Safety Considerations for Victimised Children & Young People Participating in a Restorative Justice Process

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QUEENSLAND: RESTORATIVE JUSTICE CONFERENCING FOR YOUNG PEOPLE

- Face-to-face facilitated meeting between victim and offender
- No limitations to type of offence referred RJC
- Range from “hands on” offences (eg. rape, indecent treatment, carnal knowledge) to “hands off” offences (eg. child exploitation material offences)
- unlikely sexual offences involving excessive force, aggression, weapons, drug/alcohol use are referred to restorative justice.
RESTORATIVE JUSTICE: BENEFITS

- Effective response to relational offences when paired with therapeutic intervention
- Greater perceived procedural justice
- Broader recognition of impacts
- Timely justice response
- Cost effective
- Reduction in recidivism

(Miller & Hefner, 2015; Choi et al, 2013; Daly & Wade, 2014; Daly, 2006)
RESTORATIVE JUSTICE: BENEFITS FOR VICTIMS

- Provides greater opportunity for participation (flexibility)
- Able to tell their stories their way
- Potential to provide a more culturally sensitive response
- More likely to gain an understanding of the offender’s motivations
- Sense of less risk compared to adversarial justice responses
- More positive mental health and physical health outcomes

(Bluett-Boyd & Fileborn, 2014; Choi et al, 2013; Daly & Wade, 2013; Parsons & Bergin, 2010; Daly, 2006; Beven et al, 2005)
RESTORATIVE JUSTICE: 
POTENTIAL RISKS

- Hurried processes may re-victimise the victims and disempower

- Victims must not feel coerced into participating

- In offender-focused programs:
  - victims needs are at risk of being marginalised
  - victim participation may be sought to enhance offender rehabilitation or desistance

(Wood & Suzuki, 2016; Choi et al, 2013; Daly & Wade, 2013; Daly, 2006)
PREPARATION TO ATTEND A RESTORATIVE JUSTICE CONFERENCE

- Assess for suitability and readiness
  - age, child’s wishes & understanding of process, parent’s opinions, coercion, why do they want to attend?, what do they hope will happen?
- Prepare all parties to attend – clarify process, their role, what are their expectations, hopes, fears
- Liaise closely with convenors to assist with planning (especially re how to provide the offence account)
PARTICIPATION BY THE VICTIM

- Attend all or part of the Restorative Justice Conference
- Not attend and be represented by another
- Representation by Parent/Family Member/Carer/Counsellor/Advocate/other
- Preparation of message that may include: impacts, questions for the offender, hopes or concerns for the future/items for the Restorative Justice Agreement
- Victim Impact Statement/letter, expressive media (therapeutic cards, artwork, symbols), audio/video recording
SAFETY

- Structured process, planned questions
- Are consulted with in planning
- **CONFIDENTIALITY** (ensure they have provided permission re what information is planned to be shared)
- Offence specifics are not discussed (events prior & after discussed)
- Pre-empt what will and won’t be discussed (what don’t they want discussed)
- Staggered arrival and departure
- Allocated parking & person to greet

- Breakout rooms
- Management of movements in building (eg. Entering and leaving the conference, bathrooms, smoking)
- Support people present (eg. Parent/s, carers)
- Counsellor/Advocate must be present
- Can change their mind about participating at any time
- Plan for if they don’t want to speak/ unable to speak (identify main points they want communicated)
- Emotion management planning
- Use of breaks in the meeting (planned & as needed.)
POST-CONFERENCE INTERVENTION

- Immediate debrief following conference
- Follow up appointments/contact with parents
- Support with receiving letters, other meetings
- Information for parents/carers re how to support their child
- If within the same family, ensure the needs of the child are not overshadowed by those of the offender.
- Debrief with Restorative Justice Conferencing and other participants as required.
REFERENCES


