid attention to evidence of any problems that the prisons encountered in putting into practice the Restorative Prisons project. At the same time, we remained acutely aware of the scale of the ambition of the project. Introducing innovative practices in the prison context – and especially practices that require *all* members of the prison community to reflect upon and challenge their own and each other's negative behaviours – is fraught with difficulty. Prisons are necessarily rule-bound, bureaucratic institutions, within which the maintenance of security and good order is a paramount aim, and change is usually a slow process. Explicit or implicit resistance to

change is perhaps all the more likely at this time when the prison estate as a whole is struggling with staff shortages and high levels of violence and self-harm. To anticipate the conclusions of this report, we found among staff and prisoners alike, in both Buckley Hall and Peterborough prisons, an impressive degree of commitment to the pilot, and substantial progress made in the efforts to establish new, constructive approaches to conflict.

2. Project progress

In this chapter, we look at the progress made in implementation of the pilot. We describe project governance in each of the prisons, along with a summary of the referral process that was put in place, training delivered and RA interventions held.

In all three prisons, Restorative Solutions was actively involved from the outset in project design and management, in supporting awareness-raising and communications activities, and co-facilitating some of the initial restorative interventions. Restorative Solutions also had responsibility for delivering all the training to both prisoners and staff. This was based on Restorative Solutions' standard restorative justice training, but adapted to the prison environment – for example, through inclusion of role plays relevant to conflict in prisons. Most of this work on behalf of Restorative Solutions was undertaken by project manager Dave Aukett, through regular attendance at the prisons.

2.1 Progress to date in Buckley Hall

The pilot got under way in Buckley Hall in early July 2016 when a project steering group was established, membership of which included the Governor and other senior managers.

2.1.1 Buckley Hall project governance and referrals

An early decision was taken to base the pilot in the prison's Offender Management Unit (OMU), meaning that this unit would hold responsibility for implementing the referral process, overseeing interventions, and maintaining records of the process. The first training of staff facilitators took place in September 2016, and the first prisoner training in December. Alongside the training, and on an ongoing basis, a range of awareness-raising activities have been organised, including presentations at staff meetings, production by the prisoner facilitators of posters and leaflets, and prisoner 'roadshows'.

With input from Restorative Solutions, A referral process for restorative interventions was designed by Restorative Solutions and agreed with the project management group; this continued to evolve over the course of the pilot, but the essential elements were:

- Restorative meetings could be held on either an informal or formal basis, depending on the nature and circumstances of the conflict;
- A standardised referral form was provided, for use (by any staff or by trained prisoner facilitators) in reporting informal use of RA or to request referral for a formal restorative meeting;
- Upon receipt of referral forms, OMU was to log instances in which informal RA had been used, and – after risk assessment – allocate formal cases to trained facilitators;
- Facilitators were expected to feed back outcomes of formal meetings to OMU
- Adjudicating governors were able to submit referrals for a restorative intervention that could take place after an adjudication (whether before or after the 'award', or penalty,

is made[16]).

The referral process was elaborated in a Restorative Prisons *Practitioner Guide* produced by Restorative Solutions in January 2017, and subsequently in a document entitled *Restorative Approaches Policy*, produced by the prison in March 2017.

By December 2016, the prison had decided that responsibility for the delivery of the pilot should be moved to the Safer Custody department, which was felt to be a more appropriate location because its remit includes violence reduction. Two existing Violence Reduction Officers were appointed to a dedicated RA coordinator role, to entail provision of awareness-raising activities, some co-facilitation of interventions, management of the referral system (encompassing receipt of referrals, case allocation, risk assessment, and recording of interventions on an Excel-based log), and provision of assistance with practical arrangements for interventions. The expectation had been that the two officers would come into post in January 2017; in the event, due to wider staffing problems in the prison, this did not happen until May 2017. Since October 2017, the RA co-ordinators have been based in the same office as the rest of the Safer Custody team. There is an expectation that they will routinely review all information about violence and related problems that comes into the team, to seek suitable cases for referral for restorative work.

2.1.2 Buckley Hall training
All staff (operational and non-operational) were initially invited to submit an expression of interest in being trained in restorative approaches. Of those who responded, a total of 38 completed a one-day foundation training course, delivered in the prison by Restorative Solutions, in September and October 2016. The foundation course focuses on the underpinning principles of restorative approaches and why they work, and prepares participants to practise restorative interventions on an informal basis. Nineteen of the prison staff who had undertaken the foundation training thereafter completed a two-day practitioner training course in November 2016; this course provides participants with the skills required to prepare and facilitate formal restorative meetings and conferences.

Prisoners were selected for RA training through a process of nomination by staff, subsequent discussions with Dave Aukett and security checks. Eight prisoners undertook the foundation training in December 2016, which was delivered over two days rather than the usual one, because of the constraints on prisoners' time and availability. Seven of the eight prisoners trained to foundation level subsequently completed practitioner training over three days in January 2017. A further 12 prisoners undertook two-day foundation training in November 2017.

Feedback from both staff and prisoners who undertook the training was highly positive, as shown in Table 2.1. This is based on feedback received from 77 of the total of 84 who were

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[16] Adjudication 'awards' include, for example, loss of privileges for a specified period or time in the segregation unit.

trained[17] (counting those who completed the practitioner as well as the foundation training twice, as separate feedback was sought for each course).

Table 2.1: Summary of feedback on RA training, Buckley Hall

	Agree strongly	Agree	Neutral	Disagree	Strongly disagree
The information was comprehensive and detailed	63	13	1	0	0
The way it was presented was easy to follow	65	11	1	0	0
The trainers were effective communicators	68	9	0	0	0
The trainers were well informed and up-to-date	73	4	0	0	0
The trainers were flexible enough to provide information relevant to my particular situation	67	10	0	0	0
	Yes	**No**			
Did the course meet your needs?	77	0			
Would you recommend the course to a colleague?	77	0			
Examples of comments on feedback forms from prisoner trainees					
- Very interesting innovative way of empowering prisoners to seek meaningful solutions to their own problems and disputes. - The course was well presented and easy to understand. Role play was passed round well. - The Restorative Approach was really good. I can't wait to use it and make a difference. - It has put me in the right mind-set. - I thought the course was excellent but let's use it very quickly or we will all lose the ability. - Really enjoyed the course and believe this is a positive tool to use in various situations/incidents to help reduce violence and resolve any disagreements.					
Examples of comments on feedback forms from staff trainees					
- Very enjoyable and interesting. - I will use some of my new skills in my day to day work. - I enjoyed this training and would recommend it to others. - Very good, common sense and not time consuming to practice. - Good course excited about being involved in taking it forward.					

2.1.3 Buckley Hall restorative interventions

The Buckley Hall log of RA interventions shows that between 4 January (date of the first referral form) and 30 November 2017 (end of the evaluation period), 28 referrals had been received for formal RA, of which 11 resulted in a meeting. In all 11 cases, an outcome agreement resulted from the meeting. In five of the 11 cases, an adjudication was held as well as the restorative meeting.

Buckley Hall's RA log also shows that 32 reports about informal RA were received, and that in 15 of these cases a restorative intervention was completed, with an outcome agreement achieved in six of them. Six of the informal (completed) cases had also involved an

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[17] Individuals who completed the practitioner as well as the foundation training are counted twice within the total of 84, since separate feedback was sought for each course.

adjudication. While the trained restorative facilitators have been encouraged to record all informal as well as formal interventions, those which are highly informal – that is, where conflict is addressed on the spot through application of restorative techniques – may not always be recorded if they are regarded by the facilitator as a part of routine interaction. Therefore the actual level of informal activities may be much higher than is shown in the prison's RA log, and is necessarily difficult to quantify.

Table 2.2 provides an overview of the completed RA interventions. The table reveals that 20 out of 26 incidents subject to a completed (formal or informal) activity involved conflict between prisoners, and that most of this conflict took the form of an assault or fight. A majority of the formal restorative meetings were jointly facilitated by prisoner and staff facilitators, while staff alone facilitated most of the informal interventions.

Table 2.2: Breakdown of completed restorative interventions, Buckley Hall

	Case details		Number
FORMAL	Location of incident	Wing	9
		Gym	1
		Workshop	1
	Type of incident	Prisoner-prisoner fight/assault	8
		Prisoner-prisoner verbal altercation	1
		Prisoner-staff verbal altercation	2
	No. participants in restorative activity	2	9
		3	1
		4	1
	Facilitators	Staff and prisoner	6
		Staff only	3
		Prisoner(s) only	1
		Restorative Solutions project manager	1
INFORMAL	Location of incident	Wing	10
		Gym	1
		Workshop	2
		Exercise yard	2
	Type of incident	Prisoner-prisoner fight/assault	3
		Prisoner-prisoner verbal altercation	4
		Prisoner-prisoner bullying	2
		Prisoner-prisoner drugs-related	1
		Prisoner-prisoner other	1
		Prisoner-staff verbal altercation	4
	No. participants in restorative activity	1	1
		2	12
		3	2
	Facilitators	Staff and prisoner	1
		Staff only	11
		Prisoner(s) only	3

In most (formal and informal) cases where a restorative activity was not completed, a reason for the lack of completion is included on the RA log. A summary of the reasons given is provided in Table 2.3.

Table 2.3: Reasons for lack of completion of formal and informal RA, Buckley Hall

Reason for non-completion of RA	Number
Participant(s) unwilling to engage	9
Participant(s) deemed unsuitable for RA (e.g. because of hostility, drug use, mental health problem)	6
Conflict already resolved	4
Participant(s) not named	3
Staff unavailable (for facilitation or participation)	2
Prisoner (participant) transferred out	2
Case not allocated to facilitator	2
Pending police investigation	1

2.2   Work initiated and discontinued in Featherstone

Work on the RA pilot in Featherstone was initiated in June 2016, at which time the Governor originally determined that responsibility for managing the project should lie with the Reducing Reoffending department. Following an incident of disorder at the prison in August, and apparently slow progress on developing the RA work, the Governor decided to involve the Offender Management Unit and Safer Custody in project management alongside Reducing Reoffending.

A similar referral process to that devised in Buckley Hall was developed at Featherstone, and presented in the form of a flow chart. The plan was that the Safer Custody and Reducing Reoffending Departments should share responsibility for receiving and screening referrals; the specific role of the OMU was not clearly defined.

In September 2016, seven Featherstone prisoners received the Restorative Solutions foundation training over two days; they were among 12 who had originally been identified as suitable for training by the Violence Diagnostic and Disruption Meeting chaired by the head of Safer Custody. In early October, five of the prisoners went on to do the three-day practitioner training, and at the end of the month nine staff completed the one-day foundation course. Feedback from the nine staff trainees is summarised in Table 2.4; as in Buckley Hall, this was very positive. (Feedback was not obtained from the trained prisoners.) Restorative Solutions ran two two-hour awareness-raising sessions for staff in November, but no staff were trained to practitioner level.

Table 2.4: Summary of staff feedback on RA training, Featherstone

	Agree strongly	Agree	Neutral	Disagree	Strongly disagree
The information was comprehensive and detailed	3	6	0	0	0
The way it was presented was easy to follow	4	5	0	0	0
The trainers were effective communicators	9	0	0	0	0
The trainers were well informed and up-to-date	9	0	0	0	0
The trainers were flexible enough to provide information relevant to my particular situation	6	3	0	0	0
	Yes	**No**			
Did the course meet your needs?	9	0			
Would you recommend the course to a colleague?	9	0			
Examples of comments on feedback forms from staff trainees					

- New skills that can be transferred into my job have been learnt.
- Very informative and useful to my day to day work.
- The course gave good information about the process although it raised a few questions about prisons in particular. I will use the techniques.
- There are practices that I hope will be of use within the prison but also home life. I hope that time is allowed for it to be implemented as required.

By December 2016, there was evidence of only one intervention having been carried out: this involved shuttle RA between two prisoners who had had a fight and had been subject to an adjudication, and was facilitated by one of the trained prisoners. The proposed RA referral system in Featherstone lacked detail, and no processes were in place for recording and monitoring RA interventions. There was also a lack of clarity over the specific remit of each of the three departments involved in managing the project. These difficulties suggested a lack of focus on the project, at a time when the prison was under pressure to produce rapid improvements in light of the recent disturbance and a forthcoming inspection report which was known to be poor. Given the limited funding and time scale for the project, in January 2017 Restorative Solutions made the decision to withdraw from Featherstone and to invest the remaining resources in an establishment that would be well-placed to make rapid progress.

2.3   Progress to date in Peterborough

Following the decision to discontinue the project at Featherstone, work started in Peterborough in February 2017. The first foundation training session for staff was held in March, with the first cohort of prisoners being trained in June.

2.3.1 Peterborough project governance and referrals
From the outset, the pilot has been based in the Rehabilitation department, and falls within the remit of the dedicated Restorative Justice Co-ordinator who also has responsibility for

the victim-offender restorative work that is being undertaken within the prison. The Rehabilitation department, and the work of the restorative pilot, cross-cuts the men's and women's sections of the prison.

The pilot adopted a similar referral process to Buckley Hall, and produced a paper-based referral form which has been made available across the prison to both staff and prisoners.[18] Referrals can also be submitted via the electronic 'kiosk' system, through which prisoners access information and submit applications for a range of services. Referrals are received by the Restorative Justice Co-ordinator, who logs, screens and allocates cases, and maintains a record of interventions on an Excel spreadsheet. In an effort to increase referrals and to embed RA in the establishment's existing process and systems, a new section has been added to the form on which violent incidents are recorded, in which the incident's suitability for an RA intervention can be noted. Additionally, RA is on the agenda of team meetings throughout the prison, and staff are encouraged proactively to identify cases that can be referred to the Restorative Justice co-ordinator.

Work to publicise the pilot among both prisoners and staff has encompassed various activities, including the production of leaflets and posters which have been distributed throughout the prison; and provision of information on RA on screens in the gatehouse and visitor reception area and in the internal prison bulletin. A 'restorative awareness day' was held in November 2017, which provided information about the RA pilot and the prison's restorative work more generally, and was attended by 160 prisoners. Another recent development has been the introduction of a Restorative Families initiative, which involves restorative meetings between prisoners and their family members. Six staff have been selected and trained to deliver this work: three from the prison's Family Matters team and three from elsewhere in the prison. Five family restorative meetings had been held as of end November 2017.

2.3.2 Peterborough training
Staff were initially selected for the RA foundation training through an expressions of interest process, to which 102 responses were received. 75 staff undertook the foundation training in March to April 2017, of whom 16 completed the practitioner training in May and a further nine in July. Twelve staff members received foundation training in November. (Over the course of 2017, some other planned training for staff was rescheduled to allow the RA training to be prioritised.)

Twelve female prisoners undertook one-day foundation training in June 2017, with ten proceeding to the practitioner course the following week. On the male side, nine prisoners did the one-day foundation course in July 2017, of whom eight completed the practitioner training within a fortnight.

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[18] The practice at Peterborough is to refer to prisoners as 'residents'; however, for the sake of consistency and simplicity we are using the word 'prisoner' in this report, as this is the term used in the other prisons involved in the pilot.

Like in the other prisons, both staff and prisoners evaluated the training they received very highly (feedback was received from 146 of the total 151 trained[19]); this is summarised in Table 2.5.

Table 2.5: Summary of feedback on RA training, Peterborough

	Agree strongly	Agree	Neutral	Disagree	Strongly disagree
The information was comprehensive and detailed	107	39	0	0	0
The way it was presented was easy to follow	113	33	0	0	0
The trainers were effective communicators	129	17	0	0	0
The trainers were well informed and up-to-date	133	13	0	0	0
The trainers were flexible enough to provide information relevant to my particular situation	125	21	0	0	0
	Yes	**No**			
Did the course meet your needs?	146	0			
Would you recommend the course to a colleague?	146	0			
Examples of comments on feedback forms from prisoner trainees					
• I really enjoyed the course. I have learned many things that I will be able to use in the future in here but even after my release. Thank you very much for the opportunity. • A big thank you to Dave for his patience. The course was brilliant and something I am looking forward to using in the future. I feel privileged I was chosen for this opportunity. Thanks. • I found the course very informative and interesting. Role play was an integral part of the course and in many ways helped us to understand better. I will use this knowledge in my life inside and out. • The course tutor was very communicative and explained what was required really well. Everyone got on and great atmosphere. Delivery of course was spot on. • Opened my eyes and really got my mind going.					
Examples of comments on feedback forms from staff trainees					
• Course content was good but more use of visual media could be better. • All staff would benefit from this training and buying into the approach. • Easy to follow very informative and constructive. • Interesting and challenged perspectives and looking forward to seeing this in action. • Challenging, exciting, nerve-wracking but thoroughly worthwhile. • Very good course and plenty of realistic role plays. It made you realise the benefits to all parties. Good way of enhancing interpersonal skills.					

Since May 2017, the one-day RA foundation course has been added to the Initial Training Course undertaken by all newly recruited prison staff, who by 30 November numbered 85. In early December, shortly after the end of the evaluation period, training in restorative families work was delivered to six staff members.

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[19] As in Buckley Hall, this total counts those who participated in both foundation and practitioner training twice, since they submitted separate feedback for each course.

2.3.3 Peterborough interventions

Peterborough's log shows that 42 referrals were received for formal RA over the period 14 April to 30 November 2017, of which ten resulted in meetings. In at least nine of the cases in which a formal meeting was held, an outcome agreement was produced (in the tenth case, the log does not specify whether or not there was an outcome agreement). There was an adjudication hearing as well as a formal RA meeting in five of the ten cases. Informal referrals to the end of November numbered 36. In 29 of these cases, there was a completed restorative intervention; in three of the cases restorative work did not proceed, and there is no information on the progression of the remaining four. All completed informal interventions resulted in an outcome agreement, and five of the cases involved an adjudication hearing in addition to the restorative work.

Several staff in Peterborough were of the view that RA would work better in the female than in the male section of the prison, because the female population is less transitory and there was said to be more of a 'community' among the women prisoners. The figures appear to back this up: proportionately (that is, taking into account the smaller population), more completed interventions – four of the ten formal, and 11 of the 29 informal – took place in the female than in the male section of the prison. An inspectorate report on the women's section of the prison, based on a visit conducted in September 2017, refers to the 'well-managed Restorative Approaches project' and notes that it 'was developing well, but needed to be better promoted'.[20]

The respective figures for Buckley Hall and Peterborough indicate a higher rate of referrals and completed interventions in the latter, especially with respect to informal interventions. However, as noted above, figures for informal work should be treated with caution.

Details on the completed formal and informal cases are provided in Table 2.6; here we can see that, as in Buckley Hall, violence between prisoners was the type of conflict most commonly addressed through restorative interventions. Staff were responsible for the bulk of facilitation of informal interventions, while half of the formal interventions were facilitated by staff and half by staff and prisoners together.

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[20] HM Chief Inspector of Prisons (2018), *Report on an unannounced inspection of HMP & YOI Peterborough (Women), 11-21 September 2017*, https://www.justiceinspectorates.gov.uk/hmiprisons/wp-content/uploads/sites/4/2018/01/HMP-YOI-Peterborough-Women-Web-2017.pdf

Table 2.6: Breakdown of completed restorative interventions, Peterborough

	Case details		Number
FORMAL	Location of incident	Houseblock	6
		Houseblock hub	2
		Gym	1
		Mother & Baby Unit	1
	Type of incident	Prisoner-prisoner fight/assault	6
		Prisoner-prisoner bullying	2
		Prisoner-staff verbal altercation	1
		Prisoner-staff refusal staff instruction	1
	No. participants in restorative activity	2	8
		4	1
		8	1
	Facilitators	Staff and prisoner	5
		Staff only	5
INFORMAL	Location of incident	Houseblock	21
		Houseblock hub	1
		Gym	1
		Mother & Baby Unit	1
		Programmes	1
		Reception	1
		Education	1
		Rehabilitation	1
		Healthcare	1
	Type of incident	Prisoner-prisoner fight/assault	9
		Prisoner-prisoner verbal altercation	3
		Prisoner-prisoner bullying	2
		Prisoner-pris threatening/abusive behav'r	1
		Prisoner-staff fight/assault	1
		Prisoner-staff verbal altercation	3
		Prisoner-staff refusal staff instruction	2
		Prisoner-staff threatening/abusive behav'r	3
		Prisoner-staff self-harm	1
		Prisoner-staff drugs	1
		Prisoner-staff racist complaint	1
		Prisoner-staff other	1
		Staff-staff verbal altercation	1
	No. participants in restorative activity	2	26
		3	2
		6	1
	Facilitators	Staff only	24
		Prisoner(s) only	5

The reasons for non-completion of (formal or informal) interventions, where noted on the RA log, are summarised in Table 2.7.

Table 2.7: Reasons for lack of completion of formal and informal RA, Peterborough

Reason for non-completion of RA	Number
Participant(s) unwilling to engage	4
Participant(s) deemed unsuitable for RA (e.g. because not admitting guilt or gave conflicting accounts)	3
Prisoner (participant) transferred out or released	3
Case allocated but not arranged	2
Participant not available	1

3. Challenges and opportunities

Following Chapter Two's descriptive account of progress to date on the pilot, this chapter looks in closer detail at how RA has been implemented and experienced in the pilot prisons. We discuss the concept of RA as it has evolved over the course of the pilot; the practical and logistical difficulties that have arisen; the challenges and opportunities associated with prisoner facilitation of RA; staff receptiveness to the project; and, finally, issues of ownership, leadership and sustainability. In addressing these issues, we hope to make clear the many complexities intrinsic to the task of introducing RA in the prison setting, and the ways in which different facets of the project have simultaneously posed both challenges and opportunities for those individuals who are directly involved in its implementation.

3.1   Fluid parameters and implementation of Restorative Approaches

In the early stages of implementation of the pilot, its scope and parameters were deliberately left open, in order that the prisons could themselves determine how exactly they wished to put it into practice. While this usefully permitted flexible approaches to the range of types of conflict that occur in the prison setting (see 3.1.5), it also gave rise to differing and sometimes competing expectations about what the pilot was seeking to achieve, and how. There were four aspects of project design which merit further exploration:

- What types of conflict were within the scope of the pilot;
- How the distinction between 'harmer' and 'harmed' should be drawn;
- Where the lines should be drawn between an informal and formal RA, and between informal RA and restorative styles of interaction;
- How the restorative work should operate in relation to the adjudications process.

3.1.1 Types of conflict
Some prison staff were of the view that RA would be most valuable in dealing with conflict stemming from drug use and relating to debt, as these posed particular threats to safety and good order. For example, use of 'Spice' by prisoners frequently caused significant disruption and necessitated ambulance call-outs, and it was argued that restorative discussions could help to hold prisoners accountable for the repercussions of their drug use. Some of the trained prisoner facilitators also strongly felt that RA had a part to play in addressing problems relating to drugs in the prison. On the other hand, others involved in the project felt that restorative interventions should be more closely focused on incidents of conflict between individuals, and this has been the usual practice to date.

Conflicts relating to debt can cause severe distress to prisoners, but resolution through restorative means may be difficult to achieve because of their complexity and the sensitivity of the issues involved, for example where a debt arises from purchase of drugs. One prisoner facilitator in Buckley Hall reported having dealt informally with issues relating to debt on a small number of occasions. It appeared that decisions about the suitability of different

kinds of conflict for informal RA were largely coming down to an individual facilitator's discretion, which begs the question of whether there should be some broad guidance on how such decisions should be taken.

It was generally accepted in the prisons that conflict between staff members, and not just prisoner-staff or prisoner-prisoner conflict, was potentially suitable for RA. In practice there was only one recorded intervention involving staff-staff conflict: this was an informal intervention in Peterborough (outlined in Case Study 1).

> **Case Study 1: Informal RA for staff-staff conflict**
>
> A series of miscommunications between a middle manager and two Senior Officers in the prison led to the officers having to work late, which they were upset about. A senior manager brought them together for an informal RA at which both sides explained their points of view. The middle manager apologised for the misunderstandings which had stemmed from the instructions he had received from his superior officer and had not been relayed clearly. Both sides agreed that they needed to communicate better, and the middle manager said he would be more supportive of the SOs in future.

3.1.2 Defining conflict

As we note in the introduction to this report, RA is about bringing into dialogue those who have been harmed and those who have caused the harm. But it is in the nature of much of the conflict that occurs in prison that there is not necessarily a distinct 'harmer' and 'harmed'. In many cases, two or more individuals may become involved in a verbal or physical altercation for which all may bear some degree of responsibility and in which all may suffer harm. Furthermore, which of the party to a conflict is the 'harmer' may depend on an observer's perspective: for example, it was suggested that when a fight results from a prisoner having jumped a queue, a staff member would be likely to view the individual who started the fight as the 'harmer', while a fellow-prisoner might argue that the queue-jumper was most culpable.

Many felt that there was sufficient flexibility in the RA process to permit participants' differing levels of culpability to be probed, and for the parties to a conflict to acknowledge their shared responsibility for it. This offers a clear point of contrast with conventional restorative justice, in which the distinction between 'victim' and 'offender' is rarely questioned. This also maintains a clear contrast with mediation, since RA remains focused on harms and how they have been perpetrated and experienced. In cases where it is simply not possible to identify a harmer, these should be deemed unsuitable for RA.

3.1.3 Defining informal RA

In the Buckley Hall *Practitioner Guidance*, informal RA is defined as that which is 'used within 48 hours of the incident occurring, within the location of the incident, delivered by staff trained to foundation level and requiring minimum preparation. The incident should usually be straightforward, involving just the harmer and the harmed.' There is a risk that some cases which should be assigned to formal RA, to permit planning and risk assessment, are

progressed too quickly to an informal intervention. There may thus be a need for clearer criteria for deciding whether a formal or informal intervention is appropriate in any given situation.

As part of the pilot, facilitators are encouraged not simply to think of RA in terms of specific (formal or informal) interventions, but as something that should shape the way in which they conduct all their interactions with others. Staff and prisoner facilitators told us that restorative techniques have indeed infused the ways in which they communicate. This is a highly positive development, although it inevitably poses questions about what level of input merits the submission of a completed referral form (a problem likely to be compounded by a natural reluctance on the part of both staff and prisoners to do a great deal of 'form-filling'), and whether alternative methods of recording routine or casual use of restorative techniques might be introduced. The current expectation that informal interventions should be recorded is likely to result, as noted in Chapter Two, in significant under-counting in the RA logs maintained by the prisons.

3.1.4 RA and the adjudications process

A matter of continued debate in the pilot sites was how exactly RA interventions should feed into and/or follow from the adjudications process. A number of options were considered:

- The adjudicating governor's use of 'restorative questions' as an integral part of the adjudication hearing;
- Adjournment of adjudication hearing to allow a restorative meeting to take place – in which case the adjudicating governor has the discretion to take the prisoner's participation in RA into account in the adjudication that follows;
- Adjournment of adjudication award to allow a restorative meeting to take place – in which case the adjudicating governor has the discretion to take the RA into account in making the award;
- Award made but suspended pending the holding of a restorative meeting;
- Restorative meeting held subsequent to award being made.

There was a perception on the part of some staff that adjournment/suspension of adjudication hearings or awards could lead to prisoners participating in restorative meetings for the purpose of trying to reduce their award, rather than because they were committed to the restorative work. Others, however, felt that it was valid to encourage prisoners to engage with restorative work by integrating this within the adjudications process, provided that it was made clear that restorative meetings could only proceed if all parties were fully agreed, and that there was no guarantee of a reduced award as a result. There appeared to be some inconsistencies in both policy and practice regarding adjudications, with the approach adopted by adjudicating governors being dependent in part on whether they had been trained in RA and on their awareness of RA options.

At the end of the evaluation period, policy on RA and adjudications was still under development in both Buckley Hall and Peterborough. One proposal under discussion in Peterborough – which had come from the prisoner facilitators – was that the following text should be added to the standard the adjudication charge sheet given to prisoners attending a hearing:

> HMP Peterborough uses Restorative Approaches in the adjudication process. If you have made a guilty plea, or been found guilty, an award will be made and you can be referred to explore a restorative process with the person(s) you have harmed. This is a voluntary process but you can ask to meet with a trained resident [prisoner] who will explain the process to you.

For examples of how restorative interventions have been used alongside the adjudications process, see Case Studies 2 and 3.

Case Study 2: Formal RA following adjournment of adjudication award

Adam, a prisoner, shouted at fellow prisoner Brian, who only has one eye, 'Oi, Popeye, get me on the pool table.'[21] Brian told Adam to leave him alone, but Adam continued to call him Popeye. Brian lost his temper and hit Adam. The case went to an adjudication and the adjudicating governor adjourned the award to allow a formal RA to take place. During the RA Brian explained that, shortly before the altercation, he had learnt that his son had died of an overdose. Adam immediately apologised, and revealed that his mother had cancer so he understood Brian's distress. As a result of the RA, the adjudicating governor gave both prisoners a lesser award.

Case Study 3: Formal RA following adjudication award

Two young prisoners, Jane and Yasmin, were involved in a violent incident in which Jane sprayed cleaning fluid in Yasmin's face, and Yasmin retaliated by hitting Jane with a mop. The case went to an adjudication during which both showed remorse for their actions. The adjudicating governor asked if they would be willing to participate in an RA and both agreed. The governor then took this agreement into consideration when giving the award. The formal RA subsequently took place and was co-facilitated by two staff members. Both Jane and Yasmin accepted that they had hurt each other and apologised. There have been no incidents between them since.

3.1.5 Positive aspects of flexibility

Conflict in prisons takes a wide range of forms. We were frequently told, particularly by the prisoner facilitators, that in the prison's closed and highly pressurised environment what might appear to be trivial disagreements, misjudgements or miscommunication can readily develop into entrenched conflict, and can escalate from there to serious violence. Examples of such incidents include disagreements over who takes the first turn at playing pool, a

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[21] All names in the case studies have been changed.

television being on at high volume, or a chance remark or look which is taken to be insulting when not intended in that way.

The advantage of a fluid conception of RA, as developed by this pilot, is that it can be used in a highly flexible manner: tailored to different types of conflict, whether big or small, involving prisoners and/or staff, and arising in a wide variety of circumstances. While posing some risks, as noted above, informal RA offers the considerable benefit of being a rapid response to conflict, which can therefore pre-empt escalation and the involvement of others. Case Studies 4, 5 and 6 illustrate just some of the wide range of diverse ways in which RA has been effectively applied over the course of the evaluation period.

While, as noted above, there were mixed views in the pilot sites about the potential application of RA to problems such as drugs and debt, the project as currently conceived allows scope for its extension to complex and sensitive issues. This is demonstrated, for example, by the work already under way in Peterborough on restorative interventions with prisoners and their family members. Whether some of the most severe problems faced by prisons, such as gang-related conflict, would ever be suitable for RA interventions remains an open question.

> **Case Study 4: RA in the context of tensions between two groups of prisoners**
>
> At a time when tensions were already high between a number of black prisoners and some prisoners who were Travellers, in the aftermath of a fight between the two groups, a further incident occurred. Henry, a Traveller, asked Solomon and George, who are black and were serving in the servery, for an extra carton of milk for his son, Luke. Solomon said that prisoners were only allowed one carton each and refused to give him any more. Henry racially abused Solomon, threw hot porridge in his face and then punched him. Some of the porridge hit George who instinctively lashed out at Henry with the ladle he was holding (which he subsequently described as 'a fucking massive spoon').
>
> The case was reported to the police who eventually decided not to prosecute, so Henry and George were referred to an internal adjudication, but this did not proceed because of the length of time that had passed since the incident. However, relations between the black and Traveller prisoners remained tense.
>
> Hassan, a trained prisoner facilitator, conducted an informal RA between Henry (the 'harmer') and Solomon (the 'harmed'), at which Henry immediately accepted he was in the wrong and apologised. Solomon accepted the apology. A few days later, Hassan and a member of staff facilitated a formal RA meeting with Solomon, George, Henry and Henry's son Luke (who had spent much of his time alone in his cell since the incident for fear of retribution). At the meeting Henry opened up about previous trauma he had experienced which affects his actions; as a result he was referred for counselling. Solomon revealed that he had received some bad news on the day of the incident which was why he had been abrupt with Henry when asked for the extra milk.
>
> Since the RA, tensions between the black and Traveller prisoners have eased and there have been no further incidents. George has since undertaken the RA training having seen the benefits of the approach first hand.

> **Case Study 5: RA with a workshop instructor as the 'harmer'**
>
> Graham, an instructor, was put in charge of a prison workshop which was in a state of disorder with no routine. He immediately began imposing discipline, against which a group of prisoners rebelled, including by spitting at Graham and putting faeces on the door handles. A fellow staff member suggested to Graham that RA could help the situation. Graham and four of the prisoners agreed to participate. A formal meeting was co-facilitated by the Restorative Solutions project manager and a staff facilitator. Graham was presented as the 'harmer' because of grievances raised against him by the prisoners. At the meeting, the prisoners explained that they didn't like the way Graham spoke to them and felt they had been treated badly. One prisoner said he felt that Graham was bullying him. In response, Graham explained that he had been trying to establish order in the workshop but accepted that his methods may have been heavy handed. Since the RA, Graham has changed the way he deals with the prisoners and the workshop runs smoothly with very few incidents.

> **Case Study 6: RA for conflict in the Mother and Baby Unit**
>
> A number of prisoners in Peterborough's Mother and Baby Unit had been getting on badly with one of their peers, Tanya. During an argument Tanya went to pick her child up and accidentally knocked another child over, leading to a further heated altercation. Staff intervened and the case was referred for a formal RA meeting. The meeting took place between Tanya and Rebecca, who was considered the 'ringleader' of the other prisoners on the unit. It was co-facilitated by two staff members. During the meeting Tanya apologised for knocking over the child but Rebecca said she didn't believe Tanya was really sorry. Tanya then told Rebecca that the reason she was 'all over the place' was that she was waiting for the results of tests to determine whether she had a serious illness and was scared she was going to die and leave her child alone. Rebecca was immediately contrite and said she felt Tanya's admission changed everything. There have been no further incidents since.

3.2   Practical and logistical challenges

Previous evaluations have found that implementation of restorative justice initiatives tends to pose multiple practical challenges and, as a result, interventions are delivered more slowly, and in much lower numbers, than is anticipated at the outset of a project. This pilot was no exception: while the original plan was that it would run over a year from summer 2016, and training started in Buckley Hall and Featherstone in September, the first RA referrals were not received in Buckley Hall until January 2017, and Featherstone only saw one intervention before the pilot was pulled from that prison in January. As shown in Chapter Two, the total number of completed formal meetings achieved in Buckley Hall by the end of November 2017 was 11, while the equivalent number in Peterborough – achieved over a shorter time-scale – was ten.

Some of the practical challenges faced by this pilot are common to other restorative programmes and include the difficulties of identifying appropriate cases, developing an effective referral and monitoring system, conducting risk assessments, liaising between all

the parties to a case, and ultimately ensuring that all the necessary arrangements are in place for the parties to meet.

The delivery of RA in prisons poses its own practical challenges in addition to the above. As noted in the Introduction to this report, prisons across England and Wales are struggling with staff shortages; it is therefore no surprise that staffing issues impacted implementation of the RA pilot in all three prisons.

Relative to other prisons, Buckley Hall has a stable body of staff; nevertheless, the pressures on staff here are such that when the two officers were appointed as RA co-ordinators they were unable to take up their post until five months after the planned start date. Time constraints on other staff meant that those who were RA trained tended to have little availability to facilitate interventions, and one of the co-ordinators – once he was in post – took on the role of facilitating the bulk of the meetings that then took place. Severe staff shortages in Featherstone (which had lost over 30% of its uniformed staff over the previous two years) was one of the factors that hampered implementation of the pilot in this prison; there also appeared to be low staff morale in the face of the continuing problems of violence, and the Governor spoke of his staff being 'stressed'. Featherstone staff simply did not turn up for some of the RA training that had been arranged. Peterborough has a high staff turn-over which poses its own challenges for embedding and sustaining new initiatives; on the other hand, the prison's Director felt that the provision of training on RA for all new recruits provided an opportunity to establish new ways of working in a relatively short time-scale.

It was apparent from the pilot that the very structure of a prison necessarily imposes its own limits on delivery of RA. There are severe constraints on the time and movement of prisoner facilitators, particularly those who have full-time jobs within the prison. Prisoner participants in RA interventions likewise have limited availability to attend meetings and have to be escorted when they do so. Depending on their specific role within the prison, staff facilitators and participants may also have very limited time to commit to interventions, and cover may need to be arranged if they are leaving their post to take part in an activity. However, the numbers of interventions completed in both Buckley Hall and Peterborough, although relatively low, point to the fact that none of the logistical difficulties is insurmountable, provided that the prison senior management is prepared to support staff and prisoner facilitators in performing their restorative roles.

Some prison staff had concerns about the availability of suitable private and accessible rooms in which restorative interventions could take place; in the event, however, this rarely proved to be a problem. In Buckley Hall, most RA meetings were held in classrooms in the Programmes unit, while in Peterborough they tended to take place in private offices in the Rehabilitation department.

3.3   The prisoner facilitator role

A core component of the Restorative Prisons pilot is the involvement of prisoners as facilitators. Those involved in designing and implementing the project – that is, Restorative Solutions, prison staff working on the project, and the prisoner facilitators themselves – see this as a vital means by which RA can gain traction and credibility within the prison population. Furthermore, prisoners involved in conflict may be most responsive to facilitators who understand, through their own personal experiences, the particular pressures and challenges of prison life.

3.3.1 Selection of prisoner facilitators

A range of peer support initiatives exist in prisons; these include, for example, the well-established Listeners scheme, through which prisoners are trained and assisted by the Samaritans to offer a confidential 'listening' service to fellow-prisoners who are feeling distressed.[22] In actively involving prisoners in the management of conflict – including conflict between prisoners and staff – the RA pilot amounts to a notable and unique extension of existing peer support work.

There were various stages to the selection of prisoners as RA facilitators. The prisons did not all adopt exactly the same procedures but, for the most part, the following were key elements of the process:

- Staff were asked to identify potential candidates for RA training;
- Prisoners identified by staff were told about the project in workshops or group sessions run by Restorative Solutions and were asked to express interest in involvement in RA;
- A shortlist of candidates was then drawn up;
- Shortlisted candidates underwent security vetting and were assessed for suitability by the Restorative Solutions project manager.

Following the above steps, the prisoners underwent the foundation and practitioner RA training. During the training, some of the prisoners opted not to pursue the facilitator role, and some others were de-selected by the Restorative Solutions project manager on the grounds of evident unsuitability – for example, if they appeared to be primarily motivated by a wish to exercise some power over other prisoners, or if poor attendance betrayed a lack of commitment.

The selection process, and particularly the part played by staff in identifying potential RA trainees, tended to favour those prisoners who had already 'proved themselves' as responsible and reliable workers, for example by working as Listeners and in other trusted

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[22] For more information on peer support schemes, see Edgar, K., Jacobson, J. and Biggar, K. (2011) *Time Well Spent: A Practical Guide to Active Citizenship and Volunteering in Prison*, Prison Reform Trust.

roles. However, there was also an eagerness on the part of staff involved in the project to ensure that the pool of prisoners facilitators was reasonably diverse, and did not simply comprise 'the usual suspects' – that is, those who always took on positions of responsibility in the prison.

3.3.2 Scope of prisoner-facilitator role

The role of prisoners in the RA project extended beyond their contribution as facilitators in individual cases to helping to raise awareness of and to promote RA among both staff and prisoners throughout the prison. For example, one of the prisoner facilitators told us that he had addressed an all-staff meeting at Buckley Hall, where he asserted the importance of effective approaches to tackling conflict for everyone in the prison but most of all for prisoners: 'Let's work together on this. You work here, but we have to live here.'

As evident from the feedback on the restorative training provided by prisoners (see Chapter Two) as well as from what was said in group discussions for this evaluation, the prisoner facilitators were enthusiastic about their role and highly optimistic that RA, if properly implemented, could be very effective in dealing with both small and large conflict in prisons. As one facilitator commented:

> I was sceptical at first but did the training and role plays and realised it could be a very, very, very powerful thing. It helped my confidence. Jail can be very stressful and if you can help relieve conflict it is a very powerful thing.

The prisoner facilitators perceived their input as critical to the project's potential effectiveness, since it enables prisoners involved to conflict to feel that their own perspectives are properly understood and taken into account in any intervention. They also saw the strength of RA as lying in the way it ensures that those involved in conflict genuinely reflect on their own and others' actions and the direct repercussions of those actions. One prisoner facilitator contrasted RA with the usual response of staff to any problem caused by a prisoner, which is to 'take the telly' (as a form of punishment). This, he said, only tends to entrench rather than resolve the problem. He added: 'Even when someone is going off in an ambulance, the officers are saying, "take the telly".' Another prisoner facilitator commented:

> I've been in lots of prisons and can see this working in all prisons. There's a lot of thought gone into the process – just putting people in segregation and forgetting about them doesn't work. We need people to talk to each other to resolve issues.

Many prisoner facilitators felt that the skills and new perspectives gained through participation in the project would serve them well in the future whether within prison or outside it – by improving their understanding of themselves and those around them, and potentially improving employment opportunities. This was evident in the many of the comments made on the training feedback forms, including the following:

I will use Restorative Approaches in every relationship for the rest of my life.

It was a superb course. Have learnt so much to solve problems in the future and help others and even for a personal level.

Really enjoyed learning new skills to take into my every day working.

Showed me how much power there is in the spoken word. I would love to go much further with RA and use it when out of prison or even as a job.

I found the information appropriate to use not only in prison but would be useful for everyday life with family and friends.

I really enjoyed this course and want to learn more as I feel I can better myself. I can see how I can use these skills in my everyday life.

I really enjoyed the course. I found it very useful and informative. I would like to use what I have learnt when I get out of prison

3.3.2 Constraints on prisoner facilitation

The prisoner facilitators felt that the skills gained through the restorative training would serve them well not only in terms of their contribution to the RA project, but also in their lives more generally – both inside and, in time, outside the prison. Having completed the training, they were extremely keen to put the skills into practice by facilitating restorative meetings. However, there was also frustration that opportunities for facilitation were proving limited. The numbers of completed interventions presented in Chapter Two indicate low levels of active prisoner involvement in facilitation to date – with prisoners having facilitated or co-facilitated only 12 out of 21 completed formal and 9 out of 44 completed informal interventions (although, as has been noted, there is likely to be significant undercounting of informal restorative work).

Various factors appear to explain the limited prisoner facilitation to date. One issue, acknowledged by both prisoners and staff, was that many of the prisoner facilitators were already busy with other peer support and similar roles in the prison leaving them little time for the RA work.

Some of the prisoner facilitators were highly critical of prison staff who, in their eyes, were unsupportive of their facilitation role. This was generally attributed to staff lack of awareness or understanding of, or lack of interest in, the RA project. Among examples given was a case in which two prisoners had got into a fight and when a facilitator tried to talk to them in their cell he was ordered to get out by an officer who then 'banged up' the two who had been fighting. Another facilitator said that he talked to management about a fight on the induction wing, but was told 'It's OK, you're in the clear', rather than being supported to undertake restorative work. There were also complaints that some staff had not simply been unsupportive but had been actively obstructive towards efforts to apply RA – such as an officer who was described as having turned his back, three times, on a facilitator who was asking for assistance.

Prisoner facilitators, by virtue of the fact that they are prisoners, are constrained in the extent to which they can practical arrangements for restorative interventions and are therefore dependent on staff help with many aspects of facilitation. This was a cause of difficulty where staff were unable to unwilling to play their part in putting an intervention in place, as in the example described in Case Study 7.

> **Case Study 7: RA falls through because of staff facilitator's inaction**
>
> Diana, a prisoner, felt that she was being picked on by an officer who seemed to always be asking her what she was doing, where she was going etc. A prisoner facilitator, Karen, felt that the case would be suitable for an informal RA, to which Diana agreed. Karen and a staff facilitator, Colin, then spoke to the officer who explained that he was getting pressure from a more senior officer to keep an eye on Diana, and that he felt 'caught in the middle'. Karen suggested that he could use the RA to explain to Diana that his actions did not reflect any personal animosity, and the officer agreed to this. It was left that Colin would check the roster to find a time for the RA to take place but did not follow this through and as a result the RA never took place. Karen was very frustrated and felt it 'made a mockery of the system as both parties were willing but nothing had happened.' The issue between Diana and the officer escalated, and as a result she was moved to a different wing and was then transferred out of the prison. Karen was angered by this as 'I could see the RA would have helped.'

3.3.3 Conflicts and tensions within the prisoner facilitator role

There are inherent conflicts and tensions within the prisoner facilitator role. One acknowledged risk was that the facilitators might be seen by other prisoners as too close to the prison and its staff – as emerged, for example, in Case Study 8. There are real or perceived conflicts of interest if a prisoner is to facilitate an intervention involving a fellow-prisoner to whom he or she is close. In one case of conflict between two prisoners, both of whom agreed to formal RA, a potential facilitator was ruled out on the grounds that he was a close friend of the 'harmed'. An alternative facilitator was identified who lived on the same wing as the 'harmed'. The 'harmer' was consulted about whether he was happy to proceed with this facilitator, which he was. The meeting took place and had a positive outcome. A related concern among some of the prisoner facilitators was that they should be able to anonymise reports of informal RA that addressed highly sensitive issues such as debt or drugs. There was some reluctance to accept anonymous reporting on the part of the prisons, and this question had not been definitely resolved by the end of the evaluation period. Concerns about confidentiality may have contributed to under-reporting of informal RA.

Case Study 8: Vulnerability of prisoner facilitator

A prisoner facilitator, Ryan, who is a Traveller, asked if he could help address a conflict between two residents who were both also Travellers. The issue was successfully resolved through an informal RA. Shortly afterwards there was a conflict between some Travellers and some black prisoners over a weekend, and – because of his previous success in working with Travellers – Ryan was asked by the duty governor to help resolve it. This did not go through the formal referral process, but a meeting was held on the wing. The meeting went well, and the conflict was dealt with, but Ryan felt vulnerable afterwards as he thought he would be perceived by other prisoners as too closely aligned with staff. As a result, he asked to be moved out of the prison, and has since been transferred.

In Peterborough, the trained prisoners were worried that if they were seen talking to an 'unsavoury character' (to ascertain interest in an RA) they would be perceived by the prison as being up to no good and there would be consequences of this. 'Once the prison has intel on you that's it and they won't tell you what the intel is so you can't argue against it.' From a staff perspective, there is necessarily a difficult balance to be struck between giving prisoner facilitators the responsibility they need to perform their role properly and maintaining a secure environment, and this means that there can be judgement calls to make, for example with respect to the selection of prisoners to act as facilitators. There are parallels here with the Listeners scheme, referred to above, as part of which the trained prisoners are required to deal with highly sensitive and complex issues. As noted above, there was a tendency for prisoner facilitators to be recruited from among those prisoners who were already working in trusted roles; the drawback of this, however, is not only that they might lack the time to act as facilitators, but also that they might not have the same credibility or influence among prisoners as those who are known to be less compliant towards authority.

Given the difficulties of selection and the particular challenges associated with the prisoner facilitator role, there is a risk that the project becomes associated with a small number of charismatic individuals. In one of the pilot prisons, a single prisoner was proactively pushing RA - generating the bulk of the referrals and undertaking most of the informal interventions. There were concerns that this resulted in the other trained prisoners becoming more passive, and that they were only involved in RA when they were allocated cases. This also threatens sustainability of the project when the key individual is transferred – as is expected to happen shortly – and points to the importance of having a rolling programme for training prisoners.

3.4   Staff receptiveness to RA

The small scale of the evaluation meant that we were unable to ascertain levels of staff receptiveness – and indeed of prisoner receptiveness – to the pilot across the prisons as a whole. Among the staff involved in the pilot with whom we spoke, including senior management staff, there was clear and strong enthusiasm for it. Like the prisoner facilitators, they felt that restorative approaches offer new and potentially highly valuable means of addressing the range of conflicts that can so easily flare up in overcrowded, understaffed

prisons; many described this as an important 'tool in their toolbox'. On the part of these staff, there was a clear recognition of the critical importance of the prisoner facilitator role, and a willingness to give a considerable level of responsibility and trust to prisoners who demonstrated their ability to fulfil this role.

While those with involvement in the project were highly enthusiastic about it, some raised the question of whether participating in RA meetings as a member of staff – that is, sitting face-to-face with a prisoner who had harmed them, or having to take responsibility for harm that they themselves had caused – would render them vulnerable and undermine their authority. One staff member said, 'I'm not sitting in front of a prisoner telling them how I feel'. A department manager had shared these concerns, but then changed her mind about what RA has to offer: 'Initially I thought that talking about my feelings to prisoners would make me vulnerable. Now that I've seen it in action I don't believe that at all. Telling someone how they've made you feel is actually really empowering.' On the other hand, some staff are evidently reluctant to participate in RA not because it might make them 'vulnerable', but because they simply regard dealing with conflict and even physical violence as an intrinsic part of the job of a prison officer – see Case Study 9.

Case Study 9: Officer who perceives violence as a routine matter

James, a prisoner, hit an officer who had let him out of his cell late. The case went to an adjudication and the award was suspended. It was decided at the adjudication that the case was suitable for RA; however, it was stated that this would not affect the award given. A staff facilitator spoke to James who was willing to participate in the RA because he wanted the opportunity to apologise to the officer. However, the officer stated that he did not want to take part in an RA meeting as he felt that dealing with violence was simply a routine part of the job of a prison officer.

More positively, Case Study 10 provides an example of where an officer's willingness to take part in a restorative meeting, in the capacity of the 'harmed', can be of benefit to the prison community as a whole – especially where, as in this example, the 'harmed' was willing to reflect on the part he himself played in the conflict. Case Study 5, above, involved a staff member who, having been defined as the 'harmer', was prepared to change his behaviour as a result of being challenged in the restorative meeting.

Case Study 10: Positive outcome of RA for prisoner and officer

A prisoner, Peter, who had some influence within the prison, went to another wing to get tobacco. He stood at the gate and an officer told him to move on. Peter refused so the officer used force. Residents on other wings heard about this and 'kicked off.' The case went to adjudication at which Peter pleaded guilty and an award was made. Following the adjudication, a staff facilitator asked Peter if he would be willing to participate in an RA. Peter said he thought the incident was over but agreed to sit down with the officer. The officer also agreed to participate. At the meeting Peter explained that the officer had a reputation for being strict, while the officer explained to Peter the consequences of his disobeying an order – i.e. that disorder had subsequently spread to other wings and could have resulted in a serious incident. Both agreed to try to get on with and respect each other in future.

The structure and culture of a prison is likely to make a difference to the extent to how quickly is possible to embed a new initiative like the RA pilot. Peterborough prided itself on being a 'progressive prison', within which a 'rehabilitative culture' and established practices of prisoner-staff collaboration are already part of the ethos. There was also a belief among some staff that the fact that it is a privately-run establishment has permitted a faster and more flexible response to the opportunities that the RA pilot offers. The data presented in Chapter Two – which show that more interventions were completed over a shorter tiperiod in Peterborough than in Buckley Hall – may offer support for this argument.

3.5   Ownership, leadership and sustainability

Reflecting their very purpose – that is, the secure detention of people who are convicted of, or are suspected of having committed, criminal offences – prisons tend to have a risk averse culture. Part of this culture is an unambiguous delineation of status and roles between staff and prisoner. An initiative like the RA project requires staff and prisoners to work together in examining, addressing and seeking to resolve conflict. From the outset, the senior leadership teams, staff and prisoners in the pilot prisons displayed their willingness not only to commit time and resources to the project, but also to take the risks that its development and implementation entailed.

One of the first decisions that must be made when a pilot is being implemented in a prison is where exactly within the prison the initiative should be based. In each of the prisons involved in this project, a different approach was adopted. In Peterborough, which as noted above has a strong rehabilitative culture, the decision was relatively straightforward since the prison was already actively involved in restorative justice and had an RJ co-ordinator, located in the prison's Rehabilitation department. Management of the RA pilot fell naturally within the RJ co-ordinator's remit. This level of institutional support for restorative work has also allowed further expansion of related activities in the form of the interventions involving prisoners' family members and, most recently, the organisation of 'NPS Circles' which provide a forum for discussion by staff and prisoners of issues relating to use of New Psychoactive Substances. (Plans to hold a 'Debt Circle' are under development.) Given these developments, there is optimism in Peterborough that the RA work introduced by the pilot will be sustained here.

In Buckley Hall, the initial decision was that the pilot should be based in the Offender Management Unit (OMU), but as the work progressed, senior management decided that the project's focus on conflict meant that it is a better fit with Safer Custody. The prison's Programmes department has also been involved throughout, because of the close alignment between restorative interventions and the 'offending behaviour programmes' being run by the department – such as Resolve, which challenges violent behaviour and attitudes. The transfer of the project from one department to another appears to have been somewhat disruptive, particularly because the delay to the two RA co-ordinators coming into post

meant that the administrative functions remained with OMU for some months after Safer Custody had officially taken over the running of the pilot. There was also a change of Governor at Buckley Hall in January 2017. This change does not appear to have had any negative impact on the project, since the commitment to it of the new Governor – who has stressed his interest in developing a rehabilitative culture in the prison and the role of restorative work within this – appears to match that of his predecessor.

It is clear that one of the major problems encountered by the pilot at Featherstone was the fact that, while it was initially located in Reducing Reoffending, it was thereafter co-located across the three departments (OMU and Safer Custody along with Reducing Reoffending). As already noted in Chapter Two, this resulted in a lack of clarity and focus, and poor communication between the staff members involved.

It appears that the continuing and active involvement of the Restorative Solutions project manager, not only in project design and the delivery of training, but also in many detailed aspects of implementation, has been essential to the progress of the project in both Buckley Hall and Peterborough to date. Even with firm support for the project from senior management in both establishments, it appears that maintaining momentum on RA has often been dependent on the support and practical assistance that Restorative Solutions provides. Arrangements are in place for Restorative Solutions' continued input into the pilot into the early part of 2018 – that is, beyond the period that was originally contracted. One step being taken in Peterborough to ensure sustainability is to engage four members of staff to be trained by Restorative Solutions in the delivery of RA training to further cohorts of staff and prisoners.

4. Conclusion and learning points

The Restorative Prisons project entails the use of Restorative Approaches (RA) in addressing conflict in the prison setting. This process evaluation assessed the progress made in implementing the project at HMP Buckley Hall from July 2016 to end November 2017 and at HMP Peterborough from February 2017 to end November 2017. It also looked at the limited progress made at HMP Featherstone, where the project was launched in June 2016 but discontinued in January 2017.

The project aims to use RA in tackling much of the conflict that arises in prisons on a day-to-day basis, whether among prisoners, between prisoners and staff, or among staff. RA are applied through formal meetings and informal meetings and conversations, and both staff and prisoners are trained to facilitate these interventions. RA interventions involve bringing together the parties to a conflict – generally defined as the 'harmer' and 'harmed' – to discuss what happened and why, how it has impacted both parties, and what can be done to put things right. The RA work complements existing internal processes of adjudication within the prison, and is undertaken additionally to any conventional (victim-offender) Restorative Justice that the prison may be delivering.

It is hoped that this 'whole prison approach' to addressing conflict will ensure that individual incidents are resolved quickly and effectively, and that escalation of conflict is thereby avoided. Over the longer term, the goal is to achieve organisational and cultural change: improved relations among staff and prisoners alike, an overall reduction in levels of violence and self-harm, and a better living and working environment for all.

In all three prisons, training was delivered to both staff and prisoners who were interested in becoming facilitators: in Buckley Hall, 20 prisoners and 38 staff were trained, at least to 'foundation' level; in Featherstone, seven prisoners and 9 staff received foundation level training, as did 21 prisoners and 75 staff in Peterborough. The training was extremely well-received across all groups, as clearly shown by the feedback forms submitted by the trainees. In interviews and discussions with us, both prisoners and staff who had received the RA training, as well as other senior managers in the prisons, expressed their view that RA had great potential as a means of dealing with the many different forms of conflict that can so quickly arise and escalate in the highly pressured environment of a prison.

Notwithstanding the successful delivery of training and the enthusiasm for the project, the process of implementation raised challenges. In Featherstone, the pilot did not continue in a meaningful way beyond the training: we were told of only one intervention, involving shuttle RA facilitated by a trained prisoner, that took place. The pilot was subsequently discontinued in this prison, which was grappling with severe staff shortages and a general problem of violence and disorder.

Buckley Hall had more success in implementing RA, although this was a slow and gradual process. Here, a total of 11 formal and 15 informal interventions were completed from January to November 2017. (It should be noted that there is likely to be significant under-counting of informal work.) Progress was somewhat quicker in Peterborough, where the pilot appeared to benefit from the fact that victim-offender restorative justice was already well-established in the prison – as evident in the fact, for example, that there was a dedicated member of staff in place – and from what was described as the prison's general 'rehabilitative culture'. Here, 10 formal and 29 informal interventions were completed from April to November 2017. In both Buckley Hall and Peterborough, there was frustration among the prisoner facilitators at what they perceived to be the slow speed of implementation, which meant that there were limited opportunities for them to put their learning into practice. Of the recorded interventions, prisoner facilitators had been involved in 12 of the 21 formal and nine of the 44 informal meetings. Many of the prisoners felt that their work had been impeded by lack of awareness of, or interest in, the project on the part of some staff.

As a prison-based initiative, this pilot not only encountered the usual practical and logistical difficulties associated with getting restorative work off the ground, but a range of additional practical problems arising from, for example, staff shortages and the constraints on time and movement of prisoner facilitators and prisoner participants. Those involved in managing and delivering the pilot had differing and sometimes competing views on its aims and parameters, and much was left to the discretion of individual facilitators, especially when it came to informal RA. This posed some risks for the project: for example, a lack of clarity over the relationship between RA and adjudications may have given rise to inconsistent practice. On the other hand, the evaluation found that an advantage of the fluid conception of RA was that it could be used to respond rapidly and flexibly in many different circumstances.

None of the challenges encountered by Buckley Hall and Peterborough in the implementation of this pilot has been insurmountable. These prisons have proved that, with commitment, leadership and clear lines of accountability, it is possible to use RA to deal, both formally and informally, with a wide variety of conflicts. There is no doubt that this can only happen where prisoners and staff alike are willing to take risks and to challenge some ingrained aspects of prison culture. It is striking that in both Buckley Hall and Peterborough, many individuals in diverse circumstances were prepared to do just this. Most of the case studies included in this report provide vivid examples of situations in which the RA has effectively brought 'harmers' and 'harmed' together, not only to explore how their conflict arose and what impact it had on them and others, but how to live or work together more peaceably in future.

The following are key points to consider for the further development of the project in its existing sites and to new locations:

1. To ensure effective and consistent practice, the **parameters of the project** should be clearly defined and communicated to everyone involved in delivery, with respect to:
   - the types of conflict that are within and outside its scope: for example, whether drug, debt and gang-related conflict can be addressed through RA;
   - whether certain types or situations of conflict are appropriate only for formal as opposed to informal interventions;
   - how RA can feed into the adjudications process: e.g. whether it can take place following adjournment or suspension of a hearing or award, or post-award, and whether there is scope for participation in RA to be reflected in an award.

2. Careful thought must be given to the **appropriate location** of project governance within the prison. This is likely to vary between establishments, and will largely depend on which department is most closely aligned to the aims of the project as prioritised by the prison. Where a prison is already involved in other forms of restorative work, co-locating the RA project with the existing work may offer benefits.

3. Wherever the project sits, there must be clarity over which members of staff have responsibility for its **oversight** and for the day-to-day **management, allocation and recording of referrals and interventions**. The latter is time-consuming and likely to require a dedicated post.

4. **Selection of staff for training** should take account of the need for as wide a range of (operational and non-operational) staff as possible from different parts of the prison to undertake training at least to foundation level, to widen awareness of the project as well as scope for facilitation.

5. Prison management must take steps (e.g. including provision for extra cover) to ensure **staff availability for training**.

6. To ensure that all staff support RA and, particularly, the input of prisoner facilitators, a range of measures beyond wide delivery of training should be taken to raise **staff awareness** of the project and the benefits it offers the entire prison. Awareness-raising events, discussions in staff meetings, items in newsletters and dissemination of good practice examples should all play a part in this.

7. **Selection of prisoners for training** should seek to identify individuals who:
   - have credibility both among staff and among their peers;
   - do not raise security concerns;
   - have time to commit to RA alongside their existing roles;
   - bring to the RA role a range of perspectives and experiences;

- o are located in different parts of the prison, including those in which there tends to be a high levels of conflict.

8. Prison management should take all necessary steps to support **prisoner access to training**, including by releasing them from their jobs, and providing suitable space, providing for movement of prisoners to training. Given time constraints, prisoner training may need to be spread out over more days than the staff training.

9. **Prisoner awareness** of RA, and of the benefits it potentially offers all prisoners, should be promoted by measures such as:
   - o Posters and leaflets around the prison
   - o Presentations and 'road-shows' on wings, including demonstrations of role play to illustrate how the process works
   - o Ensuring the visibility of prisoner facilitators
   - o Inclusion of key areas of the prison in the above, e.g. the segregation unit and the induction wing

10. **Tensions associated with the prisoner facilitator role** should be carefully managed. This requires recognising and addressing potential conflicts of interest, awareness of the competing demands (e.g. from staff and prisoners, or from different groups of prisoners) that prisoner facilitators may be subject to, and ensuring that security concerns are dealt with in a sensitive manner.

11. The project may stand to gain from the dedication and commitment offered by certain prisoner facilitators; however, if it becomes **overly associated with one or two individuals**, this may pose risks to its sustainability and appeal to the whole prisoner body.

12. A clear and straightforward **RA referral process** should be put in place and communicated to all; this should encompass:
   - o Who can make referrals, and in what circumstances;
   - o The means by which referrals can be made (e.g. paper-based, electronic);
   - o The specific information to be included in referrals;
   - o What happens after a referral is submitted;
   - o Additional methods of identifying potential RA cases, e.g. through analysis of incident reports, review of cases considered at violence reduction meetings.

13. The system of **allocation of referrals** to formal RA should clearly set out the processes for:
   - o Determining whether a case is suitable for RA;
   - o Risk assessment of all parties;
   - o Allocation to facilitators.

14. A user-friendly **recording system** should be established to track case progress with respect to all (formal and informal) referrals received and to monitor activities and outcomes. The system should provide for recording details of:
    o Referral source
    o Incident
    o 'Harmer' and 'harmed'
    o Risk assessment
    o Allocation to facilitators
    o Type of activity
    o Outcome agreement
    o Participant feedback
    o Reasons for non-progression of cases.

15. Prison management needs to consider whether there are circumstances in which facilitators should be permitted to undertake and report on informal RA without submitting the names of the participants. **Anonymised interventions and reporting** may be appropriate in cases involving highly sensitive issues, but this potentially raises security concerns.

16. To ensure **effective monitoring and oversight**, all facilitators must be informed of their responsibilities with respect to notifying the project of case outcomes, and gathering and reporting participant feedback. The information thus received should be routinely submitted for review to senior managers and the team with overall responsibility for project governance.