

Sacro Restorative Justice Services for Adult Survivors Abused in Care as Children

Time To Be Heard – Final Report of Pilot

1. Background

In May 2010, the Scottish Government launched a national pilot Time to be Heard Forum (TTBH). This Forum gave the opportunity for adult survivors of in-care historical abuse as children that took place within Quarrier's Village to be heard and listened to by an independent Chair and Commissioners from the Forum. (More information on TTBH can be found at <http://www.survivorscotland.org.uk/time-to-be-heard/>)

Survivors were also offered access to a Restorative Justice process delivered by Sacro, who have extensive experience in the design and delivery of Restorative Justice services. As part of the design of this service, a consultation process was carried out with a sample of Restorative Justice practitioners, adult survivors of childhood abuse in care, support providers and institutions involved in caring for children. This consultation, together with a literature review, was used to formulate a report by Jenny Johnstone of Newcastle University which informed the production of the 'toolkit' of procedures and operating guidelines used in the pilot. A copy of this document is available at <http://www.survivorscotland.org.uk/news-and-events/item/consultation-on-the-development-of-a-rj-toolkit-for-survivors-of-historical-institutional-abuse/>

This report describes the experience of the project up until 21 November 2011, and it should be noted that one case is still underway, with a Restorative Meeting planned within the next month.

2. Restorative Justice

Restorative Justice is a process that aims to help repair the harm caused by a criminal offence or serious wrongdoing. In the current context this is done by providing a safe way in which those involved can explore and reach agreement on the following:

FACTS	What happened? Who was responsible? Why did it happen?
CONSEQUENCES	Who was harmed? How were they affected? How do they feel now?
FUTURE	How can the harm be addressed or repaired? How can this behaviour be prevented?

The process, which is designed to address the personal, moral and emotional aspects of the harm survivors have suffered, is informal and very different both in style and intention from a trial or a court hearing. It is managed by trained facilitators, and is (unless under specified exceptional circumstances) entirely confidential to those involved.

Restorative Justice is a voluntary process requiring the willing participation of all parties and agreements or actions arising from the process are framed in the form of undertakings or commitments rather than legally-binding obligations.

3. Particular Features of the Service for Adult Survivors Abused in Care as Children

Sacro's Restorative Justice Service for 'Time To Be Heard' is an innovative and, as far as we are aware, unique application of Restorative Justice principles. Although applications of Restorative Justice have included post-sentence work with victims and those responsible for very serious crimes, alternatives to prosecution for minor crimes, and interventions in schools, workplaces and other institutions, we are not aware of previous similar initiatives to work with survivors of residential abuse and the organisation responsible.

There are three distinct features which distinguish the 'Time To Be Heard' Service from 'standard' restorative interventions.

- Although the effects of the abuse are typically still very much present, the abuse itself is likely to have taken place between 30 and 60 years ago (Quarriers ceased to run general residential facilities for children in 1983).
- Those directly responsible, both individually and organisationally, for the abuse and neglect are not part of the process.
- Financial reparation has been specifically excluded from the range of possible outcomes.

These distinguishing features have been dictated by the particular context and the circumstances surrounding the historical nature of the harm done to survivors. The result has been that the challenges and rewards of this restorative process have of necessity been very different from those pertaining to a more typical restorative intervention.

4. Access to the Service

Initial referral criteria were as follows:

- a) The person harmed is a survivor of child abuse at Quarrier's Village and is an adult (18+).
- b) The person harmed is resident in Scotland.
- c) The person harmed made contact with the Service by 3-12-2010.

Following a review of condition b) and in response to concerns raised by survivors, the service was extended to residents of all parts of the UK.

5. Take Up of Service

A total of fifteen survivors have made contact with the service – significantly more than initial expectations at the planning stage where no more than 10-12 was the anticipated take-up rate. Significantly, and unexpectedly, a greater proportion of these self-referrals resulted in Restorative Meetings than is typical for many other areas of restorative intervention. Outcomes are as follows:

Restorative Meetings – 5

Four of these cases concluded with a successful Restorative Meeting between the survivor and a representative of Quarriers. A Restorative Action Plan was drawn up which detailed mutually agreed areas for further action. These will typically include action points such as the following:

- The organisation responsible will commit to ensuring measures are firmly in place to ensure to the best of their ability that no future instances of abuse will occur.

- All available records held by the organisation pertaining to the survivor will be copied to them.
- A formal letter of apology will be provided to the survivor.

One Restorative Meeting is still to be scheduled due to unavoidable delays.

Individual Support Given – 3

Three people received individual support over a period of months, although the support did not include a direct face to face meeting with Quarriers. Individual support involves the use of a restorative approach to assist the survivor to decide whether they wish to attend a Restorative Meeting and to explore and understand further the nature of the harm done to them. This can involve extensive work both face to face and on the telephone, and will typically involve exploration of the following:

- The survivor's personal experiences of abuse in the institution and the effects of this abuse.
- Current and potential support for the survivor.
- The survivor's needs and wishes for the future.
- How Restorative Justice works.
- What can and cannot be achieved through Restorative Justice processes.
- Necessary conditions for Restorative Justice to be appropriate and effective.
- Alternative options if Restorative Justice is felt by the survivor or the facilitator to be inappropriate.

Withdrawn from Process - 1

One person withdrew from the process following several individual meetings. They stated that they were unhappy with the experience and this culminated in them being advised of their right to make a formal complaint through Sacro's own organisational complaints process. Although the complaint was not upheld, it is to be regretted that the individual was not happy with the level of service, and there are lessons for future practice. In particular, we expect that future initiatives will have a specific inbuilt complaints procedure tailored as closely as possible to the needs of survivors and those of responsible organisations, facilitators and other stakeholders (see Section 10).

No Further Contact- 6

Six people received information on the service and had telephone contact at least once but did not take up the service. In one case the person stated they had no issues with their childhood experience (they had been placed in a satellite unit not based in Quarrier's Village), one person felt that although they agreed with the principle of Restorative Justice the issues raised could be counter-productive for them at this particular time, and there was no further contact with four people.

6. Findings

Although the scale of the pilot was not sufficient to distinguish a statistically robust pattern of outcomes, there was unanimous agreement among the Project's facilitation team on the following:

- a) Initial materials alerting survivors to the availability of the service are crucial in determining uptake. Written materials such as leaflets or web content should be simple, friendly, and positive about potential benefits. They should contain sufficient information on restorative processes to determine initial interest while avoiding confusing detail on a process that is unfamiliar to the majority of the population. Facilitators are skilled at explaining details of the process in a way and at a pace

targeted to individual needs and circumstances, and personal contact is the most suitable means of assisting survivors to decide whether the process is right for them. Other media, such as DVD, CD or web content should also be created.

- b) The approach of the organisation historically responsible for harm is a crucial factor. The current management of Quarriers adopted a very positive attitude throughout, committing considerable time resources to the process and demonstrating a clear and strong commitment to the principles of Restorative Justice as applied in the pilot. This commitment was led from the top, with the Chief Executive acting as organisational representative in all cases.
- c) It is crucial as far as possible to allow timescales to be governed by the individual needs of survivors. In particular, people have felt the need to spend days or even weeks considering next steps and processing feelings raised by discussing their experiences at Quarriers. It would be irresponsible to inappropriately apply time pressure on this process.
- d) The intensity and pervasiveness of damage and pain caused by the childhood experiences of survivors are much greater than that anticipated even by the very experienced group of facilitators. Survivors typically describe how their treatment has resulted in long-term damage and has been the governing negative experience in their lives. This again dictates that progress in the Restorative Justice process is made at a speed controlled by and suitable for the individual survivor.
- e) The intensity of emotion requires special consideration to be given to whether the survivor is able to deal with meeting a representative of the institution face to face. The team of Sacro facilitators has developed a checklist to help ascertain in partnership with the survivor whether they are ready to meet.
- f) Sacro's facilitators were careful to avoid any risk of re-traumatisation through the restorative process and we did not come across any evidence of this. We are not aware generally of any incidence of re-traumatisation occurring as a result of restorative processes conducted by Sacro. It is nevertheless important that Restorative Justice facilitators appreciate the pain survivors can experience when describing past events and are watchful to ensure as far as possible that survivors remain safe. They also need to signpost services that can assist survivors after the RJ process is finished as it would not be appropriate for the facilitators to provide ongoing support
- g) The Toolkit devised for the process is an invaluable guide but requires selective adaptation by facilitators to meet the different needs of individual survivors. It is not possible to closely follow a scripted process without making contact between facilitators and survivors unnecessarily and intrusively bureaucratic. (See section 10 below.)
- h) The previous extensive experience and training of the facilitators has proven to be essential. All six facilitators were already trained and experienced restorative practitioners and undertook a further intensive training process with an internationally-recognised expert in Restorative Justice work in circumstances of severe and acute harm. It is crucial for any future scheme of this nature that facilitators are comprehensively trained, mentored and supported.
- i) A parallel facility for support for survivors such as that provided by In Care Survivors Service Scotland can be an invaluable aid to the survivor through the restorative process.

Overall, the pilot process demonstrated great potential for assisting survivors in their struggle to come to terms with their experiences at Quarriers and the subsequent effects. In particular, the Restorative Meetings exemplified the healing and positive outcomes that can be achieved through Restorative Justice.

7. Monitoring/Review by Survivors

The 8 survivors who engaged with the full process were provided with an opportunity to evaluate their experience of the Restorative Justice process via a form agreed between Sacro and the Scottish Government. A copy of the form is attached at Appendix A.

Four people have responded to this, and one response is currently being completed, giving a return rate of 62.5%. This is a positive response rate but could be improved upon - the facilitation team reported that some survivors were confused between this evaluation and the evaluation of the Time To Be Heard process itself. In future processes it is suggested that evaluation be carried out independently and by telephone/face to face rather than through printed materials. It is notable that on several occasions survivors expressed frustration with printed materials.

All the respondents found the information on the pilot that they got at TTBH (in the form of a leaflet and through signposting by the TTBH Chair) helpful and had no suggestions for improving it.

They all considered that their facilitator had been helpful.

Three of them felt that they had had the chance to say all that they wanted to say (one person did not respond to this question).

Three of the respondents felt that the service had helped them in coping with the effects of their childhood experiences at Quarriers and expressed their thanks to the Sacro facilitators. One person felt that the service hadn't helped them but made no criticism of the process itself.

There were two suggestions for improving the process, with one person recommending that there should be more breaks in the process and another expressing disappointment at Quarriers' organizational response. Although one person felt that the length of time between their first contact with Sacro and their last meeting had been too short the remaining three felt it had been 'about right'.

Three people would have recommended the service to other survivors and one respondent wasn't sure.

8. Monitoring/Review by Facilitators

Sacro's team of facilitators was surveyed about their experience of the pilot and their views on future initiatives. Results are as follows:

a) In your experience did the process have beneficial effects for the survivor/s you were working with?

In all cases but one (which was the subject of a complaint) facilitators reported very positive beneficial effects on survivors. These included the ability of survivors to recognise previously unidentified strengths in themselves, the ability to make wider family aware of their experiences, and in particular an ability to challenge and condemn the historical role of the organisation responsible.

b) Were there major negative effects such as re-traumatisation?

Facilitators reported that almost all survivors they worked with had experienced past or current mental health difficulties to a greater or lesser extent and found talking about their experiences painful and challenging. They did not find evidence of re-

traumatisation and felt that the pilot process had been therapeutic, but we would propose that future initiatives have structured follow-up built in.

c) Would you recommend that this type of Restorative Justice intervention be offered beyond its current parameters (e.g. to survivors of other residential settings)?

There was unanimous agreement that this type of intervention had huge potential in supporting survivors to be heard, receive an apology and feel vindicated and for organisations to recognise and own their responsibility.

d) Do you have any other comments or reflections?

Facilitators stressed the necessity for support for facilitators, the invaluable role of survivor support organisations such as In Care Survivors Service Scotland, the need to allow for lengthy timescales for cases, and the importance of clarity about the role and responsibilities of people acting as supporters of survivors in the restorative process.

9. Monitoring/Review by Participating Organisation (Quarriers)

As the responsible organisation Quarriers were surveyed about their experience of the pilot and their views on future initiatives. Results are as follows:

a) In your experience did the process allow for meaningful and constructive communication between the institution and the survivor?

The process was highly effective in allowing the institution to meet with survivors in an environment which allowed full exploration of potentially sensitive and litigious matters.

b) Was the process a useful one for the Quarriers as an organisation?

Yes, it has increased our knowledge of the personal impact of abuse on people and how that has followed that person into adulthood.

c) How well-equipped or otherwise were the Sacro facilitators to carry out their role?

SACRO facilitators presented as one of the most professionally caring group of staff I have met. The level of necessary support to these staff was obviously in place.

d) Would you recommend the process as one that other organisations should consider?

Yes. Even though there has to be initial concern about exposing the organisation to potential risk the benefit to the corporate psyche is immeasurable.

e) Do you have any other comments or reflections on the process?

The process as a whole has allowed the charity to regain its past. Prior to this process it was as if the history of Quarriers was so toxically polluted by the historic abuse that we could not own the considerable amount of good that had been done in the charity.

10. Toolkit

As described in 6 g) above, although the Toolkit proved an invaluable and robust framework for delivering the pilot service, experience in practice has prompted a number of changes. These changes have been identified by the facilitators in the light of their own reflections and, crucially, the experiences and comments of survivors. In particular, survivors told us that a particularly beneficial aspect of the process was the opportunity to speak about their experiences fully and at a pace and depth suited to their individual needs. Several survivors commented that they felt their lives were already complicated by a wide variety of lengthy written forms and other bureaucratic instruments and that processes should be as straightforward and form-free as possible.

We intend to produce a substantially, simplified and more flexible suite of documentation and guidance which is specifically tailored to use with survivors, their supporters and representatives of institutions, while retaining sufficient documentation to maintain clarity and safeguard all participants. The process will involve consultation with stakeholders, including survivors and relevant support groups.

The revised Toolkit will include the following:

- a) A concise and straightforward outline of Restorative Justice Services in written and other formats for survivors of institutional abuse, describing clearly the benefits and limitations of the process
- b) A similar form for institutions describing the benefits and requirements of institutional participation.
- c) A Referral Form incorporating a set of suitability and risk indicators.
- d) A one-page Consent Form covering all confidentiality and liability issues.
- e) An amalgamated brief (3-4 pp) Preparation Form for use by survivors, supporters and institutions.
- f) A revised set of Guidance Notes for restorative practitioners including a Code of Practice and Standards and a Complaints Procedure

11. Costs/Resources

Because of the intensive and often relatively open-ended nature of the process, Restorative Justice provision for survivors of institutional abuse is not a cheap option: equally, however, if carried out by facilitators who are already trained and experienced and underpinned by adequate case management mechanisms there is no reason for it to be an excessively expensive option.

The following resources are necessary for the provision of a safe, effective and efficient service:

- a) The resources to adequately train and assess new facilitators if facilitators who have already undertaken this work are not available.
- b) A suitable support and supervision mechanism tailored to the specific requirements of this area of work.
- c) A suite of publicity materials, documentation and case-management systems.
- e) A system of case-recording, monitoring + evaluation.
- f) Travel budget that reflects the fact that survivors of institutional abuse are widely geographically dispersed, regardless of the location of the institution.
- g) The ability to provide or hire suitable venues for Restorative Meetings.

12. Quotes from Participants

About their experience of Restorative Justice:

'It helped me face up to my ghosts.'

'It's a relief to be able to talk – I've never talked about it before.'

'I still find it difficult to value myself but I'm working on it.'

'I feel like I can go away and get on with the rest of my life at last.'

13. Summary and Conclusions

This innovative pilot service was successful in using Restorative Justice techniques to assist survivors of institutional abuse to address the personal, moral and emotional aspects of the harm they have suffered, and to assist the organisation responsible to fully accept responsibility for this harm. Specific achievements were as follows:

- Benefits to a group of adult survivors of severe and sustained abuse in a residential childcare setting, identified by participants as helping them to talk through issues, 'face up to ghosts' and 'get on with the rest of (my) life'.
- A range of benefits to the participating organisation historically responsible for the harm, including a better understanding of past wrongs, the opportunity to 'own' responsibility for those wrongs, to demonstrate remorse, to regain their past and to underline the importance of preventing such harm in future.
- The development of a suite of techniques and systems for Restorative Justice intervention which have major potential for future work with adult survivors of in-care abuse as children.
- Invaluable experience for the RJ provider of planning and carrying out interventions in a new and challenging area.

We believe that the pilot demonstrates that Restorative Justice has considerable potential to provide an additional remedy for adult survivors abused in care as children. Both survivors and the institution were able to treat the Restorative Justice Service as an opportunity to heal and make amends. They put their trust in us and in the process to help them achieve very positive outcomes. The courage and determination shown by survivors were remarkable. Sacro has developed invaluable experience in planning and implementing interventions in this area. We have both the facilitators and processes available to extend this service to cover other circumstances of residential abuse in Scotland and beyond. We are currently reviewing the 'Restorative Toolkit' of guidance and procedures in the light of our experience and are confident that with the assistance of stakeholders, including survivors and relevant support bodies, we will produce an even more straightforward and user-friendly case management system as a result.

Appendix 1

Restorative Justice Pilot Time to be Heard

Thank you for using our Restorative Justice service for survivors of abuse in residential childcare. This service is being tested alongside Time to be Heard (TTBH). We would be really grateful if you could let us know what you think about the service so we can see if it's been helpful to those who took part.

1. Was the information about the Restorative Justice Pilot given to you by TTBH helpful?
YES NO NOT SURE

2. If it wasn't helpful can you explain why

3. Was the Sacro facilitator helpful?
YES NO NOT SURE

4. Did you get the chance to say what you wanted to say?
YES NO NOT SURE

5. If you didn't please say a bit more about this

6. Did our service help you in coping with the effects of your childhood experiences at Quarriers ?
YES NO NOT SURE

7. Please say a little more: _____

8. Is there anything you think we could have done better?
YES NO NOT SURE

9. Please say a little more: _____

10. Did you feel that the length of time between your first contact with Sacro and your last meeting was:
too long about right too short

11. Would you recommend the service to other survivors of abuse?
YES NO NOT SURE